



Conditional Use Permit Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE: November 21, 2018
HEARING DATE: December 3, 2018
LAND USE REQUEST: Conditional use permit to improve an existing tenant space for 10 music practice rooms
FILE NUMBER(S): 311-18-000031-PLNG
PROPERTY LOCATION: 2315 Pacific Avenue
LEGAL DESCRIPTION: Washington County Tax Lot 1S036BA00100
OWNER/APPLICANT(S): Applicant: Pacific University, 2043 College Way, Forest Grove, Oregon 97116
Applicant's Representative: di loreto Architecture LLC (Tracy Orvis), 200 NE 20th Avenue #200, Portland, Oregon 97232
Property Owner: Forest Grove Shopping Center LLC, 2078 NW Everett Street, Portland, Oregon 97209
COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS: Town Center Transition (TCT)
Town Center Transition (TCT)
APPLICABLE STANDARDS AND CRITERIA: City of Forest Grove Development Code:
§10.2.200 et. seq. Conditional Use
§10.3.400 et. seq. Town Center Zones
§10.7.200 et. seq. Solid Waste and Recycling
§10.8.500 et. seq. Off-Street Parking and Loading
REVIEWING STAFF: James Reitz (AICP), Senior Planner
RECOMMENDATION: Staff recommends approval with conditions

I. LAND USE HISTORY

Development Code (DC) §10.3.120 Table 3-12 *Town Center Zones – Use Table* lists Colleges and Schools as conditional uses in both Town Center zones. DC §10.2.210 *Procedure* authorizes the Planning Commission to act on a request for a conditional use permit after holding a public hearing pursuant to Type III review procedures.

Pacific University recently developed and the City adopted a master plan for future university facilities. However, the site of this request is located outside the master plan boundary hence a conditional use permit is required. Since this is intended to be a one-off project (that is, no other university uses are anticipated outside the master plan boundary), then amending the master plan is not needed.

Public notice for this application was mailed to property owners and residents within 300 feet of the site on November 9, 2018, as required by DC §10.1.160. Notice of this request was also provided to the Plans Review Board, and published in the *News Times*.

Comments received from the Plans Review Board pertain to complying with standard building and fire code requirements common for a tenant improvement.

As of the writing of this report, no comments have been received from the public.

II. PROJECT DESCRIPTION AND ANALYSIS

- A. Description of Proposal: The proposal would result in the improvement of a vacant tenant space in the Forest Grove Shopping Center for use by Pacific University. Proposed are 10 music practice rooms, a small reception area, and 2 restrooms. No exterior work is proposed.

The tenant lease also includes the use of 24 parking spaces, located to the rear (north) of the building. Further discussion follows in the Parking section below.

- B. Existing Comprehensive Plan Designation and Zoning of Site and Area

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Site	Town Center Transition (TCT)	Town Center Transition (TCT)	Shopping Center
North	High Density Residential (HDR)	Multi-Family (High) Residential (RMH)	Single-Family and Duplex Residential (across 21 st Avenue)
South	Town Center Transition (TCT)	Town Center Transition (TCT)	General Commercial
East	Town Center Transition (TCT)	Town Center Transition (TCT)	Senior Center, Commercial Building
West	High Density Residential (HDR)	Multi-Family (High) Residential (RMH)	Pacific University Campus (across Cedar Street)

Note: Sites to the west (across Cedar Street) and some sites to the north (abutting Cedar Street) are also located within the Pacific University Master Plan area; this site is not.

- C. Site Examination: The tenant space is part of a larger shopping center complex. The space in question is located between a bakery and a tax preparation firm. The tenant space faces the Pacific Avenue car park. All street frontages are improved with curbs, gutters and sidewalks.
- D. Architecture: The proposed site is an existing tenant space in a shopping center. No exterior construction or façade modification is proposed.
- E. Compatibility: The neighborhood exhibits a variety of uses: single-family, multi-family, institutional, industrial, and commercial, all within a two-block radius of the site. The site is located on a block developed with restaurants and personal service uses, as well as surface parking. The Forest Grove Senior and Community Center is located across Douglas Street. Residences (one- and two-family) are located on the north

side of 21st Avenue. As the tenant space is located in an established commercial area, use of the space for educational purposes should create no physical compatibility issues with the neighboring uses.

As proposed, the space would be used during the course of a normal business day (approximately 7 a.m. to 6 p.m.) Because the students would be receiving instruction inside, no unusual noise is expected to be generated. Even so, to minimize impacts on the adjacent tenants “the services of an acoustical engineer have been acquired to aid in mitigating sound to the greatest degree possible.”

Behind (north of) the tenant space is an area that has already been improved for parking. The applicant has leased 24 of these parking spaces. (The applicant has also proposed to construct additional spaces at 2037 Cedar Street, until recently the site of a church). As the tenant space does not have a back door, students and staff using these parking spaces would have to walk around the building to the front entrance. This parking area is illuminated with lights mounted on the building.

Because of the mixed-use nature of the neighborhood, staff believes this project would be compatible with existing uses in the area.

- F. Traffic and Circulation: The tenant space abuts the shopping center surface parking lot, which in turn abuts Pacific Avenue, Cedar and Douglas streets. Pacific Avenue is a designated Arterial street, while Cedar and Douglas are both designated Local streets.

Due to the limited scale of this project, traffic circulation should not change significantly. Students would typically walk to the site from the main campus. Others would – as noted above – park behind the building. As only 10 practice rooms are proposed, traffic impacts should be minimal.

- G. Parking: DC §10.8.515 *Off Street Parking Requirements* requires a minimum of 1 off-street parking space per 5 students and staff, and a maximum of 1 space per 3.3 students and staff. Per the building code, the tenant space has a maximum occupancy of 19 persons (1 per 100 square feet of gross floor area).

With 19 students and staff, a minimum of 4 parking stalls would be required. At maximum occupancy, 6 parking stalls would be required.

In comparison, permitted uses would generate the following minimum parking demand:

Office	2.7 spaces per 1,000 sf	x 3.847 = 10.39 spaces required
Personal Services	2.5 spaces per 1,000 sf	x 3.847 = 9.62 spaces required
Restaurant	15.3 spaces per 1,000 sf	x 3.847 = 58.86 spaces required
General Retail	3.7 spaces per 1,000 sf	x 3.847 = 14.23 spaces required

Because those uses are permitted outright, and the existing car park serves all the tenants in the complex, no additional parking would be required. Because the proposal is a conditional use however, the Planning Commission can consider the parking demand created by this use, even though the parking demand is less than the parking demand for permitted uses, even at maximum building occupancy.

The tenant space shares a parking lot with multiple users. The primary parking generators in the shopping center are a fitness center, a restaurant and a pub. Of the three, the fitness center appears to generate the greatest parking demand. While all businesses are patronized during the day, peak off-street parking demand occurs in the late afternoon and early evening, and the parking stalls closest to the fitness center are often full. Parking stalls located closer to Pacific Avenue and Cedar Street however, are not always occupied, even during peak demand times, and would be available for use.

To minimize competition for the Pacific Avenue car park spaces, the applicant has leased 24 spaces located to the rear of the building. These 24 spaces would well exceed the 4-to-6 spaces the proposed use would require.

Staff concludes that, because the applicant would have 24 dedicated parking stalls, and because additional stalls would be available in the shared car park even during peak hours, parking supply appears to be adequate. Staff is therefore not proposing any conditions pertaining to parking.

- H. Environmental Quality: There is no City record of any prominent environmental conditions. Because the proposed use would be occupying an already-constructed tenant space, no public utility improvements to address environmental quality requirements are necessary.
- I. Landscaping: The proposed site is an existing tenant space in a shopping center. No additional landscaping is proposed.
- J. Public Services: The site has existing utility connections. All utilities (water, storm drainage, sewer, and power) are available. Capacities are adequate to serve the proposed use.

Police, fire, and sanitation services are available and are also adequate to serve the proposed use.

III. APPROVAL CRITERIA, FINDINGS AND ANALYSIS

Development Code §10.2.220 *Review Criteria* requires that the Commission find that the proposal complies with the following criteria:

(A) Physical Compatibility

1. **The proposed use will be compatible with adjacent developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or;**
2. **The proposed use will mitigate differences in appearance or scale through setbacks, screening, landscaping and other design features.**

Applicant's Response: *This criterion is not applicable. The project is an interior tenant improvement – no work is proposed on the exterior of the building*

Finding: The neighborhood exhibits a variety of uses: single-family, multi-family, institutional, industrial, and commercial, all within a two-block radius of the site. The site is located on a block developed with restaurants and

personal service uses, as well as surface parking. The Forest Grove Senior and Community Center is located across Douglas Street. Residences (one- and two-family) are located on the north side of 21st Avenue. As the tenant space is located in an established commercial area, use of the space for educational purposes should create no physical compatibility issues with the neighboring uses.

Finding: The tenant space is located between a bakery and a tax preparation firm. It would be used during the course of a normal business day (approximately 7 a.m. to 6 p.m.) Because the students would be receiving instruction inside, no unusual noise is expected to be generated. Even so, to minimize impacts on the adjacent tenants "the services of an acoustical engineer have been acquired to aid in mitigating sound to the greatest degree possible."

Finding: Behind (north of) the tenant space is an area that has already been improved for parking. The applicant has leased 24 of these parking spaces. As the tenant space does not have a back door, students and staff using these parking spaces would have to walk around the building to the front entrance. Yard lights are attached to the rear wall of the building, which will provide illumination for the early-arriving or late-departing occupants.

Conclusion: Because the tenant space would be located in an established commercial area, and because of the mixed-use nature of the neighborhood, this project would be compatible with existing uses in the area.

(B) Public Services

- 1. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety; and**
- 2. Public services for water supply, sanitary sewer, storm water disposal, police and fire protection are capable of serving the proposed use and previously approved uses.**

Applicant's Response: *The proposed project will serve faculty and students currently enrolled at the university, the majority of which will be walking over from the Taylor Meade Hall across the street. The lease of the space include twenty-four (24) parking spaces at the north side of the property, which will help reduce the number of students and faculty currently parking on the street.*

There is currently plumbing for one unisex restroom thus addition one lavatory and one toilet to the existing plumbing system. This addition is minimal and should not negatively impact the existing utilities serving the site. There are currently a mix of retail, office, and educational uses in the building. Service of police and fire protection should not be affected by the project based on the proposed use.

Finding: The tenant space abuts the shopping center surface parking lot, which in turn abuts Pacific Avenue, Cedar and Douglas streets. Pacific Avenue is a designated Arterial street, while Cedar and Douglas are both designated Local streets.

Due to the limited scale of this project, traffic circulation should not change significantly. Students would typically walk to the site from the main campus. Others would park behind the building. As only 10 practice rooms are proposed, traffic impacts should be minimal.

Finding: DC §10.8.515 *Off Street Parking Requirements* requires a minimum of 1 off-street parking space per 5 students and staff, and a maximum of 1 space per 3.3 students and staff. Per the building code, the tenant space has a maximum occupancy of 19 persons (1 per 100 square feet of gross floor area).

With 19 students and staff, a minimum of 4 parking stalls would be required. At maximum occupancy, 6 parking stalls would be required. Behind the tenant space is an area that has already been improved for parking. The applicant has leased 24 of these parking spaces. As the amount of leased parking well exceeds the number of spaces required, there should be no on-street parking conflicts.

Finding: The site has existing utility connections. All utilities (water, storm drainage, sewer, and power) are available, and capacities are adequate to serve the proposed use.

Finding: Police, fire, and sanitation services are available and are also adequate to serve the proposed use.

Conclusion: The project would be fully compliant with the Public Services criteria.

(C) **Livability**

The proposed conditional use will not have significant adverse impacts on the livability of nearby lands due to:

- 1. Noise, glare from lights, late-night operations, odor, and litter; and**
- 2. Privacy and safety issues.**

Applicant's Response: *An acoustical engineer is part of our project team, aiding in the design of all new walls and upgrading the existing demising walls between tenants to ensure we are mitigating noise impacts to the greatest extent possible. The project team is sensitive to the adjacent tenants and wants to make sure that the proposed use does not negatively impact them or the operation of their businesses.*

The proposed project is in an existing tenant space in a free-standing shopping center. The block does not have any residential development on it. The closest homes are across the street to the north on 21st Avenue, over one hundred and fifty feet (150'-0") away from the tenant space. No additional

exterior lighting is proposed. Students can only access the space via the front entrance (facing Pacific) using key card access. Campus Security will include the tenant space on their regular rounds.

Finding: The tenant space is located in an established commercial area. It is located between a bakery and a tax preparation firm, and would be used only during the course of a normal business day (approximately 7 a.m. to 6 p.m.) Students and staff would be inside the building during much of the day; some noise may be evident while students are arriving and departing, but this noise is expected to be transitory and minimal. The tenant space would not be used in the late evenings or in the very early morning hours, therefore, no late-night or early morning noise or glare would be created.

Finding: Yard lights are already attached to the rear wall of the building, which will provide illumination for the early-arriving or late-departing occupants. No additional lighting which might produce glare appears necessary.

Finding: Privacy of the adjacent residences should not change, since activities would be entirely enclosed, and no residences abut the site.

Conclusion: The project would be fully compliant with the Livability criteria.

IV. ALTERNATIVES

The Planning Commission may approve as submitted, approve with conditions, continue deliberations to a date certain, or deny this request.

V. RECOMMENDATION

Based on the information provided in the application and the findings above, staff recommends approval of the application for a conditional use permit for the proposed Pacific University music practice room tenant improvement at 2315 Pacific Avenue, with the following conditions:

1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.
2. The applicant shall comply with all applicable City building and development standards, including all dimensional standards and public works specifications.

VI. LIST OF EXHIBITS

The following exhibits were received, marked, and entered into the record as evidence for this application at the time this staff report was written. Exhibits received after the date of this report will be marked beginning with the next consecutive letter and will be entered into the record at the time the public hearing is opened, prior to oral testimony.

Exhibit A Conditional Use Permit narrative and application materials, prepared and submitted by the applicant

EXHIBIT A

Conditional Use Permit Narrative and Application Materials

di loreto ARCHITECTURE, llc

200 Northeast Twentieth Avenue, Suite 200
Portland, Oregon USA 97232-3094
www.diloretoarchitecture.com
Telephone: 503/736-9979

Land Use Review: Conditional Use

October 19, 2018

GENERAL INFORMATION:

Case Type: Land Use Review – Conditional Use
Procedure: Type III

**Applicant/
Architect:** di loreto ARCHITECTURE, llc
200 NE 20th Avenue, Suite 200
Portland, OR 97232
Phone: 503-736-9979

Contact: Tracy Orvis
torvis@diloretoarchitecture.com

Owner: Steve Rose
2078 NW Everett Street
Portland, OR 97209
Phone: 503-228-4128
steve@bristolurban.com

Tenant: Pacific University
2043 College Way
UC Box A-163
Forest Grove, OR 97116
Phone: 503-352-2786

Contact: Bill Ray
billray@pacificu.edu

Project address: 2315 Pacific Avenue (Forest Grove Shopping Center)
Forest Grove, OR 97116

Zone: TCT (Town Center Transition)

legal description:

Map and Taxlot ID:	1S306BA00100
Property Account ID:	R421653
Legal Description:	Forest Grove, Town of Lot: 1, 2, 3, 4, 10
Lot Size:	2.47 Acres

(cont)

PROJECT DESCRIPTION

The proposed project includes a tenant improvement for an approximately 1,875 SF space in the Forest Grove Shopping Center for Pacific University. Work includes a small reception area, ten (10) practice rooms for Music Department students and faculty, and two (2) unisex restrooms. No exterior work is proposed this scope of work. In order to be sensitive to the adjacent tenants, the services of an acoustical engineer have been acquired to aid in mitigating sound to the greatest degree possible. The space will be used primarily between the hours of 7:00AM and 6:00PM. Additional hours may be opened up to students in the future if there is staffing availability for the reception area. The project serves current students enrolled at the university.

The lease includes twenty-four (24) parking spaces, located on the north side of the shopping center, for university parking. The parking is available for Pacific University faculty, staff, and students with a parking permit. The majority of students and faculty visiting the building will be walking over from campus and using the front entrance that faces Pacific Avenue.

REVIEW CRITERIA (10.2.220)

A. Physical Compatibility

1. The proposed use will be compatible with adjacent developments based on characteristics such as site size, building scale and style, setbacks, and landscaping; or
2. The proposed use will mitigate differences in appearance or scale through setbacks, screening, landscaping and other design features.

Response:

This criteria is not applicable. The project is an interior tenant improvement – no work is proposed on the exterior of the existing building.

B. Public Services

1. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety; and
2. Public services for water supply, sanitary sewer, storm water disposal, police and fire protection are capable of serving the proposed use and previously approved uses.

Response:

1. The proposed project will serve faculty and students currently enrolled at the university, the majority of which will be walking over from Taylor Meade Hall across the street. The lease of the space includes twenty-four (24) parking spaces at the north side of the property (see site plan for more information), which will help reduce the number of students and faculty currently parking on the street.
2. There is currently plumbing for one unisex restroom in the space. The proposed project includes providing a second unisex restroom, thus adding one lavatory and one toilet to the existing plumbing system. This addition is minimal and should not negatively impact the existing utilities serving the site. There are currently a mix of retail, office, and educational uses in the building. Service of police and fire protection should not be affected by the project based on the proposed use.

(cont.)

REVIEW CRITERIA (10.2.220) (cont.)

C. Livability

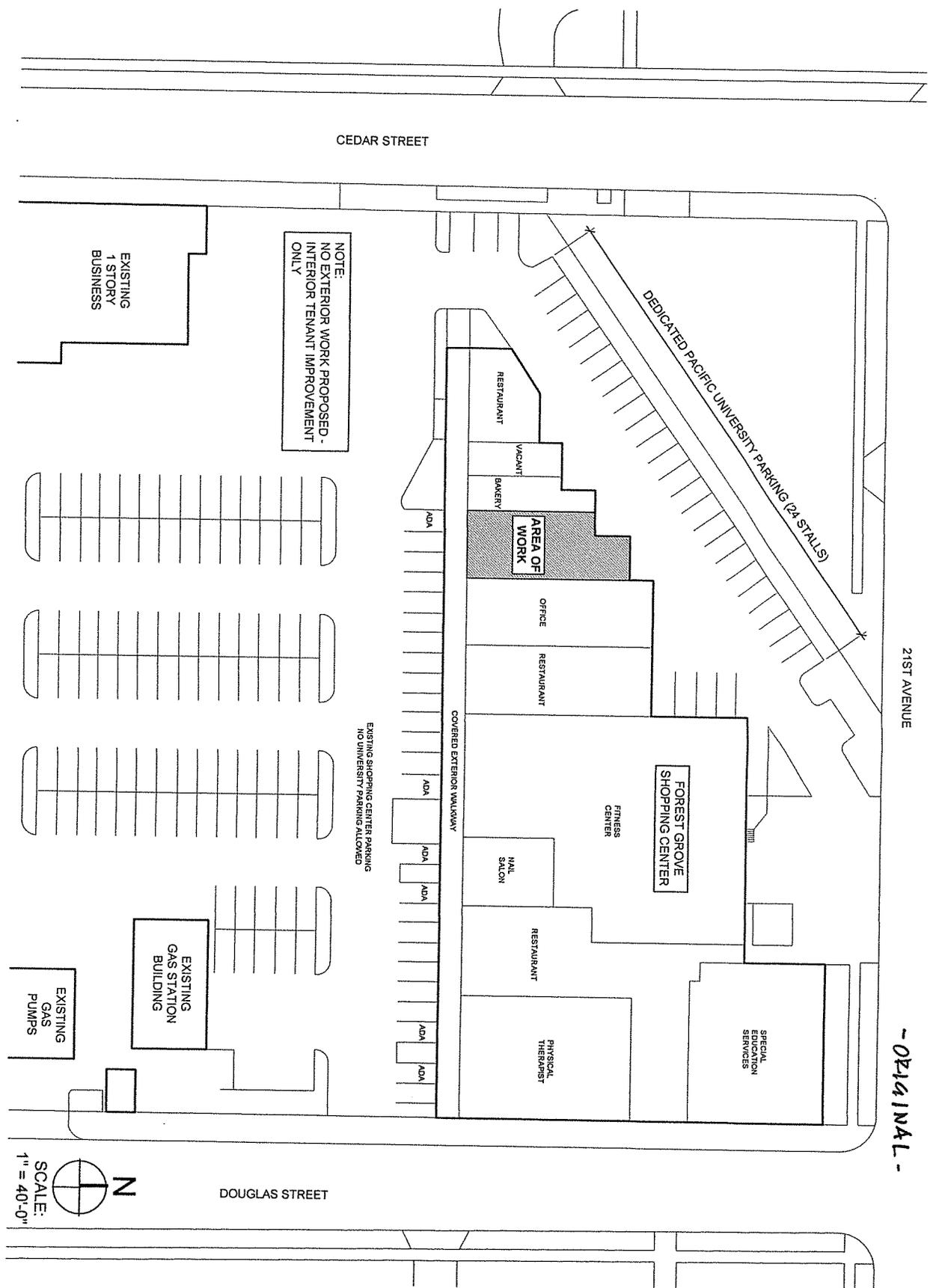
The proposed conditional use will not have significant adverse impacts on the livability of nearby lands due to:

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2. Privacy and safety issues.

Response:

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The proposed project is in an existing tenant space in a free-standing shopping center. The block does not have any residential development on it. The closest homes are across the street to the north on 21st Avenue, over one hundred and fifty feet (150'-0") away from the tenant space. No additional exterior lighting is proposed. Students can only access the space via the front entrance (facing Pacific) using key card access. Campus Security will include the tenant space on their regular rounds.



NOTE:
NO EXTERIOR WORK PROPOSED -
INTERIOR TENANT IMPROVEMENT
ONLY

EXISTING
1 STORY
BUSINESS

DEDICATED PACIFIC UNIVERSITY PARKING (24 STALLS)

21ST AVENUE

FOREST GROVE
SHOPPING CENTER

FITNESS
CENTER

RESTAURANT

RESTAURANT

PHYSICAL
THERAPIST

SPECIAL
EDUCATION
SERVICES

RESTAURANT

RESTAURANT

PHYSICAL
THERAPIST

RESTAURANT

RESTAURANT

PHYSICAL
THERAPIST

RESTAURANT

RESTAURANT

PHYSICAL
THERAPIST

- ORIGINAL -



SCALE:
1" = 40'-0"

DOUGLAS STREET

PACIFIC UNIVERSITY
MUSIC PRACTICE ROOMS
2315 PACIFIC AVENUE
FOREST GROVE, OREGON

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ARCHITECTURE, llc
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Telephone: 503/734-9979
Fax: 503/734-9975

SITE PLAN
CU1
10.19.18 18009