August 31, 2026

Dear Members of the Planning Commission:

Re: PC 26-8 – 163 N. Franklin Street Boutique Hotel Conditional Use

Following the August 5 hearing, I took the time to review the application, the discussion at the hearing, and the applicable provisions of the City's Zoning Code more closely. I appreciate the Commission's decision to table the application because the hearing revealed several important questions that I believe go directly to the findings required for approval.

I understand that a boutique hotel is listed as a conditional use in the R-NT District. The issue is not whether a boutique hotel may be considered. The issue is whether this particular proposal, on this particular property, has been sufficiently defined and supported for the Commission to make the required findings. **Section 1105.21 requires the Commission to review the particular facts and circumstances of a proposed conditional use and find adequate evidence that the applicable criteria are satisfied.**

Section 1105.19 explains that conditional-use review allows detailed evaluation of matters including location, design, size, method of operation, intensity of use, public facilities and traffic generation. That standard is particularly important here because the August hearing revealed that significant parts of the proposed operation have not yet been determined.

Staff explained that the applicant intends to obtain the conditional-use approval and then market the property to hotel operators, who would subsequently come forward with their programming for the site. When specifically asked whether there would be staff on the property, the applicant's representative could not answer. That raises what I believe is the most fundamental question in this application: **If the operator has not been selected and the programming, staffing model and significant aspects of the operation will be determined after approval, what specific method and intensity of operation is presently before the Commission to evaluate?** These are not minor business details. Staffing affects supervision, security, guest management, parking management, noise response and accountability. The operating model affects arrivals and departures, servicing and how the property will function on a daily basis.

Staff also explained that the conditional use transfers with the property. The Commission therefore is not simply evaluating the intentions of the current applicant. It is determining what use and level of operation may continue on this property under the approval. For that reason, assurances regarding the current applicant's intentions, including statements that the applicant does not intend to operate a rowdy business, are not the same as enforceable protections governing the use under future ownership or management.

The maximum intensity of the use should also be clear. During the hearing there were references to eight rooms and a maximum of nine rooms. Parking adequacy was discussed in relation to "13 spaces for eight rooms," even though the requested conditional use permits as many as nine guestrooms. The Commission should evaluate the maximum use being authorized. If nine guestrooms may operate, the analysis of parking, traffic, circulation, servicing and compatibility should address nine rooms rather than depend upon an assumption that fewer rooms will ultimately be used.

The traffic discussion is a good example of why this matters. At the August hearing, the Planning and Zoning Administrator stated that "the highest traffic generating use is a single-family home" and

suggested that the proposed hotel would likely generate no more traffic than a standard single-family or possibly two- or three-family dwelling. The discussion also included assumptions that the hotel probably would not be occupied seven days a week and that guests would probably come and go only once or twice each day.

After hearing those statements, I looked further into recognized traffic-generation methodology. The Institute of Transportation Engineers,(ITE) whose methodology is recognized and used by ODOT, evaluates single-family residential traffic per dwelling unit and hotel traffic per room. Published ITE 11th Edition averages are approximately 9.43 weekday vehicle trip ends per single-family dwelling and 7.99 per hotel room. Those figures cannot simply be compared as 9.43 versus 7.99 to conclude that a hotel generates less traffic than a house. One is a rate for an entire dwelling. The other is a rate for each hotel room**. For illustration, applying those published averages to eight or nine hotel rooms produces approximately 64 to 72 weekday trip ends compared with approximately 9.4 for one single-family dwelling.** I am not presenting 64 to 72 trip ends as a site-specific traffic forecast for this property. The published averages demonstrate why the traffic conclusion stated at the hearing requires an identifiable evidentiary basis. If there is local data, a professional analysis or other evidence demonstrating that this particular hotel is likely to generate no more traffic than a standard single-family residence, that evidence should be identified in the record.

The residential comparison itself also changed during the hearing. At different points the proposed hotel was compared with a standard single-family residence, a large residence occupied by numerous people, two- or three-family residential use, and hypothetical redevelopment that might produce numerous residential units. Those are materially different baselines. Hypothetical future development should not become the standard against which the current application is measured. **The Commission should evaluate the use actually before it and the maximum intensity actually being authorized.** Likewise, an assumption that the hotel probably will not be fully occupied is not the same as an enforceable limitation on occupancy. If the approval permits all rooms to be occupied, the Commission should consider that possibility when making its findings.

Parking presents a separate issue. Staff stated that as many as 13 spaces could be provided and described that number as more than adequate. But the number of parking spaces required, the number of spaces that can be drawn on a plan, and the number of spaces that physically comply with Chapter 1123 are different questions. Chapter 1123 establishes physical requirements for parking spaces, drive aisles, maneuvering and circulation. Section 1105.21 also specifically requires the Commission to consider compliance of access drives, street access points, driveways, parking and service areas with Chapter 1123. The spaces must actually fit. The required drive aisles must fit. Vehicles must be able to enter and leave the spaces. The spaces must remain functional when the parking area is occupied. The entrance, exit and circulation pattern must work together safely. Based upon the submitted layout, there are legitimate questions about whether the claimed arrangement can physically accomplish all of this. **A fully dimensioned plan showing parking-space dimensions, parking angles, aisle widths, maneuvering areas and the complete circulation pattern would provide objective evidence of compliance.**

This distinction is important: A condition stating that parking must comply with Chapter 1123 is not evidence that the proposed parking arrangement can physically comply with Chapter 1123. If compliance with Chapter 1123 is part of the finding the Commission must make, the physical feasibility of that compliance should be demonstrated before approval rather than left to be resolved afterward.

I also understand staff's statement that street parking is public parking and available to anyone. That is true, and I do not dispute it. But public street parking does not establish compliance with the hotel's

required off-street parking, nor does it demonstrate that the site can accommodate its own operation. The surrounding residential streets should not become the practical solution to an on-site parking or circulation deficiency.

Ingress and egress are also more than a parking-space count. The proposed entrance, exit, parking spaces and drive aisles must function as one circulation system on this residential parcel. Chapter 1123 requires parking facilities to promote safe circulation and efficient ingress and egress and requires access for non-single-family uses to be planned to interfere as little as possible with neighboring property and pedestrian and vehicular traffic. The Commission should be able to determine from the plans how that system functions when the site is occupied, not simply when spaces are empty.

The same site must also accommodate the ordinary service functions of a hotel. The record does not clearly demonstrate where refuse will be stored and collected, how a refuse vehicle will access the property, where delivery or service vehicles will stop, or how housekeeping and maintenance activity will occur while maintaining the proposed parking and circulation.

These are not unusual circumstances or predictions of future problems. They are ordinary components of the commercial lodging use being requested. Where will refuse be stored and collected? Where will a refuse, delivery or service vehicle stop? Can those activities occur without occupying a required parking space, blocking a drive aisle or interfering with ingress and egress? How will guest vehicles and routine hotel servicing coexist when the property is occupied? Those questions should be answered by the proposal rather than left for a future operator to solve.

The hearing also demonstrated uncertainty about what operating model is actually contemplated. The proposed use was compared at different points to a boutique hotel, bed-and-breakfast and app-operated short-term rental. One commissioner specifically observed that a hotel ordinarily means staff on site and questioned whether an unstaffed operation would essentially resemble an Airbnb. Staff acknowledged that additional information was needed regarding whether the property would be staffed and also acknowledged that the nearby short-term rental property is not technically a boutique hotel.

Those distinctions matter. If a short-term rental, bed-and-breakfast and boutique hotel are different uses with different operating characteristics, they should not be treated as interchangeable when determining whether this particular hotel will be compatible with this particular property. The same applies to comparisons with nearby law offices and other commercial properties. Reference was made to commercial properties with substantial parking areas. Those properties do not establish that this parcel can accommodate the proposed hotel. If anything, the amount of land devoted to parking and circulation at other commercial sites demonstrates why the physical capacity of this property should be established.

Staff described the intent of the R-NT District during the hearing as maintaining an area that should “look and feel like a neighborhood of houses.” That description is important because compatibility involves more than architecture. Transient lodging introduces rotating occupants, arrivals and departures, servicing, refuse collection, management activity and other operational characteristics that permanent residential occupancy does not necessarily create in the same manner. That does not mean those characteristics automatically make a hotel incompatible. It means they are precisely the kinds of facts that should be evaluated before compatibility is found.

There was also discussion that “the neighborhood will change” and a suggestion that perhaps a different zoning classification would ultimately be more appropriate, followed by an acknowledgment

that this was “a discussion for another time.” That distinction should be respected. If the City determines that this neighborhood should someday accommodate a different level of commercial activity, that is a separate zoning policy decision. This conditional-use application should be evaluated under the zoning standards and neighborhood character that exist today.

I also want to address the discussion concerning preservation of the building. This property has a history of preservation, renovation and owner occupancy. It has not simply existed as an abandoned or functionally obsolete structure awaiting a commercial use to save it. I understand that the building may presently require repairs, including work associated with recent storm damage. Those repair needs should be addressed. **But the existence of needed repairs does not establish that conversion to a boutique hotel is necessary to preserve the property.** For that reason, speculation that “no one’s gonna buy it,” that the building will otherwise fall into disrepair, or that the proposed hotel is “probably going to be the best thing that would ever happen to this building” should not substitute for the findings required for this conditional use.

The question before the Commission is not whether preservation is desirable. It is. The question is whether this particular proposed use satisfies the applicable standards. **The property’s preservation and compliance with the City’s conditional-use requirements can and should be considered separately.** Conditions and future enforcement were also discussed as protections for the neighborhood. Conditions can certainly be appropriate, but they work best when they regulate a defined operation. There is an important difference between imposing conditions upon an operation that has first been demonstrated to comply and using conditions to supply fundamental components of an operation that have not yet been established.

Future enforcement presents the same issue. Enforcement should address violations of a clearly defined approval. It should not become the process through which the City and surrounding residents discover after the hotel begins operating how parking, staffing, servicing or circulation were supposed to function.

This brings me back to what I believe was one of the most significant developments at the August hearing. The written staff report recommended approval with conditions. After the Commission and residents began asking questions, however, **staff recommended tabling the application and stated that there were “too many question marks” to feel comfortable recommending straight approval at that time.** The applicant was not present, and the representative was unable to answer important questions about the proposed operation. The hearing therefore identified material questions that were not answered by the application or the original staff recommendation.

The question for the continued hearing should now be: **What substantive evidence has been added to the record that answers those questions?** If the applicant has supplied a defined operating model, staffing information, a dimensioned and demonstrably compliant parking and circulation plan, support for the traffic conclusion, and a workable plan for refuse and servicing, that information should be evaluated. If the underlying proposal and evidence have not materially changed, however, **adding conditions does not necessarily answer the questions** that caused the application to be tabled. A condition can regulate a demonstrated operation. It should not substitute for the evidence necessary to determine whether the operation can satisfy the required criteria in the first place.

That brings the issue back to the standard in **Section 1105.21**. **Where in the application record is the adequate evidence?** Not whether the proposal could possibly work. Not whether the current applicant has good intentions. Not whether renovating the building would be desirable. Not whether

rooms will probably remain vacant. Not whether the neighborhood may someday change. And not whether an unidentified future hotel operator might eventually develop a workable program.

> **The question is whether the applicant has demonstrated, with sufficient plans and evidence, that this particular 8- to 9-room commercial lodging operation, at the maximum intensity being authorized, can physically comply with the City's requirements and operate compatibly on this particular residential site without transferring its parking, circulation, service, refuse and other operational impacts onto the surrounding neighborhood.**

I am not asking the Commission to assume the hotel will create problems. I am asking the Commission to evaluate the unanswered questions and potential impacts before concluding that it will not create problems.

Section 1105.21 requires the Commission to consider the particular facts and circumstances and find adequate evidence supporting the required criteria. If evidence necessary to make a required finding is not presently in the record, **I respectfully ask that the Commission not presume the missing fact, substitute an assumption for evidence, rely upon anticipated vacancy or the intentions of the present applicant, or rely upon a future operator to resolve it after the conditional use has already been granted.** If adequate evidence supports a required finding, that evidence should be identifiable in the record. If it does not, the finding should not be made. That is not opposition to preservation or responsible investment. It is asking that the conditional-use process work as intended and that the same standards governing this property also protect the residential neighborhood surrounding it.

This exhibit at the end of this letter is provided for illustrative purposes only and is not represented as a survey, engineering drawing, or determination of Chapter 1123 compliance. It depicts the thirteen-space parking concept referenced in the application in relation to the existing building and site. The exhibit is submitted to illustrate why a current, dimensioned site plan is important before the Commission makes the findings required by 1105.21. In particular, the record should demonstrate where the Chapter 1123-required parking and maneuvering areas are located; how vehicles circulate between the Franklin Street and Griswold Street access points; and how refuse collection, deliveries, and other service functions can occur without obstructing required parking, maneuvering areas, or ingress and egress.

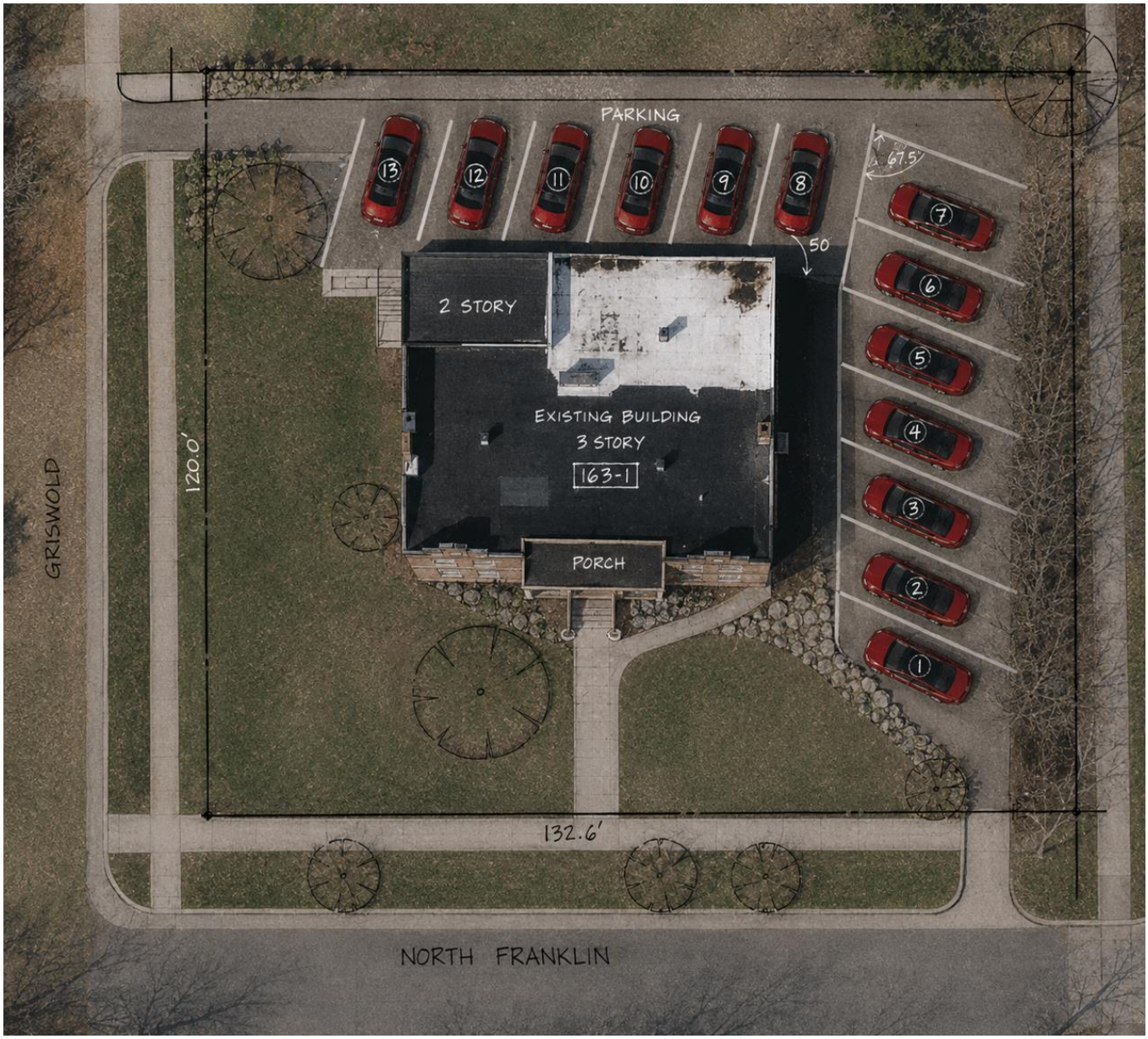
The exhibit is **not offered as evidence that a particular dimension fails the code.** Rather, it identifies the physical site constraints that should be resolved through a current dimensioned plan demonstrating compliance.

Thank you for your careful consideration.

Respectfully Submitted,

Bob Gerspacher

This exhibit at the end of this letter is provided for illustrative purposes only . . .


PARKING
13
12
11
10
9
8
67.5°
7
6
5
4
3
2
1
50'
2 STORY
EXISTING BUILDING
3 STORY
163-1
PORCH
120.0'
GRISWOLD
132.6'
NORTH FRANKLIN