

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
OCTOBER 13, 2015
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. September 22, 2015 Special Meeting.

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Adoption of Findings for PA-2015-01370, 210-220 Hersey Street.**
 - B. **Adoption of Findings for PA-3015-01496, 35 S. Second Street.**

- VII. **TYPE II PUBLIC HEARINGS**
 - A. **PLANNING ACTION: PA-2015-00797**
 - SUBJECT PROPERTY: 266 Third Street**
 - OWNER/APPLICANT: Tanima Bhadra & Brandon Mathew**
 - DESCRIPTION: A *continued* hearing on the appeal of staff's approval of a Conditional Use Permit allowing a four-unit Traveler's Accommodation consisting of three guest units and an owner's unit for the property located at 266-268 Third Street. The application also includes an Exception to the Site Development and Design Standards with regard to the Parking Lot Landscaping and Screening standards in AMC 18.4.4.030.F, which require a five-foot landscape buffer between parking and property lines. No buffer is proposed here. The September 22nd hearing was continued to October 13th to allow noticing of the requested Exception, and testimony at the continued hearing on October 13th will be limited to the Exception to the Parking Lot Landscaping and Screening standards. COMPREHENSIVE PLAN DESIGNATION: Low Density, Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09AB; TAX LOT: 9500.**

**CITY OF
ASHLAND**



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

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B. PLANNING ACTION: PA-2015-01517

SUBJECT PROPERTIES: 209 Oak St., 221 Oak St., 225 Oak St. and 11 B St. (*And shared driveway partially on 237-239 Oak St.*)

OWNER/APPLICANT: Spartan Ashland Natalie Real Estate, LLC

AGENTS: Kistler, Small & White, Architects

DESCRIPTION: A request for Outline Plan, Final Plan and Site Design Review approvals for the properties at 209 Oak Street, 221 Oak Street, 225 Oak Street and 11 B Street. The proposal includes the renovation of two existing, historic homes; the construction of six townhouses along B Street; and the construction a new, detached residential cottage. Also included are requests for a Variance to allow a 15-foot wide, one-way driveway where a 20-foot driveway width would typically be required; two Conditional Use Permits to allow a 25 percent increase in the Maximum Permitted Floor Area, and to allow a commercial use within an existing, historic residential building; an Exception to the Street Standards to allow a curbside sidewalk along B Street where a planting strip would typically be required between the curb and the sidewalk; an Exception to the Site Development and Design Standards to allow the placement of a new residence on proposed Lot #9 to be placed behind the setback line of adjacent historic buildings; and a Tree Removal Permit to remove two trees which are within the footprints of proposed buildings. (*The proposal involves use of the existing driveway which is partially located on the adjacent property to the north at 237-239 Oak Street; this property's owner has signed to allow the application to move forward using the shared driveway.*) **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BB; **TAX LOTS:** 15600, 15700, 15900 and 16000.

VIII. ADJOURNMENT

**CITY OF
ASHLAND**



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**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
September 22, 2015

CALL TO ORDER

Vice Chair Michael Dawkins 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
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

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

Absent Members:

Melanie Mindlin

Council Liaison:

Greg Lemhouse, absent

CONSENT AGENDA

A. Approval of Minutes.

1. August 25, 2015 Study Session.
2. September 8, 2015 Regular Meeting.

Commissioners Brown/Pearce m/s to approve the Consent Agenda. DISCUSSION: Commissioner Thompson commented on two statements listed on the August 25 minutes: 1) "Grow sites should be limited to outdoors in order to keep people from wasting the city's electricity." Thompson clarified this concern was related to commercial activities only. 2) "The ordinance should be clearer that the resident needs to live there, not just that the house's primary use is residential." Thompson stated it would be more accurate to state "the grower needs to live there." **Minutes approved with corrections.** *[Commission Norton abstained from approval of September 8 minutes]*

PUBLIC FORUM

Joseph Kauth/1 Corral, #13/Commented on Goat's Head Thorn and its impact on wildlife, urban sprawl, and man's impact on temperature increases.

TYPE II PUBLIC HEARING

A. PLANNING ACTION: PA-2015-00797

SUBJECT PROPERTY: 266 Third Street

OWNER/APPLICANT: Tanima Bhadra & Brandon Mathew

DESCRIPTION: An appeal of the approval of a Conditional Use Permit allowing a four-unit Traveler's Accommodation consisting of three guest units and an owner's unit for the property located at 266-268 Third Street. **COMPREHENSIVE PLAN DESIGNATION:** Low Density, Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09AB; **TAX LOT:** 9500.

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

Ex Parte Contact

Commissioners Miller, Norton, Pearce, and Dawkins conducted site visits. Commissioner Miller noted the owner was present on her site visit and confirmed the location one of the parking spaces. Commissioner Dawkins stated on his visit a vehicle was parked in the space adjacent to the gas meter and it appeared to be sufficiently off the alleyway.

Staff Report

Associate Planner Derek Severson explained this is an appeal of staff's approval of a travelers' accommodation application. He stated the request is for one owner's unit and three guest units located at 266 Third and 268 Third. Staff approved the request with the caveat that a survey be completed to verify one of the identified parking spaces meets the dimensional and backup requirements; until that time only two guest units and the owners unit would be allowed.

Mr. Severson explained the front unit is a cottage built in 1901 and the back unit was approved in 2002. At that time one on-street parking credit was granted due to the presence of 50 ft. of uninterrupted curb frontage. The approval also included two additional parking spaces between the buildings and a fourth space in the garage. For the current action, the applicant's are proposing a fifth parking space at the rear of the property, adjacent to the garage, to accommodate the demand of the travelers' accommodations.

Mr. Severson reviewed the elevation drawings, building plans, and landscape plan. He noted this application went before the Historic Commission and they recommended approval with the exception that the proposed porch rail not be installed. He also elaborated on the parking requirements and clarified the owner's unit is required to have two parking spaces and one space for each of the guest units. He stated there was some question about whether one of the spaces met the dimensional requirements for a compact parking space and staff conditioned the approval to require a survey to ensure the fifth space was entirely on the applicant's property. In regards to the on-street parking credit, Mr. Severson explained the code in 2002 stated if an applicant had 48 ft. of uninterrupted frontage it counted as one on-street parking credit, but the code has since been amended to state it "may" be counted. However in staff's view, if you consider the parking demand and that the two buildings are already in place, it seems inappropriate to remove the credit that was granted in 2002.

Mr. Severson commented on the timeline for the appeal and clarified pursuant to AMC 18.5.1.090.C, the appeal was accepted on the 13th day because the 12th day fell on a Sunday. He stated the three primary issues identified by the appellant are: 1) Inadequate parking and parking not to the standards, 2) Greater adverse effect on livability of the target residential impact area, traffic, noise, and light, and 3) Questions about the primary residence of the owners. He stated as already mentioned, the applicant have shown they have four parking spaces and the main question for staff is whether the fifth space meets the dimensional requirement. Regarding the adverse effect on livability, Mr. Severson listed the ITE trip generation figures and the daily trip calculations from the Public Works Department, and stated the street was made to accommodate 1,500 trips per day but the actual trips per day are well below this. In terms of noise and light, staff felt it was difficult to make a finding that the proposed use would have more impact than a duplex. Mr. Severson stated the other item staff considered was the broader impact on neighborhood character and explained there are 14 properties in the 200 ft. impact area. Many of those are in the E-1 zone and are not residential uses. Of the residentially zoned portion there are no other conditional uses and this would be the first one granted for that impact area. The last issue raised by the appellants was the owner's primary residence. Mr. Severson clarified the applicant's have stated they intend to retire to Ashland and reside in the B unit at 266 Third. He added staff has included a condition that evidence of primary residence needs to be provided to the city before they can begin commencing this use. Mr. Severson concluded his presentation and stated staff is recommending approval with the conditions as noted.

Questions of Staff

Mr. Severson clarified conditional use permits must commence within 18 months of the approval and can't be discontinued for more than 6 months. He also clarified he spoke with the city's building official and the bollard placed next to the fifth parking space was not a requirement of the city. Suggestion was made that if the fifth parking space meets the requirements it should be clearly marked and staff confirmed a condition requiring the space to be striped could be added.

Applicant's Presentation

Brandon Matthew and Tanima Bhadra/Stated the property is zoned R-2 which allows travelers' accommodations with a conditional use permit and explained there are two existing houses on the property, each with two stories. Mr. Matthew

stated all of the units will be over 400 sq.ft. and anyone could be used as the owner's unit. He cited staff's comments on previous CUP approvals that "Travelers' Accommodations are permitted as a conditional use within established residential neighborhoods primarily as a means to financially support renovations to older historic homes" and stated they are a textbook case for this. Mr. Matthew listed the improvements they have completed on the property and stated this is a transitional area adjacent to E-1 properties, and noted the alley used to access the units is busy with delivery trucks and service vehicles. He stated the location is close to downtown and any traffic the use brings will be inconsequential. Regarding parking, Mr. Matthew stated the property already has four parking spaces and the fifth space meets the city's requirements. He added visitors will park on the site, he and his wife will park in the garage, and the on-street parking would be used rarely, if at all. He clarified they met with Avista Utilities and received permission to remove the bollard and Avista is going to install a new one in the planter bed instead. Mr. Matthew commented on traffic generation, noise, and light/glare. He explained the average household generates 10 trips per day and they expect visitors to go out once during the day and once at night, far less than long term residents. Regarding noise, he stated their target clientele are OSF patrons who average 61 years in age and they don't expect them to generate a lot of noise compared to a group of 20-something renters or a family with children. Regarding light/glare, Mr. Matthew stated they will not be adding any additional lighting that would glare neighboring structures and there is nothing they can do that will compare to the glare from the street light in the alley. He added the trees along Third Street and the width of the street provides a significant sound and light buffer, and the fence and arbor that separates their property from the neighboring property also provides a sound and light buffer.

Appellant's Testimony

Marc Valens/247 Third/Stated he appreciates the improvements made to the property but stated the neighborhood character needs to be protected. Mr. Valens stated this application is for a new use and recommended the on-street parking credit be reevaluated. He stated the property owners have been parking on the street and is not sure he trusts their statement that this would not get used. He stated the city's prior actions and lack of curb space has had a cumulative effect and there is no room for anymore on-street credits. Mr. Valens expressed concern with the bollard being removed without a new one installed. He also voiced concern with bringing a commercial activity onto their block. He stated this is a very connected residential block and there will be a constant turnover of people if this is approved. Mr. Valens stated he is worried visitors will add noise, change the character of the neighborhood, and believes this will have a greater adverse impact.

Jerome White/253 Third/Voiced his concerns with the encroachment of commercial businesses into residential neighborhood and stated there will be impacts. He asked for the commission to be sensitive to the residents and stated this use will not enhance the neighborhood. Mr. White noted Noble Coffee and the impacts it has had on their neighborhood, and while they welcomed commercial uses on the fringes they have seen a creeping affect into the neighborhood. Mr. White questioned the landscape buffer requirements which state the parking space must be 8 ft. from the building with a 5 ft. landscape buffer and asked if the applicant's would need a waiver or variance.

Public Testimony

Charles Douglass/265 Third/Stated he lives directly across from this property and they are already impacted by Get in Gear that is next door and the traffic, congestion, and parking issues they already face. Mr. Douglass stated he has concerns about how parking will be enforced and stated it is not uncommon for him to park on the next street over. He stated Third Street is different from Fourth Street and there is a distinct block of residential houses, and by crossing over the alley they are encroaching onto this. He asked that the neighborhood be preserved as is.

Elizabeth Ellingson/253 Third/Stated parking is an issue and there are only two properties that have off-street parking, with most residents relying on on-street parking. Ms. Ellingson stated their livability will be impacted and does not feel this change from residential to commercial is appropriate for the neighborhood. She stated there will be different people every weekend and they can't anticipate they will all be coming only for OSF plays. She stated this is a tight knit neighborhood and while she appreciates the improvements would like for the owners to be permanent residents in the house and have long term renters in the other unit.

Vivienne Friedman/258 Third/Stated she lives next door and while the applicants have done a good job with renovating the property she has concerns about a travelers' accommodation. Ms. Friedman stated voices, sounds, and lights from cars are amplified in the alley and impact the surrounding neighbors. She expressed concern with how many guests would be

allowed in each unit and stated this historic district lacks the benefit of garages and the only place to park is on the street. She stated she has never seen anyone use the garage at this property and expressed concern that the owners will maintain their primary residence in California and rent out all four units.

Teresa Safay/120 High/Stated she is a reservations manager for a travelers' accommodation in Ashland and believes the impact will be far less than the residents anticipate. Ms. Safay stated 80% of their guests are over 50 years old and she has not received a single complaint about noise in the four years they have been operating. She stated guests often fly in and are shuttled to the units and stated this action may even free up some on-street parking spots for the neighborhood.

Applicant's Rebuttal

Tanima Bhadra/Stated they have enhanced the neighborhood and the garage provides the buffer space mentioned. She explained they have been parking on the street because the back house is currently being rented and their construction materials were stored in the garage. Regarding the bollard, Ms. Bhadra stated they spoke with Sean at Avista and was given approval to remove the bollard. She stated the neighbors talk of cohesiveness but stated the renters have never been invited to their neighborhood events. She stated given the age and average length of stay for visitors they don't expect a lot of cars moving around. She added they will be clear with visitors on where they need to park, and noted they are providing more off-street parking than anyone else. Ms. Bhadra stated there is nothing wrong with having a second residence and it is unfair for the neighbors to claim they won't live there. She stated they have followed all the rules and they understand this needs to be their primary residence.

Questions of Staff

Staff was asked about the buffer requirements for parking. Mr. Severson listed the screening requirements in AMC 18.4.4.030.F and stated this has historically been applied to parking areas next to residential units. He stated in this case it is a strip of parking spaces along an alley and just one of them is on the applicant's property. He added if the commission approves this action they should include an exception to this criteria.

Ms. Harris clarified the code language that states during operation of the travelers' accommodation the property must be the primary residence of the business-owner, and also clarified for an applicant to keep their CUP active they only have to use the property as a travelers' accommodation six months out of the year.

Ms. Harris clarified if an exception is going to be entertained for the space next to the garage, they should continue this hearing to the next meeting so that the action can be re-noticed with this extra component. She added another option is to give the applicant's the choice to continue with a two-unit travelers' accommodation and they would have to come back and modify the CUP for the third unit. Commissioner Dawkins noted the survey requirement still remains for the third unit as well. Commissioner Dawkins called the applicants forward and asked how they would like to proceed. Ms. Harris noted if they approve a continuance staff will need to obtain a timeframe extension. The applicants discussed the options and agreed to continue the hearing to the next meeting.

Commission Discussion

Commissioner Norton expressed concern with it not being clear when the property will be used as a travelers' accommodation and when it won't. Ms. Harris responded that it is not uncommon for people to use these units as long term rentals in the off season, and noted the conditions will include a requirement that only two units may be rented long term. Commissioner Brown stated the City Council voted to allow this use in the R-2 zone and there is criteria they must follow when considering these requests. He stated these uses take away from the city's long term rental inventory and that is unfortunate, but he is supportive of approving it. Commissioner Thompson stated the travelers' accommodation framework that was adopted allows this use in this location and stated it is speculative to say travelers' accommodations would have any more impact than renters. She voiced support for allowing the on-street credit and is in favor of approving the action subject to the questions that remain about the fifth parking space. Commissioner Pearce agreed and stated the criteria states "no greater adverse material affect" and this is different than no adverse affect at all. He added subject to the survey and the exception, the application meets the criteria for a conditional use permit. Commissioner Miller stated she treasures neighborhoods, but the alley provides a great buffer and she does not believe the accommodations will affect the neighborhood. She stated she understands the neighbors' concerns, but these are travelers who want to come and stay in a

house, not at a commercial establishment, and the location is so close to downtown the trips per day will not be as much as a regular renter.

Ms. Harris announced the hearing for PA-2015-00797 will be continued to Tuesday, October 17, 2015 at 7 p.m. in the Council Chambers, 1175 East Main Street.

ADJOURNMENT

Meeting adjourned at 9:40 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

BEFORE THE PLANNING COMMISSION
October 13, 2015

IN THE MATTER OF PLANNING ACTION #2015-01370, A REQUEST FOR)
SITE DESIGN REVIEW APPROVAL TO ALLOW THE CONSTRUCTION OF)
A 24,621 SQUARE FOOT ADDITION BEHIND THE EXISTING 39,962)
SQUARE FOOT DAREX BUILDING AT 210-220 EAST HERSEY STREET.)
THE APPLICATION ALSO INCLUDES A REQUEST FOR TREE REMOVAL)
PERMITS TO REMOVE TWO TREES SIX INCHES OR MORE IN DIAMETER)
AT BREAST HEIGHT: A SIX-INCH MAPLE TREE AND A SIX-INCH PEAR)
TREE. A SECOND PHASE OF DEVELOPMENT, CONSISTING OF AN 11,107)
SQUARE FOOT STAND-ALONE BUILDING ALONG CLEAR CREEK DRIVE,)
WILL BE REVIEWED SEPARATELY AT A LATER DATE.)

APPLICANT: Adroit Construction)
(As agent for owner the Bernard Family Trust))

RECITALS:

- 1) Tax lot 2000 of Map 39 1E 04 CD is located at 210-220 East Hersey Street and is zoned E-1, Employment.
- 2) The applicants are requesting Site Design Review approval to allow the construction of a 24,621 square foot addition behind the existing 39,962 square foot Darex factory located at 210-220 East Hersey Street. The application also includes a request for Tree Removal Permits to remove two trees six-inches or more in diameter at breast height: a six-inch Maple tree and a six-inch Pear tree. A second phase of development, consisting of an 11,107 square foot stand-alone building along Clear Creek Drive, will be reviewed separately at a later date. The proposal is outlined on 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 a Tree Removal Permit are described in **AMC 18.5.7.040.B** as follows:

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.*

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.*

5) The criteria for an Exception to Street Standards are described in **AMC 18.4.6.020.B.1** as follows:

- a. *There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
- b. *The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.*
 - i. *For transit facilities and related improvements, access, wait time, and ride experience.*
 - ii. *For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*
 - iii. *For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.*
- c. *The exception is the minimum necessary to alleviate the difficulty.*
- d. *The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.*

6) The Planning Commission, following proper public notice, held a public hearing on September 8, 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.

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 Tree Removal Permit approvals meets all applicable criteria for Site Design Review approval described in Chapter 18.5.2.050 and for Tree Removal Permit approval described in Chapter 18.5.7.040.B.2.

2.3 The Planning Commission finds that 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, and is not located on an arterial street, and as such no setback requirements come into play. The maximum building height is limited to 40 feet, and the proposed 24 foot height complies with this limit.

The Planning Commission finds that the second Site Design Review approval criterion is that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* Approximately the northern 320 feet of the property falls within the Residential Overlay zone, and no other overlay zones apply. The requirements of the Residential Overlay are only triggered when residential uses are proposed, and in this instance there is no residential component to the request.

The Planning Commission finds that 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, the Site Development & Design 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.

In responding to the design standards, the application notes that Phase I will use the existing driveway access from Hersey Street as well as the existing curb cut on Clear Creek Drive for vehicular access to the site. Parking is to be placed on each side of the addition, which is behind the face of the main building’s Hersey Street façade. The application emphasizes that with the placement of the Phase I addition behind the existing building, there will be no change in the orientation of the existing building to the street or its sense of entry, although a new stairway access is proposed to provide direct pedestrian access from the entry to Hersey Street, which has previously been lacking.

The Phase II building, which is not currently proposed or under review here, is noted as being oriented to Clear Creek Drive, with its wider side to the street and parking to one side. The Planning Commission finds that this building and its associated site improvements will need to be reviewed under the applicable standards in the place at the time it is proposed, and it is not considered here.

The Planning Commission finds that with the placement of the proposed addition and its associated site improvements behind the existing building along Hersey Street, and development along the property’s Clear Creek Drive frontage deferred until a future Phase II, the design standards with regard to the streetscape and building design have limited applicability to the current request. The Commission further finds that the key issues with the proposal in terms of the Site Development and Design Standards in AMC 18.4 come down to verifying that adequate parking is to be provided and to ensuring that the parking proposed complies with the parking area design, parking lot landscaping and screening, and pedestrian access and circulation standards.

2.4 The Planning Commission finds that a warehouse or industrial building would typically be considered under the parking ratios in place for “*industrial, manufacturing and production, warehousing and freight*” found in AMC 18.4.3.040 which require that one parking space be provided for each 1,000 square feet of building area or for each two employees, whichever is less, plus one for each company vehicle. This would require 65 parking spaces to serve the existing building and proposed addition, and because parking provided cannot exceed parking required by more than ten percent under city codes, not more than 71 parking spaces could be provided. The applicants here argue that the warehouse and industrial use categories do not properly reflect the number of people required for the more intense, hand-assembly process employed at Darex, and propose that parking instead be considered in terms of the parking ratio for office use, which is one parking space per 500 square feet of floor area. This would allow a minimum parking requirement of 129 parking spaces, and no more than 142 spaces could be

provided. The applicants propose to provide 141 spaces to serve the existing use and proposed addition, but also propose to provide an additional 22 parking spaces to serve the future second phase and a quasi-public park area to be made available until that second phase occurs.

The applicants suggest that the current facility and site were designed according to the much lower warehouse parking ratio, which is out of sync with the actual business being conducted. They note that as the business has increased staffing over the years, undeveloped land at the rear of the property has become overflow parking for staff. They further note that while the ordinance tries to take advantage of on-street parking credits to reduce the need for off-street parking, the long, narrow, dual frontage nature of the site does not provide on-street parking in quantities sufficient to accommodate their staffing. The applicants also note that the limited off-street parking associated with recent Clear Creek Drive development has left on-street parking in very high demand, and this means that employee parking can spill across Hersey Street and adversely affect residential neighborhoods to the north.

The applicants explain that their business is based on high volume hand assembly of numerous individual components for their wide variety of products, and that they employ residents from across the region, including Grants Pass, White City, Central Point, Medford, Phoenix, Talent and Ashland with living wage jobs. They emphasize that the currently available transit service would require a commute of up to four hours for those living in the northern part of Medford and White City, and that commuting by bicycle is not viable for these employees either, particularly in inclement weather. They note that over the years they have tried incentives to encourage car-pooling among staff, but that this has met with little success when employees often have obligations before and after work with daycare, medical appointments or volunteering commitments. They suggest that for many employees, individual automobiles are the only viable commuting option.

The Planning Commission finds that the Ashland Municipal Code provides that where automobile parking requirements for any use are not specifically listed, such requirements shall be determined based upon the most comparable use specified in this section or by using other available data. Here the applicants note that their typical workstations are similar in size (at about 100 square feet each) to the workstations found in an office environment, and the number of employees is also similar to that of a similar-sized office building. They further emphasize that their high volume hand assembly business model is extremely labor intensive and relies on a long-term, skilled labor force which currently employs 129 people and which will grow to 139 people for the period of August through November at this site. They suggest that the first phase of expansion proposed here is intended to accommodate an increase in employees to 226. They propose to use the office parking ratio of one parking space per 500 square feet of building area to align with the unique high volume hand assembly work performed at Darex, and note that if the property were to sell, it would most likely continue with similar uses involving clean technologies, intensive hand assembly or office use and the requested parking ratio would match the parking needs of these uses and facilitate redevelopment of the site.

In considering the requested parking ratio, the Planning Commission finds that the Institute of Transportation Engineers (ITE) Parking Generation Manual, 3rd Edition includes analysis of a number of study sites for each categorized use. The Commission considered the following categories of use:

- **General Light Industrial (ITE Code 110)** – These are typically free-standing facilities devoted to a single use other than manufacturing, with little or no office component. The typical activities include printing, material testing and the assembly of data processing equipment. The average parking supply ratios were 1.1 parking spaces per 1,000 square feet of floor area (for five of nine sites reviewed by the ITE) and 1.3 spaces per employee (for four of the sites). These sites averaged an employment density of 1,200 square feet of gross floor area per employee.
- **Industrial Park (ITE Code 130)** – These are typically sites containing a number of industrial uses and related facilities involving a diverse mix of manufacturing, services and warehouses. Here the average parking supply ratios were 1.6 parking spaces per 1,000 square feet of floor area and 1.2 spaces per employee, and the average employee density was 900 square feet per employee.
- **Manufacturing (ITE Code 140)** - These are typically sites where raw materials or parts are converted to finished products. The average parking supply ratios were 1.3 parking spaces per 1,000 square feet of floor area and 1.3 spaces per employee, and the average employee density was 1,000 square feet per employee.
- **Office (ITE Code 701)** – Office uses have several subcategories in the ITE analysis, including General Office (710), Corporate Headquarters (714), Single Tenant Office Building (715), Office Park (750) and Research and Development Center (760). Analysis across these subcategories puts the average parking supply ratios at 4.0 parking spaces per 1,000 square feet of floor area and 1.1 spaces per employee, and the average employee density was 303 square feet per employee.

These are further detailed in the attached **Staff Exhibit S-1**, which is adopted as an exhibit to these findings.

The Planning Commission concurs with the applicants and finds that on-street parking in the area is in high demand, and further finds that given the width of the improvement on Clear Creek Drive it will likely be restricted to allow parking on only one side in the future. Determining the correct parking ratio to accommodate parking on site is important to minimize the impact of parking to the adjacent streetscape and to the residential neighborhoods to the north. The Commission further finds that as proposed with 226 employees and 141 parking spaces, the applicants operation would have 2.18 parking spaces per 1,000 square feet, 0.62 parking spaces per employee, and an average employee density of approximately 285 square feet per employee. With the current 129 employees, these numbers would be 2.18 spaces per 1,000 square feet, 1.09 spaces per employee, and an average employee density of 500 square feet per employee. The Commission finds that the square footage per employee at Darex clearly supports their argument that the business is more labor intensive than anticipated by the “*industrial, manufacturing and production, warehousing and freight*” parking ratio in the municipal code. In addition, the Commission finds that Darex currently has 26.76 employees per acre, and with the increase to 226 employees that would be accommodated by the proposed addition this would increase to 46.88 employees per acre. The most recent Economic Opportunities Analysis for the city had Employment zones city wide averaging approximately 17 employees per acre. The Commission finds that this

employment density further supports the argument that the Darex business model supports more employees than the average E-1 business in Ashland and merits consideration under the parking ratio for office as the use most comparable to that proposed.

The 141 spaces proposed for the addition is one space below the maximum allowed for the currently proposed square footage based on the city's standard office parking ratio of one space per 500 square feet. In addition to these 141 spaces proposed, the applicants have proposed two alternatives for the treatment of the Clear Creek Drive frontage until the second phase of development ultimately occurs. Under their first and preferred alternative, they would improve this frontage with a neighborhood park, which would be under private ownership and management but open to the public, and would concurrently install 22 parking spaces that they anticipate would be necessary with the development of the Phase II building. This park would feature a variety of ornamental trees in raised planters, a low-water use lawn area and a series of paths. If the park and associated parking are not approved, the applicants propose an alternate design with a low-water use field area that would include irrigation and the planting of ten shade trees for this full frontage.

In considering these additional 22 parking spaces, the Commission finds that the ITE standards for parking generation for office uses detailed above reflect a substantial range of parking demand based on square footage and employment density, and further determines that the 163 parking spaces proposed is an appropriate number given the proposed additional square footage, anticipated increase in employees on the site, and the creation of a neighborhood park in light of the unique nature of the Darex business. 163 parking spaces for 226 employees in the 64,583 square foot facility would equate to 2.52 parking spaces per 1,000 square feet of floor area and 0.72 spaces per employee, both of which are significantly below the four parking spaces per 1,000 square feet and 1.1 spaces per employee noted for the most comparable – office – uses in the ITE manual.

2.5 The Planning Commission finds that the parking spaces to be provided are all full-size spaces, at nine feet by 18 feet with no compact spaces proposed, and that the back-up and circulation areas proposed will meet or exceed the required 22-foot dimension. The parking areas are to be separated by buildings, tree wells with parking lot trees, and split level parking areas with sidewalks, and the parking lot design seeks to provide at least 50 percent shade from tree canopy over the parking area surface within five years of project completion in keeping with the requirements of AMC 18.4.3.080.B.5 which seek to minimize the adverse environmental and microclimatic impacts of surface parking. A drainage swale is located in the parking area to the west of the addition, within the planting strip between parking spaces. Drainage in the easterly parking area is to be accommodated with filtered treatment. All stormwater is to be detained on-site so as not to flow beyond the property lines. The parking area design requirements call for parking lots and other hard surface areas to be designed to capture and treat run-off with landscaped medians and swales, and the Commission finds that to adequately address this requirement, the proposed detention system design in the eastern parking area needs to incorporate the landscaped medians to capture and treat run-off.

The Commission further finds that continuous walkways are provided through the parking areas to connect to all existing and future buildings, and provide safe, direct and convenient connections from the building entries to the streets, sidewalks and proposed park areas. The walkways are noted as being

protected by planting strips, five feet in width, curbed except within crosswalks, with pedestrian lighting and marked in painted asphalt or concrete to differentiate them from the surrounding parking area. Parking areas are noted as generally grouped in areas of less than 50 spaces so pedestrians must traverse less than a 150 foot distance within the parking area, and well-distributed accessible parking. The Commission finds that pedestrian circulation is more clearly addressed in the western parking areas, however it appears that the number of potential entrances on the east side of the new building substantially reduce the distance a pedestrian would likely need to travel. A condition has been included to require that a pedestrian crossing be added through the parking area near the southeast corner of the existing building.

2.6 The Planning Commission finds that 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 the subject property is presently served by water, sewer, electricity, urban storm drainage, and paved access, and that the existing facilities have adequate capacity to accommodate the proposed addition.

With regard to water and sewer services, the application materials note that with the proposed addition, four additional toilets, two lavatories and two drinking fountains will be added. The applicants further explain that they have been in contact with the city’s Water and Wastewater Division and both have confirmed that the existing 12-inch public water line in the Hersey Street right-of-way and eight-inch public sewer lines in the Hersey Street and Clear Creek Drive rights-of-way are sufficient to accommodate these additional proposed fixtures. The applicants indicate that they will continue to confer with the city utilities and Public Works and Engineering Department staff to verify capacity and identify any necessary upgrades as their designs are finalized, and a condition of approval has been included below to require that the applicants provide final utility plans for the review and approval of the Planning, Building, Public Works and Engineering Departments in conjunction with their building permit application.

With regard to electricity, the application materials note that the electrical contractor for the project has performed preliminary load calculations estimating the proposed additional demand associated with the first phase addition will be approximately 147,000 watts or 408 amps at 120/208 three phase. The applicants explain that the existing 2000 amp service size and 750 KVA 120/208 three-phase city transformer have sufficient capacity to serve the proposed addition. A condition has been included below to require that the applicants provide a final electric service plan for the review and approval of the Planning, Building and Electric Departments in conjunction with their building permit application. The applicants have also been advised to contact the Electric and Conservation Departments as early in the process as possible if they are considering additional solar energy installations on the new addition to identify any financial incentives or technical assistance that may be available.

With regard to urban storm drainage, the application materials explain that all new improvements including the building, parking areas and sidewalks were designed with the Rogue Valley Stormwater Quality Design Manual to address both the quality and quantity of stormwater run-off and comply with city storm drainage requirements. The applicants note that their civil engineer has been in contact with the city's Engineering Department and confirmed that the applicants' stormwater detention strategy which proposes an eastern detention swale and additional asphalt detention areas as well will comply with city requirements. The application further explains that the stormwater will be treated for water quality and detained so that post-development flows do not exceed pre-development flows for the property in its undeveloped state and will thus have no adverse impact on downstream infrastructure. A condition has been included below to require that a final stormwater drainage and erosion control plan be provided for the review and approval of the Planning, Building and Engineering Departments in conjunction with the building permit application.

With regard to paved access and the adequacy of transportation facilities, paved access to the property is primarily from Hersey Street, which is considered an Avenue in Ashland's Transportation System Plan (TSP). Hersey Street is currently paved to a width of approximately 45 feet within the 60-foot right-of-way along the property's frontage. In addition to the motor vehicle travel lanes, a bike lane is in place and there are curbs and gutters but no sidewalks or parkrows along the south side of the street. There is a steep, rock-covered embankment between the curb and the applicants' property and there is currently no pedestrian access from Hersey Street other than via the driveway.

The property also fronts on Clear Creek Drive to the south, a Commercial Neighborhood Collector, which is currently paved to an approximate 30-foot width within a 60-foot right-of-way with curbs and gutters in place. A sidewalk and parkrow planting strip extend approximately 270 feet from the property's west boundary, leaving approximately 110 feet of this frontage currently without sidewalks. There are also currently no street trees in place within the existing parkrow planting strip for the entire Clear Creek Drive frontage.

The applicants are not proposing to install sidewalks along Hersey Street. The Commission finds that this section of Hersey Street merits an Exception to Street Standards in that the narrow area between the curb and the applicants' property has slopes which vary from approximately 30 percent to more than 45 percent, and which would require substantial cuts and retaining walls, disturbance of existing established trees, and the potential to disrupt the established development on the lot which is only 12 to 24 feet behind the curb. The applicants have proposed to construct a stairway connection from the street which would provide direct pedestrian access from the on-street parking spaces along Hersey Street to the building entrance. A condition has been included below to make the installation of this stairway a condition of approval, and to require that the applicants sign in favor of future Hersey Street improvements which could include a comprehensively planned sidewalk installation taking into account the slopes along the property's frontage and the necessary transition to less sloped sections along adjacent properties.

The Commission finds that the applicants' proposal includes the completion of the remaining sidewalks on their Clear Creek Drive frontage, the planting of new street trees within the park row planting strip for the full frontage, and the replacement of two existing driveway aprons installed with the original

construction of Clear Creek Drive. Conditions requiring the completion of these improvements are included below.

The Commission further finds that the application materials provided include a letter from James R. Hanks, P.E. of JRH Transportation Engineering. JRH analyzed the proposal and determined based on the thresholds established in city standards, no traffic impact analysis (TIA) was required. The letter explains that based on the anticipated 226 employees that could be accommodated on site with the addition, both the A.M. and P.M. peak hour trips are less than the 50 needed to trigger a TIA, that no traffic control device or geometric improvements are to be installed with the request, and that no newly generated heavy vehicle trips which would require a TIA are anticipated.

The Commission further finds that public comment was received during the hearing asking that Darex consider installing a multi-use path between East Hersey Street and Clear Creek Drive along the east side of the subject property. These comments noted that generations of neighboring residents have used this part of the property as a short cut to Clear Creek Drive and it would be nice if the applicants would respect this tradition rather than continuing to post "No Trespassing" signs. In considering this request, the Commission noted that there was already a multi-use path in place along the west boundary of the Darex property providing a connection for public bicycle and pedestrian use between East Hersey Street and Clear Creek Drive, and that the future redevelopment potential of properties further to the east would likely provide a better spacing for pedestrian connections in this area.

The Commission further finds that while there is currently no transit service on either Hersey Street or Clear Creek Drive, there is transit service on Lithia Way less than a half-mile walk from the subject property and the Transportation System Plan anticipates that long term modifications of the Rogue Valley Transportation District's Route 10, or a new express route, might ultimately provide transit service to the property along Clear Creek Drive.

2.7 The Planning Commission finds that the application includes a Tree Protection Plan (Sheet L1.1) identifying five existing trees within the vicinity of the proposed construction, two of which are six-inches in diameter at breast height or greater and thus regulated within the zone.

The Commission finds that the application proposes the removal of three trees, two of which are six-inches in diameter or breast height or greater and thus require Tree Removal Permits. The two trees to be removed are a six-inch d.b.h. Maple tree (#2) which is in the area of the demolition to accommodate the proposed site improvements, and a six-inch d.b.h. Pear tree (#3) which is located in the path of the main irrigation line to serve the new landscaping for the site. The third tree to be removed is a 4½-inch d.b.h. Pear tree (#1) located to the east of the existing building. Its removal does not require a permit. Tree protection fencing is identified for the two existing trees to remain, both Armstrong Maples, although their size means that they would not otherwise be regulated.

The Commission further finds that the materials provided note that the trees are in fair to good condition, relatively young and planted in constrained, paved areas. They are proposed to be removed because they are within proposed circulation areas necessary to accommodate pedestrian and vehicular traffic with the addition. The applicants emphasize that the 57 proposed 1½- to two-inch caliper trees

and associated landscape plantings in their proposed landscape plan will provide better habitat, and more than make up for the lost canopy coverage and species diversity with the removals. They assert that the removals will allow for proper design of the parking and circulation areas according to applicable standards, and will have no effect on erosion, soil stability, flow of surface waters, protection of adjacent trees or existing windbreaks because the existing trees are within constrained, paved areas.

2.8 The Planning Commission finds that the application requests Site Design Review approval for a 24,621 square foot addition to the existing 39,962 square foot Darex building at 210-220 East Hersey Street and the associated removal of two trees, a Pear and a Maple, located within proposed circulation areas. The Commission further finds that the additional building area is for administration and assembly employees and would ultimately accommodate an increase in employees from the current 129 to an anticipated 226. Given that the proposed addition and associated site improvements are behind the existing building along Hersey Street, and development along the property's Clear Creek Drive frontage is to be deferred until a later Phase II, the design standards with regard to the streetscape and building design have limited applicability to the request.

Perhaps the key issue in the Commission's review is determining that the right amount of parking is to be provided. A typical warehouse or industrial building would be considered under the "*industrial, manufacturing and production, warehousing and freight*" ratio for required parking, but the applicants here suggest that warehouse and industrial use categories do not accurately reflect the number of employees needed for the more intense, hand-assembly process employed at Darex. They argue that the square footage needs per employee and total number of employees is more akin to an office use, and propose to use an office parking ratio to better align with the unique hand assembly work performed at Darex.

The applicants suggest, and the Commission concurs, that on-street parking in the area is in high demand, and determining the correct parking ratio to accommodate parking on site is important in providing adequate parking on site to minimize the impact of development on the adjacent streetscape and residential neighborhoods to the north. The Commission finds that the square footage per employee at Darex, which has three to four times the number of employees in the same space as more typical industrial and manufacturing uses, supports the argument that the business is more labor intensive than anticipated in the ITE's Parking Generation manual that underlies the parking ratios in the municipal code. In addition, the Commission finds that Darex currently has roughly 27 employees per acre, and with the staffing increase proposed here this would increase that to nearly 47 employees per acre. The most recent Economic Opportunities Analysis for the city had Employment zones city wide averaging approximately 17 employees per acre. For the Commission, the available information supports the argument that the Darex business model results in more employee density than the average E-1 business in Ashland and merits consideration under a different parking ratio.

The Planning Commission finds that AMC 18.4.3.030 provides three methodologies for determining parking requirements: 1) using the standard ratios for automobile parking found in AMC 18.4.3; 2) for "unspecified uses," the parking required may be determined based upon the most comparable use and other available data; or 3) using a parking demand analysis provided by the applicant. In this instance, the

applicants have framed their request in terms of the “office” parking ratio of one parking space per 500 square feet of floor area as being the most comparable use. In the Commission’s assessment of the other data provided in terms of the number of employees, space needs per employee, and the variations possible across the “office” use category based on the ITE Parking Generation manual, while the applicants have demonstrated that their high volume hand assembly use is most comparable to “office”, the materials provided amount to a parking demand analysis which suggests that the proposed 163 spaces are appropriate to the demand generated by Darex given the proposed additional square footage, anticipated increase in employees on the site, and the creation of a neighborhood park. 163 parking spaces for 226 employees in the 64,583 square foot facility would equate to 2.52 parking spaces per 1,000 square feet of floor area and 0.72 spaces per employee, both of which are significantly below the four parking spaces per 1,000 square feet and 1.1 spaces per employee noted for the most comparable office uses in the ITE manual. The Commission would also note that the applicants indicated that they would be open to future discussions with the city regarding possible arrangements to utilize their parking during off-hours as one way to address broader parking issues in the area.

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 Tree Removal Permit approvals for an addition to the existing Darex facilities at 210-220 East Hersey Street 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 #2015-01370. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2015-01370 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 substantial 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 recommendations of the Ashland Tree Commission from their September 3, 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.
- 4) 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).

- 5) That the engineered construction drawings for the public sidewalk along Clear Creek Drive shall be submitted for review and approval of the Ashland Planning and Engineering Departments prior to work in the street right-of-way or approval of building permits. Sidewalk installation and driveway approach repair shall be permitted through the Engineering Division and completed according to city standards. Frontage improvements, including but not limited to the sidewalk, street trees, and street lighting, shall be completed across the entire frontage of the site. The sidewalk shall be constructed to City of Ashland Street Standards, and if necessary for alignment of frontage improvements, additional area for street improvements shall be dedicated as public street right of-way.
- 6) That the engineered construction drawings for the stairs to provide a connection from the existing building entrance to East Hersey Street shall be submitted for review and approval of the Ashland Planning, Building and Engineering Departments prior to work in the street right-of-way or approval of building permits. Stairway installation within the right-of-way shall be permitted through the Engineering Division.
- 7) That the parking provided on the subject property shall not exceed the 163 spaces proposed.
- 8) 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 September 3, 2015; and 2) the required irrigation plans, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications, including the Clear Creek Drive park row planting strip. 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 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. Cabinets, vaults, meters and Fire Department connections shall be located in areas least visible from streets, sidewalks and pedestrian areas, while considering access needs.
 - 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 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.
 - h) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard B in the formula $[(\text{Height} - 16) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
 - i) Revised plans identifying an additional pedestrian crossing through the eastern parking area near the southeast corner of the existing building and incorporating the landscaped medians in the eastern parking area as swales in the on-site detention system.
- 9) That prior to the issuance of the building or excavation permits or the commencement of site work or storage of materials:
- a) A Tree Verification Permit shall be obtained. Trees to be removed shall be marked, and tree protection measures installed according to the approved plan for any trees to be retained, 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) That the property owner shall sign in favor of Local Improvement District (LID) for the future street improvements, including but not limited to paving, curb gutter, storm drainage, sidewalks and undergrounding of utilities for East Hersey Street prior to the issuance of a building permit. Nothing in this condition is intended to prohibit an owner/developer, their successors or assigns from exercising their rights to freedom of speech and expression by orally objecting or participating in the LID hearing or to take advantage of any protection afforded any party by City ordinances and resolutions.

- 10) That prior to the final approval of the project and issuance of a certificate of occupancy:
- a) That all hardscaping including the Clear Creek Drive sidewalk and the stairway connection to East Hersey Street, 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 fire apparatus access, including approach and easements; fire flow; fire alarm and sprinkler systems; fire department connection (FDC); fire hydrants; fire extinguishers; key box; approved addressing; approved gates and fences; waste and recycling container location; storage requirements and fire safety requirements during construction shall be satisfactorily addressed.
 - e) Clear Creek Drive frontage improvements including but not limited to the installation of sidewalks, street trees with irrigation and street lighting 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. Street trees shall be spaced at one per 30 feet of street frontage, shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in the Site Design and Use Standards. The street trees shall be irrigated.
 - f) 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 according to applicable standards.
 - g) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.

October 13, 2015

Date

Planning Commission Approval

STAFF EXHIBIT S-1: Parking Ratios

USE	ITE CODE	CITY PARKING RATIO	ITE PARKING SPACES/1000 SQUARE FEET	ITE PARKING SPACES/EMPLOYEE	ITE SQUARE FEET/EMPLOYEE
General Light Industrial	110	1 space per 1000 s.f.	1.1	1.3	1200
Industrial Park	130	1 space per 1000 s.f.	1.6	1.2	900
Manufacturing	140	1 space per 1000 s.f.	1.3	1.3	1000
Office	701	1 space per 500 s.f.	4	1.1	303
Darex (129 Existing Employees/39,962 Square Footage/79 Parking Spaces)		(1 space per 505 s.f.)	1.98	0.61	309.78
Darex (129 Existing Employees/64,583 Square Feet/141 Parking Spaces)		(1 space per 459 s.f.)	2.18	1.09	500.64
Darex (Expanded to 226 Employees/64,583 Square Feet/141 Parking Spaces)		(1 space per 459 s.f.)	2.18	0.62	285.77
Darex (Expanded to 226 Employees/64,583 Square Feet/163 Parking Spaces)		(1 space per 397 s.f.)	2.52	0.72	285.77

BEFORE THE PLANNING COMMISSION
October 13, 2015

IN THE MATTER OF PLANNING ACTION #2015-01496, A REQUEST FOR)
CONDITIONAL USE PERMIT AND SITE DESIGN REVIEW APPROVALS TO)
ALLOW 3,051 SQUARE FEET OF ADDITIONS INCLUDING A NEW)
KITCHEN, NEW BAR, LAUNDRY ROOM, TWO NEW SECOND FLOOR)
OFFICES AND AN ACCESSIBLE LIFT, AND THE CONVERSION OF THE)
EXISTING KITCHEN INTO BUSSING AND STORAGE AREAS FOR THE)
WINCHESTER INN LOCATED AT 35 SOUTH SECOND STREET. ALSO)
INCLUDED ARE REQUESTS FOR TREE REMOVAL PERMITS TO REMOVE) **FINDINGS,**
TWO TREES: A SIX-INCH DIAMETER PLUM TREE LOCATED WITHIN THE) **CONCLUSIONS,**
FOOTPRINT OF THE PROPOSED NEW BAR, AND AN EIGHT-INCH DIAMETER) **AND ORDERS**
BIRCH TREE WITHIN THE FOOTPRINT OF THE ADDITION AT THE REAR OF)
THE MAIN HOUSE; AND AN EXCEPTION TO THE STREET STANDARDS TO)
RETAIN THE EXISTING CURBSIDE SIDEWALKS ALONG THE PERIMETER)
THE PROPERTY.)
)
APPLICANT: Kistler, Small & White, Architects)
(As agents for owner MPM Investments))

RECITALS:

- 1) Tax lots 5600 and 5700 of Map 39 1E 09 BD are located at 35 South Second Street and are zoned C-1-D, Commercial Downtown.
- 2) The applicants are requesting Conditional Use Permit and Site Design Review approvals to allow 3,051 square feet of additions including a new kitchen, new bar, laundry room, two new second floor offices and an accessible lift, and the conversion of the existing kitchen into bussing and storage areas for the Winchester Inn located at 35 S. Second St. Also included are requests for Tree Removal Permits to remove two trees: a six-inch diameter Plum tree located within the footprint of the proposed new bar, and an eight-inch diameter Birch tree within the footprint of the addition at the rear of the main house; and Exception to the Street Standards to retain the existing curbside sidewalks along the perimeter of the property. The proposal is outlined on plans on file at 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 criteria for Exception to Street Standards are described **AMC 18.4.6.020.B.1** as follows:

- a. *There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
- b. *The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.*
 - i. *For transit facilities and related improvements, access, wait time, and ride experience.*
 - ii. *For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*
 - iii. *For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.*
- c. *The exception is the minimum necessary to alleviate the difficulty.*
- d. *The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.*

6) The criteria for a Tree Removal Permit are described in **AMC 18.5.7.040.B** as follows:

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.*

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.

7) The Planning Commission, following proper public notice, held a public hearing on September 8, 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.

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 Conditional Use Permit, Site Design Review, Exception to Street Standards and Tree Removal Permit approvals meets all applicable criteria for Conditional Use Permit approval described in Chapter 18.5.4.050; Site Review approval described in Chapter 18.5.2.050; Exception to Street Standards approval described in Chapter 18.4.6.020.B.1; and Tree Removal Permit approval described in Chapter 18.5.7.040.B.2.

2.3 The Planning Commission finds that the application proposes 3,051 square feet of new additions including a new kitchen, bar, laundry room, two second floor offices and an accessible lift, as well as the conversion of the existing kitchen into bussing and storage areas. The proposal includes two additions: the "south addition" contains the new 360 square foot bar and is designed as a Victorian conservatory. It is to be located to the south side of the existing main building adjacent to the existing dining area, and will be physically attached to the main building with stairs and a new accessible lift connecting the main levels. The bar will include an outdoor patio area to its east, with interior seating for roughly 20 and bar seating for five in addition to a new serving area for preparing drinks.

The "west addition" on the west side of the main facility, will include a new full-service 869 square foot kitchen with walk-in cooler, range hood, grill, range, dishwashing equipment and storage on the first floor while the existing kitchen area will be remodeled into a new bussing station and storage area. Below the new kitchen will be a new 193 square foot laundry room, and the existing laundry area will be remodeled to create an accessible route to the new accessible lift. Above the kitchen there will be two new offices; the applicants currently rent office space off-site, and this will enable their offices to move back onto the property although the application notes that it is hoped that at some point in the future these offices could be converted into additional guest suites. The application recognizes that such a conversion would need to comply with applicable codes in place at the time of application.

The Commission finds that 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 C-1-D (Commercial Downtown) which has 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 in which case a ten-foot per story setback is required; no maximum lot coverage; and no minimum residential density. The subject properties here abut the R-2 residential zone to the south, across Hargadine Street, and the proposed additions are more than 40 feet from the Hargadine Street property line. The site is not located on an arterial street, and as such no arterial setback requirements come into play. The maximum building height is limited to 40 feet, and with the proposed additions here, the building height still averages 34½ feet and so complies with this limit.

The Commission finds that 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 three overlay zones: the Detail Site Review Overlay, the Downtown Design Standards Overlay and the Historic District Overlay. The applicable standards for these overlay zones are incorporated into the Site Development and Design Standards in part 18.4, and are addressed below.

The Commission finds that 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 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 application explains that the existing building is oriented to the streets and that the established facade, setback, relationship to the streetscape and general orientation will not be altered with the requested additions. Similarly, existing parking, vehicular circulation and street trees are not proposed to be altered. Building materials proposed are to be similar to the existing Inn, with wood siding, trim and wood shingle roofing proposed. The west addition will be painted to match the existing inn. The proposed bar addition will be the exception in terms of matching materials, as it will have a metal roof, exposed concrete base and wood windows with aluminum cladding. The bar building uses glass to create a conservatory feel in the bar addition.

The Commission finds that within the Detail Site Review Overlay, properties are to have a minimum 0.50 floor area ratio (FAR). In this instance, the proposed building area is 9,715 square feet on the two parcels involved which have a total area of approximately 13,939 square feet. This equates to a 0.69 FAR without consideration of the site’s pedestrian areas and thus complies with the standard.

The Commission further finds that the existing building does not have frontages over 100 feet in length, nor is it within 30 feet of the street, however it nonetheless uses windows, doorways and the proposed conservatory addition to contribute to an engaging streetscape, with changes in massing, material and surface finishes to emphasize entries from the street.

The Commission finds that the existing building is setback more than five feet from the street; the current setback is approximately 35 feet and this is maintained with the proposed addition in keeping with the Historic District Design Standards which seek additions which are visually unobtrusive from the right-of-way and which do not obscure or detract from the character defining features of the historic building. The Commission further finds that placement of an addition between the existing building and the street would obscure the character of the existing building and the site, and would run counter to the Historic District Development Standards for additions.

The materials provided explain that the location of the existing building may be considered a transitional zone between the downtown commercial area and the adjacent residential zone just south of the site. The application notes that the building height is to remain unchanged with the additions.

The application points out that the bar addition, which is located on the east face of the existing building, is set well back from the front of the building facing Second Street and will be set back from the original house bay window, allowing the existing entry to retain its prominence. In addition, it will provide a single-story step up to the existing two-story building. The most impacted view will be from Hargadine Street, which is at a higher elevation, and the application suggests that the differing elevations and the presence of the Larkspur Cottage between the bar addition and Hargadine Street will reduce the perceived scale and visual impact of the addition.

The applicants suggest that the massing of the buildings will continue to be appropriate to the existing Victorian architecture, and they will be smaller than other commercial buildings in the immediate neighborhood. They emphasize that the existing setbacks are not to be altered, that the roof form and roofing of the additions will be consistent with those of the existing building, and that the building form, primary entry and façade rhythms will remain unchanged. The application explains that the applicants believe it is important that the addition be as cohesive with the existing as possible, and they note that architectural interest will be added with the bar designed as a conservatory which will complement the existing Victorian architecture but also be contemporary rather than trite mimicry of the historic period. Windows proposed are to be compatible in shape, size and proportion of the existing, with the exception of the bar where the windows will be specific to the proposed conservatory feature.

The Commission finds that wood shingles are specifically called out as to be avoided in the Historic District Development Standards, and a condition has been included below to require that the roofing of the west addition not utilize wood shingles, and that the final roofing material treatment be approved by the Historic Commission's Review Board with review of the building permits.

The Commission further finds that while located within the Downtown, the existing building is a stand-alone structure with a residential style dating to its original use, and is located in a transitional zone near the edge of the overlay. As such, the current building is not in keeping with many of the Downtown

Design Standards seeking a continuous, commercial storefront streetscape. The additions proposed do not seek to alter this character to pursue compliance with the Downtown Design Standards, but instead seek to be compatible with the existing contributing historic resource. The Commission finds that this approach is in keeping with the transitional character of the site and the underlying purpose of the Downtown Design Standards which note that the standards seek to guide development in context with their historic surroundings.

The Commission finds that the proposed additions are in keeping with the applicable site development and design standards and overlay zone requirements, and that the additions have been thoughtfully designed and placed to respect the historic character of the existing building and to not detract from its relationship to the streetscape.

The Commission finds that 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 subject property is presently served by water, sewer, electricity, urban storm drainage, and paved access via the adjacent rights-of-way.

The Electric Department has indicated that a service upgrade would be desirable with the addition. The application materials provided note that an electrical service plan will be developed in consultation with the city’s Electric Department to ensure both that adequate facilities are provided and that any aesthetic impacts are minimized. All electrical services are proposed to be provided from Second Street where the current service exists.

The application also notes that two fire hydrants are within 150 feet of the property, one on the property at the corner of Second and Hargadine and the other on the adjacent tax lot at the corner of Second Street and Enders Alley. The applicants indicate that these hydrants have adequate pressure available to serve the building, and note that at the time of the building permit submittal all fire code requirements shall be addressed including provisions for a Fire Department connection along the front of the building.

The Commission has included conditions below to require that the applicants provide final electrical service, utility, stormwater drainage and erosion control plans for the review and approval of the Planning, Building, Electric and Public Works/Engineering Departments in conjunction with their building permit application.

The Commission further finds that paved access to the property is from Second Street, which is classified as a Neighborhood Street in Ashland’s Transportation System Plan (TSP). Second Street is currently paved along the property’s frontage, with curbs, gutters and curbside sidewalks in place. The property also fronts on Hargadine Street to the south, a Neighborhood Street as well. Hargadine is paved with curbs, gutters and curbside sidewalks in place along the property frontage. There are paved alleys along the properties’ north and west frontages, with Enders Alley running between First and Second Streets to the north of the Heritage House, and an un-named alley running along the west side of the properties between Enders Alley and Hargadine Street.

2.4 The Planning Commission finds that the subject property already operates under a Conditional Use Permit within the C-1-D zone as a Hotel/Motel, and been in operation since 1983.

As detailed above, the Electric Department has indicated that a service upgrade may be desirable to service the addition and the application materials provided note that an electrical service plan will be developed in consultation with the city's Electric Department to ensure both that adequate facilities are provided and that any aesthetic impacts are minimized. All electrical services are proposed to be provided from Second Street where the current service exists.

The application also notes that two fire hydrants are within 150 feet of the property, one on the property at the corner of Second and Hargadine and the other on the adjacent tax lot at the corner of Second Street and Enders Alley. The applicants indicate that these hydrants have adequate pressure available to serve the building, and note that at the time of the building permit submittal all fire code requirements shall be addressed including provisions for a Fire Department connection along the front of the building.

The Commission finds that the proposal has been designed to limit the impact of the increase in bulk, and is well within an appropriate scale to the building and site. The existing building is an historic contributing resource within the local historic district and the additions have been designed to be architecturally compatible. The application emphasizes that the additions proposed are intended to enhance the facility, the guest experience and the working environment with minimal impact on the neighborhood, and don't involve any increase in the number of guest units. The application further explains that most of the visual impact of the changes will be oriented to the rear of the site along the alley, and that bordering this alley are the backs of the Oregon Shakespeare Festival's new rehearsal center and the Oregon Cabaret Theater building. The application suggests that there will be little or no impediment to neighboring views.

The application further suggests that the proposal will result in no discernible increases in environmental impacts including those related to air quality, dust, odors or other pollutants. The addition, with the exception of the bar, will not result in any increase in noise, light or glare. The applicants emphasize that while the bar has a primarily glass façade, its placement on the site relative to the existing buildings and streetscape, the existing landscaping, and the natural topography of the site will prevent any resultant light or glare from being distracting. The applicants further assert that the addition will result in an overall reduction in noise by reducing the available outside seating and shifting seats indoors.

The application further emphasizes that at this time, no additional guest suites are being added so there should be no additional impact in terms of parking or traffic. The improvements will allow additional seating capacity in the restaurant and bar, but they are noted as serving primarily guests of the inn or others who arrive on foot from elsewhere in the downtown.

The application concludes that the conservatory style bar will be a unique and exciting addition to the Inn and to Ashland's downtown.

2.5 With regard to the requested Exception to Street Standards to retain the established curbside sidewalks along the properties' street frontages, the Planning Commission finds that that it would not be

desirable to remove existing, established significant trees in order to create a parkrow to plant trees as this would be counter-productive, and maintaining the current sidewalk condition would be more in keeping with the purpose and intent of the street standards and would not diminish the safety or effectiveness of the existing facilities. The Commission further finds that in addition to the existing significant trees, the site's topography poses a demonstrable difficulty in widening the sidewalks to meet current standards.

2.6 The Planning Commission finds that the application proposes the removal of two trees: a six-inch diameter Plum tree located within the footprint of the proposed new bar, and an eight-inch diameter Birch tree within the footprint of the addition at the rear of the main house. Within the C-1-D zoning district, any removal of trees six-inches in diameter at breast height (d.b.h.) or more requires a Tree Removal Permit. The Commission further finds that the application notes there are many mature trees on the site, and that the removal of the two trees proposed will not change the overall tree canopy coverage of the site nor will it have significant negative impacts on erosion, soil stability, flow of surface waters, adjacent trees or existing windbreaks.

The Commission further finds that tree protection details have been noted on the Tree Removal and Protection Plan provided as sheet "L2", however the proposed new bar addition extends into the Tree Protection Zone fencing shown and there is no arborist report speaking to the ability of the trees to be retained to tolerate the proposed disturbances in or near their root zones. Based on the recommendations of the Tree Commission, the Planning Commission has accordingly included conditions requiring: an arborist report assessing the conditions of the trees and their abilities to accommodate the proposed construction; a revised Tree Protection Plan detailing revised tree protection necessary during construction; and that a Tree Verification inspection to verify identification of the trees to be removed and installation of fencing for trees to be protected occur prior to any tree removal or site disturbance.

2.7 The applicants' are requesting Conditional Use Permit and Site Design Review approvals to allow 3,051 square feet of additions including a new kitchen, new bar, a new laundry room, two new second floor offices and an accessible lift, and the conversion of the existing kitchen into bussing and storage areas. Also included are requests for Tree Removal Permits to remove two trees: a six-inch diameter Plum tree located within the footprint of the proposed new bar, and an eight-inch diameter Birch tree within the footprint of the addition at the rear of the main house; and an Exception to the Street Standards to retain the existing curbside sidewalks along the perimeter of the property.

The Planning Commission finds that the proposal is in keeping with all applicable criteria and standards for approval. The existing building is of a residential style in keeping with its original historic use, and has been restored and maintained by the applicants and in continuous use as a hotel/motel since the mid-1980's. It is well-suited to its location at the transition between the downtown core and the residential neighborhood just across Hargadine Street, and the additions proposed have been thoughtfully designed and placed to respect the historic character of the existing building and to not detract from its relationship to the streetscape or surrounding neighborhood.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Conditional Use Permit, Site Design Review, Exception to Street Standards and Tree Removal Permit approvals for the Winchester Inn located at 35 South Second Street 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 #2015-01496. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2015-01496 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 and Conditional Use Permit approval shall be submitted and approved prior to the issuance of a building permit.
- 3) That all recommendations of the Ashland Historic Commission from their September 2, 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.
- 4) That all recommendations of the Ashland Tree Commission from their September 3, 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.
- 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 prior to the issuance of a building permit for the bar addition, the applicants shall provide evidence of lot consolidation or otherwise address the building code prohibition on construction over a property line.
- 7) That the roofing of the west addition shall not utilize wood shingles, which are to be avoided in the Historic District Development Standards. The final roofing material treatment shall be detailed in the building permit submittals for the review and approval of the Staff Advisor and Historic Commission's Review Board.
- 8) That building permit submittals shall include:
 - a) The identification of all easements, including but not limited to public or private utility easements.

- b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor and Historic Commission Review Board. Very bright or neon paint colors shall not be used in accordance with the requirements of the Detailed Site Review 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. These revised plans shall address: 1) The recommendations of the Tree Commission from their September 3, 2015 meeting where consistent with applicable criteria and standards, and with final approval by the Staff Advisor; 2) An arborist's report assessing the conditions of the trees within the area of disturbance and their abilities to accommodate the proposed construction, and a Tree Protection Plan detailing revised tree protection zones and any additional measures or recommendations necessary during construction; and 3) required size and species specific replacement planting details and associated irrigation plan modifications, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications.
 - e) A stormwater drainage plan, including any necessary on-site detention measures for the review and approval of the Engineering, Building and Planning Departments with the building permit submittal.
 - 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. Cabinets, vaults and Fire Department Connections shall be located in areas least visible from streets, sidewalks and pedestrian areas, while considering access needs. Any necessary service upgrades shall be completed by the applicant at applicant's expense.
 - g) 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 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.
- 9) That prior to the issuance of the building, the commencement of site work or 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 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.
- 10) 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 requirements of the Ashland Fire Department, including approved addressing, fire hydrant clearance and provisions for a "Knox Box" key box shall be satisfactorily addressed. Fire Department requirements shall be included in the building permit documents. (**Note:** *If this project takes place during fire season restrictions and is on lands within 1/8 of a mile of Oregon Department of Forestry-protected lands, the applicants are subject to ODF fire restrictions and will need to check construction restrictions at www.swofire.com or call (541) 664-3328).*
- e) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.

Planning Commission Approval

October 13, 2015
Date

**TYPE II
CONTINUED PUBLIC HEARING**

**PA-2015-00797
266 Third Street**



PLANNING ACTION: PA-2015-00797

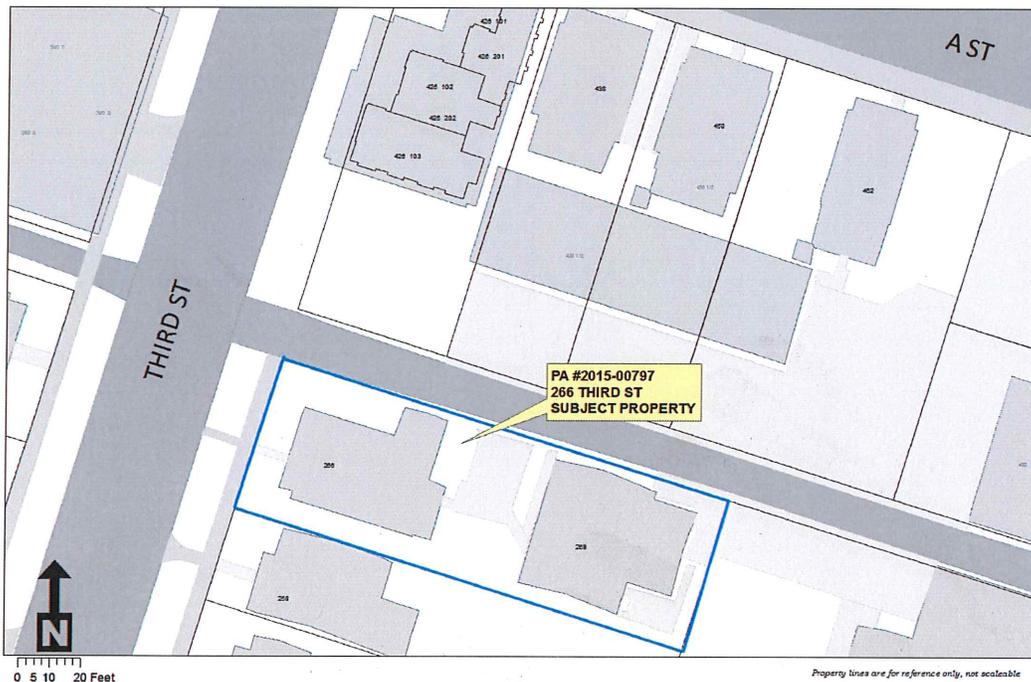
SUBJECT PROPERTY: 266 Third Street

OWNER/APPLICANT: Tanima Bhadra & Brandon Mathew

DESCRIPTION: A continued hearing on the appeal of staff's approval of a Conditional Use Permit allowing a four-unit Traveler's Accommodation consisting of three guest units and an owner's unit for the property located at 266-268 Third Street. The application also includes an Exception to the Site Development and Design Standards with regard to the Parking Lot Landscaping and Screening standards in AMC 18.4.4.030.F, which require a five-foot landscape buffer between parking and property lines. No buffer is proposed here. The September 22nd hearing was continued to October 13th to allow noticing of the requested Exception, and testimony at the continued hearing on October 13th will be limited to the Exception to the Parking Lot Landscaping and Screening standards.

COMPREHENSIVE PLAN DESIGNATION: Low Density, Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09AB; **TAX LOT:** 9500.

ASHLAND PLANNING COMMISSION MEETING: *Tuesday, October 13, 2015 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.

18.5.4.050.A. Approval Criteria

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.

18.2.3.220 Travelers' Accommodations

Where travelers' accommodations and accessory travelers' accommodations are allowed, they require a Conditional Permit under chapter 18.5.4, are subject to Site Design Review under chapter 18.5.2, and shall meet the following requirements. See definitions of travelers' accommodation and accessory travelers' accommodation in part 18-6.

- A. Travelers' Accommodations and Accessory Travelers' Accommodations.** Travelers' accommodations and accessory travelers' accommodations shall meet all of the following requirements.
 1. An accommodation must meet all applicable building, fire, and related safety codes at all times and must be inspected by the Fire Department before occupancy following approval of a Conditional Use Permit and periodically thereafter pursuant to AMC 15.28.
 2. The business-owner of a travelers' accommodation or the property owner of an accessory travelers' accommodation must maintain a City business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04 as required.
 3. Advertising for an accommodation must include the City planning action number assigned to the land use approval.
 4. Offering the availability of residential property for use as an accommodation without a valid Conditional Use Permit approval, current business license and transient occupancy tax registration is prohibited and shall be subject to enforcement procedures.
- B. Travelers' Accommodations.** In addition to the standards described above in section 18.23.220.A, travelers' accommodations shall meet all of the following requirements.
 1. The property is located within 200 feet of a boulevard, avenue, or neighborhood collector as identified on the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.

2. During operation of a travelers' accommodation, the property on which the travelers' accommodation is sited must be the primary residence of the business-owner. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement must specifically state that the property owner is not involved in the day-to-day operation or financial management of the accommodation and that the business-owner has actual ownership of the business and is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business.
3. The primary residence on the site must be at least 20 years old. The primary residence may be altered and adapted for travelers' accommodation use, including expansion of floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setback and lot coverage standards of the underlying zone.
4. The number of travelers' accommodation units allowed shall be determined by the following criteria.
 - a. The total number of units, including the business-owner's unit, shall be determined by dividing the total square footage of the lot by 1,800 square feet. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units shall not exceed nine per approved traveler's accommodation with primary lot frontage on boulevard streets. For travelers' accommodation without primary lot frontage on a designated boulevard, but within 200 feet of a boulevard, avenue, or neighborhood collector street, the maximum number of units shall be seven. Street designations shall be as determined by the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.
 - b. Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 square feet of gross interior floor space remaining per unit.
5. Each accommodation must have one off-street parking space and the business-owner's unit must have two parking spaces. All parking spaces shall be in conformance with chapter 18.4.3.
6. Only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated, and a maximum of six square feet total surface area is allowed. Any exterior illumination of signage shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the travelers' accommodation in accordance with subsection 18.4.4.050.C.1.
7. An annual inspection by the Jackson County Health Department shall be conducted as required by the laws of Jackson County or the State of Oregon.
8. Transfer of business-ownership of a travelers' accommodation shall be subject to all requirements of this section and conform with the criteria of this section. Any further modifications beyond the existing approval shall be in conformance with all requirements of this section.
- C. Accessory Travelers' Accommodations. In addition to the standards in section 18.2.3.220.A, accessory travelers' accommodations shall meet all of the following requirements.
 1. The operator of the accessory travelers' accommodation must be the property owner and the property must be the operator's primary residence. The operator must be present during operation of the accessory travelers' accommodation.
 2. The property is limited to having one accessory travelers' accommodation unit, covered under a single reservation and consisting of two or fewer bedrooms. Meals are not provided and kitchen cooking facilities are not permitted with an accessory travelers' accommodation, with the exception of kitchen cooking facilities for the primary residence.
 3. The total number of guests occupying an accessory travelers' accommodation must not exceed two people per bedroom.
 4. The property must have two off-street parking spaces. The total number of guest vehicles associated with the accessory travelers' accommodation must not exceed one.
 5. Signs are not permitted in conjunction with the operation of an accessory travelers' accommodation.

SITE DESIGN AND USE STANDARDS

18.5.2.050 Approval Criteria

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

October 13, 2015

PLANNING ACTION: #2015-00797

OWNERS/APPLICANTS: Tanima Bhadra & Brandon Mathew

APPELLANTS: Marc Valens *et al*

LOCATION: 266-268 Third Street

ZONE DESIGNATION: R-2

COMP. PLAN DESIGNATION: Low Density Multi-Family Residential

APPLICATION DEEMED COMPLETE: June 29, 2015

120-DAY TIME LIMIT: November 26, 2015

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

4.24 Transient Occupancy Tax
6.04 Business Licenses
15.28 Fire Prevention Code
18.2.5 Standards for Residential Zones
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

REQUEST: A *continued* hearing on the appeal of staff's approval of a Conditional Use Permit allowing a four-unit Traveler's Accommodation consisting of three guest units and an owner's unit for the property located at 266-268 Third Street. The application also includes an Exception to the Site Development and Design Standards with regard to the Parking Lot Landscaping and Screening standards in AMC 18.4.4.030.F, which require a five-foot landscape buffer between parking and property lines. No buffer is proposed here. The September 22nd hearing was continued to October 13th to allow noticing of the requested Exception, and testimony at the continued hearing on October 13th will be limited to the Exception to the Parking Lot Landscaping and Screening standards.

I. Relevant Facts

A. Background - History of Application

Planning staff administratively approved **Planning Action #2015-00797** (*the current request*) on August 10, 2015.

Subsequent to the mailing of the notice of decision, Marc Valens of 247 Third Street and Jerome White of 253 Third Street, neighbors who had initially provided written comments on the application and who received notice of the decision, submitted a Notice of Land Use Appeal. In their appeal documents, they note that the appeal is on behalf of neighbors Marc Valens, Anne Golden, Jerome White, Elizabeth Ellingson, Stuart Davies, Vivienne Friedman, Susan Tellin and Charles Douglas and raise the following issues: 1) inadequate parking and parking not to the standards of the Ashland Municipal Code (AMC 18.2.3.220.B.5); 2) greater adverse effect on livability of the target residential impact area, traffic (AMC 18.5.4.050.A.3.b), noise and light (AMC 18.5.4.050.A.3.e); 3) there are also questions about the primary residence of the owners (AMC 18.2.3.220.B.2). The appellants note that all of these issues were raised in comments submitted during the initial public comment period for the application.

The Planning Commission held a public hearing at its regular meeting on September 22, 2015 at which time testimony was taken and evidence was presented. During the hearing, the issue was raised that the request also included an Exception to the Site Development and Design Standards with regard to the Parking Lot Landscaping and Screening standards found in AMC 18.4.4.030.F, which require a five-foot landscape buffer between parking and property lines. No buffer is proposed here, however no Exception was detailed in the materials presented to the Commission and no Exception was included in the notice sent to neighbors. As such, the September 22nd hearing was continued to the regular meeting of October 13th at 7:00 p.m. to allow re-noticing of the application to include the requested Exception. It was noted at the September 22nd hearing and in the subsequent notice of the continued hearing that testimony on October 13th would be limited to the Exception to the Parking Lot Landscaping and Screening standards.

B. Detailed Description of the Site and Proposal

The Parking Lot Landscaping and Screening standards found in AMC 18.4.4.030.F require that parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, meet the following requirements:

2. Screening.

- a. ***Screening Abutting Property Lines.*** A five foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.
- b. ***Screening Adjacent to Residential Building.*** Where a parking area is adjacent to a residential building it shall be setback at least eight feet from the building, and shall provide a continuous hedge screen.

The applicants have proposed a compact parking space behind the building at 268 North Third Street which would be less than eight feet from the building, and which would be immediately adjacent to the property line.

In discussing the proposal at the September 22nd hearing, staff noted that while the building included a residential unit which contained living space, the ground floor area adjacent to the proposed parking space was a garage and contained a proposed parking space, and as such staff did not believe that the eight-foot buffer between the parking and a residential building was necessary because the parking space would not result in a car idling directly outside a bedroom window or shining headlights into living space while parking, etc. However, staff indicated that the five-foot landscaping strip abutting the property line was applicable, and asked that the hearing be continued to allow a correction to the notice to include an Exception to this requirement as part of the application.

The applicants agreed to this continuance, and provided a 30-day extension to the 120-day timeline for the application to allow for the continued hearing. The applicants noted that they would be out of the country and unable to participate in the continued hearing, but they have provided additional written materials in support of the Exception request.

II. Project Impact

As explained above, the hearing has been continued to allow re-noticing of the application to include a request for an Exception to the Site Development and Design Standards with regard to the Parking Lot Landscaping and Screening standards in AMC 18.4.4.030.F, which require a five-foot landscape buffer between parking and property lines. No landscape buffer is proposed here.

AMC 18.4.4.030 establishes design standards for landscaping and screening, and notes that these design standards apply to residential, commercial, and manufacturing developments that are subject to Site Design Review under Chapter 18.5.2. AMC 18.4.4.020.E provides that requests to depart from the landscaping and screening requirements in section 18.4.4.030, are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards. Following the continuation of the September 22nd hearing, the application was re-noticed on September 25th to include the required Exception and its applicable criteria, and a new sign was posted on the property. On September 29, 2015 the applicants submitted additional written materials which have been provided in the packets with this report.

The Exception requested is to allow a single, compact parking space to be placed immediately adjacent to the rear property line of the subject property without the requisite five-foot landscape buffer. The approval criteria for an Exception note that 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 applicants note that they are requesting an Exception based on the first criterion. They explain that the space is located along an alley and is bounded by a parking area serving the neighboring property, a fence, and a garage/driveway. They emphasize that the parking space proposed is already used for parking and due to the placement of the existing garage and fence that abut the space, adding a five-foot wide landscaped buffer would be difficult. The applicants assert that the city has waived this requirement in the past or approved Exceptions when the parking spaces in question are next to an alley. They also note that while the standards speak to parking lots, this is a single parking space, and has been used as parking for a long time by residents of the subject property and non-residents alike. They point out that the parking lot of four or more spaces on the adjacent property also lacks the requisite five-foot landscape buffer strip, and that the presence of the garage provides a buffer between the proposed parking space and living space within the adjacent building. The applicants conclude that because the space is already in use as parking, there should be no negative impact to adjacent properties, and suggest that the use of the space is not being changed; the applicants are simply asking that it be recognized as a legal parking space available to their guests and residents. They also point out that the Exception would require no additional construction or change in the site and would be the minimum necessary to alleviate the difficulty in meeting the requirement, and that at most the space would need to be striped to delineate its boundary and usage more clearly.

In staff's assessment, there is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards. The existing structure is placed *at most* ten feet from the property line, and there simply is not space available to accommodate an eight-foot wide parking space and a five-foot wide landscape buffer in a ten-foot area. Staff have previously noted that the location of the property line remains in question, and continue to recommend a condition that a third guest unit be approved only after a property line determination by an Oregon-licensed surveyor is provided to demonstrate that the fifth parking space can be provided entirely on the applicants' property.

With regard to the placement of the space, staff believes that the buffering requirement was put in place to provide a buffer between parking spaces and neighboring properties to minimize adverse impacts associated with parking such as noise and headlight glare. In this instance, the proposed parking area is for a single, compact space, and it is to be placed along an alley adjacent to other pre-existing parking spaces which also lack the requisite buffer at the property line, but which are buffered at the front of the spaces by

an existing fence and hedge. In staff's view, head-in parking off of the alley is an efficient use of this space and the existing fencing and hedge behind it effectively buffer the adjacent property from any negative impacts of the single, compact parking space.

In staff's view, approval of an Exception can be found to be consistent with the stated purpose of the Site Development and Design Standards, which seek *"to regulate the manner in which land in the City is used and developed, to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and to ensure that high quality development is maintained throughout the City."*

The Exception requested is the minimum necessary to alleviate the difficulty, as the space is simply too narrow to provide even a single compact parking space with the requisite buffer, and it remains to be determined through a survey whether the space is in fact sufficient for a parking space alone. Staff has included additional conditions to require that if ultimately approved, the fifth space be striped to delineate its boundaries and signed as "Compact Only" parking, as discussed during the September 22nd hearing. Staff have also recommended a condition to require a revised location be identified for trash and recycling containers, which currently appear to be stored in the area of the proposed fifth parking space, and that requisite screening be installed according to standards and inspected by the Staff Advisor prior to operation of the Travelers' Accommodation.

III. Procedural - Required Burden of Proof

The approval criteria for a Travelers' Accommodation are detailed in AMC 18.2.3.220 as follows:

Where travelers' accommodations and accessory travelers' accommodations are allowed, they require a Conditional Permit under chapter 18.5.4, are subject to Site Design Review under chapter 18.5.2, and shall meet the following requirements. See definitions of travelers' accommodation and accessory travelers' accommodation in part 18-6.

- A.** *Travelers' Accommodations and Accessory Travelers' Accommodations. Travelers' accommodations and accessory travelers' accommodations shall meet all of the following requirements.*
- 1. An accommodation must meet all applicable building, fire, and related safety codes at all times and must be inspected by the Fire Department before occupancy following approval of a Conditional Use Permit and periodically thereafter pursuant to AMC 15.28.*
 - 2. The business-owner of a travelers' accommodation or the property owner of an accessory travelers' accommodation must maintain a City business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04 as required.*
 - 3. Advertising for an accommodation must include the City planning action number assigned to the land use approval.*
 - 4. Offering the availability of residential property for use as an accommodation without a valid Conditional Use Permit approval, current business license and transient occupancy*

tax registration is prohibited and shall be subject to enforcement procedures.

B. *Travelers' Accommodations. In addition to the standards described above in section 18.23.220.A, travelers' accommodations shall meet all of the following requirements.*

1. *The property is located within 200 feet of a boulevard, avenue, or neighborhood collector as identified on the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.*
2. *During operation of a travelers' accommodation, the property on which the travelers' accommodation is sited must be the primary residence of the business-owner. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement must specifically state that the property owner is not involved in the day-to-day operation or financial management of the accommodation and that the business-owner has actual ownership of the business and is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business.*
3. *The primary residence on the site must be at least 20 years old. The primary residence may be altered and adapted for travelers' accommodation use, including expansion of floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setback and lot coverage standards of the underlying zone.*
4. *The number of travelers' accommodation units allowed shall be determined by the following criteria.*
 - a. *The total number of units, including the business-owner's unit, shall be determined by dividing the total square footage of the lot by 1,800 square feet. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units shall not exceed nine per approved travelers' accommodation with primary lot frontage on boulevard streets. For travelers' accommodation without primary lot frontage on a designated boulevard, but within 200 feet of a boulevard, avenue, or neighborhood collector street, the maximum number of units shall be seven. Street designations shall be as determined by the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.*
 - b. *Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 square feet of gross interior floor space remaining per unit.*
5. *Each accommodation must have one off-street parking space and the business-owner's unit must have two parking spaces. All parking spaces shall be in conformance with chapter 18.4.3.*
6. *Only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated, and a maximum of six square feet total surface area is allowed. Any exterior illumination of signage shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the travelers' accommodation in accordance with subsection 18.4.4.050.C.1.*

7. *An annual inspection by the Jackson County Health Department shall be conducted as required by the laws of Jackson County or the State of Oregon.*
8. *Transfer of business-ownership of a travelers' accommodation shall be subject to all requirements of this section and conform with the criteria of this section. Any further modifications beyond the existing approval shall be in conformance with all requirements of this section.*

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

In approving the request initially, staff found that the Travelers' Accommodation proposed with two to three guest units would have no greater adverse material impact on the livability of the impact area than development of the subject lot with two residential units, the target use in the zone. As noted during the initial hearing, the existence of explicit criteria which provide a framework to determine where Travelers' Accommodations are appropriate in multi-family zones attempts, to the degree possible, to limit these adverse material impacts.

For staff, the proposal would seem to have no more impact in terms of traffic, noise, light or glare than would normal residential use, and the key consideration was in insuring that adequate parking could be provided. Because the property line was unclear and the ability to provide the fifth parking space entirely on the applicants' property was in question, staff limited the approval to one owner's unit and two guest units, unless a revised site plan based on a property line determination by an Oregon-licensed surveyor was provided illustrating that the required fifth parking space could be provided entirely on the applicants' property with relocation of the gas meter and bollard. Should a revised site plan based on an Oregon-licensed surveyor's property line determination demonstrate that an eight-foot by 16-foot compact parking space can be provided entirely on the applicants' property with relocation of the gas meter, and the requisite 22-foot back up area provided, then a third guest unit would be approved. The applicants have subsequently removed the bollard adjacent to the gas meter in order to accommodate the full parking space, but have not provided a survey. For staff, it remains difficult to clearly ascertain that a parking space of the required dimension can be provided on the applicants' property in this location, and with adequate back-up area, and absent a survey clearly delineating the property lines in the area, we continue to recommend the inclusion of Condition #2 below.

With regard to the Exception requested to the landscape buffering requirements, the proposed parking area is for a single, compact space, and it is to be placed along an alley adjacent to other pre-existing parking spaces which also lack the requisite buffer at the property line, but which are buffered at the front of the spaces by an existing fence and hedge. In staff's view, head-in parking on an alley is an efficient use available space in a neighborhood where parking is in high demand, and the existing fencing and hedge behind it effectively buffer the adjacent property from the negative impacts of a single, compact parking space. The Exception requested is the minimum necessary to alleviate the difficulty, as the space is too narrow to provide even a single compact parking space with the requisite buffer, and it remains to be determined through a survey whether the space is in fact sufficient for a parking space alone.

Staff continues to support the request, and would recommend that the Planning Commission approve the application subject to the following conditions:

1. That all proposals of the applicants shall be conditions of approval unless otherwise

specifically modified herein, including that the garage shall remain available for off-street parking. Any changes of business ownership, manager-occupancy or other modifications to the proposal shall be subject to the Conditional Use Permit procedure for modification of this approval.

2. That the approval shall be for one owner's unit and two guest units only unless a revised site plan based on a property line determination by an Oregon-licensed surveyor is provided illustrating that the required fifth parking space can be provided entirely on the applicants' property with relocation of the gas meter and bollard. Should a revised 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 with relocation of the gas meter, then a third guest unit shall be approved. 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 fifth space shall be painted/striped to clearly delineate its boundaries and shall be designated for compact car parking only.**
3. That all landscaping, irrigation and hardscaping improvements shall be installed according to the approved plan, inspected and approved by the Staff Advisor prior to obtaining a business license or operation of the Travelers' Accommodation.
4. That the Travelers' Accommodation shall meet all applicable building, fire, and related safety codes at all times, and shall be inspected by the Fire Department before commencing operations and periodically thereafter pursuant to AMC 15.28.
5. That the applicants shall obtain and maintain a city business license and register for and pay all transient occupancy tax as required in AMC 4.24 and AMC 6.04 prior to operation of the Travelers' Accommodation.
6. That only one wall or ground sign is permitted on site in conjunction with the Travelers' Accommodation. The sign shall be constructed out of a non-plastic material, shall not be internally illuminated, shall have a maximum sign area of six square feet and a maximum overall height of five feet. Any exterior illumination shall not direct light on to any adjacent residential uses. A sign permit demonstrating compliance with these conditions and with the regulations in the Ashland Municipal Code section 18.2.3.220.F and chapter 18.4.7 shall be obtained prior to the placement of any signage on the property.
7. That the subject property shall remain the primary residence of the applicants as business-owners, and evidence of primary residence (*i.e. valid Oregon Drivers Licenses or Identification Cards reflecting this address*) shall be provided for the review of the Staff Advisor prior to the commencement of the use as required in AMC section 18.2.3.220.A.
8. That any advertisement for the Travelers' Accommodation unit must include the City of Ashland Planning Action number assigned to this city land use approval (*i.e. PA#15-797*).
9. That the recommendation of the Ashland Historic Commission that the applicants not install a porch rail so that the home may remain in keeping with the simple, bungalow style of the original 1901 cottage shall be a condition of this approval. The Historic

Commission found that the historic design of the contributing resource structure was best served by the existing porch design, without rails.

10. **That long-term (*i.e. more than 30-day*) rental of residential units in the Travelers' Accommodation's off-season shall be limited to no more than the two residential units which are approved for the property based on the R-2 density allowances. There shall be no mix of long-term and short-term rentals.**
11. **That a revised location for trash and recycling containers shall be identified, and any necessary screening installed in accordance with the Site Design and Use Standards, inspected and approved by the Staff Advisor prior to obtaining a business license or operation of the Travelers' Accommodation.**

Exception Requested for AMC 18.4.4.030.F.2 "Parking Lot Landscaping and Screening" that requires a five-foot landscaped strip to screen parking abutting a property line.

According to AMC, 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.

=====
We are requesting an exception under Condition 1 above. The space is located on an alley and is bounded by a parking lot that serves the neighboring property, a fence and a garage/driveway. The space is already used as a parking space. Due to existing garage structure and fence that abut the space, adding the five foot landscaped strip would be difficult.

- When we first approached the city about this parking space, we were told that it met the requirements. We specifically enquired about the buffer/screening requirements and were told that its location on the alley and the garage next to it helped it meet the screening requirements. We were also told by at least one city staff that it would be allowed since it was already in existence and being used as a parking space.
- There is precedence that the city has not required parking spaces on alleys to be subject to this requirement. As mentioned by city staff, this requirement has been waived in the past or given an exception more recently when the parking space is next to an alley. Additionally, as mentioned by city staff and as interpreted by us, this is a single parking space and not a parking lot.
- The space has been used for a long time as a parking space, both by residents and non-residents. It was used by non-residents so frequently that the previous owner/residents had to put up a "No Parking" sign to dissuade non-residents from parking.
- The parking lot (with four+ spaces) that is next to this space and serves the neighboring property does not have a five-foot landscape strip.

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- The presence of the garage provides buffer from the parking space to the living areas of the houses on the property.

Given that the space is already used as a parking space, there will be no negative impact to adjacent properties. Attached is an image provided by the city which shows the space being used for parking. The city also has other pictures showing different cars parked there at various times.

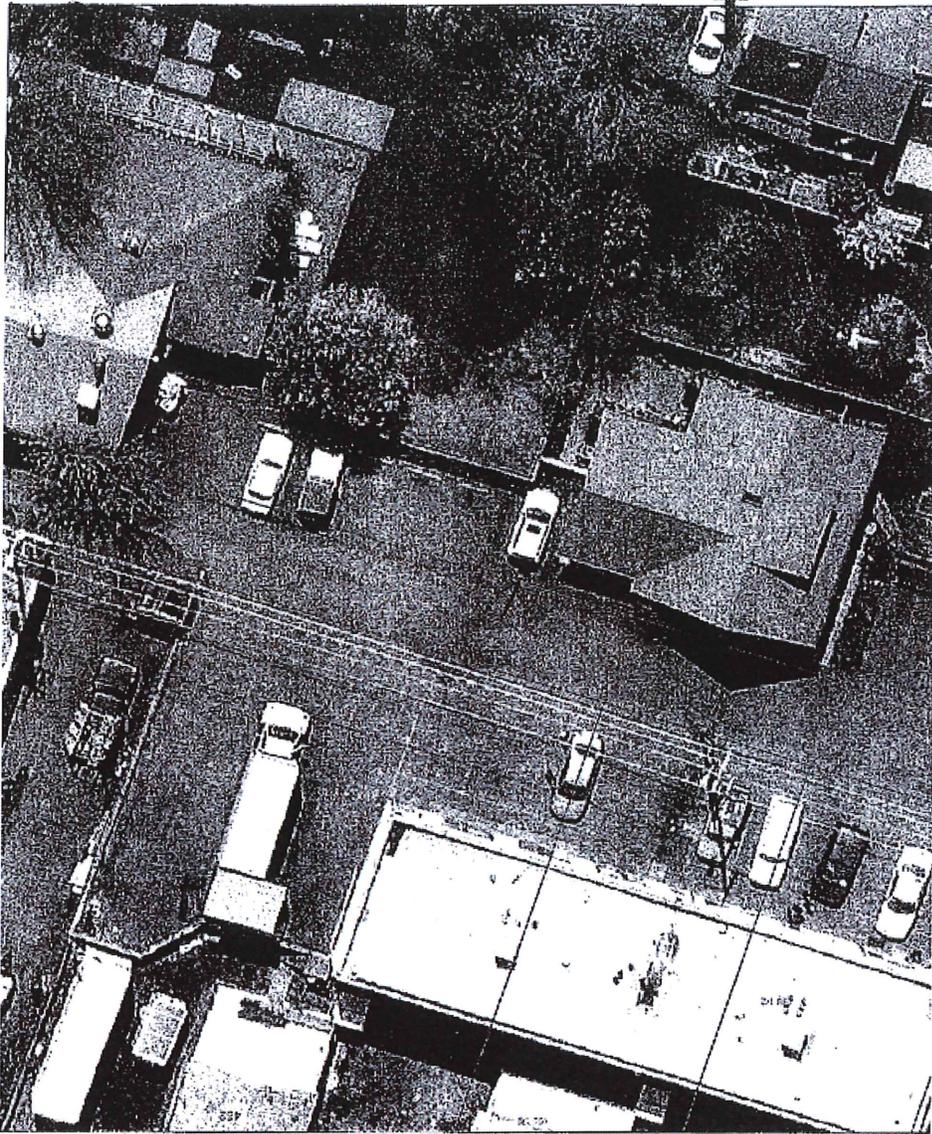
The use of the space is not being changed, we are asking to designate it as a legal space. This will be a legal space available to guests and residents. This is consistent with the purpose stated in the Site Development and Design which proposes to use the property as travelers' accommodation with five parking spaces to meet the parking needs of owners and visitors.

The exception would require no additional construction or change to the site and would be the minimum necessary to alleviate the difficulty in meeting the requirement. At most the space would need to be striped to delineate its boundary and usage more clearly.

(PICTURE ON NEXT PAGE)

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**TYPE II
PUBLIC HEARING**

**PA-2015-01517
209 Oak, 221 Oak, 225 Oak, 11 B St**



PLANNING ACTION: PA-2015-01517
SUBJECT PROPERTY: 209 Oak St., 221 Oak St., 225 Oak St. and 11 B St. (And shared driveway partially on 237-239 Oak St.)

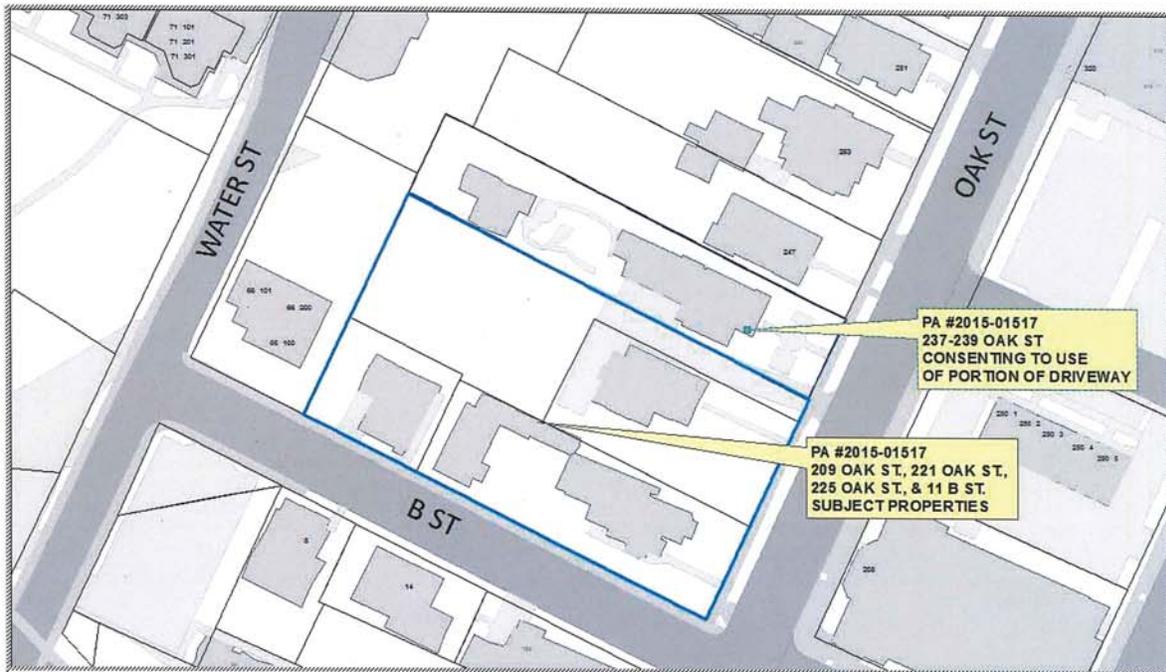
OWNER/APPLICANT: Spartan Ashland Natalie Real Estate, LLC
AGENTS: Kistler, Small & White, Architects

DESCRIPTION: A request for Outline Plan, Final Plan and Site Design Review approvals for the properties at 209 Oak Street, 221 Oak Street, 225 Oak Street and 11 B Street. The proposal includes the renovation of two existing, historic homes; the construction of six townhouses along B Street; and the construction a new, detached residential cottage. Also included are requests for a Variance to allow a 15-foot wide, one-way driveway where a 20-foot driveway width would typically be required; two Conditional Use Permits to allow a 25 percent increase in the Maximum Permitted Floor Area, and to allow a commercial use within an existing, historic residential building; an Exception to the Street Standards to allow a curbside sidewalk along B Street where a planting strip would typically be required between the curb and the sidewalk; an Exception to the Site Development and Design Standards to allow the placement of a new residence on proposed Lot #9 to be placed behind the setback line of adjacent historic buildings; and a Tree Removal Permit to remove two trees which are within the footprints of proposed buildings. (The proposal involves use of the existing driveway which is partially located on the adjacent property to the north at 237-239 Oak Street; this property's owner has signed to allow the application to move forward using the shared driveway.) **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BB; **TAX LOTS:** 15600, 15700, 15900 and 16000

NOTE: The Ashland Historic Commission will also review this Planning Action on **Wednesday, October 7, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, October 8, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: **Tuesday, October 13 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.

OUTLINE PLAN APPROVAL

18.3.9.040.A.3

Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

- 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.

FINAL PLAN APPROVAL

AMC 18.3.9.040.B.5

Approval Criteria for Final Plan. Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria.

- 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.

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 PERMIT

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.

VARIANCE

18.5.5.050

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

EXCEPTION TO STREET STANDARDS

18.4.6.020.B.1

Exception to the Street Design Standards. The approval authority may approve exceptions to the standards section in 18.4.6.040 Street Design Standards if all of the following circumstances are found to exist.

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.
 - i. For transit facilities and related improvements, access, wait time, and ride experience.
 - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
 - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.
- c. The exception is the minimum necessary to alleviate the difficulty.
- d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.

TREE REMOVAL PERMIT

18.5.7.040.B

B. Tree Removal Permit.

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.
 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.

ASHLAND PLANNING DIVISION STAFF REPORT

October 13, 2015

PLANNING ACTION: #2015-01517

OWNER/APPLICANT: Spartan Ashland Natalie Real Estate, LLC

AGENTS: Kistler, Small & White, Architects

LOCATION: 209 Oak St., 221 Oak St., 225 Oak St. and 11 B St.
(*And shared driveway partially on 239 Oak St.*)

ZONE DESIGNATION: R-2

COMP. PLAN DESIGNATION: Low Density Multi-Family Residential

APPLICATION DEEMED COMPLETE: October 5, 2015

120-DAY TIME LIMIT: February 2, 2016

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

- 15.04.210 Demolition or Relocation of Structures
- 18.2.2 Base Zones & Allowed Uses
- 18.2.5 Standards for Residential Zones
- 18.3.9 Performance Standards
- 18.4.2 Building Placement, Orientation & Design
- 18.4.3 Parking, Access, and Circulation
- 18.4.5 Tree Preservation & Protection
- 18.4.6 Public Facilities
- 18.4.6.020 Exception to Street Standards
- 18.5.2 Site Design Review
- 18.5.4 Conditional Use Permit
- 18.5.5 Variance
- 18.5.7 Tree Removal Permits

REQUEST: A request for Outline Plan, Final Plan and Site Design Review approvals for the properties at 209 Oak Street, 221 Oak Street, 225 Oak Street and 11 B Street. The proposal includes the renovation of two existing, historic homes; the construction of six townhouses along B Street; and the construction a new, detached residential cottage. Also included are requests for a Variance to allow a 15-foot wide, one-way driveway where a 20-foot driveway width would typically be required; two Conditional Use Permits to allow a 25 percent increase in the Maximum Permitted Floor Area, and to allow a commercial use within an existing, historic residential building; an Exception to the Street Standards to allow a curbside sidewalk along B Street where a planting strip

would typically be required between the curb and the sidewalk; an Exception to the Site Development and Design Standards to allow the placement of a new residence on proposed Lot #9 to be placed behind the setback line of adjacent historic buildings; and a Tree Removal Permit to remove two trees which are within the footprints of proposed buildings. *(The proposal involves use of the existing driveway which is partially located on the adjacent property to the north at 239 Oak Street; this property's owner has signed to allow the application to move forward using the shared driveway.)*

I. Relevant Facts

A. Background - History of Application

11 B Street - There are no planning actions of record for this property.

209 Oak Street - There are no planning actions of record for this property.

221 Oak Street -

- In January of 2007, **Planning Action #2006-02239** was approved granting a request for a Land Partition to create two lots for the property located at 221 Oak Street. This application included a Variance to allow a 15-foot driveway to serve more than seven parking spaces when a 20-foot driveway was required; the Variance approval was intended to save two mature trees. In conjunction with this application, there was a "Shared Access and Utility Easement Agreement" reached with the neighbors at 239 Oak Street.
- In May of 1998, the Planning Commission Hearings Board approved **Planning Action #98-034**, a Conditional Use Permit and Site Review to allow for the operation of the Oak Street Health and Wellness Clinic in a 580 square foot area of the ground floor of the home at 221 Oak Street. The remainder of the structure was to remain a private residence. The applicants at the time of partition in 2006 indicated that the clinic was no longer in operation, and this Conditional Use Permit has thus expired.
- There are no other planning actions of record for this property.

225 Oak Street -

- This flag lot was created through the partitioning of 221 Oak Street in **Planning Action #2006-02239**. This lot remains undeveloped, and there are no other planning actions of record for the property.

239 Oak Street -

- This property is involved in the current request only in that the proposal involves use of the existing driveway which is partially located on the property at 239 Oak Street. There is currently an easement for shared use of the existing driveway,

and this property's owner has signed the current request to allow the application to move forward based on continued use of the shared driveway.

- In November of 2000 **Planning Action #2000-106**, a request for a Conditional Use Permit and Site Review to construct a new owner's cottage and increase the number of Travelers' Accommodation guest units from three to four was approved.
- In November of 1994 **Planning Action #94-134**, a request for a Conditional Use Permit for a one unit expansion (from 2 to 3 units) of an existing Travelers' Accommodation, was approved. The approval included a Variance to the requirement for paving the driveway.
- In March of 1985 **Planning Action #85-017**, a request for Conditional Use Permit and Site Review, was approved to allow for the structure to be converted to a two-unit Travelers' Accommodation with an owner's unit.
- In May of 1982 **Planning Action #82-031**, a request for a Conditional Use Permit and Site Review, was approved to allow for a portion of the structure to be used as an antique shop.
- There are no other planning actions of record for this property.

B. Detailed Description of the Site and Proposal

The Site

The subject property in the current requests consists of four contiguous tax lots under the applicants' ownership located at the northwest corner of Oak and B Streets. These lots include:

209 Oak Street/Map 39 1E 09BB Tax Lot #15600 – This rectangular lot is located at the corner lot at Oak and B Streets, and the applicants note it as having an area of 10,914 square feet. The existing home on this property is designated the Mickelson-Chapman House, and the applicants note that while it is a contributing resource within the Railroad Addition Historic District it has fallen into extreme disrepair. They propose to restore it to its 19th century appearance in conjunction with the current request.

221 Oak Street/Map 39 1E 09BB Tax Lot #15900 – The applicants note this lot as being 8,677 square feet in area. There is an existing home near the front of the parcel, oriented to Oak Street. According to the Ashland Railroad Addition Historic District inventory document, the home is the Elliott Smith House, a simple, two-story wood frame dwelling constructed around 1907. The inventory notes that the large gable front porch is likely an undocumented alteration of an earlier feature and is somewhat incompatible; however the inventory indicates that the home retains sufficient integrity to relate its historic period of development, and the existing home is considered to be a Historic Contributing resource within the Railroad Addition Historic District.

225 Oak Street/Map 39 1E 09BB Tax Lot #16000 - This flag lot behind the Elliott Smith House was created through the partitioning of 221 Oak Street in 2006, and remains undeveloped. The applicants note this lot as being 11,909 square feet in area.

11 B Street/Map 39 1E 09BB Tax Lot #15700 – This generally square lot fronts on B Street, and is noted in the application as having an area of approximately 4,463 square feet in area. The residence at 11 B Street is known as the Thompson Rental House and is considered to be a contributing resource in the historic resources inventory; the application notes that the home is in a state of disrepair, has been condemned and will be removed from the property along with other structures on the property, except for the historic homes at 209 and 221 Oak Street which are to be restored in conjunction with this application.

The property, as a combined single parcel, is generally rectangular, located on the northwest side of Oak Street between B Street and Van Ness Avenue, and is approximately 35,964 square feet in total area, or approximately 0.83 acres. The property has slopes of approximately six to seven percent down to the northwest. The combined property has roughly 140 feet of frontage on Oak Street and approximately 257 feet of frontage on B Street.

Currently, access to the property is available from Oak Street via a shared 15-foot wide driveway which straddles the property line between the home at 221 Oak and the Travelers' Accommodation at 239 Oak and serves both properties as well as the flag lot at 225 Oak Street. The owner of 239 Oak has signed the application to allow it to move forward based on continued shared use of this driveway. Oak Street is an avenue, and has curbs, gutters, park row planting strips, sidewalks and paving in place along the subject property's full frontage.

There are currently two curb cuts along B Street; as proposed, the applicants would extend the driveway from Oak Street through to B Street as a one-way drive, and other curb cuts on B Street would be removed. B Street is a neighborhood street in this vicinity, and currently has curbs, gutters, paving and approximately 4½-foot wide curbside sidewalks in place, but lacks city-standard parkrow planting strips.

The application notes that the development will replace what is described as "*an extremely sub-standard 'Hooverville'*" on the property. The applicants explain that a previous owner had many illegal, occupied dwellings in appalling conditions and lacking indoor plumbing, with nine separate units in place on Tax Lot #15600 alone. The applicants assert that this was "*possibly Ashland's most dilapidated property and it is only one block from the Plaza. After the two historic homes are restored to original design and condition and the 'Bricks of B' townhouses are constructed along B Street we believe this property will be transformed into one of the finest in the neighborhood.*"

The Proposal

Outline & Final Plan Proposal

Property lines between the four existing adjoining lots are to be dissolved and redrawn as a single lot, and the nine individual buildings proposed with the development will be placed on footprint lots with a single common lot beneath them through the Performance Standards Options chapter.

Site Design Review Proposal

The proposal includes the renovation of two existing, historic homes on Oak Street; the construction of six townhouses along B Street; and the construction a new, detached residential cottage, along with the installation of the associated driveway, parking and other common area improvements.

Exception to the Site Development and Design Standards

The application includes the construction of a new residential cottage on the applicants' proposed Lot #9 which is to be placed behind the setback line of adjacent historic buildings along Oak Street. AMC 18.4.2.050 includes Historic District Development standards which include 18.4.2.050.B.5 calling for new buildings to be constructed in the same plane as the facades of adjacent historic buildings, and noting that front walls that are constructed forward of or behind the façade of adjacent historic buildings are to be avoided, and an Exception to this standard is required.

Conditional Use Permit Proposals

The application includes two requests for Conditional Use Permits: the first to allow a 25 percent increase in the Maximum Permitted Floor Area, and the second to allow a commercial use within an existing, historic residential building.

Residential properties within the historic districts are subject to Maximum Permitted Floor Area (MPFA) limitation based on lot size. The land use ordinance establishes an adjustment factor based on lot size and then applies a graduated floor area ration (FAR) to the adjusted lot size to yield the MPFA for the lot. In this instance, the applicants note that the 35,964 square foot lot area times the 0.47 adjustment factor yields an adjusted lot area of 16,903 square feet, and that a 0.56 FAR times this 16,903 square foot lot area yields an MPFA for the property of 9,465 square feet. The ordinance provides that applicants may exceed the MPFA by as much as 25 percent through a Conditional Use Permit, and the applicants here are requesting that full 25 percent overage to allow a total building area of 11,832 square feet on the subject properties.

AMC 18.2.2 "Base Zones and Allowed Uses" provides that within the R-2 zoning district, office uses are subject to Conditional Use Permit approval. Here, the applicants have proposed a Conditional Use Permit to allow office use in the existing historic buildings located at 209 and 221 Oak Street.

Variance Proposal

The applicants have asked for a Variance to extend an existing, shared 15-foot wide driveway between 221 and 239 Oak Street through the project to provide access. The existing driveway is partially located on the adjacent property to the north at 239 Oak Street, and that property's owner has signed the application to allow the request to move forward based on use of the shared driveway. A Variance to allow a 15-foot wide driveway to serve more than seven parking spaces where a 20-foot width is required was approved when 221 Oak Street was partitioned in 2007. Part of the driveway width requirement is to allow for two-way circulation, and as part of the Variance proposed here the applicants would limit circulation on the driveway to one-way, with vehicles to enter from Oak Street at the existing driveway entrance and exit from a new driveway curb cut onto B Street. Additional curb cuts along B Street would be removed.

Exception to Street Standards Proposal

The application includes a request for an Exception to the Street Standards to allow a curbside sidewalk along B Street where the Street Standards require a planting strip between the curb and the sidewalk.

Tree Removal Permit Proposal

A Tree Removal Permit is requested to remove two trees which are within the footprints of proposed buildings.

II. Project Impact

As explained more fully above, the application consists of Outline & Final Plan Review, Site Design Review, Exception to the Site Development & Design Standards, two Conditional Use Permits, a Variance, an Exception to Street Standards and Tree Removal Permit approval requests. Applications involving Outline Plan Review, residential developments involving more than 10,000 square feet of gross floor area, and Variances of the magnitude requested trigger “Type II” application procedures and require a decision by the Planning Commission through a public hearing.

A. Outline & Final Plan Proposal

Property lines between the four existing adjoining lots are to be dissolved and redrawn as a single lot, and the nine individual buildings proposed with the development will be placed on footprint lots with a single common lot beneath them through the Performance Standards Options chapter.

A rectangular space of 1,958 square feet, or five percent of the project area, will be provided for communal recreation space. The applicants emphasize that this area is intended to extend living areas and foster a sense of community, and will incorporate a major recreational facility such as a multi-sport court, a barbecue and dining area. In addition, the applicants note that 50 percent of the entire site will be landscaped as open space; they explain that this amount is dictated by the placement of the existing, historic homes and the goal of providing a usable recreational area as opposed to long, linear connections.

The first criterion for Outline Plan approval is that, “*The development meets all applicable ordinance requirements of the City.*” The application materials provided indicate that to the applicants’ knowledge, all city regulations are or will be met by the proposed development.

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 application materials provided note that all utilities associated with the development of the property will either be directed toward Oak Street or B Street, and indicates that all public facilities are available within the adjacent rights-of-way including six-inch sanitary sewer mains in both Oak and B Street adjacent to the property, an eight-inch water main in B

Street and a six-inch water main in Oak Street. The applicants state that they have worked with the various utility companies to ensure both existing and proposed utilities are available to provide the necessary services, and that at no time has there been an indication by these service providers that services will be unavailable or exceed capacity.

Here staff would note that the applicants have been advised during the pre-application, and in subsequent written communication, that there are currently no storm drainage facilities in place for this block of B Street, with the exception of the gutter at the curb. The applicants have been advised that if necessary, a new storm drain line would need to be installed within B Street to connect to the existing storm drain line in place in Water Street. The applicants have responded that it is their intention to use bio-swales and permeable paving for water retention on site, and as with their project on the adjacent property at 66 Water Street this development will no add any stormwater load to the adjacent city stormwater system.

The applicants further explain that in a recent storm event, they noted significant flooding on B Street and that while a new storm drain would be desirable, they observed that the volume of water was coming north on Oak Street, hitting the curb at Oak and B Streets, and turning downhill down B Street. Therefore, the applicant does not believe that the installation of a storm drain should be a condition of approval of this Site Design Review unless the development will contribute to the generation of storm water into B Street. The applicants emphasize that they will coordinate with the city's Public Works/Engineering Department to reduce the impact on the neighborhood if the city decides this is an appropriate time for the addition of a storm drain during the construction of this project, and will provide the infrastructure as determined by Public Works to the storm drain system for water collected on the site, however the applicants indicate that they do not feel that the development should be held financially responsible to address stormwater arriving on B Street from other locations in Ashland.

The difficulty posed here for staff and the Commission is that the criterion requires a finding that adequate key city facilities for urban storm drainage can be provided and that the development will not cause a city facility to operate beyond capacity. There are no city facilities available in B Street, and the applicants' assertion that they will add no additional load to the city system, or deal with Public Works if deemed necessary, does little to demonstrate that this criterion is met. However, in discussing the issue with the Public Works Department and Engineering staff, they have noted that through a combination of low impact development strategies such as the permeable paving and on-site detention/bio-swales proposed by the applicants, the applicants could likely address their stormwater on site, with the caveat that the applicants may have to provide some means to address overflow during large storm events, either through discharge into the B Street gutter if this could be accomplished in a way that met Public Works' standards or by providing themselves a drainage easement over their adjacent property at 66 Water Street to access the Water Street storm drain line. Conditions to this effect have been recommended below.

The application goes on to state that an Electric Utility Plan will be developed in consultation with the City's Electric Department to ensure not only that capacity can be accommodated, but also to minimize the aesthetic impacts to the proposed buildings. All electrical services are proposed to be provided from B Street where the service currently

exists, and all electrical work is to be completed under the direction and standards of the City of Ashland Electric and Building Departments, while work within the adjacent rights-of-way, including any necessary construction detouring, will be completed under the direction of the Ashland Engineering Department and/or Oregon Department of Transportation (ODOT).

The applicants also indicate that they have addressed, or will address at the time of building permit submittals, all code issues relating to the Ashland Fire Department, including an FDC (Fire Department Connection) valve along the front of the buildings. They note that a fire hydrant is available within 150 feet of the property boundary, on the property directly across the street, with adequate pressure to service the buildings, and they note that all work in meeting these requirements will be completed under the direction of the Ashland Building and Fire Departments. Conditions requiring compliance with applicable fire and building code requirements have been recommended below.

Condition requiring that the applicant provide final utility, electric, drainage and erosion control plans for review and approval prior to building, excavation or demolition permits or signature of final plat are recommended below.

In terms of adequate transportation, paved access to the property is available from Oak Street, which is considered an Avenue in Ashland's Transportation System Plan (TSP). Oak Street is currently paved along the property's frontage, with curbs, gutters, sidewalks and parkrow planting strips in place. The property also fronts on B Street, a Neighborhood Street. B Street is paved with curbs, gutters and approximately 4 ½ foot curbside sidewalks in place along the property frontage. The applicants have requested an Exception to Street Standards in order to avoid adding parkrow planting strips along B Street with redevelopment of the site.

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 applicants note that trees are the only notable features on the property, and indicate that the development will be done with the least possible removal of trees. The application materials indicate that there are 17 trees on the site greater than six-inches in diameter at breast height (d.b.h.), and further notes that three of these are considered foundation trees. In differing locations in the materials provided, the application notes that either two or three trees are proposed for removal with the request because of their poor condition and location within proposed building footprints.

The application includes a tree inventory as part of a topographic survey of the site, and a tree protection plan has been provided, however the application has not provided an arborist report assessing the trees' condition or ability to tolerate construction, or clearly identifying the trees to be removed or those three that are considered foundation trees by the applicants. The tree protection plan includes protection of the large stature trees along Oak Street which are for staff the most significant natural features of the property, and these trees are to be retained on the common lot.

Staff has recommended conditions below to require that an arborist's assessment of the trees' condition and their ability to accommodate the redevelopment of the site be provided with a revised tree protection plan, and that this revised plan clearly identify the species and placement of proposed mitigation trees.

The fourth 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 applicants indicate that they do not believe the proposal will 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 applicants note that a landscape and irrigation plan will be provided, and irrigation systems will be installed to insure the success of the landscape plantings. In addition, the application materials note that the developer will provide professional grounds keeping insuring that the open space is property maintained. The application notes that the project is owned by the applicant and will be developed in a single phase. Conditions have been recommended below to require that final landscaping and irrigation plans be provided for review of the Staff Advisor prior to the issuance of building or excavation permits or the signature of a final plat, and that contracts, covenants and restrictions (CC&R's) for the development be provided for the review and approval of the Staff Advisor prior to signature of the final survey plat.

The sixth criterion is that, "*The proposed density meets the base and bonus density standards established under this chapter.*" The application materials provided explain that the base density of the 0.83 acre subject property at the R-2 density of 13.5 units per acre would allow 11 units, and ten units are proposed.

The final criterion for Outline Plan approval is that "*The development complies with the Street Standards.*" The application notes that an Exception to the Street Standards with regard to providing a required park row planting strip on B Street is requested. This Exception is discussed under "F" below.

B. Site Design Review Proposal

The applicants are requesting Site Design Review approval to construct six two-story, two-bedroom, residential townhouse units and one single-story cottage and to renovate the two existing historic homes on the property. The applicants call the project "The Bricks on B" and note that it would have an urban residential character with brick masonry exteriors and historical elements designed to fit into the Ashland Railroad Addition Historic District in terms of massing, scale and site placement. The applicants emphasize that the design will complement both the award-winning Winston Building on the adjacent property at the corner of B and Water Streets and the historic homes on the other border, facing Oak Street. They note that the overall site layout is intended to support the pedestrian character of the neighborhood. They further explain that a one-story cottage is to be constructed, and that it will be contemporary, incorporating style elements from the related buildings to contribute to the overall cohesiveness of the site.

The application goes on to explain that the north portion of the site, currently the flag lot at 225 Oak Street (Tax Lot #16000), is proposed to be utilized for vehicular access to garages and would also serve as the communal recreational area for the development with a multi-sport court and a landscaped garden/picnic area.

Underlying Zone Requirements

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 properties’ underlying zoning is R-2 (Low Density Multi-Family Residential) and within this zone, minimum lot area is based on what is necessary to achieve the proposed density. In this instance, the combined parent parcel has a base density of 11 units where only ten are proposed and as such the lot is compliant as proposed, and the lot’s width and depth exceed the zone’s minimums. For a Performance Standards Options subdivision with footprint lots on a single common open space property, setbacks are based on the perimeter setbacks of the parent parcel, with Oak Street as the front property line and a required 20 foot setback applies within the historic districts, and B Street as a side property line with a required 10 foot setback. The rear yard, opposite Oak Street, has a ten-foot per story setback requirement and the side yard opposite B Street has a six-foot setback requirement. The setbacks proposed appear to comply with these requirements, although it is unclear whether the patios along B Street meet this requirements; B Street here is a side yard abutting a public street and a ten-foot side yard setback is required. There is no provision to reduce side yards for porches or patios, however AMC 18.2.4.050.C does provide a general exception for structures including entry stairs, uncovered porches and patios which are less than 30-inches in height to be exempted from side yard setbacks. The patios shown on the site plan provided are not clearly illustrated in the elevation drawings in a manner which would allow verification of their height, and a condition has therefore been recommended below to require demonstration of compliance with the set back requirements and general exception provisions in the building permit submittals.

Overlay Zone Requirements

The second Site Design Review approval criterion is that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”*

In addition to its R-2 residential zoning, the subject property is located within the Historic District Overlay. The applicable standards for the Historic District overlay zone are incorporated into the Site Development and Design Standards in part 18.4, and are addressed below.

Site Development and Design 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.”* 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 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.

In terms of parking, the application proposes ten residential units including four studios over 500 square feet in area and six two-bedroom townhouses in addition to the 1,308 square feet of office space in the historic home on Lot #2. Four studios each require 1.5 parking spaces for a total of six spaces required; six townhouses each require 1.75 spaces for a total of 10.5 spaces required; and the 1,308 square feet of office requires one parking space per 500 square feet for a total of 2.6 spaces. The combined parking required for the proposal is 20 spaces ($6 + 10.5 + 2.6 = 19.1$ which is rounded up to 20). The application identifies 18 spaces on site, and two on-street parking spaces are available on the subject property's B Street frontage to provide credits for the two remaining spaces required. *(Staff would typically question on-street parking credits in an area where on-street parking is in such high demand, and do not believe it would be appropriate to grant the eight on-street credits suggested as available in the application submittal, however in this instance the applicants have minimized curb cuts by removing existing cuts on B Street and proposing only the one-way driveway to a degree that their site planning is likely saving at least two on-street spaces along B Street and the credit therefore seems more than justified.)*

Basic Site Review

The proposed new buildings 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 are accessed directly from the public sidewalk. Parking has been placed behind the buildings, and is visible from the second-story windows. Sidewalks and street trees will be provided, and the applicants have requested an Exception in requesting to not provide standard park row planting strips on B Street. Automobile parking and circulation areas are placed behind the buildings and largely hidden from the street view. The townhomes proposes are to be brick with metal accents and roofing, while the historic homes are to be sided in wood painted in appropriate colors, and the application notes that approximately 50 percent of the site is to be landscaped for recreational use with five percent of the lot area being provided in a multi-sport communal recreational facility at the rear of the property and smaller patios on the units providing more individual/passive recreation areas.

Historic District Overlay

The application materials note that the property may be considered a transitional area between the downtown commercial area and the Railroad District, and indicates that the new buildings proposed have a similar height, width, and mass to other buildings in the neighborhood, and do not violate the existing scale, particularly given the proximity to the Historic Ashland Armory. They suggest that the buildings are spaced appropriately in groupings of two units to remain in keeping with the neighborhood character. The brick townhouses are proposed to have backward sloping, standing seam roofs behind parapets

on three sides, with a short parapet wall screening the roof and providing architectural relief and building identity. The front entrances are noted as being well-articulated in form to create a strong sense of entry from the street with covered porches. The applicants explain that the townhouses sit on a raised platform similar to many of the older buildings in Ashland, and suggest that the proposed buildings are traditional in symmetry, volume, rhythm and setting, but have contemporary elements as well and are in harmony with the existing historic neighborhood without being imitative. The applicants also note that the proposed garages are situated behind the townhouses to minimize their visibility from the street.

The application proposes to restore the existing historic homes at 209 Oak Street and 221 Oak Street, noting that there will not be any additions to the original structures and the original features will be retained to the extent possible. Exterior finishes and colors are proposed to be consistent with the historic buildings, and windows will be the size and placement of the original construction with wood windows and dark bronze exterior cladding. The original roof form and pitch are to be retained, and the applicant has proposed a metal roof or wood shingles in lieu of asphalt composition shingles. Both wood and metal roofing are specified as to be avoided in the historic district design standards for the rehabilitation of existing historic buildings, and staff has accordingly recommended a condition that the roofing be asphalt or composition shingles which match the original roofs in color and texture or another non-metal or wood roofing deemed acceptable by the Historic Commission.

The Historic Commission has not reviewed the application as this report is being written, and a condition is recommended below to make the recommendations of the Commission conditions of approval where consistent with applicable standards and with final approval of the Staff Advisor.

Public Facilities

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.”* Public facilities are addressed in the Outline Plan section above.

C. Exception to Site Development & Design Standards

The application includes the construction of a new residential cottage on the applicants' proposed Lot #9 which is to be placed behind the setback line of adjacent historic buildings along Oak Street. AMC 18.4.2.050 includes Historic District Development standards which include 18.4.2.050.B.5 calling for new buildings to be constructed in the same plane as the facades of adjacent historic buildings, and noting that front walls that are constructed forward of or behind the façade of adjacent historic buildings are to be avoided, and an Exception to this standard is required.

In discussing the cottage placement with the applicants, staff have noted both the Historic District Design Standard calling for placement of the new building's façade in the same plane as the adjacent historic buildings and that the proposed cottage placement could be

shifted to provide additional functional recreation space in a location more central to the development to the benefit of future residents.

The applicants have noted that there are several reasons for the proposed placement. One of the primary considerations in creating the proposed site design has been preserving the historic homes on Oak Street and their large front yards' trees. The placement of the cottage was deliberately set back in order to preserve the dominance of the historic homes in the Oak Street streetscape. The applicants further explain that both houses are quite setback on the lot, with 209 Oak Street at about 30 feet from the property line and 221 Oak Street at approximately 60 feet from the property line. The Historic District Design Standards would require the cottage be setback approximately 45 feet, which would block the view of 221 Oak Street from the corner. The applicants suggest that the cottage was designed in scale and function as an auxiliary unit of the new brick townhouses, and while the cottage was not oriented to the front of the lot it is facing the decorative driveway creating an interior frontage to the site. The applicants suggest that this cottage orientation will soften the parking lot area for both tenants of the development and the guests and owners of the Oak Street Station Bed & Breakfast on the adjacent property who will share the use of the driveway easement.

The applicants also suggest that the existing, large stature trees in the front yard area between the homes along Oak Street would make construction in this area problematic. The applicants conclude that they have provided a major recreational facility on site, and believe that there is a greater potential for communal recreational space under the existing large trees at the front of the property rather than in moving the cottage into this area to provide a more central recreational space.

The approval of an Exception to the Site Development and Design Standards requires a finding by the Commission that one of the two following circumstances apply:

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.*

After visiting the site, staff concur with the applicants that the placement of large, well-separated historic homes with large front yards and large trees are defining characteristics of the site and streetscape, and that moving the cottage forward into this streetscape strictly to adhere to the standard would detract from this character and adversely impact these large stature trees. In staff's view, the auxiliary or subordinate placement of the cottage proposed seems more respectful of the homes' prominence and more appropriate to the historic streetscape character, and the space remaining in the front yard area along Oak Street under the large stature trees has potential as common open space.

D. Conditional Use Permit

To Exceed the Maximum Permitted Floor Area by 25 Percent

Residential properties within the historic districts are subject to Maximum Permitted Floor Area (MPFA) limitation based on lot size. The land use ordinance establishes an adjustment factor based on lot size and then applies a graduated floor area ration (FAR) to the adjusted lot size to yield the MPFA for the lot. In this instance, the applicants note that the 35,964 square foot lot area times the 0.47 adjustment factor yields an adjusted lot area of 16,903 square feet, and that a 0.56 FAR times this 16,903 square foot lot area yields an MPFA for the property of 9,465 square feet. The ordinance provides that applicants may exceed the MPFA by as much as 25 percent through a Conditional Use Permit, and the applicants here are requesting that full 25 percent overage construct 11,832 square feet of building area on the subject properties.

The applicants note that the proposed new buildings were designed to closely follow the Historic District Design Standards to provide a comprehensive site plan that is contextually compatible with other buildings in the neighborhood. The applicants emphasize that the proposed buildings do not mimic a specific building or architectural period but use design elements to bridge the historic homes on one edge and the award-winning urban Winston Building on the other. Design features to provide the bridge to historic homes include recessed entries, covered porches, parapet defined by proud brick coursing, and bay windows, while the more modern elements include historic corrugated galvanized metal sidings used at the cantilevered semi-circular fireplaces on the side and angled bay windows. The applicants assert that in the end, the proposed site design is current and cohesive, with a strong residential community feel while providing the sense of pedestrian orientation desired in the railroad district.

The applicant notes that they are committed to the preservation of the existing Historic Contributing homes known as the Mickelson-Chapman House and the Smith-Elliott House. With the proposal, non-conforming additions to the homes will be removed and no new additions to the original structures are planned. The applicants suggest that these changes will greatly improve the safety and appearance of both buildings. The applicants further note that they are seeking guidance and historic photos from local historian Terry Skibby to provide guidance in restoring both homes' historical integrity.

The applicants note that the use will be in conformance with all standards in the zoning district except for those where Exception or Variances have been requested, and with relevant Comprehensive Plan policies not otherwise implemented. They emphasize that they have addressed or will address provisions for adequate public facilities (as addressed elsewhere in this report), and that in the applicants' opinion the proposed increase in floor area will have no more adverse material effect on the livability of the impact area than would development to the target use. The applicants explain that the proposal will be similar in bulk and coverage to surrounding historic properties, and will be less dense than the target residential use because of the limitations imposed by the MPFA. They note that on large properties such as this, the MPFA limitations seem to counter multi-

family residential infill goals, but that in the end they believe the current proposal is a good blend that balances these seemingly conflicting goals.

The applicants further suggest that they do not believe there will be any adverse material impact on traffic for surrounding streets, that all new construction will be compatible with the Historic District Design Standards, and will not have any discernible environmental impacts in terms of dust, odors, noise, light or glare.

In staff's view, it would typically be difficult to support a request to exceed the Maximum Permitted Floor Area regulations by the maximum allowed amount for new construction, however in this instance staff believes that the restoration of the two existing historic homes and the applicants efforts to design contemporary townhomes which are nonetheless compatible and to place them in pairs while minimizing and screening the area of the site dedicated to parking and circulation result in an appropriate massing in the historic streetscape that are commendable and merit approval of the request.

Commercial Use of R-2 Building

The applicants propose to use the existing building at 209 Oak Street which is to be restored as professional offices, a Conditional Use within the R-2 zone. They note that there are commercial uses in place at the three other corners of the intersection, and suggest that the proposed office use will have no more adverse material impact on the livability of the impact area than would the target residential use. They further note that given the noise from events at the Historic Ashland Armory across the street, the building is in some sense more suited to non-residential use. The applicants explain that the proposed use will have no impact on the scale, bulk, coverage or architectural compatibility of the existing historic building, and will not have adverse material impacts on traffic or generate discernible increases in environmental pollutants, noise, light or glare.

In staff's view, the transitional location seems well-suited to professional office use in conjunction with the proposed redevelopment of the site and restoration of the two historic homes.

E. Variance

A Variance to allow a 15-foot wide driveway to serve more than seven parking spaces where a 20-foot width is required was approved when 221 Oak Street was partitioned in 2007, in part to avoid impacts to existing trees. As part of the current request, the applicants have asked for a Variance to extend the existing, shared 15-foot wide driveway between 221 and 239 Oak Street through the project to provide access. The existing driveway is partially located on the adjacent property to the north at 239 Oak Street, and that property's owner has signed the application to allow the request to move forward based on use of the shared driveway.

Part of the driveway requirement calling for a 20-foot width where more than seven parking spaces are served is to allow for two-way circulation. As part of the Variance proposed here, the applicants would limit circulation on the driveway to one-way, with vehicles to enter from Oak Street at the existing driveway entrance and exit from a new driveway onto B Street. Additional curb cuts along B Street would be removed.

The applicants suggest that the new one-way circulation with the existing 15-foot driveway will have greater benefits to the residents of the development and to surrounding streets than expanding the driveway to 20 feet to accommodate two-way circulation. The applicants emphasize that the proposed exit will be onto B Street which has less traffic than Oak Street, will eliminate existing driveways which currently require backing into B Street, and will be located approximately 40 feet further from the intersection of Oak and B Streets than the current driveway.

The applicants conclude that the location of the historic house at 221 Oak Street prohibits the expansion of the driveway width there, and the applicants suggest they are preserving this house out of a sense of civic mindedness.

In considering the request, staff notes that the original 15-foot driveway width was approved through a Variance which considered the historic setting of adjacent homes, the historic streetscape, the potential transportation impacts, the adjacent neighbor's access needs, and the pre-existing driveway placement as factors in requesting the variance. At the time, it was also noted that two trees - a 16-inch d.b.h. Maple street tree in the park row planting strip roughly six feet south of the existing curb cut and a 40-inch d.b.h. Cedar in the front yard of the parent parcel, roughly eight feet south of the existing gravel driveway - had tree protection zones extending into the existing drive, and that it would be best not to change the grade or width of the existing driveway as Cedar trees have only a moderate tolerance for construction to construction disturbance while Maples have a poor tolerance. It was noted at the time that achieving a 15-foot paved width was possible with the trees, but that widening the driveway to its full required 20-foot width would result in the ultimate removal of these two trees. The presence of established significant trees in the front yard and park row of 221 Oak Street were considerations, which when viewed in combination with the location of a pre-existing shared driveway which limits the ability to widen the driveway onto a neighbor's property, were found to be unique or unusual circumstances that were not self-imposed, and which in staff's view could still be found valid with the current request.

In staff's view, this 15-foot width can be found to be the minimum width necessary to address the unique circumstances related to the subject property, and in staff's view the applicants' proposal to limit circulation on the driveway to one-way in from Oak Street and out onto B Street addresses the underlying concern of the width standard, which seeks to efficiently accommodate two-way circulation, while having the added benefit of

reducing driveway conflicts at the access points along streets which have heavy on-street parking and pedestrian and vehicular traffic due to their proximity to the downtown and the surrounding Railroad District neighborhood.

F. Exception to Street Standards

The existing sidewalk along B Street is approximately four-and-a-half feet in width, installed curbside with no street trees and a low retaining wall between the sidewalk and the yard areas of the subject properties.

B Street in this vicinity is classified as a Neighborhood Street in the city's Transportation System Plan, and with Site Design Review approval, the applicants would typically be required to bring the street frontages up to current city street standards, which would include the installation of new city standard curbs; seven-foot wide parkrow planting strips with new irrigated street trees spaced one tree per 30 feet of frontage; and six-foot wide sidewalks along B Street, with a transition from the newly installed curbside sidewalks near B & Water, and the planting of new street trees if needed in the park row planting strip along Oak Street.

The application includes a request for an Exception to the Street Standards to allow a curbside sidewalk along B Street where the Street Standards require a planting strip between the curb and the sidewalk. The applicants suggest that in this case, the Exception should be granted to accommodate added porch width for the proposed brownstone buildings along B Street. The applicants suggest that this request was supported by the Historic Commission when they informally reviewed the application on August 8, 2015. The applicants go on to explain that this block is a uniquely urban setting and the proposed development is a site-specific design that would not be suitable even a block away. They suggest that a parkrow is a suburban feature that would not be appropriate for this specific, urban frontage, and go on to note that there is not now nor will there ever be a parkrow on the opposite side of the street. The applicants further assert that the existing continual on-street parking provides a buffer for pedestrians and that existing, mature trees would be saved if possible, both of which are suggested as supporting an Exception. The applicants state that adding a park row would require the removal of three or possible four large, healthy trees which have been recently pruned by a professional arborist.

The applicants point out that the park row requirement would greatly reduce the size of patios in the front of the brick townhouses, which were increased in response to a request by the Historic Commission, and they emphasize that the patios, and the associated floor plans, were intended to orient public activity and recreation toward the street, and the reduction required by a parkrow would run counter to this intent to have interesting and attractive walkways. Finally, the applicants note that there would be a need to offset the sidewalk installation, as there was no parkrow installed in front of the Winston Building on the corner of Water and B Streets, and they feel that instead matching the curbside sidewalk of the Winston Building would be the most beneficial installation overall.

Exceptions to Street Standards require a demonstration that there is a demonstrable difficulty in meeting the standard due to a unique aspect of the site or its proposed use; that the facilities and resultant connectivity proposed are equal or superior to those

required under the standards; that the exceptions requested are the minimum necessary to alleviate the difficulty; and that the exceptions are consistent with the purpose and intent of the Street Standards. The intent of the standards is to provide multiple transportation options, create a safe and optimal environment for all users, design streets as public spaces, and enhance the livability of neighborhoods. The standards are based on an assumption that all city streets are to have parkrows and sidewalks on both sides, but recognize that in certain situations where the physical features of the land create severe constraints, or where natural features should be preserved, exceptions may be made and could result in meandering sidewalks, sidewalks on only one side of the street, or curbside sidewalk segments instead of setback walks. However, the standards emphasize that exceptions should be allowed only when physical conditions exist that preclude development of a public street, or components of the street, and notes that such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, rock outcroppings, and limited right-of-way when improving streets through a local improvement district.

In this instance, staff does not believe that the size of the front porch areas, the perceived suburban character of park rows, or the effectiveness of parked cars to provide buffering of pedestrians provide sufficient basis to merit an Exception. Existing, healthy large stature trees could provide a clear reason for an Exception, as they have in other applications, but in this instance the applicants have not provided an arborist's report which either establishes the current condition of the trees or which addresses their ability to accommodate the proposed redevelopment of the site in close proximity to their root zones. Staff would recommend that the applicants be required to install the standard seven-foot park row planting strip and six-foot sidewalk required by the standards and a condition to this effect is recommended below.

The Commission could determine that the block's transitional nature and the lack of standard park rows in the area are unique and merit an Exception. Should the Planning Commission ultimately determine that an Exception is merited, staff believe that the sidewalk itself should be widened to the required six-foot width rather than left at its current, substandard four-and-a-half foot width as illustrated in the applicants submittals, as we strongly believe that a four-and-a-half foot sidewalk cannot be found equal or superior with pedestrian volumes in the area. If an Exception is granted, staff would recommend that a condition be added to require six-foot sidewalks be installed and that an arborist's assessment of the existing trees' health be provided and that any trees that are unhealthy or unlikely to survive the proposed construction should be replaced with approved street trees to achieve the required 30-foot street tree spacing to insure the development of a full tree canopy for this B Street corridor.

G. Tree Removal Permit

The applicants note that trees are the only notable natural features on the property, and indicate that the development will be done with the least possible removal of trees. The application materials indicate that there are 17 trees on the site greater than six-inches in diameter at breast height (d.b.h.), and further notes that three of these are considered "foundation trees." In differing locations in the materials provided, the application notes that either two or three trees are proposed for removal with the request because of their poor condition and location within proposed building footprints.

The application suggests that the tree removals requested will not have a significant negative impact on erosion, soil stability, surface waters, adjacent trees or existing windbreaks, and further points out that the site has many mature trees and the removal of the subject trees will not significantly negatively impact the overall tree canopy. The applicants note that a landscaping and irrigation plan will be provided and will include mitigation trees and additional street trees to meet city standards.

The application includes a tree inventory as part of a topographic survey of the site, and a tree protection plan has been provided, however the application has not provided an arborist report assessing the trees' condition or ability to tolerate construction, or clearly identifying the trees to be removed or those three that are considered "foundation trees" by the applicants. The topographic survey's tree inventory does not identify all trees by species or condition; some of the larger stature trees located within the front yard of 221 Oak Street which are shown on the tree protection plan are not shown on the survey. In addition, it appears that some trees identified on the survey have been cut prior to the application's submittal. The tree protection plan includes protection of the large stature trees along Oak Street which are for staff the most significant natural features of the property, and these trees are to be preserved and protected on the common lot.

In comparing the topographic survey's tree inventory, and the other plans provided, the only tree which can clearly be identified as proposed for removal is an existing tree identified only as a 20-inch d.b.h. deciduous tree within the footprint of Unit 4. In staff's view, its location within the footprint of Unit 4 could be found to satisfy the criterion that the removal requested is in order to permit the application to be consistent with applicable site design standards, however without clearer information on the other proposed removals staff cannot recommend approval to remove additional trees and we have accordingly recommended a condition below that the applicant be required to submit a revised tree removal permit application with an accurate tree inventory and an arborist report, including assessment of the trees' condition and their ability to accommodate the redevelopment of the site, clearly identifying the trees to be removed and the species and placement of proposed mitigation trees prior to the building permit submittals or tree removal.

The Tree Commission has not yet reviewed the application as this report is being prepared; a condition of approval has been recommended below to require that the recommendations of the Tree Commission be made conditions of approval, where consistent with applicable standards and with final approval of the Staff Advisor.

III. Procedural - Required Burden of Proof

The criteria for Outline Plan approval are described in 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

- d. features have been included in the open space, common areas, and unbuildable areas. 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.

The criteria for Final Plan approval are described in 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.

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:

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 Variance approval are described in 18.5.5.050 as follows:

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

The criteria for an Exception to Street Standards are described in AMC 18.4.6.020.B.1 as follows:

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.
 - i. For transit facilities and related improvements, access, wait time, and ride experience.
 - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
 - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.
- c. The exception is the minimum necessary to alleviate the difficulty.

- d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.

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

The application requests Outline Plan, Final Plan and Site Design Review approvals for the properties at 209 Oak Street, 221 Oak Street, 225 Oak Street and 11 B Street. The proposal includes the restoration of two existing, historic homes; the construction of six townhouses along B Street; and the construction a new, detached residential cottage. Also included are requests for a Variance to allow a 15-foot wide, one-way driveway where a 20-foot driveway width would typically be required; two Conditional Use Permits to allow a 25 percent increase in the Maximum Permitted Floor Area, and to allow a commercial use within an existing, historic residential building; an Exception to the Street Standards to allow a curbside sidewalk along B Street where a planting strip would typically be required between the curb and the sidewalk; an Exception to the Site Development and Design Standards to allow the placement of a new residence on proposed Lot #9 to be placed behind the setback line of adjacent historic buildings; and a Tree Removal Permit to remove two trees which are within the footprints of proposed buildings.

Staff is generally supportive of the application, and believes that the applicants' efforts at building and site design and access management are well thought out and will ultimately benefit residents of the development and the surrounding neighborhood. Staff would typically be hesitant to support a request to exceed the Maximum Permitted Floor Area within the historic district by the maximum allowed 25 percent for a project that largely involves new construction, however in this case in light of the applicants' comprehensive redevelopment plan for the site and efforts and access management in conjunction with the restoration of the two historic homes staff believe the request is appropriate.

Staff do not, however, support the requested Exception to Street Standards in order to not install park row planting strips along B Street, and believe that the applicants should be required to install six-foot sidewalks and seven-foot park row planting strips as required in the standards. Should the Commission ultimately determine that this Exception is merited, staff would strongly recommend that the applicants nonetheless be required to widen the existing sidewalks to a full six-foot width, and that an arborist report addressing the existing B Street trees be provided to ensure that those which are not healthy or are unlikely to survive redevelopment of the site can be replaced with appropriate street trees spaced according to standard and a healthy canopy established and maintained along this block of B Street.

Staff have recommended in favor of the removal of one tree within the footprint of the proposed Unit 4, however without clear information in the application detailing the existing trees and their conditions and which additional trees are proposed for removal, staff are unable to support the additional removal request and have instead recommended that the applicants be required to submit additional information for a new Tree Removal Permit request prior to further removals.

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein, including that the existing historic homes at 209 Oak Street and 221 Oak Street shall be fully restored as part of the current application.
- 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 approval shall be submitted and approved prior to the issuance of a building permit.
- 3) That all recommendations of the Ashland Historic Commission from their October 7, 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.
- 4) That all recommendations of the Ashland Tree Commission from their October 8, 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.
- 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) including the specific limitations for Conditional Use Permit signage found in AMC 18.4.7.060.B.2.
- 6) That the roofing of the two historic homes to be restored shall not utilize wood

shingles or metal roofing, both of which are noted as to be avoided in the Historic District Development Standards for the rehabilitation of existing historic buildings. The final roofing material treatment shall be asphalt or composition shingles which match the original roofs in color and texture or another non-metal or wood roofing deemed acceptable by the Historic Commission. Roofing materials shall be detailed in the building permit submittals for the review and approval of the Staff Advisor and Historic Commission's Review Board.

- 7) That all requirements of the Fire Department shall be satisfactorily addressed, including fire apparatus access, fire apparatus access approach, any necessary shared access easements, fire flow, fire sprinklers, fire department connection, fire hydrants, fire extinguishers, key box, approved addressing, approval of any gates, fences or other access obstructions; and fire safety measures during construction.
- 8) 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 .
- 9) 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 easements allowing for the use of the shared driveway by 239 Oak Street, 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 and Historic Commission Review Board. 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 October 8, 2015 meeting where consistent with applicable criteria and standards, and with final approval by the Staff Advisor; 2) An arborist's report assessing the conditions of the trees within the area of disturbance and their abilities to accommodate the proposed construction, and a Tree Protection Plan detailing revised tree protection zones and any additional measures or recommendations necessary during construction; and 3) required size and species specific replacement planting details and associated irrigation plan modifications, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications.
 - e) A stormwater drainage plan for the review and approval of the Engineering, Building and Planning Departments. This plan shall incorporate low impact development measures such as permeable paving and on-site bio-swale stormwater detention as proposed by the applicants to meet Public Works/Engineering standards and ensure that post-

development peak stormwater flows do not exceed pre-development levels and that no additional stormwater load is added to the B Street corridor, and if it proves necessary to obtain drainage easements over adjacent properties or upgrade existing stormwater facilities in order to meet these standards and accommodate large storm events, all necessary improvements to address the site's stormwater shall be provided at the applicants' expense.

- 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. Cabinets, vaults and Fire Department Connections shall be located 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.
- g) 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 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.
- h) The drawings necessary to verify compliance of the patios and entry stairs with the standard ten-foot side yard setback requirement along B Street and the general exception provisions of AMC 18.2.4.050.C, which exempt uncovered patios, porches and entry stairs from these setback requirements.
- i) Calculations demonstrating that the final building floor area does not exceed the 11,830 square foot maximum permitted floor area approved here, based on the methodology detailed in AMC 18.2.5.070.
- j) That the applicants shall provide engineered plans for the installation of city-standard seven-foot width parkrows with irrigated street trees, six-foot sidewalks, and pedestrian scale street lighting on the property's full B Street frontage for the review of the Planning and Public Works/Engineering Departments. These plans shall detail the necessary transitions to existing improvements at either end of the corridor, the removal of curb-cuts other than for the proposed one-way driveway, and shall include the use of the historic district standard "San Diego Buff" colored concrete. If necessary to accommodate city standard street frontage improvements, the applicant shall dedicate additional right-of-way or provide public pedestrian access easements. Any necessary easements or right-of-way dedications shall be submitted for the review and approval of the Planning and Public Works/Engineering Departments.
- k) Identification or required bicycle parking, which includes four bicycle parking spaces for the studios without private garages and an additional

two parking spaces for the proposed office use. The inverted u-racks shall be used for the 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.

- 10) 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 identification of the tree within the footprint of Unit 4 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. (The removal of any additional trees shall require that the applicant submit a revised Tree Removal Permit application with an accurate tree inventory, an arborist's report including assessment of the trees' condition and their ability to accommodate the redevelopment of the site, a clear identification of the trees to be removed, written findings in support of the removal request, and a plan detailing the species and placement of proposed mitigation trees.)
 - 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.

- 11) 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 the one-way driveway, landscaping including one mitigation tree, 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) 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) All required street frontage improvements, including but not limited to the sidewalk, parkrow with irrigated street trees spaced at one tree per 30 feet of frontage, and street lighting on B Street, and any additional street trees necessary on Oak Street, shall be installed under permit from the Public

Works Department and in accordance with the approved plans, inspected and approved by the Staff Advisor. All curb cuts other than one on each frontage for the proposed one-way driveway shall be removed with the frontage improvements.

- f) Restoration of the two historic homes shall be completed according to the approved plans, inspected and approved by the Staff Advisor. .
- g) The CC&Rs for the Homeowner'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, driveways, planting strips and street trees, and the approved Tree Protection Plan and accompanying standards for compliance shall be noted in the CC&Rs. 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.
- h) 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.
- i) The one way driveway shall be installed according to the approved plan with a minimum 15-foot width in a permeable paving surface if necessary for stormwater drainage, striped and/or signed to make limitations to one way travel and no parking along the driveway clear, and evidence of a recorded shared access easement for use of the drive by the applicants' development and the neighbors at 239 Oak Street provided.

August 7, 2015
Site Review



**BRICKS ON B
URBAN TOWNHOUSES**

Submitted to:

CITY OF ASHLAND PLANNING DEPARTMENT
ASHLAND, OREGON

Submitted by:

KISTLER, SMALL & WHITE
ARCHITECTS
66 WATER STREET
ASHLAND, OR 97520

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PROJECT INFORMATION

PLANNING ACTION:

The applicant, Spartan Properties, is submitting outline & final plan for a type 2 site review for the renovation of the two historic houses, construction of six townhouses and a residential cottage. The application will be using the Performance Standards Options. The subject property is located at the corner of Oak Street and "B" Streets. The applicant will request two Conditional-Use permits, one for an allowable increase of MPFA per 18.2.5.070C and the second for commercial use of existing historical residential building. Additionally, a variance will be requested to the requirement of a 20-foot driveway and an exception to the parkrow street standard.

ADDRESS & LEGAL DESCRIPTION:

OWNER:

Spartan Properties, LLC
35 Second Street
Ashland, OR 97520

ARCHITECTS:

Kistler Small & White
66 Water Street
Ashland, OR 97520
541.488.8200

LAND USE PLANNING:

Kistler, Small & White
66 Water Street
Ashland, OR 97520
541-499-7333

PROJECT LANDSCAPE:

Kistler Small & White
66 Water Street
Ashland, OR 97520
541.488.8200

ADJACENT PROPERTY OWNER:

Sue and John Blaize
Oak Street Station
239 Oak Street
Ashland, OR 97520
541.428.1726

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COMPREHENSIVE PLAN DESIGNATION: Multi-Family

ZONING DESIGNATION: R-2

ADDRESS: 209 Oak Street, 221 Oak Street, 11 "B" Street

LOT AREA:

Tax Lot 15600 10,914 sf

Tax Lot 15700 4,463 sf

Tax Lot 15900 8,677 sf

Tax Lot 16000 11,909 sf

Total Area: 35,963 square feet

RESIDENTIAL DENSITY:

R-2

Target Density = 11.20

Minimum Density = 8.96

Proposed Number of Units = 10

BUILDING DATA:

Two (2) unit at 660 sf 1,320 sf

One (1) unit at 1389 sf 1,389 sf

One (1) unit at 895 sf 895 sf

Six (6) unit 1,371 sf 1,371 sf

Total : 11,830 square feet

MAXIMUM PERMITTED FLOOR AREA: 18.2.5.070 G. Multiple Dwellings

Total Lot Area (15600,15700 , 15900 and16000 combined) = 0.83 acres = 35,964sf

Lot Area (35,964) x Adjustment Factor (.047) = Adjusted Lot Area 16,903

Graduated FAR (0.56) = 9,465 sf

Allowance per 18.2.5.070. C (% 1.25) = 11,832 sf

Total Building sf = 11,830

Overage = 0 %

Proposed development is compliant with MPFA (assuming the CUP granting 1.25 increase to MPFA is allowed).

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PARKING: 18.92

Required:

Residential: Two (2) parking spaces are required for each residential dwelling unit (8 units = 16 spaces)

Commercial: Three (3) spaces are required for the 1308 sf commercial unit.

Proposed:

Residential: The residential units will be provided with twelve (12) covered spaces including an ADA space six (6) additional on site spaces and street credits of eight (8) for a total of twenty-six (26) spaces.

Commercial: The proposed commercial unit would have two (2) on site dedicated spaces and four (4) street credit for a total of six (6).

APPLICABLE ORDINANCES

R-2, Multi-Family Residential, 18.4.2
Performance Standards Options, 18.3.9
Site Design & Use Standards, 18.4.2
Basic Site Review, 18.4.2.040
Historic District Design Standards, 18.4.2.050
Demolition or Relocation of Structures, 15.04.210
Historic District Development/ Rehabilitation Standards, 18.4.2.050
Conditional-Use for MPFA, 18.5.4
Conditional-Use for Commercial use of Existing Historical Building, 18.105.050
Street Standard Exception, 18.4.6.040
Tree Preservation and Protection, 18.5.7

ADJACENT ZONING/USE

WEST: E-1; Employment
EAST: C-1; Commercial
SOUTH: C-1; Commercial
NORTH: R-2; Multi-Family Residential
SUBJECT SITE: R-2; Multi-Family Residential

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PROJECT DESCRIPTION

INTRODUCTION: The applicant, Spartan Properties an Ashland enterprise, is requesting approval for a Site Review to renovate two (2) historical houses. Construct six (6), two (2) story two (2) bedroom, residential Townhouse units and construct a single story cottage unit. This development will replace an extremely sub-standard "Hooverville". The previous owner had many illegal occupied dwellings in appalling conditions (9 separate units in tax lot 15600 alone), even lacking indoor plumbing. It is possibly Ashland's most dilapidated property and it is only one block from the Plaza. After the two historic homes are restored to original design and condition and the Bricks of "B" townhouses are constructed along "B" Street we believe this property will be transformed into one of the finest in the neighborhood.

The site consists of four adjoining tax lots. Existing lot lines dividing 15600, 15700, 15900 and 16000 would be abandon and drawn as a single lot. Individual buildings will be on footprint lots with a single common lot beneath them through the Performance Standards Options. Included on the site are three contributing historic homes, the Mickelsen-Chapman house and the Smith-Elliott house and the Thompson Rental House, at 209 Oak Street, 221 Oak Street and 11 "B" Street respectively. The Mickelsen-Chapman house, while contributing, has fallen into extreme disrepair. The Smith-Elliott house, likewise rundown, has most recently been a low-end rental property. Both properties would be renovated and returned to 19th Century appearance. Remaining structures, including the Thompson Rental House fronting "B" street, are condemned and scheduled for removal (see figure 1).

Additionally, the applicant desires to construct six (6) townhouses. The Bricks on "B" would be two (2) story two (2) bedrooms 1371 sf townhomes. These units would have a urban-residential character with brick masonry exteriors and historical elements designed to fit into the Ashland Historic District in massing/scale/site placement. The design of the "Bricks" will complement both the award winning Winston Building on the adjacent property (corner of "B" Street and Water Street) and the historic homes on the other border (facing Oak Street). The overall site layout is intended to support the pedestrian character of the neighborhood. A one story cottage will also be constructed. The cottage will be contemporary, incorporating style elements from the other related buildings and contribute to the overall cohesiveness of the site.

The north portion of the site, currently flag lot 16000, would be utilized for vehicular access to garages and would also serve as the communal outdoor recreational area for the development. This area could include multi-sport court and a landscaped garden/picnic area.

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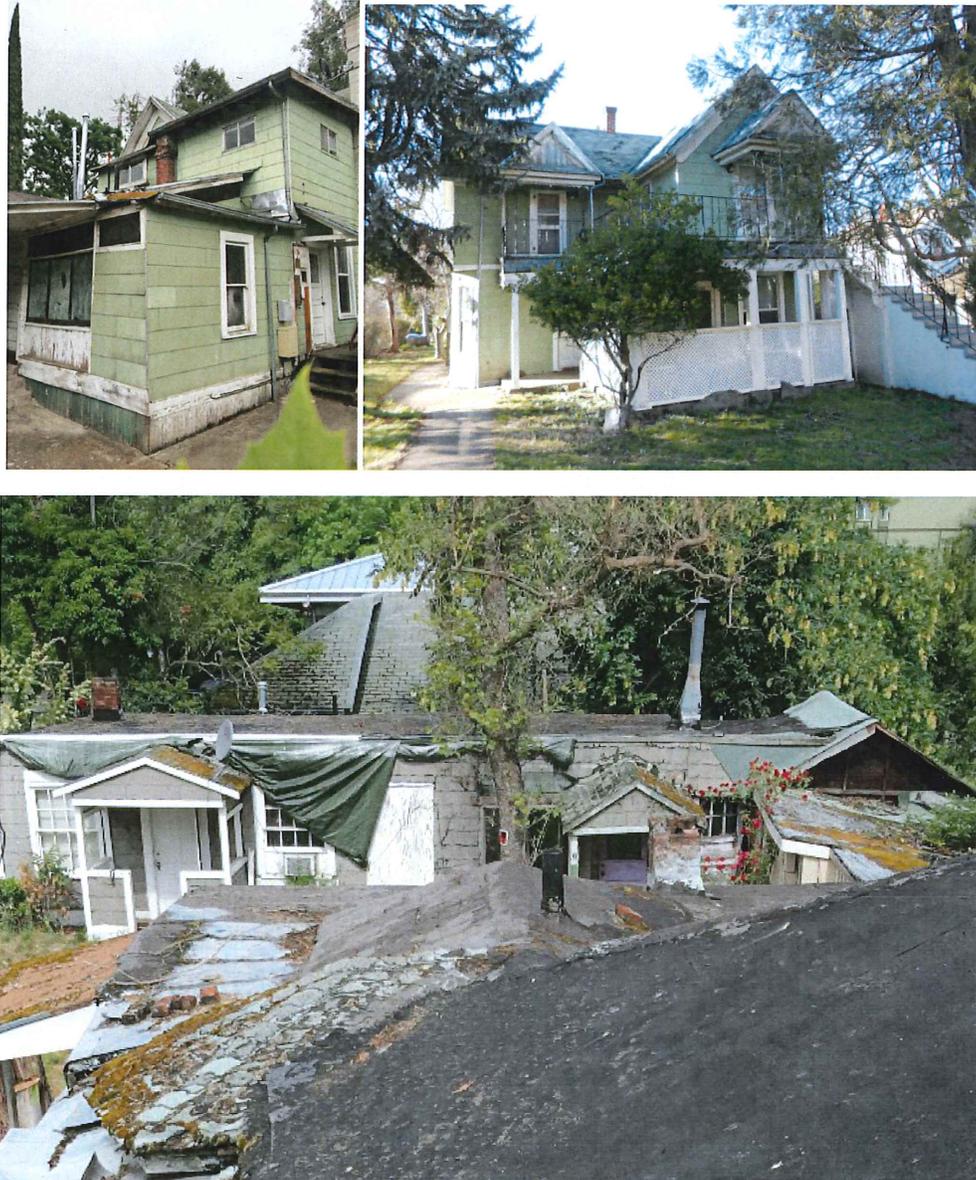


Figure 1, Existing Buildings

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A written narrative and findings of fact as well as a Site Plan, Building Elevations, Lot Line Adjustment are enclosed. This information is provided in the application materials and addresses the submittal requirements of Chapter 18.3.9.

Site: The subject property consists of four tax lots, 15600, 15700, 15900 and 16000, at the SE Corner of Oak and "B" Streets. The site frontage is currently Oak Street. There are three Historic Contributing residences (one condemned) and many non conforming structures currently on the property slated for demolition/removal.

R-2 : The property is within the R-2 zoning district (Chapter 18.24)

This district is designed to provide an environment suitable for urban living. The R-2 district is intended for residential uses and appurtenant community services. This district is designed in such a manner that it can be applied to a wide range of areas due to the range of residential densities possible. In addition, when appropriately located and designed, professional offices and small home-oriented commercial activities designed to attract pedestrians in the Railroad District are allowed. Further, the proposed development meets the requirements of Chapter 18.24 such as recycling, light, glare, landscaping, etc.

This information is substantiated with the drawings and the Findings of Fact provided herein.

Architecture: The applicant is committed to preservation of the existing Historic Contributing Homes known as the Mickelson-Chapman House and the Smith-Elliott House. Non-conforming additions will be removed. No additions to the original structures are planned. These changes will greatly improve safety as well as appearance of these buildings. Reference materials have been requested from Terry Skibby for guidance in returning the home to historical integrity.

Regarding the new construction, the applicants have closely followed the Historic Design Standards to provide a comprehensive plan that is contextually compatible with other buildings in the neighborhood. The proposed buildings do not mimics a specific building or architectural period but use design elements that bridge the historic homes on one edge and the award winning urban Winston building on the other border. Features include recessed entries, covered porches, parapet (defined by proud brick coursing) and bay windows. "2015" elements include historic corrugated galvanized metal siding used at the cantilevered semi-circular fireplaces on the side and angled bay windows.(figure 2). In the end, the proposed site design is current, cohesive with a strong residential community feel while providing the sense of pedestrian orientation desired in the railroad district.

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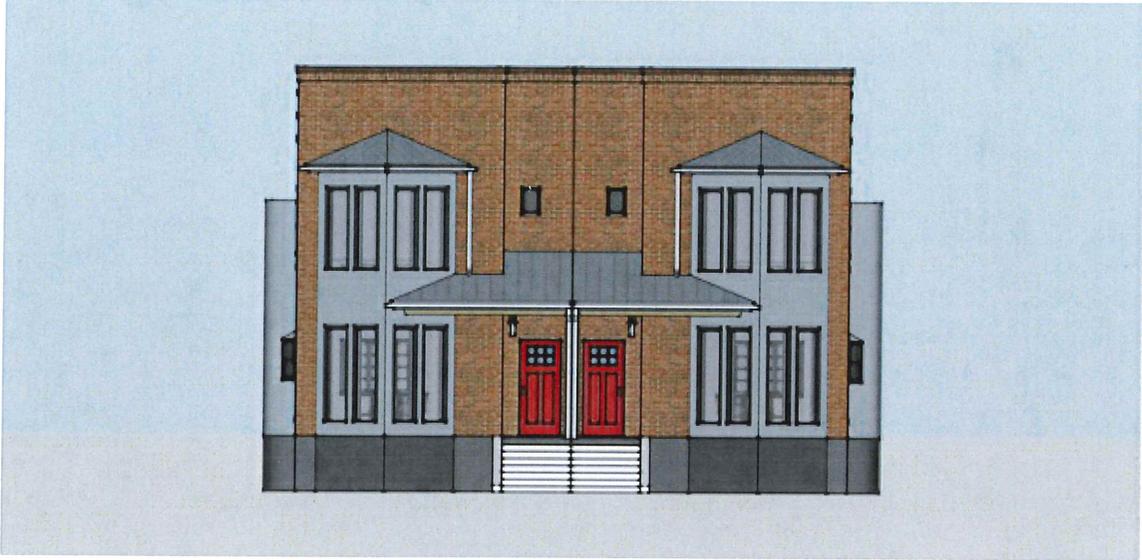


figure 2 Design Features

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Recreational and Open Spaces: A rectangular space of 1958 square feet, 5 % of the site will be dedicated to a communal recreational area. Intended to extend living area and foster community, the recreational area will included a major recreational facility, such as a multi-sport court, and a barbeque and dining area. Additional, 50% of the entire side will be landscaped open space, this amount is dictated by the placement of the existing historical homes and the goal of providing a usable shape (as opposed to long, linear connections) for the recreational area. The site will be compliant with the requirements of 18.88.020.H

Tree Removal and Protection: Currently there are seventeen (17) 6" dba Trees on the site. Three of these trees are notable, and are being considered foundation trees. The applicant will request three (3) tree removal permits, for poor quality trees and provide a landscaping plan. Any required additional street trees will be installed per City per 18.61 standards.

Parking: Eighteen (18) on-site parking spaces (including one ADA space) are proposed at the rear of the buildings with access on the flag lot. Two additional parking spaces have been removed, adjacent to 209 Oak Street, in favor of two (2) (of the eleven 11 possible) street credits. The parking provided is compliant with the requirement 18.92 The on-site parking is entirely screened from street/pedestrian view.

Access and Circulation: The existing driveway for 221 Oak will be expanded to access the parking area. The existing driveway is fifteen (15) feet wide and will have an entrance only on Oak Street and an exit only on "B" street (see figure 3). The applicants know that the width of the existing driveway will require a variance, however with the new traffic configuration the driveway will accommodate only one-way traffic flow and direct exiting traffic away from the busier Oak Street. *Note, the exit is located approximately 40' further away from the Oak and "B" intersection than the existing cutout.* Owners, Sue and John Blaze, of the adjacent property have signed the application, consenting to the intensification of the driveway use and transfer of easement to the additional properties. In addition, they prefer the driveway to remain at its current fifteen (15) feet rather than expanded it to twenty (20) feet.

Bicycle Parking: The Covered Bicycle Parking provided on the site is five (5). The site will provide covered parking as required by 18.92.060 per the standard of 18.92.060J. The bicycle parking will be in easily accessible locations to encourage use.

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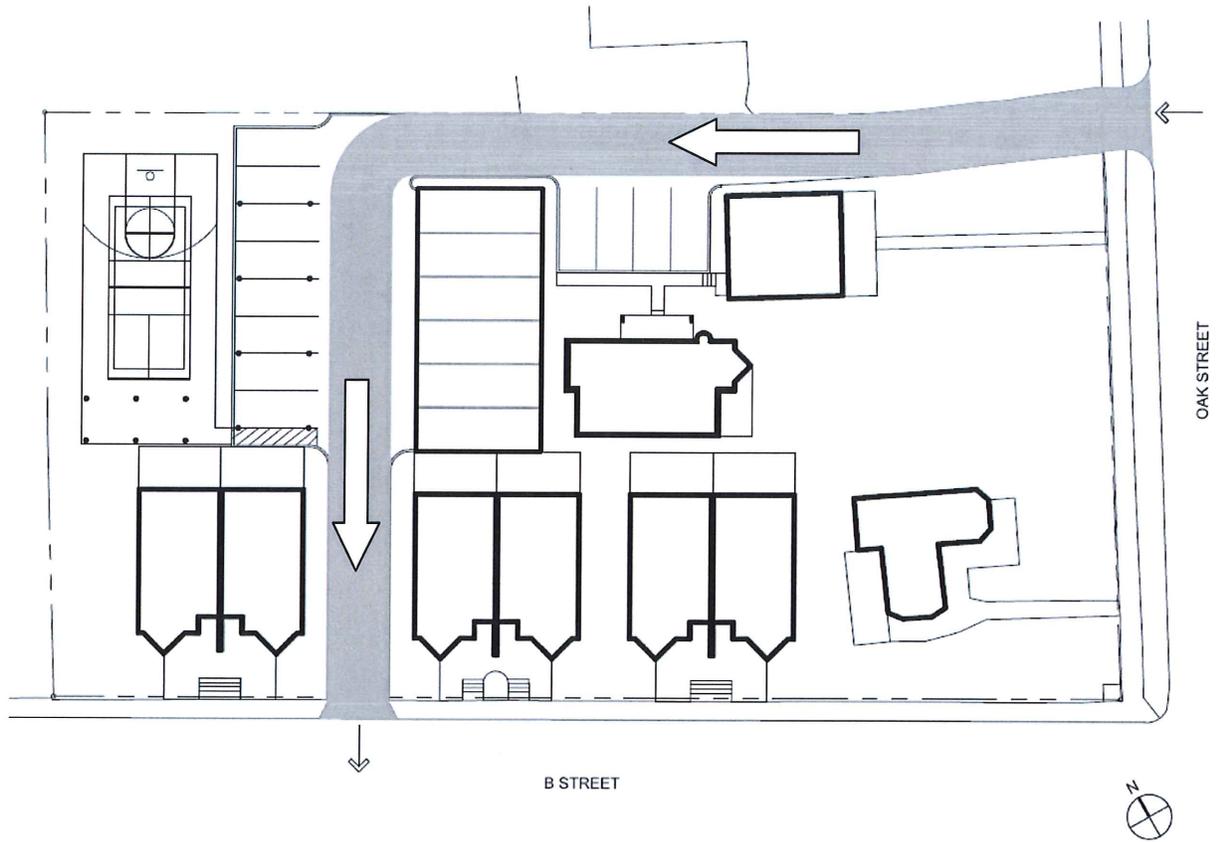


figure 3, Circulation

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FINDING OF FACT

The following information has been provided by the applicants to help the Planning Staff, Planning Commission and neighbors better understand the proposed project. In addition, the required *findings of fact* have been provided to ensure the proposed project meets the Site Design & Use Standards as outlined in the Ashland Municipal Code (AMC), 18.4.2, Site Design & Use Standards

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

CHAPTER 18.3.9.010, PERFORMANCE STANDARD OPTIONS

Purpose: The purpose of this chapter is to allow an option for more flexible design than is permissible under the conventional zoning codes. **The design should stress energy efficiency, architectural creativity, and innovation: use the natural features of the landscape to their greatest advantage: provide a quality of life equal to or greater than that provided in development built under the standard zoning codes; be aesthetically pleasing; provide for more efficient land use; and reduce the impact of development on the natural environment and neighborhood.**

The Performance Standards Options (PSO) greatly enhances the projects feasibility as opposed to the used of standard zoning codes. The site is designed with the highest creativity, innovation, and regard for quality of life while preserving the majestic trees and historical homes on the site. The implementation of the PSO greatly reduces the impact of development and improves the overall quality of the neighborhood. To the best of the applicant's knowledge all the regulations are or will be met by the proposed development for Performance Standards Options.

18.3.9.040 REVIEW PROCEDURES AND CRITERIA

A. Outline Plan

1. **Review Procedure:** The applicant will comply with the required review procedures.
2. **Application Submission Requirements. The following information is required for a Performance Standards Subdivision Outline Plan application submittal.**
Applicable items A -J are provided on site drawing, The site is presently owned by the applicant and development will not be in stages.
3. **The development meets all applicable ordinance requirements of the City**
To the applicant's knowledge all City regulations are or will be met by the proposed development.
4. **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.**

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

An Electric Utility Plan will be developed in consultation with the City's Electric Department, Dave Tygerson, to ensure not only capacities can be accommodated, but to also minimize aesthetic impact to the proposed building. All electrical services will be provided from "B" Street where the service currently exist. All electrical work will be completed under the direction of the Ashland Electric and Building Departments. Further, all improvements within the adjacent rights-of-way, including construction detouring, will be completed under the direction of the Ashland Engineering Department and the Oregon Department of Transportation (ODOT).

Applicants have addressed or will address at the time of the building permit all code issues relating to the Ashland Fire Department, including an FDC valve along the front of the building. A fire hydrant is within 150' of the property boundary (on the property directly across the street)with adequate pressure to service the

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building. All work will be completed under the direction of the Ashland Building and/or Fire Departments.

- 5. The existing and natural features of the land: such as wetlands, floodplain corridors, ponds, large trees, rock outcropping, 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.**
Development will be done with the least possible removal of trees, which are the only notable natural feature of the land.
- 6. The development of the land will not prevent adjacent land form being developed for the uses shown in the Comprehensive Plan.**
The development will not prevent development of adjacent land.
- 7. There are adequate provisions for the maintenance of open space and common areas, if required or provided.**
A landscape plan will be submitted. Irrigation systems shall be installed to assure landscaping success. In addition the developer will provide professional grounds keeping.
- 8. The proposed density meets the base and bonus density standards established under this chapter.**
The site does not exceed the allowable density in R-2. The target density is 11 units, the minimum density is eight (8) and the proposed number of units is ten (10).
Chapter 18.3.9.050 Performance standards Options.
- 9. The development complies with the Street Standards.**
The development is asking for an exception to the Street Standards in regards to providing a parkrow on "B" Street.

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CHAPTER 18.4.2, SITE DEVELOPMENT AND DESIGN STANDARDS.

18.4.2.030.B RESIDENTIAL DEVELOPMENT/BASIC SITE REVIEW STANDARDS:

A. Purpose and Intent

1. Crime Prevention and Defensible Space

- a. **Parking Layout:** Parking Area will be close but not immediately abutting dwelling units and visible from second story windows.
- b. **Orientation of Windows.** The "Bricks" second story windows will have a clear view of the development.
- c. **Service and Laundry Areas.** There will be no communal laundry areas and mailboxes will be in an exposed area
- d. **Hardware.** This condition will be accepted.
- e. **Lighting.** This condition will be accepted.
- f. **Landscaping.** This condition will be accepted.
- g. **Orientation.** The existing building will not be altered and remains oriented towards Oak Street.

B. Applicability. Site will comply with section 18.5.2.020

C. Building Orientation

1. **Building Orientation to Street:** Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be functional, and shall be accessed from a public sidewalk. Public sidewalks shall be provided adjacent to a public street frontage.
2. **Limitation on Parking Between Primary Entrance and Street.** Parking is located to the rear of the "Bricks"
3. **Build to Line:** N/A

D. Garages

1. **Alleys and Shared Drives:** Garage and carport entrance is from the flag lot drive.
2. **Setback for Garage Opening Facing Street.** N/A

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E. Building Materials: The "Bricks" and the cottage are made of brick with metal accents. The historic homes will be painted wood in historic colors. All buildings will share the same zincalume standing seam metal roofs that were used at the Ashland Carnegie Library. Alternatively, The "Michelson House" could have Historic wood shingles but architect urges the city not to require asphalt composition shingles, arguably the worst sustainable building material with the largest footprint in our landfills every 15 years.

F. Streetscape: Oak Street has several mature trees already in compliance with the streetscape standards. The landscape plan will maintain these trees and the park-row that exists on Oak Street. We request an exception to the requirement for a parkrow on "B" Street sidewalk; to extend the existing sidewalk, size and color, from the corner of "B" and Water Streets. (see exception on page)

H. Open Space:

1. **Recreation Area:** Approximately 50% of coverage is Landscaped for recreational use with 5% being a mulit-sport court.
2. **Surfacing:** Surfacing will be appropriate for recreation.
3. **Decks and Patios:** Recreation space is in addition to decks and patios.
4. **Play Areas:** N/A

HISTORIC DESIGN STANDARDS:

18.4.2.050.B HISTORIC DISTRICT/HISTORIC DISTRICT DESIGN STANDARDS:

1. **Transitional Areas:** The location of the existing building may be considered to be occupying a transitional zone between the downtown commercial area and the Railroad District
2. **Height:** The new buildings will have a similar proportion in height, width, and mass as other buildings found in the neighborhood. They do not violate the existing scale of the area especially when considering the Armory and hotels found in the near vicinity.
3. **Scale:** The new construction is similar in height as the other two-story buildings found directly across the street, and smaller than the commercial buildings found in the neighborhood.
4. **Massing:** The new buildings are spaced, with the recommendation of staff, appropriately for the massing of the neighborhood .
5. **Setback:** The two existing houses, while not on the same plane are historic and will not be moved. The new construction with facades facing "B" Street will be consistent and not violate any existing setback pattern.
6. **Roof:** The new construction of the "Bricks" will have a backward sloping standing seam metal roof behind parapets on 3 sides. A short decorative parapet wall screens the roof and provides architectural relief and building identity.
7. **Rhythms of Openings:** The front entrances are well articulated in form so that they create a strong sense of entry from the street with covered porches which also shorten the height / scale of front facade walls to the street.
8. **Base of Platforms:** As is consistent with the characteristics of most of the older buildings in Ashland the "Bricks" will have a raised platform with building walls rising out of the platform and not out of the ground.
9. **Form:** The applicants believe the proposed buildings are traditional in symmetry, volume, rhythm and setting, but have contemporary elements that are current.

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- 10. Entrances:** The front entrances are well articulated in form so that they create a strong sense of entry from the street with covered porches which also shorten the height / scale of front facade walls to the street.
- 11. Imitation of Historic Features:** The "Bricks" are designed with traditional element such as a raised, recessed front door and bay windows keeping them in harmony with the existing historic houses, but are not imitative.
- 12. Additions:** N/A
- 13. Garage Placement:** The garages are situated behind the "Bricks" not visible to the street.

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18.4.2.050.C HISTORIC DISTRICT DEVELOPMENT/REHABILITATION STANDARDS OR EXISTING BUILDINGS AND ADDITIONS:

1. **Restore vs Remodel:** The historic house will be restored. This section will address 209 Oak Street and 221 Oak Street specifically unless otherwise mentioned. Every effort is being made to restore these house to as original condition as possible.
2. **Rehabilitation Standards:**
 - a. **Historic architectural styles:** There will not be any additions to the original structures.
 - b. **Original architectural features:** The features will be as original as possible.
 - c. **Replacement finishes:** The exterior finishes will be consistent with the historic building.
 - d. **Diagonal and vertical siding:** Vertical siding will not be used.
 - e. **Exterior wall colors:** Exterior wall colors will be historic.
 - f. **Imitative materials:** N/A
 - g. **Replacement windows:** Windows will be the size and placement of the original construction. Wood windows with dark bronze cladding on exterior.
 - h. **Reconstructed Roofs:** The roof will be the same pitch and form of the original structure.
 - i. **Asphalt or composition shingle roofs:** The "Michelson House" could have Historic wood shingles but architect urges the city not to require asphalt composition shingles, Arguably the worst sustainable building material with the largest footprint in our landfills every 15 years.
 - j. The architect would prefer a metal roof, because of it superior durability, quality, environmental sustainability and performance, however wood shingles will be used if not allowed by the Planning Commission.
 - k. **New porches:** The porches will be compatible with the historic building.
 - l. **New detached buildings:** N/A

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CONDITIONAL USE PERMIT (MPFA)

AMC 18.104.050 Conditional Use Permit Criteria (MPFA)

18.104.050 Approval Criteria

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

A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

The applicant requests a 25 percent increase in allowable Maximum Permitted Residential Floor Area in Historic District (MPFA) per chapter 18.2.5.070. The use is in conformance with all standards within the Historic District in which the use is located, and in conformance with all relevant Comprehensive Plan policies that are not implemented by City, State, and Federal law or programs.

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

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

An Electric Utility Plan will be developed in consultation with the City's Electric Department, Dave Tygerson, to ensure not only capacities can be accommodated, but to also minimize aesthetic impact to the proposed building. All electrical services will be provided from "B" and/or Oak Street where the service currently exist. All electrical work will be completed under the direction of the Ashland Electric and Building Departments. Further, all improvements within the adjacent rights-of-way, including construction detouring, will be completed under the direction of the Ashland Engineering Department.

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Applicants have addressed or will address at the time of the building permit all code issues relating to the Ashland Fire Department. A fire hydrant is within 150' of the property boundary (on the property directly across the street) with adequate pressure to service the building. All work will be completed under the direction of the Ashland Building and/or Fire Departments.

C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone.

In the applicant's opinion the proposed increase in the MPFA will have no adverse material effect on the livability of the impact area (R-2). There will be more residents living within walking distance of downtown, applicants do not believe this is an adverse effect.

When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:

1. Similarity in scale, bulk, and coverage.

The proposal is similar in bulk and coverage to surrounding historic properties from the public streets / views. It is actually considerably less dense than the target R-2 would expect due to the MPFA ratios in the Historic District intended to prevent "McMansions". However, on large R-2 properties such as this that particular ordinance counters multi-family infill goals. We believe this proposal is a good blend of the two conflicting goals.

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

In the applicant's opinion the proposed increase in the MPFA will have no adverse material effect on traffic on the surrounding streets.

3. Architectural compatibility with the impact area.

All new construction on the site will be compatible with the Historic District Design Standards and thus compatible with the impact area.

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

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

5. Generation of noise, light, and glare.

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

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

The proposed conditional use permit will not have any material effects on the adjoining properties as envisioned in the Comprehensive Plan.

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

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

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CONDITIONAL USE PERMIT (COMMERCIAL USE):

AMC 18.104.050 Conditional Use Permit Criteria (Commercial use of a existing historic building)

18.104.050 Approval Criteria

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

A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

The proposed Conditional-Use is a permissible use in with R-2 zone. The commercial use would be a professional office and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program. In addition the other three corners of the intersection are already commercial uses.

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

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

An Electric Utility Plan will be developed in consultation with the City's Electric Department, Dave Tygerson, to ensure not only capacities can be accommodated, but to also minimize aesthetic impact to the proposed building. All electrical services will be provided from "B" and/or Oak Street where the service currently exist. All electrical work will be completed under the direction of the Ashland Electric and Building Departments. Further, all improvements within the adjacent rights-of-way, including construction detouring, will be completed under the direction of the Ashland Engineering Department

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

C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone.

In the applicant's opinion the proposed commercial use will have no adverse material effect on the livability of the impact area (R-2). In fact, as noise from the Armory is factory in the neighborhood a non-residential use might be better suited for the property.

When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:

1. Similarity in scale, bulk, and coverage.

The proposal has no impact on scale, bulk and coverage.

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

In the applicant's opinion the proposed increase in the will not have adverse material effect on traffic on the surrounding streets, as the small size of the suites limits the practical uses.

This development will replace an extremely sub-standard "Hooverville" . The previous owner had many occupied dwellings in appalling conditions, even lacking indoor plumbing. It is possibly Ashland's most dilapidated property only 1/2 block from the Plaza. After the two historic homes are restored to original design and condition, and the addition Brownstones along B Street we believe this property will be transformed into one of the finest in the neighborhood.

3. Architectural compatibility with the impact area.

The property is an Contributing historical property and thus architecturally compatible.

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

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

5. Generation of noise, light, and glare.

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

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

The proposed conditional use permit will not have any material effects on the adjacent properties as envisioned in the Comprehensive Plan.

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

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

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EXCEPTION TO STREET STANDARDS:

18.4.6.040 Exception to Street Standards

Frontage Improvements: The applicants request an exception to the required frontage improvement of a parkrow, on the "B" street side only.

1. Exception to the Street Design Standards.

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site of proposed use of the site.**
The requirement to upgrade to a parkrow would be undesirable because mature trees and the "Bricks" are more urban, rather than suburban. In addition, the benefit of a 6' parkrow, in protecting pedestrians, is negated because this block always has parked cars as it is the closest parking to downtown without parking restrictions.
- b. The remaining sidewalks on this block of "B" Street to Water Street are curbside, including the new development to the west. This block always has parked cars at the curbs as does downtown, so the benefit of a 6' parkrow is negated in protecting pedestrian because the continual parked cars.**
- c. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.**
 - i. For transit facilities and related improvements, access, wait time, and ride experience.**
 - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.**
 - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.**
i, ii, ii There will be no diminishing effect to transit, safety for bicycles or pedestrians.
- d. The exception is the minimum necessary to alleviate the difficulty.** The exception would leave in place the current situation.

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- e. **The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040 A.** At this site, maintaining the current landscaping is more aligned with the *purpose and intent of the street standards*, than requiring a parkrow. The historic commission expressed a preference for extending the existing sidewalk from the corner of "B" street and Water Street. (see fig 4)



Figure 4, Sidewalk

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TREE PRESERVATION AND PROTECTION

18.4.5 TREE PRESERVATION AND PROTECTION

The applicants will request a tree removal permit for two (2) trees that are within the proposed footprint of the new addition. There are many mature trees on the site and the removal of these effected trees will not change the overall feel of tree coverage on the site.

Tree Protection Plan: A plan to identify and protect plan will be submitted. The plan will included a survey of the Trees on site and measures that will be taken for their protection during construction.

18.5.7.040.B Tree Removal Permit

2. Tree That in Not a Hazard:

- 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 18.3.10.**
- b. **Removal of the tree will not have a significant negative impact on erosion, soil stability, floor of surface waters, protection of adjacent trees, or existing windbreaks.** The removal of the trees will not have a significant negative impact on erosion, soil stability, surface waters, 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.** The site has many mature trees and removal of the subject trees will not significant negatively impact the overall tree canopy. See photo above.

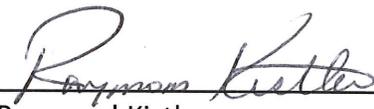
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- d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider City of Ashland 5-59 Land Use Ordinance 18.5.7 – Tree Removal Permits 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. N/A
- 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.

Prepared and Respectfully Submitted by:



Raymond Kistler
Kistler Small + White, Architects



Date

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Kistler + Small + White
66 Water Street
Ashland, Oregon 97520

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September 10, 2015

Supplemental Findings of Fact for PA-2015-01517, 209-221-225 Oak Street and 11 B Street

FINDING OF FACT - Reply to Incompleteness Determination

The following information has been provided by the applicants as a response to the Determination of Incompleteness for PA-2015-01517. The applicants have submitted the missing information as promptly as possible, within one day of receipt, and hope the application will not be subject to delay.

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

CHAPTER 18.5.5.050, VARIANCE TO 18.4.3

1. **The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.**
2. **The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.**
3. **The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.**
4. **The need for the variance is not self-imposed by the applicant or property owner. For example the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant**

18.4.3 D.

Driveways and Turn-Around Design. Driveways and turn-around providing access to parking areas shall conform to the following provisions.

3. **Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and**

vehicle safety; be clearly and permanently marked and defined: and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.

The Applicant is requesting a Variance to 18.4.3 D for a twenty (20) foot driveway. The existing driveway is fifteen (15) feet wide and has two traffic lanes. The proposed circulation plan would be one-way with an entrance only on Oak street and an exit only on "B" street. (see figure 1). The applicants believe that new one-way circulation with the existing fifteen (15) foot driveway will have greater benefits to the residence of the site and the surrounding streets than expanding the driveway to 20 feet and allowing two-way traffic. The proposed exit will be on "B" street, which is less trafficked than Oak street. This configuration will eliminate the need for backing out onto the street, and the new cutout will be located approximately 40' further away from the Oak and "B" intersection than the existing cutout.

Furthermore, the location of the historic house at 221 Oak Street prohibits the expansion of the width of the driveway. The applicant is preserving this house out of a sense of civic mindedness. If the planning commission prefers, this house could be demolished thus removing its constraints on the development.

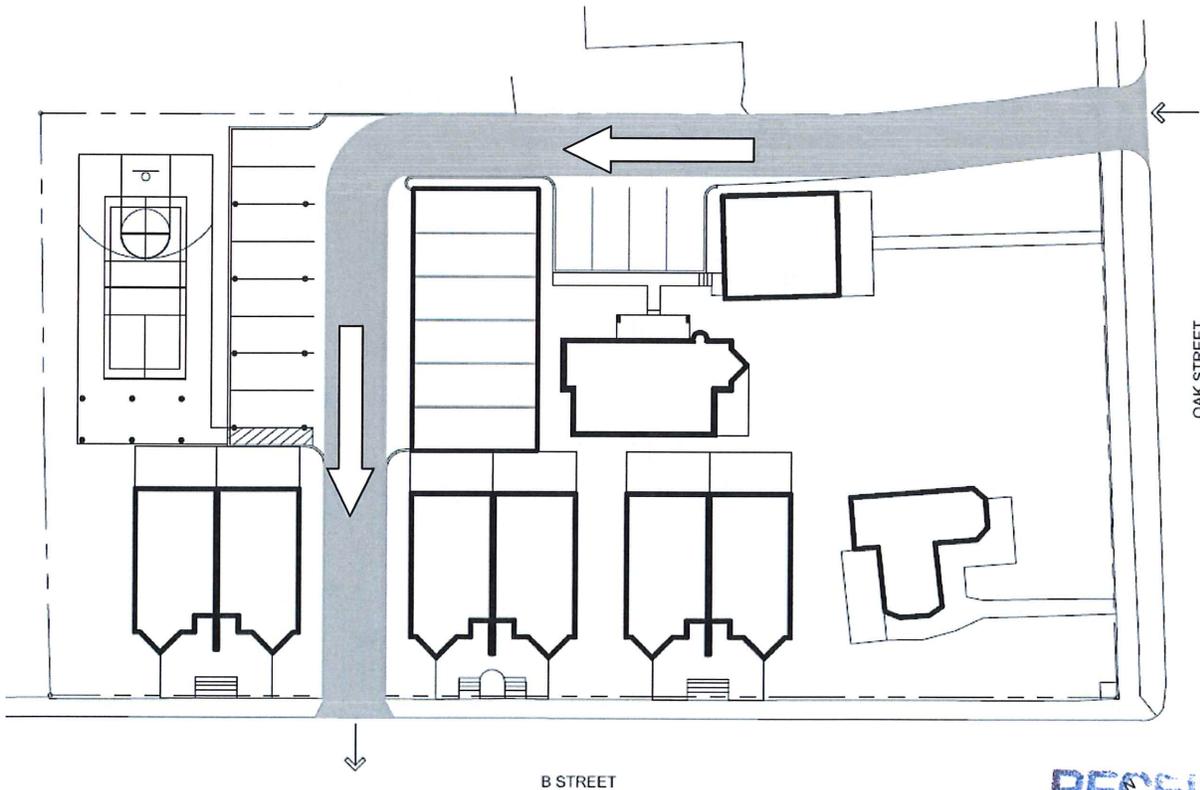


Figure 1, Circulation

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PUBLIC FACILITIES

Per the written comments of the July 8, 2015 there are currently no storm drainage facilities in place for this block of B Street, that new storm drainage facilities will likely need to be installed by the applicants within the B Street right-of-way to connect to the existing facilities in Water Street, and that the applicants would need to work with the City's Public Works/Engineering Department in arriving at an acceptable plan.

The applicant intends to use bioswales and permeable pavement for water retention onsite. As with the adjacent property, on 66 Water Street, the development will not add load to "B" Street storm drainage from parking or driveways.

The Applicant noted, in a recent storm event, that there was significant flooding on "B" street and that a storm drain would be desirable, however the applicant observed that the volume of water was coming North on Oak Street, hitting the Oak/"B" Street curb and turning downhill on "B" Street. The existing subject property was not contributing to the water on "B" Street. Therefore, the applicant does not believe an installation of a storm drain should be a condition of approval of this site review, unless this development contributes to the generation of storm water into "B" Street. The applicant will coordinate with the City's Public Works/Engineering Department to reduce the impact on the neighborhood, if the City decides that it is an appropriate time for an addition of a storm drain addition during the construction of this project. The applicant will also provide infrastructure as determined by public works to the storm drain system for water collecting on the site, however they do not feel the development should be financially responsible for water arriving on "B" street from other locations in Ashland.

TREE PROTECTION PLAN

All land use applications are required to include a Tree Protection Plan addressing all trees on the site and within 15 feet of the site, including street trees, which includes an assessment of the tree's health and relative tolerance for the construction disturbance proposed and recommendations for the treatment of each tree prepared by an arborist. The materials provided suggest that a Tree Protection Plan will be provided, but none has been included with the submittals.

The applicant is aware of the need to protect the existing trees during construction, a specific Tree Protection Plan is submitted with this supplement to the application.

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EXTERIOR ELEVATIONS

The submittal requirements for Site Design Review call for exterior elevation drawings of all proposed building drawn to a scale of one inch equals ten feet or greater and indicating material, color, texture, shape, design features and any mechanical equipment not enclosed in buildings. While the materials provided include color renderings that will prove very helpful in illustrating the proposal, scalable elevations drawings are still necessary to enable staff and commissions to review the proposal for compliance with standards.

The applicant regrets the omission of all side/rear elevation drawings and they are included in this supplement submittal.

PROPERTY LINE CLARIFICATION

The application notes that individual buildings will be on footprint lots, but there is no plan illustration of the proposed lot configuration. Performance Standards Options submittal requirements include providing plans illustrating the existing and proposed lot lines as well as any existing or proposed easements.

A submittal providing clarification of the footprint lots will be provided as required by the Performance Standards Options.

NEW COTTAGE PLACEMENT/DESIGN

While not strictly a completeness issue, staff has some concern with the new detached cottage. The Site Design Review and Conditional Use Permit components bring the Historic District Design Standards into play, and these generally call for new buildings to be placed in the same plane as the facades of adjacent historic buildings, rather than being set in front of or behind the plane. Staff has some concern, at least initially, that this placement is contrary to the standard, and that it seems to place the cottage in an area which could be better used in providing required functional recreation space for the residents of the development.

The applicant is aware the Historic District Design Standard calls for new buildings to be placed in the same plane as the adjacent historic buildings, however, there were several reasons the cottage was located as presented. One of the primary considerations, for the design of this site, has been preserving the historic homes on Oak Street and the front yard trees. The placement of the cottage was deliberately set back in order to preserve the dominance of the historic homes from the Oak Street view. Both houses are quite set back on the lot, 209 Oak at approximately 30' and 221 Oak at over 60'. Historic District Design Standards would require the cottage to be set back approximately 45' (splitting the difference of the existing setbacks), this would greatly block the view of 221 Oak. Currently, 221 Oak is visible from the corner of Oak Streets and "B" Street. If the cottage was located to the design

standards 221 Oak would not be in site until a pedestrian, coming from the Oak Street and "B" Street corner, passed 209 Oak Street. The new cottage would obscure the historic home.

Rather, the cottage has designed in scale and function as an auxiliary unit of the new "Bricks" townhouses. While the cottage is not orientated to the front of the lot it is facing the decorative driveway (a running bond pattern of aged brick with a concrete border) creating an interior frontage. The cottage orientation will soften the parking lot area for both the tenants of development and the guests and owners of the Oak Street Station Bed and Breakfast on the adjacent property, who share the driveway easement.

In addition to these design considerations, the existing trees make construction in the area between the historic homes problematic (see Figure 2, below).

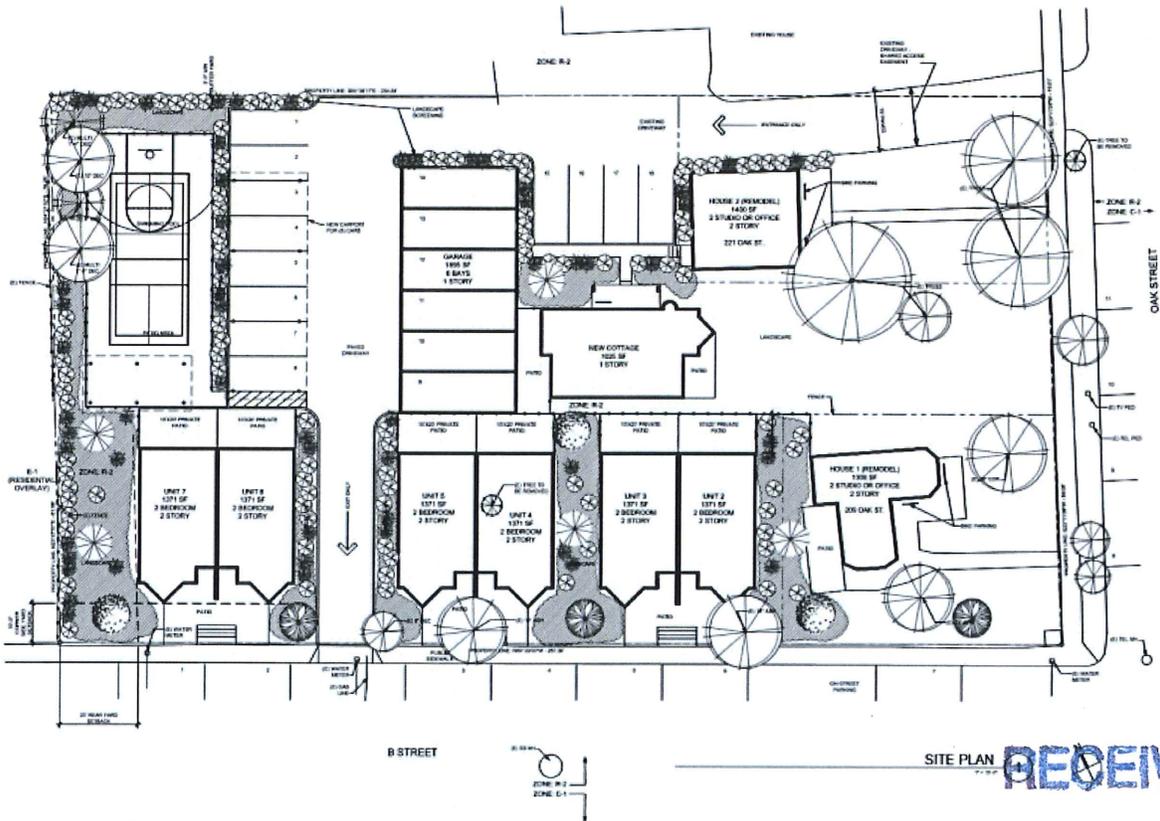


Figure 2

Lastly, Staff suggests that the proposed space would be better used as recreational space. The applicant would note, that there is a major recreational facility on site and believes that there is greater potential for communal space under the mature existing trees at the front of the property.

EXCEPTION TO STREET STANDARDS

While also not a completeness issue with the request, staff would note that it has historically been difficult to justify an Exception to the Street Standards to not install city standard facilities for a proposal that essentially has the opportunity to address the street corridor for an entire block. The intent of the standards is to provide multiple transportation options, create a safe and optimal environment for all users, design streets as public spaces, and enhance the livability of the neighborhoods. The Street Standards recognize that Ashland's streets are some of the most important public spaces in the community and each street component used to create an environment where people feel comfortable and the maximum number of people will walk, bicycle and use transit. Exceptions require a demonstration that the facilities and resultant connectivity proposed are equal or superior to those required under the standards; that the exceptions requested are the minimum necessary to alleviate the difficulty, and that the exceptions are consistent with the purpose and intent of the Street Standards. In staff's view, it may be difficult to approve the Exception as proposed based on on-street parking providing a suitable alternative to a parkrow in buffering pedestrians when both are identified as components of a complete streetscape under the standards. If the mature trees are the basis for an Exception there should be a strong indication from an arborist as to their current health and ability to accommodate the proposed construction disturbance.

The Applicant is, in general, very supportive of the parkrows street standard, and understands that the City's Planning Department and Commission are strong advocates of them for all the reasons addressed above. However, it is believed in this case, the exception should be granted, an opinion that is supported by the Historic Commission. At the Historic Commission of August 8, 2015, the issue of the parkrow was specifically addressed. The minutes of that meeting state: "Mr. Shostrom submitted his comments in an email due to his absence. Mr. Kistler addressed Mr. Shostrom's comments and agreed with *not adding a park row at the curb* and adding porch width on the brownstones."

One of the most significant arguments supporting the exception of a parkrow, discussed at that meeting, was the Urban design of the "Bricks". This specific block of Ashland is an uniquely urban setting (see figure 3, below).

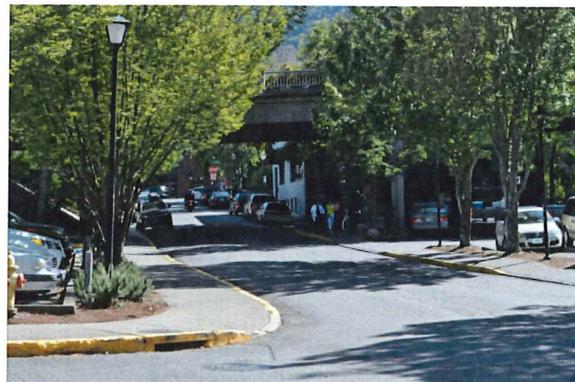


Figure 3

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The "Bricks" were designed for this block and as the Architect, Raymond Kistler, says; the development would not be appropriate for another site even a block away. Equally so, a parkrow is a suburban feature and is not appropriate for this specific urban frontage. It should also be noted that on the opposite side of the street there is a partial sidewalk, it assumed that someday in the future there will be a sidewalk upgrade, but there is not now nor will ever be a parkrow (see Figure 4, below).



Figure 4

Both the point that, the existing continual on-street parking buffers pedestrians and there are mature trees that would be saved if possible, may not reach the level of an out-right exception to the street standard, they are additional support for that decision. The requirement to add a park row would absolutely require removal of three, possibly four, large, healthy (recently pruned by a professional arborist), trees.

Additionally, the requirement for a parkrow would greatly reduce the size of the patios in the front of the "Bricks" (an increase to the original size was a result of a request of the Historic Commission) . The patios, and the floor plans were intended to orient public activity, and recreation toward the street. The reduction required by a parkrow would be counter to its intent to have interesting and attractive walkways.

And finally, it was sited that this exception would affect the entire block, while the frontage of the site is the majority of the block it would require the sidewalk to offset as there is no parkrow in front of the Winston Building (on the corner of Oak and "B") or across the street. The Winston Building was completed in 2014 and will not likely, ever, have a parkrow. For these reasons, we feel the suggestion of the first pre-application's comments of improving the sidewalk to match the style of the sidewalk of the Winston building to be the most beneficial overall. (see figure 5, below)



Figure 5

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Respectfully submitted by:

Raymond Kistler
Raymond Kistler, Principal Architect
Kistler Small + White, Architects

SEP 10, 2015
Date

Enclosures: Drawings:
Applicant's Statement of Completeness
Lot Plan
Tree Protection Plan
Brownstone Exterior Elevations
House 1 Exterior Elevations
House 2 Exterior Elevations
Garage Exterior Elevations
Cottage Exterior Elevations
Site Survey

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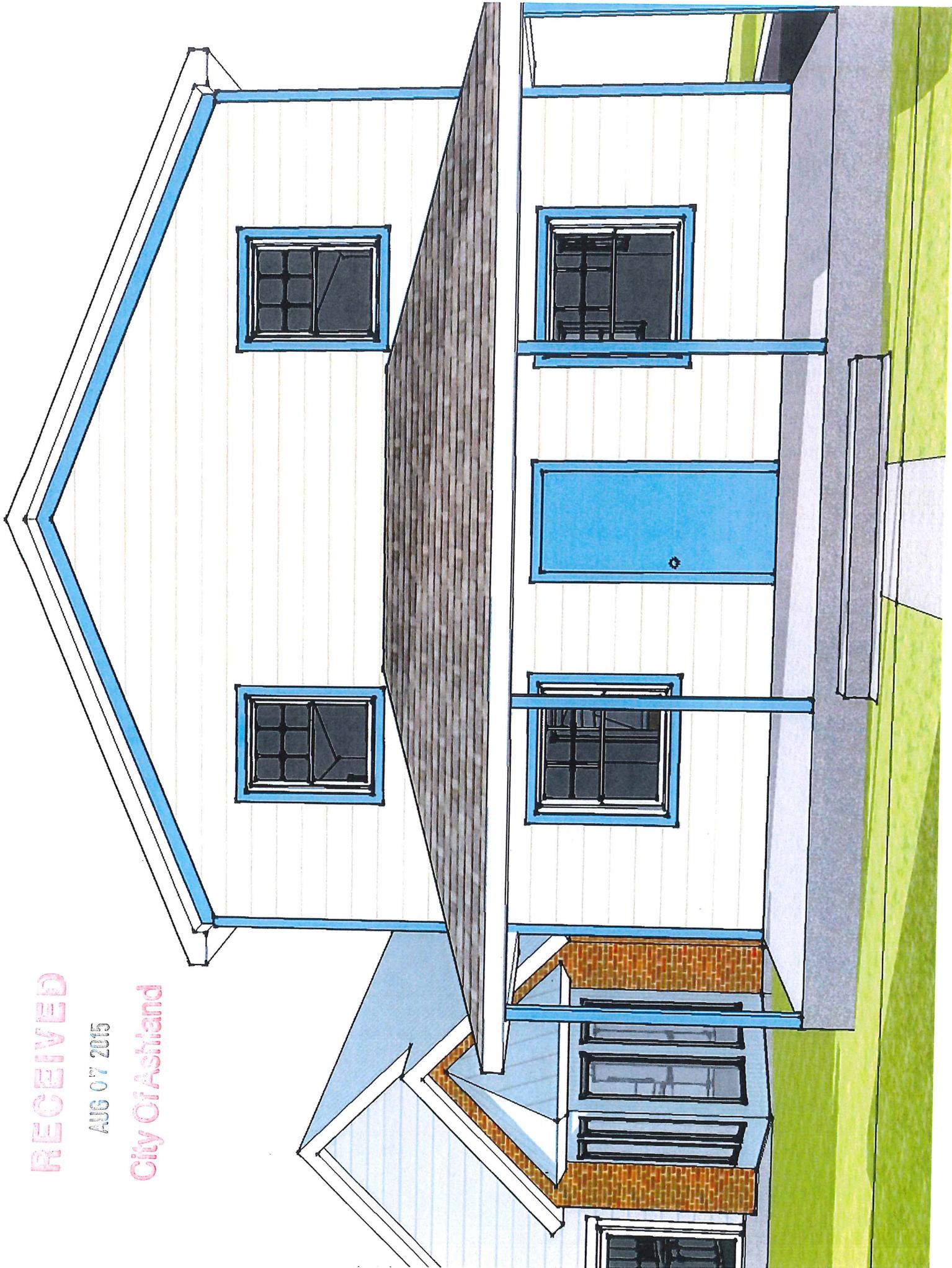
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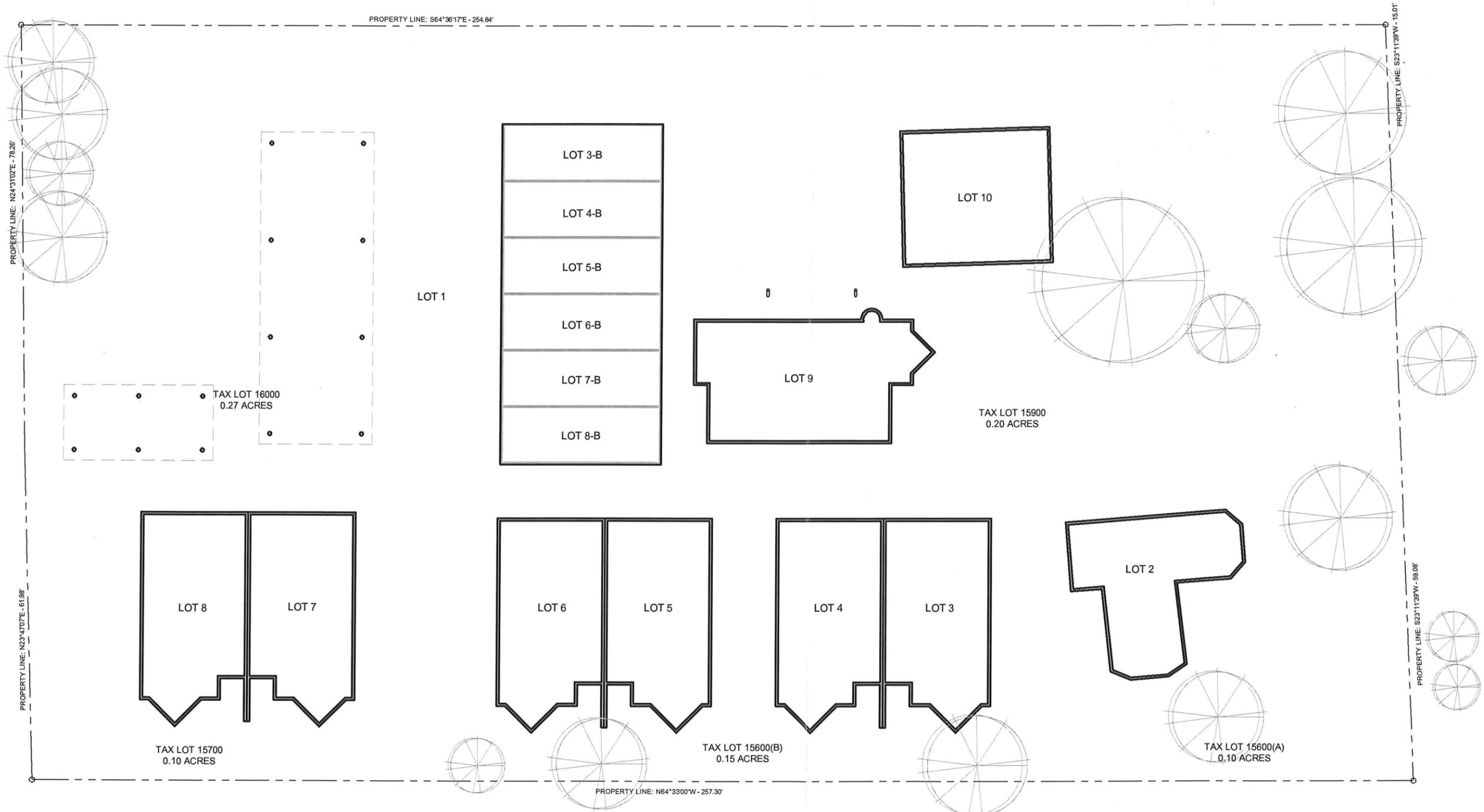
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B STREET

LOT PLAN

1

TOTAL ACREAGE = .82 AC

1" = 10'-0"

B STREET. BROWNSTONE TOWNHOUSES

11 B STREET. ASHLAND, OREGON

REVISIONS

LOT PLAN

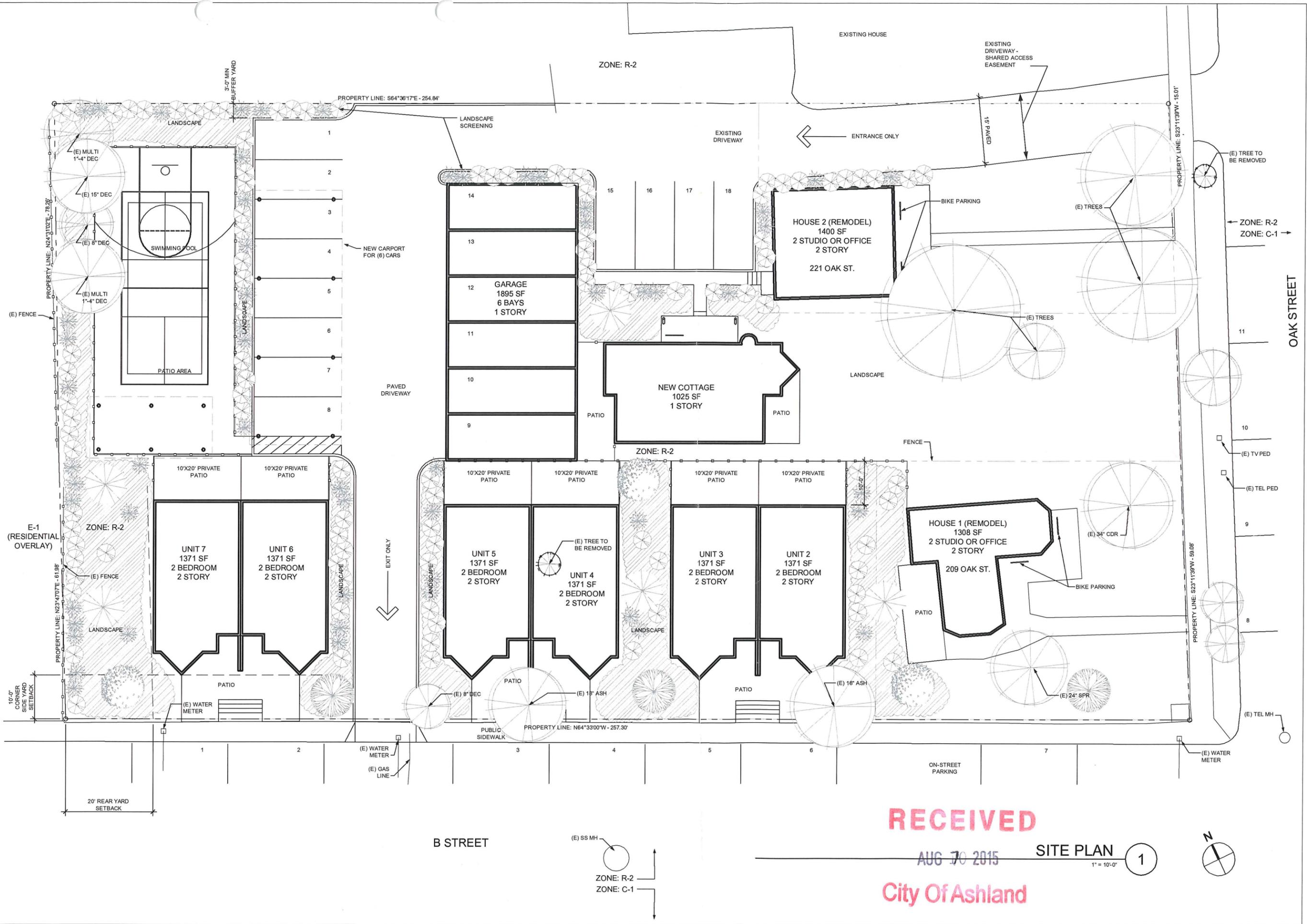
PROJECT: 14-028

ISSUE DATE: -

SHEET:

1

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B STREET. BROWNSTONE TOWNHOUSES

11 B STREET. ASHLAND, OREGON

REVISIONS

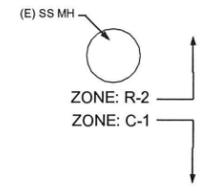
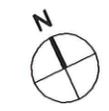
SITE PLAN

PROJECT: 14-028
ISSUE DATE: -
SHEET:

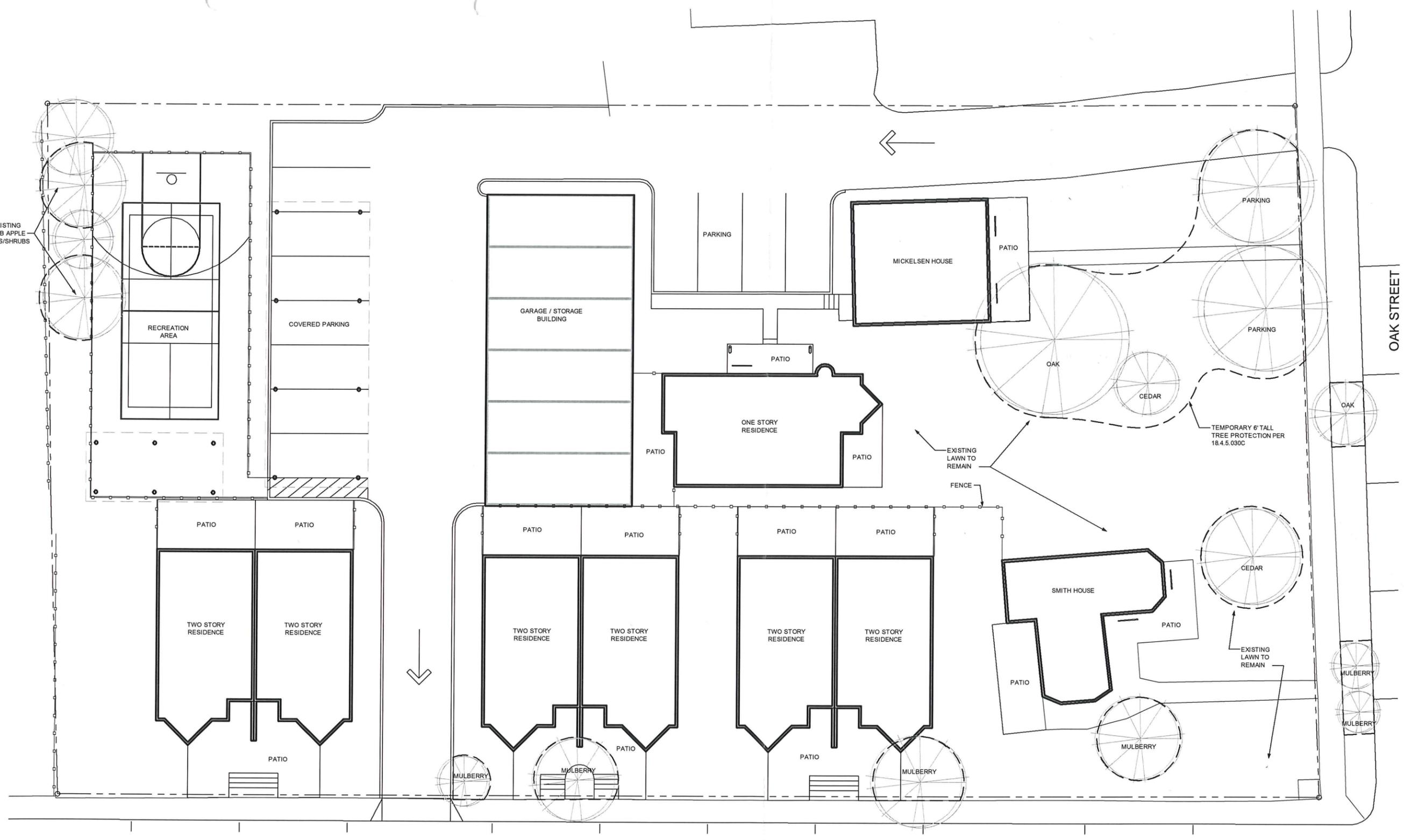
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SITE PLAN 1
1" = 10'-0"



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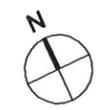


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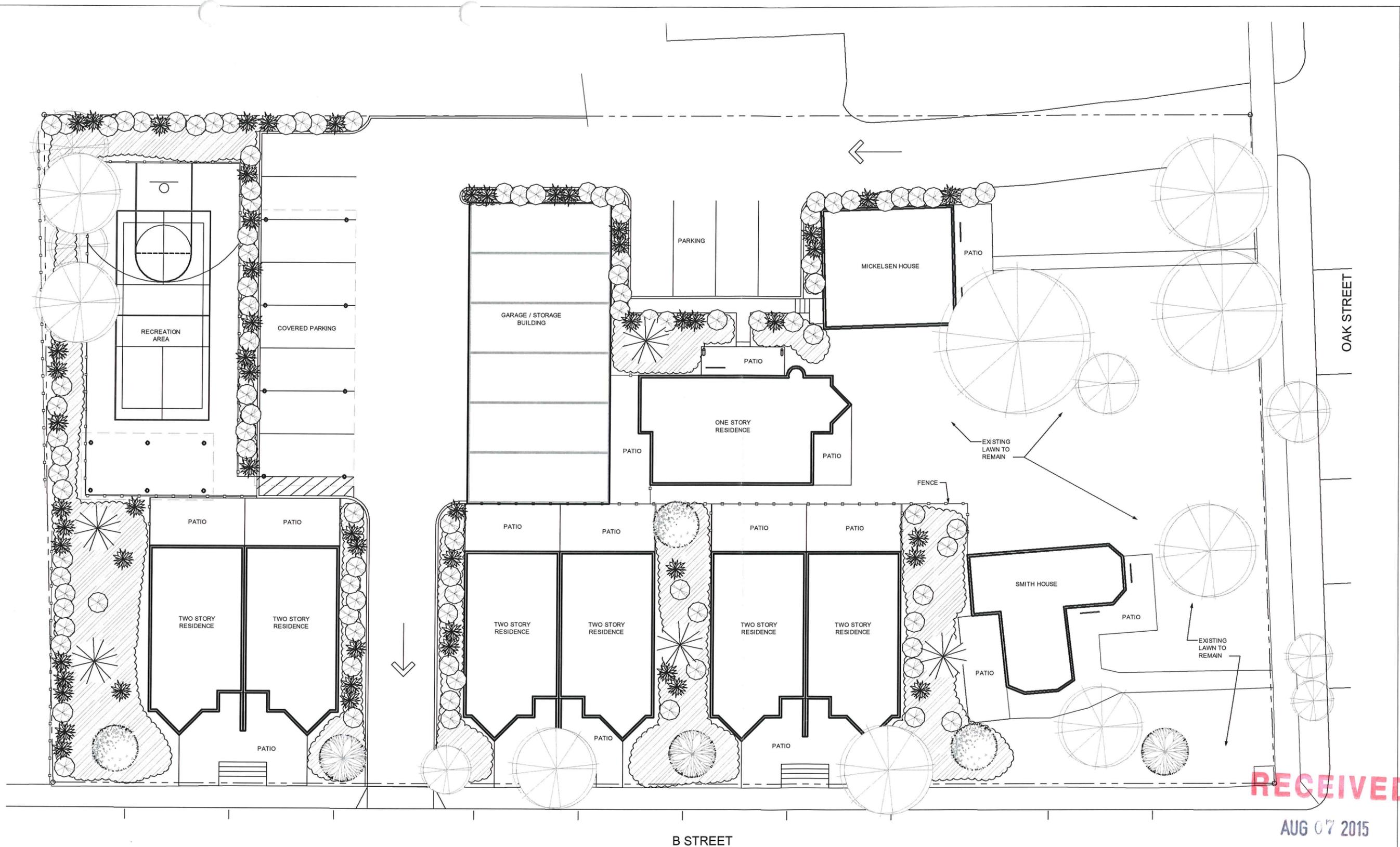
B STREET

ALL REMAINING TREES TO BE INDIVIDUALLY PROTECTED PER 18.4.5.030C

TREE PROTECTION PLAN 1
1" = 10'-0"



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PLANTING LEGEND

- | | | | |
|--|---------------------------|--|--------------------------------|
| | EXISTING TREE TO REMAIN | | NEW SHRUB: OREGON BOXWOOD |
| | NEW TREE: WESTERN DOGWOOD | | NEW SHRUB: OREGON GRAPE |
| | NEW TREE: PONDEROSA PINE | | NEW GROUND COVER: KINNIKINNICK |
| | NEW TREE: BIG LEAF MAPLE | | |

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LANDSCAPE PLAN

1

1" = 10'-0"



B STREET. BROWNSTONE TOWNHOUSES

11 B STREET. ASHLAND, OREGON

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LANDSCAPE PLAN

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L1

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HOUSE 1 - NORTH ELEVATION 3
1/4" = 1'-0"



HOUSE 1 - WEST ELEVATION 1
1/4" = 1'-0"



HOUSE 1 - SOUTH ELEVATION 4
1/4" = 1'-0"



HOUSE 1 - EAST ELEVATION 2
1/4" = 1'-0"

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HOUSE 1
EXTERIOR
ELEVATION

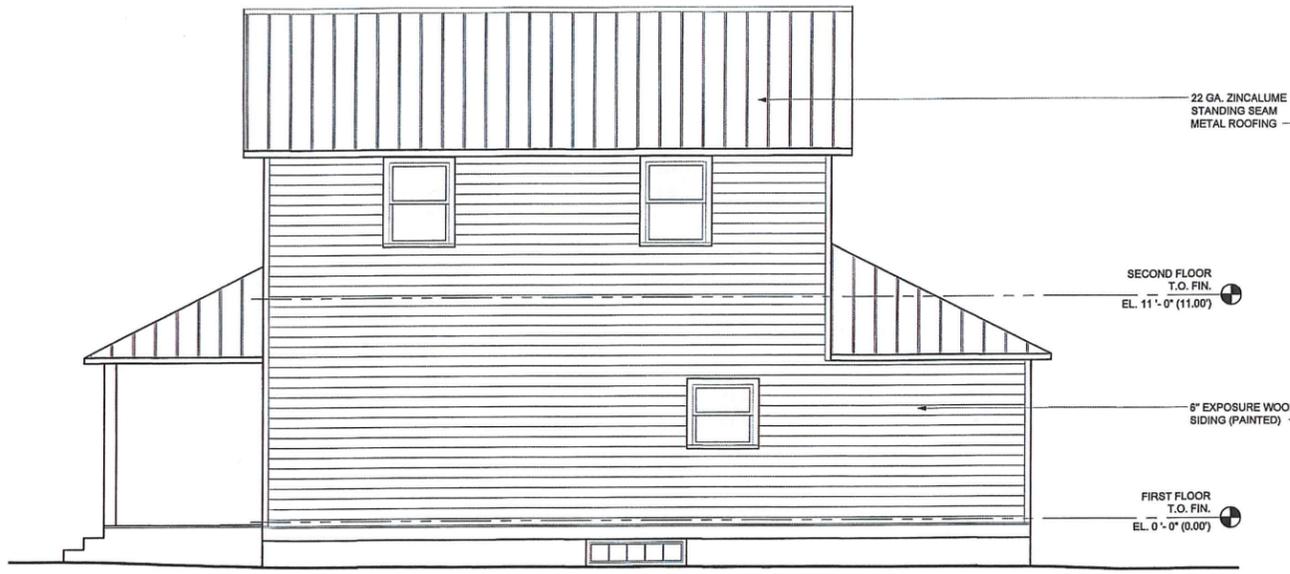
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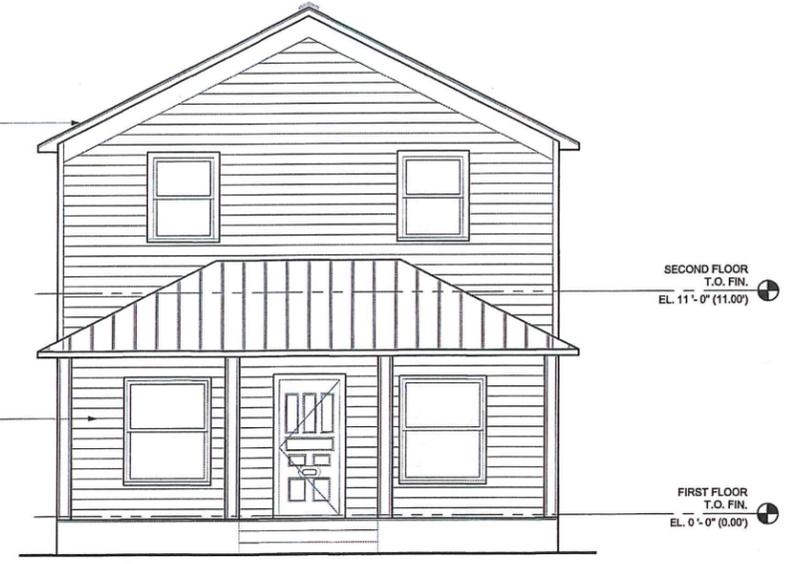
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HOUSE 2 - NORTH ELEVATION 1
1/4" = 1'-0"



HOUSE 2 - EAST ELEVATION 1
1/4" = 1'-0"



HOUSE 2 - SOUTH ELEVATION 1
1/4" = 1'-0"



HOUSE 2 - WEST ELEVATION 1
1/4" = 1'-0"

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HOUSE 2
EXTERIOR
ELEVATION

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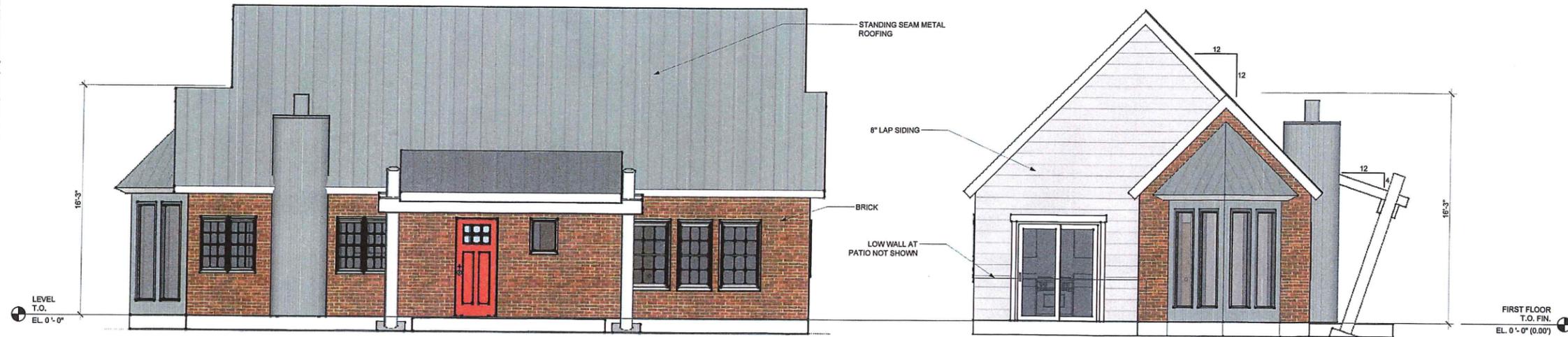
EXTERIOR
ELEVATIONS

PROJECT: 14-028

ISSUE DATE: -

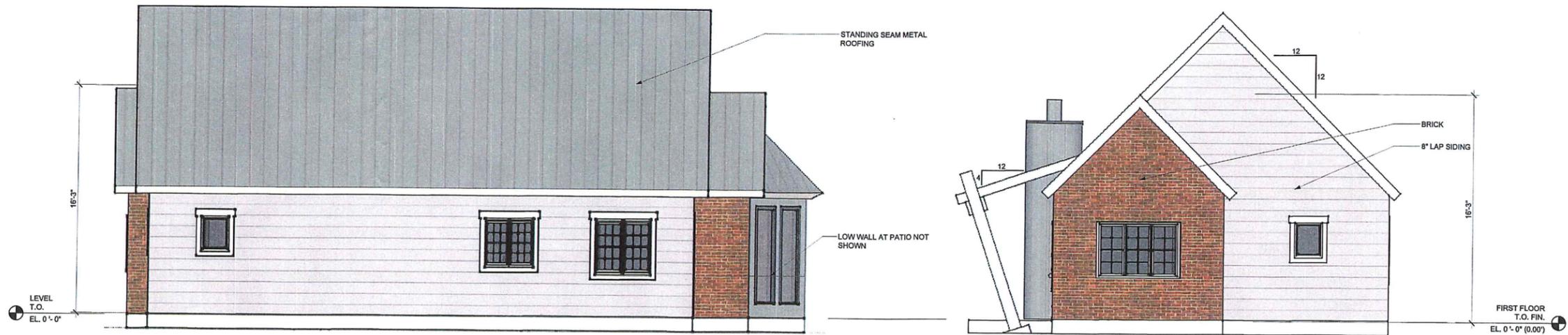
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NORTH ELEVATION (FRONT) 1
1/4" = 1'-0"

EAST ELEVATION (SIDE) 2
1/4" = 1'-0"



SOUTH ELEVATION (REAR) 3
1/4" = 1'-0"

WEST ELEVATION (SIDE) 4
1/4" = 1'-0"

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KEY NOTES

- ① BRICK
- ② ZINC-ALUM SIDING
- ③ STANDING SEAM METAL ROOFING
- ④ CONTINUOUS SM GUTTER
- ⑤ CONCRETE PATIO & STEPS
- ⑥
- ⑦
- ⑧
- ⑨
- ⑩
- ⑪
- ⑫

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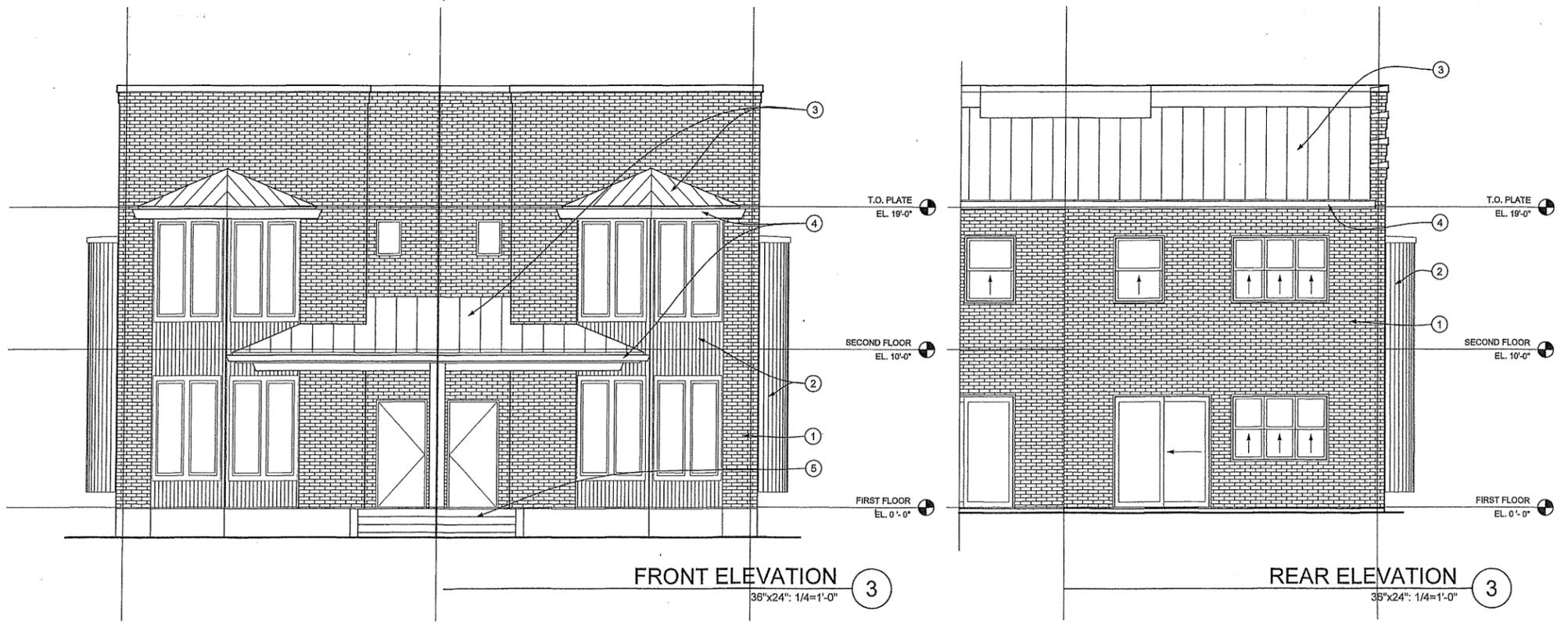
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EXTERIOR
ELEVATION
EAST

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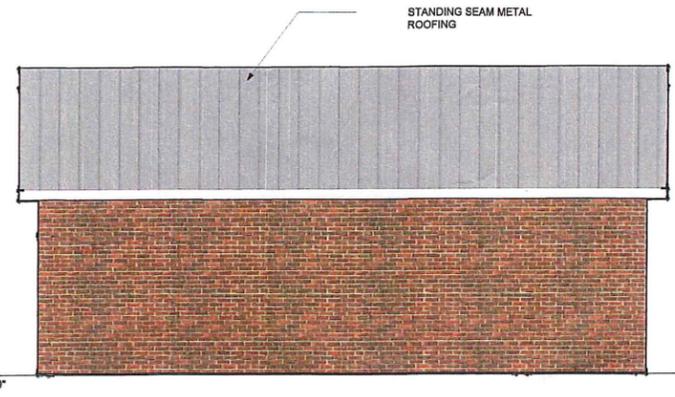


- GENERAL PLAN NOTES**
1. ALL DIMENSIONS ARE TO FACE OF STRUCTURE UNLESS NOTED OTHERWISE.
 2. ALL INTERIOR PARTITIONS ARE TYPE 1B UNLESS NOTED OTHERWISE.

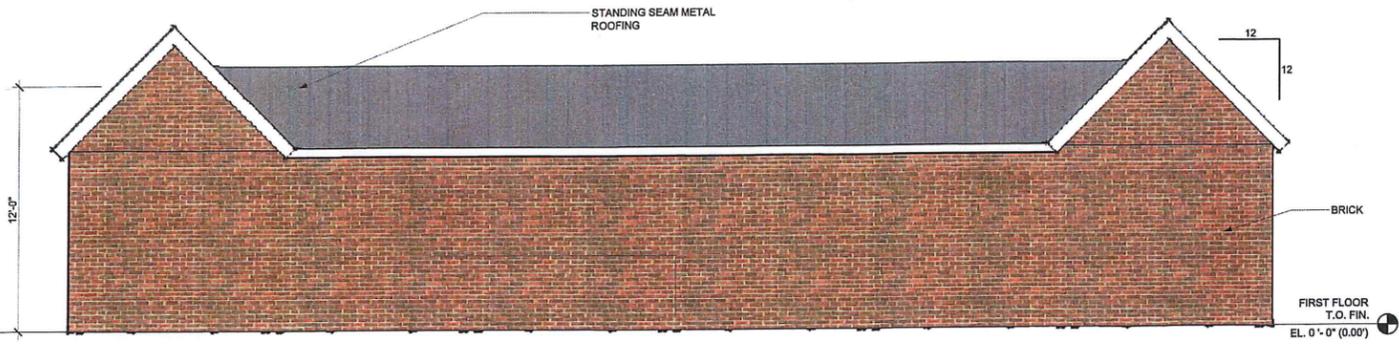
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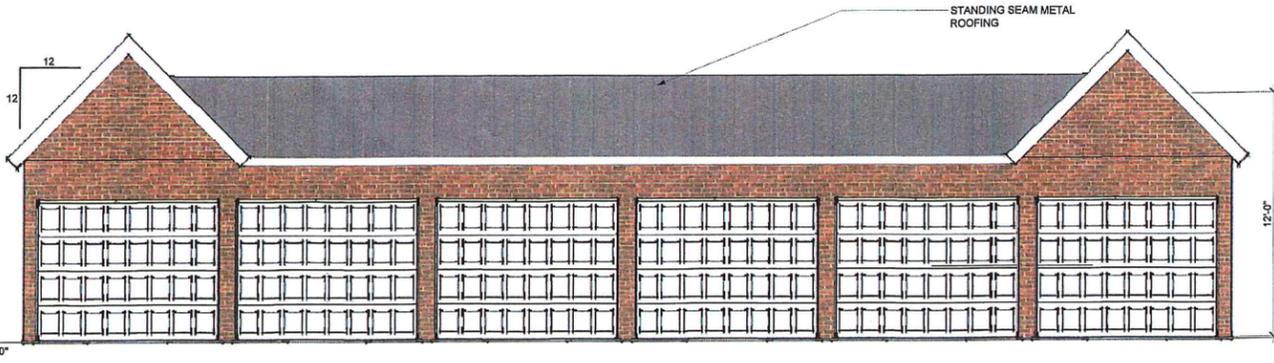
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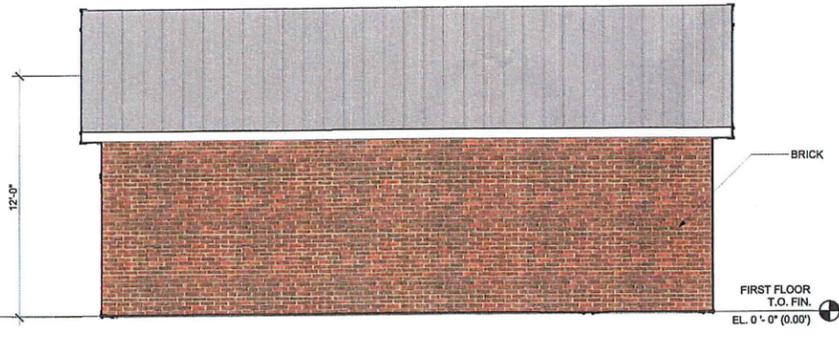
NORTH ELEVATION (SIDE) 1
1/4" = 1'-0"



EAST ELEVATION (REAR) 2
1/4" = 1'-0"



WEST ELEVATION (FRONT) 3
1/4" = 1'-0"



WEST ELEVATION (SIDE) 4
1/4" = 1'-0"

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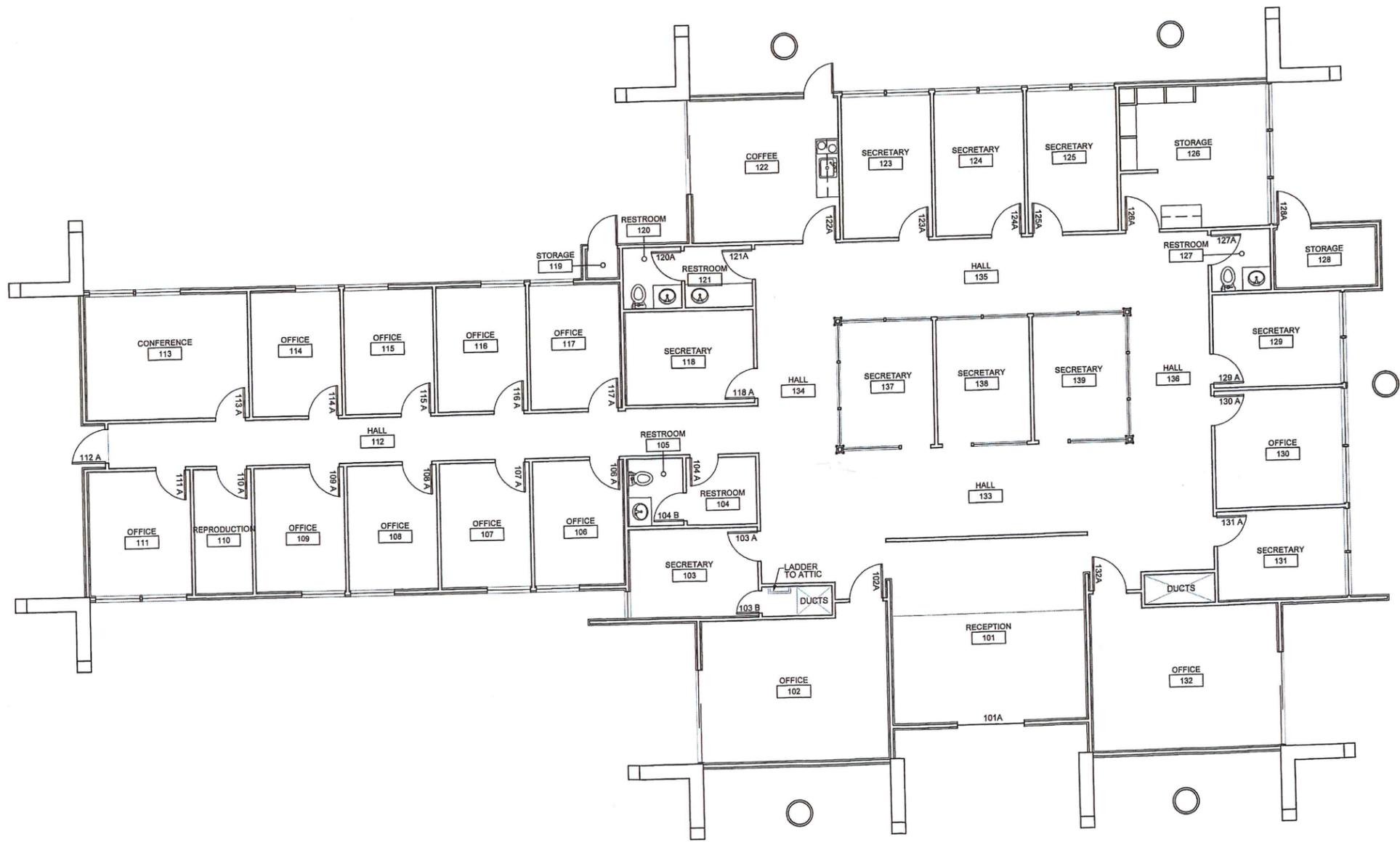
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FIRST FLOOR PLAN 1
3/16" = 1'-0"

CHIRWIN OFFICE BUILDING
TENANT IMPROVEMENT
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FIRST FLOOR
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