

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
MARCH 8, 2011
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. February 8, 2011 Planning Commission Minutes.
- IV. **PUBLIC FORUM**
- V. **UNFINISHED BUSINESS**
A. **Approval of Findings for PA-2010-01622, 163 Hitt Road.** *(To be provided by e-mail before the meeting.)*
- VI. **TYPE II PUBLIC HEARINGS**
A. **PLANNING ACTION: #2010-01611**
SUBJECT PROPERTY: 260 First Street
APPLICANT: Melissa Syken
DESCRIPTION: A request for a Conditional Use Permit and Site Review to convert an existing, non-contributing 614 square foot home into a 599 square foot retail store, with a 447 residential addition to the rear of the property located at 260 First Street. In addition, the applicant is seeking a variance to reduce the number of required parking spaces to allow for an on-site ADA parking in front of the home.
COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP #: 39 1E 09 BA; TAX LOT: 1500.
- B. **PLANNING ACTION: #2011-00043**
SUBJECT PROPERTY: 400 Allison Street
APPLICANT: Heiland Hoff, Architect for owner Robin Biermann
DESCRIPTION: A request for a Modification of Planning Action #2010-00993, a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by nine percent or 173 square feet. The original approval allowed demolition of the existing 1,144 square foot non-historic/non-contributing duplex building and constructing a new two-story 2,041 square foot single-family dwelling with a daylight basement and two-car garage in its place, along with a Tree Removal Permit to remove eight trees six-inches in diameter at breast height (d.b.h.) or greater. The modifications proposed include the addition of dormers, changes to windows on all four elevations, a reduction in the size of the back porch, and some general dimensional

**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).

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changes while remaining within the originally approved floor area.
COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential;
ZONING: R-2; ASSESSOR'S MAP #: 39 1E 09 BD; TAX LOT: 14200.

VII. NEW BUSINESS

A. Support letter for North Normal Neighborhood Plan grant application.

VIII. ADJOURNMENT

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ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
February 8, 2011

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
Pam Marsh
Debbie Miller
Melanie Mindlin
John Rinaldi, Jr.

Staff Present:

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

Absent Members:

None

Council Liaison:

Russ Silbiger

ANNOUNCEMENTS

Commissioner Marsh welcomed Russ Silbiger as the Commission's new Council Liaison. Councilor Silbiger thanked the commission and commented briefly on the new City Council goals.

Commissioner Marsh reminded the Commission of the Joint Study Session with the Transportation Commission on Thursday, February 10th at 7 p.m.

Community Development Director Bill Molnar noted there will be a Study Session on the Urban Renewal Feasibility Study on Monday, February 15th, and on Tuesday, February 16th the Council will hold a hearing on the 85 Winburn Way land use action and associated development agreement.

CONSENT AGENDA

A. Approval of Minutes

1. January 11, 2011 Planning Commission Minutes.

Commissioners Dawkins/Blake m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 6-0.

PUBLIC FORUM

No one came forward to speak.

UNFINISHED BUSINESS

A. Approval of Findings for PA-2010-01570, 590 Clover Lane.

Ex Parte Contact: No ex parte contact was reported by the commissioners.

Commission Mindlin asked for clarification regarding the sense of entry for the building, and remembered the Commission being satisfied with what was proposed by the applicant. Associate Planner Derek Severson clarified the motion adopted by the Commission was to recommend that the applicant better respond to the sense of entry, but not require it.

Commissioners Miller/Rinaldi m/s to approve the Findings for PA-2010-01570, 590 Clover Lane. Voice Vote: all AYES. Motion passed 6-0.

TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: #2010-01622

SUBJECT PROPERTY: 163 Hitt Road

APPLICANTS: R. Scott Dixon and Joan Cresse

DESCRIPTION: A request for a Modification of the Performance Standards Options Subdivision Final Plan Approval (PA #2003-020) for the Strawberry Meadows Subdivision. The proposed modifications include relocation of the driveway entrance, changes to the approved building envelope, and the allocation of a portion of the lot coverage from the subdivision's approved "Open Space 'A'" to allow increased lot coverage for Lot #6, located at 163 Hitt Road.

COMPREHENSIVE PLAN DESIGNATION: Rural Residential within a Performance Standards Overlay; ZONING: RR-5-P; ASSESSOR'S MAP #: 39 1E 08AC; TAX LOTS: 506.

Applicant Scott Dixon called a point of order and stated the staff report included new information which he should be given the opportunity to rebut. Commissioner Marsh explained the staff report was a reiteration of information already received and recommended they move forward with their deliberations.

Ex Parte Contact:

Commissioner Miller stated she contacted staff and received some clarification. No ex parte contact was reported by any of the commissioners.

Deliberations and Decision:

Lot Access:

Commissioner Mindlin questioned whether Hitt Rd meets the City's street standards, and whether the Commission should require the applicant to bring the street up to current standards. Mr. Molnar clarified the street complied with the street standards at the time the subdivision was created, but concurred that the standards have since changed. He stated the question is whether the impacts of this proposal merit extending the Hitt Rd improvements up to the proposed new driveway.

It was questioned whether staff sees it as a benefit for the applicant to access their property from the upper driveway. Mr. Molnar stated it is not so much of a public benefit, but rather a part of the performance standards subdivision which speaks to minimizing tree removal, cuts and fills, and the impacts of the building on the site.

Comment was made questioning whether there could be development past this site in the future. Mr. Severson stated this is a possibility and noted the original subdivision approval identified three lots that would be accessed from the same existing driveway.

Commissioner Blake questioned the width of the proposed driveway and stated the applicant's drawings seem to indicate the driveway is wider than Hitt Road.

Commissioner Mindlin expressed concern with the lack of clarity on the street issue and would like the Commission to be clear on what standard they are applying. Mr. Molnar provided some background and explained when lots are created a portion of the lot needs to front a street that complies with a minimum standard, and this can be as narrow as 20 ft. in hillside areas. He stated in this case the improved portion of Hitt Rd does meet street standards, however as you move up to the location where the new driveway is proposed it is less than 20 ft. wide. Mr. Molnar stated the Commission could require Hitt Rd to be widened to 20 ft. up to the point where the applicant wants to access their lot, or they could apply a provision that allows for three lots to be served off a private driveway of 15 ft. with 20 feet of clear. Comment was made voicing support for keeping the road at its current width. Commissioner Mindlin stated she also does not have a problem with this, as long as they are clear that they are applying the 3-home flagdrive standard.

Building Envelope Modification:

No concerns were expressed with moving the building envelope.

Lot Coverage:

Commissioner Marsh explained the applicants have requested a lot coverage allocation of 56.7%, and staff is recommending an allocation of 4,356 sq. ft or 47.75% (which is the standard minimum for a one-half acre parcel size allowed within the district). In addition, it was noted that staff does not support the additional 1,122 sq. ft of permeable surface proposed by the applicant.

Commissioner Miller voiced support for staff's recommendation and stated basing the allocation on the standard half-acre lot size makes sense.

Mr. Severson clarified the action before them is a lot allocation request specific to a particular lot. It was clarified the owners of the subdivision could come forward and resolve the allocation issues for the subdivision by assigning out coverage for the undeveloped lots, however the Commission cannot fold the applicant's request into that bigger consideration of lot coverage for the subdivision as a whole.

Commissioner Mindlin commented that she does not want their decision to be interpreted as being against cluster development, however she supports the 4,356 sq. ft. lot coverage recommended by staff. Commissioner Marsh agreed and believes the calculation based on a half-acre lot and excluding the existing driveway is a reasonable compromise.

Mr. Severson commented on the conditions proposed by staff and listed modifications for the Commission to consider. He noted the applicants have raised question about whether their future development would trigger a Physical & Environmental Constraints permit and noted the applicant's surveyor has indicated that portions of the building envelope has a slope less than 25%. Mr. Severson stated as it is currently written, Condition #3 states the P&E permit is required, and they may want to modify this to clarify the permit is only required if it entails development on hillside lands with slopes of 25% or greater. Mr. Severson added if the Commission agrees to the 4,356 sq. ft. lot coverage as recommended by staff, they may want to remove the permeable coverage requirement for the building footprint.

Mr. Severson clarified he could address the lot access issue by clarifying in the Findings that they are applying the flaglot standard, and stated if development goes beyond the limitations of a flagdrive, this will trigger further street improvements to Hitt Rd.

Commissioners Miller/Mindlin m/s to approve PA #2010-01622 to allow a 47% lot coverage (4,356 sq. ft), to not count the shared driveway in the lot coverage, to modify Condition #3 to clarify a Physical & Environmental Constraints Review Permit may be required, to remove the permeable surface requirement from Condition #2, and to approve the proposed locations for the driveway and building envelope. Roll Call Vote: Commissioners Dawkins, Blake, Miller, Rinaldi, Mindlin and Marsh, YES. Motion passed 6-0.

ADJOURNMENT

Commissioner Mindlin noted DEQ will be in Ashland at Pioneer Hall on March 3rd to take input on changing graywater standards.

Meeting adjourned at 8:00 p.m.

*Respectfully submitted,
April Lucas, Administrative Supervisor*



PLANNING ACTION: 2010-01611

SUBJECT PROPERTY: 260 First Street

OWNER/APPLICANT: Melissa Syken

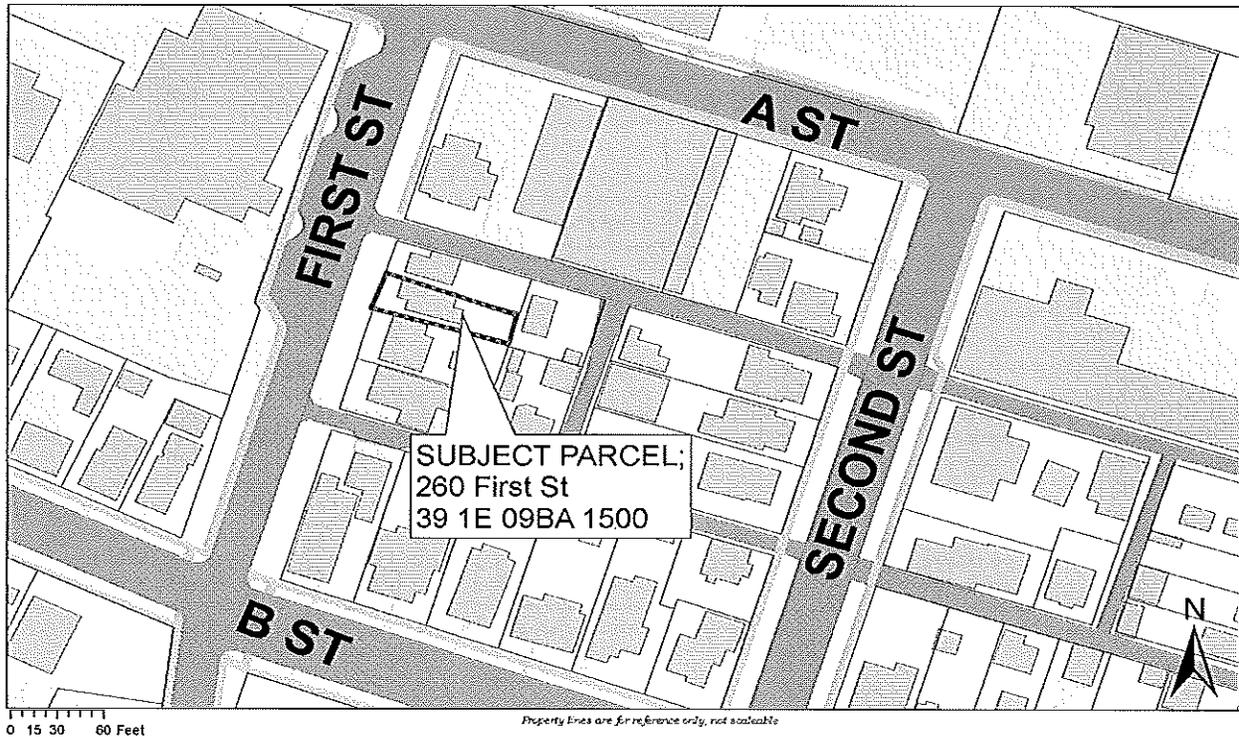
DESCRIPTION: A request for a Conditional Use Permit and Site Review to convert an existing, non-contributing 614 square foot home into a 599 square foot retail store, with a 447 residential addition to the rear of the property located at 260 First Street. In addition, the applicant is seeking a variance to reduce the number of required parking spaces to allow for an on-site ADA parking in front of the home.

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; **ZONING:** R-2;

ASSESSOR'S MAP #: 39 1E 09 BA; **TAX LOT:** 1500

NOTE: The Ashland Historic Commission will also review this Planning Action on March 2, 2011 at 6:00 PM in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: March 8, 2011 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.

ADDITIONAL 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.

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)

VARIANCE

18.100.020 Application

The owner or his agent may make application with the Staff Advisor. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development. Also to be included with such application shall be a statement and evidence showing that all of the following circumstances exist:

- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
- B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
(ORD 2425, 1987).
- C. That the circumstances or conditions have not been willfully or purposely self-imposed.
(ORD 2775, 1996)

PHILIP C LANG, ACSW, LCSW



ORE. LCSW1141 • CAL. LCSW-5500

758 B Street • Ashland, Oregon 97520
Residence 541 • 482-8659
Office/Fax 541 • 482-5387
e-mail: Philip@mind.net

February 28, 2011

To: Bill Molnar - Director of Planning HAND DELIVERED 2/28 - A.M.

Re.: Planning Action 2010-01611

Dear Mr. Molnar:

I presented myself this A.M. at the Planning Dept. front desk and asked about the staff report on the above captioned planning action.

It was unavailable.

I think it is unconscionable to not have a staff report two days before the 1st hearing (Historic Commission).

I am a party at interest - I also am a working person. Myself and others deserve to have the report in sufficient time to make a careful and considered assessment.

Absenting the report I am asking you to postpone the consideration of this action until next month.

Thank you,

PHILIP C. LANG
Owner of (270-N. First- adjacent property)

PHILIP C. LANG, ACSW, LCSW

ORE. LCSW1141 • CAL. LCSW-5500



758 B Street • Ashland, Oregon 97520
 Residence 541 • 482-8659
 Office/fax 541 • 482-5387
 e-mail: Philip@mincl.net

February 23, 2011

To: Michael Pina, Assistant PlannerRe: Planning Action 2010-01611 (260 - N. First St.)

I came to the Planning Dept. office late this afternoon to receive a copy of the staff report on the above captioned planning action. I was told that there was no staff report (yet) although the packets were to be sent out today.

I am concerned and troubled. The Historic Commission meets on 3/2 - the Planning Commission on 3/8 - just a few days from now.

It is both impossible - and unfair - to expect me to develop my own report without a planning report in a timely manner ahead of the meeting. Also - it is unfair to both myself and the applicant for me to have to present my report without adequate time for the commission - or the applicant to review it.

I am an interested party - since I own the adjacent property: 270 N. First.

Off the top I have several vital questions to ask about the planned development.

I would like you to call me (at my 482-8659 number - there is a message machine) and let me know when we can meet. Mondays and Tuesdays are usually busy days for me, but I can meet at your convenience other weekdays. I will also change my schedule if necessary.

Sincerely,

PHILIP C. LANG, ACSW, LCSW, Ph.D.
 Owner of 270 N. 1st street

FAXED to: (541)488-6006 at 9:10 P.M. on 2/23/11

**ASHLAND PLANNING DIVISION
STAFF REPORT
March 8th, 2011**

PLANNING ACTION: PA-2010-01611

APPLICANT: Melissa Syken and Patricia Way

LOCATION: 260 First Street

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential

APPLICATION DEEMED COMPLETE: February 18, 2011

120-DAY TIME LIMIT: June 18, 2011

ORDINANCE REFERENCE:

18.24	R-2 Low-Density Multi-Family Residential District
18.72	Site Design and Use Standards
18.92	Off-street Parking
18.100	Variances
18.104	Conditional Use Permits

REQUEST: A request for a Conditional Use Permit and Site Review to convert an existing historic, non-contributing 614 square foot residence into a 599 square foot retail store, with a 447 square foot residential addition to the rear of the property located at 260 First Street. In addition, the applicants are seeking a Variance to reduce the number of required parking spaces; three off-street parking spaces are required, and the applicants propose to provide two spaces on-site, with the required ADA-accessible parking space to be provided in the First Street right-of-way.

I. Relevant Facts

A. Background - History of Application

There are no other planning actions of record for this site.

B. Detailed Description of the Site and Proposal

The subject property is located on the east side of First Street, between A and B streets, across from the Ashland Food Cooperative. The parcel is zoned R-2 (Low Density Multi-Family Residential) and is located within the Railroad Historic District. The property is rectangular in shape with an area of approximately 2,300 square feet, which is significantly smaller than the minimum 5,000 square foot lot size for the R-2 zone. Because the lot was created prior to current zoning regulations, it is considered to be a legal, non-conforming lot, and therefore permitted to be developed as a recognized lot of record. The parcel is also located between two other sub-standard lots, and has a general grade of approximately five

percent down to the north. An established “Tree of Heaven” and a Cottonwood are located within the right-of-way, immediately to the north and south of the subject property.

Vehicular access to the site is currently from First Street to a gravel parking pad that is mostly within the First Street right-of-way. The First Street right-of-way between A and B Streets is 70 feet in width. Current improvements include curbs, gutters and paving along the subject property’s frontage. At the time this report is being written, sidewalks are not in place along the subject property’s frontage, however the Public Works Department has contracted with Progressive Builders, Inc. to install sidewalks this month, weather permitting, as a “Miscellaneous Concrete” project.

The existing building on the site is identified as the Olson-Fitzgerald House in the Railroad Historic District survey document, which notes that the single-story house was built in the mid-1940’s, but has been modified with applied siding and replacement windows and does not retain sufficient integrity to reflect its historic period of development, and therefore the home is considered to be “historic, non-contributing” in the survey document.

Due to the small size of the lot, and the fact that the house was built before modern zoning regulations, the home has a non-conforming side yard setback on the north side of zero feet, and non-conforming front yard setback of 13½ feet. An existing 120 square foot shed is placed in the rear of the lot, also placed at a non-conforming setback of one foot from the rear and (north-) side property boundaries.

The application involves converting the existing 614 square foot residence into a 599 square foot retail space, with a new two-story, 447 square foot addition to be constructed at the rear of the existing house. Conversion of an existing single family residence in the Railroad Historic District into a retail space requires a Conditional Use Permit, plus Site Review to allow the commercial use. The applicant is also requesting a Variance to reduce the number of required on-site parking spaces, with two of the three required parking spaces to be provided on site and the third space, required to be ADA-accessible, proposed to be provided in the street. The application includes a request for an Administrative Variance to the Site Design and Use Standards to reduce the required buffer between the parking spaces and the property line from the required five feet to only three-and-a-half feet.

II. Project Impact

Procedurally speaking, the application could be processed as a “Type I” and approved administratively by staff. Conditional Use Permit involving existing structures or additions to existing structures may be processed through an administrative approval under AMC 18.108.040.A.3.a. AMC 18.92.055 further provides for up to a 50 percent reduction in required parking in the historic districts to be processed administratively as a Variance; the parking reduction requested here is 33 percent. However, in considering the application, staff felt that the approval requested touched some broader issues which we felt merited consideration by the Planning Commission before a decision could be made.

This block of First Street is in a transitional area between the more intense commercial uses concentrated along A Street, and the established residential neighborhoods of the Ashland

Railroad Addition historic district. Properties to the west and north of the subject property are zoned Employment (E-1), with established businesses in place including the Ashland Food Co-Op, Plexis, Ace Hardware, and DJ's Video. To the south and east are the residentially-zoned neighborhoods of the Railroad Addition Historic District.

In the 1980's and 90's, the City found that allowing small professional offices, retail shops and travelers accommodations in this district provided a way both to encourage improvements in the housing stock and to bring a degree of vitality to the neighborhoods. More recently, some neighbors have begun to question the degree to which commercial uses should be allowed in these residential districts as the increasing number of small commercial uses could be seen, when viewed in sum, to compromise the underlying residential character of the district. For instance, in the case of 184 B Street, a travelers accommodation considered under PA #2005-00666 this lead to a Planning Commission Hearings Board-imposed limitation on the number of units which could be allowed for the site to an owner's unit and two guest rooms where the lot size by itself would typically have allowed five units. The Hearings Board at that time determined that a greater degree of commercialization could have been detrimental to the residential character of the effected block of B Street.

While staff believes that a valid argument could be made that the relatively small scale commercial use proposed in the current application seems well-suited to the transitional nature of this block of First Street, we believe there is a similarly compelling argument that the intensity of commercial uses in the vicinity, most notably the Ashland Food Co-Op, already impact the fundamental residential character of the block to a degree that the appropriateness of further commercial use is brought into question.

Ashland Municipal Code (AMC) 18.24.030.I allows applicants to convert an existing residence into a small retail space within the Railroad Historic District with a CUP, as long as they meet specific criteria that are intended to retain the elements of a residential use. The retail use must be located within a dwelling unit, limited to no more than 600 square feet of that dwelling unit, operated by the person who resides in the residence, and the use is to be served primarily by pedestrian traffic on a fully improved street. These approval criteria are intended to provide a degree of discretionary review to ensure an assessment of the impacts of the proposed use in light of the Conditional Use Permit criteria, which consider the proposal versus the target use of the zoning district, as well allowing for consideration of Ashland's "Historic District Development Standards."

While there are many of these small commercial uses in the Railroad District, most notably on B Street, those projects are for the most part relatively intimate office settings that remain secondary, or subordinate to the residential character of the home. The approval of these uses has not generally required significant structural changes to the homes. The purpose of Ashland's residential historic districts, and the regulations which govern them, is to preserve the historic residential character of the neighborhoods by insuring that development is architecturally and historically compatible with past development patterns, and that uses fits well into the fabric of these well-established neighborhoods. Staff believes that the current request can be found to meet the requirements of the code in that it is located within a dwelling unit, limited to no more than 600 square feet, will be operated by a resident, is described as being served primarily by pedestrian traffic, and with the completion of the

current “Miscellaneous Concrete” project will have sidewalks installed along the subject properties frontage. However, the proposal raised some questions for staff because virtually the entire historic residence is to be converted to retail use (i.e. 599 of its 614 square feet) and the residential use is to be placed in a new addition behind the retail portion, a subordinate placement relative to the proposed commercial use that raises questions whether the proposal is consistent with the underlying intent of the code.

Given these questions with regard to the impacts of additional commercial uses on the surrounding neighborhood as well as the impacts of the proposal on the existing home, staff determined that a public hearing was the best course of action in considering the request.

A. Conditional Use Permit (CUP) to convert a single-family residence into a retail space

The property is currently served by a four-inch water main, and six-inch sanitary sewer main, and a twelve-inch storm drain located in the First Street right-of-way. The Public Works/Engineering Department has indicated that these facilities, which already serve the existing home, are adequate to serve the proposed commercial use and residence. Existing electrical service is a 200 amp overhead service dropped from a drop down line from a nearby pole. The Electric Department has indicated that changes to the existing service may be necessitated due to the conversion of uses on the parcel; a condition has been recommended below to require that the applicant develop an electrical service plan to be approved by the Electric Department prior to the submittal of building permits, and that any upgrades necessary to the electrical service be provided at the owner’s expense.

First Street, classified as a residential neighborhood street, is currently improved with paving, curbs, and gutters in place. The west side of the street along the Ashland Food Co-Op’s frontage is improved with sidewalks, street trees, and 14 angled parking spaces. The east side of the street, along the subject property’s frontage, has no sidewalks or parkrows in place, however as previously noted, sidewalk installation is under contract by the City through a current “Miscellaneous Concrete” project scheduled for completion this month.

The applicants state that the exterior physical improvements to the structure are similar to the existing siding and trim of historic homes in the area, and consistent with other recent renovations in the neighborhood. As noted in the inventory document, the existing structure has seen modifications to its siding and windows to a degree that it no longer retains sufficient integrity to reflect its historic period of development. The home as it exists seems to present a relatively weak side elevation to the street, which when combined with the existing fencing, give it little presence in the streetscape. The proposed conversion to retail involves raising the roof peak, adding a new door, and windows which in staff’s view will substantially enhance the building’s sense of entry and presence within the streetscape. In the case of Site Review and Conditional Use Permit applications within the historic districts, the Historic Commission advises both the applicants and city decision makers on compatible design. As the proposal has not been reviewed by the Commission as this report is being prepared, a condition of approval has been recommended below to require that all conditions of the Historic Commission, where consistent with the applicable standards and with final review by the Staff Advisor, be made conditions of approval. A copy of their recommendations will be distributed to the Planning Commission prior to the March 8th hearing.

The proposed use will not create any adverse environmental impacts such as dust, odors, air quality; or any additional generation of noise, light or glare.

The applicants note that the proposed retail space will generate primarily pedestrian and bicycle related traffic due to its close proximity to the Ashland Food Co-Op and other commercial uses within the district. Vehicular access is being proposed in the front of the property off of First Street, and due to the size of the proposed retail space (599 sq. ft.), two off- street parking spaces are required in addition to one residential parking space. As a commercial use, the project requires a van-accessible ADA space on site. Given the narrow 25-foot lot width, the applicants propose to provide two spaces off-street, but have requested a Variance, discussed further below, in order to place the ADA-accessible street within the adjacent right-of-way.

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. As previously noted, the subject property is a legal non-conforming lot that was created prior to current zoning regulations. As a legal lot of record in the R-2 zoning district, the substandard 2,300 square foot lot size has a target use of only one residential unit. According to the R-2 zoning district standards, the 0.05 of an acre lot at a density of 13.5 units per acre equals a target use of .71 units meaning that the “target use of the zone” is effectively a ¾-unit of less than 500 square feet in size. While the current proposal leaves a residential presence on the property with a unit of less than 500 square feet, in keeping with this target use, it adds the additional impacts of a small scale retail use as well, intensifying the use beyond both its current state and the target use. In considering this impact, staff noted that the proposed modifications could be made to the home as a building permit were they not associated with a commercial component, and a single residence would allow a home occupation permit, as provided in AMC 18.94, which would permit a small scale commercial use, albeit not one involving on-site retail sales, within the home provided that no changes were made which would impact the primary residential use of the home, no signage would be allowed, and no more than eight customer vehicles would be allowed per day. In a sense, what is being considered with the current proposal is the impact proposed beyond what would be permitted for a home with a home occupation: impacts to the primary residential use, signage, and the number of customers and associated parking impacts that come with on-site retail sales.

While staff has little concern with the installation of signage to support the small scale commercial use here, we do have some concern that the subordination the residential use to a new addition at the rear of the property, and consuming virtually the entire residential front yard with parking, will be detrimental to the primacy of the residential use for the site and block, and believe that the number of customers and associated parking impacts for the proposed use may be beyond the target use of the zone and thus negatively impact the surrounding neighborhoods residential character, particularly when viewed in light of the other commercial uses in the vicinity. The standards for small scale retail use in Ashland Railroad Addition historic district residences have been crafted to ensure that commercial use of residential properties will not overpower or overshadow the residential character of the existing residences or their neighborhoods, and in staff’s view assessing the impacts of the proposal versus the target residential use of the district is perhaps the key question in considering the request.

In response to the distribution of notices announcing the hearing, one neighbor has submitted two letters expressing concerns, however the concerns raised have primarily had to do with the fact that a staff report is not available for public review well prior to the March 2nd Historic Commission meeting. Like the Historic Commission's review, the staff report is intended to advise the Planning Commission's decision at the hearing, and as noted in the notices sent to neighbors, a copy of the staff report will be completed and available for inspection seven days prior to the Planning Commission's hearing. The applicants' submittals have been available for review in the Community Development Department offices since their submittal.

B. Basic Site Design Review

The conversion from one general use category to another (i.e. from residential to commercial) triggers Site Design Review to ensure that applicable Site Design and Use Standards, including the Historic District Development Standards are adequately addressed. For new construction, these Development Standards generally seek traditional architecture that well represents our own time, yet enhances the nature and character of the historic district.

The applicants state that all applicable city ordinances, with the exception of the required parking and associated landscape buffers at property lines, have been met or exceeded for development in the historic R-2 district.

As previously stated, there currently exist sufficient public utilities to service the proposed commercial and residential uses.

Under the Site Design & Use Standards, buildings are to have their primary orientation to the street and be within 20 feet from the right-of-way they front. The proposed use improves the street side façade by increasing the roof peak, enclosing the lean-to porch, removing the existing non-conforming fence in the front yard, and providing landscaping and pavers to the front yard as well as greatly enhancing the building's sense of entry and presence in the streetscape. An ADA walkway from the new curbside sidewalk along First Street will lead to the front door. Between the front yard parking area and the structure, there are to be two bicycle parking spaces in accordance with city standards. No street trees are proposed in the application due to their being two existing trees on either side of the property within the right-of-way. The lot is only 25 feet wide, and thus the existing trees within the right-of-way satisfy the street tree spacing standards.

Currently, the proposal involves extending the eaves on the south side of the front entrance area to provide covered bicycle parking for one of the two bicycle parking spaces proposed here. Given the structure's location seven feet from the side property line and the allowance for architectural projections to extend up to 18-inches into a required setback, staff believe that this eave might be further extended to cover both bicycle spaces and a condition that this be explored in the building permit submittals has been recommended below.

C. Variance to parking standards

The application includes a request for a Variance to reduce the required parking by 33 percent for commercial buildings in the Historic District as provided in AMC 18.92.055. Per the requirements of the Off-Street Parking Chapter (AMC 18.92), retail uses require one vehicular parking space per 350 square feet of floor area; and residential uses under 500 square feet require one space. Therefore the total required parking for the proposed use is three spaces. The applicant is requesting to provide only two off-street parking spaces in the front yard, and to install the building-code required ADA-accessible parking space in the First Street right-of-way.

The applicants cite three factors that are unique to this parcel and therefore deserving of the Variance request. First, due to the narrow 25-foot width of the lot, the physical dimensions are prohibitive from entirely complying with parking space requirements. By allowing for two spaces on-site, the applicants propose to accommodate the required ADA-accessible space in the street and to provide a ramp and a reduced landscape buffer on the site. Secondly, the applicants suggest that the smaller retail space which would be allowed if it were sized to suit available parking is not sufficient to support viable commercial venture. Finally, the applicants propose to provide double the required amount of bicycle parking for the proposal, with one rack in front of the building, and another to be provided in the shed at the rear of the property.

Both the Building and Public Works Departments are required to approve placement of accessible parking within the right-of-way, and to date the applicants have not obtained the necessary approvals from either department. Preliminary staff discussions with the Public Works Department have suggested that the location may not be well suited for the placement of an ADA-accessible parking space within the right-of-way given the level of traffic associated with the Ashland Food Co-Op and surrounding businesses and the fact that a driveway apron typically cannot be found to provide the required accessible route from the street to the business entrance. If this were ultimately the case, a Variance to reduce the off-street parking required from three to one would be required to accommodate the single off-street ADA-accessible space and aisle in the front yard, amounting to a 66 percent Variance and shifting the additional demand of these two standard parking spaces to the adjacent streetscape. Should the ADA-accessible space prove not to be feasible for installation in the right-of-way and the Commission determine this to be appropriate, staff have recommended a condition below to make clear that the ADA-accessible space would need to be provided on-site.

AMC 18.92.055 identifies the redevelopment of existing commercial and residential buildings for commercial use within the Ashland Historic District as an exceptional circumstance and unusual hardship for the purposes of granting a Variance, and in staff's

view, this hardship combined with the lot's 25-foot width represent unique of unusual circumstances which have not been self-imposed. For staff, the issue which remains is whether the benefits of redeveloping the existing building are greater than the impacts of the proposal on adjacent uses, and for staff the fact that the addition of the commercial use produces a parking demand which cannot be met on site and must be accommodated in an area of already high parking demand leaves this in question.

D. Administrative variance to Site Design and Use Standards

The application includes a request for an Administrative Variance to the required five-foot landscape buffer between parking areas and property lines. The applicants note that due to the non-conforming width of the lot, no other solution exists that would allow for the required vehicular parking on-site, plus the installation of an ADA ramp as required by the building code. The submittals indicate that the intent of the code is to provide a buffer between uses, and suggest that existing vegetation on the adjoining property meets the underlying intent in providing an adequate buffer. With the request, the applicants propose to place a three-and-a-half foot wide ramp adjacent to the north property line, and a three-and-a-half foot landscape buffer between the ADA ramp and the proposed parking areas. No landscaped buffer is proposed adjacent to the south property line. The applicants assert that this configuration is the minimum Variance necessary and all that can be accommodated with the lots width, and suggest that the proposed buffer strip breaks up the visual impact of the property's front yard being mostly paved due to address parking requirements. They have also proposed to mitigate some of the impacts of the amount of paving, and provide a more compatible treatment for prominently located paving, by using permeable pavers in place of the standard asphalt of concrete.

If the Commission finds the larger requests of the proposal to merit approval, staff believe that the narrowness of the street frontage could be found to justify the proposed Administrative Variance to reduce the required landscape buffer between the proposed parking and the property line. Conditions have been recommended below to require that permeable pavers be used for the proposed parking spaces, and that the width of the curb cut be minimized to only that which would allow vehicular access to the ADA-accessible parking space.

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.*

The approval criteria for a Site Review and use Standards as described in AMC 18.72.070 as follows:

- 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)*

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

The approval criteria for an Administrative Variance to the Site Design and Use Standards as described in AMC 18.72.090 as follows:

- A. *There is a demonstrable difficulty in meeting the specific requirements of the Site Design Standards due to a unique or unusual aspect of the proposed use of a site;*
- B. *Approval of the variance will not substantially negatively impact adjacent properties;*
- C. *Approval of the variance is consistent with the stated purpose of the Site Design and Use Chapter; and*
- D. *The variance requested is the minimum variance which would alleviate the difficulty.*

The approval criteria for a Variance is described in AMC 18.100.020 as follows:

- A. *That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.*
- B. *That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan*

of the City. (ORD 2425, 1987).

- C. *That the circumstances or conditions have not been willfully or purposely self-imposed.*
(ORD 2775, 1996)

IV. Conclusions and Recommendations

While the proposal involves the addition of a small scale retail use within a transitional area adjacent to established commercial uses in the nearby E-1 zone, and could be found to be in keeping with the requirements of AMC 18.24.030.I which allow retail commercial uses in residences within the Railroad Addition historic district as conditional uses, the proposal raises some larger issues for staff in terms of the impacts of the conversion of the residence to provide additional commercial space upon the residential character both of the existing residences and the surrounding neighborhood.

In terms of the impact to the existing residence, staff has some concern that the proposal, while it greatly strengthens the building's presence within the First Street streetscape with a much improved sense of entry, also gives the property a strongly commercial presence which subordinates the residential use to a small 447 square foot addition at the back of the property and consumes the majority of the front yard with parking to serve the proposed commercial use, potentially to the detriment of the home and the surrounding neighborhood. In considering the impact of conditional uses on B Street in 2005, the Commission previously recognized that the summative effect of Conditional Use Permits and commercial uses within a residential district can reach a point where a neighborhood's residential character is compromised.

Given the questions raised, staff were unable to administratively approve the project and determined that a public hearing was needed to allow these issues to be more fully considered by the Planning Commission, hopefully in light of any concerns that might be raised by neighbors during the hearing. Should the Commission find that the nature of this block of First Street is already impacted by the nearby businesses and associated impacts to a degree that it adversely effects the residential character of the neighborhood, then the Commission may find that the application to add an additional retail commercial use does not meet its burden of proof.

On the other hand, should the Commission ultimately determine that the transitional nature of the block is well-suited to a small scale, primarily pedestrian-oriented business which would provide a "secondary destination" to those already visiting nearby businesses and result in substantial improvements to the buildings sense of entry and presence in the streetscape, and that the proposal has adequately addressed all standards to merit the approval of a Conditional Use Permit, Site Review, Administrative Variance and Variance, staff would recommend that the following conditions be attached to that approval:

- 1) That all proposals of the applicant shall 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 Site Review and 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 March 2, 2011 meeting shall be conditions of approval, where consistent with applicable standards and with final approval by the Staff Advisor.
- 4) That the applicants shall explore the possibility of further extending the eave on the south side of the building to cover the bicycle parking area next to the front door.
- 5) That the applicants shall obtain required fence and sign permits prior to the modification of fencing or installation of signage. Fencing shall be consistent with the general requirements of AMC 18.68, and signage shall be limited to that allowed for Conditional Use Permits in the R-2 zoning district in AMC 18.24 and 18.104.
- 6) In the event that the Building and Public Works Departments are unable to approve the placement of an ADA-accessible parking space within the First Street right-of-way as proposed by the applicants, the required ADA-accessible space shall be installed within the front yard. Installation shall be subject to the approval of the Public Works, Building and Planning Divisions.
- 7) 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 their height(s) from the identified 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.
 - c) An electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to the submittal of the building permit, and all transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department.
 - d) That exterior building materials and paint colors shall be consistent with those described in the action, compatible with the surrounding area and identified in the building permit submittals. Very bright or neon paint colors shall not be used in accordance with II-B-6a) of the Multi-Family Site Design and Use Standards.
- 8) That prior to the issuance of a building permit:
 - a) That the requirements of the Ashland Fire Department including that a fire department connection shall be provided and 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.
- 9) That prior to the issuance of a certificate of occupancy:
 - a) That the required parking shall be installed and maintained in permeable pavers as proposed by the applicants.
 - b) That a new driveway curb cut shall be installed to serve the proposed parking in the front yard under permit from the Public Works Department. Concrete colors used

- shall be consistent with the Ashland Historic District concrete standards, and the driveway width shall be the minimum necessary to serve the required parking installed. 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 the electric services shall be installed according to the approved plan, inspected and approved prior to the issuance of a certificate of occupancy.
 - e) The inverted u-racks shall be used for the bicycle parking. All bicycle parking shall be installed in accordance with design and rack standards in 18.92.040.I and J prior to the issuance of the certificate of occupancy. The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met in accordance with 18.92.040.I. If bicycle parking is to be provided in garages, final interior dimensions of garages shall be provided to insure adequate space needs and signage clearly identifying the spaces as limited to bicycle parking shall be provided.
 - f) That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards prior to the issuance of a certificate of occupancy. 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.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section Number: 7 Page: 25

Amended-March 2002

Ashland Railroad Addition Historic District, Ashland, OR

ID # 62.0

OLSON-FITZGERALD HOUSE
260 FIRST ST N
Altered

1945
391E09BA 1500
Historic, Non-Contributing

This small one-story volume was apparently built in the mid-1940s and was the home of Edwin Olson according to 1948 city directories. Corben F. Fitzgerald purchased the property in 1949, possibly for rental use. (JCD 327:82) Modified with applied siding and replacement windows, the Olson-Fitzgerald House does not retain sufficient integrity to reflect its historic period of development.

ID # 63.0

HARPER-LUNCEFORD RENTAL HOUSE
240 FIRST ST N
Other: Vernacular

1944c
391E09BA 1600
Historic Contributing

This small one-story wood frame cottage was probably built as a rental for Gertrude Harper and Guy Luceford, who purchased the site in 1944. (JCD 251:353) In 1948 W. A. and Nancy Williams, as well as Ed Joe Scott are listed as living here. Harper and Luceford sold the house to Mrs. Clarabel D Conley in 1960 and she lived here at least through 1964. Simple in design, the Harper-Luceford House retains sufficient integrity to relate its historic period of development.

ID # 64.0

HARPER, E. L. AND VERNA HOUSE
236 FIRST ST N
Modern Period: Ranch House

1950
391E09BA 1700
Non-Historic, Non-Contributing

This one-story wood-frame dwelling is the ranch style was probably built shortly after the site was purchased by E. L. and Verna Harper. (JCD 340:72) The Harpers retained possession for four years. In 1961 William Roberts bought the property and the family remained here at least through the late 1980s. While somewhat compatible in volume and built very near the end of the secondary period, the Harper House represents a different building tradition than was typical of the Railroad District during its historic periods.

ID # 65.0

FAULCONER, ALFRED HOUSE
234 FIRST ST N
Other: Vernacular

1947c
391E09BA 1800
Historic Contributing

Accessed off the alley, this small single-story wood-frame dwelling was probably built in 1948 when Alfred Faulconer purchased the site. The house was sold to Thomas A. Ghea in 1954 and in 1964 it was apparently a rental, occupied by Clarence W. Maupin. Now upon a newer concrete block foundation, it is possible, though not documented, that this structure was moved to this site during the postwar housing boom period as it appears to be of earlier construction than would be typical of 1947. Despite this confusion, the Faulconer House retains sufficient integrity and is considered a contributing feature.

ID # 66.0 Survey #149

LOVE, G. W. RENTAL HOUSE I
269 SECOND ST N
Other: Vernacular [Italianate]

1900c
391E09BA 1900
Historic Contributing

One a pair of identical houses, this single-story wood frame dwelling was built for G. W. Love as a rental circa 1900. The hipped roof volume with attached shed-roof porch retains substantial original detail, including the corner boards, simple frieze, spindlework porch screen and the hood over the central pair of 4-light wood sash windows. The Love family retained the property until 1904 when it was sold to M. M. March and four years later Major A. Carter, a miner, purchased the house. The Love Rental House I retains high integrity and effectively relates its historic development period.

1-19-2010

JAN 19 2010

City of Ashland
Planning Department

**ADDENDUM 1 to
Planning Action PA – 2010 - 01611**

**Findings of Fact
for
Conditional Use Permit & Basic Site Review Standards
&
Request for Variance for Commercial Buildings in the
Historic District**

Subject Property:

260 1st Street
Assessor's Map 39 1E 09BA Tax Lot 1500
Zoning R-2, Historic Interest District: Railroad

Proposed Use:

Residence with Retail Use

Submitted to:

City of Ashland Planning Department

Submitted for:

Patricia Way

Prepared by:

Carlos Delgado
Carlos Delgado Architect
217 Fourth Street
Ashland, Oregon 97520
541.552.9502

01/19/11

JAN 19 2010

Project Summary of background:

11/29/10
01/19/11

The applicant is proposing to operate a retail business out of her family's existing residence on 260 1st Street (DBA Green Baby). In addition to the business operating as in internet based business, the applicant sees this as being a local resource center for new parents and their loved ones offering essential eco-goods for the needs of baby times- a variety of cloth diaper options, burp cloths, blankets, etc. The store will promote locally made and produced products by the owner and other local mothers. The store will be an information center to connect the community with what is locally available in the way of services and education.

Owner / applicant statement:

" I have come to the place of wanting to do this as a business from my personal experience of the steep learning curve that is the nine months of pregnancy and wishing for one place I could go to get a grasp on what is available for new families. I feel like this will be an incredible asset to our town and a service to new parents and their children.

I feel by carrying natural products for babies we will be incorporating the values and concepts of the Ashland Food Coop in a way that will draw many of the same shoppers to our store. For this reason I do not think there will be much noticeable difference of people in the vicinity coming and going with the opening of this store.

We intend to spruce up our building and are planning to renovate the face of our house to make it more appealing and think this will only add to the value and beauty of the surrounding properties. As far as the remodel process, we have specifically chosen a builder that was recommended as keeping their worksite very clean and being time efficient."

ADDENDUM to Findings of Fact for Basic Site Review for Restoration of existing residence in Historic Interest Area

This application demonstrates compliance to Development Standards for Site Review pursuant to City of Ashland Land Use Ordinance.

Sections of the Ordinance and the Design Standards as deemed applicable, in whole or in part, are described in the following 'Findings of Fact.' Findings by the Applicant/Agent are inserted immediately following each section of the ordinance.

R-2 Low Density Multiple-Family Residential District	3
18.24.010 Purpose	3
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18.92.055 Variances for Commercial Buildings in the Historic District	5
PHOTOS	6

ATTACHMENTS:

Sheet AS1.1 Parking Site Plan

JAN 19 2010

18.24.010 Purpose R-2 Low Density Multiple-Family Residential District

This district is designed to provide an environment suitable for urban living. The R-2 district is intended for residential uses and appurtenant community services. This district is designed in such a manner that it can be applied to a wide range of areas due to the range of residential densities possible. In addition, when appropriately located and designed, professional offices and small home-oriented commercial activities designed to attract pedestrians in the Railroad District are allowed.

The property is located within the R-2 district within the Railroad District.

Located in a pedestrian friendly neighborhood, the proposed use that serves families with infants is an exemplary contribution to “provide an environment suitable for urban living”. The retail service to the community is small and is of residential scale that meets the criteria of development in the R-2 Railroad District zone. The proposed façade renovation is in keeping with the intent of the ordinance to maintain “small home oriented commercial activities.” The gable façade currently is of residential cottage scale and the proposed renovation scales up the façade to create a more positive presence and contribution to the streetscape – both in residential scale as well as in bulk and mass per guidelines under “Historic District Development in the Site Design and Use Standards”.

Furthermore, the proposed use as a local, community, and family oriented business enhances the pedestrian experience by opening the front façade and entry to the street by virtue of expanding the residence’s primary window and clearly defined main entry door.

18.24.030 Conditional Uses

The following uses and their accessory uses are permitted when authorized in accordance with the chapter on conditional use permits

1. Retail commercial uses located in a dwelling unit within the Railroad Historic District approved by the City Council. Such business shall be no greater than six hundred (600) sq. ft. in total area, including all storage and accessory uses, and shall be operated only by the occupant of the dwelling unit uses, and the equivalent of one (1) half (½) time employee (up to twenty-five (25) hours per week). Such use shall be designed to serve primarily pedestrian traffic, and shall be located on a street having a fully improved sidewalk on at least the side occupied by the business. The street shall be a fully improved street of residential City standards or greater

The retail use proposed under this application is limited to 599 SF. The occupant of the dwelling unit will be operating the business per requirements above. Per findings addressing ordinances in this application, the Public Works approved and pending improved sidewalk will contribute to the pedestrian traffic serving the primary access to the development.

The timing of the proposed use and development of the applicant’s property in conjunction with the planned street improvement is ideal in terms of the condition above – “shall be designed to serve primarily pedestrian traffic, and shall be located on a street having a fully improved sidewalk on at least the side occupied by the business “ .

The applicant has carefully evaluated the potential impact of the “home based” business proposed under this application. The applicant’s property is in the transition zone being an R-2 (Multifamily) zone across the street from the E-1 (Employment) District. This proposed retail use capitalizes on “like” uses in the neighborhood and makes a significant positive contribution to the neighborhood/urban fabric by having a contributing and related similar use as across the street (currently the Ashland Food Cooperative). Findings related to transportation related issues as they relate to automobile parking, safety, and pedestrian modes of transportation are further explored under “Variances for Commercial Buildings in the Historic District” below. These findings have been submitted to the Transportation Commission Chair, Jim Olsen, for review and his recommendation for the proposed location

of the required accessible parking space on-street as outlined below. It is requested that the planning staff and transportation commission chair review this request in light of a comprehensive planning procedure rather than look at the issue as an isolated requirement for one business.

18.92.055 Variances for Commercial Buildings in the Historic District

In order to preserve existing structures within the Ashland Historic District, while permitting the redevelopment of property to its highest commercial use, a variance of up to 50% of the required automobile parking may be granted to commercial uses within the Ashland Historic District as a Type I Variance. It is the intent of this clause to provide as much off-street parking as practical while preserving existing structures and allowing them to develop to their full commercial potential. Additionally, to identify redevelopment of existing commercial and residential buildings for commercial use within the Ashland Historic District as an exceptional circumstance and unusual hardship for the purposes of granting a variance.

JAN 19 2010

Under this application, the applicant is requesting a variance of 50% of the required automobile parking for the retail usage of the development. As calculated above, the required parking is 2 spaces for the retail use and 1 space for the residential use totaling a 3 parking space requirement. It is the request of the applicant to have the 50% variance for the retail use parking requirement and bring the total required parking spaces to 2 spaces.

There are 3 factors that are unique with this historical structure and site:

Factor 1: Narrow lot width limitations: The application is proposing the highest feasible number of parking spaces on-site to minimize on-street parking impact on 1st street. The narrow lot width of 25 feet limits the space for parking spaces to two standard 9 foot width space totaling 18 feet for parking space requirement and 3'-6" required accessible entry ramp leaving 3'-6" remainder for landscaping or hardscaping. If the applicant were to adhere to the required parking spaces, the accessibility to the entrance to the building would not be in compliance with State Accessibility standards.

Factor 2: Limited potential commercial use of the existing historic structure and imposing non-feasible size due to existing structure size: With a gross square footage of 599 square feet for the retail portion of the development, this is the maximum square footage for this use in the residential structure. For typical operation for a retail establishment, the limitation of 350 SF for retail space is not a viable option for the business to thrive. The size of the retail space includes retail display, retail stock, restroom, access for patrons with baby strollers.

Factor 3: The applicant is providing twice the required number of bicycle parking spaces required to encourage and enhance the pedestrian/bicycle friendly atmosphere of the site.

FINDINGS ADDRESSING LOCATION OF ACCESSIBLE PARKING SPACE:

The project requires 2 parking spaces if granted the 50% reduction of the commercial use parking requirement. The project is a renovation of an existing building to incorporate a retail operation within the home. Under ADAAG standards, an accessible parking space is required to serve the retail operation.

The intention of this application is to minimize impact on 1st street parking. In reference to submitted drawing titled "PARKING SITE PLAN", it is demonstrated that it is in the best interest for parking impact along 1st and B Street to have an on-street accessible parking space approved on either parking space 1, space 3, or space 4 on

the street (parking space 2 is non-compliant for a parking space under City Standards nor under ADAAG standards). This accessible parking space is proposed in lieu of the required accessible parking space on the property so that the overall automobile parking availability in the neighborhood is maximized.

If it were located on the front of the property and privately owned, its use would be limited to private use and not be available for use by “non-disabled” drivers whether owners or customers, private or public. Therefore, the imposed accessible parking space with access aisle on the private property will create a larger impact on street parking for the “non-disabled” drivers by forcing their automobile parking on the available street spaces and leaving the privately owned accessible parking space empty for the majority of the time. Meanwhile, the required curb cut prohibits public parking all of the time at that location.

If the accessible “on-street” parking spot were approved, three important accommodating measures are accomplished:

- 1) An accessible parking space would be available for public use by all. Another accessible parking spot would lessen the impact.
- 2) In effect, as outlined above, it would lessen the on-street demand by 2 parking spaces for the majority of the time because “non-disabled” owners and patrons will be able to park off street on their own property.
- 3) If the accessible parking space was designated at the parking spaces near the alleyway (designated as space 3 or 4 on the Parking Site Plan), in combination with the pending sidewalk improvement, direct access to the alleyway without crossing private driveway aprons will be accomplished (Currently there is no accessible parking for multiple businesses in operation along the alleyway for the “A Street Arts Building”). Furthermore, if the accessible space were designated to space 3, maneuverability and access would be better for the driver in relation to the traffic in and out of the alleyway.

Another important issue is the design of the pending curb cut at the applicant’s property and parking space allocation to the north of the applicant’s pending driveway apron (designated as parking space 3 on the Parking Site Plan). The pending apron will alleviate the misperception that there are 2 spaces available where there is only room for one car at that location. It has been documented by the applicant that often, with regularity, the second car partially blocks her driveway (refer to driveway and on-street parking photos). The new curb cut will further define the designated parking correctly and help prevent potential accidents to both drivers and pedestrians.

A concern for the applicant is one of an undue bias on the application for developing a property near the intensified use across the street by the Ashland Food Cooperative in the E-1 zone. The impact of parking in the neighborhood during daytime hours is mainly generated by the existing retail use at the Ashland Food Cooperative and traffic flow from 1st Street to A street. There is a public perception that diagonal parking along the west side of 1st street belongs to the Ashland Food Cooperative. This public parking area is generously tended to and maintained by the Cooperative, yet it is public parking for the neighborhood in addition to providing the 50% on-street parking credit for the Cooperative’s property street frontage along 1st Street (refer to Parking Site Plan).

Under this chapter, the requested parking variance as well as the request to place the accessible parking space on-street contributes to the preservation of residential quality of the property while appropriately proposing partial commercial use of the property under the Conditional Use Permit process.

1-19-11

JAN 19 2010



Photo 1 – 260 First Street
Current parallel parking space – photo with one car parked



Photo 2 – 260 First Street
Current parallel parking space – photo with two cars parked demonstrating
Tail of second car encroaching into driveway apron.

RECEIVED

JAN 19 2010

City of Chicago
Geography Department



Carlos Delgado
ARCHITECT
217 Fourth Street • Ashland, OR 97520
541.552.9502
info@CarlosDelgadoArchitect.com

DESCRIPTION	DATE

BUILDING RENOVATION
PATRICIA WAY
260 FIRST STREET
ASHLAND, OR 97520
ASSESSOR'S MAP NO. 391E 09BA TAX LOT NO. 1500

PRELIMINARY

DRAWN : CHECKED:
TS CD

DATE :
01/19/11

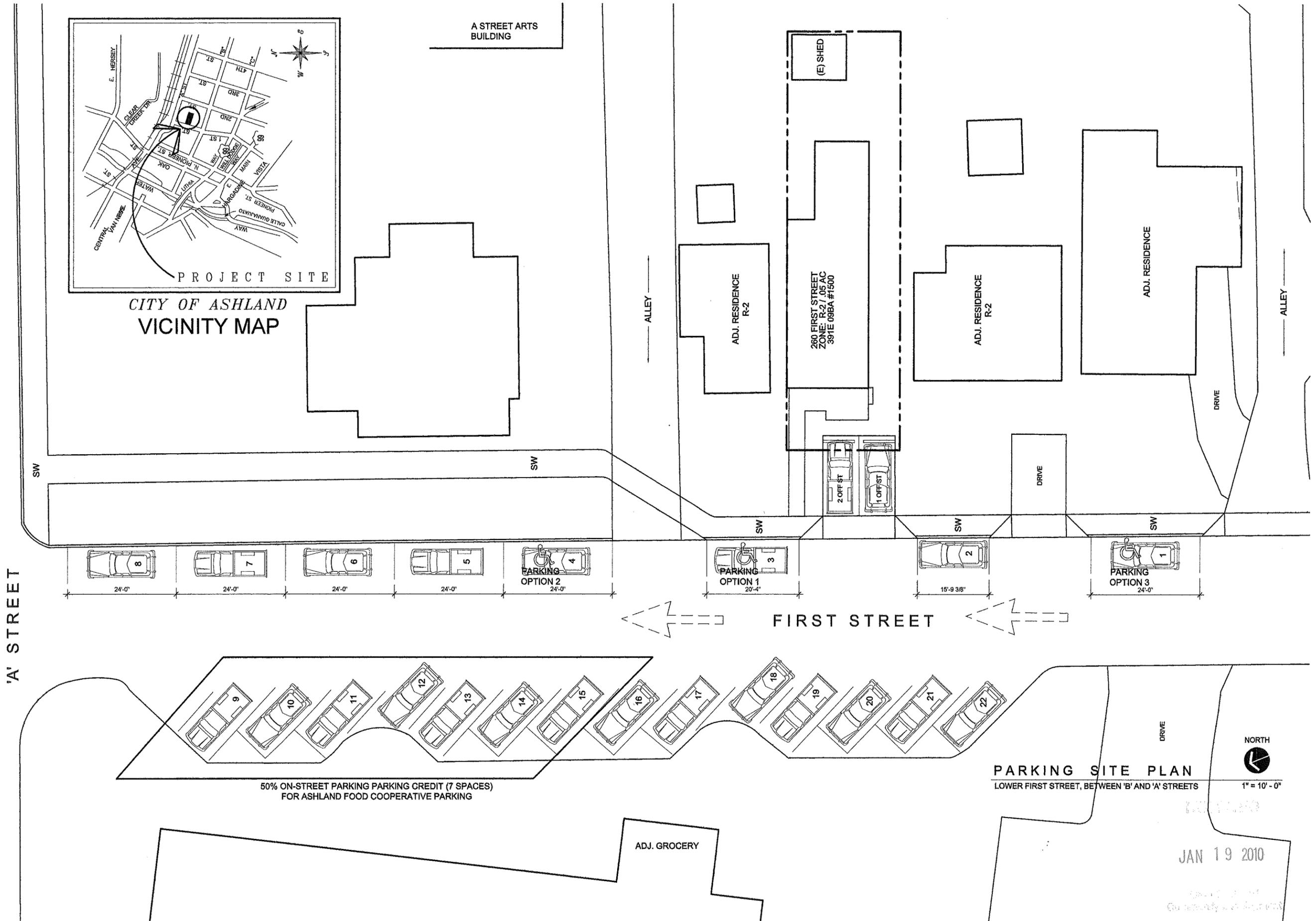
PROJECT :
SYKEN_10

SHEET :

AS1.0

OF 1 SHEETS

11X17 SHEETS ARE HALF SCALE



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City of Ashland

**Findings of Fact
for
Conditional Use Permit & Basic Site Review Standards
&
Request for Variance for Commercial Buildings in the
Historic District**

Subject Property:

260 1st Street
Assessor's Map 39 1E 09BA Tax Lot 1500
Zoning R-2, Historic Interest District: Railroad

Proposed Use:

Residence with Retail Use

Submitted to:

City of Ashland Planning Department

Submitted for:

Patricia Way

Prepared by:

Carlos Delgado
Carlos Delgado Architect
217 Fourth Street
Ashland, Oregon 97520
541.552.9502

11/29/10

Project Summary of background:

The applicant is proposing to operate a retail business out of her family's existing residence on 260 1st Street (DBA Green Baby). In addition to the business operating as in internet based business, the applicant sees this as being a local resource center for new parents and their loved ones offering essential eco-goods for the needs of baby times- a variety of cloth diaper options, burp cloths, blankets, etc. The store will promote locally made and produced products by the owner and other local mothers. The store will be an information center to connect the community with what is locally available in the way of services and education.

Owner / applicant statement:

" I have come to the place of wanting to do this as a business from my personal experience of the steep learning curve that is the nine months of pregnancy and wishing for one place I could go to get a grasp on what is available for new families. I feel like this will be an incredible asset to our town and a service to new parents and their children.

I feel by carrying natural products for babies we will be incorporating the values and concepts of the Ashland Food Coop in a way that will draw many of the same shoppers to our store. For this reason I do not think there will be much noticeable difference of people in the vicinity coming and going with the opening of this store.

We intend to spruce up our building and are planning to renovate the face of our house to make it more appealing and think this will only add to the value and beauty of the surrounding properties. As far as the remodel process, we have specifically chosen a builder that was recommended as keeping their worksite very clean and being time efficient."

Summary of requests:

- Basic Site Review approval for the following:**
- 1) **Conditional Use Permit for Retail Commercial Use located in a dwelling unit within the Historic District**
Section I. – applicant demonstrates compliance in these findings and drawings with proposed retail use within existing and expanded residence.
 - 2) **Nonconforming Uses and Structures**
Northern wall line of existing residence within sideyard setback: applicant is proposing structural improvement of wall and conforming addition.
 - 3) **Variance for Commercial Buildings in the Historic District**
To reduce off-street parking requirements by 50% for retail use portion of parking requirements in proposed use per section 18.92.055 Variances for Commercial Buildings in the Historic District
 - 4) **Administrative Variance for Parking Abutting property line**
To request exception for 5' landscape strip buffer for parking in front yard

**Findings of Fact for Basic Site Review for
Restoration of existing residence in Historic Interest Area**

This application demonstrates compliance to Development Standards for Site Review pursuant to City of Ashland Land Use Ordinance. Sections of the Ordinance and the Design Standards as deemed applicable, in whole or in part, are described in the following 'Findings of Fact.' Findings by the Applicant/Agent are inserted immediately following each section of the ordinance.

Respectfully Submitted,

Carlos Delgado
Architect

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EXHIBITS:

Preapplication Memo from Public Works

ATTACHMENTS:

Sheet AS1.0	Site Plan
Sheet L-1.0	Landscape Plan
Sheet L-2.0	Planting Plan
Sheet A1.1	Floor Plans (Demolition and Proposed)
Sheet A2.1	Elevations

Chapter 18.24 R-2 Low Density Multiple-Family Residential District

18.24.010 Purpose

This district is designed to provide an environment suitable for urban living. The R-2 district is intended for residential uses and appurtenant community services. This district is designed in such a manner that it can be applied to a wide range of areas due to the range of residential densities possible. In addition, when appropriately located and designed, professional offices and small home-oriented commercial activities designed to attract pedestrians in the Railroad District are allowed.

The property is located within the R-2 district.

18.24.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

A. Single-family dwellings and two-family dwellings, utilizing at least two of the following design features to provide visual relief along the front of the residence: [list omitted]

The proposed uses are a single family studio residence and retail use (Conditional Use Permit required – refer to 18.24.030 Conditional Use, Section I below for Retail commercial use of property) of the renovated structure. Gables, and 6” eaves are proposed.

18.24.030 Conditional Uses

The following uses and their accessory uses are permitted when authorized in accordance with the chapter on conditional use permits

I. Retail commercial uses located in a dwelling unit within the Railroad Historic_District approved by the City Council. Such business shall be no greater than six hundred (600) sq. ft. in total area, including all storage and accessory uses, and shall be operated only by the occupant of the dwelling unit uses, and the equivalent of one (1) half (½) time employee (up to twenty-five (25) hours per week). Such use shall be designed to serve primarily pedestrian traffic, and shall be located on a street having a fully improved sidewalk on at least the side occupied by the business. The street shall be a fully improved street of residential City standards or greater

Complies: The retail use proposed under this application is limited to 599 SF. The occupant of the dwelling unit will be operating the business per requirements above. Per findings under sections below, the pending City improved sidewalk will contribute to the pedestrian traffic serving the primary access to the development.

N. Nonconforming use or structure changes required by Section 18.68.090.

Findings are submitted below under section 18.68.090:

Nonconforming elements are

- 1) Northern wall (side yard wall) of existing structure is within the sideyard setback (the setback required is 6 feet, the existing wall is on the property line)**
- 2) The Western wall (front yard wall) is within the front yard setback (the setback required is 20 feet, the existing wall is 13'-8" from the property line). Refer to for allowed exception under Front Yard General Exception – section 18.68.110.**

18.24.040 General Regulations

A. Permitted Density and Minimum Lot Dimensions

1. *Base Densities and Minimum Lot Dimensions. The density of the development, including the density gained through bonus points, shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. The minimum density shall be 80% of the calculated base density. Fractional portions of the answer shall not apply towards the total density. Base density for the R-2 zone shall be 13.5 dwelling units per acre, in addition to the following standards and exceptions:*

The Base Density for 260 First Street is .67 units (i.e 1 unit) (13.5 du/ Ac *.05 Ac). The proposed density is 111% of the calculated base density. The residential unit proposed is 447 SF counts as .75 unit as it is less than 500 SF (refer to item b. below.

a. An accessory residential unit is not required to meet density or minimum lot area requirements, provided the unit is not greater than fifty percent (50%) of the gross habitable floor area of the single family residence on the lot and does not exceed 500 square feet of gross habitable floor area.

N/A – the residence proposed is a single family residence and is the primary.

b. Units, not considered as an accessory residential unit and less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.

The residential unit proposed is 447 SF counts as .75 unit

c. Minimum lot area for less than 2 units shall be 5000 sq. ft. with a minimum width of 50' and minimum depth of 80'.

Lot is existing and non-compliant : 2300 SF, 25 feet wide by 92 feet deep

d. Minimum lot area for 2 units shall be 7,000 sq. ft. with a minimum width of 50' and a minimum depth of 80'

N/A – the residence proposed is a single family residence

e. Developments of 3 units or greater shall have minimum lot area in excess of 9000 sq. ft. except as determined by the base density and allowable bonus point calculations, and shall have a minimum width of 50' and a minimum depth of 80'.

N/A – the residence proposed is a single family residence.

2. *Exceptions to minimum density standards. The following lots are totally or partially exempt from the 80% minimum base density standard of Subsection 1.*

a. Lots less than 10,000 sq.ft. in existence prior to the effective date of this ordinance.

b. Lots located within any Historic District designated within the Ashland Municipal Code.

c. Lots with existing, or proposed, conditional uses may be exempt for that portion of the property that is subject to the conditional use for calculations of the minimum base density standard.

d. If a lot is occupied by a single family residence as of the effective date of this ordinance, the single family residence may be enlarged or reconstructed without being subject to the 80% minimum base density standard.

e. In the event that a fire or natural hazard destroys a single family residence, such residence may be replaced without being subject to the 80% minimum base density standard.

f. Where floodplains, streams, land drainages, wetlands, and or steep slopes exist upon the lot an exception to minimum density requirements may be obtained to better meet the standards of Chapter 18.62 Physical and Environmental Constraints.

g. A lot that is nonconforming in minimum density may not move further out of conformance with the

minimum density standard. However, units may be added to the lot which bring the lot closer to conformance without coming all the way into conformance provided it is demonstrated that the minimum density will not be precluded.

N/A – the existing and proposed single residence exceeds the base density.

B. Bonus Point Calculations.

1. *The permitted base density shall be increased by the percentage gained through bonus points.*
2. *The maximum bonus permitted shall be 40%.*
3. *The following bonuses shall be awarded:*

a. Conservation housing – 100% of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by resolution 2006-06 maximum 15% bonus. (Ord 2923, S1 2006)

b. Provision of outdoor recreation space above minimum requirement established by this Title. The purpose of the density bonus for outdoor recreational space is to permit areas which could otherwise be developed to be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces which have no realistic use by project residents on a day to day basis. One percent increased density bonus for each percent of the project dedicated to outdoor recreation space beyond the minimum requirement established by this title--maximum 10% bonus.

c. Provision of Major Recreational Facilities. Density bonus points shall be awarded for the provision of major recreational facilities, such as tennis courts, swimming pools, playgrounds, or similar facilities. For each (1%) of the total project cost devoted to recreational facilities, a 6% density bonus shall be awarded to a maximum of 10%. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. The cost of the recreational facility shall be prepared by a qualified architect or engineer using current costs of recreational facilities-- maximum bonus 10%.

d. Affordable Housing - for every percent of units that are affordable, an equivalent percentage of density bonus shall be allowed. Maximum bonus of 25%. Affordable housing bonus shall be for residential units that are affordable for moderate income persons in accord with the standards established by resolution of the City Council and guaranteed affordable through procedures contained in said resolution (Ord. 2630 SI, 1991)

The existing single family residence and the proposed single family residence exceed the base density due the lot being non-conforming in size.

C. Lot Depth: All lots shall have a minimum depth of eighty (80) feet. No lot depth shall be more than two and one-half (2 ½) times its width.

Non-compliant – although the lot depth is 92 feet, it exceeds 2-1/2 times its width

D. Standard Yard Requirements - Outside the Historic Interest Area: Front yards shall be a minimum of 15 feet excluding garages. Unenclosed porches shall be permitted with a minimum setback of 10' from the front property line. All garages accessed from the front shall have a minimum setback of 20' from the front property line; side yards, six feet; the side yard of a corner lot abutting a public street shall have a ten foot setback; rear yard, ten feet plus ten feet for each story in excess of one story. In addition, the setbacks must comply with Chapter 18.70 which provides for Solar Access."

N/A – the residence proposed is within the Historic Interest Area.

Standard Yard Requirements - Within the Historic Interest Area: Front yard, twenty feet; side yards, six feet; rear yard, ten feet plus ten feet for each story in excess of one story. The side yard of a corner lot abutting a public street shall be ten. In addition, the setbacks must comply with Section 18.70 of this Title which provides for solar access. (amended Ord. 2752, 1995; Ord. 2760, 1995)

Non-compliant for existing north wall and west wall – the wall is on the property line along the side yard. – refer to sections 18.68.090 and 18.68.110 for findings. All new development is within the required setbacks.

E. Special Yards - Distance Between Buildings:

1. The distance between any principal building and accessory building shall be a minimum of ten (10) feet.

Complies – proposed addition is 13'-6" from an existing shed.

2. An inner court providing access to a double-row dwelling group shall be a minimum of twenty (20) feet.

N/A – no proposed double row dwelling group.

3. The distance between principal buildings shall be at least one-half (½) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet. This requirement shall also apply to portions of the same buildings separated from each other by a court or other open space.

N/A – the residence proposed is the only principal building (no multiple).

F. Maximum Height: No structure shall be over thirty-five 35 feet or two and one-half (2 ½) stories in height, whichever is less. Structures within the Historic District shall not exceed a height of 30 feet.

Complies - The structure proposed is 2 stories and is less than 20 feet in height.

G. Maximum Coverage: Maximum lot coverage shall be sixty-five (65%) percent.

Complies - The lot coverage proposed is 55%

H. Outdoor Recreation Space: At least 8% of the lot area shall be dedicated to outdoor recreational space and shall be part of the overall landscaping requirements. (Ord. 2228, 1982; Ord. 2630 S2, 1991)

Complies – The required area of 8% of lot area is 184 SF – this is proposed in the rear yard.

I. Maximum Permitted Floor Area for single family dwellings on individual lots within the Historic District. The maximum permitted floor area for single family primary dwellings on individual lots within an Historic District shall be determined by the following:

1. The maximum permitted floor area shall include the total floor space of all floors (gross floor area) of the primary dwelling measured to the outside surfaces of the building, including but not limited to exterior walls, potential living spaces within the structure with at least 7' of head room and attached garages. The floor area shall not include basements, detached garages, detached accessory structures, or detached accessory residential units. Detached garages, accessory structures, or accessory residential units shall be separated from other structures by a minimum of 6' , except that unenclosed breezeways or similar open structures may connect the structures.

2. The following formula shall be used to calculate the Maximum Permitted Floor Area (MPFA), provided however, that regardless of lot size, the MPFA shall not exceed 3,249 sq. ft.
 $Lot\ area \times Adj.\ Factor = Adjusted\ lot\ area \times 0.38\ FAR = MPFA$

(Table 1)

TABLE 1 - Adjustment Factor Table

(EXCERPT) – LOT AREA OF 0 – 2500 SF ADJ. Factor = 1.20

Complies: Lot Area of 2300 SF x ADJ. Factor of 1.20 x 0.38 FAR = 1048 SF MPFA. Proposed Structure = 1046 SF

J. Maximum Permitted Floor Area for multiple dwellings on a single lot and new residential construction in Performance Standards Options land divisions created within an Historic District.

N/A: Single Family Residence is proposed under this application.

K. New structures and additions to existing structures within the Historic District shall not exceed the MPFA unless a Conditional Use Permit is obtained. In no case shall the permitted floor area exceed 25% of the MPFA. In addition to the findings for a Conditional Use Permit, the standards noted in Section IV of the Site Design and Use Standards shall be considered in the request."

Complies: Addition to existing structure does not exceed the MPFA of 1046 SF

L. Conversion of existing multi-family dwelling rental units into for-purchase housing including the demolition of existing multi-family dwelling rental units, is subject to the following:

N/A – Existing structure is a single family dwelling unit

Chapter 18.61 – Tree Preservation and Protection

18.61.010 Purpose

18.61.030 Regulated Activities

A. All tree removal and tree topping activities, unless exempted below, shall be carried out in accordance with the requirements of this chapter.

Not applicable: No trees are to be removed or topped in area of development.

B. No person who is required to install or maintain tree protection measures pursuant this chapter shall do any development activities including, but not limited to clearing, grading, excavation or demolition work on a property or site which requires a planning action without approved tree protection measures properly installed and maintained pursuant to this Chapter.

Not applicable: No trees exist in area of work on site.

18.61.035 Exempt Tree Removal Activities

The following activities are exempt from the requirement for tree removal permits:

A. Those activities associated with the establishment or alteration of any public park under the Ashland Parks and Recreation Commission. However, the Ashland Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping activities, and reporting on tree removal and topping activities that were carried

out in the previous year.

Not Applicable.

B. Removal of trees in single family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by the Physical and Environmental Constraints ordinance (18.62).

Not Applicable: No trees are to be removed or topped in area of development.

C. Removal of trees in multi-family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by the Physical and Environmental Constraints ordinance (18.62).

Not Applicable: No trees are to be removed or topped in area of development.

D. Removal of trees less than 6" DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.

Not applicable: No trees exist within the proposed area of development.

E. Removal of trees less than 18" DBH on any public school lands, Southern Oregon University, and other public land; but excluding Heritage trees and street trees within the public right of way.

Not Applicable: Property is not on any public school land.

F. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, and in accord with the requirements of the Physical and Environmental Constraints Chapter- 18.62.

Not Applicable: Property is not within the Wildfire Lands area of the City.

G. Removal of dead trees.

Not Applicable: No dead trees exist within proposed area of development.

H. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.

Not Applicable: No tree trimming is proposed as part of this application.

Chapter 18.68 – General Regulations

18.68.010 Fences

Fences, walls, hedges and screen planting shall be subject to the following standards:

A. In any required front yard, provided they do not exceed three and one-half (3 ½) feet in height.

Not Applicable: No fences, wall, hedges or screen planting are proposed in the front yard.

B. In any rear or side yard, provided they do not exceed six and one-half (6 ½) feet in height.

- Complies: All fences, hedges or screen planting are existing and comply in the rear or side yards.**

C. The height of fences or walls in rear or sideyard setback areas abutting a public street shall be forty-eight (48) inches or less if said fences or walls are within ten (10) feet of any public street except an alley.

- Not Applicable: No fences or walls are proposed in the rear or side yard abutting any public street.**

D. The framework for newly constructed fences and walls shall face toward the builder's property, except where fences are jointly constructed.

- Complies: all proposed new fencing framework shall face towards applicant's property.**

18.68.020 Vision Clearance Area

Vision clearance areas shall be provided with the following distances establishing the size of the vision clearance area:

A. In any R district, the minimum distance shall be twenty-five (25) feet or, at intersections including an alley, ten (10) feet.

B. In all other districts except the C-1 and E-1 districts, the minimum distance shall be fifteen (15) feet or, at intersections, including an alley, ten (10) feet. When the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

C. The vision clearance area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding two and one-half (2 ½) feet in height, measured from the top of the curb, except that street trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade. D. The vision clearance standards established by this section are not subject to the Variance section of this title. (Ord. 2605, S1, 1990)

Not applicable

18.68.030 Access

Each lot shall abut a minimum width of forty (40) feet upon a public street (other than an alley). This requirement may be decreased to twenty-five (25) feet on a cul-de-sac vehicle turn-around area. Except with an approved flag partition, no lot shall abut upon a street for a width of less than twenty-five (25) feet.

- Complies: Lot has a 25.00' width.**

18.68.050 Special Setback Requirements

To permit or afford better light, air and vision on more heavily traveled streets and on streets of substandard width, to protect arterial streets, and to permit the eventual widening of hereinafter named streets, every yard abutting a street, or portion thereof, shall be measured from the special base line setbacks listed below instead of the lot line separating the lot from the street.

Street Setback

East Main Street, between City

limits and Lithia Way 35 feet

Ashland Street (Highway 66) between

City limits and Siskiyou Boulevard 65 feet

Also, front yards for properties abutting all arterial streets shall be no less than twenty (20) feet, with the exception of the C-1-D district.

- Not Applicable. Property under this application not on above referenced streets.**

18.68.090 Nonconforming Uses and Structures

A. A non-conforming use or structure may not be enlarged, extended, reconstructed, substituted, or structurally altered, except as follows:

1. When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104, a nonconforming use may be changed to one of the same or a more restricted nature.

Complies: Residence is expanded to accommodate retail use in structure. The northern wall line that is non-conforming (on the property line vs. located beyond the required 6 foot side yard setback). All new construction is conforming and complies with required setbacks.

2. When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104, an existing structure may be enlarged, extended, reconstructed, or structurally altered, except that a Conditional Use Permit need not be obtained to enlarge or extend a single-family home in the residential district, provided that the addition or extension meets all requirements of this Title.

Per section 18.104, this application provides findings that address the requirements for altering the non-conforming residence. This application proposes development of a non-conforming structure: The existing property contains an existing is non-conforming due to encroaching 6 feet into the 6 foot side yard setback in the R-2 zone. It is also noted that the .05 Acre lot (2,300 SF) in the R-2 zone is non-conforming due to being less than 5,000 SF

3. A non-conforming structure may be enlarged, reconstructed or structurally altered if its footprint is not changed in size or shape.

Complies: the footprint of the non-conforming north wall line is not changing in size or shape.

B. Discontinuance. If the nonconforming use of a building structure, or premises ceases for a period of six (6) months or more, said use shall be considered abandoned; and said building, structure, or premises shall thereafter be used only for uses permitted in the district in which it is located. Discontinuance shall not include a period of active reconstruction following a fire or other result of natural hazard; and the Planning Commission may extend the discontinuance period in the event of special unique unforeseen circumstances.

Not Applicable: Existing use is active and is conforming.

C. Reactivation. A non-conforming use, which has been abandoned for a period of more than six (6) months may be reactivated to an equivalent or more restricted use through the Conditional Use and Site Review process. In evaluating whether or not to permit the reactivation of a non-conforming use, the Planning Commission, in addition to using the criteria required for a Conditional Use Permit and Site Review, shall also use the following additional criteria:

1. That any improvements for the reactivation of the non-conforming use to an existing non-conforming structure on the site shall be less than fifty (50%) percent of the value of the structure. The value of the structure shall be determined by either the assessed value according to the Jackson County Assessor or by an independent real estate appraiser licensed in the State of Oregon. Personal property necessary for the operation of the business or site improvements not included in the structure shall not be counted as improvements under this criteria.

2. An assessment that the traffic generated by the proposed use would not be greater than permitted uses on the site. In assessing the traffic generated by the proposed use, the Planning Commission shall consider the number of vehicle trips per day, the hours of operation, and the types of traffic generated; i.e., truck or passenger vehicle. The Planning Commission shall modify the Conditional

Use Permit so that the operation of the non-conforming use is limited to the same traffic impact as permitted uses in the same zone.

3. That the noise generated by the proposal will be mitigated so that it complies with the Ashland Noise Ordinance, Chapter 9.08.170, and also that it does not exceed the average ambient noise level already existing in the area, as measured by this standard.

4. That there will be no lighting of the property which would have direct illumination on adjacent uses and that there would be no reflected light from the property greater than the amount of reflected light from any permitted use in that same zone.

5. In a residential zone the findings must further address that such reactivation will further implement Goal VI, Policy 2, Housing Chapter of the Ashland Comprehensive Plan.

6. Nothing herein shall apply to non-conforming signs, which are governed by the provisions of Section 18.96.150 of this Code. (Ord. 2406 S1, 1986)

Not Applicable: Existing use is active and is conforming.

D. Building or structure: Nothing contained in this Title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction has commenced prior to the adoption of the ordinance codified herein and subsequent amendments thereto, except that if the designated use will be nonconforming, it shall, for the purpose of subsection (B) of this Section, be a discontinued use if not in operation within two (2) years of the date of issuance of the building permit.

Not Applicable

18.68.110 Front Yard--General Exception

A. If there are dwellings or accessory buildings on both abutting lots (even if separated by an alley or private way) with front or side yards abutting a public street with less than the required setback for the district, the front yard for the lot need not exceed the average yard of the abutting structures.

B. If there is a dwelling or accessory building on one (1) abutting lot with a front yard of less than the required depth for the district, the front yard need not exceed a depth one-half (½) way between the depth of the abutting lot and the required front yard depth

- The average front yards for the abutting properties is 13 feet between the front yard property lines and the existing structures the two properties to the south and north of the applicant's property. The west wall line on the proposed renovated structure is at 13 feet 8 inches from the front property line and will remain as is with the exception of the newly proposed 1'-6" eave overhang.**

18.68.140 Accessory Buildings and Structures

Accessory buildings and structures shall comply with all requirements for the principal use except where specifically modified by this Title and shall comply with the following limitations:

A. A greenhouse or hothouse may be maintained accessory to a dwelling in an R district.

- Not Applicable: No accessory buildings are proposed.**

B. A guest house may be maintained accessory to a single-family dwelling provided there are no kitchen cooking facilities in the guest house.

- Not Applicable: No guest house is proposed.**

C. Mechanical equipment shall be subject to the provisions of this Section. Such equipment shall not be located between the main structure on the site and any street adjacent to a front or sideyard, and every attempt shall be made to place such equipment so that it is not visible from adjacent public streets. Any installation of mechanical equipment shall require a building permit. (Ord. 2289 S4, 1984)

- Complies: No mechanical equipment is to be located between the main structure on the site and any street.**

D. Regardless of the side and rear yard requirements of the district, in a residential district, a side or rear yard may be reduced to three (3) feet for an accessory structure erected more than fifty (50) feet from any street, other than alleys, provided the structure is detached and separated from other buildings and structures by ten (10) feet or more, and is no more than fifteen (15) feet in height. (Ord. 2228, 1982; Ord. 2289 S3, 1984)

- Not Applicable, development meets standard setback requirements.**

18.68.160 Driveway Grades

Grades for new driveways in all zones shall not exceed a grade of 20% for any portion of the driveway. All driveways shall be designed in accord with the criteria of the Ashland Public Works Department and approved prior to issuance of a certificate of occupancy for new construction. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor. All vision clearance standards associated with driveway entrances onto public streets shall not be subject to the Variance section of this title. (Ord. 2604 S2, 1990; Ord. 2663 S3, 1992)

- Not applicable.**

Chapter 18.70 – Solar Access

18.70.010 Purpose and Intent

The purpose of the Solar Access Chapter is to provide protection of a reasonable amount of sunlight from shade from structures and vegetation whenever feasible to all parcels in the City to preserve the economic value of solar radiation falling on structures, investments in solar energy systems, and the options for future uses of solar energy.

18.70.030 Lot Classifications

Affected Properties. All lots shall meet the provisions of this Section and will be classified according to the following formulas and table: FORMULA I:

Minimum N/S lot dimension for Formula I = 30' 0.445 + S Where: S is the decimal value of slope, as defined in this Chapter.

FORMULA II:

Minimum N/S lot dimension for Formula II = 10' 0.445 + S Lots whose north-south lot dimension exceeds that calculated by Formula I shall be required to meet the setback in Section (A), below.

Those lots whose north-south lot dimension is less than that calculated by Formula I, but greater than that calculated by Formula II, shall be required to meet the setback in Section (B), below.

Those lots whose north-south lot dimension is less than that calculated by Formula II shall be required to meet the setback in Section (C), below.

- Solar Setback standard for property is setback standard B**

18.70.040 Solar Setbacks

B. Setback Standard B This setback is designed to insure that shadows are no greater than sixteen (6) feet at the north property line.

Buildings for lots which are classified as Standard B, or for any lot zoned C-1, E-1 or M-1, or for any lot not abutting a residential zone to the north, shall be set back from the northern lot line as set forth in the following formula:

$$SSB = H - 16' \\ 0.445 + S$$

- Complies: Existing structure is 20.52 feet high requiring a SSB of 11.5 feet on northern edge of the 2 story addition. The proposed setback is 12 feet thus is compliant with the**

solar setback requirement. Renovation does not increase any heights of the existing northern wall line on the property line.

D. Exempt Lots. Any lot with a slope of greater than thirty percent (30%) in a northerly direction, as defined by this Ordinance, shall be exempt from the effects of the Solar Setback Section.

Not Applicable. Lot slope is not greater than 30%.

E. Lots Affected By Solar Envelopes. All structures on a lot affected by a solar envelope shall comply with the height requirements of the solar envelope.

Complies. Structure height under consideration is the only structure under this application on site.

F. Exempt Structures.

1. Existing Shade Conditions. If an existing structure or topographical feature casts a shadow at the northern lot line at noon on December 21, that is greater than the shadow allowed by the requirements of this Section, a structure on that lot may cast a shadow at noon on December 21, that is not higher or wider at the northern lot line than the shadow cast by the existing structure or topographical feature. This Section does not apply to shade caused by vegetation.

Not Applicable. Although the existing non-conforming structure on the property line is exempt, the new addition is in an area that warrants calculations.

2. Actual Shadow Height. If the applicant demonstrates that the actual shadow which would be cast by the proposed structure at noon on December 21, is no higher than that allowed for that lot by the provisions of this Section, the structure shall be approved. Refer to Table D for actual shadow lengths.

Not applicable: formula utilized under section above.

18.70.050 Solar Access Performance Standard

Not Applicable.

18.70.060 Variances

Not Applicable.

18.70.070 Solar Access Permit for Protection from Shading by Vegetation

18.70.080 Hearing Procedure

18.70.090 Limits On Solar Access Permits

18.70.100 Entry of Solar Access Permit Into Register

Not Applicable: No Solar Access Permit is being requested.

Chapter 18.72 - Site Design & Use Standards
18.72.040 Approval Process

- **The application for this project requires a Type I procedure and an Administrative Variance procedure.**

18.72.060 – Plans required
Items A. through X.

- **The application for this project provides the information required in items A. through X. on the drawings submitted and in the findings enclosed (under landscape requirements and under sections 18.104.050 Approval Criteria for Conditional Use Permits, section 18.72.070 Criteria for Approval.**

X. 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.

Heating will be electric. The applicant's retail operation will be closed almost six weeks in winter thus reducing heating energy needs during the most intensive heating season. For cooling, there will be no active cooling system. Passive means by ventilation strategies and low energy fan usage are proposed. Daylighting strategies from skylights and many windows provide good natural light. Energy demand is estimated to be \$64 - \$128 (800 – 1600 KwHR) based on \$.08/KwHR on electricity. Method used to make this approximation is utilizing the average costs from the last few years of energy bills of \$40-\$80 per month. The increase is based on a 67% increase in conditioned space.

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.

- **Complies: The proposed development meets or exceeds all the requirements of the R-2 Historic district. See findings for Chapter 18.24 R-2 District included these findings.**

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

- **Complies: All applicable requirements of the Site Review Chapter have been or will be met other than previously outlined requests for the administrative variance and variances. See 'Site Design and Use Standards' findings that follow.**

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

- **Complies: All applicable requirements of the Standards outlined in Chapter 18.72 Site, Design & Use Standards have been or will be met other than previously outlined requests for the administrative variance and variances. See findings that follow.**

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)

- **Complies: Adequate facilities exist as per the following (refer to sheet AS1.0 for locates)**

1. **Water:** The existing 4" water main along 1st Street extends across the entire frontage of the property. Water meters connect to this via 3/4" line. Service fixture count will be supplied and service line to be upgraded as required
2. **Sanitary Sewer:** Sanitary sewage passes through existing 4" line from the building to the existing 6" Sanitary Sewer in the center of 1st Street.
3. **Electricity:** Electrical service is an existing 200 Amp service served with a drop line from nearby electrical pole
4. **Urban Storm Drainage:** The existing 12" storm drain on 1st Street will be utilized via existing flowline along 1st Street curb to existing development at the roof downspouts.

18.72.090 Administrative Variance from Site Design and Use Standards

An administrative variance to the requirements of this chapter may be granted with respect to the requirements of the Site Design Standards adopted under section 18.72.080 if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

A. There is a demonstrable difficulty in meeting the specific requirements of the Site Design Standards due to a unique or unusual aspect of the proposed use of a site;

Applicant is seeking administrative variance for the 5' landscape buffer from the parking area to the north and south property lines (Site Design and Use Standard II-D-2). Due to the narrow width of the 25 foot lot and parking requirements for viable use of the project, proposed is full paving from property line to property line to create 2 parking spaces and an accessible entry ramp..

B. Approval of the variance will not substantially negatively impact adjacent properties;

The intent of this ordinance is to provide a buffer and screening between parking areas and non parking areas on adjacent properties. The existing condition of both properties having landscaping to their respective property lines warrants creating a minimal plant buffer in lieu of the 5 foot buffer in this application. Given the narrow 25 ft width of the lot, the minimum 2 parking spaces (this includes a 50% reduction on the retail parking demand of the proposed use) of 18 feet and ramp of 3.5 feet leaves no more than 3.5 feet of buffer to the south property thus allowing a reduced planting bed for this side of the property. Approving the variance to omit the 5 foot buffer will not substantially negatively impact the adjacent properties.

C. Approval of the variance is consistent with the stated purpose of the Site Design and Use Chapter; and

Approval will help mitigate the hardship and viability of the stated business use of the site. Approval is consistent with the stated purpose of the Site Design and Use Chapter for the following reasons:

- 1) **Approval supports the use of the parking area in its approved use to furnish the required parking for maximum use potential of the site**
- 2) **Denying the variance creates potential parking and traffic impact on A Street by placing an additional parking space requirement off-site.**

D. The variance requested is the minimum variance which would alleviate the difficulty.

For the creation of 2 parking spaces, omitting the 5 foot buffer is the minimum variance requested to alleviate the difficulty. Refer to Factor 1 findings under section 18.92.055 Variance request – this section describes the two 9 ft width and one 3.5 foot width accessible ramp and parking spaces requiring 21.5 feet (3.5 feet less the entire property width)

18.72.110 Landscaping Standards

*Area Required. The following areas shall be required to be landscaped in the following zones:
R-2 - 35% of total developed lot area*

- Complies: Landscaped area = 1040 SF. Lot area = 2300 SF. Landscaping = 45%**

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.

- Not applicable: Street frontage of building on public right of way on 1st Street extends entire width. The landscaping will be in the rear courtyard of the property.**

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.

- Complies: refer to Landscape plans**

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: Parking lot not proposed - parking area is less than 7 spaces**

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

- Complies: 25 feet of frontage requires 1 street tree. On street tree is provided - Refer to AS1.0.**

18.72.115 – Recycling Requirements

All commercial and multi-family developments, requiring a site review as indicated in 18.72.040, shall provide an opportunity-to-recycle site for use of the project occupants.

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 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.

- Complies: A 30" x 30" trash and recycling area is proposed behind the front yard fencing to the property (see sheet AS1.0 Site Plan).**

B. Multi-Family Residential. All newly constructed multi-family units, either as part of an existing development or as a new development, shall provide an opportunity-to-recycle site in accord with the following standards:

- 1. Multi-family developments NOT sharing a common solid waste receptacle shall provide an individual curbside recycling container for each dwelling unit in the development.*
- 2. Multi-family developments sharing a common solid waste receptacle shall provide a site of equal or greater size adjacent to or with access comparable to the common solid waste receptacle to accommodate materials collected by the local solid waste franchisee under its residential 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.

- Applicant's development does not share a common waste receptacle and will provide curbside recycling for dwelling unit as well as an equal size recycling area to the waste provisions in above requirements under section A.**

18.72.120 Controlled access

A. Prior to any partitioning of property located in an R-2, R-3, C-1, E-1 or M-1 zone, controlled access standards shall be applied and, if necessary, cross easements shall be required so that access to all properties created by the partitioning can be made from one or more points.

- Not Applicable: No partitioning is proposed with this application.**

B. Access points 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.

2. Distance from intersections.

On arterial streets - 100 feet;

on collector streets - 50 feet;

on residential streets - 35 feet.

- Complies: No new access points are proposed.**

C. Vision clearance standards.

1. No obstructions greater than two and one half feet high, nor any landscaping which will grow greater than two and one half feet high, with the exception of trees whose canopy heights are at all times greater than eight feet, may be placed in a vision clearance area determined as follows: The vision clearance area at the intersection of two streets is the triangle formed by a line connecting points 25 feet from the intersection of property lines. In the case of an intersection involving an alley and a street, the triangle is formed by a line connecting points ten feet along the alley and 25 feet along the street. When the angle of intersection between the street and the alley is less than 30 degrees, the distance shall be 25 feet. No structure or portion thereof shall be erected within ten feet of the driveways.

- Not applicable: there is not an intersection of 2 streets.**

2. State of Oregon Vision Clearance Standards. The following stopping sight distances shall apply to all State Highways within the City with the prescribed speed limits. Vertical stopping sight distance to be based on distance from three and one half feet above pavement to a point six feet above the pavement. (Ord.2544 S1, 1989)

30 mph 200 feet

35 mph 225 feet

40 mph 275 feet

45 mph 325 feet

55 mph 450 feet

- Not Applicable: 1st Street is a City maintained road and is not a State Highway.**

3. The vision clearance standards established by this section are not subject to the variance section of this title. (Ord. 2605 S2, 1990)

D. Access Requirements for Multi-family Developments.

1. All multi-family developments which will have automobile trip generation in excess of 250 vehicle trips per day shall provide at least two driveway access points to the development. Trip generation shall be determined by the methods established by the Institute of Transportation Engineers.

Not Applicable: Proposed trip generation is 30 trips /day per ITE standards

2. Creating an obstructed street, as defined in 18.88.020.G, is prohibited.
(Ord. 2544 S2, 1989; Ord 2836 S7, 1999)

Not Applicable: No streets are being created as part of this project.

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.

Complies: development shall not have direct illumination on the adjacent residential zone.

18.72.160 Landscaping Maintenance

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

B. All landscaped areas required by this Chapter must be maintained according to the approved landscaping plans. (Ord. 2228, 1982)

Complies: Owner agrees to maintain all landscaped areas according to these requirements.

Chapter 18.92 - Off-Street Parking

18.92.010 Generally

In all districts, except those specifically exempted, whenever any building is erected, enlarged, or the use is changed, off-street parking shall be provided as set forth in this Chapter.

18.92.020 Automobile Parking Spaces Required

Uses and standards are as follows:

A. Residential Uses

2. Multi-family dwellings.

a. Studio units or 1-bedroom units less than 500 sq. ft.--1 space/unit.

B. Commercial Uses

3. Business, general retail, person services. General - one space for 350 square feet of gross floor area. Furniture and appliances - one space per 750 square feet of gross floor area.

Not compliant: Refer to findings below under section 18.92.055 for Variance request.

Summary of parking requirements:

Dwelling unit of less than 500 SF	1 space
Retail area of 599 SF	2 spaces (599SF / 1 space / 350 SF)
Total spaces required =	3 spaces
Total provided on site =	2 spaces

18.92.025 Credit for On-street Automobile Parking

A. The amount of off-street parking required shall be reduced by the following credit provided for on-street parking: one off-street parking space credit for every two on-street spaces up to four credits, thereafter one space credit for each on-street parking space.

Not applicable due to the 25 foot frontage along 1st Street.

18.92.030 Disabled Person Parking Places

The total number of disabled person parking spaces shall comply with the following:

Total in Parking Lot Required Minimum Number of Accessible Spaces

1 to 25 = 1, 26 to 50 = 2 (portion deleted)

Required Disabled Person Parking spaces shall be designed in accord with all requirements of the State of Oregon, including minimum widths, adjacent aisles, and permanent markings. Disabled Person Parking space designs are included at the end of this chapter.

Exempt: The project requires 2 parking spaces if granted the 50% reduction of the commercial use parking requirement. The project is a renovation of an existing building to incorporate a retail operation. Under ORS 447.241 (Standards for renovation, alteration, or modification of certain buildings; barrier improvement plan.) Improvements to the building include an accessible entry ramp to mitigate grade change from the proposed sidewalk improvement (provided by the City per capital improvement plans), accessible restroom provisions that already exceed the "disproportionate" 25 percent of the alteration. It is the applicant's contention that access into the building with the parking requirements deem the handicap parking space not-feasible with the size requirements for such space given the limited lot frontage of 25 feet and site slope to entrance requiring an accessible ramp.

The intention of this application is to minimize impact on 1st street parking. The applicant sees that it is in the best interest for the businesses along 1st and B Street to have the on-street accessible parking space approved in the future and installed. If it were located at the front of the property and privately owned, its use would be limited to private use and not be affective for direct accessible access to the entrance of the building from the upcoming sidewalk improvements for pedestrian traffic. Furthermore, it would not provide accessible parking for neighboring businesses.

18.92.040 Bicycle Parking

A. All uses, with the exception of detached single-family residences and uses in the C-1-D zone, shall provide a minimum of two sheltered bike parking spaces.

Complies: 4 spaces are provided (inclusive of 3 covered spaces) are provided on the property. 2 covered in the yard for the residence, 1 covered and 1 uncovered are provided in the front yard on 1st street for the retail use: total 4 spaces (2 extra per requirement (see sheet AS1.0).

B. Every residential use of two units or more per structure, and not containing a garage, shall provide bicycle parking spaces as follows:

Multi-Family Residential: One sheltered space per studio and 1-bedroom unit

1.5 sheltered spaces per 2-bedroom unit

2.0 sheltered spaces per 3-bedroom unit

Not applicable: one unit is proposed.

C. In addition, all uses which require off street parking, except as specifically noted, shall provide one bicycle parking space for every 5 required auto parking spaces. Fractional spaces shall be rounded

up to the next whole space. Fifty percent of the bicycle parking spaces required shall be sheltered from the weather. All spaces shall be located in proximity to the uses they are intended to serve. (Ord. 2697 S1, 1993)

- Complies: 3 automobile parking spaces/5 = .6 = 1 space.
4 total have been proposed. (3 covered spaces and 1 uncovered space)**

18.92.050 Compact Car Parking

Up to 50% of the total automobile parking spaces in a parking lot may be designated for compact cars. Minimum dimensions for compact spaces shall be 8 x 16 feet. Such spaces shall be signed or the space painted with the words "Compact Car Only."

- Not applicable: 2 standard parking spaces are proposed.**

18.92.055 Variances for Commercial Buildings in the Historic District

In order to preserve existing structures within the Ashland Historic District, while permitting the redevelopment of property to its highest commercial use, a variance of up to 50% of the required automobile parking may be granted to commercial uses within the Ashland Historic District as a Type I Variance. It is the intent of this clause to provide as much off-street parking as practical while preserving existing structures and allowing them to develop to their full commercial potential. Additionally, to identify redevelopment of existing commercial and residential buildings for commercial use within the Ashland Historic District as an exceptional circumstance and unusual hardship for the purposes of granting a variance.

Under this application, the applicant is requesting a variance of 50% of the required automobile parking for the retail usage of the development. As calculated above, the required parking is 2 spaces for the retail use and 1 space for the residential use totaling a 3 parking space requirement. It is the request of the applicant to have the 50% variance for the retail use parking requirement and bring the total required parking spaces to 2 spaces.

There are 3 factors that are unique with this historical structure and site:

Factor 1: Narrow lot width limitations: The application is proposing the highest feasible number of parking spaces on-site to minimize on-street parking impact on 1st street. The narrow lot width of 25 feet limits the space for parking spaces to two standard 9 foot width space totaling 18 feet for parking space requirement and 3'-6" required accessible entry ramp leaving 3'-6" remainder for landscaping or hardscaping. If the applicant were to adhere to the required parking spaces, the accessibility to the entrance to the building would not be in compliance with State Accessibility standards.

Factor 2: Limited potential commercial use of the existing historic structure and imposing non-feasible size due to existing structure size: With a gross square footage of 599 square feet for the retail portion of the development, this is the maximum square footage for this use in the residential structure. For typical operation for a retail establishment, the limitation of 350 SF for retail space is not a viable option for the business to thrive. The size of the retail space includes retail display, retail stock, restroom, access for patrons with baby strollers.

Factor 3: The applicant is providing twice the required number of bicycle parking spaces required to encourage and enhance the pedestrian/bicycle friendly atmosphere of the site.

18.92.070 Automobile Parking Design Requirements

All required parking areas shall be designed in accordance with the parking layout chart at the end of this Chapter. Parking spaces shall be a minimum of 9 x 18 feet, except that 50% of the spaces may be compact spaces in accord with 18.92.050 and shall have a 22 foot back-up space except where parking is angled.

- Complies: Proposed parking spaces are a minimum of 9 x 18 feet and have a back-up space of 22 feet into the right of way.**

B. Driveways and Turn-Arounds. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions:

1. A driveway for a single dwelling shall have a minimum width of nine feet, and a shared driveway serving two units shall have a width of 12 feet.

- Not Applicable: No Driveways are proposed**

2. Parking areas of more than seven parking spaces per lot shall be provided with adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.

- Not applicable: Parking lot not proposed - parking area is less than 7 spaces**

3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. Parking areas of seven spaces or less shall be served by a driveway 12 feet in width.

- Not applicable: Parking lot not proposed - parking area is less than 7 spaces**

4. Shared Use of Driveways and Curb Cuts.

a. Developments subject to a planning action or divisions of property, either by minor land partition or subdivision, shall minimize the number of driveway intersections with streets by the use of shared driveways with adjoining lots where feasible. In no case shall driveways be closer than 24 feet as measured from the bottom of the existing or proposed apron wings of the driveway approach.

- Not applicable: no proposed driveways under this application.**

b. Plans for property being partitioned or subdivided or for multi-family developments shall indicate how driveway intersections with streets have been minimized through the use of shared driveways and shall indicate all necessary access easements.

- Not Applicable: The property is not being partitioned, subdivided, or intended for multi-family development.**

c. Developments subject to a planning action shall remove all curb cuts and driveway approaches not shown to be necessary for existing improvements or the proposed development. Cuts and approaches shall be replaced with standard curb, gutter or sidewalk as appropriate. All replacement shall be done under permit of the Engineering Division.

- Not Applicable: Preapplication document (copy submitted) from Karl Johnson of Public Works states confirmation of Street Improvement at applicant's property for sidewalk and curbcut. Drawings reflect location of improvements to be furnished by City under 2010 Misc. Concrete Projects for 1st Street.**

C. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13'6" for their entire length and width.

- Complies: This 13'-6" vertical clearance will be maintained for these areas on the property.**

D. Vision Clearance. No signs, structures or vegetation in excess of two and one-half feet in height shall be placed in the vision clearance area. The vision clearance area is the triangle formed by a line connecting points 25 feet from the intersection of property lines. In the case of an intersection involving an alley and a street, the triangle is formed by a line connecting points ten (10) feet along the alley and 25 feet along the street. When the angle of intersection between the street and the alley is less than 30 degrees, the distance shall be 25 feet. No signs, structures or vegetation or portion thereof shall be erected within ten (10) feet of driveways unless the same is less than two and one-half feet in height. The vision clearance standards established by this section are not subject to the Variance section of this title.

- Not applicable.**

E. Development and Maintenance. The development and maintenance as provided below, shall apply in all cases, except single-family dwellings.

1. Paving. All required parking areas, aisles, turn-arounds and driveways shall be paved with concrete, asphaltic or comparable surfacing, constructed to standards on file in the office of the City Engineer.

- Complies: Proposed parking area paving is asphalt paving or approved pervious pavers.**

2. Drainage. All required parking areas, aisles and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.

- Complies: Pervious pavers with proper subsurface drainage provides on-site collection to prevent sheet flow onto the sidewalk.**

3. Driveway approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.

- Not Applicable: Refer to item c. above.**

4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.

- Not applicable: Parking lot not proposed - parking area is less than 7 spaces.**

5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.

- Complies: wheel stops are indicated on plans**

6. Walls and Hedges.

a. Where parking abuts upon a street, a decorative masonry wall or evergreen hedge screen of 30-42 inches in height and a minimum of 12" in width shall be established parallel to and not nearer than two feet from the right-of-way line. Screen planting shall be of such size and number to provide the required screening within 12 months after installation. The area between the wall or hedge and street line shall be landscaped. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition. The required wall or screening shall be designed to allow for free access to the site and sidewalk by pedestrians.

- Not Applicable: No parking abuts upon a street.**

b. In all zones, except single-family zones, where parking facilities or driveways are located adjacent to residential or agricultural zones, school yards, or like institutions, a sight-obscuring fence, wall, or evergreen hedge not less than five feet, nor more than six feet high shall be provided on the property line as measured from the high grade side. Said wall, fence or hedge shall be reduced to 30 inches within required setback area, or within 10 feet of street property lines, and shall be maintained in good condition. Screen plantings shall be of such size and number to provide the required screening within 12 months after installation. Adequate provisions shall be made to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.

Not Applicable: Existing fencing complies with screening standard.

7. Landscaping. In all zones, all parking facilities shall include landscaping to cover not less than 7% of the area devoted to outdoor parking facilities, including the landscaping required in subdivision 6(a) above. Said landscaping shall be uniformly distributed throughout the parking area, be provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover or related material. A minimum of one tree per seven parking spaces is required.

Not applicable: Parking lot not proposed - parking area is less than 7 spaces.

8. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property.

Complies: property is within 100 ft. of a residential zone and will provide lighting directed away from residential zone.

18.100.010 Variances - Purpose

Where practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of this Title may result from the strict application of certain provisions thereof, variance may be granted as provided in this Chapter. This Chapter may not be used to allow a use that is not in conformity with the uses specified by this Title for the district in which the land is located. In granting a variance, the City may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.

18.100.020 Variances - Application

The owner or his agent may make application with the Staff Advisor. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development. Also to be included with such application shall be a statement and evidence showing that all of the following circumstances exist:

A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.

Under this application, the applicant is proposing Variances that have been described under appropriate sections of the ordinance for the Administrative Variance and for Commercial Buildings in the Historic District.

Furthermore, this application requests related Variance for the allowance of 50% of the retail space parking requirements to avoid a requirement to provide vehicular traffic further into the property. The narrowness of the lot (25 feet) limits the feasibility of any structure within the required setbacks of (6 feet each side) to have driveway or vehicular access into the site. The width of the building façade creates the minimum frontage to give presence to the streetscape.

B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. (Ord.2425 S1, 1987).

The operation of the retail business in the existing home contributes to the “mixed use” and inhabitation of the structure throughout all hours of the day. This continued use of buildings contributes to vibrant neighborhoods, activates the street frontage with foot traffic, and contributes to the livelihood to other local businesses in the neighborhood. It furthers the purpose and intent of the Comprehensive Plan by further adding this mixed use as many other adjacent residences along 1st Street and B Street have.

C. That the circumstances or conditions have not been willfully or purposely selfimposed. (Ord. 2775, 1996)

There exists no provided off-street parking spaces on the existing property past the front yard. The existing structure, even with its non-conforming northern wall line on the property line, has an 18 foot building frontage. There is no room to have a feasible structure and a driveway due to the size of the lot frontage at 25 feet. The applicant has a limitation of 1048 SF limited by the Maximum Permitted Floor Area. Given the opportunity to fully develop the site and keeping the design in the bulk, scale and mass in the Historic District, the applicant is demonstrating optimal use of the site conditions as outlined above by limiting the residence to a 499 SF studio to require 1 parking space and maximizing the retail use of the structure as allowed under the Conditional Use Permit Approval procedure. Due to the limiting site constraints these conditions are not willfully nor purposely self-imposed.

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.*

This proposal is in conformance with all relevant Comprehensive plan policies.

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.*

Complies: Adequate facilities exist as per the following (refer to sheet AS1.0 for locates)

Water: The existing 4" water main along 1st Street extends across the entire frontage of the property. Water meters connect to this via 3/4" line. Service fixture count will be supplied and service line to be upgraded as required

Sanitary Sewer: Sanitary sewage passes through existing 4" line from the building to the existing 6" Sanitary Sewer in the center of 1st Street.

Electricity: Electrical service is an existing 200 Amp service served with a drop line from nearby electrical pole

Urban Storm Drainage: The existing 12" storm drain on 1st Street will be utilized via existing flowline along 1st Street curb to existing development at the roof downspouts.

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.*

There are a substantial number of small single family dwelling units within the historic interest area and within the adjacent R-2 and E-1 zones, that reflect similar scale, bulk and coverage of this proposed single family dwelling that will operate a retail business. The resulting façade renovation and mass of the 2 story building mass (bulk) is similar to surrounding single family development within the neighborhood.

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.*

The changes to the generation of traffic and effects on surrounding streets is well within the target use of this zone. It is the applicant's intention to design a business that is appealing to already present pedestrian bicycle and mass transit traffic. The natural food store across the street (The Ashland Food Cooperative) generates most of the traffic to the area. With City parking bays along 1st Street, the applicant's store will most likely be accessed on foot by already parked customers en route to grocery shopping across the street.

3. *Architectural compatibility with the impact area.*

- The façade renovation improves its historic contribution to the neighborhood. The connection of the proposed 2 story structure to the rear of the existing dwelling is proposed to match the existing siding and trim to blend into the rest of the structure. It is characteristic in the Railroad District Historic Interest area to have development similar to this proposed renovation.**

4. *Air quality, including the generation of dust, odors, or other environmental pollutants.*

- No generation of dust and odors will be present in the proposed use of the building, with the exception of standard construction practices during construction**

5. *Generation of noise, light, and glare.*

- Generation of light and glare will be contained within the site – similar to prevailing present use.**

6. *The development of adjacent properties as envisioned in the Comprehensive Plan.*

- The proposed development will have no impact on the development of adjacent properties.**

7. *Other factors found to be relevant by the Hearing Authority for review of the proposed use.*

All commercial and multi-family developments, requiring a site review as indicated in 18.72.040, shall provide an opportunity-to-recycle site for use of the project occupants.

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 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.

- Complies: waste receptacle will be provided behind private fence.**

B. Multi-Family Residential. All newly constructed multi-family units, either as part of an existing development or as a new development, shall provide an opportunity-to-recycle site in accord with the following standards:

- 1. Multi-family developments NOT sharing a common solid waste receptacle shall provide an individual curbside recycling container for each dwelling unit in the development.*
- 2. Multi-family developments sharing a common solid waste receptacle shall provide a site of equal or greater size adjacent to or with access comparable to the common solid waste receptacle to accommodate materials collected by the local solid waste franchisee under its residential 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.*

- Not applicable: not a multifamily development.**

SITE DESIGN AND USE STANDARDS
SECTION II – APPROVAL STANDARDS & POLICIES

A. ORDINANCE LANDSCAPING REQUIREMENTS

The following percentages of landscaping are required for all properties falling under the Site Design and Use Standards.

R-2: 35%

- Complies: The total landscaped and irrigated area equals 1041 SF on site, or 45% of lot area.**

B. MULTIFAMILY RESIDENTIAL DEVELOPMENT

APPROVAL STANDARDS: Multi-family residential development shall conform to the following design standards:

II-B-1) Orientation

II-B-1a) Residential buildings shall have their primary orientation toward the street when they are within 20 to 30 feet of the street..

- Complies: Historic façade is to be improved and is primarily oriented towards 1st Street with replicated “store front” windows and doors.**

1) II-B-1b) Buildings shall be set back from the street according to ordinance requirements, which is usually 20 feet.

- Complies: Historic façade location is to remain as is at current location (non-compliant per setback requirements but compliant per section 18.68.110 (13'-8"))**

II-B-1c) Buildings shall be accessed from the street and the sidewalk. Parking areas shall not be located between buildings and the street.

- Non- Compliant: Building is accessed from 1st Street. Refer to findings addressing parking requirement in front yard to due to feasibility.**

II-B-2) Streetscape

II-B-2a) One street tree for each 30 feet of frontage, chosen from the street tree list, shall be placed on that portion of the development paralleling the street. Where the size of the project dictates an interior circulation street pattern, a similar streetscape with street trees is required.

- Complies: 1 street tree is proposed on the 25 feet of 1st Street frontage.**

II-B-2b) Front yard landscaping shall be similar to those found in residential neighborhoods, with appropriate changes to decrease water use.

- Complies: Refer to Landscape Plans**

1) II-B-3) Landscaping

2) II-B-3a) Landscaping shall be designed so that 50% coverage occurs within one year of installation and 90 % landscaping coverage occurs within 5 years.

- Complies: The proposed landscaping exceeds this requirement.**

3) II-B-3b) Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.

Complies: The proposed landscaping exceeds this requirement.

4) *II-B-3c) As many existing healthy trees on the site shall be saved as is reasonably feasible.*

Complies: There are no proposals to remove any existing trees.

5) *II-B-3d) Buildings adjacent to streets shall be buffered by landscaped areas of at least 10 feet in width.*

Not applicable: Property is within Ashland Historic District.

II-B-3e) Parking areas shall be shaded by large canopied deciduous trees and shall be adequately screened and buffered from adjacent uses.

Not applicable – no parking areas are proposed

1) *II-B-3f) Irrigation systems shall be installed to assure landscaping success. Refer to Parking Lot landscaping and Screening Standards for more detail.*

Complies: Existing landscaping and irrigation meet these standards

II-B-4) Open Space

II-B-4a) An area equal to at least 8 % of the lot area shall be dedicated to open space for recreation use by the tenants of the development.

Complies: refer to Site Plan for indicated open space.

II-B-4c) Decks, patios, and similar areas are eligible for open space criteria. Play areas for children are required for projects of greater than 20 units that are designed to include families.

Not Applicable: No more than 1 unit is proposed. The open space requirement is met in yard space as indicated on plans.

II-B-5) Natural Climate Control

II-B-5a) Utilize deciduous trees with early leaf drop and low bare branch densities on the south sides of buildings which are occupied and have glazing for summer shade and winter warmth.

Complies: Refer to Landscape plans.

II-B-6) Building Materials

II-B-6a) Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors which attract attention to the building or use are unacceptable.

Complies: Refer to elevations for compliance – paint colors are compatible to surrounding areas. No bright or neon paint colors will be used.

D. PARKING LOT LANDSCAPING AND SCREENING STANDARDS

II-D-1) Screening at Required Yards

II-D-1-1) Parking abutting a required landscaped front or exterior yard shall incorporate a sight obscuring hedge screen into the required landscaped yard.

Complies: front yard and exterior yard (side yard) contains existing multi trunk shrubs that successfully screen parking area (refer to Site Plan).

II-D-1-2) The screen shall grow to at least 36 inches higher than the finished grade of the parking area, except for required vision clearance areas.

Complies: proposed plantings to comply.

II-D-1-3) The screen height may be achieved by a combination of earth mounding and plant materials.

Not Applicable.

II-D-1-4) Elevated parking lots shall screen both the parking and the retaining wall.

Not Applicable.

II-D-2) Screening Abutting Property Lines

Parking abutting a property line shall be screened by a 5' landscaped strip. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.

Not compliant: Findings for requesting administrative variance for this requirement is submitted under section 18.72.090

II-D-3) Landscape Standards

II-D-3-1) Parking lot landscaping shall consist of a minimum of 7 % of the total parking area plus a ratio of 1 tree for each seven parking spaces to create a canopy effect.

Not applicable: parking area is for 2 vehicles.

II-D-3-2) The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.

Complies: Refer to landscape plans for tree specification.

II-D-3-3) The tree shall be planted in a landscaped area such that the tree bole is at least 2 feet from any curb or paved area.

Complies: Refer to landscape plans for tree planting specification.

II-D-3-4) The landscaped area shall be planted with shrubs and/or living ground cover to assure 50% coverage within 1 year and 90% within 5 years.

Complies: Refer to landscape plans for tree planting specification.

II-D-3-5) Landscaped areas shall be evenly distributed throughout the parking area and parking perimeter at the required ratio.

Not applicable: parking area is for 2 vehicles.

II-D-3-6) That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.

Not applicable. No interior parking stalls are proposed.

II-D-4-1) Parking areas adjacent to residential dwelling shall be set back at least 8 feet from the building, and shall provide a continuous hedge screen.

Complies: parking is located greater than 8 feet from the existing residential dwelling.

II-D-5) Hedge Screening

II-D-5-1) Evergreen shrubs shall be planted so that 50% of the desired screening is achieved within 2 years, 100% within 4 years.

Complies: Existing screening meets this requirement.

II-D-5-2) Living groundcover in the screen strip shall be planted such that 100% coverage is achieved within 2 years.

Complies: The existing landscape living groundcover meets this requirement.

II-D-6) Other Screening

II-D-6-1) Other screening and buffering shall be provided as follow:

Refuse Container Screen, Service Corridor Screen, Light and Glare Screen:

Not applicable: not other screening required.

E. STREET TREE STANDARDS

APPROVAL STANDARD: All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of street trees found in this section.

II-E-1) Location for Street Trees

1. *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 standard established by the Department of Community Development.*

Complies: Refer to landscape plans for tree planting specification.

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 follows:

- a. *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.*

Complies: Street frontage on East Main Street is 25 feet: 1 street tree is required. Refer to landscape plans for tree specification.

- b. *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.*

Complies: Trees meet this criteria and are indicated on Planting Plan.

- c. *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.*

Complies: Trees meet this criteria and are indicated on Planting Plan.

- d. *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.*

Complies: Refer to landscape plans for tree planting specification.

- e. *Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.*

Complies: Refer to landscape plans for tree planting specification.

- f. *Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least 10 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. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, or paver blocks.*

Complies: Refer to landscape plans for tree planting specification.

- g. *Trees, as they grow, shall be pruned to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.*

Complies: The Owner agrees to prune the trees adjacent to sidewalks and driveways to the clearances indicated by this requirement.

- h. *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.*

Not Applicable: No existing street trees are close to proposed development.

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.

Not Applicable: No existing street trees to be replaced.

II-E-4) Recommended Street Trees

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

Complies: Refer to landscape plans for tree planting specification.

SECTION III – WATER CONSERVING LANDSCAPING GUIDELINES & POLICIES

- **Complies:** Drought tolerant landscaping exists. All planting areas are watered by an automatic irrigation system with pop-up spray heads and drip system. Spray system maintains plantings more effectively than a drip system in certain areas of landscaping.

SECTION IV – HISTORIC DISTRICT DEVELOPMENT

HEIGHT: The project will increase its current height by 2 ft 5 inches along the main single story section of the existing structure. To the rear of the property, the proposed 2 story roof ridge is 8 ft 11 inches higher than the existing single story roof ridge.

SCALE: The project will increase its current historic frontage scale from a 12 ft wide gable frontage to an 18 ft wide gable frontage – this is in keeping with front façade scales along 1st street.

MASSING: The project will increase its current massing along the street frontage as indicated above in the “SCALE” section. The massing will increase from a single story structure to a 2 story structure within the middle of the site (36 ft 6 inches back from the front façade of the existing structure – this minimizes the massing impact along the street frontage.

SETBACK: The project will maintain its current historic setback – under section 08.92.055, this front yard setback of 13 ft 8” is in compliance due the adjacent front yard setbacks of equivalent distance.

ROOF SHAPES: The apparent roof shape from the front will remain as a gable – the same shape as the existing roof shape.

RHYTHM OF OPENINGS: The proposed historic façade openings will be enlarged to express retail at a residential scale which is consistent with the rhythm of opening of adjacent buildings.

PLATFORMS: The project will remain at 29 inches above sidewalk level like its neighbor to the north and south. The proposed site slope from the building to sidewalk hides the appearance of a “platform”.

DIRECTIONAL EXPRESSION: The project will maintain its historical sense of directional expression towards 1st Street.

SENSE OF ENTRY: The project proposes an improvement with its historic sense of entry visible at the front façade of the existing residence. Currently, the existing entry door is perpendicular to the street and set back into the property.

IMITATIONS: The façade of the project will be built to be close to the originally built structure determined by on-site matching to existing elements (siding, trim, etc.).



**PHOTO OF EXISTING RESIDENCE (WEST FAÇADE – 1ST STREET FRONTAGE)
260 1ST STREET**

ADDENDUM 1 (Dec 2, 2010)

Sign Regulation Findings Addendum for

**Findings of Fact
Conditional Use Permit & Basic Site Review Standards
Request for Variance for Commercial Buildings in the Historic District**

Original submittal dated 11/29/10

Subject Property:

260 1st Street
Assessor's Map 39 1E 09BA Tax Lot 1500
Zoning R-2, Historic Interest District: Railroad

Proposed Use:

Residence with Retail Use

Submitted to:

City of Ashland Planning Department

Submitted for:

Patricia Way

Prepared by:

Carlos Delgado
Carlos Delgado Architect
217 Fourth Street
Ashland, Oregon 97520
541.552.9502

RECEIVED
DEC 6 2010
City of Ashland

**Findings of Fact for Basic Site Review for
Restoration of existing residence in Historic Interest Area**

This application demonstrates compliance to Development Standards for Site Review pursuant to City of Ashland Land Use Ordinance. Sections of the Ordinance and the Design Standards as deemed applicable, in whole or in part, are described in the following 'Findings of Fact.' Findings by the Applicant/Agent are inserted immediately following each section of the ordinance.

18.96.070 Residential and North Mountain Sign Regulations

Signs in the residential (R) and North Mountain (NM) districts shall conform to the following regulations:

A. Special Provisions:

1. No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located.

Not applicable: the applicant is proposing a wall sign

2. Internally illuminated signs shall not be permitted.

One wall sign in proposed and will not be internally illuminated.

3. Nothing contained herein shall be construed as permitting any type of sign in conjunction with a commercial use allowed as a home occupation, as no signs are allowed in conjunction with a home occupation. Signs in residential areas are only permitted in conjunction with a Conditional Use.

Not applicable: the applicant is requesting sign allowance as described in section 3. Below.

B. Type of Signs Permitted.

1. Neighborhood identification signs. One sign shall be permitted at each entry point to residential developments not exceeding an area of six square feet per sign with lettering not over nine inches in height, located not over three feet above grade.

Not applicable

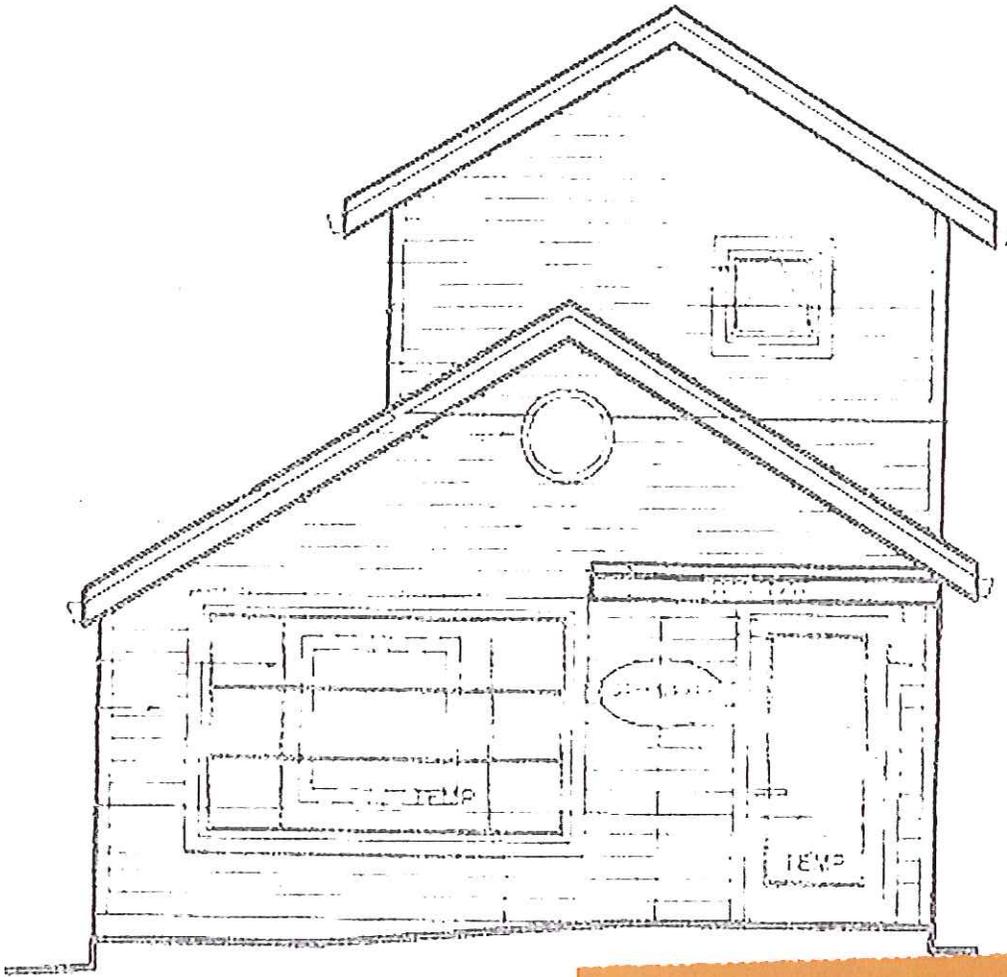
2. Conditional Uses. Uses authorized in accordance with the Chapter on Conditional Use Permits may be permitted one ground sign not exceeding an overall height of five feet and an area of fifteen square feet, set back at least ten feet from property lines; or one wall sign in lieu of a ground sign. Such signs shall be approved in conjunction with the issuance of such conditional use permit. Said signs shall not use plastic as part of the exterior visual effect and shall not be internally illuminated.

Not applicable: the applicant is requesting sign allowance as described in section 3. Below.

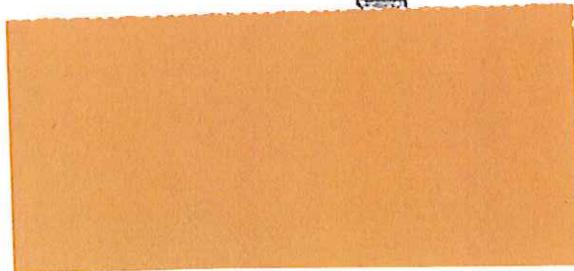
3. Retail commercial uses allowed as a conditional use in the Railroad District and traveler's accommodations in residential zones shall be allowed one wall sign or one ground sign which meets the following criteria:

- a. The total size of the sign is limited to six square feet.*
- b. The maximum height of any ground sign is to be three feet above grade.*
- c. The sign must be constructed of wood and cannot be internally illuminated.*

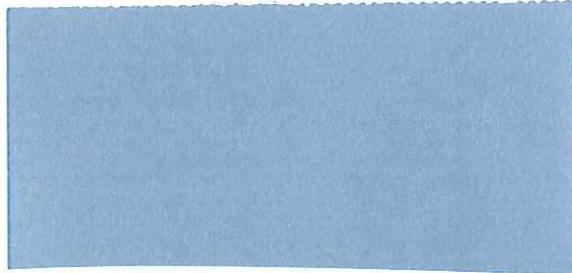
The property is located within the R-2 district in the Railroad Historic District. The proposed wall sign is less than 6 square feet as indicated on elevation drawings. At the time of this proposal, one wall sign in proposed and will not be internally illuminated.



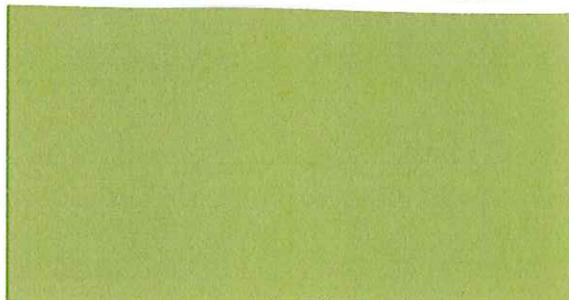
Body



Trim



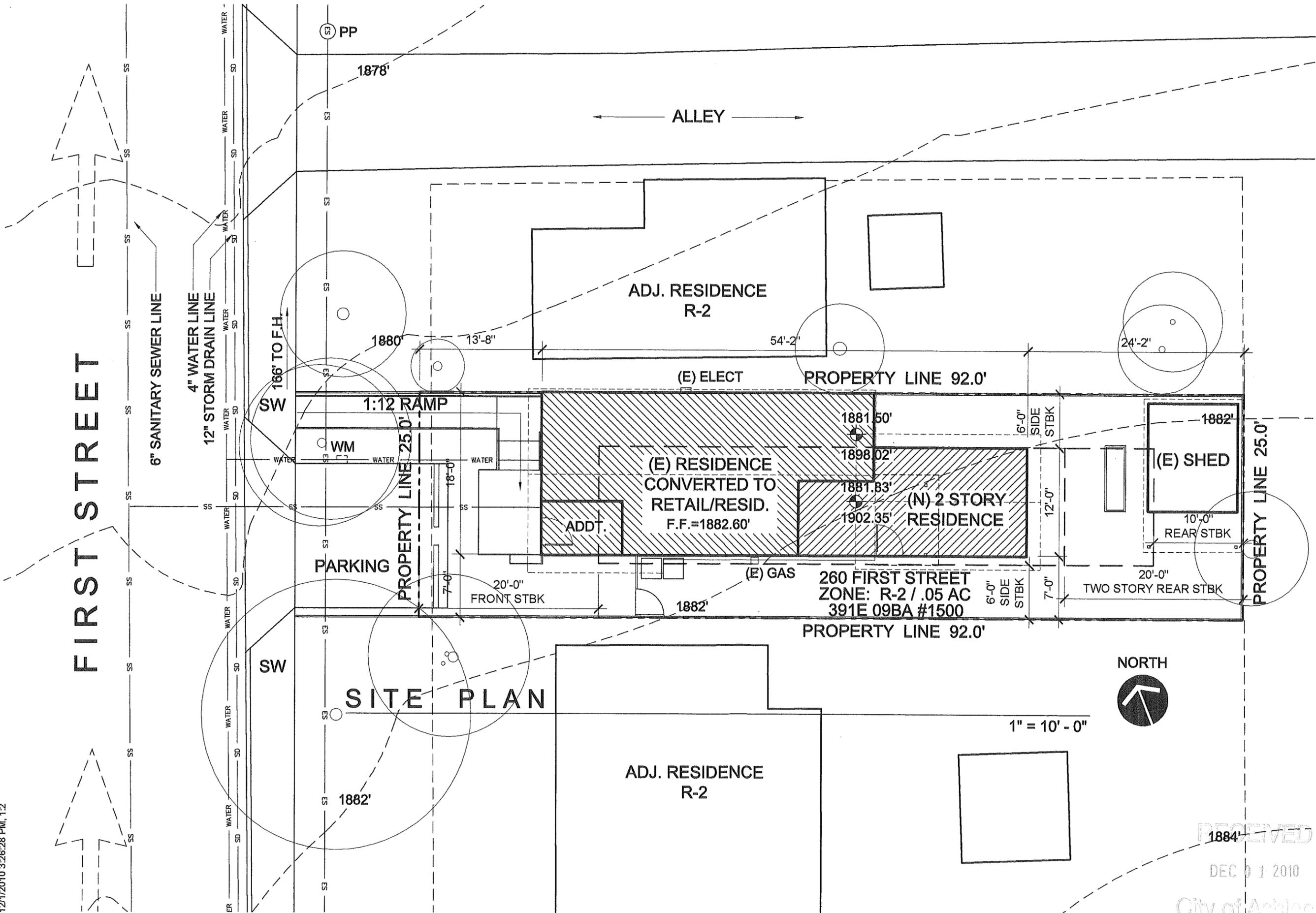
Awning



House colors for 260 N. 1st Street

12/11/2010 3:26:28 PM, 1, 2

FIRST STREET



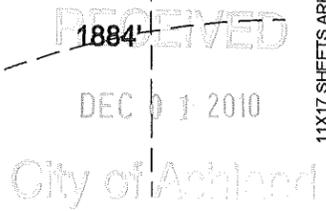
Carlos Delgado
ARCHITECT
217 Fourth Street • Ashland OR 97520
541.552.9502
info@CarlosDelgadoArchitect.com

DESCRIPTION	DATE

BUILDING RENOVATION
PATRICIA WAY
260 FIRST STREET
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 09BA TAX LOT NO. 1500

PRELIMINARY

DRAWN : CHECKED:
TS CD
DATE:
11/29/10
PROJECT:
SYKEN_10
SHEET :
AS1.0
OF SHEETS



11X17 SHEETS ARE HALF SCALE



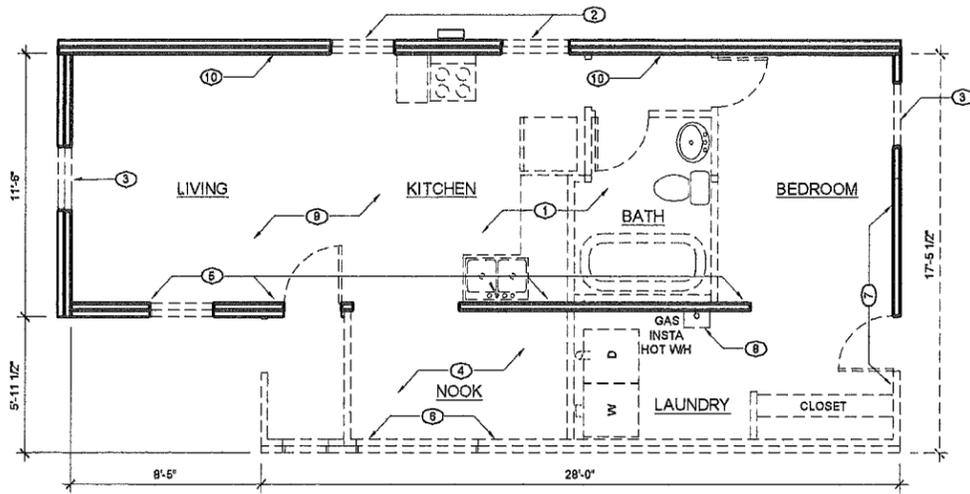
Carlos Delgado
ARCHITECT

217 Fourth Street • Ashland OR 97520
541.552.9502
info@CarlosDelgadoArchitect.com

DESCRIPTION	DATE

BUILDING RENOVATION
PATRICIA WAY
260 FIRST STREET
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 09BA TAX LOT NO. 1500

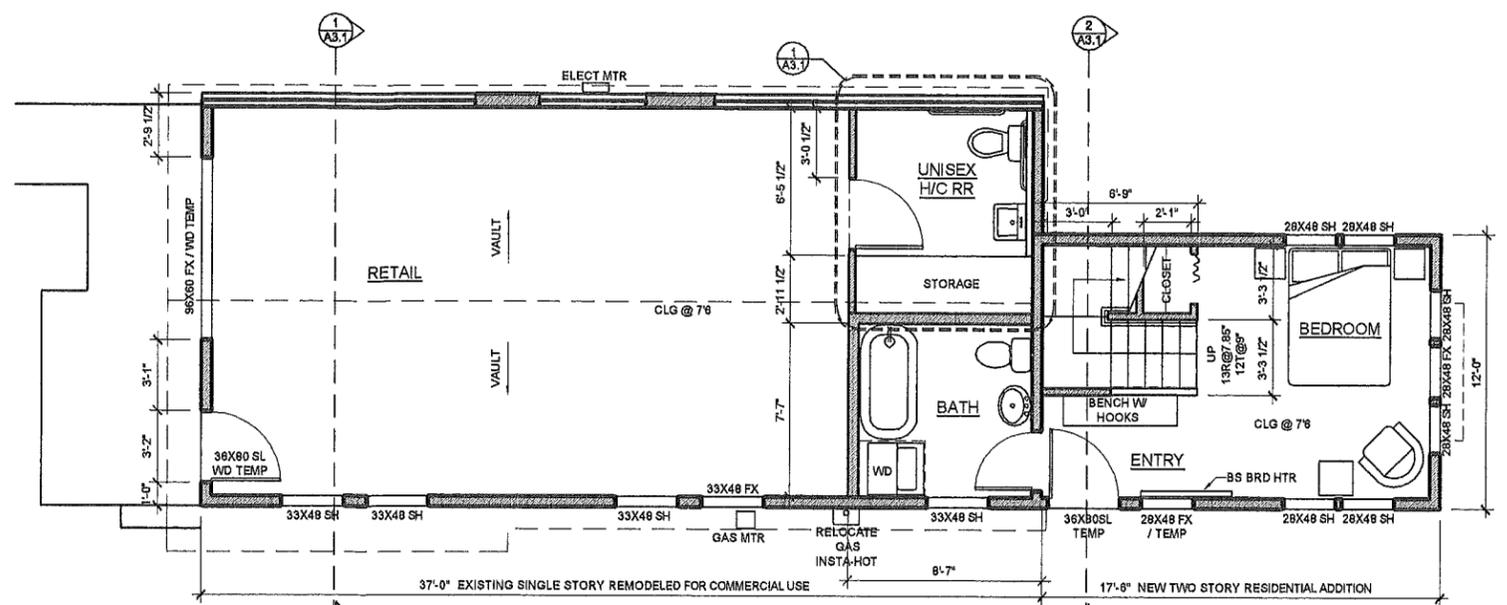
PRELIMINARY
DRAWN : CHECKED:
TS CD
DATE:
11/29/10
PROJECT:
SYKEN_10
SHEET :
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OF . SHEETS



DEMOLITION PLAN

SCALE: 1/4" = 1'-0"

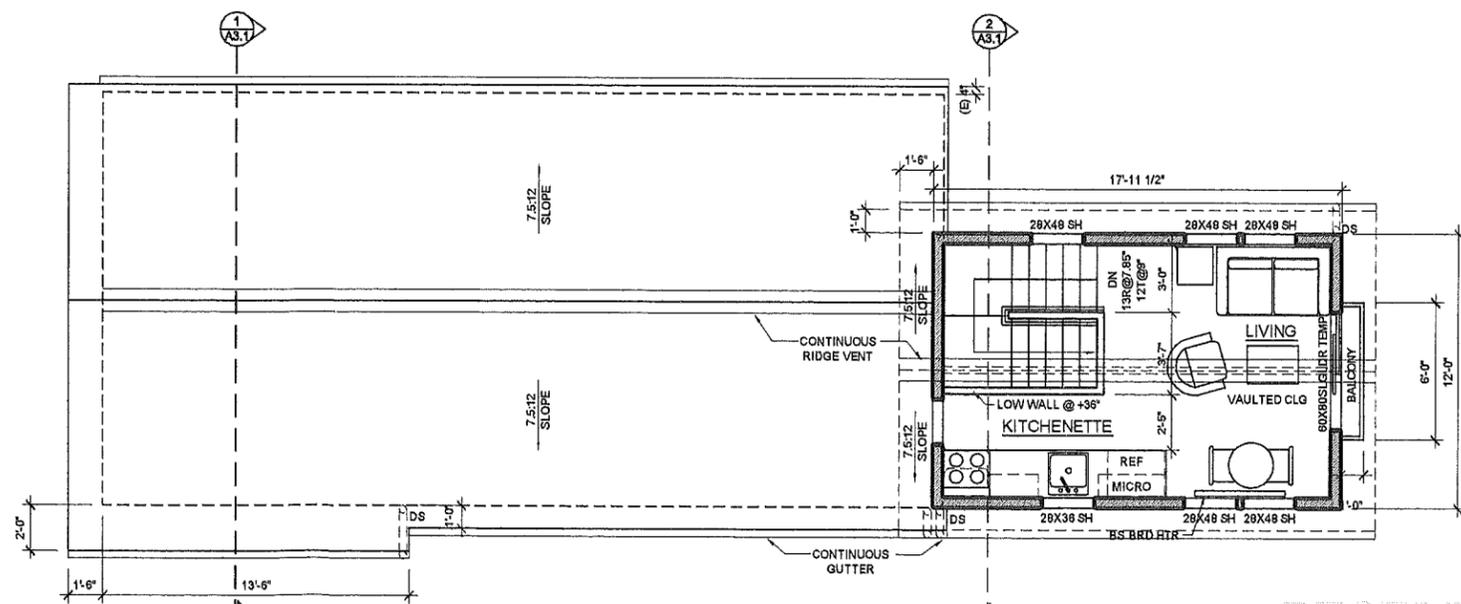
- KEY NOTES**
- ① REMOVE ALL INTERIOR WALLS AND FIXTURES (BRACE AS ROD)(STORE FXTS)
 - ② REMOVE WINDOW AND STORE FOR REUSE OR SALE, PATCH WALL
 - ③ REMOVE WINDOW AND STORE FOR REUSE OR SALE
 - ④ REMOVE ENTIRE SHED ROOF
 - ⑤ ANALYZE THIS SIDE OF GABLE BEARING WALL ENTIRELY (BRACE AS ROD)
 - ⑥ REMOVE SHED WALLS AND FOUNDATION ENTIRELY (BRACE AS ROD)
 - ⑦ ANALYZE THIS SECTION OF WALL AND FOUNDATION (BRACE AS ROD)
 - ⑧ RELOCATE GAS INSTA-HOT WATER HEATER
 - ⑨ REMOVE ENTIRE BUILDING SPACE, CEILING, ROOF, AND FLOOR
 - ⑩ RETAIN THIS ENTIRE SIDE OF WALL AND FOUNDATION (ANALYZE FOR STRUCTURAL INTEGRITY)



MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

MAIN RETAIL GHFA TO BE REMODELED: 690 SF
RESIDENTIAL GHFA: 447 SF
TOTAL GHFA: 1,046 SF



UPPER FLOOR & ROOF PLAN

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

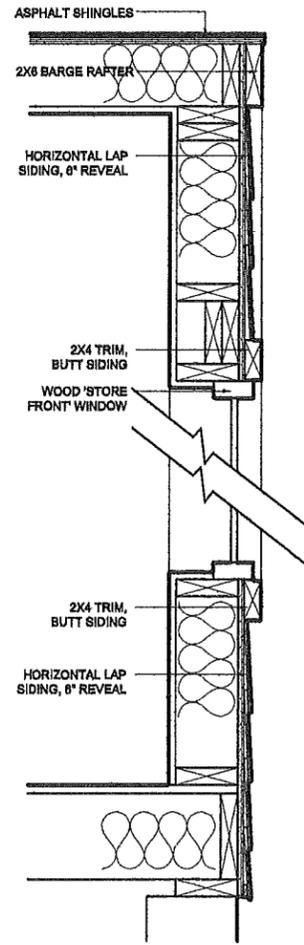


11X17 SHEETS ARE HALF SCALE

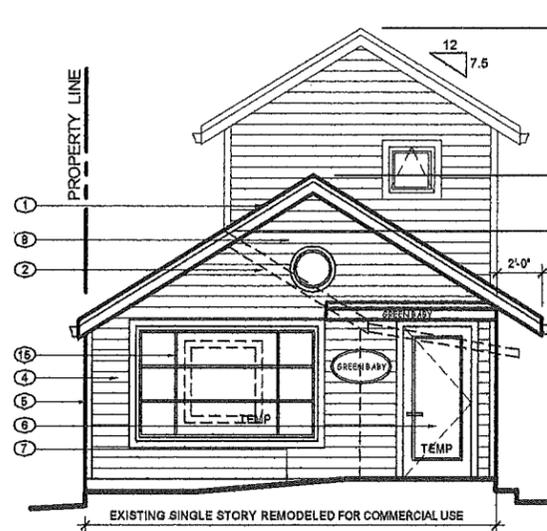


12/1/2010 3:26:20 PM, 1.2

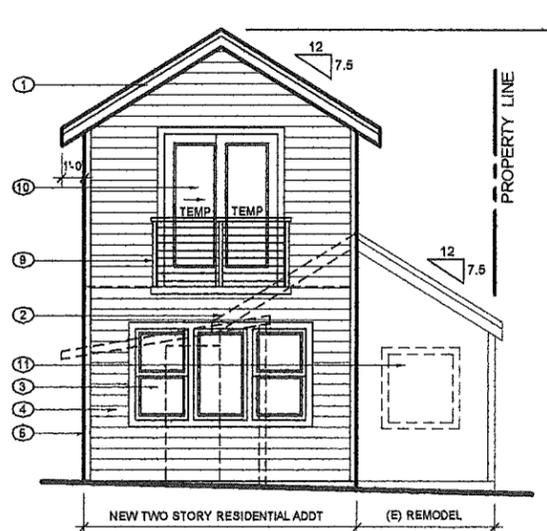
- ELEVATION KEY NOTES**
- 1 NEW GABLE ROOF LINE
 - 2 EXISTING BUILDING OUTLINE TO BE REMOVED
 - 3 NEW VINYL WINDOWS
 - 4 HORIZONTAL LAP SIDING, 6" REVEAL
 - 6 2X4 CORNER, WINDOW & DOOR TRIM, BUTT SIDING
 - 8 NEW WOOD ENTRY DOOR, SINGLE LT
 - 7 HANDICAP ACCESSIBLE RAMP, SEE LANDSCAPE PLAN
 - 8 NEW LOUVERED ATTIC VENT
 - 9 PLANT-ON METAL GUARD RAIL +36" (4" SPHERE TO NOT PASS THRU)
 - 10 NEW VINYL SLIDING DOOR
 - 11 REMOVE EXISTING VINYL WINDOWS AND PATCH WALLS
 - 12 RELOCATED (E) GAS INSTA-HOT
 - 13 (E) GAS METER
 - 14 (E) ELECTRIC METER
 - 16 NEW WOOD CLAD 'STORE FRONT' WINDOW



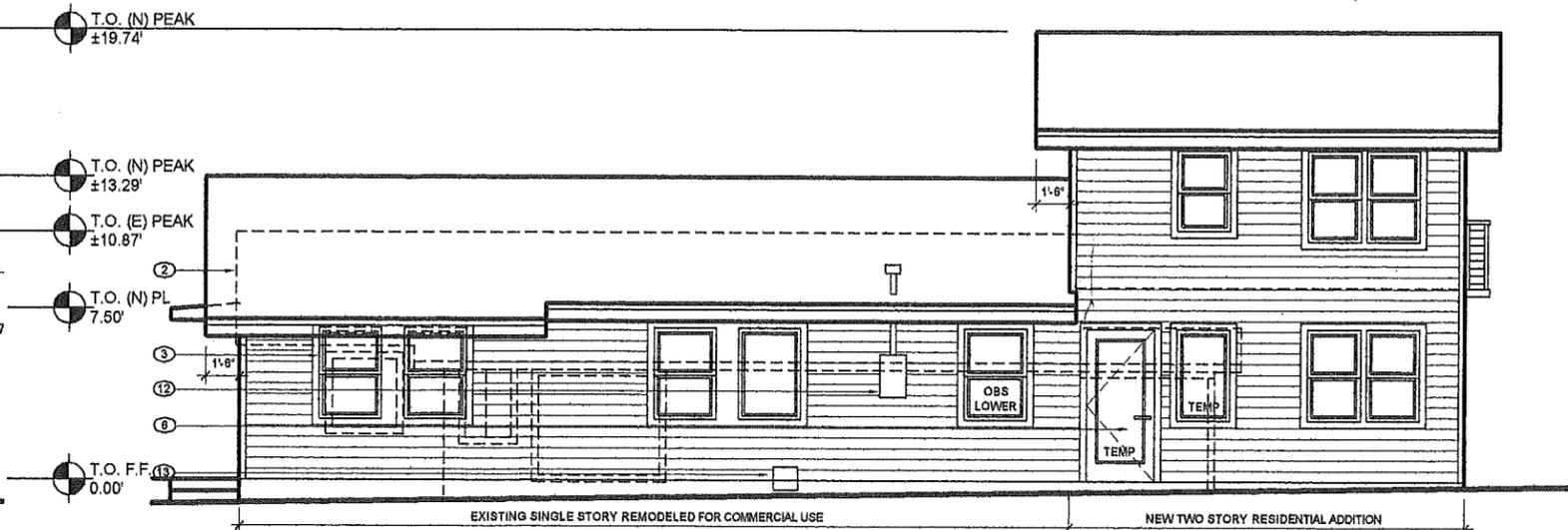
1 WALL SECTION
SCALE: 1 1/2" = 1' - 0"



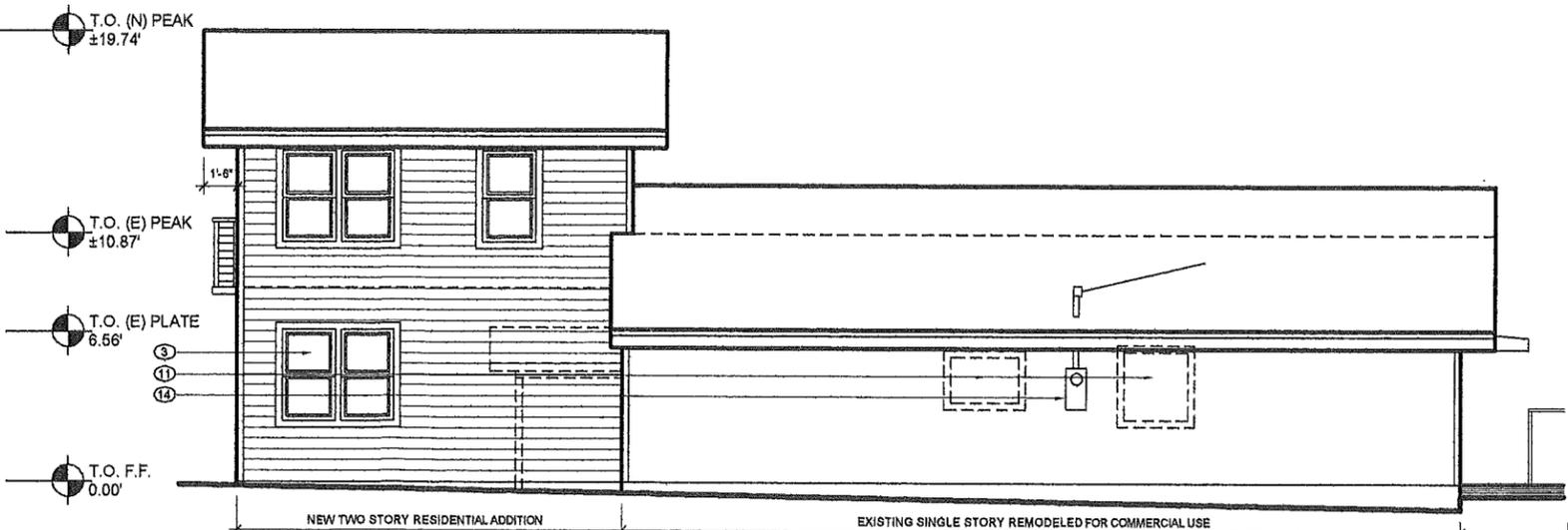
WEST ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

DESCRIPTION	DATE

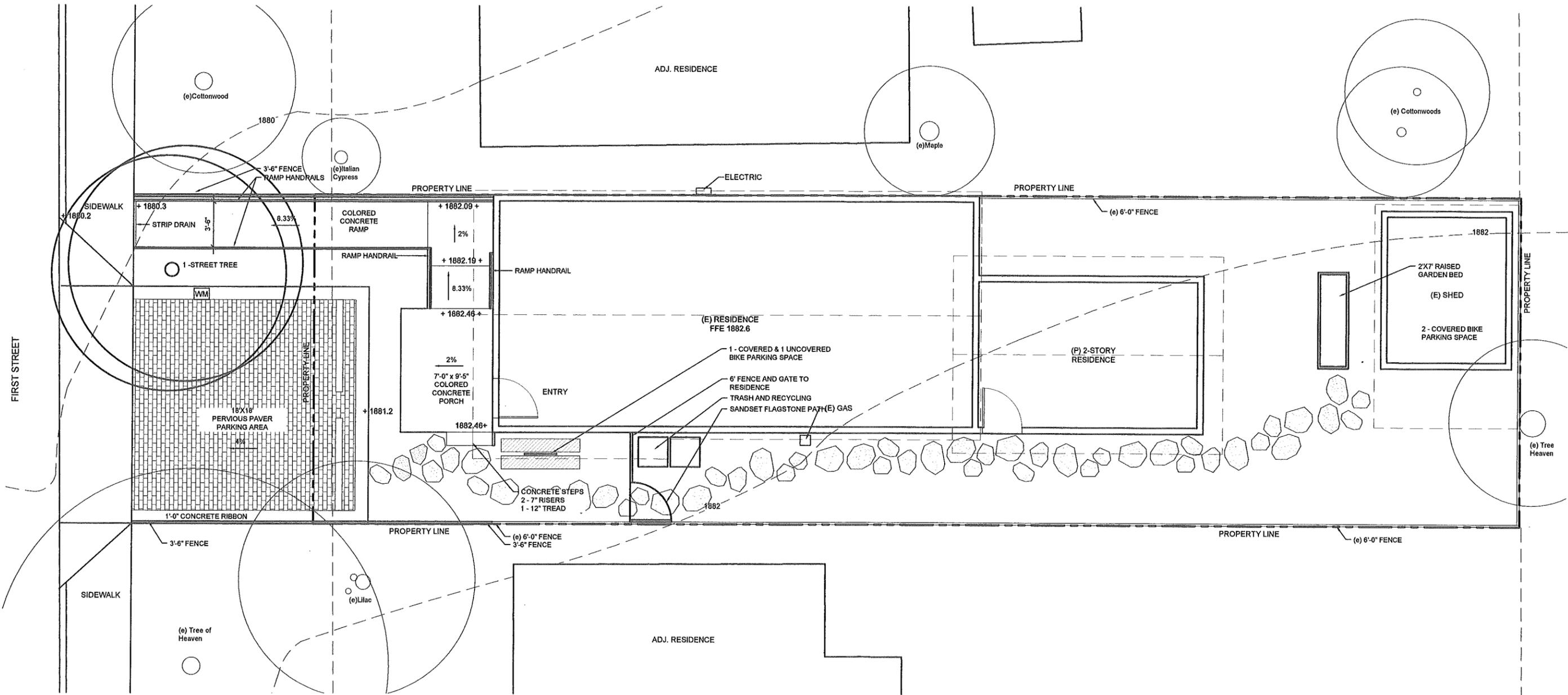
BUILDING RENOVATION
PATRICIA WAY
260 FIRST STREET
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 09BA TAX LOT NO. 1500

PRELIMINARY

DRAWN : CHECKED:
TS CD
DATE:
11/29/10
PROJECT:
SYKEN_10
SHEET :
A2.1
OF . SHEETS

11X17 SHEETS ARE HALF SCALE

DEC 01 2010



TREE PROTECTION NOTES

A. Landscape adjacent to the project area shall be protected from damage. No storage of equipment or materials shall occur within drip lines of trees to be preserved which are those identified on this plan. All damage caused by construction to existing trees shall be compensated for before the project will be considered complete.

B. Exceptions to the tree protection specifications may only be granted with written approval from owner's representative.

C. Work within dripline of trees to remain will be required, contractor shall follow the following steps during construction:

- 1) Hand dig to required depth of final work.
- 2) Roots under 2" in diameter may be hand cut at a 90° angle.
- 3) Where roots greater than 2" in diameter are encountered, contractor shall notify Landscape Architect or arborist for direction.

D. Contractor shall not disturb roots of trees when removing sod or plant material.

E. Contractor shall not raise the soil level within the drip lines of existing trees to achieve positive drainage, except to match grades with sidewalks and curbs, and in those areas, feather the added topsoil back to existing grade at an approximately 3:1 slope.

RECEIVED
 DEC 01 2010
 CITY OF ASHLAND
 SITE PLAN

Laurie Sager
 AND ASSOCIATES LANDSCAPE ARCHITECTS INC
 700 MISTLETOE ROAD, SUITE 201
 ASHLAND, OREGON 97520



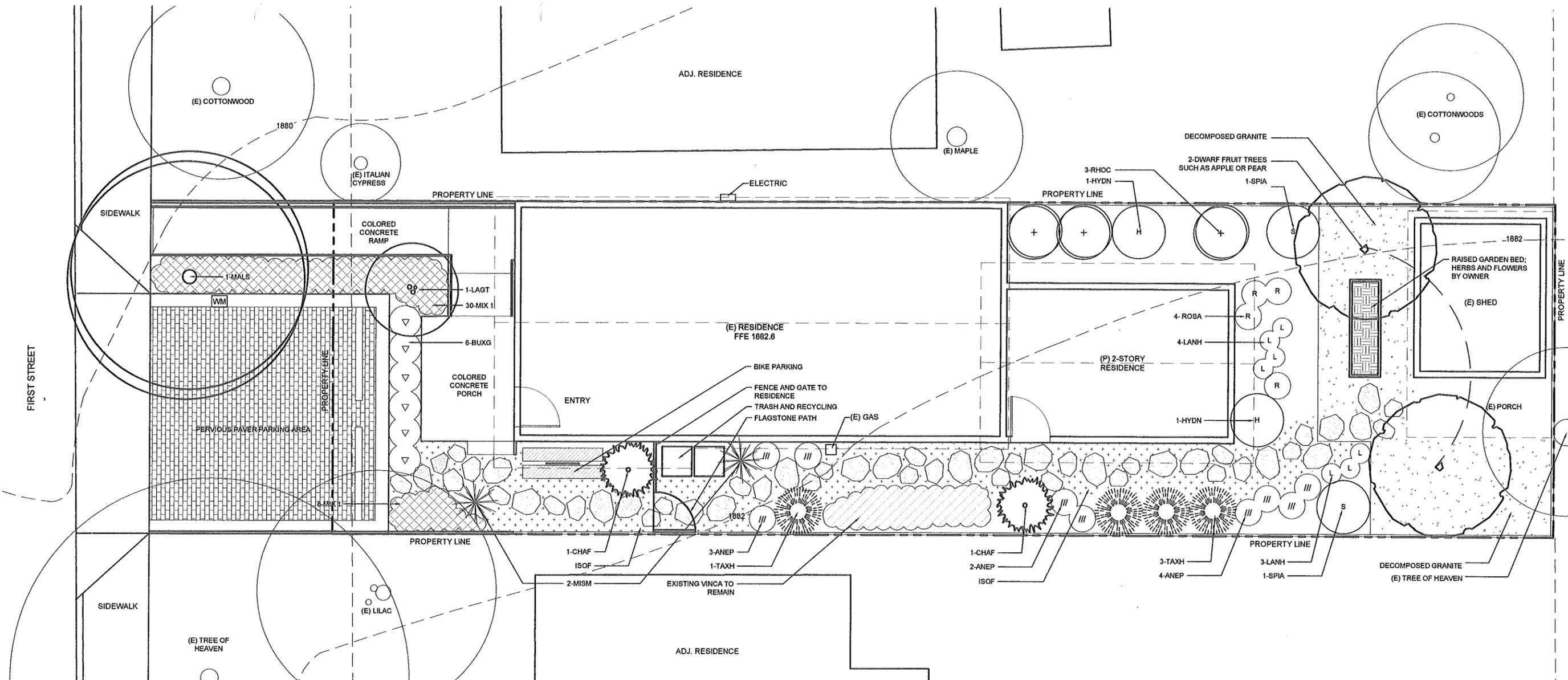
Revision Date:

Drawn By:
 LCS
 Scale: 1/8" = 1'-0"

WAY RESIDENCE
 260 NORTH FIRST STREET
 ASHLAND, OREGON

December 1, 2010

L-1.0



Laurie Sager
 AND ASSOCIATES LANDSCAPE ARCHITECTS INC
 700 MISTLETOE ROAD, SUITE 201
 ASHLAND, OREGON 97520



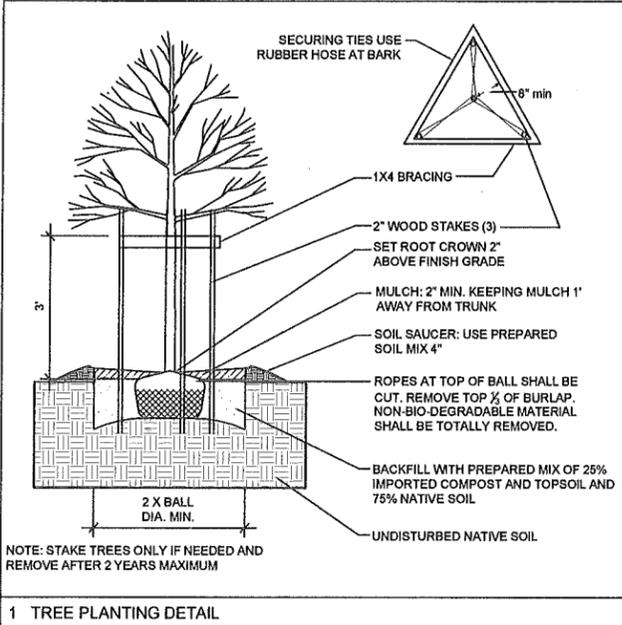
Revision Date:

Drawn By:
 KAG
 Scale: 1/8" = 1'-0"

WAY RESIDENCE
 260 NORTH FIRST STREET
 ASHLAND, OREGON

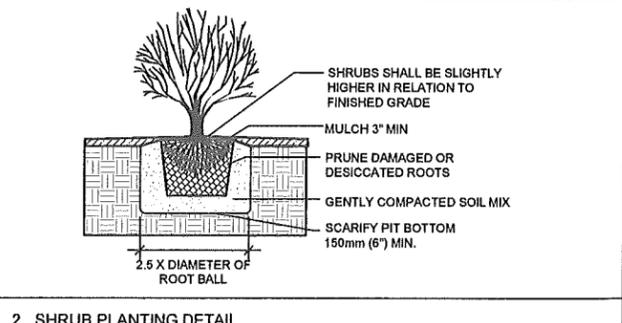
December 1, 2010

L-2.0

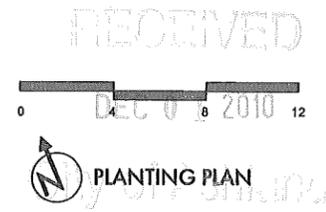


NOTES

1. PLACE 12" COMPOST/TOPSOIL BLEND IN ALL TREE AND SHRUB PLANTING. COMPOST/TOPSOIL BLEND AVAILABLE FROM CRATER SAND AND GRAVEL.
2. INSTALL SOIL BLEND IN 6" LIFTS AND TILL THOROUGHLY TO BLEND W/ EXISTING SOIL.
3. PLANT ALL TREES AND SHRUBS PER DETAIL 1 & 2; LA SHALL APPROVE ALL PLANT LAYOUT PRIOR TO INSTALLATION.
4. MULCH PLANTING AREAS AFTER INSTALLATION OF PLANT MATERIAL WITH 3" OF DARK MULTIBARK, OR EQUAL.
5. APPLY DEER SPRAY TO ALL NEW PLANTS PRIOR TO AND FOLLOWING INSTALLATION.



PLANT LEGEND				
CATEGORY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES	LAGT	LAGERSTROEMIA INDICA 'TONTO'	TONTO CRAPE MYRTLE	15 GAL, MULTI BRANCHED
	MALS	MALUS 'SNOWDRIFT'	SNOWDRIFT CRABAPPLE	1.25" CAL
SHRUBS, PERENNIALS AND GRASSES	ANEP	ANEMONE 'PRINCE HEINRICH'	PRINCE HEINRICH ANEMONE	1 GAL
	BUGX	BUXUS 'GREEN VELVET'	GREEN VELVET BOXWOOD	1 GAL
	CHAF	CHAMAECYPARIS OBTUSA 'FILICOIDES'	FALSE FERNSPRAY CYPRESS	5 GAL
	HYDN	HYDRANGEA M. 'NIKKO BLUE'	NIKKO BLUE HYDRANGEA	5 GAL
	LAVH	LAVANDULA ANG. 'HIDCOTE'	HIDCOTE LAVENDER	1 GAL
	MISM	MISCANTHUS SINENSIS 'MORNING LIGHT'	MORNING LIGHT MAIDEN GRASS	1 GAL
	RHOC	RHODODENDRON 'CUNNINGHAM'S WHITE'	CUNNINGHAM'S WHITE RHODODENDRON	5 GAL
	ROSA	ROSEMARY 'ARP'	ARP ROSEMARY	1 GAL
	SPIA	SPIREA 'ANTHONY WATERER'	ANTHONY WATERER SPIREA	2 GAL
	TAXH	TAXUS X MEDIA 'HICKSI'	HCK'S YEW	4' TALL
MIXES/ GROUNDCOVER	ISOF	ISOTOMA FLUVIATILIS	BLUE STAR CREEPER	FLATS @ 24" O.C.
	MIX 1	CAREX MORROWM 'ICE DANCE' LITHODORA 'GRACE WARD' SCABIOSA 'BUTTERFLY BLUE'	VARIEGATED SEDGE GRACE WARD LITHODORA BUTTERFLY BLUE PINCUSHION FLOWER	4" POTS @ 24" O.C.



From: Karl Johnson
To: Billie Boswell; Carolyn Schwendener
Date: 8/16/2010 3:18 PM
Subject: Re: PreApp- 260 First St 9-1-2010 2:00 pm

Public Works Conditions of Approval

1. Engineered Plans - Where public improvements are required or proposed, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. All design plans must meet the City of Ashland Public Works Standards. Engineered construction plans and specifications shall be reviewed and signed by the Public Works Director, prior to construction. All public facilities within the development will be designed to the City of Ashland Engineering Design Standards for Public Improvements. The engineered plans shall also conform to the following:
 - A. If drawings are submitted to the City of Ashland digitally, they shall be compatible with the AutoCAD release being used by the City at that time or shall be true scale PDF drawings. All AutoCAD drawings shall be located and oriented within the Oregon State Plain Coordinate System (NAD83-89).
 - B. Drawings sizes shall comply with ANSI-defined standards for page width and height. Review drawings may be submitted in B size (11x17). Bidding and construction documents may also be printed at B size, however all final as-constructed drawings must be submitted to scale on D-size (24x36) Mylar. Digital files of the as-constructed drawings shall also be submitted. Drawings shall be drawn such that reduction of plans from full size (D sized) to half size (B sized) can be done to maintain a true scale on the half-sized plans.
2. TIA (Transportation Impact Analysis) – No TIA will be required for this project.
3. Street Improvement – No additional street improvements will be required at this time. The applicant is correct in the fact that the City has plans for the installation of curbside sidewalk along the frontage of this property as part of the 2010 Miscellaneous Concrete Project. Curbside was approved by Planning Department previously as to match up with the other sidewalks in the area.
4. Right of Way – No additional right of way dedication will be required at this time.
5. Sanitary Sewer - The property is currently served by a 6-in sanitary sewer main in 1st Street. No additional improvements to the City infrastructure will be required at this time.
6. Water - The property is currently served by a 4-in water main in 1st Street. No additional improvements to the City infrastructure will be required at this time.
7. Storm Drainage - The property is currently served by a 12-in storm sewer main in 1st Street. No additional improvements/requirements to the City infrastructure will be requested at this time.
8. Driveway Access – The applicant will have driveway improvements made with the installation of the new sidewalk along the frontage.
9. Permits – Any construction within the public right of way will require a Public Works permit and before any work in the right of way commences all necessary permits must be obtained
10. As-Builts- Where public improvements are required or completed, the developer shall submit to the City of Ashland, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
11. Addresses– Any new addresses must be assigned by City of Ashland Engineering Department.

>>> Billie Boswell 08/16/2010 11:39 AM >>>
Attached is the Pre-Application materials for you to review

Please send your comments on this action by August 25, 2010 to both me and Carolyn Schwendener (in case one of us is gone).

(NOTE: If you wish to print a hard copy, open attachment with your Adobe Reader. Select "Print" Under "Page Handling," make sure to mark "Choose Paper Source by PDF page size" Your copier will then print 8 1/2x11 or 11x17 as appropriate)

City Plans for
Sidewalk & Driveway Adornment

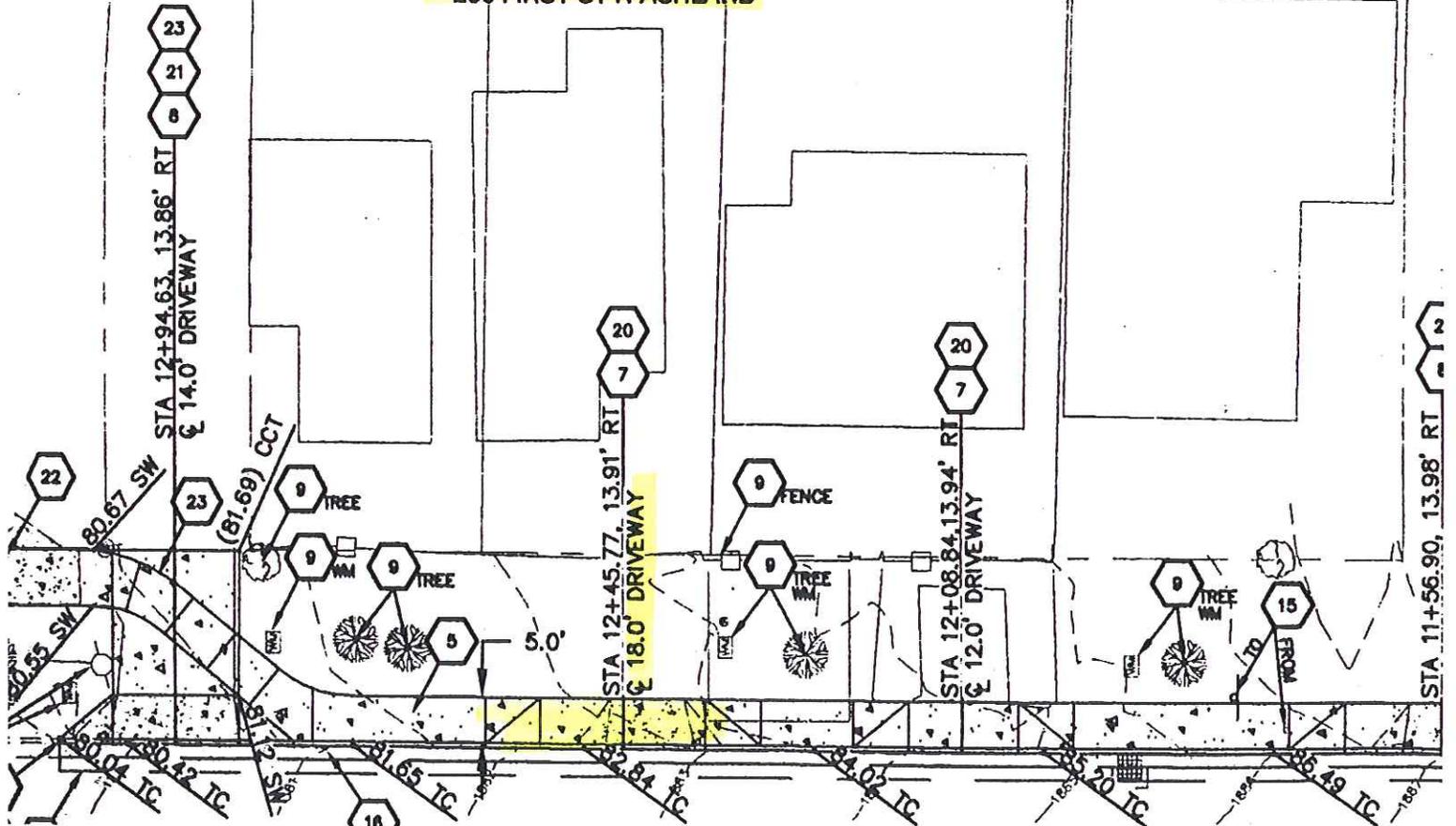


TL 1300
MILLER RUTH M
LANG PHILIP C
270 FIRST ST N ASHLAND

TL 1600
BASS RONALD E TRUSTEE
BASS TRACY E TRUSTEE
BASS RONALD AND TRACY
TRUST 240 FIRST ST N
ASHLAND

TL 1700
LAW KENDRA
236 FIRST ST N ASHLAND
238 FIRST ST N ASHLAND

TL 1500
WAY PATRICIA
WILLMETH MELISSA M
260 FIRST ST N ASHLAND

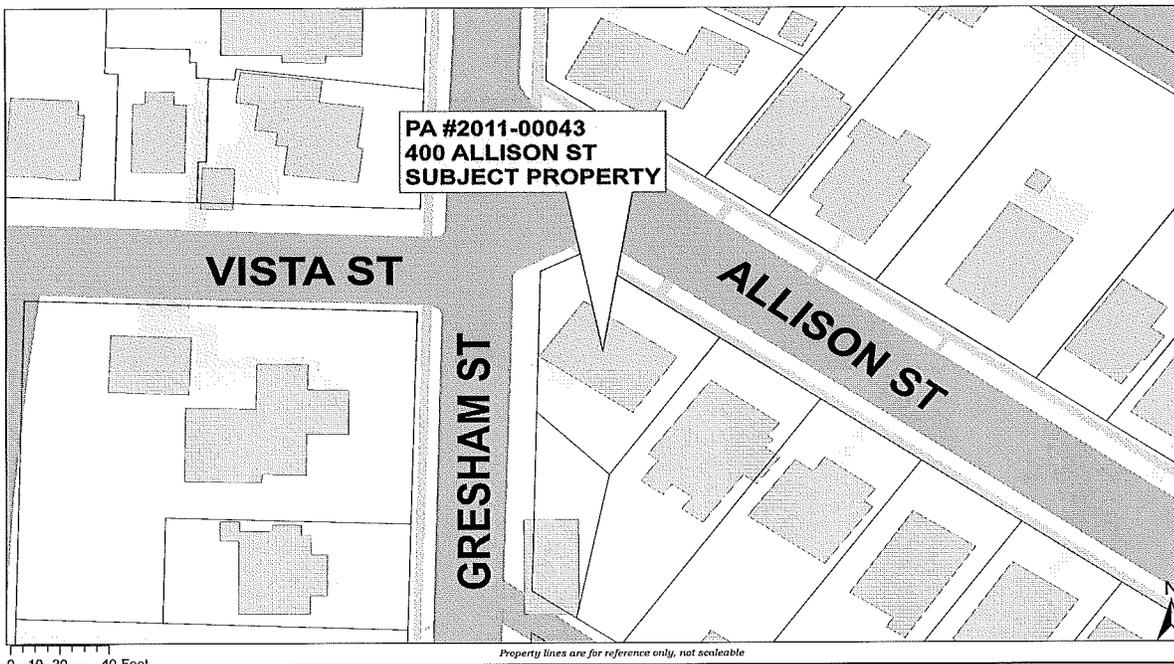




PLANNING ACTION: 2011-00043
SUBJECT PROPERTY: 400 Allison Street
APPLICANT: Heiland Hoff, Architect for owner Robin Biermann
DESCRIPTION: A request for a Modification of Planning Action #2010-00993, a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by nine percent or 173 square feet. The original approval allowed demolition of the existing 1,144 square foot non-historic/non-contributing duplex building and constructing a new two-story 2,041 square foot single-family dwelling with a daylight basement and two-car garage in its place, along with a Tree Removal Permit to remove eight trees six-inches in diameter at breast height (d.b.h.) or greater. The modifications proposed include the addition of dormers, changes to windows on all four elevations, a reduction in the size of the back porch, and some general dimensional changes while remaining within the originally approved floor area. **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 **March 2, 2011 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *March 8, 2011 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.

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
March 8th, 2011**

PLANNING ACTION: PA-2011-00043

APPLICANT: Heiland Hoff, Architect for owner Robin Biermann

LOCATION: 400 Allison Street

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential

APPLICATION DEEMED COMPLETE: February 28th, 2011

120-DAY TIME LIMIT: June 20th, 2011

ORDINANCE REFERENCE: 18.24 R-2 Low-Density Multi-Family
Residential District
18.104 Conditional Use Permits

REQUEST: A request for a Modification of Planning Action #2010-00992, a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by nine percent or 173 square feet. The original approval allowed demolition of the existing 1,144 square foot non-historic/non-contributing duplex building and constructing a new two-story 2,041 square foot single-family dwelling with a daylight basement and two-car garage in its place, along with a Tree Removal Permit to remove eight trees six-inches in diameter at breast height (d.b.h.) or greater. The modifications proposed with the current request include the addition of dormers, changes to windows on all four elevations, a reduction in the size of the back porch, and some general dimensional changes while remaining within the originally approved floor area.

I. Relevant Facts

A. Background - History of Application

Planning Action #2010-00992 was approved by the Planning Commission in November of 2010. The project consisted of demolishing an existing 1,144 square foot non-historic/non-contributing duplex building and constructing a new two-story 2,041 square foot dwelling with a daylight basement and two-car garage. The Building Division has approved the demolition proposal subject to the applicant receiving land use approval and obtaining a building permit for a replacement structure. The approval granted included a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by nine percent or 173 square feet.

B. Detailed Description of the Site and Proposal

The subject property is located at the southeast corner of the intersection of Gresham and Allison Streets, in the Siskiyou-Hargadine Historic District and the R-2 (Low Density Multi-Family Residential) zoning district. The property is irregularly shaped, with an area of approximately 4,917 square feet and is considered to be a legal, non-conforming lot as it was created prior to current zoning regulations and thus has an area which is less than the current 5,000 square foot minimum lot size in the R-2 district.

The existing building on the site is identified as the Eddie Hinger Duplex in the Siskiyou-Hargadine Historic District survey document, which notes that the single-story wood framed modern ranch-style structure was reportedly built in 1964, the same year that the lot was partitioned from 100 Gresham Street (Tax Lot #1100). The existing home is considered to be “non-historic/non-contributing” in the survey document, and is proposed for demolition with this application. Currently, vehicular access to the site is from Gresham Street to a gravel parking pad at the rear of the duplex.

General topography in the area slopes down Gresham Street to the north, toward downtown, at approximately 11 percent, however the existing duplex sits on a relatively level area of the lot which is retained by a low retaining wall directly behind the Allison Street sidewalks. The previously approved application included a tree inventory identifying 17 trees on the site, eight of which are to be removed to accommodate the re-development of the site.

II. Project Impact

Residentially zoned properties located within Ashland’s Historic Districts are subject to a Maximum Permitted Floor Area (MPFA) limitation based on the lot size and number of units proposed. This limitation is intended to preserve the historic character of Ashland’s National Register historic districts by insuring that development is architecturally and historically compatible with historic development patterns and fits well into the fabric of these well-established historic neighborhoods. The ordinance establishing the MPFA limitations provides for applicants to exceed the MPFA by up to 25 percent when they obtain a Conditional Use Permit; this is a discretionary approval which provides a higher level of review of proposed structures in the context of Ashland’s Conditional Use Permit approval criteria as well as the Site Design and Use Standards’ “Historic District Development Standards”. 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 the Historic District Design Standards. In these cases, the Historic Commission advises both the applicants and city decision makers.

The applicants were previously approved to demolish the existing 1,144 square foot non-historic/non-contributing duplex building and constructing a new two-story 2,141 square foot dwelling with a daylight basement to contain a two-car garage. This approval required a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by nine percent or 173 square feet. The current request is to modify the previous approval to allow exterior changes to the building including the addition of dormers, changes to windows on all four elevations, a reduction in the size of the back porch, and some general dimensional changes while remaining within the originally approved floor area.

The coverage to the Maximum Permitted Floor Area proposed here remains at nine percent, well within that allowed through the Conditional Use Permit process. While this is below the ten percent threshold which would typically require a public hearing, staff opted to schedule the item for a public hearing rather than granting administrative approval as the previous application resulted in a rather involved hearing process which focused specifically on the compatibility of the proposed building design with the surrounding district and the current requests changes some of the design elements arrived at through that recent hearing process.

The previous request was reviewed in light of the applicable standards for a Conditional Use Permit to exceed the Maximum Permitted Floor Area through the hearing process leading up to the November 2010 approval. In staff's view, all of the previous findings with regard to these criteria remain valid; rather than duplicate that discussion, this staff report will focus specifically only on those modifications being proposed with the current request. The findings for the previous approval will be provided with the packet for reference with regard to the applicability of broader standards.

Proposed Modifications

The application materials provided summarize the proposed modifications as follows:

We have added a dormer window to the North and South sides of the building. The arrangement of the windows has changed slightly on all four walls. We have made the back porch smaller to allow a bigger and more useable back yard. We have exactly the same square footage as the approved CUP design, but we have made minor adjustments to the exterior dimensions.

The building designs approved are presented alongside the proposed modifications in the attached staff exhibits (See S-1 through S-4); the applicants' description of the modifications proposed and findings are summarized below.

Dormers & Windows

On the north elevation, facing Allison Street, a new dormer is being shown where an awning window was previously identified. The dormer roof allows the previous awning window to be replaced by a pair of tall, narrow double-hung windows to match the other windows on that elevation.

On the west elevation, facing Gresham Street, a pair of tall narrow kitchen windows have replaced a wider window that was previously shown. The applicants suggest that while in the approved design all windows were identical, this change will provide some visual interest while still tying into the rhythm of openings on the north elevation.

On the south elevation, which faces the back yard, a new dormer is proposed to mirror the front dormer, although the sill heights do not match because of a roof area below the south elevation's dormer. The applicants indicate that they believe this dormer results in more attractive appearance for the south elevation of the building and takes better advantage of the natural light. In addition, the south kitchen wall has seen the replacement of a wide kitchen window with a pair of tall, narrow windows to match those now proposed on the west side, and also matching the north side arrangement. Windows have also been changed on the upstairs and downstairs baths on the south side. The applicants suggest that the changes can be seen only from the backyard or from far up Gresham Street, and that both the kitchen and

back porch project enough to somewhat obscure these windows.

On the east elevation, which faces the side yard and is not easily seen from the street, the windows have been rearranged.

The applicants' submittals suggest that the dormers have no adverse material effect on the surrounding impact area, that dormers are common in the neighborhood, and that Commissioners had previously suggested that dormers might be an appropriate means to address design issues raised during the original approval process. The applicants further note that the dormers are high and pulled back from the street, and tend to change the massing of the building by breaking up the large expanse of roof and providing visual interest.

Back Porch

The applicants' submittals note that the footprint of the proposed building is to be slightly reduced with the smaller back porch. The application explains that the stairs leading off of the back porch in three directions in the approved design consumed significant yard area on an already small lot, as did the large porch itself. The application asserts that the modifications proposed here make the yard area bigger by reducing the porch and redundant stairs, yielding a yard area that is more in keeping with the neighborhood pattern. They further suggest that the back porch reduction serves to better subordinate the back porch to the front, somewhat clarifying the building's sense of entry.

Dimensional Changes

The dimensional changes proposed involve alterations to the exterior dimensions to accommodate changes in furniture and kitchen appliance arrangement, as well as a reduction in the size of the upstairs area. Because the upstairs area is being reduced in size, the gables are narrowed which raises the height of their midpoint by approximately two-inches, while remaining within the allowed height in the district. The application also notes that there is an apparent increase in exterior dimensions because the dimension lines are drawn to the face of wall studs while the square footage is calculated to the outside surface of exterior walls. The originally approved design had intended to have three-inches of exterior insulation which was outside the studs, and thus not depicted in the dimensions although it would have been considered in the floor area calculation. With the modification proposed, the applicants would remove this exterior insulation and move the studs out three inches without moving the exterior surface of the walls or altering the total floor area.

As the staff report is being prepared for distribution prior to the Historic Commission's review, a condition has accordingly been recommended below to require that the recommendations of the Historic Commission, where consistent with applicable standards and with final approval by the Advisor, become conditions of approval for the application. The Historic Commission's recommendations from their March 2nd meeting will be distributed for Planning Commissioner review at the March 8th 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.

IV. Conclusions and Recommendations

Overall, the applicants suggest that the proposed modifications render the design more compatible with the surrounding neighborhood. As noted above, staff believed that because the changes were to design elements arrived at through a recent public process it was important that the proposed modifications come back before the Historic and Planning Commissions. While staff believe the proposed modifications could be seen as relatively benign, particularly for new construction replacing a non-contributing structure, we do have some question whether the proposed design modifications, particularly the dormer placement relative to the adjacent gable and windows on the front façade, are entirely in keeping with historic patterns of the district and believe the modifications merit careful consideration by the Commission.

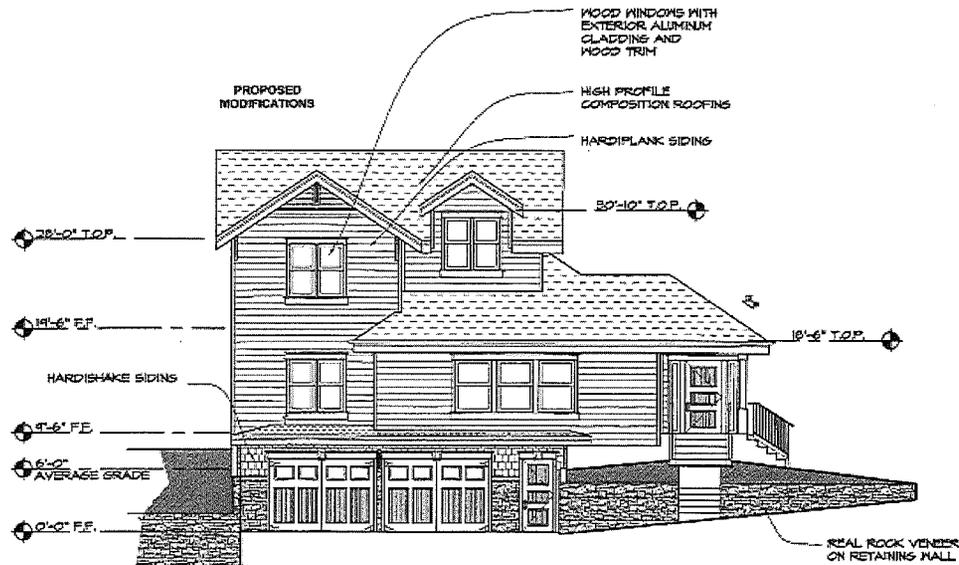
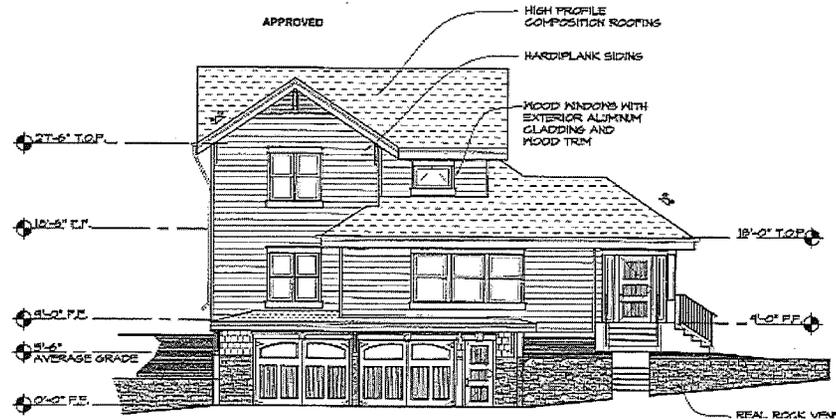
Should the Planning Commission ultimately determine that the modifications proposed remain consistent with the applicable standards and merit approval, staff would recommend that the following conditions be attached:

- 1) That all proposals of the applicant be conditions of approval unless otherwise modified herein.

- 2) That all conditions of the previous land use approval (PA #2010-00992) shall remain conditions of approval unless explicitly modified herein.
- 3) That the recommendations of the Historic Commission from their March 2nd, 2011 shall be conditions of approval where consistent with applicable standards and with final approval by the Staff Advisor.
- 4) 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.

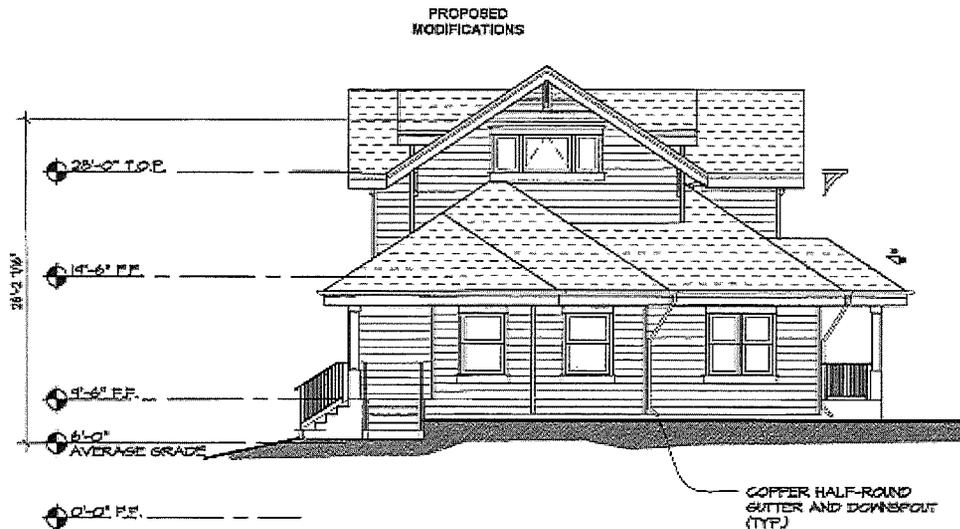
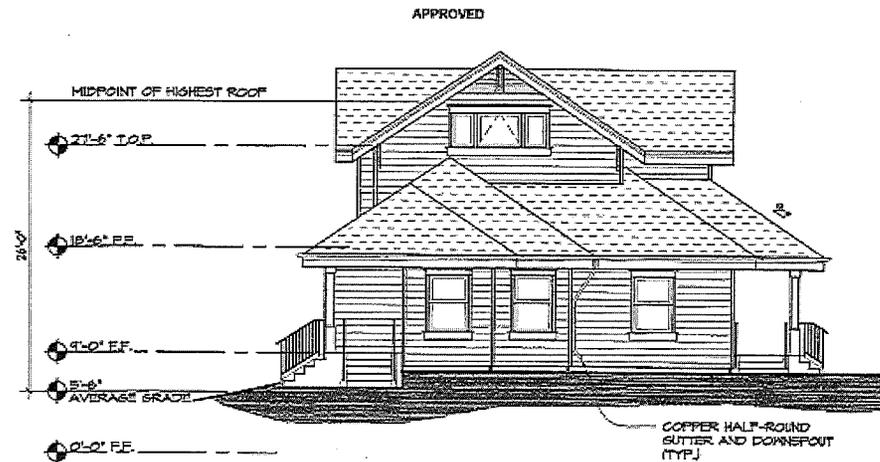
Ex. S-1

As Viewed from Allison St.



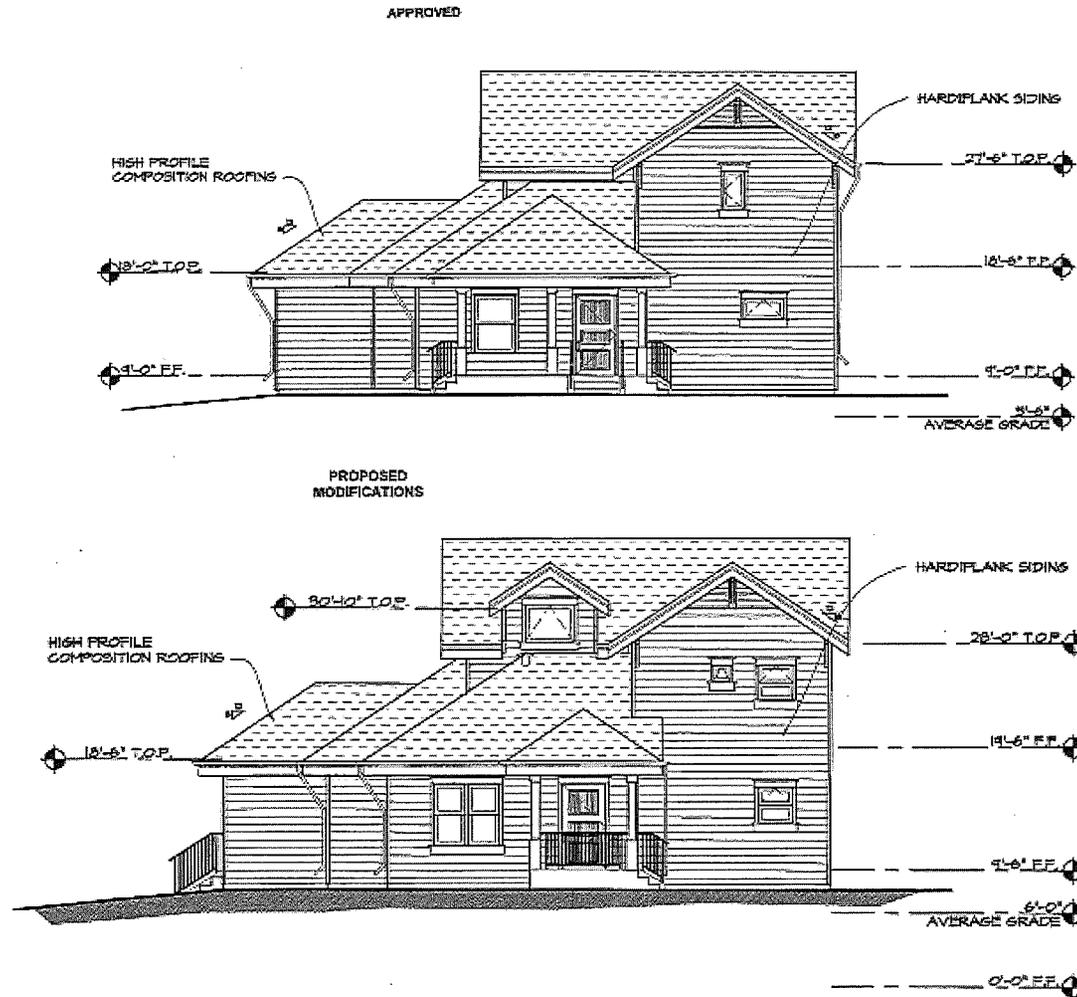
Ex. S-2

As Viewed from Gresham St.



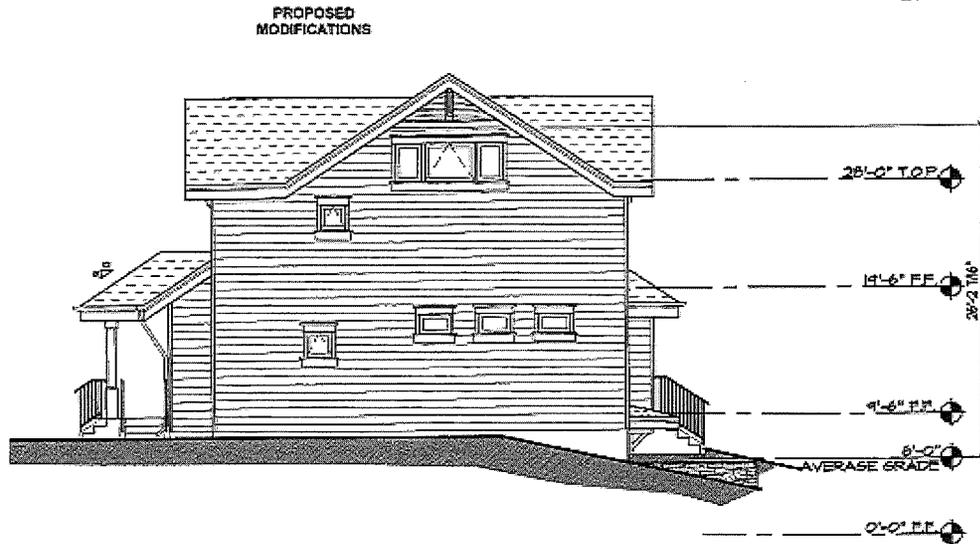
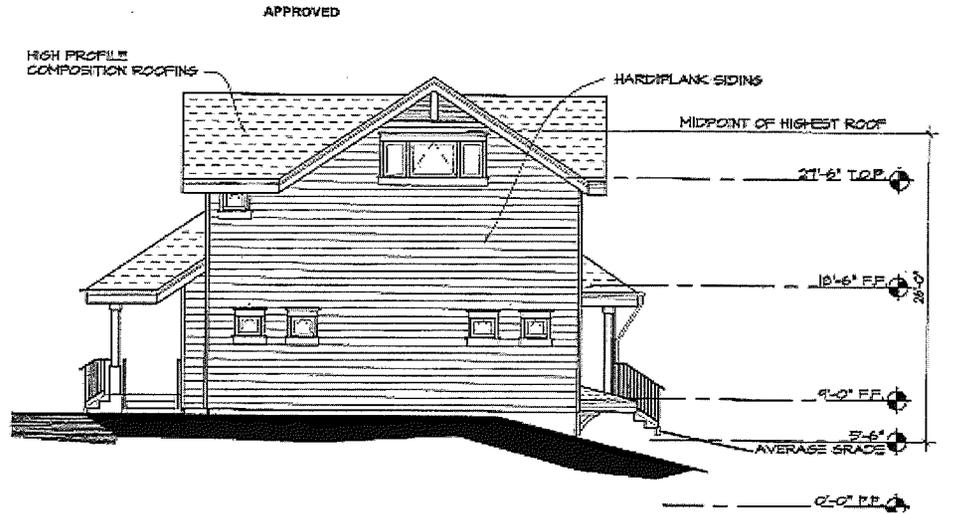
Ex. S-3

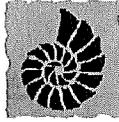
As Viewed from the South



Ex. S-4

As Viewed from the Side Yard





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February 11, 2011

FEB 14 2011

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

City of Ashland
Field _____ Office _____ County _____

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

Dear Derek:

This letter provides Supplemental Written Findings to accompany our Conditional Use Permit Modification application package, in response to your letter dated February 10, 2011 regarding incomplete items.

Summary of Modifications

This paragraph summarizes the differences between the approved CUP design and the proposed modification. We have added a dormer window to the North and South sides of the building. The arrangement of the windows has changed slightly on all four walls. We have made the back porch smaller to allow a bigger and more useable back yard. We have exactly the same square footage as the approved CUP design, but we have made minor adjustments to the exterior dimensions. We are still eight percent over MPFA.

Applicant's Statement of Completeness

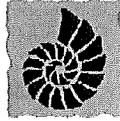
We have reviewed, filled out, and submitted the Applicant's Statement of Completeness form.

Findings Addressing the Conditional Use Permit Criteria in AMC 18.104.050:

- A. The use will 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. The approved CUP design addressed these issues. Our modification will not have any effect on this item.

- B. 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

1797 anderson creek road, talent, oregon 97540
tel. (541) 944-9639 fax.(541)535-3588
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provided to and through the subject property. The approved CUP design addressed these issues. Our modification will not have any effect on this item.

C. 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.

1. Similarity in scale, bulk, and coverage.

(These issues are discussed in the following pages under Historic District Design Standards.) The footprint coverage of our proposed modification is smaller than the approved CUP design due to the smaller back porch. The bulk is slightly diminished by the smaller back porch. It is also modified by the addition of the dormer windows. The dormers have no adverse effect compared to the target use of the zone. Most of the houses on the street have dormer windows. During our first planning commission hearing, several commissioners suggested that we should add dormer windows.

2. Generation of traffic and effects on surrounding streets.

Our single family dwelling will generate less traffic than the existing duplex, or the multi-family housing permitted under the target zoning. Our proposed modification will not have any impact on this issue compared to the approved CUP design.

3. Architectural compatibility with the impact area.

Compared to the approved CUP design, our proposed modifications will improve the compatibility with the surrounding community.

4. Air quality, including the generation of dust, odors, or other environmental pollutants.

The single family dwelling we are proposing will not generate more dust, odor, or other environmental pollutants than are permitted under the target zoning. Our proposed modification will not have any impact on this issue compared to the approved CUP design.

5. Generation of noise, light, and glare.

The single family dwelling we are proposing will not generate more noise, light, or glare than are permitted under the target zoning. Our proposed modification will not have any impact on this issue compared to the approved CUP design.

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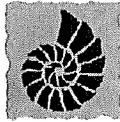
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6. The development of adjacent properties as envisioned in the Comprehensive Plan
The proposed single family dwelling will not impact the development of adjacent properties as envisioned in the Comprehensive Plan. Our proposed modification will not have any impact on this issue compared to the approved CUP design.
7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.
We will address other factors found to be relevant by the Hearing Authority for review of the proposed use as they are brought to our attention.

Historic District Design Standards

1. Height
Compared to the approved CUP design, the actual height of the highest ridge has not changed. As calculated by the city, the midpoint of the highest ridge is 2 inches higher. This is because the upstairs has gotten slightly smaller, so the gables are slightly narrower, which raises the height of the midpoint. We are still nearly four feet lower than the maximum height allowed in the historic district.
2. Scale
Compared to the approved CUP design, the area has not changed. We made some small adjustments to the exterior dimensions to accommodate changes in furniture and kitchen appliance arrangement, but we were careful to create a result with exactly the same total square footage as the approved design.
There is an apparent discrepancy between the dimensions and the area. This is because dimension lines are drawn to the face of wall studs, while the square footage is calculated to the outside surface of the exterior walls. In the approved CUP design, we included 3 inches of exterior insulation which was outside of the studs. In the modification, we have removed the exterior insulation and moved the studs out three inches, without moving the exterior surface of the walls. The result is that the dimensions grow but the area does not.
3. Massing
Compared to the approved CUP design, the massing arrangement has changed slightly. The back porch has grown smaller. Because of the triangular shape of the lot, this not only increases the size of the backyard, it also pulls the building back away from Gresham Street. This visually decreases the massing. In

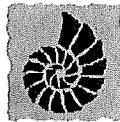
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the approved CUP design, the stairs leading off the back porch in three directions ate up a lot of back yard space, as did the large back porch. Making the back yard bigger by reducing the space consumed by the redundant stairs and large porch makes the yard more compatible with the neighborhood.

The new dormers are high and pulled back from the street, but they change the massing by breaking up the large expanse of roof.

4. Setbacks

Compared to the approved CUP design, the setbacks have not changed except that the smaller back porch is pulled back away from the corner lot side yard setback on Gresham Street.

5. Roof Shape

Compared to the approved CUP design, the roof shape has not changed except for the addition of two dormer windows. The dormers further break up the facade and make it more interesting. They also increase the compatibility of the dwelling within the neighborhood context, because most of the houses on that street have dormers.

6. Rhythm of Openings

Compared to the approved CUP design, the rhythm of openings has changed on all four sides.

The North side, which faces Allison, has a new dormer where there was previously an awning window. The dormer roof allowed the short, wide awning window to blossom into a pair of tall, narrow double hung windows that match the other windows on that wall.

The West side, which faces Gresham, has a pair of tall narrow kitchen windows to replace the wider kitchen window that was there before. In the approved CUP design, all the windows in this elevation were identical. Changing the kitchen window provides visual interest while still tying into the rhythm of openings on the North side.

The South side, which faces the back yard, also has a new dormer window. The dormer roof exactly mirrors the front dormer. The dormer window does not match the front dormer because the roof below the window is too high to allow equal sill heights. The old design had an upper roof overlapping just a few inches above the lower roof, presenting an odd appearance. The new dormer diminishes that unattractive exterior effect, while also flooding the interior with Southern light. This dormer was the most important reason why we chose to apply for a

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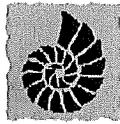
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CUP modification.

In the South side kitchen wall, the wide kitchen window was replaced by a pair of tall, narrow windows that matches the window arrangement on the West side kitchen windows. This also matches the arrangement on the North side.

In the South side upstairs and downstairs bathrooms, the window arrangement has changed. The upstairs casement window was replaced with a window shaped like a double hung window. The wide awning window downstairs was replaced with a window shaped like a double hung window, and was moved directly under the matching upstairs window, creating a more uniform continuity between the upstairs and downstairs. A small upstairs window was added. It should be noted that these changes can only be viewed from the backyard, or perhaps from far up Gresham Street. Both the kitchen and the back porch project out past the bathrooms, obscuring the bathrooms from the street.

On the East side, which faces the side yard, the windows have been moved around in the wall. This elevation cannot easily be seen from any street.

7. Directional Expression

Compared to the approved CUP design, the directional expression has not changed.

8. Sense of Entry

Compared to the approved CUP design, the front entry has not changed, but the sense of entry has improved due to modifications to the back porch.

In our original application, there was a serious problem identifying which porch was the front porch and which was the back. During the CUP process, this problem was resolved to the satisfaction of the Historic Commission through improvements in the design. Still, in the approved CUP design, the back porch remained substantially larger than the front porch, and it had stairs facing Gresham that could conceivably be mistaken for a front entry. Our proposed modification further differentiates the back porch from the front, improving the sense of entry. The back porch was made smaller. The stairs leading from the back porch to Gresham Street were removed and replaced with a railing. The South-facing stairs were also removed and replaced with a railing, leaving only the stairs facing the Southeast corner of the back yard. This alleviates any possibility of mistaking the back porch for the front entry.

9. Platforms

Compared to the approved CUP design, there is no change in the

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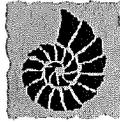
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expression of raised platforms. The front porch has not changed. The back porch has grown smaller, but remains at the same height.

10. Imitation

Compared to the approved CUP design, there is no change in the imitation of earlier architectural styles.

We anticipate and appreciate your support and the support of the rest of the planning staff in presenting our modified design to the historic commission and ultimately to the planning commission. We look forward to discussing this project with all interested parties. If you have any questions or concerns, please feel free to contact me. You may reach me at (541) 944-9639, or you may e-mail me at heiland@heilandhoffarchitecture.com.

Sincerely,

Heiland Hoff
Principal Architect

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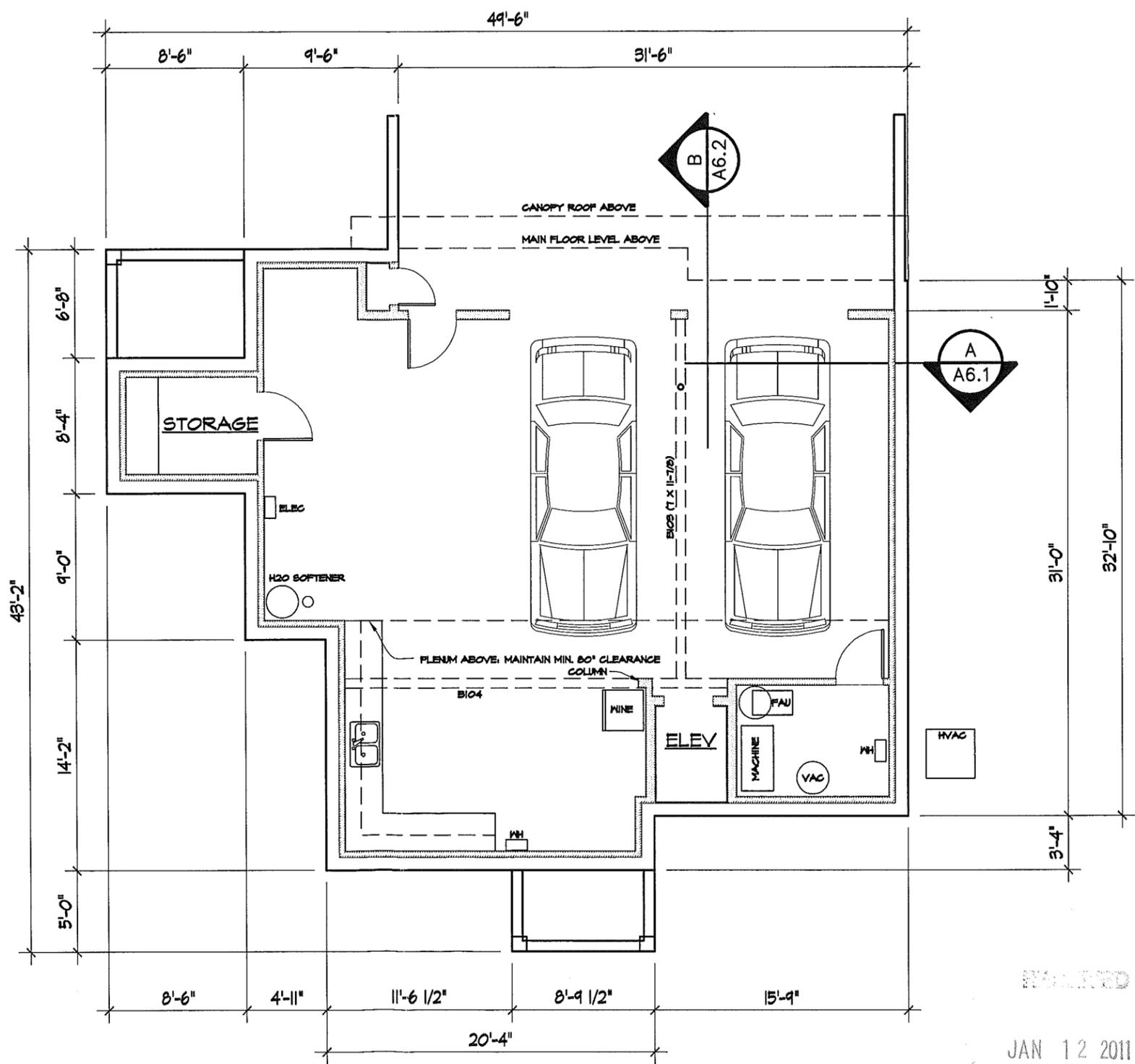
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fax: (541) 535-3588

new dwelling for
Robin Biermann
400 Allison Street
Ashland, Oregon

FLOOR PLAN
BASEMENT
design development

Date: Jan. 11, 2011
Scale: AS NOTED
Drawn by: hh
Sheet No.

A2.0



NOTED
JAN 12 2011



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

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new dwelling for
Robin Biemann
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FLOOR PLAN
UPPER LEVEL
design development

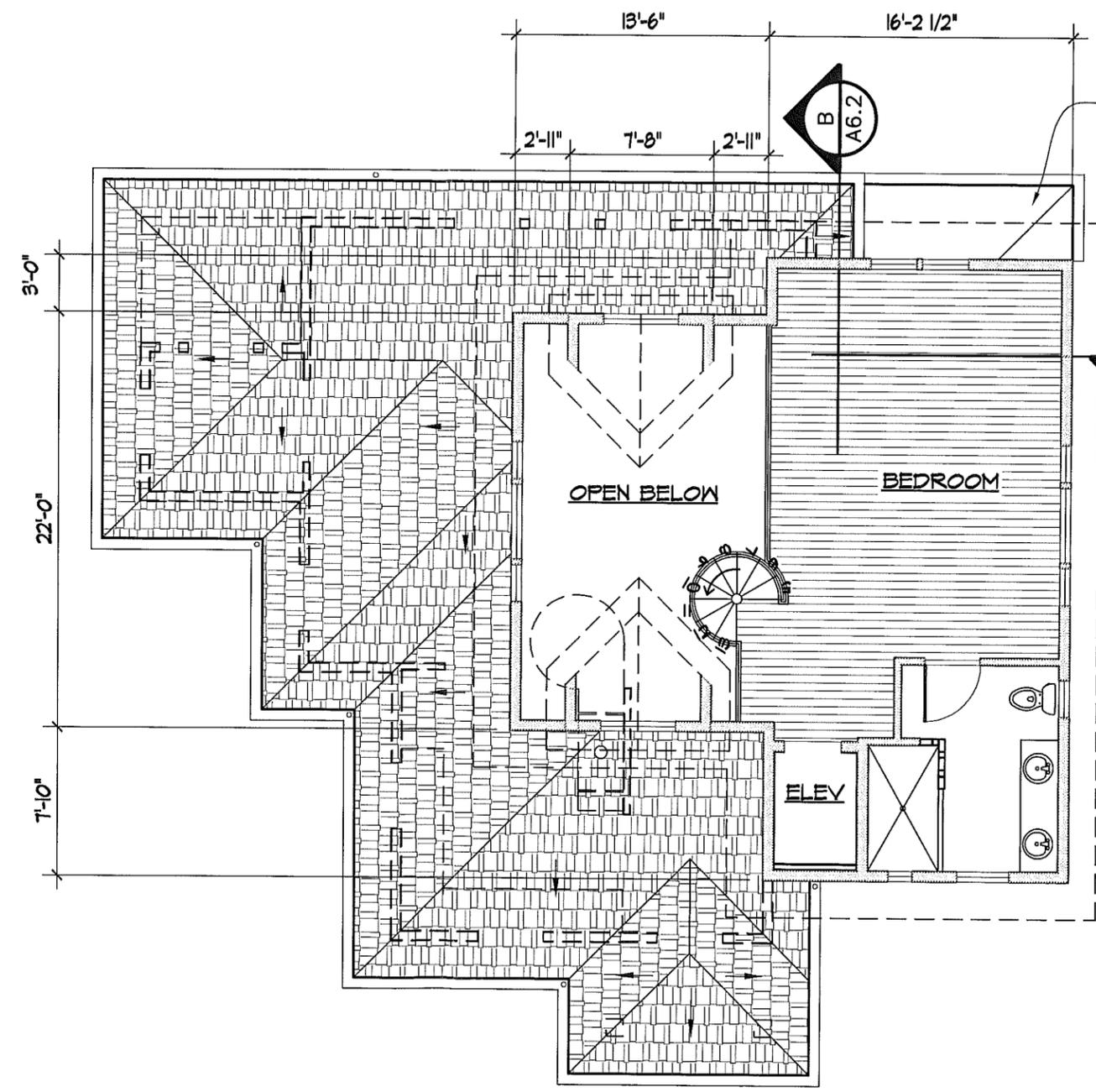
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A2.2

UPPER LEVEL
555 SQ. FT.

UPPER LEVEL EMPTY VOLUME
266 SQ. FT.

NOTE TO PLANNER:
THE UPSTAIRS SPACE, INCLUDING UPPER LEVEL FLOOR AREA AND EMPTY VOLUME, REMAINS THE SAME AS THE C.U.P. APPROVED PLAN AT 821 SQUARE FEET. THE EMPTY VOLUME AREA HAS GROWN TO ACCOMMODATE THE NEW DORMERS. THE FLOOR AREA HAS SHRUNK ACCORDINGLY.



THESE ROOF PLANES COVER GARAGE LEVEL SPACES AND ARE SHOWN ON SHEET A2.1.



REVISION
JAN 12 2011



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

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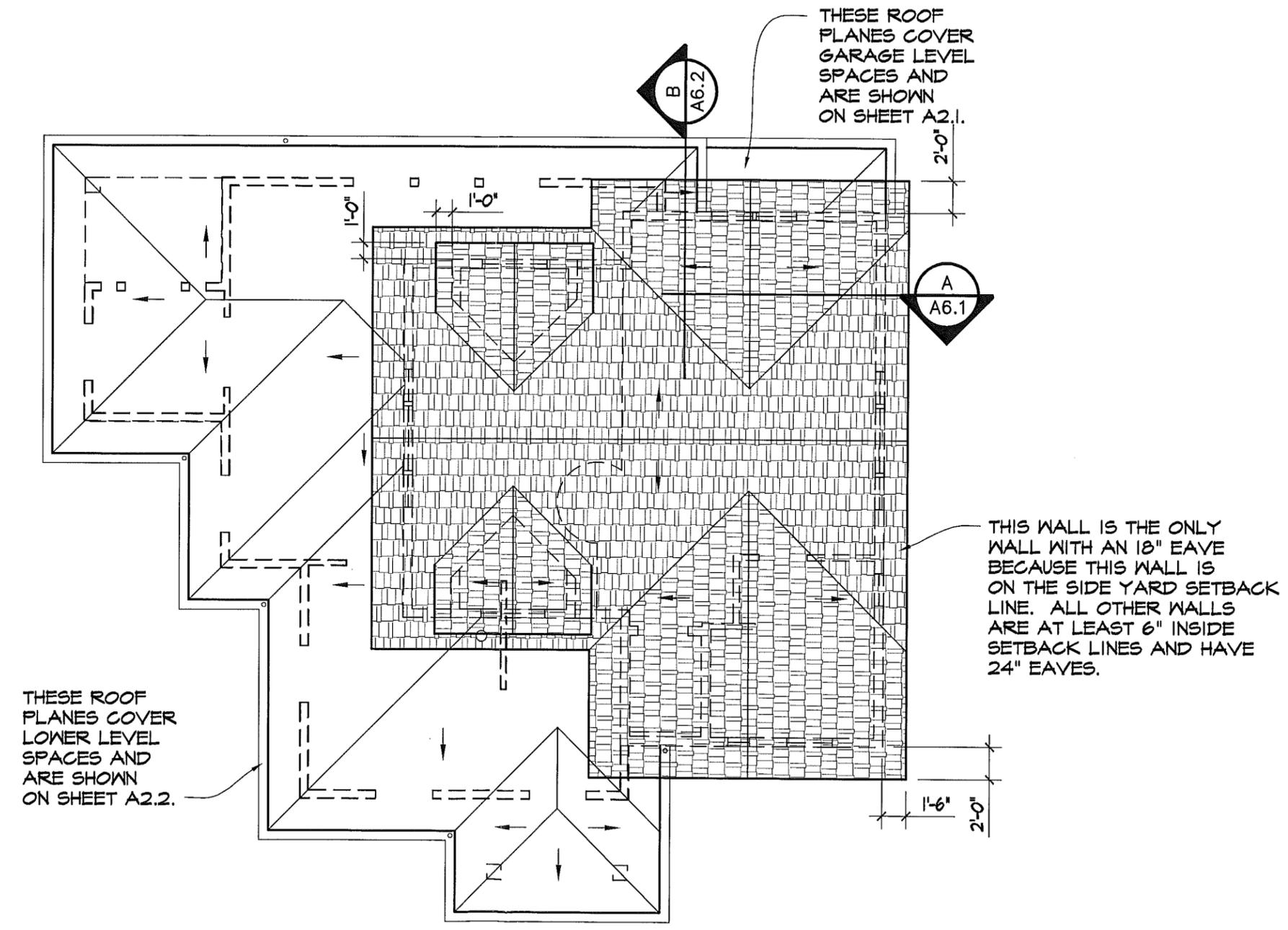
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new dwelling for
Robin Biermann
400 Alison Street
Ashland, Oregon

ROOF PLAN
design development

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A5.1



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

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new dwelling for
Robin Biermann

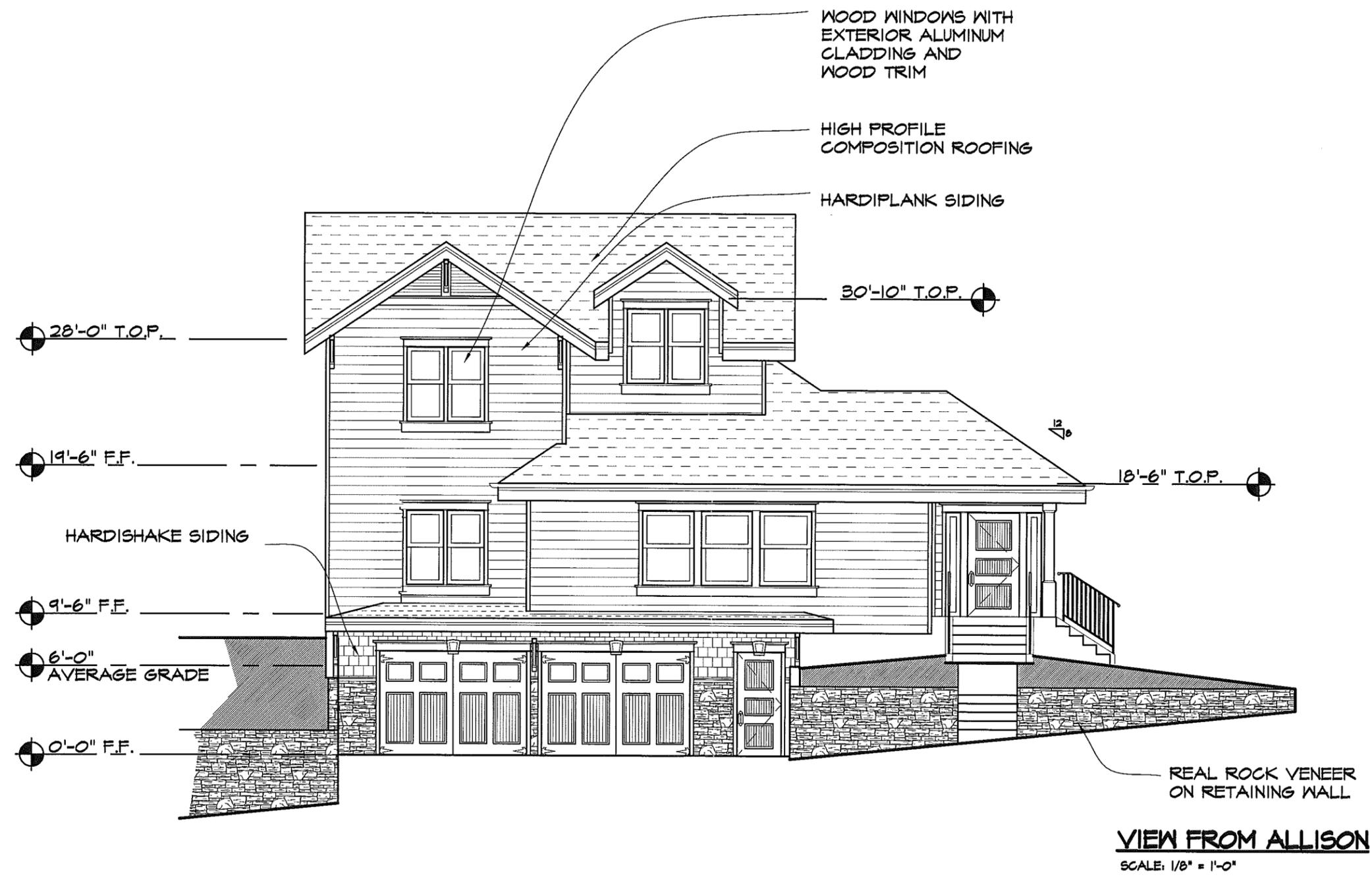
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Ashland, Oregon

ELEVATIONS

design development

Date: Jan. 11, 2011
Scale: AS NOTED
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Sheet No.

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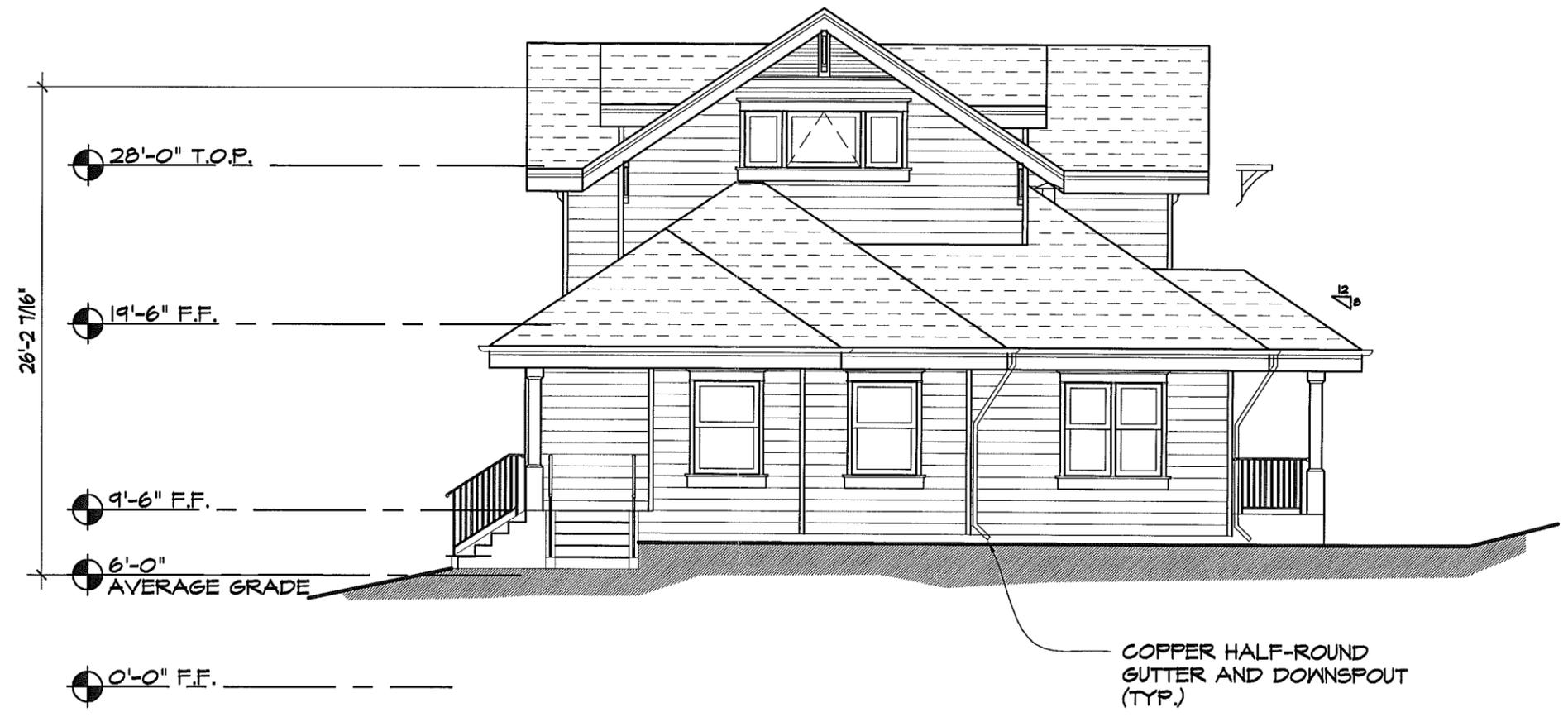
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ELEVATIONS

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A7.2



VIEW FROM GRESHAM

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

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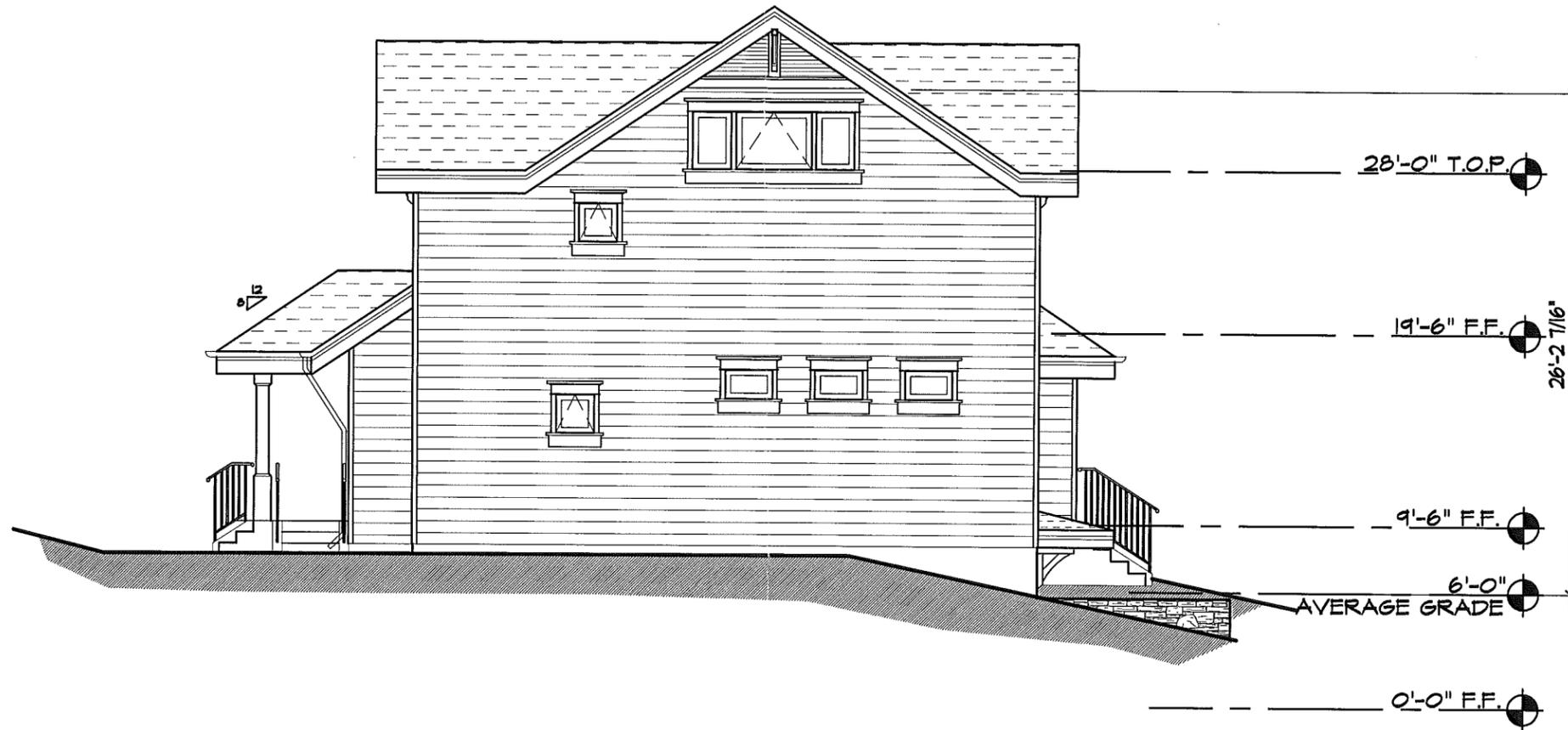
VIEW FROM SOUTH
SCALE: 1/8" = 1'-0"

JAN 12 2011

new dwelling for
Robin Biermann
400 Allison Street
Ashland, Oregon

ELEVATIONS
design development

Date:	Jan. 11, 2011
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VIEW FROM SIDE YARD

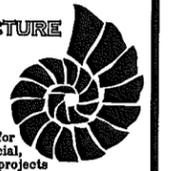
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A7.4

PREVIOUS APPROVAL

FINDINGS

&

APPROVED PLANS

BEFORE THE PLANNING COMMISSION
November 9th, 2010

IN THE MATTER OF PLANNING ACTION #2010-00992, A REQUEST FOR)
A CONDITIONAL USE PERMIT TO EXCEED THE MAXIMUM PERMITTED)
FLOOR AREA (MPFA) WITHIN A HISTORIC DISTRICT BY NINE PERCENT) **FINDINGS,**
OR 173 SQUARE FEET. THE APPLICATION ALSO INCLUDES A REQUEST) **CONCLUSIONS**
FOR A TREE REMOVAL PERMIT TO REMOVE EIGHT TREES SIX-INCHES) **AND ORDERS**
IN DIAMETER AT BREAST HEIGHT (D.B.H.) OR GREATER.)
)
)

APPLICANTS: Heiland Hoff, architect for owner Robin Biermann)
)
)

RECITALS:

- 1) Tax lot #14200 of Map 39 1E 09 BD is located at 400 Allison Street, within the Siskiyou-Hargadine Historic District and is zoned Low Density Multi-Family Residential (R-2).
- 2) The applicants are requesting a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by nine percent or 173 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 2,041 square foot dwelling with a daylight basement and two-car garage in its place. 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. The proposal, including the design for the proposed home, is outlined on the plans on file at the Department of Community Development.
- 3) The criteria for a Conditional Use Permit are described in Chapter 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.*
- 4) The criteria for approval of a Tree Removal Permit are described in Chapter 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.*
- 5) The Planning Commission, following proper public notice, held a public hearing on October 12th, 2010 at which time testimony was received and exhibits were presented. The Planning Commission continued the matter to their regular meeting on November 9th, 2010 to allow the applicants to prepare a modified design proposal addressing issues raised by the Historic and Planning Commissions. At their November 9th, 2010 meeting, the Planning Commission approved the application for a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by nine percent or 173 square feet and for a Tree Removal Permit to remove eight trees six-inches in diameter at breast height (d.b.h.) or greater subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the subject property is a legal non-conforming lot as it was created prior to current zoning regulations with a 4,917 square foot lot area that is less than the current 5,000 square foot minimum lot area to accommodate less than two units in the R-2 district. With the removal of the duplex and its replacement with a single family residence, the

property will become more compliant with the allowed density of the district. The Commission further finds that the existing building on the site, known as the Eddie Hinger Duplex in the Siskiyou-Hargadine Historic District survey document, is considered to be “non-historic/non-contributing” resource in the survey document.

The Planning Commission further finds that demolition of the existing duplex to construct a single family home is subject to the regulations pertaining to the conversion of existing multi-family dwelling units into for-purchase housing in AMC 18.24.040.L.7, and a condition has accordingly been added to require that the applicants provide evidence of compliance with the tenant rights provisions of Chapter 10.115 of the Ashland Municipal Code.

2.3 The Planning Commission finds that the property is currently served by an eight-inch sanitary sewer main and a six-inch water main located in the Allison Street right-of-way; a ten-inch storm sewer main in Gresham Street also serves the property. The Commission finds that these existing facilities are adequate to serve the proposed home. The Commission further finds that the Electric Department has indicated that there are no identified issues which would prevent the applicants from converting the existing overhead electric services for the duplex units to a single city-standard underground service for the new single family residence.

The Planning Commission finds that Allison Street, designated as a residential neighborhood street, is currently improved with paving, curbs, gutters, sidewalks and parkrow planting strips in place along the full frontage of the subject property. The Commission further finds that Gresham Street, designated as a collector street, is also paved with curbs and gutters in place, but lacks sidewalks along the subject property’s frontage. The Commission finds that both of the subject property’s street frontages lack required street trees, however the applicants have proposed to plant them with the application. The Commission has included a condition of approval to require that the applicants sign in favor of future street improvements for Gresham Street, including the installation of sidewalks.

2.4 The Planning Commission finds that that the proposed single family home will generate less traffic than the existing duplex, or other multi-family housing that is allowed within the district, and will generate no more dust, odor or other environmental pollutants than would any single family dwelling. The Commission finds that the proximity to the downtown, Southern Oregon University, shopping and bus routes is likely to result in a reduction in vehicle trips over what might be expected for a similar unit located further from the core of downtown. The Commission further finds that the proposed home will not impact the development of adjacent properties as envisioned in the Comprehensive Plan.

2.5 The Planning Commission finds that 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 for an R-2 zoned lot of this size would be the development of the site with a single unit built to the allowed maximum permitted floor area (MPFA) of 1,868 square feet. The Commission further finds that in addition to the Conditional Use Permit criteria, the ordinance also requires that properties seeking an overage to the Maximum Permitted Floor

Area are to be considered in light of the Historic District Development Standards, as noted in AMC 18.24.040.K. These standards address compatibility with historic context in terms of height, scale, massing, setbacks, roof shape, rhythms of openings, directional expression, sense of entry, and imitation of historic architectural styles with a general focus of preserving historic district streetscapes. These Development Standards seek a traditional architecture that well represents our own time yet enhances the nature and character of the historic district.

Planning staff, the Historic Commission and the Planning Commission had raised a number of concerns when reviewing an initial design proposal in October which involved a 17 percent overage to the maximum permitted floor area (MPFA) including that the orientation of a large 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. Under that design iteration, nearly 1,000 square feet of floor area was dedicated to a great room with ceiling heights approaching 24 feet which the Commission found to exaggerate the building's mass, scale and volume beyond what was appropriate for the square footage proposed. The Commission further found that there needed to be a stronger sense of entry for the proposed home.

In reviewing the design modifications made in response to the concerns previously raised, the Commission finds that the proposed overage to the MPFA has been reduced from 17 percent to nine percent. The Commission further finds that while the current proposal retains a gable over the garage, the removal of a previously proposed turret element at the corner of the home, hiping of the roof, and modification of the window type, pattern and placement has 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. The great room area with high ceilings, previously an area of nearly 1,000 square feet which substantially increased the massing and volume of the home, has been reduced to 231 square feet significantly lessening its impact to the massing and volume. The Planning Commission finds that the proposed home articulates a clear sense of entry from Allison Street; that the window type, pattern and placement present a rhythm of openings which is compatible with the character of the district; and that the hiping of the roof and placement and orientation of the gables provides an appropriate and compatible sense of directional expression which places the highest part of the roof further from the street thereby reducing the perceived height and massing.

2.6 The Planning Commission finds that because the property is multi-family zoned and contains an existing duplex, the removal of trees greater than six-inches in diameter is regulated and requires a Tree Removal Permit. The application indicates that the site's trees have generally been poorly maintained, and will be significantly impacted by demolition and construction, and accordingly a Tree Removal Permit is requested to remove a total of eight trees six-inches in diameter at breast height or greater. These trees include four big leaf maples, an American chestnut, the single deodar cedar, and two Portuguese laurels. In addition, a maple tree and crab apple tree near the street corner are proposed to be removed; the Commission finds that these

two trees are located within the street right-of-way and their removal is therefore subject to a Street Tree Removal Permit, which is not a land use decision. The Commission finds that there are more trees on the small lot than the property can readily support, and that a number of fast-growing specimens planted near the foundation walls of the existing duplex have begun to crack the existing duplex's foundation and to impact the existing retaining wall. The Commission further finds that one tree proposed for removal is a deodar cedar which is planted under the electrical lines along Gresham Street. The Commission finds that the proposed tree removals will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks, tree densities, sizes, canopies, or species diversity within 200 feet of the subject property. The application states that the remaining trees on the property will be protected and preserved, and a tree protection plan has been provided. The application notes that five trees are to be planted to mitigate the proposed removals, and that the owner is willing to contribute to the tree fund to mitigate the removal of the remaining three trees in lieu of on-site mitigation as provided in the ordinance, and conditions to this effect have been attached to the approval.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by nine percent or 173 square feet, and for a Tree Removal to remove eight trees six-inches in diameter at breast height (d.b.h.) or greater is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2010-00992. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2010-00992 is denied. The following are the conditions and they are 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.

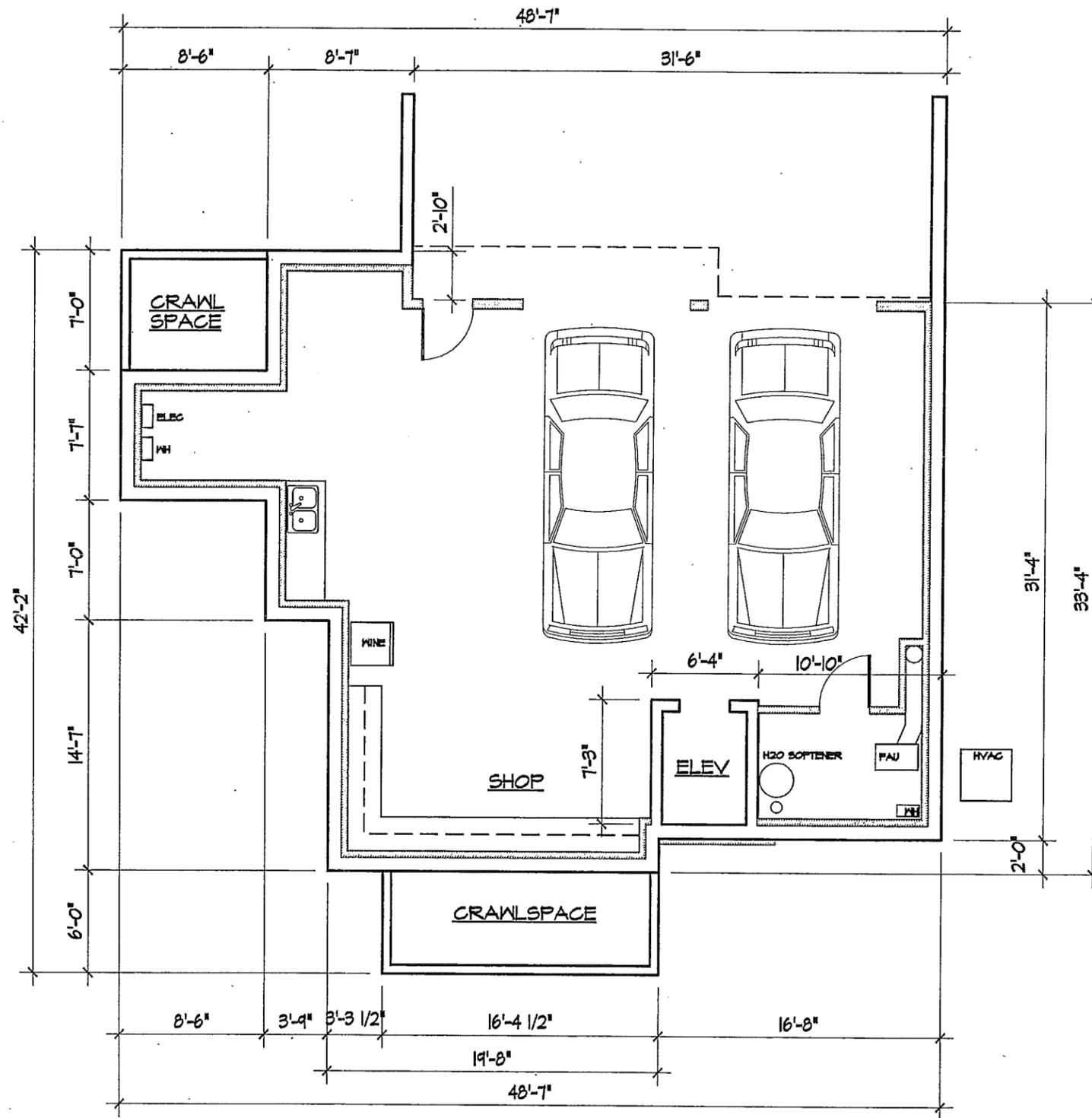
- f) Replacement trees to mitigate the trees removed shall be planted on-site and irrigated according to the approved plan, or payment in lieu of mitigation planting provided, as proposed by the applicant.



Planning Commission Approval by
Pam Marsh, *Chair*

November 9, 2010

Date



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

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ARCHITECTURE
architectural design services for winery, commercial, and residential projects
1797 anderson creek road
talent, oregon 97540
tel: (541)944-9639
fax: (541)935-3588

new dwelling for
Robin Biermann
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

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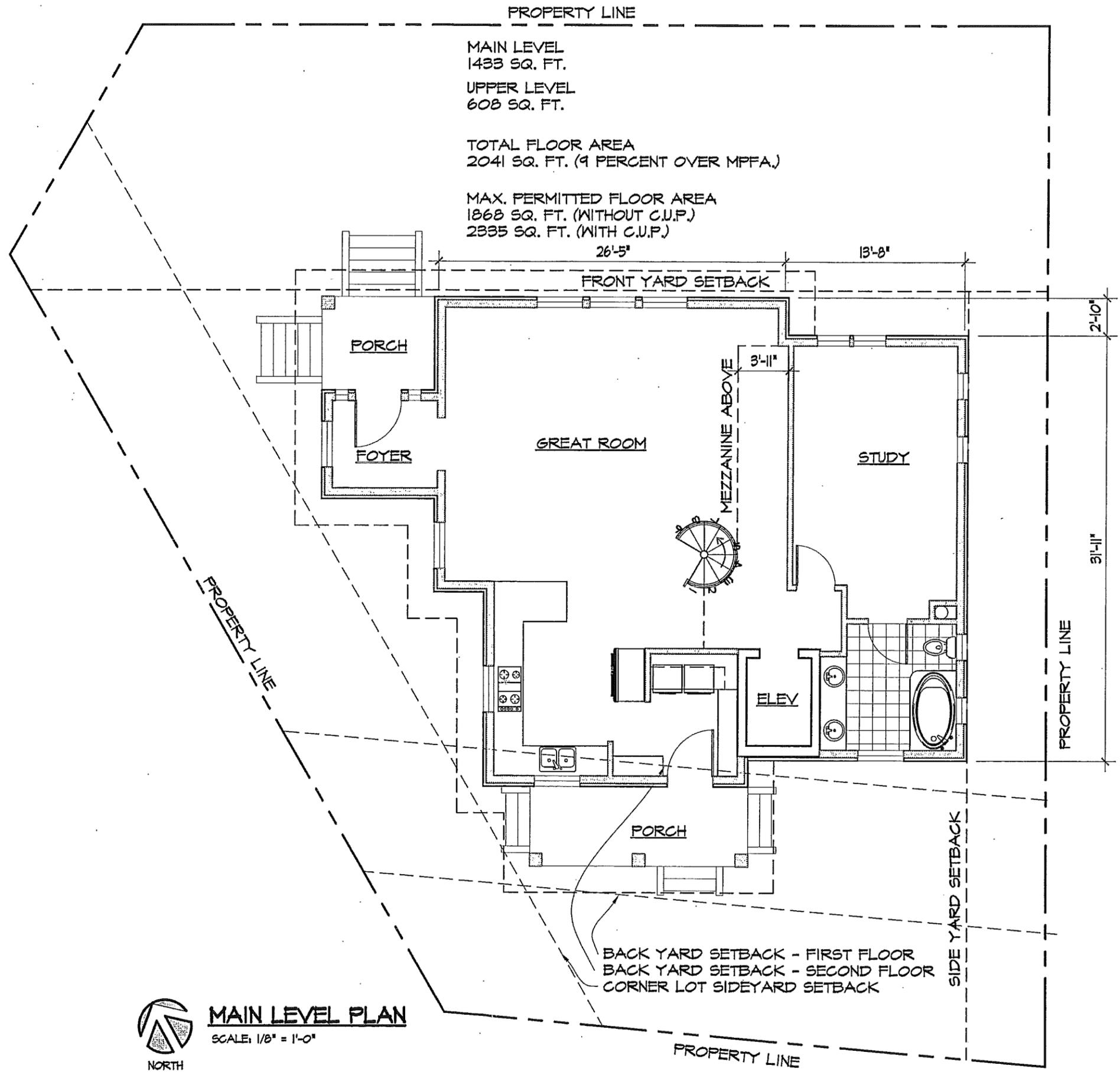
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tel: (541) 944-9639
fax: (541) 335-3588

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

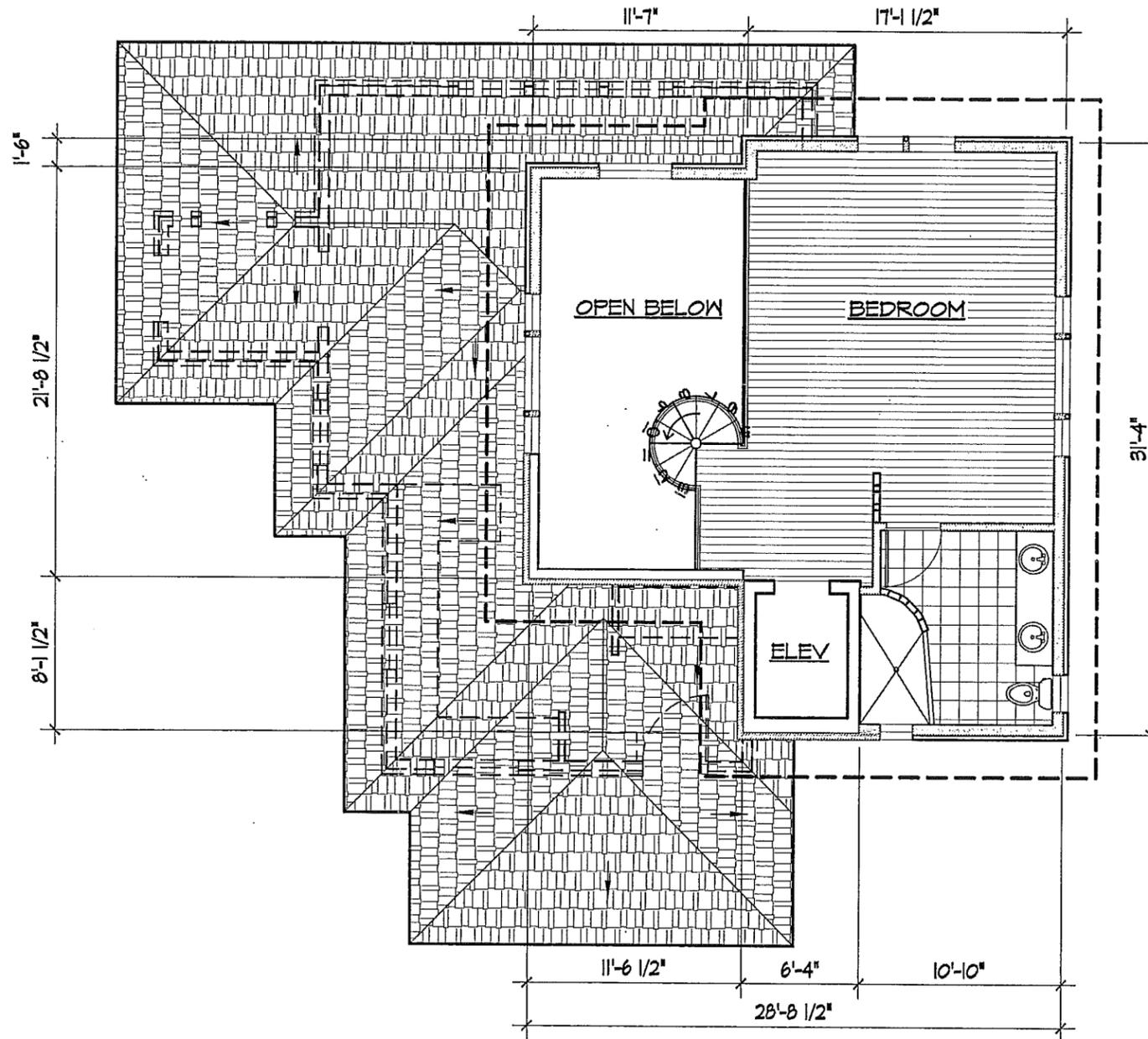
MAIN LEVEL
1433 SQ. FT.

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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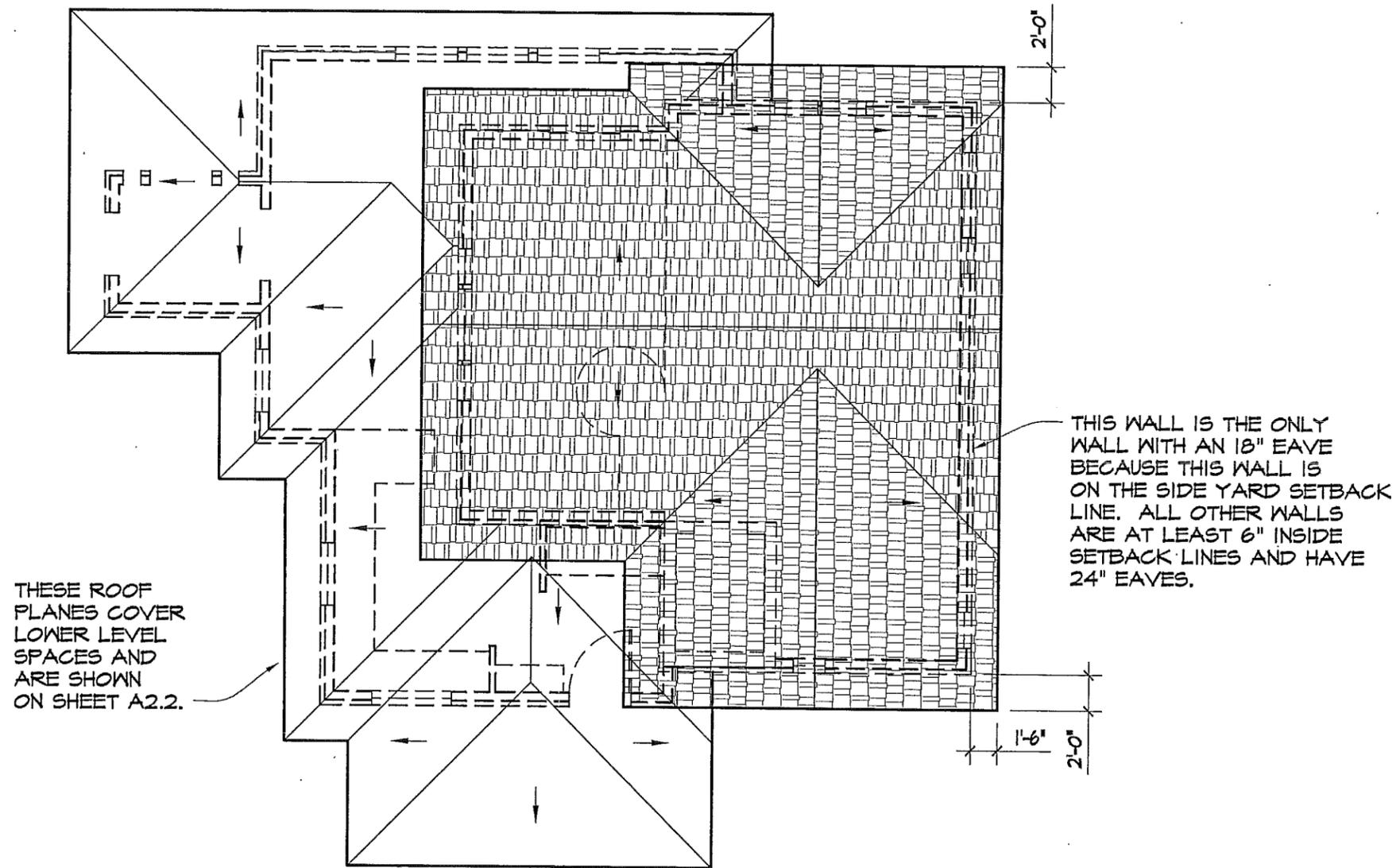
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architectural design services for winery, commercial, and residential projects
1797 anderson creek road
talent, oregon 97540
tel: (541)944-9639
fax: (541)935-3588

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"
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Sheet No.

A2.2



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

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architectural design services for winery, commercial, and residential projects
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talent, oregon 97540
tel: (541) 944-9639
fax: (541) 535-3588

new dwelling for
Robin Biermann
400 Allison Street
Ashland, Oregon

ROOF PLAN
conditional use permit

Date: OCT. 21, 2010
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A5.1

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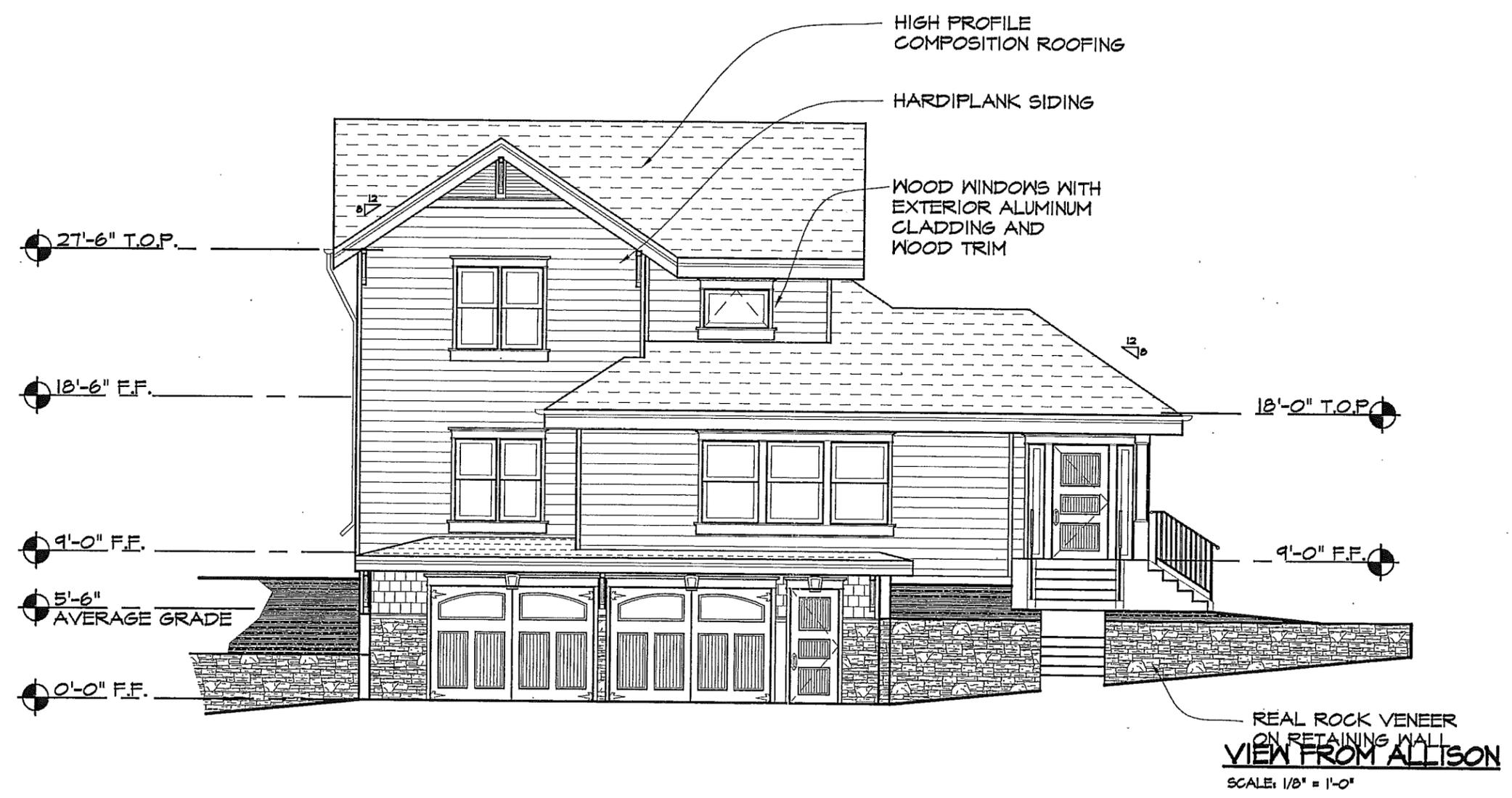
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talent, oregon 97540
tel: (541) 944-9639
fax: (541) 535-3588

new dwelling for
Robin Biernann
400 Allison Street
Ashland, Oregon

ELEVATIONS
conditional use permit

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

A7.1



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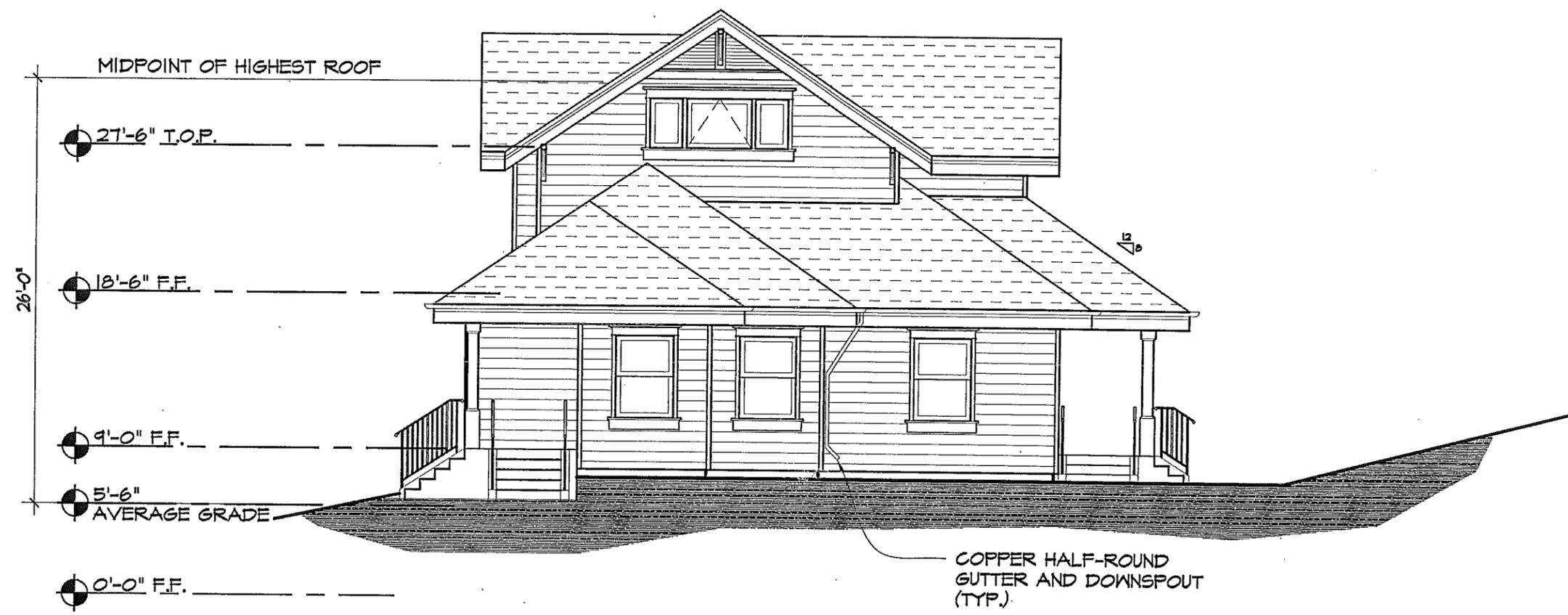
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Talent, Oregon 97540
tel: (541) 944-9639
fax: (541) 335-3588

new dwelling for
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400 Allison Street
Ashland, Oregon

ELEVATIONS
conditional use permit

Date: OCT. 21, 2010
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Sheet No.

A7.2



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



VIEW FROM SOUTH

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

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tel: (541)944-9039
fax: (541)535-3588

new dwelling for
Robin Biermann

400 Allison Street
Ashland, Oregon

ELEVATIONS

conditional use permit

Date: OCT. 21, 2010

Scale: AS NOTED

Drawn by: hh

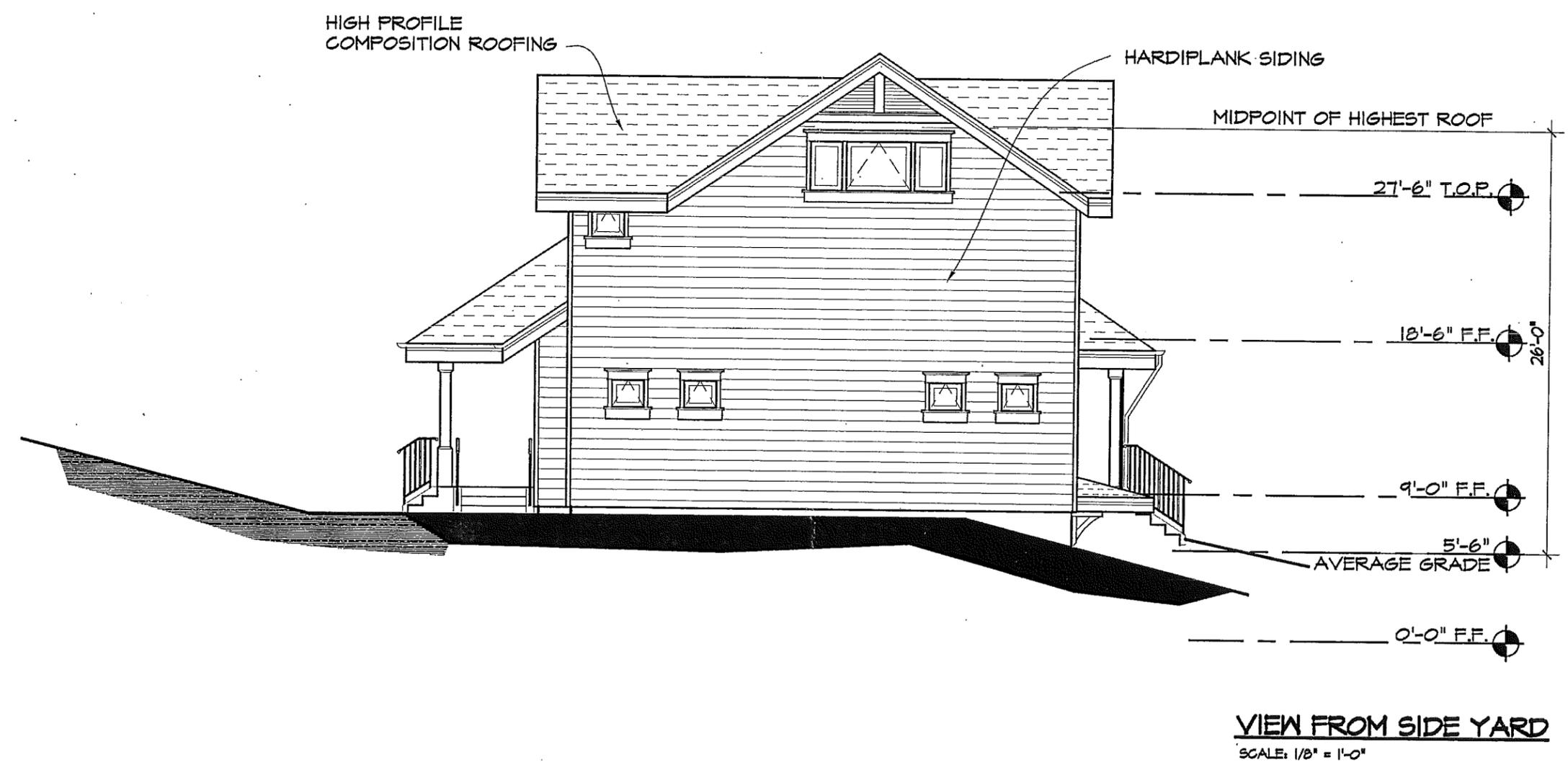
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talent, oregon 97540
tel: (541)944-9039
fax: (541)535-3588



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

new dwelling for
Robin Biermann
400 Allison Street
Astland, Oregon

ELEVATIONS
conditional use permit

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

A7.4

Memo

DATE: 3/8/2011
TO: Planning Commission
FROM: Brandon Goldman, Senior Planner
RE: City of Ashland 2011 TGM Grant Application

At the January 8, 2011 retreat, the Planning Commission endorsed the North Normal Neighborhood Plan as a potential upcoming project in the preparation of comments for the 2011 Council Goal Setting.

At their meeting on March 1st, the City Council directed Staff to prepare an application for the 2011 Transportation Growth Management (TGM) program to fund the preparation of an area plan for the North Normal Avenue Neighborhood.

The deadline for the grant application is March 11, 2011. Grants are awarded in June 2011, and must be completed by May 2013. In the event the City is awarded the grant it is estimated that the plans development would begin January 2012 or later, take 12 months to complete the draft plan, and an additional 6 months to move the plan through to adoption.

Attached is a letter which is to be included in the grant application indicating the Planning Commission's support of the project and grant application.



CITY OF ASHLAND

**To: Cindy Lesmeister
Transportation and Growth Management Program
ODOT Mill Creek Building
553 13th Street NE, Suite 2
Salem, OR 97301**

RE: City of Ashland 2011 TGM Grant Application

Dear Ms. Lesmeister

The City of Ashland is applying for a Transportation and Growth Management Grant to assist in the neighborhood planning of the Normal Avenue Area within Ashland's Urban Growth Boundary. This project is a land use and transportation plan envisioned to address the following issues.

- Evaluation of future housing needs, and housing densities suitable for the plan area, which provide for maximum opportunities for walking, bicycling and transit.
- Plan for future development in a manner that provides for preservation and enhancement of creeks and wetlands.
- Design of a local street grid and green infrastructure improvements for the study area which includes provisions for bike and pedestrian paths, to more fully integrate the area into in Ashland's transportation system.
- To incorporate measures to reduce greenhouse gases in planning for future growth areas within the UGB.

The City of Ashland Planning Commission shares the goals of the TGM program in planning for efficient land use that results in the reduction on the reliance of automobiles through enhanced opportunities for use of bicycles, walking, and transit. The Planning Commission supports Ashland's TGM Grant Application and encourages approval of this application.

Thank you for your ongoing commitment and support for sound planning practices at the local level.

Sincerely,

Pam Marsh
Planning Commission Chair

