



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

CERTIFICATE OF MAILING

I hereby certify that I served the attached notice of _____

Public Hearing Decision

regarding:

CUP 191-19 Heidi McBride
The Foley LLC

On *July 22, 2019*, by mailing a correct copy thereof, certified by me as such, contained in a sealed envelope, with postage paid and deposited on the post office at The Dalles Oregon on said day. Between the said Post Office and the address to which said copy was mailed, there is a regular communication by US Mail.

DATED: *July 22, 2019*

Paula Webb
Secretary
Community Development Department

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CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING DECISION

CUP 191-19

Heidi McBride, The Foley LLC

DECISION DATE: July 18, 2019

APPLICANT: Heidi McBride, The Foley LLC

REQUEST: Requesting a reduction in parking standard requirements to facilitate the addition of a mixed-use first floor tenant program to include retail space, and a café and wine sales/tasting room.

LOCATION: 106 E. Fourth Street

PROPERTY OWNER: The Foley LLC

AUTHORITY: The Dalles Municipal Code, Title 10 Land Use and Development

DECISION: Based on the findings of fact and conclusions in the staff report of CUP 191-19, and after a hearing in front of the Planning Commission, the request by Heidi McBride is hereby **approved** with the following conditions:

1. Staff shall monitor the off-street parking situation and return to the Planning Commission in 1 year to formalize or modify the request.
2. The review and approval of the Director and the City Engineer are required prior to the signature on a building permit.
3. Any proposed lighting shall not directly illuminate any adjoining properties. Lighting that crosses the property line not be able to exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source).
4. Any outdoor lighting used for the parking area shall comply with Section 10.7.030.120.
5. The applicant will be required to provide at least three bicycle parking spaces on the subject property that complies with Section 10.7.040.030, 10.7.040.040 and 10.7.040.050.
6. One parking space will be required to meet the ADA requirements as addressed in Section 10.7.030.050.
7. All odors relating to industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances, fuels, and fertilizers, manure, or other animal waste

products, other than for landscape installation and maintenance be confined to the subject property.

8. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site, or beyond allowable levels as determined by local, state, and federal standards, shall not be allowed. Noise impacts across the property line not exceed 60 decibels.
9. Any signs for the new use shall be applied for under a separate permit.

Signed this 18th day of July, 2019, by



Steven K. Harris, AICP
Director, Community Development Department

TIME LIMITS: The period of approval is valid for the time period specified for the particular application type in The Dalles Municipal Code, Title 10 Land Use and Development. All conditions of approval shall be fulfilled within the time limit set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time. Failure to fulfill any of the conditions of approval within the time limits imposed can be considered grounds for revocation of approval by the Director.

Please Note! No guarantee of extension or subsequent approval either expressed or implied can be made by the City of The Dalles Community Development Department. Please take care in implementing your approved proposal in a timely manner.

APPEAL PROCESS: The Planning Commission's approval, approval with conditions, or denial is the City's final decision, and may be appealed to the City Council if a completed Notice of Appeal is received by the Director no later than 5:00 p.m. on the 10th day following the date of the mailing of the Notice of Public Hearing Decision. The following may file an appeal of administrative decisions:

1. Any party of record to the particular public hearing action.
2. A person entitled to notice and to whom no notice was mailed. (A person to whom notice is mailed is deemed notified even if notice is not received.)
3. The Historic Landmarks Commission, the Planning Commission, or the City Council by majority vote.

A complete record of application for public hearing action is available for review upon request during regular business hours, or copies can be ordered at a reasonable price, at the City of The Dalles Community Development Department. A Notice of Appeal form is also available at The Dalles Community Development Office. The fee to file a Notice of Appeal is \$500.00. **The appeal process is regulated by Section 10.3.020.080: Appeal Procedures, The Dalles Municipal Code, Title 10 Land Use and Development Ordinance.**



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PLANNING DEPARTMENT

RESOLUTION NO. PC 582-19

Approval of Conditional Use Permit Application **191-19, Heidi McBride, The Foley LLC**, to approve a reduction in parking standard requirements to facilitate the addition of a mixed-use first floor tenant program to include retail space, and a café and wine sales/tasting room. Property is located at 106 E. Fourth Street and is further described as 1N 13E 3 BC tax lot 2600. Property is zoned "CBC" – Central Business Commercial, within the Commercial Historic District and the CBC-1 Overlay.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on July 18, 2019, conducted a public hearing to consider the above request. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- B. Staff's report of Conditional Use Permit 191-19 and the minutes of the July 18, 2019, Planning Commission meeting, upon approval, provide the basis for this resolution and are incorporated herein by reference.

II. RESOLUTION:

Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles as follows:

- A. In all respects as set forth in Recitals, Part "I" of this resolution.
Conditional Use Permit 191-19 is hereby approved with the following conditions of approval:
 - 1. Staff shall monitor the off-street parking situation and return to the Planning Commission in one year to formalize or modify the request.
 - 2. The review and approval of the Director and the City Engineer are required prior to the signature on a building permit.
 - 3. Any proposed lighting shall not directly illuminate any adjoining properties. Lighting that crosses the property line shall not exceed 0.5 foot-candles.
 - 4. Any outdoor lighting used for the parking area shall comply with Section 10.7.030.120.
 - 5. The applicant will be required to provide at least three bicycle parking spaces on the subject property that complies with Section 10.7.040.030, 10.7.040.040 and 10.7.040.050.
 - 6. One parking space will be required to meet the ADA requirements as addressed in Section 10.7.030.050.
 - 7. All odors relating to industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances, fuels, and fertilizers, manure, or other animal

waste products, other than for landscape installation and maintenance be confined to the subject property.

8. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site, or beyond allowable levels as determined by local, state, and federal standards, shall not be allowed. Noise impacts across the property line not exceed 60 decibels.
9. Any signs for the new use shall be applied for under a separate permit.

III. APPEALS, COMPLIANCE, AND PENALTIES:

- A. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals must be made according to Section 3.020.080 of the Land Use and Development Ordinance, and must be filed with the City Clerk within ten (10) days of the date of mailing of this resolution.
- B. Failure to exercise this approval within the time limits set either by resolution or by ordinance will invalidate this permit.
- C. All conditions of approval must be met within the time limits set by this resolution or by ordinance. Failure to meet any condition will prompt enforcement proceedings that can result in: 1) permit revocation; 2) fines of up to \$500.00 per day for the violation period; 3) a civil proceeding seeking injunctive relief.

The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution along with a stamped approved/denied site plan or plat to the applicant.

APPROVED AND ADOPTED THIS 18TH DAY OF JULY, 2019.



Bruce Lavier, Chair
Planning Commission

I, Steven K. Harris, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 18th day of July, 2019.

AYES: Bybee, DuFault, Lavier, Cornett, Poppoff, Ross, Stiles

NAYS: —

ABSENT: —

ABSTAIN: —

ATTEST: 

Steven K. Harris – AICP
Community Development Director, City of The Dalles



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(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT Conditional Use Permit No. 191-19 Heidi McBride

PROCEDURE TYPE: Quasi-judicial

HEARING DATE: July 18, 2019

ASSESSOR'S MAP: Township 1 North, Range 13 East, Section 3 BC

TAXLOT : 2600

ADDRESS: 106 E. 4th Street

ZONING: "CBC" Central Business Commercial, sub-district 1.

COMPREHENSIVE ZONING MAP: "CBC" Central Business Commercial

PREPARED BY: Riley Marcus, Associate Planner

REQUEST: Applicant is requesting a reduction in parking standard requirements to facilitate the addition of a mixed-use first floor tenant program to include retail space, and a café and wine sales/tasting room.

BACKGROUND INFORMATION:

Heidi McBride, owner of the subject property, originally submitted an application for a Proposed Change of Use on October 23, 2018. This Proposed Change of Use approved office areas and workspaces: attic level/ballroom with 6 desks, second floor with 4 individual offices, and the basement level with 2 offices. The subject property contains a four-story historic structure, located within the Commercial Historic District. The applicant is proposing the following uses to be located on the first floor: mixed-use tenant program to include retail space, a café, and a wine or bottle shop/tasting room. The uses are being reviewed as a Conditional Use Permit because the proposal will require a reduction to the off-street parking requirements for the proposed uses. The subject property currently contains 6 parking spaces, one of which is currently labeled "reserved", and the proposed uses will require 5 additional off-street parking spaces, for a total of 11 required spaces. This proposal includes the approximately 550 square foot "carriage house" that was not shown on the site plan. City Staff met with the applicant on May 30, 2019 to discuss this Conditional Use Permit in a Site Team meeting. The applicant then submitted the second half of her payment and a complete application on June 11, 2019. Due to notification requirements and the cancellation of the July 4th Planning Commission meeting, the request has been taken to the July 18, 2019 Planning Commission meeting.

NOTIFICATION:

Notification was mailed on July 8, 2019 to property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes. This started a 10-day comment period which will end on Thursday, July 10, 2019.

COMMENTS RECEIVED:

No comments were received at the time of this report.

A. The City of The Dalles Municipal Code, Title 10 Land Use and Development**Chapter 10.3 – Application Review Procedures****Article 3.010 Application Procedures****Section 10.3.010.030 Pre-Application Conference**

Applicants for administrative, quasi-judicial, or legislative actions shall be required to participate in a pre-application conference with the Director prior to submitting an application.

FINDING: Staff from The Dalles Community Development Office and Public Works met with the applicant for a Site Team Meeting on May 30, 2019. Staff finds the request to comply with Section 10.3.010.030.

Section 10.3.010.040 Applications

Application for ministerial, planning, and legislative actions shall be made on forms provided by the Director, comply with all applicable sections of this Title, and, where applicable, meet the following criteria:

- A. Acceptance. All applications shall be accepted by the Department during normal working hours, and date stamped on the day received in the Department office.*
- B. Completeness. An application shall be considered complete when it contains the information required by this Title, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per Section 10.1.120: Fees. Complete applications shall be signed and dated by the director.*

FINDING: The application for a Conditional Use Permit was submitted on May 13, 2019. Staff met with the applicant on May 30, 2019 at a Site Team Meeting to go over any additional requirements. The applicant then submitted a complete application and paid the second half of the Site Plan Review fee to proceed to Planning Commission on June 11, 2019 to request a parking waiver for 5 auto spaces and proposed uses. Staff finds the request to comply with Section 10.3.010.040(A).

Section 10.3.020.040 Administrative Actions

B. Decisions Types. Administrative Actions, include but are not limited to, the following:

- 1. Site Plan Review (Article 3.030).*

FINDING: The uses that the applicant is proposing would normally be reviewed through a Site Plan Review, however because the applicant cannot meet the off-street parking requirements for the proposed uses, the application is being reviewed as an quasi-judicial action for a parking waiver and approval of the uses before Planning Commission. Staff finds that the request complies with Section 10.3.020.040(B)(1).

Section 10.3.020.050 Quasi-Judicial Actions

A. Decision Types. Quasi-judicial actions include, but are not limited to, the following:

3. Conditional Use Permits (Article 3.050)

FINDING: The request includes the addition of a mixed-use first floor tenant program, which would include retail/merchant space, a café, and wine or bottle shop/tasting room. While the above uses are normally reviewed through a Site Plan Review application, the proposed uses will also require 5 off-street parking spaces to be provided, which cannot be met at this time. Therefore the applicant is requesting a parking waiver for the 5 off-street parking spaces. Waivers for off-street parking are required to be reviewed through a Conditional Use Permit. The applicant is seeking approval for the waiver of the 5 off-street parking spaces and the approval of the proposed uses. Staff finds the request to comply with Section 10.3.020.050(A)(3).

B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.

FINDING: Staff has prepared a staff report on behalf of the Community Development Director, where all criteria and standards for the request have been addressed in findings of fact. Staff finds the request to comply with Section 10.3.020.050(B).

C. Public Hearings.

- 1. Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting with 45 days from the date the application is deemed complete.*

FINDING: The application was deemed complete on June 11, 2019. A Planning Commission meeting was scheduled for July 18, 2019, within the required 45-day time period. Staff finds the request to comply with Section 10.3.020.050(C)(1).

D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to:

- 1. The applicant and owners of property within 300 feet of the subject property. The list shall be compiled from the most recent property tax assessment.*
- 2. Any affected governmental agency, department, or public district whose boundaries included the subject property.*
- 3. Any neighborhood or community organization recognized by the Department and whose boundaries included the subject property.*

FINDING: The Notice of Hearing was mailed to all property owners within 300 feet and to all the applicable affected agencies, departments, public districts, and organizations on July 8, 2019. Staff finds the request to comply with Section 10.3.020.050(D).

Article 3.030 Site Plan Review

Section 10.3.030.020 Review Procedures

A. Process. Detailed site plan, construction/design and landscape plans, where required, are a necessary condition of approval and must be received and approved by the Director and the City Engineer before a building permit will be signed.

FINDING: A detailed site plan was submitted showing the existing location of the building, landscaping and bike parking. A **Condition** of Approval has been included in the Notice of Decision requiring the review and approval of the Director and the City Engineer prior to the signature on a building permit. With the above condition, staff finds the request to comply with Section 10.3.030.020(A).

B. Applications. In addition to the requirements of Article 3.010: Application Procedures, site plan review applications shall be accompanied by at least 15 copies of the site plan, and, when required, 3 copies of the detailed landscape and construction/design plans as specified below in Section 10.3.030.030: Required Plans. When plans are drawn using CAD software, 1 digital disc copy shall be submitted in addition to the required hard-copies.

FINDING: In addition to the applicant submitting an application to meet the requirements of Article 3.010, the applicant also submitted the appropriate number of plans. Staff finds the request to comply with Section 10.3.030.020(B).

Section 10.3.030.040 Review Criteria

The following criteria shall be used to approve, approve with conditions, or deny the site plan:

A. City Ordinance Provisions. All the provisions from the applicable City ordinances have been met or will be met by the proposed development.

FINDING: All the applicable provisions within the Municipal Code have been met by this request or will be met as Conditions of Approval. Staff finds the request to comply with Section 10.3.030.040(A).

B. Public Facilities Capacity. Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be provided to, and where applicable, through, the subject property in order to: (1) meet connectivity standards per the Transportation System Plan and other documents; and (2) provide for future development of surrounding property.

FINDING: Adequate capacity currently exists for facilities including water, storm sewer, and streets. If any upsizing occurs, the applicant will be responsible for the costs of additional System Development Charges. Staff finds the request to comply with Section 10.3.030.040(B).

B. Arrangement of Site Elements. Elements of the site plan are arranged to:

1. *Promote pedestrian, bicycle, and vehicular safety and welfare.*
2. *Preserve and maintain public amenities and significant natural features.*
3. *Avoid traffic congestion.*
4. *Minimize potential adverse impacts on surrounding properties.*

FINDING: The applicant is proposing to use the existing parking lot and maintain the same number of parking spaces. No changes will be made to the existing sidewalks. The range of uses for this site does not have a high potential for off-site impacts. A **Condition** of Approval has been included in the Notice of Decision requiring that any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site, or beyond allowable levels as determined by local, state, and federal standards, not be allowed. Staff finds the request to comply with Section 10.3.030.040(C).

D. Lighting. Proposed lighting shall not directly illuminate adjoining properties.

FINDING: Proposed lighting was not shown on the site plan. A **Condition** of Approval has been included in the Notice of Decision requiring that any proposed lighting not directly illuminate any adjoining properties. With the above condition, staff finds the request to comply with Section 10.3.030.040(D).

F. Waiver of Remonstrance. Where applicable, the applicant shall agree to waive any future rights to remonstrate against future public improvements, per the provision of Article 6.110: Waiver of Right to Remonstrate.

FINDING: All improvements adjacent to the site exist. A Waiver of Remonstrance is not required for this application. Staff finds the request to comply with Section 10.3.030.040(F).

Article 3.050 Conditional Use Permits

Section 10.3.050.030 Review Procedures

A. Applications. In addition to the requirements of Article 3.010: Application Procedures, conditional use permit applications shall be accompanied by at least 15 copies of a concept site plan, and, when required, 2 copies of the detailed landscape and construction/design plans, per the provisions of Article 3.030 Site Plan Review.

FINDING: The required plans have been submitted. Staff finds the request to comply with Section 10.3.050.030(A).

Section 10.3.050.040 Review Criteria

A conditional use permit shall be granted if the Commission finds that the proposed use conforms with, or can be made to conform to through added conditions, any related requirements of this and other City ordinances and all of the following criteria:

A. Permitted Conditional Use. The proposed use is conditionally permitted in the zone district where it is proposed to be located.

FINDING: The applicant submitted plans to add a mixed-use tenant program to include retail space, and a café and wine sales/tasting room to the first floor of the existing building. These uses are all allowed uses within the Central Business Commercial zone. The request has been elevated to be reviewed through a Conditional Use Permit for a parking waiver for five off-street parking spaces. Staff finds the request to comply with Section 10.3.050.040(A).

- B. *Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed use will also be consistent with the purposes of this Title, and any other statutes, ordinances, or policies that may be applicable.*

FINDING: The proposed uses are permitted outright. The application is being reviewed as a Conditional Use Permit for the parking waiver request. Staff finds the request to comply with Section 10.3.050.040(B).

- C. *Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this Article. Impacts caused by the construction of the conditional use shall not be considered regarding a decision on the validation of the application.*

1. *Noise impacts across the property line shall not exceed 60 decibels. Noise related to traffic impacts shall not be included in this determination. Nothing in this Article shall modify other noise ordinance standards as adopted by the City.*

FINDING: The proposed uses are to be located inside the existing building; however the applicant is proposing some outdoor seating. A **Condition** of Approval has been included in the Notice of Decision requiring that the noise impacts across the property line not exceed 60 decibels. With the above condition, staff finds the request to comply with Section 10.3.050.040(C)(1).

2. *Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)*

FINDING: A **Condition** of Approval has been included in the Notice of Decision requiring that any lighting that crosses the property line not exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source). With the above condition, staff finds the request to comply with Section 10.3.050.040(C)(2).

3. *Dust and other particulate matter shall be confined to the subject property.*

FINDING: A **Condition** of Approval has been included in the Notice of Decision requiring that dust and other particulate matter be confined to the subject property. With the above condition, staff finds the request to comply with Section 10.3.050.040(C)(3).

4. *The following odors shall be completely confined to subject property:*
- a. *Industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;*
 - b. *Fuels; and*
 - c. *Fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.*

FINDING: A **Condition** of Approval has been included in the Notice of Decision requiring that the applicant confine all odors relating to industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances, fuels, and fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance to the subject property. With the above condition, staff finds the request to comply with Section 10.3.050.040(C)(4).

5. *Vibrations shall not be felt across the property line.*

FINDING: A **Condition** of Approval has been included in the Notice of Decision requiring that vibrations from the proposed use and existing building not be felt across the property line. With the above condition, staff finds the request to comply with Section 10.3.050.040(C)(5).

6. *The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are limited to:*
- a. Street designation and capacities;*
 - b. On-street parking impacts;*
 - c. Bicycle safety and connectivity;*
 - d. Pedestrian safety and connectivity; and*
 - e. Transit capacity and efficiency.*

FINDING: The additional transportation impacts generated from adding new uses to the existing building, which is being used for office space, is expected to increase, but should not be significant. The footprint and height of the building will be utilized as is, with changes occurring only to the inside of the building only. Pedestrian and bicycle safety and connectivity will not be impacted by this proposal. Staff finds the request to comply with Section 10.3.050.040(C)(6).

Article 5.050 CBC Central Business Commercial District

Section 10.5.050.030 Permitted Uses

A. *Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, the specific standards and procedures for the particular sub-district where the use is proposed, and all other applicable requirements of this Title and other City ordinances:*

5. *Food Services.*

10. *Markets and Grocery Stores.*

21. *Retail uses.*

FINDING: The applicant is requesting the addition of a mixed-use first floor tenant program to include retail space, and a café and wine sales/tasting room. Staff finds the request to comply with Section 10.5.050.030(A)

Section 10.5.050.060 Development Standards

CBC Central Business Commercial	Standard		
	Sub-district 1 Historic Districts	Sub-district 2 Downtown Core	Sub-district 3 Downtown Fringe
Setbacks Front Yard and Corner Side Yard	0 ft. maximum, 10 ft. maximum where overlaps Sub-district 3 ¹	0 ft. maximum ²	10 ft. maximum ³
Side and Rear Yards	No minimum/maximum, except 15 ft. where shares lot line with residentially zoned property, unless there is a vertical grade change between adjacent zone districts greater than 20 feet.		
Lot Size, Width, Depth	No minimum/one full City block maximum provided any public rights-of-way are maintained		
Building Height	55 ft. maximum, except 75 ft. maximum with a conditional use permit.		
Building Orientation	New buildings and major remodels of existing buildings increasing floor area by more than 30% shall be oriented primarily toward a street or designated accessway rather than a parking area.		
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.050.070(C): Pedestrian Walkways		
Off-Street Parking (Bicycles and Vehicles)	See Chapter 10.7 - Parking Standards		
Landscaping	See Article 6.010: Landscaping Standards		
Accessory Uses, Buildings and Structures	See Article 6.030: Accessory Development		
Access Management	See Article 6.050: Access Management		

¹ Applicant may request up to 15-foot exception where outdoor seating for food service is proposed, subject to separate quasi-judicial approval of both the Historic Landmarks Commission and the Planning Commission.

² Applicant may request up to 15-foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Planning Commission.

³ Applicant may request up to 5-foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Planning Commission.

FINDING: No new buildings or structures are being proposed to be constructed within this application. The building on the subject parcel is pre-existing. The lot size is not changing. Pedestrian access exists to the building from the sidewalk and from the parking area. Off-street parking will be further addressed below in Chapter 10.7. Staff finds the request to comply with Section 10.5.050.060.

Section 10.5.050.070 Design Standards – All Development

- A. *Exterior Elevations.* Exterior elevations of buildings (except allowed one- and two-family dwellings) shall incorporate architectural design features such offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. *Horizontal.* At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
 2. *Vertical.* At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. *Entries.*
1. *Commercial and Residential.* Primary entries shall face a public street or designated access drives and shall be accessed from a public sidewalk in accordance with the provisions of subsection C below. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.
 2. *Residential Only.*
 - a. *Within Sub-district CBC-2,* upper story residential uses shall have shared or individual entries on the first level only. No outside stairways serving upper story dwellings are allowed.
 - b. *Outside Sub-district CBC-2,* upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.
- C. *Pedestrian Walkways.* Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and access ways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and access way crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.

FINDING: The building is pre-existing and no exterior changes are being proposed to be made at this time. The main entry faces a public street and has an existing pedestrian walkway that connects to the public sidewalk. Staff finds the request to comply with Section 10.5.050.070(C).

Section 10.5.050.080 Design Standards – Sub-Districts

- A. *Sub-district CBC-1 (Commercial Historic District and Trevitts Addition Historic District).* All proposed development and redevelopment in this Sub-district shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of Chapter 11.12 – Historic Resources.

FINDING: The applicant is not proposing to change the exterior of the existing building within this request. Staff finds the request to comply with Section 10.5.050.080 Design Standards.

Chapter 10.6 General Regulations
Article 6.010 Landscaping Standards

Section 10.6.010.030 General Provisions

- A. *Applicability. The provisions of this Article shall apply to all applications for new development and to applications for additions or modifications to existing development which increases the building(s) combined total footprint area by more than 20%.*

FINDING: No new development is occurring and the footprint will not be expanding more than 20%. Staff finds Article 6.010 to not be applicable to this request.

Article 6.050 Access Management

Section 10.6.050.030 General Requirements

- A. *Unified Access and Circulation. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of this Title. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations required by this Article shall be met. The owner and all lessees within the affected area are responsible for compliance with the requirements of this Title and both shall be cited for any violation.*
- B. *Connectivity. The street system of any proposed development shall be designed to coordinate with existing, proposed, and planned streets outside of the development. Where required by the approving authority, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed, per the provisions of Article 9.030: Partitions, Minor Replats, and Lot Line Adjustments, concurrent with the development.*

FINDING: The subject property has an existing access from East 4th Street. The number of connections will not change and no easements will be required. The development site is all under the same ownership. No land divisions are proposed. Staff finds the request to comply with Section 10.6.050.030 (A) and (B).

- E. *Emergency Access. All development shall be arranged on site so as to provide safe and convenient access for emergency vehicles.*

FINDING: The subject property is not proposing any new development and will utilize the existing building. Staff finds the request to comply with Section 10.6.050.030(E).

Chapter 10.7 Parking Standards

Article 7.020 General Provisions

Section 10.7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions.

- A. *Right of Development.* A reduction of up to 10% of the minimum off-street vehicle parking requirements established in Article 7.060: Minimum and Maximum off-street Parking Requirements is allowed as a right of development for all nonresidential uses.
- B. *Reductions for Bicycle Parking.* Off-street motor vehicle parking requirements for nonresidential uses established in Article 7.060: Minimum and Maximum off-street parking requirements may be reduced by 10% in addition to the reductions allowed in subsection A above, if replaced by bicycle parking over the amount required in Article 7.060: Minimum and Maximum off-street parking requirements, at the rate of 1 bicycle space for 1 vehicle space.
- C. *Reductions for Existing Uses.* Property owners of existing nonresidential development may take advantage of incentives to reduce vehicle parking below the minimum off-street vehicular parking standards established in Article 7.060: Minimum and Maximum Off-Street Parking Requirements as provided below:
 - 2. *Where pre-existing development is unable to accommodate off-street parking that is required by a proposed use change and/or an addition or modification to existing building(s), the applicant may request a conditional use approval for a parking reduction providing each of the following conditions is met. The conditional use permit shall be processed per the provisions of Article 3.050: Conditional Use Permits.*
 - a. *The enlargement, modification or use change does not displace any existing off-street parking.*

FINDING: The subject property currently contains six parking spaces. One of these six will be required to be compliant with ADA standards. These spaces are already in use for the office spaces approved on the other floors of the building. The applicant is proposing to add a multi-tenant program to the first floor of the building that would include potential merchant/retail space, a café space, and wine sales/tasting room. Staff calculated the number of parking spaces required for these proposed uses by their given floor areas as shown on the site plan. The café space would require about three off-street parking spaces to be provided per Article 7.060. The remaining retail/merchant space would also require three parking spaces per the same Article. Staff was able to use 10.7.020.040(A) to reduce these 6 parking spaces down to 5.4. Using Section 10.7.020.040(B) staff was able to further reduce the 5.4 required parking spaces by 10% (and the addition of one bicycle parking space, as further addressed below in Article 7.060), resulting in 4.86 parking spaces needed for the new uses. Rounded up, this number becomes five parking spaces. As the applicant is unable to meet the additional five off-street parking spaces on top of her existing six off-street parking spaces, she is requesting a parking waiver.

The surrounding uses to the subject property; two banks, an accounting office, consulting office, Wasco Electric Cooperative Inc, etc. are all businesses that are only open during the week days. This also includes the office use of the existing building on the subject property. The potential new uses of retail/merchant area, wine or bottle shop/tasting room, would allow for the

area to have uses that were open in the evenings and on the weekends as well. Parking may not even be an issue if the uses are active at different times of the day and week. The surrounding streets; East 4th Street, Union Street, and Court Street all have parking available on both sides of the streets. Staff finds the request to comply with Section 10.7.020.040(C)(2)(a).

b. The proposal is not for an existing nonconforming use.

FINDING: The proposal is not for an existing non-conforming use. Staff finds the request to comply with Section 10.7.020.040(C)(2)(b).

c. The applicant can demonstrate that an opportunity for shared or joint parking, as specified in this Chapter, is not reasonably available.

FINDING: The existing parking lot is shared with the parcel to the east. The applicant has stated that she discussed these spaces with the current business at that location and was told that this space is used for their business use only. Staff finds the request to comply with Section 10.7.020.040(C)(2)(c).

Article 7.030 General Design Standards for Surface Parking Lots

Section 10.7.030.020 Location, Surfacing, Striping and Curb Cuts

- A. Location. No vehicle parking spaces shall occupy any of the required setbacks unless the parking area is the only developed use of a legal lot of record and provided that all the other screening and landscaping requirements of this Title have been met. This requirement may be waived for the rear setback where alley access serves the subject property, provided the entire block length of the alley right-of-way is free and clear of any obstructions and adequately surfaced with an all weather material such as gravel, concrete, or asphalt. Parked vehicles shall not overhang property lines or walkways unless otherwise approved by the Director.*
- B. Surfacing. On site areas used for the parking and maneuvering of vehicles shall be surfaced with material approved by the City Engineer.*
- C. Striping. All parking spaces shall be striped.*
- D. Curb Cuts. Curb cuts shall meet the design requirements specified by the Americans with Disabilities Act, the City Engineer, and the placement requirements specified in Article 6.050: Access Management and design requirements specified in Article 6.060: Driveway and Entrance Standards.*

Section 10.7.030.030 Internal Circulation

- A. General. Internal circulation shall be designed to facilitate movement of vehicles, bicycles and pedestrians in a safe and efficient manner, with a minimum of impervious surface coverage.*
- B. Emergency Vehicles. Safe and convenient vehicular access shall be provided for service and emergency vehicles.*
- C. Pedestrian Walkways. Safe, efficient, and conveniently located pedestrian walkways shall be provided.*

- D. Integration and Separation. Integration and/or separation of vehicle, bicycle and pedestrian circulation systems shall be appropriate to the type and size of the development and anticipated traffic flows. Accessible connections to the adjacent public sidewalk(s) shall be provided in all cases where such sidewalk exists or is required as a condition of development.*

FINDING: The entrance of the existing driveway for the subject property is off of East 4th Street. The existing driveway is paved and contains six parking spaces, one of which is currently labeled “reserved”. The parking area is split in half and shared with the adjacent property to the east, which has eight parking spaces and two loading zone areas. The parking spaces are already striped, however the applicant will be required to convert one of these parking spaces to comply with ADA standards. Safe vehicular access exists for emergency vehicles and pedestrians. Staff finds the request to comply with Section 10.7.030.020 and 10.7.030.030.

Section 10.7.030.050 Accessible Parking

- A. General. Where required by the Oregon Americans with Disabilities Act, parking areas shall provide parking spaces and aisles which are accessible to the disabled. These accessible spaces shall be located closest to an accessible building entry. Whenever practical, the accessible route shall not cross lanes of vehicular traffic. Where the accessible route does cross vehicular traffic, the crossing area shall be distinguished from traffic lanes using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. The crossing area shall be maintained for safety, and shall meet the requirements of the Oregon Americans with Disabilities Act. Location of vehicle parking shall not obstruct curb ramps or other sloped areas. Accessible parking spaces shall be minimum 9 feet wide with a 6-foot wide access aisle per single space, or between each 2 spaces. A van accessible parking space shall be at least 9 feet wide and shall have an adjacent access aisle that is at least 8 feet wide. Accessible parking spaces shall be at least 9 feet wide and shall have an adjacent access aisle that is at least 6 feet wide. The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle. Accessible parking shall be provided according to the following ratio requirements:*

<i>Minimum Required Number of Total Parking Spaces</i>	<i>Number of Accessible Spaces</i>
<i>1-25</i>	<i>1</i>

FINDING: The driveway at the subject location already exists. However, the applicant will be required to make one of the existing six parking spaces ADA compliant. A **Condition** of Approval has been included in the Notice of Decision requiring one parking to meet the ADA standards above. With the above condition, Staff finds the request to comply with Section 10.7.030.050.

Section 10.7.030.120 Outdoor Lighting

- A. General. Parking areas shall be adequately lighted where necessary for public safety and security of property.*

- B. Shielding and Arrangement. Lighting sources shall be shielded, and arranged so as not to produce glare in any public right-of-way, or otherwise constitute a nuisance on adjacent property.
- C. Maximum Illumination. Maximum illumination at the property line shall not exceed an average horizontal foot candle of 0.3 for non-cut-off light and 1.0 for cut-off lights.

FINDING: The applicant did not provide a site plan showing any outdoor lighting for the parking area. A **Condition** of Approval has been included in the Notice of Decision requiring any potential outdoor lighting used for the parking area, to comply with Section 10.7.030.120 above. Staff finds the request to comply with Section 10.7.030.120.

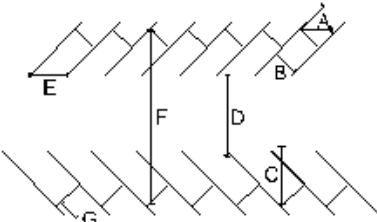
Section 10.7.030.130 Stall and Aisle Dimensions

- A. *All surface parking lots shall be designed in accordance with City standards for stalls and aisles as set forth in Figure 7-1, Off-Street Parking Dimensions. A minimum of 70% of vehicle parking stalls shall be of standards size and a maximum of 30% of vehicle parking stalls shall be compact spaces. Compact spaces shall be designed in clusters and appropriately marked "compact."*
- B. *The following notes apply to Figure 7-1:*
 - 1. *For 1 row of stalls use "C" plus "D" as minimum module width.*
 - 2. *Public alley width may be included as part of dimension "D," but all stalls must be on private property, off the public right-of-way.*
 - 3. *Use 350 square feet per vehicle to estimate available parking area for stall, aisle, and access areas.*
 - 4. *The minimum stall width for high turnover self-parking is 9 feet. For supermarkets and similar facilities (shoppers with packages) the minimum stall width is 9.5 feet.*
 - 5. *The minimum aisle width for two-way traffic and for emergency vehicle operations is 24 feet. The minimum aisle width for one-way emergency vehicle access is 20 feet.*
 - 6. *Where a bumper overhang area is provided (e.g., increased pedestrian walkway width, curbed islands), "G" may be subtracted from "C" to determine stall depth.*

Figure 7-1
OFF-STREET SURFACE PARKING DIMENSIONS
Required Space and Aisle Dimensions in Feet

COMPACT							STANDARD					
A	B	C	D	E	F	G	B	C	D	E	F	G
60°							9.0	19.0	16.0	10.4	54.0	2.5
							9.5	19.0	15.0	11.0	53.0	2.5
	8.0	17.0	14.0	9.20	44.0	2.5	10.0	19.0	14.0	11.6	52.0	2.5
90°							9.0	18.5	26.0	9.0	63.0	3.0
							9.5	18.5	25.0	9.5	62.0	3.0
	8.0	16.5	24.0	8.0	58.0	3.0	10.0	18.5	24.0	10.0	61.0	3.0

Stall width dimensions may be distributed as follows: 70% standard spaces, 30% compact spaces. All compact spaces shall be labeled as such.



A Parking Angle

B Stall Width

C Stall Depth (no bumper overhang)

D Aisle Width between stall lines

E Stall Width parallel to aisle

F Module Width (no bumper overhang)

G Bumper Overhang

FINDING: The applicant is proposing to use the existing parking area as is. If the parking layout ever changes, it will need to comply with Section 10.7.030.130 above. Staff finds the request to comply with Section 10.7.030.130.

Article 7.040 Bicycle Parking Design Standards

Section 10.7.040.020 Minimum Requirements

- A. *The required minimum number of bicycle parking spaces for each principal use is given in Article 7.060: Minimum and Maximum Off-Street Parking Requirements. Additional parking spaces may be required at common use areas.*
- B. *All development shall meet the minimum requirements for bicycle parking and design per the provisions of this Chapter.*

FINDING: The applicant will be required to provide at least three bicycle spaces, as further addressed in Article 7.060 below. Staff finds the request to comply with Section 10.7.040.020.

Section 10.7.040.030 Bicycle Parking Location and Access

A. Location.

1. *Outdoor bicycle parking must be located within 50 feet of the primary building entrance(s).*
2. *Bicycle parking may be located inside a building on a floor location which does not require stairs to access the space. Exceptions may be made for parking on upper stories within a multi-story residential building.*
3. *Bicycle parking racks shall be located to avoid conflict with pedestrian movement and access walkways required by this Title and the State of Oregon Structural Specialty Code.*
4. *Subject to the approval of the City Engineer, bicycle parking may be located in the public right-of-way when the parking does not conflict with pedestrian accessibility.*

B. Visibility. *Outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to locate bicycle parking areas. Directional signs shall be approved by the Director.*

C. Lighting. *Required bicycle parking must have a minimum lighting level of 3 foot candles.*

D. Walkway. *A pedestrian accessible walk must be provided between bicycle parking and the building entrance. The walk must be constructed of hard surfaced materials with a minimum width of 4 feet.*

E. Amenities. *Bicycle parking areas are encouraged to include a bench.*

Section 10.7.040.040 Bicycle Rack Types and Space Dimensions

Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. A list of standard bicycle racks, shelters and lockers is available from the Director. The list does not preclude other designs the Director may approve. Racks provided in required bicycle parking facilities shall ensure that bicycles may be securely locked to them without undue inconvenience in accordance with the following:

A. Security.

1. *Bicycle racks must hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.*
2. *Bicycle parking racks, shelters, and lockers must be securely anchored to the ground or to the structure.*

B. Accessibility. *Each required bicycle parking space must be accessible without moving another bicycle.*

C. Parking Space Dimensions. *Bicycle parking spaces shall be at least 2 ½ feet wide by 6 feet long and, when covered, provide a vertical clearance of 7 feet. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.*

D. Space Rental and Leasing. *Bicycle parking spaces required by this Chapter may not be rented or leased except where required motor vehicle parking is rented or leased. At cost or deposit fees for bicycle parking are exempt from this requirement.*

E. *Reserved Areas.* Areas set aside for required bicycle parking must be clearly marked (signed) for bicycle parking only.

Section 10.7.040.050 Paving and Surfacing of Bicycle Parking Area

Outdoor bicycle parking facilities shall be surfaced with a well drained, hard surface material at least 2 inches thick (i.e. pavers, asphalt, concrete or similar material) approved by the City Engineer.

FINDING: The applicant will be required to provide three bicycle parking spaces on the subject property that comply with Section 10.7.040.030, 10.7.040.040 and 10.7.040.050 above. With the above condition, Staff finds the request to comply with Section 10.7.040.030, 10.040.040 and 10.040.050.

Section 10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

Each of the use types described below are subject to the following minimum and maximum off-street parking requirements in accordance with the provisions of this Title and other City ordinances. Development which mixes more than one use type shall calculate the parking requirement based on the requirement for each of the uses. Reductions in parking requirements are allowed in Section 10.7.020.040, and further reductions may be requested through the adjustment process in Article 3.080 or through the conditional use procedure in Article 3.050. The Director shall determine similarity of use type for those uses not specifically listed:

Use Type	Auto Parking		Bicycle Parking
	Minimum	Maximum	
<i>General office/administrative</i>	<i>2 spaces/1,000 sq. ft. floor area</i>	<i>3.5 spaces/1,000 sq. ft. floor area</i>	<i>0.5 spaces/1,000 sq. ft. floor area</i>
<i>Restaurants (without drive-thru)*</i>	<i>7 spaces/1,000 sq. ft. floor area</i>	<i>16 spaces/1,000 sq. ft. floor area</i>	<i>1 space/1,000 sq. ft. floor area</i>
<i>Retail trade</i>	<i>3.5 spaces/1,000 sq. ft. floor area</i>	<i>5 spaces/1,000 sq. ft. floor area</i>	<i>0.3 spaces/1,000 sq. ft. floor area</i>

* *Outdoor seating area shall count as floor area in determining the parking requirements for restaurants without drive-thru.*

FINDING: The subject property currently contains six parking spaces. One of these six will be required to be compliant with ADA standards. These spaces are already in use for the office spaces approved on the other floors of the building. The applicant is proposing to add a multi-tenant program to the first floor of the building that would include potential merchant/retail space, a café space, and wine sales/tasting room. Staff calculated the number of parking spaces required for these proposed uses by their given floor areas as shown on the site plan. The café space would require about three off-street parking spaces to be provided per the table above. The remaining retail/merchant space would also require three parking spaces. Staff was able to use 10.7.020.040(A) to reduce these 6 parking spaces down to 5.4. Using Section 10.7.020.040(B) staff was able to further reduce the 5.4 required parking spaces by 10% (and the addition of one bicycle parking space), resulting in 4.86 parking spaces needed for the new uses. Rounded up, this number becomes five parking spaces. As the applicant is unable to meet the additional five off-street parking spaces on top of her existing six off-street parking spaces, she is requesting a parking waiver.

Based on the café uses and retail space uses, the required bicycle spaces needing to be provided is two. However, Section 10.7.020.040(B) would add one more space to this requirement. Therefore the applicant will be required to provide at least three parking spaces on-site. Staff finds the request to comply with Section 10.7.060.010.

RECOMMENDATION:

The existing six off-street parking spaces are currently used for the approved office spaces within the existing building. However, office hours may differ from that of a retail/merchant space, café, or tasting room/bottle shop. The surrounding streets all currently have off-street parking available on both sides: East 4th Street, Union Street, and Court Street. Staff is supportive of these ultimate plans for the property; however there are concerns regarding the request to waive all required off-street parking for the uses. If the Planning Commission supports the request to waive the five required parking spaces then staff suggests that a **Condition** of Approval be included in the Notice of Decision to allow for the temporary waiver of the five parking spaces and direct staff to monitor the parking situation and to return to the Commission in 1 year to formalize or modify the request.

PLANNING COMMISSION ALTERNATIVES:

1. Approval of a parking waiver to the vehicle parking standards (5 vehicle off-street parking spaces) and the approval of the request for a multi-tenant first floor program to include retail space, and a café and wine sales/tasting room; and to direct staff to prepare the resolution with Conditions of Approval.
2. Other action as deemed appropriate by the Planning Commission.
3. Decline approval of CUP #191-19.

PROPOSED CONDITIONS OF APPROVAL:

1. Staff shall monitor the off-street parking situation and return to the Planning Commission in 1 year to formalize or modify the request.
2. The review and approval of the Director and the City Engineer are required prior to the signature on a building permit.
3. Any proposed lighting shall not directly illuminate any adjoining properties. Lighting that crosses the property line not be able to exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source).
4. Any outdoor lighting used for the parking area shall comply with Section 10.7.030.120.
5. The applicant will be required to provide at least three bicycle parking spaces on the subject property that complies with Section 10.7.040.030, 10.7.040.040 and 10.7.040.050.
6. One parking space will be required to meet the ADA requirements as addressed in Section 10.7.030.050.
7. All odors relating to industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances, fuels, and fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance be confined to the subject property.
8. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site, or beyond allowable levels as determined

by local, state, and federal standards, shall not be allowed. Noise impacts across the property line not exceed 60 decibels.

9. Any signs for the new use shall be applied for under a separate permit.