

## Virginia Garcia Newberg Clinic Type II Design Review Narrative

### DESIGN REVIEW

#### 15.220.050 Criteria for design review

- A. Not Applicable
- B. Type II. The following criteria are required to be met in order to approve a Type II design review request:
  1. Design Compatibility. The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.  
*Response: See pages 5 - 9*
  2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.  
*Response: See section responses*
  3. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.  
*Response: See section responses.*
  4. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.  
*Response: See section responses.*
  5. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.  
*Response: See section responses.*
  6. Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.  
*Response: Not applicable*
  7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.  
*Response: Medical Office is permitted use in C-2 per Zoning Use Table*
  8. Not applicable
  9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be

accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

*Response: See traffic flow diagram*

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.

*Response: Not required, see traffic letter*

#### **15.220.070 Additional requirements for development in the C-2 zoning district**

The purpose of this section is to ensure that development in the C-2 zoning district is designed to promote pedestrian and bicycle uses and improve aesthetics and compatibility. An applicant for a new development or redevelopment within the C-2 zoning district, which is subject to the site design review process, must demonstrate that the following site and building design elements have been incorporated into the design of the project. Exceptions to these additional development requirements may be granted if the requirements would result in construction that is out of character with surrounding development. Applicants for redevelopment of a designated landmark will not be subject to these additional requirements, except for requirements regarding parking and service drives.

- A. Building Entrances. Each building on a lot shall have a primary pedestrian entrance oriented to the primary street. **“Oriented to a street”** means that the building entrance faces the street or is connected to the street by a direct and convenient pathway not exceeding 60 feet in length. **“Primary street”** means the street which has the highest estimated volume of pedestrian traffic. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50 percent or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way. Such rear buildings shall have a primary entrance oriented to an internal sidewalk or pedestrian pathway system which is internally connected and provides a connection to the primary street.

*Response: Front door is oriented to the street. See overall site plan and first floor plan*

- B. Parking and Service Drives. No off-street parking or service drives shall be placed within the required front yard setback. No off-street parking shall be placed between the front property line of the primary street, as defined in subsection (A) of this section, and the building. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50 percent or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way.

*Response: No off-street parking or service drives are placed in the front yard setback.*

- C. Not applicable.

- D. Building Mass. Where building elevations are oriented to the street in conformance with subsection (A) of this section, architectural features such as windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.

*Response: See page 10*

- E. Not applicable

- E. Pedestrian-Scale Building Entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian scale.

*Response: See page 9*

- G. Windows.
  - 1. On commercial building facades facing a public street, windows shall comprise a minimum of 40 percent of the ground floor facade. For large-scale buildings and developments meeting the standards under subsection (H) of this section, windows shall comprise a minimum of 20 percent of the ground floor facade.  
*Response: See page 4 and 10*
  - 2. Not applicable
- H. Not applicable

## **LOT REQUIREMENTS**

### **15.405.010 Minimum and maximum lot areas**

- A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:
  - 1. Not applicable
  - 2. In the AI, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.  
*Response: See page 3 for site sizes. Both sites above 5,000sf*
  - 3. Not applicable
  - 4. Not applicable
  - 5. Not applicable
- B. Not applicable
- C. Definitions – not response required.
- D. Not applicable.

### **15.405.020 Not applicable**

### **15.405.030 Lot dimension and frontage**

- A. Definitions – not response required.
- B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.  
*Response: Both lot lines are not more than two and one-half times the average width between the side lines*
- C. Definitions – not response required.
- D. Frontage.
  - 1. No lot or development site shall have less than the following lot frontage standards:
    - a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).

*Response: Main site existing frontage is more than 25 feet wide*

- b. Not applicable
  - c. Not applicable
  - d. Not applicable
2. Not applicable

**15.405.040 Lot coverage and parking coverage requirements**

A. Definitions – not response required.

B. Not applicable

C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code.

*Response: no limit on lot coverage and parking coverage on sites*

**YARD SETBACK REQUIREMENTS**

**15.410.010 General yard regulations**

A. Definitions – not response required.

B. Definitions – not response required.

C. Definitions – not response required.

D. Definitions – not response required.

E. Not applicable

F. Not applicable

G. Not applicable

**15.410.020 Front yard setback**

A. Not applicable

B. Commercial.

1. Not applicable

2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet...

*Response: see page 4, we are maintaining a front yard setback of 10' or more*

3. Not applicable

4. Not applicable

C. Not applicable

D. Not applicable

E. Not applicable

**15.410.030 Interior yard setback**

A. Not applicable

B. Commercial.

1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.

*Response: see page 4, no side yard setbacks required*

2. Not applicable
3. Not applicable

C. Not applicable

D. Not applicable

**15.410.040** Not applicable

**15.410.050** Not applicable

**15.410.060 Vision clearance setback**

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

- A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.
- B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.
- C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.

D. Not applicable

*Response: See diagram on C2.0*

**15.410.070** Definitions – not response required.

**BUILDING AND SITE DESIGN STANDARDS**

**15.415.010** Definitions – not response required.

**15.415.020 Building height limitation**

B. Commercial, Industrial and Mixed Employment.

2. In the AI, C-2, C-3, M-E, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.

*Response: See page 4, no building height limitation*

**15.415.030** Definitions – not response required.

**15.415.040** Definitions – not response required.

**15.415.050** Not Applicable

**15.415.060** Not Applicable

## **LANDSCAPING AND OUTDOOR AREAS**

### **15.420.010 Required minimum landscape standards**

*Response: See landscape drawings for conformance to section*

- A. Not applicable
- B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family detached dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects:
  - 1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section....
  - 2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.
  - 3. The following landscape requirements shall apply to the parking and loading areas:
    - a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
    - b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.
    - c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.
    - d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).
    - e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
    - f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.
    - g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.
    - h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:
      - i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).
      - ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.
  - a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.
  - b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.
  - c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.
  - d. All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.
  - e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:
 

Gallon cans	3 feet on center
4" containers	2 feet on center
2-1/4" containers	18" on center
Rooted cuttings	12" on center
5. Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought- resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.
6. Required landscaping shall be continuously maintained.
7. Maximum height of tree species shall be considered when planting under overhead utility lines.
8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.
9. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.
- C. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of



the installation, any portion of the remaining security deposited with the city shall be returned to the applicant.

## **SIGNS**

**15.435.10** Definitions – not response required.

**15.435.020** Definitions – not response required.

**15.435.030** Definitions – not response required.

**15.435.040** Definitions – not response required.

### **15.435.050 Major freestanding signs**

*Response: See A7.6 for conformance with section*

- A. Number.
  - 1. Not applicable
  - 2. Other Zones. Not more than one major freestanding sign shall be located on any one street frontage.
- B. Size.
  - 1. Not applicable
  - 2. Not applicable
  - 3. Other Zones. No major freestanding sign shall be larger than one square foot per foot of street frontage, up to a maximum of 100 square feet. At least 40 square feet of signage will be allowed. For any lot at least 10 acres in size with at least 200 feet of frontage on a street, the one sign on that street may be up to 200 square feet total size.
- C. Height and Setbacks. Freestanding signs regulated by this section are not subject to the setback requirements of NMC 15.410.010 through 15.410.070 or the projecting building features requirements of said sections. Height and setbacks of freestanding signs shall conform to the following requirements:
  - 1. Not applicable
  - 2. Other Zones.
    - a. A sign up to three feet in height is not required to be set back from any property line.
    - b. A sign taller than three feet and up to six feet shall be set back at least five feet from any property line.
    - c. A sign taller than six feet and up to eight feet shall be set back at least 10 feet from any front property line and five feet from any interior property line.
    - d. A sign taller than eight feet and up to 15 feet shall be set back at least 15 feet from any front property line and five feet from any interior property line.
    - e. A sign taller than 15 feet and up to 20 feet shall be set back at least 20 feet from the front property line and five feet from any interior property line.
    - f. A sign on a lot that is at least 10 acres in size in a zone other than residential, C-1, or I and that has at least 200 feet of frontage on a street may be up to 30 feet high, provided it is set back at least 20 feet from the front property line and at least 10 feet from any interior property line.

### **15.435.060 Minor freestanding signs**

*Response: See A7.6 for conformance with section*



- A. Number. Not more than two minor freestanding signs shall be located in the front yard on any one street frontage, plus one for each full 100 feet of street frontage. This number limit shall not apply to minor freestanding signs located outside a required front yard and more than 10 feet from the public right-of-way.
- B. Size.
  - 1. Not applicable
  - 2. Other Zones. No minor freestanding sign shall exceed six square feet in area.
- C. Height. No minor freestanding sign shall exceed three feet in height.

**15.435.070 Major attached**

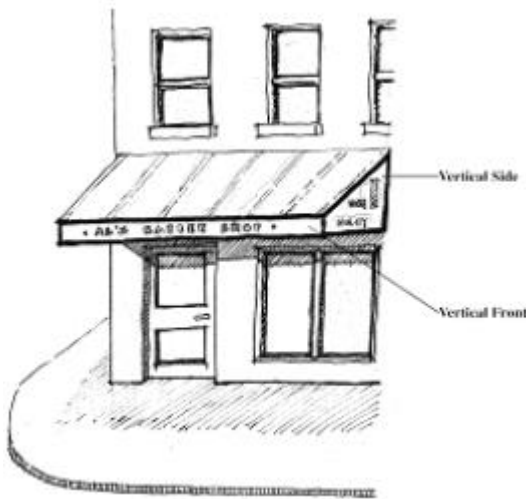
*Response: See A7.6 for conformance with section*

- A. Number.
  - 1. Not applicable
  - 2. All Zones. The number of major attached signs on any building face shall not exceed one per 25 feet of building frontage of that face.
- B. Size.
  - 1. Not applicable
  - 2. Not applicable
  - 3. Other Zones. The total of all major attached signs on any building frontage shall not exceed one square foot for each foot of building frontage. At least 40 square feet of signage will be allowed.
- C. Height.
  - 1. Not applicable
  - 2. Other Zones. Major attached signs shall not extend above the roof line of the building they are attached to by more than eight feet, and shall not exceed the maximum height of the zone in which they are located.
- D. Projections. Major attached signs may project into the required front yard no more than five feet and into the required interior yards not more than two feet; provided, that such projections are no closer than three feet to any interior lot line....

**15.435.080 Minor attached**

*Response: See A7.6 for conformance with section*

- A. Minor Attached Signs.
  - 1. Spacing. No two minor attached signs on one building that are both visible from any one point shall be closer than 25 feet.
  - 2. Size.
    - a. Not applicable
    - b. Other Zones. Minor attached signs shall not exceed six square feet in area.
  - 3. Height. Minor attached signs shall not extend above the roof line of the building they are attached to.
  - 4. Projections.
    - a. Not applicable
    - b. Other Zones. The same projection is allowed as for major attached signs, NMC 15.435.070.
- B. Not applicable



C. Not applicable

- 15.435.085 Not applicable
- 15.435.090 Not applicable
- 15.435.100 Not applicable
- 15.435.105 Not applicable
- 15.435.110 Not applicable
- 15.435.120 Not applicable

**15.435.130 Original art murals**

*Response: see page 10 for conformance with this section*

- A. Purpose. The purpose of this section and the policy of the City of Newberg is to permit and encourage original art murals on a content-neutral basis on certain terms and conditions. Original art murals comprise a unique medium of expression which serves the public interest. Original art murals have purposes distinct from other types of signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.
- B. Allowed and Prohibited Original Art Murals.
  - 1. Allowed Original Art Murals. Original art murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:
    - a. The mural shall remain in place, without alterations, for a period of three years, except in limited circumstances to be specified in this code. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of three years without alteration. The applicant can remove the mural at any time, but may be prevented by

- the terms of this code from replacing the mural until the three-year period after the date of the mural permit approval is completed.
- b. The mural shall not extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed. Murals with projecting features may also require a building permit and structural review; murals which consist only of paint on a wall will not require a building permit.
  - c. Location of mural on the building:
    - i. Not applicable
    - ii. Not applicable
    - iii. In all other areas murals are permitted on any wall of a building.
  - d. Qualifying wall surfaces for murals:
    - i. Murals are permitted only on the flat planes of walls.
    - ii. Murals are permitted only on walls that have not had a specific material, color or texture reviewed and approved through design review, unless a new design review has allowed the mural to change the originally approved color, texture or material.
    - iii. Mural areas will not be painted on or obscure architectural features such as windows, doors, pilasters, cornices or other building recessed or projecting features.
    - iv. The building on which the mural will be painted must have either a certificate of occupancy or be legally occupied, and the floor area of the building must exceed the square footage of the mural.
  - e. Number of mural permits per building wall: Only one mural permit may be obtained per wall.
  - f. Original art murals are allowed in commercial, industrial and institutional zones. In residential zones, original art murals are allowed only on assembly, school uses and public buildings.
2. Prohibited Murals. The following are prohibited:
- a. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
  - b. Murals which would result in a property becoming out of compliance with the provisions of the development code, or land use conditions of approval for the development on which the mural is to be located.
- C. Relationship of Permitted Original Art Mural to Other Regulations. The exemption from other sign code restrictions applies only to original art murals for which a permit has been obtained under this section and any adopted administrative processes. Issuance of an original art mural permit does not exempt the permittee from complying with any other applicable requirements of the Newberg Municipal Code, including but not limited to NMC Titles 14 and 15.
- D. Exceptions to this Section. Variances or adjustments to the regulations of this section are prohibited.
- E. Alterations to or Removal of a Permitted Mural.
1. Permitted murals may only be altered within the first three years of the date of completion under the following circumstances:
    - a. The building on which the mural is located has an ownership change; or
    - b. The building or property is substantially remodeled, altered, or damaged in a way that precludes continuance of the mural.
      - i. Alterations are allowed per above but must be approved by obtaining a new permit.
      - ii. Alterations for reasons other than the circumstances described above are not permitted and are considered a violation of the mural permit approval. The mural would be required to be removed and this would preclude approval of a new mural permit at the site for a three-year period after the date of the original mural permit completion.

2. Permitted murals may be removed at any time. Removal of the permitted mural for reasons other than the circumstances described in subsection (E)(1) of this section, however, precludes approval of a new mural permit at the site for a three-year period after the date of the original mural permit completion.
  3. Permitted murals may be altered after the first three years of the date of completion through approval of a new mural permit.
  4. Permitted murals may be removed for any reason after the first three years of the date of completion. Replacing the mural would require a new mural permit.
  5. Permitted murals must be kept in good state of repair and in good condition.
- F. Establishment of a Neighborhood Involvement Process and Community Arts Review for Permits.
1. Purpose. The purpose of the neighborhood involvement process and community arts review is to encourage community discussion and participation in the creation of original works of art that will be highly visible in the community. It is intended to enhance the final art product by providing information on the physical, social, and historical context within which the mural will be placed, and to provide creative suggestions on how the mural can contribute to the overall beauty and attractiveness of the community.
  2. Neighborhood Involvement Process. The applicant for an original art mural permit is required to provide notice of and to hold a neighborhood meeting on the mural proposal at which interested members of the public may review and comment upon the proposed mural. A notice sign must be posted at the site of the proposed mural at least 14 days before the neighborhood meeting. A notice of the meeting must be mailed to all property owners within 500 feet of the site at least 14 days before the neighborhood meeting, in the same manner as a Type II process. After the meeting, the applicant shall submit a letter to the city summarizing the public comments and stating how they have addressed the recommendations from the public.
  3. Community Arts Organization Review. The director shall establish a community arts review process requiring an applicant for an original arts mural permit to submit the application to a designated community arts organization for review. The community arts organization shall be designated by the director, and shall be: (a) a nonprofit; (b) not associated with the mural artist, property owner or tenant; and (c) must have at least three members. The community arts organization shall review the application, consider the artistic merit of the proposed mural, and provide a formal written recommendation to the applicant and the director regarding the proposed mural within 14 days of receiving the application. The applicant shall submit a letter to the city stating how they have addressed the recommendations from the community arts organization.
  4. No original art mural permit shall be issued until the applicant certifies that he or she has completed the required neighborhood involvement process and community arts organization review. The applicant should carefully consider the recommendations from the public and the community arts organization, but they are not obligated to change the design based on these recommendations. This is a process requirement only and in no event will an original art mural permit be granted or denied based upon the content of the mural.
- G. Administrative Process. The director is authorized to create an application form and other administrative procedures necessary to administer this code section. A permit fee will be set by council resolution.
- H. Violations and Enforcement.
1. Violations. It is unlawful to violate any provision of this section, any administrative rules adopted by the director pursuant to this section, or any representations made or conditions or criteria agreed to in an original art mural permit application. This applies to any applicant for an original art mural permit, to the proprietor of a use or development on which a permitted original art mural is located, or to the owner of the land on which the permitted original art

mural is located. For the ease of reference in this section, all of these persons are referred to by the term “operator.”

- 2. Notice of Violations. The director must give written notice of any violation to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the city.
- 3. Penalty. Violation of any provision of this code is a city Class 2 civil infraction and shall be processed in accordance with the uniform civil infraction procedure ordinance, Chapter 2.30 NMC. Each day of a continuing violation constitutes a separate violation.

**OFF-STREET PARKING, BICYCLE PARKING AND PRIVATE WALKWAYS**

**15.440.010 Required off-street parking**

- A. Not applicable
- B. Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.
  - 1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

*Response: 15.440.030 defines how many spaces we need. Refer to that subsection below.*

- C. Not applicable
- D. Not applicable
- E. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

*Response: There will not be any designated employee parking spaces.*

- F. Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to NMC 15.440.030, multiplied by a factor of:
  - 1. One and one-fifth spaces for uses fronting a street with adjacent on-street parking spaces; or
  - 2. One and one-half spaces for uses fronting no street with adjacent on-street parking; or
  - 3. A factor determined according to a parking analysis.

*Response: See page 4*

**15.440.030 Parking spaces required**

Medical/dental offices and laboratories	3.5 spaces for each 1,000 gross sq. ft.
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*Response: See page 4*