

LAND USE APPLICATION  
CITY OF SHERWOOD, OREGON

# PINE STREET MIXED USE DEVELOPMENT

**Tax Lot 2S1 32BC 03100**

February 18, 2021

**OWNER:**

**Joe Keizur  
6244 SE Jess Court  
Hillsboro, Oregon 97123**

**APPLICANT:**

**AJK Investments  
4660 NE Belknap Ct. #101U  
Hillsboro, OR 97124  
Contact: Joe Keizur  
Phone: 503-332-3483  
Email:**

**APPLICANT'S REPRESENTATIVE:**

**Pioneer Design Group  
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Email: msprague@pd-grp.com**

## **FACT SHEET**

Project Action: **Pine Street Mixed Use Development**

Tax Map/Lot: 2S1 32BC 03100

Site Size: 0.11 Acres

Addresses: 22415 SW Pine Street, Sherwood, OR 97140

Location: On the north side of the intersection of SW Pine Street and NW 2<sup>nd</sup> Avenue, Sherwood

Zoning: Retail Commercial (RC)

Overlay: Old Town (OT) Overlay District (Smockville)

### **Owner:**

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## **GENERAL INFORMATION**

The Applicant seeks approval of an application for a Type IV Site Plan Review and Old Town Overlay Review to construct a three-story mixed-use building in Sherwood's Old Town Overlay District (Smockville), consisting of 5 attached mixed use units with ground floor live/work space and 2 floors of residential living space above. This narrative has been prepared in order to describe the proposed development and compliance with the relevant sections of the City of Sherwood's Zoning and Community Development Code.

Neighborhood Meeting: The Applicant held a virtual neighborhood meeting to discuss the proposed development on February 2<sup>nd</sup>, 2021. Notice was mailed to all property owners within 1,000 feet of the site prior to the meeting. All required materials from the neighborhood meeting are included with this application.

## **VICINITY & SITE INFORMATION**

Site Location: The subject site is approximately 0.11 acres, and is identified as Tax Lot 2S132BC03100. The site is rectangular in shape with frontages on SW Pine Street and SW 2<sup>nd</sup> Street, with frontage from an alleyway along the short east property boundary. The City of Sherwood Comprehensive Plan indicates the site is Zoned RC and is located in the Old Town Smockville Overlay area.

Existing Uses: The site is currently vacant. There was a previous land use application approval for the site, LA 18-05, approved on 2/26/2019. The approval was for development of a three-story mixed-use building on the subject site. However, that approval has lapsed and is no longer valid.

Surrounding Land Uses: The properties abutting the site are all zoned Retail Commercial (RC). Parcels across SW 2<sup>nd</sup> Street, west of the site, are zoned Medium Density Residential Low (MDRL)

Topography: The site topography is generally flat. There are no significant natural features on this property.

Vegetation: The site is vacant with mowed grass and no on-site trees.

Transportation: Transportation facilities for automobile, transit, pedestrians, and bicyclists are well developed in the Old Town District. The site has frontages on SW Pine Street (north side), SW Second Street (west side), and the midblock alleyway (east side).

SW Pine Street is a designated arterial. The TSP specifies a 60-foot right-of-way, with 40-foot paved section, including 8-foot parking lanes.

SW Second Street is a standard residential street. The TSP specifies a 60-foot right-of-way, with 28-foot paved section, including an 8-foot parking lane on one side. There is also a public alley along the south side of the property. The alley is 14 feet in width, with compacted gravel surface.

The site is within the Tri-Met service district boundaries. The Old Town District is served by bus routes #93 (Tigard/Sherwood) and #94 (Pacific Highway/Sherwood). These routes run on 99W (Pacific Hwy), and enter Old Town on Sherwood Blvd. looping through Old Town on SW Main Street, SW Pine and SW 1<sup>st</sup> Street.

## **PROJECT DESCRIPTION**

The Applicant proposes to construct a new three-story mixed-use building on the subject site containing 5 single-family attached mixed-use units. Each unit will include 321 square feet of live/work space on the ground floor, along with a single-car garage accessed from a proposed alley to the rear of the building, and 1,586 sf of residential living space spread across the 3 floors.

The live/work component of each unit is located at the front of the building, with direct pedestrian access to SW Pine Street and significant along the street. Each live/work area also includes a covered porch and entry foyer, optional sink/utility area, a self-contained ADU compliant bathroom, and controlled access to the residential area of the unit from the rear.

Each unit is proposed to include a rear-entrance garage accessed from the proposed private alley, along with individual pedestrian access. The upper floors will consist of open concept living on the second floor, and 3 bedrooms and household utilities on the third floor.

The proposed building has been designed in the Sherwood Old Town Smockville historical style. The building will be constructed with a brick façade along the ground floor, with substantial storefront glazing also grouped along the first floor with well-defined pedestrian entryways. The first floor is divided into a series of bays by the detailing of individual units, providing vertical rhythm, with an overall symmetry provided along Pine Street. The building features a prominent base, stringcourse detailing between floors and detailing at the cornice. The windows on the façade are oriented vertically.

The site has frontage on SW Pine Street, SW Second Street and the midblock alleyway. The applicant is proposing new sidewalks and street trees along the frontage. The midblock alley will be improved with new gravel along the frontage of the site to the edge of the property line. Sanitary Sewer, storm and water connections will be provided from the midblock alley.

The design for the site includes providing new curb returns on SW Pine Street, and standard half-street improvement for SW 2<sup>nd</sup> Street, including relocating the curb to meet the 14-foot centerline standard. A sidewalk and street trees will also be provided.

Runoff from the roof of the proposed building and drive aisle (5,006 sq. ft.) will be conveyed into a proprietary single cartridge stormfilter catch basin for treatment. The water quality catch basin will provide treatment for all contributing impervious surfaces in accordance with Clean Water Services' "Design and Construction Standard's for Sanitary and Storm Water Management" (R&O 19-22) Section 4.04. The new impervious area (2,816 sq. ft.) created by the half street improvement of SW 2nd Street and the pavement replacement for the utility trenches in SW Pine Street are not collected and will not be treated. A water quality fee-in-lieu payment for these areas is requested with the project.

**COMPLIANCE WITH CITY OF SHERWOOD COMMUNITY DEVELOPMENT CODE**

***Title 16 -ZONING AND COMMUNITY DEVELOPMENT CODE***

***Division II. - LAND USE AND DEVELOPMENT***

*Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS 16.22.020 – Uses*

*16.22.010 – Purpose...*

- C. Retail Commercial (RC) - The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII...*

**RESPONSE:** The property is zoned Retail Commercial (RC) within the Smockville Old Town Overlay District.

*16.22.020 – Uses*

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.*
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.*
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.*
- D. Additional limitations for specific uses are identified in the footnotes of this table.*

<b><i>RESIDENTIAL</i></b>	
<i>• Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.<sup>2, 3</sup></i>	<i>P</i>
<b><i>COMMERCIAL</i></b>	
<i>• Commercial trade schools, commercial educational services and training facilities</i>	<i>P</i>
<b><i>CIVIC</i></b>	
<i>• Religious institutions, private fraternal organizations, lodges and secondary uses</i>	<i>P</i>
<i>• Public and private schools providing education at the elementary school level or higher</i>	<i>C</i>

<i>COMMERCIAL</i>	
• <i>Commercial trade schools, commercial educational services and training facilities</i>	<i>P</i>
<i>Entertainment/Recreation</i>	
• <i>Motion picture and live theaters within enclosed building</i>	<i>P</i>
• <i>Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities</i> <sup>4</sup>	<i>P</i>
<i>Hotels and Motels</i>	<i>P</i>
<i>Office and Professional Support Services</i>	
• <i>Business and professional offices</i>	<i>P</i>
• <i>Medical and dental offices and urgent care facilities</i>	<i>P</i>
• <i>Business support services such as duplicating, photocopying, mailing services, fax and computer facilities</i>	<i>P</i>
<i>Childcare</i>	
• <i>Day cares, preschools, and kindergartens, when clearly secondary to a permitted use</i>	<i>P</i>
• <i>Day cares, preschools, and kindergartens as a stand-alone use.</i>	<i>P</i>
• <i>General Retail – sales oriented</i>	
• <i>General retail trade, not exceeding 10,000 square feet of gross square footage</i>	<i>P</i>
• <i>General retail trade greater than 10,000 square feet of gross square footage</i>	<i>P</i>
• <i>Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)</i>	<i>P</i>
<i>Personal Services</i>	
• <i>Health clubs and studios less than 5,000 square feet in size</i>	<i>P</i>
• <i>Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services</i>	<i>P</i>
<i>Eating and Drinking establishments</i>	
• <i>Restaurants, taverns, and lounges without drive-thru</i> <sup>7</sup>	<i>P</i>

- 2 *The residential portion of a mixed-use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.*
- 3 *Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.*
- 4 *Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.*

**RESPONSE:** The Smockville Old Town Overlay District allows a range of Commercial uses including General Retail; Personal Services; Office and Professional Support Services; Eating and Drinking Establishments; and Multi-Family Housing when secondary to the commercial uses.

The proposed mixed-use development will provide 5 attached units with residential area on the upper floors, with ground floor live/work space supporting a range of future commercial uses, as indicated within the above Table. All proposed uses are allowed outright in the RC zone.

*16.22.030 - Development Standards*

*A. Generally*

*No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)*

**RESPONSE:** The subject site is currently vacant, so there are no established setbacks. The application is subject to the relevant setbacks of the zone and the Old Town Overlay District.

*B. Development Standards*

*Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table*

	<i>RC</i>
<i>Lot area</i>	<i>5,000 sq. ft.</i>
<i>Lot width at front property line</i>	<i>40 ft</i>
<i>Lot width at building line</i>	<i>40 ft</i>
<i>Front yard setback<sup>9</sup></i>	<i>0</i>
<i>When abutting residential zone</i>	<i>Same as abutting residential zone</i>
<i>Side yard setback<sup>9</sup></i>	<i>0</i>
<i>When abutting residential zone or public park</i>	<i>10 ft</i>
<i>Rear yard setback<sup>9</sup></i>	<i>0</i>
<i>When abutting residential zone or public park</i>	<i>10 ft.</i>
<i>Corner Lot<sup>9</sup></i>	
<i>Height 10, 11</i>	<i>50 ft<sup>13,14</sup></i>

<sup>9</sup> *Existing residential uses shall maintain setbacks specified in the High Density Residential Zone (16.12.030).*

<sup>13</sup> *Structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area.*

- <sup>14</sup> *Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.*

**RESPONSE:** The subject site is approximately 5,000 square feet in area (0.11 acres), with a width of 50 feet and a depth of 100 feet. The building will have 0-foot front and side yard setbacks, with a 15-foot rear yard setback from the building on the first floor and 10 foot on the second and 3<sup>rd</sup> stories. A maximum overall height of 40 feet is proposed.

The requirements of this section have been met.

## ***DIVISION V – COMMUNITY DESIGN***

### ***Chapter 16.90 - SITE PLANNING***

#### ***16.90.020 - Site Plan Review***

##### ***A. Site Plan Review Required***

*Site Plan review is required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use. For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:*

- 1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.*
- 2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.*
- 3. The activity involves non-conforming uses as defined in Chapter 16.48.*
- 4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.*
- 5. The activity is subject to site plan review by other requirements of this Code.*
- 6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.*

**RESPONSE:** The application constitutes a new use of the currently vacant site, and is therefore subject to the City's Site Plan Review Process.



*B. Exemption to Site Plan Requirement*

- 1. Single and two family uses*
- 2. Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks.*

**RESPONSE:** The application does not meet the Site Plan Review Exemption requirements.

*C. Reserved*

*D. Required Findings*

*No site plan approval will be granted unless each of the following is found:*

- 1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.*

**RESPONSE:** The applicant has addressed compliance all applicable zoning district standards and design standards in Division II and all provisions of Divisions V, VI, VIII, and IX within this land use narrative.

The requirements of this section have been met.

- 2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.*

**RESPONSE:** The applicant has addressed all applicable criteria in this narrative and has provided a utility plan demonstrating that the proposed development can be adequately served by services conforming to the Community Development Plan.

The requirements of this section have been met.

- 3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.*

**RESPONSE:** The applicant acknowledges that covenants, agreements and other specific documents are adequate in the City's determination of ownership, management, maintenance of structures, landscaping and other on-site features. The proposed building and on-site features will be maintained by the owner. While an HOA is likely to be established for the management and maintenance of shared spaces, use/maintenance/ownership responsibilities will be confirmed prior to Final Land Use Approval.

The requirements of this section have been met.

4. *The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.*

**RESPONSE:** The subject site is currently vacant and is free of significant natural features. The requirements of this section are not applicable.

5. *For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.*

**RESPONSE:** The City Engineer has not requested a Traffic Impact Analysis for this project. The International Trip Generation Manual (10<sup>th</sup> Edition) (ITE) provides estimated trip rates for the uses which have been contemplated within the development.

The development consists of five (5) attached residential units, capable of generating approximately 18 average daily trips (ITE Code 231 Mid-Rise Residential with 1st-Floor Commercial). The building also contains 1,605 sf of live work space, with an expected trip generation of between 61 average daily trips (ITE Code 820 – Shopping Center) and 18 average daily trips (ITE Code 710 – General Office Building). The total number of trips which may be generated by the project is therefore not expected to exceed 80 average daily trips.

The requirements of this section are not applicable.

6. *The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities.*

*Urban design standards include the following:*

- a. *Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.*
- b. *Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.*

- c. *The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.*
- d. *As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multifamily, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.*
- e. *As an alternative to the standards in Sections 16.90.020.D.6.a—c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.*
- f. *As an alternative to the standards in Sections 16.90.020.D.6.a.—e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.*

**RESPONSE:** The applicant has prepared a design which considers the Old Town Design Standards of Chapter 16.162 within this narrative, per subsection 6.e above. The proposed building has been designed to comply with these standards.

Specifically, it is noted that as per the building elevations submitted with this application, each live/work area has direct access to the primary street, SW Pine Street, via a covered entry. The building walls are located at the back of sidewalk along the primary street frontages, and significant glazing exists on all floors of the primary façade. In particular, the ground floor live/work space has large vertical windows divided by divisions to break up the mass and provide architectural variation.

The requirements of this section have been met.

- 7. *Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by*

*reducing the "bulk" appearance of large buildings. Industrial design standards include the following:*

**RESPONSE:** The subject site is zoned Retail Commercial and will not include industrial development.

The requirements of this section are not applicable.

8. *Driveways that are more than twenty-four (24) feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.*

**RESPONSE:** The proposed development does not include driveways.

The requirements of this section have been met.

### ***Chapter 16.92 – LANDSCAPING***

#### ***16.92.010 - Landscaping Plan Required***

*All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.*

**RESPONSE:** The proposed development will be a commercial mixed-use development in the Old Town Overlay District and will occupy 100% of the site with buildings or paved roads; therefore, landscaping is not required.

#### ***16.92.030 - Site Area Landscaping and Perimeter Screening Standards***

- C. *Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.*

**RESPONSE:** Mechanical equipment is limited to typical residential and live/work uses, and is generally to be provided within the garages of individual units. Any mechanical equipment or storage not to be located within the garage will be appropriately screened. All service areas can be accessed from the new private alley to the rear of the building.

The requirements of this section have been met.

### ***Chapter 16.94 - OFF-STREET PARKING AND LOADING***

*16.94.010 - General Requirements*

*A. Off-Street Parking Required*

*No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.*

*16.94.020 - Off-Street Parking Standards*

*A. Generally*

*Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.*

**RESPONSE:** The subject site is located within the Smockville Area of the Old Town Overlay District; therefore, off-street parking is not required pursuant to Section 16.162.070.C. The proposed development will however provide single car garages for each unit.

The requirements of this section are not applicable.

*B. Bicycle Parking Facilities*

*1. General Provisions*

- a. Applicability. Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.*
- b. Types of Spaces. Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students,*

*residents, commuters, and others who generally stay at a site for at least several hours a weatherprotected place to park bicycles.*

- c. Minimum Number of Spaces. The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.*
- d. Minimum Number of Long-term Spaces. If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.*
- e. Multiple Uses. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.*

*2. Location and Design.*

*a. General Provisions*

- (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.*
- (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.*
- (3) Lighting. Bicycle parking shall be at least as well-lit as vehicle parking for security.*
- (4) Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.*
- (5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.*
- (6) Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.*

*b. Short-term Bicycle Parking*

- (1) *Provide lockers or racks that meet the standards of this section.*
  - (2) *Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.*
- c. *Long-term Bicycle Parking*
- (1) *Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).*
  - (2) *Locate the outside bicycle parking spaces within one hundred (100) feet of the entrance that will be accessed by the intended users.*
  - (3) *All of the spaces shall be covered.*
- d. *Covered Parking (Weather Protection)*
- (1) *When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.*
  - (2) *Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.*
  - (3) *Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.*

*Table 4: Minimum Required Bicycle Parking Spaces*

<i>Use Categories</i>	<i>Minimum Required Spaces</i>
<i>Residential Categories</i>	
<i>Household living</i>	<i>Multi-dwelling — 2 or 1 per 10 auto spaces. All other residential structure types — None</i>
<i>Commercial Categories</i>	
<i>Retail sales/service office</i>	<i>2 or 1 per 20 auto spaces, whichever is greater</i>

**RESPONSE:** The proposed development will include mixed uses (residential and live/work). The subject site is located within the Smockville Overlay Zone; therefore, pursuant to Section 16.162.070.C. off-street vehicle parking is not required.

Based on Table 4 above, a total of four bicycle parking spaces is required. The applicant has provided four short bicycle parking spaces along SW Pine Street, as indicated by Construction Note 7 of submitted plan sheet P3. Long Term bicycle parking is provided within the residential garage of each unit.

The requirements of this section have been met.

*16.94.030 - Off-Street Loading Standards*

*A. Minimum Standards*

- 1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.*
- 2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.*
- 3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.*
- 4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:*
  - a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.*
  - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.*

**RESPONSE:** The subject site is located within the “Smockville Area” of the Old Town Overlay District, therefore off-street loading is not required per Section 16.162.070.D.

*B. Separation of Areas*

*Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets.*

*Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.*

*C. Exceptions and Adjustments.*



*The review authority, through Site Plan Review, may approve loading areas within a street right-of-way in the Old Town Overlay District when all of the following conditions are met:*

- 1. Short in duration (i.e., less than one (1) hour);*
- 2. Infrequent (less than three (3) operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);*
- 3. Does not unreasonably obstruct traffic; [or] Does not obstruct traffic during peak traffic hours;*
- 4. Does not obstruct a primary emergency response route; and 5. Is acceptable to the applicable roadway authority.*

**RESPONSE:** The proposed development provides single car garages for each unit. Access to the proposed garages has been provided from the midblock alley.

The requirements of this section have been met.

### ***Chapter 16.96 - ON-SITE CIRCULATION***

#### ***16.96.010 - On-Site Pedestrian and Bicycle Circulation***

##### ***A. Purpose***

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single-family detached housing), shall provide a continuous system of private pathways/sidewalks.

##### ***B. Maintenance***

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

**RESPONSE:** The proposed development has frontage on SW Pine Street and SW Second Street. Sidewalks are proposed along both street frontages to accommodate pedestrians in a safe and convenient manner.

The requirements of this section have been met.

*C. Joint Access*

*Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.*

*D. Connection to Streets*

- 1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways with paved sidewalk.*
- 2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.*

**RESPONSE:** The subject parcel is bordered by SW Pine Street, SW Second Street and a midblock alley. Vehicular access to the on-site garages has been provided via the midblock access. Joint access is not proposed. All ingress and egress will connect directly to a public street or alleyway.

The requirements of this section have been met.

*E. Maintenance of Required Improvements*

*Required ingress, egress and circulation improvements shall be kept clean and in good repair.*

**RESPONSE:** The applicant acknowledges that the owner is responsible for the maintenance of required ingress, egress and circulation improvements related to the proposed development.

*F. Access to Major Roadways*

*Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:*

- 1. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial*

*roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.*

2. *Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.*
3. *All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.*

**RESPONSE:** The applicant is not proposing ingress or egress from Highway 99W or an arterial.

The requirements of this section are not applicable.

*G. Service Drives*

*Service drives shall be provided pursuant to Section 16.94.030.*

**RESPONSE:** The applicant is not proposing a service drive.

The requirements of this section are not applicable.

*16.96.020 Minimum - Residential standards*

*Minimum standards for private, on-site circulation improvements in residential developments:*

*A. Driveways*

1. *Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.*
2. *Two-Family: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.*
3. *Multi-Family: Improved hard surface driveways are required as follows:*

Number of Units	Number of Driveways	One Way Drive Width (Pair)
3—49	1	15 feet
50 or more	2	15 feet

**RESPONSE:** The proposed development is providing a single one-way driveway 15 feet in width between the public alley on the west and SW 2<sup>nd</sup> Street on the east. Circulation will see vehicles enter the site via SW Pine Street, and exit to SW 2<sup>nd</sup> Street. The requirements of this section are met.

*B. Sidewalks, Pathways and Curbs*

4. *Single, Two-Family, and Manufactured Home on Individual Residential Lot: No onsite sidewalks and curbs are required when not part of a proposed partition or subdivision.*
5. *Multi-family:*
  - a. *A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of development. Main building entrances shall also be connected to one another.*
  - b. *Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.*
  - c. *Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).*
  - d. *Exceptions Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.*

**RESPONSE:** The subject site is located within the Old Town Overlay/Smockville Area. Pedestrian circulation is provided along SW Pine Street and SW Second Street.

The proposed building and improvements will occupy 100% of the site; therefore, no additional pedestrian network is required.

The requirements of this section have been met.

*16.96.030 - Minimum Non-Residential Standards*

*Minimum standards for private, on-site circulation improvements in non-residential developments:*

*A. Driveways*

- 1. Commercial: Improved hard surface driveways are required as follows:*
- 2. Industrial: Improved hard surfaced driveways are required as follows:*
- 3. Surface materials are encouraged to be pervious when appropriate considering soils, anticipated vehicle usage and other pertinent factors.*

**RESPONSE:** The proposed development will not require a driveway; therefore, the requirements of this section are not applicable.

*B. Sidewalks and Curbs*

- 1. A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within five hundred (500) feet of the site, future phases of development, and whenever possible to parks and open spaces.*
- 2. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.*
- 3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway*

*or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.*

4. *Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.*

**RESPONSE:** The subject site has frontage on SW Pine Street and SW Second Street. Both streets have existing curb and sidewalks which will be improved to City standards to provide pedestrian access to all building entrances.

The requirements of this section have been met.

#### *16.96.040 - On-Site Vehicle Circulation*

##### *A. Maintenance*

*No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.*

##### *B. Joint Access [See also Chapter 16.108]*

*Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.*

- C. Connection to Streets 1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways. 2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.*

##### *D. Maintenance of Required Improvements*

*Required ingress, egress and circulation improvements shall be kept clean and in good repair.*

##### *E. Service Drives*

*Service drives shall be provided pursuant to Section 16.94.030.*

**RESPONSE:** The applicant is not proposing any change to the access surrounding the site. Vehicular access to the service area and single car garages will be provided via the midblock alleyway. Sidewalks will extend to all ground floor entrances.

The requirements of this section have been met.

### ***Chapter 16.98 - ON-SITE STORAGE***

#### *16.98.010 - Recreational Vehicles and Equipment*

*Recreational vehicles and equipment may be stored only within designated and improved off-street parking areas. Such areas shall meet the screening and landscaping requirements of Section 16.92.030.*

**RESPONSE:** The proposed development will not provide storage of recreational vehicles or equipment; therefore, the requirements for this section are not applicable.

#### *16.98.020 - Solid Waste and Recycling Storage*

*All uses shall provide solid waste and recycling storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste and recycling storage areas and receptacles shall be located out of public view. Solid waste and recycling receptacles for multi-family, commercial, industrial and institutional uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall and shall be easily accessible to collection vehicles.*

**RESPONSE:** The solid waste and recycling area will be located within an interior loading garage; therefore, screening is not necessary.

The requirements of this section are not applicable.

#### *16.98.030 - Material Storage*

- A. Generally. Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Review Authority as part of a site plan or per Section 16.98.040.*
- B. Standards. Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot to eight (8) foot high, sight obscuring fence subject to chapter 16.58.020. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening*

*no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required.*

- C. *Hazardous Materials. Storage of hazardous, corrosive, flammable, or explosive materials, if such storage is otherwise permitted by this Code, shall comply with all local fire codes, and Federal and State regulations.*

**RESPONSE:** All service and storage activities will be located interior to the building.

The requirements of this section can be met.

*16.98.040 - Outdoor Sales and Merchandise Display*

A. *Sales Permitted*

*Outdoor sales and merchandise display activities, including sales and merchandise display that is located inside when the business is closed but otherwise located outside, shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use.*

1. *Permanent outdoor sales and merchandise display are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82. Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.*
2. *Temporary outdoor sales and merchandise display are seasonal and are not displayed year-round and must meet the requirements of Chapter 16.86 (temporary uses). When the temporary use is not occurring, the site shall return to its original state.*
3. *Food vendors including food carts, ice cream trucks, hotdog stands or similar uses are only permitted as a permanent outdoor sale use as described in A.1 above.*

B. *Standards*

1. *Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.*
2. *Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.*



3. *Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be improved with asphalt surfacing, crushed rock, or other dust-free materials.*
4. *Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone.*

**RESPONSE:** The applicant is not proposing outdoor sales and merchandise display activities; therefore, the requirements of this section have been met.

### ***Chapter 16.100 - PERMANENT SIGNS***

#### *16.100.010 - Common Regulations*

##### *A. Sign Permits*

1. *Except as otherwise provided in this Section and in Chapter 16.102, a person may not construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required by Chapter 16.72, including payment of the fee required by Section 16.74.010. In addition, all permitted illuminated signs are subject to the provisions of the State Electrical Code and any applicable permit fees.*

##### *B. Sign Application.*

1. *Application for a sign permit shall be made upon forms provided by the City and shall include the following information:*
  - a. *Name, address and telephone number of the applicant. Name, address, telephone number and signature of the property owner.*
  - b. *Location of the building structure, lot or parcel to which or upon which the sign is to be attached or erected.*
  - c. *A scaled drawing showing sign design including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and intensity of illumination and the relationship to any building to which the sign will be attached.*
  - d. *A plot plan drawn to scale indicating the location of all buildings, property lines, existing signs, street lights, easements, and overhead power lines on the same premises.*
  - e. *Name, address and telephone number of the person or firm who will erect, construct and maintain the sign.*

**RESPONSE:** The Applicant acknowledges that a sign permit will be required for any proposed signs. Sign permit applications will be submitted prior to the construction of any new signs on site, consistent with the requirements of this section, as tenant/owner needs dictate.

The requirements of this section can be met.

## ***DIVISION VI- PUBLIC INFRASTRUCTURE***

### ***Chapter 16.108 - IMPROVEMENT PLAN REVIEW***

#### ***16.106.040 - Design***

*Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood's Engineering Design Manual.*

#### ***D. Intersection Angles***

*Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.*

**RESPONSE:** The proposed development will be located within an established city block. No new streets are proposed.

### ***Chapter 16.110 - SANITARY SEWERS***

#### ***16.110.010 - Required Improvements***

*Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.*

#### ***16.110.020 - Design Standards***

#### ***A. Capacity***

*Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.*

#### ***B. Over-Sizing***

1. *When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.*
2. *Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.*

#### *16.110.030 - Service Availability*

*Approval of construction plans for new facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing sewer systems shall include certification by the City that existing or proposed sewer facilities are adequate to serve the development.*

**RESPONSE:** The applicant is proposing to connect to the existing 8-inch sanitary main located in the mid-block alley. A preliminary composite utility plan has been submitted with this land use application.

The requirements of this section have been met.

#### ***Chapter 16.112 - WATER SUPPLY***

##### *16.112.010 - Required Improvements*

*Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.*

##### *16.112.020 - Design Standards*

###### *A. Capacity*

*Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.*

*B. Fire Protection*

*All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.*

*C. Over-Sizing*

- 1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.*
- 3. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.*
- 4. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.*

*16.112.030 - Service Availability*

*Approval of construction plans for new water facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development.*

**RESPONSE:** The applicant is proposing to connect to the existing 6-inch water line located in SW Pine Street. A preliminary composite utility plan has been submitted with this land use application.

The requirements of this section have been met.

***Chapter 16.114 - STORM WATER***

*16.114.010 - Required Improvements*

*Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the*

*Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.*

*16.114.020 - Design Standards*

*A. Capacity*

*Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.*

*B. On-Site Source Control*

*Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.*

*C. Conveyance System*

*The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.*

*16.114.030 - Service Availability*

*Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.*

**RESPONSE:** Runoff from the roof of the proposed building and drive aisle (5,006 sq. ft.) will be conveyed into a proprietary single cartridge stormfilter catch basin for treatment. The water quality catch basin will provide treatment for all contributing impervious surfaces in accordance with Clean Water Services' "Design and Construction Standard's for Sanitary and Storm Water Management" (R&O 19-22) Section 4.04, before connecting into the existing public stormwater line located in SW Second Street. The new impervious area (2,816 sq. ft.) created by the half street improvement of SW 2nd Street and the pavement replacement for the utility trenches in

SW Pine Street are not collected and will not be treated. A water quality fee-in-lieu payment for these areas is requested with the project. The applicant has provided a detailed stormwater report within this application.

The requirements of this section have been met.

### ***Chapter 16.116 - FIRE PROTECTION***

#### ***16.116.010 - Required Improvements***

*When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.*

#### ***16.116.020 - Standards***

##### ***A. Capacity***

*All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.*

##### ***B. Fire Flow***

*Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.*

##### ***C. Access to Facilities***

*Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may*

*further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.*

**D. Hydrants**

*Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.*

**16.116.030 - Miscellaneous Requirements**

**A. Timing of Installation**

**B.** *When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.*

**C. Maintenance of Facilities**

**D.** *All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.*

**E. Modification of Facilities**

*On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.*

**RESPONSE:** The proposed development is located within 250 feet from an adequate water supply for fire protection. All fire protection facilities will be designed to meet the specifications of the Fire District, consistent with this Code.

The requirements of this section have been met.

**Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES**

**16.118.010 – Purpose**

*Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.*

16.118.020 – Standard

- A. *Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, and applicable utility company and City standards.*
- B. *Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.*
- C. *Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).*
- D. *Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.*
- E. *Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.*
- F. *Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.*

16.118.030 - Underground Facilities

*Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.*

**RESPONSE:** As part of the preliminary approval for the previous application on the site, it was determined that the undergrounding of overhead service lines on SW 2nd Street was prohibitively expensive for this development. Accordingly, the applicant has not proposed undergrounding at this time. However, it is noted that the provision of electrical services is an ongoing issue in this area of the City. The applicant is actively working with representatives from the City of Sherwood and PGE to evaluate the electrical supply for the area and to determine the most appropriate path forward, both for this development and within the vicinity of the site. As such, the applicant would request the application be accepted at this time, without need for submittal of a concurrent Engineering Design Modification request. Should the issue remain outstanding at the time of land use decision issuance, Conditions of Approval requiring



submittal and approval of an Engineering Design Modification or other resolution as determined through the joint process would be appropriate, prior to Final Land Use approval.

Utilities will be located within appropriate easements, as required by these Sections.

***DIVISION VIII. – ENVIRONMENTAL RESOURCES***

***Chapter 16.142 - PARKS, TREES AND OPEN SPACES***

*142.010 - Purpose*

*This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan Part 2. The standards of this section do not supersede the open space requirements of a Planned Unit Development, found in Chapter 16.40 - Planned Unit Development (PUD).*

*16.142.040 - Visual Corridors*

*A. Corridors Required*

*New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:*

The proposed development is located within the Old Town Overlay; therefore, the requirements of this section are not applicable.

*16.142.050 - Park Reservation*

*Areas designated on the Natural Resources and Recreation Plan Map, in Chapter 5 of the Community Development Plan, which have not been dedicated pursuant to Section 16.142.030 or 16.134.020, may be required to be reserved upon the recommendation of the City Parks Board, for purchase by the City within a period of time not to exceed three (3) years.*

**RESPONSE:** The subject site does not contain areas that have been designated on the Natural Resources and Recreation Plan Map; therefore, the requirements of this section are not applicable.

*16.142.060 - Street Trees*

*A. Installation of Street Trees on New or Redeveloped Property.*

*Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees*

*shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.*

- 1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.*
- 2. Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.*
- 3. Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.*
- 4. Required Street Trees and Spacing:*
  - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.*
  - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.*
  - c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:*
    - (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or*
    - (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and*

- (3) *The street trees are spaced as close as possible given the site limitations in (1) and (2) above.*
- (4) *The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.*
- (5) *For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.*

**RESPONSE:** Street trees will be provided as needed along the frontage of SW Pine Street and SW Second Street, consistent with the requirements of this section.

*B. Removal and Replacement of Street Trees.*

*The removal of a street tree shall be limited and, in most cases, necessitated by the tree. A person may remove a street tree as provided in this section. The person removing the tree is responsible for all costs of removal and replacement. Street trees less than five (5) inches DBH can be removed by right by the property owner or his or her assigns, provided that they are replaced. A street tree that is removed must be replaced within six (6) months of the removal date.*

1. *Criteria for All Street Tree Removal for trees over five (5) inches DBH. No street tree shall be removed unless it can be found that the tree is:*
  - a. *Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or*
  - b. *Obstructing public ways or sight distance so as to cause a safety hazard, or c. Interfering with or damaging public or private utilities, or d. Defined as a nuisance per City nuisance abatement ordinances.*
2. *Street trees between five (5) and ten (10) inches DBH may be removed if any of the criteria in 1. above are met and a tree removal permit is obtained.*
  - a. *The Tree Removal Permit Process is a Type I land use decision and shall be approved subject to the following criteria:*
    - (1) *The person requesting removal shall submit a Tree Removal Permit application that identifies the location of the tree, the type of tree to be removed, the proposed replacement and how it qualifies for removal per Section 1. above.*

- (2) *The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.*
  - (3) *If an objection to the removal is submitted by the City or to the City during the ten (10) calendar day period, an additional evaluation of the tree will be conducted by an arborist to determine whether the tree meets the criteria for street tree removal in Section 1. above. The person requesting the Tree Removal Permit shall be responsible for providing the arborist report and associated costs.*
  - (4) *Upon completion of the additional evaluation substantiating that the tree warrants removal per Section 1. above or if no objections are received within the ten-day period, the tree removal permit shall be approved.*
  - (5) *If additional evaluation indicates the tree does not warrant removal, the Tree Removal Permit will be denied.*
3. *Street trees over ten (10) inches DBH may be removed through a Type I review process subject to the following criteria.*
- a. *The applicant shall provide a letter from a certified arborist identifying:*
    - (1) *The tree's condition,*
    - (2) *How it warrants removal using the criteria listed in Section 1. above, and identifying any reasonable actions that could be taken to allow the retention of the tree.*
  - b. *The applicant shall provide a statement that describes whether and how the applicant sought assistance from the City, HOA or neighbors to address any issues or actions that would enable the tree to be retained.*
  - c. *The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.*
  - d. *Review of the materials and comments from the public confirm that the tree meets the criteria for removal in Section 1. above.*

**RESPONSE:** Street trees will be provided as needed along the frontage of SW Pine Street and SW Second Street, consistent with the requirements of this section.

*C. Homeowner's Association Authorization.*

*The Planning Commission may approve a program for the adoption, administration and enforcement by a homeowners' association (HOA) of regulations for the removal and replacement of street trees within the geographic boundaries of the association.*

**RESPONSE:** The proposed units within the building are proposed to be individually owned, and therefore an HOA is likely to be established for the development which would also address removal and replacement of street trees within the frontage of the site. The establishment of an HOA beyond the boundaries of the site is not proposed.

The requirements of this section are not applicable.

*D. Exemption from Replacing Street Trees.*

*A street tree that was planted in compliance with the Code in effect on the date planted and no longer required by spacing standards of section A.4. above may be removed without replacement provided:*

- 1. Exemption is granted at the time of street tree removal permit or authorized homeowner's association removal per Section 16.142.060.C. above.*
- 2. The property owner provides a letter from a certified arborist stating that the tree must be removed due to a reason identified in the tree removal criteria listed in Section 16.142.060.B.1. above, and*
- 3. The letter describes why the tree cannot be replaced without causing continued or additional damage to public or private utilities that could not be prevented through reasonable maintenance.*

**RESPONSE:** Street trees will be provided as needed along the frontage of SW Pine Street and SW Second Street, consistent with the requirements of this section.

*E. Notwithstanding any other provision in this section, the city manager or the manager's designee may authorize the removal of a street tree in an emergency situation without a tree removal permit when the tree poses an immediate threat to life, property or utilities. A decision to remove a street tree under this section is subject to review only as provided in ORS 34.100.*

**RESPONSE:** Street trees will be provided as needed along the frontage of SW Pine Street and SW Second Street, consistent with the requirements of this section.

*F. Trees on Private Property Causing Damage.*

*Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered*

*removed or cut by the City Manager or his or her designee. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and reviewed under the applicable City nuisance abatement ordinances.*

- G. *Penalties. The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 16.02.040, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense.*

**RESPONSE:** The site is currently vacant, with no significant vegetation present; therefore, trees are not proposed for removal.

*16.142.070 - Trees on Property Subject to Certain Land Use Applications*

A. *Generally*

*The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.*

B. *Applicability*

*All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.*

**RESPONSE:** The site is currently vacant, with no significant vegetation present; therefore, trees are not proposed for removal.

*16.142.090 - Recommended Street Trees*

A. *Recommended Street Trees:*

B. *Recommended Street Trees under Power Lines:*

C. *Prohibited Street Trees:*

D. *Alternative Street Trees: Trees that are similar to those on the recommended street tree list can be proposed provided that they are non-fruit bearing, non-invasive and*

*not listed on the prohibited street tree list. A letter from a certified arborist must be submitted, explaining why the tree is an equivalent or better street tree than the recommended street trees that are identified in this section.*

**RESPONSE:** Street trees will be provided as needed along the frontage of SW Pine Street and SW Second Street, consistent with the requirements of this section.

### ***Chapter 16.148 - VIBRATIONS***

#### *16.148.010 - Generally*

*All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.*

#### *16.148.020 - Exceptions*

*This Chapter does not apply to vibration caused by construction activities including vehicles accessing construction sites, or to vibrations caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travelways, flight paths or other routes. Nothing in this Chapter shall preclude the City from abating any vibration problem as per applicable City nuisance and public safety ordinances.*

**RESPONSE:** The proposed development will not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line and will comply with the requirements of this section.

### ***Chapter 16.150 - AIR QUALITY***

#### *16.150.010 - Generally*

*All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:*

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.*
- B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.*
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.*

#### *16.150.020 - Proof of Compliance*

*Proof of compliance with air quality standards as per Section 16.150.010 shall be in the form of copies of all applicable State permits, or if permits have not been issued, submission by the applicant, and acceptance by the City, of a report certified by a professional engineer indicating that the proposed use will comply with State air quality standards. Depending on the nature and size of the use proposed, the applicant may, in the City's determination, be required to submit to the City a report or reports substantially identical to that required for issuance of State Air Contaminant Discharge Permits.*

*16.150.030 - Exceptions*

*Nothing in this Chapter shall preclude the City from abating any air quality problem as per applicable City nuisance and public safety ordinances.*

**RESPONSE:** The proposed development will comply with all State air quality rules and statutes, and will submit copies of all applicable State permits to the City.

***Chapter 16.152 - ODORS***

*16.152.010 - Generally*

*All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.*

*16.152.020 - Standards*

*The applicant shall submit a narrative explanation of the source, type and frequency of the odorous emissions produced by the proposed commercial, industrial, or institutional use. In evaluating the potential for adverse impacts from odors, the City shall consider the density and characteristics of surrounding populations and uses, the duration of any odorous emissions, and other relevant factors.*

*16.152.030 - Exceptions*

*Nothing in this Chapter shall preclude the City from abating any odor problem as per applicable City nuisance and public safety ordinances.*

**RESPONSE:** The proposed development is not anticipated to produce odors which would be discernible beyond the boundaries of the site.

The requirements of this section have been met.

***Chapter 16.154 - HEAT AND GLARE***

*16.154.010 - Generally*



*Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.*

#### *16.154.020 - Exceptions*

*Nothing in this Chapter shall preclude the City from abating any heat and glare problem as per applicable City nuisance and public safety ordinances.*

**RESPONSE:** The proposed development will conduct all operations producing heat or glare within the building. Exterior lighting, which is limited to typical residential type porch lighting at the front and rear doors to each unit, will be directed away from adjoining properties and will not cause glare or lights to shine off site in excess of one-half foot candle.

The requirements of this section have been met.

### ***Chapter 16.156 - ENERGY CONSERVATION***

#### *16.156.010 - Purpose*

*This Chapter and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.*

#### *16.156.020 - Standards*

- A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.*
- B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.*

#### *16.156.030 - Variance to Permit Solar Access*

*Variances from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.*

**RESPONSE:** The proposed development has been designed to occupy the entire subject site, maximizing exposure to the sun along the southern exposure.

The requirements of this section have been met.

*DIVISION IX. – HISTORIC RESOURCES*

***Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT***

*16.162.010 - Purpose*

*The Old Town (OT) Overlay District is intended to establish objectives and define a set of development standards to guide physical development in the historic downtown of the City consistent with the Community Development Plan and this Code.*

*The OT zoning district is an overlay district generally applied to property identified on the Old Town Overlay District Map, and applied to the Sherwood Plan and Zone Map in the Smockville Subdivision and surrounding residential and commercial properties, generally known as Old Town. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. The OT overlay zone is designated a historic district as per Chapters 16.166 and 16.168. Furthermore, the OT District is divided into two distinct areas, the "Smockville" and the "Old Cannery Area," which have specific criteria or standards related to architectural design, height, and off-street parking.*

**RESPONSE:** The subject site is located within the Old Town Smockville Overlay District. These standards have been addressed within this narrative.

*16.162.020 - Objectives*

*Land use applications within the Old Town Overlay District must demonstrate substantial conformance with the standards and criteria below:*

- A. Encourage development that is compatible with the existing natural and man-made environment, existing community activity patterns, and community identity.*

**RESPONSE:** The Smockville area is characterized by a mix of residential and storefront commercial development. Commercial development provides for activity on the street and sidewalk within the downtown area, and existing residential development provides for dense housing within the downtown area and cons. The proposed development will be consistent with the existing downtown environment by providing opportunities for both housing and commercial activity, consistent with the City's intent for the Old Town Overlay District.

The requirements of this section have been met.

*B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:*

- 1. The scale, mass, height, areas, appearances and architectural design of buildings and other development structures and features.*
- 2. Vehicular and pedestrian ways and parking areas.*
- 3. Existing or proposed alteration of natural topographic features, vegetation and waterways.*

**RESPONSE:** The proposed development will be three stories, with commercial development on the first floor and residential development on the two upper floors. The Smockville area is primarily characterized by a mix of two and three-story developments. The building will feature brick as a primary building material on the ground floor, consistent with many of the buildings in the Smockville Area. The building will be located at the edge of the sidewalk, providing for activity along the street front, with substantial glazing providing 2-way surveillance between activity on the street and commercial uses in the building. Vehicular circulation will be provided and enhanced with improvements along SW Pine Street, SW Second Street and the midblock alley. While off-street parking is not required in the Smockville District, each unit is provided a single-car garage loaded from the alley to the rear.

The applicant is not proposing any significant alteration of the natural topographic features, vegetation or waterways.

The requirements of this section have been met.

*16.162.030 - Permitted Uses*

*The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII:*

- A. Uses permitted outright in the RC zone, Section 16.28.020; the HDR zone, Section 16.20.020; and the MDRL zone, Section 16.16.020; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by this Section and Section 16.162.040.*

**RESPONSE:** The proposed development will include a combination of multi-family residential and retail commercial uses. All proposed uses are allowed outright in the RC zone.

*16.162.060 - Dimensional Standards*

*In the OT overlay zone, the dimensional standards of the underlying RC, HDR and MDRL zones shall apply, with the following exceptions:*

- A. *Lot Dimensions - Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.*

**RESPONSE:** The subject site is 5,000 square feet in area.

The requirements of this section have been met.

- B. *Setbacks - Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.*

**RESPONSE:** The proposed development will meet all setback requirements, as well as the Uniform Building Code, Fire District regulations and site design standards of this code.

The requirements of this section have been met.

- C. *Height - The purpose of this standard is to encourage 2 to 4 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.*

*Except as provided in Section 16.162.080, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet (3 stories) in the "Smockville Area" and fifty (50) feet (4 stories) in the "Old Cannery Area". Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. However, five-foot height bonuses are allowed under strict conditions. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet.*

*Minimum height: A principal building in the RC and HDR zones must be at least sixteen (16) feet in height.*

**RESPONSE:** The proposed development will be a three-story mixed-use building with a maximum height of 40 feet. A five-foot height bonus has been added per Section 16.162.090.E Commercial Standard 9, which would increase the maximum height to 45 feet. The maximum height will not exceed the allowed height with the bonus.

The requirements of this section have been met.

- D. *Coverage - Home occupations permitted as per Chapter 16.42 and Section 16.162.030 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot.*

**RESPONSE:** Home occupations are not proposed as a part of this development.

The requirements of this section are not applicable.

*16.162.070 - Community Design*

*Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Divisions V, VIII and this Division shall apply, in addition to the Old Town design standards below:*

*A. Generally*

*In reviewing site plans, as required by Chapter 16.90, the City shall utilize the design standards of Section 16.162.080 for the "Old Cannery Area" and the "Smockville Design Standards" for all proposals in that portion of the Old Town District.*

*B. Landscaping for Residential Structures*

- 1. Perimeter screening and buffering, as per Section 16.92.030, is not required for approved home occupations.*
- 2. Minimum landscaped areas are not required for off-street parking for approved home occupations.*
- 3. Landscaped strips, as per Sections 16.92.030 and 16.142.030A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.*
- 4. Fencing and interior landscaping, as per Section 16.92.030, are not required*

**RESPONSE:** The proposed development will be mixed-use with commercial development on the ground floor. The Applicant is not proposing site landscaping, as the development results in 100% utilization of the site area.

The requirements of this section are not applicable.

*C. Off-Street Parking*

*For all property and uses within the "Smockville Area" of the Old Town Overlay District off-street parking is not required. For all property and uses within the "Old Cannery Area" of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 16.94.020. Shared or joint use parking agreements may be approved, subject to the standards of Section 16.94.010.*

**RESPONSE:** The proposed development is a mixed-use development within the Smockville Area, therefore off-street parking is not required. It is noted, however, that each unit is provided a single-car garage loaded from the alley to the rear.

*D. Off-Street Loading*

- 1. Off-street loading spaces for commercial uses in the "Old Cannery Area" may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 16.94.030B.*
- 2. For all property and uses within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required.*

**RESPONSE:** The subject site is located within the "Smockville Area" of the Old Town Overlay District, therefore off-street loading is not required.

*E. Signs - In addition to signs otherwise permitted for home occupations, as per Section 16.42.010, one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation. Applicant's The applicant is not proposing a home occupation with this land use Finding: application; therefore, the requirements of this section are not applicable.*

*F. Non-conforming Uses - When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Chapter 16.166, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Chapter 16.48 may be waived by the Commission.*

**RESPONSE:** The applicant is not proposing any non-conforming uses with this land use application; therefore, the requirements of this section are not applicable.

*G. Downtown Street Standards - All streets shall conform to the Downtown Street Standards in the City of Sherwood Transportation System Plan and Downtown Streetscape Master Plan, and as hereafter amended. Streetscape improvements shall conform to the Construction Standards and Specifications, and as hereafter amended.*

**RESPONSE:** The applicant has submitted a site plan showing the proposed frontage improvements consistent with the requirements of this section. See Sheets P1, P3, and P4 of the submitted plan set.

The requirements of this section have been met.

H. *Color - The color of all exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.*

**RESPONSE:** The applicant has submitted a color palette with this land use application. The building's proposed color palette will be neutral earth-toned.

The requirements of this section have been met.

*16.162.090 - OLD TOWN SMOCKVILLE DESIGN STANDARDS*

A. Purpose

\*\*\*

B. *Applicability*

*The following standards are intended as an "overlay" to the underlying Old Town Overlay zoning district and shall be used as part of the land use approval process when exterior remodeling and new development is proposed in the "Smockville" portion of the Old Town Overlay District. Except in specific situations described herein, these Standards shall apply equally to all projects within the Smockville portion of the Old Town District. Applicants seeking variance from these Standards must demonstrate to the review body that compliance would result in an unnecessary and unavoidable hardship. Variances from the Standards will not be allowed unless such hardship is adequately demonstrated and proven by the applicant. The variance process is provided in Chapter 16.84 of the SZCDC. These standards are not required for the "Old Cannery Area" portion of the Old Town District, but may be used in lieu of Section 16.162.080. The Old Cannery Area portion is still subject to the design standards in Section 16.162.080.*

**RESPONSE:** The subject site is located within the "Smockville" portion of the Old Town Overlay District; therefore, the requirements of this section are applicable.

C. *REMODELING OF EXISTING RESIDENTIAL AND COMMERCIAL STRUCTURES*

*Remodeling Standard 1: Original Elements*

D. *Remodeling Standard 2: Front Facing Presentation*

**RESPONSE:** The subject site is vacant; therefore, the standards of this section are not applicable.

E. *COMMERCIAL STRUCTURES:*

*The traditional commercial core area of Sherwood, including those properties in the Smockville Plat and First Addition Plat, reflect the historic character of the*

*community as a small, agricultural service area. Buildings here have historically been of modest scale and construction, consistent with the community's vernacular design heritage. In order to maintain that basic character in the core the following standards govern all new commercial construction and remodeling projects requiring a structural building permit.*

*NOTE: The City encourages applicants to consider mixed-use projects. The following standards covering commercial structures shall apply for all mixed-use projects in the Old Town Smockville Area. The massing of a building includes its overall bulk, orientation, and placement on the site, forming the visual relationship between the building and its surroundings. Individual aspects of massing, particularly height, are subject to specific Standards below:*

**RESPONSE:** The proposed development will be mixed-use. The commercial building standards have been addressed within this narrative, as provided above.

*Commercial Standard 1: Volume & Mass*

- a. Orientation: All buildings will be sited with the primary facade facing the public right-of-way. For corner buildings with a corner-facing entry, both street-facing elevations will be considered "facades" for purposes of this Standard.*
- b. Setback: All buildings will be located directly upon the property line with zero setback from the public right-of-way. Portions of the facade, such as recessed entryways or similar features, are exempted from this Standard provided they total less than 50% of the total facade width.*
- c. Width: Buildings shall extend from side lot line to side lot line to create a solid streetscape along the public right-of-way. An exception to this standard may be granted to provide for plazas, courtyards, dining areas, or pedestrian access. [See Standard 5, below, regarding vertical divisions].*

**RESPONSE:** The proposed building has been sited with the primary façade facing SW Pine Street, with each of the 5 units featuring an individual pedestrian door opening onto the street via a covered entry. Each unit also has a private entrance from the alley to the rear of the building. The building has been located directly upon the property line with zero setback from the public right-of-way along both SW Pine Street and SW Second Street. The building extends from side lot line to side lot line to create a solid streetscape along Pine Street and Second Street.

The requirements of this section have been met.

*Commercial Standard 2: Openings*

*To maintain and ensure a pedestrian-friendly scale within Sherwood's traditional commercial core, storefronts and upper facades shall reflect the following:*



- a. *Verticality: All facade window openings shall maintain a generally vertical proportion (1.5:1) height/width ratio or greater, i.e. a 24" wide window must be a minimum 36" tall. An exception to this standard is allowed for large fixed storefront windows. Transom panels, spanning the entire storefront glazed area, are encouraged.*

**RESPONSE:** The applicant has submitted building elevation plans with this land use application. The proposed façade window openings will maintain a vertical proportion of at least 1.5:1 with both vertical and horizontal dividing elements to visually break up the area.

The requirements of this section have been met.

- b. *Transparency: Ground floor storefronts should be predominately "transparent," with a minimum of 75% glazed surface area, including entry doors.*

**RESPONSE:** Storefront is not described in the Sherwood SZCDC, but is generally considered to be the first story area of the façade that provides access or natural illumination into a space used for retail or other commercial purposes. In this case, each proposed unit has a storefront of approximately 130 square feet. This approach is consistent with previous approvals. The applicant has submitted elevation plans which illustrates the proposed glazed surface area. The glazed areas of the proposed ground floor storefronts are predominately transparent, with each unit providing glazing areas with 80% transparency.

Each unit provides 104 sf ( $10.5' \times 8.5' = 89.25 \text{ sf} + 2.083' \times 7.083' = 14.75 \text{ sf}$ ) of transparent glazed area, or 80% of the storefront.

The requirements of this section have been met.

- c. *Symmetry: Openings should generally reflect the bi-lateral symmetry of the traditional commercial development pattern. Asymmetrical facades that result from corner or other non-central entryways, or that result from varied massed forms joined into a single use are excluded from this Standard.*

**RESPONSE:** The applicant has submitted building elevation plans with this land use application. The proposed façade is located on a corner with non-central entryways, however symmetrical design elements have been integrated into the proposed design.

The requirements of this section have been met.

- d. *Prohibited Opening Types: To maintain the traditional commercial character of the core area, the following are prohibited:*
  1. *Sliding or "French" entry door sets on the Facade (such doors are permitted on side and rear elevations only).*

2. *Roll-up garage doors (metal or wood), on the Facade (such doors are permitted on side and rear elevations only). Uses requiring large garage openings on the facade may use sliding or bi-fold doors, or metal with six over six windows. Wood and glass doors are encouraged.*
3. *Reflective glazing, "mirror glass" and similar.*
4. *Horizontal slider windows (i.e. vertically oriented slider windows).*
5. *Arched or "fan light" type windows, except where inset into an articulated structural opening.*

**RESPONSE:** The applicant has submitted building elevations with this land use application. The proposed façade will not feature any of the prohibited openings listed above.

The requirements of this section have been met.

#### *Commercial Standard 3: Height*

*In order to increase opportunities to transit, reduce transportation impacts, and promote pedestrian activity, multiple story commercial or mixed-use construction is encouraged. All new commercial and mixed-use construction in the zone is subject to the following standards:*

- a. *Maximum: No building may be greater than 40 feet in overall height.*
- b. *Minimum: No single-story building shall have a plate height of less than 16 feet high at the public right-of-way.*
- c. *Variation: Building height shall be differentiated a minimum of 6" from the average height of adjacent buildings to avoid a solid street wall of uniform height. An exception to this standard will be made for buildings that incorporate a projecting vertical division in the facade treatment that visually separates the facade from adjacent buildings, such as a column, pilaster or post.*

**RESPONSE:** A five-foot height bonus has been added per Section 16.162.090.E Commercial Standard 9, which would increase the maximum height to 45 feet. The proposed building has a maximum height of 40 feet.

The requirements of this section have been met.

#### *Commercial Standard 4: Horizontal Facade Rhythm*

*To maintain the rhythm of Sherwood's traditional architecture, all new commercial construction shall respect the three-part "base-shaft-capital" facade system common to pre-WWII commercial designs.*

- a. *Base: Buildings shall provide a visually articulated foundation or "base" feature, at ground level, typically rising to the bottom of the sill height. A "base" may be created by detail or a change in material or form that differentiates the base from the upper portions of the facade. (i.e. a brick or tiled "base" on a concrete building, or a paneled wood base on a horizontal sided wood building) This standard may also be met by projecting elements or change in surface planes that employ a common material, i.e. a projecting brick sill and "apron" on a brick wall or a cast concrete shoulder that projects away from a concrete wall.*
- b. *Stringcourse: Prominent horizontal lines shall be maintained between all floor levels, visually dividing the facade into horizontal sections that reflect the interior levels. Such features may be projecting or incised bands of common materials (as in brick or concrete) or applied trim, as in a wooden "bellyband."*
- c. *Cornice Details: All buildings shall have a "cap" element at the uppermost portion of the facade that visually terminates the main facade surface. Cornice details may be integrated into a stepped or decorative parapet or consist of an articulated line that projects from the main surface plane. Modest marker blocks stating building name and date of construction are strongly encouraged.*

**RESPONSE:** The applicant has submitted elevation plans demonstrating compliance with this Section. The façade features a visually articulated concrete base at ground level rising to the bottom of the sill height, with vertical windows running to the top of the first floor. Adjacent to the windows, the covered entryway reinforces the horizontal separation between first and second floors. Between the second and third floors, changes in building materials and finish colors, and projecting metal awnings supported by corbels placed on alternating units serves to complete the horizontal division of the façade into 3 distinct sections. A single roofline above the 3<sup>rd</sup> floor with a simple cornice element serves to clearly terminate the main façade, with gables above units 2 and 4 providing articulation and providing a unifying element to the building overall.

On the east and west facades, the 1<sup>st</sup> and 2<sup>nd</sup> floor areas are delineated by a belly band at each end, which accentuates and continues the definition provided by the cantilever at the rear of the building. The 2<sup>nd</sup> and 3<sup>rd</sup> stories are delineated by a belly band and a change in building materials.

The requirements of this section have been met.

*Commercial Standard 5: Vertical Facade Rhythm*

*Reflecting the narrow underlying land divisions common in Sherwood's downtown and creating visual interest that enhances the pedestrian scale, commercial facades shall have strong and clearly articulated vertical elements.*

- a. *Multiple Bays: All storefronts shall be divided into vertical "bays" through the use of structural members such as columns, pilasters, and posts, or by the use of other surface detailing that divides large walls into narrower visual panels.*

*No structure shall have a single "bay" larger than 30 feet, based upon the lot width of the "Original Smockville Plat" of the Town of Sherwood. Buildings occupying one or more original town lots (i.e., greater than 30 feet in width) shall be visually divided into multiple bays of 30' or one-half the overall lot width, whichever is the lesser. For example, the facade of a 50-foot-wide structure shall be visually divided into two 25' wide bays. An 80' foot structure may be divided into two 30' bays and one 20' bay or into four 20' bays, either of which will meet this standard.*

**RESPONSE:** The applicant has submitted elevation plans showing compliance with this section. The proposed building frontage is divided into five vertical “bays” using surface detailing that divides the walls of each unit into visual panels. The proposed bays do not exceed 24 feet in width.

The requirements of this section have been met.

- b. Edge Definition: All storefronts shall use a pilaster, engaged column, or other structural or decorative vertical element at each side lot line, to create visual division from the adjacent structure. (See Standard 3(C), above, regarding the use of projecting elements) For structures that do not extend from sideline to sideline (as per Standard 1(C) above) the outermost building corner will be treated as the edge for compliance with this Standard.*

**RESPONSE:** The applicant has submitted elevation plans with this application. Edge definition has been provided at the corner of Pine Street and the mid-block alley, as well as at the corner of the building on Second Street, where the building meets the neighboring property. The corner of Second Street and Pine Street has been wrapped to provide for continuation of the building façade.

The requirements of this section have been met.

*Commercial Standard 6: Sense of Entry*

*All commercial buildings shall have a clearly defined "sense of entry," with the primary public access serving as a focal point in the visual organization of the facade. This can be accomplished via structural articulation, such as in a recessed entry, or through the use of trim, materials, or other elements. A clear and defined sense of entry facilitates retail activity and adds significantly to the pedestrian interest of the street.*

- a. Doors: Primary commercial entrances shall be primarily "transparent with no less than 50% of the total surface consisting of glass.*
- b. Integration: Entryways shall be architecturally integrated into the vertical and horizontal rhythms of the facade.*
- c. Depth: Recessed porches shall be no less than three (3) feet in depth.*

**RESPONSE:** The proposed entries will be recessed from the front façade and will be recessed into the building to provide for a covered entryway. All of the unit entrances will be transparent with no less than 50% of the total surface consisting of glass. The entries have been integrated into the vertical and horizontal rhythm of the façade.

The requirements of this section have been met.

*Commercial Standard 7: Roof Forms*

*Traditional commercial roof forms, including flat, single-slope, or bowstring and other trussed roofs, are all typical of downtown Sherwood. Other roof forms, particularly gables, were screened from the public right-of-way.*

- a. *Gable, hipped or similar residential style roof forms are prohibited for commercial buildings unless screened from the public right-of-way by a parapet or false front facade.*
- b. *Mansard-type projecting roof elements, other than small, pent elements of 6/12 pitch or less that are incorporated into a cornice treatment, are prohibited for commercial buildings in the Old Town Area.*

**RESPONSE:** The proposed roof form will be unbroken along the SW Pine Street frontage, creating an appearance of a single sloped roof from the street. No mansard type elements are proposed.

The requirements of this section have been met.

*Commercial Standard 8: Exterior Surface Materials*

*Exterior building materials shall be consistent with those traditionally used in commercial construction in Old Town Sherwood. These materials include but are not limited to:*

- *Horizontal wood siding, painted (concrete fiber cement siding, or manufactured wood-based materials are acceptable under this standard provided they present a smooth finished surface, not "rustic" wood grain pattern).*
- *True board and batten vertical wood siding, painted.*
- *Brick: Traditional use of red brick laid in common bond is preferred. Rustic, split-faced or "Roman" brick may be appropriate for bulkheads or detail treatments but is prohibited as a primary building material. Highly decorative "washed", glazed, or molded brick forms are prohibited.*
- *Stucco (for foundations and decorative panels only).*
- *Poured concrete (painted or unpainted).*
- *Concrete block: Split faced concrete block is appropriate for foundations, bulkhead, or detail treatments but is prohibited as a primary building material. Smooth-faced Concrete Masonry Units (CMU) is prohibited when visible from the public right-of-way.*

- *Ceramic tile, as a detail treatment, particularly for use in bulkhead or storefront areas.*

*Use of the following exterior materials are specifically prohibited within the zone:*

- *Stucco, as a primary wall surface.*
- *Stucco-clad foam (EIFS) and similar foam-based systems.*
- *Standing seam metal sheet goods for siding or visible roofing.*
- *T-111 or similar 4' × 8' sheet materials and plywood.*
- *Horizontal metal or vinyl siding.*
- *Metal/Glass curtain wall construction.*
- *Plastic (vacuum-formed or sheetgoods).*
- *Faux stone (slumpstone, fake marble, cultured stone) and all similar stone veneer surface treatments) with the exception of 10% of frontal area is allowed of a brick-type faux material.*
- *Shingle siding, log construction, fake "rustic" wood, pecky cedar and similar products designed to create a "Frontier" era effect.*

**RESPONSE:** The building facades will be primarily constructed of horizontal wood siding, painted, with alternate areas accentuating the different units and floor level, including true vertical painted board and batten. It is noted that the proposed elevations do show areas of painted shingle siding. If required, these will be substituted with materials from the permitted list above prior to Final Land Use Approval. Faux stone (cultured stone bricks) making up less than 10% of the frontal area of the building is used along the ground floor on the Pine Street frontage, as allowed by this section.

The requirements of this section have been met.

*Commercial Standard 9: Awnings and Marquees*

*Awnings and marquees projecting from the facade over the public right-of-way are a traditional commercial element and enhance pedestrian interest and use by providing shelter. Such features are encouraged but are not required in the zone.*

*Where awnings or marquees are an element in a proposal they shall conform to the following and are eligible to receive a five-foot height bonus:*

- Scale: Awnings and marquees shall be proportionate in size to the facade and shall not obscure architectural detail.*
- Placement: Awnings should fit entirely within the window or door openings, retaining the vertical line of columns and wall surfaces. Storefront awnings may be full width, crossing interior posts, to a maximum of 25 feet, provided the edge-definition (See Standard 5(B), above) remains visible.*
- Materials: Awnings*

1. *Cotton, acrylic canvas, or canvas-like materials are required for use in the zone. The use of vinyl awnings is specifically prohibited.*
  2. *Fixed metal awnings of corrugated metal are permitted provided the pitch is 5/12 or less.*
  3. *Wood shingle awnings are permitted provided the pitch is 5/12 or less.*
- d. *Materials: Marquees*
1. *Natural or painted metal surfaces over an internal structural framework are traditional marquee design and are preferred.*
  2. *Painted wood marquees are permitted.*
  3. *Plastic panels or any form of internally illuminated marquees are prohibited.*
  4. *Glass or transparent elements that reveal other light sources are prohibited.*
- e. *Shapes: Traditional single-slope awnings are preferred. "Bubble" or rounded shapes are specifically prohibited except when used with rounded structural openings of the facade wall such as arch-topped windows.*
- f. *Lighting: Internal awning lighting is prohibited.*
- g. *Signage: Signs or painted graphics are limited to the valance or "edge" of the awning or marquee only.*
- h. *Height Bonus: In addition to awnings or marquees, the overall design shall include at least one of the following amenities:*
- *Public art installation subject to Cultural Arts Commission and City Council approval.*
  - *Additional public bike parking: 1 additional space per residential unit.*
  - *A courtyard or plaza facing the street open to the public subject to Commission approval.*

**RESPONSE:** The building façade will feature painted metal awnings along the transition from the 2<sup>nd</sup> to 3<sup>rd</sup> floors, located above the 2<sup>nd</sup> floor windows of units 1, 3, and 5. Each of the awnings will be located within the vertical boundaries of the applicable units, in order to maintain the vertical banding across the building frontage. No lighting of the awnings is proposed.

The maximum height of the building is proposed at 40 feet, and therefore the height bonus is not utilized at this time.

The requirements of this section have been met.

*Commercial Standard 10: Secondary Elevations*

*By nature, non-street or alley-facing elevations were less detailed than the primary facade. Rear and sidewall elevation should accordingly be significantly less detailed than storefronts and built of simple materials.*

- a. *Public Rear Entrance: When a rear or alley entry serves as the primary or secondary public entrance, modest detail or highlight should create a "sense of entry" as in Standard 6, above. Rear entrances, even when intended as the primary entrance to the use, should remain essentially functional in character, reinforcing the primacy of the street-facing elevation.*
- b. *Corner Entrances: When a storefront includes a corner entry, both adjacent facades facing the public right-of-ways shall be treated as the "facade" for purposes of these Standards. When a storefront has a visible sidewall elevation as the result of Standard 1(C), above, that elevation shall be treated as a facade in addition to the primary facade.*

**RESPONSE:** The façade facing the rear alley will have secondary entries for egress purposes. These entries have been treated modestly. The façade along Second Street is a secondary street facing façade, and does not incorporate a corner entrance. The Second Street façade has been provided with modest detailing including a belly band, window trim, and the use of 2 different siding materials in order to provide pedestrian interest while still providing less articulation than the SW Pine Street frontage.

The requirements of this section have been met.

*Commercial Standard 11: Additions to Existing Buildings*

**RESPONSE:** The subject site is vacant; therefore, the standards of this section are not applicable.

*Commercial Standard 12: Front-Facing Presentation*

*Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.*

- a. *Skylights: Skylights shall be placed on the side of the structure not visible from the public right of way, and shall be of a low-profile design.*
- b. *Roof vents: Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is*



*preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.*

- c. Plumbing vents: Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.*

**RESPONSE:** The applicant is not proposing skylights, roof vents, or plumbing vents that will be visible from the public right-of-way.

The requirements of this section have been met.

#### *F. RESIDENTIAL STRUCTURES*

**RESPONSE:** The proposed building is a mixed-use building with commercial development on the primary floor and residential development on the upper floors. The Commercial building standards have been addressed in this narrative, per the note in section 16.162.090.E. The requirements of this section are not applicable.

### ***Chapter 16.168 - LANDMARK ALTERATION***

#### *16.168.020 - ALTERATION STANDARDS*

*The following general standards are applied to the review of alteration, construction, removal, or demolition of designated landmarks that are subject to this Chapter. In addition, the standards and guidelines of any applicable special resource zone or historic district shall apply. In any landmark alteration action, the Landmarks Advisory Board shall make written findings indicating compliance with these standards.*

#### *1. Generally*

- A. Every reasonable effort has been made by the property owner, in the City's determination, to provide a use of the landmark which requires minimal alteration of the structure, site, or area.*
- B. In cases where the physical or structural integrity of a landmark is questionable the proposed alterations are the minimum necessary to preserve the landmarks physical or structural integrity, or to preserve the feasibility of the continued occupation, or use of the landmark given its structural condition.*
- C. In cases where the landmark has been significantly altered in the past, that it is technically feasible to undertake alterations tending to renovate, rehabilitate, repair or improve the landmark to historic standards given those prior alterations.*

- D. *The compatibility of surrounding land uses, and the underlying zoning designation of the property on which the historic resource is sited, with the historic resources continued use and occupation, and with the renovation, rehabilitation, repair, or improvement of the resource to historic standards.*
- E. *Alterations shall be made in accordance with the historic character of the landmark as suggested by the historic resources inventory and other historic resources and records. Alterations to landmarks within special historic districts shall, in addition, be made in accordance with the standards and guidelines of that zone or district.*
- F. *Alterations that have no historic basis and that seek to create a thematic or stylistic appearance unrelated to the landmark or historic district's architectural history and vernacular based on the original architecture or later architecturally or historically significant additions shall not be permitted.*

**RESPONSE:** The subject site is currently vacant; therefore, the guidelines of this section have been applied as they relate to new development within the Old Town Overlay District. The proposed mixed-use building is compatible with the surrounding neighborhood, which has a mixture of commercial and residential uses. The design of the proposed building is consistent with the standards of Section 16.162.

The requirements of this section have been met.

## 2. *Architectural Features*

- A. *The distinguished original qualities or character of a landmark shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided. Distinctive stylistic or architectural features or examples of skilled craftsmanship which characterize a landmark shall be preserved.*
- B. *Deteriorated architectural features shall be restored wherever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities.*
- C. *Repair or replacement of missing architectural features should be based, wherever possible, on accurate duplications of said features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.*
- D. *The surface cleaning of landmarks shall be undertaken using methods generally prescribed by qualified architects and preservationists. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.*

- E. *Contemporary design for alterations and additions to landmarks may be allowed when such alterations and additions do not, in the City's determination, destroy significant historical, architectural, or cultural features, and such design is compatible with the size, scale, color, material, and character of the designated landmark or historical district.*
- F. *Whenever possible, new additions or alterations to landmarks shall be done in such a manner that, if such additions or alterations were removed in the future, the historic form and integrity of the landmark would be unimpaired.*

**RESPONSE:** The subject site is currently vacant; therefore, the guidelines of this section have been applied as they relate to new development within the Old Town Overlay District. The proposed mixed-use building is consistent with the standards of Section 16.162.

The requirements of this section have been met.

#### 16.168.030 - VARIANCES TO ALTERATION STANDARDS

##### *Generally*

- A. *Any variances to landmark alteration standards shall be considered as per Chapter 16.84, provided, however, that the Landmarks Advisory Board shall first receive and consider a report and recommendation from city staff, in addition to considering the criteria specified in subsection B of this Section. Variances to landmark alteration standards, as per Chapter 16.84, shall be considered only if the landmark has been subject to the full landmark alteration review procedure as per Section 16.168.010.*
- B. *In any variance action, the Landmarks Advisory Board shall give full consideration and weight to the importance of the landmark, its classification and designation as a landmark, the standards and guidelines of any applicable special historic resource zones or designated historic districts, the standards of this Section, and to any adverse economic or visual impacts and any variance on adjacent landmarks, special historic resource zones, or designated historic districts.*

**RESPONSE:** The subject site is currently vacant; therefore, the guidelines of this section have been applied as they relate to new development within the Old Town Overlay District. The applicant is not proposing variances or alterations to the Landmark standards.

The requirements of this section have been met.

### **SUMMARY AND CONCLUSION**

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City's Planning Department of this application for Site Plan Review and Old Town Overlay Review for the proposed Development of Tax Lot 2S1 32BC 03100 with 5 Mixed Use units.