

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
FEBRUARY 9, 2016
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
- II. **ANNOUNCEMENTS**
- III. **AD-HOC COMMITTEE UPDATES**
- IV. **CONSENT AGENDA**
A. **Approval of Minutes**
1. January 12, 2016 Regular Meeting.
2. January 26, 2016 Special Meeting.
- V. **PUBLIC FORUM**
- VI. **UNFINISHED BUSINESS**
A. **Adoption of Findings for PA-2015-02287, 123 Clear Creek.**
- VII. **TYPE II PUBLIC HEARING**
A. **PLANNING ACTION: PA-2015-02203**
SUBJECT PROPERTY: 868 A Street
OWNER: Harriet & Steve Saturen/Linda Millemann
APPLICANT: Mark Lackey
DESCRIPTION: A request for Site Design Review and a Conditional Use Permit to allow for a second story addition to an existing non-conforming cottage at the rear of the property located at 868 A Street. COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP: 39 1E 09AA; TAX LOT: 6800.
- B. **PLANNING ACTION: PA #2016-00041**
SUBJECT PROPERTY: 1465 Webster Street (on the Southern Oregon University campus)
APPLICANT: Southern Oregon University
DESCRIPTION: A request to modify PA #2015-00418 which granted Site Design Review and Conditional Use Permit approval for the renovation of McNeal Pavilion and construction of a new Student Recreation Center on the Southern Oregon University Campus 1465 Webster Street. The previous approval included a Conditional Use Permit to allow the buildings to exceed the 40-foot height allowed in the SO zoning district, and Tree Removal Permits to remove nine trees 18-inches in diameter-at-breast-height (d.b.h.) or greater. COMPREHENSIVE PLAN DESIGNATION: Southern Oregon University; ZONING: SO; ASSESSOR'S MAP: 39 1E 10 CD; TAX LOT: 100.
- 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
JANUARY 12, 2016

CALL TO ORDER

Chair Melanie Mindlin 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
Debbie Miller
Melanie Mindlin
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

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

Absent Members:

None

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar issued the following announcements: 1) the City Council will hold second reading of the marijuana ordinance at their next meeting, 2) the January 26 Planning Commission meeting agenda will include two sets of findings and a discussion on the minor amendments to the Airport Overlay Zone, and 3) the Planning Commission's February study session will be a joint meeting with the Wildfire Mitigation Committee to discuss the wildfire standards update.

Commissioners Dawkins and Thompson provided an update on the Downtown Parking Management and Circulation Committee and announced the final plan has been forwarded to the City Council for adoption.

CONSENT AGENDA

A. Approval of Minutes

1. November 24, 2015 Study Session.
2. December 8, 2015 Regular Meeting.

Commissioners Thompson/Dawkins m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed unanimously.

PUBLIC FORUM

Huelz Gutcheon/2253 Highway 99/Commented on global warming and encouraged the City to stop adding buildings and houses.

Joseph Kauth/1 Corral, #13/Commented on weather patterns and global warming.

UNFINISHED BUSINESS

A. Adoption of Revised Findings for PA-2015-01517, 209 Oak Street.

No ex parte contact was reported.

Associate Planner Derek Severson explained these findings were already adopted, however in reviewing them staff found inconsistencies regarding the metal roofing and the number of trees to be removed. The commission briefly discussed and agreed the revised findings accurately reflect the commission's decision.

Commissioners Pearce/Brown m/s to approved the revised Findings for PA-2015-01517. Voice Vote: all AYES. Motion passed unanimously.

TYPE II PUBLIC HEARING

A. PLANNING ACTION: PA-2015-02287

SUBJECT PROPERTY: 123 Clear Creek Drive

APPLICANTS: John Fields/Clear Creek Investments LLC

OWNERS: Clear Creek Investments LLC & Cooper Investments LLC

DESCRIPTION: A request for Site Design Review approval to construct four two-story mixed-use buildings, consisting of leasable ground-floor office space and eight residential dwelling units on the second floors, and one two-story office building for the property located at 123 Clear Creek Drive. The request would also modify the previously approved Clear Creek Village Subdivision by further subdividing Lot 8 under the Performance Standards Options Chapter to create five new buildable lots to accommodate the proposed development.

COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP: 39 1E 05 CD; TAX LOT: #1803.

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

Ex Parte Contact

Commissioners Norton, Dawkins, Pearce, Miller, and Brown declared site visits. No ex parte contact was reported.

Staff Report

Associate Planner Derek Severson reviewed the applicant's proposal to divide the lot at 123 Clear Creek Drive into five lots with an open space corridor and construct five buildings. He noted Clear Creek Drive has already been improved to city standards and displayed the project's site plan, building elevations, floor plans, tree protection plan, planning plan, utility plan, and grading plan. Mr. Severson stated the Tree Commission reviewed the application and recommended the applicant avoid pear trees and install sun protection and buck guards to ensure the longevity of the new trees. He also provided an overview of the applicant's solar setback site plan and stated they are in compliance with the standards. Mr. Severson commented on the parking requirements and noted the original subdivision had a parking plan. He stated no new parking will be added as the applicant's already have the 108 spaces they need to meet the demand of the site. He noted if any of the uses intensity the applicant is required to obtain staff's approval to ensure they are still in compliance with the parking standards. Mr. Severson concluded his presentation and stated in staff's review the proposal is straight forward and merits approval with the conditions proposed in the staff report.

Questions of Staff

Mr. Severson clarified Clear Creek Drive is a commercial collector with a curb to curb width of 28 ft. and can accommodate on-street parking on one side of the street.

Staff was asked to clarify the parking requirements and comment was made that the applicant's calculations don't seem to match up. Mr. Molnar explained two-bedroom units require 1.75 parking spaces and three-bedroom units require 2. He added the applicants can speak to their calculations when they come forward.

Applicant's Presentation

John Fields and Jerome White addressed the commission and stated the two existing parking lots will serve all the square footage for the development. Mr. Fields explained the titles for each building define how much parking each will need, however this fluctuates as different businesses and uses move in and out of the space. Mr. White added the spreadsheet was created when the original subdivision was done and is a living document; as different projects come in they keep amending it to keep it up to date. Mr. Fields added they are confident they have the parking they need without using any of the on-street parking. Mr. Fields commented on the wetland area and stated these next five buildings will create some enclosure to the development. Mr.

White displayed images of the proposed buildings and noted most have office space on the ground floor and apartment units above. He also presented an illustration of the solar shadow and explained where the shadow line will fall.

Public Testimony

No one came forward to speak.

Commissioner Mindlin closed the hearing and the public record at 8:05 p.m.

Deliberations & Decision

Commissioners Brown/Dawkins m/s to approve PA-2015-02287 with the conditions recommended by staff.

DISCUSSION: Brown commented that it is a good application and conforms with all the requirements. Dawkins agreed and stated he is looking forward to the continuation of this development. **Roll Call Vote: Commissioners Brown, Dawkins, Miller, Norton, Pearce, Thompson, and Mindlin, YES. Motion passed unanimously.**

ADJOURNMENT

Meeting adjourned at 8:10 p.m.

Submitted by,

April Lucas, Administrative Supervisor

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
JANUARY 26, 2016

CALL TO ORDER

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

Commissioners Present:

Michael Dawkins
Melanie Mindlin
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Maria Harris, Planning Manager
Derek Severson, Associate Planner
April Lucas, Administrative Supervisor

Absent Members:

Troy J. Brown, Jr.
Debbie Miller

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS/AD HOC COMMITTEE UPDATES

Commissioner Dawkins provided an update on the new entry signs and stated the proposed signs will be available for viewing on Friday, February 5 at the Ashland Art Center.

Planning Manager Maria Harris announced the City Council approved the marijuana ordinance with two modifications: 1) to allow up to six outdoor plants for medical marijuana patients, and 2) to require a 1,000 ft. separate between wholesale and production facilities.

PUBLIC FORUM

No one came forward to speak.

UNFINISHED BUSINESS

- A. Adoption of Findings for PA-2015-01856, 229 W Hersey Street.
- B. Adoption of Findings for PA-2015-02038, 85 Winburn Way

No ex parte contact was reported.

Commissioners Thompson/Dawkins m/s to approve the Findings for PA-2015-01856 and PA-2015-02038. Voice Vote: all AYES. Motion passed unanimously.

DISCUSSION ITEMS

A. Airport Overlay Code Updates.

Associate Planner Derek Severson provided a presentation on the proposed changes to the Airport Overlay. He explained the changes would streamline the review process and would:

- Adopt the most recent Master Plan as a supporting document to the Ashland Comprehensive Plan.
- Provide a ministerial review process for permitting conventional hangars.
- Add a parking ratio for conventional hangars.
- Change the height limitations from the current 20 ft. maximum.
- Allow tree trimming or removal for safety reasons as mandated by the F.A.A. without requiring permits.

Mr. Severson noted the commission held a prior study session on this item but staff wanted to bring the final ordinance before the group before this comes back for the formal public hearing.

Questions of Staff

Staff was asked if there are plans to significantly develop the airport over time. Mr. Severson noted the layout plan shows where development will occur, but he is not aware of anything currently being pursued. He noted people have been hesitant to construct new hangars due to the complexity of the current standards and this modification will free up this option. He added a new airport master plan is also in the works and will be adopted in the next year or two. Commissioner Pearce commented on FAA Part 77 surfaces and stated he does not believe any of these will be a problem but suggested this be addressed in the new master plan.

No other questions or issues were raised.

ADJOURNMENT

Meeting adjourned at 7:20 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

BEFORE THE PLANNING COMMISSION
February 9, 2016

IN THE MATTER OF PLANNING ACTION #2015-02287, A REQUEST FOR)
SITE DESIGN REVIEW APPROVAL TO CONSTRUCT FOUR TWO-STORY)
MIXED-USE BUILDINGS, CONSISTING OF LEASABLE GROUND-FLOOR)
AND EIGHT RESIDENTIAL DWELLING UNITS ON THE SECOND FLOORS,)
AND ONE TWO-STORY OFFICE BUILDING FOR THE PROPERTY LOCATED)
AT 123 CLEAR CREEK DRIVE. THE REQUEST ALSO PROPOSES TO MODIFY) **FINDINGS,**
THE PREVIOUSLY APPROVED CLEAR CREEK VILLAGE SUBDIVISION BY) **CONCLUSIONS,**
BY FURTHER SUBDIVIDING LOT 8 UNDER THE PERFORMANCE) **AND ORDERS**
STANDARDS OPTIONS CHAPTER TO CREATE FIVE NEW BUILDABLE LOTS)
TO ACCOMMODATE THE PROPOSED DEVELOPMENT.)

APPLICANT: JOHN FIELDS FOR CLEAR CREEK INVENTMENTS LLC)
)
)

RECITALS:

- 1) Tax lot #1803 of Map 39 1E 04CD is located at 123 Clear Creek Drive and is zoned E-1 (Employment).
- 2) The applicants are requesting Site Design Review approval to construct four two-story mixed-use buildings, consisting of leasable ground-floor office space and eight residential dwelling units on the second floors, and one two-story office building for the property located at 123 Clear Creek Drive. The request also proposes to modify the previously approved Clear Creek Village Subdivision by further subdividing Lot 8 under the Performance Standards Options Chapter to create five new buildable lots to accommodate the proposed development. The proposal is outlined in plans on file at the Department of Community Development.
- 3) The criteria for Site Design Review approval are described in **AMC 18.5.2.050** as follows:
 - A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
 - B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
 - C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
 - D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban*

storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.

E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.

1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design 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 Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*

2. *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 Development and Design Standards.*

4) The criteria for Outline Plan approval are described in **AMC 18.3.9.040.A.3** as follows:

- a. *The development meets all applicable ordinance requirements of the City.*
- b. *Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
- c. *The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
- d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
- e. *There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
- f. *The proposed density meets the base and bonus density standards established under this chapter.*
- g. *The development complies with the Street Standards.*

5) The criteria for Final Plan approval are described in **AMC 18.3.9.040.B.5** as follows:

- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted

- in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.
 - c. The open spaces vary no more than ten percent of that provided on the outline plan.
 - d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
 - e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
 - f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
 - g. The development complies with the Street Standards.
 - h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.
- 6) The Planning Commission, following proper public notice, held a public hearing on January 12, 2016 at which time testimony was heard and evidence was presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for Site Design Review and modification of the Outline and Final Plan subdivision approvals meets all applicable criteria for Site Design Review approval described in Chapter 18.5.2.050; for Outline Plan described in Chapter 18.3.9.040.A.3; and for Final Plan approval described in Chapter 18.3.9.040.B.5.

2.3 The application proposes to modify the previously approved Clear Creek Village Subdivision by further subdividing Lot 8 under the Performance Standards Options Chapter to create five new buildable lots to accommodate the proposed development, with the remainder of Lot 8 to be reserved in open space/common area. The proposed lot configuration is detailed on the applicant's Sheet A.3 "Proposed Subdivision Lot Dimensions."

The first criterion for Outline Plan approval is that, "*The development meets all applicable ordinance requirements of the City.*" The Planning Commission finds that the development meets all applicable ordinance requirements, as demonstrated in the findings provided by the applicant for Outline and Final Plan, and Basic and Detail Site Design Review approvals.

The second Outline Plan criterion is that, "*Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*" The Planning Commission finds that the development meets all requirements for identifying and providing adequate city facilities. The application materials note that existing and proposed city and private facilities have adequate capacity to serve the proposed development for water, sewer, and provide the following additional information with regard to city facilities in place and to be installed:

- Storm water from building roofs and hardscape surfaces will be directed to the wetland for retention in keeping with the original storm drainage plan prepared by Mark Dew Engineering as part of the original subdivision design. Two six-inch storm drains were previously installed into the subject property and will accommodate this final phase of development. The Commission finds that Public Works staff has also noted that the property is currently served by a 12-inch storm sewer main line in Clear Creek Drive.
- The applicant's electric design team has met with the city's Electric Department and developed a preliminary plan for providing electrical vaults and transformers to provide the necessary 600-amps of three-phase power.
- The applicant's water design team has been in discussions with the city's Water Department regarding the extension of the four-inch ductile water tap that will provide fourteen ¾-inch water meters and a central double check fire vault for all five buildings. The owners' association will manage all landscaping and fire requirements held in common areas, and all building will have fire sprinkler systems installed. The Commission further finds that Public Works staff has noted that the property is currently served by an eight-inch water main in Clear Creek Drive, staff has questioned whether a single four-inch service will be adequate to serve the proposed number of meters, a fire vault and necessary fire services, and has asked that the Water Department review service needs. The Commission has included a condition to require that a final engineered utility plan be provided for the final review of the Public Works and Engineering departments prior to

the issuance of a building permit.

- With regard to gas utilities, all buildings proposed will use electric energy systems rather than gas.
- Four-inch sewer laterals for each building will be tied into the existing eight-inch main sewer line in Clear Creek Drive. This will require the cutting, removal, and replacement of asphalt and sidewalks.
- Phone, Ashland Fiber Network and other communication facilities will be extended to serve each of the proposed buildings.
- Recycling and garbage facilities are to be centralized in one accessible location, and Recology of Ashland has reviewed and approved the size and location of these facilities.
- The adopted street dedication map for the area ultimately connects Clear Creek Drive from Oak Street through to North Mountain Avenue, and also includes a crossing of the railroad tracks at Fourth Street. The original subdivision was required to sign in favor of a Local Improvement District (LID) to participate in the cost of constructing the future street crossing at Fourth Street, and this property remains subject to that requirement.
- Additionally, a condition of the original subdivision's Outline Plan approval was that all properties agree to participate in the full cost of constructing a transit shelter along East Hersey Street or Clear Creek Drive should public or private transit service become available at a future date.
- The Commission finds that the traffic generated by this development will not negatively impact the performance of the intersections of Clear Creek Drive and Oak Street. The applicant suggest that this intersection is currently operating well under its capacity, and a Traffic Impact Analysis (TIA) is not required because the common trip generation rates for the P.M. peak hour the "*Institute of Traffic Engineers (ITE) Trip Generation Manual, 9th Edition*" is well under the 50 additional vehicles per hour threshold. The ITE manual suggests that apartments (Code 220) generate 0.62 trips per hour. $8 \text{ units} \times 0.62 \text{ trips per hour} = 4.96 \text{ trips per hour}$. Office use (Code 710) generates 1.49 trips per hour per 1,000 sq./ft. of office space. At 10,756 sq./ft. of office space, $11 \times 1.49 = 16.39 \text{ trips per hour}$. The applicant therefore asserts that the total peak hour trips generated would be only about 21.35, which is less than 50 percent of the threshold number of trips which would trigger the TIA requirement.

The Commission has added conditions below to require that the applicant provide final utility, electric service, drainage, grading, erosion and sediment control plans for the review and approval of the Planning, Building, Electric and Public Works/Engineering Departments prior to final building permit approval.

The third criterion is that, "*The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*" The Commission finds that the current development is part of a larger subdivision which has already been reviewed and approved, and that subject natural features were identified and put into open space, wetlands and unbuildable areas with the original subdivision.

The fourth approval criterion is that, "*The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*" The Planning Commission finds that the proposal, which would develop the property as originally envisioned in the Clear Creek Village subdivision, will not prevent the development of adjacent lands as envisioned in the Comprehensive Plan.

The fifth Outline Plan criterion is that, *“There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.”* The Commission finds that this is the final phase of this subdivision which has already preserved open space and common areas and created an owners’ association to manage them, and that the plan proposed provides all the amenities and improvements required by the original subdivision’s phased plan. The Commission further finds that the applicant is subdividing this last parcel into five buildable lots that will meet all the owners’ association requirements and that the association will continue to manage and maintain the proposed new infrastructure to be installed and the newly created common areas.

The sixth criterion is that, *“The proposed density meets the base and bonus density standards established under this chapter.”* The Commission finds that there are eight residential units proposed on the 0.557 acre parcel, which is consistent with the allowed residential density for E-1 zoned land (0.557 acres x 15 dwelling units per acre = 8.355 dwelling units). The Commission finds that no density bonuses are requested, and none have been approved here.

The final criterion for Outline Plan approval is that *“The development complies with the Street Standards.”* The Commission finds that full frontage improvements were installed according to city street standards at the time of the original subdivision approval.

2.4 The Planning Commission finds that the approval criteria for Final Plan are largely focused on considering any changes that might occur between Outline and Final Plan when the two are approved separately. In this instance, where Outline Plan, Final Plan and Site Design Review are proposed concurrently, there will be no such variation and the proposal is for the approval of the site and building designs in their final form.

2.5 The Planning Commission finds that the application further requests Site Design Review approval to construct four two-story mixed-use buildings, consisting of leasable ground-floor commercial space with eight residential dwelling units on the second floors, and a fifth two-story building which will be limited to offices without a residential component.

The first approval criterion for Site Design Review is that, *“The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.”* The subject property’s underlying zone is E-1 (Employment) and within that zone, there is no minimum lot area, width, or depth; no minimum front, side or rear yard area except where abutting a residential zone to the side or rear; no maximum lot coverage; and no minimum residential density. The property does not abut residential zones to the side or rear as it is interior to the subdivision and all surrounding properties are zoned E-1. The property is not located on an arterial street. As such, the Planning Commission finds that no setback requirements come into play. The maximum building height is limited to 40 feet, and the Commission finds that the proposed building, which has an average height of approximately 35 feet and which is approximately 38 feet at its tallest point, complies with this limitation.

In addition to standard setbacks, E-1 properties are also subject to solar access requirements which limit the shadow cast by proposed construction to no more than would be cast by a 16-foot fence constructed on the northern property line. The ordinance includes provisions that if the northern property line adjoins any unbuildable area such as street right-of-way, required parking lot, common area or open space to the north, the northern property line is considered to be the northerly edge of the unbuildable area due north of the subject property. The site is a complex one for solar purposes due to existing and natural grades, angles of property lines and proposed buildings, and the installation of parking areas and associated easements and landscaping with the original subdivision improvements. The applicant here has provided numerous section drawings detailing the shadows cast by the proposed building (Sheets A6, A14-A15), and the Planning Commission finds that these drawings illustrate that the shadows cast at noon on December 21st - the time and date considered under the ordinance in determining solar access - either comply with the ordinance outright or fall on unbuildable areas in the parking lot and its associated landscape buffers.

The second Site Design Review approval criterion is that, "*The proposal complies with applicable overlay zone requirements (part 18.3).*" The subject property is located within the Residential (R) Overlay, and is subject to the following requirements from AMC 18.3.13.010:

- ***Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses.*** The plans provided note that for the combined building area of the five proposed buildings, 97.1 percent of the ground floor space is dedicated to commercial use. Of the 35 total required parking spaces for the proposal, 13 parking spaces (or 37 percent) are attributable to the residential parking demand. Roughly 28 percent of the subject property is to be provided in common open space which will be available equally to the commercial and residential tenants. The Planning Commission finds that no more than 50 percent of the site is designated for residential uses.
- ***Residential densities shall not exceed 15 dwelling units per acre.*** The Commission finds that there are eight residential units proposed on the 0.557 acre subject property, and that this is consistent with the allowed residential density for E-1 zoned land of 15 dwelling units per acre. (0.557 acres x 15 dwelling units per acre = 8.355 dwelling units).
- ***Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the E-1 District.*** The Planning Commission finds that the project is being considered in terms of the design standards for permitted uses in the E-1 district.
- ***If the number of residential units exceeds ten, then at least 10 percent of the residential units shall be affordable for moderate-income persons in accord with the standards established by resolution of the City Council through procedures contained in the resolution.*** The Planning Commission finds that, as noted above, only eight units are proposed and as such no affordable units are required.

The third approval criterion is that, "*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*" Generally, these Site

Development & Design Standards seek to improve each project's appearance; to create a positive, human scale relationship between proposed buildings and the streetscape to encourage bicycle and pedestrian travel; to lessen the visual and climatic impacts of parking; and to screen adjacent uses from adverse impacts of development. To these ends, buildings are to have their primary orientation to the street rather than to parking areas, with visible, functional and attractive entrances oriented to the street, placed within 20 feet of the street, and accessed directly from the public sidewalk. Sidewalks and street trees are to be provided along subject properties' frontages, and automobile parking and circulation areas are not to be placed between buildings and the street.

The Planning Commission finds that application is subject to the standards for Basic Site Review for Commercial Development, Detail Site Review, Large Scale Development, Parking Lot Landscaping and Screening Standards, and Street Tree Standards, all of which call for a high level of urban design.

In terms of the Basic Site Review standards, the Commission finds that the proposed new buildings have their primary orientations to the street rather than to parking areas, with visible, functional and attractive entrances oriented to the street, placed within 20 feet of the street, and accessed directly from the public sidewalk. Sidewalks and street trees have been provided. Building facades occupy a large majority of the site's street frontage, and the area between buildings is open space mixing landscaping and hardscaping to highlight pedestrian areas. Parking areas were installed as part of the original subdivision improvements, and are located behind the buildings. A new refuse and recycling enclosure is proposed at the rear of the building, and the application notes that it has been located and designed in consultation with Recology.

With regard to the Detail Site Review standards, the Planning Commission finds that the application includes details demonstrating that the buildings are proposed at a combined floor area ratio (F.A.R.) of 0.80, significantly exceeding the minimum 0.50 F.A.R. required within the Detail Site Review zone. The Commission further finds that, while the current application includes written findings which discuss the F.A.R. for the original subdivision as a whole as well, the original subdivision developed under prior F.A.R. regulations in which 0.50 was a maximum allowed floor area ratio rather than a minimum as it is now, and the subdivision as then approved and largely built-out complied with the standards in place at the time. The Commission finds that the current request complies with current regulations for the project site under consideration, and that the applicants are not also required to revisit previously approved and constructed buildings on separate lots under new and different standards at this stage.

The Commission finds that the combined building frontage area of Lots 1-4 exceeds one hundred feet in length; that the buildings provide distinctive changes, off-sets and jogs in their facades; and that 24.2 percent of the frontage walls along Clear Creek Drive are provided in window and door area. Entrances are illuminated and further emphasized with articulated balconies above, and numerous porticoes, alcoves, roof overhangs and balconies are provided to protect pedestrians from sun and rain. Plaza space and people-friendly areas are emphasized through the use of pavers and scored concrete. The Detail Site Review standards also call for the placement of buildings at no more than five feet from the sidewalk or the width of any public utility easement unless the placement is for pedestrian areas; in this instance, the Commission finds that there is a ten-foot public utility easement at the back of the sidewalk and that the second floor balconies are built to this easement while at the ground level, there is some articulation in

the building façade to emphasize pedestrian entries while providing covered areas beneath the balconies with protection from sun and rain. The Commission further finds that the building is similar in bulk, scale and coverage to the surroundings, and that the buildings will utilize a generally muted, natural color palette selected for compatibility with the surrounding buildings in the subdivision.

In terms of the Additional Standards for Large Scale Developments, the Commission finds that neither the aggregate footprint of the proposed buildings nor their floor area exceeds 45,000 square feet, and that the combined buildings do not exceed 300 feet in length. The application materials further note that 1.17 square feet of plaza space is provided for every ten square feet of building area, which exceeds the 1:10 requirement, and the Commission finds that this space includes a combination of seating areas; areas with a mix of sun and shade; areas that are screened from the wind by proposed buildings; required trees; a water feature; and – while no provisions are currently proposed for food vendors – there is ample seating to accommodate outdoor eating areas.

The Commission finds that the buildings as proposed comply with the Site Development and Design Standards.

The Commission further finds that Site Design Review includes consideration of the parking, access and circulation standards found in AMC 18.4.3. Unlike some other developments, parking for Clear Creek Village was calculated with the subdivision application anticipating the full build-out and development, was constructed in conjunction with the original subdivision infrastructure, and has been in place for some time. As such, while five new buildings are proposed the parking requirements are addressed by parking that is already in place. A parking plan (Sheet A2) has been provided to illustrate the parking in place as it relates to the existing and proposed buildings, and allocations of parking to each building in the subdivision are detailed on this sheet as well. In addition, the applicant has provided Sheet A8 with more detailed parking calculations for the proposal illustrating that in total, 108 parking spaces are required for the subdivision as a whole and 108 parking spaces are provided. Sheet A2 identifies a number of on-street parking spaces that could be considered for credits although none are necessary with the current request. Planning staff has provided exhibits based on the applicant's Sheets A2 and A8 which color code the parking required for each of the proposed buildings to better illustrate the allocation of required parking. The Commission finds that the parking as proposed satisfies the applicable requirements of AMC 18.4.3, and a condition has been included to require that any changes of use that would alter the current allocations be submitted for the review and approval of the Staff Advisor to insure that adequate parking remains available.

The fourth approval criterion for Site Design Review approval is that, "*The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*" The Commission finds that based on the details provided in the Outline Plan discussion in Section 2.3 above, the proposal complies with the applicable public facilities standards and adequate capacity can and will be provided by the applicant.

2.6 The Planning Commission finds that the application requests Outline Plan, Final Plan and Site Design Review approvals for the property located at 123 Clear Creek Drive, which is Lot 8 in the Clear Creek Village Subdivision. The proposal is a straightforward one in that utilities, street improvements, parking and significant natural features were addressed at the subdivision level, and the current request amounts to the completion of the final phase of the original subdivision's well thought-out vision, with no Exceptions or Variances requested. The proposed new buildings have been designed with both the subdivision's village context and the city's design standards in mind with strong primary orientations to the street; attractive entrances accessed from the sidewalk and contributing to an engaging streetscape; and parking located behind the buildings in existing lots.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review and modification of the previous Outline and Final Plan subdivision approvals for the property located at 123 Clear Creek Drive is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2015-02287. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2015-02287 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein
- 2) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this Site Design Review approval shall be submitted and approved prior to the issuance of a building permit.
- 3) That all conditions of the previous subdivision (PA #2001-0053 and #2003-089) shall remain in effect unless otherwise specifically modified herein.
- 4) That all recommendations of the Ashland Tree Commission from their January 7, 2016 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 5) That prior to the installation of any signage, a sign permit shall be obtained. All signage shall meet the requirements of the Sign Ordinance (AMC 18.4.7).
- 6) That all requirements of the Fire Department shall be satisfactorily addressed, including approved addressing (OFC 505); commercial fire apparatus access including angle of approach and any necessary fire apparatus or shared access easements (OFC 503.2.8); provisions for firefighter access pathways (OFC 503.1.1); fire flow (OFC Appendix B, Table B105.1); fire hydrant clearance; fire department connection (FDC); fire extinguishers (2A10BC); a Knox key box; and fire sprinklers where required for mixed-use buildings or due to access constraints.
- 7) That the applicants shall obtain Demolition/Relocation Review Permit approvals through the Building Division prior to the demolition of any buildings greater than 500 square feet if deemed necessary by the Building Official pursuant to AMC 15.04.210-216 .

- 8) That mechanical equipment shall be screened from view from Clear Creek Drive, and the location and screening of all mechanical equipment shall be detailed on the building permit submittals.
- 9) That the front entrances adjacent to Clear Creek Drive shall remain functional and open to the public during all business hours, and 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.
- 10) That any changes of use that would alter the parking allocations detailed in the applicants parking plan shall be provided for the review and approval of the Staff Advisor to determine whether further land use review is necessary to insure that adequate parking remains available.
- 11) That building permit submittals shall include:
 - a) The identification of all easements, including but not limited to public or private utility or drainage easements, mutual access and parking easements, fire apparatus access easements, and public pedestrian access easements.
 - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Colors and materials shall be consistent with those described in the application, and very bright or neon paint colors shall not be used.
 - c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
 - d) Revised Landscape, Irrigation and Tree Protection Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. These revised plans shall address: 1) The recommendations of the Tree Commission from their January 7, 2016 meeting where consistent with applicable criteria and standards, and with final approval by the Staff Advisor; 2) a final size- and species-specific planting and irrigation plan, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications; 3) final lot coverage and required landscaped area calculations, including all building footprints, driveways, parking, and circulation areas, and landscaped areas. Lot coverage shall be limited to no more than 85 percent, and the calculations shall demonstrate that the requisite 15 percent landscaping and seven percent parking lot landscaping are provided.
 - e) Stormwater drainage, grading and erosion control plans for the review and approval of the Engineering, Building and Planning Departments. The stormwater plan shall address Public Works/Engineering standards requiring that post-development peak flows do not exceed pre-development levels. Any necessary drainage improvements to address the site's stormwater shall be provided at the applicants' expense. Storm water from all new impervious surfaces and run-off associated with peak rainfall events must be collected on site and channeled to the city storm water collection system (*i.e., curb gutter at public street, public storm pipe or public drainage way*) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
 - f) A final utility plan for the project for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of any necessary connections to 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, cabinets, vaults and Fire Department Connections

shall be located outside of pedestrian corridors and in areas least visible from streets, sidewalks and pedestrian areas, while considering access needs. Any necessary service extensions or upgrades shall be completed by the applicant at applicant's expense, and the applicants shall obtain all necessary permits and inspections from the Public Works/Engineering Department for work to be completed within the public rights-of-way.

- g) A final erosion and sediment control plan.
 - h) An electric design and distribution plan including load calculations and locations of all primary and secondary services including any transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to the issuance of excavation or building permits. Transformers, cabinets and vaults shall be located outside the pedestrian corridor in areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the Electric Department. Any necessary service extensions or upgrades shall be completed at the applicant's expense.
 - i) Identification and placement of required bicycle parking. Inverted u-racks shall be used for the outdoor bicycle parking, and all bicycle parking shall be installed in accordance with the standards in 18.4.3.070.I, inspected and approved prior to the issuance of the certificate of occupancy. The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met.
- 12) That prior to the issuance of the building permit, the commencement of site work including demolition or the storage of materials:
- a) A Tree Verification Permit shall be obtained, and tree protection measures installed according to the approved plan, inspected and approved by Staff Advisor. The Verification Permit is to inspect the installation of tree protection fencing for the trees to be retained and protected. Tree protection measures shall be in the form of chain link fencing six feet tall, installed and maintained in accordance with the requirements of AMC 18.4.5.030.C.)
 - b) That all necessary building permits fees and associated charges, including permits and connections fees for new, separate, underground electrical services to each proposed unit, and system development charges for water, sewer, storm water, parks, and transportation (less any credits for existing structures) shall be paid.
- 13) That prior to the final approval of the project, signature of the final plat or issuance of a certificate of occupancy:
- a) All hardscaping including any sidewalk corridor repairs; landscaping; and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor.
 - b) All utility service and equipment installations shall be completed according to Electric, Public Works/Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
 - c) Sanitary sewer laterals, water services including connection with meters at the street, and underground electric services shall be installed according to the approved plans to serve all

- units prior to signature of the final survey plat or issuance of a certificate of occupancy.
- d) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.
 - e) That final CC&Rs for the Owner's Association or similar maintenance agreement shall be provided for the review and approval of the Staff Advisor prior to signature of the final survey plat. This agreement shall describe the responsibility for the maintenance of all common use-improvements including landscaping, parking areas, driveways, planting strips and street trees. The CC&Rs must state that deviations from the approved plan shall be considered a violation of the Planning Application approval and therefore subject to penalties described in the Ashland Municipal Code.
 - f) Screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards, and an opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure as required in AMC 18.4.4.040.

Planning Commission Approval

February 9, 2016

Date

**TYPE II
PUBLIC HEARING**

**PA-2015-02203
868 A Street**



PLANNING ACTION: 2016-02203

SUBJECT PROPERTY: 868 A Street

OWNER: Harriet & Steve Saturen/Linda Millemann

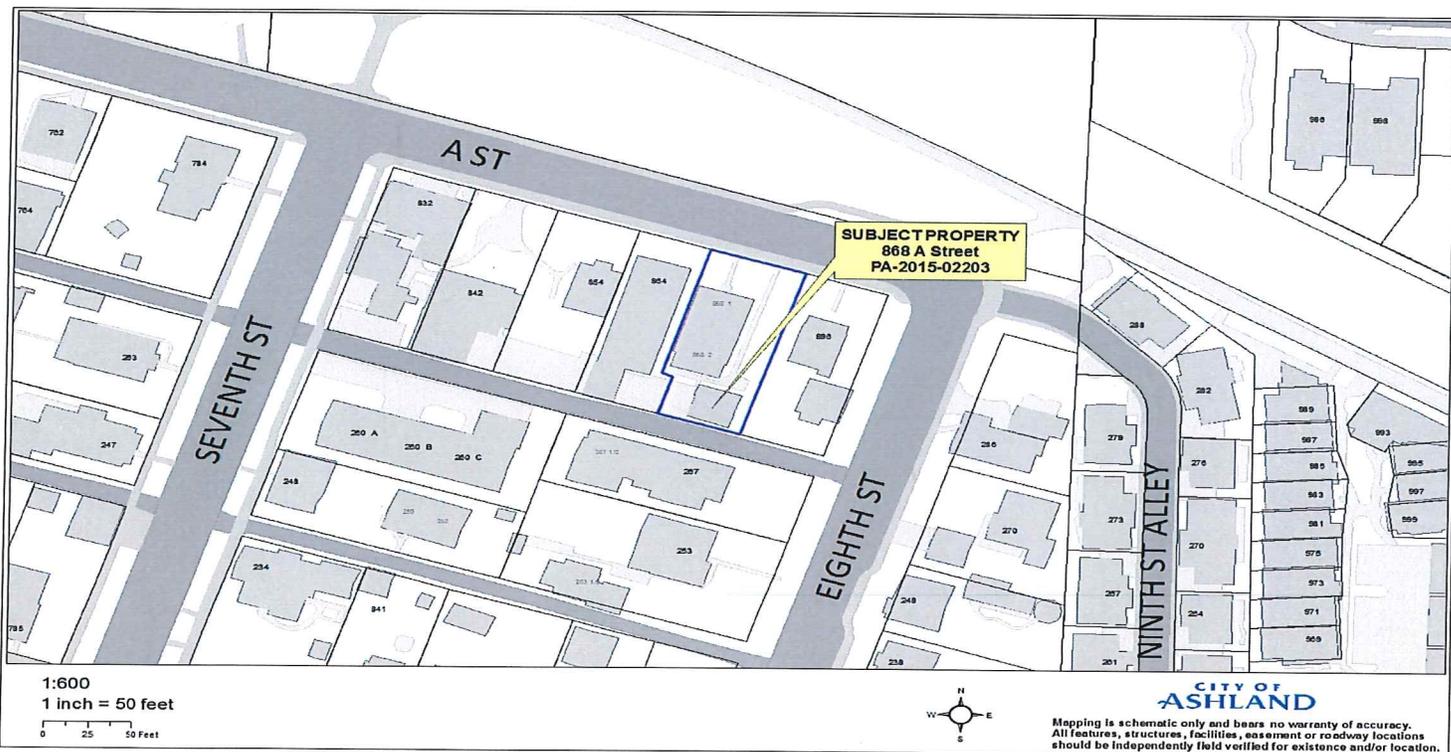
APPLICANT: Mark Lackey

DESCRIPTION: A request for Site Design Review and a Conditional Use Permit to allow for a second story addition to an existing non-conforming cottage at the rear of the property located at 868 A Street.

COMPREHENSIVE PLAN DESIGNATION: Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 09AA; **TAX LOT:** 6800.

NOTE: The Ashland Historic Commission will also review this Planning Action on **Wednesday February 3, 2016 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *February 9, 2016 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



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

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

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

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

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

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

CONDITIONAL USE PERMITS

18.5.4.050.A

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. 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.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. 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, pursuant with subsection 18.5.4.050.A.5, below. 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.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
 - a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - d. C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.
 - f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.
 - h. CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.
 - i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.
 - k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.
 - l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.

SITE DESIGN AND USE STANDARDS

18.5.2.050

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

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design 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 Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. 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 Development and Design Standards.

ASHLAND PLANNING DIVISION STAFF REPORT

February 9, 2016

PLANNING ACTION: #2015-02203

OWNERS: Harriet & Steve Saturen/Linda Millemann

APPLICANTS: Mark Lackey

LOCATION: 868 A Street

ZONE DESIGNATION: E-1

COMPREHENSIVE PLAN DESIGNATION: Employment

APPLICATION DEEMED COMPLETE: November 24, 2015

120-DAY TIME LIMIT: March 23, 2016

ORDINANCE REFERENCE: (see <http://www.ashland.or.us/comdevdocs> to view land use ordinance on-line)

18.4.2 Building Placement, Orientation, and Design
18.4.3 Parking, Access, and Circulation
18.5.2 Site Design Review
18.5.4 Conditional Use Permit

REQUEST: A request for a Conditional Use Permit and Site Design Review to allow for the reconstruction of an existing nonconforming residential unit located at the rear of the property for the property located at 868 A Street. The proposal also includes expanding the first floor of the nonconforming structure and adding a second story.

I. Relevant Facts

A. Background - History of Application

Planning staff deemed **Planning Action #2015-02203** (*the current request*) complete and sent a Type I Notice of Application on November 24, 2015.

Subsequent to the mailing of the notice of application and during a regular meeting of the Ashland Historic Commission on December 2, 2015, several neighbors who had received notice of the application spoke in opposition to the proposed development. During the public hearing neighbors expressed concern about several aspects of the development proposal including the height and setback of the proposed structure and existing parking issues in the neighborhood. The Historic Commission recommended continuing the application because of concerns about meeting the approval criteria for a Conditional Use Permit and Historic District Design Standards and to give the applicant an opportunity to re-examine the design

given the concerns raised at the meeting.

The Staff Advisor referred the application to the Planning Commission because of staff concerns about the application meeting the applicable approval criteria and design standards, and given concerns raised by the Historic Commission and surrounding residents. AMC 18.5.1.050.C.2 allows the Staff Advisor to refer a Type I application to the Planning Commission for a decision and requires the use of the Type II procedure with a public hearing.

The applicant submitted new written findings and drawings after the Historic Commission meeting.

The Historic Commission is scheduled to review the application a second time at the February 3, 2016 meeting. However, the meeting had not occurred at the time of writing and therefore the Historic Commission's recommendation is not included in the packet. Staff will distribute the Historic Commission recommendation prior to the Planning Commission meeting.

B. Planning Action History

In August of 2015, **Planning Action #2015-01163** was administratively approved granting Site Design Review approval to allow the addition of a covered front porch to the existing primary residence located at 868 A Street.

In August of 1998, **Planning Action #98-065** was administratively approved granting a Conditional Use Permit for the expansion of a motel from two to three units for the subject property located at 868 A Street. According to the staff report, the previously approved hair salon, approximately 400 square feet in size and located at the front of the main house, was removed as part of the approval to make room for the additional motel unit. The previously approved parking configuration was approved with three-off-street parking spaces and one on-street parking credit for a total of four parking spaces. The off-street parking spaces were located at rear of the property and accessed by the alley with two off-street spaces located on the property at 868 A Street and one off-street parking space shown on the neighboring property at 864 A St.

In April of 1996, **Planning Action #96-044** was administratively approved granting a request for a Conditional Use Permit to allow for the expansion of a motel from one to two units. The application included a 170 square foot addition to the primary residence to be used in conjunction with existing square footage as a motel unit. The proposed configuration was that the primary residence would include the existing beauty salon, the owner's residence, and the new second motel unit. The cottage located in the southwest corner of the property was used as the exiting motel unit. The approval included three off-street parking spaces at the rear of the site and one on-street parking credit. Again, the previously approved off-street parking configuration at the rear of the property and accessed by the alley was carried forward with two off-street spaces located on the property at 868 A Street and one off-street parking space shown on the neighboring property to the west, 864 A St.

In March of 1994, **Planning Action #94-034** was administratively approved granting a request for a Conditional Use Permit to allow the existing guest cottage located at the rear of the subject property to be used as a one-unit motel during the summer months. The approval

included three off-street parking spaces at the rear of the property with two off-street spaces located on the property at 868 A Street and one off-street parking space shown on the neighboring property to the west, 864 A St.

In September of 1991, **Planning Action #91-123** was administratively approved granting a request for a Conditional Use Permit to allow the conversion of an existing garage located at the rear of the property to a studio apartment for the property located at 868 A Street.

In August of 1989, **Planning Action #89-146** was administratively approved granting a request for a Site Design Review for a three-station beauty salon and Parking Variance from the required four spaces to three spaces for the property located at 868 A Street. Parking was provided off the alley with two spaces located on the lot of 868 A Street and one space located on the neighboring lot of 864 A St.

In June of 1989, **Planning Action #89-103** was administratively approved granting a request for a two lot partition for the property located at 864 and 868 A Street. The partition was the same land division as approved in November of 1982. However, the applicant did not complete the process by preparing and recording a survey to create the two lots. As a result, the partition process had to be completed a second time.

In November of 1982, **Planning Action #82-84** was administratively approved granting a Minor Land Partition and Site Design Review for a Cabinet Shop for the properties located at 864 and 868 A Street. The proposed lots were approximately 5,368 square feet and 6,832 square feet in size. Parking was provided on the rear of the two lots with access via the alley off of Eighth Street.

C. Detailed Description of the Site and Proposal

The Site

The subject property is located at 868 A Street, within the Historic District overlay and is zoned Employment (E-1). The property is bounded by an alley to the South, employment-zoned properties to the East and West, and A Street to the North. The area across the alley to the South is zoned Multi-Family Residential (R-2). The alley abutting the rear of the subject property is a 16-foot wide right-of-way and the driving surface appears to be approximately 13-feet in width. The subject property is 6,534 square feet in size.

The property is moderately sloped and contains two large stature evergreen trees in the northeast corner of the property. Though the application does not address the trees, the trees are located some distance away from the proposed construction.

The primary residence was constructed in 1906 and is listed as a “historic contributing” structure on the National Register of Historic Places as part of the Ashland Railroad Addition Historic District. The existing historic residence was constructed as a one-story, bungalow style wood frame cottage.

The primary residence includes approximately 2,499 square feet of living area according to the August 2015 building permit for the porch addition to the home. The house has a full basement of which approximately two-thirds is heated living space. Again according to the August 2015 building permit, the primary residence meets the required setbacks and is located

36 feet from the rear property line. The application and the past building permits do not specify the height of the primary residence.

A second detached residential unit is located at the rear of the property. This structure is a garage that was converted into a residential unit after receiving a Conditional Use Permit approval in 1991. The square footage of this unit is approximately 538 square feet according to the application. According to the plans on file from the 1991 approval, the existing structure is 12 in height from grade to the peak of the roof.

With the approved conversion of the garage to a residential unit, two off-street parking spaces were required for the existing dwelling and one additional parking space was required for the second unit for a total of three vehicle parking spaces. The planning approval at that time noted that the three parking spaces were to be provided off of the rear alley. The approved site plan shows two off-street spaces located on the property at 868 A Street and one off-street parking space on the neighboring property at 864 A St.

The current application and site plan indicate there are two off-street parking spaces located at the rear of the subject property. While not addressed in the application materials, the applicants' representative has indicated that the third off-street parking space located on the neighboring property at 864 A St., which in previous approvals was identified as serving the subject property, was not secured by an easement or any other similar instrument.

The Proposal

The current application proposes to reconstruct an existing one-story nonconforming residential unit located at the rear of the property located at 868 A Street. The application indicates the structure will require a new foundation. The installation of a new foundation indicates that the existing structure will be demolished. In addition, the proposal is to add a 120 square feet to the first floor and a second story of 528 square feet. The first floor addition would be to the north side of the unit and towards the interior of the property. As proposed, the unit would be slightly more than twice the current size, with a total size of 1,176 square feet. The reconstructed structure would be located four feet from the rear property line.

The proposed structure will have a peak height of 22 feet 10 inches with an average height of 18.4 feet. The existing structure is 24 feet wide as measured along the rear property line and no change to the width is proposed. The proposed structure would have a single gable roof with a 6:12 pitch. The existing structures ridge runs East / West, parallel to the alley. The proposed gable ridge would be turned to orient in a North / South direction, consistent with the existing historic contributing structure on the subject property. A second story deck is proposed to be added above the new first story addition.

The application and the past building permits do not specify the height of the primary residence. It appears that the proposed structure will be taller than the existing residence. As a result of the height and placement of the proposed two-story residence, staff believes the new structure will be visible from A St.

The exterior materials proposed for the structure are consistent with the recently restored primary dwelling. Horizontal wood siding with similar reveal, 2 x 8 fascia boards, corbels, 2 x 8 belly band, corner boards, and "cottage" style double hung windows. The application

indicates the structure will require a new foundation and an eight-inch reveal. The installation of a new foundation indicates that the existing structure will be demolished.

The application proposes to provide two off-street parking spaces in the Southwest corner of the property and to use two on-street parking spaces adjacent to the property frontage on A St.

II. Project Impact

The alteration of a nonconforming structure requires a Conditional Use Permit (AMC 18.1.4.030.B). The project is subject to the Historic District Standards in AMC 18.4.2.050 because the project is located in the Historic District overlay (AMC 18.3.12.050) and because any project involving two or more residential units requires Site Design Review approval (AMC 18.5.2.020.B.1).

A Conditional Use Permit application involving three or fewer residential units may be processed through an administrative Type I process. As explained above, the application was referred to the Planning Commission and scheduled for a public hearing because of staff concerns about the application meeting the applicable approval criteria and design standards. In addition, the Historic Commission and residents that testified at the December 2, 2015 Historic Commission meeting raised concerns regarding the application meeting the approval criteria for a Conditional Use Permit and the Historic District Design Standards. AMC 18.5.1.050.C.2 allows the Staff Advisor to refer a Type I application to the Planning Commission for a decision and requires the use of the Type II procedure with a public hearing.

Several neighbors of the proposed development testified at the regular meeting of the Ashland Historic Commission on December 2, 2015 and raised concerns including the height and setback of the proposed structure and existing parking issues in the neighborhood. The Historic Commission recommended continuing the application because of concerns about meeting the approval criteria for a Conditional Use Permit and Historic District Design Standards and to give the applicant an opportunity to re-examine the design given the concerns raised at the meeting. The applicant submitted new written findings and drawings on December 22, 2015. The location and design of the proposed additions to the second residential unit appear to be relatively unchanged except for a few items such as the lowering of the height to the peak of the roof by approximately one foot (from 24 feet to 22 feet 10 inches), the removal of the roof covering over the second-story deck, and the removal of attic vents.

The Historic Commission is scheduled to review the application a second time at the February 3, 2016 meeting. However, the meeting had not occurred at the time of writing and therefore the Historic Commission's recommendation is not included in the packet. Staff will distribute the Historic Commission recommendation prior to the Planning Commission meeting.

A. Nonconforming Structure and Use

The existing second dwelling unit is a nonconforming structure because the structure does not comply with the rear yard requirements of the E-1 zone. The existing structure is located approximately four feet from the rear property line. A new structure in the E-1 zone requires a rear yard of ten-foot setback per story where the site abuts a residential zone. The subject property is located in the E-1 zone and the opposite side of the alley is in the R-2 zone. As a result, a new two story structure on the subject site would have to locate the first story at least ten feet from the rear property line and the second story at least 20 feet from the rear property line.

The use of the property for two residential units is a nonconforming use. If the property were being newly developed under current regulations, only 50 percent of the lot could be dedicated to residential purposes when there are multiple buildings (AMC 18.3.13.010.C.1). The primary residence has been use as a residential unit throughout the planning approval history but in the early 1990's a portion of the house was used for a beauty salon. Later the house and second unit were approved as a motel but the owner continued to live on site in the primary residence. It is unclear when the motel operation ceased and the structures reverted back to being used entirely for residential uses. Clearly, the primary residence was built as a residential structure.

B. Conditional Use Permit

Staff's primary concern regarding the approval criteria for a Conditional Use Permit is the similarity in scale, bulk, and coverage and architectural compatibility of the proposed two-story residence. Specifically, the third approval criteria for a Conditional Use Permit require that the proposal be compared with the target use and that the proposed use will have no greater adverse material effect on the livability of the impact area.

In addition, the Site Design Review approval criteria require compliance with the applicable Site Development and Design Standards in 18.4. Since the subject property is in the Historic District overlay, the Historic District Design Standards in 18.4.2.050.B apply to the project. Here again, the standards speak to similarity in height, scale, and form with historic buildings in the vicinity. Additionally, the standards require small, varied masses that break up the form of the building.

The target use of the property is 3,267 square foot office building. The combined square footage of the primary residence and the proposed two-story residence is 4,207 square feet.

Since the subject property is zoned E-1, the allowed building height is 40 feet which is typically the equivalent of a three-story building. Minimum yard areas are not required in the E-1 zone except where the subject site abuts a residential zone, in which case a side yard of not less than ten feet and a rear yard of not less than ten feet per story is required (AMC Table 18.2.6.030). The subject property abuts a residential zone at the rear because the properties on the South side of the alley are zoned R-2.

In contrast, the residential properties on the South side of the alley are required to have a minimum of six feet for side yards, and ten feet per story and five feet for half story for rear yards (AMC Table 18.2.5.030.A). There is also an allowance for accessory buildings

and accessory residential units that are not attached to any other building and not more than 15 feet in height to reduce the side yard abutting an alley to three feet and the rear yard to four feet (AMC 18.2.5.060.B.1).

As stated in the application, the area contains a mix of historic and more modern structures in a variety of architectural styles. The lots on A St. from Seventh St. to Eight St. include historic residences as well as more contemporary structures such as the cabinet shop. South of the alley in the R-2 zone the structures are clearly residential.

The interface of the structures with the alley is also varied. However, all but one of the structures abutting the alley is a one or one-and-a-half volume. In several cases, a small one-story structure abuts the alley and is attached to what appears to be a one-and-a-half or two story structure setback further from the rear property line. There are also several parking areas that break up the building mass along the alley. The exception is the residence at 267 Eight Street which is on the opposite side of the alley from the subject property. In this case, the alley side of 267 Eight St. is the side yard and therefore required to have a six-foot setback from the property line abutting the alley.

Staff believes some flexibility in setbacks for the re-construction the nonconforming residential unit on the subject property could be justified. The 16-foot wide alley right-of-way provides an additional buffer between properties in the employment and residential zones. The extra buffer area provided by alleys was the basis for the earlier referenced provision in the land use ordinance that allows residential properties to build accessory buildings and accessory residential buildings three to four feet from property lines abutting an alley. However, these buildings can be a maximum of 15 feet in height.

In addition, despite the employment zoning of the current times, the property was developed historically as a residential property. Furthermore, the primary residence is designated as a historic contributing structure. The historic status means that it is important to the integrity of the nationally-listed Ashland Railroad Addition Historic District that the historic integrity of the primary residence is preserved. In the past, the community has been somewhat flexible in allowing historic nonconforming residential properties to adapt the use and structures on the property in a way that balances the requirements of the underlying zoning and preservation of historic structures and development patterns.

Staff's primary concern is the height of the proposed two-story residence and the lack of architectural detail or breaks in the massing given the proximity to the rear property line and considering the height of the other structures abutting the alley in the impact area. The application does not address for example the reason that a half-story building could not be used or that the second story could not be stepped back from the first floor to create greater distance from the rear property line and break up the mass. The application does not address whether expanding to the north, further into the subject property, was explored. According to plans on file, the distance between the primary residence and the eastern property line is 22 feet, which appears to be adequate width for a portion of the proposed second unit. It is important to note that the application seems to suggest that the proposal is not an addition to the existing nonconforming one-story structure at the rear of the property but rather is a reconstruction of the second unit.

Staff's primary concern is the height of the proposed two-story residence and the lack of architectural detail or breaks in the massing given the proximity to the rear property line and considering the height of the other structures abutting the alley in the impact area. The application does not address for example the reason that a half-story building could not be used or that the second story could not be stepped back from the first floor to break up the mass and create greater distance from the rear property line. The application does not address whether expanding to the north, further into the subject property, was explored.

The Conditional Use Permit chapter gives the Planning Commission the ability to impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized including items such as the following (AMC18.5.4.050.B).

- Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust, in addition to the requirements of part 18.4 Site Development and Design Standards.
- Requiring larger setback areas, and/or building separation.
- Requiring architectural design features such as building materials, textures, colors, and architectural features that address architectural compatibility with the impact area.
- Regulation of building materials, textures, colors, and architectural features.

In staff's opinion, the proposal meets the first and third approval criteria for a Conditional Use Permit. The first of these criteria is, *"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."* Outside of the nonconforming aspects of the structure at the rear of the property and of the residential uses discussed above, the subject site meets the requirements of the E-1 district.

The second criterion is, *"That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property."* A Minor Land Partition and Site Design Review approved in 1982 required that the applicant agree to provide the primary vehicular access to the property via the rear alley and required to be paved by the applicant along the entire property's alley frontage in order to provide adequate access for vehicles and fire apparatus. In 1989, the Site Design Review and Parking Variance allowing for a beauty salon on the subject property required, as part of the conditions of the approval, that the parking area at the rear of the subject property be cleaned, improved, and striped prior to the commencement of the use. As part of the Conditional Use Permit approving the second dwelling unit in 1991, it was noted that adequate water, sewer, storm

drain and electric facilities were required to serve the second dwelling unit. In 1998 the Conditional Use Permit to allow for the expansion of a traveler's accommodation from two units to three units required as conditions of approval that A Street should be fully improved and that curb cuts be reframed and filled with concrete. In staff's assessment, these findings remain applicable to the current request.

The third criterion is, *"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, pursuant with subsection 18.5.4.050.A.5, below. 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: a) similarity in scale, bulk, and coverage; b) generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities; c) architectural compatibility with the impact area; d) air quality, including the generation of dust, odors, or other environmental pollutants; e) generation of noise, light, and glare; f) the development of adjacent properties as envisioned in the Comprehensive Plan; and g) other factors found to be relevant by the approval authority for review of the proposed use."*

Similarity in scale, bulk, and coverage and architectural compatibility with impact area are discussed above.

In terms of traffic, the City does not compile Ashland-specific trip generation numbers for specific uses, and the typical reference in considering average daily trips by use in the Institute of Transportation Engineers (ITE) Trip Generation manual. ITE numbers typically assume approximately 9.55 daily trips for a typical single family residence and 6.47 daily trips for a multi-family residential unit. This would put the likely daily trips for two dwelling units here at 13-20 daily trips. In comparison, the target use of a 3,267 square foot office would generate an average of 36 trips a day.

With regard to air quality, noise, light and glare, the applicants note that they expect the impacts related to the two residential units would be less than or equal to what could be expected from long-term commercial or employment use of the property. For staff, it is difficult to make a determination that there is a demonstrable difference in the likely noise, light or glare that would be generated by two residential units compared to a general office building.

The fourth criterion is that, *"A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance."* In this instance, the proposed use is explicitly designated as a Conditional Use, and a Conditional Use Permit has been requested as part of the current application.

C. Site Design Review Proposal

Staff's primary concern in regards to the approval criteria for Site Design Review involves the provision of off-street parking. The approval criteria for Site Design Review require compliance with the applicable Site Development and Design Standards in 18.4. The Site Development and Design Standards include the standards for the number of required off-street parking spaces and the location and design of parking areas in Chapter 18.4.3.

The development requires a total of four off-street parking spaces with two spaces required for the primary dwelling and two spaces required for the proposed unit at the rear of the property (AMC 18.4.3.040). The application proposes to provide two parking spaces at the rear of the property and accessed by the alley, and to use the two on-street spaces on the on the property's A St. frontage.

The property as it exists today requires three off-street parking spaces with two required for the primary dwelling and one space required for the unit at the rear of the property. The proposed increase in the size of the unit at the rear of the property increases the off-street parking requirement by one space.

The 1998 planning application for a three-unit motel was required to have four off-street parking spaces and the approved configuration was three parking spaces adjacent to the alley and one on-street credit. After reviewing the planning files, staff determined that one of the three off-street parking spaces that has been historically shown as serving the subject property is physically located on the adjacent property to the west (cabinet shop at 864 A St.). The applicants' representative has indicated that the third off-street parking space located on the neighboring property at 864 A St., which in previous approvals was identified as serving the subject property, was not secured by an easement or any other similar instrument. As a result, this third parking spaces is not available for the current proposal.

In addition, in staff's review of the previous planning approvals it appears that the most westerly space on the subject property may cross the property line. Should the Planning Commission approve the application, a condition is suggested that the west property line is surveyed and the available width for two off-street parking spaces is verified.

Off-street parking may be reduced by the use of on-street parking spaces (AMC 18.4.3.060.A). One on-street parking space may be used in place of one off-street parking spaces. The required off-street parking may be reduced up to 50 percent. The use of on-street parking spaces to meet the required off-street parking requirement is not an automatic credit, but rather a discretionary decision that the Planning Commission.

Staff's second concern involving parking is the use of on-street credits given future development potential of the surrounding area. The lots that front on A St. are zoned E-1 and could potentially be redeveloped into more intense mixes of commercial, light industrial, and or residential uses. As a result, the long term redevelopment of the lots in the impact area that are abutting A St. could be more intense uses that require more parking. Given the future development potential of the area, staff believes it may not be prudent to allow 50 percent of the required parking, or two spaces, to use public on-street parking.

Staff's concerns with parking involve two issues – whether one of the two spots located at the rear of the property crosses the property line and the use of on-street credits given future development potential.

- 1. A small portion of the most westerly space adjacent to the alley is shown on previous planning action site plans as crossing the west property line.*
- 2. The long term development of the lots in the impact area that are abutting A St. could be redeveloped into more intense uses that require more parking. Given the future development potential of the area, it may not be prudent to allow 50 percent of the required parking, or two spaces, to use public on-street parking.*

As discussed above in section II.B Conditional Use Permit, staff believes the proposed reconstruction and expansion of the residential unit at the rear of the property may have difficulty meeting the Historic District Design Standards in AMC 18.4.2.050.B regarding height, scale, massing, and form.

Staff believes the proposal can be found to meet the remaining approval criteria for Site Design Review. The requirements of the underlying zone, E-1, and public facilities needs are discussed above in section II.B Conditional Use Permits.

III. Procedural - Required Burden of Proof

The approval criteria for a Conditional Use Permit are detailed in AMC 18.5.4.050.A as follows:

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

- 1. 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.*
- 2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
- 3. 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, pursuant with subsection 18.5.4.050.A.5, below. 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.*
 - a. Similarity in scale, bulk, and coverage.*
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle,*

- and mass transit use are considered beneficial regardless of capacity of facilities.*
- c. *Architectural compatibility with the impact area.*
 - d. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
 - e. *Generation of noise, light, and glare.*
 - f. *The development of adjacent properties as envisioned in the Comprehensive Plan.*
 - g. *Other factors found to be relevant by the approval authority for review of the proposed use.*
4. *A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
 5. *For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
 - a. *WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - b. *R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - c. *R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - d. *C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - e. *C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.*
 - f. *E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - g. *M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.*
 - h. *CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.*
 - i. *CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.*
 - k. *CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
 - l. *HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*

The approval criteria for Site Design Review are detailed in AMC 18.5.2.050 as follows:

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.

- A. Underlying Zone.** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. Overlay Zones.** *The proposal complies with applicable overlay zone requirements (part 18.3).*
- C. Site Development and Design Standards.** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
- D. City Facilities.** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.*
- E. Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
 - 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design 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 Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
 - 2. 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 Development and Design Standards.*

IV. Conclusions and Recommendations

Staff does not recommend approving the Conditional Use Permit and Site Design Review request at this time because the building design does not appear to mitigate the negative impacts of a reduced setback on the impact area and because half of the proposed required off-street parking spaces are proposed on A St.

In terms of building design, staff's primary concern is the height of the proposed two-story residence and the lack of architectural detail or breaks in the massing given the proximity to the rear property line and considering the height of the other structures abutting the alley in the impact area. The application does not address for example the reason that a half-story building could not be used or that the second story could not be stepped back from the first floor to break up the mass and create greater distance from the rear property line. The application does not address whether expanding to the north, further into the subject property, was explored. It is important to note that the application seems to suggest that the proposed unit is not an addition to the existing nonconforming one-story structure at the rear of the property but rather is an entirely new building.

Staff's concerns with parking involve two issues – whether one of the two spots located at the rear of the property crosses the property line and the use of on-street credits given future development potential. A small portion of the most westerly space adjacent to the alley is shown

on previous planning action site plans as crossing the west property line. Second, the long term development of the lots in the impact area that are abutting A St. could be redeveloped into more intense uses that require more parking. Given the future development potential of the area, it may not be prudent to allow 50 percent of the required parking, or two spaces, to use public on-street parking.

Under state law, the City has 120 days from when the application was deemed complete to make a decision. The deadline for the decision on this application is March 23, 2016. The Planning Commission must make a decision at the February 9, 2016 meeting and adopt findings on the same evening. A decision and adoption of findings by the Planning Commission on February 9 allows enough time to meet the noticing requirements and procedures for a public hearing at the City Council should the Planning Commission decision be appealed. An alternative would be if the applicant provides the City an extension to the 120-day deadline.

Should the Commission approve the request for a Conditional Use Permit and Site Design Review, staff would recommends the following conditions be attached to the approval.

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That the approval shall be valid only if a property line determination by an Oregon-licensed surveyor is provided illustrating that the most westerly parking space located at the rear of the property can be provided entirely on the applicants' property or that an easement shall be granted for any part of the parking space on the adjacent property. Should a site plan based on an Oregon-licensed surveyor's property line determination demonstrate that an eight-foot by 16-foot compact parking space with a 22-foot back-up area can be provided entirely on the applicants' property the reconstruction of the residential unit at the rear of the property is approved.
- 3) That the application shall apply for and obtain a demolition permit for the removal of the existing second unit at the rear of the property in accordance with 15.04.210.
- 4) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this approval shall be submitted and approved prior to the issuance of a building permit.
- 5) That building permit submittals shall include:
 - a) The identification of all easements, including but not limited to any required public and private utility easements, mutual access easements, public pedestrian access easements, and fire apparatus access easements.
 - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Materials shall be consistent with those described in the application.

- c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
 - d) Identification or required bicycle parking, which includes four covered bicycle parking spaces. Inverted u-racks shall be used for bicycle parking, and all bicycle parking shall be installed in accordance with design and rack standards in 18.4.3.070.I prior to the issuance of the certificate of occupancy. The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met.
 - e) Lot coverage calculations including all building footprints, driveways, parking, and other coverage areas.
 - f) That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
- 4) That prior to the issuance of the building permit, the commencement of site work including excavation, or the storage of materials:
- a) That tree protection measures shall be installed for all trees greater than six inches diameter at breast height on the subject property, including the two large evergreens in the northeast corner of the property, according to the AMC 18.4.5.030.C. The application shall obtain a Tree Verification Permit to inspect the installation of tree protection fencing for the trees to be protected on the site.
 - b) That all necessary building permits fees and associated charges, including permits and connections fees for new, separate, underground electrical services to each proposed unit, and system development charges for water, sewer, storm water, parks, and transportation (less any credits for previously demolished structures) shall be paid.
- 5) That prior to the final approval of the project or issuance of a certificate of occupancy:
- a) Screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards, and an opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure as required in AMC 18.4.4.040.
 - b) All bicycle parking shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to the issuance of the certificate of occupancy.

- c) All required parking shall be in place, inspected, and approved by the Staff Advisor prior to obtaining a business license or operation of the Travelers' Accommodation. The parking spaces shall be painted/striped to clearly delineate the boundaries and shall be designated for regular and compact car parking accordingly.

RECEIVED

DEC 22 2015

City Of Ashland

PLANNING ACTION 2015-02203

868 A Street

Site Design Review and a Conditional Use Permit findings addendum:

The request is for a Site Design Review and Conditional Use Permit to expand an existing 538 sf single story residential dwelling unit by adding a second story. The residential unit in question was a garage that converted with a Conditional Use Permit in the early 1990s from garage to a dwelling. At the time of the conversion there were two parking spaces for the residence and two on-street parking credits for the "new dwelling". The proposed Conditional Use Permit to expand the structure will not alter the existing parking configuration of two on-site parking spaces and two on-street parking credits.

A Site Design Review Permit is required because the proposed addition is to a structure in the Employment (E-1) zone. A Conditional Use Permit is required because the existing structure does not comply with the required setback in the E-1 zone and is considered non-conforming.

The unit is considered a non-conforming structure because it is four feet, two and a quarter inches away from the rear (south) property line. In the E-1 zone when abutting a residential zone, a 10-foot per story setback is required. New construction of a two story structure would require a 20-foot setback. The subject property and those to the north, east and west are zoned E-1. The properties across the alley to the south are zoned Multi-Family Residential (R-2).

Expansion, enlargement, modification and reconstruction is allowed with a conditional use permit though AMC 18.1.4.030.B "nonconforming structure may be altered (i.e., reconstructed, enlarged, or modified) subject to approval of a Conditional Use Permit under chapter 18.5.4 and approval of required building permits.... A nonconforming structure may be rebuilt pursuant to this subsection, provided in a historic district the applicant must demonstrate that restoration is not practicable."

The requested expansion involves the construction of a second story to expand the existing residential dwelling unit and provide the residents, an artist and an author additional living area and studio work space. Due to the placement of the existing residential unit and the limited area of footprint expansion, the applicant found that adding a second story was the best option to add square footage without a complete alteration of the existing residence. It would be possible to add a second floor to the existing structure but not without compromising the historic integrity of the primary contributing historic resource on the property, the Thomas Herbig House.

The proposed structure has a peak height of 22-feet, 10-inches and an average building height of 18.4 feet. The existing structure is 24-feet wide along the rear property line, no change is proposed to the width. The structure is proposed with a single gable roof, with 6:12 pitch. Five foot walls along the sides are proposed. The existing structures ridge runs east to west, parallel to the alley. The proposed gable ridge is turned to orient north / south, consistent with the historic contributing structure on the subject property. A 10-foot X 12-foot addition is proposed to the lower level; a rooftop deck is proposed above.

The exterior materials proposed for the structure are consistent with the recently restored and remodeled front structure. Horizontal wood siding with similar reveal, 2 X 8 fascia boards, corbels, 2 X 8 belly band, corner boards and “cottage” style double hung windows. The structure is proposed to have a new foundation and provide an eight-inch reveal.

According to the conditional use permit criteria #5 when reviewing conditional use permit applications for conformity with the approval criteria, the target uses of each zone is the required comparison. Per AMC 18.5.4.050.3 “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, pursuant with subsection 18.5.4.050.A.5, below. 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.” Emphasis added.

The target use of the zone is Employment. More specifically, general offices developed at an intensity of .50 floor area ratio and complying with all ordinance requirements. That said, the target use of the zone for the subject lot is a 3,250 sf office. The office building could be up to 3-stories and 40-feet tall. There would be no required setbacks excepting the rear yard (the one for which the conditional use permit in this application is requested) where 10-feet per story due to the proximity to the residential zone that is across the alley.

When two zoning districts abut each other it is typical that the zoning district boundary is the mid-line of the adjacent right-of-way. In this case that is the alley. If the setback was measured from the middle of the alley the structure would be 12-feet from the district boundary. Setbacks through are measured from the lot line thus requiring a Conditional Use Permit.

Amended findings addressing the Conditional Use Permit criteria and the Site Design Review criteria can be found on the following pages. The criteria from the code is in a san serif font and the applicant’s findings are in Times New Roman.

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Conditional Use Permit:

18.5.4.050 Approval Criteria

1. 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.

The use of the structure is non-conforming in the sense that it is use is residential in nature. According to the records of the City of Ashland and of Jackson County the garage was converted to a residential unit in the early 1990s, a conditional use permit was obtained. The additional allows the structure to come closer to conformance with the use of the Employment zoned land because the additional square footage allows for the residents, an author and a paint artist to have studio workspace within their dwelling. Both of the residents sell their products on the internet

and in art galleries. The additional square footage will allow them to work from home and continue to sell on the internet and at local art galleries.

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

Adequate city facilities existing and continue to exist to serve the proposed additional square footage. There are two existing off-street parking spaces adjacent to the cottage. There are two on-street parking credits on A Street for the primary residence. The proposed addition is not affecting how the parking was historically permitted. The cottage has always been more than 500 sf and has required two parking spaces in addition to the two required parking spaces for the primary structure. The proposal will not modify the parking. Over the years the property has been used as multi-family residential, hotel / motel, and a beauty salon. With all of these uses that parking configuration as remained the same with two parking spaces at the rear of the property and two on-street credits. The alley is paved behind the property and A Street is paved with curb and gutter and a five-foot public sidewalk along the frontage of the property. The property is one tax lot from the end of A Street to where Eighth Street intersects, this end of A Street sees significantly lower traffic volumes that the sections of A Street between Oak and Sixth Streets where there is commercial development on both sides of the street. The property to the north across A Street from the subject property is a City of Ashland Park (Railroad Park). The applicant's find that the circumstances that allowed for the on-street credit are the same and the parking impacts from the proposed additional square footage will not have a negative impact on the livability of the zone more so than the current use of the property and adjacent properties.

3. 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, pursuant with subsection 18.5.4.050.A.5, below. 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.

a. Similarity in scale, bulk, and coverage.

The existing primary residence has a single story footprint of 1,885.6 sf. The cottage has an existing footprint of 538 sf. The proposal includes an addition of 105 sf to the ground floor and 441 square feet on the second floor for a total proposed square footage of 1,099 sf. The proposed lot coverage of the parcel is 51 percent. The proposed second story addition is proposed with a gable roof that has a peak height of 22-feet, 9 ½-inches and an average building height of 18.395 feet. The proposed addition is not considered a half story due to five-foot pony walls on the sides but has a similar roof pitch and reduced bulk due the reduced plate height. When compared to structures in the impact area, the 2,791 sf of building on the lot, the 18.395-foot-tall building and 51 percent lot coverage is similar in scale, bulk and coverage as a number of the structures within the impact area.

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On the E-1 lands in the immediate vicinity, the cabinet shop to the west (a non-historic / non-contributing structure) is 2,640 sf. This structure extends nearly the entire length of the entire N/S dimension of the parcel. This structure does not comply with the ten-foot rear yard setback due to a single story addition to the large shop building and appears to be within a foot or less of the rear property line. Additionally, this structure covers a large portion of the 5,662 sf lot. To the west of the shop building on the adjacent lot is a two-unit hotel that was created from a previously converted medical office, this structure is 858 sf. On the lot to the west of the hotel units is a 1,350 sf dance studio. This structure also does not comply with side yard setbacks and appears to be located within a foot of the rear property line. Additionally, this concrete block building is bulky and out of scale with the structures on the adjacent properties. The property to the east of the dance studio is Chozu Bath and Tea House. This structure at 2,035 sf with a 500 sf detached structure provides significantly more coverage than the proposed enlarged cottage. The parcel to the south is a residential duplex that is 3,588 sf with an attached 420 sf garage. This structure covers a large portion of the 7,405 sf lot. The property to the east has a small 776 sf single story cottage with approximately 500 sf single story garage. The proposal at 51 percent lot coverage is less than the 85 percent lot coverage that is allowed by code in the E-1 zone.

The structure to the south (across the alley) has a peak height of nearly 28-feet, significantly taller than the proposed second story addition. The structure to the west, the cabinet shop is 15-feet to the top of the parapet. The maximum height in the zone is 40-feet. The proposed structure is less than the allowed height in the zone, less than the structure to the south and similar to the structure to the west. Additionally, as stated previously, the proposed structure with 6:12 roof pitch, reduced plate height at the side walls, is similar in scale, bulk and coverage as to the structures in the vicinity especially when considered against the possible development when compared to the target use of the zone.

b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

The generation of trips from a lot with two residential units is typically going to be less than that of a 3,250 sf office. The applicant finds that over the years the property has been used as multiple family dwellings (at one point the main residence was a duplex), residential dwelling unit and a beauty salon, and a hotel/motel (B&B), all of these uses would generate similar or more traffic than the proposed expanded residence. The rear yard setback for which the conditional use permit applies will not affect the generation of traffic. Additionally, the property is in close proximity to the bike paths, complete sidewalks and is within walking and biking distance of services such as shopping, dining, art galleries, dentist offices, veterinary clinic, etc. providing necessary services for the residences.

c. Architectural compatibility with the impact area.

The impact area is eclectic in architectural features. This is due to the area being a transitional area. Though the majority of the structures in the vicinity reflect residential form and massing,

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there are clearly commercial structures on adjacent parcels. In both of the instances of the commercial structures that abut the alley, the 10-foot per story setback code is violated.

The code allows for greater flexibility when compared to the prominent architectural themes in the impact area. This is especially true when the conditional use permit criteria require the compatibility determination to be based on the target use of the zone which is a 3,250 sf office building. Additionally, when comparing the proposed addition that has architectural character and where a little over four feet of setback to the employment zoned properties to the east where boxy, utilitarian buildings, the proposed structure will have a positive impact on the alley streetscape.

Prior to the recent, extensive remodel, the primary residence had a number of different architectural styles itself including some gingerbread treatments in the gables, craftsman style corbels, Victorian style turned porch posts among others. The property owners heeded the Historic Commission's recommendations and incorporated historically appropriate design elements and removed proposed design features that they had desired in order to restore the Thomas Herbig House to a more historically appropriate façade. These modifications to the applicant's original proposal cost the project more money but in the end did produce a better end product. The proposed addition reflects the traditional architectural features of the historic contributing structure on the property.



There are ranch style apartments from the 1980s, two-story structures completed in the 1990s, original structures such as the cottage on the adjacent property to the west and the two story I-house on the corner of Seventh and A Street, and heavily remodeled historic structures, (Chozu Bath house, two-unit hotel, etc.) in the immediate vicinity. There are also more industrial style structures like the large shop building on the adjacent property to the west and a concrete block building further to the west down the alley. (See attached photo inventory)

The proposed structure is less tall than the residence to the south. The proposed structure is similar in height as the cabinet shop to the west. The proposed structure is proposed to have elements of the architectural design of the front residence and other structures in the vicinity are included in the proposed structure. These include matching siding, inclusion of corbels, corner boards, similar door and window trim, window style, and complementary color scheme.

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

The addition of the second story and the properties continued use as two residential units will not have a negative impact on air quality, generation of dust, odors or other environmental pollutants when compared to a 3,250 sf office, when compared to other uses allowed in the E-1 zone or when compared to the cabinet shop to the west.

e. Generation of noise, light, and glare.

The addition of the second story will not have a negative impact on the adjacent properties in the impact area when compared to the noise, light and glare that a 3,250 sf office building would. The continued use of the property as residential will have less of an impact when compared to a typical commercial use.

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

The proposed addition that does not comply with setbacks will not prevent the development of the adjacent properties as envisioned in the Comprehensive Plan. The property to the east could develop to a use allowed in the E-1 zone regardless of the setback of the subject property. The adjacent property to the west could redevelop with its existing non-conforming rear yard setback (does not comply with 10-foot per story rear yard setback) and the requested conditional use permit does not prevent the redevelopment of that property as envisioned in the comprehensive plan.

g. Other factors found to be relevant by the approval authority for review of the proposed use.

The proposed use of the property is not being modified through the conditional use permit request.

4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.

Expansion of a non-conforming structure is allowed with the approval of a conditional use permit. The property is within the residential overlay and residential uses are allowed on the property. There are two existing residences that exceed 500 sf on the property. The number of bedrooms on the property and the number of required parking spaces will not be increased with the conditional use permit.

5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.

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f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.

As stated previously, the target use of the zone is Employment. More specifically, general offices developed at an intensity of .50 floor area ratio and complying with all ordinance requirements. That said, the target use of the zone for the subject lot is a 3,250 sf office. The office building could be up to 40-feet tall and have no setbacks excepting the rear yard (the one for which the conditional use permit in this application is requested) where 10-feet per story due to the proximity to the residential zone.

Site Development and Design Review

18.5.2.050 Approval Criteria

A. Underlying Zone. The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

The proposal is a request for a Conditional Use Permit to expand a non-conforming structure which is allowed in AMC 18.1.4.030.B. The lot dimensions, area, density are not changing. The floor area is less than required by code for the E-1 zone but the proposed addition brings the property closer to conformance with the required 3,250 sf office building standards by providing 2,837 sf of floor area that could be converted to office or similar uses in the E-1 zone. The existing primary residence and its orientation to A Street is not being modified. The proposed building with an average height of 18.4 feet is less than the maximum of 40-feet in the zone.

B. Overlay Zones. The proposal complies with applicable overlay zone requirements (part 18.3).

The subject property is pre-existing, non-conforming with two residential units in the E-1 zone. This non-conformity is not being modified or increased. In fact, the proposed addition will allow for the construction of artists' studio space within the increased square footage of the rear residential unit that allows the resident artist to have studio work space within their residence.

C. Site Development and Design Standards. The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.

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The subject property is Employment Zoned and is located within the Detail Site Review overlay, additionally, the property is within the Railroad Historic District. As demonstrated below, the proposed addition is compatible with the Historic District Design Standards.

The proposed orientation and streetscape of the property is not being modified with the proposed addition.

B. Historic District Design Standards. In addition to the standards of part 18.4, the approval authority uses the following standards for new construction, and restoration and rehabilitation of existing buildings within the Historic District overlay.

1. Transitional Areas. For projects located at the boundary between zones or overlays, appropriate adjustments to building form, massing, height, scale, placement, or architectural and material treatment may be considered to address compatibility with the transitional area while not losing sight of the underlying standards or requirements applicable to the subject property.

The subject property abuts the R-2 (residential) zone. The proposed additions form, massing, height, scale, placement and architectural treatment is residential in nature. The height and the mass adjacent to the alley is similar to the residential structure to the south across the alley. The proposed addition is setback off of the alley where the directly adjacent E-1 property is less than seven feet from the side of the historic contributing structure on the property and within one foot of the rear property line. This structure with an approximately 12-foot plate height at the property line and one long linear mass is significantly bulkier, massive and out of scale with historic structures in the vicinity, far from compliance with the underlying historic district design standards.

Additionally, the increased square footage allows for the inclusion of studio workspace within the expanded residence providing employment related use in the Employment zone.

2. Height. Construct new buildings to a height within the range of historic building heights on and across the street.

Plate height on proposed structure is 13 feet, 10-inches, the peak height is 22-feet, 9 ½-inches and the average height is 18.4 feet. The structure is at the rear of the property behind the historic contributing structure that is adjacent to A Street. The adjacent residence to the east is a single story structure with an approximately 12-foot peak height, the structure to the west, the cabinet shop is approximately 15-feet. The most adjacent structure, the duplex to the south across the alley has an approximately 27-foot peak. The structure is within range of the building heights on the street and adjacent to the alley that abuts the rear property line. The property across the street is occupied by a city park.

3. Scale: Height, width, and massing of new buildings conform to historic buildings in the immediate vicinity.

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The scale is being modified through the second story addition which creates additional height. The width of the structure is not proposed to be modified. The scale of the proposed addition with the reduced rear yard setback is in conformance with the 10-foot setback of the 27-foot tall structure to the south and the less than one-foot setback of the large building that occupies the site to the west. See the photo below that shows the massing and scale of these two buildings.



4. Massing: Small, varied masses consistent with historic buildings in the immediate vicinity.

The proposed structure has a reduced plate height to reduce the overall structure height. The mass of the structure is varied through the use of the 2 X 8 belly band, the corner boards, matching trim and siding as the front structure. The structures in the immediate vicinity are generally inconsistent with this standard and the proposed structure incorporates design elements from the historic contributing structure on the property and the structure to the south across the alley.

5. Setbacks: Front walls of new buildings are in the same plane as facades of adjacent historic buildings.

There are no “new” buildings on the site as the proposal is an addition to an existing structure. The front façade adjacent to A Street is not being modified by the proposal.

6. Roof: Roof shape, pitches, and materials consistent with historic buildings in the immediate vicinity.

The gable roof shape, the 6:12 pitch roof with composition shingles is consistent with the historic contributing structure on the subject lot and to the south across the alley.

7. Rhythm of Openings: Pattern or rhythm of wall to door/window openings on the primary façade or other visually prominent elevation is maintained. Maintain compatible width-to-height ratio of bays in the façade.

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The pattern of the window and door openings are consistent with the development pattern in the vicinity and does not detract from the historic contributing structure on the property.

8. Base or Platforms: A clearly defined base, or platform characteristic of historic buildings in the immediate vicinity.

The existing structure is on a slab. Depending on the findings of the project engineer, the slab will either be reinforced to sustain the weight of the second story addition or the structure will be lifted and a traditional foundation with an eight-inch exposure will be installed. Either method will provide for a defined base for the structure.

9. Form: Form (i.e., vertical/horizontal emphasis of building) that is consistent with that of adjacent historic buildings.)

The form of the building is consistent with the adjacent buildings. The proposed second story addition with the reduced setback is consistent with the form of the structures on the adjacent properties. The proposed structure with the belly band to break the height, the horizontal siding, the double hung window are examples of the architectural details that alter the form for the structure. The property to the east has a small cottage with a detached garage, this residence is historic contributing. The property to the west is non-historic, non-contributing. The structure on this site is very horizontal in form. The structure to the south is also non-historic, non-contributing. This structure is tall (approximately 27-foot peak) and has a large horizontal volume along the alley.

10. Entrances: Well-defined primary entrances with covered porches, porticos, and other architectural features compatible but not imitative of historic counterparts.

A small covered entrance is proposed for the expanded structure.

11. Imitation of Historic Features: Accurate restoration of original architectural features on historic buildings. New construction, including additions, that is clearly contemporary in design, which enhances but does not compete visually with adjacent historic buildings.

The proposed addition to the existing structure will reflect the architectural features of the historic contributing structure on the subject property. The window style, the foundation with the visible rebar holes are contemporary in design but do not detract from the historic design elements. The structure is designed to complement the historic building on the subject property, the property at 858 A Street and on the property to the east. The structure to the south and west are not historic.

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12. Additions: Additions that are visually unobtrusive from a public right-of-way, and do not obscure or eliminate character defining features of historic buildings.

The proposed addition is not visually obtrusive from A Street. The proposed addition with the reduced plate height and modified ridge direction reduce the visual obstruction created through the addition of the second story. The second story addition could have been proposed above the existing historic contributing structure on the site in order to comply with the rear yard setback. This would have obscured and eliminated the defining character of the historic building. The addition with the reduced setback allows for the structure to be closer to the alley and less visually obtrusive to the historic building on the adjacent property to the east.

13. Garage placed behind the primary historic building with access from a side street or alley if available.

The existing structure was historically a garage. The garage was converted to a residence in the early 1990s.

Rehabilitation Standards.

a. Historic architectural styles and associated features shall not be replicated in new additions or associated buildings.

The applicant has proposed a building that is complimentary to the existing historic contributing structure on the property. The applicant had proposed corbels to match those on the historic contributing structure and is open to not installing them if it is found that the inclusion of the corbels is replicating a historic architectural style.

b. Original architectural features shall be restored as much as possible, when those features can be documented.

The existing non-conforming garage lacks architectural features. Architectural features from the historic contributing are proposed to be incorporated into the proposed addition.

c. Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with, but not replicate, the finish of the historic building.

The proposed addition will match the finish of the existing dwelling unit and the historic contributing structure on the property.

d. Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.

Horizontal siding is proposed.

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e. Exterior wall colors on new additions shall match those of the historic building.

The proposed color is complementary of the historic structures in the vicinity.

f. Imitative materials including but not limited to asphalt siding, wood textured aluminum siding, and artificial stone shall be avoided.

The proposed materials are consistent with the materials found in the vicinity of the subject property.

g. Replacement windows in historic buildings shall match the original windows. Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.

The proposed "cottage" style double hung windows, their proportion, shape and size are compatible with the historic contributing structure on the property but do not replicate the windows.

h. Reconstructed roofs on historic buildings shall match the pitch and form of the original roof. Roofs on new additions shall match the pitch and form of the historic building, and shall be attached at a different height so the addition can be clearly differentiated from the historic building. Shed roofs are acceptable for one-story rear additions.

The proposed 6:12 pitch roof with composition shingles will match pitch and form of the historic building. The eaves are proposed to be 18-inches to match the existing historic contributing structure on the site.

i. Asphalt or composition shingle roofs are preferred. Asphalt shingles which match the original roof material in color and texture are acceptable. Wood shake, woodshingle, tile, and metal roofs shall be avoided.

The historic building had a metal roof installed, the new roof is proposed as composition shingles.

j. New porches or entries shall be compatible with, but not replicate, the historic character of the building.

No porches are proposed. A small covering with a gable roof is proposed to define the entrance of the unit.

D. City Facilities. The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

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The proposal will not have an impact on the capacity of the existing City facilities that service the site. The structure is serviced by city facilities and the increase in the number of restrooms will not negatively affect city facilities.

Conclusion:

The applicant finds that the proposed addition of a second floor above an existing non-conforming structure that is adjacent to the rear property line abutting a public alleyway complies with the criteria from the Conditional Use Permit and the Site Design Review chapters of the Ashland Municipal Code.

The applicant finds that though the setback is non-conforming the proposed structures height, mass, scaling, bulk, coverage and architectural compatibility is similar to other structures in the immediate vicinity. The proposed structure has a greater setback than the immediate structure to the west and a similar setback as the structure to the south. The applicant finds that the addition of living space above the existing cottage is more historically appropriate than adding a second story addition to the historic contributing structure, the Thomas Herbig house in order to provide the necessary additional living space.

The conditional use permit criteria require that the proposal be compared to the target use of the zone. Even though it is not the property owner's intention to construct a 40-foot tall, 3,250 sf commercial office on the property, that is the target use of the zone and the proposal will have significantly less of an impact even with the reduced setback along the alley.

Thank you for your consideration.

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RE: PLANNING ACTION 2015-02203

868 A Street

Site Design Review and a Conditional Use Permit findings addendum 12/21/2015:

Vertical massing and scale:

1. Existing primary residence at 868 A Street. Recently renovated to meet Historic District Design Standards. Note existing cottage at left (at south end of property). This is the existing structure in this proposal. Note massing and scale of cabinet shop to right. Setbacks or Historic Compatibility are not met with this structure.



2. Cabinet shop to right (west) of primary residence. Note large scale, lack of proper setback, and non-compliance with Historic Standards.



3. View from the porch to the west from 868 primary residence looking at cabinet shop at 864 A Street. Note scale, massing, setback, lack of Historic Standards detailing.

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View from dining room at 868 A Street looking west at cabinet shop. Historic windows in the existing home were preserved and have a great view of the cabinet shop at 864 A Street. Note extreme massing, scale, lack of historic detailing, lack of light and view.



4. View of setback to the west of the cabinet shop at 864 A. Street. Note setback, massing, and scale.



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5. View of West face of Cabinet shop at 864 A. Street. Note 15' wall height scale and lack of historic detailing.



6. View of 842 A Street. Note massing, scale, lack of historic detailing.



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View of rear of cabinet shop at 864 A Street. Cabinet shop and structure on other side of alley for perspective in scaling and set back. Proposed 5' plate 538 square foot second story structure in white down alley on left.

Note very large scale of structure to the South (right) and lack of proper setback at cabinet shop on left.



Note extreme massing and scale of structure to the South (left). Proposed 5' plate height cottage second story addition at left. The structure to the South will still dwarf the proposed cottage as well as surrounding structures.

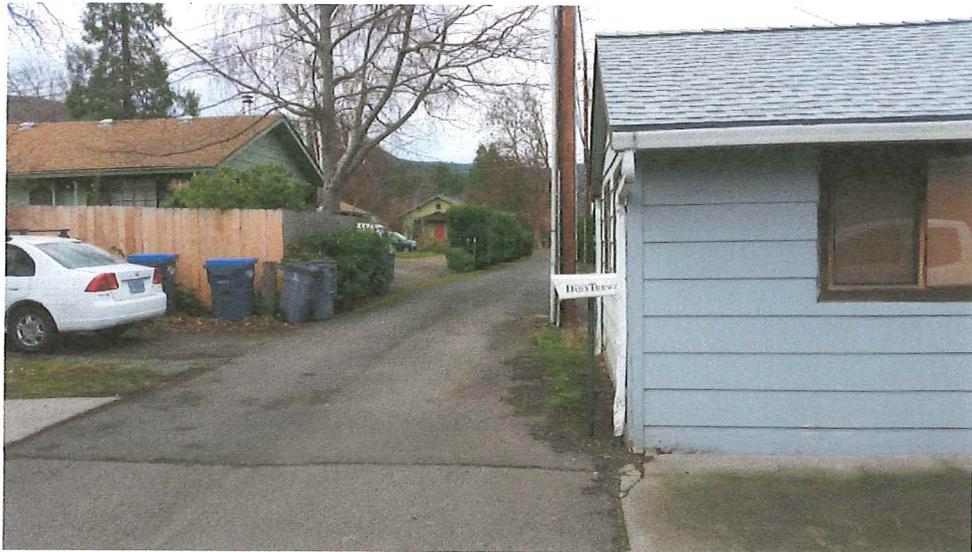


Note lack of setbacks on cabinet shop to the West. This structure has a wall height of 15'. This is taller than the proposed 14' plate height at cottage at 868 A. Street.

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7. No setbacks at cabinet shop at 864 A. Street.



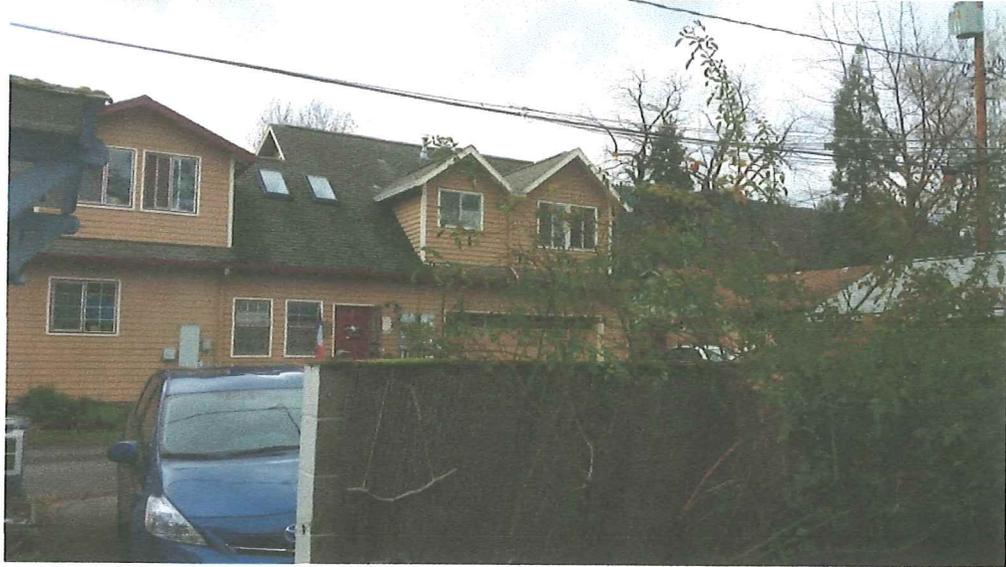
8. View of cabinet shop from proposed structure at alley. Note 15' wall, no historic detailing, massing, and scale. This is taller than the 14' plate height of the proposed cottage addition.



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9. View of property to the South of 868 A Street from bedroom window. This enormous structure was built on the site of a demolished historic building. Note that the structure blocks entire

view of the Ashland Watershed from the property at 868 A. Street. Note lack of historic detailing standards, m...ing, and very large scale. This structure d...inates the immediate area. Address is 267 8th Street.



Same photo with proposed structure at left. Note scale.



Same structure to the South of 868 A Street. Note scale and lack of historic detailing.



North face of large scale structure at 267 8th Street. Note severe massing, very large scale, lack of historic detailing. This structure dominates the area and blocks view to that property to the north. This second story in this proposal would be small in scale compared to this structure.



10. Other large scale structures surrounding the proposed second story addition at 868 A Street.

248 7th Street. Severe lack of historic detailing, massing, scale.



270 8th Street.

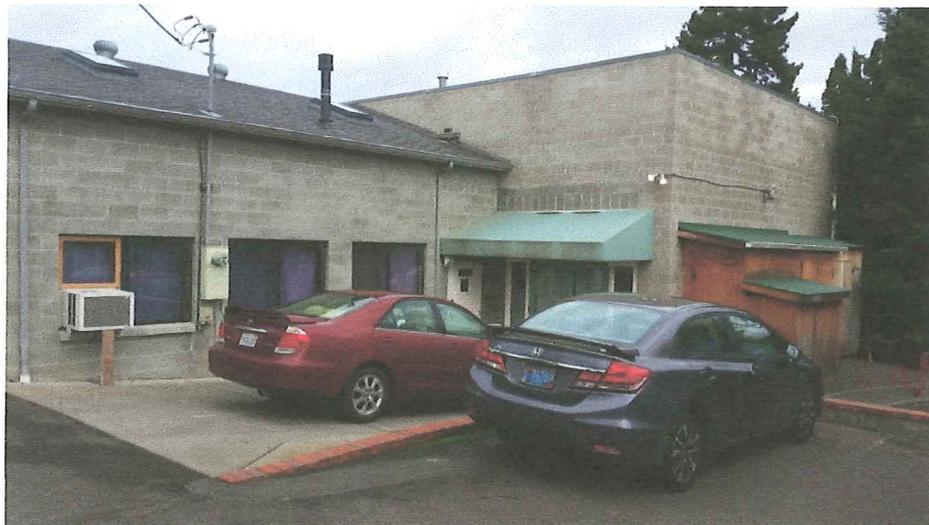
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234 7th Street.



842 A Street at alley access. Note scale, massing, lack of historic detailing. This structure is three lots north of proposed second story addition at 868 A Street.



View from alley behind A Street. Note general scale, massing, and detailing of all structures. Note scale of structure at far end of alley on 8th Street. A second story addition to the existing cottage at rear of property at 868 Street would not impede any surrounding massing or scale.

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The proposed structure is small compared to its surrounding, would have historic compatibility, and would be set back further from the alley than most of the surrounding structures.



11. Views to the North and East would be unimpeded.



12. Properties on B Street. Note scaling.



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12-22-15

Dear members of the Historic Commission,

We purchased the property at 868 A Street in 2004 in partnership with our dear friend. Our plan was and remains to create two separate dwellings that could meet our needs for retirement and our partner's needs for living and work space.

We are baffled by the recent questions and concerns raised at your meeting regarding our plans. We thought we were continuing to act in complete conformity to all city codes and to all suggestions from your commission prior to the meeting. Yesterday we met with our neighbor at 886 A Street, Alan Adelman. We showed him our current, compromise plan for remodeling the second structure and he agreed he had no objection.

Some reasons for our confusion include:

1. We put much thought, care and added expense throughout our planning and execution so far to keep the historic looks of these buildings.
2. We conform to all city codes and we plan to remain consistent with the neighborhood in looks: the proposed peak is lower than those of the neighboring houses; vertical and horizontal form are consistent with most structures in this block of transition zoning; we are conforming to the city's definitions regarding mass and scale.
3. Our plan reduces the need (from that of all previous uses of this property) for parking spaces as we are converting the business use to only making studio space for art production, not retail or rental space.
4. It appears we are being subject to residential codes although the reason for the remodel is to create space for two artists to have employment.

If our current plan is not approved we shall be forced to build upwards on the main structure to produce the studio space and/or to leave the cottage exactly as it exists as a rental.

The current concerns have greatly impacted our lives and our livelihoods. We have lost several months of collecting rent due to construction delays. We are disheartened that we may not be able to live in close proximity to our dearest friends.

Thank you for this opportunity to address you with some of my concerns.

Sincerely,

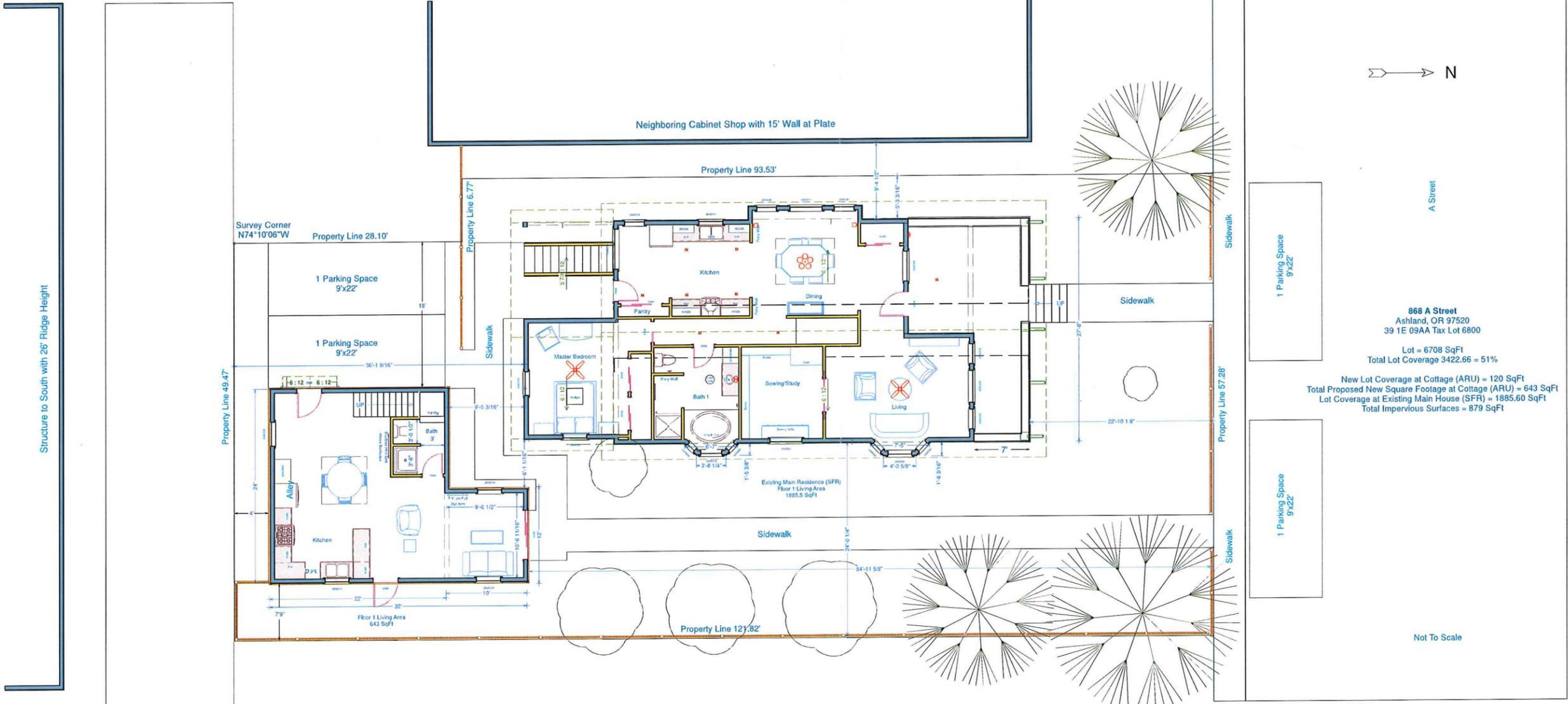


Steve Saturen

RECEIVED

DEC 22 2015

City Of Ashland



NUMBER	DATE	REVISION TABLE	REVISOR	DESCRIPTION

Integrity Building Contractors
 PO 225 Ashland OR 97520

Saturen/McMillan Cottage
 868 A Street
 Ashland OR 97520

Aspen Design
 PO Box 225
 Ashland OR 97520

DATE:

12/21/2015

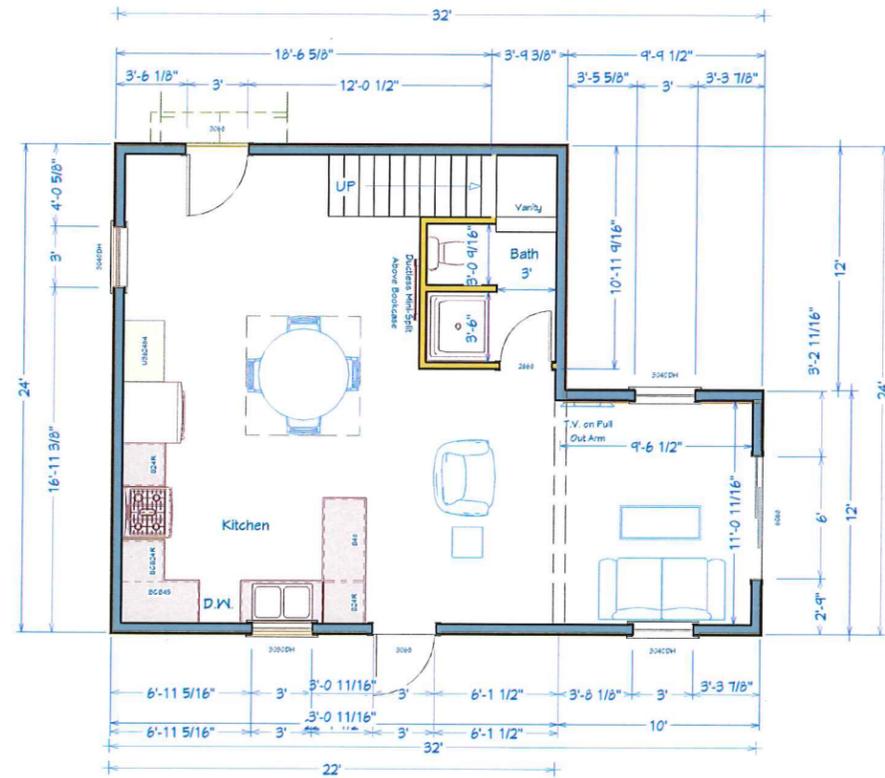
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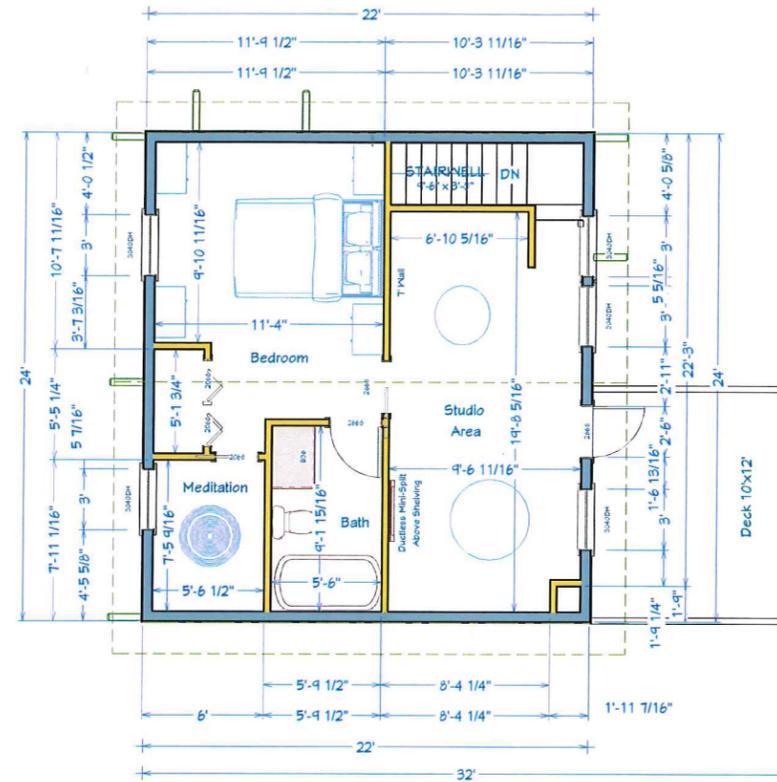
SHEET:

A1

868 A Street
 Ashland, OR 97520
 39 1E 09AA Tax Lot 6800
 Lot = 6708 SqFt
 Total Lot Coverage 3422.66 = 51%
 New Lot Coverage at Cottage (ARU) = 120 SqFt
 Total Proposed New Square Footage at Cottage (ARU) = 643 SqFt
 Lot Coverage at Existing Main House (SFR) = 1885.60 SqFt
 Total Impervious Surfaces = 679 SqFt



Floor 1 Living Area
643 SqFt



Floor 2 Living Area
523 SqFt

RECEIVED
DEC 22 2015
City Of Ashland

NUMBER	DATE	REVISION BY	DESCRIPTION

Integrity Building
Contractors
PO 225 Ashland OR 97520

Saturen/McMillan
Cottage
868 A Street
Ashland OR 97520

Aspen Design
PO Box 225
Ashland OR 97520

DATE:

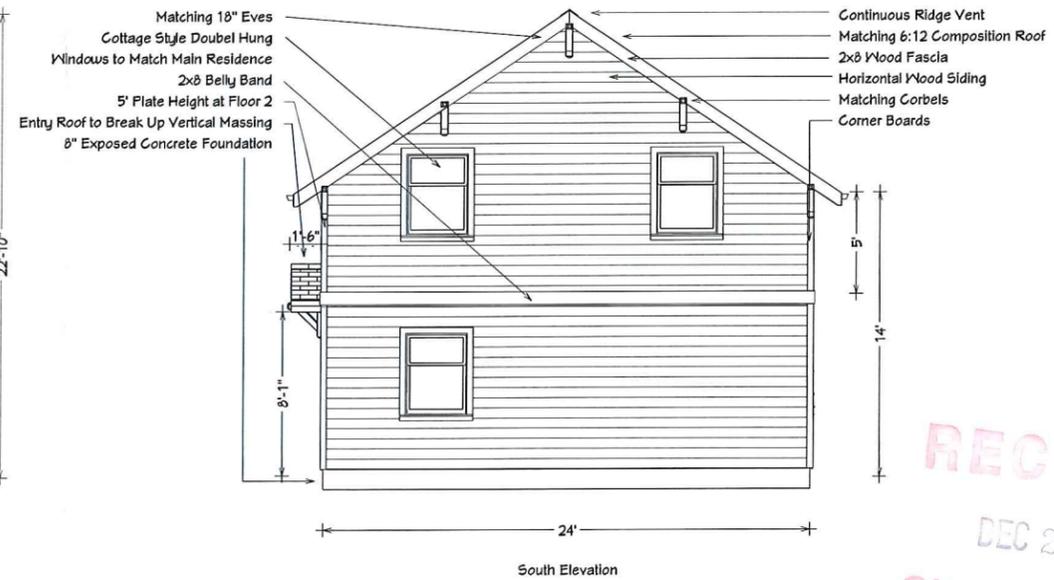
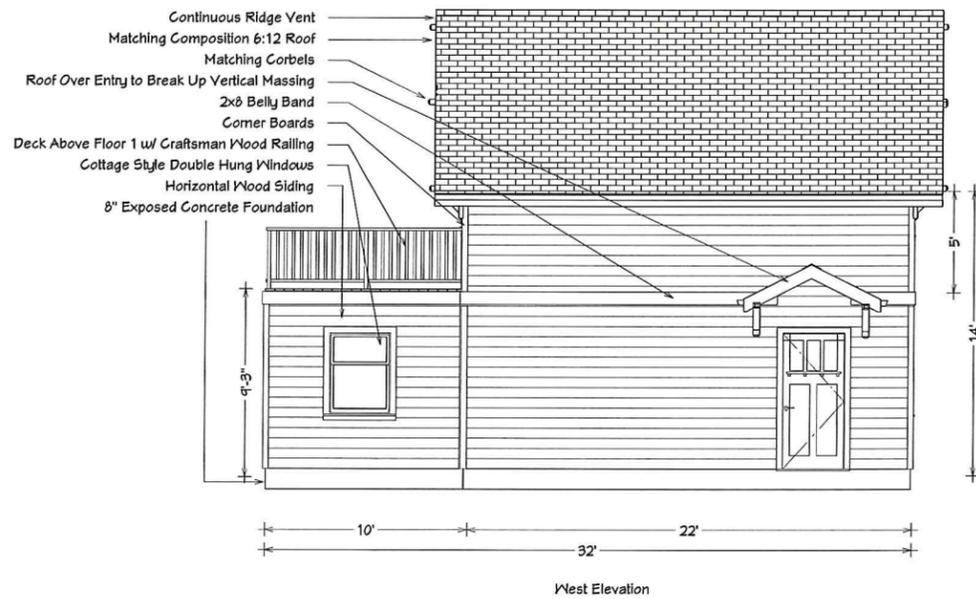
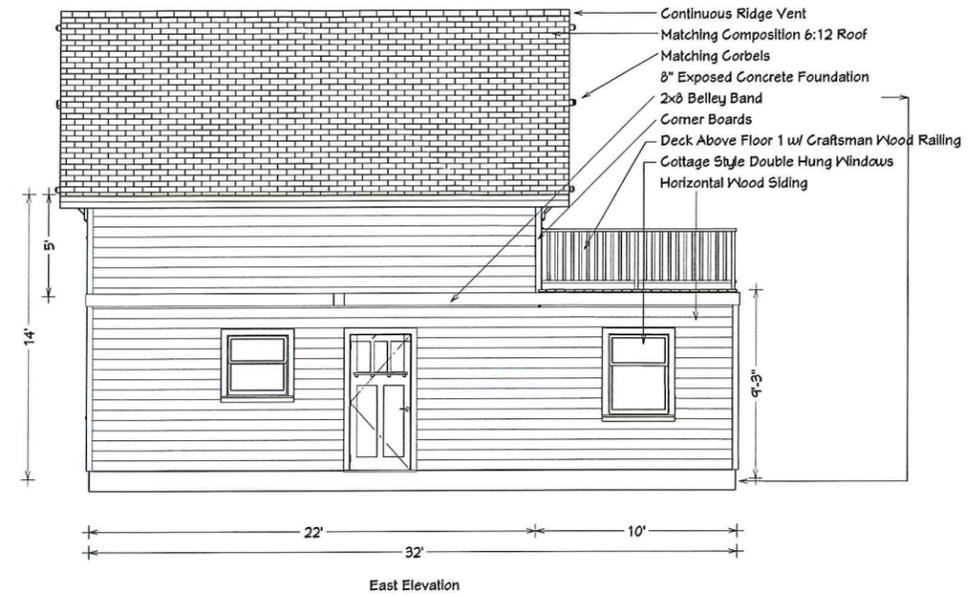
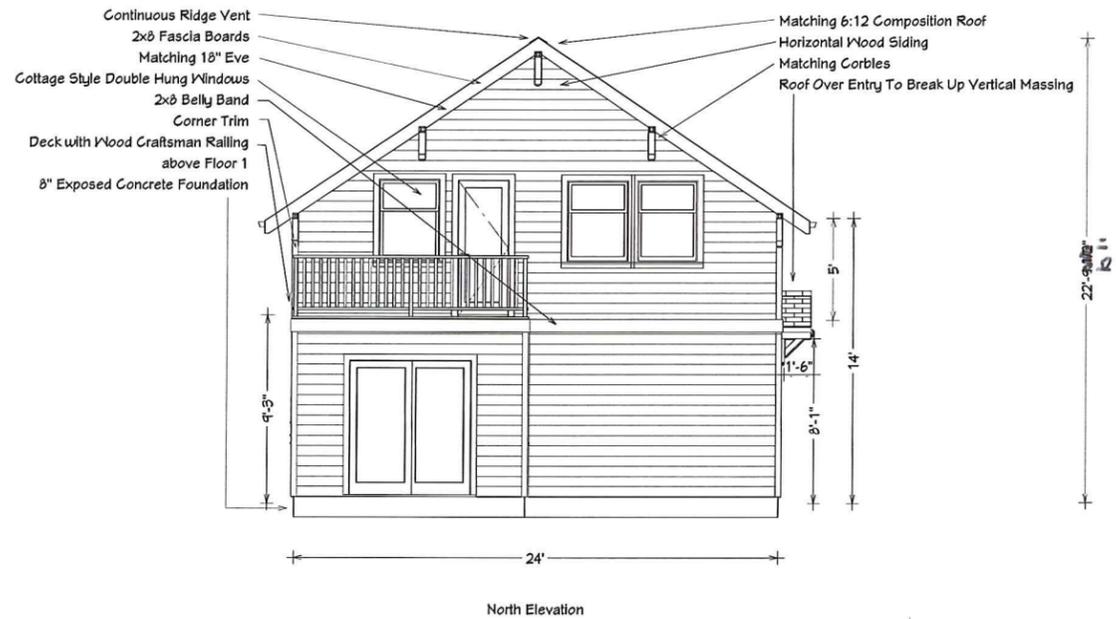
12/21/2015

SCALE:

1/4" = 1'

SHEET:

A2



REVISION TABLE	REVISION BY	DESCRIPTION

Integrity Building
Contractors
PO 225 Ashland OR 97520

Saturen/McMillan
Cottage
868 A Street
Ashland OR 97520

Aspen Design
PO Box 225
Ashland OR 97520

RECEIVED
DEC 22 2015
City of Ashland

DATE:
12/21/2015
SCALE:
1/4" = 1'
SHEET:
A3



REVISION TABLE	
NUMBER	DATE

Integrity Building
Contractors
PO 225 Ashland OR 97520

Saturen/McMillan
Cottage
868 A Street
Ashland OR 97520

Aspen Design
PO Box 225
Ashland OR 97520

DATE:
12/21/2015

SCALE:
Not To Scale

SHEET:
A4

RECEIVED
DEC 22 2015
City of Ashland

RECEIVED

DEC 07 2015

City of Ashland Planning Department

December 6, 2015

City Of Ashland

To Whom it May Concern,

When Harriet and Steve Saturen and I purchased the property at 868 A Street in Ashland over ten years ago it was our dream to ultimately renovate both the house and the cottage and live there. Harriet and Steve would occupy the house and I would occupy the cottage. We knew at the time that there would have to be work done on both buildings, but we were excited to envision living on A Street in Ashland, as we have always liked the Railroad District neighborhood.

As Harriet and Steve recently renovated the main house they took great care in its design and worked cooperatively with the Historic Commission to make sure that the new structure would be in keeping with the neighborhood's look and feel. At times they altered what they were originally envisioning in order to work with the desires of the Historic Commission. It is easy to see, now that it is completed, that they were successful with that, and it is a very attractive addition to the neighborhood.

Now it is time for the cottage to be renovated. I will be living there with my partner, Shari Southard. We are both artists. Shari is an accomplished visual artist and I am a published author. Part of the redesign of the cottage involves adding a second floor to it that will include two small studios for us, as well as some small amount of additional living space in order for it to be large enough for two people to live in it. It is now only 500 square feet. It will not be a large home, but adding approximately an additional 500 square feet will bring it to about 1000 square foot total, enough for the two of us.

We have been working closely with Mark Lackey, of Integrity Building, who has been consulting with the Historic Commission and the Planning Department. Shari and I have also been willing to work with their ideas and have altered some of what we were planning for our home in order to do so.

Everything we are doing is in compliance with city codes, and it is unfortunate that some of our neighbors have reacted to the plans negatively. I understand that change is hard, but the cottage will be renovated with the same care and attention to design needs, as was the main house.

We are not infringing on anyone's solar access. And while I am sad that our second story may obscure some of our neighbor's view of Mt. Grizzly, that very same neighbor constructed a second floor on her home, effectively obscuring our view of the watershed mountains to the west.

We cannot build out, as the cottage sits close to the alley. Building up is the only way we have of adding some much needed space to our home.

The plans we have come up with, with Mark's help, will actually make the cottage have a much more harmonious look to it, matching the look of the main house, and fitting in well with the overall look of the neighborhood.

My only desire here is to create a home that my partner and I can live and work in, one that fits in well with the look of the neighborhood, and to be, as we have always been, no matter where we live, good neighbors to those around us. We thought that changing these homes from rentals to owner occupied and renovating them would be positive additions to our neighbors. It has been most distressing to be met with so much negativity from a few neighbors when what we are trying to do is to improve our own property in accordance with regulations of the city and the input from the Historic Commission.

Harriet and Steve and I are old friends, dating back to the University of Oregon in the 1970's. It has

long been a dream of ours to live in proximity to one another, which is why we bought the property years ago. We would greatly appreciate anything you can do to facilitate this process and to help us to finally achieve that dream.

Thank you so much for your consideration with this.

Linda Millemann
Harriet Saturen
Steve Saturen

*Linda Millemann
Harriet Saturen
Steve Saturen*

RECEIVED

DEC 07 2015

City Of Ashland

ASHLAND HISTORIC COMMISSION
Meeting Minutes

DRAFT

December 2, 2015

Community Development/Engineering Services Building – 51 Winburn Way – Siskiyou Room

REGULAR MEETING - CALL TO ORDER 6:00p.m. – SISKIYOU ROOM in the Community Development/Engineering Services Building, located at 51 Winburn Way

Historic Commissioners Present: Mr. Skibby, Ms. Renwick, Mr. Emery, Mr. Ladygo, Mr. Shostrom, Mr. Giordano, Mr. Swink, Mr. Whitford

Commission Members Absent: Ms. Kencairn (E)

Council Liaison : Carol Voisin

Staff Present: Staff Liaison: Mark Schexnayder; Clerk: Regan Trapp

APPROVAL OF MINUTES:

Mr. Giordano motioned to approve minutes with corrections from November 4, 2015. Mr. Ladygo seconded. Mr. Whitford and Mr. Swink both abstained.

PUBLIC FORUM:

Bruce Bayard of 621 A Street, Ashland, Oregon, addressed the Commission regarding the Gateway Island Project. Mr. Bayard briefly described his time as a Public Arts Commissioner and stated that he was on the selection panel for the Gateway Island Project. Mr. Bayard went on to say that his reason for speaking is because he would like to see better intra-commission relationships between the Public Art Commission and Historic Commission. He spoke on past experiences with the flawed process and would urge the Historic Commission to participate in the process and find better ways to communicate within the City Commissions.

Mr. Skibby closed the public forum.

COUNCIL LIAISON REPORT:

Ms Voisin gave the Council Liaison report.

Mr. Skibby read aloud the procedure for public hearings.

PLANNING ACTION REVIEW:

PLANNING ACTION: 2015-02203

SUBJECT PROPERTY: 868 A Street

OWNER/APPLICANT: Linda McMilleman & Steve Saturen/ Mark Lackey

DESCRIPTION: A request for Site Design Review and a Conditional Use Permit to allow for a second story addition to the existing cottage at the rear of the property located at 868 A Street.
COMPREHENSIVE PLAN DESIGNATION: Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 09AA; **TAX LOTS:** 6800.

There was no conflict of interest or ex parte contact with the applicant.

Mr. Schexnayder gave the staff report on PA-2015-02203.

Mr. Skibby opened the public hearing to the applicant.

Amy Gunter of Rogue Planning and Development at 1424 S. Ivy, Medford, Oregon addressed the Commission. Ms. Gunter emphasized that the target use of the zone is general office developed at a .5 floor area ratio which equates to a 3,250 square foot office or office/residential combo. She went on to say that in E-1 zones you can have 85% lot coverage and no setbacks to the north. There is a 40 ft height limitation (or 3 stories) with a rear yard setback of 10 ft per story when abutting a residential zone. Ms. Gunter implied one could argue that the "residential use", is non-conforming. She stated that the property has been a residential unit for decades and has been granted conditional use permits to further the residential growth. Ms. Gunter elaborated on the Conditional Use Permit criteria and compared the home to the neighboring lots and then passed around some photos of the different lots to show similarity in bulk and massing. Ms. Gunter heartily endorsed the architectural compatibility of the existing structure as compared with the Historic Design Standards and the scale and height are comparable to other buildings in the E-1 zone. Ms. Gunter clarified that they have taken all necessary measures to make it look like a residential unit and have continued the residential elements that are happening on the existing house, making it compatible with the residential structures in the vicinity.

There were questions from the Commission regarding foundation, placement of buildings, siding materials and setbacks. Ms. Gunter elaborated on materials used for the project.

Mr. Skibby closed the public hearing to the applicant and opened to the public for comments.

Robert Monroe owner of Cabinet Works at 165 B Street, Ashland, Oregon addressed the Commission. Mr. Monroe gave a history of the development in the A Street area and stressed that he has concerns about the setbacks of the structure. Mr. Monroe directed attention to 18.1.4.030 from the land use code which talks about non-conforming structures. Mr. Monroe is concerned about it blocking neighbor's views of the mountains and will look right into Mr. Adelman's backyard creating a privacy issue.

Stacy McCullough of 267 8th Street, Ashland, Oregon addressed the Commission. Ms. McCullough told the Commission that the 2nd story addition will block all her views of the mountains and she would not get the morning sun along the alleyway like she does now. She emphasized that the reason she bought her home was for the views she gets and believes she will be "blocked in" if the structure is allowed to be built. She showed the Commission photos of her views of the mountains.

Allen Adelman of 886 A Street, Ashland, Oregon addressed the Commission. Mr. Adelman is concerned that if the structure goes up he will lose his privacy. He stated that the applicant is pushing the envelope with the proposed setbacks. He went on to say that he lives in an 800 square foot home and will feel boxed in if the structure goes up. There are numerous parking issues in the neighborhood and he feels that the Commission needs to look at the bigger picture. He invited the Commission to come to the area and look at what is proposed for it. Mr. Monroe spoke out of order and said that the basement is finished and has bedrooms in it. Mr. Adelman finished by stating that he never received the Notice of Complete in the mail.

Mr. Skibby closed the public hearing and opened to staff for comments.

Mr. Schexnayder called attention to the mailing of the Notice. He stated that, according to the labels and affidavit, the Notice was mailed to Mr. Adelman. Mr. Schexnayder went on to say that in the non-conforming section of the Land Use Code 18.1.4.030 a non conforming structure may be

altered with planning approval of a Conditional Use Permit. Mr. Skibby commented that according to the Land Use Code, no one is guaranteed a view and Mr. Schexnayder concurred. There was much discussion on the solar ordinance, setbacks and what is allowed in E-1 and residential zones.

Mr. Skibby opened the hearing to the applicant for rebuttal time.

Ms. Gunter addressed the Commission and wanted to reiterate that the criteria speaks to massing scale and height compared to the target use of the zone. She stated that yes the setbacks are non-conforming but they would still have much less of an impact than a 40 ft tall structure 20 ft off the property line would. She went on to say that views are not protected through the Land Use Ordinance and they believe they have met all criteria for the Historic District Site Design and Use Standards.

Mr. Schexnayder stated that with the Conditional Use Permit, this is would all be legal and by code and would be a staff administrative decision.

Mr. Skibby closed to the applicants and opened to the Commission for comments.

Commissions concerns are setbacks and the lack of an additional 10 feet for setback. They spoke about protecting the residential setback when adjacent to E-1 and believe it should be honored. Mr. Giordano thought a compromise might be to make the structure 1 ½ stories rather than 2 to preserve some views and sunlight but it would eliminate half of the upstairs. The Commission as a whole was undecided on this option and the decision was to continue this Planning Action until the next meeting to give the applicant time to respond.

The first motion, made by Mr. Shostrom was to deny PA-2015-02203 but was withdrawn to give the applicants more time to alter their design.

Mr. Shostrom motioned to continue PA-2015-02203 until January's meeting and allow the applicant time to respond to compliance with scale and massing in relation to the setbacks and try to meet existing ordinances and standards within the zone. Mr. Swink seconded. No one opposed.

NEW ITEMS:

- Review board schedule
- Project assignments for planning actions
- 85 Winburn Way

Mr. Schexnayder addressed the Commission regarding the reasons 85 Winburn Way will not be presented for planning action review. He went on to say that this is a hillside physical and environmental constraints permit and is not subject to Site Design or Conditional Use Permit review by the Historic Commission. He stated that the applicants have asked for the opportunity to present the proposal to the full Commission.

Carlos Delgado, Architect at 217 Fourth Street, Ashland, Oregon addressed the Commission. He presented the color rendering of the proposed residence at 85 Winburn Way to the Commission. Mr. Delgado gave an overview of the project proposal and gave a brief history on the applicants, Bryan and Stephanie Deboer. Mr. Delgado pointed out that the applicants are wanting a more "urban project" home in Ashland, to retire in. He went on to say that they are meeting all the standards in the Historic District in regards to height, solar, setbacks, MPFA and wall frontages.

Mr. Skibby commented that it's modern but the design and texture fits nicely in the area. Ms. Renwick called attention to the fact that it looks way smaller than it really is. Mr. Shostrom outlined the fact that it is residential, but it doesn't look like it. He went on to say that all the buildings in the area, even though commercial, have a residential feel. Mr. Shostrom mentioned that in looking at the proposal it speaks to the transition between commercial and residential because of the high scale of design. He commented that the way the building "steps up" is a soft feel and the applicant has done a great job with the cascading effect of the planter boxes and the recessed parking and lower parking garage are a great concept. Mr. Ladygo said as compared to the previous drawings, this is a beautiful design and the massing is good. Ms. Renwick appreciates how Mr. Delgado addressed the issue of the driveway by not having them back out onto Winburn Way.

The Commission asked questions about design of pillars and retaining walls, siding (possibly redwood, cedar, or teak) and tree removal.

The Commission, as a whole, feels this is an appropriate project for the area and will improve it greatly.

OLD BUSINESS:

Email from David Sherr regarding plantings in the Plaza – The Commission discussed this and agreed that no one needs to respond to the email.

"Gather" sculpture – Emails

Ms. Renwick addressed the email and stated that the City allows service to 2 Commissions according to chapter 2.04.09.09C. Ms. Renwick went on to say that herself and Ms. Kencairn have no conflict of interest in regards to the selection of the art. Ms. Renwick impressed upon the fact that the sculptress will be doing her own landscaping. She clarified that at the study session for the council they concluded that the process taken by the Public Arts Commission was legal and by the rules. She impressed upon the fact that if the Historic Commission doesn't agree with the rules then they need to be active in changing them. Mr. Skibby stressed that the City Council is working on some ideas for better communication between the Commissions. Mr. Ladygo emphasized that there are 2 qualified members that would be interested in a liaison position between both the Historic Commission and the Public Arts Commission. He went on to say that if the communication lines were open between the Commissions then there wouldn't be this immediate conflict. Mr. Ladygo added that the emails that have been sent regarding the "Gather" sculpture are all subjective in nature and based on "personal taste". He stated that the sculpture would not obstruct anyone's views and will blend in, in any season. Mr. Swink expressed his disappointment at not being able to attend the meeting in November and that he would have made more of a statement against the sculpture. Mr. Swink believes that while the sculpture is nice looking, it's inappropriately placed and doesn't represent Ashland for him. Ms. Renwick interrupted Mr. Swink by saying it's subjective. Mr. Swink agreed with Ms. Renwick that it is subjective but stated that he has seen a lot of public artwork in relation to historic buildings and believes that something better could have been chosen. There was much discussion about the size, scale, and appropriateness of the sculpture where Commissioners were voicing their opinions. Ms. Renwick briefly outlined what Ms. Voisin had said at the last meeting and stated that "It's not about the art". Their job was to focus on the scale, size, materials and location of the sculpture, that's all. Mr. Skibby moved the discussion along and said they will wait to hear from the City Council on the process. Ms. Renwick made a recommendation to the Commission by going to the City's website and clicking on the gateway project banner public input section. She went on to say that they are

taking the public's responses and creating word clouds. In Ms. Renwick's opinion they are one of the most effective visual things she has ever seen.

DISCUSSION ITEMS:

There were no items to discuss.

COMMISSION ITEMS NOT ON AGENDA:

Mr. Skibby shared with the Commission in regards to a visit he had with Barry Thalden, an architect from SOU. Mr. Thalden invited Mr. Skibby to look at a sign making router. Mr. Thalden offered to engrave the plaques for the Historical markers at a low cost. Mr. Skibby passed around samples of the plaques to the Commission. Mr. Skibby reported that all the engraving is done on the computer and the service is available if this is the way everyone wants to go. Mr. Skibby says they may work with smaller projects. Mr. Shostrom and Ms. Renwick were concerned about the quality of the material and how long it would last. This material may be able to be used in other areas of the City.

Review Board Schedule

December 10 th	Terry, Allison, Bill
December 17 th	Terry, Sam, Andrew
December 24 th	Terry, Kerry, Tom
December 31 st	Terry, Kerry, Bill
January 7 th	Terry, Keith, Tom

Project Assignments for Planning Actions

PA-2014-01956	Lithia & First	All
PA-2014-00710/711	143/135 Nutley	Swink & Whitford
PA-2014-01283	172 Skidmore	Shostrom
PA-2014-00251	30 S. First St	Whitford
BD-2013-00813	374 Hargadine	Swink
PA-2013-01828	310 Oak St. (Thompson)	Shostrom
PA-2014-02206	485 A Street	Renwick
PA-2015-00178	156 Van Ness Ave	Kencairn
PA -2015-00374	160 Lithia Way	Emery
PA-2015-00541	345 Lithia Way	Giordano & Renwick
PA-2015-00493	37 N. Main	Skibby
PA-2015-00878	35 S. Pioneer	Ladygo
PA-2015-01163	868 A' Street	Kencairn
PA-2015-00980	637 B' Street	Shostrom
PA-2015-00797	266 Third	Ladygo
PA-2015-01115	34 S. Pioneer	Ladygo
PA-2015-01496	35 S. Second-Winchester Inn	Shostrom
PA-2015-01512	198 Hillcrest	Swink
PA-2015-01695	399 Beach	Skibby
PA-2015-01769	860 C	Renwick
PA-2015-01517	209 Oak	Shostrom

ANNOUNCEMENTS & INFORMATIONAL ITEMS:

Next meeting is scheduled for January 6, 2016 at 6:00 pm.

There being no other items to discuss, the meeting adjourned at 8:11pm

Respectfully submitted by Regan Trapp

ASHLAND HISTORIC COMMISSION

Planning Application Review

February 3, 2016

PLANNING ACTION: PA-2015-02203

SUBJECT PROPERTY: 868 A Street

APPLICANT: Mark Lackey

OWNER: Linda Millemann, Steven and Harriet Saturen

DESCRIPTION: A request for a Site Design Review and a Conditional Use Permit to allow for a second story addition to the existing cottage at the rear of the property located at 868 A Street.

COMPREHENSIVE PLAN DESIGNATION: Employment; **ZONING:** E-1;

ASSESSOR'S MAP: 39 1E 09AA; **TAX LOTS:** 6800

Recommendation:

The Historic Commission recommends approving the application as submitted. The Historic Commission believes that the applicants have made changes to architectural details of the structure that make the building more historically accurate. In addition, the height, bulk, and scale of the structure is appropriate for the historic district.



BEFORE THE PLANNING COMMISSION
February 9, 2016

IN THE MATTER OF PLANNING ACTION #2015-02203, A REQUEST FOR A)
CONDITIONAL USE PERMIT AND SITE DESIGN REVIEW TO ALLOW FOR)
THE RECONSTRUCTION OF AN EXISTING NONCONFORMING RESIDENTIAL)
UNIT LOCATED AT THE REAR OF THE PROPERTY FOR THE PROPERTY) **FINDINGS,**
LOCATED AT 868 A STREET. THE PROPOSAL ALSO INCLUDES EXPANDING) **CONCLUSIONS,**
THE FIRST FLOOR OF THE NONCONFORMING STRUCTURE AND ADDING) **& ORDERS**
A SECOND STORY.)
)
)
)

APPLICANTS: Mark Lackey)
-----)

RECITALS:

- 1) Tax lot #6800 of Map 39 1E 09 AA is located at 868 A Street and is zoned E-1, Employment.
- 2) The hearing before the Planning Commission involves a request for a Conditional Use Permit and Site Design Review to reconstruct an existing nonconforming residential unit and enlarge the first floor by approximately 120 square feet and add a second floor approximately 528 square feet. The proposal is outlined in the plans on file in the Department of Community Development.
- 3) The criteria for Conditional Use Permit approval are described in **AMC 18.5.4.050.A** as follows:
 1. *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.*
 2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
 3. *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, pursuant with subsection 18.5.4.050.A.5, below. 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.*
 - a. *Similarity in scale, bulk, and coverage.*
 - b. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of*

- facilities.*
- c. Architectural compatibility with the impact area.*
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.*
 - e. Generation of noise, light, and glare.*
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.*
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.*
- 4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
 - 5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
 - a. **WR and RR.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - b. **R-1.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - c. **R-2 and R-3.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - d. **C-1.** The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - e. **C-1-D.** The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.*
 - f. **E-1.** The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - g. **M-1.** The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.*
 - h. **CM-C1.** The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.*

- i. **CM-OE and CM-MU.** *The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.*
 - k. **CM-NC.** *The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
 - l. **HC, NM, and SOU.** *The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*
- 4) The criteria for Site Design Review approval are described in **AMC 18.5.2.050** as follows:
- A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
 - B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
 - C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
 - D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
 - E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
 - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design 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 Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
 - 2. *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 Development and Design Standards.*

5) The Planning Commission, following proper public notice, held a public hearing on February 9, 2016 at which time testimony was heard and evidence was presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for a Conditional Use Permit and Site Design Review meets all applicable criteria for Conditional Use Permit approval described in AMC 18.5.4.050 and Site Design Review approval described in AMC 18.5.2.050.

2.3 The Planning Commission finds that the application involves a request for a Conditional Use Permit and Site Design Review to reconstruct a nonconforming residential unit located at the rear of the property and to expand the first floor by approximately 120 square feet and add a second floor approximately 528 square feet for the property located at 868 A St. As proposed, the unit would be slightly more than twice the current size, with a total size of 1,176 square feet. The reconstructed structure would be located four feet from the rear property line.

The subject property is located at 868 A Street, within the Historic District overlay and is zoned Employment (E-1). The property is bounded by an alley to the South, employment-zoned properties to the East and West, and A Street to the North. The area across the alley to the South is zoned Multi-Family Residential (R-2). The alley abutting the rear of the subject property is a 16-foot wide right-of-way and the driving surface appears to be approximately 13-feet in width. The subject property is 6,534 square feet in size.

The primary residence was constructed in 1906 and is listed as a “historic contributing” structure on the National Register of Historic Places as part of the Ashland Railroad Addition Historic District. The existing historic residence was constructed as a one-story wood frame cottage in a bungalow style.

The primary residence includes approximately 2,499 square feet of living area according to the August 2015 building permit for the porch addition to the home. The house has a full basement of which approximately two-thirds is heated living space. Again according to the August 2015 building permit, the primary residence meets the required setbacks and is located 36 feet from the rear property line.

A second detached residential unit is located at the rear of the property. This structure is a garage that was converted into a residential unit after receiving a Conditional Use Permit approval in 1991 (PA 91-123). The square footage of this unit is approximately 538 square feet according to the application. According to the plans on file from the 1991 approval, the existing structure is a one-story building with that is 12 feet in height from grade to the peak of the roof.

With the approved conversion of the garage to a residential unit, two off-street parking spaces were required for the existing dwelling and one additional parking space was required for the second unit for a total of three vehicle parking spaces. The planning approval at that time noted that the three parking spaces were to be provided off of the rear alley. The approved site plan shows two off-street spaces located on the property at 868 A Street and one off-street parking space on the neighboring property at 864 A St.

The current application and site plan indicate there are two off-street parking spaces located at the rear of the subject property. While not addressed in the application materials, the applicants’ representative indicated that the third off-street parking space located on the neighboring property at 864 A St., which in previous approvals was identified as serving the subject property, was not secured by an easement or any other similar instrument.

The proposed structure will have a peak height of 22 feet 10 inches with an average height of 18.4 feet. The existing structure is 24 feet wide as measured along the rear property line and no change to the width is proposed. The proposed structure would have a single gable roof with a 6:12 pitch. The existing structures ridge runs East / West, parallel to the alley. The proposed gable ridge would be turned to orient in a North / South direction, consistent with the existing historic contributing structure on the subject property. A second story deck is proposed to be added above the new first story addition.

The exterior materials proposed for the structure are consistent with the recently restored primary dwelling. Horizontal wood siding with similar reveal, 2 x 8 fascia boards, corbels, 2 x 8 belly band, corner boards, and “cottage” style double hung windows. The application indicates the structure will require a new foundation and an eight-inch reveal. The installation of a new foundation indicates that the existing structure will be demolished.

The application proposes to provide two off-street parking spaces in the Southwest corner of the property and to use two on-street parking spaces adjacent to the property frontage on A St.

2.4 The Planning Commission finds that a Conditional Use Permit may be granted if the approval

authority finds that the application meets all applicable criteria, or can be made to conform through the imposition of conditions.

The first of these criteria is, “*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.*” Outside of the nonconforming aspects of the structure at the rear of the property and of the residential uses discussed below, the subject site meets the requirements of the E-1 district. According to the August 2015 building permit submittals, the primary residence meets the required setbacks and is located 36 feet from the rear property line. The existing and proposed buildings are below the maximum height of 40 feet that is allowed in the E-1 zone.

The existing second dwelling unit is a nonconforming structure because the structure does not comply with the rear yard requirements of the E-1 zone. The existing structure is located approximately four feet from the rear property line. A new structure in the E-1 zone requires a rear yard of ten-foot setback per story where the site abuts a residential zone. The subject property is located in the E-1 zone and the opposite side of the alley is in the R-2 zone. As a result, a new two story structure on the subject site would have to locate the first story at least ten feet from the rear property line and the second story at least 20 feet from the rear property line.

The use of the property for two residential units is a nonconforming use. If the property were being newly developed under current regulations, only 50 percent of the lot could be dedicated to residential purposes when there are multiple buildings (AMC 18.3.13.010.C.1). The primary residence has been use as a residential unit throughout the planning approval history but in the early 1990’s a portion of the house was used for a beauty salon. Later the house and second unit were approved as a motel but the owner continued to live on site in the primary residence.

The second criterion is, “*That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*” A Minor Land Partition and Site Design Review approved in 1982 required that the applicant agree to provide the primary vehicular access to the property via the rear alley and required to be paved by the applicant along the entire property’s alley frontage in order to provide adequate access for vehicles and fire apparatus (PA 82-84). In 1989, the Site Design Review and Parking Variance allowing for a beauty salon on the subject property required, as part of the conditions of the approval, that the parking area at the rear of the subject property be cleaned, improved, and striped prior to the commencement of the use (89-146). As part of the Conditional Use Permit approving the second dwelling unit in 1991, it was noted that adequate water, sewer, storm drain and electric facilities were required to serve the second dwelling unit. In 1998 the Conditional Use Permit to allow for the expansion of a traveler’s accommodation from two units to three units required as conditions of approval that A Street should be fully improved and that curb cuts be reframed and filled with concrete (PA 98-065). A sidewalk is in place in the A St. right-of-way adjacent to the subject property. The Planning Commission finds that these findings remain applicable for the current request.

The third criterion is, “*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, pursuant with subsection 18.5.4.050.A.5, below. 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: a) similarity in scale, bulk, and coverage; b) generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities; c) architectural compatibility with the impact area; d) air quality, including the generation of dust, odors, or other environmental pollutants; e) generation of noise, light, and glare; f) the development of adjacent properties as envisioned in the Comprehensive Plan; and g) other factors found to be relevant by the approval authority for review of the proposed use.”

In this case, the lot size is 6,534 square feet and the target use of the property is a 3,267 square foot general office building. The combined square footage of the primary residence and the proposed two-story residence is 4,207 square feet. An office building of target use size would require seven off-street parking spaces whereas the current proposal requires four off-street parking spaces.

A new general office building in the E-1 zone requires a rear yard of ten-foot setback per story where the site abuts a residential zone. The subject property is located in the E-1 zone and the opposite side of the alley is in the R-2 zone. As a result, a new structure on the subject site would have to locate the first story at least ten feet from the rear property line, the second story at least 20 feet from the rear property line, and the third story at least 30 feet from the rear property line. The same setbacks would apply if the existing home were converted and added on to create a general office building. The allowed building height in the E-1 zone is 40 feet, which is typically the equivalent of a three-story building.

In terms of the target use comparison, the question is whether a greater adverse material effect on the surrounding neighborhood or impact area would result from the proposal to reconstruct and expand the residential unit within four feet of the alley compared to a new general office building or the existing home converted to an office building that meets the rear yard requirements of ten feet per story.

In terms of similarity in scale, bulk, and coverage, the proposed structure will have a peak height of 22 feet 10 inches with an average height of 18.4 feet. The existing structure is 24 feet wide as measured along the rear property line and no change to the width is proposed. The proposed structure would have a single gable roof with a 6:12 pitch which is the same as the primary residence. The existing structures ridge runs East / West, parallel to the alley. The proposed gable ridge would be turned to orient in a North / South direction, consistent with the existing historic contributing structure on the subject property.

The surrounding area contains a mix of historic and more modern structures in a variety of architectural styles. The lots on A St. from Seventh St. to Eight St. include historic residences as well as more contemporary structures such as a cabinet shop. The properties on the South side of the alley are in the R-2 zone and the structures are clearly residential.

The interface of the structures with the alley is also varied. On the north side of the alley, there five properties. The majority of the alley frontage is comprised of parking areas or yard areas. There are two

properties that have structures directly abutting the alley with little or no setback located at 864 and 842 A St. Both of the aforementioned properties have a smaller volume portion of the building abutting the alley with to a larger building attached approximately 10 to 20 feet into the property. The two properties on the south side of the alley are residential buildings and have side yards facing the alley. These structure are between six to ten feet from the property line abutting the alley with one of the two being a one-story building and the other being a two-story building.

The height of the proposed reconstructed second unit is similar to, if not smaller than, the residential structure on the opposite side of the alley located at 267 Eighth St. In addition, the 16-foot wide alley right-of-way provides an additional buffer between properties in the employment and residential zones which mitigates the impact of the height of the proposed reconstructed second unit. In terms of scale, the proposed reconstructed second unit is relatively narrow at 24 feet in width when measured parallel to the alley and the scale is considerable smaller or narrower than the structure located at 842 A St. or the residential structures on the South side of the alley. The coverage of the property with the proposed reconstruction and expansion of the second residential unit is proposed to be at 50% which again is similar to the residential structures to the south of the alley and to the residence to the east located at 886 A St. The Planning Commission finds the historic development pattern of the E-1 zone properties on the north side of the alley includes structures that are located at or within a few feet of the property line adjacent to the alley and therefore do not meet current requirements for a ten-foot setback per story.

Despite the employment zoning of the current times, the property was developed historically as a residential property. The primary residence is designated as a historic contributing structure on the National Register of Historic Places as part of the Ashland Railroad Addition Historic District. The historic status means that it is important to the integrity of the nationally-listed Ashland Railroad Addition Historic District that the historic integrity of the primary residence is preserved. According to the applicant's testimony at the Historic Commission meeting on February 3, 2016, the alternative to the proposed detached two-story structure is to add a second story to the historic contributing structure. The Historic Commission felt that a second story addition to the primary residence would likely be less architecturally compatible with the impact area than the proposed detached residential unit at the rear of the property. The Historic Commission felt the flexibility in the rear yard setback allows the property to evolve in a way that is architecturally compatible with the impact area, consistent with the development pattern of the impact area, and will at the same time preserve the historic home. The Planning Commission agrees with the Historic Commission and finds that the reconstructed and enlarged second unit at the rear of the property is similar in scale, bulk, and coverage to the surrounding structures in the impact area.

The exterior materials proposed for the structure are consistent with the recently restored primary dwelling. Horizontal wood siding with similar reveal, 2 x 8 fascia boards, corbels, 2 x 8 belly band, corner boards, and "cottage" style double hung windows. The application indicates the structure will require a new foundation and an eight-inch reveal. The Planning Commission finds the exterior materials are architecturally compatible with the existing historic structure and surrounding area.

The Institute of Transportation Engineers (ITE) Trip Generation manual assume approximately 9.55 daily trips for a typical single family residence and 6.47 daily trips for a multi-family residential unit.

This would put the likely daily trips for two dwelling units here at 13-20 daily trips. In comparison, the target use of a 3,267 square foot office would generate an average of 36 trips a day. Therefore, the two residential units will generate fewer trips and impacts on surrounding streets than the target use of the property of a 3,267 square foot office building. In addition, it is difficult to make a determination that there is a demonstrable difference in the likely noise, light and glare or generation of dust and odors that would be generated by two residential units compared to a general office building.

The Planning Commission finds that adjacent properties are largely developed according to the Comprehensive Plan's vision, and that the reconstruction of the second dwelling unit at the rear of the property will not adversely impact further development.

The Planning Commission finds that the proposal to reconstruct and expand the residential unit within four feet of the rear property line will not create a greater adverse material effect on the impact area compared to a general office use of approximately 3,200 square feet in size. Whether the general office use was accommodated in a new general office building or the existing home converted to an office building, the use could be accommodated and meet the rear yard requirements of ten feet per story. However, the building could be multi-story. A typical two-story office building in Ashland is approximately 30 feet in height and would be taller than the proposed reconstructed and enlarged second unit at just under 22 feet to the peak of the roof. Additionally, a general office building would typically be a wider structure that is larger in scale and size than the proposed 24-foot wide residential unit. Finally, according to ITE estimates the target use would generate approximately 16 to 23 additional automobile trips per day than the proposed development consisting of two residential units.

The fourth criterion is that, "*A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*" In this instance, the proposed reconstruction and enlargement of a nonconforming structure is permitted through the Conditional Use Permit process in accordance with AMC 18.1.4.030.B.

The fifth criterion provides that, "*For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of [the]... E-1 ... [zones are as follows]: The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*" In this case, the lot size is 6,534 square feet and the target use of the property is a 3,267 square foot office building.

2.5 The project requires Site Design Review because any project involving two or more residential units requires Site Design Review approval (AMC 18.5.2.020.B.1) and is subject to the Historic District Standards in AMC 18.4.2.050 because the project is located in the Historic District overlay (AMC 18.3.12.050).

The first approval criterion for Site Design Review is that, "*The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building*

orientation, architecture, and other applicable standards.” Outside of the nonconforming aspects of the structure at the rear of the property and of the residential uses discussed below, the subject site meets the requirements of the E-1 district. According to the August 2015 building permit submittals, the primary residence meets the required setbacks and is located 36 feet from the rear property line. The existing and proposed buildings are below the maximum height of 40 feet that is allowed in the E-1 zone. The landscaped area is approximately 50 percent of the lot area which exceeds the 15 percent requirement.

The second Site Design Review approval criterion is that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* The project is subject to the Historic District Standards in AMC 18.4.2.050 because the project is located in the Historic District overlay (AMC 18.3.12.050). The proposed reconstruction and enlargement of the residential unit at the rear of the property is within the range of heights of the buildings on and across the alley, is of a similar scale (i.e., height, width, and massing) of buildings in the vicinity, is consistent with setback lines of adjacent historic buildings, and has a similar roof pitch with historic residential buildings in the vicinity. The form of buildings (i.e., vertical versus horizontal building) is varied in the surrounding area and does not consist of a predominant orientation. The Planning Commission finds the application meets the Historic District Standards.

The third approval criterion is that, *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.”* The Planning Commission finds that generally, these standards seek to improve each project’s appearance; to create a positive, human scale relationship between proposed buildings and the streetscape which encourages bicycle and pedestrian travel; to lessen the visual and climatic impacts of parking; and to screen adjacent uses from adverse impacts of development. To these ends, buildings are to have their primary orientation to the street rather than to parking areas, with visible, functional and attractive entrances oriented to the street, placed within 20 feet of the street, and accessed directly from the public sidewalk. Sidewalks and street trees are to be provided along subject properties’ frontages, and automobile parking and circulation areas are not to be placed between buildings and the street. The orientation of the primary residence to the street is not impacted by the proposal and the property continues to satisfy these requirements.

The development requires a total of four off-street parking spaces with two spaces required for the primary dwelling and two spaces required for the proposed unit at the rear of the property (AMC 18.4.3.040). The application proposes to provide two parking spaces at the rear of the property and accessed by the alley, and to use the two on-street spaces on the on the property’s A St. frontage. The property as it exists today requires three off-street parking spaces with two required for the primary dwelling and one space required for the unit at the rear of the property. The proposed increase in the size of the unit at the rear of the property increases the off-street parking requirement by one space.

The 1998 planning application for a three-unit motel was required to have four off-street parking spaces and the approved configuration was three parking spaces adjacent to the alley and one on-street credit (PA 98-065). After reviewing the planning files, staff determined that one of the three off-street parking spaces that has been historically shown as serving the subject property is physically located on the adjacent property to the west (cabinet shop at 864 A St.). The applicants’ representative indicated that the third off-street parking space located on the neighboring property at 864 A St., which in previous

approvals was identified as serving the subject property, was not secured by an easement or any other similar instrument. As a result, this third parking spaces is not available for the current proposal.

In addition, according to the previous planning approvals it appears that the most westerly space on the subject property may cross the property line. A condition of approval is added that requires that the west property line is surveyed and the available width for two off-street parking spaces is verified or that a parking easement be obtained.

Off-street parking may be reduced by the use of on-street parking spaces (AMC 18.4.3.060.A). One on-street parking space may be used in place of one off-street parking space. The required off-street parking may be reduced up to 50 percent through an on-street parking credit. The use of on-street parking spaces to meet the required off-street parking requirement is not an automatic credit, but rather a discretionary decision that the Planning Commission.

The lots that front on A St. are zoned E-1 and could potentially be redeveloped into more intense mixes of commercial, light industrial, and or residential uses. The Planning Commission finds that the long term redevelopment of many or all of the lots in the impact area that are abutting A St. is unlikely given the historic development pattern, lot sizes, and recent investment in several of the properties. The on-street parking on the south side of A St. is currently underutilized and the Planning Commission finds that the use of on-street parking credits on the property's A St. frontage will not significantly impact the availability of on-street parking now or in the future.

The fourth approval criterion for Site Design Review is that, *"The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property."* A Minor Land Partition and Site Design Review approved in 1982 required that the applicant agree to provide the primary vehicular access to the property via the rear alley and required to be paved by the applicant along the entire property's alley frontage in order to provide adequate access for vehicles and fire apparatus (PA 82-84). In 1989, the Site Design Review and Parking Variance allowing for a beauty salon on the subject property required, as part of the conditions of the approval, that the parking area at the rear of the subject property be cleaned, improved, and striped prior to the commencement of the use (PA 89-146). As part of the Conditional Use Permit approving the second dwelling unit in 1991, it was noted that adequate water, sewer, storm drain and electric facilities were required to serve the second dwelling unit (PA 91-123). In 1998 the Conditional Use Permit to allow for the expansion of a traveler's accommodation from two units to three units required as conditions of approval that A Street should be fully improved and that curb cuts be reframed and filled with concrete (PA 98-065). A sidewalk is in place in the A St. right-of-way adjacent to the subject property. The Planning Commission finds that these findings remain applicable for the current request.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the request for a Conditional Use Permit and Site Design Review to reconstruct an existing nonconforming

residential unit and enlarge the first floor by approximately 120 square feet and add a second floor of approximately 528 square feet for the property located at 868 A St. is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2015-02203. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2015-02203 is denied. The following are the conditions and they are attached to the approval.

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That the approval shall be valid only if a property line determination by an Oregon-licensed surveyor is provided illustrating that the most westerly parking space located at the rear of the property can be provided entirely on the applicants' property or that an easement shall be granted for any part of the parking space on the adjacent property. Should a site plan based on an Oregon-licensed surveyor's property line determination demonstrate that an eight-foot by 16-foot compact parking space with a 22-foot back-up area can be provided entirely on the applicants' property the reconstruction of the residential unit at the rear of the property is approved.
- 3) That the application shall apply for and obtain a demolition permit for the removal of the existing second unit at the rear of the property in accordance with 15.04.210.
- 4) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this approval shall be submitted and approved prior to the issuance of a building permit.
- 5) That building permit submittals shall include:
 - a) The identification of all easements, including but not limited to any required public and private utility easements, mutual access easements, public pedestrian access easements, and fire apparatus access easements.
 - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Materials shall be consistent with those described in the application.
 - c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
 - d) Identification or required bicycle parking, which includes four covered bicycle parking spaces. Inverted u-racks shall be used for bicycle parking, and all bicycle parking shall be installed in accordance with design and rack standards in 18.4.3.070.I prior to the issuance of the certificate of occupancy. The building permit submittals shall verify that the bicycle

parking spacing and coverage requirements are met.

- e) Lot coverage calculations including all building footprints, driveways, parking, and other coverage areas.
 - f) That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
- 6) That prior to the issuance of the building permit, the commencement of site work including excavation, or the storage of materials:
- a) That tree protection measures shall be installed for all trees greater than six inches diameter at breast height on the subject property, including the two large evergreens in the northeast corner of the property, according to the AMC 18.4.5.030.C. The application shall obtain a Tree Verification Permit to inspect the installation of tree protection fencing for the trees to be protected on the site.
 - b) That all necessary building permits fees and associated charges, including permits and connections fees for new, separate, underground electrical services to each proposed unit, and system development charges for water, sewer, storm water, parks, and transportation (less any credits for previously demolished structures) shall be paid.
- 7) That prior to the final approval of the project or issuance of a certificate of occupancy:
- a) Screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards, and an opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure as required in AMC 18.4.4.040.
 - b) All bicycle parking shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to the issuance of the certificate of occupancy.
 - c) All required parking shall be in place, inspected, and approved by the Staff Advisor prior to obtaining a business license or operation of the Travelers' Accommodation. The parking spaces shall be painted/striped to clearly delineate the boundaries and shall be designated for regular and compact car parking accordingly.

Planning Commission Approval

February 9, 2016
Date

PA #2015-02203
February 9, 2016
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IN THE MATTER OF PLANNING ACTION #2015-02203, A REQUEST FOR A)
 CONDITIONAL USE PERMIT AND SITE DESIGN REVIEW TO ALLOW FOR)
 THE RECONSTRUCTION OF AN EXISTING NONCONFORMING RESIDENTIAL)
 UNIT LOCATED AT THE REAR OF THE PROPERTY FOR THE PROPERTY) **FINDINGS,**
 LOCATED AT 868 A STREET. THE PROPOSAL ALSO INCLUDES EXPANDING) **CONCLUSIONS,**
 THE FIRST FLOOR OF THE NONCONFORMING STRUCTURE AND ADDING) **& ORDERS**
 A SECOND STORY.)
)
)
)

APPLICANTS: Mark Lackey)
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RECITALS:

- 1) Tax lot #6800 of Map 39 1E 09 AA is located at 868 A Street and is zoned E-1, Employment.
- 2) The hearing before the Planning Commission involves a request for a Conditional Use Permit and Site Design Review to reconstruct an existing nonconforming residential unit and enlarge the first floor by approximately 120 square feet and add a second floor approximately 528 square feet. The proposal is outlined in the plans on file in the Department of Community Development.
- 3) The criteria for Conditional Use Permit approval are described in **AMC 18.5.4.050.A** as follows:
 1. *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.*
 2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
 3. *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, pursuant with subsection 18.5.4.050.A.5, below. 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.*
 - a. *Similarity in scale, bulk, and coverage.*
 - b. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
 - c. *Architectural compatibility with the impact area.*
 - d. *Air quality, including the generation of dust, odors, or other environmental*

- pollutants.*
- e. Generation of noise, light, and glare.*
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.*
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.*
4. *A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
5. *For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
- a. **WR and RR.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - b. **R-1.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - c. **R-2 and R-3.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - d. **C-1.** The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - e. **C-1-D.** The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.*
 - f. **E-1.** The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - g. **M-1.** The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.*
 - h. **CM-C1.** The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.*
 - i. **CM-OE and CM-MU.** The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.*

- k. **CM-NC.** *The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
 - l. **HC, NM, and SOU.** *The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*
- 4) The criteria for Site Design Review approval are described in **AMC 18.5.2.050** as follows:
- A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
 - B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
 - C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
 - D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
 - E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
 - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design 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 Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
 - 2. *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 Development and Design Standards.*
- 5) The Planning Commission, following proper public notice, held a public hearing on February 9, 2016 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission denied the application.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for a Conditional Use Permit and Site Design Review fails to meet all of the applicable criteria for a Conditional Use Permit and Site Design Review as described in AMC 18.5.4.050.A and AMC 18.5.2.050.

2.3 The Planning Commission finds that the application involves a request for a Conditional Use Permit and Site Design Review to reconstruct a nonconforming residential unit located at the rear of the property and to expand the first floor by approximately 120 square feet and add a second floor approximately 528 square feet for the property located at 868 A St. As proposed, the unit would be slightly more than twice the current size, with a total size of 1,176 square feet. The reconstructed structure would be located four feet from the rear property line.

The subject property is located at 868 A Street, within the Historic District overlay and is zoned Employment (E-1). The property is bounded by an alley to the South, employment-zoned properties to the East and West, and A Street to the North. The area across the alley to the South is zoned Multi-Family Residential (R-2). The alley abutting the rear of the subject property is a 16-foot wide right-of-way and the driving surface appears to be approximately 13-feet in width. The subject property is 6,534 square feet in size.

The primary residence was constructed in 1906 and is listed as a "historic contributing" structure on the National Register of Historic Places as part of the Ashland Railroad Addition Historic District. The existing historic residence was constructed as a one-story wood frame cottage in a bungalow style.

The primary residence includes approximately 2,499 square feet of living area according to the August 2015 building permit for the porch addition to the home. The house has a full basement of which approximately two-thirds is heated living space. Again according to the August 2015 building permit, the primary residence meets the required setbacks and is located 36 feet from the rear property line.

A second detached residential unit is located at the rear of the property. This structure is a garage that was converted into a residential unit after receiving a Conditional Use Permit approval in 1991 (PA 91-123). The square footage of this unit is approximately 538 square feet according to the application. According to the plans on file from the 1991 approval, the existing structure is a one-story building with that is 12 feet in height from grade to the peak of the roof.

The proposed structure will have a peak height of 22 feet 10 inches with an average height of 18.4 feet. The existing structure is 24 feet wide as measured along the rear property line and no change to the width is proposed. The proposed structure would have a single gable roof with a 6:12 pitch. The existing structures ridge runs East / West, parallel to the alley. The proposed gable ridge would be turned to orient in a North / South direction, consistent with the existing historic contributing structure on the subject property. A second story deck is proposed to be added above the new first story addition.

The exterior materials proposed for the structure are consistent with the recently restored primary dwelling. Horizontal wood siding with similar reveal, 2 x 8 fascia boards, corbels, 2 x 8 belly band, corner boards, and "cottage" style double hung windows. The application indicates the structure will require a new foundation and an eight-inch reveal. The installation of a new foundation indicates that the existing structure will be demolished.

The application proposes to provide two off-street parking spaces in the Southwest corner of the property and to use two on-street parking spaces adjacent to the property frontage on A St.

2.4 The Planning Commission finds that the proposal fails to meet all applicable approval criteria for a Conditional Use Permit.

Specifically, the application fails to demonstrate that the proposed reconstructed and enlarged two-story residential structure at the rear of the subject property located four feet from the rear property line will make less of an adverse material effect on the livability of the impact area compared to the target use of 3,200 square foot general office that meets the required rear yard setback of ten feet per story. Specifically, the application does not demonstrate that the scale, bulk, and coverage of the proposed structure creates lesser impacts than the target use housed in a structure meeting the ten feet per story requirement or that design alternatives to mitigate the impacts of two stories within four feet of the rear property line have been examined or considered.

2.5 The Planning Commission finds that the Site Design Review criteria have not been met to approve the proposed development. The approval criteria for Site Design Review require compliance with the applicable Site Development and Design Standards in AMC 18.4. The Site Development and Design Standards include the standards for the number of required off-street parking spaces and the location and design of parking areas in AMC 18.4.3.

The development requires a total of four off-street parking spaces with two spaces required for the primary dwelling and two spaces required for the proposed unit at the rear of the property (AMC 18.4.3.040). The application proposes to provide two parking spaces at the rear of the property and accessed by the alley, and to use the two on-street spaces on the on the property's A St. frontage. The property as it exists today requires three off-street parking spaces with two required for the primary dwelling and one space required for the unit at the rear of the property. The proposed increase in the size of the unit at the rear of the property increases the off-street parking requirement by one space.

Off-street parking may be reduced by the use of on-street parking spaces (AMC 18.4.3.060.A). One on-street parking space may be used in place of one off-street parking space. The required off-street parking may be reduced up to 50 percent through an on-street parking credit. The use of on-street parking spaces to meet the required off-street parking requirement is not an automatic credit, but rather a discretionary decision that the Planning Commission.

The Planning Commission finds that the request to use an on-street parking credit for two of the four required off-street parking spaces is not justified by the application. The lots that front on A St. are zoned E-1 and could potentially be redeveloped into more intense mixes of commercial, light industrial, and or residential uses. As a result, the future redevelopment of the lots in the impact area that are abutting A St. could be more intense uses that require more parking. Given the future development potential of the area, the application does not demonstrate the manner in which a 50 percent reduction of the required off-street parking will impact the surrounding neighborhood now and in the future.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for a Conditional Use Permit and Site Design Review to allow for the reconstruction and enlargement of an existing nonconforming residential unit located at the rear of the lot for the property located at 868 A St. is not supported by the evidence contained within the whole record.

Therefore, based on our overall conclusions, we deny Planning Action #2015-02203.

Planning Commission Denial

February 9, 2016

Date



NOTICE OF APPLICATION

PLANNING ACTION: 2015-02203

SUBJECT PROPERTY: 868 A Street

OWNER/APPLICANT: Linda McMilleman & Steve Saturen/ Mark Lackey

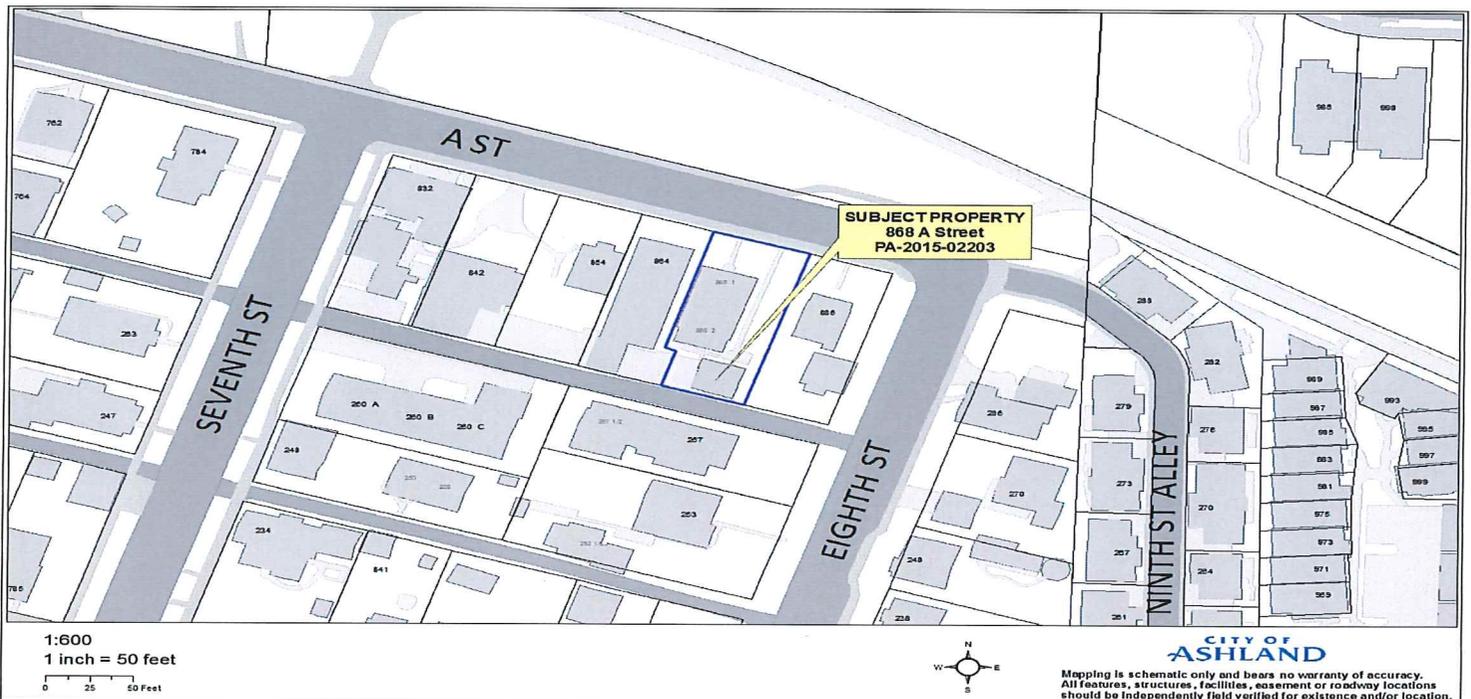
DESCRIPTION: A request for Site Design Review and a Conditional Use Permit to allow for a second story addition to the existing cottage at the rear of the property located at 868 A Street.

COMPREHENSIVE PLAN DESIGNATION: Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 09AA; **TAX LOTS:** 6800.

NOTE: The Ashland Historic Commission will also review this Planning Action on **Wednesday, December 2, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTICE OF COMPLETE APPLICATION: November 24, 2015

DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: December 8, 2015



The Ashland Planning Division Staff has received a complete application for the property noted above.

Any affected property owner or resident has a right to submit written comments to the City of Ashland Planning Division, 51 Winburn Way, Ashland, Oregon 97520 prior to 4:30 p.m. on the deadline date shown above.

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff's decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.108.040)

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, 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 Department 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. All materials are available at the Ashland Planning Division, Community Development & Engineering Services Building, 51 Winburn Way, Ashland, Oregon 97520.

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

CONDITIONAL USE PERMITS

18.5.4.050.A

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. 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.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. 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, pursuant with subsection 18.5.4.050.A.5, below. 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.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
 - a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - d. C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.
 - f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.
 - h. CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.
 - i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.
 - k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.
 - l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.

SITE DESIGN AND USE STANDARDS

18.5.2.050

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

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design 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 Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. 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 Development and Design Standards.

RECEIVED

NOV 18 2015

City Of Ashland

11/16/15

**Ashland Planning Division
51 Windburn Way
Ashland, Oregon 97520**

Type 1 application for second story addition to existing rear cottage at 868 A. Street #3, Ashland, OR 97520. Additional square footage to be 538 Sqft.

The property is Zoned E1.

Maximum Building Height: 40ft

Standard Yard Requirements: N/A

Lot Coverage: N/A

Landscape Requirements: 15%. Existing and met.

Trees: 18.4.5.030. No trees are to be removed during or after construction for this addition.

Narrative

Additional square footage of proposed addition to be 538 Sqft. The property contains 2 permitted existing dwellings. The 538 Sqft proposal is to the existing cottage at rear of property. The main dwelling recently renovated contains 1 bedroom and 3031 Sqft which 1402 of this square footage is basement. Footprint of existing main dwelling is 1629 sqft. Existing secondary dwelling is 528 sqft. Lot coverage of the 6944 sqft lot is currently at 27.5%. The proposed addition will only boost the lot coverage to 29.5%. Current parking coverage of the lot is 7% which is not proposed to change. Lawn and landscaping lot coverage will be 63.5%.

Findings of Fact: Applicable Land Use Ordinance findings based on Pre-Application and conference.

Off-Street Automobile Parking

Code (AMC) Chapter 18.4.3. Proposed use requires four (4) parking spaces, two (2) for the existing front dwelling and two (2) for the cottage (AMC 18.4.3.040). Rear alley access providing 18' x 27'4" provides two of the needed parking spaces. Lot line at 58' at street side of property (east on A Street) provides in excess of 44' to meet desired off-street credit for a total of four (4) parking spaces 18.4.3.060 2-4.

Historic District Overlay

Meetings with Ashland Historic Commission have guided the process through recommendations. Design revisions include rotating the primary roof line (ridge) to parallel the main house, using exterior treatments to represent historic detailing of the main house such as corbels at eaves, attic vents, matching roof pitch, and siding materials (AMC 18.4.2.050.B.4). Vertical massing to be dealt with using details consisting of corner boards and a belly band (AMC 18.4.2.050.B.4). A matching roof to be used over the second story porch matching character of main house and historic standards of district (AMC 18.4.2.050.B.6). Double hung cottage style windows will be used matching the existing main house (AMC 18.4.2.050.B.7). Exterior paint color scheme to be scheduled to compliment and not detract from existing main house. Same color tones to be used per Historic Commission recommendations.

18.5.2.050

A. Underlying Zone

The proposal complies with all provisions of the E1 Zone. Setbacks meet existing non-conforming structure requirements. Building height within acceptable dimensions. Lot coverage well within requirements. Building orientation, architecture, and historic standards are addressed above and met.

B. Overlay Zones

Met

C. Site Development and Design Standards

The property is a pre-existing development. Additional Design Standards, including Historic District Standards, are described above and proposed to be met.

D. City Facilities

All city facilities are existing.

E. Exception to the Site Development and Design Standards

See Development and Design Standards.

1. Proposal is to an existing structure.
2. Proposed addition brings the existing structure detailing up to Site Development and Design Standards by implementing Historic Commissions recommendations.

18.4.2.030

C. Building Orientation

1. Building Orientation. N/A. Proposed addition is to an existing structure/dwelling located at the rear of the property.
2. Limitation on Parking Between Primary Entrance and Street. N/A. No new parking areas are to be created.
3. Build-to Line. N/A. Proposed addition is to existing structure. New construction not to impede any setbacks.

D. Garages

N/A. No structures of this type to be constructed with this proposal.

E. Building Materials

Building materials and paint colors to be used per Historic Commission recommendations and to match those used on the existing main dwelling.

F. Streetscape

No existing trees to be removed.

G. Landscaping and Recycle/Refuse Disposal Areas.

Existing.

H. Open Space

N/A.

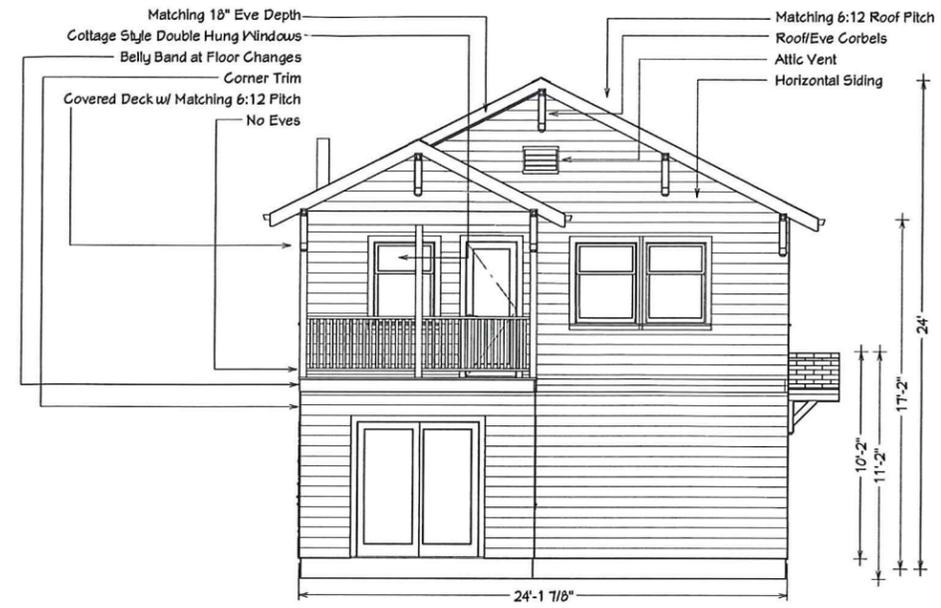
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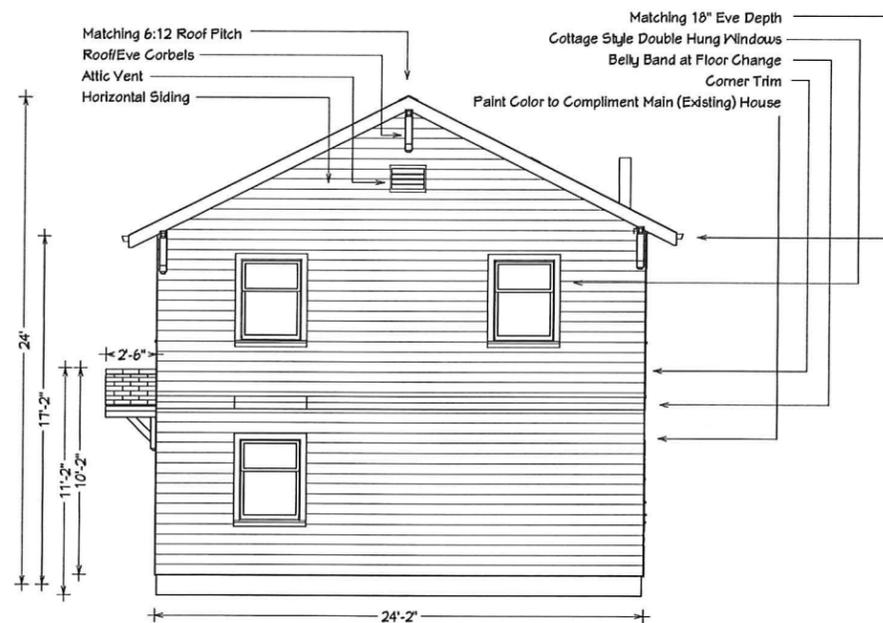
City Of Ashland



Elevation 6



Elevation 4



Elevation 7

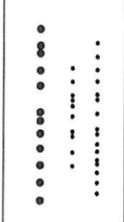


Elevation 8

REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

Integrity Building
Contractors
PO 225 Ashland OR 97520

Saturen/McMillan
Cottage
866 A Street
Ashland OR 97520



RECEIVED
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City Of Ashland

DATE:	11/18/2015
SCALE:	
SHEET:	

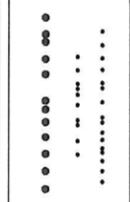


RECEIVED
 NOV 18 2015
City Of Ashland

NUMBER	DATE	REVISION	DESCRIPTION

**Integrity Building
 Contractors**
 PO 225 Ashland OR 97520

Saturen/McMillan
 Cottage
 868 A Street
 Ashland OR 97520



DATE:
 11/18/2015

SCALE:

SHEET:

**TYPE II
PUBLIC HEARING**

**PA-2016-00041
1465 Webster Street**



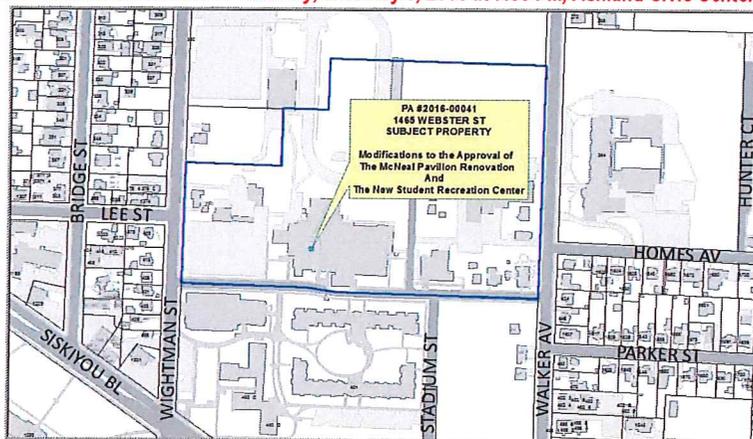
PLANNING ACTION: PA #2016-00041
SUBJECT PROPERTY: 1465 Webster Street (*on the Southern Oregon University campus*)
OWNER/APPLICANT: Southern Oregon University
DESCRIPTION: A request to modify PA #2015-00418 which granted Site Design Review and Conditional Use Permit approval for the renovation of McNeal Pavilion and construction of a new Student Recreation Center on the Southern Oregon University Campus 1465 Webster Street. The previous approval included a Conditional Use Permit to allow the buildings to exceed the 40-foot height allowed in the SO zoning district, and Tree Removal Permits to remove nine trees 18-inches in diameter-at-breast-height (d.b.h.) or greater. The modifications proposed are:

- 1) A 10½ percent reduction in the approved gross floor area – the approval was for 104,891 square feet, but with the proposed modification this will be reduced to 93,905 square feet.
- 2) Reduction in the size of the upper level by relocating athletic offices to the main level. Windows have been added to the southwest corner of the building and the northern face of the racquetball building to provide daylight for these offices.
- 3) Relocation of classrooms from the main level to the lower level. A wide area has been developed at the base of the north end of the western façade to allow for windows and plantings adjacent to these classrooms.
- 4) Relocation of the Recreation Gym to the lower level. This move removes windows on the lower level (east end of northern façade) and lowers the height of the northeastern quarter of the building.
- 5) Relocation of the Competition Gym to the main level. This changes the roofline, but the highest peak is to be at 43 feet 6 inches which is two feet lower than the previously approved height.
- 6) The McNeal Pavilion entry has been lowered and shifted to the south.
- 7) Overall simplification of exterior façade elements including the elimination of HVAC screens on the north elevation facing the football field and the addition of brown metal panels to the color palette to relate to the color of the dormitories across Webster Street.
- 8) The addition of a new stairway and ramp linking the McNeal Pavilion entry and parking lot with the playing fields.
- 9) The elimination of a stormwater detention pond previously identified on the northeast portion of the project site.
- 10) Changes to the Wightman Street parking lot in response to conditions imposed by the Planning Commission including six new parking lot trees in planters; additional hedge screening, low shrubs and ground cover along Wightman Street; provisions for two pedestrian refuge areas; and a walkway from the Wightman Street sidewalk into the parking lot.
- 11) Changes to the approved Tree Protection and Removal Plan. The Planning Commission required that Tree #6 (a 26-inch Mulberry) be preserved and protected, and that the applicants attempt to preserve Tree #7 (a 28-inch Modesto Ash) and Tree #19 (a 36-inch Sycamore). The applicants propose to modify the approved plan to allow the removal of Tree #7 (28-inch Modesto Ash) to accommodate the proposed fire apparatus access route, and have proposed to retain Trees #6 (26-inch Mulberry); #12, #13 and #15 (12-, six-, and ten-inch Raywood Ash trees); and #18 and #19 (28-inch and 36-inch Sycamores).

COMPREHENSIVE PLAN DESIGNATION: Southern Oregon University; **ZONING:** SO; **ASSESSOR'S MAP:** 39 1E 10 CD; **TAX LOT:** 100.

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, February 4, 2016 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: **Tuesday, February 9, 2016 at 7:00 PM, Ashland Civic Center, 1175 East Main**



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

18.5.2.050

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

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design 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 Development and Design; and the exception requested is the minimum which would alleviate the difficulty; or
 2. 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 Development and Design Standards.

CONDITIONAL USE PERMITS

18.5.4.050.A

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. 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.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. 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, pursuant with subsection 18.5.4.050.A.5, below. 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.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
 - a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - d. C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.
 - f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.
 - h. CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.
 - i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.
 - k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.
 - l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.

TREE REMOVAL PERMIT

18.5.7.040.B

1. **Hazard Tree.** A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. **Tree That is Not a Hazard.** A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints

in part 18.10.

- b. 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.
- c. 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.
- d. Nothing in this section shall require that the residential density to 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 this ordinance.
- e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

ASHLAND PLANNING DIVISION STAFF REPORT

February 9, 2016

PLANNING ACTION: #2016-00041

APPLICANT: Southern Oregon University (SOU), *owner*
CSA Planning, Ltd., *agent for owner*

LOCATION: 1465 Webster St. (*building address*)
390 Stadium St. & 351 Walker Ave. (*tax lot addresses*)

ZONE DESIGNATION: SO

COMP. PLAN DESIGNATION: Southern Oregon University

APPLICATION DEEMED COMPLETE: February 1, 2016

120-DAY TIME LIMIT: May 31, 2016

ORDINANCE REFERENCE (see <http://www.ashland.or.us/comdevdocs> to view land use code & SOU Campus Master Plan on-line):

18.3.6 SO University District
18.4.3 Parking, Access, and Circulation
18.4.5 Tree Preservation & Protection
18.4.6 Public Facilities
18.4.7 Signs

18.5.2 Site Design Review
18.5.4 Conditional Use Permit
18.5.6 Modifications to Approved Planning Actions
18.5.7 Tree Removal Permits
and The Campus Master Plan Update for Southern Oregon University (“The SOU Master Plan”) adopted by Ordinances #3014, #3015, #3016 and #3019

REQUEST: A request to modify PA #2015-00418 which granted Site Design Review and Conditional Use Permit approval for the renovation of McNeal Pavilion and construction of a new Student Recreation Center on the Southern Oregon University Campus 1465 Webster Street. The previous approval included a Conditional Use Permit to allow the buildings to exceed the 40-foot height allowed in the SO zoning district, and Tree Removal Permits to remove nine trees 18-inches in diameter-at-breast-height (d.b.h.) or greater. The modifications proposed here are:

- 1) A 10½ percent reduction in the approved gross floor area – the approval was for 104,891 square feet, but with the proposed modification this will be reduced to 93,905 square feet.

- 2) Reduction in the size of the upper level by relocating athletic offices to the main level. Windows have been added to the southwest corner of the building and the northern face of the racquetball building to provide daylight for these offices.
- 3) Relocation of classrooms from the main level to the lower level. A wide area has been developed at the base of the north end of the western façade to allow for windows and plantings adjacent to these classrooms.
- 4) Relocation of the Recreation Gym to the lower level. This move removes windows on the lower level (east end of northern façade) and lowers the height of the northeastern quarter of the building.
- 5) Relocation of the Competition Gym to the main level. This changes the roofline, but the highest peak is to be at 43 feet 6 inches which is two feet lower than the previously approved height.
- 6) The McNeal Pavilion entry has been lowered and shifted to the south.
- 7) Overall simplification of exterior façade elements including the elimination of HVAC screens on the north elevation facing the football field and the addition of brown metal panels to the color palette to relate to the color of the dormitories across Webster Street.
- 8) The addition of a new stairway and ramp linking the McNeal Pavilion entry and parking lot with the playing fields.
- 9) The elimination of a stormwater detention pond previously identified on the northeast portion of the project site.
- 10) Changes to the Wightman Street parking lot in response to conditions imposed by the Planning Commission including six new parking lot trees in planters; additional hedge screening, low shrubs and ground cover along Wightman Street; provisions for two pedestrian refuge areas; and a walkway from the Wightman Street sidewalk into the parking lot.
- 11) Changes to the approved Tree Protection and Removal Plan. The Planning Commission required that Tree #6 (a 26-inch Mulberry) be preserved and protected, and that the applicants attempt to preserve Tree #7 (a 28-inch Modesto Ash) and Tree #19 (a 36-inch Sycamore). The applicants propose to modify the approved plan to allow the removal of Tree #7 (28-inch Modesto Ash) to accommodate the proposed fire apparatus access route, and have proposed to retain Trees #6 (26-inch Mulberry); #12, #13 and #15 (12-, six-, and ten-inch Raywood Ash trees); and #18 and #19 (28-inch and 36-inch Sycamores).

I. Relevant Facts

A. Background - History of Application

Oregon Statewide Planning Goal #2 (Land Use Planning) as well as Chapter 197 of the Oregon Revised Statutes requires that the planning activities of Southern Oregon University be coordinated with the City of Ashland to ensure compatibility with the City's Comprehensive Plan and local land use ordinances. Compliance with these requirements is achieved with the adoption of the University's Campus Master Plans, which provide the framework and guidelines for on-going development of the 164-acre Southern Oregon University campus. The most recent Southern Oregon University Campus SOU Campus Master Plan Update ("The SOU Master Plan") was adopted by the Ashland City Council in June of 2010 with the passage of Ordinances #3014, #3015, #3016 and #3019 which: amended the Comprehensive Plan to adopt and incorporate the SOU Master Plan as a

supporting document; amended the municipal code to correctly reference the updated SOU Master Plan; amended the Zoning Map to be consistent with the Comprehensive Plan designations for SOU properties reflected in the SOU Master Plan; and amended the Detail Site Review Zone for consistency with the SOU Master Plan.

In July of 2015, Planning Action #2015-00418 was approved to allow the reconstruction of McNeal Pavilion on the Southern Oregon University Campus at 1465 Webster Street. 106,722 square feet of the existing 113,000 square foot building was approved to be demolished, with the existing racquetball building to remain. With reconstruction the combined building area was approved to be 100,804 gross square feet on three levels, a 10.8 percent reduction in the total building square footage over the previous building. *(This approval included one alternative design concept which would have relocated the athletics office from the upper level to the lower level, into an area that was to be reserved for future programs in the base concept. If pursued, this alternative would have further reduced the total building square footage to 95,942 square feet, a 15.09 percent reduction in total square footage.)* The approval also included requests for Conditional Use Permit approval to allow construction of a new Student Recreation Center not identified in the 2010 SOU Campus Master Plan and which would exceed the 40-foot height allowed in the SO zoning district, and for Tree Removal Permits to remove nine (9) trees 18-inches in diameter-at-breast-height (d.b.h.) or greater.

In January of 2012, Planning Action #2011-00576 was approved by the Planning Commission granting approval to construct a new single-story dining hall, two new four-story residence halls, two new parking lots and associated site improvements which make up the North Campus Village immediately south of the subject property. This project began to realize the SOU Campus Master Plan's envisioned shifting of a substantial portion of the resident student population of the campus from the Cascade residence hall complex on the south side of Siskiyou Boulevard to the north side of Siskiyou Boulevard, and included focused consideration of the impacts to traffic, parking or pedestrian safety associated with this shift across Siskiyou Boulevard.

In January of 2012, Planning Action #2011-00530 was administratively approved to modify the University's sign program Conditional Use Permit, which dates to 1995, with the addition of four gateway signs at Siskiyou Boulevard's intersection with Mountain Avenue, University Way, Wightman Street, and Indiana Street, and to allow a change in the university's logo on all campus signage. *(AMC 18.4.7.120 provides that government agencies may obtain Conditional Use Permit to place signage that do not conform to standard sign regulations when it is determined that the signage is necessary to further the agency's public purpose.)*

In May of 2003, the Planning Commission approved Planning Action #2003-00032 to allow the construction of an 11,825 square foot building to house the Rogue Valley community television facility and a multi-media educational center.

McNeal Pavilion was originally constructed in 1956, which pre-dates land use regulations. Significant additions or renovations occurred in 1964, 1976, 1990 and in 1998. In January of 1990, Planning Action #1990-00004 was approved to allow the construction of a 2,600 square foot addition at the front of the building near Webster Street and a 1,400 square foot addition at the southwest corner of the building.

B. Detailed Description of the Site and Proposal

The Site

The subject property is an irregularly shaped, approximately 17.46 acre parcel bounded on the west by Wightman Street, on the south by Webster Street, on the east by Walker Avenue and on the north by other portions of the SOU campus, including Raider Stadium. The property is roughly bisected by Stadium Street, and the portion of the property involved in the current request is an approximately 3.4 acre around the existing 113,000 square foot McNeal Pavilion, an athletic complex which includes an approximately 1,400 seat gymnasium utilized for the University's basketball, volleyball and wrestling programs along with a pool, racquetball courts, climbing wall and training room; a parking lot; and other campus buildings including the RVTV Digital Media Center; Facilities Management and Planning; the ROTC Gold Program; Grounds, Motor Pool and Recycling; and Campus Public Safety. McNeal Pavilion was approved for demolition subsequent to the approval of Planning Action #2015-00418, and demolition work is well underway.

The existing site also contains an approximately 146 space parking lot between McNeal Pavilion and the street. This parking lot lacks well-distributed landscaping, parking lot trees, stormwater detention or pedestrian circulation called for under current standards, and the previous approval included Condition #6 which required that prior to the submittal of building permits, a revised site plan be provided reflecting parking lot upgrades including at least six parking lot trees on the interior of the parking lot, additional parking lot trees on the parking lot perimeter with sight-obscuring landscaping and at least two areas of paved pedestrian refuge in the buffer strip along Wightman Street. The applicants have provided a site plan as Sheet P1 seeking to address the requirements of this condition.

The project site and portions of the campus immediately surrounding it are within the SOU district, a special zoning district designation created to provide for the unique needs of Southern Oregon University as a State educational institution functioning within the planning framework of the City of Ashland. Generally speaking, development within the SOU zoning district is guided by the SOU Campus Master Plan, which provides specific guidance for the development of the campus through an adopted map detailing proposed developments as well as providing specific site and building design standards applicable to the SOU district, and the zoning regulations found in AMC 18.3.6. Development on campus is also subject to the Site Review, Sign, Off-Street, Parking, and Tree Preservation and Protection chapters, as well as to the Conditional Use Permit chapter which applies to: any use, site design, or construction or alteration of same not agreed upon in advance by the city and the university in the SOU Campus Master Plan; any use, site design, or construction within 50 feet of privately-owned property; any construction over 40 feet in height; and wireless communication facilities not permitted outright.

To the east along the east side of Walker Avenue, there is a small area of High Density Multi-Family Residential (R-3) zoned property, with the remainder of the residentially zoned lands on the east side of Walker Avenue zoned Single Family Residential (R-1-5). To the west, across Wightman Street, properties near the intersection with Siskiyou and Indiana are zoned Commercial (C-1), and properties further north along the west side of Wightman are zoned Low-Density Multi-Family Residential (R-3). To the south and southeast, properties across Ashland Street and Walker Avenue are zoned Commercial (C-1).

Siskiyou Boulevard and Ashland Street, which provide a rough north-south division of the campus, are both classed as boulevards or arterial streets under the Transportation System Plan (TSP). Both are also state highways, but in the vicinity of the campus they are under city jurisdiction as part of a jurisdictional exchange and street improvement project completed in 2002. Both are fully improved with paving, curbs, gutters, sidewalks and street trees in place.

Wightman Street is classified as a neighborhood collector street in the TSP and is improved with paving, curbs, gutters, and five-foot curbside sidewalks in place along the subject property's western frontage.

Walker Avenue is also classified as an avenue or collector street in the TSP and is improved with paving, curbs, and gutters in place along the property's eastern frontage. This frontage currently lacks sidewalks along the southern approximately 400 feet of its length, with parkrows and sidewalks in place along the remaining approximately 140 feet of the frontage just south of Webster Street.

On campus in the vicinity, Webster Street is a private street which provides a connection from Walker Avenue to Wightman Street. The central portion of Webster Street is a pedestrian-only facility. North and South Stadium Streets are partly public streets providing a connection from Ashland Street to Webster Street, and North and South College Ways, both private streets, provide automobile circulation to surface parking in place between Ashland Street and Shasta Hall, and pedestrian and emergency vehicle access between Shasta and McLoughlin Halls.

The Proposal

The current application requests to modify Planning Action #2015-00418, the Site Design Review and Conditional Use Permit approval for the renovation of McNeal Pavilion and construction of a new Student Recreation Center. The previous approval included a Conditional Use Permit to allow the buildings to exceed the 40-foot height allowed in the SO zoning district, and Tree Removal Permits to remove nine trees 18-inches in diameter-at-breast-height (d.b.h.) or greater as well.

The application explains that the size of the building is proposed to be reduced due to budget constraints, and that this reduction is to be accomplished through a combination of cutbacks in square footage in the upper level and through internal reorganization, which meant moving classrooms and office space and making corresponding changes to the windows. The application explains that the primary internal changes proposed which impact the exterior of the building include: a 10½ percent reduction in the approved gross floor area, from the approved 104,891 square feet down to a proposed 93,905 square feet; a reduction in the size of the upper level by relocating athletic offices to the main level; relocation of classrooms from the main level to the lower level; relocation of the Recreation Gym to the lower level which removes windows on the lower level and lowers the height of the northeastern quarter of the building; relocation of the Competition Gym to the main level; a lowering and shifting to the south of the McNeal Pavilion entry; an overall simplification of exterior façade elements including the elimination of HVAC screens on the north elevation facing the football field and the addition of brown metal panels to the color palette to relate to the color of the dormitories across Webster Street; the addition of a new stairway and ramp linking the McNeal Pavilion entry and parking lot with the

playing fields; the elimination of a stormwater detention pond previously identified on the northeast portion of the project site; changes to the Wightman Street parking lot in response to conditions imposed by the Planning Commission under the original approval; and changes to the approved Tree Protection and Removal Plan.

II. Project Impact

As explained more fully above, the application proposes to modify the existing Site Review, Conditional Use and Tree Removal permit approvals now in place for the renovation of McNeal Pavilion and for the construction of a new Student Recreation Center. The original approval was subject to a Type II procedure because the gross square footage involved exceeded 10,000 square feet.

AMC 18.5.6 addresses “Modifications to Approved Planning Actions,” and in section 18.5.6.030.A.6 provides that “*A change to a building elevation or floor plan that the Staff Advisor determines is not in substantial conformance with the original approval*” constitutes a “Major Modification” and is subject to the same review authority and procedure as the original project. Major modifications are subject to the same review criteria used for the initial approval, except that the scope of the review is limited to the modification request and doesn’t need to fully revisit every aspect of the application.

A. Site Review and Conditional Use Permit Modifications

As detailed above, the requested modifications relating to the Site Design Review and Conditional Use Permit approvals are:

- A 10½ percent reduction in the approved gross floor area – the approval was for 104,891 square feet, but with the proposed modification this will be reduced to 93,905 square feet.
- Reduction in the size of the upper level by relocating athletic offices to the main level. Windows have been added to the southwest corner of the building and the northern face of the racquetball building to provide daylight for these offices.
- Relocation of classrooms from the main level to the lower level. A wide area has been developed at the base of the north end of the western façade to allow for windows and plantings adjacent to these classrooms.
- Relocation of the Recreation Gym to the lower level. This move removes windows on the lower level (east end of northern façade) and lowers the height of the northeastern quarter of the building.
- Relocation of the Competition Gym to the main level. This changes the roofline, but the highest peak is to be at 43 feet 6 inches which is two feet lower than the previously approved height.
- The McNeal Pavilion entry has been lowered and shifted to the south.
- Overall simplification of exterior façade elements including the elimination of HVAC screens on the north elevation facing the football field and the addition

of brown metal panels to the color palette to relate to the color of the dormitories across Webster Street.

- The addition of a new stairway and ramp linking the McNeal Pavilion entry and parking lot with the playing fields.
- The elimination of a stormwater detention pond previously identified on the northeast portion of the project site.
- Changes to the Wightman Street parking lot in response to conditions imposed by the Planning Commission including six new parking lot trees in planters; additional hedge screening, low shrubs and ground cover along Wightman Street; provisions for two pedestrian refuge areas; and a walkway from the Wightman Street sidewalk into the parking lot.

With regard to these modifications, the applicants assert that the building as proposed to be modified is similar in bulk, scale and coverage to the approval but is marginally smaller as the square footage is proposed to be reduced by 10.5 percent. The applicants indicate that with the reduced size, there will be no increase in anticipated traffic impacts and that the proposal is similar in material treatment and overall character of the original proposal, which was previously found to be compatible with the impact area, although the applicants note that a section of brown metal panel has been added to the palette to better relate to the recently constructed dormitory buildings. The applicants conclude that with the changes proposed, the proposal is still substantially in conformance with the design of the original project.

For staff, the key considerations in the review are in determining where the changes proposed to the exterior of the building and associated site planning alter the way the project relates to the applicable standards. The changes to the McNeal Pavilion and Student Recreation Center entries as they relates to the Wightman and Webster Street corridors, the changes to the on-site pedestrian circulation, the removal of screening from rooftop mechanical equipment, and the alterations to the Wightman Street parking lot all merit review to insure that the project remains in keeping with the approval criteria and associated standards.

Changes to the Primary Entries/McNeal Pavilion and Student Recreation Center

The SOU Master Plan calls for buildings facing major streets to have significant, strongly articulated and clearly understandable entries to the street, and buildings facing both a significant street and a campus open space are to have entries provided to both. As originally approved, the building was noted as providing two significant entries, with the Student Recreation Center entered off of the Webster Street pedestrian mall facing the adjacent dormitories and dining hall, and the two-story athletics and academic classroom entry facing Wightman Street providing a substantially more visible public face to the building than it had prior to the recent demolition.

As currently proposed, the previous two-story athletics and academic classroom entry facing Wightman Street is to be lowered to a single-story and shifted to the south. In staff's assessment, while the two-story glass entry element in the original proposal provided a substantially more visible public face than the original building, particularly given the building's placement well back from Wightman Street, the proposed lowered entry is

nonetheless well-articulated and clearly understandable through the combination of building massing and color and material treatment.

For staff, changes made to the Student Recreation Center (SRC) entrances off of the Webster Street pedestrian mall which aren't specifically addressed in the applicants' submittals have perhaps more of an impact to the buildings' sense of entry. As noted above, the Master Plan calls for buildings facing both a significant street and a campus open space to have entries provided to both. Changes made to the south building elevation here seem well thought out in better breaking up the building's length and mass to relate at more of a human scale to the Webster Street pedestrian mall, but the two entries provided now orient to Wightman Street (more than 500 feet away) and Walker Avenue (more than 600 feet away) rather than to Webster. In staff's view, the Planning Commission may wish to consider whether this entry would better address standards if the main SRC Entrance oriented directly to the Webster Street pedestrian mall.

Changes to On-Site Pedestrian Circulation

The changes proposed include the addition of a new stairway and ramp linking the McNeal Pavilion entry and parking lot with the playing fields to the north, and creating an area for a lower plaza or outdoor classroom space adjacent at the lower level of McNeal. The application materials note that this is a significant and beneficial change in the site plan which provides a key connection in the planned circulation path between the upper campus and the playing fields.

The Master Plan calls for the formation of a clear circulation route from the upper campus to the Athletics area with an enhanced entry plaza for McNeal Pavilion, and a clear connection from McNeal's enhanced entry to the playing fields to the north, with an eventual promenade to the stadium envisioned north of McNeal to include recognition of alumni, donors, etc. While the circulation route from the gateway intersection of Siskiyou, Wightman, and Indiana was changed somewhat with the Dining Hall approval to provide a more north-south oriented promenade through the existing Sycamore-lined walkway, the creation of a new entry plaza at the McNeal Pavilion entry will relate well to the nearby Dining Hall and dormitories and the continuation of this key circulation route with a new stairway and ramp linking the playing fields is another step toward realizing the vision of the Master Plan.

Removal of Rooftop Mechanical Equipment Screening

Among the modifications detailed in the application materials, the applicants note that they propose the elimination of HVAC screens on the north elevation of the building facing the football field. The previously approved designs include screening of this roof-mounted mechanical equipment. Mechanical equipment screening is addressed in the Municipal Code as follows:

- **AMC 9.08.170** sets specific noise level standards, measured from the closest boundary of adjacent residential property, which are not to be exceeded for heat pumps and other mechanical devices.
- **AMC 18.2.4.020.B** requires that every attempt be made to place mechanical equipment so that it is not visible from adjacent public streets.

- **AMC 18.4.4.030.G.4** requires screening for mechanical equipment, specifically noting that mechanical equipment shall be screened by the placement of features at least equal in height to the equipment to limit view from both public rights-of-way and adjacent residentially zoned properties. This section goes on to note that the screening of rooftop mechanical equipment shall be accomplished with materials used in the building's exterior construction and include features such as a parapet, wall or other sight-blocking features.

Staff believes that mechanical equipment screening is particularly important in minimizing the potential impacts of large projects on surrounding neighborhoods, and even more so for the Southern Oregon University campus due to its scale, visibility and proximity relative to the adjacent residential neighborhoods. In visiting the McNeal site, staff has confirmed that despite the distance, topography and landscaping, the portion of the building where the screening is proposed to be eliminated is visible from both the Walker Avenue right-of-way and the adjacent residentially-zoned properties. A condition has accordingly been recommended below to require that the building permit submittals identify all proposed mechanical equipment in the elevation drawings, as required in AMC 18.5.2.040.B.4.a., and that these drawings include screening meeting the requirements of AMC 18.4.4.030.G.4 to limit the view of all roof-mounted mechanical equipment from public rights-of-way and adjacent residentially-zoned properties through the placement a parapet, wall or other sight-blocking features at least equal in height to the proposed mechanical equipment. This equipment will also be subject to the noise level standards of AMC 9.08.170.

Alterations to Wightman Street Parking Lot

Condition #6 of the previous approval was, *“That prior to the submittal of building permits, a revised site plan reflecting parking lot upgrades for the lot between McNeal Pavilion and Wightman Street shall be provided to address: at least six parking lot trees on the interior of the parking lot, additional parking lot trees on the parking lot perimeter with sight-obscuring landscaping and at least two areas of paved pedestrian refuge in the buffer strip along Wightman Street.”*

In response to this condition, the applicants have provided Sheet P1 which illustrates the placement of six new eight-foot by eight-foot parking lot island planters with cast in place curbs. These planters would have be planted with 2 ½-inch caliper Zelkova parking lot trees. In addition, the plan illustrates the widening of the sidewalk in two areas to create pedestrian refuge areas adjacent to the Wightman Street corridor, and a new five-foot wide paver walkway providing a pedestrian connection through the landscape buffer to the sidewalk. Plantings are detailed to fill in the landscape buffer along Wightman Street, including the addition of a layered hedge of *mahonia* and *potentilla*.

In staff's assessment, the materials provided address Condition #6 with the exception of additional parking lot trees at the perimeter. In staff's view, additional perimeter trees are needed along Wightman Street in the long gap north of the proposed pedestrian refuge area, and in the landscape buffer along the north boundary.

B. Tree Removal Permit

With the original approval, the Planning Commission required that Tree #6 (a 26-inch Mulberry) be preserved and protected, and that the applicants attempt to preserve Tree #7 (a 28-inch Modesto Ash) and Tree #19 (a 36-inch Sycamore). These recommendation came out of discussion at the Tree Commission where there was concern expressed that the sun exposure in the new entry plaza area was such that it would make it difficult for new plantings to establish themselves, and the Tree Commission accordingly recommended that a number of the larger stature trees on site be preserved and protected through construction and beyond in order to provide some degree of shade for new plantings until they had a chance to establish themselves.

The applicants are requesting to modify the Planning Commission's original conditions to allow the removal of Tree #7 (a 28-inch Modesto Ash) to accommodate the required fire apparatus access route to the new building. The applicants have provided a revised Tree Protection Plan which proposes to retain additional trees previously identified to be removed, including Tree #6, the 26-inch Mulberry required to be saved by the Planning Commission's previous approval; Trees #12, #13 and #15 (12-, six-, and ten-inch Raywood Ash trees which were previously to have been removed; and Trees #18 and #19, a 28-inch and a 36-inch Sycamores. Tree #19 had been required to be preserved by the Planning Commission, and the applicants now identify its immediate neighbor for preservation and protection as well.

In staff's assessment, the primary issue here is whether the Commission is willing to reconsider the requirement to preserve and protect Tree #7, which both the Tree and Planning Commission had previously identified as meriting preservation to provide sun protection for newly planted trees. Subsequent to the Planning Commission's approval, the applicants have considered the situation on site and now indicate that the removal is necessary to accommodate required fire apparatus access for the new building. Tree #6, the 26-inch Mulberry, would remain at the southeastern corner of this plaza space to provide a degree of shade to protect new plantings from afternoon sun.

As this staff report is being prepared, the Tree Commission has yet to review the request, but a condition has been recommended below to require that their recommendations - where consistent with applicable standards and with final review by the Staff Advisor - become conditions of approval.

III. Procedural - Required Burden of Proof

The criteria for Site Design Review approval are described in 18.5.2.050 as follows:

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.

- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
 - 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design 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 Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 - 2. 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 Development and Design Standards.

The criteria for Conditional Use Permit approval are described in 18.5.4.050.A as follows:

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

- 1. 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.
- 2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
- 3. 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, pursuant with subsection 18.5.4.050.A.5, below. 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.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
- 4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.

5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
 - a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - d. C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.
 - f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.
 - h. CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.
 - i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.
 - k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.
 - l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.

The criteria for a Tree Removal Permit to remove a “Tree That is Not a Hazard” are described in AMC 18.5.7.040.B.2 as follows:

A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.

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.
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.
4. Nothing in this section shall require that the residential density to 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 this ordinance.
5. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

IV. Conclusions and Recommendations

As noted in the original approval, Ashland is fortunate to have Southern Oregon University as a part of the community. The University's presence adds diversity while enriching the local art and cultural community and strengthening the local economy. Cooperative planning efforts ensure that the university remains a strong and viable institution within the Oregon University System, while also ensuring that campus development recognizes the values and concerns of the broader community. The continued development of the University's north campus presents unique and exciting placemaking opportunities to shape this new campus neighborhood and enhance its relationship to the older campus, the nearby neighborhood and broader community.

The current request comes before the Commission not out of concern on staff's part with the proposed modifications, but because it involves changes to the exterior of the building which are not in substantial conformance with the original approval and which therefore needed to come back for consideration through a hearing.

The key considerations in the review for staff are in determining where the proposed changes to the exterior of the building and associated site planning alter the way the project relates to the applicable standards. The changes to the McNeal Pavilion and Student Recreation Center entries as they relates to the Wightman and Webster Street corridors, the changes to the on-site pedestrian circulation, the removal of screening from rooftop mechanical equipment, the alterations to the Wightman Street parking lot, and the changes to the Tree Preservation and Protection Plan all merit careful review to insure that the project remains in keeping with the approval criteria and associated standards.

The changes to the McNeal Pavilion entry which lower this entry element and shift it to the south nonetheless remain in keeping with the Site Design standards and SOU Master

Plan as the entry is well-articulated and clearly understandable through the combination of building massing and color and material treatment. However, in staff's view the Planning Commission may wish to consider whether the Student Recreation Center entry would better address standards if its main SRC Entrance oriented directly to the Webster Street pedestrian mall rather than toward Wightman Street more than 500 feet to the west.

The creation of a new entry plaza at the McNeal Pavilion entry will relate well to the nearby Dining Hall and dormitories and the continuation of this key circulation route with a new stairway and ramp down to a lower plaza or outdoor classroom linked to the playing fields to the north seems a beneficial adjustment to the site plan that is in keeping with the vision articulated in the Master Plan and further clarified in each of the subsequent applications.

For staff, perhaps the primary issue of concern with the proposed modifications is the requested elimination of screening for the rooftop mechanical equipment. Despite distance, topography and landscaping this equipment is located so as to be visible from the Walker Avenue right-of-way and residential properties along Walker, and is subject to standards requiring both that it be screened from view and operated within acceptable noise levels. A condition to require that screening to meet standards be provided has been recommended below.

In staff's assessment the proposed alterations to the Wightman Street parking lot are generally in keeping with the Planning Commission's original Condition #6 which required upgrades to the parking lot and its perimeter, and with the addition of some perimeter tree plantings will satisfy the original condition.

The applicants have also proposed to remove Tree #7 which both the Tree Commission and Planning Commission had asked be preserved to provide an interim measure of sun protection to new plantings around the entry plaza following the completion of construction. The removal is proposed to accommodate required fire apparatus access to the new building, and a number of trees previously proposed for removal are now to be protected. The Commission will need to consider whether Tree #6, which is now to be preserved nearby, will provide sufficient protection for new plantings from afternoon sun.

Planning staff are generally very supportive of this request, and would recommend approval with the addition of the five conditions detailed below to those already in place with the original approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.
- 2) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the Site Review, Conditional Use and Tree Removal permit approvals shall be submitted and approved prior to the issuance of a building permit.

- 3) That all conditions of the original land use approval (Planning Action #2015-00418) shall remain in effect unless otherwise specifically modified herein.
- 4) That all recommendations of the Ashland Tree Commission from their February 4, 2016 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise specifically modified herein.
- 5) That the building permit submittals shall identify all proposed mechanical equipment in the elevation drawings, as required in AMC 18.5.2.040.B.4.a., and that these drawings shall include screening meeting the requirements of AMC 18.4.4.030.G.4 to limit the view of all roof-mounted mechanical equipment from public rights-of-way and adjacent residentially-zoned properties through the placement of parapets, walls or other sight-blocking features at least equal in height to the proposed mechanical equipment.



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January 8, 2016

Mr. Bill Molnar, Planning Director
c/o Mr. Derek Severson, Associate Planner
City of Ashland Planning Department
20 East Main Street
Ashland, OR 97520

RE: *Minor Modifications to AC-14-080- McNeal Pavilion and Student Rec Center at Southern Oregon University*

Dear Mr. Molnar:

We are writing on behalf of our client, Southern Oregon University, regarding their proposed minor modifications to the design of the McNeal Pavilion and Student Rec Center that was approved by the Planning Commission on July 14, 2015. The project entails the reconstruction of McNeal Pavilion with the addition of a Student Rec Center.

The floor plans have had to be reconfigured to keep the project within budget due to increased construction costs. The proposed plan changes have reduced the overall mass of the building, impacting the elevations sufficiently that we are requesting a minor amendment to the CUP approval. After reviewing the proposed changes with Derek Severson, it was agreed that the proposed modifications do appear to be minor and that we should submit as a Type 1 revision. Therefore we would appreciate your review of the findings below and the attached plans.

Description of proposed revisions:

Due to budget constraints, the overall size of the building has been reduced from the approved square footage as shown below:

McNeal Pavilion Square Footage Statistics			<i>SF = Square Feet</i>	
Area	Approved SF	Revised SF	SF Change	% change
Footprint	57,596	55,991	-1,605	-2.8%
Total Building Area	104,891	93,905	-10,986	-10.5%

In order to reduce the building size, program elements needed to be rearranged internally which impacted the exterior elevations as the windowed areas for the offices and classrooms had to be relocated. Most of the size reduction was accomplished through cut backs in square footage at the Upper Level. The primary internal changes affecting the exterior façade include:

- Reduction of the size of the Upper Level by relocation of the Athletic offices to the southwest corner of the Main Level, and relocation of the Academic offices to the remodeled racquetball building. Windows have been added at the Main Level of the southwest corner of the building and the northern face of the racquetball building to provide daylight for the offices.
- Relocation of the classrooms from the Main Level on the western façade to the Lower Level of the western facade. A wide areaway has been developed at the base of the north end of the western facade to allow for windows and planting adjacent to the classrooms.

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- Moving the Recreation Gym down to the Lower Level which eliminated the windows on the Lower Level of the east end of the northern façade. This move also lowered the height of the northeastern quarter of the building.
- Moving the Competition Gym up to the Main Level, changed the roof line, however the highest peak of that roof is to be 43'-6" which is two feet lower than the previously approved height. The Pavilion entry element has also been lowered and shifted further to the south.

Beyond the relocation of windows and height reductions, the primary visible modifications to the exterior design are an overall simplification of the exterior façade elements, the elimination of the HVAC screen on the north elevation facing the football field, and the addition of brown metal panels to the color palette to be sympathetic to the color of the dormitories across the Webster Street pedestrian mall.

A significant change to the site plan is the addition of a new stairway and ramp from the Pavilion entrance area linking it and the parking lot to the playing fields. This is a key connection in the planned circulation path from the upper campus to the playing fields and a beneficial addition to the project. The other change to the site is that the detention pond at the northeast has been deleted as, once engineering calculations were run, it was found not to be needed.

All of the proposed changes are in keeping with the original design concept and materials approved by the Planning Commission. Please see attached drawings that illustrate the proposed changes.

The following responses relate to the project's conformance with the Minor Modification criteria:

18.5.6.040 Minor Modifications

A. Authorization of Minor Modifications.

1. A Minor Modification is a change to an approved plan or condition of approval that does not meet any of the thresholds for a Major Modification listed in section 18.5.6.030.A. For minor amendments to partitions and subdivisions, see also, subsection 18.5.3.020.G.

Response:

1. The proposed modifications do not meet any of the thresholds for a Major Modification as described below:

18.5.6.030 Major Modifications

A. Authorization of Major Modifications. The approval authority and review procedure for Major Modification applications is the same as for the original project or plan approval. Any one of the following changes constitutes a Major Modification.

1. A change in land use, from a less intensive use to a more intensive use, as evidenced by parking, paved area, estimated an increase in automobile or truck trips (peak and/or average daily trips), an increase in hours of operation, an increased demand for parking, additional paved area, or similar factors, where the increase is 20 percent or more, provided the standards of parts 18.2, 18.3, and 18.4 are met.
2. An increase in floor area to a commercial or industrial development by 20 percent or more, or an increase in the number of dwelling units in a multifamily development, by ten percent or more, provided the standards of parts 18.2 and 18.3 are met.
3. An increase in building envelope or an increase in lot coverage by 20 percent or more, provided the standards of parts 18.2 and 18.3 are met.
4. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic if the change could cause a significant adverse impact on traffic operations or safety (i.e., requiring mitigation).
5. A reduction to screening, or a reduction to the area reserved for common open space or landscaping by 20 percent or more.
6. A change to a building elevation or floor plan that the Staff Advisor determines is not in substantial conformance with the original approval.

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- 7. Change to a condition of approval, or a change similar to 18.5.6.030, subsections 1 - 6, above, that could have a detrimental impact on adjoining properties. The Staff Advisor shall have discretion in determining detrimental impacts triggering a major modification.
- 8. Other changes similar to those in 18.5.6.030, subsections 1 - 6, above, in scale, magnitude, or impact to adjacent properties, as determined by the Staff Advisor.

Response:

- 1. The proposed changes do not constitute a change in land use or intensity of use.
- 2. The proposed changes decrease the floor area of the approved building.
- 3. The building envelope has been decreased in size by 1,605 square feet, a 2.8% reduction.
- 4. All vehicle access points remain as on the approved plans.
- 5. No reduction in screening is proposed. Planting to provide screening along the Wightman Street has been increased.
- 6. Changes to the building elevations and floor plans were preliminarily reviewed by the Staff Advisor who determined that they are in substantial compliance with the original approval.
- 7. No changes to conditions of approval are requested or needed for these revisions.
- 8. The Staff Advisor has determined that none of the changes proposed changes increase the impact of the project in scale, magnitude or impact to adjacent properties.

In summary, none of the proposed changes to the project constitute a Major Modification, therefore the project can be reviewed as a Minor Modification.

The Staff Advisor through a Ministerial or Type I procedure, depending on whether the proposal involves the exercise of discretion, shall review proposals for Minor Modifications.

Response:

The Staff Advisor has agreed that this modification can be reviewed as a Type 1 procedure with notification to the public.

B. Minor Modification Applications. In requesting a Minor Modification, the applicant shall submit an application form, filing fee, a letter describing the modification, and a site plan using the same plan format as in the original approval. The approval authority may require other relevant information, as necessary, in evaluating the request.

Response:

The Applicant submits along with this letter an application, filing fee if applicable, and relevant site plans, elevations and memos needed to evaluate and approve this request.

C. Minor Modification Approval Criteria. A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.

- 1. Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter 18.5.1.

Response:

The original approval was under the Conditional Use Criteria and Site Review Standards. Below are the relevant standards that apply to the specific items modified in this application.

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18.5.4.050 Conditional Use Approval Criteria

A. Approval Criteria.

3. 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, pursuant with subsection 18.5.4.050.A.5, below. 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.

a. Similarity in scale, bulk, and coverage.

Response:

a. The modified floor plans total 10,986 square feet less than the previously approved plans, a 10.5% reduction. The building is similar to the approved plan in scale, bulk and coverage, just marginally smaller.

b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

Response:

b. With the reduction to the building size of 10,986 square feet, no additional traffic is anticipated due to this modification.

c. Architectural compatibility with the impact area.

Response:

c. The proposed modification is similar in materials and overall character with the approved plan that was deemed compatible with the surrounding impact area. A brown metal panel has been added to the material palette to increase the architectural compatibility with the adjacent buildings.

2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.

Response:

1. This modification is for minor alterations to the approved conditional use plans and does not add new conditional uses or a variance.

3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.

Response:

2. The relevant findings pertaining to the modification submitted for approval are contained herein.

Additionally, the Applicant wants to take this opportunity to address two conditions of approval.

Condition

5)a) - Tree retention: Applicant sought review from arborist Michael Oxendine, Staff Arborist for Southern Oregon University, to confirm which trees could be preserved short or long term, and which trees need to be removed. Attached is the Landscape Architect's updated tree removal request memo that summarizes the Arborist's findings regarding each tree that will be retained on a temporary basis and which trees must be removed due to condition.

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January 8, 2015



location. Trees to be retained long term that are adjacent to the construction area will be protected per the plan on Sheet 3.

- 6) - Improvements to the Wightman Street parking lot: Attached plan shows six new tree planters are to be added in the interior of the lot as well as additional hedge screening along Wightman Street to fill in where screening is currently missing. Additional ground cover and low shrubs are proposed as well.

Two pedestrian refuge areas are proposed. One will be at the corner of Webster Street and Wightman Street, and a second refuge is being developed by widening a six foot section to the existing sidewalk by two feet, centered between Webster Street and the parking lot driveway to Wightman. In addition a 5 foot wide walkway is being provided from the parking lot to the Wightman sidewalk See Sheet P1.

In summary, the proposed modifications substantially conform to the design of the original approved project. We appreciate your review and await your response.

Very truly yours,

CSA Planning, Ltd.

Beverly Thruston, AIA
Associate

CSA/bt L-Revisions-010816.docx
Attachments
cc. File

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15 = LEED Points At Risk due to VE-Cost Reductions
 15 = Potential LEED pts with Solar, PV PPA



SOU McNealon Pavilion & Student Recreation Center
 LEED for New Construction 2009 Scorecard

12.23.2015

Certified 40-49 Silver 50-59 Gold 60-79 Platinum 80+

Yes	Y	No	N	No	N	Total Project Score	
50	4	21	25				

ZCS-AC	Y	Sustainable Sites				25 Points Possible				Materials & Resources				14 Points Possible				
		18	0	0	8	6	0	1	7	6	0	1	7	6	0	1	7	
BW 1	Y	1				1				3								n/a
BW 5	Y					5				1								1-3
AC-BW 1	Y					1				1								1
BW 1	Y					6				1								1
BW 3	Y					3				1								1
BW 2	Y					2				1								1
Covey	Y					1				1								1
Covey 1	Y					1				1								1
ZCS	Y					1				1								1
ZCS 1	Y					1				1								1
SSA 1	Y					1				1								1
SCD 1	Y					1				1								1
IES 1	Y					1				1								1

Ballard	Y	Water Efficiency				10 Points Possible				Indoor Environmental Quality				15 Points Possible				
		8	0	0	2	4	0	0	2	9	1	2	3	9	1	2	3	
Ballard	Y					n/a												n/a
Covey	Y					4				2-4								n/a
Ballard	Y					4				2								1
Ballard	Y					4				2-4								1
Glumac	Y					11				3								1
BW	Y					17				17								1
Ballard	Y					4				6								1
Ballard-SOU	Y					6				1								1
Glumac	Y					2				7								1
Ballard	Y					2				2								1
IES-Ballard-SOU	Y					1				2								1
SOU-BW	Y					2				2								1

BW-SOU-SCD	Y	Innovation & Design Process				6 Points Possible				Regional Credits				1 Points Possible				
		6	0	0	0	1 <th>0</th> <th>1</th> <th>1</th> <th>2</th> <th>0</th> <th>1</th> <th>1</th> <th>2</th> <th>0</th> <th>1</th> <th>1</th>	0	1	1	2	0	1	1	2	0	1	1	
BW-SOU-SCD	Y					1												n/a
BW-SOU	Y					1				1								n/a
BW-SOU	Y					1				1								1
BW-SOU	Y					1				1								1
IES	Y					1				1								1
BW	Y					1				1								1

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Project Zip Code: 97520
 Regional Credit: SSC2
 Regional Credit: SSC6.1
 Regional Credit: SSC6.2
 Regional Credit: MRc7
 Regional Credit: EQc6.1

Other ID # Options: Sustainable Purchasing Policy; Solid Waste Management Policy; SSC5.2 Open Space 40% of site; Walkable Project Site (Pilot Credit); MRc2 CWM 95%; SOU Bee Friendly Campus, Other

Memo

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To: City of Ashland Planning and Engineering Departments
From: Justin Gerlitz, PE *JM*
Josh Modin
CC: Mira Theisen, AIA, LEED AP – SCD Architecture & Design
Dave Straus, AIA, NCARB – Straus & Seibert Architects
Jay Harland – CSA Planning
Date: December 31, 2015
Re: McNeal Pavilion Renovation & Student Recreation Center –
Summary of Schematic Utility Services and Stormwater

ZCS Engineering, Inc. has provided schematic level utility connections for service, routing, etc. for the proposed McNeal Pavilion Renovation and Student Recreation Center. The connection points to the surrounding public or franchise utility main lines are based on our recent experience with the SOU Student Housing and Dining Hall project. To date, we have not conducted a formal group 'Conceptual Utility Meeting' with City of Ashland personnel; however, we have reached out to each entity for discussion purposes. Our 'Schematic Utility Routing and Site Grading Concepts' plan included in the formal application package was derived from those conversations and the information contained with the Ashland Planning Department Pre-Application Conference Comment Sheet. The following provides additional information relative to each respective utility:

Data-Communications (Varies)

Data-Communications services are currently being handled by design team member 'Innovative Electrical Systems, Inc.'. Existing telephone, fiber optics, etc. is currently serving McNeal Pavilion and is expected to generally stay the same.

We assume all other data-communication services or school interconnected facilities utilize the existing underground tunnel system. The existing underground tunnel system enters in the SW corner of the existing boiler room. An extension off the existing tunnel is proposed to the east towards the new mechanical room location.

Natural Gas (Avista Utilities)

Survey information illustrates an existing main line within the Webster Street Public Utility Easement (PUE). We have contacted David McFadden at Avista Utilities to coordinate the existing main location, services and meters. Our proposed new service eliminates one of two existing meters and relocates the other. Our point of connection to the existing gas main has also relocated east, closer to the new mechanical room location.



Power (Ashland Electric)

As part of the SOU Student Housing and Dining Hall project, future infrastructure was installed to accommodate expansion in this area. ZCS Engineering and Innovative Electrical Systems have been working with Dave Tygerson at Ashland Electric to coordinate the reconfiguration of power service to the McNeal Pavilion and Student Recreation Center. An existing sectionalizing cabinet at the NW corner of McLoughlin Hall will provide the point of connection for the upsized transformer(s) serving this project. Currently, the transformer(s) location is proposed to remain the same (NW corner of McNeal Pavilion) and all new utility lines will run underground. In addition, the existing overhead service currently coming from Wightman Street will be removed.

Sanitary Sewer (Ashland Wastewater)

Contrary to the information provided in the Ashland Planning Department Pre-Application Conference Comment Sheet, research indicates that the existing facility is served by a 12" line exiting the building at the NW corner (adjacent to the existing ticket booth). From this location, the service drains north to collect the Raider Stadium grandstands, then turns NW to discharge into the existing public 12" main line within Wightman Street. We've coordinated with Jason Robustelli at Ashland Wastewater who has confirmed that the existing 12" service is adequate to handle the McNeal Pavilion Renovation and Student Recreation Center. A portion of the private service is proposed to be reconstructed due to pipe deterioration. The Raider Stadium Turf project replaced the balance of the aged service line.

Storm Sewer (Ashland Engineering)

Survey information illustrates an existing private 12" storm line along the northern side of the existing building draining towards the east. As part of the SOU Student Housing and Dining Hall project, we provided a new public 30" main line within the Webster and Stadium Streets PUE, wrapping around the eastern side of the existing McNeal Pavilion building. The existing private 12" storm line connects to the 30" public storm main via a manhole located at the dead-end of Stadium Street. The new 30" public storm main then continues north via an easement to Iowa Street.

By utilizing design guidelines established by the City of Ashland Engineering Department, initial stormwater calculations indicate the overall tributary basin (± 2.17 acres) will have a net reduction in redeveloped conditions peak flow for both the 2 year and 25 year storm events. Initial stormwater calculations analyzed the tributary basin using the Rational Method as existing conditions versus proposed conditions for the 2 and 25 year storm events.

Reducing runoff was accomplished by decreasing the amount of proposed impervious surface from the existing conditions combined with increasing the proposed conditions stormwater time of concentration.

Formal stormwater calculations and a full report will be provided at the time of engineering submittal.

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All stormwater within the limits of the improved tributary basin will sheet flow to open area inlets or vegetated conveyance swales. The storm system inlets will be collected by an underground pipe network that will, along with conveyance swales, discharge into the existing storm system towards the NE corner of the project boundary.

Prior to entering the existing public system, stormwater within the tributary basin will pass through a new 'Contech Engineering Solutions' CDS treatment manhole specifically engineered for the water quality flow rate and peak flow rate of this project. The proposed CDS2020-5 treatment manhole separates and traps trash, debris, sediment, and hydrocarbons from stormwater runoff. The CDS2020-5 treatment manhole also captures and retains 100% of floatables and neutrally buoyant debris. By providing this structure, we're meeting the requirements of LEED SS Credit 6.2, Stormwater Design – Quality Control. SS Credit 6.2 requires Best Management Practices to treat runoff by removing a minimum of 80% of the developed total suspended solids (TSS).

Water (Ashland Water)

Survey information illustrates an existing 6" main line within the Webster Street PUE. Research indicates there is an existing 6" water service currently piped directly from the Webster Street main to the McNeal Pavilion boiler room through an existing 4" meter.

Proposed modifications and additions to the existing configuration include the following:

- Remove the existing meter, vault, and service back to the public main line
- Add a new 6" fire service with double check detector assembly and fire department connection approximately 55-feet east of the existing service tap
- Add a new 6" fire hydrant assembly approximately 38-feet east of the existing service tap adjacent to the fire service to serve the new fire department connection
- Add a new 4" meter assembly off the new 6" fire hydrant assembly to provide domestic (potable) water service

We've coordinated with Steve Walker at Ashland Water who has confirmed our assumptions on the proposed water system layout for the McNeal Pavilion Renovation and Student Recreation Center.

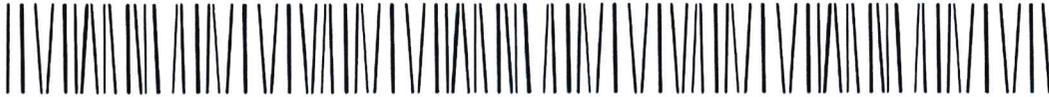
Conclusion

In summary, the proposed redevelopment site appears to be adequately served by all major utilities without requiring the need for mainline utility extensions. Please reference our 'Schematic Utility Routing and Site Grading Concepts' plan included in the formal application package for additional information.

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November 4, 2015

City of Ashland
Tree Commission
20 East Main Street
Ashland, OR 97520

Re: **Tree Removal Permit Request**
SOU McNeal Pavilion Renovation and Student Recreation Center

Dear Tree Commission Members,

Efforts were made in the planning process of the SOU McNeal Recreation Center project to accommodate existing trees. However, the large scale of the project will require six (6) trees with a diameter of 18 inches or greater to be removed during construction. Additional trees, less than 18 inches in diameter and therefore exempt from the requirement for a tree removal permit (see AMC section 18.5.7.020), will also be removed as a part of the project. Three (3) trees will receive special monitoring to better ensure survival during construction; these trees are not expected to survive long following completion of the project, and are being retained to provide shade while the new trees grow. These trees are indicated on the Tree Protection & Removal Plan, with replacement mitigation trees noted on the Site Review Planting Plan. Removal of these trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks. Additionally, the removal of these trees will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. One or more trees are planned to be planted in the new landscape as mitigation for each tree greater than 6 inches in diameter that is removed. The Site Review Planting Plan includes twenty-eight (28) new trees, half of which will be 3" caliper size at the time of planting.

Tree #4 is a 36-inch Leyland Cypress. It is located too close to the proposed west entry plaza and a proposed utility route which will require grade cuts within the root zone of the tree. The tree would not survive the excavation process, and needs to be removed.

Tree #5 is a 38-inch Leyland Cypress. It is located too close to the proposed west entry plaza and a proposed utility route which will require grade cuts within the root zone of the tree. The tree would not survive the excavation process, and needs to be removed.

Tree #6 is a 26-inch Mulberry. This tree is an inappropriate species for its setting and is located too close to the proposed pavement which will require grade cuts within the root zone of the tree. The tree is not expected to survive long following completion of the project, but will be retained during the construction process, and afterwards until the tree falls into decline, at which time it will be removed and replaced.

Tree #7 is a 28-inch Modesto Ash. This tree is an inappropriate species for its setting and is located within the proposed fire access route, and needs to be removed to allow for construction.

Tree #8 is an 18-inch Modesto Ash. This tree is an inappropriate species for its setting. It is located within the proposed pedestrian sidewalk route, and needs to be removed to allow for construction.

Tree #11 is a 20-inch Pine. It is located within the proposed building footprint, and needs to be removed to allow for construction.

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*Tree Removal Permit Request
SOU McNeal Pavilion Renovation and Student Recreation Center
November 4, 2015*

Tree #18 is a 28-inch Sycamore. This tree is exhibiting signs of decline. A portion of the tree canopy is within the proposed building outline, and proposed grading and utilities occur within the root zone. To minimize root damage, subsurface boring will be used to facilitate installation of a storm drain line that passes under this tree. The tree may not survive long following completion of the project, but will be retained during the construction process, and afterwards until the tree falls into decline, at which time it will be removed and replaced.

Tree #19 is a 36-inch Sycamore. This tree is exhibiting signs of decline. Proposed grading and utilities occur within the root zone. To minimize root damage, subsurface boring will be used to facilitate installation of a storm drain line that passes under this tree. The tree may not survive long following completion of the project, but will be retained during the construction process, and afterwards until the tree falls into decline, at which time it will be removed and replaced.

Tree #25 is a 30-inch Chinese Elm. This tree fell into decline several years ago and was removed by the SOU maintenance staff before commencement of design for this project.

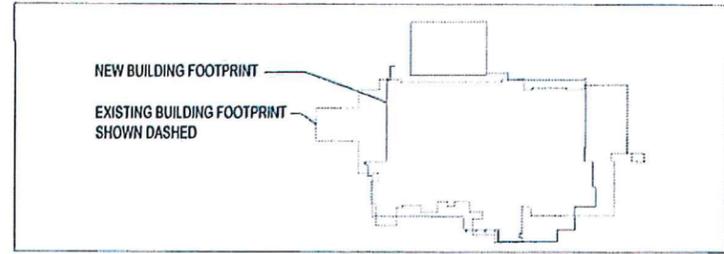
The proposed project will include many new trees selected for hardiness, beauty, and longevity, and coordinated with the recently completed North Campus Village project.

Respectfully,

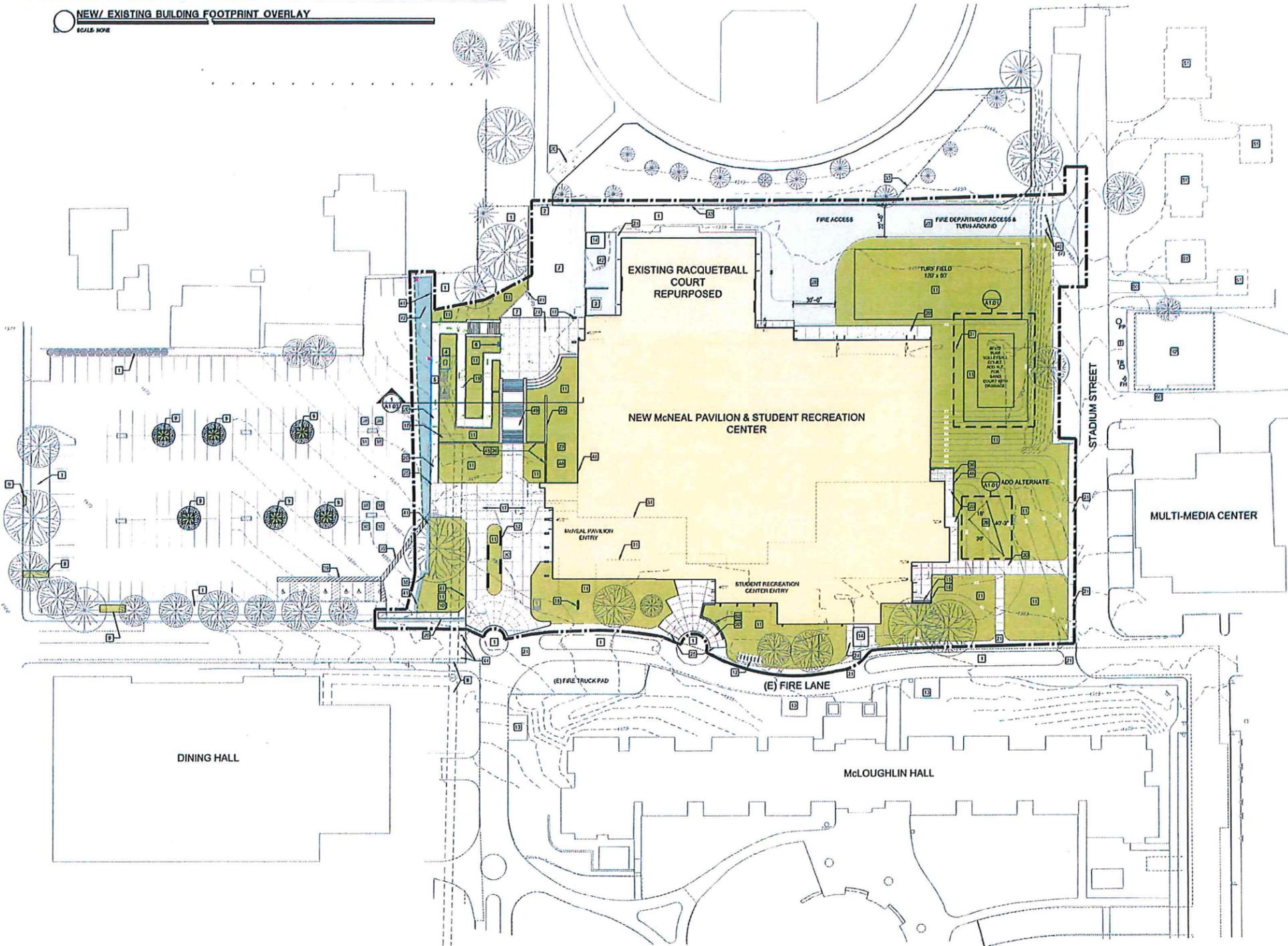


Alan Pardee
Covey Pardee Landscape Architects

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NEW/ EXISTING BUILDING FOOTPRINT OVERLAY
SCALE NOTE



- KEY NOTES**
- EXISTING LANDSCAPE TO REMAIN.
 - (E) CHAINLINK SLIDING GATE.
 - NEW GENERATOR & 10' CMU ENCLOSURE.
 - (E) TRANSFORMER & PAD.
 - NEW TRANSFORMERS & PAD. SEE ELECTRICAL.
 - EMERGENCY CALL POST.
 - (E) ASPHALT/ CONCRETE WALKWAY DRIVE TO REMAIN.
 - (E) MECHANICAL TUNNEL
 - SEE LANDSCAPE DRAWINGS.
 - (N) EVENT SIGNAGE.
 - NEW LANDSCAPING.
 - 6 (N) BICYCLE PARKING LOOPS.
 - (E) BICYCLE STRUCTURE.
 - (N) 40 BIKE PARKING STRUCTURE. PROVIDE CONCRETE PAD.
 - (N) OUTDOOR WASH.
 - (N) WALL.
 - NEW TUNNEL.
 - COLUMNS .
 - ADA RAMP.
 - (N) CONCRETE SIDEWALK . MATCH EXISTING RADIUS SCORE JOINTS , WHERE OCCURS.
 - EXISTING CONCRETE WALK
 - NEW FILL, SLOPE TO GRADES.
 - SWALE, SEE CIVIL.
 - NEW CONCRETE SLAB.
 - SAW CUT.
 - 3 POLE SLACKLINE.
 - SAW CUT AC. (E) TO NORTH REMAIN, U.N.O.
 - FIRE TRUCK ASPHALT DRIVE.
 - DEMO AC PAVING & CURB. NEW FILL TO GRADES.
 - NEW CONCRETE PLAZA.
 - LINE OF MAIN FLOOR OF ORIGINAL BUILDING.
 - FUTURE EQUIPMENT SHED.
 - (E) FENCE TO REMAIN.
 - LINE OF NEW LOWER FLOOR.
 - (E) PARKING FEE MACHINE, RELOCATED BY OWNER.
 - GUARDRAIL.
 - BENCHES.
 - POST-MOUNTED PARKING LOT SIGNAGE.
 - NEW ADA STRIPING.
 - NOT USED.
 - NEW CONCRETE CURB.
 - NEW A.C. PAVING
 - AC PAVING PATCH @ NEW CURB.
 - (E) PIPE BOLLARDS.
 - RETAINING WALL.
 - LIGHT WELL. NEW FILL TO GRADES SHOWN.
 - NOT USED.
 - LINE OF NEW MAIN BUILDING.
 - NEW STAIRS.
 - FUTURE GRAVEL APPROACH.
 - REMOVED BY OTHERS.
 - 18" TALL SEAT WALL.

- LEGEND**
- OVERALL BUILDING FOOTPRINT
 - CONSTRUCTION PROJECT BOUNDRY
 - FUTURE EXPANSION
 - CONTOURS
 - TREES TO REMAIN
 - PLAZA
 - SPOT 1527.25 + FINISH FLOOR ELEVATIONS
 - xx (N) FENCE
 - xx (E) FENCE
 - EMERGENCY CALL POST



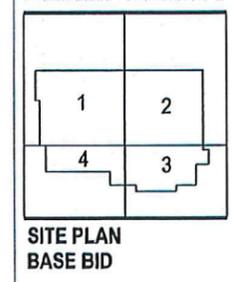
SINK COMBS DETHLEFS
ARCHITECTURE DESIGN
475 Lincoln Street
Denver, CO 80203
Tel: 303-306-0200

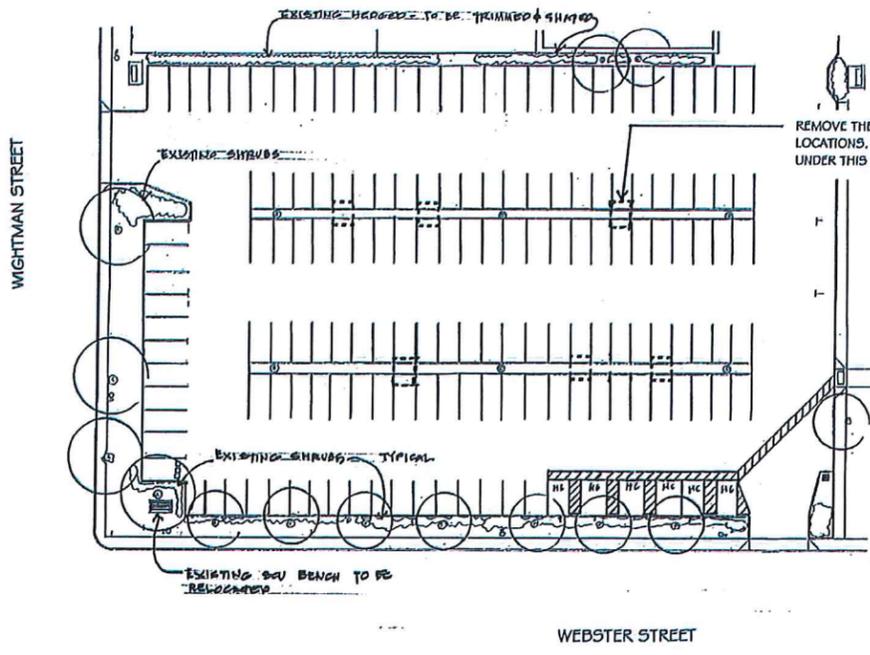
STRAUS & SEIBERT
ARCHITECTS LLP
1135 EAST MAIN STREET, SUITE 202
MEDFORD, OREGON 97504
VOICE 541 779 4363
FAX 541 779 3891
Web@sssaarchitects.com

NOT FOR CONSTRUCTION

McNeal Pavilion Renovation and Student Recreation Center
1465 Webster St, Southern Oregon University, Ashland, OR 97529
SCD Project No: 1435.00
SSA Project No: 0431
11/16/15 Revisions: Date: 12/28/15
Revised City & County: 2015.12.28

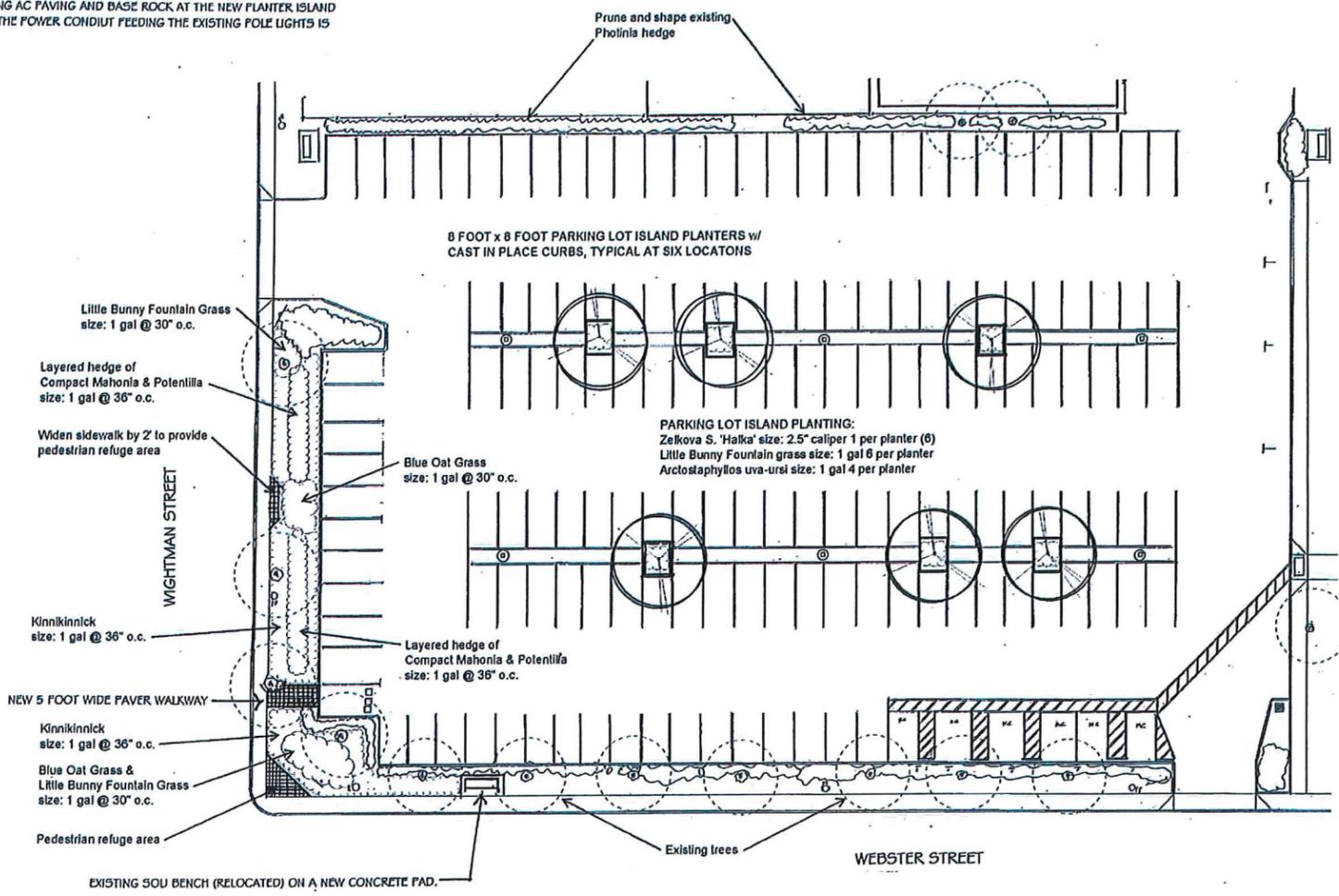
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EXISTING SITE PLAN
SCALE: 1" = 30' - 0"
NORTH

THE EXISTING PARKING LOT POLE LIGHTS WILL BE REPLACED WITH NEW ENERGY EFFICIENT LIGHTS WITH POLES



SITE - LANDSCAPE PLAN
SCALE: 1" = 20' - 0"
NORTH

SITE PLAN PROVIDED BY SOU

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City Of Ashland

**Wightman Street Parking Lot 1
Landscape Improvements**

Conceptual
Landscape Plan December 28, 2015



295 EAST MAIN STREET #8
ASHLAND, OR 97520
530.926.0223 or 541.552.1015
lan@coveypardee.com

BEFORE THE PLANNING COMMISSION

July 14, 2015

IN THE MATTER OF PLANNING ACTION #2015-00418, A REQUEST FOR)
SITE DESIGN REVIEW APPROVAL FOR THE RECONSTRUCTION OF)
MCNEAL PAVILION ON THE SOUTHERN OREGON UNIVERSITY CAMPUS)
AT 1465 WEBSTER STREET. 106,722 SQUARE FEET OF THE EXISTING)
113,000 SQUARE FOOT BUILDING WILL BE DEMOLISHED, WITH THE)
EXISTING RAQUETBALL BUILDING RETAINED. WITH RECONSTRUC-)
TION, THE COMBINED BUILDING AREA WILL BE 100,804 GROSS SQUARE)
FEET ON THREE LEVELS, A 10.8 PERCENT REDUCTION IN THE TOTAL)
BUILDING SQUARE FOOTAGE OVER THE EXISTING. THE APPLICATION)
ALSO INCLUDES ONE ALTERNATIVE DESIGN CONCEPT WHICH WOULD RE-)
LOCATE THE ATHLETICS OFFICE FROM THE UPPER LEVEL TO THE LOWER)
LEVEL, INTO AN AREA THAT WAS TO BE RESERVED FOR FUTURE)
PROGRAMS IN THE BASE CONCEPT. IF PURSUED, THIS ALTERNATIVE)
WOULD FURTHER REDUCE THE TOTAL BUILDING SQUARE FOOTAGE TO)
95,942 SQUARE FEET, A 15.09 PERCENT REDUCTION IN TOTAL SQUARE)
FOOTAGE. THE APPLICATION ALSO INCLUDES REQUESTS FOR CON-)
DITIONAL USE PERMIT APPROVAL TO ALLOW CONSTRUCTION OF A NEW)
STUDENT RECREATION CENTER NOT IDENTIFIED IN THE 2010 SOU)
CAMPUS MASTER PLAN AND WHICH WILL EXCEED THE 40-FOOT HEIGHT)
ALLOWED IN THE SO ZONING DISTRICT, AND FOR TREE REMOVAL)
PERMITS TO REMOVE NINE (9) TREES THAT ARE 18-INCHES IN DIAMETER)
AT BREAST HEIGHT OR GREATER.)

) **FINDINGS,**
) **CONCLUSIONS**
) **AND ORDERS**

APPLICANT: Southern Oregon University (SOU), *owner*)
CSA Planning, Ltd., *agents for owner*)

RECITALS:

- 1) Tax lot #100 of Map 39 1E 10 CD is located at 1465 Webster Street and is zoned SO, Southern Oregon University.

- 2) The applicants are requesting Site Design Review approval for the reconstruction of McNeal Pavilion on the Southern Oregon University Campus at 1465 Webster Street. 106,722 square feet of the existing 113,000 square foot building will be demolished, with the existing racquetball building retained. With reconstruction, the combined building area will be 100,804 gross square feet on three levels, a 10.8 percent reduction in the total building square footage over the existing. *(The application also includes one alternative design concept which would relocate the athletics office from the upper level to the lower level, into an area that was to be reserved for future programs in the base concept. If pursued, this alternative*

Staff Exhibit S.1 Approved Findings for McNeal Reconstruction from PA 2015-00418

would further reduce the total building square footage to 95,942 square feet, a 15.09 percent reduction in total square footage.) The application also includes requests for Conditional Use Permit approval to allow construction of a new Student Recreation Center not identified in the 2010 SOU Campus Master Plan and which will exceed the 40-foot height allowed in the SO zoning district, and for Tree Removal Permits to remove nine (9) trees that are 18-inches in diameter-at-breast-height (d.b.h.) or greater. Site improvements are outlined on the plans on file at the Department of Community Development.

3) The Southern Oregon University Campus SOU Plan Update (“the SOU Plan”) was adopted by the Ashland City Council in June of 2010 to achieve compliance with Oregon Statewide Planning Goal #2 (Land Use Planning) as well as Chapter 197 of the Oregon Revised Statutes which requires that the planning activities of Southern Oregon University be coordinated with the City of Ashland to ensure compatibility with the City’s Comprehensive Plan and local land use ordinances. The SOU Plan provides both a conceptual framework and design guidelines for the on-going development of the 164-acre Southern Oregon University campus, which is zoned SO (Southern Oregon University). Zoning regulations within this district are found in AMC 18.3.6, which generally provides that those uses which are directly related to the educational functions of SOU, which are indicated and located in conformance with the adopted SOU Plan, and which are greater than fifty (50) feet from privately owned property are permitted outright subject to Site Design Review approval, while allowing a measure of flexibility to the adopted SOU Plan where project-specific site planning varies from the larger conceptual framework by providing that any “*use, site design, or construction or alteration of same*” not agreed upon in advance is subject to discretionary review as a Conditional Use Permit.

4) The application involves the proposed demolition of the vast majority of the McNeal Pavilion structure and three houses in the vicinity. The demolition and relocation of structures is not regulated through Ashland’s Land Use Ordinance (AMC Chapter 18) or subject to land use approval, and must instead be reviewed and approved separately pursuant to AMC 15.04.210-.218 which regulate the demolition and relocation of buildings within the city. The approval of Demolition/Relocation Review Permits is subject to review by the Building Official and/or the Demolition Review Committee.

5) The criteria for Site Design Review approval are described in AMC 18.5.2.050 as follows:

- A. ***Underlying Zone:*** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. ***Overlay Zones:*** *The proposal complies with applicable overlay zone requirements (part 18.3).*
- C. ***Site Development and Design Standards:*** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
- D. ***City Facilities:*** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity,*

Staff Exhibit S.1 Approved Findings for McNeal Reconstruction from PA 2015-00418

urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.

*E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*

*1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design 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 Development and Design; and the exception requested is the minimum which would alleviate the difficulty.;
or*

2. 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 Development and Design Standards.

6) The criteria for Conditional Use Permit approval are described in AMC 18.5.4.050.A as follows:

1. 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.

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

3. 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, pursuant with subsection 18.5.4.050.A.5, below. 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.

a. Similarity in scale, bulk, and coverage.

b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

c. Architectural compatibility with the impact area.

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

Staff Exhibit S.1 Approved Findings for McNeal Reconstruction from PA 2015-00418

- pollutants.*
- e. Generation of noise, light, and glare.*
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.*
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.*
- 4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
- 5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
- a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - d. C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.*
 - f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.*
 - h. CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.*
 - i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all*

Staff Exhibit S.1 Approved Findings for McNeal Reconstruction from PA 2015-00418

ordinance requirements.

- k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
- l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*

7) The criteria for a Tree Removal Permit to remove a “Tree That is Not a Hazard” are described in Chapter 18.5.7.040.B.2 as follows:

- 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*
- 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.*
- 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.*
- 4. Nothing in this section shall require that the residential density to 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 this ordinance.*
- 5. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

8) The Planning Commission, following proper public notice, held a public hearing on June 9, 2015 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

Staff Exhibit S.1 Approved Findings for McNeal Reconstruction from PA 2015-00418

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for Site Review, Conditional Use and Tree Removal permit approvals meets all applicable criteria for Site Review approval as described in Chapter 18.5.2.050, for Conditional Use Permits as described in Chapter 18.5.4.050.A, and for Tree Removal Permits as described in Chapter 18.5.7.040.B.2.

2.3 The Planning Commission finds that the proposal meets all applicable ordinance requirements of the City of Ashland with the attached conditions of approval. The Site Plan provided delineates the proposed building location, design and associated site improvements. The Planning Commission further finds that the application involves requests for Site Design Review approval for the reconstruction of McNeal Pavilion on the Southern Oregon University Campus at 1465 Webster Street. 106,722 square feet of the existing 113,000 square foot building will be demolished, with the existing racquetball building retained. With reconstruction, the combined building area will be 100,804 gross square feet on three levels, a 10.8 percent reduction in the total building square footage over the existing. (*The application also includes one alternative design concept which would relocate the athletics office from the upper level to the lower level, into an area that was to be reserved for future programs in the base concept. If pursued, this alternative would further reduce the total building square footage to 95,942 square feet, a 15.09 percent reduction in total square footage.*) The application also includes requests for Conditional Use Permit approval to allow construction of a new Student Recreation Center not identified in the 2010 SOU Campus Master Plan and which will exceed the 40-foot height allowed in the SO zoning district, and for Tree Removal Permits to remove nine (9) trees that are 18-inches in diameter-at-breast-height (d.b.h.) or

Staff Exhibit S.1 Approved Findings for McNeal Reconstruction from PA 2015-00418

greater.

2.4 The Planning Commission finds that the primary request under consideration is for Site Design Review for the reconstruction of the McNeal Pavilion on the Southern Oregon University Campus at 390 Stadium Street and 351 Walker Avenue. The materials provided explain that after nearly 60 years of service, the McNeal Pavilion has come to the end of its useful life. The main structure suffers from structural problems that are not repairable and as such, SOU has elected to replace McNeal Pavilion with new construction. The existing racquetball building is to remain in place and be connected to the new competition gymnasium. Concurrent with the McNeal Pavilion replacement, a new Student Recreation Center will be added. The Student Recreation Center will be attached to McNeal Pavilion but will operate independently of McNeal's academic and athletic uses.

The first approval criterion for Site Design Review is that, "*The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*" The Planning Commission finds that the SOU District is not addressed through the underlying zone regulations in part 18.2 and is instead guided by the special district provisions in AMC 18.3.6 and the SOU Campus Master Plan, which provide specific guidance for the development of the campus through an adopted map detailing proposed developments as well as through specific site and building design standards applicable to the SOU District. Compliance with these standards is addressed under the next criterion.

The second Site Design Review approval criterion is that, "*The proposal complies with applicable overlay zone requirements (part 18.3).*" The Commission finds that the subject property is not within the boundaries of Site Development and Design Overlays such as the Detail Site Review Zone that covers some portions of the SOU campus and that no other overlay zone requirements exist for the property. The property is located within the Southern Oregon University (SOU) District, which is considered to be a special district as detailed in AMC 18.3.6.

The SOU district regulations provide that uses related to the educational functions of the University are considered outright permitted uses, provided that such uses are indicated and located in conformance with the adopted, city-approved SOU Campus Master Plan (see <http://www.ashland.or.us/comdevdocs>), and are greater than fifty (50) feet from privately owned property. In addition to the standards contained in the SOU Campus Master Plan, development on campus is also subject to the Site Review, Sign Regulations, Off-Street Parking and Tree Preservation & Protection chapters, as well as to the Conditional Use Permit chapter which applies to: any use, site design, or construction or alteration of same not agreed upon in advance by the city and the university in the SOU Campus Master Plan; any use, site design, or construction within 50 feet of privately-owned property; any construction over 40 feet in height; and wireless communication facilities. The applicant's Exhibit 3 responds to the SOU District requirements and those of the SOU Campus Master Plan.

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The Planning Commission finds that the SOU Campus Master Plan details design guidelines for campus development seeking to provide buildings at a density appropriate both to a significant university and to the scale of Ashland; to ensure that the scale and articulation of buildings enhance the “sense of place” of the campus and support walking within the campus environment; and express the permanence and long-term role of the university in the community. These goals are addressed through standards for building massing and orientation which limit new construction to four stories, strongly discourages single-story buildings, limits academic buildings to a maximum length of 300 feet, and to a maximum footprint of 45,000 square feet, and provides articulation guidelines which call for design elements on buildings longer than 200 feet to prevent unbroken wall lengths greater than 150 feet to include offsets or jogs in the plan or significant recessed entry or courts of at least 25 feet in width. Buildings facing major streets are to have significant, strongly articulated and clearly understandable entries to the street, and buildings facing both a significant street and a campus open space are to have entries provided to both. The SOU Campus Master Plan also includes standards calling for the use of materials and construction selected for long-term durability, with a preference noted for materials similar to the more significant buildings on campus which have typically used brick, concrete and stucco.

The Commission finds that while the SOU Campus Master Plan would allow four-story construction, only three stories are proposed here. The application suggests that because McNeal is neither a residential building nor strictly academic classrooms it should not be subject to the Maximum Building Size limitations of the SOU Campus Master Plan, which limit building lengths and footprints for academic and residential buildings and which include building articulation standards for buildings at certain thresholds. The Planning Commission finds that the SOU Campus Master Plan provides that buildings are either academic or residential, so buildings other than residence halls would be subject to the academic standards. The Commission further finds that, in this instance McNeal Pavilion is an existing building which is identified in the plan for renovations, and the renovations proposed appear to comply with the length and articulation guidelines while bringing the pre-existing footprint much closer to compliance with the Maximum Building Size limitations.

The Commission finds that the application address the articulation, entries, materials and character, and parking lots standards of the SOU Campus Master Plan, noting that the exterior layout is articulated so that the longest unbroken wall segment, on the east elevation, is 135 feet. The building will now have two significant entries, with the Student Recreation Center entered off of the Webster Street pedestrian mall facing the adjacent dormitories and dining hall. The two-story athletics and academic classroom entry faces Wightman Street providing a substantially more visible public face to the building than it has at present. The application explains that the proposed materials are intended to relate to the finishes used on the Hannon Library, one of the more significant buildings on campus as encouraged in the SOU Campus Master Plan. Primary exterior wall materials include light-colored brick masonry, grey and charcoal aluminum composite metal wall and fascia panels, light grey colored stucco, and grey aluminum storefront windows and framing system.

The third approval criterion is that, “*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*” The Commission finds that

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the Site Development & Design Standards generally seek to improve each project's appearance; create a positive, human scale relationship between proposed buildings and the streetscape which encourages bicycle and pedestrian travel; lessen the visual and climatic impacts of parking; and to screen adjacent uses from adverse impacts of development. To these ends, buildings are to have their primary orientation to the street rather than to parking areas, with visible, functional and attractive entrances oriented to the street, placed within 20 feet of the street, and accessed directly from the public sidewalk. Buildings on corner lots are to orient to the higher order street or to the corner. Sidewalks and street trees are to be provided along subject properties' frontages, and automobile parking and circulation areas are not to be placed between buildings and the street.

The Planning Commission finds that in responding to the design standards, the application notes that McNeal Pavilion is an existing athletic facility that is part of the larger SOU campus. The proposed project will be reusing part of the existing building, replacing the areas that cannot be renovated, and developing the adjoining Student Recreation Center. The application explains that McNeal Pavilion's relationships to Wightman Street, Webster Street and Stadium Street are long-established. The original building was oriented to Webster Street with a student parking area on the west side between the building and Wightman Street. The new Student Recreation Center is similarly oriented to Webster Street, which was recently closed to motor vehicle traffic to create a pedestrian mall between McNeal, the new dining hall and the new residence hall to provide for safer pedestrian circulation through the North Campus Village. The new athletics and classroom entrance faces Wightman Street, but the west side parking lot is proposed to remain between the building and Wightman. This entry is also connected to the Webster pedestrian corridor by a plaza area. The reconstructed building will front directly on both Webster and Stadium Streets, with the longer frontage along Webster Street. The existing entry for McNeal currently faces the Webster Street pedestrian mall. The Commission finds that in redesigning the building, a primary entry from Webster Street for the new Student Recreation Center is retained and a new distinct entrance for the athletics and classroom portion of the building has been created to face Wightman with a connection via sidewalk to Webster Street. Red pilasters, in keeping with the school colors, mark the primary entrance location.

The Commission finds that the Student Recreation Center entrance on Webster is within 20 feet of the right-of-way line. The athletics and classroom entrance, while facing Wightman, cannot be moved closer to Wightman as the building containing the entry is attached to an existing building located near the center of the site, and needs to be immediately adjacent to Raider Stadium. However, the taller entry element and articulated façade create a stronger, more welcoming presence that will be very visible from Wightman Street.

The Commission finds that the streets immediately adjacent to the project site are primarily private streets and part of the SOU campus, and the application notes that landscaping will be installed surrounding the building and along the streets. Refuse and recycle enclosures are to be provided along with the surrounding landscaping, and lighting is to meet the applicable city standards.

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The application emphasizes that with the recent North Campus Village project, and as required in the SOU Campus Master Plan, prior to the construction of the residence halls an extensive parking study was conducted assessing the number and location of parking spaces available on- and off-street in the north campus area in light of existing and projected uses. The application materials emphasize that the Student Recreation Center will serve students already on campus and using the existing building, and will not increase parking demand; with the decrease in square footage the actual parking demand previously anticipated would likely decrease. Parking for the building is controlled through the University's campus parking plan, and a permit system is in place to control the types of users and time of use for each lot. McNeal and Student Recreation Center users are entitled to use of the surrounding lots per the campus parking plan rules.

In the North Campus Village application, with regard to parking the Planning Commission found:

...[T]hat because the application primarily involves a shifting of existing student population from one side of Siskiyou Boulevard to the other, it is appropriate that providing adequate parking within a reasonable proximity to the new halls and addressing pedestrian safety enhancements at the likely crossing points for residents be key areas of focus for the application, and that these are two issues are adequately addressed in the materials provided. However, the Commission must also note that without a more detailed explanation of the future Student Recreation Center addition to McNeal Pavilion including the nature of proposed uses and the number, type and frequency of potential events, a finding cannot be made at this time that the parking proposed now will be adequate to serve that future construction, and further finds that at the time that project is considered through Conditional Use Permit review, more aggressive parking management and transportation demand management measures such as neighborhood parking permit programs may be necessary to minimize vehicular impacts to the surrounding neighborhood from the combined demand of the currently proposed North Campus Village housing and future Student Recreation Center addition which is not part of the current request.

The Planning Commission finds that given the proposal under consideration is a renovation resulting in a 10-15 percent net reduction in floor area and a commensurate reduction in parking demand rather than the substantial addition previously envisioned, and that parking demand for a University is considered in terms of the campus as a whole rather than on a building-by-building or site-by-site basis, the parking demand for the project is already adequately addressed at the campus level.

The Planning Commission further finds that the site currently contains an approximately 146 space parking lot between McNeal Pavilion and the Wightman Street. This parking lot lacks standard landscaping, parking lot trees, stormwater detention or pedestrian circulation called for under current standards; however the applicants have not proposed any modifications of the lot in conjunction with the proposed reconstruction of McNeal Pavilion. The Commission finds that a reconstruction of the scale being considered is significant enough that some upgrades are merited to bring the parking lot more into line with current city standards, and the SOU Campus Master Plan's own standards which call for, "*to the greatest degree feasible, parking lots shall be designed to include localized stormwater treatment and*

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infiltration facilities. Whenever possible, these stormwater treatment facilities should be above ground structures that incorporate appropriate plantings for pre-treatment and filtering of particulates and pollutants (SOU Campus Master Plan, p. 59).” A condition has been included to require that the applicants provide a revised site plan reflecting parking lot upgrades for the lot between McNeal Pavilion and Wightman Street prior to the submittal of building permits. This plan shall address at least six additional parking lot trees in the interior of the parking lot, potentially in containers; additional parking lot trees and sight-obscuring landscaping on the parking lot perimeter; and at least two areas of paved pedestrian refuge in the buffer planting strip along Wightman Street to aid in accommodating heavy pedestrian traffic during events.

The Commission further finds that with regard to bicycle parking, the application notes that two of the covered, double-decker bicycle parking structures typically used on campus will be installed here, one at the north side and one at the south side of McNeal. These units hold approximately 40 bicycles each. In addition, two other such structures are in place along the Webster Street pedestrian mall and individual, uncovered bicycle parking racks are to be placed near the entry to the Student Recreation Center.

The fourth approval criterion for Site Design Review is that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”* The Commission finds that the application materials provided note that the subject property and existing facilities are presently served by water, sewer, electricity, urban storm drainage, and paved access with the following details provided:

Water

The project engineers note that survey information illustrates an existing six-inch main line within the Webster Street public utility easement, and further note that their research indicates that there is an existing six-inch water service currently piped from the Webster Street main to the McNeal Pavilion boiler with a four-inch meter. Preliminarily proposed modifications and additions to the existing water service configuration include: modifying the existing service tap to provide a new six-inch fire service with double check detector assembly and fire department connection; adding a new six-inch fire hydrant assembly adjacent to the fire service to serve the fire department connection; and adding a new four-inch water meter assembly off the new six-inch fire hydrant assembly to provide domestic water service. The engineers indicate that they’ve coordinated with the City Water Department and have preliminary confirmation of the assumptions underlying the proposed water system lay-out.

Sewer

The application notes that an existing 12-inch sanitary sewer service exits McNeal near its northwest corner and discharges north through Raider Stadium before discharging into a 12-inch public main within Wightman Street. The project engineers indicate that they have confirmed it to be adequate to handle the reconstructed facility proposed here.

Electricity

The application explains that with construction of the residence and dining halls as part of the North

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Campus Village project, future electrical infrastructure was installed to accommodate the anticipated expansion of McNeal Pavilion. The applicants' engineering and electrical teams have been working with the Ashland Electric Department to design the power service reconfiguration to serve McNeal and the Student Recreation Center. The application points out that an existing sectionalized cabinet at the northwest corner of the McLoughlin residence hall will provide the point of connection for an upsized transformer to serve the project. The transformer will remain in the same northwest corner location of McNeal Pavilion with all new utility lines to run underground, and the existing overhead service from Wightman Street will be removed. The application emphasizes that the project's engineers have been in contact with both the City of Ashland Electric Department and Avista, the local natural gas provider, and both have confirmed capacity for the proposed project.

Urban Storm Drainage

The application notes that survey information identifies an existing 12-inch private storm line running along the north side of the existing building and draining east. As part of the North Campus Village project, a new 30-inch public main was provided within public utility easements in Webster and Stadium Streets, wrapping around the eastern side of the existing McNeal Pavilion building. The existing private 12-inch storm line connects to the 30-inch public storm main via a manhole located at the dead-end of Stadium Street, and the 30-inch public storm main then continues north via an easement to Iowa Street. The project engineers note that building modifications and impervious area associated with the project may require stormwater detention. All stormwater within the limits of the improved tributary basin will sheet flow to open area inlets or vegetated conveyance swales. The storm system inlets will be collected by an underground pipe network that will, along with the conveyance swale, discharge into a proposed vegetated detention swale, as required, located at the northeast corner of the project boundary. The vegetated detention swale would be designed to match the recently constructed stormwater facility in the northwest corner of the parking lot to the east of McLoughlin Hall. If detention is required, stormwater would then be allowed to pass into the existing 30-inch public storm main through a pre-cast concrete discharge control structure. Stormwater discharge within the limits of the area being improved would be limited to 0.25 cfs/acre peak flow rate when modeled for a post-developed 25-year storm event, and stormwater release rates would also be controlled for the two-year event for pre-treatment purposes.

The application further details that the proposal will involve an increase of impervious surface of more than 2,500 square feet, and the project engineers have determined that the storm sewer should be adequate to handle the increased run-off because on-site detention and because no increased load on the system is anticipated from the reconstructed building. The application states that engineered drainage plans with stormwater calculations will be provided. If determined to be necessary after final analysis, formal stormwater calculations are to be provided with the final engineering submittals.

The Talent Irrigation District (TID) has also provided comments that the property contains a total of 5.9 irrigated acres and noted that water rights must be removed from any impervious surfaces through sale or transfer back to TID through the District's transfer process which involves both the federal Bureau of Reclamation and state Water Resources Department. TID has also indicated that the property may contain private facilities not managed by TID that may need to be maintained through the property to provide

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continued service to downstream users, and that no interruption to irrigation water deliveries will be allowed. TID further notes that no urban stormwater will be allowed into district facilities without going through the Bureau of Reclamation process. These comments have been provided to the applicants.

Paved Access

The Planning Commission finds that the property takes access from Webster, Wightman and Stadium Streets. The application explains that a portion of Webster Street on the south side of McNeal Pavilion has been converted to a pedestrian mall for students between McNeal Pavilion and the adjacent dormitories. Wightman Street, a neighborhood collector, connects to Siskiyou Boulevard which is an arterial and local segment of Oregon Highway 99. Stadium Street connects to Webster Street which connects out to Walker Avenue, a collector which accesses Ashland Street, an arterial and local segment of Oregon Highway 66.

The application suggests that the project will enhance pedestrian routes around the building and improve connectivity to existing pedestrian paths. McNeal Pavilion pedestrian access to the proposed competition gym and Student Recreation Center will connect to the Webster Street pedestrian mall which connects to the campus pedestrian pathway system linking the dormitories, dining hall to the southern portion of the campus across Siskiyou Boulevard.

The Commission finds that the SOU Campus Master Plan noted a need to better articulate primary campus circulation routes as a way-finding element of the plan, and a significant new pedestrian route was shown extending diagonally from the Siskiyou/Wightman intersection to the planned entry plaza McNeal Pavilion with the notation to, "Form clear circulation to Athletics area with enhanced entry to McNeal Pavilion" (see **Staff Exhibit S-1**). As part of the North Campus Village application, this planned primary circulation route was modified with the dining hall placement, becoming a more defined north-south walkway from the intersection to the dining hall and then providing a route either west out to the Wightman Street sidewalk along the dining hall's frontage or east to the new residence halls (see **Staff Exhibit S-2**). At the time, the Planning Commission discussed the sidewalks on Wightman Street in the vicinity of the new dining hall, just south of the subject property here. The established narrow five-foot curbside sidewalk pattern on the east side of Wightman Street carried on from Siskiyou all the way to Iowa Street, with a number of large established trees planted very near the back of the sidewalk and only a few small, disconnected sections of sidewalk on the west side. The Planning Commission considered shifting to a standard parkrow configuration with wider sidewalks, and the University ultimately presented an alternative design to enhance the Wightman Street corridor along the dining hall's frontage to include city standard five-foot width commercial tree grates, new street trees, eight foot sidewalks, and widened pedestrian circulation routes and landscape treatments to strengthen and emphasize the importance of this primary pedestrian circulation route as a key entry point in the relationship between the proposed North Campus Village development and the broader community (see **Staff Exhibit S-3**). The Planning Commission finds that the frontage of the McNeal Pavilion site is part of the same key entry area from a primary pedestrian circulation route, but that the ultimate connection to a narrow curbside sidewalk in a more residential setting to the north and the presence of a number of established trees must also be considered. After thorough consideration, the Commission finds that the most appropriate treatment is that the applicants provide at least two areas of paved pedestrian refuge in the landscaped buffer strip along

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Wightman Street so that during periods of heavy pedestrian traffic after sporting events, there is room to pass or step out of the flow of pedestrian traffic and onto a small paved area of refuge. A condition to this effect has been included below.

The Planning Commission finds that the project engineers have provided evidence to conclude that the proposed redevelopment site appear to be adequately served by all major utilities without requiring the need for mainline utility extensions, and have provided a “Schematic Utility Routing and Site Grading Concepts” plan (see applicants Exhibit 9, Sheet 2) identifying the improvements they have determined to be necessary to serve the project. The Commission further finds that, to date, formal conceptual utility meetings with service providers have not been conducted although the applicant’s team has consulted with each service provider individually in preparing the schematic designs to determine that adequate capacity can and will be provided. A condition has accordingly been included below to require that final engineered utility plans be provided for the review and approval of the Planning, Building and Public Works/Engineering Departments prior to submittal of building permit plans.

2.5 The Planning Commission finds that the application also includes requests for Conditional Use Permit approval to allow the construction of the new Student Recreation Center which was not specifically identified in the 2010 SOU Campus Master Plan and to allow the proposed building to exceed the 40-foot height allowed in the SO zoning district. The proposed building ranges from 20 feet in height on the south elevation to 49.5 feet at the center of the north elevation where the larger performance gymnasium is located and the grade drops.

The first criterion for approval of a CUP is, *“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.”* As detailed in the Site Design Review section above, the Commission finds that the use conforms with the standards of the SOU district and to relevant Comprehensive Plan policies.

The second approval criterion for a CUP is, *“That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.”* The Commission finds that based upon the technical memo provided by project engineers ZCS Engineering as Exhibit 11, the subject property can be served with water, sewer, electricity, urban storm drainage and paved access to and throughout the development. The application further suggests that the nature of the Student Recreation Center use is to provide on-campus fitness opportunities for students, the vast majority of whom will already be present on campus and will therefore have no appreciable impact to the transportation system. The application also emphasizes that improvements to serve the north campus were studied and completed with the North Campus Village project which was approved by the Planning Commission in 2012.

The third criterion for CUP approval is, *“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*

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target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. 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: a) similarity in scale, bulk, and coverage; b) generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities; c) architectural compatibility with the impact area; d) air quality, including the generation of dust, odors, or other environmental pollutants; e) generation of noise, light, and glare; f) the development of adjacent properties as envisioned in the Comprehensive Plan; and g) other factors found to be relevant by the approval authority for review of the proposed use.” The Commission finds that the project will have no adverse material impact on the livability of the impact area when compared to the development of another educational facility that might otherwise be permitted in this location. The proposed combined McNeal Pavilion and Student Recreation Center will be marginally smaller than the existing McNeal Pavilion and will be similar in scale, bulk, and coverage to the existing building and to athletic facilities at medium-sized universities around the country.

The applicants emphasize that no significant increase in traffic is expected from the combined new McNeal Pavilion and Student Recreation Center when compared to the existing McNeal Pavilion. The applicants further suggest that the architecture is compatible with other buildings on campus, is consistent with the architecture described in the adopted SOU Campus Master Plan, and is therefore compatible with the impact area because it is consistent with the expectations for campus architecture. The application notes that no appreciable impacts related to air quality, noise or glare are anticipated, and that any lighting provided is expected to be consistent with light typically associated with night-time uses on the University campus. The application concludes that the proposal will have no appreciable impact on the development potential of adjacent properties.

The fourth criterion for the approval of a CUP is that, *“A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.”* The Commission finds that the development of the Student Recreation Center adjoining the main physical education facilities on the SOU campus links two similar uses that are compatible with one another and the University’s broader educational mission. The application emphasizes that approval of the request would not have the effect of allowing any use which is prohibited or not permitted pursuant to the Land Use Ordinance. Within the SOU District, all uses which are directly related to the educational functions of the University are permitted outright, provided that such uses are indicated and located in conformance with the adopted SOU Campus Master Plan, and are greater than 50 feet from privately owned property. Any use, site design, or construction or alteration of same not agreed upon in advance by the City and SOU in the SOU Campus Master Plan is allowed conditionally. In this instance, while McNeal Pavilion is identified in the SOU Campus Master Plan, the proposed Student Recreation Center which is to adjoin McNeal and contain similar and compatible uses is not specifically identified in the Plan and thus requires a CUP.

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The Commission finds that while the Student Recreation Center was not shown in the SOU Campus Master Plan, its placement is appropriate given the proximity to the McNeal Pavilion and other athletic facilities in the immediate vicinity and the concentration of students in the new North Campus Village area. The building's proposed height is mitigated by its placement relative to the campus perimeter and separation from off-campus residences, the site's topography, the comparative size of the existing building, and the design, which remains in keeping with the four-story limitation in the SOU Campus Master Plan.

2.6 The Planning Commission finds that the application includes a tree inventory (Exhibit 9, Sheet 3) identifying 32 trees in the vicinity of the proposed construction which are six-inches in diameter at breast height or greater. 23 trees of these trees are proposed for removal, of which nine are 18-inches in diameter at breast height (d.b.h.) or greater necessitating Tree Removal Permits. The applicants also indicated during the hearing that they wanted to add the removal of tree #15, a ten-inch diameter at breast height (d.b.h.) Raywood Ash, and a 20-inch d.b.h. Deodar Cedar not shown on the plan but just off the northeast corner which could require removal to accommodate the installation of on-site stormwater detention measures.

Tree Removal Permit approval requires that the following criteria be satisfied: 1) The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10; 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; 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; 4) Nothing in this section shall require that the residential density to 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 this ordinance; 5) The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

The Commission finds that the project's landscape architect, Alan Pardee of Covey Pardee Landscape Architects, notes that efforts were made in the University's planning process to accommodate the existing trees, however the large scale of the project requires the removal of eight trees with a diameter of 18-inches or greater. The Commission further finds that a ninth tree, #25, was previously removed without a permit and has been included here for review purposes. Additional trees, less than 18-inches in diameter and therefore exempt from Tree Removal Permit requirements, are also to be removed as part of the project. Pardee explains that the trees to be removed have been identified on the Tree Protection &

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Removal Plan (Sheet 3) and that required mitigation replacement trees are noted on the Site Review Planting Plan (Sheet 4). The individual trees proposed for removal are discussed in the applicants Exhibit 11. All are generally proposed for removal due to their locations being too near the proposed building construction and associated excavation for the building, access and utilities. Pardee indicates that the removals proposed will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and notes additionally that the removal of these trees will not have a significant negative impact on the tree densities, sizes, canopies and species diversity within 200 feet of the subject property. The application emphasizes that one or more trees are proposed to be planted in the new landscape as mitigation for each tree greater than six-inches in diameter that is removed for a total of 33 new trees in the proposed planting plan. Pardee emphasizes that the proposed new trees have been selected for hardiness, beauty and longevity and that they have been coordinated with the landscape plan for the recently completed North Campus Village project.

Pardee has also provided tree protection recommendations by identifying the radius of a protection zone to be fenced for each of the trees to remain on the property. The Commission finds that the applicant's proposed mitigation plan and tree protection measures are to be specific conditions of the project approval.

The Planning Commission further finds that the Tree Commission considered the request at its regular meeting on June 4, 2015 and had the following recommendations: 1) that the applicants consult an arborist on-site to determine whether trees can be retained with alternative measures such as directional boring for utility installation and provide a revised plan. The Tree Commission recommends that the applicants at least temporarily retain trees #4-#7 and #19 so that the established tree canopy can provide shade to allow proposed new trees to establish themselves, and that those trees not shaded by existing canopy have their trunks protected with sun guards or other measures to protect them while they establish themselves; 2) That at least 50 percent of the mitigation trees proposed be of three-inch caliper or greater and planted near the south/west edge of the project site, as proposed during the Tree Commission meeting by the applicants; and 3) That the applicants consider incorporating additional locally-appropriate species in their planting plan including California Black Oak, Swamp White Oak and Green Mountain Linden. During the hearing, in discussing these recommendations the applicants' team indicated that they believed that tree #6, a Mulberry, could be saved at least temporarily and that tree #19, a Sycamore, was questionable. The Planning Commission finds that the Tree Commission's recommendations have merit in attempting to preserve as many healthy trees on the property as possible, in preserving existing canopy, and in attempting to insure that the trees to be planted on site will have the opportunity to establish themselves in and around paved areas of harsh southern and western exposure by utilizing existing canopy to provide shade while they establish themselves. The Planning Commission in particular finds tree #6 should be preserved, and that the applicants should make every attempt to preserve trees #7 and #19. The Tree Commission's recommendations have been added to the conditions of approval below.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review approval for the reconstruction of McNeal Pavilion, Conditional Use

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Permit approval to allow construction of a new Student Recreation Center not identified in the 2010 SOU Campus Master Plan and to allow a building which will exceed the 40-foot height allowed in the SO zoning district, and Tree Removal Permits to remove nine (9) trees that are 18-inches in diameter-at-breast-height (d.b.h.) or greater is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2015-00418. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2015-00418 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified herein, including but not limited to the requirement that the applicants shall submit materials to the US Green Building Council (USGBC) requesting certification of all buildings to at least a LEED® Silver status within 12 months of final occupancy, and receive final certification within 36 months.
- 2) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the Site Review, Conditional Use and Tree Removal permit approvals shall be submitted and approved prior to the issuance of a building permit.
- 3) That prior to submittal of the building permit application, the applicants shall consult with Conservation Division staff to allow for the fine-tuning of energy conservation strategies for the proposed buildings and identify any available programs for technical or financial assistance.
- 4) That all recommendations of the Ashland Tree Commission from their June 4, 2015 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein, including:
 - a) That the applicants shall consult an arborist on-site to determine whether trees can be retained with alternative measures such as directional boring for utility installation and provide a revised plan. The Tree Commission recommends that the applicants at least temporarily retain trees #4-#7 and #19 so that the established tree canopy can provide shade to allow proposed new trees to establish themselves, and that those trees not shaded by existing canopy have their trunks protected with sun guards or other measures to protect them while they establish themselves.
 - b) That at least 50 percent of the mitigation trees proposed shall be of three-inch caliper or greater and planted near the south/west edge of the project site, as proposed by the applicants.
 - c) That the applicants shall incorporate additional locally-appropriate species in their planting plan including California Black Oak, Swamp White Oak and Green Mountain Linden.

Staff Exhibit S.1 Approved Findings for McNeal Reconstruction from PA 2015-00418

- 5) That prior to the installation of any signage, a sign permit shall be obtained. All signage shall meet the requirements of the Sign Ordinance (AMC 18.4.7) or the applicants shall obtain approval of a modification of the Conditional Use Permit approving a Campus Sign Program approved under Planning Action #2011-00530 to include signage for the reconstructed McNeal Pavilion and Student Recreation Center.
- 6) That prior to the submittal of building permits, a revised site plan reflecting parking lot upgrades for the lot between McNeal Pavilion and Wightman Street shall be provided to address: at least six parking lot trees on the interior of the parking lot, additional parking lot trees on the parking lot perimeter with sight-obscuring landscaping and at least two areas of paved pedestrian refuge in the buffer strip along Wightman Street.
- 7) That building permit submittals shall include:
 - a) The identification of all easements, including but not limited to public and private utility easements and fire apparatus access easements.
 - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Very bright or neon paint colors shall not be used in accordance with the requirements of the Site Design and Use Standards, and the colors and materials selected shall be consistent with those approved with the application.
 - c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
 - d) Revised Landscape, Irrigation and Tree Protection Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. This plan shall address: 1) the recommendations of the Tree Commission from their June 4, 2015 meeting where consistent with the Site Design and Use Standards and with final approval by the Staff Advisor; and 2) the required irrigation plans, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications. The applicants shall also obtain the required plumbing permits and inspections for installation of the required double-check valve(s) associated with the irrigation system.
 - e) That a revised stormwater drainage plan, including any necessary on-site detention measures, shall be provided for the review and approval of the Engineering, Building and Planning Departments with the building permit submittal. The drainage plan shall be designed to ensure that post-development peak stormwater flows are less than or equal pre-development levels as required by the Engineering Division.
 - f) That a final utility plan for the project shall be provided for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the

Staff Exhibit S.1 Approved Findings for McNeal Reconstruction from PA 2015-00418

locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Any necessary service upgrades shall be completed by the applicant at applicant's expense.

- g) The applicant shall submit an electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to the issuance of demolition, excavation or building permits. Transformers, cabinets and vaults shall be located in areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the Electric Department.
- 8) That prior to the issuance of the building, excavation or demolition permits or the commencement of site work or storage of materials:
- a) A Tree Verification Permit shall be obtained, and tree protection measures installed, inspected and approved by Staff Advisor. The Verification Permit is to inspect the identification of trees to be removed and the installation of tree protection fencing for the trees to be retained and protected on and adjacent to the site. Tree protection measures shall be in the form of chain link fencing six feet tall, installed and maintained in accordance with the requirements of AMC 18.4.5.030.C.
 - b) The approval of a Demolition/Relocation Review and associated permits and inspections shall be obtained from the Building Division prior to demolition of existing structures if deemed necessary by the Building Official.
- 9) That prior to the final approval of the project and issuance of a certificate of occupancy:
- a) That all hardscaping, landscaping and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor.
 - b) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
 - c) The screening for the trash and recycling enclosure shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be identified in the building permit submittals and shall be in place, inspected and approved by the Staff Advisor.
 - d) The requirements of the Ashland Fire Department relative to approval of addressing and gates, fences or other obstructions; fire and aerial apparatus access, turn-around, angle of

Staff Exhibit S.1 Approved Findings for McNeal Reconstruction from PA 2015-00418

approach; fire flows; fire sprinklers; fire department connections; fire hydrant distance to structures and clearance; fire alarm system and voice evacuation; key boxes; emergency responder radio coverage and other fire code sections applicable to the final designs shall be satisfactorily addressed prior to issuance of a certificate of occupancy.

- e) Wightman Street frontage improvements including but not limited to the installation of sidewalks and street trees shall be installed to City of Ashland standards under permit from the Public Works Department in accordance with the approved plan, inspected and approved by the Staff Advisor.
- f) All hardscape improvements including entry plazas, fire apparatus and other accessways shall be installed according to the approved plans, inspected and approved prior to issuance of the final certificate of occupancy.
- g) That the bicycle parking facilities shall be installed according to the approved plans, inspected, and approved by the Staff Advisor prior to the issuance of the certificate of occupancy. The building permit submittals shall verify the design and placement of bicycle parking as described in the application.
- h) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.

/signature of file/
Planning Commission Approval

July 14, 2015
Date

Staff Exhibit S-2

PA #2015-00418

Approved Elevation Drawings
& Tree Protection Plan
Provided for Reference

*MCNEAL PAVILION RENOVATION AND
STUDENT RECREATION CENTER*



**SINK
COMBS
DETHLEFS**
ARCHITECTURE DESIGN



Straus &
Seibert
Architects



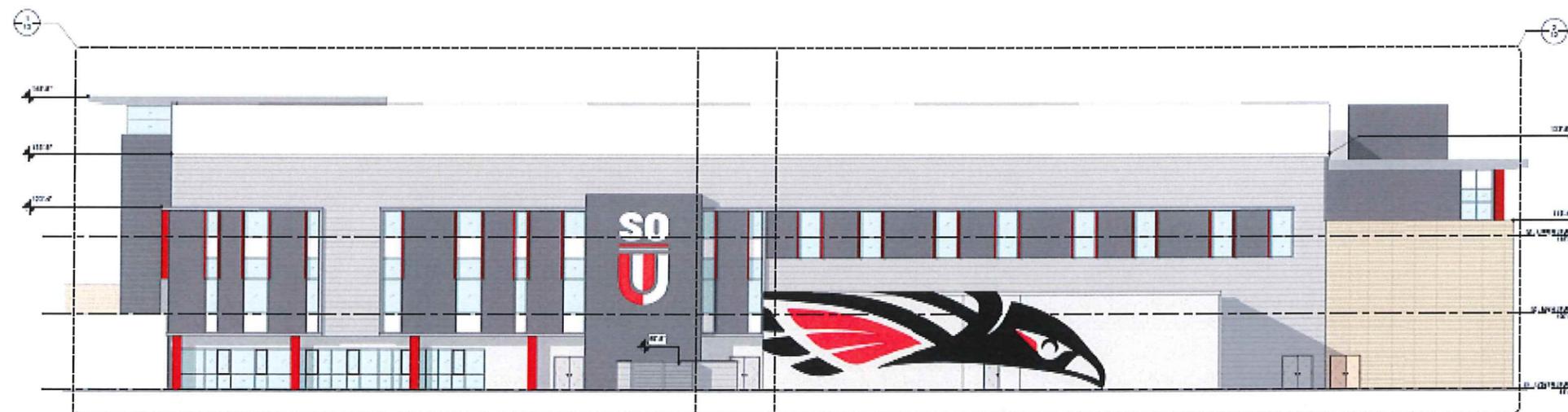
Staff Exhibit S-2

CITY OF
ASHLAND

PA #2015-00418 – Approved West & North Elevations



1 OVERALL WEST BUILDING ELEVATION
15 120'-11"

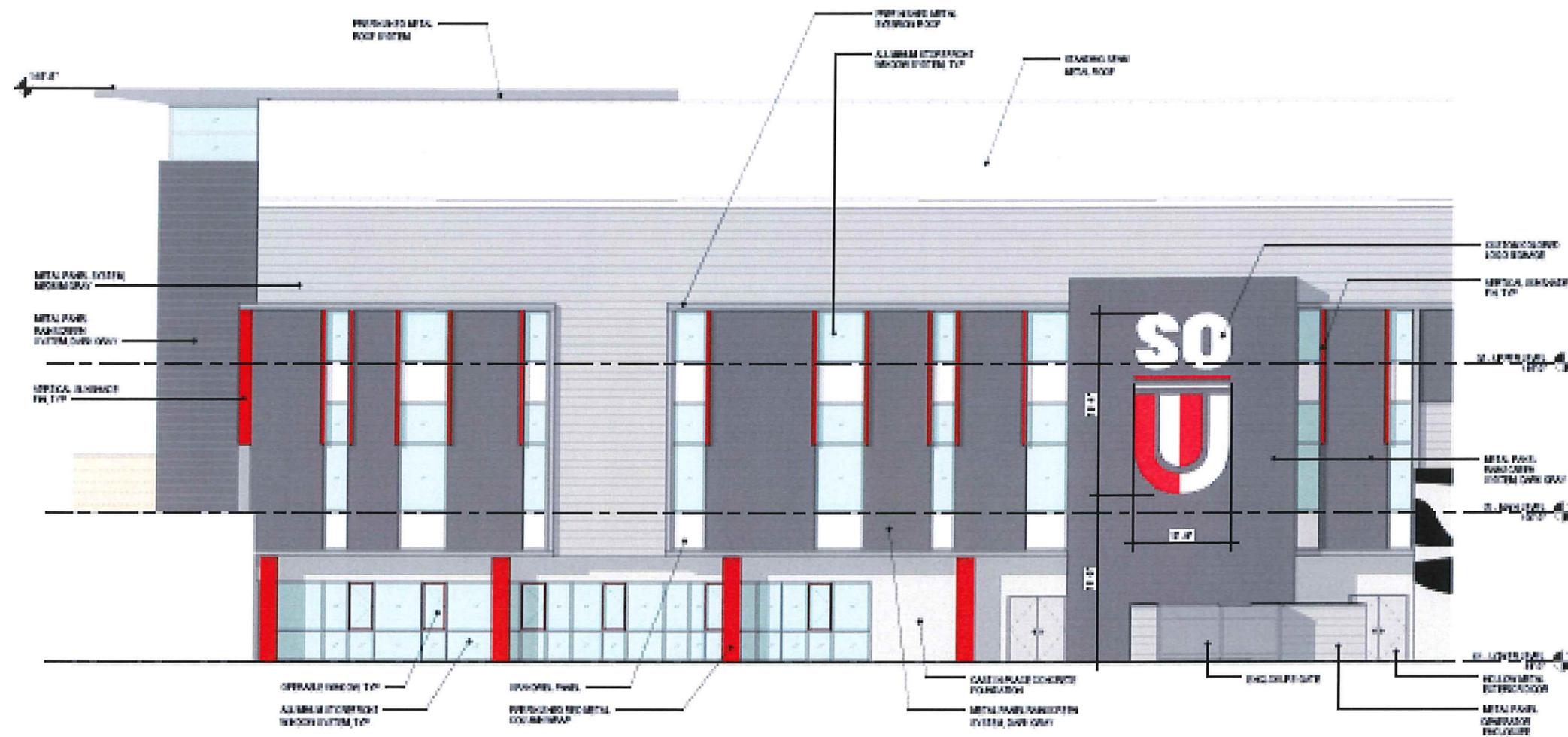


2 OVERALL NORTH BUILDING ELEVATION
15 122'-11"

Staff Exhibit S-2

CITY OF
ASHLAND

PA #2015-00418 – Approved North Elevation (enlarged)

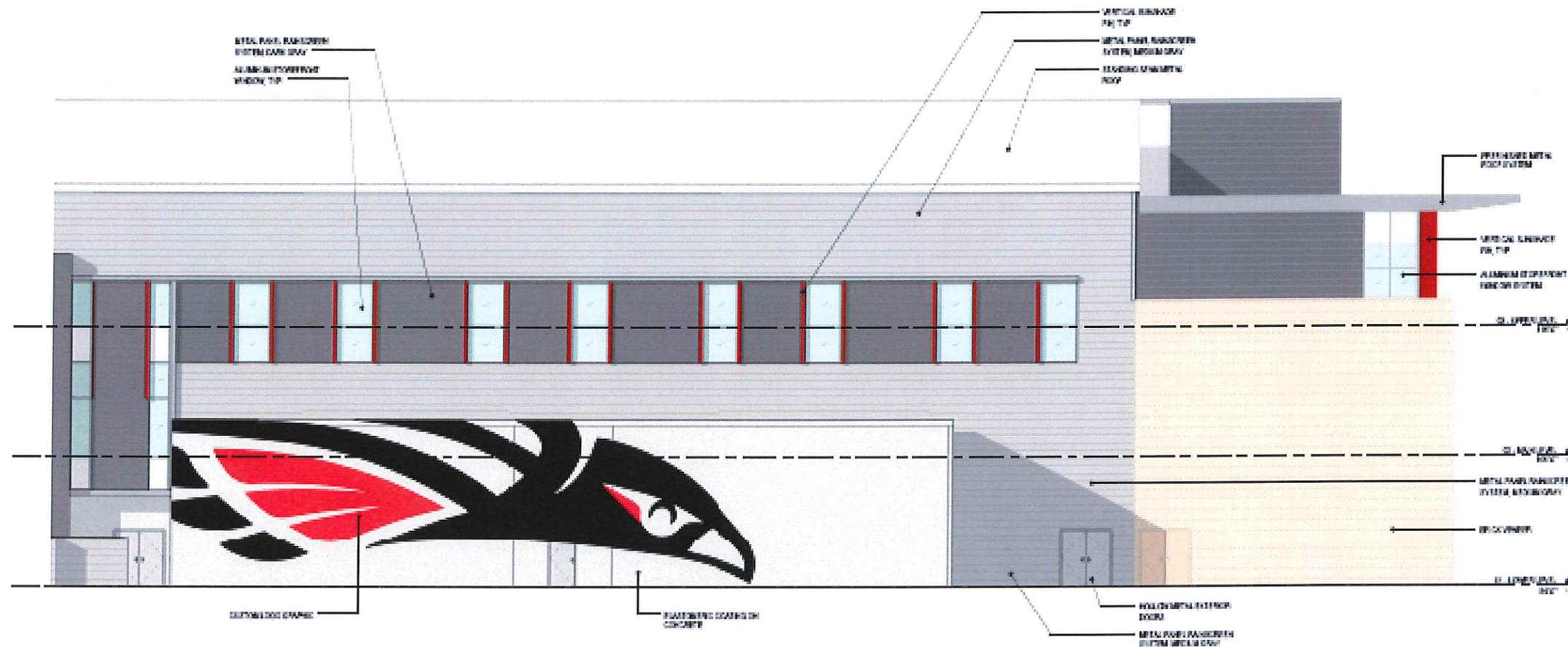


1 ENLARGED NORTH BUILDING ELEVATION - EAST
REV 01

Staff Exhibit S-2

CITY OF
ASHLAND

PA #2015-00418 – Approved North Elevation (*enlarged*)



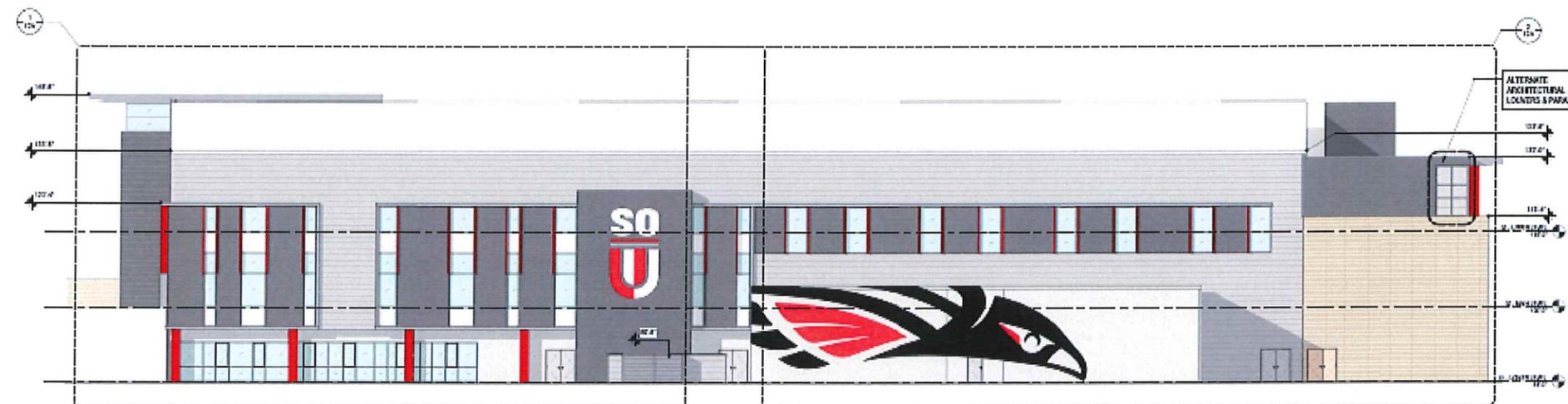
Staff Exhibit S-2

CITY OF
ASHLAND

PA #2015-00418 Approved Alternative West & North Elevations



1 OVERALL WEST BUILDING ELEVATION
04/15/17

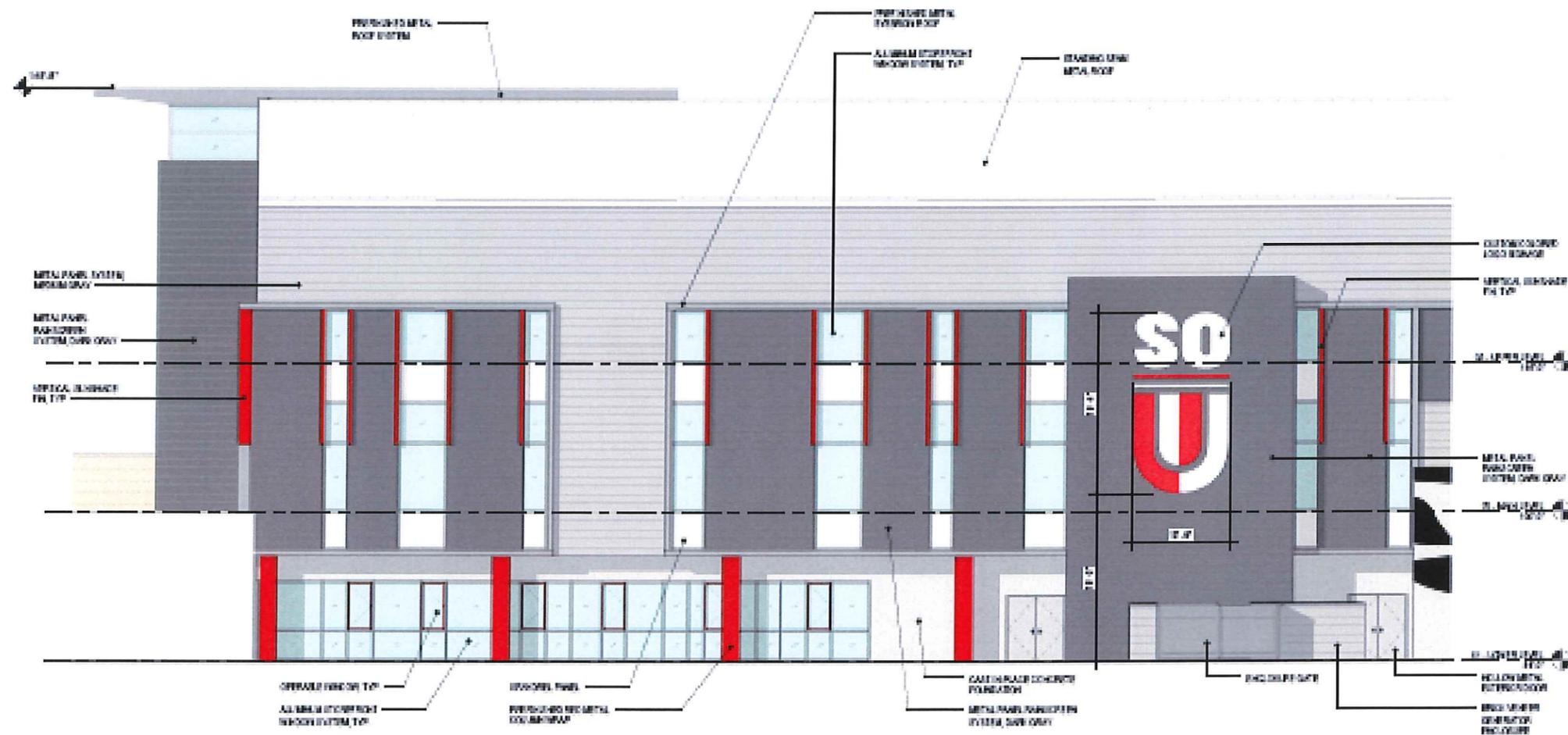


2 OVERALL NORTH BUILDING ELEVATION
04/15/17

Staff Exhibit S-2

CITY OF
ASHLAND

PA #2015-00418 – Approved Alternative North Elevation (*enlarged*)

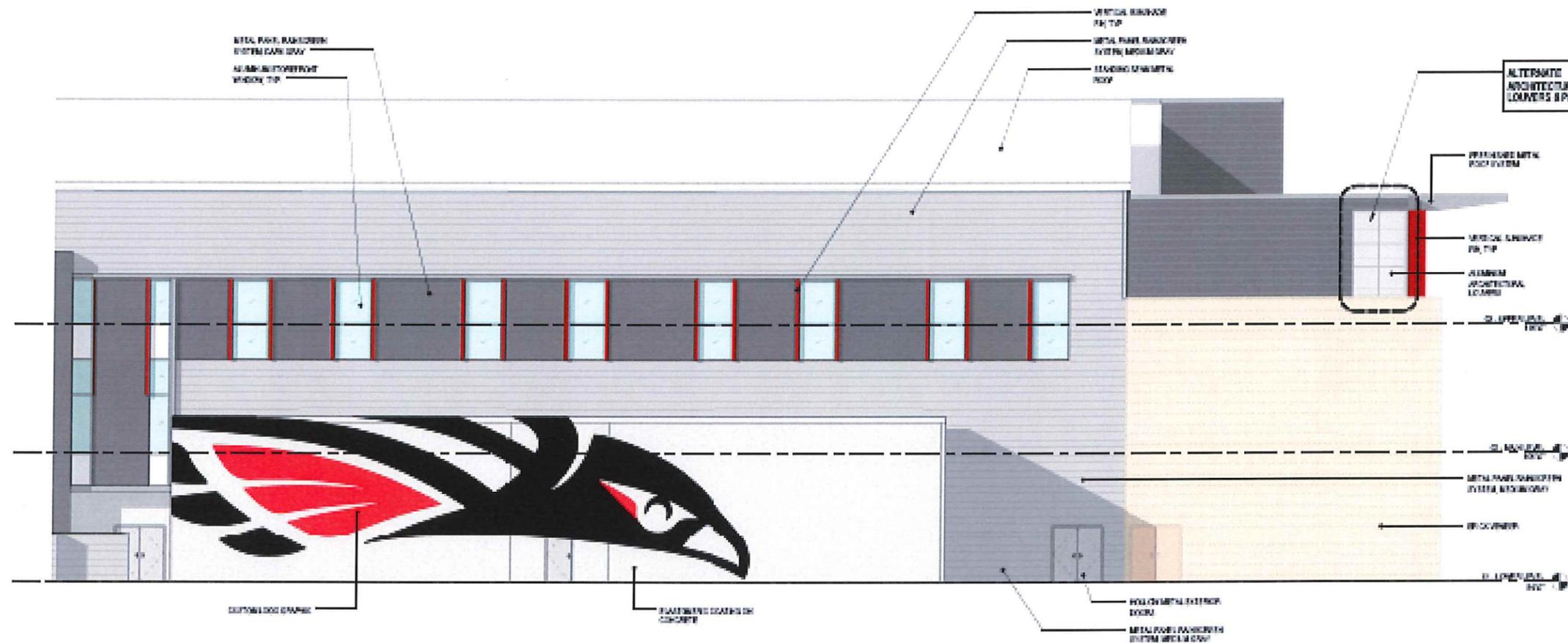


1 ENLARGED NORTH BUILDING ELEVATION - EAST
1/2" = 1'-0"

Staff Exhibit S-2

CITY OF
ASHLAND

PA #2015-00418 – Approved Alternative North Elevation (*enlarged*)



Staff Exhibit S-2

CITY OF
ASHLAND

PA #2015-00418 – Approved South & East Elevations



1 OVERALL SOUTH BUILDING ELEVATION
11 02/15/18

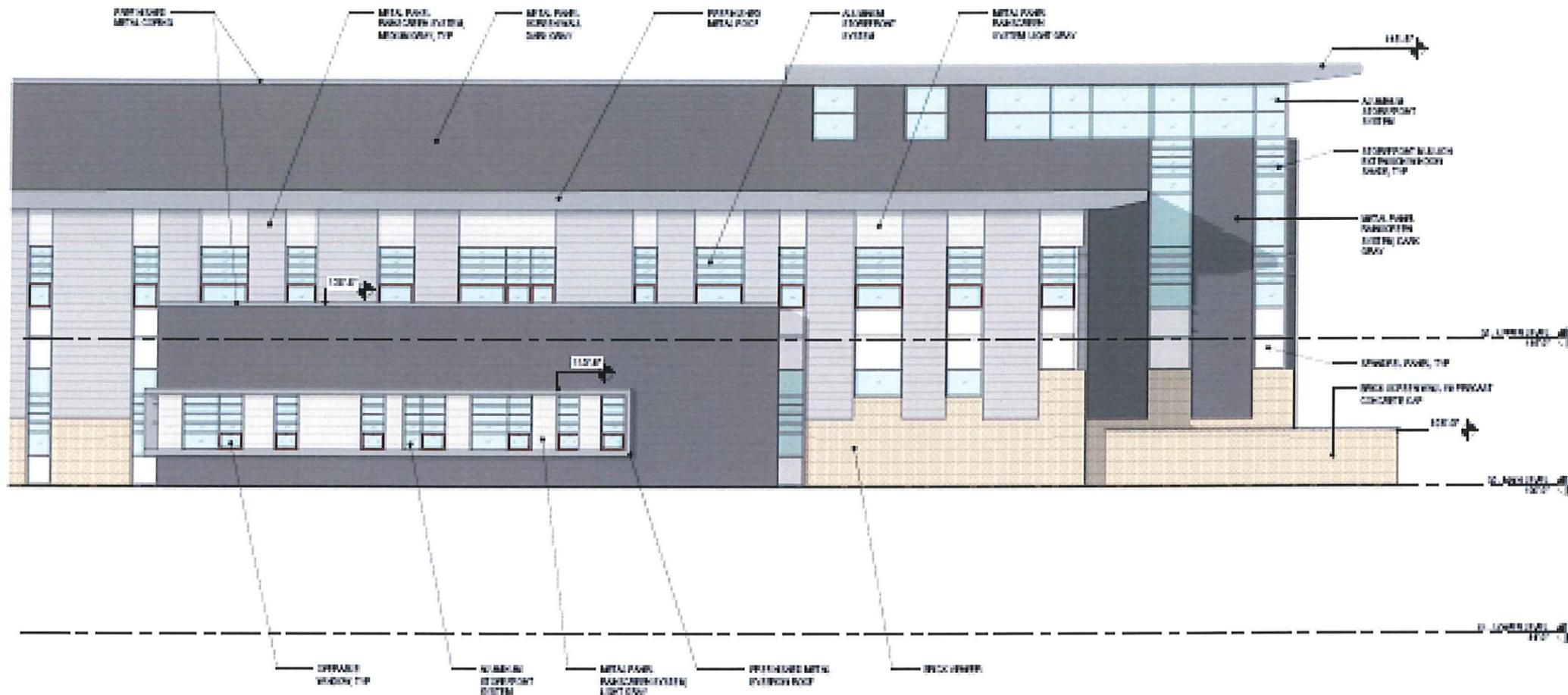


2 OVERALL EAST BUILDING ELEVATION
11 02/15/18

Staff Exhibit S-2

CITY OF
ASHLAND

PA #2015-00418 – Approved South Elevation (*enlarged*)

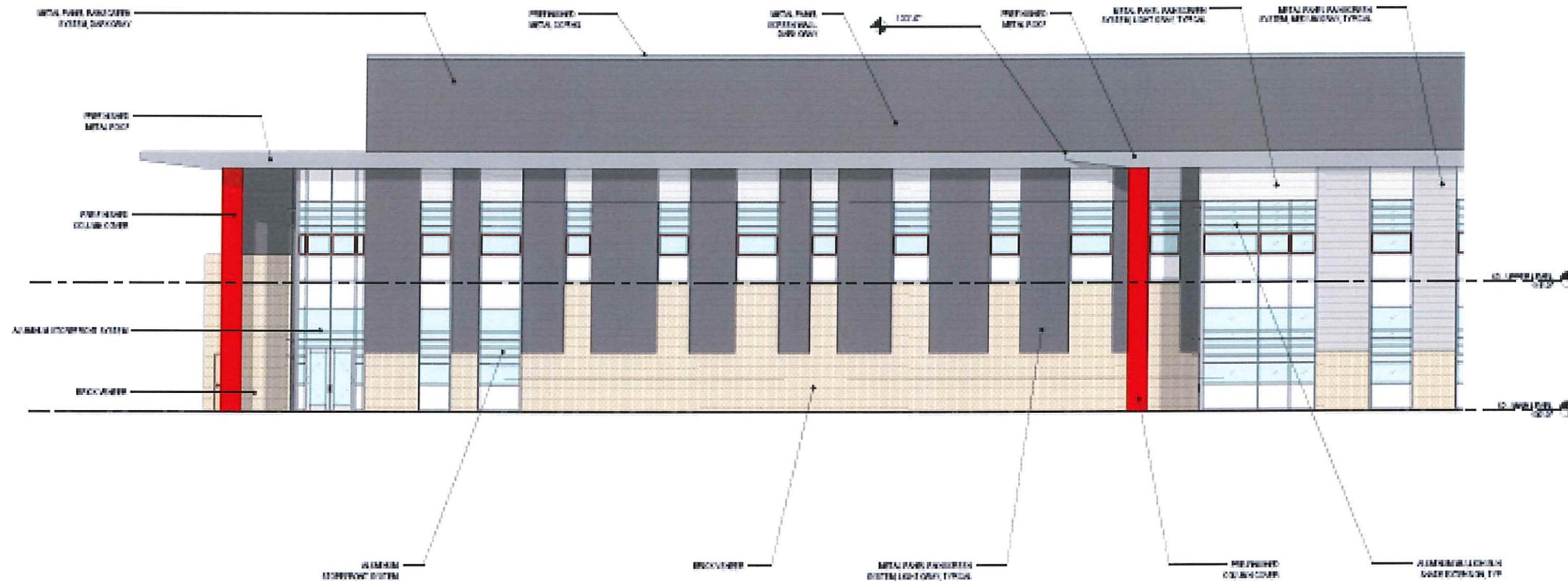


1 ENLARGED SOUTH BUILDING ELEVATION - EAST
11 11/17/15

Staff Exhibit S-2

CITY OF
ASHLAND

PA #2015-00418 – Approved South Elevation (*enlarged*)



2 ENLARGED SOUTH BUILDING ELEVATION - WEST
11 11/11/15

Staff Exhibit S-2

PA #2015-00418 – Original Tree Protection Plan

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