

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
JULY 10, 2012
AGENDA**

I. CALL TO ORDER

II. ANNOUNCEMENTS

III. CONSENT AGENDA

A. Approval of Minutes

1. June 12, 2012 Regular Meeting
2. June 26, 2012 Special Meeting

IV. PUBLIC FORUM

V. UNFINISHED BUSINESS

- A. Approval of Findings for PA-2012-00573, RPS Legislative Amendment.**

VI. PUBLIC HEARINGS

A. PLANNING ACTION: PA-2012-00575

SUBJECT PROPERTY: 1155 East Main Street

APPLICANT: City of Ashland/Ashland Police Department

DESCRIPTION: The Planning Commission will re-open the public hearing on a request for Site Review approval to construct a 3,016 square foot addition and associated site improvements for the Ashland Police Department located at 1155 East Main Street. *Re-opening of the hearing will allow consideration of new information with regard to the accessibility of the entry walkway.* COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP #: 39 1E 10; TAX LOT #: 900.

B. PLANNING ACTION: PA-2012-00740

SUBJECT PROPERTY: 160 Lithia Way

APPLICANT: DRRAM L.L.C. (Doug & Dionne Irvine)

DESCRIPTION: A request for Site Review and Conditional Use Permit approval to construct a new 13,800 square foot, three-story mixed-use building in the vacant, private parking lot located at 160 Lithia Way. The proposed building will consist of commercial restaurant space on the ground floor, five hotel units on the second floor, and five residential apartments on the third floor. The application also includes requests for a Conditional Use Permit to exceed 40 feet in height in order to provide architectural relief in the façade, an Exception to the Site Design & Use Standards with regard to plaza space requirements, and a Tree Removal Permit to remove ten trees greater than six-inches in diameter at breast height (d.b.h.). COMPREHENSIVE PLAN DESIGNATION: Downtown Commercial; ZONING: C-1-D; ASSESSOR'S MAP #: 39 1E 09 BA; TAX LOT #: 10800.

VII. OTHER BUSINESS

- A. Bi-Annual Attendance Report (January – June 2012)**

VIII. ADJOURNMENT

**CITY OF
ASHLAND**



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

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
June 12, 2012

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:

Troy J. Brown, Jr.
Michael Dawkins
Eric Heesacker
Richard Kaplan
Pam Marsh
Debbie Miller

Staff Present:

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

Absent Members:

Melanie Mindlin

Council Liaison:

Dennis Slattery, absent

ANNOUCEMENTS

Commissioner Marsh welcomed Commissioner Miller back to the Commission. Community Development Director Bill Molnar announced the public meeting schedule for the Downtown Plaza Improvement project. He also noted Council has approved first reading of the Wireless Ordinance, which includes a provision for independent review if facilities are not co-located, and at their next meeting the Council will review changes to the keeping of chickens ordinance.

CONSENT AGENDA

- A. Approval of Minutes.
1. April 24, 2012 Study Session.
 2. May 8, 2012 Regular Meeting.
 3. May 22, 2012 Study Session.

Commissioners Kaplan/Heesacker 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-2012-00018, 2220 Ashland Street.

Ex Parte Contact: No ex parte contact was reported.

Commissioners Dawkins/Brown m/s to approve the Findings for PA-2012-00018. Voice Vote: all AYES. Motion passed 5-0. *[Commissioner Miller abstained]*

NEW BUSINESS

- A. Election of Officers.

Commissioners Dawkins/Heesacker m/s to nominate Melanie Mindlin as chair of the Planning Commission. Voice Vote: all AYES. Motion passed 6-0.

Commissioners Kaplan/Heesacker m/s to nominate Michael Dawkins as vice chair of the Planning Commission. Voice Vote: all AYES. Motion passed 6-0.

It was agreed Commissioner Marsh would lead this meeting since Mindlin is not present.

PUBLIC HEARINGS

A. PLANNING ACTION: #2012-00265

APPLICANT: Ashland Food Cooperative

LOCATION(S): C-1- & C-1-D-zoned portions of Ashland's "Historic Interest Area"

REQUEST: A proposal to amend the Ashland Municipal Code (AMC 18.32.035.E) as it relates to drive-up uses in Commercial districts. Drive-up uses are currently a special permitted use in the C-1 zoning district, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are currently explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan. The proposed legislative amendment is to provide exception language which would apply only to existing drive-up uses within the Historic Interest Area and would allow them to relocate to a new site elsewhere within the Historic Interest Area provided that they are located predominantly underground or otherwise screened from view from the public right-of-way. *[Continued from May 8, 2012 meeting]*

Staff Report

Associate Planner Derek Severson explained the proposal before the Commission would modify the regulations in the C-1 and C-1-D districts relative to drive-up uses in the Historic Interest Area. Under the current regulations, new drive-up uses are prohibited and any modification to the existing uses (Umpqua Bank, Wells Fargo, US Bank, Chase Bank) requires a conditional use permit. Mr. Severson stated this proposal would modify the requirements to allow redevelopment/relocation of drive-ups elsewhere in the Historic Interest Area subject to site review approval as a special permitted use.

Mr. Severson stated the initial public hearing was continued to allow review by the Transportation Commission, and the draft minutes from that meeting have been provided. He explained at the end of the Transportation Commission's discussion the members were polled and two members were negative, one was neutral, one was slightly positive, and one abstained. There were no specific concerns or recommendations issued by the Transportation Commission. Mr. Severson noted the matrix included in the packet materials and stated the areas in blue identify the areas affected by this proposal. He clarified Umpqua Bank is addressed separately in the matrix because they are in a split-zoned property and neither zone allows drive-up uses.

Mr. Severson briefly reviewed the staff recommendations and asked for the Commission's feedback on the issue of visibility and screening.

Commission Comments

Comment was made questioning how you would eliminate visibility and that this provision seems impractical for buildings that are surrounded by streets. Additional comment was made that there is some benefit to seeing how many cars are in the cue; and as long as it is not intrusive on the neighborhood, visibility is not a major concern.

Applicant's Presentation

Mark Knox/Mr. Knox voiced their support for excluding food and beverage uses and requiring ministerial permits for tracking. He stated they do not see any negative associations with this proposal and believe it will provide the ability for economic development, historic preservation, and the redevelopment of surface parking lots into main street facades. He stated without this proposal these sites will continue to exist in their current state and will not be redeveloped to Ashland's standards. Mr. Knox stated he understands some people believe downtown should be pedestrian only, but this is not realistic. He stated drive-ups (excluding fast food) provide a central service to the elderly population for banking and pharmacy needs. He added inclement weather and night time/security concerns are other reasons people choose to use drive-ups. He stated this proposal will provide an opportunity for this service to work, and will provide better screening and fewer lanes than exist now.

Richard Katz/Stated this is a strange situation for the Food Co-op and they are here to improve their facility for the good of their patrons and owners. He stated this is the only option they have available. Mr. Katz stated a lot of Ashland's population visits the Co-op on a regular basis, with over 3,000 transactions per day, and they are following the lead of their owners who say time

after time that parking is a major issue for them. He added this proposal is not just for the Co-op to have more parking, but addresses their desire to make their site safer, easier to get around, and less congested.

Comment was made that the Commission's decision is not predicated on the needs of the Co-op, and rather on the policy change they have brought forward.

Mr. Katz stated aside from the needs of the Co-op, they believe this amendment has merit.

Public Testimony

Catherine Shaw/886 Oak Street/Stated the drive-up ordinance was a component of the overall redevelopment of downtown and at that time they did a number of things to encourage people to walk. She stated the idea of making downtown completely car free was abandoned, but what they had hoped back then was that drive-up windows would eventually be eliminated. She stated these were hard fought battles that should remain. Ms. Shaw stated it's the bustle of the downtown that creates a vibrant community and voiced her opposition to drive-up windows. She stated significant effort has been made to create a more walkable downtown, which is better for Ashland's businesses and economy, and Ashland needs to walk the talk.

Colin Swales/143 Eighth Street/Stated he is a member of the Transportation Commission and is also their liaison to the Planning Commission. Mr. Swales recommended the three service stations in this area be looked at as part of this amendment. He stated just as some would like to see the drive-ups disappear from downtown, he would also like to see the gas stations disappear. Mr. Swales cited two minor corrections in the draft minutes from the Transportation Commission. He also commented on a sex shop drive thru in Alabama and cautioned the Commission about this possibility. He added he is one of the Transportation Commissioners who voted against this proposal.

Cate Hartzell/892 Garden Way/Stated she is an owner of the Co-op and opposes this change. She thanked Ms. Shaw for speaking on the intent of the original ordinance and stated there should be a compelling reason for considering this change. Ms. Hartzell questioned if this proposal would protect the integrity of the original ordinance or move the City further along in achieving its Comprehensive Plan goals. She noted the City goals to reduce vehicle trips and reduce pollution and encouraged the Commission to consider the risks of vehicles intersecting with pedestrians in areas where they are trying to intensify pedestrians. She noted the City of Corvallis has two Co-ops and it has worked well. She added there is a lot of commercial space available in Ashland right now and perhaps the Co-op could find other alternatives.

Applicant's Rebuttal

Mark Knox/Noted his respect for Ms. Shaw and stated during her tenure as mayor a lot of efforts were made that have shaped Ashland in a positive way. However he believes their proposal is misunderstood. He clarified they are not proposing to increase the number of drive-up uses permitted, but rather to allow them to redevelop to meet the current standards. He stated this proposal addresses eighteen different policies that are to the benefit of the Comprehensive Plan. He stated this is a minor tweak that will have a very positive impact. He added if the Commission is concerned about the potential for drive up sex stores, they should limit this change to financial institutions, which is what the applicant originally proposed.

Commissioner Marsh closed the record and the public hearing at 7:50 p.m.

Deliberations & Decision

Commissioner Dawkins motioned to deny Planning Action #2012-00265. Motion failed due to lack of a second.

Mr. Molnar reminded the Commission this is a recommendation to the City Council and requested they provide guidance in addition to direction.

Commissioners Brown/Kaplan m/s to recommend Council's approval of Planning Action #2012-00265. DISCUSSION: Brown stated the existing drive-ups are a hazard and there is no way for these to change under the current ordinance. He stated this is an opportunity to change drive-thrus to alleys and side streets and get that traffic off the main street. He stated he would like to provide banks the opportunity to change their configuration or relocate in the downtown, and believes this modification should be limited to financial institutions. He added he believes this will result in a better downtown. Marsh asked if the motion includes staff's recommendations. Brown clarified his motion is to exclude food and beverage related uses and limit it to

financial institutions; and also for uses which are discontinued without a properly permitted transfer to be deemed expired after unused for 6 months, instead of 12. Kaplan stated he is divorcing this proposal from the Co-op's needs and sees this as an opportunity to give financial institutions the opportunity to do something that would be better for the City. Staff clarified this proposal would provide more flexibility for the four bank locations to redevelopment and add the ability for them to relocate. Dawkins spoke against the motion and voiced support for Ms. Shaw's comments. He stated things worked just fine before there were drive-ups in town and it is a convenience of our auto-centric society that we support things like this. He stated the City should be trying to eliminate all drive-thrus and have people get out of their cars. Marsh stated she resonates with Ms. Shaw's description for how the downtown was developed, however downtown should have been made retail only and there is no likelihood of these banks leaving anytime soon. She voiced her support for the motion and stated it could motivate these businesses to redevelop and would also reduce crossings, reduce the number of drive-up lanes, and improve the environment.

Commissioner Marsh noted her desire to address the screening and visibility issue, and motioned to amend the recommendation at the top of page 4 of the staff report to read: *"That with relocation or redevelopment, drive-up uses only be placed in a basement or on a non-street facing (other than an alley) secondary building elevation, only accessed from an alley or driveway and no components of the relocated/redeveloped drive-up (i.e. structure, kiosk, window or queuing lane but not the driveway component) may be visible from adjacent streets other than an alley."* Brown seconded this and accepted it as a friendly amendment.

Commissioner Kaplan recommended they remove the word "basement" from the above recommendation. Brown seconded this as a friendly amendment.

Roll Call Vote on Motion as Amended: Commissioners Kaplan, Brown, Heesacker, Miller and Marsh, YES. Commissioner Dawkins, NO. Motion passed 5-1.

Commissioner Miller asked if they could submit concerns to Council along with the recommendation. Staff noted the Findings and Minutes will be provided. Commissioner Marsh stated it is inappropriate for commissioners to submit personal comments and instead the Council should be encouraged to watch the taped recordings.

B. PLANNING ACTION: #2012-00575

SUBJECT PROPERTY: 1155 East Main Street

APPLICANT: City of Ashland/Ashland Police Department

DESCRIPTION: A request for Site Review approval to construct a 3,016 square foot addition and associated site improvements for the Ashland Police Department located at 1155 East Main Street. This addition is the first phase of a multi-phase project over the next five years; subsequent phases will include a 1,975 square foot addition, additional parking, and site improvements to bring the site more in line with current standards. COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP #: 39 1E 10; TAX LOT #: 900.

The Commission took a short recess and performed a site visit. The meeting reconvened at 8:30 p.m.

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

Ex Parte Contact

All commissioners attended the site visit; no ex parte contact was reported.

Staff Report

Associate Planner Derek Severson presented the staff report and noted the subject property is located behind the Police Department and Council Chambers. He explained this application is for site review approval to construct a 3,016 sq. ft. addition to the police station, and this would be the first phase of a multi-phased construction project. Mr. Severson provided an overview of the site plan, building elevations, project phasing, tree protection plan, and landscape plan; and noted staff's recommendation for the sense of entry to be improved to make it a more people friendly space through the use of landscaping and hardscaping. Mr. Severson listed the recommendations from the Tree Commission to supplement the existing hedge buffer with two additional trees and for tree #50 to be retained and protected. He noted the nearby neighbors spoke at the Tree Commission meeting and requested measures be taken to soften the exposure to the existing radio antenna, parking, and building roof to the extent possible. He stated the other concerns that have been raised by the neighbors include: 1) the placement of the addition,

the placement of five new compact parking spaces along the driveway, and the removal of the existing berm pose a noise concern which neighbors feel could be mitigated through relocating the parking and mechanical equipment to the interior of the site and landscaping the adjacent driveway to soften the building wall, 2) concern regarding the construction hours and construction staging; the neighbors suggest that if the new parking on the northeast of the building were added and new gate installed in Phase I, construction could be staged farther from their residences, and 3) that all site lighting should come into conformance with current standards, have downward directed fixtures, and reduced pole heights. Mr. Severson concluded his presentation and requested the Commission address the following issues during their discussion: 1) the use of landscape and hardscape to enhance the sense of entry and creating a space for people to congregate, 2) the two recommendations raised by the Tree Commission, and 3) the impacts raised by the neighbors.

Applicant's Presentation

Dave Strauss, Kerry Kencairn, and Police Chief Terry Holderness/Mr. Strauss commented on the staff recommendations. He stated they are open to the City's and Commission's direction regarding how the public area out front should be developed, and addressed the concerns raised by the neighbors. He stated the berm needs to be removed, however the new mechanical equipment will produce significantly less noise and the compact parking spaces will be used by the office staff (one trip in, one trip out per day) and the impact on neighbors in terms of car noise will be considerably reduced. Mr. Strauss commented on the standards of the National Police Association, including the need for two ways out of secured parking areas and for staff vehicles, police vehicles, and impounded vehicles to be kept secured.

Landscape Architect Kerry Kencairn noted the location of the new bike parking and also commented on tree #50. She clarified the location of this tree and stated it is not possible to save it and still meet the parking requirement. She added the additional trees they have proposed will outweigh the impacts of the trees being removed. Regarding the trees to supplement the hedge buffer, Ms. Kencairn stated they can install these without damaging the hedge, however they are willing to do whatever the neighbors want.

Chief Holderness added the radio antenna will be removed, so there is no need for mitigation measures.

Ms. Kencairn responded to the commissioners comments and clarified there is currently no landscaping proposed along the west side of the building. When asked if the five compact spaces could be removed, Mr. Strauss clarified there is no set parking requirement and instead it is established by need. He stated 40 spaces appears to be the right number for the police station and this is the number they provided for on their plans. He added the police station currently has 34 spaces. Comment was made questioning if the department foresees adding staff in the future. Mr. Holderness stated the extra spaces serve an economic and convenience need. He explained some days they have more staffing than others, and at times employees have to park in the public lot. He added the department seizes cars and they would prefer to keep these in the secure lot rather than paying to have them stored elsewhere.

Concern was expressed regarding the removal of the green lawn. It was noted this is a public space, and occasionally there are protests, and it would be beneficial to retain space for this use. Comment was made suggesting a landscape maintenance budget be established to maintain whatever landscape design they agree on. Regarding the trees in the hedge buffer, comment was made suggesting these be removed from the plan.

The applicants were asked to comment on whether there are alternatives to removing the berm. Mr. Strauss answered it needs to be removed and they believe the impact to maintain it is not appropriate. When asked if the mechanical equipment could be relocated, Mr. Strauss stated they could look at this, but it would then need to be placed in the public area. Comment was made that disturbance to the neighbors is more of an issue than disturbing the people who come to meetings in the council chambers.

Comment was made suggesting the applicant break up the materials along the west side of the building to break up the sound. Additional comment was made questioning why the applicants are proposing stairs on the new entry and that a ramp would be better suited for ADA standards.

Commissioners Miller/Dawkins m/s to extend the meeting to 9:30 p.m. Voice Vote: all AYES. Motion passed 6-0.

Public Testimony

Arthur Schreiber/64 North Mountain/Stated he lives directly behind the hedge bush that separates the police station driveway from the townhome complex, and they can hear everything. He stated he supports the expansion, but would like for the impacts to the neighbors be mitigated. Mr. Schreiber stated he will be able to see the new building from his second floor window and would appreciate anything the Commission can do to improve the aesthetics of the building on this side. Regarding the noise concerns, he explained sound is currently buffered by the berm, and the applicant's proposal is to remove it and install four new machines. He stated the noise will be significant and requested the Commission do anything possible to have these moved to the other side of the building. He also commented on the noise that will be caused by the constructive vehicles and stated this will be very disruptive to the nearby residences. Mr. Schreiber asked if the construction could have a start time of no earlier than 8 a.m., and also requested the two trees proposed for the hedge not be installed.

Steve Wolf/74 North Mountain/Thanked staff for addressing his concerns and clarified his home office looks out on this building and the proposed addition. Mr. Wolf stated the placement of the mechanical equipment is his biggest concern, but the staging of the parking lot and having the construction teams access the site from the east side instead would be very beneficial to their livability. He commented on the number of parking spaces and believes the police station can meet their needs without placing the compact parking near the residences. He stated the berm and trees currently buffer the sound from the police cars and mechanical equipment, but if you remove this the noise will be an issue, even with the installation of quieter equipment.

Applicant's Rebuttal

Dave Strauss/Agreed that there are alternate options regarding the placement of the mechanical equipment, and he agreed to remove the two trees in the hedge buffer from the plan. Regarding the construction noise, he stated they could specify start and stop times with their contractors, and suggested 7:30 a.m. to 4:00 p.m. He clarified this project would have a 5-6 month construction period, but the biggest percentage of noise would be generated in the first 3 months, and in the later months most of the work will be done inside. He also stated they could direct the construction traffic through the back lot if the City is comfortable with keeping this a gravel access, and stated they cannot guarantee they will have the funding necessary to complete the lot in phase one.

Commissioner Marsh closed the record and public hearing at 9:50 p.m.

Deliberations & Decision

Commissioner Dawkins stated if they eliminate the five parking spaces and relocate the mechanical equipment, that would leave an area than could be landscaped along the building. He added if this building were located anywhere else, the Commission would make the applicant soften the side of the building. Dawkins voiced his concern with the entry of the building and stated the City Council should find the necessary funding to bring this up to city standards. At a minimum, he would like to see the west wall broken up. Commissioner Miller agreed with Dawkins and voiced support for including a modification of the west side wall in their motion.

Commissioners Brown/Dawkins m/s to approve Planning Action #2012-00575 with amendments.

DISCUSSION:

- 1) Location of Mechanical Equipment: Recommendation was made for the equipment to be moved to a location other than the side near the residences. **Brown accepted this as a friendly amendment.**
- 2) Construction Times: Recommendation was made for construction work to be limited to 8:00 a.m. – 4:30 p.m. **Brown accepted this as a friendly amendment.**
- 3) Materials along West Wall: Recommendation was made for the use of different materials along the west wall or articulation to address the noise issue. **Brown accepted this as a friendly amendment.**
- 4) Front Walkway Entrance: Recommendation was made for no stairs on the walkway out front and for ramps to be used instead. **Brown accepted this as a friendly amendment.**

Commissioners Miller/Dawkins m/s to continue meeting past 10:00 p.m. Voice Vote: all AYES. Motion passed 6-0.

- 5) Compact Parking Spaces/Landscaping: Commissioner Miller voiced her preference for the five compact parking spaces to be removed and to install landscaping along the west side. Commission Dawkins agreed and stated he would rather remove those spaces and install landscaping. He stated he is comfortable with maintaining the same level of parking and noted the public parking lot could still be used when needed. Commissioner Brown noted they will not need to require articulation of the building if trees are planted along that wall. Commissioner Marsh stated she is not as concerned with the five spaces and believes there will be minimal coming and going. She stated the major impact will be moving the equipment to the other side of the building and believes they should do the best they can to cushion the impact of this noise. Commissioner Brown stated he supports leaving in the parking the police department needs. **Commissioners Dawkins/Miller m/s to amend motion to remove the five compact parking spaces and substitute landscaping. Voice Vote: Commissioners Miller and Dawkins, YES. Commissioners Heesacker, Brown, Kaplan and Marsh, NO. Motion failed 4-2.**
- 6) Construction Traffic: Commissioner Marsh stated she feels strongly that they should use the east access. Miller agreed and stated she does not want the construction vehicles using the narrow driveway near the residences. **Brown recommended that construction phasing be on the east side of the Phase I addition and for all construction traffic to use a temporary access out to the existing public parking lot rather than the gated driveway on the west side of the police station. The Commission agreed to incorporate this into the motion.**
- 7) Trees in Hedge: The Commission agreed to strike the recommendations from the Tree Commission regarding the planting of trees in the hedge buffer and the retaining of tree #50.
- 8) Front Landscaping: Commissioner Dawkins voiced his support for leaving the lawn area as it is and stated fescues and ground cover are not an inviting treatment. He added they should encourage the City Council to help enhance the entry to this building and this should not be placed on the shoulders of the police department. Commissioner Miller voiced her support for maintaining the green lawn and stated it softens the impacts of this building. Commissioner Brown added the lawn mirrors the park across the street quite nicely. Commission Marsh stated she feels strongly that public spaces should be used actively and anything they can do to draw people into this space and make it welcoming should be encouraged.

Roll Call Vote on Motion as Amended: Commissioners Brown, Miller, Kaplan, Dawkins, Heesacker and Marsh, YES. Motion passed 6-0.

C. PLANNING ACTION: #2012-00573

APPLICANT: City of Ashland

LOCATION: Not property-specific

ORDINANCE REFERENCE: 18.108.170 Legislative Amendments

REQUEST: A Legislative Amendment is proposed to adopt a new "Chapter XV - Regional Plan" element to the City of Ashland Comprehensive Plan to incorporate applicable portions of the Greater Bear Creek Valley Regional Problem Solving Plan ("the RPS Plan") and to acknowledge revised population allocations for the City of Ashland. Jackson County recently adopted the RPS Plan which identifies urban reserve areas to accommodate a doubling of the region's population, but before the RPS Plan can take effect, each of the six participating cities in the region (Ashland, Talent, Phoenix, Medford, Central Point and Eagle Point) must adopt the applicable portions of the plan into their comprehensive plans and implementing ordinances. (Ashland is the only participating city which has not identified urban reserves as the city's existing urban growth boundary was determined to be sufficient to accommodate anticipated growth. Adoption of the new element incorporates those portions of the Regional Plan applicable to Ashland as a signatory participant with no identified urban reserves.)

Due to lack to time, action was continued to June 26, 2012 meeting.

ADJOURNMENT

Meeting adjourned at 10:20 p.m.

*Respectfully submitted,
April Lucas, Administrative Supervisor*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
June 26, 2012

CALL TO ORDER

Vice Chair Michael Dawkins called the meeting to order at 7:00 p.m. in the Siskiyou Conference Room, 51 Winburn Way.

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Eric Heesacker
Richard Kaplan
Pam Marsh
Debbie Miller
Melanie Mindlin (*Arrived at 7:15 pm*)

Staff Present:

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

Absent Members:

None

Council Liaison:

Dennis Slattery

ANNOUNCEMENTS

Commissioner Dawkins noted he attended the Plaza Design Public Outreach Meeting and the architects have requested feedback from the Planning Commission. Dawkins shared his preference for more hardscape and trees in large containers, and requested the Commission take a few minutes to discuss the conceptual designs at the end of the meeting.

PUBLIC FORUM

No one came forward to speak.

PRESENTATION

A. Ethics & Commission Guidelines (Dave Lohman, City Attorney)

City Attorney Dave Lohman provided a presentation on public records law, definition of public meetings, public meeting requirements, rules and regulations, and ethics. (Copy of presentation is attached to minutes.)

General Questions

The commissioners posed several questions to Mr. Lohman, including:

- What is the statute of limitation for how long members need to keep meeting notes and recorders?
Answer: 6 years.
- Can commissioners attend public events if there is a quorum of members present?
Answer: As long as the commissioners are not deliberating on a particular issue, this is not considered a public meeting and members are free to attend.
- The Planning Commission is subject to Oregon statutes, Ashland's Code of Ethics, and state statutes specific to Planning Commissions; which one takes precedence?
Answer: The Commission is subject to all three laws and need to make sure they are adhering to the most strict rules (Ashland Code of Ethics)
- Does the Commission have to elect a new chair every year, or does "term" indicate a member can be chair for two consecutive four year terms?
Answer: Mr. Lohman stated there are different practices on the different commissions and this needs to get cleared up. He stated his opinion is that term means four years, but others have disagreed with him. Commissioner Dawkins commented that he believes when the Commission discussed this, the intent was for a one-year term for officers. Comment was made that this may be an issue with small commissions that have frequent turn-over; and perhaps this should be a recommendation

instead of a requirement. Additional suggestion was made for the vice chair to take over as chair after their first year, which could provide for a learning period.

- Are commissioners allowed to testify before the City Council?

Answer: Mr. Lohman cited the language in AMC 2.10.110 and stated it is his understanding that commissioners can speak before the City Council as private citizens, however he will need to get back to the Commission on this question.

Commissioner Marsh commented that it is unfortunate when a member goes before another body and speaks out against the position the Planning Commission has adopted.

- Does Commissioner Miller have a conflict of interest regarding the Normal Avenue Neighborhood Plan?

Discussion/Answer: Commissioner Miller explained she owns property in the project area and asked if she could participate in the deliberations. She added she could provide some background information which may be helpful. Mr. Lohman stated under state law, it is an actual conflict of interest if the outcome could benefit or hurt her financially. He stated she likely has an actual conflict of interest and advised that she not participate in the discussions or deliberations. He added she could testify as a private citizen in front of the City Council, but should not testify before the Planning Commission. The Commission held general discussion about the bias issue. Comment was made that when a member is on record of having a clear bias or a predisposed position, it undermines the decision making process and that person should step aside.

- What is the definition of an excused absence?

Answer: Mr. Lohman stated this is an issue that needs to be addressed and asked for the Commissions input. Suggestion was made to establish a yearly minimum attendance percentage, rather than a limit on unexcused absences in a row.

Comment was made that it is important for a member to notify staff if they cannot attend. Support was voiced for an annual attendance rate and 80% was suggested.

PUBLIC HEARINGS

A. PLANNING ACTION: #2012-00573

APPLICANT: City of Ashland

LOCATION: Not property-specific

ORDINANCE REFERENCE: 18.108.170 Legislative Amendments

REQUEST: A Legislative Amendment is proposed to adopt a new "Chapter XV - Regional Plan" element to the City of Ashland Comprehensive Plan to incorporate applicable portions of the Greater Bear Creek Valley Regional Problem Solving Plan ("the RPS Plan") and to acknowledge revised population allocations for the City of Ashland. Jackson County recently adopted the RPS Plan which identifies urban reserve areas to accommodate a doubling of the region's population, but before the RPS Plan can take effect, each of the six participating cities in the region (Ashland, Talent, Phoenix, Medford, Central Point and Eagle Point) must adopt the applicable portions of the plan into their comprehensive plans and implementing ordinances. (Ashland is the only participating city which has not identified urban reserves as the city's existing urban growth boundary was determined to be sufficient to accommodate anticipated growth. Adoption of the new element incorporates those portions of the Regional Plan applicable to Ashland as a signatory participant with no identified urban reserves.)

Associate Planner Derek Severson gave a brief overview of the Regional Plan and the Regional Problem Solving process (RPS). He explained the proposed adoption of the new "Regional Element" to the City's Comprehensive Plan incorporates the portions of the Regional Plan applicable to Ashland and clarified Ashland is unique among the six participating cities in that we are the only jurisdiction to not identify urban reserves and have chosen to accommodate growth through efficient land use planning instead. He stated this new Element serves primarily as a placeholder to acknowledge the City's participation in the plan and to provide a framework if the City chooses to pursue the creation of urban reserves in the future.

Mr. Severson provided some background and noted the Planning Commission issued a recommendation in 2010 to ensure Ashland's values are pushed forward through the RPS process, and the City Council adopted a resolution in 2011 that reiterated those recommendations. Mr. Severson stated the primary issues identified in the 2011 resolution included: 1) retaining Urban Fringe minimum lot sizes, 2) to not require jurisdictional exchange, 3) regional housing strategy timeline, 4) population figures consistent with the Comprehensive Plan, 5) address high value farm lands, and 6) more efficient land use transportation. He stated through the City's participation in this plan, there has been a 110-acre reduction of farm lands in the URA's; all jurisdictions must adhere to specific density commitments; 49% of new dwellings and 44% of new commercial must be mixed use, pedestrian friendly, or in a transit oriented district by 2020; and conceptual land use and transportation plans will be required for urban reserves.

Mr. Severson stated staff believes the Plan addresses the issues raised by the City of Ashland and participation in this process has created stronger and more positive working relationships between staff and the elected and appointed official across the region, and has given Ashland a seat at the table for on-going discussions of regional growth.

Staff was asked to clarify how we got to the 6.6 d.u./acre density commitment. Mr. Severson clarified this is based on the density levels set by the state's safe harbor provision, and staff is comfortable with this requirement since it is less than what we have been doing. Comment was made questioning how this Plan might be affected by Governor Kitzhaber's decision to open up farm lands in Jackson County. Mr. Severson stated he cannot answer this and this is something that will need to be discussed if that happens.

Comment was made thanking staff for their work on this Plan and having a positive influence on it.

Public Testimony

Colin Swales/143 Eighth Street/Stated he does feel Ashland has influenced the Plan enough and his main concern is regarding the population projections. He stated Ashland has not been given its true allocation and the population figures should be based on the 2010 census report which shows that the previous estimates have not materialized. Mr. Swales stated these figures affect our policies on annexation, transportation planning, water usage, and infrastructure projects and wants it to be clear that our population figures are way down.

Deliberations and Decision

Commissioners Miller/Heesacker m/s to adopt the recommendation for Planning Action 2012-00573 and forward this to the City Council. DISCUSSION: Commissioner Marsh stated she will support this motion, but does not support the plan put forward by the City of Medford and does not want her vote to be interpreted as supporting what they are doing. Commissioners Dawkins and Mindlin concurred with this statement. **Voice Vote: all AYES. Motion passed 7-0.**

OTHER BUSINESS

Commissioner Dawkins noted the architects desire to receive feedback from the Planning Commission on the conceptual designs for the Plaza Improvement project. Commissioner Marsh noted she had prepared the following comments to provide to the architects:

"First and foremost, the plaza design should support the basic function of the place -- to serve as a lively, well-used community gathering place for residents (of all kinds) and visitors. The plaza is not a passive park, nor should it be (as it is today) simply a thoroughfare from one commercial point to another. Rather it is (or should be) the central meeting point in downtown -- a place where friends meet up for coffee, family members regroup after shopping, or individuals sit to read a newspaper or people watch. Sometimes it will be the site of large gatherings or demonstrations.

With these functions in mind, the design should include the following elements:

- *Minimal (if any) turf. It's a plaza, not a park. Use planters (walls and/or pots) to provide greenery and help define the space. Potted trees can provide a wonderful, full canopy.*
- *A variety of seating options. Walls, moveable cafe tables and chairs, etc. Furniture is key to function.*
- *Trash and recycling containers. Well-designed and even beautiful containers don't have to be relegated to the outskirts of the site. Instead, they can help define the space.*
- *Thoughtful site planning. A layout that provides a sense of protection for people at tables, but doesn't obstruct views into or out of the plaza.*

The Planning Commission is very excited by the opportunities posed by the plaza redesign. We look forward to helping in any way we can as the project moves forward."

The Commission voiced support for the statement prepared by Marsh and staff was directed to place the statement on the Commission's letterhead and submit it to the architects.

ADJOURNMENT

Meeting adjourned at 9:30 p.m.

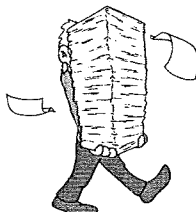
Respectfully submitted, April Lucas, Administrative Supervisor

Public Records Law
 Definition of Public Meeting
 Public Meeting Requirements
 Rules & Regulations
 Ethics

Public Records


ORS 192.005(5) defines public record:

› "Public record" includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. (*emphasis added*)



Who has the Right to Inspect Public Records?

Notes
 E-mails
 Correspondence
 Pictures



"Every Person" has a right to inspect any nonexempt public record of a public body in Oregon.

Definition of Meeting

› A "meeting" is any quorum of a commission –
 No quorum = No meeting

› Exceptions – On-site inspections of any project or program.

› "Quorum" – more than ½ of the total number of authorized members

Open to the Public

- › All meetings of the city's commissions and committees are required to be open to the public and within the City limits.
- › No Private meetings
- › 36 Hours Notice of meetings

Minutes

- › Written minutes must be taken for all public meetings - including Sub-Committees
- › Minutes do not have to be a verbatim transcript

Minutes must include:

- › List of members present
- › Nature and disposition of all motions, proposals, resolutions, orders, etc.
- › Results of all votes by name
- › Substance of any discussion
- › Reference to any public document discussed

Meetings and Attendance

****asking for input from Commissioners on this section****

- › Attend all regularly scheduled meetings
- › Two-Hour notice to chair or staff liaison if you will be absent from meeting
- › Two or more "unexcused" absences in a six-month period will result in declaring the position "inactive" or "vacant."
- › Minimum 2/3 attendance or position will be declared "inactive" or "vacant." at least 72 hours in advance of the meeting

Attendance shall be reviewed by the commission during the regularly scheduled meetings in January and July, with a report sent to the Mayor and City Council advising of the need for appointment or re-appointment, if necessary.

Duties of the Chair

At its first meeting of the year the advisory commission shall elect a chair and a vice chair who shall hold office at the pleasure of the advisory body. Neither the chair nor vice-chair shall serve as an officer for more than two consecutive terms. - *Requesting Commission input on this section.*

Suggestions for Chair

- › Ensure that each member has the opportunity to speak
- › No member shall speak more than once until every member has been given the opportunity to speak

OREGON GOVERNMENT ETHICS LAW

All Commissioners are "Public Officials" and are required to follow the Public Ethics Rules.

GENERAL RULE

- Do not use public position to obtain financial benefit if the opportunity for the financial benefit would not otherwise be available but for your public position
 - Includes using confidential information for personal gain
 - Includes benefit to a client

GIFTS (1)

- OK if
 - Available to any citizen
 - Source is friends, relatives with no legislative or administrative interest in decisions
 - Acting in an official capacity and representing City for a ceremonial purpose at entertainment event
 - Representing City at "organization" event (not a private dinner) at which your admission or food and beverage is compensated

GIFTS (2)

- Red flag if the source of anything of value (services, too) has a legislative or administrative interest in decisions
 - Not just financial interest
 - If so, cannot exceed \$50 in value per year

CONFLICTS

- › Financial benefit or detriment to you, relatives, or associated businesses
- › Actual ("would")
 - Disclosure; then no participation
- › Potential ("could")
 - Disclosure; then participate
- › Exemptions
 - Would impact you to the same degree as other members of an identifiable group or class
 - Unpaid position in 501C(3)

RELATIVES

- › Spouse, children (or legal support obligation)
- › Siblings and their spouses and spouses' siblings
- › Parents and parents of spouses

"ASSOCIATED WITH BUSINESS"

- › Director, officer, owner, employee or agent of private business or closely held corporation, with stock, stock options, equity, or debt instrument over *\$1000*
- › Owner of stock, equity interest, stock options, or debt instruments of *\$100,000* or more in publicly held corporation
- › Director or officer of a publicly held corporation

ASHLAND CODE OF ETHICS AMC 3.08.020

DO's

- › Be independent, impartial
- › Have public interest as primary concern
 - Discharge duties regardless of personal considerations
- › Foster respect for all government

SPEAKING FOR THE CITY

- › Only represent the opinion or position of the advisory body
- › No lobbying before other elected bodies or committees
- › Advisory body members are prohibited from engaging in political activity in accordance with ORS 260.432

GIFTS

- › Don't accept any valuable gift from a source directly or indirectly interested in business dealings with the City
- › Don't accept anything of value tending to impact discharge of duties or contingent on a specific action by the City

CONFLICTS

- › Don't engage in any business or transaction, or have a financial or other personal interest, contrary to public interest or tending to impair independent judgment
 - "Personal interest" = direct or indirect interest tending to impair independent judgment, including familial relationships and close business or political association
- › Before discussion of legislation with Council, disclose on the record any financial or other private interest in the proposition

BEFORE THE PLANNING COMMISSION
City of Ashland, Jackson County, Oregon
July 10, 2012

IN THE MATTER OF PLANNING ACTION #2012-00573, A REQUEST FOR)
A LEGISLATIVE AMENDMENT TO ADOPT A NEW "CHAPTER XIV –)
REGIONAL PLAN" ELEMENT TO THE CITY OF ASHLAND'S COMPRE-)
HENSIVE PLAN TO INCORPORATE APPLICABLE PORTIONS OF THE) **RECOMMENDATION**
GREATER BEAR CREEK VALLEY REGIONAL PROBLEM SOLVING)
PLAN AND TO ACKNOWLEDGE REVISED POPULATION)
ALLOCATIONS FOR THE CITY OF ASHLAND.)

APPLICANT: City of Ashland)

RECITALS:

1) The application is a proposed Legislative Amendment o adopt a new "Chapter XIV - Regional Plan" element to the City of Ashland's Comprehensive Plan to incorporate applicable portions of the Greater Bear Creek Valley Regional Problem Solving Plan ("*the RPS Plan*") and to acknowledge revised population allocations for the City of Ashland. Jackson County recently adopted the RPS Plan which identifies urban reserve areas to accommodate a doubling of the region's population, but before the RPS Plan can take effect, each of the six participating cities in the region (Ashland, Talent, Phoenix, Medford, Central Point and Eagle Point) must adopt the applicable portions of the plan into their comprehensive plans and implementing ordinances and the entire package must be acknowledged in the matter of periodic review by the Land Conservation and Development Commission (LCDC). Adoption of the new Comprehensive Plan element incorporates those portions of the Regional Plan applicable to Ashland as a signatory participant with no identified urban reserves.

2) A Legislative Amendment is defined in AMC 18.08.345 and is subject to the requirements for a Legislative Amendment described in AMC 18.108.170 as follows:

SECTION 18.08.345 Legislative amendment.

An amendment to the text of the land use ordinance or the comprehensive plan or an amendment of the zoning map, comprehensive plan maps or other official maps including the street dedication map described in section 18.82.050, for land involving numerous parcels under diverse ownerships.

SECTION 18.108.170 Legislative Amendments.

- A. *It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.*
- B. *A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment*

PA #2012-00573_RPS Element
July 10, 2012
Page 1

- at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.*
- C. An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.*
 - D. Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.*
 - E. No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.*

3) The Planning Commission, following proper public notice as required in AMC 18.108.170.D., scheduled a public hearing on June 12, 2012 at which time the matter was continued to a time and date certain. At the continuation of the hearing on June 26, 2012 testimony was received and exhibits were presented. Following the closing of the public hearing, the Planning Commission held their deliberations and unanimously recommended that the City Council approve the proposed new Comprehensive Plan element "XIV – Regional Plan."

Now, therefore, the Planning Commission of the City of Ashland 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, and 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 recommendation based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for a Legislative Amendment to adopt a new "Chapter XIV - Regional Plan" element to the City of Ashland's Comprehensive Plan to incorporate applicable portions of the Greater Bear Creek Valley Regional Problem Solving Plan (RPS Plan) and to acknowledge revised population allocations for the City of Ashland meets all applicable criteria for the approval of Legislative Amendment as described in Chapter 18.108.170. The Planning Commission accordingly recommends approval of the Legislative Amendment and adoption of the new Comprehensive Plan element as proposed.

2.3 The Planning Commission finds that the Comprehensive Plan includes Policy 10.09.02.11 which directs that the City "[a]dvocate regional land-use patterns that support multi-modal transportation." The Planning Commission further finds that Policy 10.09.02.030 calls for the City to "[c]oordinate City transportation planning with county, regional, state and federal plans." The Commission also finds that Policy 10.19.02.13 directs that the City "[p]articipate and show leadership in interacting with counties, cities and other special governments in Southern Oregon to develop regional public transportation services to reduce the frequency and length of vehicle trips."

2.4 The Planning Commission finds that the Oregon Revised Statutes (ORS) provided for the establishment of regional problem solving programs in counties and regions throughout the state to provide a framework directed toward resolving land use problems in a region. The City of Ashland entered into a "Collaborative Regional Problem Solving" process in 2000 with Jackson County; the Rogue Valley Council of Governments; the cities of Central Point, Eagle Point, Medford, Phoenix and Talent; and a number of local, state and regional agencies to create a plan identifying lands suitable for long-term urban growth sufficient to accommodate a doubling of the region's population.

Lands that have been selected to accommodate future urban growth within the region are designated in the RPS Plan as urban reserve areas (URA's). In December of 2003, the City Council determined in Resolution #2003-037 that with more efficient land use strategies, the lands already within Ashland's city limits and urban growth boundary could accommodate the city's anticipated growth during the plan period without expansion. As such, Ashland is the only city participating in the RPS process that has not identified urban reserves.

In September of 2008, the City Council acknowledged general agreement with the RPS process and adopted Resolution #2008-032 supporting the RPS planning process and the general sequencing envisioned through the Jackson County comprehensive plan amendment process. Ashland signed the formal Participants Agreement in December of 2009.

2.5 The Planning Commission finds that in review of the draft RPS Plan in 2010, the Planning Commission and Council had identified six key areas of concern which they wished to see better addressed prior to adoption of the Plan. These included: 1) Accurate population allocations; 2) Efficient land use and transportation planning; 3) Limiting urban levels of development within Ashland's "urban fringe"; 4) Not requiring jurisdictional transfer of county

roads from Jackson County to individual cities as a requirement of RPS Plan adoption; 5) Protecting high value farmland; and 6) Setting a timeline to develop regional housing strategies.

The Commission finds that with regard to accurate population allocations, concurrent with adoption of the RPS Plan, Jackson County reopened its Population Element and adjusted the population allocations for the City of Ashland as had been requested. The County chose to re-allocate population from unincorporated areas of the County itself, rather than taking population from other cities in the region, thereby avoiding making changes in other cities' population allocations or land needs which might have posed substantial risk to the RPS Plan at this stage. With this re-allocation, Ashland is allocated a year 2060 population of 31,633 which is consistent with historical growth patterns and current Comprehensive Plan projections.

The Commission finds that with regard to efficient land use and transportation planning, Chapter 2, Figure 2.10 and Chapter 5, Section 2.5 of the County-adopted RPS Plan include increased density commitments from all participating cities which were arrived at address density concerns, provide densities more likely to support a successful regional transit system, and comply with the state's current "safe harbor" density requirements. For the first 25 years of the planning horizon, these density commitments involve densities of 6.5 to 6.9 dwelling units per acre both in existing Urban Growth Boundaries and in proposed Urban Reserve Areas, including a commitment by Ashland to a 6.6 units per acre density within its existing Urban Growth Boundary. Density commitments for the Urban Reserves would be increased by the participating cities for the remainder of the planning period to from 7.5 to 7.9 dwelling units per acre. The Commission notes that in review of land use actions in Ashland for the past five years, new developments have been approved at an average density of approximately 7.46 dwelling units per acre.

The Commission further finds that Chapter 5, Section 2.6 of the County-adopted RPS Plan includes commitments by all participating cities including Ashland to meet the benchmarks in the 2009 Regional Transportation Plan (RTP), which is administered through the Metropolitan Planning Organization (MPO), for the percentage of new dwelling units and new employment created in mixed-use, pedestrian friendly areas or transit-oriented developments (TODs). These percentages are listed under Alternative Measures #5 and #6 in the RTP, and require that 49 percent of new dwelling units and 44 percent of new employment be located in mixed-use, pedestrian friendly areas or TODs by 2020 with the objective of demonstrating progress towards creating mixed use, pedestrian friendly developments in the region.

The Commission finds that Chapter 5, Sections 2.7 and 2.8 of the County-adopted RPS Plan call for the development of conceptual transportation plans for urban reserve areas to identify and protect regionally significant transportation corridors and provide for a multi-modal regional transportation network with connections within and between cities, and for conceptual land use plans which consider targeted densities, land use distribution, necessary transportation infrastructure and efforts to concentrate development in mixed-use, pedestrian friendly areas.

The Commission finds that the commitments to increased densities, mixed-use, pedestrian friendly development, and coordinated conceptual land use and transportation planning have moved the plan in a direction consistent with that requested in previous Council resolutions.

The Commission finds that with regard to concerns over development impacts within a mile of Ashland's urban growth boundary, the County-adopted RPS Plan retains the requested minimum lot size limitations on development in Ashland's urban fringe in Chapter 5, Section 2.15.

The Commission finds that with regard to concerns over Jackson County potentially requiring that cities assume jurisdiction over current county roads as a condition of participation in the regional planning process, Jackson County has opted to address jurisdiction of these facilities with the individual cities as part of the negotiating process for joint management agreements rather requiring transfers as a condition of RPS Plan adoption.

The Commission finds that with regard to protecting high value farm lands through their removal from urban reserves or through the development of a Farmland Conservation Program as recommended by Rogue Advocates, the County-adopted RPS Plan instead includes in Chapter 5, Section 2.20 the creation of an Agricultural Task Force to develop a program for assessing the impacts of development on the agricultural economy of Jackson County arising from the loss of agricultural lands and/or the ability to irrigate agricultural land which may result from Urban Growth Boundary amendments. The Agricultural Task Force is to identify potential mitigation measures to offset those impacts. The plan notes that appropriate mitigation measures shall be applied to Urban Growth Boundary amendment proposals. The Commission further finds that with the proposed removal of urban reserve area's PH-2 and TA-2, approximately 110 acres of high value farmland identified for development in the draft RPS Plan have now been removed from urban reserves.

The Commission finds that with regard to the Council's request that the RPS Plan identify a timeline for the creation of regional housing strategies which would encourage a range of housing types across the region in recognition of the fact that diverse and affordable housing options close to work, school and shopping are essential to managing growth, supporting economic development, providing schools and public services, and reducing the environmental and social impacts of growth, Chapter 5, Section 2.12 of the County-adopted RPS Plan requires that the participating jurisdictions create regional housing strategies that strongly encourage a range of housing types throughout the region within five years of the Plan's adoption.

2.6 The Planning Commission finds that Ashland is unique among the six participating cities as the only jurisdiction not to identify urban reserves, and that the proposed new Comprehensive Plan element is similarly unique in that where other cities are adopting new regulations and maps, Ashland is in effect acknowledging its participation through adoption of policies that in large part will not come into play unless urban reserves are identified for the city. The new element thus serves primarily as a placeholder to acknowledge the city's signatory participation

in the plan and to provide a framework if the city should choose to pursue the creation of urban reserves in the future.

2.7 The Planning Commission finds that while some concern remains with the RPS Plan's focus on the identification of future growth areas, including some identified as high value farmlands, Ashland's participation in the regional problem solving process has proven beneficial in allowing Ashland to both participate and show leadership in on-going discussion of coordinated regional planning for growth, and that participation has helped move the County-adopted RPS Plan to more deeply consider integrated land use and transportation planning, densities necessary to support a thriving regional transit system, regional housing strategies, and further consideration of farm land conservation. The Commission further finds that the County-adopted RPS Plan provides an initial framework for continued regional planning efforts over the next five decades, with Ashland as a full participant. The Commission also notes that participation in the regional planning process to date has helped develop on-going positive working relationships between the staff members and policy makers of the various participating jurisdictions which we hope can continue long into the future in the spirit of on-going regional cooperation.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission recommends approval of Planning Action #2012-00573 and adoption of the proposed new "Chapter XIV – Regional Plan" element into the Comprehensive Plan.

Planning Commission Approval

July 10, 2012

Date

**TYPE II
PUBLIC HEARING**

**PA-2012-00575
1155 East Main Street**



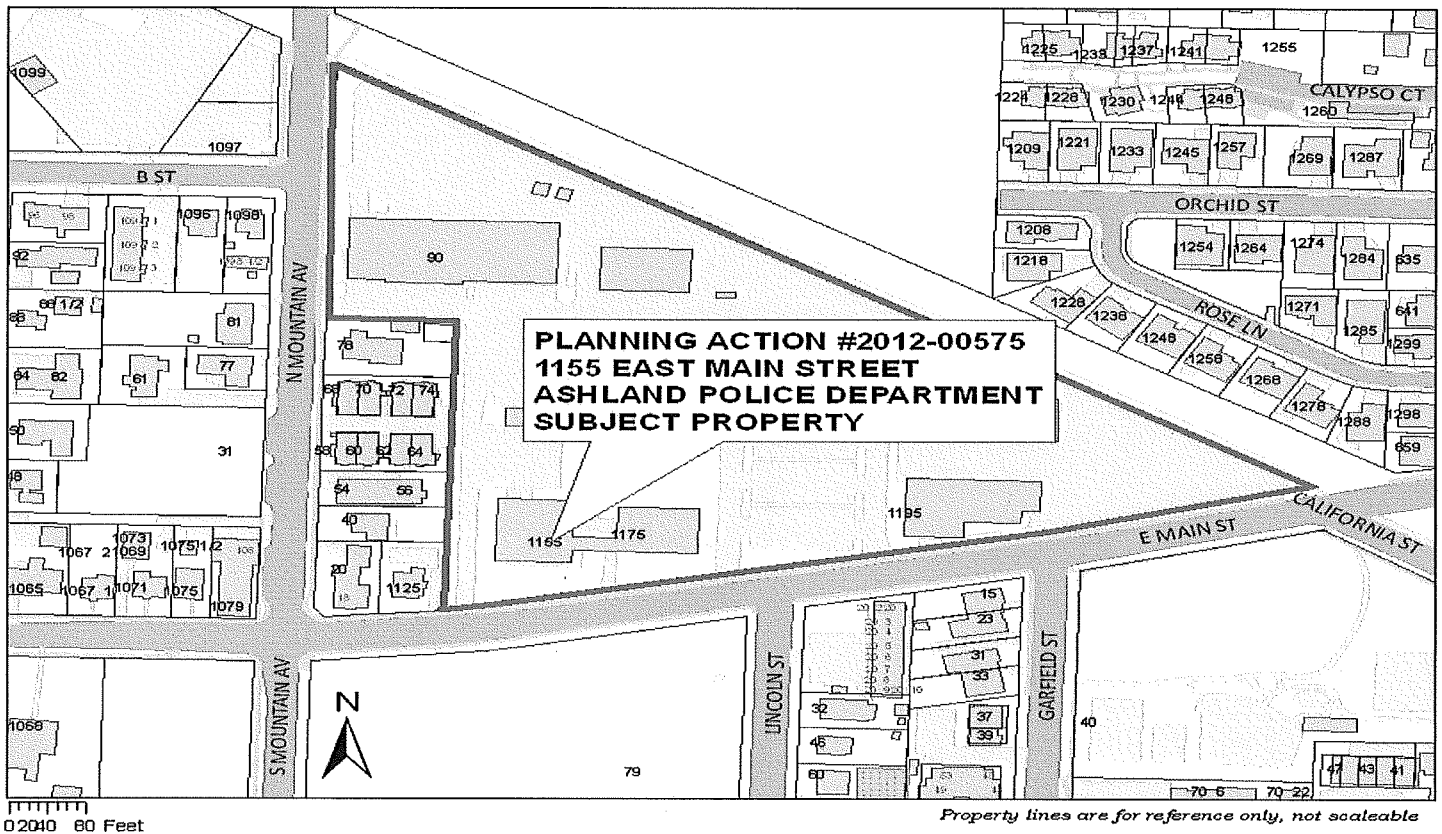
PLANNING ACTION: 2012-00575

SUBJECT PROPERTY: 1155 East Main Street

OWNER/APPLICANT: City of Ashland/Ashland Police Department

DESCRIPTION: The Planning Commission will re-open the public hearing on a request for Site Review approval to construct a 3,016 square foot addition and associated site improvements for the Ashland Police Department located at 1155 East Main Street. Re-opening of the hearing will allow consideration of new information with regard to the accessibility of the entry walkway. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP #:** 39 1E 10; **TAX LOT #:** 900

ASHLAND PLANNING COMMISSION MEETING: July 10, 2012 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.

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.

**ASHLAND PLANNING DIVISION
STAFF REPORT ADDENDUM
July 10th, 2012**

PLANNING ACTION: PA-2012-00575

APPLICANT: City of Ashland
Ashland Police Department

LOCATION: 1155 East Main Street
Map 39 1E 10, Tax Lot #900

COMPREHENSIVE PLAN DESIGNATION: Employment (E-1)

APPLICATION DEEMED COMPLETE: June 3, 2012

120-DAY TIME LIMIT: October 1, 2012

ORDINANCE REFERENCE:

18.40	E-1 Employment District
18.61	Tree Preservation and Protection
18.72	Site Design Review
18.92	Parking, Access & Circulation

REQUEST: A request for Site Review approval to construct a 3,016 square foot addition and associated site improvements to bring the site more into compliance with current standards including additional parking, landscaping and hardscaping improvements for the Ashland Police Department located at 1155 East Main Street. This addition is the first phase of a multi-phase project, with a subsequent phase to include another 1,975 square foot addition and associated site improvements within two to five years. *It has been requested that the Planning Commission re-open the public hearing on this application to allow consideration of new information with regard to the accessibility of the entry walkway.*

I. Relevant Facts

A. Background - History of Applications

The Planning Commission approved the application with conditions at the June 12, 2012 regular meeting. The conditions of approval included that the walkway to the newly created entry plaza not include steps in its final design in order to remove potential barriers to wheelchair accessibility. Subsequent to the meeting, the applicants contacted staff with concerns that the site would not be able to accommodate wheelchair access without switchbacks in the ramp which would disturb significantly more of the area between East Main Street and the existing Council Chambers than had been envisioned in the approval and that the functionality of the proposed plaza space would be impacted by the required ramps.

Because findings had not yet been adopted, staff re-noticed the application to allow a re-opening of the public hearing to consider this issue.

B. Detailed Description of the Site and Proposal

The applicants have provided a revised sheet E-1 which explains that with the site modifications proposed, the slope of the existing ramp would be increased from its current eight percent to nine percent, which exceeds ADA accessibility requirements. The current ramp's eight percent is the maximum slope allowed for accessible access.

II. Project Impact

As noted above, the applicants have raised the issue that if stairs are not to be provided in order to remove potential barriers to wheelchair access, the creation of an accessible route from the sidewalk to the building entrances will require a ramp with switchbacks across the area between the Council Chambers and East Main Street and will alter the character of this space. The existing ramp has an eight percent slope, which is the maximum allowed for accessibility, and with the reconfiguration and creation of plaza spaces it would steepen the ramp to a nine percent slope which exceeds that allowable for accessibility. The applicants also suggest that the ramps necessary would impact the usability of the plaza space to be provided.

In discussing the matter with the Building Official, he has indicated that the existing accessible route is from the ADA-accessible parking spaces now in place to the entrance via the existing covered walkway, and there is not a requirement that an additional accessible route be created. The applicants could install stairs and they would not be considered a barrier to accessibility because an accessible route has been provided. However, if the Commission's desire was to provide an accessible route from the sidewalk to the entrance, the slope of the steepened walkway would pose a concern and necessitate the switchbacks and additional ramping.

The applicants are seeking clarification of the Commission's intent, and want to ensure that the commission is aware of the potential complications to accessibility and to the site plan resulting from the improvements proposed.

III. Procedural - Required Burden of Proof

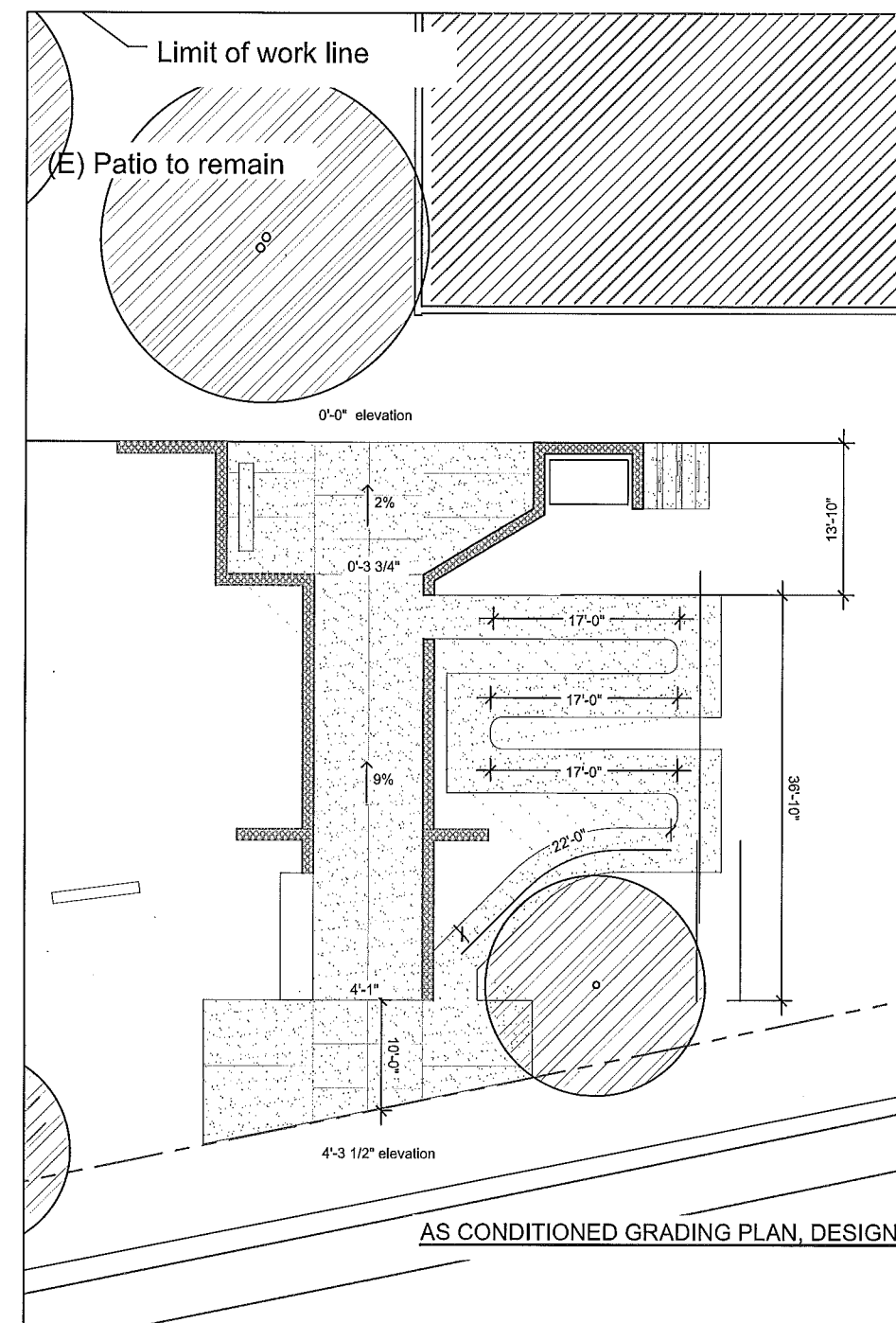
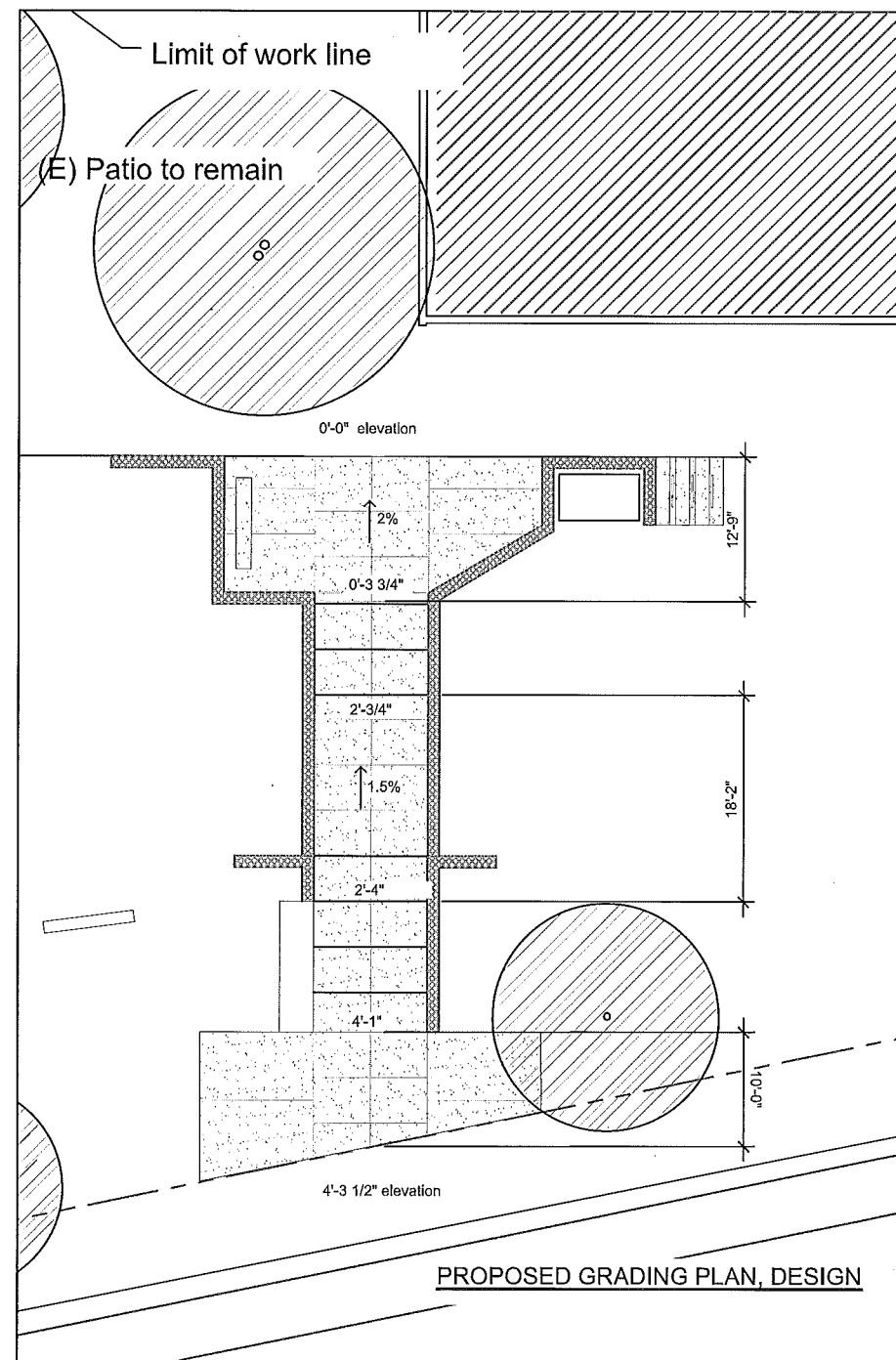
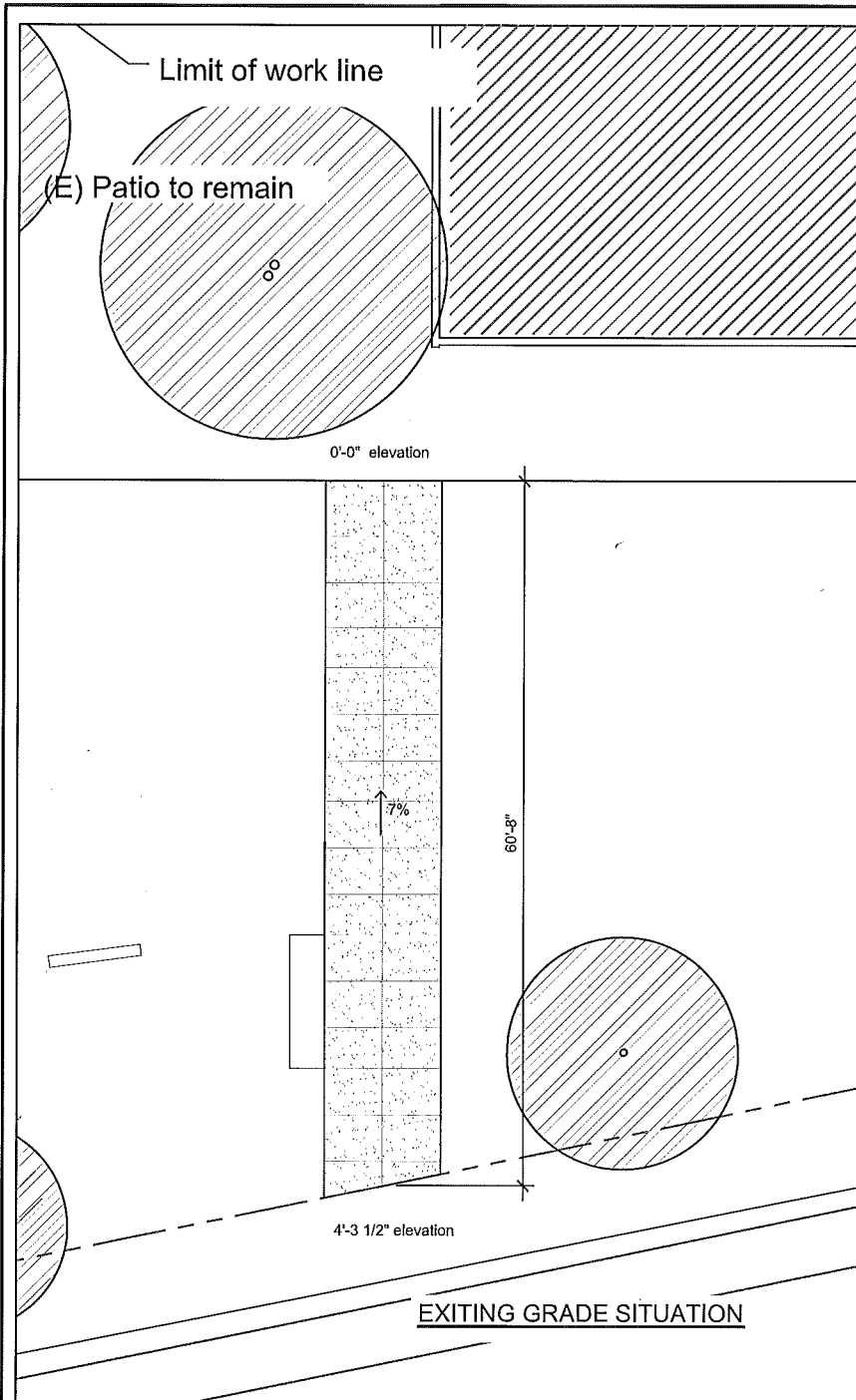
The applicable criteria for Site Review approval are described in AMC 18.72.070 as follows:

- 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.

IV. Conclusions and Recommendations

The Planning Commission approved the application with conditions at the last meeting. The issue at hand is limited to clarifying how the Commission wishes to address the accessibility concerns raised by the applicants: allowing the walkway to be modified with stairs as originally proposed, retaining the condition and making the front entry area wheelchair accessible with the addition of necessary switchbacks and ramps, or simply clarifying that the Commission's intent was to retain a sloped walkway without stairs but not to require the creation of another accessible route and associated ramps.



Existing Conditions:

Accessible route is from the parking lot where there are ADA parking spaces
There is no parking along East Main.
The existing ramp from the sidewalk to the building walkway is at 7%,
this does not meet ADA access requirements which would require hand rails
on sloped walks between 5 and 8 %. (8% is maximum slope allowed)
There is no sense of entry from the sidewalk to the building.
Ample open space for demonstration near building entrances.

Original Proposal:

Accessible route is from the parking lot where there are ADA parking spaces
There is no parking along East Main.
There are plaza areas at the sidewalk and the building walk.
There are seat walls throughout, along the walk and at the lower plaza.
There are two sets of steps that allow all walk slopes to be 2% or less.
Ample open space for demonstration near building entrances.

As Conditioned by Planning Commission:

Accessible route is from the parking lot where there are ADA parking spaces
There is no parking along East Main.
There are plaza areas at the sidewalk and the building walk.
The sloped walk is maintained from the sidewalk to the building but steepened
to 9% through the addition of the plaza areas, this does not meet ADA
access requirements (8% is maximum slope allowed).
Accessible Ramp is included to provide legal Accessible route from sidewalk.
Open space near entrances is encumbered by ADA ramp requirements.

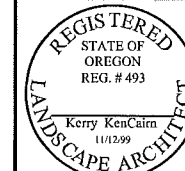
ENTRY EXHIBIT



ASHLAND POLICE STATION
1155 E. MAIN STREET
ASHLAND, OREGON 97520

JUNE 18, 2012

E-1



Revision Date:

Drawn By: KKK

Scale 1" = 16'-0"

KenCairn
Landscape Architecture



Tel: 541.488.3194 545 A Street
Fax: 541.552.9512 Ashland, OR 97520
Cell: 541.601.5559 kerry@kencairnlandscape.com

**TYPE II
PUBLIC HEARING**

**PA-2012-00740
160 Lithia Way**



PLANNING ACTION: PA-2012-00740

SUBJECT PROPERTY: 160 Lithia Way

APPLICANT: DRRAM L.L.C. (Doug & Dionne Irvine)

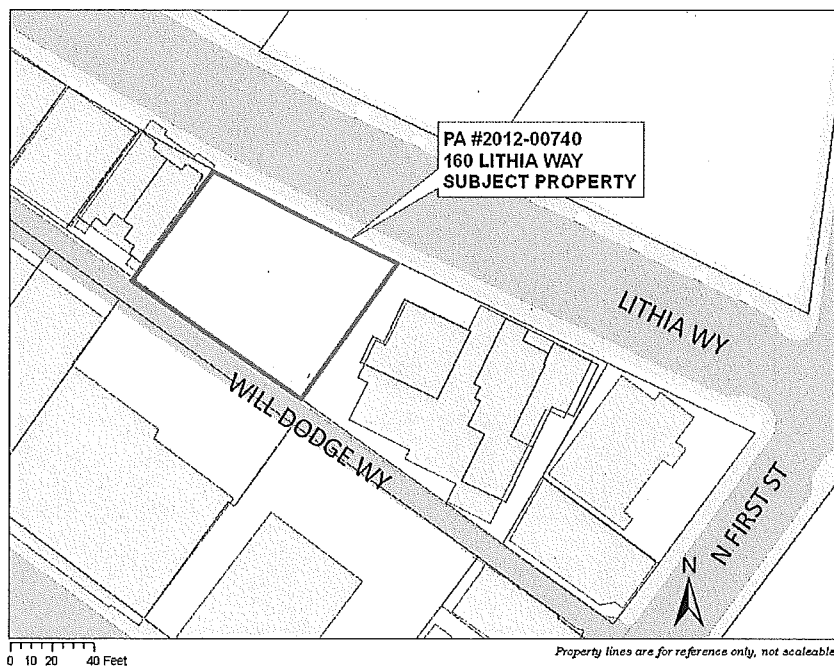
DESCRIPTION: A request for Site Review and Conditional Use Permit approval to construct a new 13,800 square foot, three-story mixed-use building in the vacant, private parking lot located at 160 Lithia Way. The proposed building will consist of commercial restaurant space on the ground floor, five hotel units on the second floor, and five residential apartments on the third floor. The application also includes requests for a Conditional Use Permit to exceed 40 feet in height in order to provide architectural relief in the façade, an Exception to the Site Design & Use Standards with regard to plaza space requirements, and a Tree Removal Permit to remove ten trees greater than six-inches in diameter at breast height (d.b.h.).

COMPREHENSIVE PLAN DESIGNATION: Downtown Commercial; **ZONING:** C-1-D; **ASSESSOR'S MAP #:** 39 1E 09 BA; **TAX LOT #:** 10800

NOTE: The Ashland Historic Commission will also review this Planning Action on **Tuesday, July 3, 2012 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way.

NOTE: The Ashland Tree Commission will also review this Planning Action on **July 5, 2012 at 6:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *July 10, 2012 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).

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.

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.

EXCEPTION TO THE SITE DESIGN AND USE STANDARDS

18.72.090

An exception 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 and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty; or
 - B. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.
- (Ord 3054, amended 12/16/2011)

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 DEPARTMENT
STAFF REPORT
July 10, 2012**

PLANNING ACTION: 2012-00740

APPLICANT: DRRAM L.L.C.
Doug & Dionne Irvine

LOCATION: 160 Lithia Way

ZONE DESIGNATION: C-1-D

COMPREHENSIVE PLAN DESIGNATION: Downtown Commercial

APPLICATION DEEMED COMPLETE: July 2, 2012

120-DAY TIME LIMIT: October 30, 2012

ORDINANCE REFERENCE: 18.32 C-1 Retail Commercial District
18.61 Tree Preservation and Protection
18.72 Site Design Review
18.92 Parking, Access and Circulation
18.104 Conditional Use Permits

REQUEST: A request for Site Review and Conditional Use Permit approval to construct a new 13,800 square foot, three-story mixed-use building in the vacant, private parking lot located at 160 Lithia Way. The proposed building will consist of commercial restaurant space on the ground floor, five hotel units on the second floor, and five residential apartments on the third floor. The application also includes requests for a Conditional Use Permit to exceed 40 feet in height in order to provide architectural relief in the façade, an Exception to the Site Design & Use Standards with regard to plaza space requirements, and a Tree Removal Permit to remove ten trees greater than six-inches in diameter-at-breast-height.

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

Site

The subject property is a generally rectangular parcel located on the south side of Lithia Way between North First Street and North Pioneer Street. The property has 99 feet of frontage

along Lithia Way, a state highway designated as an arterial street or boulevard in Ashland's Transportation System Plan, and its 98-foot rear property line abuts Will Dodge Way, a public alley. The subject property was formerly a public parking lot under city ownership, but was sold to the applicants in 2008. The property has remained a quasi-public parking lot with paving and associated perimeter landscaping, including parking lot and street trees, still in place. The parcel is generally flat, with an approximate five percent slope down to the north, toward Lithia Way.

The property is between the Jasmine Building at 180 Lithia Way and the Kendrick Building at 150 Lithia Way, which are zoned C-1-D, and is directly across from the previously approved First Place commercial subdivision, which is zoned C-1. The subject property itself is located within the C-1-D Downtown Commercial zoning district and the Ashland Downtown Historic District, and development of the site is subject to basic, detail and large scale Site Review standards, as well as the standards for downtown and historic district development.

Proposal

The proposal involves a request for Site Review approval to construct a new 13,800 square foot, three-story mixed-use building in the vacant, private parking lot located at 160 Lithia Way. The proposed Main Street-style building's ground floor will consist of 3,116 square feet of commercial space which could accommodate commercial uses including restaurant or retail and 1,476 square feet of parking; the 5,092 square foot second floor will include five hotel units; and the 5,092 square foot third floor consists of five residential apartments. The building's north and east facing facades, which will be visible from Lithia Way, are to be constructed in brick with a cast stone base and will include wood clad windows.

Because the proposal includes five hotel units, a Conditional Use Permit is required. The applicants have also requested an additional Conditional Use Permit because the proposed building exceeds 40 feet in height in order to provide architectural relief in the façade in the form of a decorative parapet.

An Exception to the Site Design & Use Standards with regard to plaza space requirements is also requested. For buildings greater than 10,000 square feet, the Site Design and Use Standards require that one square foot of plaza space be provided for each ten square feet of floor area. As proposed, the 13,800 square foot building would require 1,380 square feet of plaza area. The applicants propose an Exception in order to provide only 822 square feet of plaza space (558 square feet less than required) to be provided along the front of the building's northeast corner and along the southeast side adjacent to the breezeway extending from Lithia Way to Will Dodge Way.

Finally, the application includes a request for Tree Removal Permits to remove ten trees greater than six-inches in diameter-at-breast-height. All of the site's trees are to be removed with the proposal in order to allow development of the site, and new trees are to be planted, or alternative mitigation provided, to comply with city standards.

II. Project Impact

The project requires Site Review approval since it involves the construction of a new building in the C-1 zoning district. In accordance with Chapters 18.72, 18.104 and 18.108, the application is required to be reviewed under the “Type II” process with a public hearing because the project is located in the Detail Site Review Zone, and the size of the buildings is greater than 10,000 square feet, and because the proposal involves Conditional Use Permit approvals associated with a new building.

A. Site Review

The requested Site Review approval is to allow the construction of a new 13,800 square foot, three-story mixed-use building in the vacant, private parking lot located at 160 Lithia Way. The proposed Main Street-style building will consist of 3,116 square feet of commercial space which could accommodate commercial uses including restaurant or retail and 1,476 square feet of parking on the 4,640 square foot ground floor; five hotel units on the 5,092 square foot second floor; and five residential apartments on the 5,092 square foot third floor. The building’s north and east facing facades, which will be visible from Lithia Way, are to be constructed in brick with a cast stone base and will include wood clad windows.

The first criterion for Site Review approval is that, *“All applicable City ordinances have been met or will be met by the proposed development.”* The project proposes a mix of residential, hotel and commercial uses consistent with the underlying C-1-D zoning designation. Residential units are a special permitted use within the district, hotels are conditional uses, and commercial uses including retail and restaurants are outright permitted. The C-1 zoning regulations require that a minimum of 65 percent of the gross floor area of the ground floor of the building be used for permitted or special permitted uses other than residential units. The proposal designates approximately 68 percent of the ground floor for commercial, an outright permitted use, with the remainder taken up with parking to serve the hotel units on the second floor.

The C-1 zoning district does not require standard setbacks from property lines unless a parcel abuts a residential zoning district. In this case, the subject parcel is entirely surrounding by properties with commercial zoning. As a result, standard setbacks from property lines are not required. The property is subject to the Arterial Street Setback Requirements of AMC 18.68.050, which provide for a setback on an arterial street of no less than 20 feet or the width required to install city-standard sidewalk and parkrow improvements, whichever is less. The building placement as shown accommodates the installation of city standard sidewalk and parkrow improvements, and the applicants have proposed to install a ten-foot wide sidewalk and five-foot commercial parkrow in keeping with the recently-widened standards.

The application notes that the building’s mass reaches approximately 42 feet in height along the Lithia Way frontage. The C-1-D district allows for buildings up to 55 feet in height, provided that those higher than 40 feet obtain Conditional Use Permit approval, and the application has accordingly requested a Conditional Use Permit to allow an approximately six-foot high decorative parapet element which exceeds 40 feet in height.

Within the C-1-D district, there is no outright landscaping requirement. The applicants have however provided a preliminary landscape plan (see Sheet L2.0) which identifies not only the required street tree plantings but also landscape materials to be placed along the walkway corridor on the east side of the building. The street trees identified include oaks and zelkova from the Recommended Street Tree Guide; however staff would note that specific trees have been recommended by parkrow width for the Lithia Way corridor. For five-foot parkrows on Lithia Way, Trident Maple and Bigtooth Maple are the primary street trees recommended. As this staff report is being written, the Tree Commission has yet to review the application. Staff has accordingly recommended conditions to make the Tree Commission recommendations conditions of approval, where consistent with the applicable standards and with final approval by the Staff Advisor, and to require street tree selections from the Lithia Way recommended street tree list.

The second Site Review criterion is that, *"All requirements of the Site Review Chapter have been met or will be met."* The application notes that required street trees and additional landscaping and irrigation will be provided; that trash and recycling areas will be provided and appropriately screened through placement within the building; and that lighting will be down-directed or shrouded to avoid concerns with glare and comply with applicable standards.

The third approval criterion is that, *"The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter."*

The project lies within the Detail Site Review Zone, the Downtown Design Standards Boundary, and the Downtown Historic District. As a result, the application is subject to the Basic Site Review Standards for Commercial Development, Detail Site Review Standards, Downtown Design Standards and Historic District Design Standards. Additionally, the building is greater than 10,000 square feet in size, and therefore the development is considered a large scale project and is subject to the Additional Standards for Large Scale Projects.

The full Historic Commission reviewed preliminary building design at the pre-application stage, and made a number of recommendations, however as this staff report is being prepared, the Historic Commission has not yet reviewed the submittal materials. As such, a condition of approval has been recommended below that the recommendations of the Historic Commission, where consistent with the applicable standards and with final approval by the Staff Advisor, be made conditions of approval.

The proposed building design appears to meet the Basic Site Review approval standards. The building's orientation is to Lithia Way, with pedestrian entrances directly from the public sidewalk and vehicular parking located within the building footprint and accessed from the Will Dodge Way alley. Streetscape and landscape amenities are being provided.

Detail Site Review approval standards have also been addressed. All new buildings are now required to meet a minimum Floor Area Ratio (FAR) of at least 0.50, which on the subject 7,000 square foot lot would require a building of at least 3,500 square feet. The proposed building square footage is 15,276 square feet and significant exceeds the minimum FAR. While the building frontage is less than 100 feet, the building does provide distinctive

changes in the façade including a recessed entrance, windows, vertical pilasters and horizontal bands. The building face incorporates storefront windows along the ground floor, and three fixed canopies adjacent to the sidewalk to provide pedestrians with protection from sun and rain. The building design incorporates a recessed entrance, and architectural treatments which break the building's width into three vertical masses and a sense of entry emphasized by the central parapet element. The recessed entry and outdoor seating area will have a different surface treatment in color and pattern to emphasize their role as "people areas."

The building is also subject to Additional Standards for Large Scale Projects as it is located within the Detail Site Review Zone and has a floor area greater than 10,000 square feet. As noted above, the design has broken the building's length into three more vertical elements emphasized by the proposed central parapet, and includes canopies over the pedestrian entries to shelter pedestrians and create a more human scale relationship to the streetscape. The building does not exceed the maximum square footage of 45,000 square feet. Large Scale approval standards also require one foot of plaza or public space for every 10 square foot of gross floor area. Per Section II.C.3.a, the gross floor area does not include parking area located underneath the building area. In this case the above ground area is 15,276 square feet and the parking area within the footprint of the building is approximately 1,476 square feet. The gross floor area used for calculating plaza space requirements is 13,800 square feet, requiring 1,380 square feet of plaza space. The applicants have proposed to provide only 822 square feet of plaza, primarily in the form of an outdoor seating area near the northeast entrance and adjacent to the existing pedestrian corridor originally created with construction of the Jasmine Building to the east. The applicants have requested an Exception to the Site Design and Use Standards in order to provide less than the full amount of plaza space, noting constraints posed by adjacent developments which have been built to differing sidewalk width standards along a curved right-of-way and the need to respond to these constraints in a historically sensitive manner in the context of the Lithia Way streetscape. The applicants also assert that the substantial additional right-of-way necessary to comply with recently increased sidewalk width standards exacerbate the development constraints, and that the sidewalk width to be provided will serve many of the same functions intended by the plaza space requirement. This Exception is discussed in further detail below.

The building is subject to both the Downtown Design Standards and the Historic District Development Standards, and the applicants have addressed these standards in their findings. Aside from the requested exception, the applicants have included design features to address these standards. The applicants have proposed a multi-story, Main Street-style building. The building extends from side lot line to side lot line, with the exception of a side setback from the existing pedestrian walkway originally created with the development of the adjacent Jasmine Building, and incorporates large street-level windows and transparent doors. The building incorporates horizontal and vertical rhythms through divisions on the facade as required by the standards. The upper floor windows are vertical. The building incorporates an architectural base, as is typical in historic buildings in the area. The roof is generally flat, and includes a cornice but its length is broken by the proposed central parapet. The proposed multi-story building's mass is roughly three feet taller than the adjacent Kendrick Building to the west, and slightly lower than the Jasmine Building to the east, in keeping with the height standards which seek a slightly dissimilar height in maintaining a staggered streetscape. The

frontage of the building is primarily brick, with a stone base to give the building a sense of strength to anchor it within the streetscape.

The final Site Review approval criterion is, *“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.”* The application materials provided include a draft Site Utility Plan (see sheet A1.2) and indicate that adequate facilities are in place within the adjacent rights-of-way and will be extended to serve the site by the applicants. Public facilities and utilities in place to service the project or to be installed as part of the subdivision improvements include the following:

- **Electrical Service:** The application identifies existing transformers, electric boxes and vaults in place along Will Dodge Way which serve existing buildings along Lithia, Will Dodge and East Main. The applicants’ draft Site Utility Plan indicates that the transformer at the southeast corner of the site will be replaced with a new, upgraded 600 KVA transformer to serve the proposed building. The application notes that the electric meters and main disconnect are to be placed on the southwest corner of the building, with access from Will Dodge. In reviewing the draft Site Utility Plan, the Electric and Building Departments have noted that state law requires separate electric meters be provided for each of the residential units and asked that the final electrical service plan make clear that this requirement will be addressed.
- **Sanitary Sewer:** The property is currently served by a six-inch sanitary sewer main within Lithia Way. The draft Site Utility Plan indicates that a new four-inch sanitary sewer lateral will be extended to serve the proposed building.
- **Storm Drainage:** The property is currently served by a six-inch storm sewer main in the north central portion of the tax lot; a 15-inch storm drain line is also in place within Lithia Way. In reviewing the draft Site Utility Plan, Public Works and Engineering staff have noted that the existing six-inch storm sewer main may lack sufficient capacity if the proposal ultimately results in an increase in impervious area on site with the removal of existing landscaped areas, and would then necessitate on-site detention with new underground facilities. They’ve also indicated that if the parking spaces follow the existing topography of the site, which falls approximately four feet from Will Dodge to Lithia Way, an oil/water separator and some type of storm water detention will be needed at the front (lower) end of the parking stalls. Engineering Division staff will need to review a final engineered Storm Drainage Plan which addresses these items and demonstrates that post-development peak flows will be less than or equal to pre-development peak flows for the site as a whole prior to issuance of a building permit, and which include necessary storm water quality mitigation measures as part of the design.
- **Easements:** It has also been noted that existing sewer and storm drainage facilities cross this property in serving buildings along East Main Street, and that some of the existing electrical equipment on the site is located outside of easements or rights-of-way. New public or private easements will need to be created, or these facilities re-routed, to accommodate the proposed new construction.

- **Water:** The property is currently served by a four-inch water main in Lithia Way, with an existing ¾-inch water service and meter in place in the sidewalk available to serve the project. The application notes that 70 feet of new four-inch ductile iron fire sprinkler line will be extended from Lithia Way to the building's riser room. In reviewing the draft Site Utility Plan, Public Works and Engineering staff have indicated that the existing ¾-inch meter is insufficient to serve the project by itself, and have indicated that an additional new commercial water service will need to be included in the final Utility Plan to be reviewed and approved by Planning, Building, Public Works and Engineering staff prior to building permit issuance. The application also notes that Fire Department requirements including fire sprinklers and a Fire Department Connection (FDC) valve and vault will be identified in the building permit submittals. Given the potential impacts of an FDC and vault to the pedestrian streetscape, a condition of approval has been recommended below to require that these elements not be placed within the pedestrian corridor.
- **Paved Access and Adequate Transportation:** Lithia Way is an arterial street and state highway that is currently paved with curbs, gutters, on-street parking, bike lanes, and automobile travel lanes, and an eight-foot width sidewalk in place along the subject property's full frontage. The applicants propose to provide ten-foot width sidewalks and five-foot commercial hardscape parkrows to comply with the recently-increase arterial street standards. Will Dodge Way is a 12-foot wide public alley that is currently paved.

The application materials provided include a letter from Kim Parducci of Southern Oregon Transportation Engineering L.L.C. This letter indicates that a trip generation analysis was completed based on the Institute of Traffic Engineers' (ITE) standards with the determination that the proposal was below the threshold levels which would trigger a full traffic impact analysis, and that the proposal could be approved without any adverse impacts on the downtown transportation system.

Conditions of approval have been recommended below to require that the applicants provide civil drawings and utility plans addressing the items above for review and permitting by the City of Ashland's Building, Planning, Public Works and Engineering Divisions prior to the issuance of permits or any work within public rights-of-way, and that the applicants also provide evidence that requisite permits have been obtained from the Oregon Department of Transportation prior to the issuance of permits by the City of Ashland.

B. Exception to the Site Design & Use Standards

Within the Detail Site Review Zones, the Site Design and Use Standards require buildings larger than 10,000 square feet to provide at least one square foot of plaza space each ten square feet of floor area. As proposed, the 13,800 square foot building would require 1,380 square feet of plaza area. The applicants propose an Exception in order to provide only 822 square feet of plaza space (558 square feet less than required) between a small outdoor plaza area to be provided at the northeast corner of the building's front façade and additional space along the southeast side adjacent to the breezeway extending from Lithia Way to Will Dodge Way.

The application explains that the existing sidewalk width along the property's frontage is only eight feet, and there is no additional right-of-way available to accommodate widening of the sidewalks to meet the recently adopted sidewalk and parkrow widths for an arterial street. In constructing city standard sidewalks and parkrows, the applicants assert that they will be providing an additional 730 feet of public space along the full building frontage which, if considered in combination with the proposed 822 square feet of plaza space would more than satisfies the plaza requirements. The application goes on to explain that without an Exception, the building would need to be redesigned with a greater setback from either the front or side property line which would alter the floor area, design, function, and relationship to the streetscape. The application further explains that if the building were setback another five feet to provide the requisite plaza space, the building would be 12 feet behind the existing sidewalk and out of sync with the historic building placement on the corridor and thus counter to both the Historic District(IV-C-4) and Downtown (VI-B) Design Standards.

The application materials point out that the combination of a mix of old and new buildings built to varying sidewalk width standards and the angled curvature of the right-of-way has lead to a mismatched appearance for the corridor. The application suggests that historically, buildings did not shift as dramatically as seen on this block, and tended instead to address these factors with slight shifts and subtle adjustments. The application suggests that a drastically different building placement here to accommodate a wider sidewalk and additional plaza space along the street frontage would exasperate the issue, and that the requisite public plaza functions such as outdoor dining can be carried out within the wider sidewalk corridor. With regard to the space adjacent to the walkway, the application asserts that increasing the plaza space provided there would necessitate the removal of two residential and two hotel units and force the applicants to look at building separate buildings to avoid the plaza requirement entirely, and conclude with a request that the added sidewalk area necessary to meet city standards along Lithia Way be considered to offset plaza space requirement.

In considering the request, staff recognizes that the property is one of the few vacant lots available for infill within the district, and that the project will be the first to develop according to the new arterial street standards which require a ten-foot sidewalk and five-foot parkrow. The property's frontage is relatively wide, the relationship to the right-of-way is angled, and the buildings to either side have developed according to differing sidewalk width standards which all pose issues to be addressed through the design. In staff's view, the proposed building placement seems to effectively balance these issues while providing the full required sidewalk width and creating a smooth transition between the varying sidewalk widths to either side and placing the building to fit well into the streetscape context.

The Downtown Design Standards (VI-B) call for construction of buildings to the back of the sidewalk and to the side property lines (VI-C), although Exceptions can be requested to provide walkways or public space. In staff's view, the proposed design seeks to respond directly to this standard within the context of the Lithia Way streetscape, and sufficient evidence has been provided that the front plaza space in combination with the new wider sidewalks to be constructed along the frontage, substantially beyond the existing right-of-way, result in a public space which, with the inclusion of the requisite elements, will at least equally achieve the intent of the standard. For staff, the bigger concern is in insuring that the narrow corridor to be provided as plaza space along the existing walkway at the east property

line enhances or at least maintains the functionality and “people-friendliness” of that existing space. To that end, a condition has been recommended below to require that a revised site plan be provided with the building permit which better addresses the space along the existing walkway corridor to include retention of the “circular” form of the seating area (rather than offsetting the two halves of the existing circle), “people-friendly” landscape treatments, details of pedestrian scale lighting design and placement, and a better connection between the walkway corridor and the building, its front plaza space and/or the side stairway entry, possibly to include steps of a height to accommodate occasional use for seating. Staff would also recommend that the Planning Commission consider a condition to require that the building permit submittals include a clear identification of the four requisite plaza elements to be provided within the front plaza space and widened sidewalk corridor.

C. Conditional Use Permit for Hotel Use

The proposal includes five hotel units on the second floor. In the C-1-D district, hotel uses require Conditional Use Permit approval, and are the only uses to require that off-street parking be provided within the downtown.

The application notes that the hotel will be in conformance with all standards of the C-1-D district and with relevant Comprehensive Plan policies. The proposed hotel units are within the core area of the downtown and are approximately 200 feet from the nearest residentially-zoned property, and the applicants assert that hotel use is likely to be no more noticeable within the impact area than the residential condominiums proposed for the third floor which are a special permitted use within the district.

The application further explains that all required utilities are to be provided by the applicants with the proposal from the adjacent rights-of-way, and that a traffic analysis by Southern Oregon Transportation Engineering L.L.C. determined that the proposed hotel use would not cause any capacity or operational issues.

The application materials conclude that when compared to the target retail use of the district, the five hotel units will generate little noise, fewer vehicle trips (41 trips for the five hotel units versus 835 trips for a department store of the same floor area) and less demand on services than would retail use, which would also require nine more parking spaces.

For staff, hotel use within the downtown seems relatively benign, and as suggested by the applicants the proximity to restaurants, theaters, shopping and other attractions is likely to further minimize the necessity for vehicle trips and associated impacts. Guest parking is perhaps the most noticeable impact for hotel use, and the C-1-D district accordingly requires that one off-street parking space be provided for each guest room and an additional space be provided for the manager. The applicants propose to provide the six required spaces and a seventh ADA-accessible space on the ground level with access from the alley to fully address these requirements. Given that the building is also to contain residential units and additional commercial space, which do not require that off-street parking be provided in the downtown, staff would recommend that the Commission consider a condition to require that the parking be signed as for hotel guest use only prior to the issuance of an occupancy permit.

D. Conditional Use Permit for Building Height

The applicants have also requested an additional Conditional Use Permit because the proposed building exceeds 40 feet in height in order to provide architectural relief in the façade in the form of a decorative parapet. Buildings in the C-1-D district may exceed 40 feet in height, with allowances for heights up to 55 feet possible through Conditional Use Permit review.

The application notes that the building's mass reaches approximately 42 feet in height along the Lithia Way frontage, and goes on to explain that the additional height requested is not for the building's mass, but rather for an approximately six-foot high parapet to give the building a stronger identity and sense of uniqueness along Lithia Way. The application also suggests that the additional height allowance in the code was to provide for just this sort of unique, whimsical element to avoid the potential for monotony that might otherwise result if all buildings were to strictly adhere to the design standards.

At the pre-application level, the Historic Commission reviewed an initial design proposal and suggested that the building looked flat and lacked a strong sense of entry and street presence. Historic Commission recommendations at that time included strengthening the building's base and anchoring it with a flared cap, creating greater variation in the front façade, or adding a raised parapet on the center section in order to break-up the linear roof-line. In staff's view, the added height of the parapet tends to emphasize a more vertical rhythm in what is a relatively wide façade for the downtown and helps to break the width into three distinct vertical element while strengthening the building's sense of entry in a manner in keeping with historic downtown designs and the initial recommendations of the Historic Commission.

E. Tree Removal Permit

The application includes a request for Tree Removal Permits to remove ten trees greater than six-inches in diameter-at-breast-height, and explains these trees are not native to the site and were planted previously as parking lot shade trees. All of the trees are to be removed in order to allow development of the site in a manner consistent with applicable standards and requirements of the C-1-D district.

The trees were evaluated for retention by both the project's architect and arborist, but due to the nature of the proposed development and its close proximity to the trees, and the intent to provide a "Main Street" type facade in keeping with the Historic District and Downtown Design Standards it was determined that the removals were necessary. The application indicates that the removals will not have significant negative impacts to the site's erosion, soil stability, flow of surface water, protection of adjacent trees, existing windbreaks, tree densities or sizes, canopies, or nearby species as the property will be built upon and landscaped with full development of the site.

The application materials conclude that there is no reasonable alternative to retain the subject property's trees while developing the site in keeping with applicable standards, and note that if necessary the applicants will pay to mitigate the removals through off-site planting in lieu of on-site mitigation. A condition requiring mitigation in a manner consistent with the

requirements of AMC 18.61.084 (*i.e. replanting on-site, off-site, or payment in lieu of replanting*) has accordingly been recommended below.

III. Procedural - Required Burden of Proof

The criteria for Site Review approval are 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.*

The criteria for approval of an Exception to the Site Design and Use Standards are described in AMC 18.72.090 as follows:

- A. *There is a demonstrable difficulty in meeting the specific requirements of the Site Design and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty; or*
- B. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.*

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

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

1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and

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

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

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

IV. Conclusions and Recommendations

Staff believe that the application has satisfied the applicable criteria for Site Review approval to construct a 13,800 square foot, three-story mixed use building; an Exception to the Site Design and Use Standards to reduce the plaza space requirement; Conditional Use Permits to allow five hotel units and to allow the building to exceed 40 feet in height; and Tree Removal Permits to remove all ten of the site's existing trees in order to develop the property according to the standards and requirements of the C-1-D district.

The propped building satisfies the applicable standards for Basic Site Review, Detail Site Review, and Additional Standards for Large Scale Developments, Historic District Design Standards, and the Downtown Design Standards, and evidence has been provided in support of the Conditional Use Permits for the five proposed hotel units and the additional height requested for the central parapet element. The application makes clear that the trees proposed for removal are in order to allow the site to develop in keeping with the standards of the district. In staff's view, the requested Exception to the Site Design and Use Standards to reduce the plaza space requirement from the 1,380 square feet required to the 822 square feet proposed was perhaps the component request requiring the most consideration. The applicants have requested the Exception in order to provide less than the full amount of plaza space, noting constraints posed by adjacent developments which have been built to differing sidewalk width standards along a curved right-of-way and the need to respond to these conditions in a historically sensitive manner in the context of the Lithia Way streetscape and applicable design standards. The applicants also assert that the substantial additional right-of-way necessary to comply with recently increased sidewalk width standards exacerbate the other conditions, and that the additional sidewalk width to be provided will allow many of the functions intended by the plaza space requirement to be served in the sidewalk corridor. While staff does not believe that providing required sidewalks in itself should be a basis for

an Exception to the plaza space requirement, the fact that the property is one of the first to be developed according to the new requirements for wider sidewalks while also needing to have the building placement in keeping with that of other buildings on the block developed according to lesser standards on a curved right-of-way pose a unique set of design constraints which seem to be well-addressed along the Lithia Way streetscape with the building's placement and design. For staff, allowing the lesser amount of plaza space comes down largely to ensuring that the treatment of the walkway corridor adjacent to the Jasmine Building on the subject property's eastern property line allows this space to maintain an attractive, functional, people-friendly space. A condition to provide revised drawings to better address this corridor and its relationship to the building and front plaza space has accordingly been recommended below.

Staff believe that the proposed building has been thoughtfully designed in response to the unique context of the Lithia Way streetscape and will make a positive contribution to the corridor. We are supportive of the application, and recommend its approval. Should the Commission concur with the staff recommendation and approve the application, staff would recommend that the following conditions be attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.
- 2) The windows on the ground floor shall not be tinted so as to prevent views from outside of the building into the interior of the building
- 3) That the front entrances adjacent to Lithia Way shall remain functional and open to the public during all business hours.
- 4) That prior to tree removal, site work, storage of materials, staging or building permit issuance, a Tree Verification Permit shall be obtained, and tree identification and protection measures installed, inspected and approved on site by the Staff Advisor.
- 5) That mitigation for the ten trees removed shall be provided in a manner consistent with the requirements of AMC 18.61.084 either through replanting on-site, replanting off-site, or through payment in lieu of replanting. The building permit submittals shall identify required mitigation.
- 6) That the engineered construction drawings for the public sidewalk along Lithia Way shall be submitted for review and approval of the Ashland Planning and Engineering Divisions prior to work in the street right-of-way and prior to installation of improvements in the pedestrian corridor. The sidewalk shall be a minimum of ten feet in width with five-foot commercial hardscape parkrows between the sidewalk and the street. All frontage improvements, including but not limited to the sidewalk, parkrow with street trees and grates, and street lighting, shall be constructed across the entire frontage of the site. The sidewalk shall be constructed to City of Ashland Street Standards, and the applications shall provide evidence that requisite permit approvals have been obtained from the Oregon Department of Transportation (ODOT) prior to the issuance of permits by the City of Ashland or work within the Lithia Way right-of-way. If necessary for alignment of frontage improvements, area

for street improvements shall be dedicated as public street right-of-way. The right-of-way dedication shall be submitted for review and approval of the Ashland.

- 7) That prior to the issuance of a building permit:
- a) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
 - b) That a landscaping and irrigation plan to include irrigation details satisfying the requirements of the Site Design and Use Standards Water Conserving Landscaping Guidelines and Policies and showing parkrow improvements shall be provided prior to building permit issuance.
 - c) That the recommendations of the Historic Commission's July 3rd, 2012 meeting, where consistent with the applicable standards and with final approval by the Staff Advisor, shall become conditions of approval and be incorporated into the building permit submittals.
 - d) That a comprehensive sign program in accordance with the requirements of Chapter 18.96 shall be developed for the building and submitted for review and approval with the building permit submittals. A sign permit shall be obtained prior to the installation of any new signage, and all signage shall meet the requirements of Chapter 18.96.
 - e) All public and private easements on the property shall be shown on the building permit submittals, including but not limited to any easements required to accommodate existing utilities which cross the site.
 - f) That a final storm drainage plan, including any necessary measures for on-site detention or water quality mitigation, shall be submitted at the time of a building permit for review and approval by the Engineering, Building, and Planning Divisions.
 - g) A final utility plan for the project shall be reviewed and approved by the Planning, Engineering and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Meters, vaults, fire department connections, and other utility equipment shall be located outside of the pedestrian corridor in areas least visible from the street, while considering the access needs of the utility providers.

- h) The applicant shall submit a final 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 shall identify separate services/meters for each of the residential units, and shall be reviewed and approved by the Planning, Building and Electric Departments prior to building permit issuance. Transformers, cabinets and vaults shall be located in areas least visible from the street, while considering the access needs of the Electric Department.
- i) Any mechanical equipment installation shall be screened from view from Lithia way. Location and screening of mechanical equipment shall be detailed on the building permit submittals.
- j) Exterior lighting shall be shown on the building permit submittals along with appropriate shrouding to demonstrate that there will be no direct illumination of surrounding properties.
- k) That the building materials and the exterior colors shall be identified in the building permit submittals. The information shall be consistent with the colors, texture, dimensions and shape of materials and building details proposed and approved as part of the land use application. Exterior building colors shall be muted colors, as described in the application. Bright or neon paint colors shall not be used in accordance with the Detail Site Review Standards.
- l) The inverted u-racks shall be used for the bicycle parking. The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met in accordance with 18.92.040.I.
- m) That the recommendations of the Tree Commission's July 5th, 2012 meeting, where consistent with the applicable standards and with final approval by the Staff Advisor, shall become conditions of approval and be incorporated into the building permit submittals. Street trees for planting on Lithia Way shall be selected from the "Lithia Way Recommended Street Tree List."
- n) That a revised site plan shall be provided with the building permit which better addresses the space along the existing walkway to include retention of the "circular" form of the seating area (rather than offsetting the two halves of the existing circle), "people-friendly" landscape treatments, details of pedestrian scale lighting design and placement, and a better connection between the walkway corridor and the front plaza space and/or entry to the side stairs, possibly to include steps of a height to accommodate occasional use for seating. The building permit submittals shall include identification of the four requisite plaza elements to be provided within the proposed plaza spaces and sidewalk pedestrian corridor.

- o) That the two required bicycle parking spaces shall be identified in the building permit submittals and installed prior to occupancy. The bicycle parking shall not be located in the building unless it can be demonstrated that the building meets the dimensional requirements for two bicycle parking spaces and all requirements of 18.92.060 including but not limited to that the bicycle parking shall be located on site within 50 feet of a well-used entrance and not farther from the entrance than the closest motor vehicle parking space.
- 8) That prior to the issuance of a certificate of occupancy:
 - a) All hardscape, landscaping, irrigation, parking, bicycle parking, walkways, sidewalks, street trees, street lights and pedestrian scale on-site lighting shall be installed according to approved plan, inspected, and approved by the Staff Advisor.
 - b) Required 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.
 - c) That the requirements of the Ashland Fire Department, including approved addressing, provision and maintenance of adequate fire apparatus access and access approach, adequate fire flow, fire hydrants and requisite hydrant clearance, a fire department connection (FDC), and a key box shall be satisfied. Fire Department requirements shall be included on the engineered construction documents for public facilities. If a fire protection vault is required, the vault shall not be located in the pedestrian corridor.
 - d) 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 the Recycling Requirements of AMC 18.72.115.A.
 - e) That the parking spaces provided shall be signed for hotel guest use only.
 - f) That all public improvements including but not limited to the sidewalks, commercial hardscape parkrow with street trees, and city-standard street lighting shall be installed to City of Ashland standards under permit from the Public Works Department and in accordance with the approved plan prior to occupancy.

**HISTORIC COMMISSION
Meeting of July 3, 2012**

PLANNING APPLICATION REVIEW

PLANNING ACTION: PA-2012-00740

SUBJECT PROPERTY: 160 Lithia Way

APPLICANT: DRRAM L.L.C. (Doug & Dionne Irvine)

DESCRIPTION: A request for Site Review and Conditional Use Permit approval to construct a new 13,800 square foot, three-story mixed-use building in the vacant, private parking lot located at 160 Lithia Way. The proposed building will consist of commercial restaurant space on the ground floor, five hotel units on the second floor, and five residential apartments on the third floor. The application also includes requests for a Conditional Use Permit to exceed 40 feet in height in order to provide architectural relief in the façade, an Exception to the Site Design & Use Standards with regard to plaza space requirements, and a Tree Removal Permit to remove ten trees greater than six-inches in diameter at breast height (d.b.h.).

COMPREHENSIVE PLAN DESIGNATION: Downtown Commercial; **ZONING:** C-1-D;
ASSESSOR'S MAP #: 39 1E 09 BA; **TAX LOT #:** 10800

Recommendation to Planning Commission:

Recommend approval of the proposed plans recommendations:

- 1) That the building permit submittals shall demonstrate material and relief compliance with section II-C-2d of the Site Design and Use Standards for the brick, fenestrations and mullion details including the width, depth and size of materials for the cornices, columns, bases, arches etc. for review and approval of the Staff Advisor and the Historic Commission Review Board.
- 2) That brick shall be used for the column base and not stone or stucco.
- 3) Exterior lighting details demonstrating compliance with the Site Design and Use Standards and shall be designed in a manner which does not produce direct illumination onto the street.
- 4) That a material board shall be provided for review and approval by the Staff Advisor and the Historic Commission Review Board.





Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Rogue Valley Office

100 Antelope Rd

White City, OR 97503-1674

(541) 774-6299

FAX (541) 774-6349

March 22, 2011

City of Ashland Planning Division
Attn: Derek Severson, Associate Planner
51 Winburn Way
Ashland, OR 97520

Re: Pre-application for "The Vine," a proposed mixed use development at 160 Lithia Way, Ashland, OR.

Dear Mr. Severson,

Thank you for the opportunity to provide comment on the proposed mixed-use development at 160 Lithia Way, in Ashland. The proposal would redevelop the current parking lot into a wine tasting bar, 8 hotel units, and 7 similar sized condominiums, and a shared outdoor space.

ODOT has reviewed the pre-application site plan request and determined this proposal will adversely impact the state's transportation facility (OR 99) as its current use as a parking lot will change to a more intense use, with the new building proposed, thus triggering ODOT's review under Access Management (OAR 734-051-0045).

We, therefore, recommend the following conditions:

1. *Must provide proof of a valid ODOT Road Approach Permit prior to City authorization of development permits;*
2. *Must provide proof of an ODOT Miscellaneous Permit for any work completed within the State Highway right-of-way prior to City authorization of development permits;*
3. *Based upon the 2001 AASHTO standard for minimum sight distance and the posted speed limit of 25 mph, the applicant shall maintain a clear vision sight triangle of 215 feet;*

We encourage the applicant to continue to coordinate with the City of Ashland and ODOT to help with the ongoing design and planning of the proposed facility to help mitigate any safety, mobility and operation issues which may adversely impact the state's transportation facility.

If you have any questions or comments, please feel free to contact me at (541) 774-6399.

Respectfully,

Ian K. Horlacher
Development Review Planner

Cc: Ray Kistler, Kistler + small + white Architects
RVDRT



**PROJECT DESCRIPTION FOR A
VACANT LOT ALONG LITHIA WAY
“OLD CITY PARKING LOT”
FOR A
SITE REVIEW & CONDITIONAL USE PERMIT
FOR THE CONSTRUCTION OF A NEW MIXED-USE BUILDING**



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

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

June 1st, 2012

VACANT

JUN 01 2012

City of Ashland

I. PROJECT INFORMATION:

PLANNING ACTION: The applicants are requesting a Site Review & Conditional Use Permit to construct a 13,800 square foot, three-story mixed-use building with commercial space on the ground floor (restaurant), five hotel units on the second floor and five residential apartments on the third floor. The application includes a Conditional Use Permit to exceed 40' in height in order to provide the street façade with some architectural relief. The subject property is located at 160 Lithia Way (old City parking lot).

ADDRESS & LEGAL DESCRIPTION: 160 Lithia Way, 391E 09BA Tax Lot 10800

OWNERS:

Doug & Dionne Irvine
Irvine Industries
2113 Emigrant Creek Road
Ashland, OR 97520

ARCHITECTS:

Kistler, Small & White
545 "A" Street
Ashland, OR 97520
541.488.8200

LAND USE PLANNING:

Urban Development Services, LLC
485 W. Nevada Street
Ashland, OR 97520
Tel: 541-.821.3752

PROJECT ARBORIST:

Laurie Sager & Associates
700 Mistletoe Road, Suite 201
Ashland, OR 97520
541.482.5009

COMPREHENSIVE PLAN DESIGNATION:

Downtown

ZONING DESIGNATION:

C-1-D

LOT AREA:

Total Area: 7,000 square feet

RESIDENTIAL DENSITY:

Permitted: .16 acres X 60 units per acre = 9.6 units

Proposed Residential Density: 5 residential condominium apartments

JUN 01 2012

City of Ashland

BUILDING DATA:

First Floor: 4,640 sq. ft. (3,116 commercial/retail & 1,476 sq. ft. parking)
Second Floor: 5,092 square feet
Third Floor: 5,092 square feet

PARKING:

Required: One (1) parking space per "hotel" unit plus one for Manager, otherwise parking is not required in C-1-D zone

Proposed: Seven (7): One per hotel unit (5), one for Manager, one Handicap

APPLICABLE ORDINANCES:

C-1 Retail Commercial District, Chapter 18.32
 "D" Downtown Overlay District, Section 18.32.050
Tree Removal, Chapter 16.61
Site Design & Use Standards, Chapter 18.72
 Administrative Variance from Site Design & Use Standards, Section 18.72.090
Site Design & Use Standards (Design Standards)
 Basic Site Review, Section II
 Detail Site Review, Sections II & III
 Street Tree Standards, Section II
 Historic District Design Standards, Section IV
 Downtown Design Standards, Section VI
Off-Street Parking, Chapter 18.92
Conditional Use Permits, Chapter 18.104

ADJACENT ZONING/USE:

WEST: C-1-D; Commercial Downtown
EAST: C-1; Commercial (First Place Subdivision, vacant)
SOUTH: C-1-D; Commercial Downtown
NORTH: C-1-D; Commercial Downtown
SUBJECT SITE: C-1-D; Commercial Downtown

II. PROJECT DESCRIPTION:

Introduction: The applicants, Doug and Dionne Irvine, local Ashland residents, are requesting approval for a Site Review and Conditional Use Permit to construct a 13,800 square foot, three-story mixed-use building on their vacant parcel located at 160 Lithia Way - previous City parking lot located between the Jasmine Building (2004) and the Kendrick Building (2008). The applicants desire to construct a 3,316 square foot restaurant on the first floor, a five-unit hotel on the second floor and five residential condominiums on the third floor. The design of the building, as further described below, is fitting to the "main street" street facade that has been slowly occurring along Lithia Way over the last 30 years.

A written narrative and findings of fact as well as a Site Plan, Utility Plan, Building Elevations, Wall Sections, Landscape Plan and Tree Removal Plan are enclosed. This information is provided in the application materials and addresses the submittal requirements of Chapter 18.72.060. Further, below is a narrative description of the proposal in an attempt to thoroughly explain the property's attributes and to address the applicants' current and long term goals for the property.

Site: The subject property at 160 Lithia Way is primarily known as the "old City parking lot" located between the Jasmine Building and Kendrick Building and directly across the street from the vacant First Place Commercial Subdivision. Since the sale of the property

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from the City in 2008, the parking lot has been leased by the Yogurt Hut and tenants of the Jasmine Building, but overall, has remained open to the public with little to no enforcement.

The property extends from Lithia Way to Will Dodge Way (existing alley) and is generally rectangular in shape measuring 71' (average depth) X 98' (average width) with an approximate 5% slope to the north. Other than perimeter trees and landscaping, planted at the time of the parking lots improvements, the majority of the site is paved.

Will Dodge Way, Will Dodge Way parallels the site's southern property line. The alley is a 12-foot right-of-way and is paved. Will Dodge Way is identified in the adopted Downtown Plan (1988) as an area for pedestrian activity. Although not codified, the plan mentions buildings having frontages on the alley to add interest. Additionally, the plan calls for "at least two stories in height are required along Lithia Way in order to enclose the alley and give it an intimate atmosphere." This plan vision must be balanced with the Downtown Design Standard which states "*Non-street or alley facing elevations are less significant than street facing elevations. Rear and sidewalks of buildings should there for be fairly simple, i.e., wood, block, brick, stucco, cast stone, masonry clad, with or without windows.*"

Downtown Commercial District: The property is within the C-1-D zoning district (Chapter 18.32, Retail – Commercial, Downtown Overlay District) which is intended to provide a more urban development pattern. The property is also located in the Downtown Design Standards overlay which is intended to guide development in the downtown to be designed in context with its surroundings, and in general, a "Main Street" type of development pattern as exists on East Main Street and within the Plaza Area. The C-1-D zoning allows for a variety of commercial uses such as office, retail, eating, drinking, entertainment, and theaters as well as residential. Hotels are permitted uses, but through a Conditional Use Permit process where it is incumbent on the applicant to demonstrate, based on the City's substantive approval criteria, that the use can co-exist within the zone without adverse effect on its neighboring properties. In the applicants' opinion, the proposed development and desired uses are in concert with the Downtown environment. Further, the proposed development meets the requirements of Chapter 18.32 such as recycling, light, glare, landscaping, etc. This information is substantiated with the drawings and the Findings of Fact provided herein.

Architecture: The applicant's have attempted to identify the area's design characteristics as they relate to new development in the Ashland Downtown Historic District by closely following the Downtown Design Standards and to design a building so that its architecture is contextually compatible with other buildings found in the downtown area, but not to the degree that it mimics a specific building or architectural period. In the end, the proposed building has a strong sense of pedestrian orientation with plenty of ground level glazing to offer pedestrians a glimpse of the indoor activities. The building's north and east facing façades (visible from Lithia Way) are brick with a cast stone base. The doors and windows are wood clad for a more authentic and traditional character.

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The building's mass is roughly 42' in height from the Lithia Way frontage, but its overall height by definition is slightly under 40' (as measured from mid-point of each wall's finished grade). However, as permitted in the C-1-D zone, the code allows up to 55' with a Conditional Use Permit which is primarily necessary in order to incorporate the building's decorative parapet which the architect believes is a distinguishing architectural feature and helps provide a "non-unified" and more natural rhythm of building heights as desired by VI-A Height, of the Downtown Design Standards.

Lithia Way Elevation: As noted, the design approach to the Lithia Way elevation was to respect the scale and proportions of historic buildings in downtown Ashland while incorporating modern materials and details. The design acknowledges historic traditions while offering a contemporary interpretation that is compatible within the historic district. The elevation builds on a strategy of expressing a basic post and lintel construction while providing a variety of recessed and projecting areas to create surface relief and visual interest. Window areas are proportioned vertically and are kept to less than 50% of the total surface area. The ground floor windows are a larger area to reinforce their commercial nature. Overall, the applicants, local Planner and Architects believe the proposed building is well designed and fits perfectly into the Lithia Way streetscape that has been slowly transforming from an auto dominated environment to a multi-modal environment. Although still in process, this slow transformation, with both public investment (Fire Station #1) and private investment (Jasmine Building, Kendrick Building, Trinity Church open space, etc.) illustrates how Lithia Way is progressing with only a few key lots remaining (Elks, First Place, City Parking Lot, Wells Fargo).

Will Dodge Way Elevation: The Will Dodge Way elevation is a simplified elevation due to its orientation along the alley, but its design remains respectful to this multi-modal corridor. In fact, the alley's design attempts to address recent suggestions offered by the City's transportation consultants (OTAK) during the City's Transportation System Plan update where this corridor was being evaluated for additional pedestrian enhancements. The suggestions included: 1) *Maintaining a mix of uses with one or more entrances onto Will Dodge Way, including residential.* The applicants concur with this suggestion and have incorporated its intent into the building's design as residences and hotel guests provide the best 24/7 natural surveillance and "eyes on the street" security. 2) *Encourage the use of breezeways to maintain the sense of inter-connection between the alleyway and the sidewalks and storefronts of E. Main Street and Lithia Way.* The site and landscaping plans illustrate the incorporation of the existing breezeway on the adjacent lot which was initially planned with the understanding the subject lot would be developed. 3) *Minimize the amount of blank walls along the alleyway.* The majority of the ground level elevation is dedicated to parking, but the cantilevered upper floor areas have wood clad doors and windows with planter boxes overlooking the alley. 4) *Develop a comprehensive exterior lighting style and provide incentives for outdoor planters and seating areas.* This suggestion is generally directed at the City to incorporate a comprehensive lighting plan, but has yet to be adopted or implemented. Nevertheless, the applicants are providing outdoor planting areas and seating areas. The applicants are also proposing pedestrian scaled lighting along the alley as well as the adjacent pedestrian corridor with final details being provided at time of the building permit. The front of the building will have four light fixtures mounted 12' in height level.

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Side Elevation: The side elevation facing the open pedestrian corridor will be in brick to match the front façade. The side of the building has an enclosed fire stairwell and a couple of matching windows that help minimize the wall's non-descript appearance. In general, this wall has very limited visibility, but it does retain some basic design elements that merit consideration for its location.

Previous Design Efforts: It should be noted that prior to this application's submittal, two previous preliminary plans were generated that included direct vehicle access off of Lithia Way which would have created a massive "void" in the building as depicted in the Downtown Design Standards, Illustration 3. That design concept was originally conceived when the property was being looked at as an affordable housing site by the City of Ashland and was primarily due to the fact the site's physical configuration and northeast sloping grade allowed for underground parking, but only if accessed from Lithia Way. Fortunately, this idea was discarded by the current applicants as it would have had a severe impact on the Lithia Way streetscape, conflicted with pedestrian mobility and literally would have under-mined many years of effort by the City staff, Historic and Planning Commissions who worked diligently over the last 25 years to "slowly" reverse Lithia Way from an auto-centric bi-pass through Downtown Ashland to a human scaled, multi-modal, pedestrian friendly streetscape similar to E. Main Street.

Plaza Space Exception: The applicants are requesting a "partial" exception, under AMC 18.72.090 criterion "B" (above), to the Site Design & Use Standards, Section II-C-3(b) where the zoning code requires buildings within the City's Detail Site Review Zone and when greater than 10,000 square feet in area, one square foot of plaza or open space to be provided for every 10 square feet of the project's gross floor area – less the area dedicated for parking that is within the building's footprint. In this case, the subject building area, less parking area within building footprint, is 13,800 square feet requiring a total of 1,380 square feet of plaza or open space. The application proposes 822 square feet (558 sq. ft. exception amount) of plaza space to be located along the front of the building's northeast corner and along the southeast side where it abuts with the plaza / breezeway extending from Lithia Way to Will Dodge Way.

The applicants believe there is some demonstrable difficulty in meeting the specific requirement for a "full" 10% plaza area without some understanding by the hearing authority and some reasonable interpretation of the codes and that the additional dedicated and improved sidewalk area, to be used for sidewalk dining, can also be considered as part of the applicants plaza space.

Note: The irony with this particular issue is that if the application is approved without the exception request and the sidewalk is installed and dedicated to the City by the property owners, the owners would then have to pay the necessary fees to the City to use that "same" portion of sidewalk for sidewalk dining under Ordinance #2881 (sidewalk cafes, 4/02/2002), but cannot consider it in their plaza space even though it meet all of the necessary standards?

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Tree Removal: It's unfortunate, but all of the site's trees will be removed and new trees will be planted in areas that are in compliance with the City's planting and selection standards. None of the trees to be removed are considered significant or heritage trees as they were planted at the time the parking lot was installed by the City when it was under their ownership. Nevertheless, the site's trees were evaluated for their retention by both the project Architect and Arborist, but due to the general nature of construction, close proximity and the intent of the City's Downtown Design Standards to provide "main street" street facades, similar to those found within the Plaza, the trees are proposed to be removed, but mitigated if required with off-site planting per 18.61.084 B.

Parking: Seven parking spaces are proposed off the rear alley (Will Dodge Way). Although vehicular parking is *not* required within the C-1-D zoning district (18.32.050 A.), it is required for hotel uses – one per unit and one for the manager's space. As such a total of six parking spaces are required for the five hotel rooms and the applicants are proposing seven spaces with the seventh space being a handicap parking space. The seven parking spaces sit within the building's rear footprint with the upper floors cantilevering over. Further, two additional on-street public parking spaces will be created along the Lithia Way street frontage due to the elimination of the existing curb cut.

III. FINDINGS OF FACT:

The following information has been provided by the applicants to help the Planning Staff, Planning Commission and neighbors better understand the proposed project. In addition, the required *findings of fact* have been provided to ensure the proposed project meets the Site Design & Use Standards as outlined in the Ashland Municipal Code (AMC), Section 18.72, Site Design & Use Standards (Design Standards Booklet, adopted August 4th, 1992) and Conditional Use Permit criteria as outlined in (AMC), Section 18.104.050.

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

CHAPTER 18.72.070, SITE DESIGN & USE STANDARDS:

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

To the applicant's knowledge all City regulations are or will be met by the proposed development.

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

As noted below, all requirements listed in the Site Review Chapter (18.72) have or will be complied with. Specifically, the landscaping will be irrigated and maintained (three

street trees), the trash/recycling area will be screened and light and glare concerns will be addressed with down lighting and screening where necessary. The applicant will be providing tree grates (per City Standards) for the new street trees in front of the building.

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

As noted below, all requirements listed in the Site Design Standards (booklet) have or will be complied with except as noted. Specifically, the applicants have addressed the pertinent requirements of the Basic Site Review Standards, the Detail Site Review Standards, Street Tree Standards, Historic District Design Standards and the Downtown Design Standards.

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

All utilities associated with the development of this property will either be directed towards Lithia Way or via the alley. Adequate public facilities are available within the adjacent rights-of-way. The applicants have worked with the various utility companies to ensure both existing and proposed utilities are available to provide the necessary services. At no time has there been any indication by these service providers that services will be unavailable or exceed capacity.

An Electric Utility Plan will be developed in consultation with the City's Electric Department, Dave Tygerson, to ensure not only capacities can be accommodated, but to also minimize aesthetic impact to the proposed building. All electrical services will be provided from the rear alley area where the transformers now exist. All electrical work will be completed under the direction of the Ashland Electric and Building Departments. A traffic analysis was provided by Kim Parducci, Southern Oregon Transportation Engineering, LLC, to determine the vehicle trips generated by the proposal would not cause any capacity or operational issues (attached). Further, all improvements within the adjacent rights-of-way, including construction detouring, will be completed under the direction of the Ashland Engineering Department and the Oregon Department of Transportation (ODOT).

Applicants have addressed or will address at the time of the building permit all code issues relating to the Ashland Fire Department, including an FDC valve along the front of the building. A fire hydrant is within 150' of the property boundary (directly in front of the adjacent property) with adequate pressure to service the building. All work will be completed under the direction of the Ashland Building and/or Fire Departments.

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II-C BASIC SITE REVIEW STANDARDS:

As noted previously, the project applicant, architect and land use planner walked the Downtown and reviewed the Downtown Design Standards in an attempt to generate the proposed design. All of these individuals are local residents who have a very solid understanding of the Downtown's context, design regulations, comprehensive plan policies and overall intent of urban development within Ashland's Downtown core. As such, a primary point of concern was to make sure the building's architecture, mass and rhythm of openings were contextually compatible with other buildings found in the downtown area, but not to the degree that it mimics a specific building or architectural period. Overall, it is the applicant's belief the proposed design and use of materials will help the building "read" as a compatible Main Street building constructed in the year 2012/2013.

II-C-1a) Orientation and Scale

Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be functional, and shall be accessed from a public sidewalk. Public sidewalks shall be provided adjacent to a public street frontage.

Buildings that are within 30 feet of the street shall have an entrance for pedestrians directly from the street to the building interior. This entrance shall be designed to be attractive and functional, and shall be open to the public during all business hours.

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

The submitted building elevations show the primary orientation facing Lithia Way. The main entrance is on Lithia Way with secondary entrances off of Will Dodge Way (alley). A new 15' public sidewalk will replace the existing sidewalk and provide pedestrian access to the building. The building's entrance off of Lithia Way is attractive, functional and will remain open during business hours.

II-C-1b) Streetscape

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

Three street trees are proposed along the frontage of Lithia Way which were chosen from the City's Street Tree List. The trees will be planted in accordance with the specifications shown on the attached plans.

II-C-1c) Landscaping

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- 1) Landscaping shall be designed so that 50% coverage occurs after one year and 90% coverage occurs after 5 years.
- 2) Landscaping design shall use a variety of low water deciduous and evergreen trees and shrubs and flowering plant species.
- 3) Buildings adjacent to streets shall be buffered by landscaped areas at least 10 feet in width, except in the Ashland Historic District. Outdoor storage areas shall be screened from view from adjacent public rights-of-way, except in M-1 zones. Loading facilities shall be screened and buffered when adjacent to residentially zoned land.
- 4) Irrigation systems shall be installed to assure landscaping success.
- 5) Efforts shall be made to save as many existing healthy trees and shrubs on the site as possible.

Although landscaping is not a requirement within the Downtown Design Standards area, landscaping is proposed along the side of the building where its purpose is to “match” the existing landscaping associated with the Jasmine Building and ensure a safe and pleasant connection through the properties. As noted, the site’s trees and shrubs were evaluated in comparison with the building’s footprint, construction staging conflicts, sidewalk standards, Downtown Design Standards and Tree Ordinances, but all conflicted due to their location and would have severely limited the building’s design and its compliance with other applicable standards as understood under AMC 18.61.080 B.1.

II-C-1d) Parking

- 1) Parking areas shall be located behind buildings or on one or both sides.
- 2) Parking areas shall be shaded by deciduous trees, buffered from adjacent non-residential uses and screened from non-residential uses.

Parking is located behind the building and within the footprint of the building providing shading.

II-C-1e) Designated Creek Protection

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

Not applicable. There is no creek associated with the subject property.

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II-C-1f) Noise and Glare

1) Special attention to glare (AMC18.72.110) and noise (AMC9.08.170(c) & AMC 9.08.175) shall be considered in the project design to insure compliance with these Standards.

The proposed uses (restaurant, hotel and residential) will not generate noise beyond what is legally permitted or typically generated with such uses. The applicant is proposing wall mounted lights for the project. These lights will be directed down toward the sidewalk along Lithia Way, Will Dodge Way alley and pedestrian corridor on the side of the building in an attempt to provide a sense of security and increased comfort level to pedestrians.

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

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

This standard is not applicable as the site is currently vacant and used as a private parking lot.

II-C-2. DETAIL SITE REVIEW:

Developments that are within the Detail Site Review Zone shall, in addition to complying with the standards for Basic Site Review, conform to the following standards:

II-C-2a) Orientation and Scale

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

Not applicable as the site is within Downtown Historic District.

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

Not applicable as the front facade is less than 100 feet. However, the building does have distinctive changes in the building facade. The architecture incorporates a number of distinctive elements such as a recessed entrance, windows, vertical pilasters and horizontal bands.

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

The proposed building has its walls directly adjacent to the Lithia Way right-of-way consistent with the other buildings along the street. The submitted elevations show this standard is being complied with.

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

As shown on the elevations, the applicant is providing a recessed entrance, change in material along the front façade as well as surface material changes to give emphasis to the entrance and architectural interest to the building.

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

This project is exactly what this standard is attempting to do; replace unattractive surface parking lots with attractive buildings along the sidewalk that encourage pedestrian activity and mobility.

6) Buildings shall incorporate arcades, roofs, alcoves, porticoes and awning that protect pedestrian from the rain and sun.

The proposed design incorporates two recessed entrances and three fixed horizontal canopies adjacent to the sidewalk that provides rain and sun protection to pedestrians.

II-C-2b) Streetscape

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

The recessed entrances as well as the small sidewalk/cafe area along the front and side of the building will have a slightly different surface pattern and shade than what will exist with the new public sidewalk along Lithia Way in order to delineate property boundaries and "people" areas. However, as stated previously, a portion of the sidewalk, specifically the area directly adjacent to the front of the building, will be used for sidewalk dining during seasonal hours.

2) A building shall be setback not more than 20 feet from a public sidewalk unless

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the area is used for pedestrian activities such as plazas or outside eating areas. If more than one structure is proposed for a site, at least 25% of the aggregate building frontage shall be within 20 feet of the sidewalk.

The proposed building is directly behind the public sidewalk along Lithia Way as encouraged with the Downtown Design Standards, Section VI-B 1.

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

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

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

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

Not applicable as the project is proposing only seven parking spaces located directly behind the building and accessed off the existing public alley.

II-C-2d Buffering and Screening

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

Not applicable as the proposed building will be occupied solely by tenants who have uses that are permitted or conditionally permitted within the C-1-D zoning district.

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

The proposed parking is located directly behind the building and accessed off the existing public alley. All adjacent lands are zoned C-1-D.

II-C-2e) Lighting

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

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The applicant will provide wall mounted lights which will be placed no greater than 14 feet in height along Lithia Way, Will Dodge Way and the adjacent pedestrian corridor. All lighting will be down-lit to reduce light and glare onto adjacent properties and limit light pollution.

II-C-2f) Building Materials

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

The submitted elevations show a building façade with changes in relief greater than 15% of the exterior wall area.

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

Bright or neon paint colors are not proposed as part of the building's exterior finish. The building does not incorporate glass as a majority of the building skin.

II-E. STREET TREE STANDARDS:

All development fronting on public or private streets shall be required to plant 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

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 shall include irrigation, root barriers, and generally conform to the standard established by the Department of Community Development.

The application identifies three street trees along the Lithia Way frontage. The planting of the trees will include root barriers, staking and irrigation to ensure their survival. The proposed street trees have been chosen from the City's adopted Street Tree List.

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 the rate of one tree for every 30 feet of street

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frontage. Trees shall be evenly spaced, with variations to the spacing permitted for specific site limitations, such as driveway approaches.

The proposed application includes three street trees along the Lithia Way frontage. Their placements were based on the placement of the existing trees in front of the two adjoining properties tree locations. The trees provide adequate separation and continuity along the Lithia Way streetscape.

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.

Not applicable as the building is approximately 200' from the nearest intersections (Pioneer Street or First Street).

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.

There is an existing street light approximately 6' from an existing street tree and no additional street lights are proposed. Such light is located directly in front of the pedestrian breezeway.

d) Trees shall not be planted closer than 2½ feet from the face of the curb except at intersections where it shall be 5 feet from the curb, in a curb return area.

All street trees to be planted will be at least 2½ feet from the face of curb. The street tree planting and grate style will be consistent with the other styles found along Lithia Way.

e) Where there are overhead powerlines, tree species are to be chosen that will not interfere with those lines.

No overhead power lines exist on Lithia Way or are proposed with the development. The applicants' Landscape Architect has chosen trees from the City's Street Tree List that will grow and canopy over the subject sidewalk as desired and not interfere with adjacent buildings or automobile movements.

J) 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.

All trees to be planted will have a tree grate around its perimeter that is at least 10 square

feet and in no case will the tree's trunk be within two feet from any hard surface area. The tree grate will be similar with the material and design of existing tree grates found in the Downtown area.

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.

According to the project Arborist and Landscape Architect, the proposed street trees will comply with this standard. The trees have been chosen from the City's Street Tree List that will grow and canopy over the subject sidewalk as desired and not interfere with adjacent buildings or automobile movements.

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 as the site's trees will be removed. Regardless, the site's trees would be severely impacted by the proposed building in order to comply with the various Site Design & Use Standards and potentially cause damage to the proposed building and/or weaken the trees.

II-E-3) Replacement of Street Trees

1) 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.

No street trees are proposed to be removed with this application.

II-E-4) Recommended Street Trees

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

The project's Landscape Architect has chosen three street trees – a Zelkova Serrata, two Quercus Rubras from the Street Tree List. The trees chosen are appropriate to the urban environment of the area in species, size and canopy to other trees found along Lithia Way.

VI DOWNTOWN DESIGN STANDARDS:

VI-A) Height

1) Building height shall vary from adjacent builds, using either "stepped"

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parapets or slightly dissimilar overall height to maintain the traditional "staggered" streetscape appearance. An exception to this standard would be buildings that have a distinctive vertical division/facade treatment that "visually" separates it from adjacent building.

The proposed building's main body of mass is approximately 3' greater than the building to the north (Kendrick Building, 2006), but slightly lower than the building to the south (Jasmine Building, 2004). The difference in height provides the desired "stepped or staggered" transition of buildings found in the downtown area as requested by the Downtown Design Standards.

2) Multi-story development is encouraged in the downtown.

The proposed building is three stories with commercial space on the ground floor, hotel space on the second floor and residential space on the third floor.

3) VI-B) Setback

1) Except for arcades, alcoves and other recessed features, buildings shall maintain a zero setback from the sidewalk or property line. Areas having public utility easements or similar restricting conditions shall be exempt from this standard

Except for the building's recessed entrances, the proposed building will sit directly adjacent to the expanded sidewalk along Lithia Way.

2) Ground level entries are encouraged to be recessed from the public right-of-way to create a "sense of entry" through design or use of materials.

The proposed building incorporates three entry doors that will allow the building to recycle into other uses overtime and thus provide an important conservation element to the proposal. With this thought, two of the building's entrances are recessed with the entrance on the north side being the primary entrance to the proposed use and the entrance on the south primarily dedicated to indoor / outdoor activity related to the restaurant. The center doorway is intended to be flush with the buildings front façade, but with covered awnings. The design of the three entry doors is well balanced providing clear delineated entry points.

3) Recessed or projection balconies, verandas or other useable space above the ground level on existing and new buildings shall not be incorporated in a street facing elevation.

No balconies or other projections/recessed elements are located along the Lithia Way facade. The second and third floors for both the Lithia Way and Will Dodge Way alley, have full height doors that are operable, but do not break the plane of the building. This standard was originally intended to discourage balconies similar to building housing the Macaroni's Restaurant near the Plaza. Nevertheless, the design is intended to create a

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“sense of presence” for pedestrians and motorists along the two facades.

VI-C) Width

1) The width of a building shall extend from side lot line to side lot line. An exception to this standard would be an area specifically designed as plaza space, courtyard space, dining space or rear access for pedestrian walkways.

The width of the building extends from side property line to side property line, except for the area where it abuts the existing pedestrian breezeway that traverses between the property and the adjacent property to the south. The breezeway area is also intended to be enhanced by the proposal in that its plaza space is intended to abut the adjacent property's plaza area creating a more comprehensive public space and inviting environment. Note: In the evening hours, the subject breezeway has limited lighting and possibly too much vegetation creating a sense of insecurity, but with the proposal to add the building and provide soft lighting fixtures, the breezeway's environment should become more inviting and safer.

2) Lots greater than 80' in width shall respect the traditional width of buildings in the downtown area by incorporation a rhythmic division of the facade in the building's design.

The building's design incorporates three vertical volumes that respect the traditional width of buildings found in the Downtown area and as described in Illustrations 5, 6 and 10 of the adopted Downtown Design Standards. The building is 95' in width with three equal volumes of 28' in width creating a balanced rhythmic division in the façade.

VI-D) Openings

1) Ground level elevations facing a street shall maintain a consistent proportions of transparency (i.e., windows) compatible with the pattern found in the downtown area.

The Lithia Way elevation has storefront windows similar in size to other storefront windows found in the Downtown. The proposed building provides transparent storefront windows and doors on the ground level facing Lithia Way. The store front windows provide pedestrians the opportunity to view products on display or other activities inside the building. This opportunity works vice versa allowing tenants of the building to share in the active street environment Ashland is attempting to create in the Downtown.

2) Scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns and other building features shall be visually compatible with the original architectural character of the building.

Not applicable as the building is new.

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3) Upper floor window orientation shall primarily be vertical (height greater than width).

The second and third floor windows are full-length doors providing a strong vertical presence and unique design characteristic.

4) Except for transom windows, windows shall not break the front plane of the building.

The second and third floor doors only open "into" the building and thereby do not break the front plane of the building.

5) Ground level entry doors shall be primarily transparent.

As evidence on the elevations, the building's ground level entrance doors will be primarily made of glass. The doors will be transparent allowing visibility into the building.

6) Windows and other features of interest to pedestrians such as decorative columns or decorative corbelling shall be provided adjacent to the sidewalk. Blank walls adjacent to a public sidewalk is prohibited.

The proposed building provides transparent storefront windows and doors on the ground level facing Lithia Way. The store front windows provide pedestrians the opportunity to view products on display or other activities inside the building. As noted above, this opportunity works vice versa allowing tenants of the building to share in the active street environment Ashland is attempting to create in the Downtown. The elevation facing Lithia Way does not have blank walls adjacent to the sidewalk.

VI-E) Horizontal Rhythms

1) Prominent horizontal lines at similar levels along the street 's street front shall be maintained

The proposed building has a traditional commercial storefront character without attempting to mimic any one building or architectural theme found in the Downtown area. The submitted elevations show a mixed-use building with prominent horizontal lines being retained between the subject building and its adjacent buildings.

2) A clear visual division shall be maintained between ground level floor and upper floors.

The proposed building elevation shows a clear visual division between the ground floor and the upper floors. The division is created due to the horizontal elements such as the contrasting base material, horizontal awnings, brick band and consistent window pattern.

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3) Buildings shall provide a foundation or base, typically from ground to the bottom of the lower window sills, with changes in volume or material, in order to give the building a "sense of strength".

The proposed building incorporates a "base" giving the building a "sense of strength". The material proposed for the base is intended to be stone distinguishing it from the building's predominately brick façade and columns.

VI-F) Vertical Rhythms

1) New construction or storefront remodels shall reflect a vertical orientation, either through actual volumes or the use of surface details to divide large walls, so as to reflect the underlying historic property lines.

The elevation drawings show a mixed-use building with a prominent vertical line between the subject building and the adjacent buildings. The change in material, height and style creates an obvious distinction between the buildings which clearly depicts the location of the historic property lines.

2) Storefront remodeling or upper-story additions shall reflect the traditional structural system of the volume by matching the spacing and rhythm of historic openings and surface detailing.

Not applicable as the proposed building is new.

VI-G) Roof Forms

1) Sloped or residential style roof forms are discouraged in the downtown area unless visually screened for the right-of-way by either a parapet or a false front. The false front shall incorporate a well defined cornice line or "cap" along all primary elevations.

The elevation drawings show a parapet wall with a defined "cornice" consistent with other buildings found in the Downtown area. The building also includes a well defined parapet in the building's central bay as a unique architectural element that gives the building's horizontal mass a distinctive vertical element within a very symmetrical facade. In the Architect's opinion, the parapet provides the building some individuality along the Lithia Way streetscape.

VI-H) Materials

1) Exterior building materials shall consist of traditional building materials found in the downtown area including block, brick, painted wood, smooth stucco, or natural stone.

All materials to be used are consistent with traditional building materials including brick,

cement, stone, steel, plaster, aluminum and glass.

2) In order to add visual interest, buildings are encouraged to incorporate complex "paneled" exteriors with columns, framed bays, transoms and windows to created multiple surface levels.

The proposed design incorporates multiple surface materials for added visual interest as well as framed bays, brick detailing, transom windows, storefront windows, etc.

VI-I) Awnings, Marquees or Similar Pedestrian Shelters

1) Awnings, marquee or similar pedestrian shelters shall be proportionate to the building and shall not obscure the building's architectural details. If mezzanine or transom windows exist, awning placement shall be placed below the mezzanine or transom windows where feasible.

The proposed design incorporates horizontal awnings that are proportionate to the building and do not obscure the building's architectural details or windows.

2) Except for marquees - similar pedestrian shelters such as awnings shall be placed between the pilasters.

The proposed building does incorporate a fixed horizontal awnings (similar to a marquee) located between the building's pilasters so as not to obstruct their vertical plane.

3) Storefronts with prominent horizontal lines at similar levels along the street's streetfront shall be maintained by their respective sidewalk coverings.

The proposed design incorporated awnings that are at similar levels and are not overwhelming to the building's prominent horizontal features.

VI-J) Other

1) Non-street or alley facing elevations are less significant than street facing elevations. Rear and sidewalls of buildings should therefore be fairly simple, i.e., wood, block, brick, stucco, cast stone, masonry clad, with or without windows.

The rear or alley facing elevation of the proposed building is relatively simple compared to the Lithia Way façade. However, the façade still respects the fact that Will Dodge Way is used as a corridor for not only refuse pick-up and unloading of goods, but also for pedestrians taking "short-cuts" through the downtown area or to access rear apartments or nearby businesses. As such, the design incorporates second and third story rear balconies and planter boxes that provide a more interesting façade and a "sense of security" to pedestrians.

2) Visual integrity of the original building shall be maintained when altering or

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adding building elements. This shall include such features as the vertical lines of columns, piers, the horizontal definition of spandrels and cornices and, and other primary structural and decorative elements.

Not applicable as the property is currently vacant.

3) Restoration, rehabilitation or remodeling projects shall incorporate, whenever possible, original design elements that were previously removed, remodeled or covered over.

Not applicable as the property is currently vacant.

4) Parking lots adjacent to the pedestrian path are prohibited (Refer to Design and Use Standards, Section II-D, for Parking Lot Landscaping and Screening Standards). An exception to this standard would be paths required for handicapped accessibility.

The project does exactly what this standard is attempting to create; replace unattractive surface parking lots with attractive buildings along the sidewalk that encourage pedestrian activity.

5) Pedestrian amenities such as broad sidewalks, surface details on sidewalks, arcades, alcoves, colonnades, porticoes, awnings, and sidewalk seating shall be provided where possible and feasible.

The proposed building has two recessed entry points and projecting awnings that provide shelter to pedestrians. In addition, the sidewalk area will be upgraded with a new and wider sidewalk and the existing curb-cut replaced to limit typical impediments and provide additional public street parking.

6) Uses which are exclusively automotive such as service stations, drive-up windows, auto sales, and tire stores are discouraged in the downtown. The city shall use its discretionary powers, such as Conditional Use Permits, to deny new uses, although improvements to existing facilities may be permitted.

The proposal does not include any uses that are automotive in nature. The site's seven parking spaces are required as a stipulation of the use, but parking is not a prohibited use in the Downtown area. The subject spaces are placed behind the building and not visible from the primary corridor.

VI-K) Exception to Standards:

An exception to the Downtown Design Standard is not subject to the Variance requirements of Section 18.100 of the Ashland Municipal Code and maybe granted with respect to the Downtown Design Standards if all the following circumstances are found:

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- 1) There is demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure or proposed use of the site;
- 2) There is demonstrable evidence that the alternative design accomplishes the purpose of the Downtown Design Standards and Downtown Plan in a manner that is equal or superior to a project designed pursuant to this Standard or historical precedent;
- 3) The exception requested is the minimum necessary to alleviate the difficulty of meeting the Downtown Design Standards.

Not applicable. There are no requests for exceptions to the Downtown Design Standards.

IV-C HISTORIC DISTRICT DESIGN STANDARDS

In addition to the standards found in Section II, the following standards will be used by the Planning and Historic Commissions for new development and renovation of existing structures within the Historic District.

NOTE: The following standards appear to be "residential design standards" and not applicable to this mixed-use "commercial" project. However, in order to insure compliance and avoid procedural error, the applicants have submitted the following responses to the standards.

- 1) **Construct buildings to a height of existing buildings from the historic period on and across the street. Avoid construction that greatly varies in height (too high or too low) from older buildings in the vicinity.**

The subject building is similar in height as other three-story buildings found in the Downtown area. The proposed building does not vary in height too greatly beyond what currently exist and creates a staggered appearance as typically found in the Downtown.

- 2) **Relate the size and proportions of new structures to the scale of adjacent buildings. Avoid buildings that in height, width, or massing, violate the existing scale of the area.**

The subject building has a similar proportion in height, width, and mass as other buildings found in the Downtown area and specifically along Lithia Way such as the new Jasmine or Kendrick Buildings.

- 3) **Break up uninteresting boxlike forms into smaller, varied masses which are common on most building from the historic period. Avoid single, monolithic forms that are not relieved by variations in massing**

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The proposed building design does not have large masses or monolithic box-like forms that have little to no relief.

4) Maintain the historic facade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of adjacent buildings. Avoid violating the existing setback pattern by placing new buildings in front or behind the historic facade line.

The Downtown Design Standards specifically request new buildings be built directly behind the sidewalk or at a “zero” setback in order to maintain a predominate front façade alignment as typically found in the Downtown area.

5) Relate the new roof forms of the building to those found in the area. Avoid introducing roof shapes, pitches, or materials not traditionally used in the area.

The roof shape appears “flat” similar to the many other roof shapes found in the Downtown area. A short decorative parapet wall screens the roof and mechanical equipment and provides architectural relief and building identity.

6) Respect the alternation of the wall areas with door and window elements in the façade. Also consider the width-to-height ratio of bays in the façade. Avoid introducing incompatible façade patterns that upset the rhythm of openings established by the surrounding structures.

The building has been designed to be a “main street” type of building complying with the Downtown Design Standards. The design respects the window-to-height ratios found in the Downtown area; large square store front windows on the first floor and tall vertical glass doors on the second and third floors.

7) The use of a raised platform is a traditional siting characteristics of most of the older buildings in Ashland. Avoid bringing the walls of the building straight out of the ground without a sense of platform.

The proposed building is designed with a heavier base giving the building a platform. The building’s columns rise out of the platform and not out of the ground.

8) Relate the vertical, horizontal or non-directional façade character of new buildings to the predominant directional expression of nearby buildings. Avoid horizontal or vertical façade expressions unless they are compatible with the character of structures in the immediate area.

The directional expression of nearby buildings predominately face Lithia Way. The building has three entrances paralleling Lithia Way creating a clear visual clue of where each entrance is. As previously stated, the building has been designed to recycle into different uses and different size interior spaces overtime which enhances the building’s sustainability.

9) Articulate the main entrances to the building with covered porches, porticos, and other pronounced architectural forms. Avoid facades with no strong sense of entry.

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The front entrance is well articulated in form so that it creates a strong sense of entry from Lithia Way. The entrance is recessed from the main body of the building and articulated by both a vertical and horizontal framed entrance.

10) Utilize accurate restoration of, or visually compatible additions to, existing buildings. For new construction, traditional architecture that well represents our own time, yet enhances the nature and character of the historic district should be used. Avoid replicating or imitating the styles, motifs, or details of older periods. Such attempts are rarely successful and, even if well done, present a confusing picture of the true character of the historical area.

The design of the building is fitting to the “main street” street facade that has been slowly occurring along Lithia Way over the last 30 years and does not attempt to mimic any specific building or styles found in the Downtown. The applicants believe the proposed building is traditional in symmetry, volume, rhythm and setting, but has certain contemporary elements that will reflect positively on the Lithia Way street façade. Unlike the front façade, the applicants have designed the buildings’ alley façade to be more different in an attempt to distinguish it from the front – commonly done throughout the Downtown area.

AMC 18.72.090 EXCEPTION TO DESIGN STANDARDS (plaza space)

18.72.090 Exception to the Site Design and Use Standards

An exception 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 and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty; or

B. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.

The applicants are requesting a “partial” exception, under AMC 18.72.090 criterion “B” (above), to the Site Design & Use Standards, Section II-C-3(b) where the zoning code requires buildings within the City’s Detail Site Review Zone and when greater than 10,000 square feet in area, one square foot of plaza or open space to be provided for every 10 square feet of the project’s gross floor area – less the area dedicated for parking that is within the building’s footprint. In this case, the subject building area, less parking area within building footprint, is 13,800 square feet requiring a total of 1,380 square feet of plaza or open space. The application proposes 822 square feet (558 sq. ft. exception

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amount) of plaza space to be located along the front of the building's northeast corner and along the southeast side where it abuts with the plaza / breezeway extending from Lithia Way to Will Dodge Way.

The applicants believe there is some demonstrable difficulty in meeting the specific requirement for a "full" 10% plaza area without some understanding by the hearing authority and some reasonable interpretation of the codes.

In the applications case, the new sidewalk standard within the Downtown area is 15' (Ord. #2959, 7/2008) - 10' of sidewalk area and 5' of tree grate area. The existing sidewalk is only 8' and no additional public right-of-way exists for it to be widened. As such, an additional 7' of the applicant's property will need to be improved and dedicated to the City by the applicants. This widened sidewalk area to be dedicated is roughly 730 square feet in area and when combined with the provide plaza space, exceeds the 10% requirement.

Without the exception, the building would need to be either redesigned with a greater front or side setback which would severely alter the building's design, function, floor area and streetscape perspective as each one foot of "ground" floor plaza space is equal to three square feet of multi-story building space. Specifically, the front setback would be increased an additional 5' which would be counter to the Downtown Design Standards (VI-B) and would create an odd 12' void or exaggerated step-back from the existing building patterns along Lithia Way. In fact, this issue would create an odd visual and physical barrier as an additional 5' setback, in combination with the additional 7' of dedication, would create not only a 12' off-set from the current buildings along Lithia Way, but more importantly, it would create the appearance of a 5' wall protruding into the sidewalk as the Kendrick Building's setback is now only 15' from the face of the curb and the building would be 20'.

In fact, because there is a combination of old and new buildings, old and new sidewalk standards and combined with a right-of-way curvature, the buildings along this block of Lithia Way appear "miss-matched" (best viewed going north on Lithia Way). Historically, buildings along curved rights-of-way do not "shift" as dramatically as seen here as they tend to have slight off-sets and minor adjustments not as perceptible as what is occurring and exaggerated due to other factors. But, because the sidewalk standards have increased over the last 12 years, from 8' to 12' to now 15', and three new buildings added during these different periods, this "miss-matched" alignment has been exasperated. In the applicants' opinion, an additional off-set for the fourth and final building would further exasperate this issue, especially when the functions desired from a typical plaza space are still being provided.

In regards to potential increased side yard step back, the area necessary to dedicate the additional 558 square feet would likely eliminate 40% of the proposed units (2 residential and two hotel) as the building's depth is only 50 meaning at least 10 additional feet would be required to be removed and thus eliminate the units planned for the second and third floors. If this was proposed, the applicants would likely have to rethink the design

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and instead build two buildings each under 10,000 square feet (without plaza space) in order to accomplish a result that is financially feasible.

Instead, the applicants desire a reasonable interpretation the area of the added sidewalk along Lithia Way can be considered as part of the applicant's plaza space calculations in order to meet the 10% requirement. Note: The irony with this particular issue is that if the application is approved without the exception request and the sidewalk is installed and dedicated to the City by the property owners, the owners would then have to pay the necessary fees to the City to use that "same" portion of sidewalk for sidewalk dining under Ordinance #2881 (sidewalk cafes, 4/02/2002), but cannot consider it in their plaza space even though it meet all of the necessary standards?

AMC 18.104.050 CONDITIONAL USE PERMIT CRITERIA (Hotel Use)

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.

In addition to the first floor restaurant and third floor condominiums, the proposal includes five hotel units on the second floor requiring Conditional Use Permit approval. Although usually a benign type of use in Ashland, hotels / motels and traveler accommodation units in Ashland are all subject to a Conditional Use Permit due to the location or nature of the business which could possibly generate unforeseen issues such as noises that go beyond typical nuisance laws. Under a Conditional Use Permit, an applicant's permit could be revoked under certain conditions and procedures which the applicants believe has not occurred since inception of the code.

Nevertheless, the applicants believe the proposed five-unit hotel will be in conformance with all standards within the C-1-D zoning district and in conformance with relevant Comprehensive Plan policies. The proposed hotel is within the core area of the downtown and approximately 200' from the nearest residentially zoned parcel. The use is likely to be no more noticeable than the third floor condominium units which are permitted in the C-1-D zone out-right.

The use is in conformance with all standards within the zoning district in which the use is located, and in conformance with all relevant Comprehensive plan policies that are not implemented by City, State, and Federal law or programs.

B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate

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transportation can and will be provided to and through the subject property.

The subject property has adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, and adequate transportation facilities to serve the proposed use. All utilities associated with the development of this property will either be directed towards Lithia Way or via the alley. The applicants have worked with the various utility companies to ensure both existing and proposed utilities are available to provide the necessary services. At no time has there been any indication by these service providers that services will be unavailable or exceed capacity.

An Electric Utility Plan is to be developed in consultation with the City's Electric Department, Dave Tygerson, to ensure not only capacities can be accommodated, but to also minimize aesthetic impact to the proposed building. All electrical services will be provided from the rear alley area where the transformers now exist. All electrical work will be completed under the direction of the Ashland Electric and Building Departments. A traffic analysis was provided by Kim Parducci, Southern Oregon Transportation Engineering, LLC, to determine the vehicle trips generated by the proposal would not cause any capacity or operational issues (attached). Further, all improvements within the adjacent rights-of-way, including construction detouring, will be completed under the direction of the Ashland Engineering Department and the Oregon Department of Transportation (ODOT).

Applicants have addressed or will address at the time of the building permit all code issues relating to the Ashland Fire Department, including an FDC valve along the front of the building. A fire hydrant is within 150' of the property boundary (directly in front of the adjacent property) with adequate pressure to service the building. All work will be completed under the direction of the Ashland Building and/or Fire Departments.

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.

In the applicant's opinion, the proposed hotel use will have no greater adverse material effect on the livability of the impact area (C-1-D zone) when compared to the development of the subject lot with the target use of the zone. In this case, the use would compare its dedicated floor area (5,092 sq. ft.) to those items listed under 18.32.020 B: *Stores, shops and offices supplying commodities or performing services, such as a department store, antique shop, artists supply store, and including a regional shopping center or element of such center, such as a major department store.* The applicants contend the proposal would be more closely similar to the five "permitted" residential uses on the third floor which generate little noise, trip generation or demand on services when compared to a typical major department store which of similar size would generate 15 parking spaces (AMC 18.92.030 B.3.) vs. the proposed seven parking spaces (six required). Further, according to the Institute of Transportation Engineers, Trip Generation, 8th Edition, a similar size department store would generate 835 daily vehicle trips vs. the 41 trips associated with a five unit hotel. Overall, it is the applicant's opinion

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the proposed use is really a positive element in the Downtown area that has limited impact on essential services and at the same time provides needed accommodations to visitors that support local businesses and help maintain an active urban street environment.

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.

The proposal is similar in scale, bulk and coverage to surrounding buildings found in the Downtown urban core as evidenced in the attached photos. The proposal addresses all of the required Downtown Design Standards which essentially attempts to address compatibility of scale, bulk and in some instances building coverage. The application complies with this standard.

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.

As previously stated above, the proposed hotel units would generate approximately 41 vehicle trips in a typical day which is significantly less when compared to the zone's designated target use (department store). Further, because the location of the hotel is located within Ashland's urban core which includes pedestrian amenities and essential services within close walking distance, the average daily trips (ADT) are likely to be significantly less than 41 due to the fact that visitors to Ashland generally complete most of their local trips on foot while trips associated with regional excursions (Crater Lake, local wineries, Mt. Ashland, etc.) are generally limited to only a few vehicle trips due to their distance or typical activities times.

3. Architectural compatibility with the impact area.

The applicant's have attempted to identify the area's design characteristics as they relate to new development in the Ashland Downtown Historic District by closely following the Downtown Design Standards and to design a building so that its architecture is contextually compatible with other buildings found in the downtown area, but not to the degree that it mimics a specific building or architectural period. In the end, the proposed building has a strong sense of pedestrian orientation with plenty of ground level glazing to offer pedestrians a glimpse of the indoor activities. The building's north and east facing façades (visible from Lithia Way) are brick with a cast stone base. The doors and windows are wood clad for a more authentic and traditional character.

The building's mass is roughly 42' in height from the Lithia Way frontage, but its overall height by definition is slightly under 40' (as measured from mid-point of each wall's finished grade). However, as permitted in the C-1-D zone, the code allows up to 55' with a

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Conditional Use Permit which is primarily necessary in order to incorporate the building's decorative parapet which the architect believes is a distinguishing architectural feature and helps provide a "non-unified" and more natural rhythm of building heights as desired by VI-A Height, of the Downtown Design Standards.

The design approach specifically to the Lithia Way elevation was to respect the scale and proportions of historic buildings in downtown Ashland while incorporating modern materials and details. The design acknowledges historic traditions while offering a contemporary interpretation that is compatible within the historic district. The elevation builds on a strategy of expressing a basic post and lintel construction while providing a variety of recessed and projecting areas to create surface relief and visual interest. Window areas are proportioned vertically and are kept to less than 50% of the total surface area. The ground floor windows are a larger area to reinforce their commercial nature. Overall, the applicants, local Planner and Architects believe the proposed building is well designed and fits perfectly into the Lithia Way streetscape that has been slowly transforming from an auto dominated environment to a multi-modal environment. Although still in process, this slow transformation, with both public investment (Fire Station #1) and private investment (Jasmine Building, Kendrick Building, Trinity Church open space, etc.) illustrates how Lithia Way is progressing with only a few key lots remaining (Elks, First Place, City Parking Lot, Wells Fargo).

The Will Dodge Way elevation is a simplified elevation due to its orientation along the alley, but its design remains respectful to this multi-modal corridor.

The side elevation facing the open pedestrian corridor will be in brick to match the front façade. The side of the building has an enclosed fire stairwell and a couple of matching windows that help minimize the walls non-descript appearance. In general, this wall has very limited visibility, but it does retain some basic design elements that merit consideration for its location.

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

The proposed conditional use permit will not have any discernable increases of environmental impacts including those related to air quality, including the generation of dust, odors, or other environmental pollutants.

5. Generation of noise, light, and glare.

The proposals will not have any discernable increases of noise, light and glare.

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

The proposed conditional use permit will not have any material effects on the adjoining properties as envisioned in the Comprehensive Plan. The subject property is zoned commercial (C-1-D) allowing a variety of uses that would be much more impacting, but still in compliance with the City's Comprehensive Plan and its various elements and

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policies. Overall, the proposed five-unit hotel has a limited impact when compared to the zones target use (department store) and instead is similar to a more benign and beneficial use such as the third floor's five residential housing units.

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

The applicants are not aware of any other factors that may be found to be relevant by the hearing authority, but if there are factors found to be relevant, the applicants would like the opportunity to clarify and answer questions of the hearing authority prior to a final decision.

AMC 18.104.050 CONDITIONAL USE PERMIT CRITERIA (Height of Building)

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.

Buildings within the Downtown are permitted to exceed 40' in height, up to 55', with the approval of a Conditional Use Permit. The proposal is requesting a Conditional Use Permit to exceed the 40' height regulation, but not for the building's mass or heated floor area, but instead for an architectural element (parapet) the project Architects and owners contend gives the building identity and uniqueness along the Lithia Way street frontage. The subject parapet is approximately 6' in height.

The applicants are aware the hearing authority has the ability to impose conditions to in order to make the height conform and remove the parapet from the design, but the applicants not only contend the building's design is enhanced with it and that because Lithia Way's most recent developments are starting to become a little too similar and pattern specific, the parapet helps contradict the pattern and create a whimsical element that is often seen in other blocks of the Downtown (Alex's projecting balcony, the Ashland Spring's Hotel height differential, the Claycomb Building's lengthy horizontal mass, etc.).

Overall, the applicant's believe the C-1-D's height restriction of 40' was intended to be occasionally increased for the reasons as described. In doing so, the streetscapes remain unique or natural and less monolithic or too planned.

B. That adequate capacity of City facilities for water, sewer, paved access to and

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through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.

Not applicable as the proposed parapet has no associated impacts with City services or infrastructure.

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.

Not applicable as the proposed parapet has no associated impacts with the above criterion.

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.

The proposal is similar in scale, bulk and coverage to surrounding buildings found in the Downtown urban core as evidenced in the attached photos. The proposal addresses all of the required Downtown Design Standards which essentially attempts to address compatibility of scale, bulk and in some instances building coverage. The application to include an approximate six foot parapet to provide architectural interest to the Lithia Way streetscape complies with this standard.

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.

Not applicable as the proposed parapet has no associated impacts with transportation related matters.

3. Architectural compatibility with the impact area.

As stated, the building's mass is roughly 42' in height from the Lithia Way frontage, but its overall height by definition is slightly under 40' (as measured from mid-point of each wall's finished grade and without subject parapet). However, as permitted in the C-1-D zone, the code allows up to 55' with a Conditional Use Permit which is primarily necessary in order to incorporate the building's decorative parapet which the architect believes is a distinguishing architectural feature and helps provide a "non-unified" and more natural rhythm of building heights as desired by VI-A Height, of the Downtown Design Standards.

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

Not applicable as the proposed parapet has no associated impacts with air quality related

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matters.

5. Generation of noise, light, and glare.

Not applicable as the proposed parapet has no associated impacts with noise, light or glare related matters.

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

The proposed conditional use permit to exceed the zone's 40' height limitation with an parapet intended to architecturally enhance the façade and provide for a more natural rhythm to the Lithia Way streetscape will not have any material effects on the adjoining 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 applicants are not aware of any other factors that may be found to be relevant by the hearing authority, but if there are factors found to be relevant, the applicants would like the opportunity to clarify and answer questions of the hearing authority prior to a final decision.

AMC 18.61.080 CRITERIA FOR ISSUANCE OF TREE REMOVAL 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.

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

The trees are to be removed in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, mainly those listed under the Site Design and Use Standards. Nevertheless, the site's trees were evaluated for their retention by both the project Architect and Arborist, but due to the general nature of construction, close proximity and the intent of the City's Downtown Design Standards to provide "main street" street facades, similar to those found within the Plaza, the trees are proposed to be removed, but mitigated if required with off-site planting per 18.61.084 B.

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

The removal of the trees will not have a significant negative impact on the site's erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks as the property will be built upon and landscaped with vegetation that is comprehensively designed as part of the building.

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 removal of the trees will not have a significant negative impact on the tree densities, sizes, canopies and species within 200 feet of the property as they are not natural trees and were planted as parking lot shade trees.

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.

In the applicants opinion and based on the City's various development standards, there is no reasonable alternative that exists to retain the subject trees and allow the property to be used as permitted in the C-1-D zone. The trees are parking lot trees and were specifically planted for that purpose. Nevertheless, the applicants are aware of the above condition (#4) and are willing to mitigate through a condition of approval pursuant to AMC 18.61.084.

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Southern Oregon Transportation Engineering, LLC

112 Monterey Drive - Medford, Or. 97504 - Office 541.608.9923 - Cell 541.941.4148 - Email: Kwkp1@Q.com

May 30, 2012

Mark Knox, Planner
Urban Development Services
485 W Nevada St.
Ashland, Oregon 97504

RE: Traffic Letter for 'The Vine' Hotel and Condominium Development

Southern Oregon Transportation Engineering, LLC prepared a trip generation analysis for a proposed 13,800 square foot (SF) 3-story commercial building, referred to as 'The Vine', in downtown Ashland, Oregon. The development is proposed to include a hotel on the first and second levels and condominiums on the third level. The development building front will face Lithia Way to the north and take vehicular access from Will Dodge Way in the back to the south. Pedestrian access will be from Lithia Way or through a midblock pedestrian access to the east. Refer to the attached site plan for further reference.

A traffic analysis is required by the City of Ashland to evaluate traffic impacts to the transportation system. Proposed land use actions, new development, and/or redevelopment accessing a State highway/boulevard, directly or indirectly (via collector or local streets), are required to provide a traffic impact study if it is shown that any of the following thresholds are exceeded.

1. Trip Generation Threshold: 50 newly generated vehicle trips (inbound and outbound) during the adjacent street peak hour.
2. Mitigation Threshold: Installation of any traffic control device and/or construction of any geometric improvements that will affect the progression or operation of traffic traveling on, entering, or exiting the highway.
3. Heavy Vehicle Trip Generation Threshold: 20 newly generated heavy vehicle trips (inbound and outbound) during the day.

Trip generation calculations for the proposed hotel and condominium development were prepared utilizing the Institute of Transportation Engineers (ITE) *Trip Generation*, 8th Edition. Rates were used for land use code 232 - High-Rise Residential Condominium/Townhouse and 310 - Hotel. High rise condominiums are defined as units located in buildings that have three or more levels (floors). Hotels are defined as a place of lodging that provides sleeping accommodations and supporting facilities such as restaurants; cocktail lounges; meeting and banquet rooms or convention facilities; limited recreational facilities; and/or other retail and service shops. For purposes of this report, all trips generated for the proposed hotel and condominium uses are considered new vehicular trips. It is noted, however, that the number of vehicular trips for this development will likely be less than estimated based on the development location (downtown in the central business district) and mix of uses within

JUN 01 2012

City of Ashland

the building. These conditions tend to attract a higher percentage of pedestrian trips. Refer to Table 1 for a summary of vehicular trip generations. Refer to the attachments for ITE sheets.

Table 1 – The Vine Development Trip Generations

Land Use	Description	Unit	Size	ADT	AM Peak Hour			PM Peak Hour		
					Total	(In)	(Out)	Total	(In)	(Out)
310 - Hotel	The Vine	Rooms	5	41	3	2	1	3	2	1
232 - Condos	The Vine	Dwelling Units	5	21	2	0	2	2	1	1
Total				62	5	2 In	3 Out	5	3 In	2 Out

Analysis Results

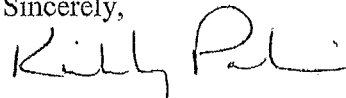
1. The proposed development is estimated to generate 5 trips during both the a.m. and p.m. peak hours, which is well below the trip generation threshold for a traffic impact study.
2. There is neither a plan to install a new traffic control device as a result of this development nor make any geometric improvements that will affect the progression or operation of traffic traveling on, entering, or exiting the highway.
3. The proposed development is estimated to generate 62 average daily trips (ADT) to the transportation system. Of the new daily trips, one heavy vehicular trip per day is estimated for deliveries, which is well below the heavy vehicle threshold that would require a traffic impact study.

Conclusions

Based on the traffic findings, it is concluded that none of the thresholds that would require a traffic impact study for the City of Ashland are shown to be met. The proposed hotel and condominium development can be approved without creating adverse impacts to the downtown transportation system.

Please let me know if you have any questions or concerns regarding this letter.

Sincerely,

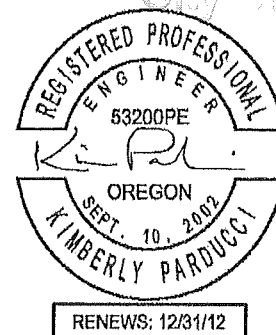


Kimberly Parducci, PE PTOE

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Cc: Client

Attachments: Site Plan, ITE Trip Generation sheets



Land Use: 232

High-Rise Residential Condominium/Townhouse

Description

High-rise residential condominiums/townhouses are units located in buildings that have three or more levels (floors). **Both condominiums and townhouses are included in this land use.** Residential condominium/townhouse (Land Use 230), low-rise residential condominium/townhouse (Land Use 231) and luxury condominium/townhouse (Land Use 233) are related uses.

Additional Data

The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed in the 1980s and the 1990s in the metropolitan areas of Richmond, Virginia; Washington, DC; Minneapolis, Minnesota; and Vancouver, Canada.

Source Numbers

168, 237, 305, 306, 390

232, 377

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City of Richmond

High-Rise Residential Condominium/Townhouse (232)

Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

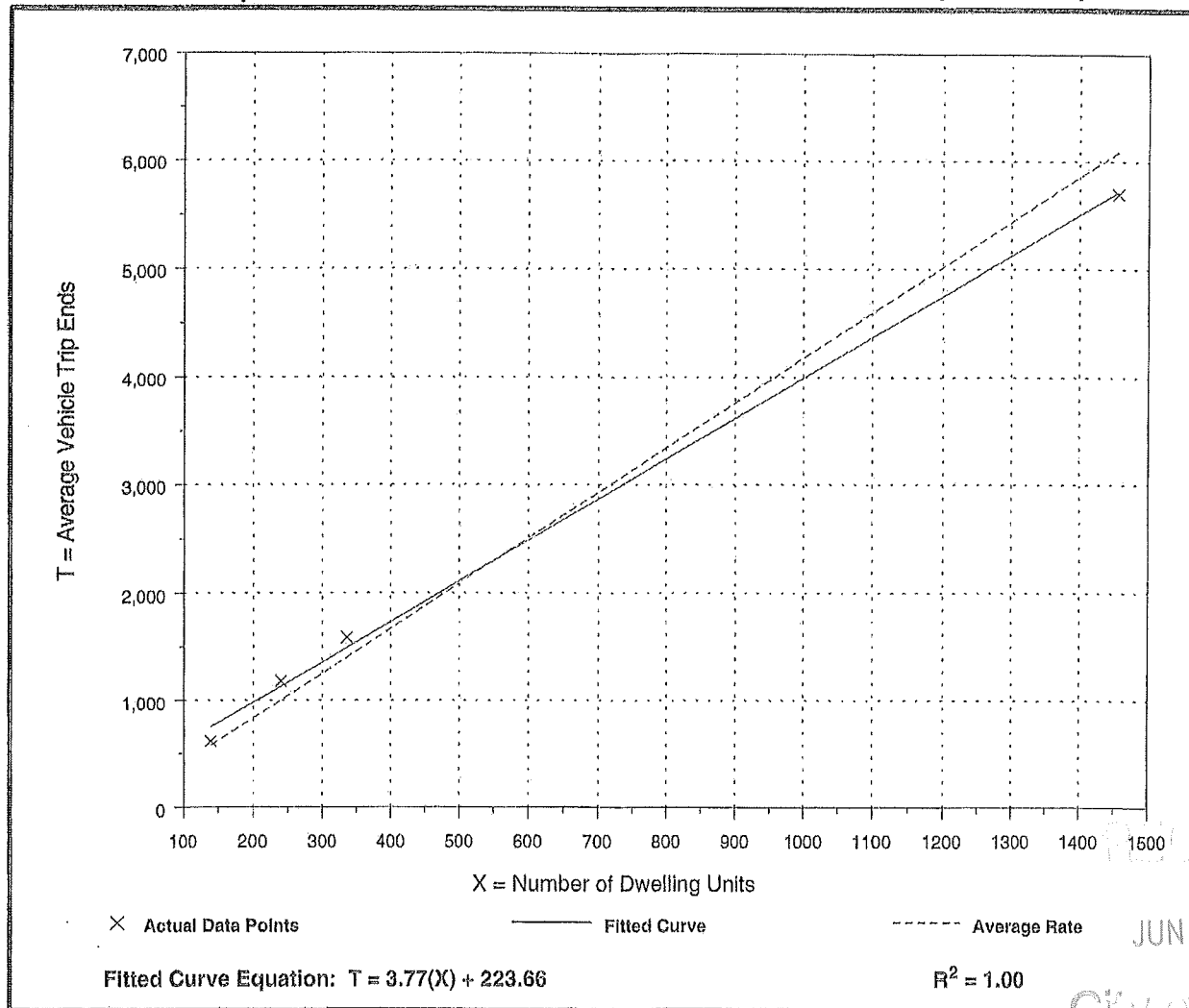
Number of Studies: 4
Avg. Number of Dwelling Units: 543
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.18	3.91 - 4.93	2.08

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



High-Rise Residential Condominium/Townhouse (232)

Average Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 4

Avg. Number of Dwelling Units: 543

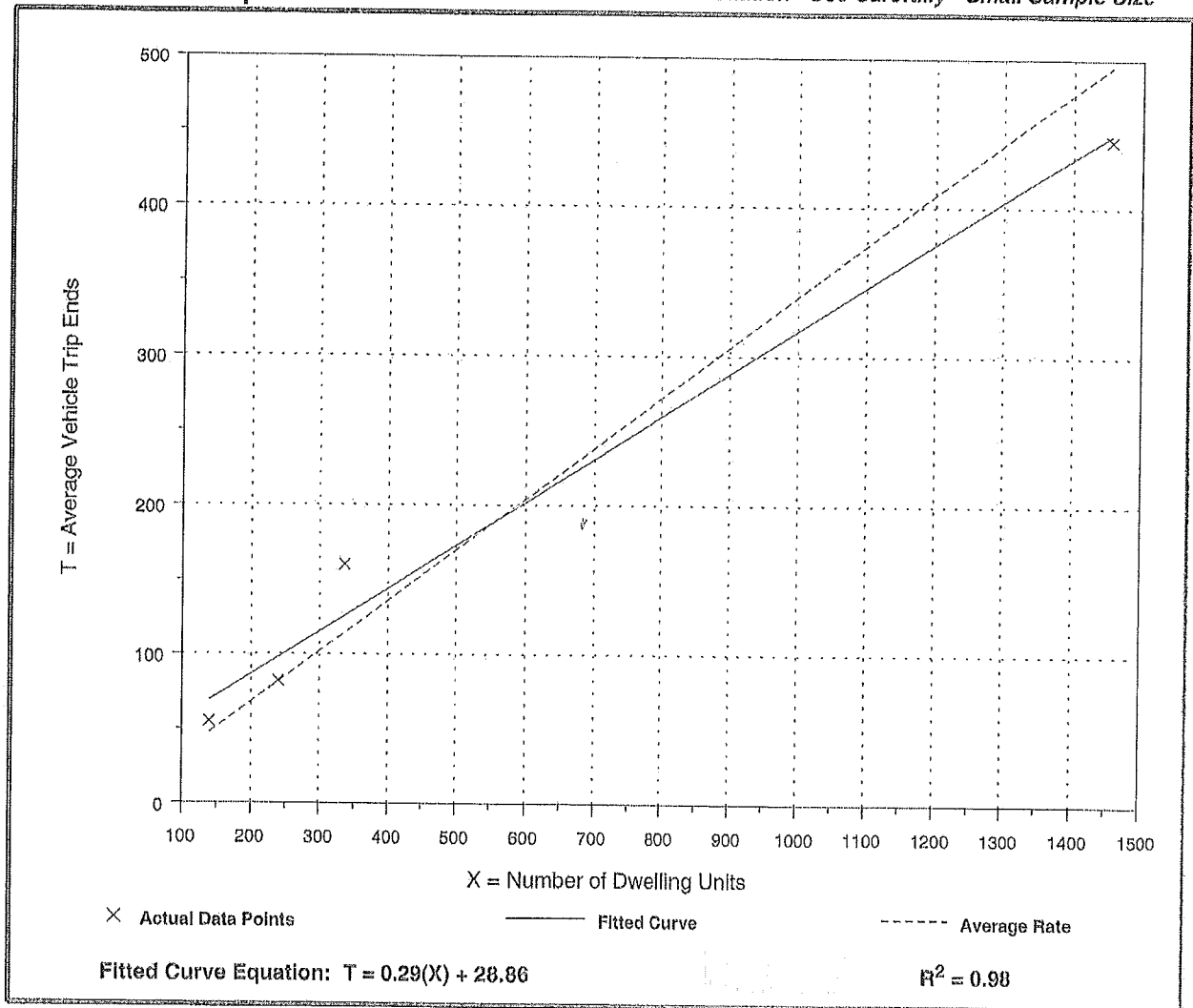
Directional Distribution: 19% entering, 81% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.34	0.31 - 0.48	0.59

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



High-Rise Residential Condominium/Townhouse (232)

Average Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 5

Avg. Number of Dwelling Units: 444

Directional Distribution: 62% entering, 38% exiting

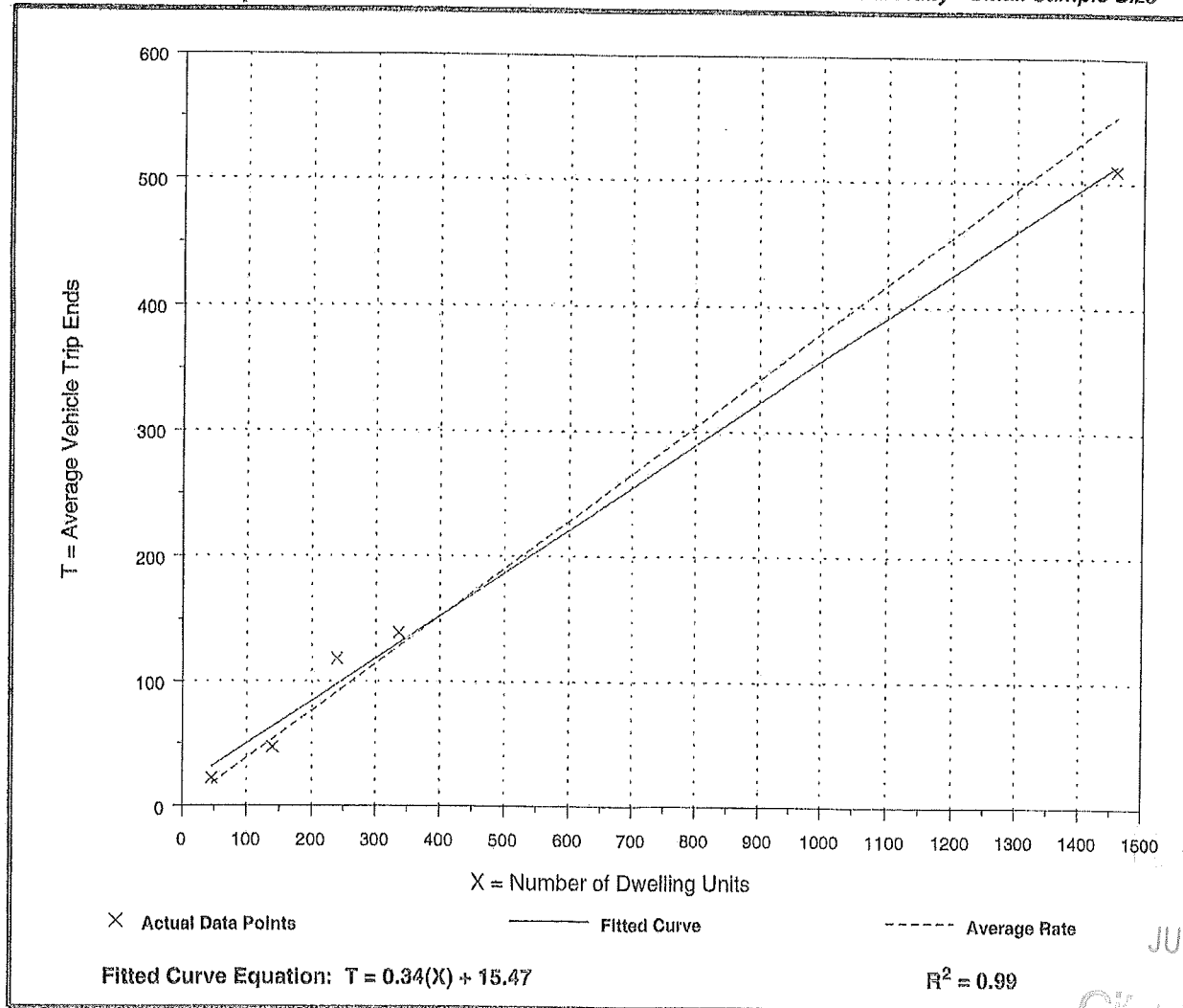
Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.38	0.34 - 0.49	0.62

2

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Land Use: 310 Hotel

Description

Hotels are places of lodging that provide sleeping accommodations and supporting facilities such as restaurants; cocktail lounges; meeting and banquet rooms or convention facilities; limited recreational facilities (pool, fitness room); and/or other retail and service shops. Some of the sites included in this land use category are actually large motels providing the hotel facilities noted above. All suites hotel (Land Use 311), business hotel (Land Use 312), motel (Land Use 320) and resort hotel (Land Use 330) are related uses.

Additional Data

Studies of hotel employment density indicate that, on the average, a hotel will employ 0.9 employees per room.¹

Thirty studies provided information on occupancy rates at the time the studies were conducted. The average occupancy rate for these studies was approximately 83 percent.

The hotels surveyed were primarily located outside central business districts in suburban areas.

The sites were surveyed between the late 1960s and the 2000s throughout the United States.

For all lodging uses, it is important to collect data on occupied rooms as well as total rooms in order to accurately predict trip generation characteristics for the site.

Source Numbers

4, 5, 12, 13, 18, 55, 72, 170, 187, 254, 260, 262, 277, 280, 301, 306, 357, 422, 436, 507, 577

¹ Buttke, Carl H. Unpublished studies of building employment densities, Portland, Oregon.

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Hotel (310)

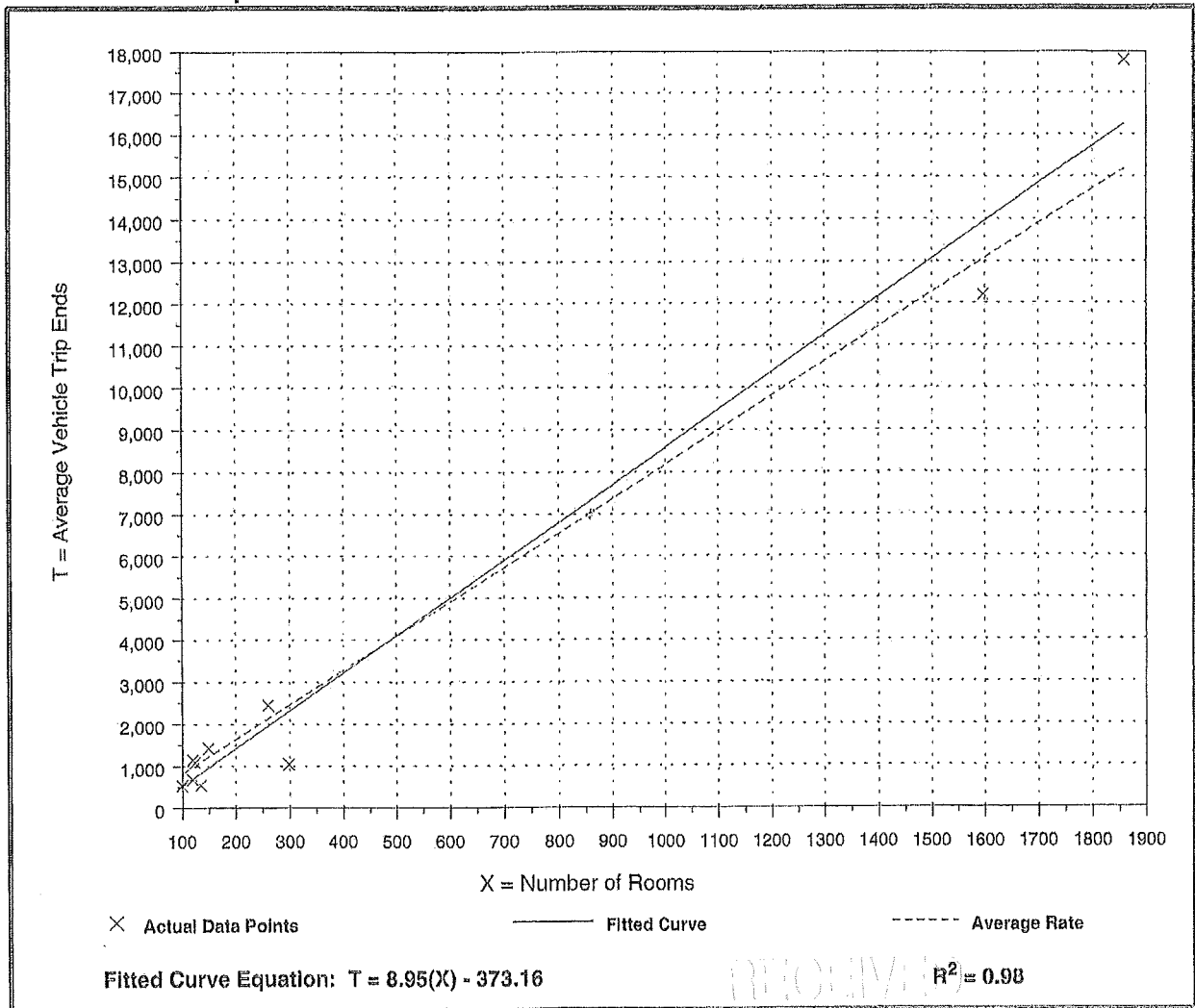
Average Vehicle Trip Ends vs: Rooms
On a: Weekday

Number of Studies: 10
Average Number of Rooms: 476
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
8.17	3.47 ~ 9.58	3.38

Data Plot and Equation



Hotel (310)

Average Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

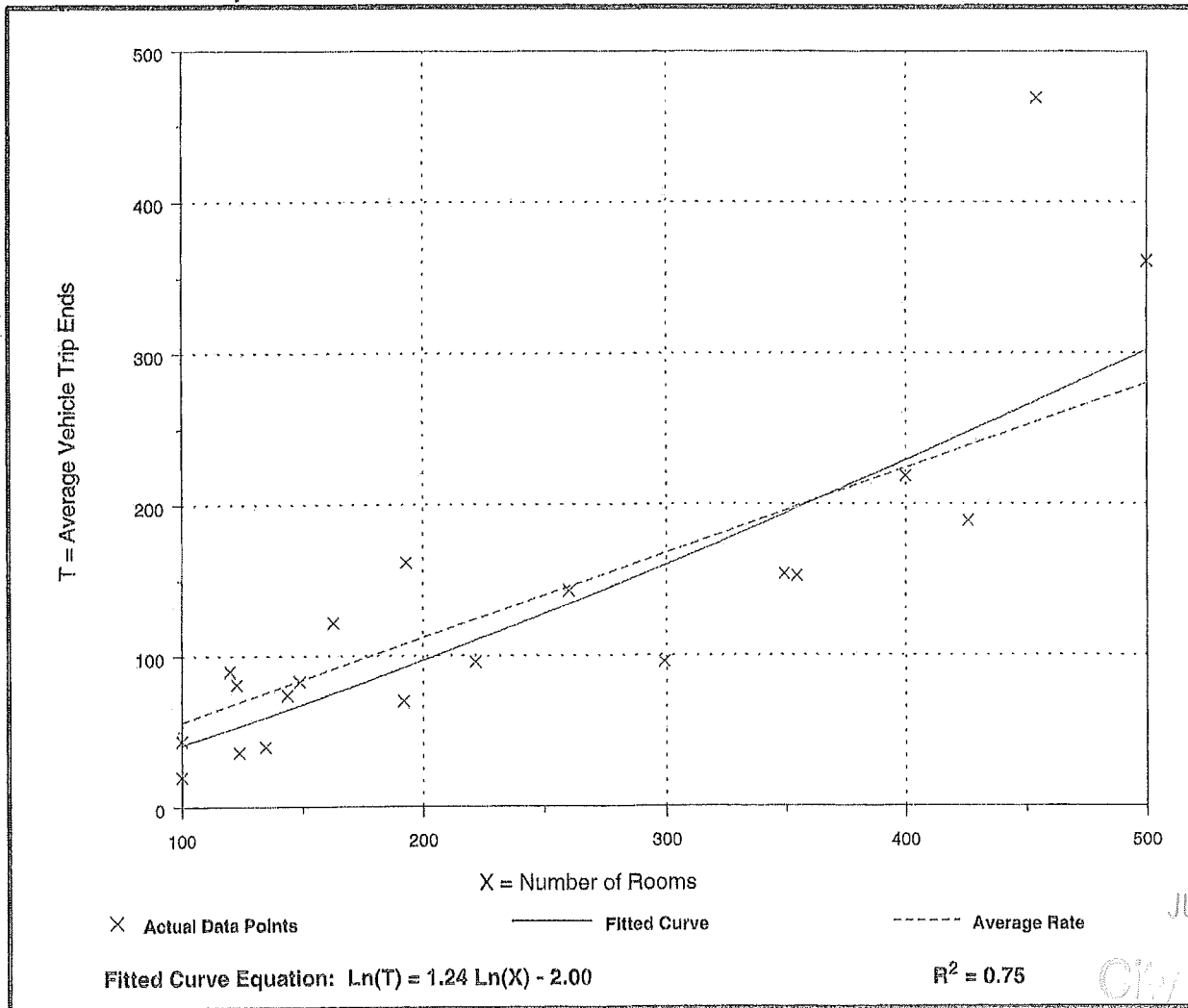
Number of Studies: 20
 Average Number of Rooms: 240
 Directional Distribution: 61% entering, 39% exiting

Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.56	0.20 - 1.03	0.78

4

Data Plot and Equation



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City of Ashland

Hotel (310)

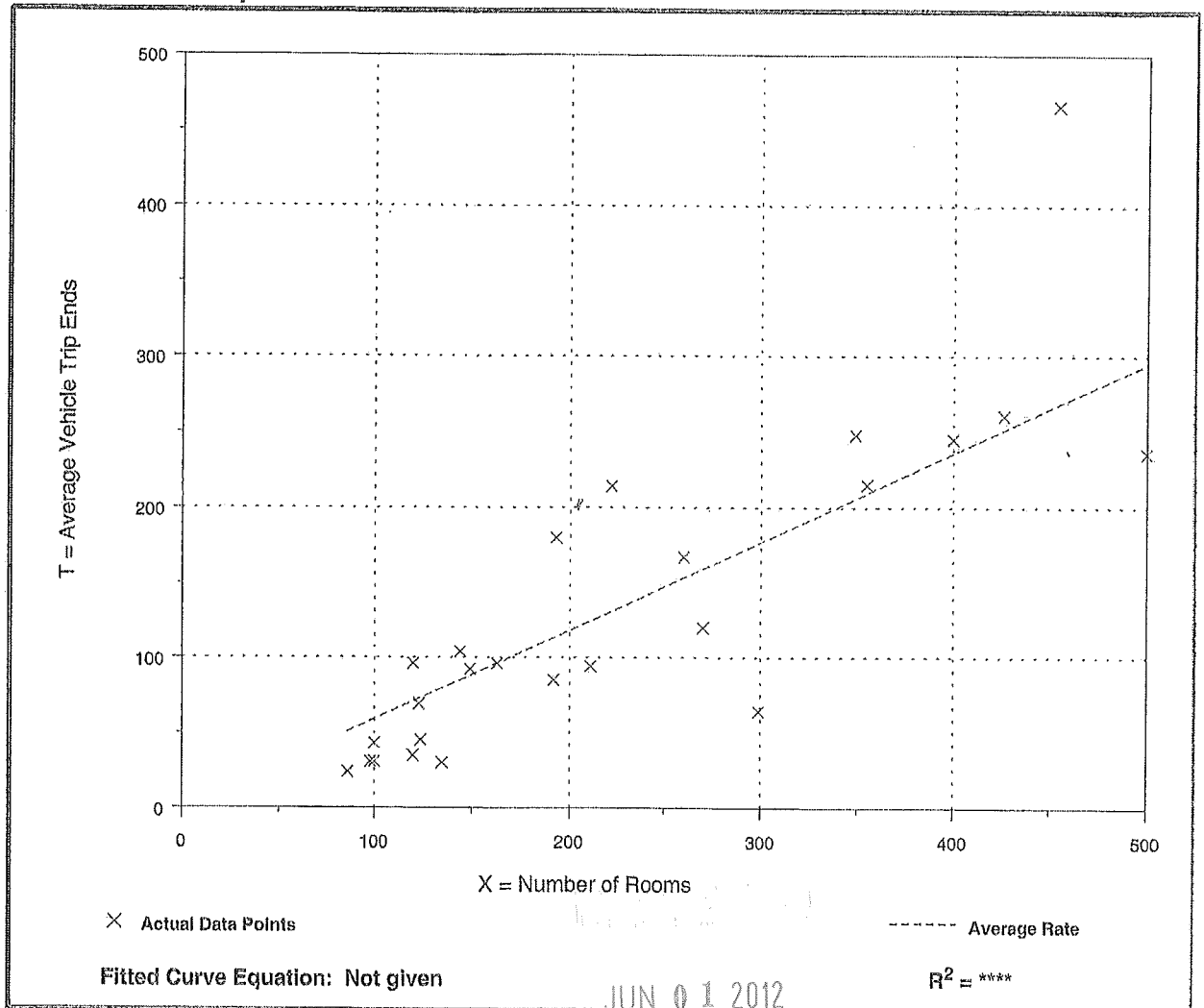
Average Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 25
 Average Number of Rooms: 224
 Directional Distribution: 53% entering, 47% exiting

Trip Generation per Room





Average Rate	Range of Rates	Standard Deviation
0.59	0.21 - 1.03	0.80

Data Plot and Equation



**Map Maker
Application**

Property Data Online Legend

-  Highlighted Feature
-  Tax Lot Outlines
-  Tax Lot Numbers
-  Buildings



PAID IN FULL

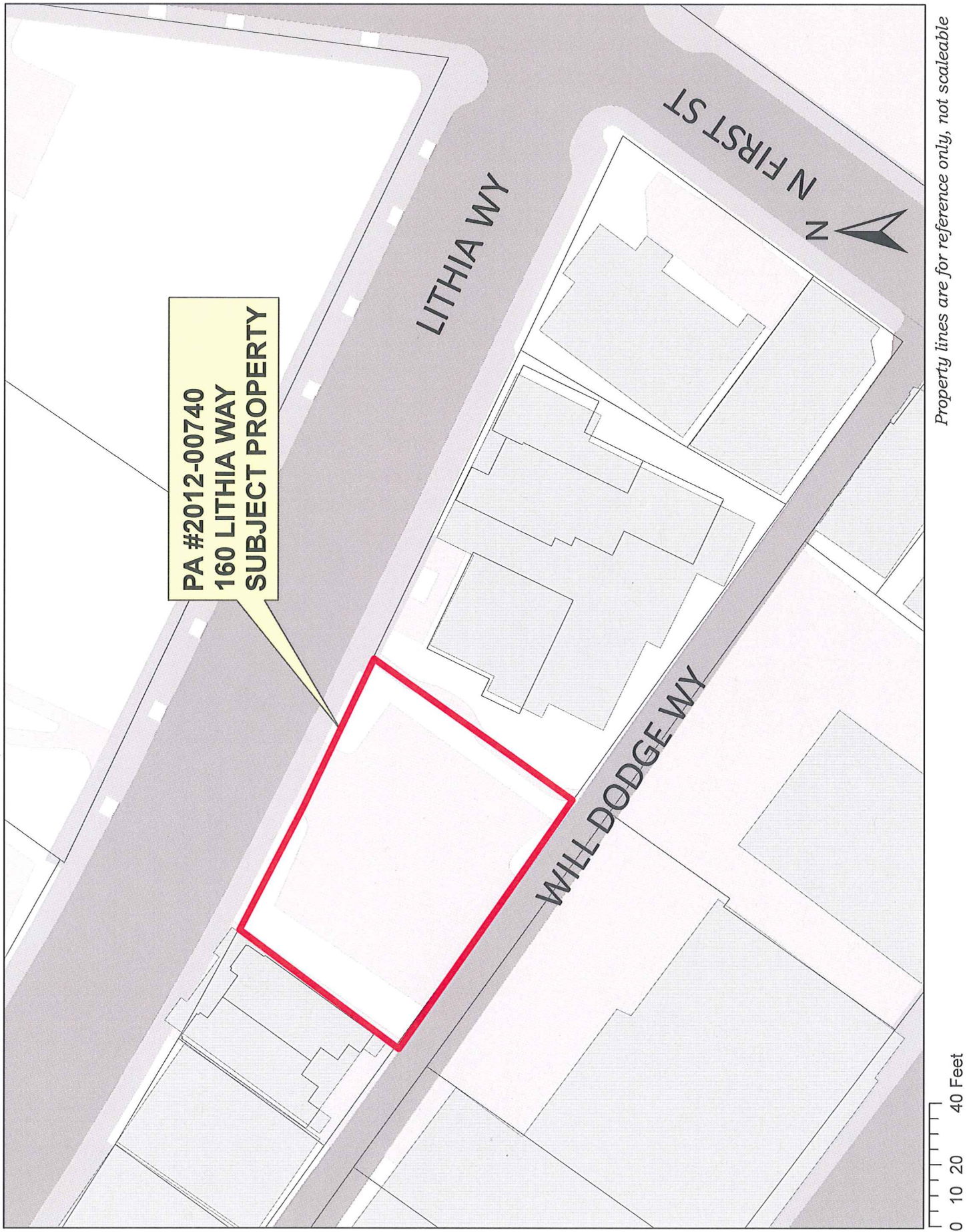
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City of Ashland



**JACKSON
COUNTY**
Oregon

This map is based on a digital database compiled by Jackson County. From a variety of sources, Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.



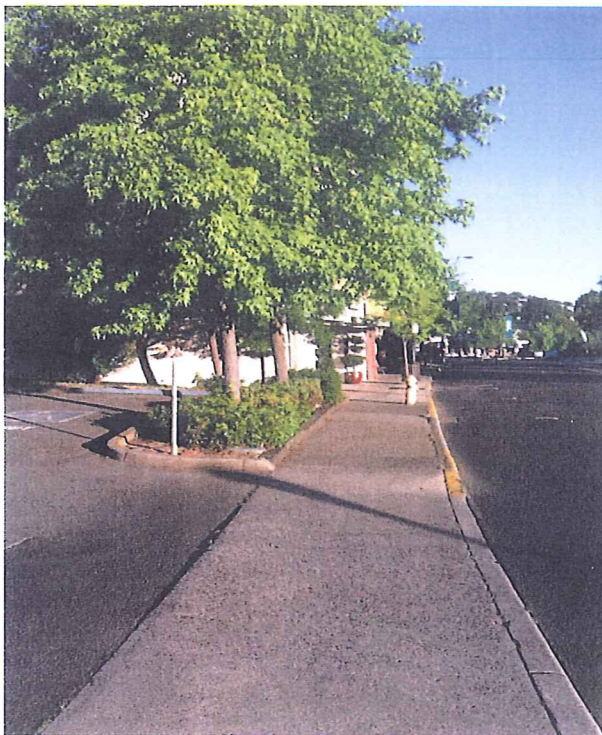
The Vine Hotel – 160 Lithia Way



RECEIVED

JUN 22 2012

City of Ashland



Sidewalk along Lithia to be replaced



Neighboring Building to the South (Jasmine Building)

RECEIVED

JUN 22 2012

City of Ashland



Building to north (Kendrick Building)



Will Dodge Way (adjacent alley)

RECEIVED

JUN 22 2012

City of Ashland



Public pedestrian path between buildings (to remain).



Site's existing electrical transformers and utilities adjacent to rear alley (to remain behind proposed building)

RECEIVED

JUN 22 2012





PA-2012-00740 160 Lithia Way 7/3/2012



7/3/2012

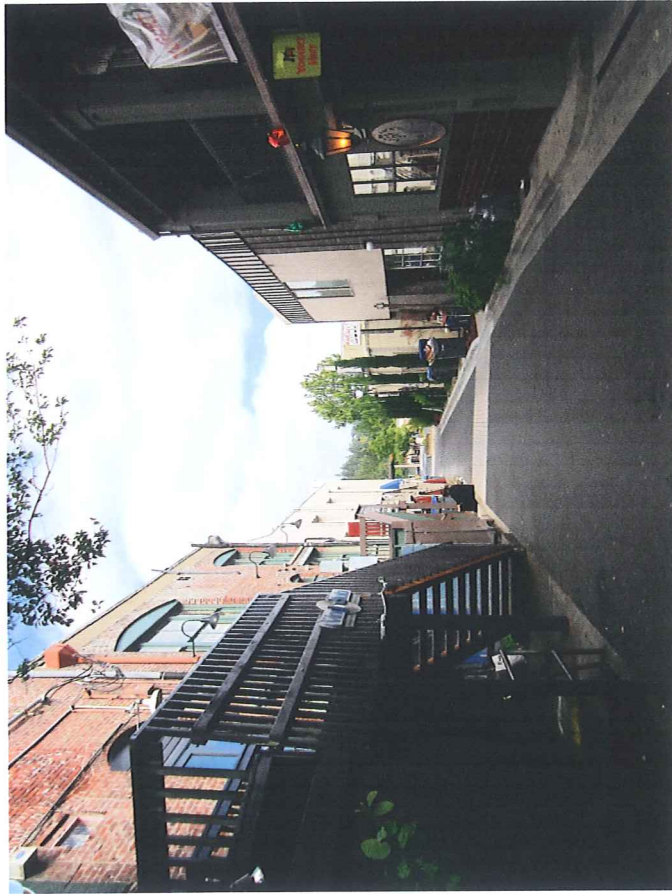


7/3/2012



7/3/2012





PA-2012-00740 160 Lithia Way

7/3/2012



7/3/2012



7/3/2012



7/3/2012



PA-2012-00740 160 Lithia Way

7/3/2012



7/3/2012



7/3/2012



7/3/2012





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PROJECT INFORMATION

THE VINE
160 LITHIA WAY
ASHLAND, OREGON 97520

ASSESSOR'S MAP 39 1E 09BA, TL10800

AGENT INFORMATION

MARK KNOX
URBAN DEVELOPMENT SERVICE, LLC
ASHLAND, OREGON 97501

ZONING INFORMATION

ZONING MAP DESIGNATION: C1-D (DOWNTOWN)
AREA OF LOT: 7000 sf (.16 ACRE)

PROPOSED USES		COMMERCIAL RESIDENTIAL HOTEL	
PERMITTED USE			
SPECIAL PERMITTED USE			
CONDITIONAL USE			
RESIDENTIAL DENSITY			
PERMITTED		9 UNITS	
PROPOSED		5 UNITS	
BUILDING AREA			
1st FLOOR			
COMMERCIAL	3,616 sf		
PARKING	1,476 sf		
	5,092 sf		
2nd FLOOR			
HOTEL - 5 UNITS (C.U.P.)	5,092 sf		
3rd FLOOR			
APARTMENTS - 5 UNITS	5,092 sf		
TOTAL AREA (GROSS)	15,276 sf		
GROUND FLOOR USE AREAS			
PERMITTED USE	3,331 sf	65.4%	
SPECIAL PERMITTED USE	1,762 sf	34.6%	
BUILDING HEIGHT			
AVERAGE GRADE:	+1907.56'		
MAX. BUILDING HEIGHT:	+1947.56' (+40'-0")		
PROPOSED BUILDING HEIGHT:	+1947.50'		
PARKING			
COMMERCIAL / RETAIL	0 SP		
5 HOTEL UNITS	5 SP		
1 STAFF	1 SP		
5 RESIDENTIAL UNITS	0 SP		
TOTAL REQUIRED	6 SP		
PROPOSED ON-SITE	7 SP		
PUBLIC / PLAZA SPACE			
AREA OF BUILDING (GROSS)	15,276 sf		
(LESS PARKING AREA)	-1,476 sf		
	13,800 sf		
REQUIRED PUBLIC SPACE	1,380 sf	10.0 %	
PROPOSED PUBLIC SPACE	822 sf	6.0 %	
EXCEPTION	- 558 sf	- 4.0 %	

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97520

TEL.: 541.488.8200

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SITE REVIEW
SUBMITTAL
4-18-12

THE VINE
RETAIL, HOTEL & RESIDENCES
Doug & Dion Irvine
160 Lithia Way, Ashland, Oregon

REVISIONS

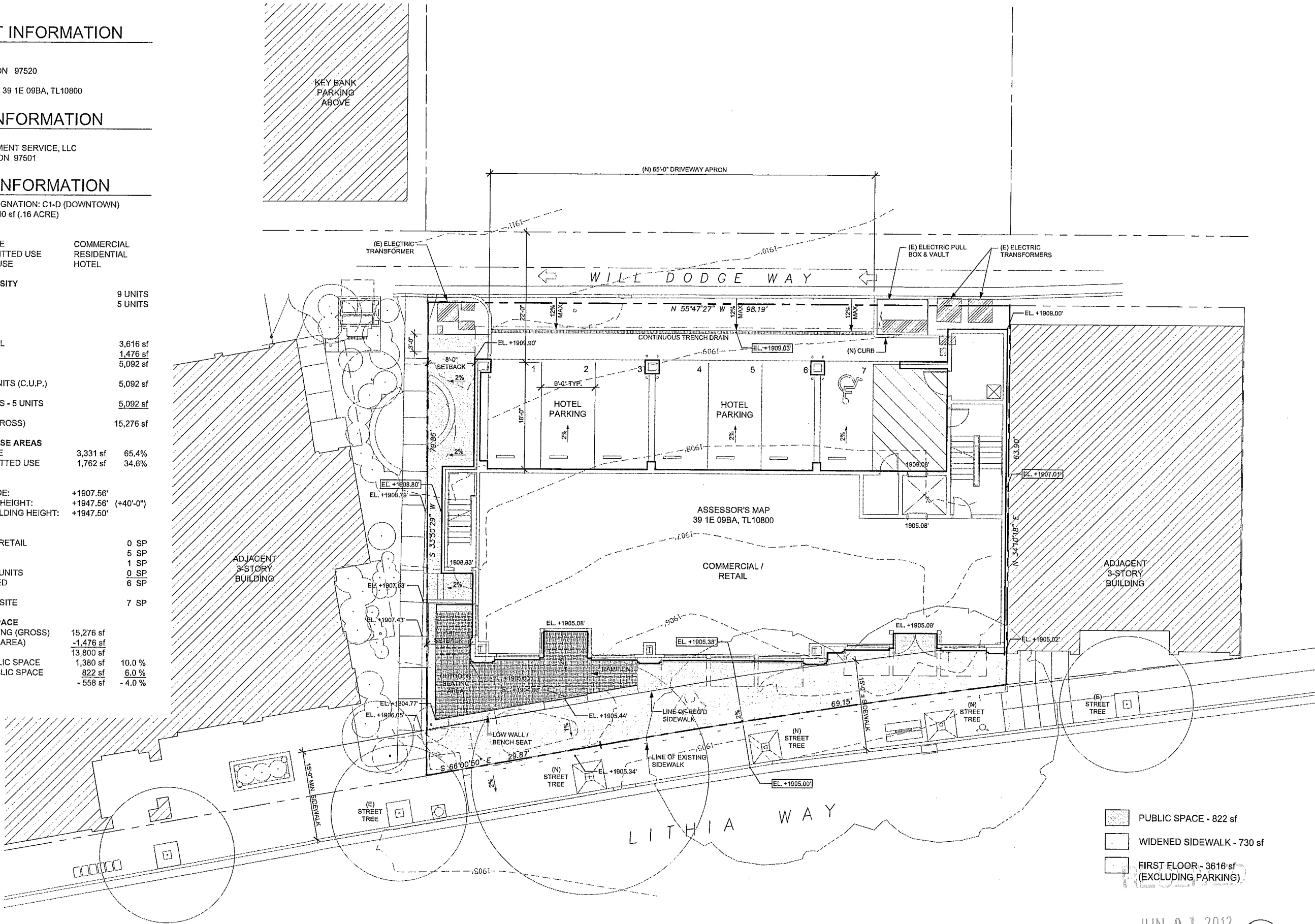
SITE PLAN

PROJECT: 11-033

ISSUE DATE: 4-18-12

SHEET:

A1.1



SITE PLAN

1/16" = 1'-0"

1

JUN 01 2012

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4-18-12

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160 Lithia Way, Ashland, Oregon

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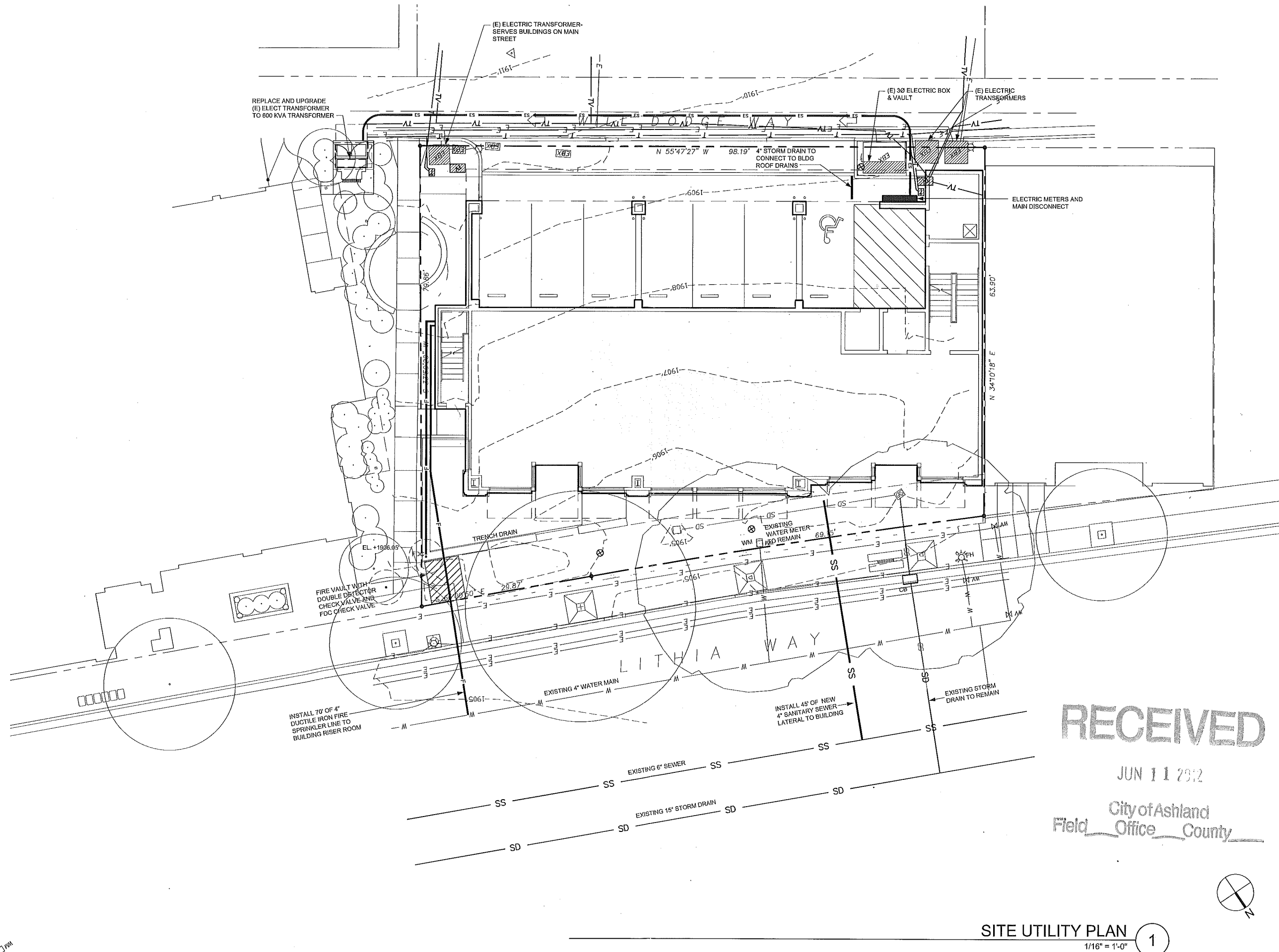
SITE UTILITY
PLAN

PROJECT: 11-033

ISSUE DATE: 4-18-12

SHEET:

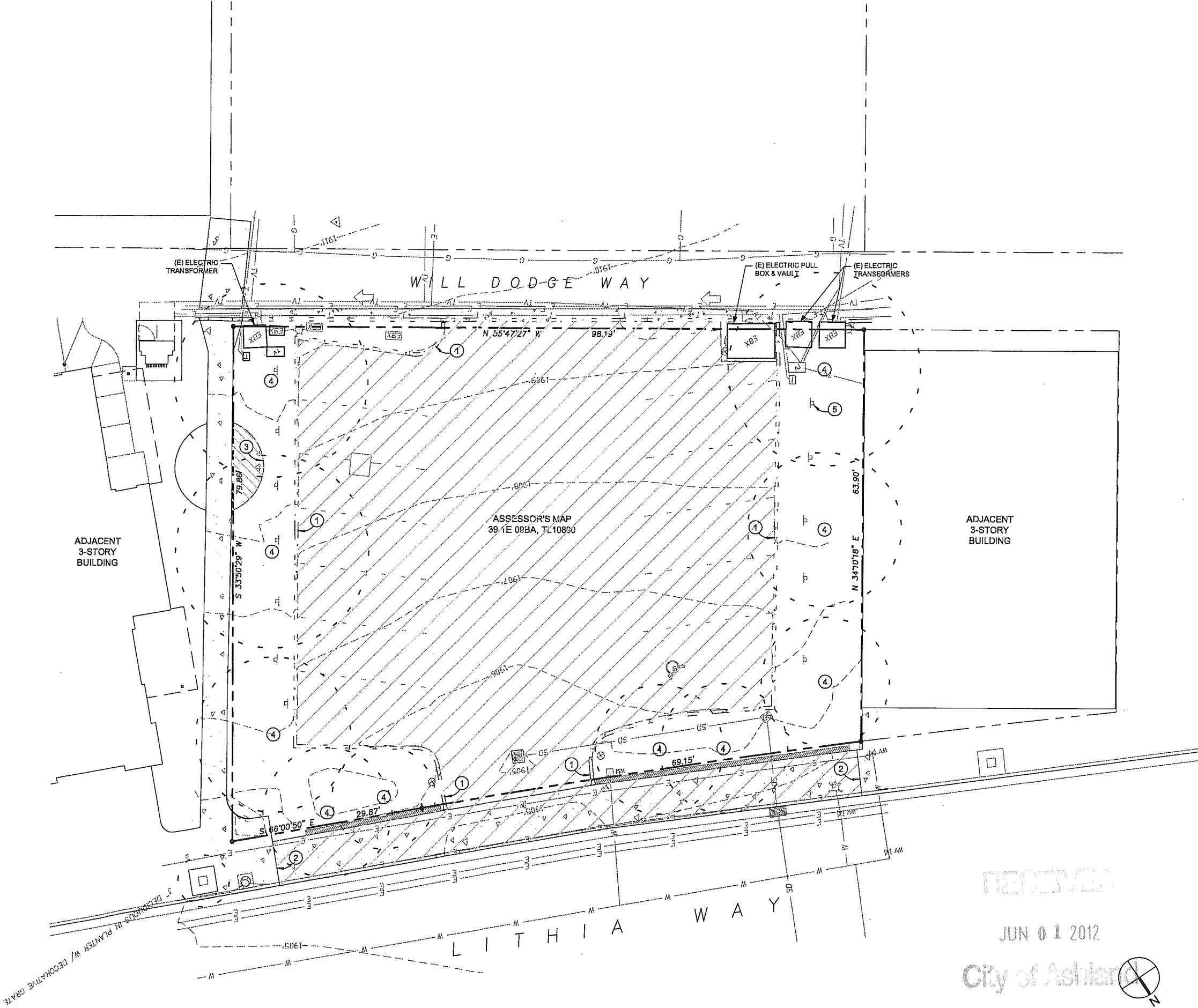
A1.2



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DEMOLITION PLAN NOTES

- 1 REMOVE (E) ASPHALT PAVING AND PERIMETER CONCRETE CURB (SHOWN HATCHED).
- 2 REMOVE (E) CONCRETE SIDEWALK AND CURB.
- 3 REMOVE (E) CONCRETE HALF CIRCLE
- 4 REMOVE (10) EXISTING TREES.
- 5 REMOVE (E) SIGN AND POST - (13) PLACES



SITE DEMOLITION PLAN

1/16" = 1'-0"

1

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97520

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SITE REVIEW
SUBMITTAL
12-4-11

THE VINE
RETAIL, HOTEL & RESIDENCES
Doug & Dion Irvine
160 Lithia Way, Ashland, Oregon

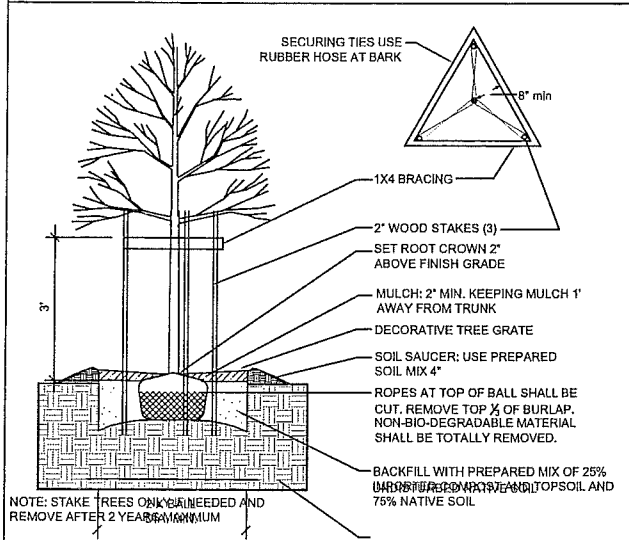
REVISIONS

SITE
DEMOLITION
PLAN

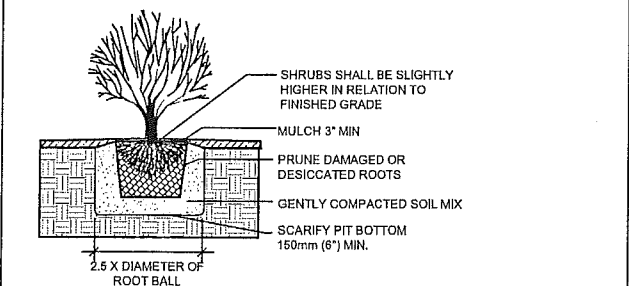
PROJECT: 11-033
ISSUE DATE: 10-4-11
SHEET:

A2.0

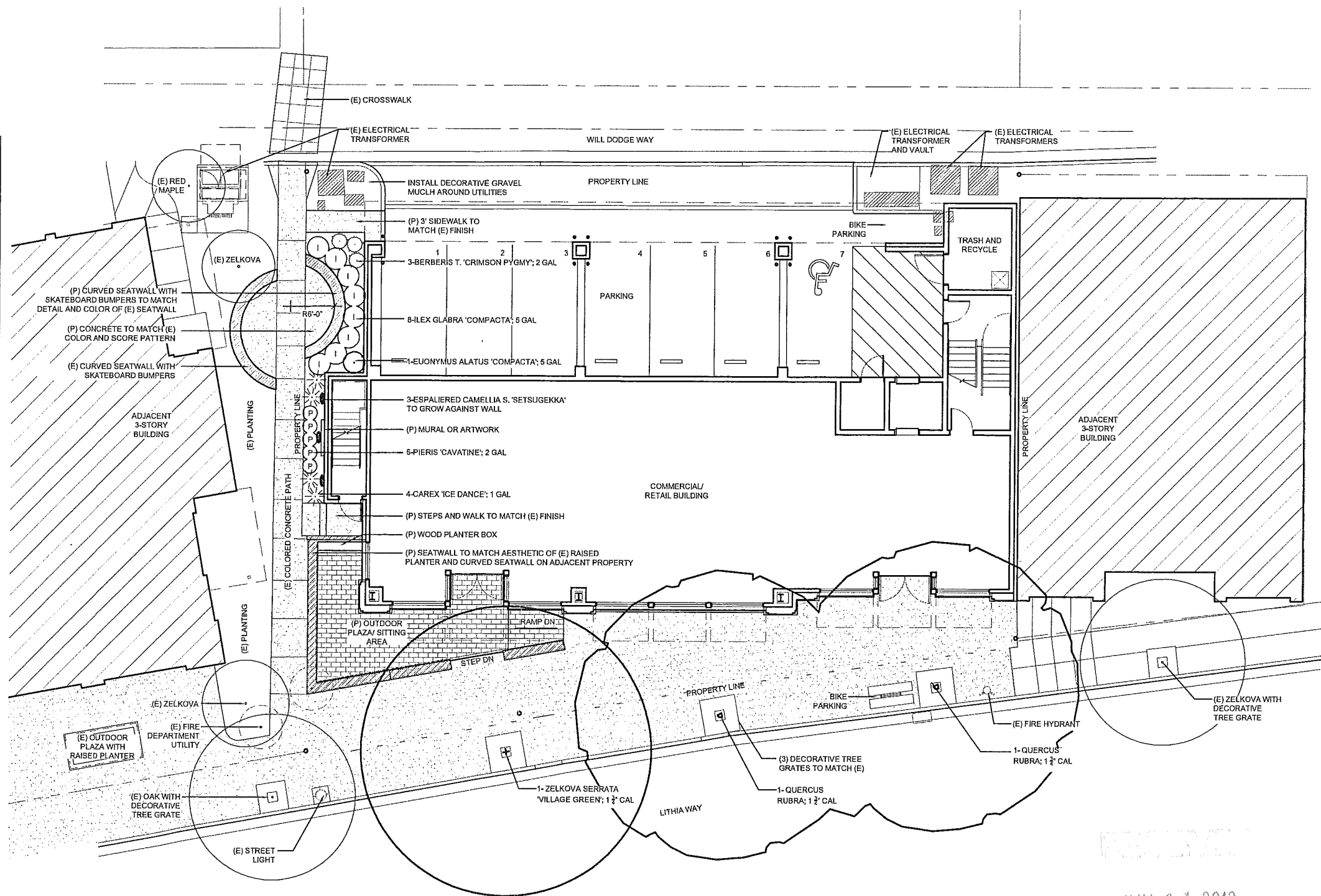
- NOTES**
1. PRIOR TO PLACEMENT OF TOPSOIL, CONTRACTOR SHALL REMOVE ALL DEBRIS FROM PROPOSED PLANTING AREAS AND EXCAVATE TO A DEPTH OF 15" MIN.
 2. PLACE 12" TOPSOIL PLUS BLEND IN ALL TREE AND SHRUB PLANTING AREAS. TOPSOIL PLUS BLEND AVAILABLE FROM HILTON FUEL. INSTALL SOIL BLEND IN 6" LIFTS AND TILL 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.
 6. APPLY DEER SPRAY TO ALL NEW PLANTS PRIOR TO AND FOLLOWING INSTALLATION.
 7. INSTALL AUTOMATED POP-UP SPRAY IRRIGATION TO ALL PROPOSED PLANTING AREAS INCLUDING STREET TREES TO PROVIDE HEAD TO HEAD COVERAGE.



1 TREE PLANTING DETAIL



2 SHRUB PLANTING DETAIL



PRELIMINARY LANDSCAPE PLAN

JUN 01 2012

City of Ashland

0 8 16 24

PRELIMINARY LANDSCAPE PLAN

LAURIE SAGER
AND ASSOCIATES LANDSCAPE ARCHITECTS INC
700 MISTLETOE ROAD, SUITE 201
ASHLAND, OREGON 97520

REGISTERED
STATE OF OREGON
REG. # 527

Laurie Sager
02/19/08

LANDSCAPE ARCHITECT

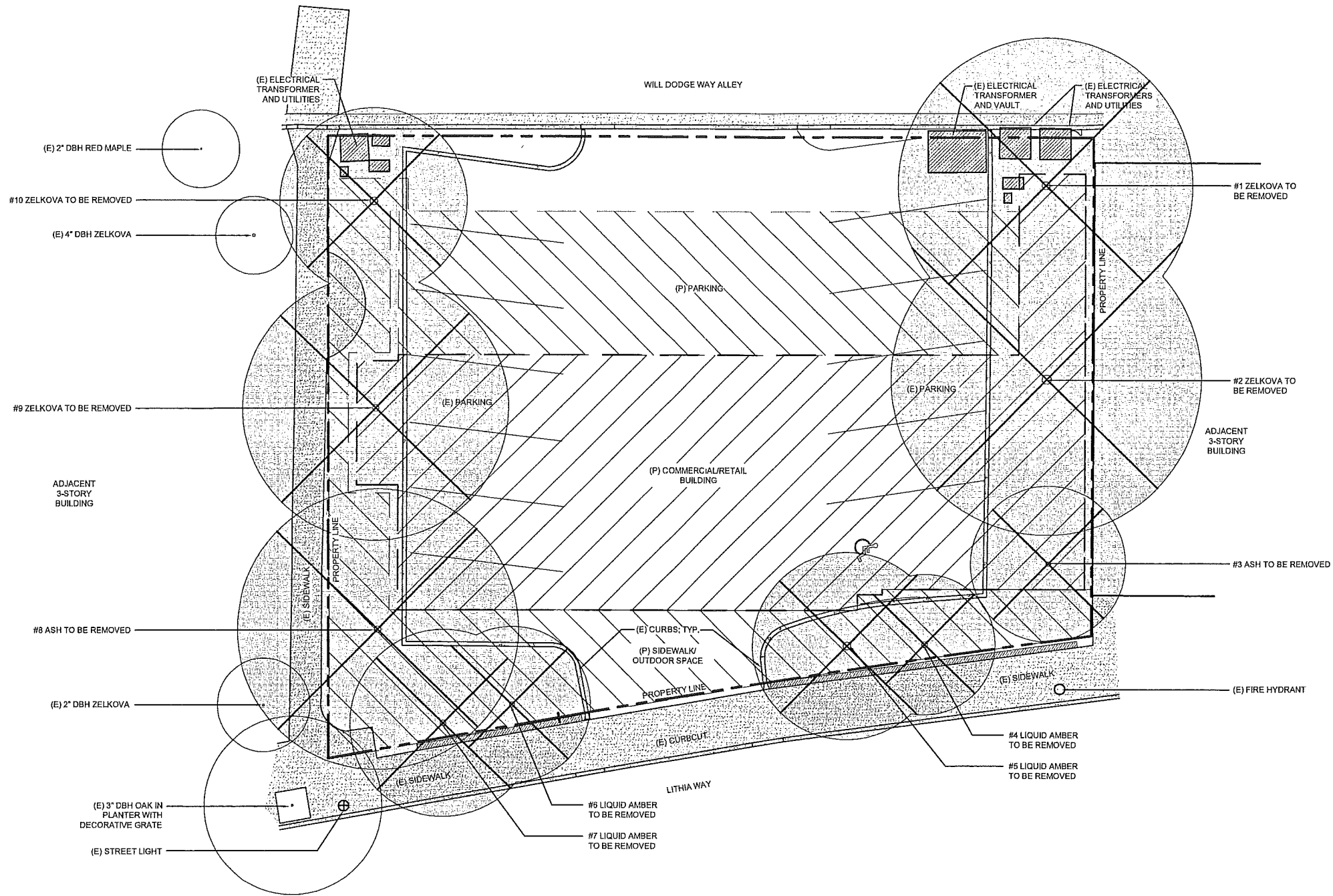
Revision Date:

Drawn By:
KAG
11X17 Scale 1" = 16'-0"
24X36 Scale 1" = 8'-0"

THE VINE RETAIL, HOTEL, & RESIDENCES
LITHIA WAY
ASHLAND, OREGON

May 14, 2012

L-2.0



TREE INVENTORY					
TREE	SPECIES	DBH IN INCHES	CROWN RADIUS IN FEET	CONDITION	NOTES
1	ZELKOVA SERRATA	12	19	GOOD	TO BE REVOVED
2	ZELKOVA SERRATA	14	20	GOOD	TO BE REVOVED
3	FRAXINUS OXYCARPA	7	10	GOOD	TO BE REVOVED
4	LIQUIDAMBER STYRACIFLUA	9	9	GOOD	TO BE REVOVED
5	LIQUIDAMBER STYRACIFLUA	9	12	GOOD	TO BE REVOVED
6	LIQUIDAMBER STYRACIFLUA	8	10	GOOD	TO BE REVOVED
7	LIQUIDAMBER STYRACIFLUA	9	12	GOOD	TO BE REVOVED
8	FRAXINUS OXYCARPA	10	18	GOOD	TO BE REVOVED
9	ZELKOVA SERRATA	10	17	GOOD	TO BE REVOVED
10	ZELKOVA SERRATA	12	12	GOOD	TO BE REVOVED

SPECIFICATIONS FOR DEMOLITION AND SITE CLEARING					
A. Due to the extent of proposed development, all trees on this property are proposed for removal. The demolition contractor is required to meet with the owner's representative at the site prior to beginning work to review all work procedures, access and haul routes, and tree protection measures.					
B. Trees to be removed shall be felled so as to fall away from existing structures and utilities.					

LEGEND	
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO REMAIN
	(P) AREA OF DEVELOPMENT



LAURIE SAGER
AND ASSOCIATES LANDSCAPE ARCHITECTS INC
700 MISTLETOE ROAD, SUITE 201
ASHLAND, OREGON 97520



Revision Date:

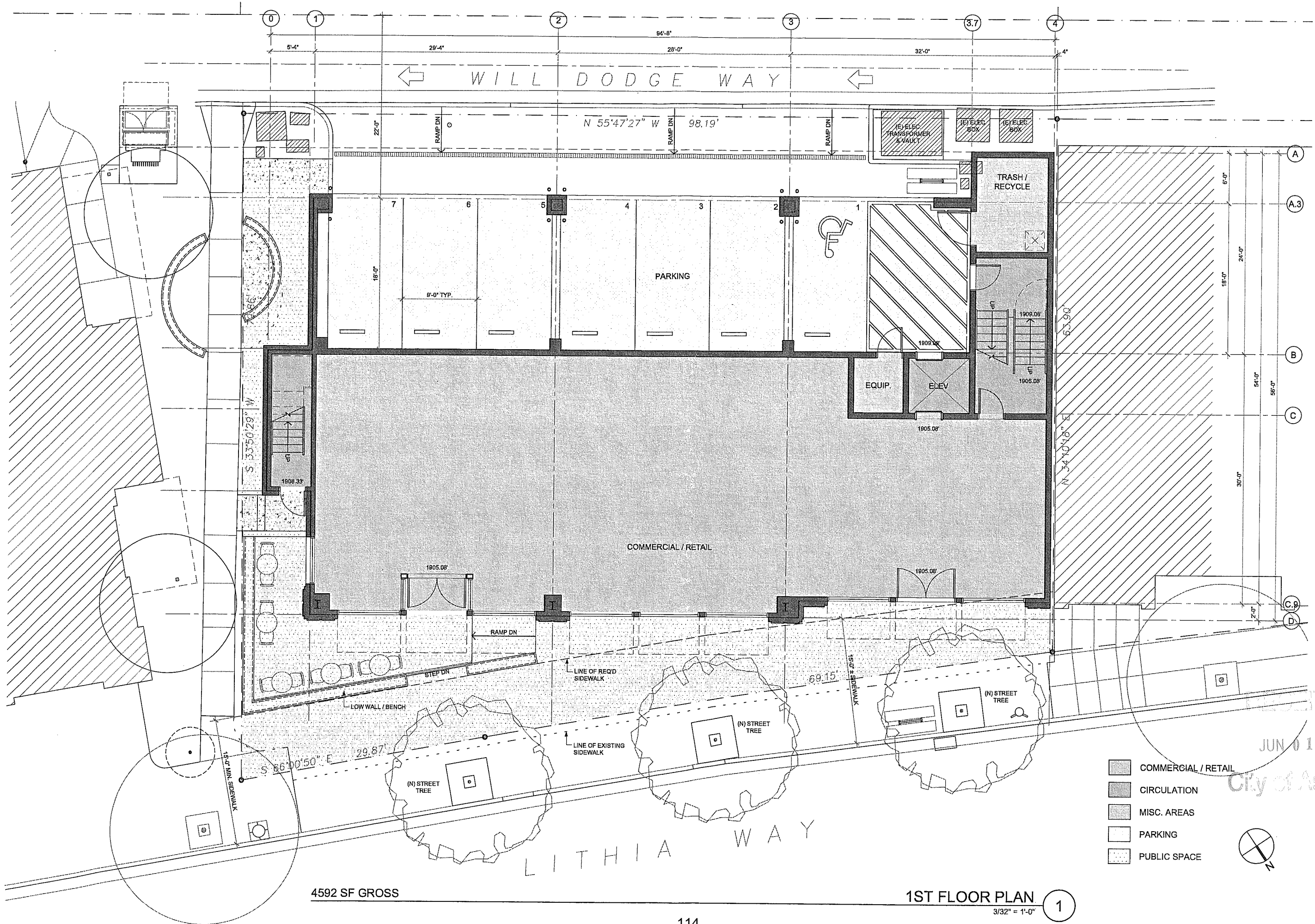
Drawn By:
KAG
11x17 Scale 1" = 16'-0"
24x36 Scale 1" = 8'-0"

THE VINE RETAIL, HOTEL, & RESIDENCES
LITHIA WAY
ASHLAND, OREGON

May 14, 2012

L-1.0

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4592 SF GROSS

1ST FLOOR PLAN

1

3/32" = 1'-0"

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12-4-11

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Doug & Dion Irvine
160 Lithia Way, Ashland, Oregon

REVISIONS

JUN 01 2012

City of Ashland

FIRST FLOOR
PLAN

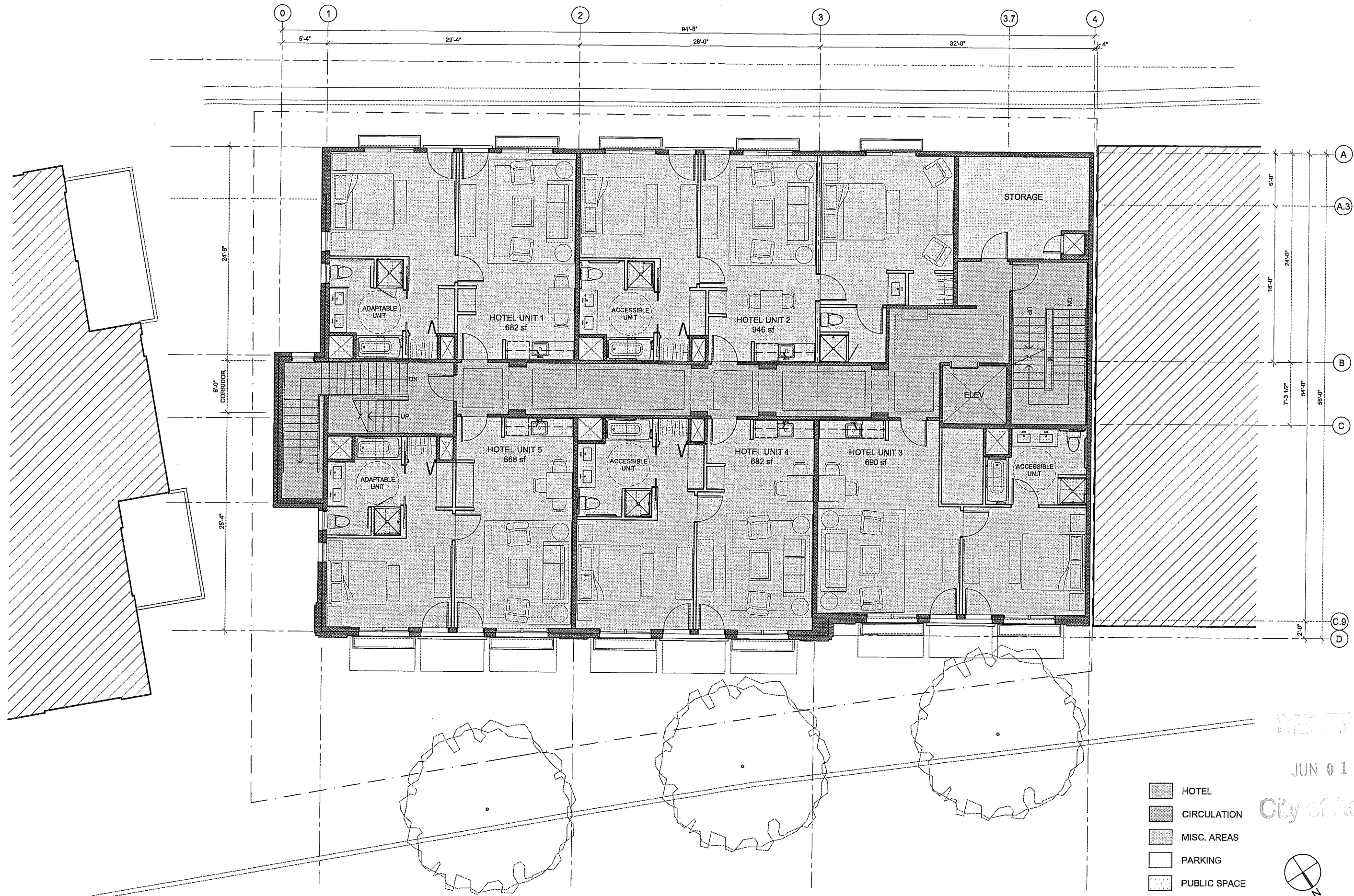
PROJECT: 11-033

ISSUE DATE: 10-4-11

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5068 SF GROSS

2ND FLOOR PLAN

3/32" = 1'-0"

2

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SECOND FLOOR
PLAN

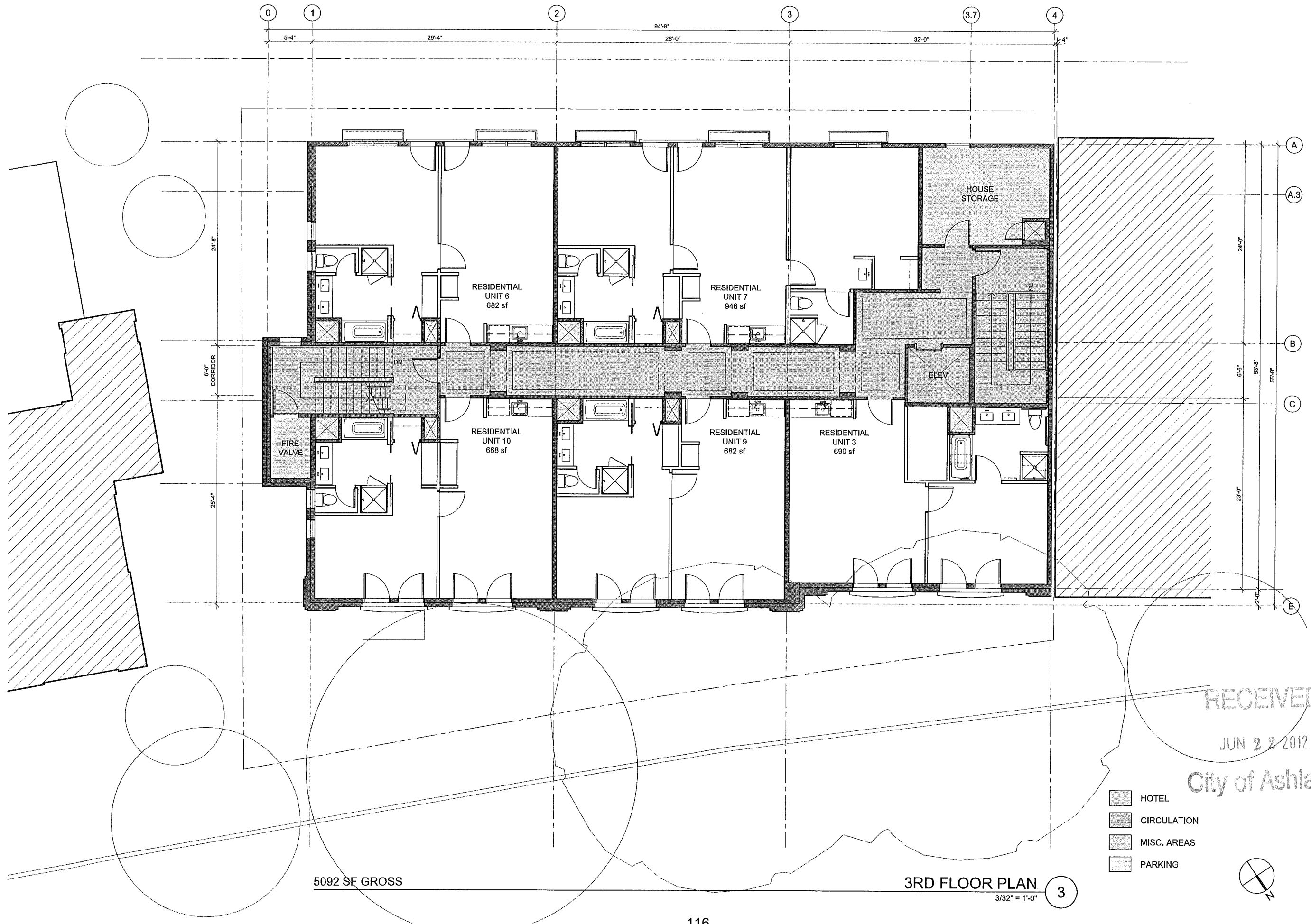
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THIRD FLOOR
PLAN

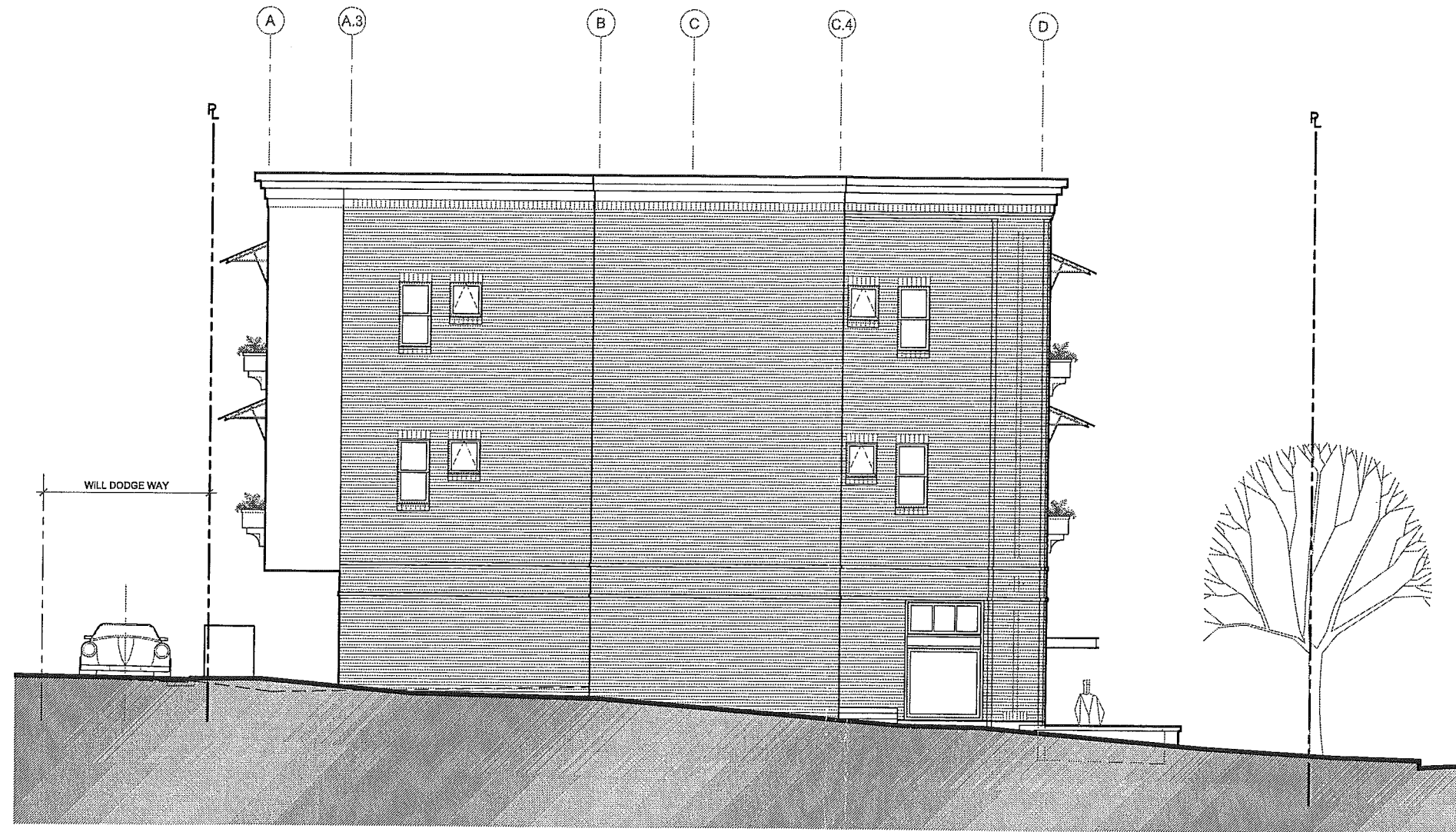
PROJECT: 11-033

ISSUE DATE: 4-18-12

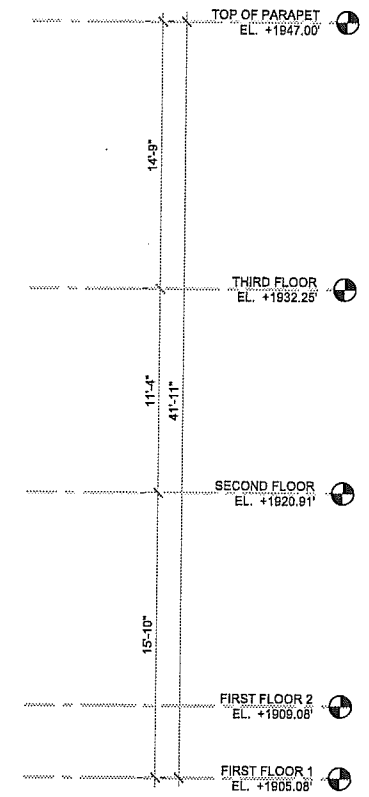
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EAST ELEVATION 2
3/32" = 1'-0"



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EXTERIOR
ELEVATION

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LITHIA WAY ELEVATION 1
3/32" = 1'-0"

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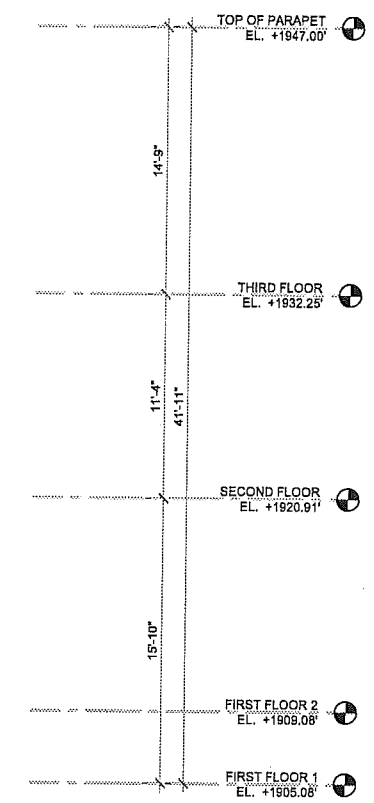
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SOUTH ELEVATION 3
3/32" = 1'-0"



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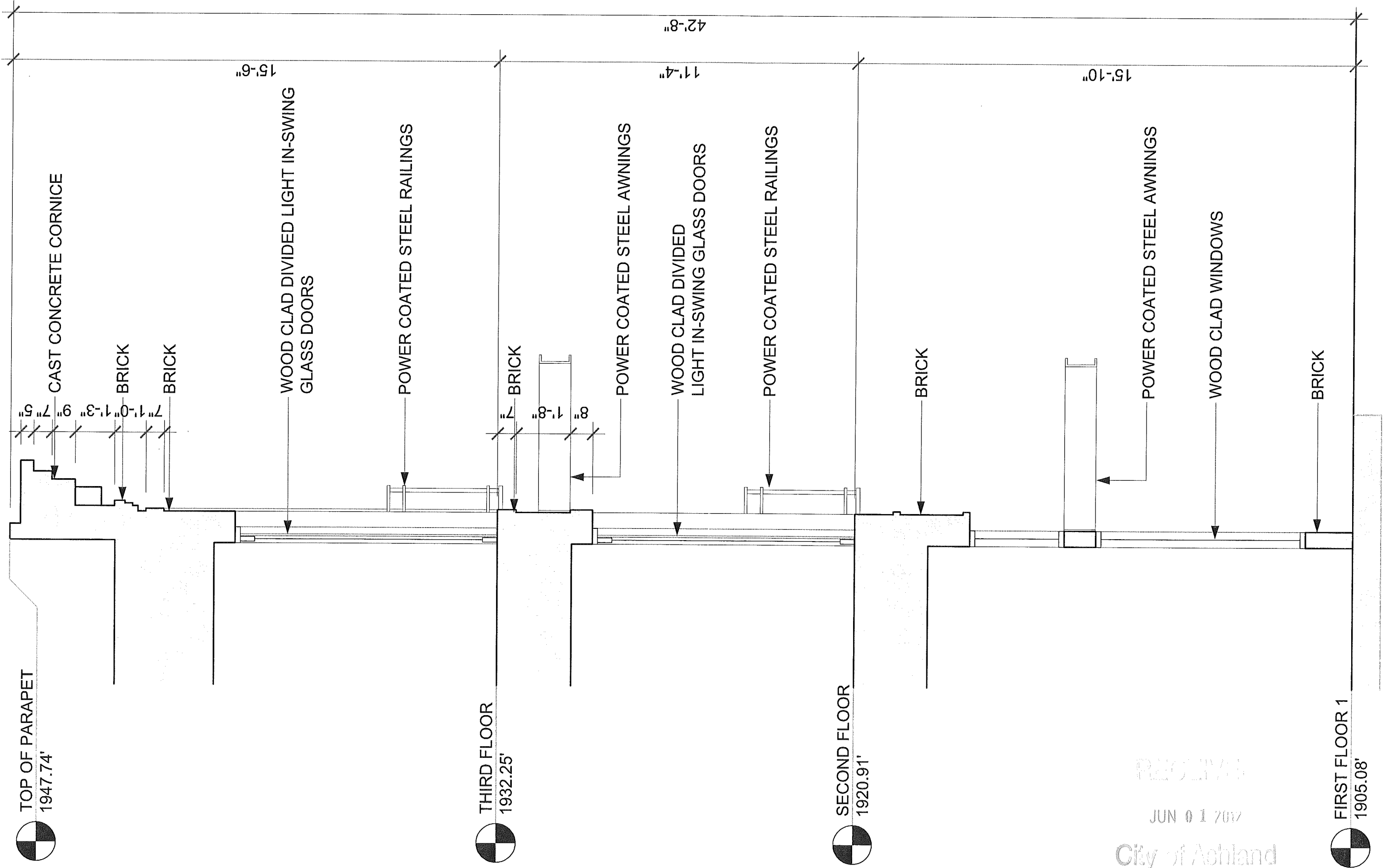
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Memo

DATE: July 10, 2012

TO: Planning Commission

RE: Planning Commission Attendance Report

Pursuant to AMC 2.10.025, below is the Planning Commission's attendance record for January through June 2012.

Meeting Date	Meeting Type	Absences
January 10, 2012	Regular Meeting	0
January 12, 2012	Joint Meeting	0
January 24, 2012	Special Meeting	0
January 26, 2012	Joint Meeting	0
February 9, 2012	Joint Meeting	1 – Debbie Miller
February 14, 2012	Regular Meeting	1 – Eric Heesacker
February 23, 2012	Joint Meeting	0
February 28, 2012	Special Meeting	0
March 13, 2012	Regular Meeting	0
March 15, 2012	Joint Meeting	1 – Debbie Miller
April 10, 2012	Regular Meeting	1 – Debbie Miller
April 24, 2012	Study Session	1 – Debbie Miller
May 8, 2012	Regular Meeting	0
May 16, 2012	Joint Meeting	0
May 22, 2012	Study Session	1 – Troy Brown Jr.
June 12, 2012	Regular Meeting	1 – Melanie Mindlin
June 14, 2012	Joint Meeting	1 – Melanie Mindlin
June 26, 2012	Special Meeting	0

AMC 2.10.025

All members are expected to attend all regularly scheduled meetings, study sessions and special meetings, when applicable. If a member will be absent from a meeting the member must notify the chair or the staff liaison at least two hours prior to the meeting. Any member who has two or more unexcused absences in a six month period [i.e. January 1– June 30 or July 1 - December 31] shall be considered inactive and the position vacant. Further any member not attending a minimum of two-thirds (2/3) of all scheduled meetings (inclusive of study sessions and special meetings) shall be considered inactive and the position vacant. Attendance shall be reviewed by the commission or board during the regularly scheduled meetings in January and July, with a report sent to the Mayor and City Council advising of the need for appointment or re-appointment, if necessary.

