

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 9, 2010
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
- II. **ANNOUNCEMENTS**
- III. **CONSENT AGENDA**
A. **Approval of Minutes**
1. October 12, 2010 Planning Commission Minutes
- IV. **PUBLIC FORUM**
- V. **TYPE II PUBLIC HEARINGS**
A. **PLANNING ACTION: 2010-00993**
SUBJECT PROPERTY: 400 Allison Street
APPLICANT: Heiland Hoff, Architect for owner Robin Biermann
DESCRIPTION: A request for a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by 8 percent or 155 square feet. The project consists of demolishing the existing 1,144 square foot non-historic/non-contributing duplex building and constructing a new two-story 2,023 square foot dwelling with a daylight basement and two-car garage. (The Building Division has tentatively approved the demolition proposal subject to this land use approval.) The application also includes a request for a Tree Removal Permit to remove eight trees six-inches in diameter at breast height (d.b.h.) or greater.
COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP #: 39 1E 09 BD; TAX LOT: 14200
[Continued from October Planning Commission Meeting]

1. Adoption of Findings for 400 Allison Street, PA-2010-00993
- VI. **TYPE III PUBLIC HEARINGS**
A. **PLANNING ACTION: 2010-01239**
SUBJECT PROPERTY: 59-85 Winburn Way
APPLICANT: Urban Development Services, LLC agents for Jonathan & Esther Phelps
DESCRIPTION: A request for a Comprehensive Plan Map Amendment and Zone Change from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D), Physical & Environmental Constraints Review Permit, Tree Removal Permit to remove five trees, Site Review approval to construct a new 10,632 square foot café/restaurant, and a Development Agreement for the four properties located at 59-85 Winburn Way.
EXISTING COMPREHENSIVE PLAN DESIGNATION: Single Family Residential;
PROPOSED COMPREHENSIVE PLAN DESIGNATION: Commercial Downtown;
EXISTING ZONING: R-1-7.5; PROPOSED ZONING: C-1-D; ASSESSOR'S MAP #: 39 1E 09 BC; TAX LOTS: 2500, 2501, 3000 & part of #39 1E 09 TL 100
- VII. **ADJOURNMENT**

**CITY OF
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
October 12, 2010

CALL TO ORDER

Chair Pam Marsh called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Larry Blake
Michael Dawkins
Dave Dotterer
Pam Marsh
Debbie Miller
Melanie Mindlin
Mike Morris
John Rinaldi, Jr.

Staff Present:

Bill Molnar, Community Development Director
Derek Severson, Associate Planner
April Lucas, Administrative Supervisor

Absent Members:

Council Liaison:

Eric Navickas, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar announced Council's deliberations of the AT&T appeal will take place next Tuesday, October 19. He also commented on the Interchange Area Management Plan (IAMP) and noted staff had submitted a letter indicating the IAMP does not comply with the City's Comprehensive Plan. He stated staff would be meeting with ODOT about this and there may also be a presentation before the City Council. Mr. Molnar also noted October is National Planning Month and stated staff will be leading a walking tour of downtown projects at 12:00 p.m. on Friday, October 29.

CONSENT AGENDA

A. Approval of Minutes

1. August 10, 2010 Planning Commission Minutes
2. September 28, 2010 Study Session Minutes

Commissioners Dotterer/Dawkins m/s to approve the Consent Agenda. Voice Vote: all Ayes. Motion passed 8-0.

PUBLIC FORUM

Colin Swales/143 Eight St/Stated he is a member of the Transportation Commission but is only speaking on his own behalf. Mr. Swales commented on the Pedestrian Nodes project and voiced concern with how this is being marketed. He noted the name change from Pedestrian Nodes to Pedestrian Places and stated he does not believe this project is focused on pedestrians and the creation of new plaza spaces. On the contrary, he stated this project is focused on transit oriented development and stated the Commission should be clearer about what this project entails.

Commissioner Marsh noted the Transportation and Planning Commissions would be meeting for a joint study session on October 26 and this could be discussed by the larger group at that time.

TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: #2010-00993

SUBJECT PROPERTY: 400 Allison Street

APPLICANT: Heiland Hoff, Architect for owner Robin Biermann

DESCRIPTION: A request for a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA)

within a Historic District by 17 percent or 315 square feet. The project consists of demolishing the existing 1,144 square foot non-historic/non-contributing duplex building and constructing a new two-story 2,183 square foot dwelling with a daylight basement and two-car garage. (*The Building Division has tentatively approved the demolition proposal subject to this land use approval.*) The application also includes a request for a Tree Removal Permit to remove eight trees six-inches in diameter at breast height (d.b.h.) or greater.

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP #: 39 1E 09 BD; TAX LOT: 14200

Commissioner Marsh read aloud the public hearing procedures for land use hearings.

Ex Parte Contact

Commissioners Blake, Dawkins, Marsh, Miller, Mindlin, Morris and Rinaldi declared site visits. No ex parte contact was reported by any of the commissioners.

Staff Report

Associate Planner Derek Severson presented the staff report and stated this is a request for a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a historic district by 17% (315 sq ft.). He stated the proposed dwelling is 2,183 sq ft. with a daylight basement and a two-car garage. Mr. Severson reviewed the site location and noted the existing duplex structure on the lot has been tentatively approved for demolition. He provided an overview of the applicant's site plan and highlighted the applicable Historic District Design Standards, including massing, scale, rhythm of openings, directional expressions, and sense of entry.

Mr. Severson stated there are elements in this project's design that staff has concerns with, and stated the Historic Commission reviewed this application and they have concerns as well. He noted staff's recommendations are captured on page 8 of the Staff Report, and the Historic Commission's Recommendations were handed out at the beginning of the meeting. In summary, the primary concerns focused on the mass and volume of the proposed home, including the height of the turret and interest in de-emphasizing the volume over the garage, and the sense of entry on Gresham St. Mr. Severson clarified both staff and the Historic Commission are recommending this action be continued to the November meeting to allow the applicant to do some additional design work that addresses the concerns raised.

Questions of Staff

Staff was asked to elaborate on how the primary entrance location is determined. Mr. Severson clarified this is typically based on the neighborhood pattern, and in this instance staff feels it is more appropriate to have the primary entrance on Gresham. Commission Dawkins noted 91 Gresham does not have an entry on that street and instead takes access of the alley; he also voiced concern with visitors to this home parking on Gresham and feels this will exasperate the line of site problems at that location. Mr. Severson stated while the sense of entry on the Gresham frontage is a concern for staff, the Commission can determine this is not an issue for them. Commissioner Miller voiced agreement with staff's concern and stated the proposed front entry design on Gresham is not adequate.

Mr. Severson comment on the MPFA and clarified how the square footage is calculated. He stated living space and potential living spaces are included, however unenclosed porches, basement areas, and detached garages do not go into this calculation. He added the MPFA does not give a square footage specific to volume, but it does talk about the volume and mass of the building in the Design Standards. Commissioner Marsh suggested this may be something they want to look at in the future.

Mr. Severson clarified the parking requirements and stated a single family home is required to have two off-street parking spaces; however there is no requirement for covered parking, and the off-street requirement can be reduced to one if there are two on-street parking spaces.

Applicant's Presentation

Heiland Hoff/Applicant's Architect/Mr. Hoff addressed the Commission and provided a presentation. He explained the driving force behind this project has been the odd shape of the lot and explained how this has impacted the design. He noted this is a corner lot and there are setback requirements on all four sides. He also explained in 1950 the back piece of this lot was pieced off and as result they do not have access to the alley (which is where most of their neighbors park), and they are

also lacking the square footage of the surrounding lots. Mr. Hoff noted the square footage, lot sizes, and bulk and scale of the surrounding homes, and noted there are three-story homes on either side of this lot. He commented that the other homes on Allison have a garage off of the alley, but because they do not have similar access the only valid location for the parking was under the house. He noted this is a common design in Ashland and displayed several photos of homes with garages located under the main structure. Mr. Hoff stated he is willing to take another look at some of the design elements, but noted some of these concerns came as a surprise to him given the amount of time he has spent working with the Historic Review Board.

Commissioner Marsh asked if he considered a single car garage. Mr. Hoff stated this home was designed for the way most people live and the owner who is building the home would like a place to park his two vehicles. Marsh also expressed concern with the 24 ft. ceilings and questioned the historic compatibility. Commissioner Miller asked about the 6 ft. ceiling clearance on the upper level and questioned the compatibility of a one-bedroom home. Commissioner Rinaldi asked about the public entrance off Gresham and stated he is confused by this since there is a door and a garage on the Allison frontage. Commissioner Mindlin asked about porches and questioned why this was not a stronger element in the design. Commissioner Marsh expressed concern with the main entry on Gresham and felt this was done in order to have the expansive garage space off Allison and does not know if this is justifiable.

Public Testimony

Colin Swales/143 Eight St/ Stated he was a member of the Planning Commission when they adopted the maximum house size ordinance and stated larger lots were given a smaller multiplier, and the smaller lots get a fairly generous multiplier. Mr. Swales stated when you compare this house to its neighbors, which sit on lots that are substantially larger, this house is massive and out of proportion with the neighborhood for a lot that size. He noted the maximum house size ordinance only deals with square footage of the actual floor area and thinks this is a flaw in the ordinance, and commented that the high ceilings in this house really exaggerate its size.

Rebuttal by the Applicant

Mr. Hoff agreed that this is a large house for the lot, but noted they are allowed exceed the MPFA by up to 25% and they are only requesting to go over by 17%. He stated this house has less square footage than the homes on three sides and is shorter than the houses to the left and right of it.

Advice from Legal Counsel/Staff

Mr. Severson commented that while the ordinance does not have a numerical figure for permitted volume, it does explicitly refer to massing as one of the design standards that should be looked at. He added the ordinance process it set up specifically to look at this issue in terms of the compatibility of the house with the neighborhood and surrounding historic district.

Comment was made that it would have been helpful for the applicant to provide an elevation that shows what the house will look like from the street level with the two houses on either side. Mr. Severson clarified if this action is continued the Commission could request that the applicant provide this.

Commissioner Marsh closed the record and public hearing at 8:10 p.m.

Deliberations/Decision

Commissioner Marsh noted both staff and the Historic Commission are recommending this action be continued to the November meeting in order to allow the applicant to make modifications. Recommendation was made for the commissioners to share any final comments or direction to the applicant. The following is an outline of the key comments and suggestions that were shared:

- Request was made for the applicant to address the front of the home on Gresham St., and to have an Allison presence that does not conflict as severely as what is proposed.
- Suggestion was made to perhaps change the orientation and/or height of the gable in order to improve the Allison façade.
- Comment was made that while the owner wishes to have views from his second floor mezzanine, the architect should consider the use of dormers or some other mechanism to provide these views.
- Comment was made that the Allison frontage is awfully tall.

- Comment was made questioning why the octagon shaped kitchen needs to be so tall, and opinion was given this hexagon form on the corner will look out of place.
- Comment was made that the biggest problems with this house is lack of a historically compatible porch and the bulk of the façade facing Allison.
- Suggestion was made for the main entry issue to be corrected.
- Comment was made that the big double garage on Allison totally overwhelms that frontage.

Staff commented on why they are recommending this application be postponed, rather than denied. It was noted that the applicant's architect has continually worked with staff to address concerns, and staff believes they should be given the opportunity to modify the design.

Commissioners Morris/Dotterrer m/s to continue this to their November meeting. Roll Call Vote: Commissioners Blake, Rinaldi, Mindlin, Morris, Miller, Dotterrer, Dawkins and Marsh. Motion passed 8-0.

ADJOURNMENT

Before adjourning Commissioner Marsh noted not everyone is able to attend the January Retreat and suggested they consider holding this during a regular meeting where there are no planning actions scheduled. Commissioner Dawkins recommended in the future they pick the same weekend every year to hold the retreat. Marsh recommended the group email her their input on this.

Meeting adjourned at 8:40 p.m.

*Respectfully submitted,
April Lucas, Administrative Supervisor*



PLANNING ACTION: 2010-00992

SUBJECT PROPERTY: 400 Allison Street

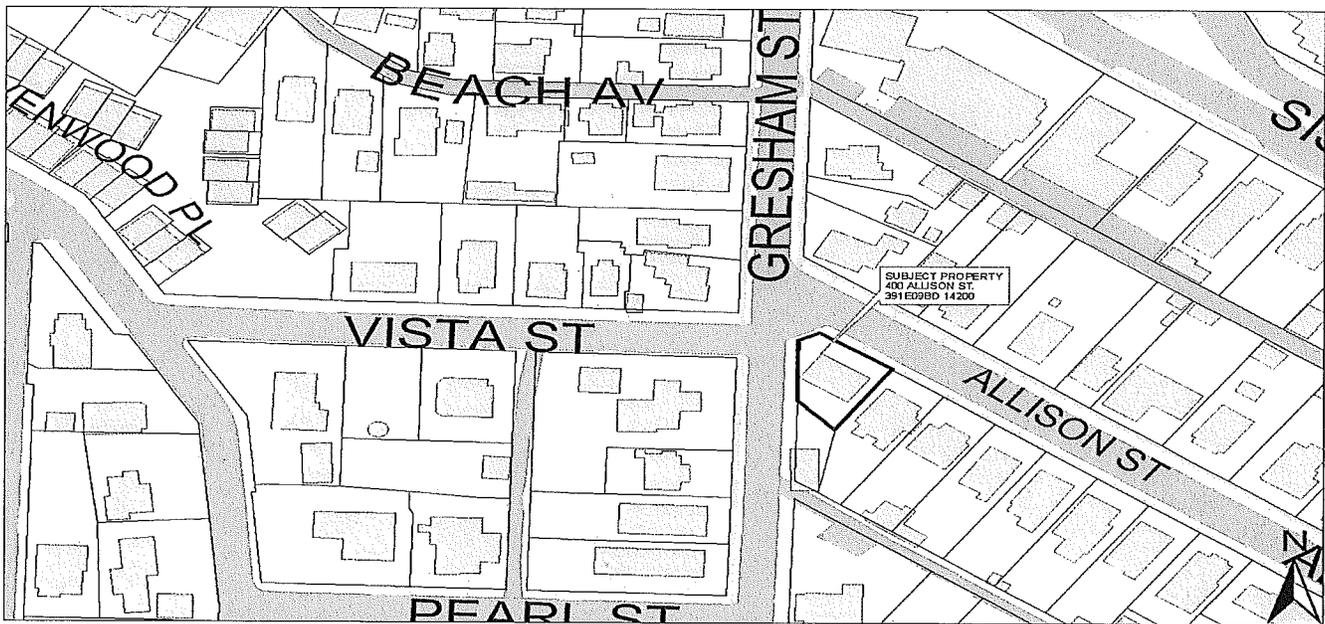
OWNER/APPLICANT: Heiland Hoff, Architect for owner Robin Biermann

DESCRIPTION: A request for a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within an Historic District by 17 percent or 315 square feet. The project consists of demolishing the existing 1,144 square foot non-historic/non-contributing duplex building and constructing a new two-story 2,183 square foot dwelling with a daylight basement and two-car garage. (The Building Division has tentatively approved the demolition proposal subject to this land use approval.) The application also includes a request for a Tree Removal Permit to remove eight trees six-inches in diameter at breast height (d.b.h.) or greater.
COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP #:** 39 1E 09 BD; **TAX LOT:** 14200.

NOTE: The Ashland Historic Commission will also review this Planning Action on **October 6, 2010 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTE: The Ashland Tree Commission will also review this Planning Action on **October 7, 2010 at 6:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *October 12, 2010 at 7:00 PM, Ashland Civic Center*



Property lines are for reference only, not scaleable

Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102-.35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

CONDITIONAL USE PERMITS

18.104.050 Approval Criteria

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
 1. Similarity in scale, bulk, and coverage.
 2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 3. Architectural compatibility with the impact area.
 4. Air quality, including the generation of dust, odors, or other environmental pollutants.
 5. Generation of noise, light, and glare.
 6. The development of adjacent properties as envisioned in the Comprehensive Plan.
 7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

TREE REMOVAL

18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.
 4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

(ORD 2951, 2008; ORD 2883, 2002)

ASHLAND PLANNING DIVISION STAFF REPORT ADDENDUM

November 9, 2010

PLANNING ACTION: PA-2010-00992

APPLICANT: Heiland Hoff, Architect for owner Robin Biermann

LOCATION: 400 Allison Street

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential

APPLICATION DEEMED COMPLETE: September 29, 2010

120-DAY TIME LIMIT: January 27, 2011

ORDINANCE REFERENCE:

18.24	R-2 Low-Density Multi-Family Residential District
18.61	Tree Preservation and Protection
18.104	Conditional Use Permits

REQUEST: A request for a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by eight percent or 155 square feet. The previous submittal was to exceed MPFA by 17 percent or 315 square feet. The project consists of demolishing the existing 1,144 square foot non-historic/non-contributing duplex building and constructing a new two-story 2,023 square foot dwelling with a daylight basement and two-car garage. (*The Building Division has tentatively approved the demolition proposal subject to the applicant receiving land use approval for a replacement structure.*) The application also includes a request for a Tree Removal Permit to remove eight trees six-inches in diameter at breast height (d.b.h.) or greater.

I. Relevant Facts

A. Background - History of Application

The application was considered by the Historic Commission and the Planning Commission at their regular meetings in October. The Historic Commission raised a number of issues with the proposed design, including:

- 1) Concerns with compatibility in terms of mass, bulk, scale and volume as the proposed home had roughly 1,000 square feet of floor area where the average ceiling height approached 24 feet. The Commission noted that if the home were traditionally framed, with more standard ceiling heights, this would have added an additional 1,000 square feet or more of floor area, meaning that the volume proposed was more akin to a 3,200 square foot home on a 4,900 square foot lot than that of a 2,200 square foot home. The turreted kitchen volume had a 12-foot plate height which significantly increased its perceived volume, and the Historic Commission was

concerned that the overall design exaggerated the home's volume beyond what was necessary to accommodate the proposed square footage in order to maximize views and provide large, high-ceilinged great rooms in a manner counter to the intent of the Maximum Permitted Floor Area ordinance and Historic District Design Standards.

- 2) In addition to the larger issues raised above, the Commission also had a number of specific recommendations with regard to design details:
 - a) The Gresham Street entrance needed a stronger sense of presence to give stronger cues for a sense of entry on Gresham. The Commission asked to see side-lights added to the door at this entry and questioned the clustering of utility meters on the most prominent wall and the lack of windows. Commissioners recommended a consistent plate line and additional windows be included in the design.
 - b) The windows on the Allison Street façade, over the garage, had too great a ratio of window area to wall surface and gave a very contemporary feeling to this elevation. They indicated that this could have been better addressed with a less gridded placement, more tightly grouping the windows in threes, with a more simplified style and less variation in type (i.e. simple double-hung sashes would be preferred). The Commission noted that a window placement more like that noted on sheet A7.3 with a single casing and one crown over a more tight grouping of three windows would be more compatible. The Commission emphasized that a continuity of window sizes and plate heights was important, and also noted concerns with the pinching of window crowns into the gable.
 - c) In terms of trim, the corner boards and casings shown were too narrow to be historically compatible, and more detail of historically-compatible exterior trim was needed.
 - d) The turret element that provided kitchen space was not cohesive with the rest of the design due to its plate height, shape and materials. The plate height resulted in it dominating other elements of the design, and the Commission recommended that it be reduced to a more compatible nine-foot plate height. The Commission noted that a more cohesive plate height might allow a simplification of roof lines on the Gresham Street façade.

Based on these issues, the Historic Commission recommended that review of the application be continued by the Planning Commission to their November meeting to allow for design modifications to address these issues. The Commission indicated that design modifications were needed to dramatically reduce the volume of the home including lowering the plate height in the turret-element of the kitchen to no more than nine feet, simplifying the lines of the building, looking at the gable alignment and the use of dormers for some upper level windows, and generally diminishing the volume, bulk and scale of the home to a degree that would render it more compatible with the neighborhood and district. They also asked that the application come back to both the Historic and Planning Commissions for review in November.

At their October meeting, the Planning Commission generally concurred with the issues raised by the Historic Commission, however the Planning Commission indicated that the building needed to establish a better relationship to the Allison Street streetscape through a stronger sense of entry and suggested that the entry configuration as proposed was confusing and detracted from the building's relationship to either street. The Commission also expressed some concern with the turret element as it related to the remainder of the design, and with the impacts of placing a large great room's mass over a two car garage on Allison Street. The item was continued to the November by the Planning Commission, and now comes back with a substantial redesign which the applicants hope has addressed the issues raised last month.

II. Project Impact

A. Conditional Use Permit (CUP) to Exceed Maximum Permitted Floor Area (MPFA)

Conditional Use Permit review calls for consideration of the adverse material effects of the proposal on the impact area in comparison to the target use of the zone, which in this case would be the development of the site with a single unit built to the maximum permitted floor area of 1,868 square feet. In addition to the Conditional Use Permit criteria, the ordinance also requires that properties seeking an overage to the Maximum Permitted Floor Area be reviewed in light of the Historic District Development Standards which address compatibility with historic context in terms of height, scale, massing, setbacks, roof shape, rhythms of openings, directional expression, sense of entry, imitation, etc. with a general focus aimed at preserving historic streetscapes. For new construction, these Development Standards generally seek a traditional architecture that well represents our own time yet enhances the nature and character of the historic district. For projects requiring a Conditional Use Permit, the authority exists in law for the Staff Advisor or Planning Commission to require modifications in design to address these standards. In these cases, the Historic Commission advises both the applicants and city decision makers.

Based on the Commissions' comments last month, the applicants have submitted a redesign of the proposed building for Commission consideration. As proposed, the redesign involves the following changes to the previous proposal:

- **Removal of the hexagonal turret element for the kitchen. The kitchen has been relocated within the home and a more traditional porch added in its place.**
- **Reorientation of the primary roof ridge to East-West rather than the previous North-South, hipping some of the roofs to de-emphasize the gables which remain. While the building height as measured by code – to the midpoint of the roof – remains essentially the same, the ridge height has been reduced by approximately three feet.**
- **The overall request to exceed MPFA has been reduced from 17 percent to only eight percent. The previous design proposed to exceed the MPFA by 315 square feet; the current proposal is only 155 square feet over the allowed 1,868 square feet.**
- **The great room area which resulted in approximately 1,000 square feet of empty space at the second floor level and greatly increased the perceived volume in the previous design has been reduced to 231 square feet. The applicant notes that if the current proposal were traditionally framed and the great room area turned into second floor**

living space it would still fall within the allowed 25 percent over MPFA.

- **Windows are now primarily a simple double-hung type more common to the historic districts, and have been grouped more in keeping with typical patterns found within the districts. The ratio of glazing to wall areas has been reduced.**
- **The main entry has been clearly articulated to Allison Street, with a covered porch near the corner and stairs and walkways to both fronting streets.**

The applicants contend that they have significantly improved the design in response to the Commissions' comments, and that it represents a modern dwelling that is comfortably compatible with the historic environment matching the neighboring buildings in height, scale, massing, setback, roof shape, rhythm of openings, platforms, directional expression, and sense of entry without resorting to an inappropriate imitation of styles from older periods.

In staff's assessment, the redesign has effectively addressed the areas of concern identified last month by staff, and by the Historic and Planning Commissions. A clearer sense of entry from Allison Street has been articulated, the turret element which both Historic and Planning Commission questioned in terms of its cohesiveness with the overall design has been removed, the window type and pattern has been shifted to a less contemporary arrangement, and with the hiping of the roof the remaining gable over the Allison Street garage entry no longer emphasizes the volume on that frontage.

Because this staff report is being prepared for distribution prior to Historic Commission's review of the revised drawings, a condition has been recommended below to require that the recommendations of the Historic Commission, where consistent with applicable standards and with final approval by the Staff Advisor, become conditions of approval for the application. The Historic Commission's recommendations from their November 3rd meeting will be distributed for Planning Commissioner review at the November 9th Planning Commission hearing.

III. Procedural - Required Burden of Proof

The approval criteria for a Conditional Use Permit are described in AMC 18.104.050 as follows:

- A. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.*
- B. *That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.*
- C. *That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:*
 - 1. *Similarity in scale, bulk, and coverage.*

2. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
3. *Architectural compatibility with the impact area.*
4. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
5. *Generation of noise, light, and glare.*
6. *The development of adjacent properties as envisioned in the Comprehensive Plan.*
7. *Other factors found to be relevant by the Hearing Authority for review of the proposed use.*

In addition to the criteria above for Conditional Use Permit approval, the standards noted in Section IV of the Site Design and Use Standards (see pages 40-47 of the document which is available on-line at: <http://www.ashland.or.us/Files/SiteDesign-and-UseStandards.pdf>) are also to be considered when evaluating the request.

The approval criteria for a Tree Removal Permit are described in AMC 18.61.080 as follows:

- A. *Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.*
 1. *A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.*
 2. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*
- B. *Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:*
 1. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and*
 2. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and*
 3. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.*

The City shall grant an exception to this criterion when alternative to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of the Ashland Land Use Ordinance.

4. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*

IV. Conclusions and Recommendations

In staff's view, the proposed redesign has addressed the primary concerns that we raised last month: that the orientation of the gable end of the roof over the garage entry and repetition of similar windows on the gable end seemed counter to the directional expression, sense of entry, and rhythm of openings in the neighborhood and broader district and seemed to add emphasis to the home's mass, bulk and scale on the Allison Street frontage; and that there needed to be a stronger sense of entry for the proposed home. While the current proposal retains a gable over the garage, staff believe that the removal of the turret element, hipping of the roof and modification of the windows have resulted in a design that is more cohesive and which effectively deals with the square footage proposed in a manner compatible with the neighborhood, the district and the design standards.

Should the Planning Commission concur with staff and determine that the application merits the approval of a Conditional Use Permit to exceed the Maximum Permitted Floor Area and Tree Removal Permit, staff would recommend that the following conditions be attached to the approval:

- 1) That all proposals of the applicant be conditions of approval unless otherwise modified herein.
- 2) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the Conditional Use Permit approval shall be submitted and approved prior to issuance of a building permit.
- 3) That all recommendations of the Historic Commission from their November 3rd meeting, where consistent with applicable standards and with final approval by the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 4) That all recommendations of the Tree Commission from their October 7th meeting, where consistent with applicable standards and with final approval by the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 5) That the applicant shall obtain all necessary demolition permits prior to commencing demolition, and that any necessary demolition inspection approvals shall be obtained by the applicants.
- 6) That the building plan submittals shall include:
 - a) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard B in the formula $[(\text{Height} - 16) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the

- highest shadow producing point(s) and the height(s) from natural grade.
- b) Lot coverage calculations including all building footprints, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than the 65 percent allowed in the R-2 zoning district.
- 7) That prior to the issuance of a building permit:
- a) That the tree protection measures shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to any site work, demolition, or storage of materials.
 - b) That the property owner shall sign in favor of local improvement districts for the future street improvements, including but not limited to sidewalks, parkrow, curb, gutter and storm drainage, for Gresham Street prior to the issuance of a building permit.
 - c) That the requirements of the Ashland Fire Department that adequate fire flow shall be provided shall be satisfactorily addressed. Fire flow requirements are to be determined based on area calculations using the final building plan submittals.
- 8) That prior to the issuance of a certificate of occupancy:
- a) That street trees, one per 30 feet of street frontage, shall be installed in the parkrow along both frontages prior to the issuance of a certificate of occupancy. Street trees shall be placed to accommodate future parkrow and sidewalk installation along Gresham Street. All street trees shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.
 - b) That the driveway curb cut on Gresham Street shall be closed, and the new driveway curb cut on Allison Street installed, under permit from the Public Works Department. The applicant shall obtain all necessary Public Works inspection approvals for work within the right-of-way prior to the issuance of a certificate of occupancy.
 - c) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties. Light fixture type and placement shall be clearly identified in the building plan submittals.
 - d) That prior to the conversion of existing rental units into for-purchase housing through the demolition of the duplex and construction of a single family residence, the applicants shall provide evidence of compliance with the tenant rights provisions of Chapter 10.115 of the Ashland Municipal Code.
 - e) That the electric service shall be installed underground to serve the home prior to the issuance of a certificate of occupancy. The electric service plan shall be provided with the building permit submittals for the review of the Building, Planning and Electric Departments.
 - f) Replacement trees to mitigate the trees removed shall be planted on-site and irrigated according to the approved plan, or payment in lieu of mitigation planting provided, as proposed by the applicant.

ASHLAND HISTORIC COMMISSION
Type II – Recommendations to Planning Commission
November 3, 2010

CITY OF
ASHLAND

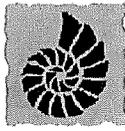
PLANNING ACTIONS: 2010-00992
SUBJECT PROPERTY: 400 Allison Street
APPLICANT: Heiland Hoff, Architect for owner Robin Biermann
DESCRIPTION: A request for a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by eight percent or 155 square feet. The project consists of demolishing the existing 1,144 square foot non-historic/non-contributing duplex building and constructing a new two-story 2,023 square foot dwelling with a daylight basement and two-car garage. The application also includes a request for a Tree Removal Permit to remove eight trees six-inches in diameter at breast height (d.b.h.) or greater.

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential;
ZONING: R-2; **ASSESSOR'S MAP #:** 39 1E 09BD; **TAX LOT:** 14200

Commission Recommendations:

The Historic Commission recommended approval of the project, noting that the applicants had done a great job in addressing the concerns expressed by the Commission last month. The Commission recommended that the applicants consider more squared off windows on the garage door in keeping with the character of the redesign.





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October 22, 2010

City of Ashland Planning Department
20 E. Main St.
Ashland, OR. 97520

Re: Supplemental Written Findings: Conditional Use Permit
Biermann Residence
400 Allison Street

Dear Derek:

We are confident you will agree that we have addressed all the issues of concern expressed by the planning department staff and the historical commission. These issues include massing, rhythm of openings, directional expression, and sense of entry.

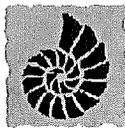
A. Massing

At both the historical commission meeting and the planning commission meeting, there was significant resistance to our hexagonal kitchen, especially the 12'-0" plate height and the use of shingles instead of the siding used elsewhere on the building. Without raising the plate height above the rest of the roof, it is not possible to construct a full hexagonal roof, so we abandoned the hexagon altogether and moved the kitchen to the back of the house, placing a traditional front porch where the kitchen had been.

This dramatic change allows the entire roof to be rotated, orienting the primary ridges East and West rather than North and South. Reorienting the ridges greatly decreases the bulk and scale of the building. Moreover, we chose to hip most of the roofs, rather than employing a predominant use of gables as in our previous design. Simply changing the direction of the ridge without converting the gables to hips would have made the Allison Street elevations less bulky at the expense of the Gresham Street elevations, which would have become more bulky. Using hipped roofs eliminates the problem. The two gable roofs that remain are much smaller than the gables we had before.

Because the remaining gables are smaller and placed higher on the building, the height of the building as measured by the planning ordinances remains approximately the same; the midpoint of the highest remaining gable is nearly as high as the midpoint of the large gables we had before.

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However, the ridges have dropped substantially. The actual height of the tallest ridge is nearly three feet lower than it was before.

Using the hexagon to eke out every available square inch of the Northwest corner allowed a maximization of the footprint size. Since we have now changed all the corners of the buildings to 90 degree angles, we have lost a lot of available square footage in the corner where the lot converges at a 60 degree angle. Putting an exterior porch where the kitchen had been further diminished our floor area. Our previous design was 17 percent over the MPFA. At 2023 square feet, our new design is a mere 8 percent over the 1868 MPFA. In other words, our previous design was 315 square feet over the MPFA, while our new design is only 155 square feet over. We would be eligible for a Type I conditional use permit if we had not already started the Type II process.

Even more importantly, the empty space over the great room has been drastically reduced. One of the biggest concerns expressed at the historical commission meeting was that there was 1000 square feet of empty space at the second floor height. In terms of building massing, this gave the appearance of a building that was 1315 square feet over the MPFA, because one cannot see from the outside whether or not this empty space is actually a full second floor. We have addressed this concern by reducing this empty space at the second floor level to 231 square feet, including wall thicknesses. It should be noted that even if all the empty space was second floor, we would still have only 2254 square feet, which is significantly less than 25 percent over the MPFA.

Whereas before there were high, blank walls rising all the way up to the ridges of the gables facing Allison Street, now the walls surrounding the remaining empty space are set in from the street and placed behind hipped roofs, greatly reducing their visual impact.

B. Rhythm of Openings

In our previous design, we had quite a few different types of windows that were more or less evenly distributed across the face of the building. There was also a relatively high ratio of glass to solid wall, because the windows were too large. It was pointed out that this was not an historical interpretation. We have addressed these concerns in several ways.

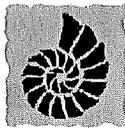
First, we have eliminated most of the different window types. In all the prominent wall faces, we have placed simple double hung windows that match the principal window type displayed throughout the historic district. High in the walls, where it is not possible to reach up to operate a double hung window, we have placed a few awning windows. This is consistent with the awning windows displayed in dormers and high walls throughout the historic district. (There is still one casement window in the upstairs bathroom, but it is concealed in such a way that it is not

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page 2



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easily visible from the street.) Since the historic commission didn't approve of our craftsman style bipartite and tripartite glazing divisions, we have eliminated those features, dividing the panes only where necessary for the operation of the window.

Second, we have changed the distribution of windows across the wall face. As directed by the Historic Commission, we have grouped the windows, placing them in the center of walls as is common in historic houses on this street.

Third, we have greatly reduced the ratio of glazing to wall area by making all the windows smaller. In general, our Rhythm of openings now represent a much more historically relevant approach.

C. Directional Expression

As described under the heading Massing, we have re-oriented the prominent roof lines to run East and West instead of North and South. This relates the character of the new building to the predominant directional expression of nearby buildings.

D. Sense of Entry

From the beginning, there has been some disagreement about whether the main entrance should face Allison or Gresham Street. In our previous design, we chose to put our main entrance on Gresham Street, with a separate entrance facing Allison, as well as a third entrance facing the back yard. Because there were so many entrances, there was some confusion about which entrance was the main entrance. This lack of clarity was not well received by the Historical Commission.

In our new design, we put the main entrance in the most prominent face of the house: the corner of Allison and Gresham. The entrance is articulated with a real covered porch on a raised platform. There are stairs and walkways leading from this porch to both Allison and Gresham. The actual front door faces Allison, but whether one approaches from Allison or from Gresham there can be no mistake about where the main entry is.

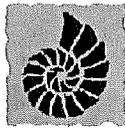
There is also a back porch, with a back door between the pantry and the back yard. There is a path leading from Gresham to the back porch, but both the porch and the door are oriented to the back yard and not to Gresham. The back porch has also been raised on a platform to create more of a traditional back porch rather than the covered patio we had before.

In conclusion, we hope you agree that we have significantly improved our design and that it now represents a modern dwelling that is comfortably compatible with the historic environment,

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matching the neighboring buildings in height, scale, massing, setback, roof shape, rhythm of openings, platforms, directional expression, and sense of entry, without resorting to an inappropriate imitation of styles from older periods. We anticipate and appreciate your support and the support of the rest of the planning staff in presenting our new design to the historic commission and ultimately to the planning commission.

If you have any questions or concerns, please feel free to contact me. You may reach me at (541) 944-9639.

Sincerely,

Heiland Hoff
Principal Architect

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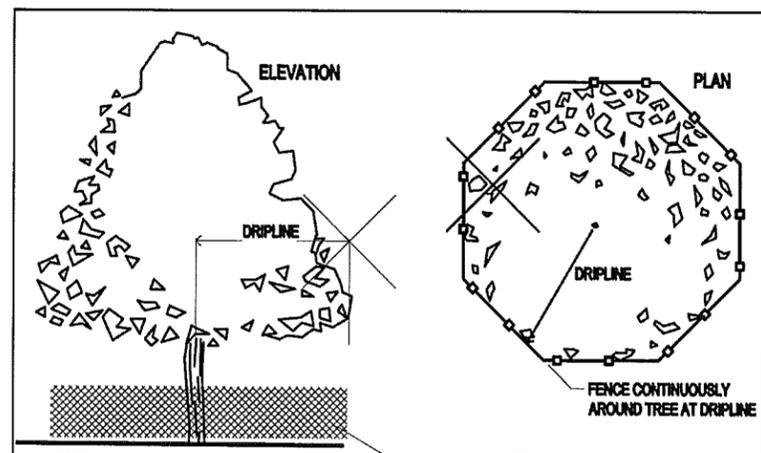
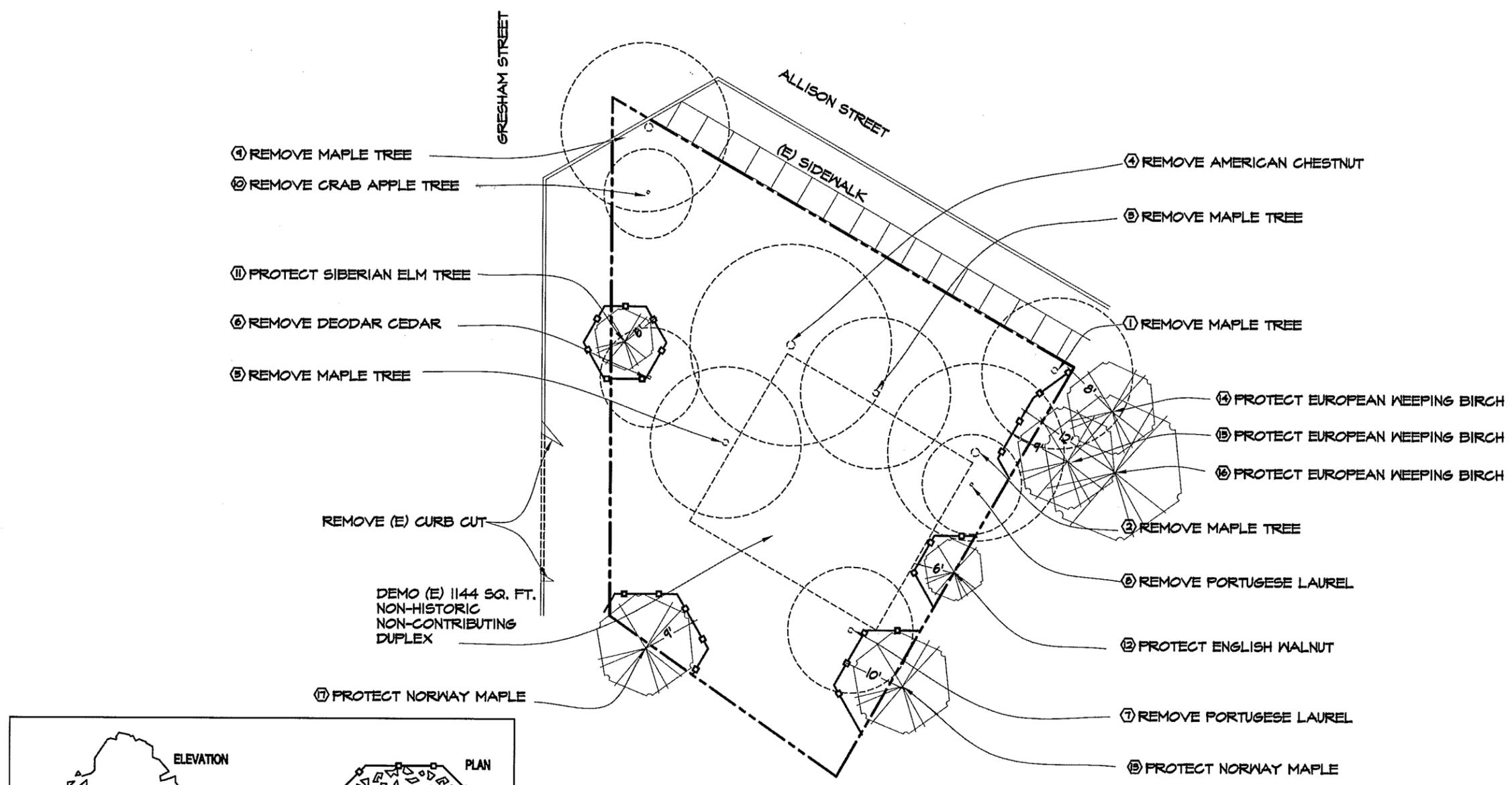
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new dwelling for
Robin Biemann
400 Allison Street
Ashland, Oregon

DEMO PLAN
TREE PROTECTION PLAN
conditional use permit

Date: OCT. 21, 2010
Scale: AS NOTED
Drawn by: hh
Sheet No.

A1.1



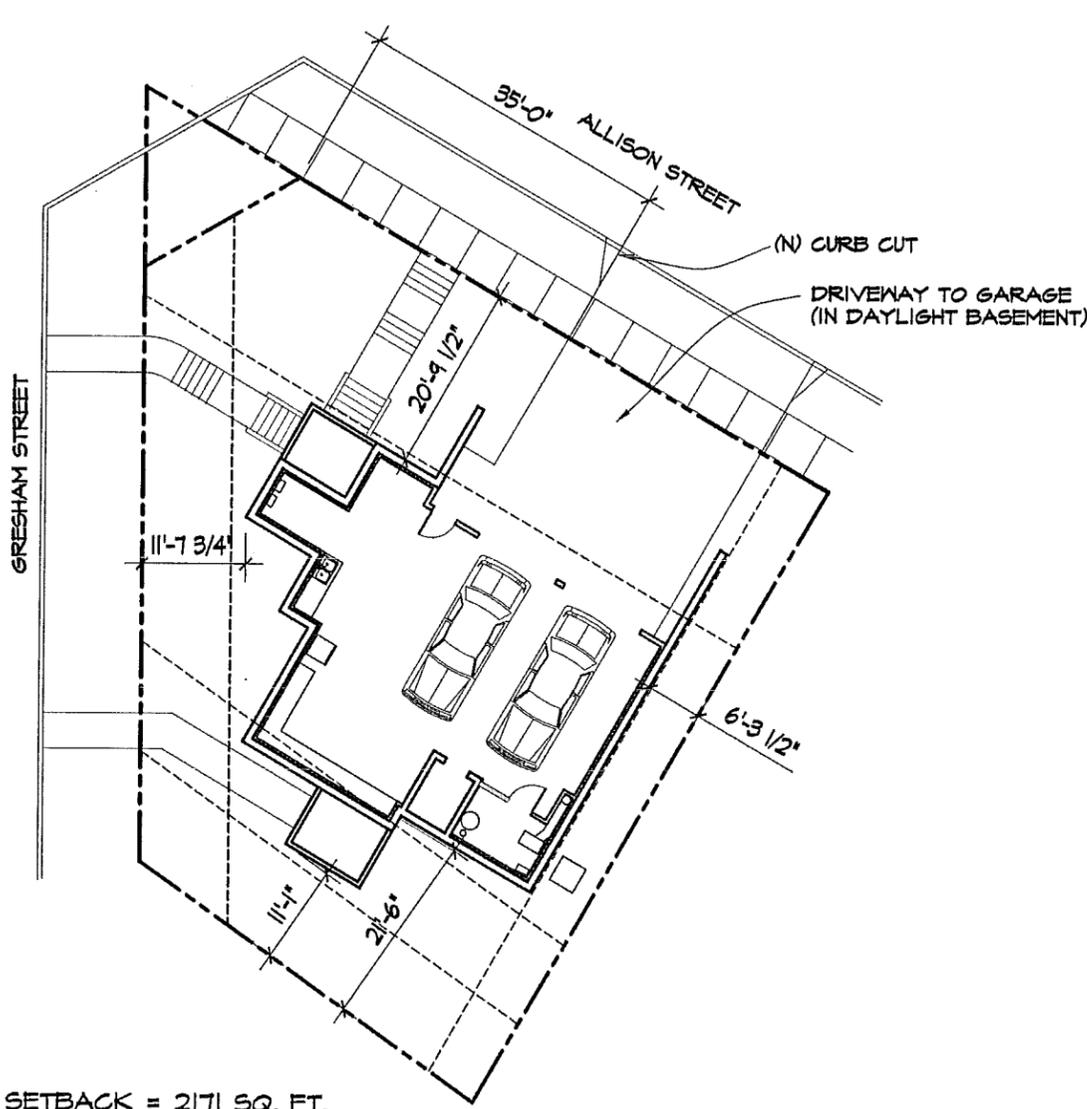
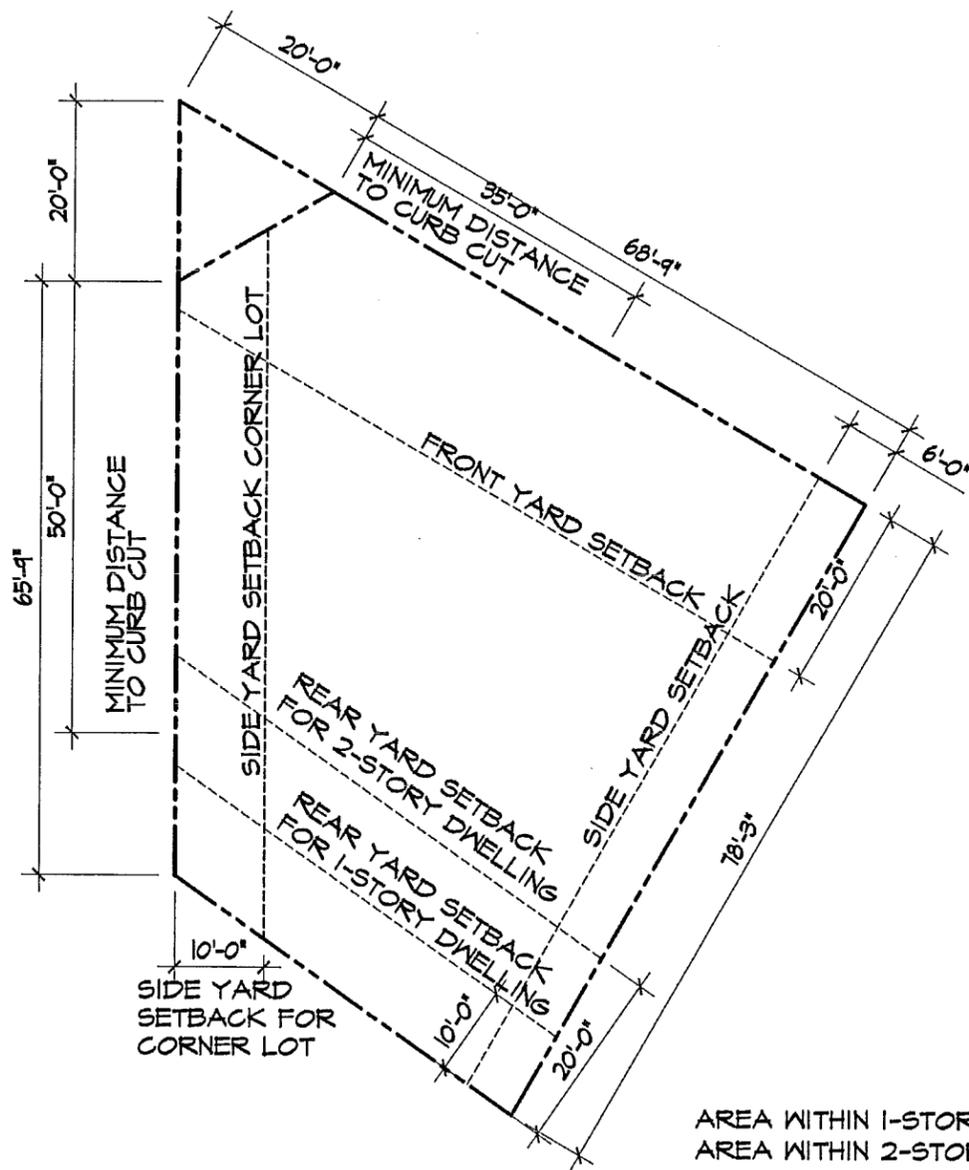
- NOTE:
1. TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO START OF CONSTRUCTION AND SHALL REMAIN IN PLACE THROUGH COMPLETION OF PROJECT.
 2. FENCING SHALL ONLY BE REMOVED TEMPORARILY FOR WORK TO BE DONE WITHIN DRIPLINE AND REPLACED AT THE END OF EACH WORK DAY.
 3. ALL EXCAVATION WITHIN DRIPLINE OF TREES SHALL BE DONE BY HAND. IF ROOTS OVER 2" IN DIAMETER ARE ENCOUNTERED, CONTRACTOR SHALL CONSULT WITH LANDSCAPE ARCHITECT OR ARBORIST BEFORE PROCEEDING.
 4. TREE ROOTS ENCOUNTERED DURING CONSTRUCTION, SHALL BE CUT CLEANLY AT A 90 DEGREE ANGLE AND PACKED WITH DAMP SOIL IMMEDIATELY.
 5. DURING CONSTRUCTION ALL TREES TO REMAIN SHALL BE IRRIGATED ON A WEEKLY BASIS OR AS NECESSARY WITH LEAKY PIPE ENCIRCLING THE TREE FROM TRUNK OUT TO DRIP LINE.

1 TREE PROTECTION

TREE PROTECTION-REMOVAL
DEMOLITION PLAN



SCALE: 1" = 20'-0"



AREA WITHIN 1-STORY SETBACK = 2171 SQ. FT.
 AREA WITHIN 2-STORY SETBACK = 1771 SQ. FT.

LOT AREA 4917 SQUARE FEET
 ADJUSTMENT FACTOR = 1
 FAR = 0.38
 MPFA = 4917 X 0.38 = 1868.46 SQUARE FEET
 (MAXIMUM PERMITTED FLOOR AREA DOES NOT INCLUDE BASEMENT OR BASEMENT GARAGE.)

 **SITE PLAN**
 SCALE: 1" = 20'-0"

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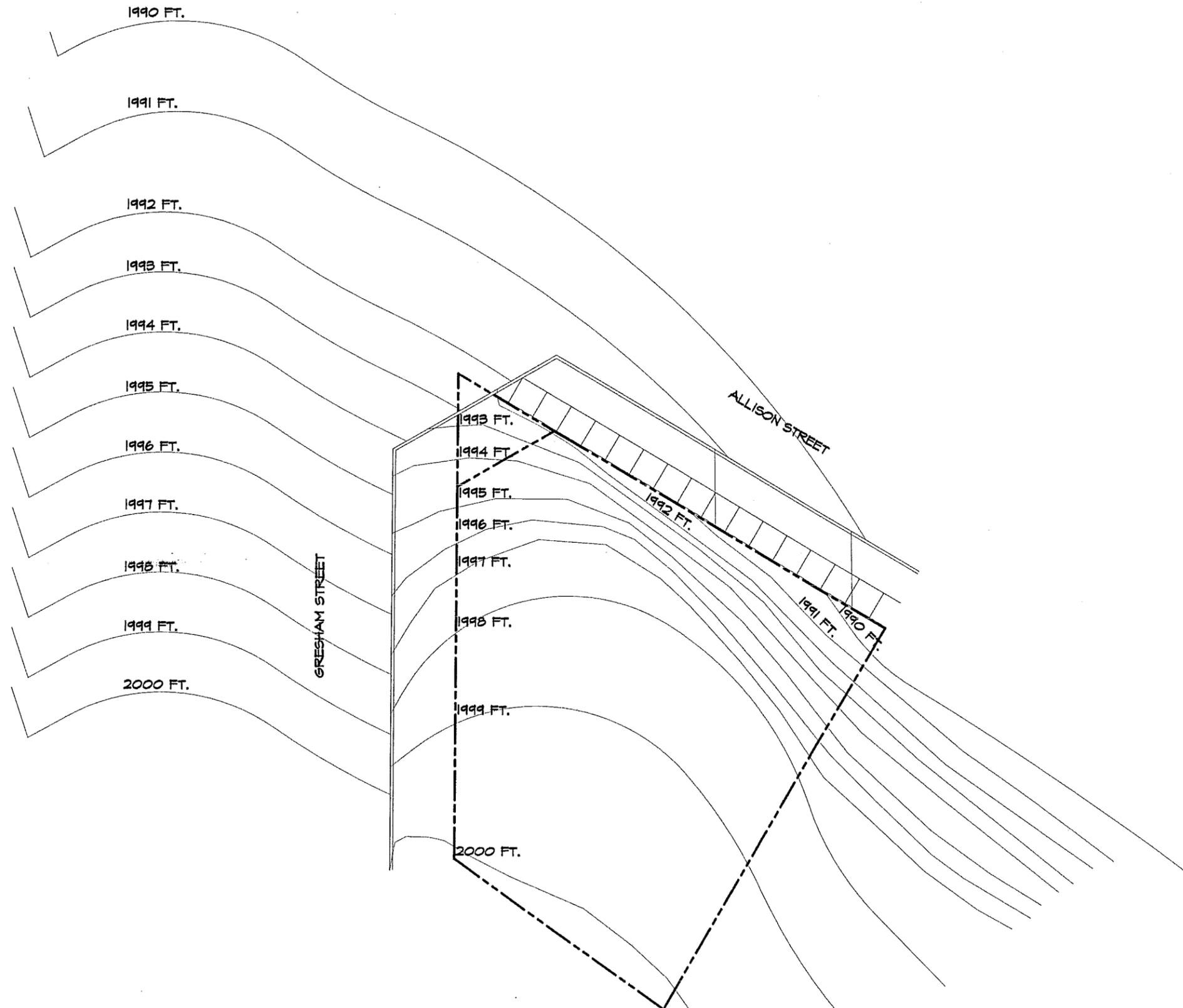
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new dwelling for
 Robin Biermann
 400 Allison Street
 Ashland, Oregon

SITE PLAN
 conditional use permit

Date: OCT. 21, 2010
 Scale: AS NOTED
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A1.2




TOPO MAP
 SCALE: 1" = 20'-0"

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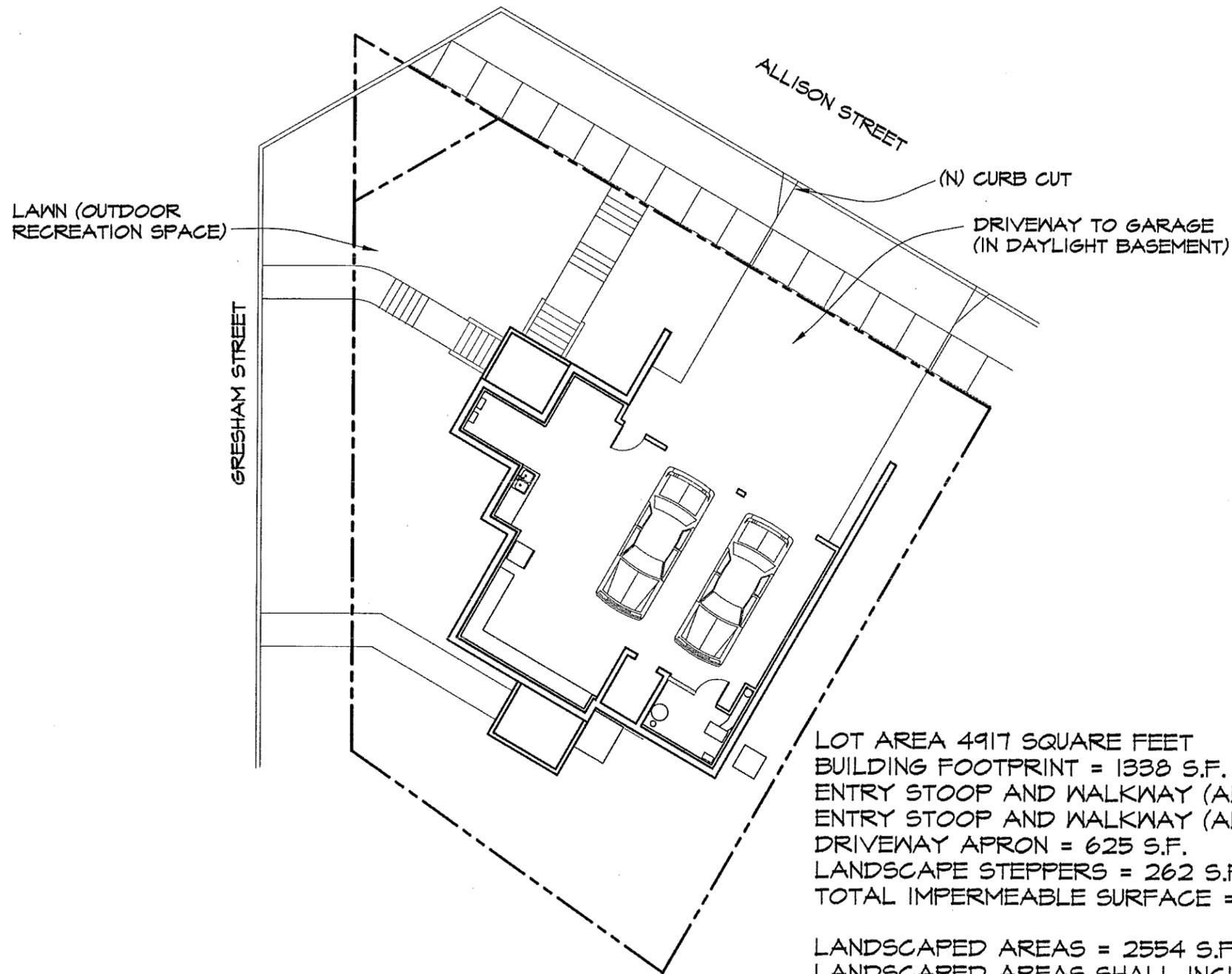
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TOPO MAP
 conditional use permit

Date: OCT. 21, 2010
 Scale: AS NOTED
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A1.3



LOT AREA 4917 SQUARE FEET
 BUILDING FOOTPRINT = 1338 S.F.
 ENTRY STOOP AND WALKWAY (ALLISON/GRESHAM CORNER) = 284 S.F.
 ENTRY STOOP AND WALKWAY (ALLISON) = 154 S.F.
 DRIVEWAY APRON = 625 S.F.
 LANDSCAPE STEPPERS = 262 S.F.
 TOTAL IMPERMEABLE SURFACE = 2663 S.F. = 54 PERCENT OF LOT

LANDSCAPED AREAS = 2554 S.F. = 46 PERCENT OF LOT
 LANDSCAPED AREAS SHALL INCLUDE MIN. 400 S.F. OUTDOOR RECREATION SPACE.
 LAWN AREA IS 400 SQUARE FEET
 LANDSCAPE STEPPERS = 262 S.F.
 LAWN AREA + LANDSCAPE STEPPERS =
 662 SQUARE FEET OUTDOOR RECREATION SPACE.



IMPERMEABLE SURFACES PLAN

SCALE: 1/8" = 20'-0"

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IMPERMEABLE
 SURFACES PLAN
 conditional use permit

Date: OCT. 21, 2010
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Sheet No.
 A1.4

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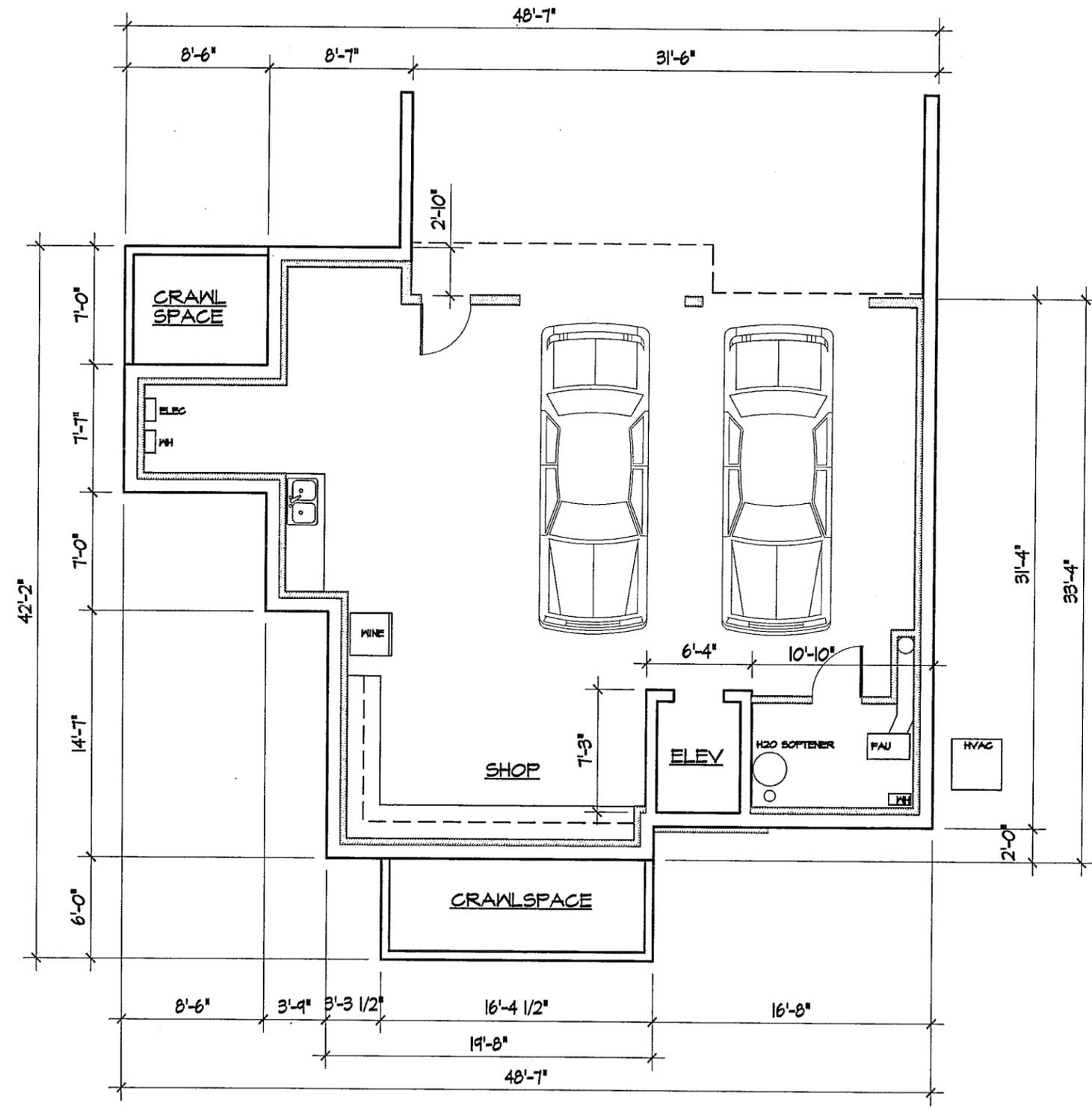
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new dwelling for
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400 Allison Street
Ashland, Oregon

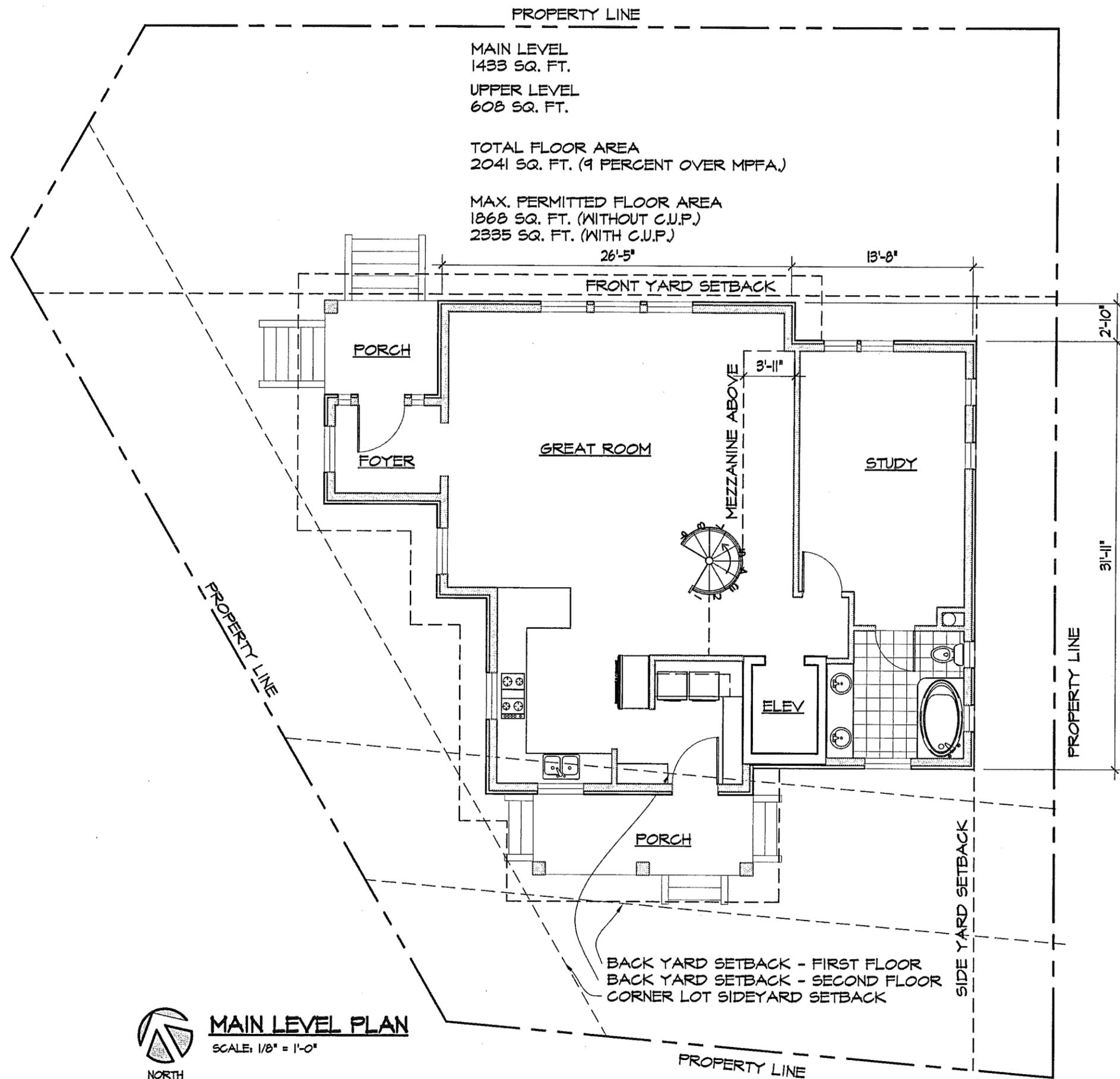
FLOOR PLAN
BASEMENT
conditional use permit

Date: OCT. 21, 2010
Scale: 1" = 10'-0"
Drawn by: hh
Sheet No.

A2.0



BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"



MAIN LEVEL
 1433 SQ. FT.
 UPPER LEVEL
 608 SQ. FT.
 TOTAL FLOOR AREA
 2041 SQ. FT. (9 PERCENT OVER MPFA.)
 MAX. PERMITTED FLOOR AREA
 1868 SQ. FT. (WITHOUT C.U.P.)
 2335 SQ. FT. (WITH C.U.P.)


MAIN LEVEL PLAN
 SCALE: 1/8" = 1'-0"

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new dwelling for
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FLOOR PLAN
 MAIN LEVEL
 conditional use permit

Date: OCT. 21, 2010
 Scale: 1" = 10'-0"
 Drawn by: hh
 Sheet No.

A2.1

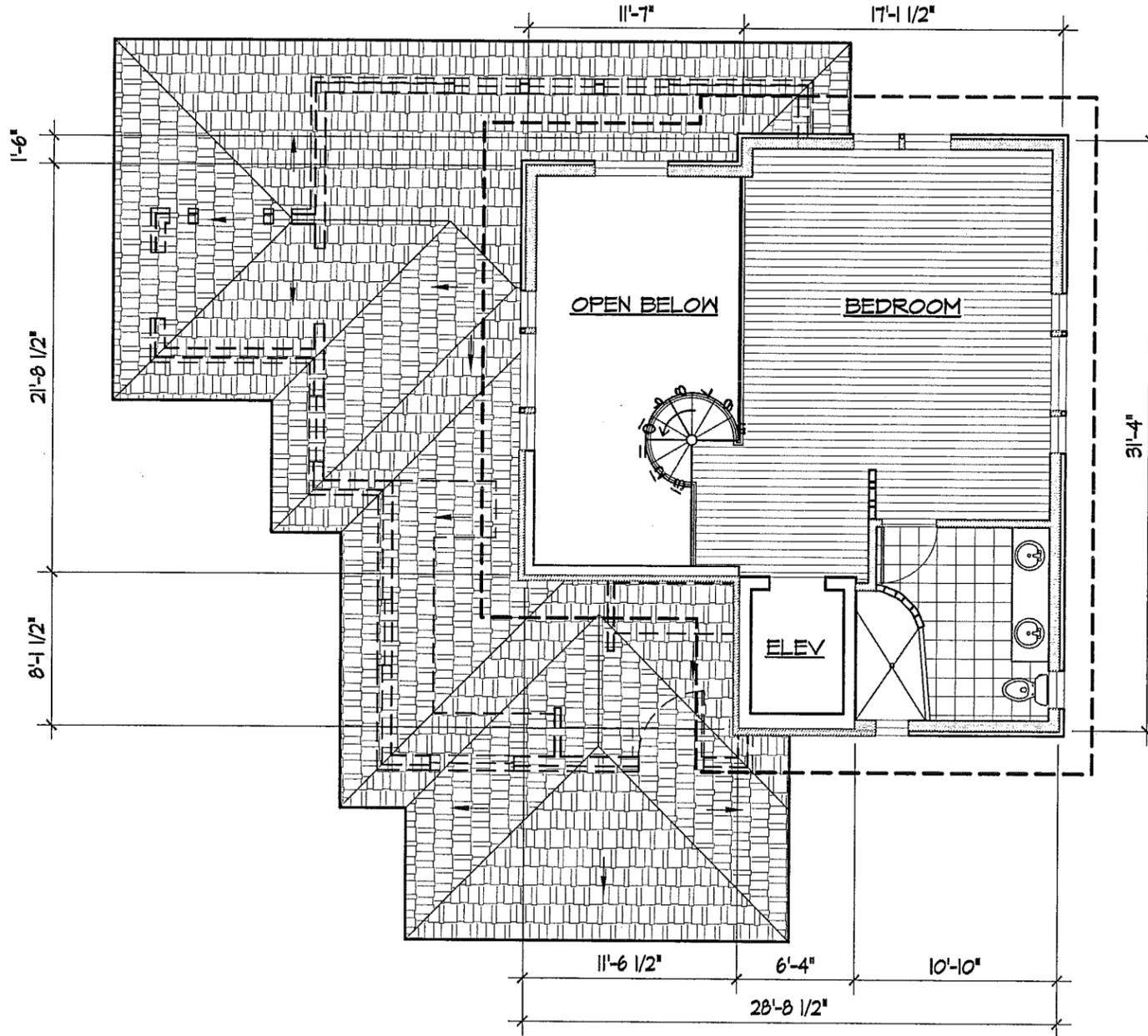
MAIN LEVEL
1433 SQ. FT.

UPPER LEVEL
590 SQ. FT.

UPPER LEVEL EMPTY VOLUME
231 SQ. FT.

TOTAL FLOOR AREA
2023 SQ. FT. (9 PERCENT OVER MPFA.)

MAX. PERMITTED FLOOR AREA
1868 SQ. FT. (WITHOUT C.U.P.)
2335 SQ. FT. (WITH C.U.P.)



UPPER LEVEL PLAN

SCALE: 1/8" = 1'-0"

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new dwelling for
Robin Biermann

400 Allison Street
Ashland, Oregon

FLOOR PLAN
UPPER LEVEL

conditional use permit

Date: OCT 21, 2010

Scale: 1" = 10'-0"

Drawn by: hh

Sheet No.

A2.2

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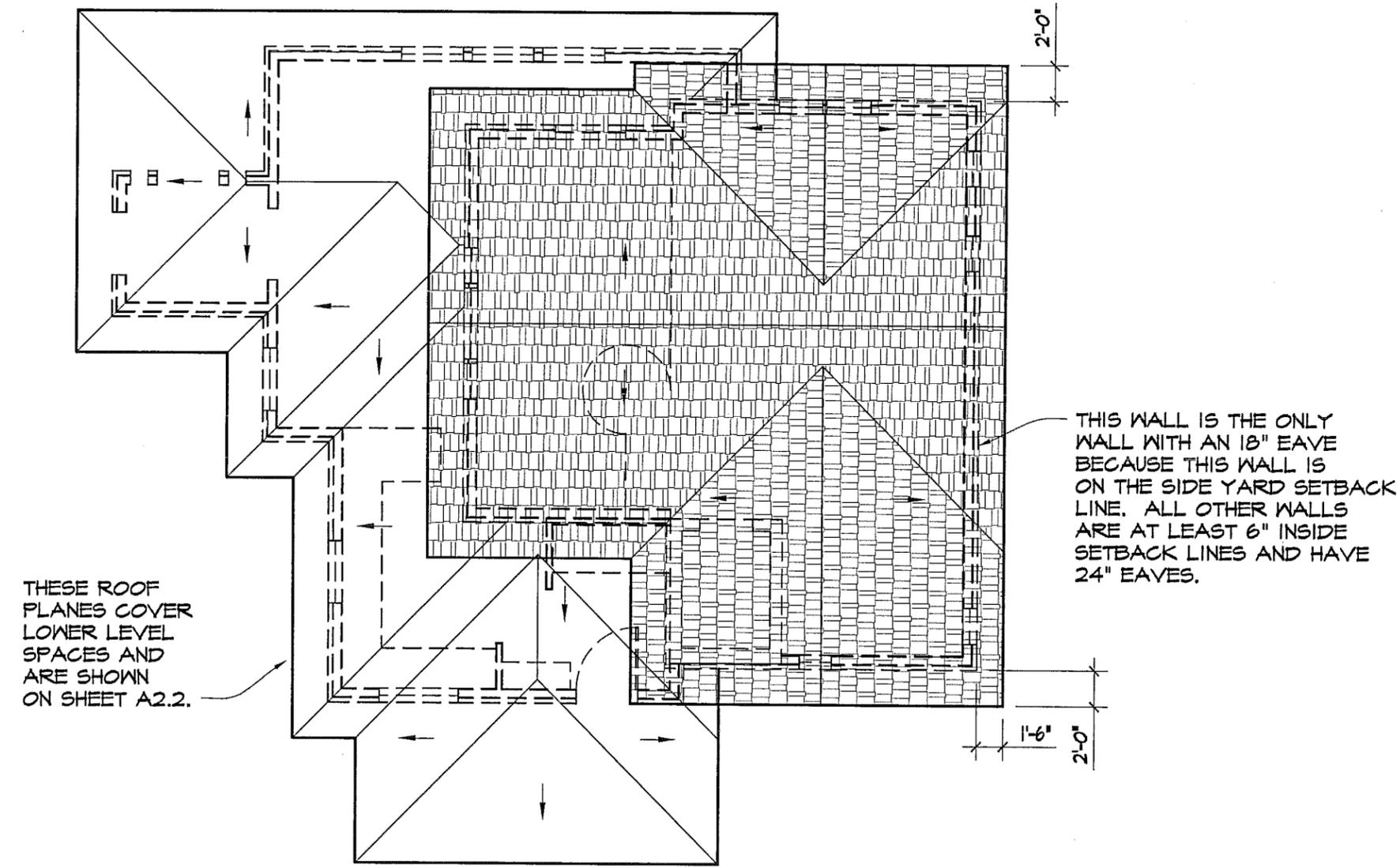
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fax: (541)535-3588

new dwelling for
Robin Biermann
400 Allison Street
Ashland, Oregon

ROOF PLAN
conditional use permit

Date: OCT. 21, 2010
Scale: AS NOTED
Drawn by: hh
Sheet No.

A5.1



ROOF PLAN
SCALE: 1/8" = 1'-0"
NORTH

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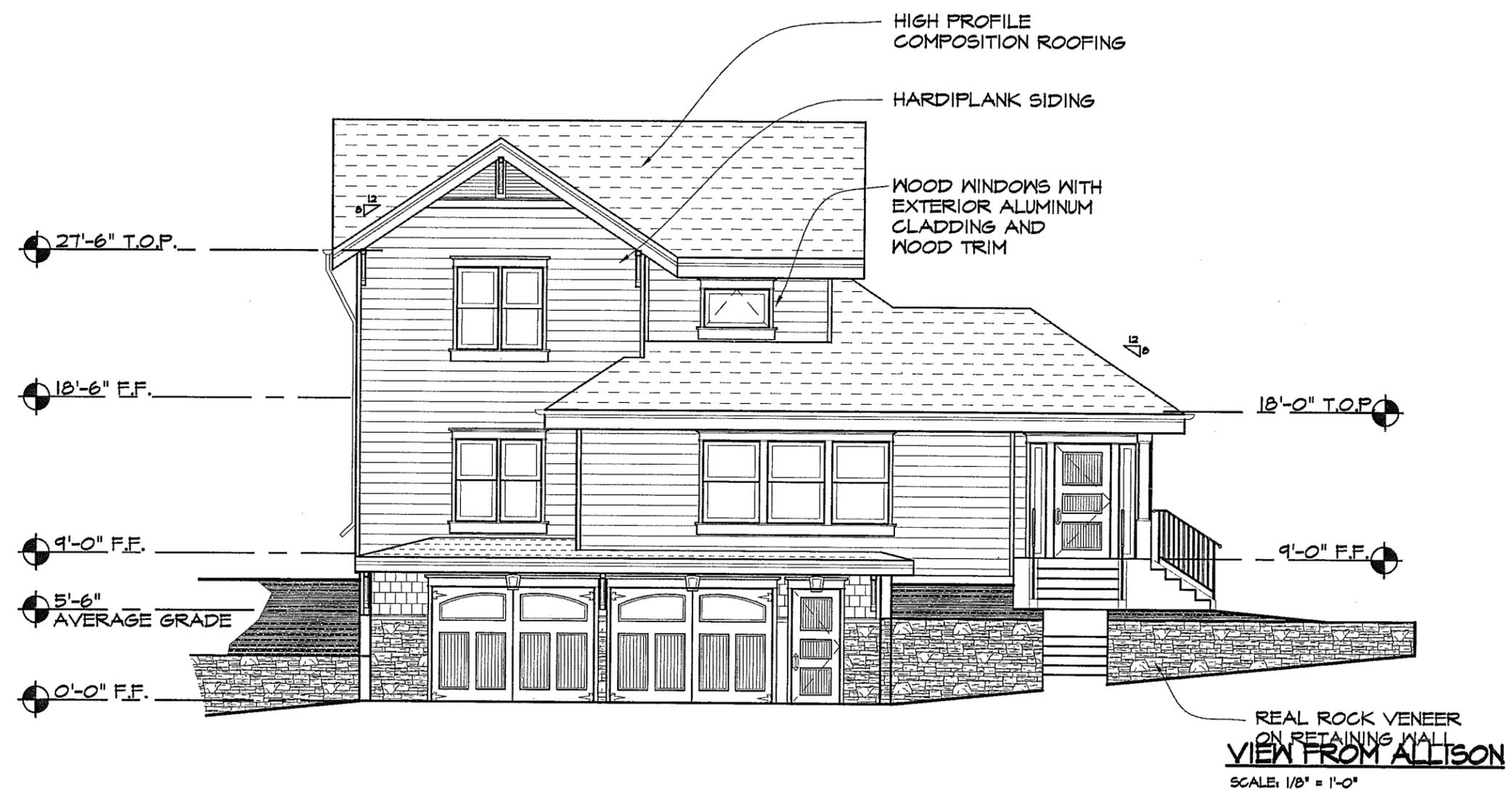
Heiland Hoff
ARCHITECTURE
architectural design services for winery, commercial, and residential projects
1797 anderson creek road
talent, oregon 97540
tel: (541) 944-9639
fax: (541) 335-3588

new dwelling for
Robin Biemann
400 Allison Street
Ashland, Oregon

ELEVATIONS
conditional use permit

Date: OCT. 21, 2010
Scale: AS NOTED
Drawn by: hh
Sheet No.

A7.1



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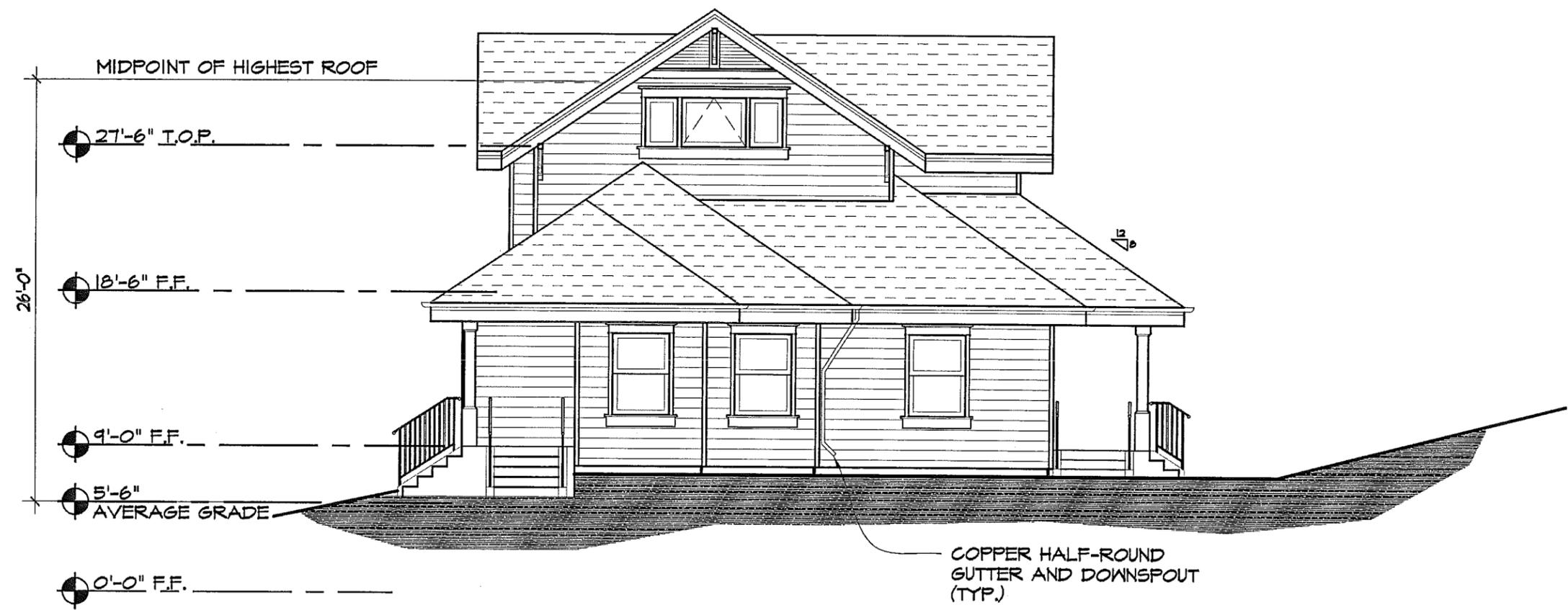
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ELEVATIONS
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VIEW FROM GRESHAM
SCALE: 1/8" = 1'-0"

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Robin Biermann
400 Allison Street
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ELEVATIONS
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Date: OCT. 21, 2010
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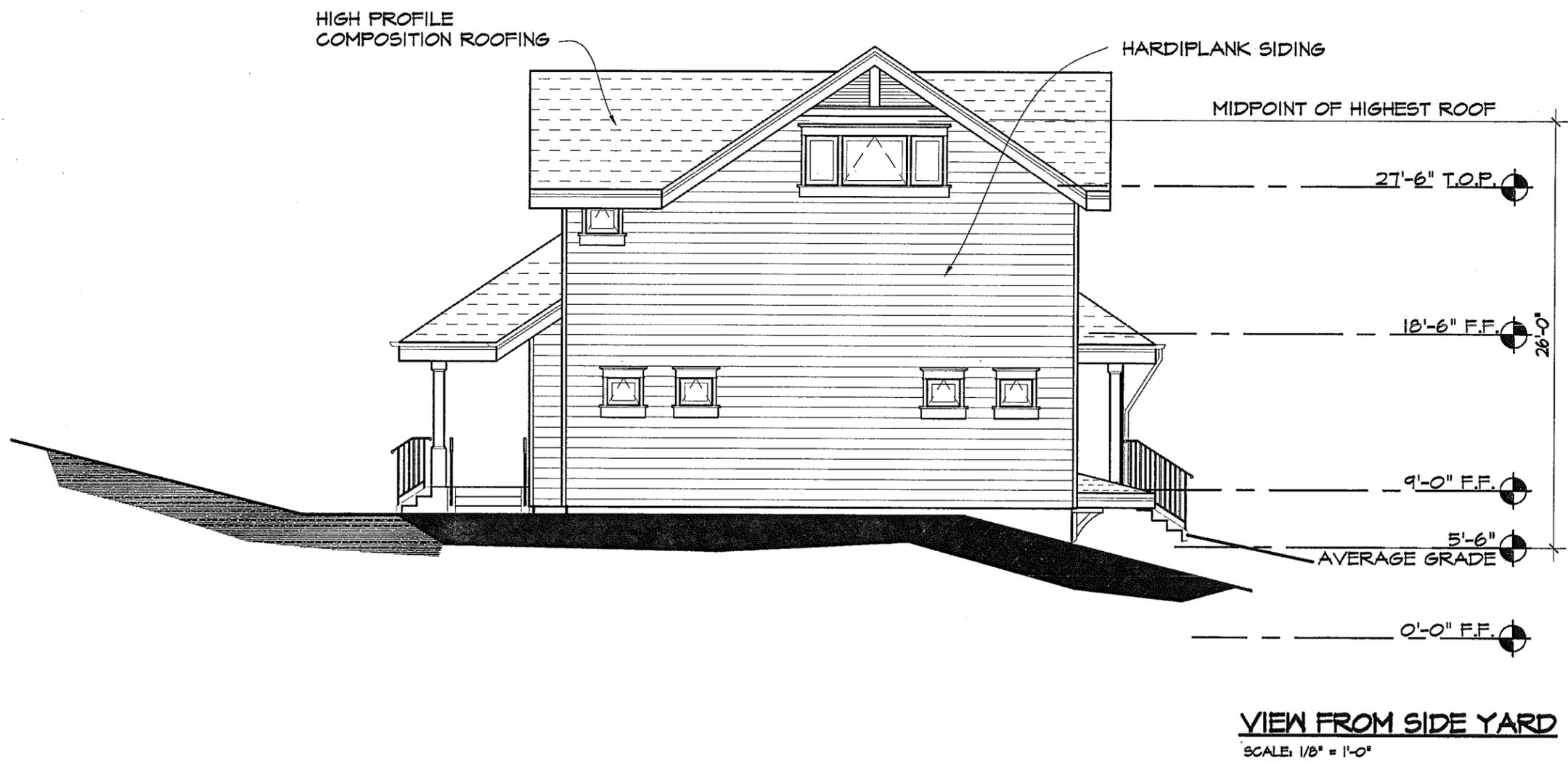


VIEW FROM SOUTH
SCALE: 1/8" = 1'-0"

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Heiland Hoff
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VIEW FROM SIDE YARD
SCALE: 1/8" = 1'-0"

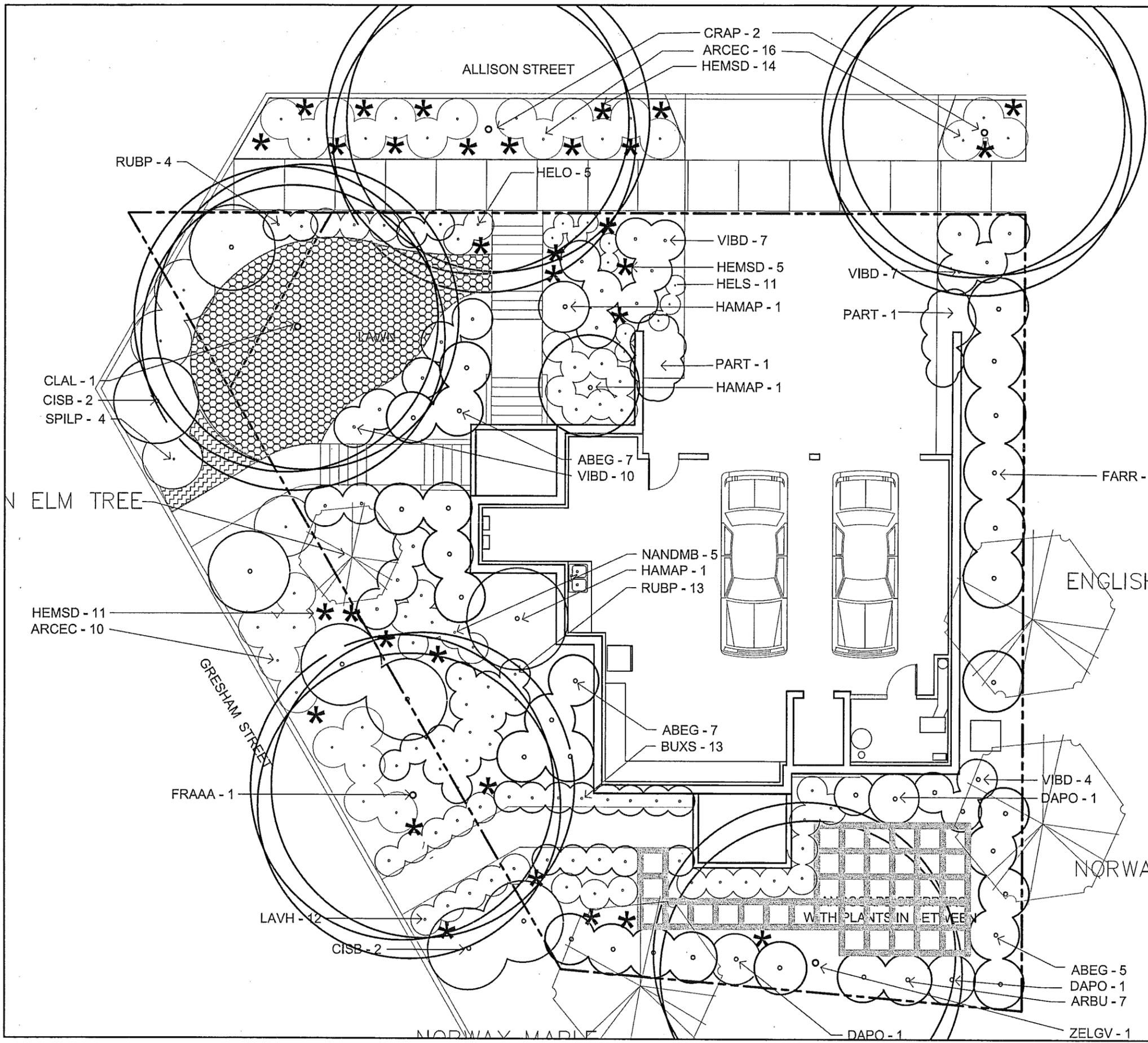
new dwelling for
Robin Biermann
400 Alison Street
Ashland, Oregon

ELEVATIONS

conditional use permit

Date: OCT. 21, 2010
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A7.4



ABEG	ABELIA GRANDIFLORA	GLOSSY ABELIA
ARCEC	ARCTOSTAPHYLOS EMERAD CARPET	EMERAD CARPET KNICKNICK
ARBU	ARBUTUS UNEDO	DWARF STRAWBERRY TREE
BUXS	BUXUS SEMPERVIERNIS	BOXWOOD
CISB	CISTUS BRILLIANCY	BRILLIANCY ROCKROSE
CLAL	CLADRASTUS LUTEA	KENTUCKY YELLOW WOOD
CRAP	CRATAEGUS PHAENOPYRUM	HAWTHORNE
DAPO	DAPHNE ODORA	WINTER DAPHNE
FARR	FARGASIA ROBUSTA	GREEN SCREEN BAMBOO
FRAAA	FRAXINUS AUTUMN APPLAUSE	AUTUMN APPLAUSE ASH
HAMAP	HAMAMALIS ARNOLDS PROMISE	ARNOLDS PROMISE WITCZAZ
HELO	HELLEBORUS ORIENTALIS	LENTEN ROSE
HEMSD	HEMEROCALIS STELLA D'ORO	STELLA D'ORO DAYLILY
LAVH	LAVENDULA HIDCOTE	HIDCOTE LAVENDER
NANMB	NANDINA MOON BAY	MOON BAY HEAVENLY BAMBOO
PART	PARTHENOCISSUS TRICUSPIDATA	BOSTON IVY
RUBP	RUBUS PENTABOLIS	TRAILING BRAMBLE
SPILP	SPIRAEA LITTLE PRINCESS	LITTLE PRINCESS SPIREA
VIBD	VIBURNUM DAVIDII	DAVIDI VIBURNUM
ZELGV	ZELKOVA 'GREEN VASE'	GREEN VASE ZELKOVA

	ISOTOMA	BLUE STAR CREEPER
	LAWN	BETWEEN STEPPERS
	SHASTA DAISIES	

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 Fax: 541.552.9512 Ashland, OR 97520
 Cell: 541.601.5559 kerry@kencainlandscape.com

KenCain
 Landscape Architecture

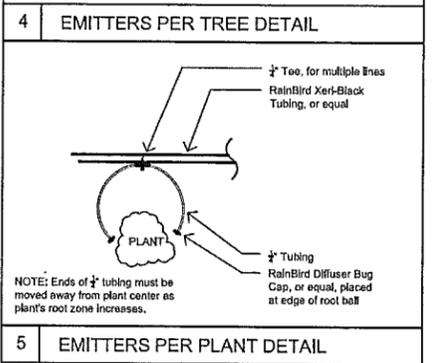
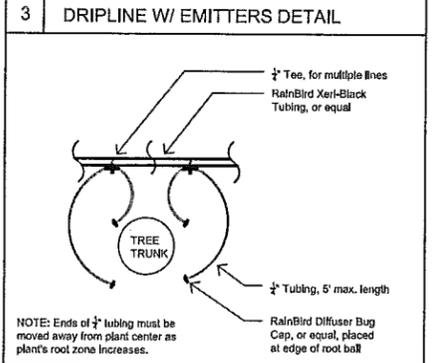
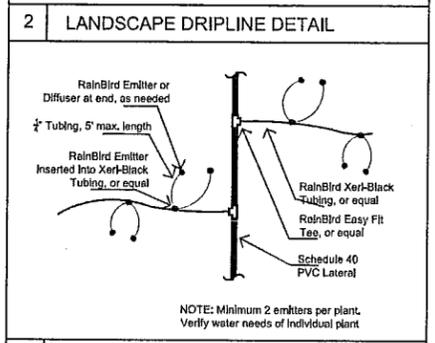
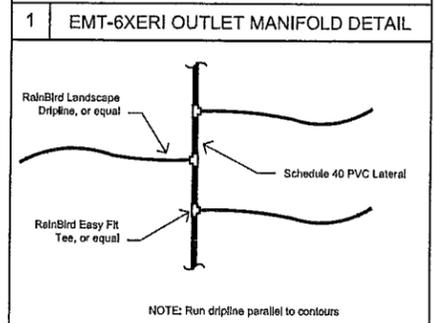
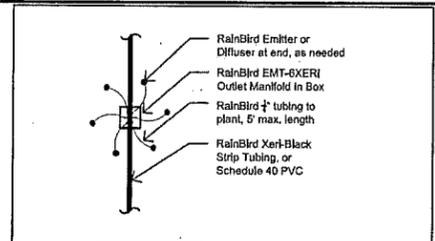
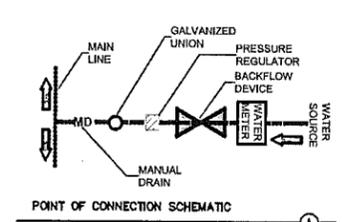
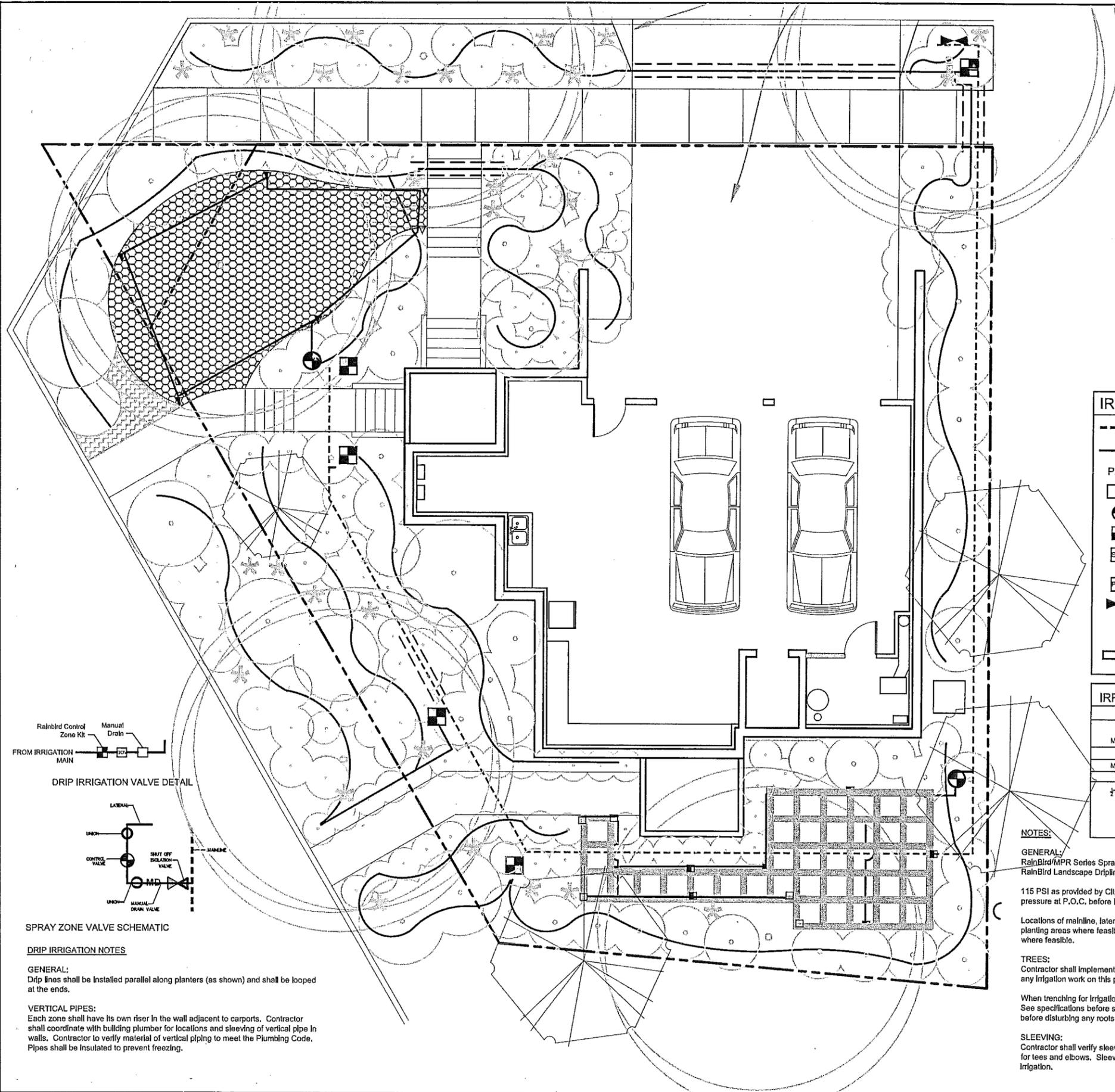
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 REG. # 493
 Kerry KenCain
 1/12/99
 LANDSCAPE ARCHITECT

Revision Date: _____
 Drawn By: AK
 Scale 1" = 10'-0"

NEW DWELLING
 ROBIN BIERMANN
 400 ALLISON ST.
 ASHLAND, OREGON 97520

OCTOBER 21, 2010

L-1



IRRIGATION LEGEND

- Mainline - 1 1/2" Schedule 40 PVC
- Lateral line - 3/4" Schedule 40 PVC, except as noted
- P.O.C. Point of connection (See detail below)
- C Controller
- RainBird PGA Series
- RainBird Control Zone Kit Model XCZ-LF-075-BF
- SOV Shut-Off Valve
- PRV Pressure Reducing Valve - Watts
- Double Check Valve
- 1 Controller-Zone Number/Use Type
- 1" Valve size / GPM / Pressure (PSI)
- Sleeve - 3" #3034 Sewer Pipe

IRRIGATION KEY

	SYMBOL / GPM			
	(1)	(1/2)	(1/3)	(1/4)
MPR 10"	1.58	0.79	0.53	0.39
MPR 15"	1.85	0.93	0.62	0.44

1/2" Drip Lines

NOTES:

GENERAL:
 RainBird MPR Series Spray Heads
 RainBird Landscape Dripline LD-09-18-100

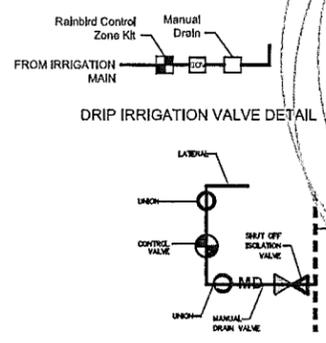
115 PSI as provided by City of Ashland, PRV to reduce pressure to 30 psi. Verify pressure at P.O.C. before installation.

Locations of mainline, laterals, and valves are diagrammatic only. Locate these in planting areas where feasible. Do not locate valve boxes under dripline of trees where feasible.

TREES:
 Contractor shall implement Tree Protection Details/Specifications prior to starting any irrigation work on this project.

When trenching for irrigation, hand trench under the dripline of all existing trees. See specifications before start of work - Consult with Owner's Certified Arborist before disturbing any roots over 2". Trench radially if necessary.

SLEEVING:
 Contractor shall verify sleeving locations and coordinate with general contractor for tees and elbows. Sleeves shall be installed under all hardscape areas for irrigation.



DRIP IRRIGATION NOTES

GENERAL:
 Drip lines shall be installed parallel along planters (as shown) and shall be looped at the ends.

VERTICAL PIPES:
 Each zone shall have its own riser in the wall adjacent to carports. Contractor shall coordinate with building plumber for locations and sleeving of vertical pipe in walls. Contractor to verify material of vertical piping to meet the Plumbing Code. Pipes shall be insulated to prevent freezing.

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NEW DWELLING
 ROBIN BIERMANN
 400 ALLISON ST.
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OCTOBER 21, 2010
L-2

IRRIGATION PLAN



PLANNING ACTION: 2010-01239

SUBJECT PROPERTY: 59-85 Winburn Way

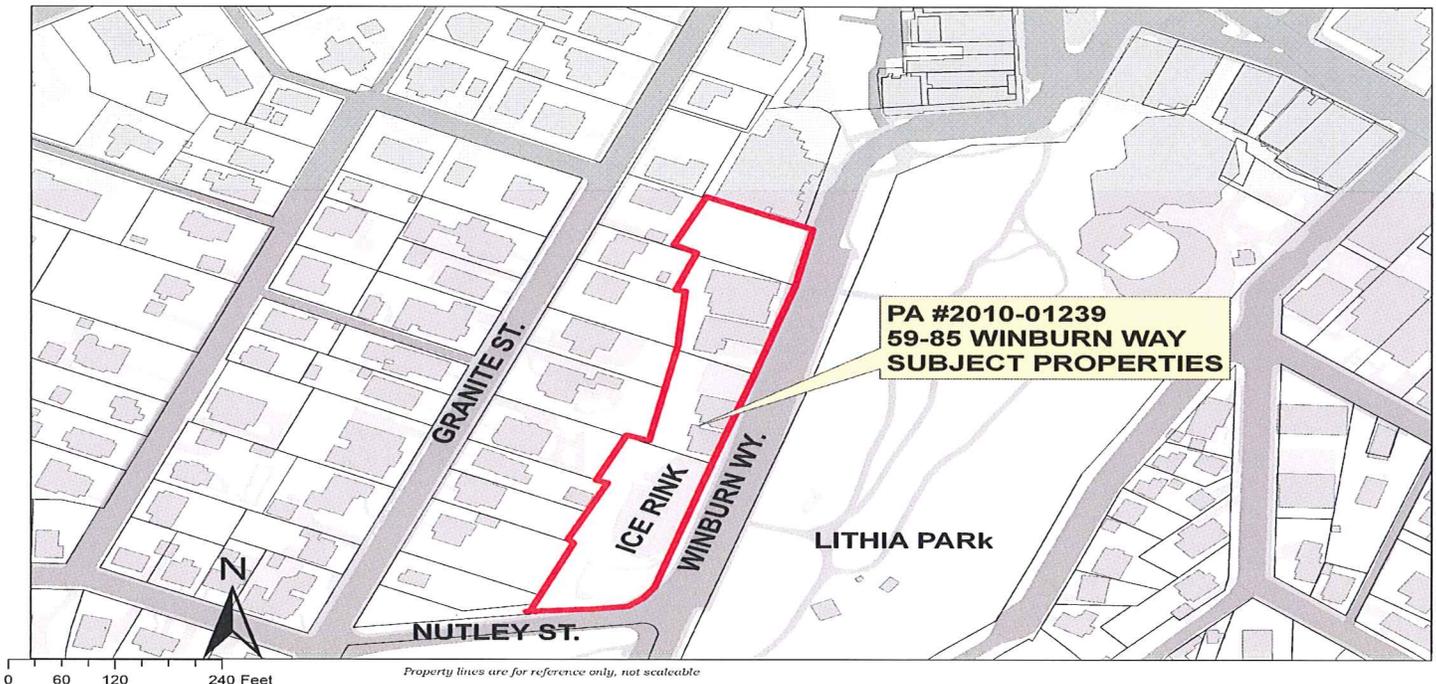
OWNER/APPLICANT: Urban Development Services, LLC agents for Johnathan & Esther Phelps

DESCRIPTION: A request for a Comprehensive Plan Map Amendment and Zone Change from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D), Physical & Environmental Constraints Review Permit, Tree Removal Permit to remove five trees, Site Review approval to construct a new 10,632 square foot café/restaurant, and a Development Agreement for the four properties located at 59-85 Winburn Way. **EXISTING COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential **PROPOSED COMPREHENSIVE PLAN DESIGNATION:** Commercial Downtown **EXISTING ZONING:** R-1-7.5, **PROPOSED ZONING:** C-1-D; **ASSESSOR'S MAP #:** 39 1E 09 BC **TAX LOTS:** 2500, 2501, 3000 & part of #39 1E 09 TL 100

NOTE: The Ashland Tree Commission will also review this Planning Action on November 4, 2010 at 6:00 p.m. in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way

NOTE: The Ashland Historic Commission will also review this Planning Action on November 3, 2010 at 6:00 PM in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: November 9, 2010 at 7:00 PM, Ashland Civic Center



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

ZONING CHANGE - TYPE III PROCEDURE

18.108.060. A & B Approval Criteria

- A. The following planning actions shall be subject to the Type III Procedure:
1. Zone Changes or Amendments to the Zoning Map or other official maps, except for legislative amendments.
 2. Comprehensive Plan Map Changes or changes to other official maps, except for legislative amendments.
 3. Annexations.
 4. Urban Growth Boundary Amendments
- B. Standards for Type III Planning Actions.
1. Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that:
 - a. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or
 - b. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or
 - c. Circumstances relating to the general public welfare exist that require such an action; or
 - d. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide one of the following:
 1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
 2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
 3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
 4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
 5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project; or
 - e. Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide one of the following:
 1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
 2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
 3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
 4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
 5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for dedication. Ownership of the land and/or air space shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project.

The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years.

Sections D and E do not apply to council initiated actions.

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.62.040.1 Criteria for Approval

A Physical Constraints Review Permit shall be issued by the Staff Advisor when the Applicant demonstrates the following:

1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.

(ORD 2808, 1997; ORD 2834, 1998; ORD 2951, 2008)

SITE DESIGN AND USE STANDARDS

18.72.070 Criteria for Approval

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.
(ORD 2655, 1991; ORD 2836, 1999)

TREE REMOVAL

18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.
 4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
(ORD 2951, 2008; ORD 2883, 2002)

**ASHLAND PLANNING DIVISION
STAFF REPORT
November 9, 2010**

PLANNING ACTION: PA-2010-01239

APPLICANT: Urban Development Services, LLC, agents for
Jonathan and Esther Phelps

LOCATION: 59-85 Winburn Way

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential (*existing*)
Commercial Downtown (*proposed*)

APPLICATION DEEMED COMPLETE: October 21, 2010

120-DAY TIME LIMIT: February 18, 2011*
(*Type III applications not subject to 120-day limits
pursuant to ORS 227.178.7)

ORDINANCE REFERENCE:

18.20	R-1 Single Family Residential District
18.32	C-1 Commercial District
18.61	Tree Preservation and Protection
18.62	Physical & Environmental Constraints
18.72	Site Design and Use Standards
18.92	Off-Street Parking
18.108.060	Type III Procedures

REQUEST: A request for a Comprehensive Plan Map Amendment and Zone Change from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D), Physical & Environmental Constraints Review Permit, Tree Removal Permit to remove five trees, Site Review approval to construct a new 10,632 square foot café/restaurant, and a Development Agreement for the four properties located at 59-85 Winburn Way.

I. Relevant Facts

A. Background - History of Application

Roberts-Mattson Parking Lot (39 1E 09BC Tax Lot 2501)

There are no planning actions of record for this lot.

59 & 73 Winburn Way (Pioneer Hall and Community Center, 39 1E 09BC Tax Lot 2500)

In September of 1977, the Planning Commission approved Conditional Use Permit #204 to allow the existing American Legion meeting hall to be used as an afterschool child care facility.

In June of 1988, the Planning Commission approved Planning Action #88-065, a request for a Conditional Use Permit to enlarge the existing public hall at 59 Winburn Way (the American Legion Building, which with completion of the project would be called Pioneer Hall) by building an addition of 620 square feet to house the Ashland Teen Center. The inside of the building and foundation were upgraded with this proposal, and the entire building was made available for rent by the general public on the same terms as the Ashland Community Center for classes, family gatherings, boy scout meetings, etc.

85 Winburn Way (39 1E 09BC Tax Lot 3000)

In November of 1980, a lot line adjustment was granted.

Planning Action #82-88, a request for a Conditional Use Permit and Site Review approval to construct an arbor addition for outdoor seating at the Creek View Café, was approved in January of 1983. The application included a setback Variance to build within nine feet of the front property line and a Variance to the parking requirement of 23-24 spaces for 40 indoor and 50 outdoor seats. With the approval, only seven automobile and seven bicycle parking spaces were required to be provided for 90 seats (i.e. a Variance of 16 spaces). That approval was based largely on the high percentage of patrons who were park visitors or downtown pedestrians patronizing the establishment as a secondary destination. During discussion of that application in January of 1983, the Planning Commission minutes indicate that the Commission considered the appropriateness of the residential zoning. When it was suggested that a Commercial zoning might be more suitable to the uses in place, the discussion noted that with a zone change to Commercial, controls on commercial expansion of the Café would be greatly reduced and it made more sense to retain the residential zoning and the controls associated with a Conditional Use Permit. It was also noted at that time that the other buildings on the block (Parks buildings and fraternal organizations/lodges) were not necessarily commercial in nature and were already established.

In March of 2003, a request for Site Review approval for the construction of an enclosure for the Lithia Park Café was approved.

In July of 2000, a request for a Conditional Use Permit to relocate the Lithia Artisans Market from Calle Guanajuato to the parking lot adjacent to Perrozi's Creamery at 85 Winburn Way was approved. This approval was for the 2000 season only, due to the summer closure of Calle Guanajuato for creek bank reconstruction.

Following a pre-application conference with planning staff in 2009, the applicants approached the City Council for permission to bring forth an application which would include the City of Ashland's parcels in the proposed Comprehensive Plan Map Amendment and Zone Change.

Ice Rink/Parking Lot (part of 39 1E 09 Tax Lot 100, the larger Lithia Park parcel)

In July of 2003, Planning Action #2003-068, a request for a Conditional Use Permit to operate the seasonal Tuesday Farmers Market from the Ice Rink Parking Lot, was denied by the Planning Commission. In denying the request the Commission found that the outdoor market would have a significant negative impact on public parking both in the lot and on the surrounding streets during the peak season. The proposal did not provide any on-site parking, and by proposing to use a public parking lot, removed 26 spaces from the current inventory

while also proposing to take up an additional 20 on-street parking spaces on Winburn Way. The loss of these 46 public parking spaces for the market operation and vendor parking was noted as representing one third of the spaces in the Lithia Park area (consisting of Winburn Way and this parking lot), and it was noted that these figures did not include the potential additional impact to public parking by customers of the market or the displacement of non-market bound cars which would normally be parked in this location.

There are no other planning actions of record for these sites.

B. Detailed Description of the Site and Proposal

The subject property includes four tax lots with a total area of approximately 1.57 acres located between the Community Development and Engineering Services Building and Nutley Street, on Winburn Way, directly across from Lithia Park. The component properties are more completely described as follows:

Roberts-Mattson Parking Lot (39 1E 09BC Tax Lot 2501)

The property is a roughly rectangular vacant lot with an area of approximately 0.27 acres. The lot currently functions as a gated private parking lot providing parking by permit only to tenants of the owners' nearby building.

59 & 73 Winburn Way (39 1E 09BC Tax Lot 2500)

This property is an irregularly shaped lot of approximately 0.36 acres in area. The property contains Pioneer Hall, formerly the American Legion Hall, and the Community Center, formerly the Women's Civic Improvement Club Building, both community buildings managed by the Ashland Parks and Recreation Department.

The Community Center is individually listed on the National Register of Historic Places as the "Women's Civic Improvement Club Building".

Pioneer Hall, formerly known as the American Legion Hall, was built in 1920 by Gwin S. Butler as a model "Pioneer Store." The construction was not typical of typical pioneer log buildings, which would have been rough hewn, but is of a later style that was popular in the early 1910's to the 1930's. The building is made of peeled pine logs spiked together, and is built on a slab floor; sometime in the 1940's an addition was placed on the back of the building and a kitchen and restrooms were added.

85 Winburn Way (39 1E 09BC Tax Lot 3000)

The parcel is roughly rectangular and has an area of approximately 0.29 acres. The property currently contains a café building previously known as the Lithia Park Café or Creek View Café. County records indicate that the block building is currently approximately 1,064 square feet and dates to approximately 1950. County records also note a 347 square foot accessory structure and covered patio area.

Ice Rink/Parking Lot (part of 39 1E 09 Tax Lot 100)

Part of the larger Lithia Park parcel, this site contains a public parking lot which is used during the spring and summer months. During the winter months, it is converted to use as a community ice skating rink.

Winburn Way is paved along the subject properties' full frontage with curbs, gutters and curbside sidewalks in place. Ashland Creek, a fish-bearing riparian stream, and the National Register of Historic Places-listed Lithia Park are located to the east, just across Winburn Way, and the historic Skidmore Academy District residential neighborhood is located along Granite Street to the west. Topographically, there is a significant ridge separating the subject properties from the homes on Granite Street, resulting in an elevation gain of as much as 24 feet between the ground level of the subject properties and the backyards above.

The approvals being requested are as follows:

1. Comprehensive Plan Map Amendment and Zone Change

The applicants propose to change the subject properties' Comprehensive Plan Map and Zoning designation from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D). As proposed, they would include the properties within the Detail Site Review Zone and subject it to all of the standards thereof. The property would also be subject to the Site Design and Use Standards' Historic District Development Standards. However, the applicants are not proposing to include the property within the Downtown Design Standards Zone as they assert that these standards seek a specific "Main Street" style of building design more appropriate to the Plaza and downtown core than to this location at the periphery of the downtown, at the edge of Lithia Park.

2. Site Review

The proposal includes the construction of a 10,632 square foot café-restaurant building consisting of four floors:

- A 3,158 square foot basement not visible from the exterior which is described as providing for a variety of typical restaurant needs such as storage, mechanical equipment, food preparation, bathrooms, wine cellar and possibly dining. The application notes that, as with all of the building's floors, a large portion of this floor area is dedicated to the building's central entry feature and circulation space.
- A 3,965 square foot main floor provides the building's primary entrance as well as covered/heated outdoor assembly space for winter patrons (i.e. ice rink warming, dining and viewing areas).
- A 3,148 square foot upper floor primarily dedicated to dining and assembly space. Like the main floor, this second floor has a covered and heated

outdoor deck to accommodate assembly of patrons to view the ice rink, as well as a larger dining area for special events or peak periods.

- A 361 square foot roof-top garden area which the application describes as a partially covered observation deck for viewing Lithia Park while allowing natural light into the building.

3. Physical and Environmental Constraints Review Permit

A portion of the building's rear first floor encroaches into the hillside by approximately five feet and the second floor by an additional five feet with the idea that the building "*forms' itself into the slope as it recesses.*" In addition, the application notes that there will be some vertical and near vertical cuts that will only minimally intrude into the base of the bank, and only as required to construct the building. The applicants state that the proposed 250 square foot encroachment into the sloped embankment is the minimum necessary to provide an adequate buildable area and comply with city design and safety standards and the applicants' goals. The application concludes that "*There will, in essence, not be any grading or fills placed on this hillside, it will either remain in its existing state or, if interrupted, simply about the proposed structure.*"

4. Tree Removal Permit to Remove Five Trees

With the redevelopment of the 85 Winburn Way site, the applicants propose to remove five trees and relocate two others. The trees to be removed are identified as a 16-inch Pine (#1), two 11-inch Pines (#2 and #3), and a 13-inch Pine (#4) along the south property line and a 13-inch Apple (#9) on the north side of the property. The project's arborist, Tom Myers, notes that conifers such as the four pines to be removed are ill-suited to placement on the south side of a building, and that the apple's location within the canopy of a larger Oak (#10) will reduce competition for resources and thus benefit the Oak.

The two trees to be relocated are the two six- to seven-inch Maples (#5 and #6) located in the circular planters along the sidewalk. These trees are tentatively proposed to be relocated near the proposed skating rink building near Nutley Street.

5. Development Agreement

As part of the application, the applicants propose to utilize a Development Agreement to provide consolidated review and action on the various City approvals necessary for the project. Such an agreement is provided for by statute and will specifically enumerate the special terms, conditions and requirements associated with the development, including a specific timetable for completion of the various component pieces of the proposal, and could be adopted as an ordinance by Council subsequent to reaching a land use decision.

II. Project Impacts

The application includes a request for a Comprehensive Plan Map Amendment and Zone Change for four tax lots with a total area of approximately 1.57 acres. The project requires Site Review approval since it involves the construction of a new building in the proposed C-1-D zoning district. A Physical & Environmental Constraints Review Permit to allow development of Hillside Lands is included because the application disturbs Hillside Lands with slopes in excess of 25 percent. A Tree Removal Permit is required to remove five trees greater than six-inches diameter-at-breast-height, and to relocate two other trees. In addition, the project includes review of a Development Agreement between the applicants and the City of Ashland to regulate the timely development of the site according to conditions imposed through the review of the land use application.

Comprehensive Plan Map Amendment and Zone Change procedures require a public hearing before the Planning Commission. ALUO 18.108.060.C.2 generally provides for the Commission's decisions on these types of actions to be the final decision of the City, subject to Council appeal. However, in this instance, because the City owns two of the four tax lots involved in the request and the application includes a Development Agreement which must be signed and adopted by Council, the Council will ultimately have opportunity to review the Planning Commission's decision and may opt to call up the entire action pursuant to AMC 18.108.070.B.5 in order to consider the Development Agreement alongside the other components of the application.

A. Comprehensive Plan Map Amendment and Zone Change

The applicants propose to change the subject properties' Comprehensive Plan Map and Zoning designations from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D). As proposed, they would include the properties within the Detail Site Review Zone and subject it to all of the standards thereof. The property would also be subject to the Site Design and Use Standards' Historic District Development Standards. However, the applicants are not proposing to include the property within the Downtown Design Standards Zone as they suggest that these standards seek a specific "Main Street" style of building design more appropriate to the Plaza and downtown core than to this location within the park. When the Historic Commission considered whether the property should be left out of the Downtown Design Standards overlay at their discussion of the proposal at the pre-application level, they concurred with the applicants that the "Main Street" style of buildings intended in these standards would not be suited to this location.

The approval of a Comprehensive Plan Map Amendment and Zone Change requires that the applicants demonstrate one or more of the following:

- a) *The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan;*
- b) *A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances;*

- c) *Circumstances relating to the general public welfare exist that require such an action;*
- d) *Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G); or*
- e) *Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G). The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years.*

The materials provided indicate that the applicants are not requesting the Comprehensive Plan and Zoning Map Amendments based on any one specific criterion from the list above, but rather through a combination of these criteria based on the various and relevant goals and policies of the Comprehensive Plan.

Benefits/Public Need

In terms of benefits, the application asserts that the proposal would remove the uncertainty of the 85 Winburn Way café lot and the Roberts/Mattson parking lot potentially developing as contemporary residences with garages along Winburn Way, enclosed walls adjacent to the sidewalk and lifeless or auto-centric architecture as would be allowed according to their current residential zoning. The application suggests that even if homes on these properties were architecturally attractive, residential functions would still negatively impact the streetscape with street-facing garages, driveway pads, a loss of on-street parking, pedestrian conflicts with vehicles, private walls along the sidewalk's edge, no sense of entry, gated entrances and such. The applicants argue that by changing the designation to commercial, all developments would be subject to citizen involvement through discretionary review by the Historic and Planning Commissions during the Site Review process and would be subject to the City's many design standards. The application further suggests that removing the potential for residential development on these currently residentially zoned lots is in keeping with the Comprehensive Plan goal "*that preservation of historic sites and buildings provides both tangible evidence of our heritage and economic advantages.*"

Change in Circumstances

The application goes on to contend that there has been a substantial change in circumstances since the existing zoning and comprehensive plan designations were established, explaining that as Ashland's economy has transitioned from the timber industry to a more tourism-focused economy the downtown has been revitalized through careful planning. It goes on to note that the citizenry recognizes the importance of careful land use planning and the

necessity of protecting the tourist industry by ensuring that lands, especially those within the heart of the city, are correctly zoned and have various levels of public discretion in areas such as zoning, building design, landscape architecture, tree preservation and placemaking. The application suggests that with that in mind, the residential zoning is inappropriate and the block should be rezoned for commercial use to match the existing use and perception of this block, formalizing the existing development pattern while simultaneously prohibiting non-discretionary single family buildings that would threaten the Winburn Way streetscape.

Public Welfare/Benefits

The application has identified a number of ways in which the proposal would benefit the general public welfare:

- Improvements to the Pioneer Hall courtyard including a new seating wall to provide an improved assembly space.
- The addition of a skate rink facility which would include space for public bathrooms, administrative offices, skate storage, and zamboni (ice resurfacers) parking, in addition to drop-off space and plaza/courtyard spaces with seating for assembly and viewing the rink's various recreational activities.
- Widened sidewalks in various locations along Winburn Way bringing the corridor more into compliance with Ashland's Street Standards, a large entry plaza at 85 Winburn Way for assembly, and an unloading zone for deliveries out of the main travel lane.
- Replacing the somewhat blighted existing structure with a new attractive building.

Residential Zoning Density

As the proposal involves a change in zoning from Single Family Residential to Commercial Downtown, it will not negatively impact the City's commercial land supply. No residential units are proposed with the application.

Staff Responses & Recommendations

Uncertainty of Residential Development

The potential that these residentially-zoned lots might eventually develop according to the required design features; setbacks; parking requirements; use, lot coverage, solar access, building height, fence height, and maximum permitted floor area limitations which apply to all properties in their long-established residential zoning designation poses no great concern in staff's view, and removing this potential does not in itself seem to constitute a public need worthy of re-zoning the block.

Changing Circumstances

While the applicants suggest that the proposal is partly in response to changing circumstances relating to both the perceived and established uses of the block, in staff's view the current residential zoning seems well-suited to the uses established for the Ice Rink, Pioneer Hall and the Community Center as it explicitly provides for "parks and recreational facilities" as permitted uses. The existing Roberts/Mattson gated private parking lot is a grandfathered non-conforming use under the current zoning, and would remain non-conforming with the shift to Commercial zoning which allows for parking lots only as a public or quasi-public use, not a gated private facility. The fact that this lot's future use, or any impacts thereof, if it were to develop to a full commercial potential are not addressed in the application is for staff more of a concern than its potential for residential development.

In staff's view, the application fails to provide a compelling basis for the re-zoning of either the Roberts/Mattson lot, the Ice Rink lot, or the Pioneer Hall and Community Center lot, and we accordingly recommend that the Planning Commission limit the requested re-zoning solely to the café lot.

Benefits

With regard to the 85 Winburn Way lot, staff believes that the applicants have made a comprehensive evaluation of Winburn Way's pre-existing uses and their relationships to Lithia Park, one another and the streetscape, and the improvements they offer reflect a realization that in improving the streetscape, Pioneer Hall courtyard, and the Ice Rink facilities, the proposal would have significant mutual benefits for the applicants and the city. Staff generally concurs with this evaluation, although we would note that a number of the benefits listed such as sidewalk improvements would be required with the approval anyway.

The existing café use, while it has seemed to struggle historically and more so with the declining economy in recent years, is long-established as a Conditional Use on the basis that a significant portion of its clientele were primarily visitors to the park and the downtown for whom the café was a secondary destination, thus generating fewer vehicle trips and lesser parking demand than a similar stand-alone restaurant outside the heart of the city. As such, the previously approved Conditional Use Permit required that only seven automobile and seven bicycle parking spaces be required for 90 seats, a 16-space parking Variance. Staff believe that re-zoning and re-developing the site as proposed could prove beneficial in that it would revitalize the café use while creating a much stronger relationship with the Ice Rink, Pioneer Hall, Lithia Park and the Winburn Way streetscape, and we further believe that on-site parking would not be the best use of the site.

Impacts/Parking

The applicants note that they have conducted an informal parking study over the course of the past year, and have concluded that parking is in high demand later in the day and in the evenings during the peak summer season, and that generally parking demand fluctuates seasonally, throughout the day based on time, and also according to the weather conditions, with a lesser demand in the winter. They suggest that there is a lesser parking demand during the winter months and that this reflects the fact that there are fewer customers in the downtown, and that the presence of the café-restaurant and associated improvements to

enhance the Ice Rink could serve to attract customers during what would otherwise be a period of lesser demand.

While staff recognize that there are benefits to the proposal, we strongly believe that the Planning Commission will need to weigh these benefits against likely impacts in considering the request. And while there may be a seasonal fluctuation in parking demand, parking remains in high demand for a significant portion of the year and must be considered not only in terms of the periods of lesser demand but also for the periods of high demand if a significant additional demand is to be added to the downtown mix. Given the location, the two most significant impacts that staff have identified for the proposal are its architectural compatibility with the surrounding historic district including the Granite Street neighborhood, Winburn Way streetscape and Lithia Park, which is discussed in terms of the Site Review requirements below, and the impacts to parking in the immediate vicinity which is frequently at a premium, particularly during the peak season.

Generally speaking, in a downtown setting seeking to provide a high level of urban design where buildings and streetscapes are crafted to create a pedestrian friendly environment with storefront continuity, providing parking on-site is not the best option. The placement of parking and circulation on site in these areas can work against other adopted policy documents and established standards intended to keep designs human scale and pedestrian friendly. This is a reason behind there being no off street parking required for projects within Ashland's existing downtown zone (C-1-D), and as proposed no parking would be required for the new restaurant/café. Based on the 189 seats identified in the application for the proposed restaurant, it would typically generate a parking demand of 48 spaces ($189/4 = 47.25$). Even considering the previously approved Variance which allowed a 16 space reduction in required parking for a café on the site based on its being a secondary destination who's primary clientele were already in the area as visitors to the park or other nearby downtown destinations, the proposal would bring with it a demand for 32 parking spaces which would need to be absorbed off site, elsewhere in the vicinity.

Staff believes this to be a significant impact given the already high parking demand in the vicinity, especially for a project which purports to benefit the surrounding businesses, and for the project to be considered beneficial when considered in aggregate, we believe that the parking impacts must be better addressed, if not on site then by other means.

In-Lieu-of-Parking Fees

In other communities, in-lieu-of-parking fees are becoming a common mechanism, especially in downtowns, allowing developers to pay to provide public parking elsewhere rather than providing it on their project site. In a review of planning studies on this subject, city officials from communities that incorporate in-lieu fee cited several reasons why they require developers to pay the fees rather than to provide the parking on-site. Requiring the fees:

- discourages the proliferation of surface parking lots;
- encourages shared parking;
- emphasizes continuous shop fronts along the street;
- improves pedestrian and bicycle circulation;
- reduces traffic congestion;

- reduces the demand for variances; and
- improves urban design

In discussions with the applicants, staff has strongly suggested that they consider this as a means to offset the project's parking impacts by contributing into a fund established to address downtown parking need. At this time, the applicant has chosen not to consider an in-lieu-of-parking fee with the application and, in staff's opinion, the application is noticeably absent in its discussion of mitigating for the increased demand the proposal will place on the downtown parking supply and on-street parking in the adjacent neighborhood.

In staff's research, while there is a range of methods for determining the precise fee, these fees are typically paid by a developer on a per space basis with fees generally ranging from \$10,000-\$45,000 per space, with the average falling in the \$15,000-\$20,000 per space range (based upon a 2003 study of 25 cities within the U.S.). The 145 space, three-level downtown parking structure located along Hargadine Street had a cost per parking space of approximately \$16,350.00. This figure does not include the cost of land.

If the Planning Commission concurs with staff that the parking impacts of the proposal are substantial enough that they must be offset if the project is to be considered on the whole as beneficial and merit the requested Comprehensive Plan and Zoning Map Amendments, a condition could be added to require that the applicant pay an in-lieu-of-parking fee to offset the parking impacts of the proposal by providing for future parking or transportation improvements within the downtown. The Planning Commission would need to determine whether to reduce the number of parking spaces considered for the in-lieu-of-parking fee based on the previously approved Variance, and could thus require the fee be paid for between 32 and 48 spaces, to adjust the fee based on seasonal fluctuation in parking demand cited in the application, or to take other factors into account.

B. Site Review

The building as proposed for the 85 Winburn Way site is a 10,632 square foot café-restaurant with four levels:

- A 3,158 square foot basement not visible from the exterior which is described as providing for a variety of typical restaurant needs such as storage, mechanical equipment, food preparation, bathrooms, wine cellar and possibly dining.
- A 3,965 square foot main floor provides the building's primary entrance as well as covered/heated outdoor assembly space for winter patrons (i.e. ice rink warming, dining and viewing areas).
- A 3,148 square foot upper floor primarily dedicated to dining and assembly space. Like the main floor, this second floor has a covered and heated outdoor deck to accommodate assembly of patrons to view the ice rink, as well as a larger dining area for special events or peak periods.

- A 361 square foot roof-top garden area which the application describes as a partially covered observation deck for viewing Lithia Park while allowing natural light into the building.

The application materials describe the building as being designed for a human scale experience, with wide sidewalks and a recessed entry creating a large assembly opportunity between the building and street's edge similar to that created with the design of the Community Development and Engineering Services building at 51 Winburn Way. The submittals indicate that the building offers a number of pedestrian elements in the form of wide sidewalks, spaced tree canopies, and covered and uncovered seating space that are generally protected from the weather. The proposed building entrance sits 20 feet from the property line and 31 feet from the back of curb, and is surrounded by smaller gabled volumes which serve to create a semi-enclosed plaza space at the front of the building. The plaza space is to be treated in a scored colored concrete consistent with City sidewalk standards within the historic district. Outdoor dining and warming areas are provided along the skating rink's north edge to cement a relationship between these two sites and uses. Outdoor plaza space for the front plaza and south ice rink plaza totals 1,300 square feet, exceeding the public space requirements of the Detail Site Review Zone, and includes seating, a mixture of sun and shade areas, protection from wind and inclement weather, and outdoor eating areas.

The proposed building, which is approximately 125 feet long, includes two smaller gabled masses near the street which are intended to be respectful of the pattern created by Pioneer Hall and the Community Center. These provide distinctive changes in the building's façade and serve to delineate a plaza space near the building's main entry. A rock veneer base on the smaller gabled elements which bookend the front plaza gives way to glass used extensively around the plaza space, drawing people to the main entry. The use of windows and glass, which exceeds the required 20 percent of the street-facing wall area, provides natural light while serving to accentuate a fluid relationship between the public and private spaces. The second floor elements are cantilevered approximately eight feet out over the entry and plaza area, providing protection from sun and rain for pedestrians. Additional assembly space on the main floor and second floor provide viewing areas for the ice rink.

Historic District Design Standards - Mass, Bulk and Scale

In addition to the Basic Site Review, Detail Site Review and Large Scale Development Design Standards, projects within the Historic Districts are also considered in terms of the Historic District Development Standards which call for consideration of building heights, scale, massing, setbacks, roof shapes, rhythm of openings, platforms, directional expression, sense of entry, and avoidance of imitation of previous architectural styles in building design to maintain a consistency with the long-established underlying architectural themes of each district. As this is being written, the full Historic Commission has not reviewed the application for compliance with these standards at a formal meeting, however the Historic Commission's Review Board did provide the following comments at the pre-application level:

- 1) *Bulk and scale is too massive in relation to adjacent single-story historic buildings; too much length, height and number of stories (3).*

- 2) *Roof Shapes: Too many competing roof types and shapes.*
- 3) *Zoning: Changing the zone to allow commercial, professional offices and retail outlets seems contrary to Lithia Park's historic amenities and public needs and desires. A café/coffee shop/restaurant is historically compatible.*
- 4) *The architecture of the proposed building raises compatibility and style issues for this historic site. The competing architectural themes of Craftsman, Prairie, Modern, Industrial, etc. are too busy and need to be simplified. This also holds true for the complexity and number of building materials proposed. In particular, the steel arches with glazed covering seems iconic and grandiose in nature and does not fit this historic park setting.*

Given that the design is largely unchanged since the August 2010 pre-application, staff believe that these comments are likely to again be voiced by the Commission at its November 3rd meeting. Their formal recommendations will be provided at the Planning Commission meeting.

In staff's view, the Historic Commission Review Board's preliminary comments warrant careful consideration. The building is a large one, its design iconic, and considerations of its compatibility in terms of its mass, bulk and scale are likely to be a key decision point in considering the application. The Planning Commission will ultimately need to determine whether the unique physical constraints of the site and the nature of the building and its proposed use in any way serve to mitigate these issues. Staff believes that a finding could be made that while the building is in a prominent location relative to historic Lithia Park, physical constraints of this location including the Ashland Creek riparian corridor and Winburn Way street corridor to the front, the steeply-sloped and heavily-treed hillside to the rear, and skating rink/parking lot to the side mitigate the building's bulk, mass, scale and iconic nature to a degree by providing a spatial buffer and perceived separation from surrounding uses on three of its four sides, and that the applicants' efforts to integrate the site and its proposed improvements and uses with the Ice Rink, Pioneer Hall and Winburn Way pedestrian corridor are reflective of the unique role they propose to establish for the building within the park and streetscape. In considering these issues, the Planning Commission may wish to consider the submittals provided; while the application materials describe a model none has been provided for review with the application submittal and despite the Historic Commission Review Board's concerns with the building's bulk, scale, roof shapes, and the number of architectural styles incorporated in the design, no streetscape perspective has been provided to illustrate the building design in context with its surroundings.

Staff believe that the model described in the application and a scalable streetscape perspective showing proposed building as it would relate to the existing buildings along Winburn Way would greatly assist in considering the proposed building within the context of its surroundings. If the Planning Commission concurs, we would recommend that you request that these items be provided for review at the December meeting and continue the hearing until next month.

C. Physical and Environmental Constraints Review Permit

As noted above, a portion of the building's rear first floor encroaches into the hillside by approximately five feet and the second floor by an additional five feet with the idea that the building "*'forms' itself into the slope as it recesses.*" In addition, the application notes that there will be some vertical and near vertical cuts that will only minimally intrude into the base of the bank, but only as required to construct the building. The applicants assert that the proposed 250 square foot encroachment into the sloped embankment is the minimum necessary to provide an adequate buildable area and comply with city design and safety standards and the applicants' goals. The application concludes that "*There will, in essence, not be any grading or fills placed on this hillside, it will either remain in its existing state or, if interrupted, simply about the proposed structure.*"

Staff believes that some encroachment into hillside lands could be appropriate given the shallowness of the buildable area of the lot in relations to the slope, and the minimal amount of disturbance described in the application would likely fall within the exemption in AMC 18.62.030.E which excepts additions of less than 300 square feet to the existing building footprint from consideration as development were the site not being fully redeveloped.

However, in considering this request, staff noted that while City GIS data identifies the sloped portion of the rear of the property as having slopes greater than 35 percent, which constitute Severe Constraints Lands, the application materials provided do not directly address these slopes nor do they include the engineering geologic study required for Severe Constraints Lands in AMC 18.62.100.D. In addition, while the applicants have provided a letter from an engineer addressing required temporary shoring of the existing hillside during development, this letter has been provided in an unstamped draft format and provides little assurance for staff.

Without plans clearly identifying the proposed hillside disturbance relative to the specific slopes involved, the requisite engineering geologic study, and final supporting documentation stamped by a licensed professional engineer, staff do not believe there is adequate material provided to fully consider this component of the application and we would accordingly recommend that the applicants be asked to provide this information for review in December.

D. Tree Removal Permit to Remove Five Trees

The applicants propose to remove five trees and relocate two others. The trees to be removed are identified as a 16-inch Pine (#1), two 11-inch Pines (#2 and #3), and a 13-inch Pine (#4) along the south property line and a 13-inch Apple (#9) on the north side of the property. The project's arborist, Tom Myers, notes that conifers such as the four pines to be removed are ill-suited to placement on the south side of a building, and that the apple's location within the canopy of a larger Oak (#10) will reduce competition for resources and thus benefit the Oak and allow for the installation of the necessary electrical facilities and a new seating wall planned for the Pioneer Hall courtyard.

The application notes that the trees proposed for removal are to allow the property to develop in accordance with the project's various objectives and City standards. It goes on to indicate that these trees sit within the proposed building footprint or would cause conflict with construction and would not likely survive the construction. The removals are noted to have no negative impacts on erosion, soil stability, flow of surface waters, protection of adjacent trees, existing windbreaks, or to tree canopy within 200 feet of the subject property. The application indicates that 11 mitigation trees will be provided and will create a diverse canopy of trees on the site.

The two trees to be relocated are the two six- to seven-inch Maples (#5 and #6) located in the circular planters along the sidewalk. These trees are tentatively proposed to be relocated near the proposed skating rink building near Nutley Street.

Staff has noted that at least three of the site's trees are shown with protection zone's which extend well into the building footprint, and the tree protection fencing proposed is quite limited due to the constraints posed by site topography. The project's arborist has provided specific recommendations to this end and will need to be on site to oversee the treatment of roots encountered with site grading. As this is being written, the Tree Commission has yet to review the application, and a condition has accordingly been recommended below that their recommendations be made conditions of approval and incorporated, if necessary, into a revised plan.

E. Development Agreement

As part of the application, the applicants propose a Development Agreement to provide consolidated review and action on the various City approvals necessary for the project. Such an agreement specifically enumerates the terms, conditions and requirements associated with the development, including a specific timetable for completion of the various component pieces of the proposal, and could be adopted as an ordinance by Council subsequent to a final land use decision.

In staff's view, any rezoning of the site would need to be considered in light of the appropriateness of potential uses for the existing context which includes the adjacent Lithia Park, the nearby public buildings and the historic neighborhood, and as such we believe unrestricted commercial use in terms of the permitted uses in the C-1 district would be a significant concern for many. Permitted uses within the district include mortuaries and crematoriums, kennels and veterinary clinics, nightclubs and bars, theaters, copy centers, professional offices, and retail uses as well as restaurants. In staff's view, a key benefit of the proposal is the enhancement of the long-established café and of the mutually beneficial relationship it has with the surrounding uses.

Staff would accordingly recommend that the Development Agreement be carefully crafted to specifically limit future use of the site to those uses appropriate to the mutually beneficial relationship between the buildings, park, skating rink and streetscape which is at the heart of the application.

Staff also believe that the Development Agreement will need to consider not only the timeline of construction, but its staging, to avoid unforeseen extended disruption of circulation or parking within the downtown during the peak season.

III. Procedural - Required Burden of Proof

The criteria for Comprehensive Plan Map Amendment and Zone Change approval are described in AMC 18.108.060.B as follows:

1. Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that one or more of the following:
 - a. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or
 - b. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or
 - c. Circumstances relating to the general public welfare exist that require such an action; or
 - d. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G); or
 - e. Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G).
The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Sections D and E do not apply to council initiated actions.

The criteria for Site Review approval are described in 18.72.070 as follows:

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.

- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)

The criteria for a Physical & Environmental Constraints Review Permit are described in AMC Chapter 18.62.040.I , as follows:

- 1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
- 2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
- 3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.

The criteria for a Tree Removal Permit are described in AMC Chapter 18.61.080, as follows:

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 - 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 - 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
 - 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other

applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

IV. Conclusions and Recommendations

The application includes a request for a Comprehensive Plan Map Amendment and Zone Change from Single Family Residential to Commercial Downtown for four tax lots totaling approximately 1.57 acres in area located at 59-85 Winburn Way. The proposal requires Site Review approval since it involves the construction of a new 10,632 square foot café-restaurant building in the proposed C-1-D zoning district. A Tree Removal Permit is required to remove five trees greater than six-inches diameter-at-breast-height and to relocate two others. In addition, the application involves a Physical & Environmental Constraints Review Permit for development of Hillside Lands as it involves development disturbance on Hillside Lands with slopes in excess of 25 percent.

In staff's opinion, the application's consideration of a change in the property's single family residential (R-1-7.5) zoning is a legitimate request. A viable use for the property and existing structures has languished for more than three decades, consisting of a handful of proprietors with limited operations and questionable success. Consequently, it is reasonable that an existing or future property owner would desire to remove the cloud of uncertainty presented by the property's current pre-existing, non-conforming use status.

The location of the proposal, however, is at a key point of transition between the downtown core and the community-oriented uses provided by Lithia Park, the Ice Rink, Pioneer Hall and the Community Center. Converting this side of the street to a downtown commercial zoning designation without clearly understanding and addressing impacts on the area's parking supply and unique historic character could result in irreversible, undesired changes to an area of significant community interest. Accordingly, staff has summarized the main elements of the proposal and reiterated key concerns raised earlier in the report, and

recommends that the application be continued until information and answers to these issues can be adequately addressed.

Comprehensive Plan Map Amendment, Zone Change and Development Agreement

Staff believe that a re-zoning of this nature and magnitude merits a comprehensive master planning effort which includes a thorough analysis of all potential impacts of the proposal, including but not limited to a complete consideration of the likely impacts to a well-used downtown parking supply in the immediate vicinity, and which demonstrates a clear public benefit. Inclusion within the C-1-D district, with no requirement to provide parking on site imparts a significant monetary value to the applicants, and the added demand to the downtown parking situation which comes with re-zoning must be fully considered and these impacts addressed. We do not believe that the application as it currently stands adequately addresses the parking impacts or sufficiently discusses the potential impacts of development of the Roberts/Mattson lot, nor do we believe that alleviating the uncertainty of residential development is a sufficient benefit to merit approval of a zone change for all four properties proposed.

Our recommendation would be that the Comprehensive Plan Map Amendment and Zone Change be limited solely to the 85 Winburn Way café lot, as we believe that redevelopment of this site has demonstrable public benefits including the ice rink support building the applicants propose to construct and more broadly in enhancing the long-established café use and the mutually beneficial relationship it shares with surrounding uses. However, in staff's view these benefits can only be fully realized if the parking impacts of the proposed building are offset, and we accordingly recommend that the applicants be required to pay in-lieu-of-parking fee rather than providing parking on-site in order to contribute toward the cost of future parking facilities or other transportation improvements in the downtown.

Development Agreement

Staff would recommend that the Development Agreement include:

- 1) A delineation of appropriate uses for the proposed building given its unique location and relationship with surrounding uses; and
- 2) A clear explanation of construction timing and staging to minimize off-site disturbance in terms of impact to the surrounding properties and streetscape, including minimizing extended disruptions to parking and pedestrian and vehicular circulation on Winburn Way during the peak season.

Site Review, Physical & Environmental Constraints Permit and Tree Removal Permits

Staff believe that the issues previously raised by the Historic Commission's Review Board at the pre-application level with the building's bulk, scale, roof shapes and mixture of architectural styles are valid concerns. The Planning Commission ultimately must determine whether the unique physical constraints of the site and the nature of the building and its proposed use mitigate these issues. Staff believes that a finding could be made that while the building is in a prominent location relative to historic Lithia Park, physical constraints of this location including the Ashland Creek riparian corridor and Winburn Way street corridor to the front, the steeply-sloped and heavily-treed hillside to the rear, and skating rink/parking lot to the side mitigate the building's bulk, mass and scale to a degree by providing a perceived separation from surrounding uses on three of its four sides, and that the applicants'

efforts to integrate the site and its proposed improvements and uses with the Ice Rink, Pioneer Hall and Winburn Way pedestrian corridor are reflective of the unique role they propose to establish for the building within the park and streetscape.

However, staff believe that before the Commission fully consider the matter, additional submittal materials are needed 1) to illustrate the building's design in context within the existing streetscape; and 2) to allow for adequate consideration of the Physical and Environmental Constraints Review Permit given that the proposal involves the disturbance of Severe Constraints Lands.

Conclusion

In staff's view, the key decision points in considering the application are likely to be:

- The benefits of the proposal weighed against its impacts, most notably parking
- The mass, bulk and scale of the building and its compatibility with its surroundings
- Whether to limit the zone change solely to 85 Winburn Way.

Staff recommend that the Commission continue the application and provide direction to the applicants with regard to the additional information necessary to reach a decision, including a streetscape perspective of the proposed building's design as it relates to existing buildings on Winburn Way, any further information the Commission feels is necessary to address parking impacts, and the required geotechnical study for a Physical & Environmental Constraints Review Permit for the development of Severe Constraints Lands.

However, should the Planning Commission feel that sufficient information has been provided to reach a decision at this point, and concur with staff on the other items discussed above, we would recommend that the Comprehensive Plan Map Amendment and Zone Change be limited only to the 85 Winburn Way café lot, and that the applicants be required to pay an in-lieu-of-parking fee to offset the parking impacts of the proposal. We would further recommend that the Commission attach the condition listed below to any approval, and forward a recommendation to Council that the proposed Development Agreement detail the minimization of off-site disturbances relating to the timing and staging of the project and clearly identifying those uses appropriate to this unique location.

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this approval shall be submitted and approved prior to issuance of a building permit.
- 3) That a sign permit shall be obtained prior to installation of any new signage. All signage shall meet the requirements of Chapter 18.96.

- 4) That a geotechnical report consistent with the requirements of AMC 18.62.100.D prepared by a licensed geotechnical expert, and stamped engineering addressing shorting of the hillside with construction, shall be provided for the review and approval of the Staff Advisor and Public Works Director at least twenty days prior to Council consideration of the Development Agreement.
- 5) The approved uses of the site shall be limited to those explicitly established in the Development Agreement.
- 6) That prior to the submittal of a building permit:
 - a) All easements, including public and private utility easements, mutual access easements, public pedestrian access easements, and firefighter access pathway easements shall be identified in the building permit submittals.
 - b) That a stormwater drainage plan shall be submitted for the review and approval of the Planning, Building, and Engineering Divisions.
 - c) Engineered construction drawings for the improvements to Winburn Way shall be provided for the review and approval of the Planning and Engineering Departments prior to building permit submittal and prior to any work within the street right-of-way or pedestrian corridor. The final engineered designs shall include details for full-drop apron wings where the sidewalk crosses the driveway to the Ice Rink. The applicants shall obtain necessary Public Works permits and inspections for work to be completed within the public right-of-way; concrete color selection shall be the standard approved color within Ashland's Historic Districts.
 - d) A final utility plan for the project shall be submitted for the review and approval by the Planning, Engineering and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Utility installations, including any necessary fire protection vault, shall be placed outside of the pedestrian corridor, and necessary public utility easements on the property shall be shown on the building permit submittals.
 - e) The applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. The plan shall address maintaining line truck access to the three-phase transformer free of any obstructions including the trash enclosure, and shall address how the existing services to the Community Center and Pioneer Hall are to be relocated. This plan shall be reviewed and approved by the Planning, Building, Engineering and Electric Departments prior to building permit submittal. Transformers and cabinets shall be located outside of the

pedestrian corridor, in those areas least visible from the street while considering the access needs of the Electric Department.

- f) That exterior building materials and paint colors shall be compatible with the surrounding area, and sample exterior building colors shall be provided with the building permit submittals for review and approval of the Staff Advisor. Bright or neon paint colors shall not be used in accordance with II-C-2f) of the Detail Site Review Standards.
 - g) That the windows on the ground floor shall not be tinted so as to prevent views from outside of the building into the interior of the building. The building plan submittals shall also include specifications for treatment of the glass on the central glass roof element demonstrating that it shall not create glare to surrounding properties.
 - h) That the foundation shall be designed by an engineer or architect with demonstrable geotechnical design experience in accordance with 18.62.080.F.
- 6) That prior to the issuance of a building permit:
- a) That the recommendations of the Tree Commission's November 4th, 2010 meeting shall be conditions of approval where consistent with applicable standards and with final approval by the Staff Advisor, and shall be incorporated into a revised Tree Preservation and Protection Plan (if necessary).
 - b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to the removal of the five trees to be removed from the site or the two trees to be relocated, and prior to site work including demolition, storage of materials and/or issuance of a building permit. The Verification Permit is to inspect the identifications of trees to be removed and the installation of tree protection fencing to protect the trees to be retained. The tree protection fencing shall be installed according to the approved Tree Protection and Removal Plan, inspected and approved by the Staff Advisor prior to site work including demolition or tree removal, storage of materials and/or issuance of a building permit.
 - c) That the applicants shall obtain approval of a Demolition/Relocation Permit through the Building Division and any necessary inspections associated with the demolition of the existing structure.
 - d) The applicant shall provide a revised Landscape/Irrigation Plan which addressed the Water Conserving Landscaping Guidelines and Policies of the Site Design and Use Standards, including irrigation controller requirements to allow multiple/flexible calendar programming. The revised landscape plan shall include planting details for the green roof with plant selections suited to Ashland's climate and consistent with the Water Conserving Landscaping Guidelines.

- e) All exterior lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent land. Lighting details, including a scaled plan and specifications detailing shrouding, shall be submitted to the Staff Advisor for review and approval with the building permit submittals.
 - f) All mechanical equipment shall be screened from view from the Winburn Way streetscape. The locations of mechanical equipment and any associated screening shall be shown on the site plan and elevations in the building permit submittals.
 - g) The requirements of the Building Division shall be satisfactorily addressed, including but not limited to requirements that the grease interceptor be relocated to an area where it can be serviced during business hours and which is less susceptible to odor during servicing.
 - h) The requirements of the Ashland Fire Department shall be satisfied, including that all addressing shall be approved prior to being installed; that an approved firefighter access pathway be provided and maintained around the building; that adequate fire flow be provided; that adequate clearance be provided around hydrants; that any gates, fences or other obstructions which could impede fire access shall be identified on all plans for the review and approval of the Fire Department; that high piled storage requirements be addressed in the permit submittals, if applicable to the final proposal; that a fire department connection and key box be provided; and that the trash enclosure not be placed under combustible overhangs or within five feet of openings.
 - i) That the tree protection, erosion control or shoring measures shall be installed according to the approved plan prior to any site work including demolition, storage of materials, issuance of an excavation permit and issuance of a building permit. The erosion control measures shall be installed as identified in the geotechnical report. Tree protection, erosion control and shorting measures shall be inspected and approved by the applicants' geo-technical engineer and the Staff Advisor prior to other site work, storage of materials, the issuance of an excavation permit, and/or the issuance of a building permit.
- 7) That prior to the issuance of a certificate of occupancy:
- a) That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure in accordance with 18.72.115.B.
 - b) All landscaping and the irrigation systems shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy.
 - c) That street trees, one per 30 feet of street frontage, shall be installed along the frontage of the development in accordance with the approved final landscaping plan and prior to issuance of the certificate of occupancy. All

street trees shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.

- d) All public and private improvements, including but not limited to the proposed café/restaurant and ice rink buildings, sidewalks, drop-off areas, street trees, street lighting, and Pioneer Hall courtyard improvements including the seating wall shall be completed in a manner consistent with the approved plans and development agreement prior to final occupancy approval.

ASHLAND HISTORIC COMMISSION
Type II – Recommendations to Planning Commission
November 3, 2010

CITY OF
ASHLAND

PLANNING ACTION: 2010-01239
SUBJECT PROPERTY: 59-85 Winburn Way
APPLICANT: Urban Development Services, LLC agents for
Jonathan & Esther Phelps

DESCRIPTION: A request for a Comprehensive Plan Map Amendment and Zone Change from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D), Physical & Environmental Constraints Review Permit, Tree Removal Permit to remove five trees, Site Review approval to construct a new 10,632 square foot café/restaurant, and a Development Agreement for the four properties located at 59-85 Winburn Way.

EXISTING COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **PROPOSED COMPREHENSIVE PLAN DESIGNATION:** Commercial Downtown

EXISTING ZONING: R-1-7.5, **PROPOSED ZONING:** C-1-D;

ASSESSOR'S MAP #: 39 1E 09 BC **TAX LOTS:** 2500, 2501, 3000 & part of #39
1E 09 TL 100

Commission Recommendations:

The Historic Commission unanimously recommended approval of the Site Review for this project, however they did wish to express concern that future uses of the property be considered for their compatibility with the adjacent historic resources in the Development Agreement. The Commission was supportive of staff's recommendation to limit the zone change to the 85 Winburn Way café-restaurant property.



From: Derek Severson
To: Derek Severson
Subject: Fwd: 85 Winburn Way project

>>> "Jed Meese" <jed@quest5.com> 8/11/2010 10:39 PM >>>

Hi Bill,

Last evening (08/10/2010) Celia and I met with Mark Knox and associates regarding the proposed Phelps project at 85 Winburn Way. We support the project as presented to us.

Best regards, Jed

Jed & Celia Meese
80 & 88 Granite St
Ashland, OR 97520
541 944-4447

“WINBURN WAY”

PROJECT DESCRIPTION & FINDINGS OF FACT

**FOR A
TWO-PART LAND USE APPLICATION REQUESTING A**

**COMPREHENSIVE PLAN MAP AMENDMENT
ZONE CHANGE**

**SITE DESIGN AND USE REVIEW PERMIT
PHYSICAL & ENVIRONMENTAL CONSTRAINTS PERMIT
AND
A TREE REMOVAL PERMIT**

SUBMITTED TO

**CITY OF ASHLAND PLANNING DEPARTMENT
ASHLAND, OREGON**

SUBMITTED BY

**URBAN DEVELOPMENT SERVICES, LLC.
485 W. NEVADA STREET
ASHLAND, OR 97520**

SEPTEMBER 16TH, 2010

**RECEIVED
SEP 22 2010**

City of Ashland

I. PROJECT INFORMATION:

PROJECT ADMINISTRATOR:

Storyville Coffee Co.
c/o Melanie Mularz
1101 Village Square Drive
Ashland, OR 97520

PROPERTY OWNERS:

Maya Viknius (TL 3000)
85 Winburn Way
Ashland, OR 97520

Hillery & Antoinette Roberts (TL 2501)
230 Piedmont Drive
Ashland, OR 97520

Peter & Linda Mattson (TL 2501)
940 Pinecrest Terrace
Ashland, OR 97520

City of Ashland (TL 100 & 2500)
c/o Martha Bennett, City Administrator
20 E. Main Street
Ashland, OR 97520

LAND USE PLANNING:

Urban Development Services, LLC
485 W. Nevada Street
Ashland, OR 97520
Phone: 541-482-3334

LEGAL:

Davis, Hearn, Saladoff & Bridges
515 East Main St.
Ashland, OR 97520

SURVEYORS:

Polaris Land Survey
P.O. Box 459
Ashland, Oregon 97520

DESIGNER:

Don Sever
174 Strawberry Lane
Ashland, OR 97520

ARCHITECTS:

Carlos Delgado Architects
545 "A" Street
Ashland, OR 97520

ENGINEERS:

Dew Engineering, Inc.
15 Bennett Avenue
Medford, OR 97504

Marquess & Associates
1120 E. Jackson
Medford, OR 97504

CONTRACTOR:

Davis Construction
PO Box 550
Ashland, OR 97520

ARBORIST:

Tom Myers
2040 Ashland Mine Road
Ashland, OR 97520

LANDSCAPE ARCHITECTS:

Covey Pardee, Landscape Architects
295 East Main Street
Ashland, OR 97520

TRANSPORTATION ENGINEER:

Kimberly Parducci, PE PTOE
S. Oregon Transportation Engineering
112 Monterey Drive
Medford, Oregon 97504

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SEP 22 2010

City of Ashland

PLANNING ACTION: There are *two* separate applications and a total of *five* entitlements being proposed with this application. Each application is briefly described below followed by a comprehensive explanation in the body of this report (beginning on page 10). In addition, a Development Agreement between the property owners and the City of Ashland is included that further addresses permitted and appropriate uses, development responsibilities, management responsibilities, easements arrangements, property line boundaries, various timing issues, construction phasing, lease arrangements, etc. The Development Agreement is an attempt to further clarify the details of the proposals noted herein.

APPLICATION 1

- **Comprehensive Plan Map Amendment** – Approval of a Comprehensive Plan Amendment to amend the Comprehensive Plan Map from “Single Family Residential” to “Downtown” pursuant to ALUO Chapter 18.108.060 B.

- **Zone Change** – Approval of a Zone Change to amend the Zoning Map from “R-1-7.5” to “C-1-D” pursuant to ALUO Chapter 18.108.060 B. (proposal does include the proposal to extend the Detail Site Review overlay, but not include the Downtown Design Overlay).

APPLICATION 2

- **Site Design and Use Review Permit** – Approval of a Site Review Permit for a new café / restaurant building pursuant to ALUO Chapter 18.72 and relevant provisions of the City of Ashland Site Design and Use Standards.

- **Physical & Environmental Constraints Permit (Hillside)** – Approval of a Physical & Environmental Constraints Permit to allow development on lands exceeding 25% slope pursuant to ALUO Chapter 18.62.040 and relevant provisions of Chapter 18.62.080.

- **Tree Removal Permit** – Approval of a Tree Removal Permit to allow the removal of five trees greater than 6” diameter at breast height (dbh) pursuant to ALUO Chapter 18.61.042 D.

APPLICABLE ORDINANCES:

- R-1 Single-Family Residential District, Chapter 18.20
- C-1-D Retail Commercial District (Downtown Overlay), Chapter 18.32
- Tree Preservation & Protection, Chapter 18.61
- Physical & Environmental Constraints (Hillside Lands), Chapter 18.62
- Site Design Review, Chapter 18.72
- Site Design & Use Standards, Sections II-C, II-E, 3 and 4-C
- Procedures, Chapter 18.108

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SEP 22 2010

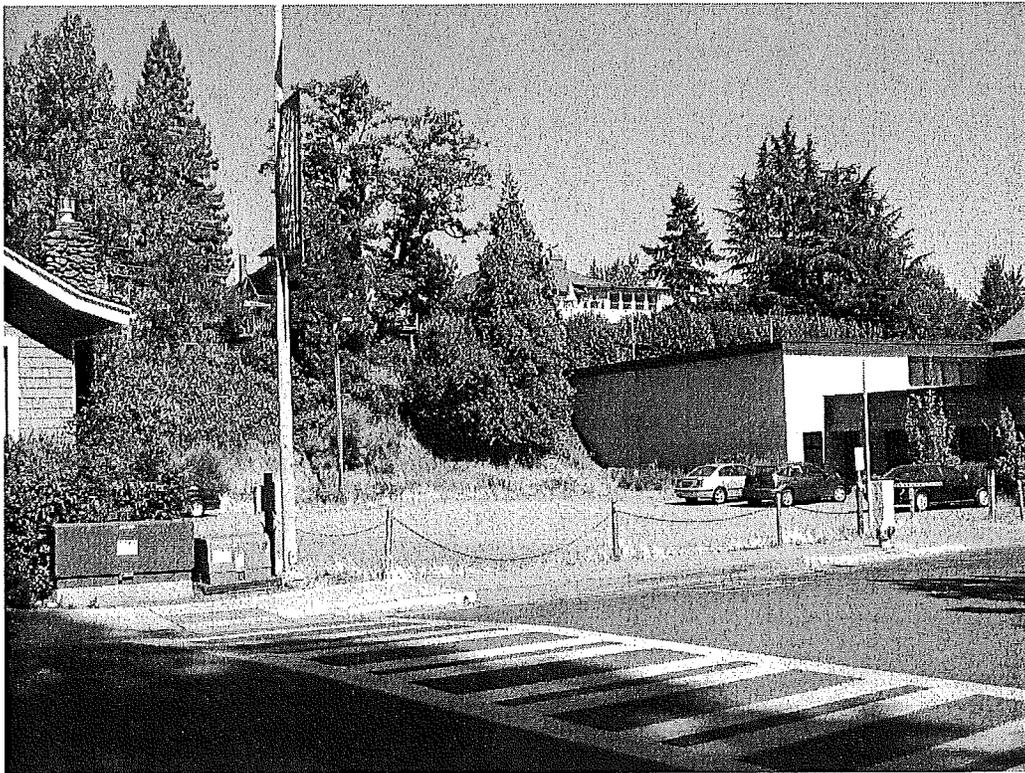
3

Winburn Way right-of-way, the parcels in question have shallow depths limiting their development potential to the front of the parcel.

Parcel (2501): This property has always been an unimproved vacant parking lot privately owned and operated. Its ideal central location and central position between the Community Development & Engineering Services Building and the Community Center as well as its prominent view from Lithia Park make it an important property that warrants consideration and forethought. As it exists today as a private dirt parking lot, the property is underutilized and reflects negatively on the Winburn Way and Lithia Park streetscape.

Under current zoning, the property owners could build an approximate 2,860 square foot single family residence. Although the property is within Ashland's Historic District, there is no opportunity for "discretionary" public review of a home's architecture. In essence, the property "could be" developed as a contemporary house with a large garage face and a 30' wide parking pad predominately dominating the streetscape, removing on-street parking, with no public input or appeal opportunity. Fortunately, the current property owners, who own a real estate business in the near vicinity, see the best use of the property, based on their current business circumstances, as a parking lot.

Again, there are no immediate plans for this parcel, but its inclusion in the proposal is to simply evaluate it and the other three identified properties in a comprehensive manner.

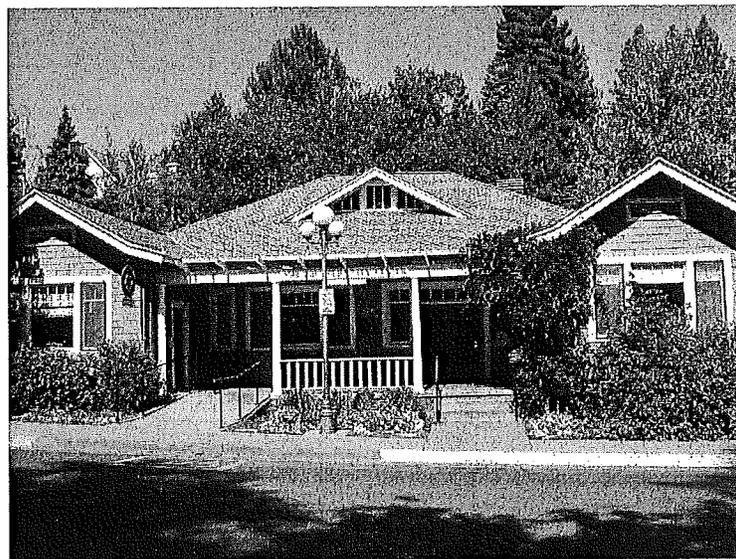


Vacant Dirt Parking Lot (Roberts / Mattson)

Parcel (2500): Once on separate tax lots, both the Pioneer Hall Building and the Community Center Building (see photos below) now sit on one tax lot owned by the City of Ashland and managed by the Ashland Parks Department. Both structures were built in 1921 by A.L. Lamb according to Ashland's Cultural Resource Inventory (CRI) and both buildings went through extensive restoration in the mid 1980's. Since their construction, both buildings have been used for various public uses such as men and woman clubs, weddings, recreational classes, educational classes, government meetings, etc. Both buildings are significant to Ashland's history as each were generally funded by two prominent citizens, Gwin S. Butler (Pioneer Hall Building) and Jesse Winburn (Community Center Building). According to the CRI, Pioneer Hall has a "secondary" local ranking and the Community Center a "primary" local ranking. The Community Center was listed on the National Register of Historic Places in 1989.



Pioneer Hall (City of Ashland)



Community Center (City of Ashland)

Although built within the same year and by the same contractor, the two buildings have only minor similarities. Both are single story, both have east facing gables and both have their entrances facing the street. In addition, each building is considered “legal non-conforming” as each does not have parking, both appear to exceed their impervious coverage and both do not meet the required front or side yard setbacks. However, each building is very different in materials used (interior and exterior), platform and in their sense of entry.

It is *not* the intention of the proposal to change the use of either building, but instead provide the opportunity for staff, the City Council and the Park’s Commission to comprehensively evaluate both buildings as they relate to the adjacent properties. In the applicants’ opinion, if this property is also considered for a rezone, the use and architecture would remain as is and the non-conforming elements resolved. Thus, the rezoning has only a logical outcome.

Parcel (3000 – 85 Winburn Way) The subject building on this property is generally considered a blight along the Winburn Way streetscape as its internal space is often void of activity and its external appearance is decaying in a variety of ways. The proposal, as further described below, is to replace the building with a new building that is compatible with its surroundings and designed with a number of civic minded elements to enhance the public properties around it. In addition, the proposed use of 85 Winburn Way will essentially remain the same as it exists today as a café / restaurant. The existing use of the café / restaurant operates currently under a Conditional Use Permit and parking Variance (Note: The use of the site as a café pre-exists 1982, but records of Planning Actions for this site only go as far back as 1982 referring to the restaurant as “existing” - PA-82-88). The proposal would allow owners to successfully operate a new café / restaurant business throughout the year instead of its current “seasonal” status under the constraints of a “Conditional” Use Permit which generally only operated in the summer months.



85 Winburn Way – Parkside Café’s parking lot and storage building (Viknius)

The applicants understand this property, as well as the other three properties, are highly sensitive due to their relationship with Lithia Park and its importance to Ashland’s livability and economy and therefore expect to seek approval of the Zone Change, Comprehensive Plan Map Amendment, Site Review Permit, Tree Removal Permit and

Physical & Environmental Constraints Permit under the umbrella and guidance of a Development Agreement between the property owners and the City.

Parcel (100): This parcel is multi-functional dependant on the time of the year. In the summer months this parcel functions as a 24+/- space parking lot and in the winter the parcel is converted to an outdoor ice skating rink. Unfortunately, the parking lot is not striped so its parking space count varies and in the winter the ice rink and its various needs are either constrained for space, inefficient or unsightly.

**Summer
Parking Lot
(July 25th, 2009)**



Parking Lot: In the summer months, the photo above identifies the parking lot area as overly wide with only two rows of parking leaving a large and wasted resource in the middle. After taking various measurements and applying the City's parking and back-up standards, the applicants contend if the surface area was to be re-striped, an additional two to four spaces could be accommodated.

**Winter
Ice Rink
(December 8th, 2009)**



**Winter
Ice Rink
(December 8th, 2009)**



Ice Rink: In the winter months during the ice skating season, the rink covers the vast majority of the parcel leaving little space for spectator viewing or seating, limited and unheated space for staff, insufficient and unaesthetic bathroom facilities, limited skate rental storage, dangerous pedestrian/vehicle (Zambonie) crossings, limited concession opportunity and no storage for the shaved ice or Zambonie machine.

**Winter
Ice Rink
(December 24th, 2009)**



**Winter
Ice Storage
Across Street
(December 24th, 2009)**



III. FINDINGS OF FACT:

The following information has been provided by the applicants to help the Planning Staff, Commissions, City Council and neighbors better understand the proposed project. In addition, the required *findings of fact* have been provided to ensure the proposed project meets the requirements and procedures outlined in the Ashland Municipal Code (AMC).

*For clarity reasons, the following documentation has been formatted in "outline" form with the City's approval criteria noted in **BOLD** font and the applicants' response in regular font. Also, there are a number of responses that are repeated in order to ensure that the findings of fact are complete.*

APPLICATION 1

Application 1 is a proposal to amend the Comprehensive Plan Map from "Single Family Residential" to "Downtown" and a proposal for a Zone Map amendment as identified on the attached map (dated August 9th, 2010), to change the existing R-1-7.5 designation (Residential Single Family; 7,500 sq. ft. minimum lot size) to a C-1-D designation (Retail Commercial District with a Downtown Overlay, Detail Site Review Overlay, but excluding the Downtown Design Standards Overlay). The proposed amendments would apply to each of the four identified parcels.

The proposed amendments have not been submitted without considerable thought and discussion with many citizens and City staff with the principal purpose of being thorough, thoughtful and comprehensive. Applications involving a Comprehensive Plan Map and Zoning Map are subject to a Type III procedure and the standards listed in ALUO 18.108.060 B.1. a – e. which are listed below followed by the applicants' findings of fact.

The applicable criteria and findings of fact for each entitlement are as follows:

18.108.060 Type III Procedure

(zoning map amendments and comprehensive plan map changes)

ALUO 18.108.060 B.1. Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that one or more of the following:

a. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or

Throughout the Comprehensive Plan there are a variety of goals and policies that are designed to guide City actions. These goals and policies are very broad with some being specific to the request and some not specific (i.e., Population Projections and Growth, Chapter 5; Housing, Chapter 6; Public Services, Chapter 9, etc.). The proposal at hand

generally falls under the Comprehensive Plans' goals and policies of Historic Site's and Structures, Chapter 1; Citizen Participation and Involvement, Chapter 3; Environmental Resources, Chapter 4; Economic Development, Chapter 7; Parks, Open Space and Aesthetics, Chapter 8; Transportation, Chapter 10; Energy, Air and Water Conservation, Chapter 11; and Urbanization, Chapter 12. Furthermore, the applicants are not requesting the Comprehensive Plan and Zoning Map Amendments based on any one specific criterion, but a combination of criteria based on the various and relevant goals and policies of the Comprehensive Plan.

That said, ALUO 18.108.060 B.1.a. (Criteria 1) states the decision should be based on public need supported by the Comprehensive Plan that in the applicants' opinion can first be found under Goal 1, Policy 1 which states:

I-1 The City recognizes that the preservation of historic sites and buildings provides both tangible evidence of our heritage and economic advantages.

The proposed Comprehensive Plan and Zoning Map amendment recognizes the importance of preserving Ashland's historic sites and the important role historic preservation plays in the Community's economy, livability and sense of pride. Unfortunately, the area's current residential zoning designation would allow a single-family residence on each of the two vacant lots without "ANY" discretionary review by staff, the Historic Commission or Planning Commission *as residential single-family homes are "exempt" from local discretion.*

In the applicants' opinion, the "possibility" of two contemporary residences (garages along Winburn Way, enclosed walls adjacent to the sidewalk, lifeless or auto-centric architecture, etc.) is a concern that would have a serious detrimental impact on the community if constructed. However, the applicants also understands that it is very possible the two residences on the now vacant dirt parking lot or the café property could be nicely constructed and designed. Unfortunately, this would be taking a significant chance and the reality is that even if the homes were to be "architecturally" attractive, certain functions of a residence would still impact the street's setting – garages facing the street, driveway pads, loss of on-street parking, pedestrian conflicts with vehicles, private walls along the sidewalks edge, no sense of entry, gated entrances, etc. The end result would impact the community in many tangible and intangible ways with the most important one being a diminishing sense of pride. Ashland has long been known for protecting its resources and being proactive in the pursuit of thoughtful land use planning. It's what Ashlanders demand and visitors expect.

This section of Winburn Way's close adjacency to Lithia Park, Lithia Creek, Downtown, Granite Street, the Community Center, Pioneer Hall and the ice rink is, outside of the Ashland Plaza, one of the most crucial sections of land in the City. To not engage the application's proposal to change the designation, but instead allow the possibility of two residential homes to be constructed without any citizen input would be a significant error. That said, by changing the designation to commercial, "all" developments would be subject to citizen involvement and discretionary review by the Historic Commission and Planning Commission and would have to follow the City's many design standards - such

as Application 2 included in the submittal.

b. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or

The applicants contend there has been a substantial change in the City's circumstances since the existing zoning or plan designation was proposed and that the proposal to adjust to these conditions is warranted. Specifically, at the time of the areas zoning in the late 1960's and early 1970's when City leaders were *further* establishing and refining zoning boundaries, designating types of uses, densities, adopting standards, etc., the City and Winburn Way were much different than what exists today.

Ashland's economy was still predominately based on the timber industry with approximately 13 sawmills within or immediate to City limits during this period. In the mid to late 1960's when the I-5 freeway opened, development stretched towards the highway and the downtown area was by-passed further weakening the Downtown's retail and service economy. Only until the early 1970's did Ashland's tourism start to become a primary economic factor which included an expanded theatre season, various downtown improvements and the City's first sign code. These factors "slowly" helped to synergize the Downtown economy by providing investment capital for historic building improvements which in turn eliminated a number of boarded-up buildings and expanded the City's tax base.

Also in the 1970's, Nutley Street and portions of Winburn Way were not yet fully paved and other than the Community Center and Pioneer Hall, the remaining properties along this stretch of land was the dirt parking lot north of the Community Center, an open field that used to be the site of an old barn / stable structure, the Creekside Cafe and the old Hillah Temple building where the City's Community Development and Engineering Services building now reside (Note: In 2001, this site received approval for a Comprehensive Plan and Zone Change to Commercial and C-1-D zoning per Planning Action 2001-124).

There is no doubt that the citizens of Ashland benefit greatly by the previous planning efforts and decisions made by its leadership. The citizenry recognizes the importance of careful land use planning and the necessity to protect the tourist industry by ensuring that lands, especially those within the heart of the City, are correctly zoned and have various levels of public discretion such as zoning, building design, landscape architecture, tree preservation, place making, etc.

That said, the residential zoning along this stretch of Winburn Way is inappropriate. It should be zoned commercial to match what it has predominately always been used as and perceived to be. The zone change simply formalizes the existing development pattern and simultaneously prohibits non-discretionary single-family buildings that would threaten the Winburn Way streetscape.

c. Circumstances relating to the general public welfare exist that require such an action; or

The application as described is an attempt to comprehensively evaluate this section of Winburn Way's pre-existing uses, their relationship with Lithia Park, their physical relationship with each other and their relationship with the street environment. In doing so, the application has identified a number of related circumstances that would benefit the general public welfare which may not otherwise have occurred or be possible due to the difficulty of obtaining various property owners support, the difficulty of identifying and addressing the sharing of on-site mutual recreational facilities and finally to enhance this section of street right-of-way that has limited pedestrian facilities which in-turn limits street activity.

Overall, the project has attempted to focus on a number of factors relating to the general public welfare which include:

- A focus on **Pioneer Hall** including improvements to the outdoor courtyard such as a new seating wall for improved assembly space and widened sidewalks along the frontage to encourage "street activation" and architectural enhancement which in-turn improves streetscape aesthetics and improves pedestrian mobility;
- A focus on the **Ice Rink/Parking Lot** including off-site improvements with the addition of a skate rink facility which will include space for public bathrooms, administration offices, skate storage and zambonie parking (machine that periodically refreshes the ice). Improvements to also include widened sidewalks along the frontage, a drop-off space and plaza/courtyard space(s) with seating for assembly and viewing the rink's various recreational activities;
- A focus on the **Winburn Way right-of-way** including widened sidewalks in various locations that are consistent with Ashland Street Standards, a large entry plaza at 85 Winburn Way for public assembly and architectural distinction. The sidewalk plan also incorporates an unloading zone for deliveries (out of travel lane). All sidewalk expansion plans have been evaluated to insure minimal on-street parking loss and to insure vehicle back-out movements from the other side of Winburn Way are not effected.
- A focus on the livability of the **neighboring residential properties** in the rear of 85 Winburn Way which includes replacing a somewhat blighted structure with a new context sensitive, resource efficient, handicap compliant, inspiring and attractive new building. The subject building has been principally designed on the basis that "function follows form" with the understanding that its design and site improvements will be contextually compatible with its surroundings, but have some contemporary flare and modern amenities to identify it as a new structure – a new structure that includes numerous civic minded amenities. Finally, the proposed building's design was monitored by various neighbors to ensure compatibility and sensitivity and up to this point in the process, no neighbor concerns have been brought forward to the

applicants' attention.

d. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G);or

The proposal is to amend the subject parcel's zoning designation from residential to commercial. Residential uses are allowed in the C-1-D and their base density is greater than the current R-1-7.5 designation's, but at this time no residential units are proposed with this application and therefore the criteria in not applicable.

e. Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G)

The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Sections D and E do not apply to council initiated actions.

The proposed zone change will not negatively impact the City of Ashland's commercial and industrial land supply as the change is for a commercial downtown overlay designation from a residential single family residential designation. The subject four parcels involved in the rezone are approximately 1.57 acres of which 1.01 acres (two parcels) is publicly owned and .56 privately owned (two parcels).

The expectation with this application is that the two publicly owned parcels will remain "as is" and continue to function as they do today as public spaces (two community assembly buildings and an ice rink (winter) and a parking lot (summer)). Of the two privately owned parcels, one is currently a commercial use and will continue to be as stated herein and within the Findings of Fact of Application 2. The remaining privately owned parcel, .27 acres in size, is a vacant dirt parking lot with no immediate development plans.

Regardless, considering the small size of the privately owned parcels and the standards associated with the site planning and first floor area restrictions identified within the Ashland Land Use Ordinance, specifically Section 18.32.025. D.1., the principal use of the buildings' first floor will be commercial. The first floor is the primary "interactive" space with the public and the area of the building that clearly lends itself to commercial/retail activities typically found in the Downtown. Second or third floor areas are permitted to have a mixture of commercial and/or residential uses, but residential

applications would have to abide by the affordable housing thresholds established herein (ALUO 18.108.060 B.1.e.) once proposed.

Finally, the City's Comprehensive Plan, in various parts of the Plan (ex. Goal VII, Policies 2.c.1, 2.e and 5; Goal IX, Policy 1.6.; etc.) as well as specific elements such as the Downtown Plan adopted in 1988, recognizes the importance of the Downtown area as the "first and most important area of economic activity for the City". The approximate 55 acres of Downtown provides a variety of retail goods and services, and also serves as the center of tourist activity with residential components to provide residential housing close to the employment center and "built-in" patrons of the Downtown businesses that offer a sense of security of both private and public investments.

COMPREHENSIVE PLAN POLICIES:
(applicable policies listed only)

*For clarity reasons, the following documentation has been formatted in "outline" form with the City's "applicable" Comprehensive Plan Policies noted in **BOLD** font and the applicants' response in regular font. Also, there are a number of responses that are repeated in order to ensure that the findings of fact are complete.*

Chapter I - Historic Sites and Structures

GOAL

To preserve historically significant structures and sites in Ashland.

POLICIES

I-1 The City recognizes that the preservation of historic sites and buildings provides both tangible evidence of our heritage and economic advantages.

The proposed Comprehensive Plan and Zoning Map amendment recognizes the importance of preserving Ashland's historic sites and the important role historic preservation plays in the Community's economy, livability and sense of pride. Unfortunately, the area's current residential zoning designation would allow a single-family residence on each of the two vacant lots without "ANY" discretionary review by staff, the Historic Commission or Planning Commission *as residential single-family homes are "exempt" from local discretion.*

In the applicants' opinion, the possibility of two contemporary residences (garages along Winburn Way, enclosed walls adjacent to the sidewalk, lifeless or auto-centric architecture, etc.) is a real concern that would have a serious detrimental impact on the community if constructed. However, without sounding like alarmists, the applicants understand that it is very possible the two residences on the now vacant dirt parking lot or the café property could be nicely constructed and designed. Unfortunately, this would be taking a significant chance and the reality is that even if the homes were to be "architecturally" attractive, certain functions of a residence would still impact the street's setting – garages facing the street, driveway pads, loss of on-street parking, pedestrian conflicts with vehicles, private walls along the sidewalks edge, no sense of entry, gated

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entrances, etc. The end result would impact the community in many tangible and intangible ways with the most important one being a diminishing sense of pride. Ashland has long been known for protecting its resources and being proactive in the pursuit of thoughtful land use planning. It's what Ashlanders demand and visitors expect.

This section of Winburn Way's close adjacency to Lithia Park, Lithia Creek, Downtown, Granite Street, the Community Center, Pioneer Hall and the ice rink is, outside of the Ashland Plaza, one of the most crucial sections of land in the City. To not engage the application's proposal to change the designation and to allow the possibility of two residential homes to be constructed without any citizen input would be an error beyond accountability. That said, by changing the designation to commercial, "ALL" developments would be subject to citizen involvement and discretionary review by the Historic Commission and Planning Commission and would have to follow the City's many design standards - such as Application 2 included in the submittal.

I-2 The Historic Commission shall offer recommendations to the City Council and Planning Commission concerning the alteration or disposition of structures, sites, or neighborhoods within the historic interest areas in Ashland.

I-3 The Historic Commission shall review all building, sign, demolition, or moving permits occurring in the areas of historic interest, using procedures established by law, in order to offer its opinion on the proposal's impact on historic preservation.

At the time of this writing, the application has been reviewed by the Historic Commission during two preliminary Review Board meetings and one full Commission meetings. The meetings have essentially focused on the architecture of the building proposed with Application #2, but all indications from both staff and the Historic Commission is agreement that the subject properties are incorrectly zoned. Nevertheless, the applicants have attempted to comply with the Commission's and Planning Staff's recommendations whenever possible and still retain the ability to create a successful business site that equals the opportunities provided to other properties found within the Downtown zoning district.

Finally, it is important to note that this particular application *also* attempts, in addition to historic compatibility, to address many other Comprehensive Plan Goals and Policies such as environmental impacts are addressed, economic development occurs and recreational opportunities for the general public are realized. As such, the application not only strives to address Goal I of the Comprehensive Plan, but also all of the following Comprehensive Plan Goals and Policies that were adopted in 1982 by the Ashland Council and acknowledged in 1983 by the Oregon Land Conservation and Development Commission (*Note: the following responses are paraphrased based on the goals and policies most applicable to the proposal*):

Goal III – *Citizen Participation and Involvement* (ensures the opportunity for citizens to be involved in all phases of the planning process);

III-3 (ensure in the future that all citizens are given the opportunity to contribute their views to planning issues through the public hearing process);

Goal IV - Environmental Resources (limit development to less physically sensitive lands such as steep slopes, wetlands, forest lands, etc.);
IV-5 (work with the natural topography and minimize erosion);
IV-12 (avoid slopes greater than 50%);

Goal V-6 - Population Projections and Growth (development to be responsible for growth related needs);

Goal VI-2 - Housing (prevent inconsistent and disruptive designs in residential areas through use of a limited design review and prevent development which is incompatible and destructive);

Goal VII - Economic Development (ensure that the local economy increases in its health, and diversifies in the number, type and size of businesses consistent with the local social needs, public service capabilities, and the retention of a high quality environment.);

VII-1 (compatible new development);

VII-2.C.5. (provide an appropriate mix of uses that are buffers between residential zones and commercial/downtown zones);

VII-2.C.7. (provide for clear and objective standards; provide for a quick and predictable approval process with a reduced amount of uncertainty);

VII-5 (to encourage economic development and enhance employment opportunities for existing residents and that economic development shall always have as its primary purpose the enhancement of the community's economic health);

VII-7 (unsuitable for various types of businesses – see Development Agreement);

Goal VIII - Parks, Open Space and Aesthetics (provide the people of Ashland with a variety quantity and quality of parks, park facilities, open spaces, trails, and visual resources sufficient for their needs);

VIII-5 (encourage the development of private common open space areas in new residential developments to offset the demand for additional public parks. Note: Although this policy refers to “residential growth”, the applicants contend it could equally be applied to commercial growth and specifically applies to the various public improvements as described herein);

VIII-9 (new commercial developments to be designed and landscaped to a high standard to complement the proposed site and the surrounding area);

VIII-10 (encourage exterior maintenance, landscaping, and underground placement of utilities);

VIII-12 (require, where possible, that the original vegetation be retained);

VIII-13 (street trees for new commercial developments);

VIII-15 (Tree Commission to review and comment on all significant landscaping in the city, public or private);

IX - Public Services (provide public utilities, services and facilities in an orderly, efficient and environmentally sensitive way and in sufficient quantity to meet City needs now and in the future);

IX-1 (provide urban areas with the level of services appropriate to the density and demand);

IX-2 (provide services in a timely, coordinated and orderly manner that minimizes costs and development).

IX-5 (encourage early planning of sites for needed public facilities (e.g., roads, parks, etc.)).

IX-6 (in conjunction with land use, downtown policies, etc., identify and implement innovative service techniques in anticipation of major trends, needs, and economic or environmental changes, rather than waiting to react when all options are closed);

X - Transportation (provide a transportation system which is safe, diversified, cost and environmentally efficient, emphasizes alternate modes of transport, meets the needs of the transportation disadvantaged, and enhances the local economy, scenery and neighborhoods);

X-3.j. (encourage efforts to landscape and beautify existing streets, ensuring adequate visibility for vehicles and pedestrians);

X-6.c. (provide adequate pedestrian facilities in conjunction with all new street improvement projects and all new commercial developments);

X-6.j. (provide or require secure bicycle storage in areas such as commercial centers and recreational areas);

X-9.a. (encourage residents of the City to use bicycling and walking as alternatives to the automobile whenever possible);

X-10.b (require new businesses to provide adequate parking spaces for employees and customers, except in the downtown area);

X-10.d (encourage sharing of existing and future parking facilities by various nearby businesses);

X-10.e (develop additional loading zones and bus parking spaces and encourage the use of existing facilities);

XI – Energy, Air and Water Conservation (without sacrificing living standards, in every appropriate way, reduce energy consumption, emphasize water conservation and air quality - policies that effect change through a combination of economic incentives and public education shall be considered more appropriate than policies involving strict legal requirements or mandates - City shall give due attention to energy and resource conservation and air quality enhancement in all planning actions and city activities.);

XII – Urbanization (maintain a compact urban form and to ensure an orderly and sequential development of land in the City limits);

XII-1 (maintain at least a 5-year supply of land for any particular need in the City limits);

I-6 The City shall identify and inventory its significant historic buildings, structures, sites, objects and districts employing photographic, written and oral documentation, and maps, and shall protect those resources identified as significant.

I-7 The City shall develop and implement through law design guidelines for new development as well as for alteration of existing structures within the historic interest areas for structures and areas that are historically significant.

The subject properties are within the locally recognized Downtown Historic District as well as within a National Register of Historic Places District. Lithia Park, Pioneer Hall and the Community Center are all listed as Primary Contributing Resources. The subject property, the ice rink/parking lot, vacant dirt parking lot and the City Planning and Engineering Services building are not. However, because all of these properties are within a Historic District, the subject lots, as their owners seek alteration or new construction, they are subject to the City's adopted Site Design and Use Standards.

The applicants and team members have strived to forward a Comprehensive Plan, Zoning designation, Development Agreement and Site Review Permit application that not only respects the area's historic structures, but also attempts to address an incompatible residential zoning designation that better reflects the areas predominate commercial use that essentially follows the same pattern, justification and precedent established with Planning Action 2001-124 (Comprehensive Plan and Zone Change to Commercial and C-1-D zoning – Old Hillah Temple to City Planning and Engineering Services building). The applicants contend the application requests are justified and meet Policies I6 and I-7.

Further, in review of the many well written documents that have guided Ashland's growth and physical changes over the last 50 years, it is very evident that the one consistent element of all of the documents, specifically with the 1966 Central Area Plan and 1988 Downtown Plan, is that Ashland has not remained stagnant and actually has changed in many ways. This fact is challenging to substantiate as its human nature to generally forget the various details, except when one studies historic photos in combination with the documents does one realize how much change and adaptation has occurred. One has to look no further than the adoption of the original Sign Ordinance, the Downtown Design Standards or the implementation of the C-1-D zone – all of which has had a significant and positive influence on the Downtown's aesthetic and physical form (*"The downtown is Ashland's most vital and dynamic area. While many cities' downtowns have lost their importance and have been replaced by suburban malls and shopping centers, Ashland has retained and strengthened its downtown area, creating a multi-purpose, multi-use city core"*, 1988 Downtown Plan.

Finally, the two private properties along this section of Winburn Way have remained generally dormant since the 1960's as the urban intensity around and near them have significantly increased and beautification efforts have improved. Specifically, Tax Lot 2500 (vacant dirt parking lot) shares its north property line with the City's Community Development Department and Engineering Services building and Tax Lot 3000 (café site) shares its southern property line with a parking lot in the summer and ice rink in the winter. The ice rink didn't exist until 1996 and the parking lot has been significantly

altered and added on to over the last 20 years to accommodate additional parking spaces. In fact, the authors of the 1966 Central Area Plan make a statement that the Downtown area "...generally suffers from the rundown condition of many of its buildings. Its unappealing downtown has not kept up with Ashland's emergence as a tourist attraction, as a city for cultural and recreational activities and as one of the commercial centers of the valley. The existing conditions... have a damaging effect on the well being of the entire community". What is interesting about this statement is that the two subject private properties, in their current unimproved and/or rundown condition, remain as they did in the 1960's, but everything around them has seen significant improvements as envisioned in the 1966 Plan.

Chapter III – Citizen Participation and Involvement

GOAL

To maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

POLICIES

III-3 Ensure in the future that all citizens are given the opportunity to contribute their views to planning issues through the public hearing process.

The application for the Comprehensive Plan Amendment, Zone Change and Development Agreement will be reviewed by the Planning Commission and City Council under the public procedures adopted in Chapter 18.108.060. Furthermore, the City's various recommendation bodies (i.e. Tree and Historic Commissions) will also be noticed in order for the application to be reviewed for specific compliance for that Commission's area of expertise. For each meeting, the citizens will be publicly noticed and provided the opportunity to comment on the application.

Chapter IV – Environmental Resources

GOAL

To have sound soil conservation and erosion control practices in and around Ashland.

POLICIES

IV-5 Require that development be accommodated to natural topography, drainage, and soils and make maximum use of existing vegetation to minimize erosion.

IV-12 Forbid any new development or cuts and fills on slopes greater than 50% unless absolutely necessary and scientific and geologic evidence is available showing that it may be done safely.

The subject properties are in an area of a steep embankment some of which exceed 50% slope. However, the proposed building identified in Application 2 or the only other undeveloped and privately owned parcel (Tax Lot 2501, vacant dirt parking lot north of Community Center) is proposing to develop on 50% sloping lands. At the time of a Site

Review Permit or any other development entitlement, the property owners of Tax Lot 2501 will have to identify the property's sloping areas and show a building footprint that does not encroach on the lot's steep slopes. Furthermore, all development applications are required to address topography, landscaping, drainage issues and soil disturbance to minimize erosion conflicts and Chapter 15's Building Code regulations.

Chapter V – Population Projections and Growth

GOAL

To provide for the needs of the expected population growth in Ashland to the year 2005, and maintain a diversity of income, cultural, and age groups in Ashland's population, consistent with other plan goals.

POLICIES

V-6 Develop a system that derives the revenue needed to pay for growth related costs from the development that is most directly responsible for the growth. Only derive the revenue from the growth that can be justified as the incremental cost that can be identified with the growth. Revenues received should only be spent on projects that will alleviate the problems associated with the growth. Take steps to reduce financial hardships caused by the growth taxing system where it adversely impacts targeted low income groups or needed economic development.

The application is not requesting City funds to complete any of the planned work, but will request System Development Charge "credits" where available. In addition, the applicants are willing to install the identified public improvements (sidewalks expansions, Pioneer Hall seat wall, Ice Rink administration/storage/zambonie structure, etc.) with the approval of Application 2 and as identified in the adopted Development Agreement. For public improvements in front of Tax Lot #1201, the property owners are willing to also complete additional sidewalk improvements, but only at the time that property is developed beyond its existing parking lot use.

Overall, the applicants contend the master planning of this section of Winburn Way is appropriate at this time (2010) and addresses an appropriate phasing plan to complete the work that is consistent with the request.

Chapter VI – Housing

GOAL

To ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland's population, *consistent with preserving the character and appearance of the city* (emphasis added).

POLICIES

VI-2 Using the following techniques protect existing neighborhoods from incompatible development and encourage upgrading:

a) Do not allow deterioration of residential areas by incompatible uses and develop-

ments. Where such uses are planned for, clear findings of intent shall be made in advance of the area designation. Such findings shall give a clear rationale, explaining the relationship of the area to housing needs, transportation, open space, and any other pertinent Plan topics. Mixed uses often create a more interesting and exciting urban environment and should be considered as a development option wherever they will not disrupt an existing residential area.

b) Prevent inconsistent and disruptive designs in residential areas through use of a limited design review concept, in addition to using Historic Commission review as part of the site review, conditional use permit, or variance approval process.

c) Develop programs and efforts for rehabilitation and preservation of existing neighborhoods, and prevent development which is incompatible and destructive.

As stated previously, the proposed Comprehensive Plan and Zoning Map amendment recognizes the importance of preserving Ashland's historic sites and the important role historic preservation plays in the Community's economy, livability and sense of pride. Unfortunately, the area's current residential zoning designation would allow a single-family residence on each of the two vacant lots without "ANY" discretionary review by staff, the Historic Commission or Planning Commission *as residential single-family homes are "exempt" from local discretion.*

In the applicant's opinion, the possibility of two contemporary residences (garages along Winburn Way, enclosed walls adjacent to the sidewalk, lifeless or auto-centric architecture, etc.) is a concern that would have a serious detrimental impact on the community if constructed. However, the applicants understand that it is very possible the two residences on the now vacant dirt parking lot or the café property could be nicely constructed and designed. Unfortunately, this would be taking a significant chance and the reality is that even if the homes were to be "architecturally" attractive, certain functions of a residence would still impact the street's setting – garages facing the street, driveway pads, loss of on-street parking, pedestrian conflicts with vehicles, private walls along the sidewalks edge, no sense of entry, gated entrances, etc. The end result would impact the community in many tangible and intangible ways with the most important one being a diminishing sense of pride. Ashland has long been known for protecting its resources and being proactive in the pursuit of thoughtful land use planning. It's what Ashlanders demand and visitors expect.

This section of Winburn Way's close adjacency to Lithia Park, Lithia Creek, Downtown, Granite Street, the Community Center, Pioneer Hall and the ice rink is, outside of the Ashland Plaza, one of the most crucial sections of land in the City. To not engage the application's proposal to change the designation and to allow the possibility of two residential homes to be constructed without any citizen input would be an error beyond accountability. That said, by changing the designation to commercial, "all" developments would be subject to citizen involvement and discretionary review by the Historic Commission and Planning Commission and would have to follow the City's many design standards - such as Application 2 included in the submittal.

Chapter VII – Economic Development

GOAL

To ensure that the local economy increases in its health, and diversifies in the number, type and size of businesses consistent with the local social needs, public service capabilities, and the retention of a high quality environment.

The applicants contend the various Site Design and Use Standards and Zoning regulations identified in the C-1-D zone (Chapter 18.32) will ensure the local economy is protected by attractive and compatible buildings and uses in comparison to the areas existing unregulated residential zoning. The proposed building identified in Application 2 is a perfect example, a building addressing a variety of community needs such as sustainable construction, on and off-site improvements for pedestrians, on and off-site recreational improvements specific to Pioneer Hall and the Ice Rink.

Finally, it should be understood that initially the proposal focused only on the 85 Winburn Way site with the intent to revitalize the property with a new and exciting building design. The applicants' goals and values were always, as they are today, to evaluate the property comprehensively meaning also evaluating the two publicly owned neighboring properties on either side. During the initial site meetings the synergy and excitement grew when it became evident “numerous” public and private opportunities were possible – opportunities that could produce amenities that not only created a single specific “place making” opportunity, but *four* place making opportunities. Most importantly, in this same vein and civic minded philosophy, one of the principal goals was to ALSO create an improved place for “winter” recreational programs where staff could be comfortable in their work environment and citizens could be excited and proud of the ice rink and its beautiful surroundings.

VII-1 Policy—The City shall zone and designate within the Plan Map sufficient quantity of lands for commercial and industrial uses to provide for the employment needs of its residents and a portion of rural residents consistent with the population projection for the urban area.

Downtown (C-1-D): According to the 1999 and 2005 Buildable Land Inventories (BLI), the Downtown area had a total of .10 (4,356 sq. ft.) acres of land within the Downtown that was inventoried as vacant and that an additional .03 (1,306 sq. ft.) acres was needed. Since this time, three of the five parcels (old Harrison’s Auto Part Store off East Main Street, old Harrison’s Auto Part Store parking lot off Lithia Way and top level of the Hargadine Street public parking structure) have been either developed or are not developable as commercial lands. The remaining two lots are both privately owned parking lots off Lithia Way (Elk’s Lodge and Irvine Industries) and both, based on a recent inquiry from the applicants have either no desire to develop the property or intend to develop it privately in the near future.

That said, the total area of the lots since consumed in the Downtown and no longer “vacant” as identified on the corresponding BLI map are approximately 27,312 sq. ft. (.62 acres), not including the Elk’s and Irvine properties of approximately 37,897 sq. ft.

(.87 acres).

Finally, the 2005 BLI doesn't appear to have included the City's Planning and Engineering Services building which is approximately 18,295 sq. ft. (.42 acres) or any of the various building expansions or reconstructions and when all tallied, the demand for land within the Downtown is considerable – all of which is a healthy and a considerable achievement for the City as growth within the urban core (infill) is very positive and significantly more sustainable than alternative growth forms.

Residential (R-1-7.5): In contrast, the same BLI's reported that there was a total of 70.21 acres needed between 1999 and 2010 (required 20 year supply), but that there were 192.72 acres already within City limits and another 223.88 acres within the City's Urban Growth Boundary (UGB) this accommodating approximately 60 years of single family housing within City limits and another 60 years of single family residential housing growth within the UGB.

Question: Does the zone change of approximately 1.57 acres of single family residentially zoned lands to Downtown zoning create a burden on the 20 year required residential supply of land? No. The BLI inventories clearly illustrate the contrast in available land and demand for such lands and that there clearly is a significant surplus of single-family residentially zoned lands. Furthermore, to be reasonable, the three parcels now owned by the City (ice rink and Community Center/Pioneer Hall) as well as the Café site have never been residential properties and therefore should not have ever been considered as residential lands.

VII-2.C.5) Commercial or employment zones where business and residential uses are mixed. This is especially appropriate as buffers between residential and employment or commercial areas, and in the Downtown.

Primarily due to the site's substantial difference in grade change, the subject properties provide an appropriate buffer between commercially zoned land and residentially zoned land. However, with the inclusion of the Development Agreement limiting various incompatible uses (kennels, laundry facilities, mortuaries, crematoriums, etc.) it will further provide an appropriate buffer between the two zones.

VII-5 The City shall encourage economic development of the local resources and enhance employment opportunities for existing residents. The City's policy is that economic development shall always have as its primary purpose the enhancement of the community's economic health.

The applicants strongly agree with this policy in that a healthy community is one with a healthy economy where locals can work, live and enjoy their surroundings. The applicants contend the existence of additional commercial uses within the core area of the community and specifically this location, in contrast with two residential homes, would be healthy for the community, local economy and further the sense of pride Ashlanders have for their community.

Chapter VIII – Parks, Open Space and Aesthetics

GOAL

To provide the people of Ashland with a variety of quantity and quality of parks, park facilities, open spaces, trails, and visual resources sufficient for their needs.

POLICIES

VIII-5 Encourage the development of private common open space areas in new residential developments to offset the demand for additional public parks.

VIII-9 Require all new residential, commercial and industrial developments to be designed and landscaped to a high standard to complement the proposed site and the surrounding area.

VIII-10 Encourage improvement programs for existing areas with consideration to such items as exterior maintenance, landscaping, signs, and underground placement of utilities.

VIII-11 Require high standards of design and landscaping for development adjacent to major arterials, and encourage dividers in any new access routes into Ashland.

VIII-12 Require, where possible, that the original vegetation be retained and require the restoration of new vegetation if it is removed.

VIII-13 Require street trees in all new residential, commercial and industrial developments.

VIII-15 Insure that the Tree Commission has an opportunity to review and comment on all significant landscaping in the city, public or private.

The applicants contend the best example of the above policies and their implementing regulations found throughout the Municipal Code, can be found within Application 2. Any and all commercial developments within the proposed zoning boundary amendment will be subject to an extensive list of regulations and procedures. In the case of Application 2, the project team consists of a Designer, Architect, Landscape Architect, Land Use Planner, Arborist, Surveyor, Attorney and two Civil Engineers. These professionals are necessary to make a land use application and address in detail the various issues associated with a proposal. Also, Application 2 provides reasonable evidence of the level of public improvements that will likely be proposed with any future development application for the Tax Lot 1201 (dirt parking lot).

Finally, it should be understood that initially the proposal focused only on the 85 Winburn Way site with the intent to revitalize the property with a new and exciting building design. The applicants' goals and values were always, as they are today, to evaluate the property comprehensively meaning also evaluating the two publicly owned neighboring properties on either side. During the initial site meetings the synergy and excitement grew when it became evident "numerous" public and private opportunities

were possible – opportunities that could produce amenities that not only created a single specific “place making” opportunity, but *four* place making opportunities. Most importantly, in this same vein and civic minded philosophy, one of the principal goals was to ALSO create an improved place for “winter” recreational programs where staff could be comfortable in their work environment and citizens could be excited and proud of the ice rink and its beautiful surroundings.

Chapter IX – Public Services

GOAL

To provide public utilities, services and facilities in an orderly, efficient and environmentally sensitive way and in sufficient quantity to meet City needs now and in the future.

IX-1 Provide urban areas with the level of services appropriate to the density of the settlement and resultant service demand.

The applicants understand the change of zoning from residential to Downtown will increase the need for additional utilities, services and facilities. In fact, the applicants are attempting to evaluate the section of Winburn Way corresponding with the subject zoning boundary with wider sidewalks, new street trees, lights, etc. that are more appropriate for the streetscape and current and future pedestrian activity.

Finally, the applicants believe the proposed phasing of public utilities, services and facilities for Tax Lot 1201 (vacant dirt parking lot) is appropriate as there are no development plans proposed for this parcel and any improvements completed too early would result in damage and create unnecessary costs. All other street improvements and utilities upgrades, as identified with Application 2, will be installed at the time of that building’s construction.

Chapter X – Transportation

GOAL

To provide a transportation system which is safe, diversified, cost and environmentally efficient, emphasizes alternate modes of transport, meets the needs of the transportation disadvantaged, and enhances the local economy, scenery and neighborhoods.

POLICIES

X-3.j. Encourage efforts to landscape and beautify existing streets, ensuring adequate visibility for vehicles and pedestrians.

The proposed application, including Application 2, attempts to address Goal X and policy X-3.j., X-6.c., X-6.j. and X-9 with the inclusion of a master plan (L1.0) that identifies widened sidewalks, added street trees and bike racks. Further, there are two handicap spaces in front of the Community Center that are being retained and will be retained with the eventual sidewalk expansion in front of Tax Lot 1201. These spaces are important

amenities for individuals with disabilities and both are centrally located.

X 10 Parking

- a) Discourage non-residential vehicle parking in residential neighborhoods.**
- b) Require new businesses to provide adequate parking spaces for employees and customers, except in the downtown area.**
- d) Encourage sharing of existing and future parking facilities by various nearby businesses.**
- e) Develop additional loading zones and bus parking spaces and encourage the use of existing facilities.**

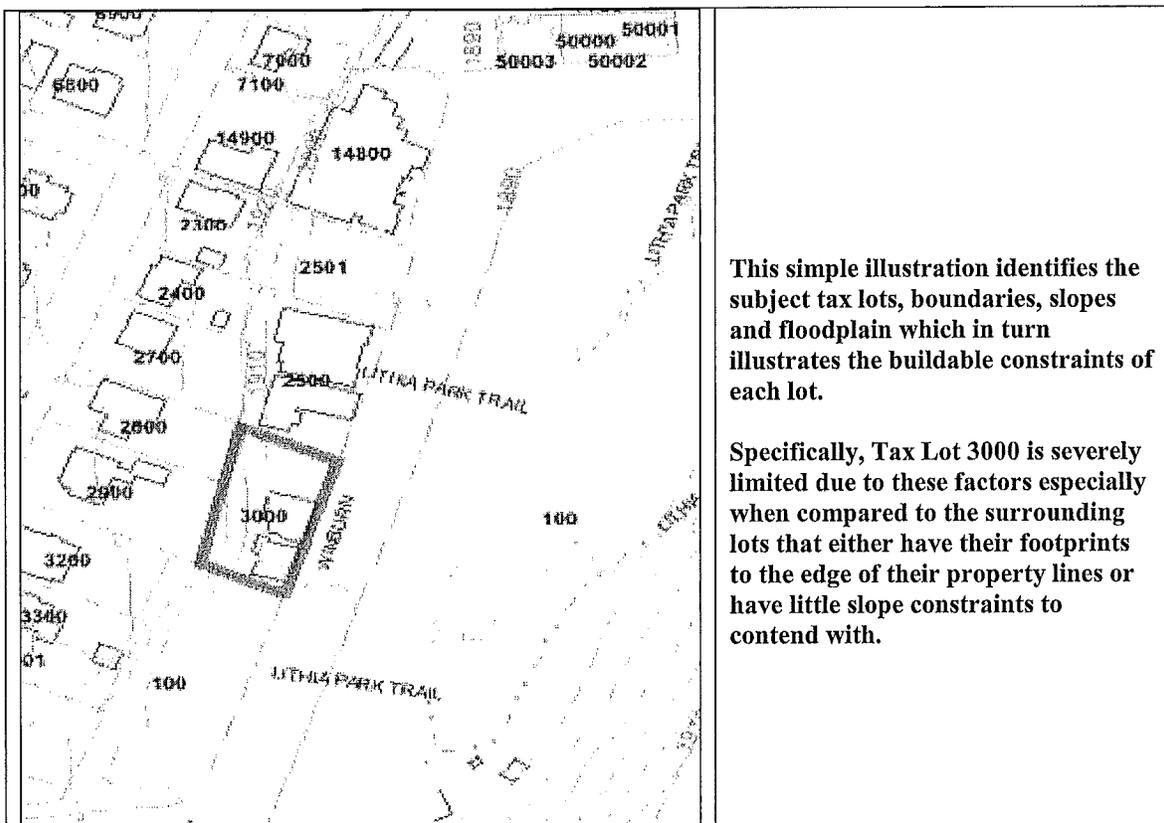
The properties along this section of Winburn Way are currently zoned residential. The proposal is to change the Comprehensive Plan Map's designation from Residential to Commercial "Downtown" and Zoning Map from R-1-7.5 to C-1-D which would exempt the subject lots from required on-site parking provisions. The purpose of the request is to allow the *two* remaining privately owned lots along Winburn Way to be developed contextually with the rest of the street with uses that encourage street activity and that are compatible with Lithia Park, Pioneer Hall, Community Center, Community Development Building and the Ice Rink. *(Note: The proposal is not intended to change the use or increase the intensity of the Community Center, Pioneer Hall or the ice rink/parking lot. These lots are simply included in the application for the decision makers to evaluate the entire street's zoning rather than a portion thereof. If the Planning Commission and City Council desire to solely evaluate the two private properties, there are no City policies or code regulations that would prohibit this opportunity).*

One of the principal results of this application will be to better utilize the existing parking facilities in this area during the winter months. During the summer months, parking will remain at a premium which will transfer demand where supply exists, albeit limited, to other parts of the Downtown such as the Hargadine Street parking structure, Pioneer Street parking lot and/or along existing rights-of-way where parking is available. During the winter months when the vast majority of the asphalt dedicated to parking in this area is not used and parking is plentiful, the proposal, specifically the patrons of the proposed use as identified in Application 2, will now utilize "some" of those parking spaces and thus better utilize their existence. Most importantly and encouragingly, some of the empty parking spaces will now be utilized by added ice rink visitors that may not have patronized the ice rink previously due to the number public amenities being proposed.

Lastly, it's important to understand that each lot identified along this section of Winburn Way is unique for a number of reasons and should not or can not realistically add parking without either negatively impacting the Winburn Way pedestrian environment, streetscape or severely affecting a site's natural features. For example:

Tax Lot 2501 (vacant dirt parking): Is a privately owned dirt parking lot that is probably one of the most visible and thus critical parcels in the City. Of the four parcels, it has the most potential to add surface or underground parking. Unfortunately, surface parking would likely detract from the street and Lithia Park and its access an unnecessary impediment to pedestrians. Underground parking would also create an attractive nuisance as a large portion of the façade would have to be dedicated to the opening, thus severely affecting a future building’s architectural opportunities. Finally, the front of the property where the underground opening would be is with a very close distance to the Ashland Creek Floodplain (27’).

Tax Lot 2500 (Pioneer Hall / Community Center): Tax Lot 2600 already has two existing public buildings with no parking or ability to add parking. No opportunity exists to add parking unless the buildings were severely modified – both of which are on the National Register of Historic Places and listed as Primary contributors on Local Landmark’s List.



Tax Lot 3000 (85 Winburn Way): Has severe slopes and a number of large trees at the back half of the property leaving the flat / developable portion of the lot closer to the street right-of-way (see illustration below). Parking on this lot is very limited evidenced by the five non-conforming parking spaces that exist today. Adding surface parking or constructing underground parking would cause the same problems/issues noted previously, but in this case would likely render the site un-buildable as the surface spaces would require multiple Variances and underground parking would, besides being extremely costly for little gain, require the removal of a number of the site’s mature trees.

Further, because of the site’s shallow depth, parking would be limited to either parallel parking or one row of parking both of which would be directly adjacent to the existing sidewalk. Overall, either scenario would conflict with many of the City’s Site Design & Use Standards and Access Management Standards.

Tax Lot 100: Is an existing parking lot that converts to an ice rink in the winter which supports a variety of winter recreational activities. Parking on this site could be expanded further into the hillside along the southern end of the lot (area adjacent to Nutley), but that would then encroach into the site’s limited landscaping which would further expose the parking lot and reflect negatively on Lithia Park.

Parking Study: Over a majority of the 2010 year, the applicants have randomly evaluated the parking demands along Winburn Way (136 spaces), Ice Rink (24) and Granite Street (39). The conclusion of the study, not surprising, was that parking is a premium primarily in the evenings between June 10th (end of school year) and September 6th (Labor Day – start of school year). This equates to an approximate 100 day span where parking in the late afternoon and evenings, especially on Friday and Saturdays or during special events (ballet, city band, graduation, etc.), parking capacity can be as high as 96% (62% low) in late June to 97% (65% low) in late August. More importantly, the average parking demand from 11:00 a.m. to 6:00 p.m. (afternoon) in May/June was 79% and from 6:00 p.m. to 9:00 p.m. (evening) 85%. The findings of the study are identified in the tables below.

NOTE: There are many variables to any parking study which include spaces with special parking conditions such as the spaces adjacent to and in front of the Community Development Department Building (limited time or specifically designated), drop off/unloading spaces (timed, handicap access, etc.), used as storage during the winter months or are not available in the winter (ice rink area, ice storage, zambonie parking, etc.). Because of these many variables and the confusing nature it presents, the discussion of parking below is put in terms of percentages and not specific parking numbers in order to simplify the topic.

Table A1: Percentage of parking spaces occupied along Winburn, from front of Lithia Park to Bandshell.

	Jan 10 – April 10	May 10 – Jun 10	July 10 – Sept. 10*
Morning 7a – 11a	34% (Low – 8%) (High – 56%)	59% (Low – 40%) (High – 78%)	61% (Low – 40%) (High – 70%)
Afternoon 11a – 6p	50% (Low – 11%) (High – 75%)	79% (Low – 62%) (High – 96%)	88% (Low – 61%) (High – 97%)
Evening 6p – 9p	31% (Low – 11%) (High – 54%)	66% (Low – 55%) (High – 86%)	85% (Low – 65%) (High – 97%)

Table A2: Percentage of parking spaces occupied along Winburn, from front of Lithia Park to Bandshell.

	After September 6 th (Labor Day / End of Summer)**
Morning 7a – 11a	42% (Low – 28%) (High – 56%)
Afternoon 11a – 6p	59% (Low – 50%) (High – 68%)
Evening 6p – 9p	43% (Low – 36%) (High – 49%)

* September 2010 data is partial data to 9/5/2010. ** At the time of this writing (9/16/10), the study indicates a significant drop in parking demand after the Labor Day weekend (9/6/10).

Table B1: Percentage of parking spaces occupied along Granite Street, from Nutley Street to High Street.

	Jan 10 – April 10	May 10 – Jun 10	July 10 – Sept. 10*
Morning 7a – 11a	33% (Low – 25%) (High – 49%)	43% (Low – 38%) (High – 53%)	42% (Low – 30%) (High – 59%)
Afternoon 11a – 6p	36% (Low – 25%) (High – 43%)	57% (Low – 33%) (High – 72%)	56% (Low – 16%) (High – 79%)
Evening 6p – 9p	36% (Low – 28%) (High – 51%)	50% (Low – 28%) (High – 70%)	48% (Low – 29%) (High – 67%)

* September 2010 data is partial data to 9/5/2010. Note: At the time of this writing (9/17/10), the study “does not” indicate a significant drop in parking demand after the Labor Day weekend (9/6/10) along Granite Street. This appears to be attributed to Downtown employee patterns which are likely to adjust with the Downtown employee parking ban and/or winter season.

Table B2: Percentage of parking spaces occupied along Granite Street, from Nutley Street to High Street.

	After September 6 th (Labor Day / End of Summer)**
Morning 7a – 11a	43% (Low – 39%) (High – 54%)
Afternoon 11a – 6p	59% (Low – 43%) (High – 69%)
Evening 6p – 9p	48% (Low – 47%) (High – 49%)

The parking study, although limited to the subject areas, clearly illuminates the obvious that parking fluctuations are not only seasonal, but parking also varies throughout the day based on the time and weather conditions. In addition, during the study, it was clear to the author that parking is concentrated as one gets closer to the Plaza leaving the parking areas near Tax Lot 100 (Ice Rink/Parking Lot) and Tax Lot 3000 (Café / Restaurant) more likely to remain available for longer periods of time. Finally, the author also witnessed that during the study there was an indication that the vast majority of vehicles

in the winter months were from downtown employees and not downtown visitors or patrons who can, during these periods, literally park directly in front of their destination.

Most importantly, the study indicates that although parking availability is a premium in the summer months when Lithia Park is most active, the Oregon Shakespeare Festival is in full operation and local Downtown businesses are thriving, it also points out the opposite whereas during the Fall, Winter and Spring, approximately 65% to 75% of the year, the same parking spaces are only partially occupied with an occupancy range from 8% to 50% (assuming September through May are generally consistent). This is a significant issue and a major concern to local businesses as they contend with Ashland's seasonal economy as well as bleak national economic predictions. That said, the applicants contend the proposal for a Comprehensive Plan Amendment and Rezone will not only address the sites' appropriate and historical commercial use, but also provide for businesses - particularly the proposal identified in Application 2, that "attract and cultivate" off-season patrons that not only patronize the businesses in question and Lithia Park, but also patronize the many other businesses that remain open during the winter months. *Note: From the author's anecdotal perception, over the last four to five years it appears there has been an increase in businesses closing or temporarily closing each year during the off-season which is another sign local merchants are not able to sustain operations during the off-season and its only likely to get worse.* It's clear Ashland has much beauty and many recreational opportunities, but without public and private investments, logical land use designations and community acceptance that parking alone should not be the *only* factor in land use planning, the Winburn Way area will continue to be seasonally underutilized, downtown merchants will continue to struggle during the off-season and the citizens of Ashland will not be able to realize what possibilities and philanthropic gestures are now being presented as noted throughout this document.

Nevertheless, during the peak parking season, its highly likely visitors/patrons will continue to utilize the Winburn Way parking spaces, park and walk within a reasonable distance, park in the City's other public parking lots or utilize alternative modes of transportation. Further, there is also likely to be private entrepreneur opportunities united with public/private investments that continue to create solutions where demand and market opportunity exists. These factors, coupled with the logical commercial land use designation along Winburn Way as well as the off-season benefits for local citizens and merchants should be principal considerations when weighing and applying the various policies and applicable criteria.

The applicants understand that too little parking during peak periods creates frustrations forcing people to walk further to their destinations, can force people to park along perimeter residential streets or can create an atmosphere that a lack of parking creates an image of congestion. These are factors that can be true in some cases, but with balance and thoughtful planning its also true that great communities can be created that utilize these factors as opportunities. In fact, most urban land use planners know and often quote "show me a great city, and I'll show you a parking problem" is incredibly true. But, instead of encouraging more parking, they encourage more infill and resolve conflicts through creative approaches such as alternative modes of transportation, parking



management plans, urban densities, added recreational opportunities, etc.

In contrast, too much parking is aesthetically unacceptable and creates an image of suburban mediocrity where one community's identity looks just like any other's community. Secondly, too much parking is environmentally insensitive as parking creates impervious surface areas that create non-point source water pollution (leading cause of water pollution). These impervious surface areas limit natural filtering and ground water recharging opportunities which often add to higher water volumes (flooding), erosion and water and air temperature gains. Finally, too much parking leads to limited use of alternative modes of transportation, i.e., "mobile equity" and instead of creating environments where people interact, excessive parking typically leads to pedestrian conflict and discourages alternative modes of transportation.

The applicants believe the citizens of Ashland have done an incredible job over the past century to not "over park" the landscape as many other cities across the Country have done. By balancing the community's many needs, Ashland has not diminished its human scale attraction or lost its identity which is, unfortunately, so easily and quickly lost in the vast majority of other towns as zoning codes dictate urban form and common sense does not. That said, vehicular parking and transportation related issues have become two of the principal issues in forming communities and although they are important factors, they too need to be evaluated in balance with "many" other land use related issues such as pedestrian mobility, building architecture, floodplain management, economics, historic preservation, aesthetics, etc. Of course all of these factors should be weighed equally, but in the applicants opinion and many of the citizens and neighbors who have been involved with this application have either questioned this areas residential zoning and/or questioned the ludicrously of adding more parking lots to this area when those spaces sit underutilized for eight to nine months of the year.

Finally, it should be understood that of the four subject parcels proposed to be reclassified with this application, only one parcel (Tax Lot 2501 - dirt parking lot) is uncertain as to its future building's use, size, height, shape, design, materials, colors, orientation, or parking demands. The remaining three parcels and their buildings' uses, size, height, shape, design, materials, colors, orientation and parking demands are either already existing with no changes expected or are identified in Application 2. That said, it's difficult to determine what parking demands may be associated with Tax Lot 2501, but it should be evident to all concerned that its existing land use and single family zoning is not the best use of the land, leaves limited options to the property owners or currently presents the best image of the City.

Chapter XI – Energy, Air and Water Conservation

GOALS

The City shall strive, in every appropriate way, to reduce energy consumption within the community. Water conservation and air quality enhancement should also be promoted. Programs should emphasize greater efficiency in end use, rather than sacrifices in living standards.

In general, policies that effect change through a combination of economic incentives and public education shall be considered more appropriate than policies involving strict legal requirements or mandates.

The City shall give due attention to energy and resource conservation and air quality enhancement in all planning actions and city activities.

The proposal is for a Comprehensive Plan Amendment, Zone Change and Development Agreement which does not, by itself, generate energy/water/air consuming demands. However, as part of the Development Agreement and the construction of the building proposed with Application 2, energy consumption, water quality enhancement and air quality opportunities are a priority and will be incorporated into the development of the proposed building.

Specifically, the method of energy proposed to be used will be both a consumption of electric and natural gas for the operation of the building. The applicants are estimating a mixed use of 13% commercial kitchen (high energy use intensity (high EUI) and 87% dining / assembly / storage (low EUI). The applicants are utilizing an energy efficiency benchmark that compares to energy efficient buildings that have received a *U.S. Green Building Council LEED certification* which is based on index information for energy use intensity in a March 4, 2008 report by the New Buildings Institute, titled "Energy Performance of LEED for New Construction Buildings." In the report, the high energy use buildings had EUIs up to 700 kBtu/sf and low energy use buildings had median EUIs of 69 kBtu/sf. With these figures compared to the national average of all commercial building stock, these LEED buildings in the study were an average of 24% more energy efficient than the national average. With this conclusion, the applicants are proposing a commercial building with an energy use target that will perform better than the national average by at least 24% by utilizing figures based on the data from the above referenced study:

The applicants will be utilizing natural ventilation strategies to heat and cool the building by virtue of a central atrium that is open between the main and upper levels. Additionally, the main energy efficient strategy will be to utilize building mass (concrete) in the floors on all levels and in the walls on the basement level and first level. Considerations are being evaluated to utilize concrete in the walls on the upper levels pending energy usage modeling in the design development phase of the project.

Chapter XII – Urbanization

GOAL

It is the City of Ashland' goal to maintain a compact urban form and to include an adequate supply of vacant land in the city so as not to hinder natural market forces within the City, and to ensure an orderly and sequential development of land in the City limits.

POLICIES

XII-1 The City shall strive to maintain at least a 5-year supply of land for any particular need in the City limits. The 5-year supply shall be determined by the rate of consumption necessitated in the projections made in this Comprehensive Plan.

Downtown (C-1-D): According to the 1999 and 2005 Buildable Land Inventories (BLI), the Downtown area had a total of .10 (approximately 4,356 sq. ft.) acres of land within the Downtown that was inventoried as vacant and that an additional .03 (1,306 sq. ft.) acres was needed. Since this time, three of the five parcels (old Harrison's Auto Part Store off East Main Street, old Harrison's Auto Part Store parking lot off Lithia Way and top level of the Hargadine Street public parking structure) have been either developed or are not developable as commercial lands. The remaining two lots are both privately owned parking lots off Lithia Way (Elk's Lodge lot and Irvine Industries lot) and both, based on a recent inquiry from the applicants have either no desire to develop the property or intend to develop it privately in the near future.

That said, the total area of the lots since consumed in the Downtown and no longer "vacant" as identified on the corresponding BLI map are approximately 27,312 sq. ft. (.62 acres), not including the Elk's and Irvine properties of approximately 37,897 sq. ft. (.87 acres).

Finally, the 1999 or 2005 BLI didn't appear to have included the zone change for the City's Planning and Engineering Services building which is approximately 18,295 sq. ft. (.42 acres) or any of the various building expansions or reconstructions. When all are reviewed and added to the question, the demand for land within the Downtown is considerable – all of which is a healthy and a considerable achievement for the City as growth within the urban core (infill) is very positive and significantly more sustainable than alternative growth forms.

Residential (R-1-7.5): In contrast, the same BLI's reported that there was a total of 70.21 acres needed between 1999 and 2010 (required 20 year supply), but that there were 192.72 acres already within City limits and another 223.88 acres within the City's Urban Growth Boundary (UGB) this accommodating approximately 60 years of single family housing within City limits and another 60 years of single family residential housing growth within the UGB. *Question:* Does the zone change of approximately 1.57 acres of single family residentially zoned lands to Downtown zoning create a burden on the 20 year required residential supply of land? No. The BLI inventories clearly show the contrast in available land and demand for such lands and that there is a significant surplus of single-family residentially zoned lands. Furthermore, to be reasonable, the three parcels now owned by the City (ice rink and Community Center/Pioneer Hall) as well as the Café site have ever been residential uses and should not be considered as residential lands.

APPLICATION 2:

Application 2 specifically applies to 85 Winburn Way (TL 3000) and is for the construction of a 10,632 square foot commercial building. The building will be for a café / restaurant. The three entitlements governing the proposal include a Site Design and Use Review Permit, a Physical & Environmental Constraints Permit (Hillside) and a Tree Removal Permit.

The intended use of the building will be for a café / restaurant that will serve locals and visitors. A large component of the building's floor area has been designed to cater to patrons of the ice rink in order to provide for comfortable dining and viewing areas. These areas are best seen on the project's various site plans, specifically L1.0 and L1.1 and floor plans A1.1, A1.2 and A1.3.

The proposed building has a total of four floors with one floor being a basement not visible from the exterior and one being a roof-top garden area best described as a partially covered "observation deck" for viewing Lithia Park. The remaining two floors are the main floor and upper floor that primarily generate the building's mass.

The general description of each floor is as follows:

Basement (A1.0): The buildings basement is 3,158 square feet of gross floor area all of which is below grade and not visible from the street. The basement is intended to be "flex space" and provide for a variety of typical restaurant needs such as storage, mechanical equipment, food preparation, bathrooms, wine cellar and possibly dining. As with all of the building's floors, a large portion of the floor area is dedicated to the building's central entry feature and circulation space. The basements gross floor area is generally divided into the kitchen area (504 sq. ft.), storage space (1,083 sq. ft.), restrooms (236 sq. ft.), circulation space (684 sq. ft.) and mechanical/structural/elevator areas (651 square feet). Of the entire 3,158 square feet, approximately 50% of the space (kitchen and storage) is dedicated to the building's actual uses and 50% dedicated to the building's operations (circulation, restrooms, mechanical, etc.). NOTE: The basement's large radius wall illustrates the tree protection zone and design efforts to preserve one of the site's many large and imposing Oak Trees (31" d.b.h. Oak Tree, Tree #10).

Main Floor (A1.1): The main floor is 3,965 square feet of gross floor area and serves as the building's primary entrance as well as the covered and heated outdoor assembly space winter patrons (ice rink warming, dining and viewing area). The main floor has the largest floor area of the building but as with the basement and top floor, the actual useable space for restaurant's patrons is limited due to the building's central entry feature and circulation space as well as the outdoor assembly space(s). The main floor area is generally divided into the kitchen areas (929 sq. ft.), dining area (1,395 sq. ft.), restrooms (267 sq. ft.), circulation areas (863 sq. ft.) and mechanical/structural/elevator areas (511 sq. ft.). Of the entire 3,965 square feet, approximately 60% of the floor area (kitchens and dining) is dedicated to the building's actual uses and 40% dedicated to the building's operations (circulation, restrooms, mechanical, etc.).

Upper Floor (A1.2): The upper floor or “second floor” of the building is 3,148 square feet of gross floor area and is primarily dedicated as dining and assembly space. Like the main floor, the second floor also has a covered and heated outdoor space (deck) located on the south side of the building to accommodate assembly of patrons to view the ice rink in a comfortable setting. The second floor also accommodates a larger dining area, generally to be used for special events or peak periods. The second floor area is generally divided into dining interior (1,360 sq. ft.), dining exterior (656 sq. ft.), restrooms (146 sq. ft.), circulation (865 sq. ft.) and the mechanical/structural/elevator areas (481 sq. ft.). Of the entire 3,148 square feet, approximately 65% of the floor area (interior and exterior dining) is dedicated to the building’s actual uses and 35% dedicated to the building’s operations (circulation, restrooms, mechanical, etc.).

Rooftop / Observation Deck (A1.3): The top floor or observation area is approximately 361 sq. ft. of gross floor area. This space is very unique and a key element to the building’s design as it not only produces a unique design configuration, but also provides a “small” covered area for patrons to survey the park and simultaneously allow natural light into the building - a building that is literally nestled into the hillside and covered by a significant amount of tree canopy. The observation deck’s floor area (361 square feet) is covered by a glass roof providing natural light to penetrate the building and protection of its interior space from inclement weather. The building’s rooftop also includes a local example for “green” construction practices as its rooftop is primarily a rooftop garden that will include various plantings and plants specifically intended to grow over its edges (Note: The rooftop’s planting details have not yet fully been explored as additional engineering will need to be provided to determine a variety of factors that may effect the area of the garden, its soil depths, irrigation system, etc. Prior to issuance of a building permit, further garden details will be provided).

Public Improvements (L1.0): The application includes a number of public and private improvements with the intent to *infuse* activity and excitement into the Winburn Way Streetscape, Park, Ice Rink and Pioneer Hall. These improvements are best illustrated on Sheet L1.0.

- **Pioneer Hall** - improvements to the outdoor courtyard such as a new seating wall for improved assembly space and widened sidewalks along the frontage to encourage “street activation” and architectural enhancement which in-turn improves streetscape aesthetics and improves pedestrian mobility;
- **Ice Rink/Parking Lot** - off-site improvements with the addition of a small skate rink structure which will include space for public bathrooms, administration offices and skate storage. In addition, a portion of the building’s space will be dedicated to the zambonie machine (a machine that periodically refreshes the ice) that will extend “directly” onto the ice instead of its location across the street where it must cross vehicular and pedestrian traffic to get to the ice leaving petroleum residues and heavy particulates on the ice. Improvements to also include widened sidewalks along the frontage, a drop-off space and plaza/courtyard space(s) with seating for assembly and

viewing the rink's various recreational activities. *Note: At the time of this writing, the applicants have discussed with City staff the size, location and benefits of a future restroom/administration/zambonie structure, but have yet to provide any preliminary designs. The primary reason is timing as the applicants are committed to fulfilling the commitment, but would rather defer additional design work until the application is approved, but accept a reasonable condition of approval to design and construct the structure(s) "at the time of the proposed restaurant building". This would entail a Site Review Permit and additional public review for that particular structure.*

- **Winburn Way** – improvements include widened sidewalks in various locations that are largely consistent with Ashland Street Standards, a large entry plaza at 85 Winburn Way for public assembly and architectural distinction. The sidewalk plan also incorporates an unloading zone for deliveries (out of travel lane). All sidewalk expansion plans have been evaluated to insure minimal on-street parking loss and to insure vehicle back-out movements from the other side of Winburn Way are not effected. *Note: It should be understood that although the Winburn right-of-way has a consistent "curb to curb" width from the Community Development Building to Nutley Street, only ½ the street has parallel parking along the west side of the street. This has always been a mystery, but regardless, its important to note that the proposed sidewalk's 4' expansion, does not impact the backing-up movements of vehicles on the east side of the street and leaves a total backup area of 26'-4" where the City's back-up standard is 22'.*

Site Plan (L1.1): The site plan illustrates the proposed building's footprint in relationship to the site's property boundaries, significant trees, adjacent neighbors and various surface improvements. From right to left, the plan shows 1) the proposed two-step seat wall in the Pioneer Hall courtyard; 2) a narrow service corridor designed with "permeable" paving, 3) a hidden trash enclosure and 3-phase electrical transformer (using existing garage pad to limit impact on large Oak Tree and to hide from public view), 4) bicycle parking, 5) a 4' extended sidewalk addition with typical 5' x 5' tree grates (*Note: Street trees are not being provided in front of Pioneer Hall due to the fact that the existing sidewalk is only 5' meaning the 4' expansion plus a 5' x 5' tree grate would actually "reduce" the pedestrian clearance. However, if desired by the Tree and Planning Commission, a reduced tree grate is possible, but in the applicant's opinion, Pioneer Hall and its eaves are already too close and even encroach into the sidewalk area meaning street trees would likely add to this section of street's "uncomfortable" feeling*), 6) standard street lights "replacing" existing cobra head lights, 7) a short seat wall paralleling the sidewalk adjacent to a small intimate outdoor dining area, 8) a large public plaza area (approximately 30' from the street's curb), 9) surface level vaults and meters, and 10) ground level public plaza with an exterior fireplace, seat wall(s) and multiple access points from the sidewalk and skate rink.

Site Constraints (L2.1 and L3.1): The Grading and Tree Protection and Removal Plans "best" illustrate the physical challenges of the property which has "significant" slopes and large Oak Trees limiting the developable area of the lot by approximately 50%, but it also delineates a building footprint that respects the site's more significant natural

features. The plans also show the six trees to be removed of which four are Pine Trees (#1 - #4) located on the south side of the property and a small Apple Tree (#9) located on the northern side of the property. The plan also identifies two 6" and 7" Maple Trees (#5 and #6) located in raised planters that are proposed to be transplanted. Finally, Sheet L3.1 shows the building's slight encroachment into the rear hillside, approximately 3' on the main floor and 6' on the second floor. The main floor's 3' encroachment is essentially in an area of erosion and sediment build-up that abuts the existing building and the second floor essentially cantilevers an additional 6' which will be backfilled.

Landscape Plan (L3.2): The project's new landscaping is primarily concentrated on the rear and north side of the property where disturbance will occur from building construction or utility installation. In addition, a significant amount of the landscaping is being provided on many existing areas that are now bare (weeds/brush) and to add trees and shrubs to help screen the adjacent residential properties. The Landscaping Plan was completed by a local Landscape Architect in consultation with the project Arborist to insure the plantings and irrigation levels are appropriate for the site's existing Oak Trees.

The applicable criteria and findings of fact for each entitlement are as follows:

Section 18.72.070 Site Design Review Approval Criteria:

A. All applicable City Ordinances have been met or will be met by the proposed development.

To the applicant's knowledge all City regulations are or will be complied with. The applicants are not requesting any exceptions or variances.

B. All requirements of the Site Review Chapter have been met or will be met.

As noted below, all requirements listed in the Site Review Chapter (18.72) have or will be complied with. Specifically, the landscaping will be irrigated and maintained, and light and glare concerns will be addressed with down-lighting and screening where necessary (see detail responses below addressing each specific applicable Site Review requirement).

C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.

The proposal complies with all applicable Site Design Standards originally adopted August 4th, 1992 and all amendments since by the City Council. The standards regulate building context, site design, parking lot screening, refuse screening, landscaping percentages, etc. The applicants contend all of the standards are being addressed.

D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All

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improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.

All key facilities are available to service the proposed building. The applicants have met with all of the various utility departments to verify if there were any capacity issues. The results of the meetings were that adequate City facilities are available to the subject site. The applicants will comply with any facility upgrades if determined necessary at the time of the building permit and once all of the civil engineering is completed. Furthermore, the applicants would like the decision makers to realize the extensive amount of *off-site* public improvements associated with this project the applicants are not obligated to provide, but desire to.

1) Storm Drainage: Currently, the entire subject building area is covered with existing impervious surface, either asphalt or buildings and the proposed projects impervious virtually has the same amount of impervious surface area due to the added roof-top garden area. Regardless, the site has adequate storm drainage capacity as there are oversized storm drain inlets both above and below the site within the Winburn Way right-of-way.

2) An 8 " water line extends the length of the property and currently serves the existing building. Initial calculations show that this line is adequate to serve the proposal. The site's existing meter will be increased from a ¾ line to a 1½ line.

3) Sewer Service: There is an existing 6" sewer line located in the Winburn Way right-of-way that serves the existing site. The proposed building will continue to be serviced from the line. The project's Engineer and Architect have indicated that this sewer line is adequate to serve the project.

4) Electrical: Three phase electrical power is available to the subject site. The Electrical Department has indicated that there is adequate electrical power to serve the project and has participated in the creation of the electrical facility locations. The electrical transformer location is shown at the rear of the building (specifically located where existing storage building sits) and specifically located to minimize its view from the right-of-way. There are also four pedestrian scaled street lights proposed along the project's right-of-way, all of which will include Sternberg (City Standard) light and pole fixtures.

5) Transportation: Winburn Way is an existing right-of-way with adequate transportation facilities. The application does include expanding the sidewalks not only in front of the subject property, but also adjacent to the "public" properties on its south and north side in order to improve pedestrian mobility, activate the street, improve congregation space and improve upon the street's aesthetics by adding street trees and pedestrian scaled lighting. Further, the site is within the downtown core and is conveniently located near public transit, pedestrian, and automobile traffic. Overall, Winburn Way functions extremely well considering it's really a linear parking lot with very few pass-through trips. Finally,

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Winburn Way is not listed within the adopted Transportation System Plan (TSP) or identified within the Capital Improvement Plan (CIP) for any deficiencies.

6) Fire: The Fire Department staff has been included in the discussion of the application since the beginning stages of the proposal. The application not only includes 360 degree access around the perimeter of the building, but also an FDC valve at the front of the building. Further, an existing fire hydrant is approximately 30' from the southern end of the parcel and another hydrant is approximately 150' to the north.

SITE DESIGN REVIEW, CHAPTER 18.72

(applicable standards listed only)

18.72.050 Detail Site Review Zone

With the approval of Application #1, the subject property would be within the City's Detail Site Review Zone and subject to all applicable standards thereof. To the best of the applicant's, all standards are being complied with.

18.72.055 Downtown Design Standards Zone

The application is not subject to the Downtown Design Standards Zone as these standards were specifically written to regulate and guide building designs that were specifically "main street" designs such as those found in the Downtown Plaza. By not including the properties within the Downtown Design Standard's Zone, but still being regulated under the Site Design and Use Standards Chapter, the architecture of the subject properties remains flexible and under the discretion of the Historic Commission which will base their decision on streetscape context – not specific design standards.

18.72.060 Plans Required

All of the items listed under this section have been submitted on either the attached plans or addressed within this document.

A. Project Name: 85 Winburn Way

B. Vicinity Map: See sheet AS1.0

C. Scale: See submitted plans. Note: For purposes of mass packet preparation, the scale has been reduced to accommodate 11 x 17 drawings, but large prints for presentation purposes have also been provided with the application materials.

D. North Arrow: See submitted plans.

E. Date: See submitted plans

F. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development: See submitted plans

G. Lot layout with dimensions for all lot lines: See submitted plans

H. Zoning designations of the proposed development: See submitted plans

I. Zoning designations adjacent to the proposed development: See submitted plans

J. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed: See submitted plans AS1.0

K. Location and size of all public utilities in and adjacent to the proposed development with the locations shown of:

- 1. Water lines and meter sizes.**
- 2. Sewers, manholes and cleanouts.**
- 3. Storm drainage and catch basins.**
- 4. Opportunity-to-recycle site and solid waste receptacle, including proposed screening. See submitted plans AS1.0**

L. The proposed location of:

- 1. Connection to the City water system.**
- 2. Connection to the City sewer system.**
- 3. Connection to the City electric utility system.**
- 4. The proposed method of drainage of the site. See submitted plans AS1.0**

M. Location of drainage ways or public utility easements in and adjacent to the proposed development. See submitted plans

N. Location, size and use of all contemplated and existing public areas within the proposed development. See submitted plans

O. All fire hydrants proposed to be located near the site and all fire hydrants proposed to be located within the site. See submitted plans

P. A topographic map of the site at a contour interval of at least five (5) feet. See submitted plans

Q. Location of all parking areas and all parking spaces, ingress and egress on the site, and on-site circulation. See submitted plans

R. Use designations for all areas not covered by building. See submitted plans

S. Locations of all existing natural features including, but not limited to, any existing trees of a caliber greater than six inches diameter at breast height, except in forested areas, and any natural drainage ways or creeks existing on the site, and any outcroppings of rocks, boulders, etc. Indicate any contemplated modifications to a natural feature. See submitted plans

T. A landscape plan showing the location, type and variety, size and any other pertinent features of the proposed landscaping and plantings. At time of installation, such plans shall include a layout of irrigation facilities and ensure the plantings will continue to grow. See submitted plans

U. The elevations and locations of all proposed signs for the development. See submitted plans

V. For non-residential developments proposed on properties located in a Historic District, an exterior wall section, window section and drawings of architectural details (e.g. column width, cornice and base detail, relief and projection, etc.) drawn to a scale of three-fourths (3/4) of an inch equals one (1) foot or larger. See submitted plans A3.1.

W. Exterior elevations of all buildings to be proposed on the site. Such plans shall indicate the material, color, texture, shape and other design features of the building, including all mechanical devices. Elevations shall be submitted drawn to scale of one inch equals ten feet or greater. See submitted plans

X. A written summary showing the following:

- 1. For commercial and industrial developments:**
 - a. The square footage contained in the area proposed to be developed.**

Basement: 3,158 sq. ft.
 Main Level: 3,965 sq. ft.
 Upper Level: 3,148 sq. ft.
 Rooftop: 361 sq. ft.
 Total: 9,615 sq. ft. (interior) / 1,017 sq. ft. (exterior)

b. The percentage of the lot covered by structures.

Building footprint (3,965 sq. ft.) to lot (12,420 sq. ft.): 32%

c. The percentage of the lot covered by other impervious surfaces.

Building Footprint: 3,965 sq. ft.
 Plaza Area: 2,295 sq. ft.
 Service Area: 877 sq. ft.

d. The total number of parking spaces. See submitted plans (no parking spaces are proposed on the subject site, but the existing spaces on the City parking lot to the south are identified on Sheet L1.0 and will be striped for clarity and efficiency. It's expected four additional spaces will be provided with the added parking space striping which replaces the four spaces removed along Winburn Way for the new sidewalk/curb extension.

Parking: Although no parking is required in the C-1-D zone, the parking demand for the building is likely to vary based on the seasons – similar to any other restaurant in town. However, unlike other restaurants where there is one kitchen and one or possibly two dining areas, the proposed building has been designed to accommodate multiple dining areas with the understanding that some spaces will be more utilized at different times of the year and some less (outdoor courtyard, outdoor assembly/fireplace area, covered patio and observation deck). It should also be understood that unlike most buildings, the site's constraints have largely influenced the building's floor plans which has created a unique floor area where the majority of the floor area is designated as circulation, storage, restrooms, mechanical equipment and kitchen space.

Area:	Area designated for dining	Area designated for circulation, viewing, storage, restrooms, kitchen, mechanical equipment, etc.
Basement:	0% (0 sq. ft.)	100% (3,158 sq. ft. total)
1 st Floor (main floor)	40% (1,880 sq. ft.)	60% (4,684 sq. ft. total*)
2 nd Floor	60% (1,890 sq. ft.)	40% (3,148 sq. ft. total*)
Observation Deck:	20% (60 sq. ft.)	80% (361 sq. ft. total)

* The second floor totals include both patios one of which is not covered and not part of the gross floor area, but both are included in the table as they are both dining areas.

Of the building's total 11,351 "total" accountable area - which includes "all" private/public patio spaces (outdoor covered fire place area, viewing area of rink, uncovered patio, etc.), the total area dedicated to actual dining is 3,770 square feet or

33% of the entire interior *and* exterior space – a large portion of which is seasonal and not likely to be used throughout the year.

According to industry standards, the typical percentage of restaurant floor area dedicated to dining vs. kitchen is 70/30 (*Nation's Restaurant News, March 2001*) or 60/40 (*various references*). In the proposal's case, the space ratios are 33/67 which clearly illustrates that the proposed building is not a "standardized" building and that a significant amount of the floor area is dedicated to "public use" and an interior floor area that is designed to welcome guests with excitement and comfort.

That said, the estimated parking demand is based on the space dedicated to the dining areas and industry standards which generally state that for every 1,000 square feet of actual "dining space", approximately 50 seats can be accommodated. Therefore, of the building's 3,770 square foot dining space area, the estimate would be approximately 189 seats or a demand of approximately 47 parking spaces which is also based on City code provisions and industry standards (1 parking space / per 4 seats). Considering the existing café/restaurant use already has a 17 space parking Variance based on the restaurant's 1982 approved application (PA-82-88), the actual new demand is approximately 30 parking spaces. However, because of the site's location near Lithia Park and the Plaza, the seasonal nature of the parking availability, the various public space inclusions, as well as the "numerous" off-site improvements that will further enhance the Winburn Way streetscape and pedestrian experience, the applicants contend that a *majority* of patrons visiting the new restaurant will "already" be going to the park, seeing a play or patronizing a Downtown business and thus, adding little to no demand than what already exists. Considering parking is only an issue 25% of the year and the applicants are attempting to provide a use that increases the demand in the winter months, the applicants believe the application will have little impact on parking in the summer months, but a very positive impact on local businesses during the winter months.

2. For residential developments: Not applicable as no residential units are proposed.

3. For all developments, the following shall also be required: The method and type of energy proposed to be used for heating, cooling and lighting of the building, and the approximate annual amount of energy used per each source and the methods used to make the approximation.

The method of energy proposed to be used will be both a consumption of electric and natural gas for the operation of the building. The applicants are estimating a mixed use of 13% commercial kitchen (high energy use intensity (high EUI) and 87% dining / assembly / storage (low EUI). The applicants are utilizing an energy efficiency benchmark that compares to energy efficient buildings that have received a *U.S. Green Building Council LEED certification* which is based on index information for energy use intensity in a March 4, 2008 report by the New Buildings Institute, titled "Energy Performance of LEED for New Construction Buildings." In the report, the high energy use buildings had EUIs up to 700 kBtu/sf and low energy use buildings had median EUIs

of 69 kBtu/sf. With these figures compared to the national average of all commercial building stock, these LEED buildings in the study were an average of 24% more energy efficient than the national average. With this application, the applicants are proposing a commercial building with an energy use target that will perform better than the national average by at least 24% by utilizing figures based on the data from the above referenced study:

AREAS OF PROPOSED USE BY EUI:

Total area of high EUI: (COMMERCIAL KITCHEN): 1241 SF
 Total area of low EUI: (DINING/ASSEMBLY/STORAGE): 8374 SF

ESTIMATED ENERGY USAGE:

High EUI of 700 kBtu/sf * 1241 sf =	868,700 kBtu
Low EUI of 69 kBtu/sf * 8374 sf =	577,806 kBtu
TOTAL	1,446,506 kBtu

The applicants will be utilizing natural ventilation strategies to heat and cool the building by virtue of a central atrium that is open between the main and upper levels. Additionally, the main energy efficient strategy will be to utilize building mass (concrete) in the floors on all levels and in the walls on the basement level and first level. Considerations are being evaluated to utilize concrete in the walls on the upper levels pending energy usage modeling in the design development phase of the project.

Section 18.72.070 Site Design Review Approval Criteria:

A. All applicable City Ordinances have been met or will be met by the proposed development.

To the applicant’s knowledge all City regulations are or will be complied with. The applicants are not requesting any exceptions or variances.

B. All requirements of the Site Review Chapter have been met or will be met.

As noted below, all requirements listed in the Site Review Chapter (18.72) have or will be complied with. Specifically, the landscaping will be irrigated and maintained, and light and glare concerns will be addressed with down-lighting and screening where necessary (see detail responses below addressing each specific applicable Site Review requirement).

C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.

The proposal complies with all applicable Site Design Standards originally adopted August 4th, 1992 and all amendments since by the City Council. The standards regulate building context, site design, parking lot screening, refuse screening, landscaping percentages, etc. The applicants contend all of the standards are being addressed.

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D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.

All key facilities are available to service the proposed building. The applicants have met with all of the various utility departments to verify if there were any capacity issues. The results of the meetings were that adequate City facilities are available to the subject site. The applicants will comply with any facility upgrades if determined necessary at the time of the building permit and once all of the civil engineering is completed. Furthermore, the applicants would like the decision makers to realize the extensive amount of *off-site* public improvements associated with this project the applicants are not obligated to provide, but desire to.

1) Storm Drainage: Currently, the entire subject building area is covered with existing impervious surface, either asphalt or buildings and the proposed project's impervious virtually has the same amount of impervious surface area due to the added roof-top garden area. Regardless, the site has adequate storm drainage capacity as there are oversized storm drain inlets both above and below the site within the Winburn Way right-of-way.

2) An 8 " water line extends the length of the property and currently serves the existing building. Initial calculations show that this line is adequate to serve the proposal. The site's existing meter will be increased from a ¾ line to a 1½ line.

3) Sewer Service: There is an existing 6" sewer line located in the Winburn Way right-of-way that serves the existing site. The proposed building will continue to be serviced from the line. The project's Engineer and Architect have indicated that this sewer line is adequate to serve the project.

4) Electrical: Three phase electrical power is available to the subject site. The Electrical Department has indicated that there is adequate electrical power to serve the project and has participated in the creation of the electrical facility locations. The electrical transformer location is shown at the rear of the building (specifically located where existing storage building sits) and specifically located to minimize its view from the right-of-way. There are also four pedestrian scaled street lights proposed along the project's right-of-way, all of which will include Sternberg (City Standard) light and pole fixtures.

5) Transportation: Winburn Way is an existing right-of-way with adequate transportation facilities. The application does include expanding the sidewalks not only in front of the subject property, but also adjacent to the "public" properties on its south and north side in order to improve pedestrian mobility, activate the street, improve congregation space and improve upon the street's aesthetics by adding street trees and pedestrian scaled lighting. Further, the site is within the downtown core and is conveniently located near public

transit, pedestrian, and automobile traffic. Overall, Winburn Way functions extremely well considering it's really a linear parking lot with very few pass-through trips. Finally, Winburn Way is not listed within the adopted Transportation System Plan (TSP) or identified within the Capital Improvement Plan (CIP) for any deficiencies.

6) Fire: The Fire Department staff has been included in the discussion of the application since the beginning stages of the proposal. The application not only includes 360 degree access around the perimeter of the building and an FDC valve at the front of the building. Further, an existing fire hydrant is approximately 30' from the southern end of the parcel and another hydrant is approximately 150' to the north.

Section 18.72.080 Site Design Standards:

A. The Council may adopt standards by ordinance for site design and use. These standards may contain:

- 1. Additional approval criteria for developments affected by this Chapter.**
- 2. Information and recommendations regarding project and unit design and layout, landscaping, energy use and conservation, and other considerations regarding the site design.**
- 3. Interpretations of the intent and purpose of this Chapter applied to specific examples.**
- 4. Other information or educational materials the Council deems advisable.**

B. Before the Council may adopt or amend the guidelines, a public hearing must be held by the Planning Commission and a recommendation and summary of the hearing forwarded to the Council for its consideration.

C. The Site Design and Use Standards adopted by Ordinance No' s. 2690, 2800, 2825 and 2900, shall be applied as follows:

- 1. The Multi-family Residential Development Standards in Section II.B. shall be applied to the construction of attached single-family housing (e.g. town homes, condominiums, row houses, etc.).**
- 2. The Commercial, Employment, and Industrial Development standards in Section II.C. shall be applied to non-residential development (e.g. public buildings, schools, etc.)**

This section is not applicable and the applicants are not aware of any pending amendments to the existing Site Design and Use Standards.

18.72.090 Administrative Variance from Site Design and Use Standards

No Variances or Exceptions are being requested with this application.

18.72.100 Power to Amend Plans

When approving an application the Planning Commission or the Staff Advisor may include any or all of the following conditions if they find it necessary to meet the intent and purpose and the criteria for approval:

- A. Require the value of the landscaping to be above two percent, but not greater than five percent of the total project costs as determined from the building permit valuation.
- B. Require such modifications in the landscaping plan as will ensure proper screening and aesthetic appearance.
- C. Require plantings and ground cover to be predominant, not accessory, to other inorganic or dead organic ground cover.
- D. Require the retention of existing trees, rocks, water ponds or courses and other natural features.
- E. Require the retention and restoration of existing historically significant structures on the project site.
- F. Require the City Engineer's approval of a grading plan or drainage plan for a collection and transmission of drainage.
- G. Require the modification or revision of the design or remodeling of structures, signs, accessory buildings, etc., to be consistent with the Site Design Standards.
- H. Require the modification of the placement of any new structures, new accessory uses, parking and landscaping on the project site to buffer adjacent uses from the possible detrimental effects of the propose development.
- I. Restrict heights of new buildings or additions over 35 feet and increase setbacks up to 20 feet.
- J. Require on-site fire hydrants with protective barricades.
- K. Require the type and placement or shielding of lights for outdoor circulation and parking.
- L. Require new developments to provide limited controlled access onto a major street by means of traffic signals, traffic controls and turning islands, landscaping, or any other means necessary to insure the viability, safety and integrity of the major street as a through corridor.
- M. Require pedestrian access, separate pedestrian paths, sidewalks and protection from weather in new developments.
- N. Require developments to provide access to improved City streets and, where possible, provide access to the lower order street rather than a major collector or arterial street.

The applicants are aware of the Planning Commission has the power to amend plans in accordance the items listed above. Although the applicants are very much open to additional public input, but the applicants seek approval of the application as presented due to the fact the site and building have gone through a significant amount of public and professional analysis and any significant changes may result in unintended consequences or a change not desirable to the applicants.

18.72.110 Landscaping Standards

Area Required. The following areas shall be required to be landscaped in the following zones:

C-1-D - None, except parking areas and service stations shall meet the landscaping and screening standards in Section II.D. of the Site Design and Use Standards.

The proposed zoning is C-1-D and although no landscaping is required in this zone, the applicants are proposing a total of 42% of landscaping for the site. Specifically, the site has a total of 5,283 sq. ft. of landscaping, not including 1,500 sq. ft. (+/-) on the building's predominately "green" roof.

B. Location. Landscaping shall be located so that it is visible from public right-of-way or provide buffering from adjacent uses. Landscaping shall be distributed in those areas where it provides for visual and acoustical buffering, open space uses, shading and wind buffering, and aesthetic qualities.

The majority of the site's landscaping is intended to buffer the adjacent residential uses, the majority of which is natural and consists of large and mature Oak trees that not only buffer the adjacent neighbors, but help accentuate the building's aesthetic setting into the site. Street trees are being added along the frontage of the building which will not only accentuate the building's architecture and provide shade relief along the Winburn Way sidewalk.

C. Irrigation. All landscaping plans shall either be irrigated or shall be certified that they can be maintained and survive without artificial irrigation. If the plantings fail to survive, the property owner shall replace them.

The site's irrigation will be maintained and all plantings will be irrigated in accordance with the landscape plans. If the plantings fail to survive, for whatever reason, the property owner shall replace them.

D. Parking Lots. Seven percent of all the parking lot area shall be landscaped. Such landscaping shall consist of the proper mixture of deciduous trees and shrubs so that all of the landscaped areas shall be covered within five years by a spreading evergreen ground cover or by shrubs and shaded by the trees.

Not applicable as the applicants are not proposing on-site parking.

E. One street tree per 30 feet of frontage shall be required on all projects.

One street tree per 30 feet of frontage is proposed (L3.2). The property's length along the Winburn Way frontage is 147' and five trees are proposed.

18.72.115 - Recycling Requirements

A. Commercial. Commercial developments having a solid waste receptacle shall provide a site of equal or greater size adjacent to or with access comparable to the solid waste receptacle to accommodate materials collected by the local solid waste

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franchisee under its on-route collection program for purposes of recycling. Both the opportunity-to-recycle site and the common solid waste receptacle shall be screened by fencing or landscaping such as to limit the view from adjacent properties or public rights-of-way.

The proposal complies with this standard as identified on sheet L1.1 of the plan submittals.

18.72.120 Controlled access

B. Street and driveway access points in an R-2, R-3, C-1, E-1 or M-1 zone shall be limited to the following:

- 1. Distance between driveways.**
 - On arterial streets - 100 feet;**
 - On collector streets - 75 feet;**
 - On residential streets - 50 feet.**

The proposal complies with the street and driveway standards noted above. The application does not include a driveway, but there is a service entry curb-cut providing an area for incoming supplies and outgoing refuse. The nearest driveway location is approximately 140' to the south (driveway into public parking lot).

- 2. Distance from intersections.**
 - On arterial streets - 100 feet;**
 - On collector streets - 50 feet;**
 - On residential streets - 35 feet.**

As noted above, the proposal does include a driveway, but technically a service entry curb-cut providing an area for incoming supplies and outgoing refuse. Nevertheless, the nearest driveway location is approximately 400' from Nutley Street complying with this standard.

18.72.140 Light and Glare Performance Standards

There shall be no direct illumination of any residential zone from a lighting standard in any other residential lot, C-1, E-1 or M-1, SO, or HC lot.

No direct illumination is proposed or will occur on the adjacent residential houses on Granite Street.

18.72.150 Review by Conservation Coordinator

A. Upon receiving an application for a Site Review, the Staff Advisor shall refer the application to the Conservation Coordinator for comment.

Application includes preliminary estimates of the building's energy usage as described herein. This task will need to be completed by the Staff Advisor and Conservation Coordinator.

B. Prior to final approval of a site plan, the Conservation Coordinator shall file an oral or written report to be entered into the record of the proceedings consisting of:

- 1. An assessment of the energy use estimates by the applicant.**
- 2. An assessment of the applicant's energy use strategies.**
- 3. Recommendations to the applicant of cost-effective methods to further reduce energy consumption, if any exist.**

Above items B1 - B3 to be completed by City's Conservation Coordinator.

18.72.160 Landscaping Maintenance

A. All landscaped areas must be maintained in a weed-free condition.

All landscaping areas associated with the subject parcel are to remain in a weed-free condition.

B. All landscaped areas required by this Chapter must be maintained according to the approved landscaping plans.

All landscaping areas associated with the subject parcel are to be maintained in accordance with the approved landscaping plans.

ALUO – SITE DESIGN & USE STANDARDS (SECTIONS II-C, II-E AND 4-C)

II-C-1a) Orientation and Scale

1. Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Where buildings are located on a corner lot, the entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. Public sidewalks shall be provided adjacent to a public street along the street frontage. Buildings shall be located as close to the intersection corner as practicable.

The subject building has predominately been designed as a "human scale" experience rather than an auto-centric experience with wide sidewalks and a recessed entry creating a large assembly opportunity between the sidewalk and street's edge – similar to the City's Community Development and Engineering Services. However, unlike the City's Community Development and Engineering Services building's suburban and

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contemporary feel, the proposed building's architecture has been designed to incorporate a sense of permanence and uniqueness through use of design, materials and spatial arrangements – a design that incorporates heavy structural elements and simultaneously open and light elements. Furthermore, the proposed building offers a number of pedestrian elements such as wider sidewalks, spaced tree canopies (where appropriate) and covered and uncovered sitting spaces that are generally protected from inclement weather.

2. Building entrances shall be located within 20 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where this standard is met by other buildings. Automobile circulation or parking shall not be allowed between the building and the right-of-way. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours.

The proposed building entrance sits 31 feet from the edge of sidewalk and is surrounded by book-end volumes that sit directly along the sidewalk creating a semi-enclosed plaza space. In addition, with the addition of the outdoor warming and dining areas along the skate rinks northern edge, that area also becomes an area to provide improved access and a more open and inviting feel to the building.

3. These requirements may be waived if the building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service stations.

The application complies with the above entrance standards.

II-C-1b) Streetscape

One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street.

Application complies with the above standard. The attached landscaping plans (L3.2) identify five street trees along the property's 147' frontage. Furthermore, with a widened sidewalk as proposed, the street trees will be consistent with the City's street tree standards and the predominate street tree pattern found throughout the City.

II-C-1c) Landscaping

1. Landscaping shall be designed so that 50% coverage occurs after one year and 90% coverage occurs after 5 years.

The site's landscaping was designed by a local professional landscape designer, in close consultation with the project's Arborist, familiar with the City's Landscaping Standards within the Site Design Standards as well as the Southern Oregon climate zones. The landscape plan identifies a variety of plants designed to enhance the buildings

architecture as well as the identified activity areas. The landscaping has been designed so that 50% coverage is accomplished within the first year and 90% within five years.

2. Landscaping design shall utilize a variety of low water use and deciduous and evergreen trees and shrubs and flowering plant species.

The landscape plan utilizes a variety of low water use and deciduous evergreen trees, shrubs and flowering plants typically found in the Southern Oregon region.

3. Buildings adjacent to streets shall be buffered by landscaped areas at least 10 feet in width, except in the Ashland Historic District. Outdoor storage areas shall be screened from view from adjacent public rights-of-way, except in M-1 zones. Loading facilities shall be screened and buffered when adjacent to residentially zoned land.

The application complies with this standard as the site's storage area is behind the building and behind a fenced enclosure. The site's storage area is also screened from the adjacent residential houses due to the severe slope between the properties, short sitting walls and mature vegetation.

4. Irrigation systems shall be installed to assure landscaping success.

The landscape plans include an irrigation plan designed by the project's Landscape Architect to assure the plant's success.

5. Efforts shall be made to save as many existing healthy trees and shrubs on the site as possible.

As further expressed below, the majority of the site's vegetation will remain undisturbed. Five trees will be removed, four Pine trees along the site's southern property line and one Apple tree along the north property line. There are also two trees to be saved by relocation and they are the two Maple Trees between the existing building and sidewalk (built within the circular planter seats). All of the trees to be removed appear to be planted at the time of or during the existence of the existing café's use. In either case, the trees are not significant trees. In addition, because of their type, location or condition are proposed to be removed and replaced with trees that are appropriate for their location, accentuate the building's architecture or have a far better chance to thrive due to their planned location.

II-C-1d) Parking

1. Parking areas shall be located behind buildings or on one or both sides.

2. Parking areas shall be shaded by deciduous trees, buffered from adjacent non-residential uses and screened from non-residential uses.

Not applicable as parking is not required in the C-1-D zone.

II-C-1e) Designated Creek Protection

- 1. Designated creek protection areas shall be considered positive design elements and incorporated in the overall design of a given project.**
- 2. Native riparian plan materials shall be planted in and adjacent to the creek to enhance the creek habitat.**

Not applicable as the site does not abut a creek.

II-C-1f) Noise and Glare

Special attention to glare (AMC 18.72.110) and noise (AMC 9.08.170(c) & AMC (9.08.175) shall be considered in the project design to insure compliance with these standards.

Once the building is constructed and operating, the standards identified in AMC 18.72.110 (glare), AMC 9.08.170(c) and 9.08.175 (noise) will be met to insure compliance with such nuisance laws.

II-C-1g) Expansions of Existing Sites and Buildings

For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building expansion, e.g., if a building area is expanded by 25%, then 25% of the site must be brought up to the standards required by this document.

To the best of the applicant's knowledge, 100% of the site will comply with the above standards.

II-C-2 DETAIL SITE REVIEW

(Note: The application is proposing to include the subject parcel, in addition to the parcels identified within Application 1, to be "within" the City's Detail Site Review Zone and therefore all of the standards thereof will apply.)

II-C-2a) Orientation and Scale

- 1. Developments shall have a minimum Floor Area Ratio of .35 and shall not exceed a maximum Floor Area Ratio of .5 for all areas outside the Historic District. Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum Floor Area Ratio.**

The proposed building is within a Historic District and its floor area ratio is .85 which complies with the standard.

- 2. Building frontages greater than 100 feet in length shall have offsets, jogs, or have other distinctive changes in the building façade.**

The proposed building does have a couple of offsets / jogs and other distinctive changes in the building façades making it's street façade attractive and interesting.

3. Any wall which is within 30 feet of the street, plaza or other public open space shall contain at least 20% of the wall area facing the street in display areas, windows, or doorways. Windows must allow view into working areas or lobbies, pedestrian entrances or displays areas. Blank walls within 30 feet of the street are prohibited. Up to 40% of the length of the building perimeter can be exempted for this standard if oriented toward loading or service areas.

The proposed building has a variety of offsets and jogs all of which have windows exceeding 20% of the building's front wall area. The windows are an important element to the building's architecture as well as its interior design. The proposal complies with this standard.

4. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to entrances.

The building's Architect and Designer have incorporated changes in the building's mass and finish as well as surface improvements that will give the building a very inviting and attractive appearance.

5. Infill or buildings, adjacent to public sidewalks, in existing parking lots is encouraged and desirable.

There are a number of important elements to this building's architecture and site planning – one of which is the infill of the site's existing small and substandard parking lot along the sidewalk. This standard is probably one of the most important tools in creating pedestrian friendly streets and by converting the subject parking area from a "void" into an interesting street volume is very beneficial to the Winburn Way streetscape. The application meets this standard.

6. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.

The proposed building incorporates various areas that protect pedestrians from the rain and sun. The application meets this standard as the second floor cantilevers approximately eight feet over the entry and plaza area. Furthermore, the majority of the southern side of the building is dedicated to covered assembly space (main floor and second floor) for viewing the ice rink. Finally, the rooftop includes a small covered observation deck for viewing Lithia Park and the building's rooftop garden.

II-C-2b) Streetscape

1. Hardscape (paving material) shall be utilized to designate "people" areas. Sample materials could be unit masonry, scored and colored concrete, grasscrete, or combinations of the above.

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As identified on the project's site plans (L1.0 and L1.1), the proposed building's entry plaza is identified as scored colored concrete to match the City's sidewalk standards. This treatment extends to the expanded public sidewalk and around the corner in the ice rink's plaza area.

2. A building shall be setback not more than 20 feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65% of the aggregate building frontage shall be within 20 feet of the sidewalk.

The proposed building has a variety of offsets and jogs all of which a majority of sits along the back of the sidewalk with the remaining area creating a plaza area which can be used for assembly space and/or outdoor dining space. The proposal complies with this standard.

II-C-2c) Parking and On-site Circulation

1. Protected raised walkways shall be installed through parking areas of 50 or more spaces or more than 100 feet in average width or depth.

2. Parking lots with 50 spaces or more shall be divided into separate areas and divided by landscaped areas or walkways at least 10 feet in width, or by a building or group of buildings.

3. Developments of one acre or more must provide a pedestrian and bicycle circulation plan for the site. One-site pedestrian walkways must be lighted to a level where the system can be used at night by employees, residents and customers. Pedestrian walkways shall be directly linked to entrances and to the internal circulation of the building.

Not applicable as the proposal does not include parking and the site is less than one acre.

II-C-2d) Buffering and Screening

1. Landscape buffers and screening shall be located between incompatible uses on an adjacent lot. Those buffers can consist of either plant material or building materials and must be compatible with proposed buildings.

Landscaping and wall screening are proposed between the subject site and the residential area to the west and Pioneer Hall to the north. In these locations the landscaping plans show a decorative wall and additional landscaping separating the two areas. The proposal complies with this standard.

2. Parking lots shall be buffered from the main street, cross streets and screened from residentially zoned land.

Not applicable as the proposal does not include parking.

II-C-2e) Lighting

Lighting shall include adequate lights that are scaled for pedestrians by including light standards or placements of no greater than 14 feet in height along pedestrian pathways.

The landscaping plan identifies the proposed pedestrian scaled lights along the sidewalk which will replace the street's existing non-conforming Cobra-head lights. A final spacing analysis will be completed with the City's Planning and Engineering staff prior to installation.

II-C-2f) Building Materials

1. Buildings shall include changes in relief such as cornices, bases, fenestration, fluted masonry, for at least 15% of the exterior wall area.

The attached elevations illustrate how the building incorporates a series of architectural changes creating an attractive façade. In addition, the building's windows, doors and open areas exceed the 15% standard.

2. Bright or neon paint colors used extensively to attract attention to the building or use are prohibited. Buildings may not incorporate glass as a majority of the building skin.

The building will not have any neon paint colors or any other bright colors to attract attention. The building will incorporate earth tone colors that are principally brown, green and red.

II-C-3 ADDITIONAL STANDARDS FOR LARGE SCALE PROJECTS

Developments (1) Involving a gross floor area in excess of 10,000 sq. ft. or a building frontage in excess of 100 feet in length , (2) located within the Detail Site Review Zone, shall, in addition to complying to the standards for Basic and Detail Site review, shall conform to the following standards:

II-C-3a) Orientation and Scale

1. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building masses or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.

The subject building has predominately been designed as a "human scale" experience rather than an auto-centric experience with wide sidewalks and a recessed entry creating a large assembly opportunity between the sidewalk and street's edge. Overall, the proposed building's architecture has been designed to incorporate a sense of permanence

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and uniqueness through the use of design, materials and spatial arrangements – a design that incorporates heavy structural elements and simultaneously open and natural light elements. Furthermore, the proposed building offers a number of pedestrian elements such as sitting spaces and protection from inclement weather as illustrated on the landscape and site plans.

Inside the Downtown Design Standards Zone, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 square feet or a gross floor area of 45,000 square feet, including roof top parking, with the following exception:

Automobile parking areas locate within the building foot print and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

3. Buildings not connected by a common wall shall be separated by a distance equal to the height of the tallest building. If buildings are more than 240 feet in length, the separation shall be 60 feet.

4. All on-site circulation systems shall incorporate streetscape which includes curbs, sidewalks, pedestrian scale light standards and street trees.

The proposed building's gross floor area, including its basement is 10,632 square feet and its width 125'. Without the basement (not visible), the gross floor area is 7,474 sq. ft. The proposed improvements along the Winburn Way frontage incorporate a wider sidewalks (13'), street trees, and pedestrian scaled street lights. The tallest point of the building is the elevator shafts that are 38'-3" from the Winburn Way right-of-way elevation (technically less based on code definition of building height), but considering the mass of the building is at the second floor's roof line, the height is roughly 22'. The application meets the above criteria.

II-C-3b) Public Spaces

1. One square foot of plaza or public space shall be required for every 10 square feet of gross floor area.

Due to the comprehensive planning efforts associated with this application, there are a total of "three" plaza spaces associated with this development (on and off-site) that are to be created or improved. Of the on-site improvements, the front plaza area is approximately 905 sq. ft. and the south ice rink plaza is 395 sq. ft. (private property) for a total of 1,300 sq. ft. of plaza space (private). In addition, an additional 440 square feet of plaza space (City property) is located adjacent to the ice rink plaza (not included in this standard). Finally, the above numbers do not include the expanded sidewalk area(s) along Winburn Way which or the improvements planned for Pioneer Hall which include built-in seating and re-finishing the courtyard's un-even brick surface.

2. A plaza or public spaces shall incorporate at least 4 of the 6 following elements:

- a. Sitting Space – at least one sitting space for each 500 square feet shall be included in the plaza. Seating shall be a minimum of 16 inches in height and 30 inches in width. Ledge benches shall have a minimum depth of 30 inches.**
- b. A mixture of areas that provide both sunlight & shade.**
- c. Protection from wind by screens and buildings.**
- d. Trees – provided in proportion to the space at a minimum of 1 tree per 500 square feet, at least 2 inches in diameter at breast height.**
- e. Water features or public art.**
- f. Outdoor eating areas or food vendors.**

The plaza spaces within the subject property boundaries all include seating, a mixture of sun and shade areas, protection from wind and inclement weather and outdoor eating areas. The application meets this standard.

II-C-3c) Transit Amenities

Transit amenities, bus shelters, pullouts, and designated bike lanes shall be required in accordance with the City's Transportation Plan and guidelines established by the Rogue Valley Transportation District.

According to the Rogue Valley Transportation District and research of the City's Transportation System Plan (TSP), there are no immediate or future plans for transit operations along this section of Winburn Way. However, the site is located within a close walking distance (5 minute walk / ¼ mile) of the Downtown Plaza and its transit facilities. In addition, the application does include a pullout along the ice rink / parking lot frontage for drop off opportunities in the winter months and parking in the summer months. The TSP recognizes Winburn Way as having adequate sidewalks and a shared bicycle and vehicle street.

II-C-3d) Recycling

Recycling areas shall be provided at all developments.

The service area along the project's northern property line has an area for trash and recycling collection.

E. STREET TREE STANDARDS

II-E-1 Location for Street Trees

Street trees shall be located behind the sidewalk except in cases where there is a designated planting strip in the right-of-way, or the sidewalk is greater than 8 feet wide. Street trees shall include irrigation, root barriers, and generally conform to the standards established by the Department of Community Development.

The site's landscaping was designed by a local professional landscape designer familiar with the City's Landscaping and Street Tree Standards and the appropriate trees for the Southern Oregon climate zones. The street trees are to be planted behind the curb's edge in 5' x 5' planters and will include irrigation and root barriers based on the standards adopted by the Community Development Department. The remaining 8' of sidewalk will be dedicated to the City.

II-E-2 Spacing, Placement, and Pruning of Street Trees

All tree spacing may be made subject to special site conditions which may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the Staff Advisor's review and approval. The placement, spacing, and pruning of street trees shall be as follow:

1. Street trees shall be placed at the rate of one tree for every 30 feet of street frontage. Trees shall be evenly spaced, with variations to the spacing permitted for specific site limitations, such as driveway approaches.
2. Trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than 10 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
3. Street trees shall not be planted closer than 20 feet to light standards. Except for public safety no new light standard location shall be positioned closer than 10 feet to any existing street tree, and preferably such locations will be at least 20 feet distant.
4. Trees shall not be planted closer than 2 ½ feet from the face of the curb except at intersections where it shall be 5 feet from the curb, in a curb return area.
5. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.
6. Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees, or tree wells, shall be at least 25 square feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Tree wells shall be covered by tree grates in accordance with city specifications.
7. Trees, as they grow, shall be pruned to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.
8. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the Staff Advisor.

Again, the site's landscaping was designed by a local professional landscape designer familiar with the City's Landscaping and Street Tree Standards and the appropriate trees for the Southern Oregon climate zones. The plan has been designed in combination with the above standards with the understanding that staff may prefer some modifications at the time of the Civil Engineering specifications are submitted.

II-E-3 Replacement of Street Trees

Existing street trees removed by development projects shall be replaced by the developer with those from the approved street tree list. The replacement trees shall be of size and species similar to the trees that are approved by the Staff Advisor.

The project site does not include any existing street trees. However, the two existing Maple Trees within the planter beds located in front of the existing building will be relocated and five new street trees planted, within the area of the widened sidewalk, that are consistent with the approved Street Tree List.

II-E-4 Recommended Street Trees

Street trees shall conform to the street tree list approved by the Ashland Tree Commission.

All proposed street trees have been chosen from the City's adopted Street Tree List.

SECTION IV HISTORIC DISTRICT DEVELOPMENT

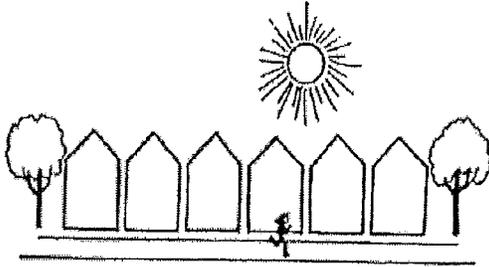
A. Development in Ashland's Historic District

Ashland's Historic District is very important to all of the City's residents. Not only does this area contain the City's beginnings, but it is also the area of some of the most prominent landmarks in Ashland, excluding the Plaza, East Main Street commercial area, Lithia Park, and many important residential districts. For the most part, the main architectural themes have already been laid down, and must be considered in the design of any new structures or renovation of existing structures. This does not mean that all new structures must be a lavish imitation of an architectural style whose heyday is past, but sensitivity to surrounding buildings and the existing land use patterns is essential to the successful development.

Note: The illustrations on the following pages are primarily residential structures, but the purpose of the illustrations appears to not be about "use", but instead "contextual compatibility". As such, the applicant's response and finding to each standard is primarily based on the proposed building's relationship with Pioneer Hall and the Community Center which is neither residential nor "main street" commercial and is best illustrated in the scaled model to be presented during each of the project's public meetings.

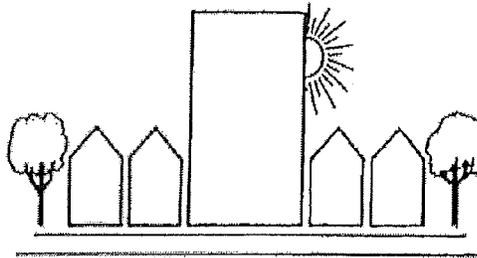
IV-C-1 Height

RECOMMENDED



Construct buildings to a height of existing buildings from the historic period on and across the street.

AVOID

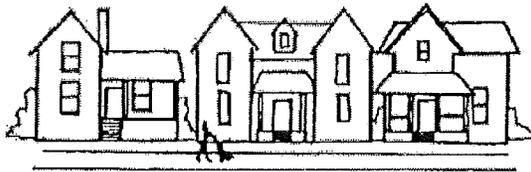


Avoid construction that greatly varies in height (too high or too low) from older buildings in the vicinity.

As illustrated in the scaled model, the proposed building's height is greater than the adjacent building's but that is somewhat misleading as the site is higher and the building mass are generally steps-up with the grade. Furthermore, the project's top floor observation deck is generally made of a steel frame (rustic red in color) and made of glass which mitigates the impression of a tall building and creates a height that is compatible to the adjacent buildings.

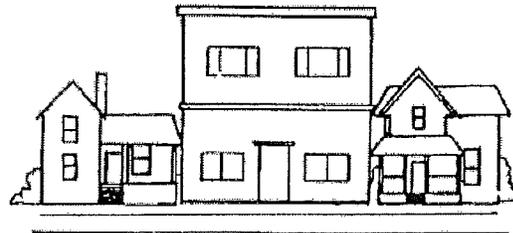
IV-C-2 Scale

RECOMMENDED



Relate the size and proportions of new structures to the scale of adjacent buildings

AVOID



Avoid buildings that in height, width, or massing, violate the existing scale of the area.

As illustrated in the scaled model, the proposed building's scale is in keeping with the context of Pioneer Hall and the Community Center. Due to the site's rectangular shape and the physical constraints of the property (wide and shallow envelope) and the streetscape's context, the building has been designed to have two pronounced volumes stepping towards the street and the body of the building stepping back which maintains a consistent scale and at the same time creates an opportunity for an inviting space in front of the building.

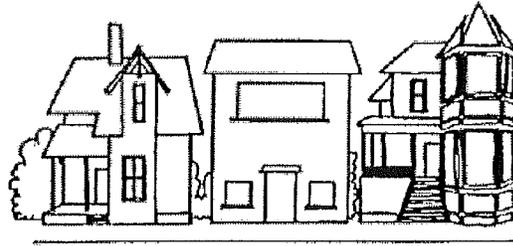
IV-C-3 Massing

RECOMMENDED



Break up uninteresting boxlike forms into smaller, varied masses which are common on most buildings from the historic period.

AVOID

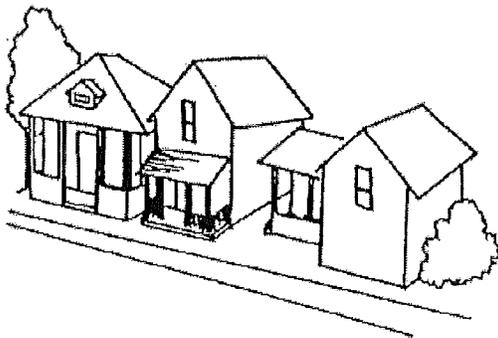


Avoid single, monolithic forms that are not relieved by variations in massing.

The proposed building's mass is broken-up with multiple roof forms creating an interesting and unique architectural design – a design that maintains its independence, but not so much that its design or mass contrasts with the rest of the Winburn Way streetscape.

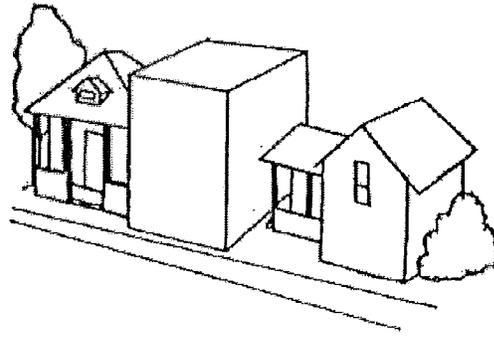
IV-C-4 Setback

RECOMMENDED



Maintain the historic façade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of adjacent buildings.

AVOID

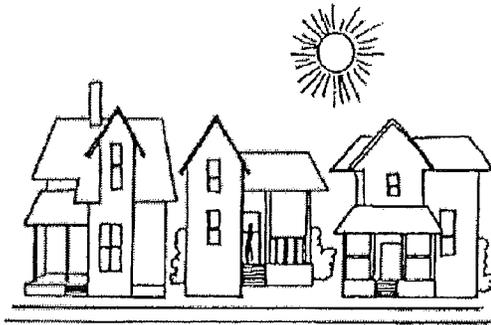


Avoid violating the existing setback pattern by placing new building in front or behind the historic façade line.

As illustrated in the scaled model, the proposed building's setback is in keeping with the street's historic faced line. However, the historic façade line is somewhat unusual in that both the new Community Development and Engineering Services building and the Community Center have a slight, approximate 10', setback from the sidewalk's edge and Pioneer Hall, the adjacent building, sits not only at the sidewalk's edge, but its roof line extends over the sidewalk creating somewhat of an uncomfortable environment for pedestrians. Nevertheless, the proposed design attempts to mirror these elements with two volumes extending near the sidewalk's edge and the main body recessed.

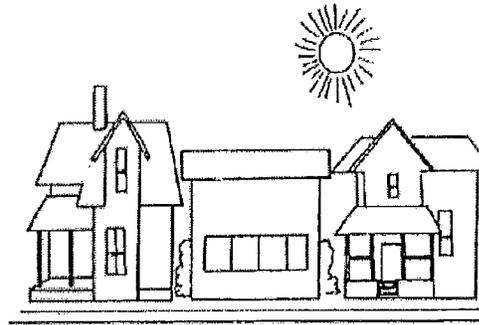
IV-C-5 Roof Shapes

RECOMMENDED



Relate the new roof forms of the building to those found in the area.

AVOID



Avoid introducing roof shapes, pitches, or materials not traditionally used in the area.

The majority of the building's roof shape, pitch and material is very traditional and in keeping with not only the Pioneer Hall and Community Center, but also other building's found in Lithia Park and along Granite Street. The observation deck is made of steel and glass and is the one element that most likely creates a unique impression and gives the building its architectural identity. The introduction of the observation deck's material is generally new to the historic district, but not so new that it is an offensive material such as the material on the Community Development and Engineering Services building where standing seam metal was used which is a contemporary and modern material not appropriate for the site. Glass and steel on the other hand are traditional materials often found in park settings with buildings such as park conservatories (i.e. Seattle Volunteer Park, San Francisco Golden Gate Park, etc.).

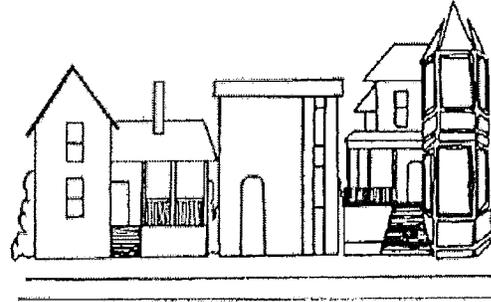
IV-C-6 Rhythm of Openings

RECOMMENDED



Respect the alternation of wall areas with door and window elements in the façade. Also consider the width-to-height ratio of bays in the façade.

AVOID

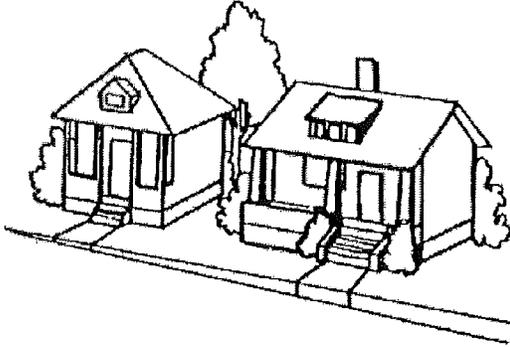


Avoid introducing incompatible façade patterns that upset the rhythm of opening established by the surrounding structures.

The proposed structure complies with this standard as the rhythm of openings and floor heights are consistent with its surrounding neighbors.

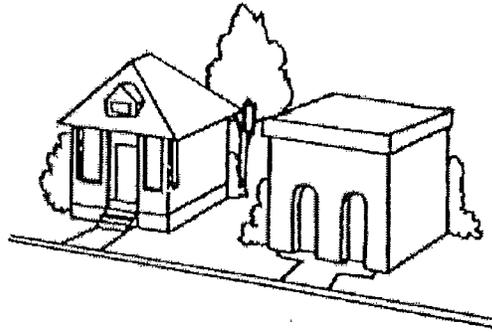
IV-C-7 Platforms

RECOMMENDED



The use of a raised platform is a traditional siting characteristic of most of the older buildings in Ashland.

AVOID

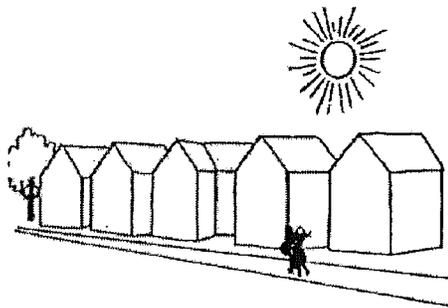


Avoid bringing the walls of buildings straight out of the ground without a sense of platform.

Again, with the Pioneer Hall, Community Center and Community Development Department buildings all having different platforms, the proposed building attempts to accommodate a platform that is natural for the site and is generally in-keeping with the surrounding buildings. This is best seen in the scaled model and illustrations, but with the center (main) entrance starting at the sidewalks grade, the south side of the building is slightly nestled into the slope, but stepped back from the street so as to avoid the “negative” impression of being in a hole (Pioneer Hall) and the north side of the building slightly elevated so that it gives the building some pride and sense of permanence (Community Center).

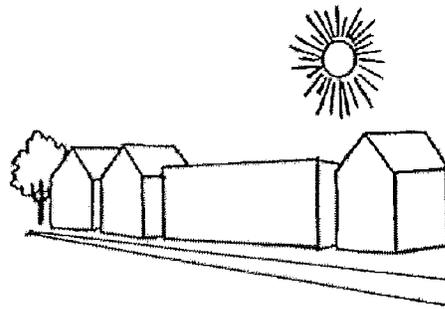
IV-C-8 Directional Expression

RECOMMENDED



Relate the vertical, horizontal or nondirectional façade character of new buildings to the predominant directional expression of nearby buildings.

AVOID



Avoid horizontal or vertical façade expressions unless they are compatible with the character of structures in the immediate area.

As illustrated in the scaled model, the proposed building's directional expression and scale is in keeping with the context of Pioneer Hall and the Community Center. Due to the site's rectangular shape and the physical constraints of the property (wide and shallow envelope) and the streetscape's context, the building has been designed to have two pronounced volumes stepping towards the street with the body of the building stepping back which creates an off-setting directional expression similar to its neighboring properties. The steel and glass observatory roof is intended for not only architectural enhancement, but also its intent is to tie together the building's two projecting volumes, but because the material and mass is light and open, it has a limited bearing on the building's directional expression.

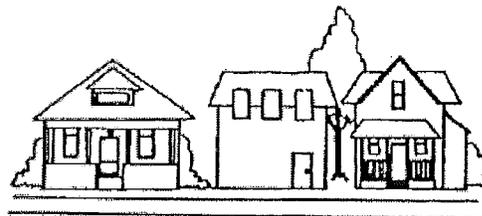
IV-C-9 Sense of Entry

RECOMMENDED



Articulate the main entrances to the building with covered porches, porticos, and other pronounced architectural forms.

AVOID

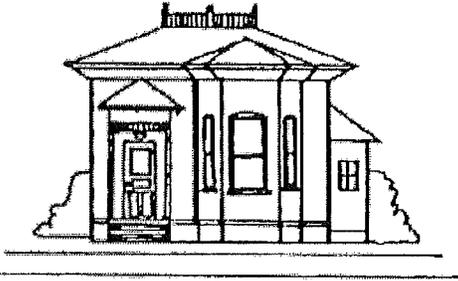


Avoid façades with no strong sense of entry.

The proposed building's entrance, along with the surface improvements and symmetrical balance, create an attractive and obvious sense of entry to the building – albeit Pioneer Hall's entrance sits below street grade and has an asymmetrical entrance. The proposed building is more in-keeping with the Community Center and the Community Development and Engineering services building.

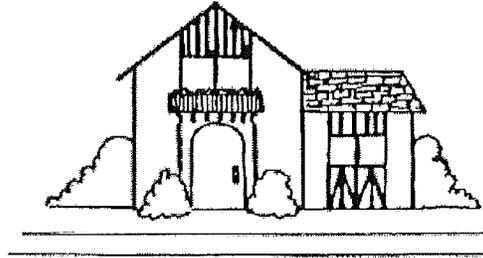
IV-C-10 Imitations

RECOMMENDED



Utilize accurate restoration of, or visually compatible additions to, existing buildings. For new construction, traditional architecture that well represents our own time, yet enhances the nature and character of the historic district should be used.

AVOID



Avoid replicating or imitating the styles, motifs, or details of older periods. Such attempts are rarely successful and, even if well done, present a confusing picture of the true character of the historical area.

The subject building is new and represents our own time and enhances the nature and character of the surrounding area. The building's design does not replicate or imitate a particular style, but instead has a traditional building style with a single contemporary element that provides the building with an iconic look. The building's design is not imitative, but it is bold, cutting-edge and proud – a common trait of almost all successful historic buildings.

ALUO 18.61 TREE PRESERVATION & PROTECTION

18.61.042 A. Tree Removal – Staff Permit:

1. **Tree Removal-Staff Permits are required for the following activities:**
 - a. **Removal of trees greater than 6" DBH on any private lands zoned C-I, E-I, M-I, or HC.**
2. **Applications for Tree Removal - Staff Permits shall be reviewed and approved by the Staff Advisor pursuant to AMC 18.61.080 (Approval Criteria) and 18.108.030 (Notice Requirements). If the tree removal is part of another planning action involving development activities, the tree removal application, if timely filed, shall be processed concurrently with the other planning action.**

The application is subject to this requirement as the proposal is to remove five trees and relocate two others with this application. The trees are identified on the attached Tree Preservation and Removal Plan with the trees to be removed being a 16" Pine (#1), 11" Pine (#2), 11" Pine (#3), a 13" Pine (#4), and a 13" Apple Tree (#9). The trees to be

relocated are the two Maples trees located in the planter seats along the front of the sidewalk. These trees are tentatively proposed to be relocated near the proposed administrative and bathroom building near Nutley Street.

The subject trees have been evaluated by a local Certified Arborist for their stature, health and effects on adjacent trees. None of the trees were deemed significant by the Arborist, impacting to other trees or of such stature to warrant retaining.

All of the sites large and mature trees are to remain. The project's arborist has participated in the various discussions of the building's footprint and has verified the trees will continue to thrive with the development of the proposed building and various on and off-site improvements.

18.61.080 Criteria for Issuance of Tree Removal - Staff Permit:

An applicant for a Tree Removal-Staff Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

The applicants are requesting a Tree Removal Permit to remove five trees and the relocation of two other trees:

- | | |
|-----------------------------|------------------------|
| (#1) - 16" (dbh) Pine Tree | South side of property |
| (#2) - 11" (dbh) Pine Tree | South side of property |
| (#3) - 11" (dbh) Pine Tree | South side of property |
| (#4) - 13" (dbh) Pine Tree | South side of property |
| (#9) - 13" (dbh) Apple Tree | North side of property |

The two trees to be relocated are currently along the front of the property within the circular bench/tree wells. These trees are identified as Tree #5 and #6 a 6" and 7" (dbh) Maple Tree. Both trees are designated to be relocated to the City property to the south (adjacent to new bathrooms / administration building) along Nutley Street.

The applicants are proposing to remove the above five trees necessary to allow for the property to be developed in accordance with project goals and City standards. The applicants have retained the services of Tom Myers, Upper-Limb-It, to assess the health of the site's trees. The five trees to be removed will be mitigated with 11 new trees that will be planted with amended soils, root barriers and tree grates (street trees only). Applicants will follow City requirements as well as the tree protection measures outlined by the attached Tree Protection and Tree Removal narrative.

A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

The five trees to be removed are not considered hazardous trees.

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree

that is not a hazard if the applicant demonstrates all of the following:

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and

The applicants are proposing to remove the five trees to allow for the property to be developed in accordance with the projects various objectives and City standards. The trees are not considered significant trees by type, shape, size or stature and sit within the proposed building's footprint or will cause significant conflict with construction and likely not survive the construction phase.

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and

The removal of the trees will not have a negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.

3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

The trees in question will be replaced with street trees and common area trees that create a diverse canopy of trees. The trees will not have a significant negative impact to trees within 200 feet of the subject property. The four Pine Trees were likely planted at the time the existing building expanded its outdoor recreational space, but have since become obstacles for natural sunlight and have created a maintenance problem for the area. The small Apple tree is to be removed to accommodate electrical facilities and the new seat wall planned for Pioneer Hall's plaza. A new Flowering Crabtree will be planted in its place.

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

No exceptions are requested with this application. The trees are not significant trees and their stature appears to have been limited due to their urban setting, maintenance and limited soil conditions.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

See section below referencing and addressing AMC 18.61.084.

18.61.084 Mitigation Required

An applicant may be required to provide mitigation for any tree approved for removal. The mitigation requirement shall be satisfied by one or more of the following:

A. Replanting on site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a 5-6 foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. The tree shall be planted and maintained according to the specifications in the City Tree Planting and Maintenance Guidelines as approved by the City Council.

The applicants will replace the five trees with 11 new trees to be planted within and around the site. The proposal includes a variety of trees that will be appropriate to the site and mature overtime due to their type, placement, and planting methods.

B. Replanting off site. If in the City's determination there is insufficient available space on the subject property, the replanting required in subsection A shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.

Applicants are not proposing to replant trees off site but is proposing to plant 11 new trees on-site as described in Section 18.61.084 A. above. Two of the sites existing trees will be relocated off-site on the adjacent property to the south.

C. Payment in lieu of planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.

Applicants are proposing to plant 11 new trees on site as described in Section 18.61.084 A. above.

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18.61.200 – Tree Protection

Applicant intends to protect all remaining trees on the site following the guidelines listed below. Tree Protection as required by this section is applicable to any planning action or building permit.

A. Tree Protection Plan Required.

See attached Tree Protection Plan (L3.1) and corresponding narrative from Tom Myers, Project Arborist. All requirements noted in Section 18.61.200 A. are noted on the plans and within the narrative. All of the site's remaining trees will be protected and monitored by the project Arborist during construction activities. No physical development or excavation activities shall commence prior to installing and maintaining tree protection measures. Applicants will follow City requirements as well as the tree protection measures outlined by the attached Tree Protection Plan and narrative.

B. Tree Protection Measures Required.

Applicants understand and agree with the Tree Protection Measures listed in 18.61.200 B. Also, applicants agree to adhere to the tree protection plan as outlined in the attached Tree Protection Plan and narrative.

C. Inspection.

The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the City has inspected and approved the installation of the required tree protection measures and a building and/or grading permit has been issued by the City.

Applicants understand and agree to abide by Section 18.61.200 C.

Method of Financing: The project will be financed privately or with a conventional mortgage package from a commercial lender. Site improvements will begin after completion of construction drawings and City permit review. It is anticipated that construction will be completed within one year of approval.

Demolition: It's also expected that a Demolition Permit for the existing buildings on the property will be applied for prior to any site improvements.

ALUO 18.62 PHYSICAL & ENVIRONMENTAL CONSTRAINTS PERMIT

18.62.040 Physical & Environmental Constraints Permit (P&E): Because the property has slopes equal to or greater than 25%, any proposed structure encroaching on the sloped areas must comply with the Hillside Development Standards and Criteria noted in Chapter 18.62. The applicants have gone through various design configurations in an attempt to address all of the design standards, code requirements and create a

logical building footprint and preserve the site's steep slopes and mature trees.

The Preliminary Site Grading Plan (L2.1) best illustrates the area of encroachment where a portion of the building's rear first floor encroaches into the hillside by approximately 5' and the second floor an additional 5' with the idea the building "forms" itself into the slope as it recesses. Also, the plan identifies a rear egress route and a foot path (dashed line) to accommodate a Fire Department request to allow ultimate flexibility and safety where possible. Finally, the plan, along with the floor plans, illustrates the sensitivity of the building's footprint on the large mature Oak Tree (#10) where the first and second floors partially encroach into the tree's root zone under the permission of the Project's Arborist, but the basement does not.

18.62.040 I. Criteria for Approval (Physical & Environmental Constraints):

1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.

The applicants have taken all reasonable steps as outlined in Chapter 18.62.080 (Hillside Development Standards) to minimize potential impacts to adjacent properties. Not only have the applicants and property owners conversed directly and indirectly with the neighbors, they have hired a professional Geotechnical Engineer, Structural Engineer, and Landscape Architect to address any potential impacts associated with the construction of the building. From the various meetings, design considerations and engineering efforts, the applicants contend any and all potential adverse impacts have been minimized.

2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.

The applicants have considered the potential hazards the eventual development may create and have hired Rick Swanson a Physical and Geotechnical Engineer with Marquess & Associates to evaluate the building's construction and "minimal" site disturbance. Mr. Swanson will periodically inspect the initial stages of building construction, along with the project's Arborist, in order to address any disturbances that do not comply with the project's engineering specifications. These measures will be implemented to mitigate against any potential hazards the construction may cause.

3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.

The applicants have taken all reasonable steps to reduce any adverse impacts on the

environment by hiring a professional Civil Engineer, Geotechnical Engineer, Landscape Architect and Architect to address any potential impacts associated with the construction of the building. From the various meetings and communications, the applicants contend any and all potential adverse impacts have been minimized.

18.62.080 Development Standards for Hillside Lands

It is the purpose of the Development Standards for Hillside Lands to provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety, and general welfare by insuring that development does not create soil erosion, sedimentation of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the city.

NOTE: The City of Ashland's Hillside Standards were initially intended to guide development for residential development as evidenced within the specific code language that use residential housing terms. However, the codes do not specifically state what type of use applies, but only defines applicability to lands with slopes greater than 25% and within a mapped area which does include the subject parcel. That said, a significant amount of the standards noted below are not applicable.

A. General Requirements. The following general requirements shall apply in Hillside Lands:

1. All development shall occur on lands defined as having buildable area. Slopes greater than 35% shall be considered unbuildable except as allowed below. Variances may be granted to this requirement only as provided in section 18.62.080.H.

a. Existing parcels without adequate buildable area less than or equal to 35% shall be considered buildable for one unit.

b. Existing parcels without adequate buildable area less than or equal to 35% cannot be subdivided or partitioned.

The subject property is .29 acres and as evidenced on Sheet L2.1 (Preliminary Site Grading Plan) approximately 50% of the parcel on lands that exceed 25% slope or have large mature trees severely limiting the parcel's buildable area. Further, the subject parcel has never had its rear embankment "cut", unlike the adjacent public properties, and instead the sloping embankment protrudes further into the lot's buildable or level area. That said, the applicants contend the buildable area is not adequate. As such, the proposal of an approximate 250 square foot encroachment into the sloped embankment is the minimum necessary to provide an adequate buildable area and comply with the many

goals of the applicants and City design and safety standards. Finally, the encroachment represents 2% of the overall lot area or 4% of the site's lands that exceed a 25% slope. In any case, the proposal's encroachment is de minimis and generally reflects this section of the municipal code's (AMC 18.62.030 E.) intention to recognize that disturbances will occur with development and that minor encroachments are irrelevant and acceptable.

2. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35% or less.

Not applicable as no new lots are being created.

3. New streets, flag drives, and driveways shall be constructed on lands of less than or equal to 35% slope with the following exceptions:

a. The street is indicated on the City's Transportation Plan Map - Street Dedications.

b. The portion of the street, flag drive, or driveway on land greater than 35% slope does not exceed a length of 100 feet.

Not applicable as no streets or driveways are proposed.

4. Geotechnical Studies. For all applications on Hillside Lands involving subdivisions or partitions, the following additional information is required:

A geotechnical study prepared by a geotechnical expert indicating that the site is stable for the proposed use and development. The study shall include the following information:

a. Index map.

b. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.

c. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc..., and structural data including bedding, jointing and shear zones, soil depth and soil structure.

d. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.

e. Suitability of site for proposed development from a geologic standpoint.

f. Specific recommendations for cut and fill slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.

g. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.

h. Signature and registration number of the engineer and/or geologist.

i. Additional information or analyses as necessary to evaluate the site.

j. Inspection schedule for the project as required in 18.62.080.B.9.

k. Location of all irrigation canals and major irrigation pipelines.

Not applicable as no new lots are being created. However, it should be understood that the applicants have retained the services of both a Civil and Geotechnical Engineer to evaluate the conditions of the embankment in the rear of the proposed building. The findings of the Engineer are attached to the application and essentially confirm the proposed cut will be retained by the building's back wall which will support the slope. There has been no indication the encroachment poses an issue and its existence will solidify the banks integrity.

B. Hillside Grading and Erosion Control. All development on lands classified as hillside shall provide plans conforming with the following items:

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills shall conform to the International Building Code and be consistent with the provisions of this Title. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed area.

The proposed development will be almost entirely apart from the existing hillside west of the existing development leaving this hillside in its existing state. There will be some vertical and near vertical cuts that will only minimally intrude on the base of the bank, but only as required to construct the building. These cuts will be shored per the Geotechnical report until the building walls are complete. A licensed Professional Engineer will design the entire structure, including the basement retaining wall and partial retaining walls at the main level. There will, in essence, not be any grading or fills placed on this hillside, it will either remain in its existing state or, if interrupted, simply abut the proposed structure. Due to the unique nature of this development, only minimal erosion control methods will need to be incorporated: bio bags at the existing curb inlets and a sidewalk gravel barrier. At the time of the building plan submittals, final engineering with all specifications complying with local and adopted building codes will be submitted.

2. For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to

October 31. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional by October 31. Up to 30 day modifications to the October 31 date, and 45 day modification to the May 1 date may be made by the Planning Director, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.

The application will comply with this time standard. It is expected once the application is approved, the existing building will be demolished and the proposed new building will begin construction after May 1st.

3. Retention in natural state. On all projects on Hillside Lands involving partitions and subdivisions, and existing lots with an area greater than one-half acre, an area equal to 25% of the total project area, plus the percentage figure of the average slope of the total project area, shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent.

For example, on a 25,000 sq. ft. lot with an average slope of 29%, $25\%+29\%=54\%$ of the total lot area shall be retained in a natural state.

The retention in a natural state of areas greater than the minimum percentage required here is encouraged.

Not applicable as no new lots are being created and the subject property is less than ½ acre.

4. Grading - cuts. On all cut slopes on areas classified as Hillside lands, the following standards shall apply:

a. Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Where the soil permits, limit the total area exposed to precipitation and erosion. Steep cut slopes shall be retained with stacked rock, retaining walls, or functional equivalent to control erosion and provide slope stability when necessary. Where cut slopes are required to be laid back (1:1 or less steep), the slope shall be protected with erosion control getting or structural equivalent installed per manufacturers specifications, and revegetated.

b. Exposed cut slopes, such as those for streets, driveway accesses, or yard areas, greater than seven feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. (See Graphic file attached)

No exposed cuts will remain once the construction is completed. All grading, retaining wall design drainage, and erosion control plans for the proposal will and has already been designed by a Geotechnical Engineer with the participation of a Landscape Architect and Building Architect. At the time of the building plan submittals, final engineering with all specifications complying with local and adopted building codes will be submitted.

The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line.

Cut slopes for structure foundations encouraging the reduction of effective visual bulk, such as split pad or stepped footings shall be exempted from the height limitations of this section. (See Graphic file attached).

Application complies with the above standards as the nearest property line is roughly 24' and the cut slope will be approximately only 10'. Regardless, the cut slope will not remain exposed and the rear building wall will abut directly next to the cut and function as a retaining wall.

c. Revegetation of cut slope terraces shall include the provision of a planting plan, introduction of top soil where necessary, and the use of irrigation if necessary. The vegetation used for these areas shall be native or species similar in resource value which will survive, help reduce the visual impact of the cut slope, and assist in providing long term slope stabilization. Trees, bush-type plantings and cascading vine-type plantings may be appropriate.

Again, no cut walls will remain exposed. However, the Landscaping Plans, developed by a local Landscape Architect with the assistance by a local Tree Arborist, identify all areas that are likely to be disturbed by the construction to be replanted with native vegetation.

5. Grading - fills. On all fill slopes on lands classified as Hillside Lands, the following standards shall apply:

a. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining shall be a minimum of six feet from the nearest property line.(Ord 2834 S6, 1998)

b. Fill slopes shall be protected with an erosion control netting, blanket or functional equivalent. Netting or blankets shall only be used in conjunction with an organic mulch such as straw or wood fiber. The blanket must be applied so that it is in complete contact with the soil so that erosion does not occur beneath it. Erosion netting or blankets shall be securely anchored to the slope in accordance with manufacturer's recommendations.

Not applicable as no fill is proposed with this application.

c. Utilities. Whenever possible, utilities shall not be located or installed on or in fill slopes. When determined that it necessary to install utilities on fill slopes, all plans shall be designed by a geotechnical expert.

All plans have been designed in concert with a Geotechnical Engineer. All utilities within the sloped areas of the parcel are existing and not planned to be disturbed. All new or expanded utilities are to extend from Winburn Way.

d. Revegetation of fill slopes shall utilize native vegetation or vegetation similar in resource value and which will survive and stabilize the surface. Irrigation may be provided to ensure growth if necessary. Evidence shall be required indicating long-term viability of the proposed vegetation for the purposes of erosion control on disturbed areas.

Not applicable as no fill is proposed with this application.

6. Revegetation requirements. Where required by this chapter, all required revegetation of cut and fill slopes shall be installed prior to the issuance of a certificate of occupancy, signature of a required survey plat, or other time as determined by the hearing authority. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

Prior to the project's Final Certificate of Occupancy Permit, the project's contractor will apply for the necessary inspections in order to ensure the revegetation requirements are complied with.

7. Maintenance, Security, and Penalties for Erosion Control Measures.

a. Maintenance. All measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, and landscaping, shall be maintained in perpetuity on all areas which have been disturbed, including public rights-of-way. The applicant shall provide evidence indicating the mechanisms in place to ensure maintenance of measures.

All disturbed areas will be revegetated and irrigated to ensure long term erosion control concerns have been addressed in perpetuity. At the time of a Final Certificate of Occupancy Permit, the City staff will visit the property to see the evidence of the plants and irrigation.

b. Security. Except for individual lots existing prior to January 1, 1998, after an Erosion Control Plan is approved by the hearing authority and prior to construction, the applicant shall provide a performance bond or other financial guarantees in the amount of 120% of the value of the erosion control measures necessary to stabilize the site. Any financial guarantee instrument proposed other than a performance bond shall be approved by the City Attorney. The financial guarantee instrument shall be in effect for a period of at least one year, and shall be

released when the Planning Director and Public Works Director determine, jointly, that the site has been stabilized. All or a portion of the security retained by the City may be withheld for a period up to five years beyond the one year maintenance period if it has been determined by the City that the site has not been sufficiently stabilized against erosion.

Not applicable as the lot pre-existed January 1, 1998.

8. Site Grading. The grading of a site on Hillside Lands shall be reviewed considering the following factors:

a. No terracing shall be allowed except for the purposes of developing a level building pad and for providing vehicular access to the pad.

b. Avoid hazardous or unstable portions of the site.

c. Avoid hazardous or unstable portions of the site.

d. Building pads should be of minimum size to accommodate the structure and a reasonable amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope.

As previously noted, the standards above are typically "residential" standards. Nevertheless, the applicants are proposing the a relatively small encroachment into the hillside in order to provide for reasonable building space as well as rear access for emergency purposes.

9. Inspections and Final Report. Prior to the acceptance of a subdivision by the City, signature of the final survey plat on partitions, or issuance of a certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 18.62.080.A.4.j were conducted by the project geotechnical expert periodically throughout the project.

Not applicable as the parcel is not being subdivided.

C. Surface and Groundwater Drainage. All development on Hillside Lands shall conform to the following standards:

1. All facilities for the collection of stormwater runoff shall be required to be constructed on the site and according to the following requirements:

- a. Stormwater facilities shall include storm drain systems associated with street construction, facilities for accommodating drainage from driveways, parking areas and other impervious surfaces, and roof drainage systems.
- b. Stormwater facilities, when part of the overall site improvements, shall be, to the greatest extent feasible, the first improvements constructed on the development site.
- c. Stormwater facilities shall be designed to divert surface water away from cut faces or sloping surfaces of a fill.
- d. Existing natural drainage systems shall be utilized, as much as possible, in their natural state, recognizing the erosion potential from increased storm drainage.
- e. Flow-retarding devices, such as detention ponds and recharge berms, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Each facility shall consider the needs for an emergency overflow system to safely carry any overflow water to an acceptable disposal point.
- f. Stormwater facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties.
- g. Alternate stormwater systems, such as dry well systems, detention ponds, and leach fields, shall be designed by a registered engineer or geotechnical expert and approved by the City's Public Works Department or City Building Official.

The application complies with the above standards and is best illustrated on Sheet L2.1, Preliminary Site Grading Plan. The storm water runoff is primarily generated from the roof. The majority of the roof water will be run through a rooftop garden before being piped to the existing City storm drains. The pedestrian plaza (enlarged sidewalk) in the front of the proposed building will slope towards the street as is typical and drain into the street gutter. There will likely be some small area drains and surface drains to pick up any storm water runoff from around the sides and back of the proposed building. These drains will also be piped into the existing City storm drain. The basement retaining walls will have both a footing drain and wall drain to prevent any subterranean waters from infiltrating into the basement. These drains will likely flow to a sump pump and be pumped to the existing City storm drain. Because the proposed project is less than 5000 square feet of impervious area more than the existing impervious area, detention and treatment of the storm water runoff is not required (though the rooftop garden is providing both to the roof water). At the time the Building Permit is applied for, all plans, designed and stamped by the project's Civil Engineer will be included.

D. Tree Conservation, Protection and Removal. All development on Hillside Lands shall conform to the following requirements:

- 1. Inventory of Existing Trees. A tree survey at the same scale as the project site plan shall be prepared, which locates all trees greater than six inches d.b.h.,

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identified by d.b.h., species, approximate extent of tree canopy. In addition, for areas proposed to be disturbed, existing tree base elevations shall be provided. Dead or diseased trees shall be identified. Groups of trees in close proximity (i.e. those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall have an accuracy of plus or minus two feet. The name, signature, and address of the site surveyor responsible for the accuracy of the survey shall be provided on the tree survey.

Portions of the lot or project area not proposed to be disturbed by development need not be included in the inventory.

Prior to beginning the site's planning, a survey was completed which identified the site's trees, slopes, retaining walls, structures, boundaries, etc. The project's Arborist participated in identifying the site's many trees, their diameter and stature.

2. Evaluation of Suitability for Conservation. All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. When required by the hearing authority, the evaluation shall be conducted by a landscape professional. Factors included in this determination shall include:

- a. **Tree health.** Healthy trees can better withstand the rigors of development than non-vigorous trees.
- b. **Tree Structure.** Trees with severe decay or substantial defects are more likely to result in damage to people and property.
- c. **Species.** Species vary in their ability to tolerate impacts and damage to their environment.
- d. **Potential longevity.**
- e. **Variety.** A variety of native tree species and ages.
- f. **Size.** Large trees provide a greater protection for erosion and shade than smaller trees.

Prior to beginning the site's planning, a survey was completed which identified the site's trees, slopes, retaining walls, structures, boundaries, etc. A licensed Arborist was contacted and a preliminary tree assessment was completed. Once the site's physical features were better understood, the initial planning began with the project's Arborist, Landscape Architect and Civil Engineer meeting on multiple occasions to verify that the site's trees would not be impacted. Overall, the trees on the property have played a significant roll in developing the site's building footprint, as well as shape.

3. Tree Conservation in Project Design. Significant trees (2' d.b.h. or greater conifers and 1' d.b.h. or greater broadleaf) shall be protected and incorporated into the project design whenever possible.

a. Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.

b. Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.

c. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.

Prior to beginning the site's planning, a survey was completed which identified the site's trees, slopes, retaining walls, structures, boundaries, etc. A licensed Arborist was contacted and a preliminary tree assessment was completed. Once the site's physical features were better understood, the initial planning began with the project's Arborist, Landscape Architect and Civil Engineer meeting on multiple occasions to verify that the site's trees would not be impacted. Overall, the trees on the property have played a significant roll in developing the site's building footprint, as well as shape. The application complies with the above standards and is best illustrated on Sheet L2.1, Preliminary Site Grading Plan.

4. Tree Protection. On all properties where trees are required to be preserved during the course of development, the developer shall follow the following tree protection standards:

a. All trees designated for conservation shall be clearly marked on the project site. Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicant shall install fencing at the drip line of all trees to be preserved adjacent to or in the area to be altered. Temporary fencing shall be established at the perimeter of the dripline. Prior to grading or issuance of any permits, the fences may be inspected and their location approved by the Staff Advisor. (see 18.61.200)

b. Construction site activities, including but not limited to parking, material storage, soil compaction and concrete washout, shall be arranged so as to prevent disturbances within tree protection areas.

c. No grading, stripping, compaction, or significant change in ground elevation shall be permitted within the drip line of trees designated for conservation unless indicated on the grading plans, as approved by the City, and landscape professional. If grading or construction is approved within the dripline, a landscape professional

may be required to be present during grading operations, and shall have authority to require protective measures to protect the roots.

d. Changes in soil hydrology and site drainage within tree protection areas shall be minimized. Excessive site run-off shall be directed to appropriate storm drain facilities and away from trees designated for conservation.

e. Should encroachment into a tree protection area occur which causes irreparable damage, as determined by a landscape professional, to trees, the project plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this chapter.

Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicants shall install temporary tree protection fencing at the drip line of all trees to be preserved adjacent to or in the area to be altered. Prior to grading or issuance of any permits, the fences will be inspected and their location approved by the Staff Advisor. All preliminary work will be monitored by the project's certified tree Arborist.

5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions: (Ord 2834 S3, 1998)

a. The tree is located within the building envelope.

b. The tree is located within a proposed street, driveway, or parking area.

c. The tree is located within a water, sewer, or other public utility easement.

d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.62.080.D.2.

e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

The applicants are proposing to remove the five trees to allow for the property to be developed in accordance with the projects various objectives and City standards. The trees are not considered significant trees by type, shape, size or stature and sit within the proposed building's footprint or will cause significant conflict with construction and likely not survive the construction phase. The trees in question will be replaced with street trees and common area trees that create a diverse canopy of trees. The four Pine Trees were likely planted at the time the existing building expanded its outdoor recreational space, but have since become obstacles for natural sunlight and have created

a maintenance problem for the area. The small Apple tree is to be removed to accommodate electrical facilities and the new seat wall planned for Pioneer Hall's plaza. A new Flowering Crabtree will be planted in its place. Overall, development has been designed to preserve the maximum number of trees on a site.

6. Tree Replacement. Trees approved for removal, with the exception of trees removed because they were determined to be diseased, dead, or a hazard, shall be replaced in compliance with the following standards:

a. Replacement trees shall be indicated on a tree replanting plan. The replanting plan shall include all locations for replacement trees, and shall also indicate tree planting details.

b. Replacement trees shall be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property. The canopy shall be designed to mitigate of the impact of paved and developed areas, reduce surface erosion and increase slope stability.. Replacement tree locations shall consider impact on the wildfire prevention and control plan. The hearing authority shall have the discretion to adjust the proposed replacement tree canopy based upon site-specific evidence and testimony.

c. Maintenance of replacement trees shall be the responsibility of the property owner. Required replacement trees shall be continuously maintained in a healthy manner. Trees that die within the first five years after initial planting must be replaced in kind, after which a new five year replacement period shall begin. Replanting must occur within 30 days of notification unless otherwise noted.

The applicants will replace the five trees to be removed with 11 new trees to be planted within and around the site. The proposal includes a variety of trees that will be appropriate to the site and mature overtime due to their type, placement, and planting methods. All trees will be irrigated to ensure their initial growth. The replacement trees will be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property.

7. Enforcement.

a. All tree removal shall be done in accord with the approved tree removal and replacement plan. No trees designated for conservation shall be removed without prior approval of the City of Ashland.

b. Should the developer or developer's agent remove or destroy any tree that has been designated for conservation, the developer may be fined up to three times the current appraised value of the replacement trees and cost of replacement or up to three times the current market value, as established by a professional arborist, whichever is greater.

c. Should the developer or developer's agent damage any tree that has been designated for protection and conservation, the developer shall be penalized \$50.00 per scar. If necessary, a professional arborist's report, prepared at the developer's expense, may be required to determine the extent of the damage. Should the damage result in loss of appraised value greater than determined above, the higher of the two values shall be used.

The applicants are aware of the above standards and will attempt in every possible way to protect the site's trees.

E. Building Location and Design Standards. All buildings and buildable areas proposed for Hillside Lands shall be designed and constructed in compliance with the following standards:

1. Building Envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes conforming to the following standards:

a. The building envelope shall contain a buildable area with a slope of 35% or less.

b. Building envelopes and lot design shall address the retention of a percentage of the lot in a natural state as required in 18.62.080.B.3.

c. Building envelopes shall be designed and located to maximize tree conservation as required in 18.62.080.D.3. while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands

d. It is recommended that building envelope locations should be located to avoid ridgeline exposures, and designed such that the roofline of a building within the envelope does not project above the ridgeline.

Not applicable as the subject property is not proposed to be partitioned or subdivided. Nevertheless, the application has strived to meet the intent of the standards noted.

2. Building Design. To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Lands, excepting those lands within the designated Historic District, shall incorporate the following into the building design and indicate features on required building permits:

a. **Hillside Building Height.** The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum Hillside Building Height shall be 35 feet. (graphics available on original ordinance)

b. **Cut buildings into hillsides to reduce effective visual bulk.**

(1). Split pad or stepped footings shall be incorporated into building design to allow the structure to more closely follow the slope.

(2). Reduce building mass by utilizing below grade rooms cut into the natural slope.

c. A building setback shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Setbacks shall be a minimum of six feet. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. (see graphic file attached)

d. Continuous horizontal building planes shall not exceed a maximum length of 36 feet. Planes longer than 36 feet shall include a minimum offset of six feet. (graphic available on original ordinance)

e. It is recommended that roof forms and roof lines for new structures be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Large gable ends on downhill elevations should be avoided, however smaller gables may be permitted. (graphic available on original ordinance)

f. It is recommended that roofs of lower floor levels be used to provide deck or outdoor space for upper floor levels. The use of overhanging decks with vertical supports in excess of 12 feet on downhill elevations should be avoided.

g. It is recommended that color selection for new structures be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment.

Not applicable as the subject property is within a designated Local and National recognized Historic District.

F. All structures on Hillside Lands shall have foundations which have been designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.

The proposed structure's foundation has been designed by a soils and structural engineer. All building plans submitted to the City's Building Department will include certified stamps from the project's engineers.

G. All newly created lots or lots modified by a lot line adjustment must include a building envelope on all lots that contains a buildable area less than 35% slope of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is for open space or conservation purposes.

Not applicable as the subject property is not proposed to be partitioned, subdivided or adjusted.

H. Administrative Variance From Development Standards for Hillside Lands - 18.62.080. A variance under this section is not subject to the variance requirements of section 18.100 and may be granted with respect to the development standards for Hillside Lands if all of the following circumstances are found to exist:

- 1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site;**
- 2. The variance will result in equal or greater protection of the resources protected under this chapter;**
- 3. The variance is the minimum necessary to alleviate the difficulty; and**
- 4. The variance is consistent with the stated Purpose and Intent of the Physical and Environmental Constraints Chapter and section 18.62.080.**

Appeals of decisions involving administrative variances shall be processed as outlined in 18.108.070.

Not applicable as no exceptions or Variances are proposed with the application.

Historical Records of Winburn Way

85 Winburn Way-A Brief History
 TL 391E09BC-3000, Account Number 1-006746-1

Fronting on Winburn Way for 146.33 feet, between 80 and 91 feet deep, and containing .29 acres, this parcel was historically associated with the ASHLAND CREAMERY, located to the south on what is now the City-owned parking lot.



Figure 1: Tax Lot 3000

The Ashland Creamery, owned by Domingo Perrozi (who lived directly above the subject lot, at 88 Granite Street (TL 2900), was a prominent local business, producing milk, ice cream and other product. The creamery was established on this site in Autumn 1896. “By 1905 the operation was distributing milk, butter and other products to a large area over southern Oregon and Northern California (Atwood, 1988-90). and, according to Sanborn Fire Insurance Maps, remained here at least through 1949. In 1957 the Perrozis donated three lots, apparently including the creamery site, to the City of Ashland.

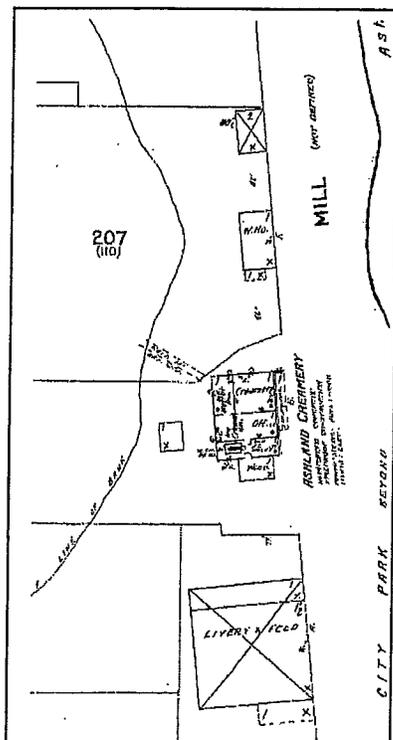


Figure 2: Sanborn Map, June 1911

As shown in the adjacent 1911 Sanborn Map, the subject parcel at 85 Winburn Way (originally Mill Street), was occupied by a small warehouse near the center and a small, two-story, building at the NE corner, both wood frame. 1928 Sanborns show the same construction, with the two-story building identified as a garage. Both these buildings are assumed to have been used in association with the Creamery.

Jackson County records document that the subject lot was purchased from Joyce E. and Emmett Beeson by William H and Bette D Hampton in May 1952, “...together with all the furniture, furnishings, fixtures and equipment” (JCD 366:50), meaning that the Beesons were likely responsible for the construction of the building on the site. Mr. Hampton operated the Bohemian Club Bar in the Oregon Hotel and so may have run a small café here as well.

85 Winburn Way-A Brief History
TL 391E09BC-3000, Account Number 1-006746-1



Figure 4: Ashland Creamery, circa 1897

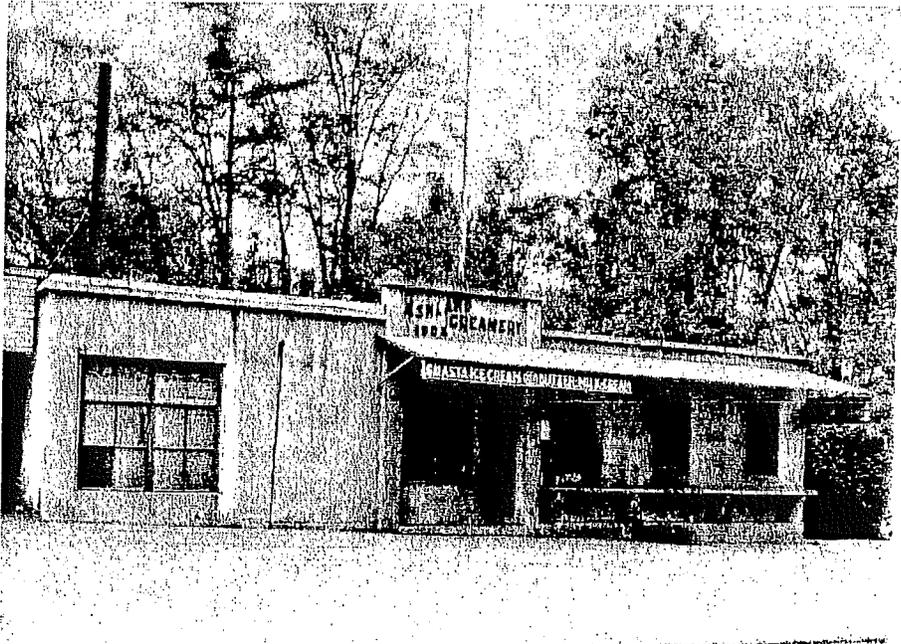


Figure 5: Ashland Creamery Bldg, c1930 (Terry Skibby Image)

85 Winburn Way-A Brief History
TL 391E09BC-3000, Account Number 1-006746-1

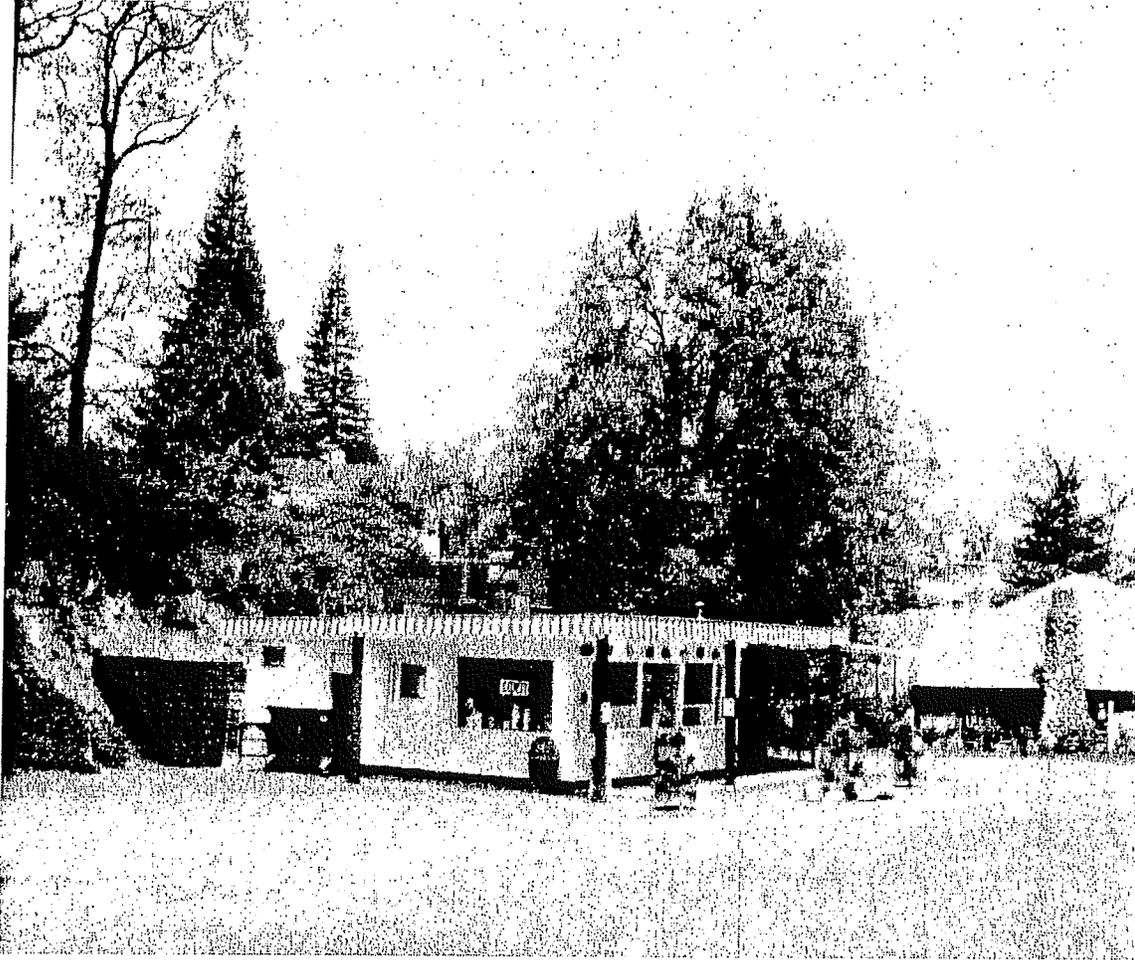
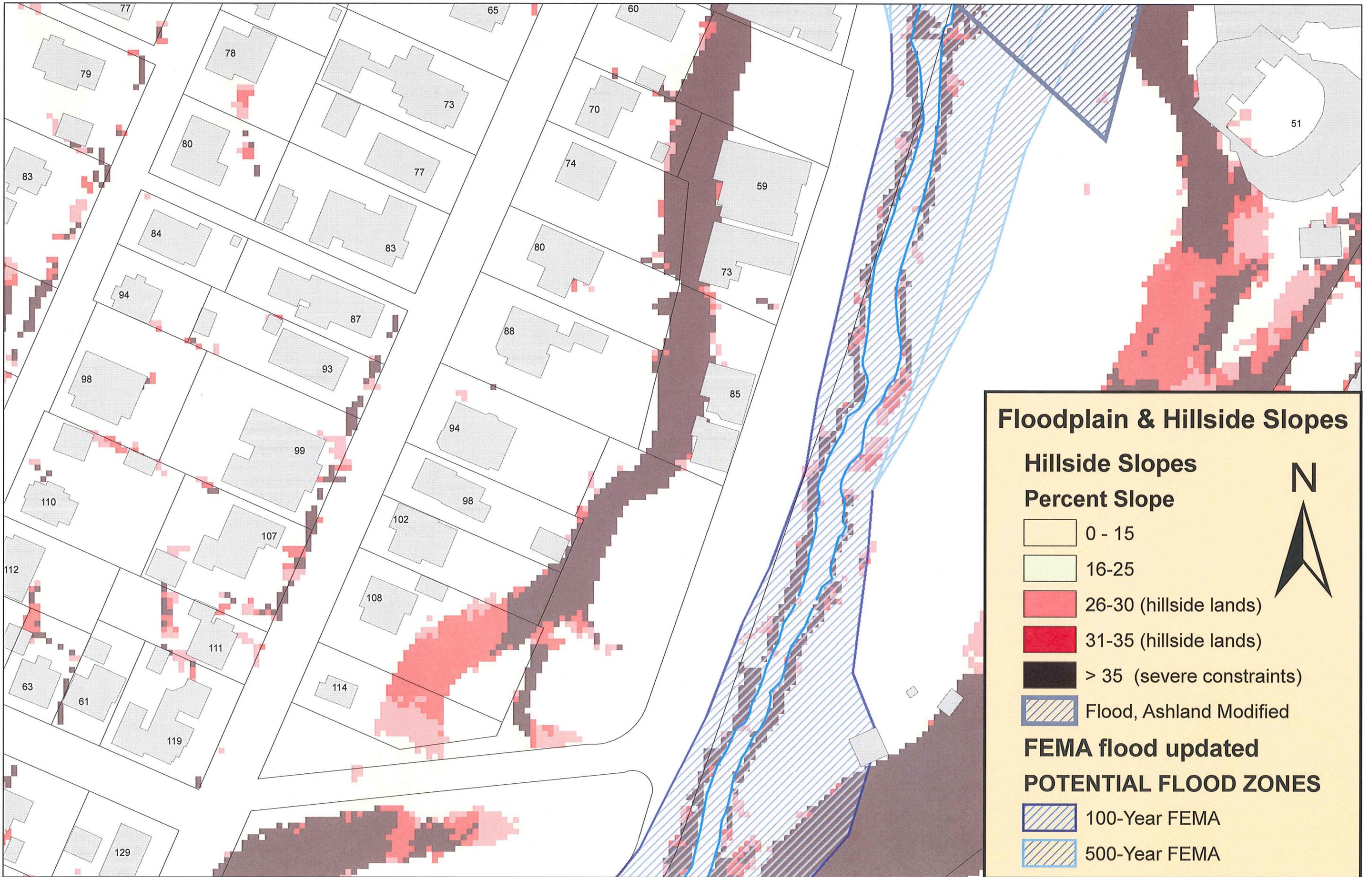
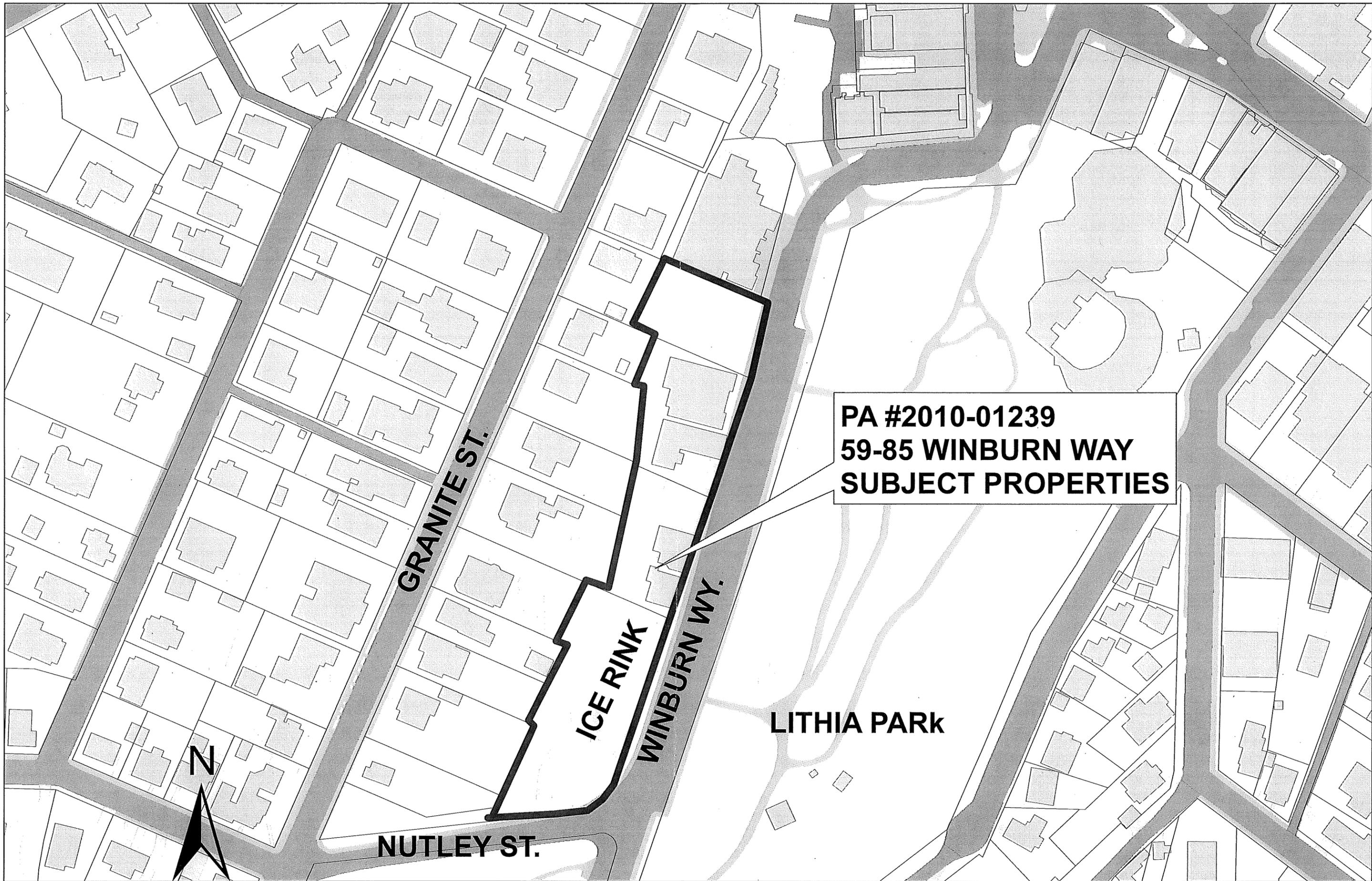


Figure 6: "Creekside Cafe" May 1979 (Terry Skibby Image)



0 35 70 140 Feet

Property lines are for reference only, not scaleable



PA #2010-01239
59-85 WINBURN WAY
SUBJECT PROPERTIES

GRANITE ST.

ICE RINK

WINBURN WY.

LITHIA PARK

NUTLEY ST.

N

0 60 120 240 Feet

Property lines are for reference only, not scaleable





Property lines are for reference only, not scalable

240 Feet
120
60
0

Zoning: C-1-D
Comp Plan: Downtown
DETAILED SITE REVIEW ZONE

PROPOSED ZONING

CURRENT ZONING
Zoning: R-1-7.5
Comp Plan: Single
Family Residential

NUTLEY ST

BAUM ST

GRANITE ST

39 1E 09 TL100
Skate Rink/
Parking

ASHLAND
CITY OF

VIKINUS
MAYAR
Cafe
85 WINBURN WY

Patio

39 1E 09BC TL3000
Parking (6)

ASHLAND
CITY OF
59 WINBURN WY
Community Ctr
Pioneer Hall

Courtyard

39 1E 09B6 TL2500

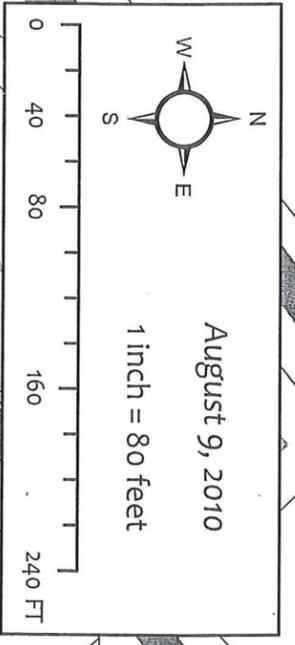
ROBERTS
HILLERY/ANTOINETTE
39 1E 09BC TL2501

ASHLAND
CITY OF
Comm Dev

WINBURN WY

LITHIA
PARK

August 9, 2010
1 inch = 80 feet



A north arrow is located at the top of the scale bar, with 'N' at the top, 'S' at the bottom, 'E' on the right, and 'W' on the left. The scale bar is a horizontal line with vertical tick marks at 0, 40, 80, 160, and 240 feet.



Zoning: R-1-7.5
Comp Plan: Single
Family Residential

Zoning: C-1-D
Comp Plan: Downtown
DETAILED SITE REVIEW ZONE

August 9, 2010

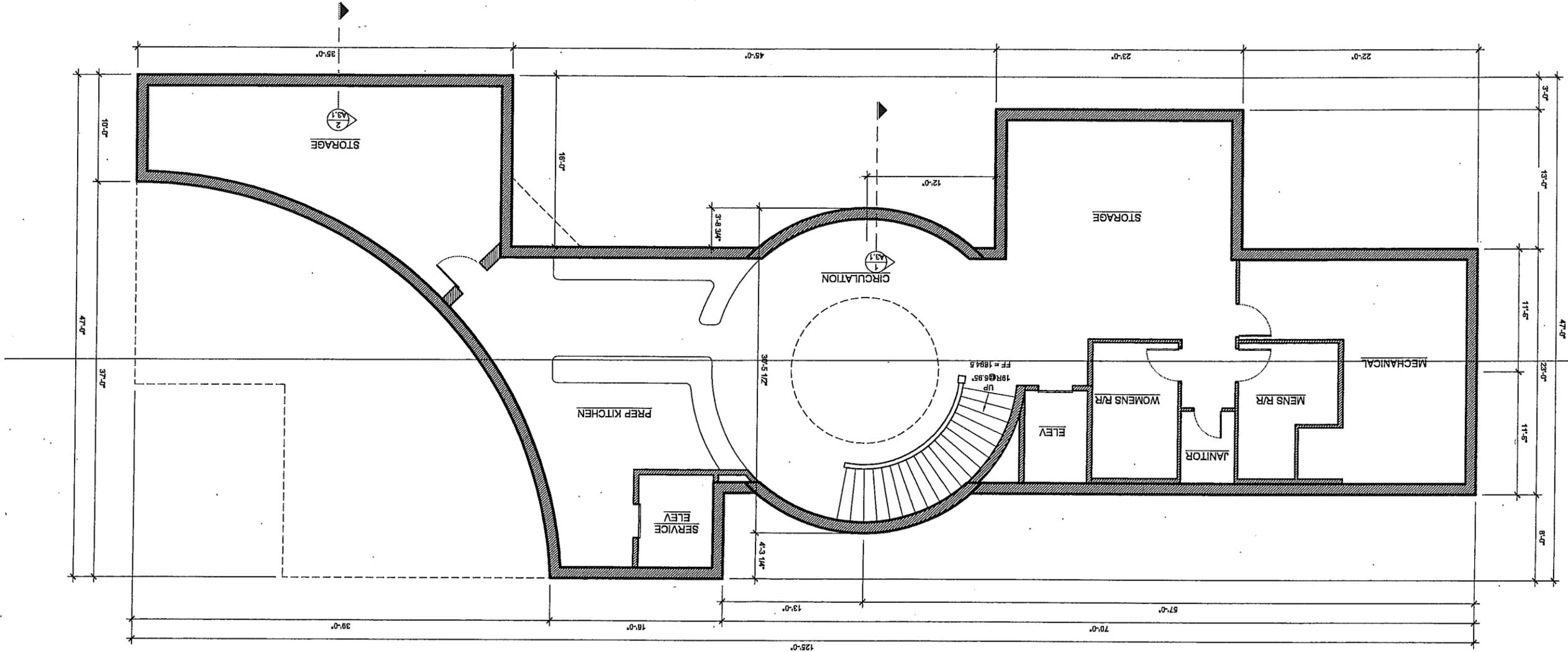
1 inch = 80 feet

0 40 80 160 240 FT

RECEIVED
SEP 2 2 2010
City of Ashland

11X17 SHEETS ARE HALF SCALE

BASEMENT PLAN
SCALE: 3/16" = 1'-0"
BASEMENT GROSS: 3158 SF



NEW COMMERCIAL BUILDING

85 WINBURN WAY
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 09BC TAX LOT NO. 3000

DESCRIPTION	DATE

DON SEVER
DESIGN
Carlos Delgado
ARCHITECT

SEP 22 2010

RECEIVED

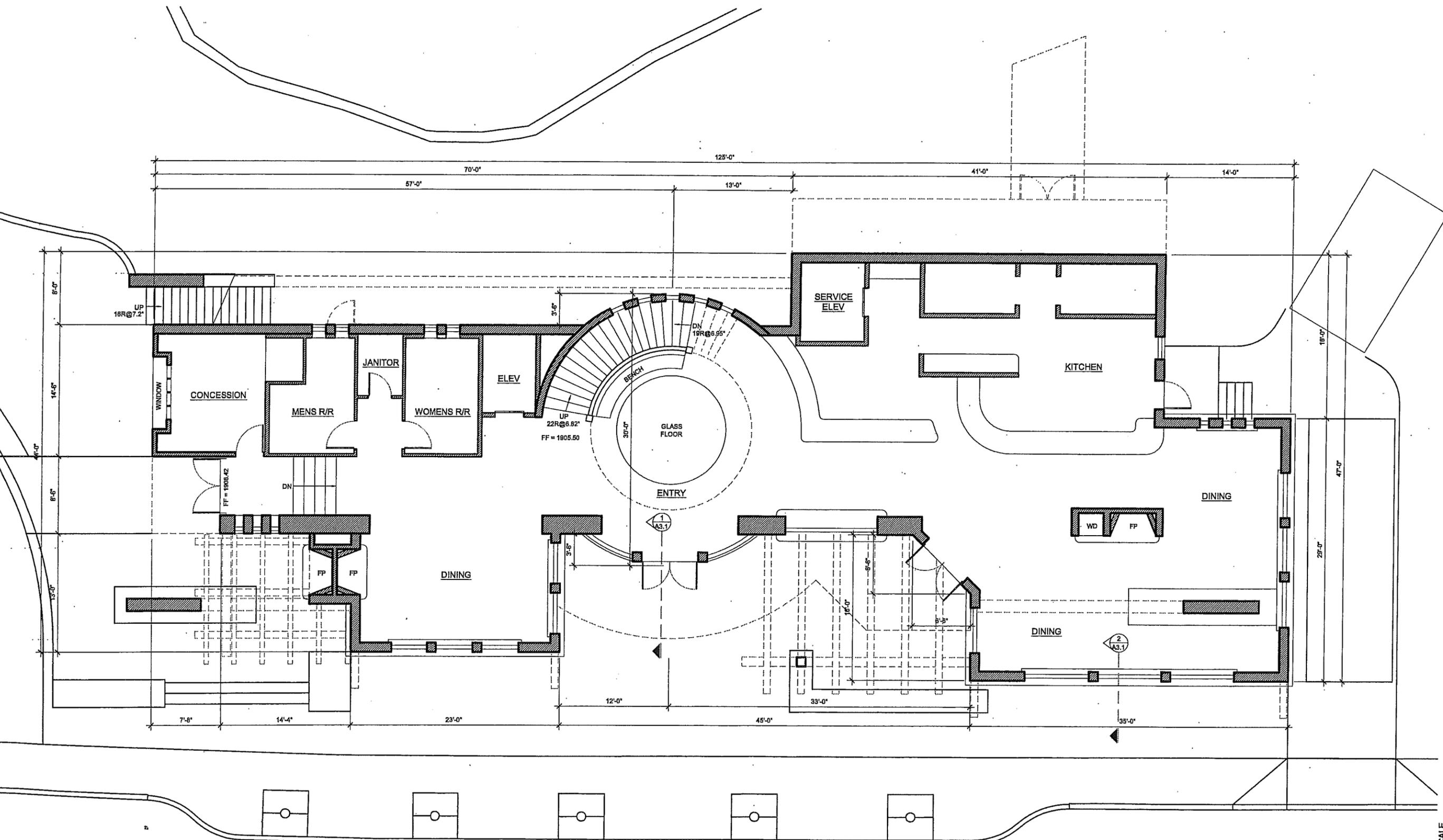
DESCRIPTION	DATE

NEW COMMERCIAL BUILDING

85 WINBURN WAY
 ASHLAND OR 97520
 ASSESSOR'S MAP NO. 391E 09BC TAX LOT NO. 3000

DRAWN : CHECKED:
 TS CD
 DATE:
 8/10/10
 PROJECT:
 85 WINBURN
 SHEET :
A1.1
 OF . SHEETS

11X17 SHEETS ARE HALF SCALE



MAIN FLOOR PLAN

SCALE: 3/16" = 1'-0"
 MAIN FLR GROSS: 3965 SF



DRAWN: CHECKED: TS CD
 DATE: 8/10/10
 PROJECT: 85 WINBURN
 SHEET: A1.2
 OF - SHEETS

11X17 SHEETS ARE HALF SCALE

NEW COMMERCIAL BUILDING
 85 WINBURN WAY
 ASHLAND OR 97520
 ASSESSOR'S MAP NO. 391E 09BC TAX LOT NO. 3000

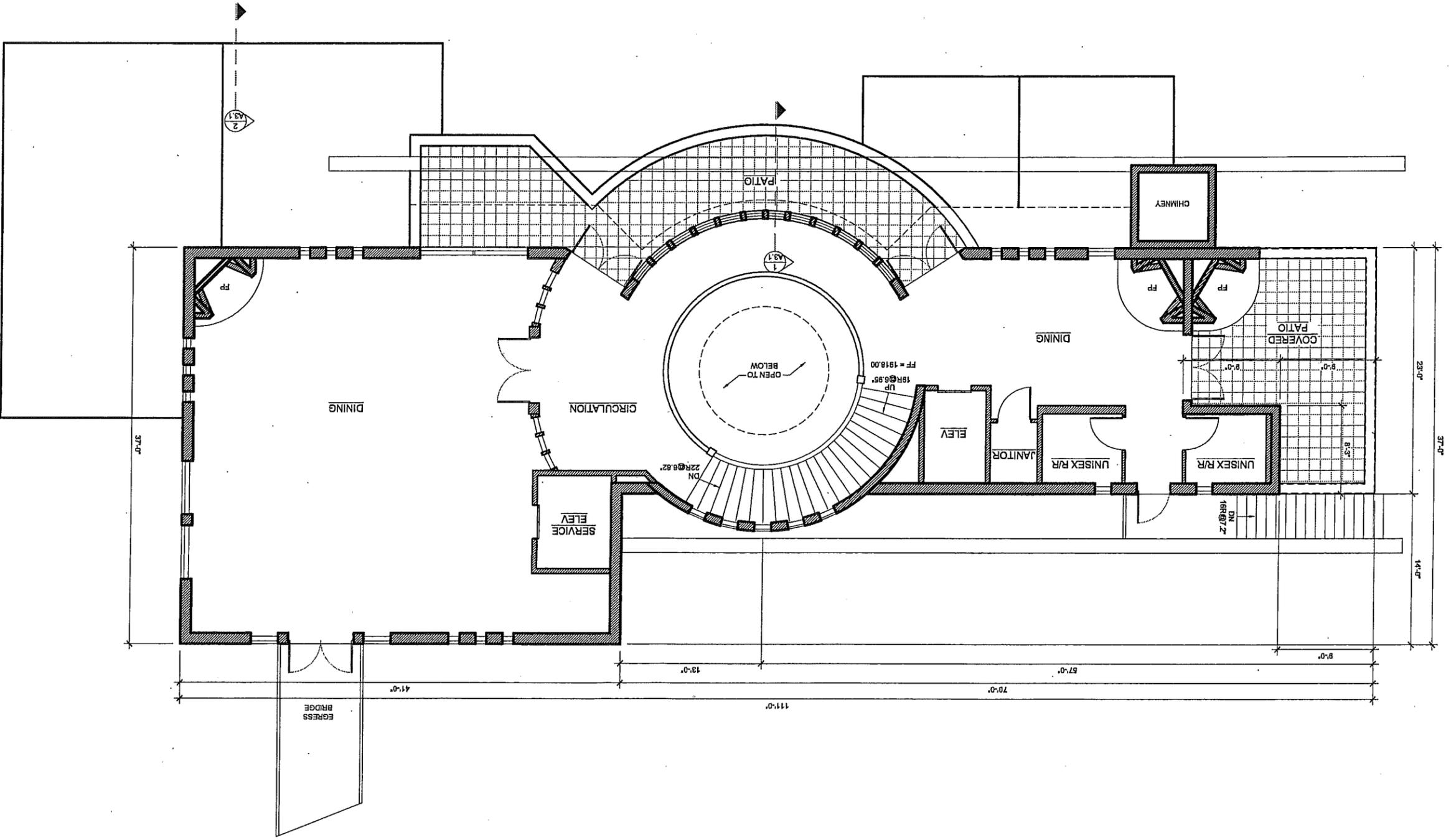
DESCRIPTION	DATE

DON SEVER
 DESIGN
Carlos Delgado
 ARCHITECT
 SEP 22 2010



SCALE: 3/16" = 1'-0"
 UPPER FLR GROSS: 2492 SF
 EXT PATIO: 656 SF

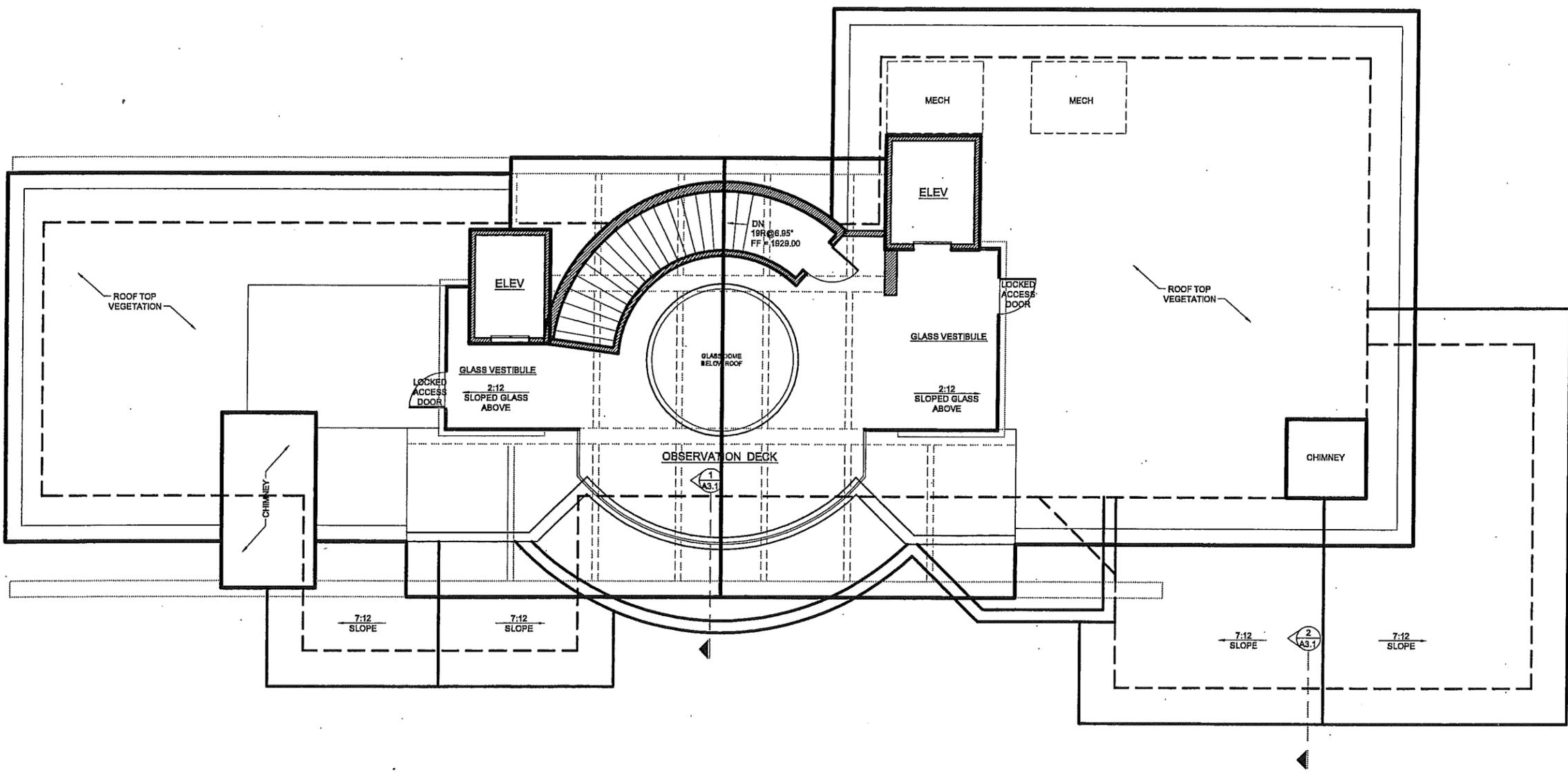
UPPER FLOOR PLAN



RECEIVED

SEP 22 2010

DON SEVER DESIGN Carlos Delgado ARCHITECT



ROOF PLAN

SCALE: 3/16" = 1'-0" UPPER FLR TERRACE: 361 SF



DESCRIPTION	DATE

NEW COMMERCIAL BUILDING

85 WINBURN WAY ASHLAND OR 97520 ASSESSOR'S MAP NO. 391E 09BC TAX LOT NO. 3000

11X17 SHEETS ARE HALF SCALE

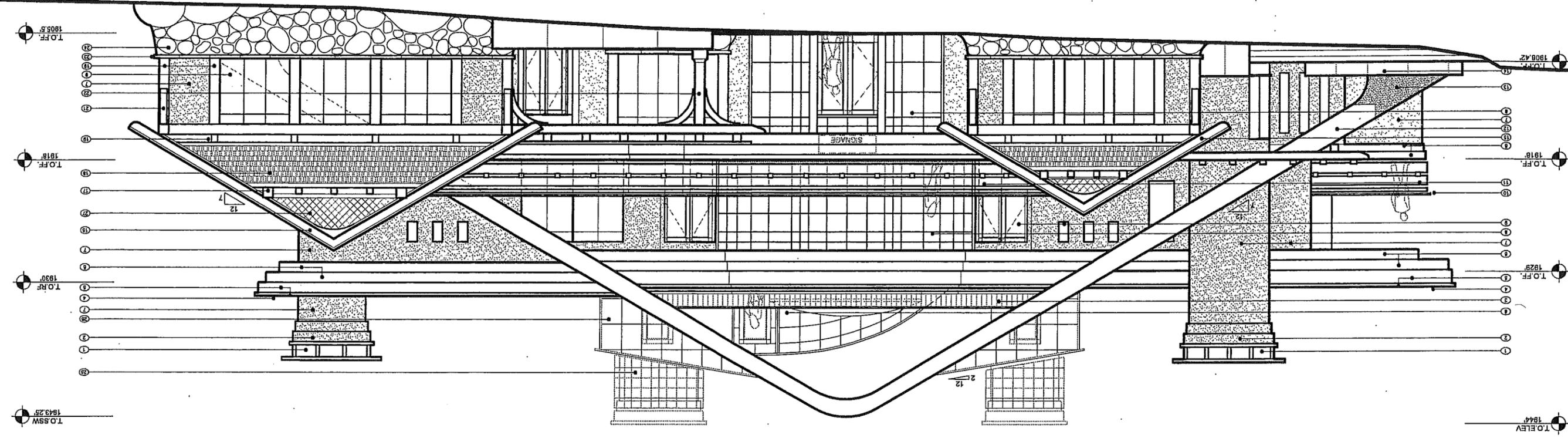
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DESCRIPTION	DATE

DON SEVER SEP 22 2010
DESIGN
Carlos Delgado
ARCHITECT

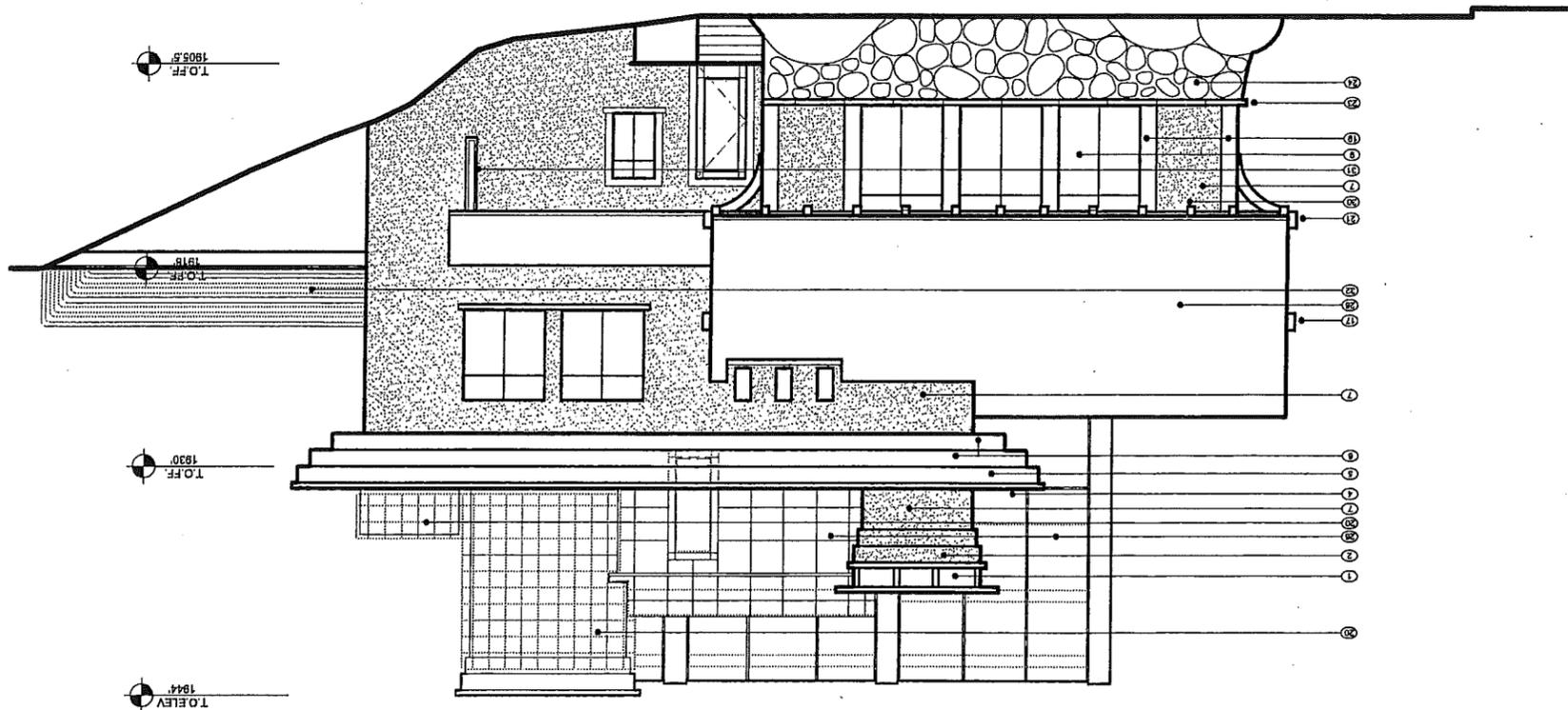
11X17 SHEETS ARE HALF SCALE

SCALE: 3/16" = 1'-0"



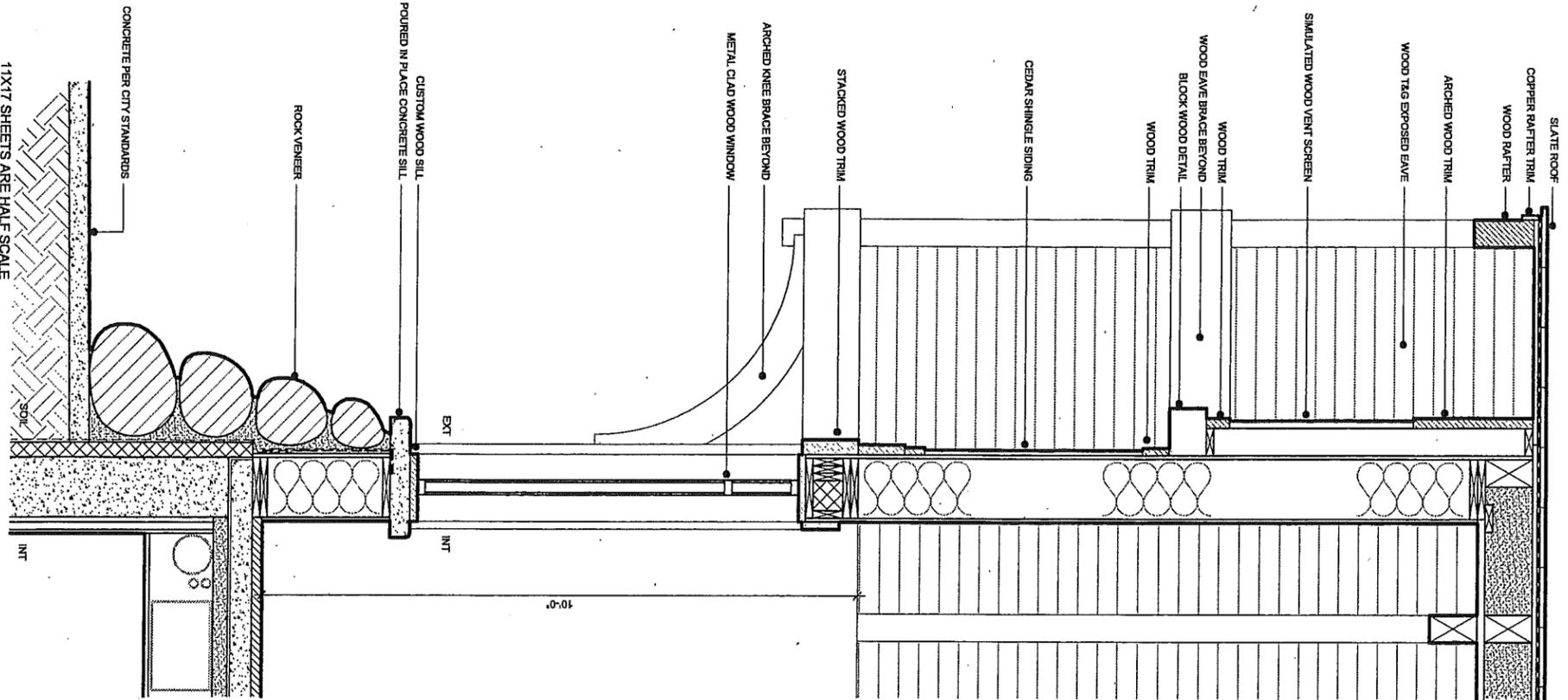
EAST ELEVATION

SCALE: 3/16" = 1'-0"



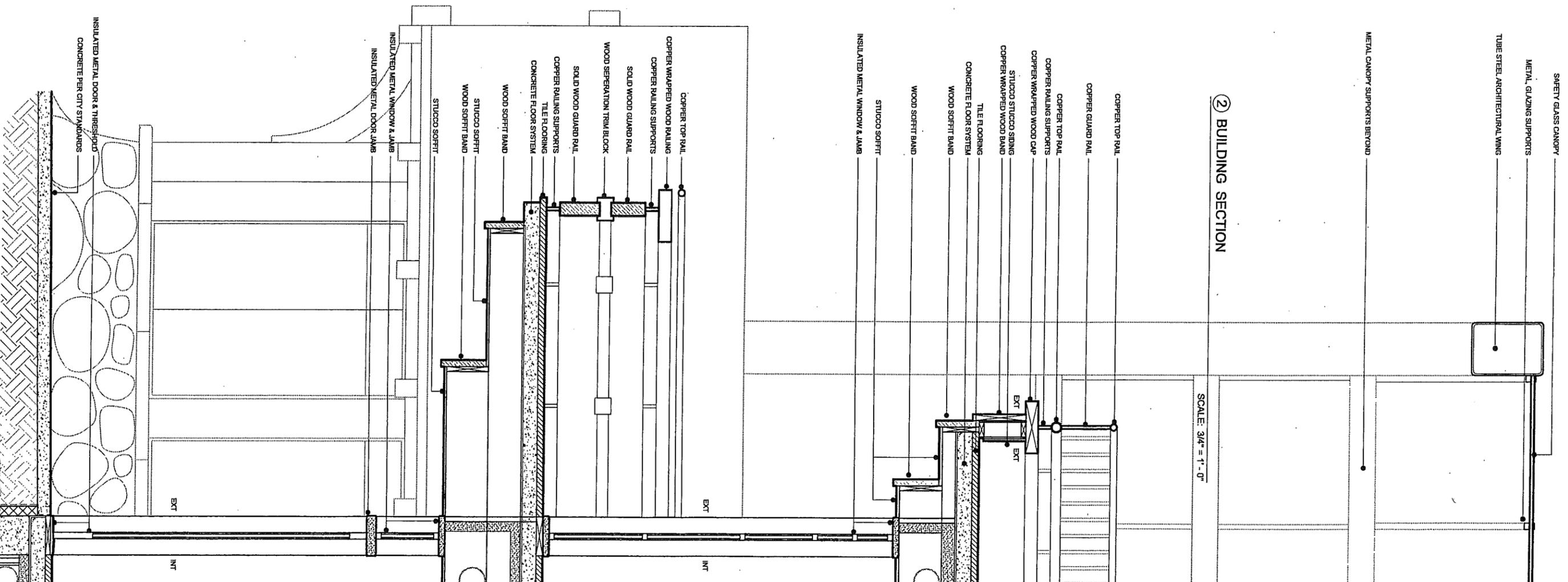
NORTH ELEVATION

- ELEVATION KEY NOTES
- 1 COPPER TRIMMED CHIMNEY CAP
 - 2 EXTRUDED STUCCO TRIM
 - 3 AGED COPPER GUARD RAIL
 - 4 ROOF TOP VEGETATION
 - 5 TWO TIER AGED COPPER TRIM
 - 6 STACKED WOOD TRIM BANDS
 - 7 STUCCO SIDING
 - 8 CURVED GLASS CURTAIN WALL
 - 9 INSULATED METAL GLAD WINDOWS & DOORS
 - 10 AGED COPPER CAPPED RAIL
 - 11 WOOD GUARD RAIL
 - 12 TUBE STEEL ARCHITECTURAL WING (RUST COLORED)
 - 13 CONCRETE BASE
 - 14 CONCRETE PLINTH
 - 15 WOOD BARGE RAFTER
 - 16 AGED COPPER CAPPED RAIL
 - 17 WOOD BARGE BRACE
 - 18 LAYERED SHINGLE SIDING
 - 19 WOOD TRIM
 - 20 CABLE GRID FOR VEGETATION VENEER @ MECH EQUIPMENT
 - 21 ARCHED WOOD KNEE BRACE
 - 22 WOOD ARBOR
 - 23 CONCRETE CAP & SILL
 - 24 RIVER ROCK VENEER
 - 25 CABLE GRID FOR VEGETATION VENEER @ ELEVATORS
 - 26 GLASS CANOPY
 - 27 SIMULATED WOOD VENT SCREEN
 - 28 SLATE ROOFING
 - 29 CONGRESSION WINDOW
 - 30 EXPOSED RAFTER TAILS
 - 31 ARCHED METAL KNEE BRACE
 - 32 AGED COPPER GUARD RAIL @ EGRESS BRIDGE



① BUILDING SECTION

SCALE: 3/4" = 1'-0"



② BUILDING SECTION

SCALE: 3/4" = 1'-0"

OF SHEETS
A3.1
 SHEET
 PROJECT: 85 WINBURN
 DATE: 8/10/10
 TS CD
 DRAWN: CHECKED:

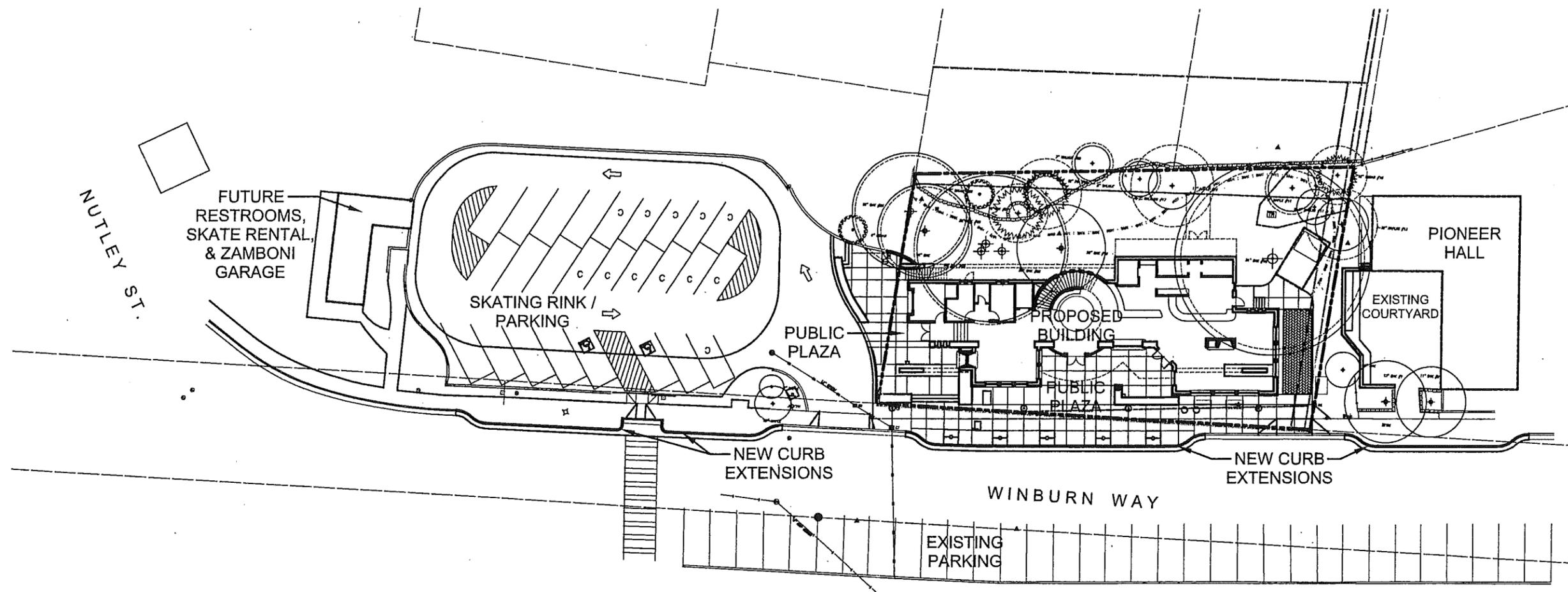
NEW COMMERCIAL BUILDING
 85 WINBURN WAY
 ASHLAND OR 97520
 ASSESSORS MAP NO. 391E 09BC TAX LOT NO. 3000

DESCRIPTION	DATE

SEP 22 2010
DON SEVER
 DESIGN
Carlos Delgado
 ARCHITECT

City of Ashland
Covey
Pardee
LANDSCAPE ARCHITECTS
285 EAST MAIN, #8
P.O. BOX 959
ASHLAND, OR 97520
541.552.1015 PH
541.552.1024 FX
greg@covypardee.com

RECEIVED
SEP 22 2010



NOTES

1. Topographic survey for 85 Winburn Way provided by Polaris Land Surveying, LLC.
2. Topographic survey for ice skating rink and City of Ashland parking lot provided by OBEC Consulting Engineers. OBEC survey has been approximately aligned with Polaris survey but has not been field verified. A complete survey including the existing City parking lot will be provided with the building permit drawings.

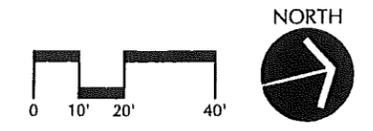
NEW COMMERCIAL BUILDING
85 Winburn Way
Ashland, OR 97520
Assessor's Map No. 391E 09BC; Tax Lot No. 3000

NO.	ISSUE/REV.	DATE
0	Site Review	8/10/10

SHEET TITLE
PRELIMINARY
SITE REFERENCE
PLAN

DATE 10 Aug 2010
SCALE 1"=20'
DRAWN GTC
JOB 85 Winburn

SHEET
L1.0
FILE 0410-6R.dwg



SEP 29 2010

NEW COMMERCIAL BUILDING

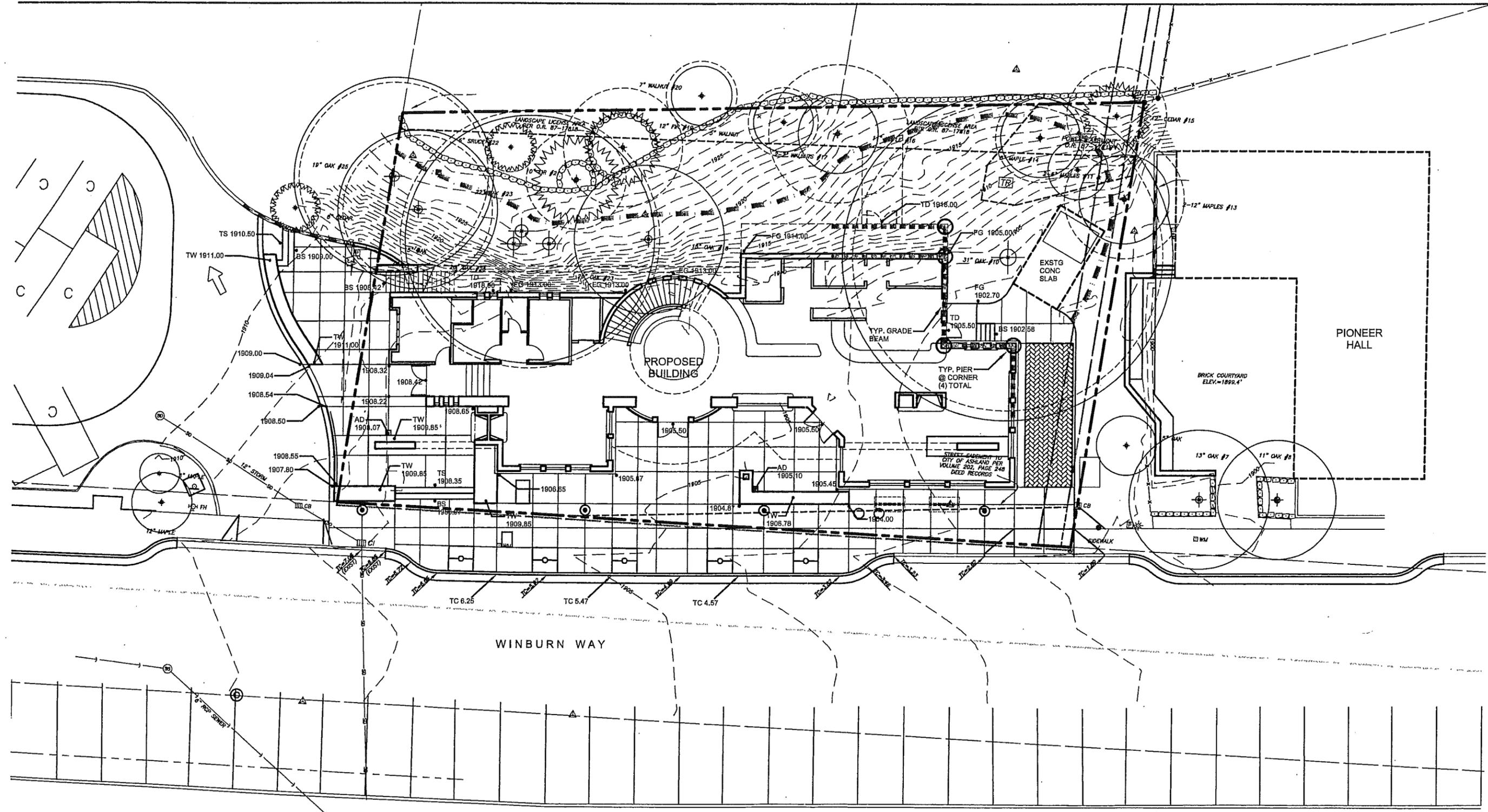
85 Winburn Way
Ashland, OR 97520
Assessor's Map No. 391E 09BC; Tax Lot No. 3000

NO.	ISSUE/REV.	DATE
0	Site Review	8/10/10

SHEET TITLE
PRELIMINARY
SITE GRADING
PLAN

DATE 10 Aug 2010
SCALE 1"=10'
DRAWN GTC
JOB 85 Winburn

SHEET
L2.1
FILE 0410-GR.dwg



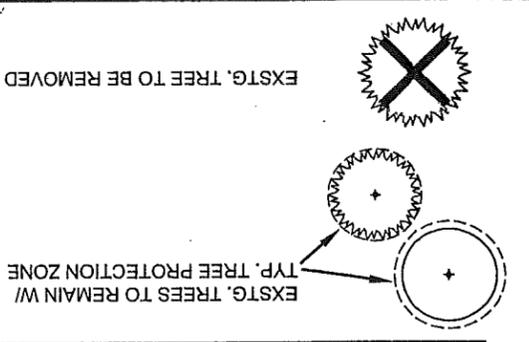
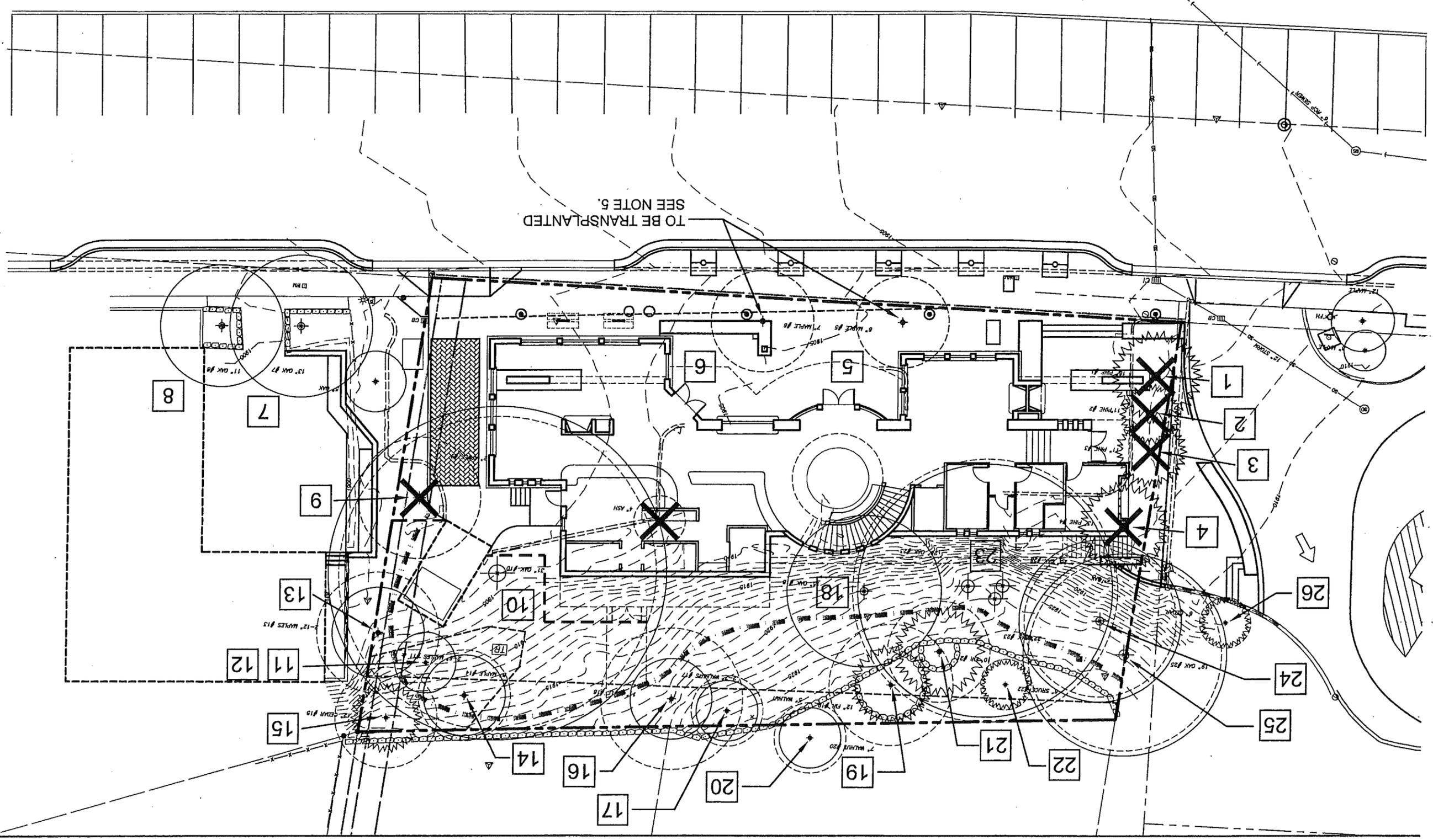
LEGEND

	1905.50	PROPOSED SPOT ELEVATION
	AD	AREA DRAIN
	BS	BOTTOM OF STAIRS
	FG	FINISH GRADE
	TD	TOP OF DECK
	TS	TOP OF STAIRS
	TW	TOP OF WALL

NOTES

1. Topographic survey for 85 Winburn Way provided by Polaris Land Surveying, LLC.
2. Topographic survey for Ice skating rink and City of Ashland parking lot provided by OBEC Consulting Engineers. OBEC survey has been approximately aligned with Polaris survey but has not been field verified. A complete survey including the existing City parking lot will be provided with the building permit drawings.
3. A final storm water drainage design shall be provided by Civil Engineer with the building permit drawings.





LEGEND

1. EXSTG. TREE NUMBER
(See Certified Arborist's Tree Inventory)

1. Topographic survey provided by Polaris Land Surveying, LLC.
2. Tree Inventory provided by Tom Myers, Certified Arborist. Refer to Tree Inventory for additional information regarding tree species, size, protection zone, and condition.
3. Where discrepancies exist between the existing tree species and size labels on the survey and the Tree Inventory contained in the Tree Inventory, the Tree Inventory shall be deemed correct.
4. Location of tree protection fencing shall be determined by a certified arborist as described in Tree Protection Plan.
5. Existing street trees to be transplanted to a property owned by the City of Ashland.

NOTES

TO BE TRANSPLANTED
SEE NOTE 5.

DATE 10 Aug 2010
SCALE 1"=10'
DRAWN ETC
JOB 85 Winburn
SHEET

L3.1



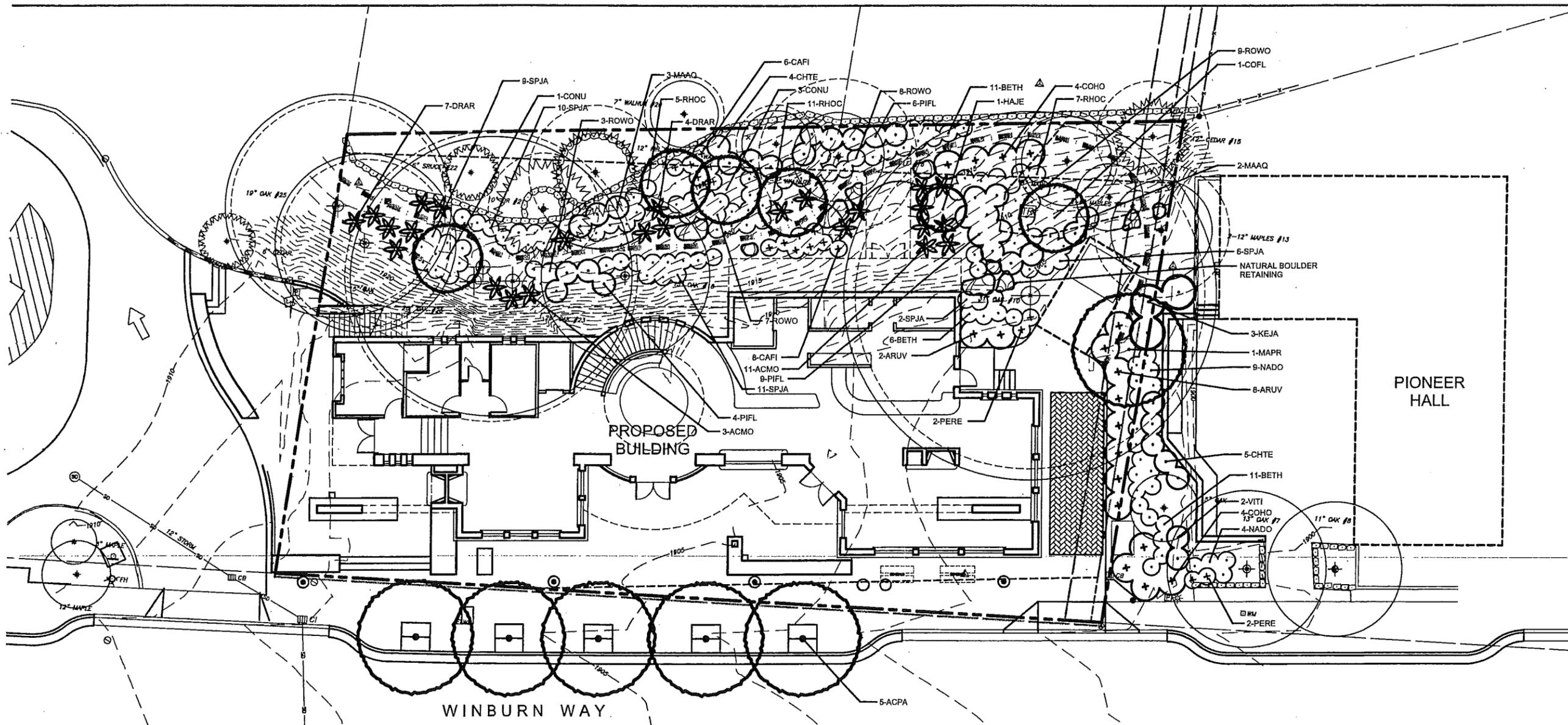
SHEET TITLE
TREE PROTECTION
& REMOVAL PLAN

NO.	ISSUE/REV.	DATE
0	Site Review	8/10/10

NEW COMMERCIAL BUILDING
85 Winburn Way
Ashland, OR 97520
Assessor's Map No. 391E 09BC; Tax Lot No. 3000

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COVER PARDEE
LANDSCAPE ARCHITECTS
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REGISTERED
Gregory T. Covey
OREGON
12/29/92
LANDSCAPE ARCHITECT



REGISTERED
295
Gregory T. Covey
OREGON
12/29/92
LANDSCAPE ARCHITECT

COVEY
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541.522.1024 FX
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NEW COMMERCIAL BUILDING
SEP 22 2010
85 Winburn Way
Ashland, OR 97520
Assessor's Map No. 391E 09BC; Tax Lot No. 3000

PLANT LIST

Key	Botanical Name	Common Name	Size / Comments
Trees			
ACPA	ACER x 'PACIFIC SUNSET'	PACIFIC SUNSET MAPLE	2" DBH - B&B
COFL	CORNUS FLORIDA 'RUBRA'	RED FLOWERING DOGWOOD	2" DBH - B&B
CONU	CORNUS NUTTALLII	PACIFIC DOGWOOD	2" DBH - B&B
MAPR	MALUS 'PRAIRIE FIRE'	PRAIRIE FIRE FLOWERING CRABAPP	2" DBH - B&B
Shrubs			
BETH	BERBERIS T 'CRIMSON PYGMY'	CRIMSON PYGMY BARBERRY	5 GAL
CHTE	CHOISYA TERNATA	MEXICAN MOCK ORANGE	5 GAL
HAJE	HAMAMELIS x 'JELENA'	JELENA WITCH HAZEL	15 GAL
MAAQ	MAHONIA AQUIFOLIUM	OREGON GRAPE	5 GAL
NADO	NANDINA DOMESTICA	HEAVENLY BAMBOO	1 GAL
PIFL	PIERIS J 'FLAMING SILVER'	FLAMING SILVER PIERIS	5 GAL
RHOC	RHODODENDRON 'OCCIDENTALE'	WESTERN AZALEA	5 GAL
ROWO	ROSA 'WOODSII'	WOODS ROSE	1 GAL
SPJA	SPIRAEA JAPONICA	SPIRAEA	5 GAL
VITI	VIBURNUM TINUS 'COMPACTUM'	COMPACT LAURESTINUS VIBURNUM	5 GAL
Groundcovers & Perennials			
ACMO	ACANTHUS MOLLIS	BEAR'S BREECHES	1 GAL
ARUV	ARCTOSTAPHYLOS UVA-URSIS MASS.	MASSACHUSETTS KINKINICK	1 GAL
CAFI	CALUNA FIREFLY	FIREFLY SUMMER HEATHER	1 GAL
CODA	COTONEASTER DAMMERI 'CORAL BEAUTY'	CORAL BEAUTY COTONEASTER	1 GAL
DRAR	DRYOPTERIS ARGUTA	CALIFORNIA WOOD FERN	1 GAL
PERE	PENSTEMON 'RED ROCKS'	PENSTEMON	1 GAL

NOTES

1. Topographic survey provided by Polaris Land Surveying, LLC.
2. Tree Inventory provided by Tom Myers, Certified Arborist. Refer to Tree Inventory for additional information regarding tree species, size, protection zone, and condition.
3. An automatic irrigation system will be provided for all new planting areas with the building permit drawings.

NO. ISSUE/REV. DATE
0 Site Review 8/10/10

SHEET TITLE
PRELIMINARY
PLANTING PLAN

DATE 10 Aug 2010

SCALE 1"=10'

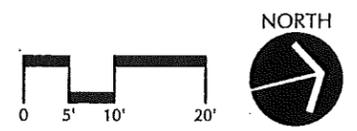
DRAWN GTC

JOB 85 Winburn

SHEET

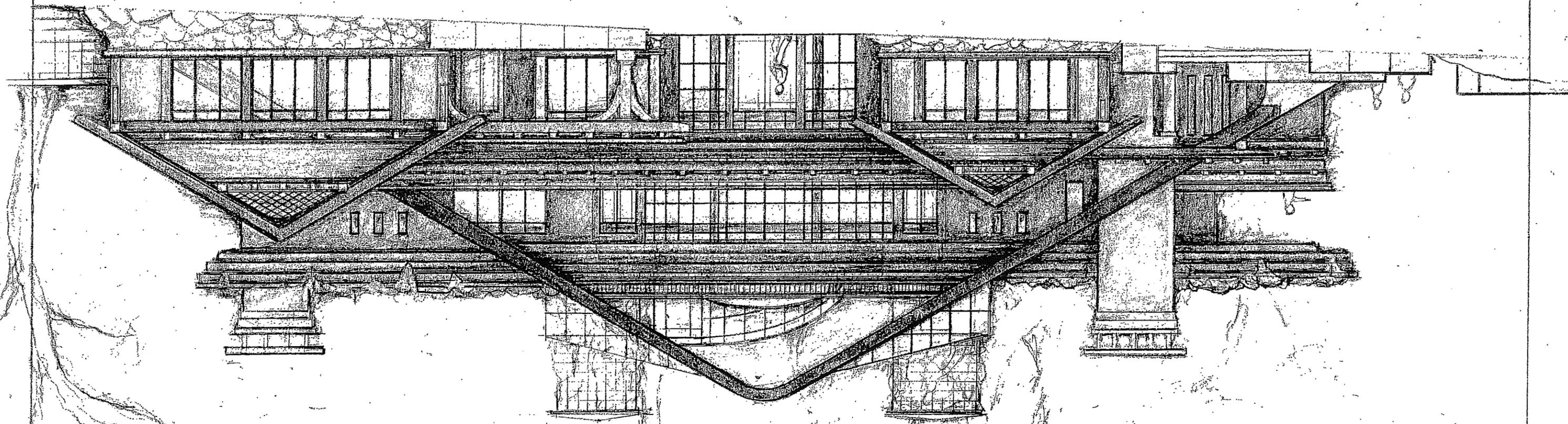
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FILE 0410-PL.dwg



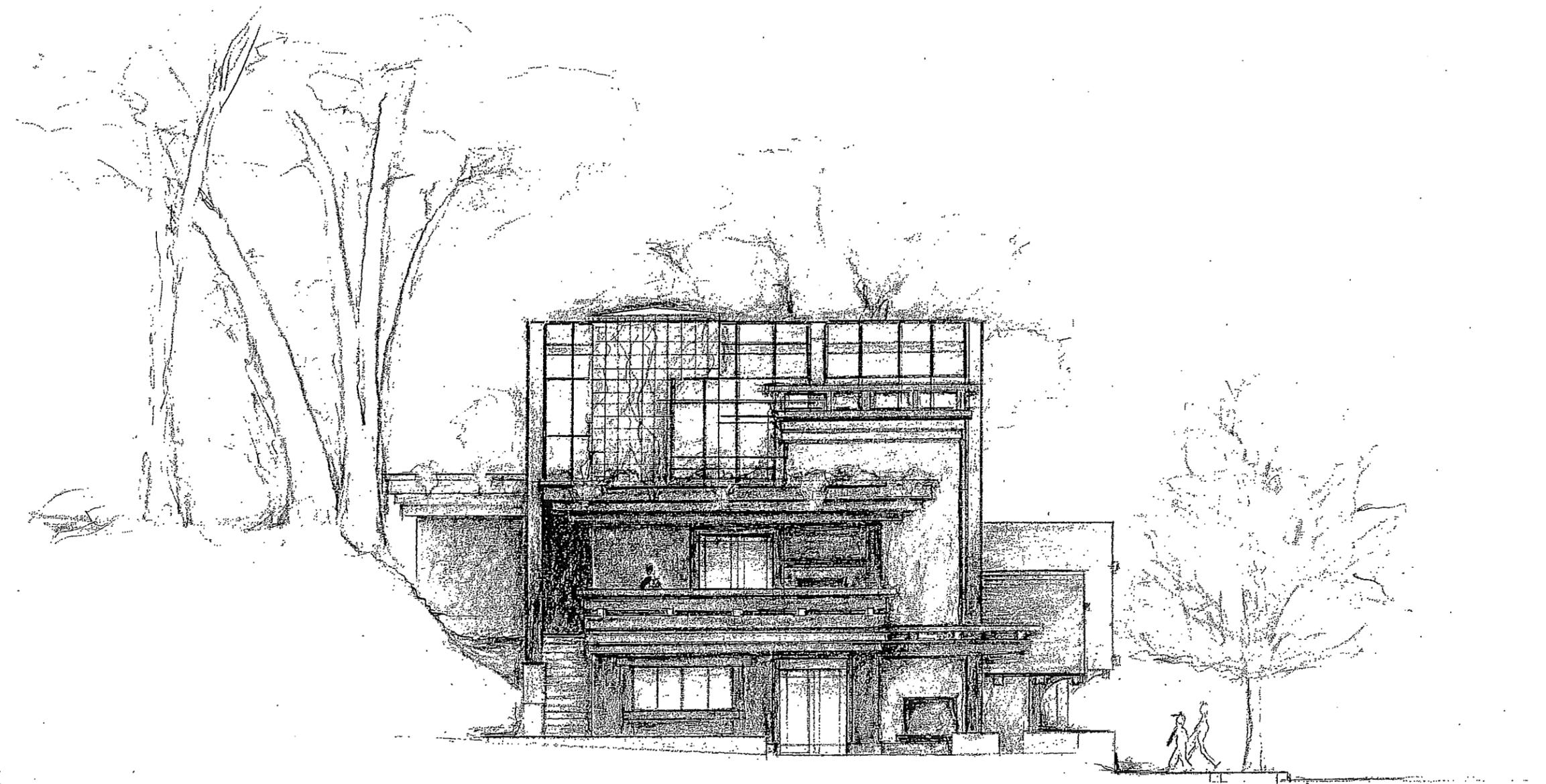
Don Sevier - Design

EAST ELEVATION



RECEIVED
SEP 22 2010

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RECEIVED

SEP 22 2010

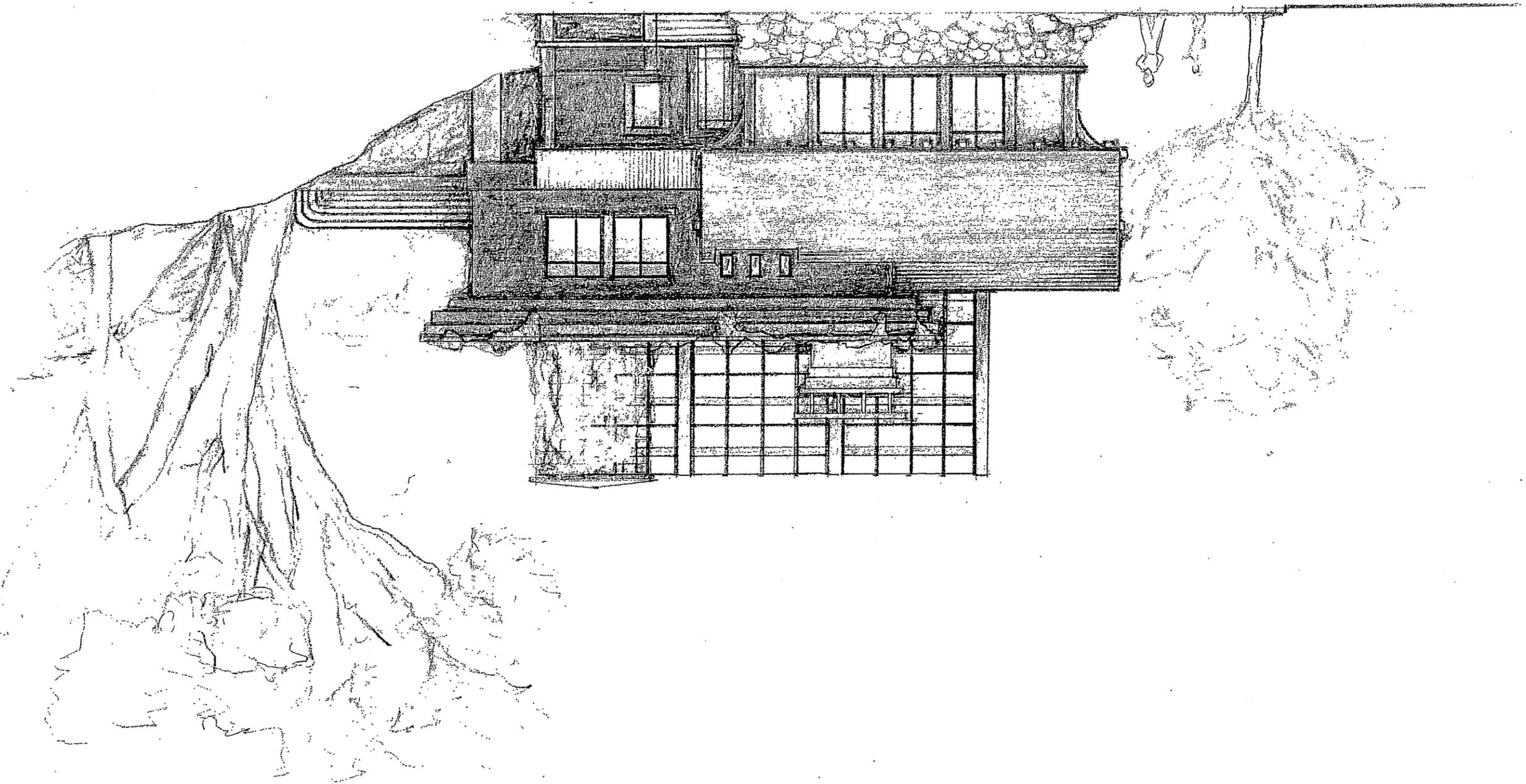
City of Ashland

— SOUTH ELEVATION —

— JOHN SEVER - DESIGN —

DRILL SITE TO WEST

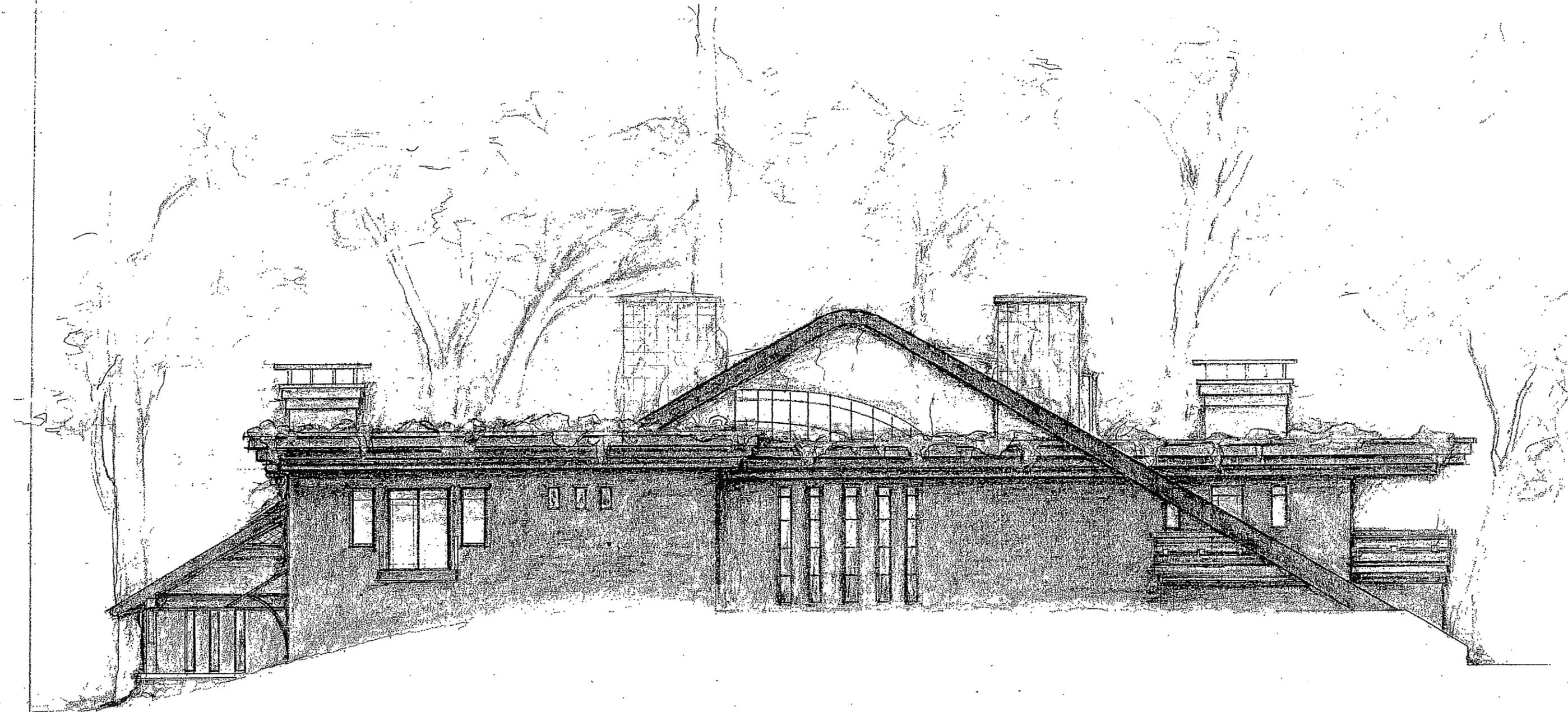
NORTH EASTERN SECTION



RECOVERED

SEP 22 2010

City of Ashland



— WEST ELEVATION —

— 200 SEVEN — LEAD —

RECEIVED

SEP 22 2010

City of Ashland