

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 10, 2015  
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
  
- II. **ANNOUNCEMENTS**
  
- III. **AD-HOC COMMITTEE UPDATES**
  
- IV. **CONSENT AGENDA**
  - A. **Approval of Minutes**
    - 1. October 13, 2015 Regular Meeting.
  
- V. **PUBLIC FORUM**
  
- VI. **UNFINISHED BUSINESS**
  - A. **Adoption of Findings for PA-2015-00797, 266 Third Street.**
  
- VII. **TYPE II PUBLIC HEARINGS**
  - A. **PLANNING ACTION: PA-2015-01517**
    - SUBJECT PROPERTIES: 209 Oak St., 221 Oak St., 225 Oak St. and 11 B St.**
    - (And shared driveway partially on 237-239 Oak St.)**
    - OWNER/APPLICANT: Spartan Ashland Natalie Real Estate, LLC**
    - AGENTS: Kistler, Small & White, Architects**
    - DESCRIPTION: A request for Outline Plan, Final Plan and Site Design Review approvals for the properties at 209 Oak Street, 221 Oak Street, 225 Oak Street and 11 B Street. The proposal includes the renovation of two existing, historic homes; the construction of six townhouses along B Street; and the construction a new, detached residential cottage. Also included are requests for a Variance to allow a 15-foot wide, one-way driveway where a 20-foot driveway width would typically be required; two Conditional Use Permits to allow a 25 percent increase in the Maximum Permitted Floor Area, and to allow a commercial use within an existing, historic residential building; an Exception to the Street Standards to allow a curbside sidewalk along B Street where a planting strip would typically be required between the curb and the sidewalk; an Exception to the Site Development and Design Standards to allow the placement of a new residence on proposed Lot #9 to be placed behind the setback line of adjacent historic buildings; and a Tree Removal Permit to remove two trees which are within the footprints of proposed buildings. (The proposal involves use of the existing driveway which is partially located on the adjacent property to the north at 237-239 Oak Street; this property's owner has signed to allow the application to move forward using the shared driveway.)** COMPREHENSIVE

**CITY OF  
ASHLAND**



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

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**PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09BB; TAX LOTS: 15600, 15700, 15900 and 16000. (Continued from October 13, 2015 Planning Commission Meeting.)**

**B. PLANNING ACTION: PA-2015-01284**

**SUBJECT PROPERTY: 474 Russell Street**

**OWNER/APPLICANT: Laz Ayala/Ayala Properties, LLC**

**DESCRIPTION: A request for Site Design Review approval to construct two mixed-use buildings for the property located at 474 Russell Street. "Building A" will be a two-story, mixed use 8,688 square foot building consisting of commercial space and garages on the ground floor, and four residential condominiums on the second floor; "Building B" will be a two-story 12,617 feet commercial building consisting of commercial space with six residential condominiums on the second floor. COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP: 39 1E 09AA; TAX LOTS: 2805.**

**VIII. ADJOURNMENT**

**CITY OF  
ASHLAND**



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**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
OCTOBER 13, 2015

**CALL TO ORDER**

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

**Commissioners Present:**

Troy J. Brown, Jr.  
Michael Dawkins  
Debbie Miller  
Melanie Mindlin  
Haywood Norton  
Roger Pearce  
Lynn Thompson

**Staff Present:**

Maria Harris, Planning Manager  
Derek Severson, Associate Planner

**Absent Members:**

None

**Council Liaison:**

Greg Lemhouse

**ANNOUNCEMENTS**

Planning Manager Maria Harris announced two upcoming workshops on small scale industrial developments on October 26 in Talent and October 27 in Phoenix.

Council Liaison Greg Lemhouse commented on the proposed clean-up of the railroad site and encouraged the commission to watch the video of the council's study session. He also announced the council's discussions of the Normal Neighborhood are ongoing and stated the first reading of the ordinances has been continued to Tuesday, November 3.

**CONSENT AGENDA**

**A. Approval of Minutes**

1. September 22, 2015 Special Meeting.

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

**UNFINISHED BUSINESS**

**A. Adoption of Findings for PA-2015-01370, 210-220 Hersey Street.**

No ex parte contact was reported.

Commissioners Dawkins/Thompson m/s to approve the Findings for PA-2015-01370. Voice Vote: all AYES. Motion passed unanimously.

**B. Adoption of Findings for PA-2015-01496, 35 South Second Street.**

No ex parte contact was reported.

Commissioners Miller/Brown m/s to approve the Findings for PA-2015-01496. Voice Vote: all AYES. Motion passed unanimously. *[Commissioner Pearce abstained]*

*Councilor Lemhouse left the meeting at 7:10 p.m.*

## TYPE II PUBLIC HEARING

### A. PLANNING ACTION: PA-2015-00797

SUBJECT PROPERTY: 266 Third Street

OWNER/APPLICANT: Tanima Bhadra & Brandon Mathew

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

### Ex Parte Contact

Commissioners Dawkins and Mindlin declared site visits. No ex parte communication was reported.

### Staff Report

Associate Planner Derek Severson noted this action was heard at the commission's October 13 meeting and it is an appeal of staff's approval to operate a traveler's accommodation with three guest units and one owner's unit at 266 Third Street. Mr. Severson explained at the last hearing an issue arose and it was determined that an exception to the landscaping and screening standards in 18.4.030.F was necessary, which requires a 5-foot landscape buffer between parking and property lines. This hearing was continued to tonight so that the application could be re-noticed with the addition of the exception request.

Mr. Severson reviewed the criteria to grant to exception:

*E.1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of the site; and approval or the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design Standards; and the exception requested is the minimum which would alleviate the difficulty; or*  
*E.2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development Design Standards.*

Mr. Severson stated staff is supportive of the exception and recommended approval of the application with the revised conditions as outlined in the staff report.

### Questions of Staff

Mr. Severson clarified if the applicant's survey shows there is insufficient space to accommodate the required parking space, approval will only be granted for two traveler's accommodation units instead of three. He verified another option would be for the applicant to reach an agreement with the adjacent property owner for the needed space.

### Applicant's Presentation

Teresa Safay/120 High St/Stated she is speaking on behalf of the applicants and assured the commission the applicants will have a survey done and they are confident they have the space needed to meet the parking requirements. Ms. Safay stated the applicant's were told by staff that the screening and buffer requirements would not be an issue, and stated the adjacent parking that serves the neighboring property does not have a 5-foot buffer either.

*Commissioner Mindlin closed the record and the public hearing.*

### Deliberations & Decision

Mr. Severson clarified review of the applicant's survey will be completed at staff level and, if approved, this action would not need to return to the commission. Commissioner Pearce suggested they approve this action under the exception criteria E.2

as well, and stated even if there were no demonstrable difficulty, the proposal clearly meets the intent of the design standards.

Commissioners Pearce/Brown m/s to approve the application and the exception under 18.4.050.E.1 and 18.4.050.E.2. Roll Call Vote: Commissioners Miller, Pearce, Norton, Brown, Dawkins, Thompson, and Mindlin, YES. Motion passed unanimously.

**B. PLANNING ACTION: PA-2015-01517**

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

**OWNER/APPLICANT:** Spartan Ashland Natalie Real Estate, LLC

**AGENTS:** Kistler, Small & White, Architects

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

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

**Ex Parte Contact**

Commissioners Pearce, Miller, Norton, Thompson, Mindlin, Brown, and Dawkins declared site visits. Commissioner Dawkins explained that his niece is married to the nephew of the contractor who may benefit from this action, however this matter has no potential financial benefit or detriment to himself or any family member. He stated he is able to exercise independent judgment and the public interest in his primary concern.

**Staff Report**

Associate Planner Derek Severson explained the subject property is located on four tax lots at Oak and B Streets and the application involves a number of components, including:

- Outline Plan, Final Plan, and Site Design Review approvals to renovate two existing historic homes and demolish one;
- Construct six townhomes along B Street;
- Construct a new detached residential cottage;
- A variance to allow a 15 ft., one-way driveway where a 20 ft. driveway would typically be required;
- A conditional use permit to allow a 25% increase in the maximum permitted floor area;
- A conditional use permit to allow a commercial use in an existing historic residential building;
- An exception to the Street Standards to allow a curbside sidewalk along B Street where a planting strip would typically be required between the curb and the sidewalk;
- An exception to the Site Development and Design Standards to allow the placement of a new residence on proposed Lot #9 to be placed behind the setback line of adjacent historic buildings; and
- A tree removal permit to remove two trees which are within the footprints of the proposed buildings.

Mr. Severson stated this proposal went before the Historic Commission for review however they postponed this action until their November meeting; requested the applicant's submit additional information; and requested the Planning Commission

postpone their decision as well. During their review the Historic Commission indicated the cottage setback was a good use of space and preserves the character of the property, and the exclusion of a parkrow along B Street was appropriate. However, they stated the slanted partitions separating the condominiums were not desirable, the metal roofing was not appropriate, and recommended denial of the conditional use permit for the commercial use. Mr. Severson noted the Tree Commission had a similar request and asked for more information from the applicant, and that documentation has been received and is included in the packet materials for tonight. Mr. Severson stated staff concurs with both advisory bodies and recommended the Planning Commission hear from staff and the applicant tonight, identify any issues or additional information they need, leave the record open, and continue the hearing to their November meeting.

Mr. Severson reviewed the current site and the surrounding structure; presented several photos; and displayed the outline and final plan, site plan, tree protection plan, landscape plan, and elevation drawings. He noted staff would prefer for the city's parkrow and sidewalk standards to be met, but if the commission feels that an exception is merited staff suggests a minimum 6 ft. sidewalk width. He added the commission should consider whether the trees would survive construction and if this is unlikely, staff would recommend the trees be removed and new trees planted to establish a canopy along this corridor. Comment was made that one of the trees looks like it is right in the middle of where steps are proposed, and another has its dripline impacted by a patio. Mr. Severson acknowledged this concern and stated this is why staff asked that an arborist evaluate the proposal and weigh in on whether the trees could accommodate the development.

Mr. Severson clarified the Historic Commission did not focus on the sidewalk width, but rather supported the wider porch area and did not want the sidewalk and parkrow requirement to impact the applicant's ability to do this. He added the minutes from the Historic Commission meeting will be ready by the commission's November meeting and can be included in the packet materials.

Staff was asked why the new commercial building on the corner of Water and B Street was granted 5.5 ft. sidewalks. Mr. Severson explained an exception was approved at the time because the development transitioned to an established corridor that was narrower and was deemed unlikely to redevelop. However the commission now has the full block before them and has the opportunity to bring this area closer into conformance with the current sidewalk standards.

Comment was made that it is not clear where the studios will be located and the applicant's were asked to provide additional detail on the proposed floorplans. Additional requests were made for the applicant's to clearly label the parking and circulation diagrams, and for the Historic Commission to clarify whether they felt the metal roofs were inappropriate on all the structures or just the two historic homes.

### **Applicant's Presentation**

**Ray Kistler and Leslie Gore/Kistler, Small & White Architects/Applicant's representatives/Mr. Kistler** commented on the roofing materials. He stated asphalt shingles are not a supported material in the building and architectural community and does not want to put this on any building he is involved with. He commented on the density of the project and stated this area is zoned R-2 but the density will be similar to some R-1 neighborhoods. Regarding the sidewalks, Mr. Kistler stated the Historic Commission felt the proposed width worked better because it benefited the front porch design. He added parkrows are intended to protect pedestrians from moving traffic, however in this location the on-street parking is heavily used and the parked vehicles provide this protection. Mr. Kistler commented on the overall design of the project and stated the urban look was specifically selected for this unique area that is half a block off the plaza. He clarified two studio units were originally planned for the Mickelson house on the corner; however, if the commercial use is approved the two studios would go away and this would be office space only. He added there are commercial buildings on all three of the other corners on this block. Mr. Kistler responded to the question raised about the tree in the middle of the staircase and clarified the steps would go around the tree.

Ms. Gore reviewed the project site and the design of the proposed buildings. She noted the bay windows and recessed doorways and cited the one-way traffic. Ms. Gore stated inspiration for the project was taken from the Old Mill District in Bend and they believe this is a good transition between the Railroad District and downtown. She stated the neighborhood is unique within the city and this project was specifically designed for this block.

Mr. Kistler clarified a few of the Historic Commissioners were uncomfortable with the 4 ft. firewall partition between the townhouse units, but noted these do not extend out past the bay windows and stated they match the frontage on the Winston Building.

### **Questions of the Applicant**

#### ***Trees***

Comment was made that any extension of the sidewalk would encroach into the root system of the trees, and the removal of the cement retaining wall would likely expose roots. Mr. Kistler agreed and stated if the sidewalk is widened the trees would have to be removed. Ms. Gore clarified if the trees were removed a 6 ft. sidewalk could be installed and they could still maintain the larger porch design preferred by the Historic Commission. She added this would allow quite a bit of landscape area in front of the porches. The applicant was asked whether trees could be planted with this design. Mr. Kistler stated Yes, and clarified they are planning on planting additional trees regardless of whether the three Ash trees remain. Comment was made expressing concern with the arborist's statement that these trees would survive and request was made for the applicant to provide something more substantive on this determination.

#### ***Roofing Material***

Mr. Kistler clarified that asphalt shingles are outlawed in most countries in Europe due to their toxicity and recommended against their use. Ms. Gore added a number of historic buildings have metal roofs and stated the proposed roof would not be bright but rather would be a darker shade compatible with the Historic District. Comment was made that a pitched roof design would be more compatible for the residential units. Additional comment was made that the applicant's design along the Oak Street frontage keeps with the historic neighborhood, but once on B Street the units are more urban. Mr. Kistler commented on the angle of the fire partition wall and stated this design element mirrors what was done next door and their intent was to tie the block together. He clarified if the doors were moved to the outside of the units the firewall would not be necessary; however, this would require the stairs to be moved and would necessitate the removal of some of the windows.

#### ***Traffic Circulation & Parking***

Comment was made expressing concern with the internal circulation and how people would access the recreation area. Mr. Kistler stated the recreational space will require a retaining wall on one side to make it the same grade as the carport. Concern was expressed with the proposed driveway width and the applicant's were asked if the driveway onto B Street could be widened. It was noted that with the additional vehicle trips this development will generate, it would be nice to have another access into the site. Request was made for the applicant's to provide clear information on the number of units requested so that staff can conduct their parking analysis. Comment was made that the handicap space for the commercial use is a long way from the office and disabled persons would have to pass behind the other parking spaces. The applicants were encouraged to check with the Building Division to ensure this meets the requirements. Mr. Kistler noted that if the commercial use is not approved, the ADA parking space would not be needed. Comment was made voicing support for the suggestion to widen the driveway onto B Street and provide an alternative access point.

#### ***Studio Units***

The applicant was asked to clarify where the studio units would be located. Ms. Gore stated the smaller historic house would be studios and the Mickelson house on the corner would be the commercial space. Mr. Kistler clarified to meet the minimum density requirement they need two offices and two studios. Ms. Harris corrected the applicant and stated minimum density does not apply to this project because it is in the Historic District. She added the base density is 11 units and while there are limitations on mass and scale the applicants could have chosen to do more, smaller units.

No other questions were raised and Commissioner Mindlin announced the hearing will be continued to the November 10, 2015 Planning Commission meeting.

### **ADJOURNMENT**

Meeting adjourned at 9:30 p.m.

*Submitted by,  
April Lucas, Administrative Supervisor*

**BEFORE THE PLANNING COMMISSION**  
**November 10, 2015**

IN THE MATTER OF AN APPEAL OF PLANNING ACTION #2015-00797, )  
A REQUEST FOR A CONDITIONAL USE PERMIT & SITE DESIGN )  
REVIEW APPROVAL TO ALLOW A FOUR-UNIT TRAVELERS' ACCOM- )  
MODATION CONSISTING OF THREE GUEST UNITS AND AN OWNER'S )  
UNIT FOR THE PROPERTY LOCATED AT 266-268 THIRD STREET. THE )  
APPLICATION ALSO INCLUDES AN EXCEPTION TO THE SITE ) **FINDINGS,**  
DEVELOPMENT AND DESIGN STANDARDS WITH REGARD TO THE ) **CONCLUSIONS,**  
PARKING LOT LANDSCAPING AND SCREENING STANDARDS IN ) **& ORDERS**  
AMC 18.4.4.030.F, WHICH REQUIRE A FIVE-FOOT LANDSCAPE BUFFER )  
BETWEEN PARKING AND PROPERTY LINES. NO BUFFER IS PROPOSED. )

**APPLICANTS:** Tanima Bhadra & Brandon Mathew )  
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This matter came before the Planning Commission as an appeal of an Administrative Decision pursuant to the Ashland Municipal Code section 18.5.1.050.G. The application was administratively approved on August 10, 2015. An appeal request was timely received on August 24, 2015 from neighbors Marc Valens and Jerome White.

**RECITALS:**

- 1) Tax lots 9500 of Map 39 1E 09 AB is located at 266-268 North Third Street and is zoned R-2, Low Density Multi-Family Residential.
- 2) The hearing before the Planning Commission involves the appeal of staff's approval of a Conditional Use Permit & Site Design Review allowing a four-unit Travelers' Accommodation consisting of three guest units and an owner's unit for the property located at 266-268 Third Street. The proposal includes an Exception to the Site Development and Design Standards with regard to the Parking Lot Landscaping and Screening standards in AMC 18.4.4.030.F, which require a five-foot landscape buffer between parking and property lines. No buffer is proposed here. The proposal is outlined in the plans on file in the Department of Community Development.
- 3) The criteria for Travelers' Accommodation approval are described in AMC 18.2.3.220 as follows:

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

- A. *Travelers' Accommodations and Accessory Travelers' Accommodations. Travelers' accommodations and accessory travelers' accommodations shall meet all of the following requirements.*

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

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

1. *The property is located within 200 feet of a boulevard, avenue, or neighborhood collector as identified on the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.*
2. *During operation of a travelers' accommodation, the property on which the travelers' accommodation is sited must be the primary residence of the business-owner. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement must specifically state that the property owner is not involved in the day-to-day operation or financial management of the accommodation and that the business-owner has actual ownership of the business and is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business.*
3. *The primary residence on the site must be at least 20 years old. The primary residence may be altered and adapted for travelers' accommodation use, including expansion of floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setback and lot coverage standards of the underlying zone.*
4. *The number of travelers' accommodation units allowed shall be determined by the following criteria.*
  - a. *The total number of units, including the business-owner's unit, shall be determined by dividing the total square footage of the lot by 1,800 square feet. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units shall not exceed nine per approved travelers' accommodation with primary lot frontage on boulevard streets. For travelers' accommodation without primary lot frontage on a designated boulevard, but within 200 feet of a boulevard, avenue, or neighborhood collector street, the maximum number of units shall be seven.*



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

- i. **CM-OE and CM-MU.** *The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.*
  - k. **CM-NC.** *The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
  - l. **HC, NM, and SOU.** *The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*
  
- 5) The criteria for Site Design Review approval are described in **AMC 18.5.2.050** as follows:
  - A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
  - B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
  - C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
  - D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
  - E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
    - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
    - 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*

6) Following staff's administrative approval of Planning Action #2015-00797 on August 10, 2015 and mailing of the Notice of Decision on August 11, 2015, neighbors Marc Valens of 247 Third Street and Jerome White of 253 Third Street, both of whom had initially provided written comments on the application and who were entitled to receive the Notice of Decision, submitted a Notice of Land Use Appeal on August 24, 2015. In their appeal documents, they noted that the appeal was on behalf of neighbors Marc Valens, Anne Golden, Jerome White, Elizabeth Ellingson, Stuart Davies, Vivienne Friedman, Susan Tellin and Charles Douglas. The appeal documents provided raised the following issues: 1) inadequate parking and parking not to the standards of the Ashland Municipal Code (AMC 18.2.3.220.B.5); 2) greater adverse effect on livability of the target residential impact area, traffic (AMC 18.5.4.050.A.3.b), noise and light (AMC 18.5.4.050.A.3.e); 3) questions about the primary residence of the owners (AMC 18.2.3.220.B.2). The appellants noted that all of these issues were raised in comments submitted during the initial public comment period for the application.

7) The Planning Commission, following proper public notice, held a public hearing to consider the appeal request on September 22, 2015 at which time testimony was received and exhibits were presented. During the September 22<sup>nd</sup> hearing, it was determined that the application included a request for an Exception to the Site Development and Design Standards which had not been identified in the original hearing notice, and the hearing was continued to October 13, 2015 to allow proper public notice of the requested Exception, with testimony at the continued hearing on October 13<sup>th</sup> limited to the Exception to Site Development and Design Standards. Following public testimony at the October 13<sup>th</sup> hearing, the hearing and record were closed and the Planning Commission denied the appeal, upheld the administrative decision and approved the application subject to conditions pertaining to the appropriate development of the site.

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

## **SECTION 1. EXHIBITS**

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

## **SECTION 2. CONCLUSORY FINDINGS**

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

2.2 The Planning Commission finds that the proposal for Conditional Use Permit, Site Design Review, and Exception to the Site Development and Design Standards meets all applicable criteria for Travelers' Accommodation approval described in Chapter 18.2.3.220; Conditional Use Permit approval described in Chapter 18.5.4.050; Site Review approval described in Chapter 18.5.2.050; and approval of an Exception to the Site Development and Design Standards described in Chapter 18.5.2.050.

2.3 The Planning Commission finds that the application involves a request for a Conditional Use Permit, Site Design Review approval and Exception to the Site Development and Design Standards to allow the operation of a four-unit Travelers' Accommodation consisting of three guest units and an owner's unit for the property located at 266-268 Third Street.

The Commission finds that the subject property is located at 266-268 Third Street, within the Ashland Railroad Addition Historic District and is zoned R-2, Low-Density Multi-Family Residential. The property is bounded by an alley to the north, Third Street to the west, a residentially-zoned property to the south, and a commercial property (the Peerless Hotel) to the east. The subject property is 7,500 square feet in size.

The primary residence was constructed in 1901 and is listed as a "Historic Contributing" structure within the National Register of Historic Places-listed Ashland Railroad Addition Historic District. The existing historic building was constructed as a one-story, bungalow style wood frame cottage, however due to the steep (8 /12) pitched roof, a second story for living space was previously incorporated. County records list the existing square footage of this unit at 1,040 square feet.

A second unit at the rear of the property received Site Review approval (Planning Action #2002-00139) in 2002 and was constructed shortly thereafter. With that approval, two off-street parking spaces were required for the historic cottage and two additional parking spaces were required for the second unit. The planning approval at that time noted that two parking spaces were to be provided between the units, one parking space was located in a garage, and the fourth required parking space was provided through an on-street parking credit based on available curb frontage on Third Street. As approved, the square footage of this unit was 1,416 square feet. There are no other planning actions of record for the site.

The application proposes to update and repair the two existing multi-family residences on the property and convert them to a four-unit Travelers' Accommodation, including three guest units and one unit for the owners. This would include two units in the main original historic building at 266 Third Street. The application notes that this structure exhibits significant disrepair, and that with the conversion it would be updated with new siding, flooring, insulation, heating and bathroom fixtures while seeking to retain its historic character. The two units are to share a kitchen and bathroom, with a door separating the units from the common, shared areas.

268 Third Street, the newer unit built after the 2002 approval, would also be converted. As initially proposed, the applicants had requested to convert the garage of this unit to guest space, with the lost parking space to be off-set by the installation of additional bicycle parking spaces however after concerns were raised by staff that bicycle parking by itself was unlikely to adequately meet the parking

demand for out of town guests, the applicants abandoned that aspect of the proposal and the garage space was subsequently identified to remain as a garage in order to provide required parking.

Planning staff administratively approved the application with a number of conditions on August 10, 2015 and subsequent to the mailing of the Notice of Decision, neighbors Marc Valens of 247 Third Street and Jerome White of 253 Third Street submitted a Notice of Land Use Appeal. In their appeal documents, they noted that the appeal was on behalf of neighbors Marc Valens, Anne Golden, Jerome White, Elizabeth Ellingson, Stuart Davies, Vivienne Friedman, Susan Tellin and Charles Douglas. The appeal request raised the following issues:

- 1) Inadequate parking and parking not to the standards of the Ashland Municipal Code (AMC 18.2.3.220.B.5).
- 2) Greater adverse effect on livability of the target residential impact area, traffic (AMC 18.5.4.050.A.3.b), noise and light (AMC 18.5.4.050.A.3.e).
- 3) There are also questions about the primary residence of the owners (AMC 18.2.3.220.B.2).

The appellants noted that all of these issues were raised in comments submitted during the initial public comment period for the application.

2.4 The Planning Commission finds that the Ashland Land Use Ordinance includes specific requirements for the conversion of residential uses to Travelers' Accommodations including that the business owner(s) live on-site, that the primary structure be at least 20 years old, that the structure be within 200 feet of an arterial or collector street, and that the Travelers' Accommodation have an average area of 400 square feet available per guest unit.

In addition, a Travelers' Accommodation must meet all applicable building, fire, and related safety codes at all times and must be inspected by the Fire Department before occupancy and periodically thereafter pursuant to AMC 15.28; the owner must maintain a city business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04; and advertising must include the City planning action number.

The Commission finds that the applicants have submitted materials to the Planning Department that demonstrate compliance with these approval standards and with the criteria within the Conditional Use Chapter of the Ashland Municipal Code. These materials note that the applicants will be the owners/managers of the property and it will serve as their primary residence, and that they will obtain a business license subsequent to Conditional Use Permit approval. They emphasize that the subject property is correctly zoned R-2 and is less than 200 feet from A Street, a neighborhood collector street. They further explain that the existing home was built around 1900, that the 7,500 square foot lot size can accommodate up to four units as a Travelers' Accommodation, and that each of the units proposed will exceed the minimum 400 square foot size requirement.

2.5 The Planning Commission finds that a Conditional Use Permit may be granted if the approval authority finds that the application meets all applicable criteria, or can be made to conform through the imposition of conditions.

The first of these criteria is, *“That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.”* The existing multi-family residential use of the property is consistent with the R-2 zoning and underlying multi-family Comprehensive Plan designation, and the Ashland Land Use Ordinance provides for Travelers Accommodations subject to specific criteria further discussed herein.

The second criterion is, *“That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.”* As part of the Site Review approving the second unit in 2002, it was noted that adequate water, sewer, storm drain and electric facilities were in place to serve the second unit; that Third Street was fully improved and had continuous sidewalks, but that one small section of the existing sidewalk along the property’s Third Street frontage was significantly damaged and was to be replaced by the applicant; and that the alley provided the primary vehicular access to the property and was required to be re-paved by the applicants along the property’s alley frontage to provide adequate access for vehicles and fire apparatus. The sidewalk repairs and alley re-paving were completed in conjunction with the construction of the unit approved in 2002, and the Commission finds that these findings remain applicable for the current request.

The third criterion is, *“That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone: a) similarity in scale, bulk, and coverage; b) generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities; c) architectural compatibility with the impact area; d) air quality, including the generation of dust, odors, or other environmental pollutants; e) generation of noise, light, and glare; f) the development of adjacent properties as envisioned in the Comprehensive Plan; and g) other factors found to be relevant by the approval authority for review of the proposed use.”* In terms of similarity in scale, bulk, coverage, and architectural compatibility with the impact area, the primary residence on the property is listed as a “Historic Contributing” structure on the National Register of Historic Places as part of the Ashland Railroad Addition Historic District, and the second unit, which received Site Review approval in 2002 was noted at the time for being similar in scale and design to the surrounding Historic District and reflective of the historic period of significance for the neighborhood. The siding, window casing, and roof pitch were noted as compatible with the neighboring properties, and the development was recognized as a positive example of infill within the historic district.

The generation of traffic and effects on surrounding streets, impacts on air quality and the generation of noise, light and glare are issues that have been specifically raised by the appellants here.

In terms of traffic, the Commission finds that the target use of a 7,500 square foot lot developed to the density permitted within the district would be two residential units. The city does not compile Ashland-specific trip generation numbers for specific uses, and the typical reference in considering average daily trips by use in the Institute of Transportation Engineers (ITE) Trip Generation manual. ITE numbers typically assume approximately 9.55 daily trips for a typical single family residence and 6.47 daily trips for a multi-family residential unit. The Commission finds that this would put the likely daily trips for two units here at 13-20 daily trips. There are not specific trip generation figures for a “bed and breakfast” or travelers’ accommodation, but the ITE does provide the trip generation figures for hotel units which average approximately 9.08 trips per day over the course of a week. This would mean that three to four Travelers’ Accommodation units might generate 27-36 trips per day, although here the Commission notes that the ITE studies are noted as being largely based on hotels in suburban areas, outside of central business districts that would likely require guests to drive to any sort of tourist amenities where Ashland’s regulations generally, and this request specifically, have Travelers’ Accommodation units within walking distance of dining, shopping and entertainment in the hopes of minimizing the need for vehicle trips and their impacts to residential neighborhoods. In response to the concerns raised, the applicants emphasized that the property was within walking distance of both the downtown and A Street, and that they anticipated their guests to generate fewer vehicle trips than long-term renters because guests would more likely opt to walk to these destinations.

The Commission further finds that as a Neighborhood Street, Third Street is expected to accommodate less than 1,500 average daily trips (ADT). The most recent trip counts from the Engineering Division date to 2002, and put the trip count for this block at 555 ADT. By contrast, the same block of Second Street had 1,442 ADT that year and Fourth Street was at 996 ADT. The Commission finds that the additional trips that could be anticipated for this proposal can be accommodated by the surrounding street system.

The Commission finds that with regard to air quality, noise, light and glare, the applicants note that they expect their average tenants will be single persons, couples or small families and that any impacts would be less than or equal to what could be expected from long-term rental of the property. They emphasize that they anticipate no change in water, sewer or electrical usage, although upgrades to insulation and appliances are anticipated to increase energy efficiency, and they conclude that the use as a vacation rental is similar to surrounding uses and should not bring adverse impacts in terms of air pollution, noise, light or glare, and that to insure that the property is inviting, significant updates are being made to the property and landscaping, including a hedge proposed to be planted to screen any light or sound from the back porch area, and the property will receive better upkeep than it has in the past. The Commission finds that it is difficult to make a determination that there is a demonstrable difference in the likely noise, light or glare that would be generated by Travelers’ Accommodation guests versus month-to-month renters in the same structure and location, particularly when the property owners are required to reside on the property and provide oversight for the guests, while there would be no similar oversight of long-term tenants.

The Commission finds that adjacent properties are largely developed according to the Comprehensive Plan’s vision, and short-term rental use consistent with the parameters of the Land Use Ordinance will not adversely impact further development.

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

The fifth criterion provides that, “*For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of [the]... R-2 and R-3 ... [zones are as follows]: Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*” In this case, the lot size is 7,500 square feet and therefore meets the minimum size requirement of 7,000 square feet for two dwelling units, which is the target use of the property within the R-2 zone.

2.6 The Planning Commission finds that where Travelers’ Accommodations are allowed, in addition to meeting the criteria for Travelers’ Accommodations and Conditional Permits, they are also subject to Site Design Review under Chapter 18.5.2. The first approval criterion for Site Design Review is that, “*The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*”

The Commission finds that the lot is zoned Low-Density Multi-Family Residential (R-2), and is 7,500 square feet in size and therefore meets the minimum size requirement of 7,000 square feet for two dwelling units. The second unit approved in 2002 is two stories with approximately 1,416 square feet on the first floor, including the garage, and 468 square feet on the partial second story. The buildings’ locations on the parcel were found to comply with all applicable setbacks when the second unit was constructed in 2002, and it was noted that at 19½ feet, the second unit complied with the Solar Access requirements based on the lot’s “Standard B” solar classification. With the addition of the second unit in 2002, lot coverage was noted as 46.3 percent which is well below the 65 percent maximum lot coverage permitted in the zone.

The Maximum Permitted Floor Area (MPFA) for a 7,500 square foot lot with two residential units is 2,550 square feet (7,500 square foot lot area x 0.85 adjustment factor x 0.40 graduated floor area ratio (FAR) for two units = 2,550). At 2,456 square feet, the combined square footage of the two existing units complies with this limit.

The second Site Design Review approval criterion is that, “*The proposal complies with applicable overlay zone requirements (part 18.3).*” The Commission finds that the property is located within the Historic District Overlay; the applicable design standards for this overlay zone are incorporated into the Site Development and Design Standards in part 18.4, and are addressed with those standards below.

The third approval criterion is that, “*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*” The Commission finds that generally, these standards seek to improve each project’s appearance; to create a positive, human scale relationship between proposed buildings and the streetscape which encourages bicycle and pedestrian travel; to lessen the visual and climatic impacts of parking; and to screen adjacent uses from adverse impacts of development. To these ends, buildings are to have their primary orientation to the street rather than to parking areas, with visible, functional and attractive entrances oriented to the street, placed

within 20 feet of the street, and accessed directly from the public sidewalk. Sidewalks and street trees are to be provided along subject properties' frontages, and automobile parking and circulation areas are not to be placed between buildings and the street.

The Planning Commission finds that the existing historic building here is oriented to the street, and the established facade, setbacks, relationship to the streetscape and general orientation will not be altered with the conversion to a Travelers' Accommodation. The second unit received Site Review approval as complying with the Basic Site Review standards in 2002. All parking is placed behind the primary residence, with access taken from the alley.

The Commission further finds that the primary residence on the property was constructed in 1901 and is listed as a "Historic Contributing" structure on the National Register of Historic Places listing of the Ashland Railroad Addition Historic District. The existing historic building was constructed as a one-story, bungalow-style wood frame cottage, however due to the steep (8 /12) pitched roof, a second story for living space was previously incorporated.

The Commission finds that when the second unit was reviewed in 2002, it was noted as being similar in scale and design to the surrounding Historic District and reflective of the historic period of significance for the neighborhood. The siding, window casing, and roof pitch were noted as compatible with neighboring properties, and the development was considered a positive example of infill within the historic district.

The Planning Commission finds that the Historic Commission reviewed the current request at its regular meeting on July 8, 2015 and was generally supportive of the request. The Historic Commission noted that porch rails should not be added to the historic structure's front porch. The applicants had initially proposed to add porch rails, but removed that proposal from their request in subsequent submittals. The Historic Commission noted that the existing porch, with no rails, was likely the original, historic design and is indicative of the simple, bungalow style of the original 1901 cottage. They emphasized that the historic design of the contributing resource structure was best served by the existing porch design, without rails. Based on the Historic Commission's recommendation, a condition that porch rails not be added has been attached below.

The fourth approval criterion for Site Design Review is that, "*The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*" The Commission finds that as part of the Site Review approving the second unit in 2002, it was noted that adequate water, sewer, storm drain and electric facilities were in place to serve the unit, and that Third Street was fully improved and had continuous sidewalks. At that time, it was observed that one small section of the existing sidewalk along the property's Third Street frontage was significantly damaged and was to be replaced by the applicant, and that the alley provided the primary vehicular access to the property and was required to be re-paved by the applicants along the property's alley frontage to provide adequate access for vehicles and fire apparatus. The Commission finds that the required sidewalk repairs and alley re-paving were completed in conjunction with the construction of the unit, and that the 2002 findings with regard to adequate public facilities being in place to serve the unit remain applicable to the current request.

2.7 The Planning Commission finds that the Parking Lot Landscaping and Screening Standards found in AMC 18.4.4.030.F require that parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, meets the following requirements:

2. **Screening.**

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

The Commission finds that the applicants have proposed a compact parking space behind the building at 268 North Third Street which would be less than eight feet from the building, and which would be immediately adjacent to the property line. The Commission further finds that while this building includes a residential unit which contains living space, the ground floor area adjacent to the proposed parking space is a garage providing one of the proposed parking spaces for the project, and as such the eight-foot buffer between surface parking and a residential building does not apply and is unnecessary because the parking space would not result in a car idling directly outside a bedroom window or shining headlights into living space while parking. However, the Commission finds that the five-foot landscaping strip abutting the property line is applicable. When this standard was questioned during the public hearing, it was determined that application involved an Exception to the standard which had not been properly noticed, and the hearing was continued to allow a correction to the notice. The Commission finds that continuing the hearing and providing property public notice remedied the initial noticing error.

The Commission finds that AMC 18.4.4.030 establishes design standards for landscaping and screening, and notes that these design standards apply to residential, commercial, and manufacturing developments that are subject to Site Design Review under Chapter 18.5.2. The Commission further finds that AMC 18.4.4.020.E provides that requests to depart from the landscaping and screening requirements in section 18.4.4.030, are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards. The Commission finds that the Exception requested here is to allow a single, compact parking space to be placed immediately adjacent to the rear property line of the subject property without the requisite five-foot landscape buffer. The approval criteria for an Exception note that the:

The Commission finds that the applicants are requesting an Exception based on the first approval criterion for an Exception, which states, *“There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would*

*alleviate the difficulty.*” The applicants’ materials explain that the space is located along an alley and is bounded by a parking area serving the neighboring property, a fence, and a garage/driveway. They emphasize that the parking space proposed is already used for parking and due to the placement of the existing garage and fence that abut the space, adding a five-foot wide landscaped buffer would be difficult. The applicants further assert that the city has waived this requirement in the past or approved Exceptions when the parking spaces in question are next to an alley. They also note that while the standards speak to parking lots, this is a single parking space, and has been used as parking for a long time by residents of the subject property and non-residents alike. They point out that the parking lot of four or more spaces on the adjacent property also lacks the requisite five-foot landscape buffer strip, and that the presence of the garage provides a buffer between the proposed parking space and living space within the adjacent building. The applicants conclude that because the space is already in use as parking, there should be no negative impact to adjacent properties, and suggest that the use of the space is not being changed; the applicants are simply asking that it be recognized as a legal parking space available to their guests and residents. They also point out that the Exception would require no additional construction or change in the site and would be the minimum necessary to alleviate the difficulty in meeting the requirement, and that at most the space would need to be striped to delineate its boundary and usage more clearly.

The Commission finds that there is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards. The existing structure is placed *at most* ten feet from the property line, and there simply is not space available to accommodate an eight-foot wide parking space and a five-foot wide landscape buffer in this ten-foot area. The Commission notes that the precise location of the property line remains in question, and that a condition has been attached here to require that the requested third guest unit can only be approved after a property line determination by an Oregon-licensed surveyor is provided to demonstrate that this fifth parking space can be provided entirely on the applicants’ property.

The Commission further finds that even if the proposal were found not to have a demonstrable difficulty in meeting the standard, the request would meet the second criterion for approval which provides as an alternative that, *“There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.”*

The Commission finds that with regard to the placement of the space, the buffering requirement was put in place to provide a buffer between parking spaces and neighboring properties to minimize adverse impacts associated with parking such as noise and headlight glare. In this instance, the proposed parking area is for a single, compact space, and it is to be placed along an alley adjacent to other pre-existing parking spaces which also lack the requisite buffer at the property line, but which are buffered at the front of the spaces by an existing fence and hedge. The Commission finds that the head-in parking off of the alley here is an efficient use of this space, and that the existing fencing and hedge behind it effectively buffer the adjacent property from any negative impacts of the single, compact parking space proposed thus equally achieving the intent of the standard.

The Commission finds that the approval of an Exception is consistent with the stated purpose of the Site Development and Design Standards, which seek “*to regulate the manner in which land in the City is used and developed, to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and to ensure that high quality development is maintained throughout the City.*” The Exception requested is the minimum necessary to alleviate the difficulty, as the space is simply too narrow to provide even a single compact parking space with the requisite buffer, and it remains to be determined through a survey whether the space is in fact even sufficient for the parking space itself. Additional conditions have been attached to require that if ultimately approved, the fifth space be striped to delineate its boundaries; that it be signed as “Compact Only” parking; that a revised location be identified for trash and recycling containers, which are currently stored in the area of the proposed parking space; and that requisite screening be installed according to standards, inspected prior to operation of the Travelers’ Accommodation.

2.8 The Planning Commission finds that the appeal request submitted raises the following issues as the basis for the appeal:

- 1) Inadequate parking and parking not to the standards of the Ashland Municipal Code (AMC 18.2.3.220.B.5);
- 2) Greater adverse effect on livability of the target residential impact area, traffic (AMC 18.5.4.050.A.3.b), noise and light (AMC 18.5.4.050.A.3.e);
- 3) There are also questions about the primary residence of the owners (AMC 18.2.3.220.B.2).

The Commission further finds that issues were raised in comments submitted by the appellants during the initial public comment period for the application. Comments received during the initial comment period came from nine neighboring property owners, and were all in opposition to the proposal. These comments generally expressed concerns: that the application did not meet off-street parking requirements; that the site plan’s accuracy was questionable in terms of its accuracy relative to parking and property lines; that on-street parking is in high demand due to limited off-street parking in the neighborhood and the proximity to commercial uses such as Get ‘N Gear and Noble Coffee; that the initially-proposed conversion of the garage to living space would further exacerbate parking issues in the neighborhood by removing existing off-street parking; that a Travelers’ Accommodation would have the potential for added noise from visitors; that the applicants’ intentions to comply with the owner occupancy requirements of the code were questionable given that both applicants purportedly work in California; that a use intended to attract transient visitors would not fit the cohesive residential community of the neighborhood; and that the approval of a quasi-commercial use would adversely impact the already challenged residential character of the block which is now impacted not only by uses on the block but by the proximity to commercial uses concentrated on Fourth and A Streets.

The Commission finds that in response to the initial comments about parking, the applicants responded that the neighbors appeared to be concerned with an earlier version of the application which involved converting the garage to living space for the Travelers’ Accommodation. They emphasize that they no longer intend to convert the garage, and have made this clear in the most recent updated application

materials. With regard to the parking behind the house, they explained that if required to do so, they would relocate the gas meter to better accommodate parking, and have subsequently removed the bollards adjacent to the meter. They emphasize that they understand that guests will need to park on site and not on the street, and that as owners, they will utilize the single garage space. While they are requesting one on-street parking credit, they suggest that it will be used very rarely, if at all.

The Commission finds that in staff's initial approval of the application, parking and whether the parking proposed was adequate to accommodate the three guest units requested was a key consideration. The neighbors who initially provided comments noted that on-street parking in the neighborhood was in high demand due both to the proximity to commercial uses and to the character of the historic residential neighborhood, which has limited off-street parking in place as many of the homes were built on narrow lots without garages. The neighbors who initially commented expressed concern over the conversion of the garage to living space in order to accommodate guests, with credits for additional bicycle parking to make up for the loss of the off-street parking space in the garage. Staff had similar concerns with the initial proposal to rely on additional bicycle parking in lieu of automobile spaces as a transportation demand management strategy, and after bringing them to the applicants' attention, the applicants removed the proposal to convert the garage to guest space from the application and instead indicated that it would remain available as parking.

The Commission finds that the required parking spaces for the proposal include two parking spaces for the owner's unit and one additional space for each guest unit. An owner's unit and three guest units as proposed here thus requires five off-street parking spaces. As originally approved in 2002, the site had four approved parking spaces including one on-street parking credit. The applicants proposed to make use of a fifth space at the rear of the property. In visiting the site to verify the functionality of this proposed parking space, staff initially noted a gas meter protected by a bollard which extended into the proposed space (see Exhibits 1 and 2). In addition, staff noted that the dimensions necessary to accommodate even a compact, eight-foot by 16-foot parking space extended beyond an existing fence which appeared to delineate the property line. While the applicants noted they would be willing to relocate the gas meter to accommodate parking in this location, it was not clear after visiting the site that this required parking space and its required back-up area could be accommodated in the space available without intruding onto neighboring property or the alley right-of-way because the property line was unclear.

Staff's initial approval accordingly included a condition that unless a revised site plan based on a property line determination by an Oregon-licensed surveyor was provided illustrating that the required fifth parking space could be accommodate entirely on the applicants' property with relocation of the gas meter and bollard, the use would be limited to only two guest units in addition to the owners' unit which could be supported by the four parking spaces available. In the event that a revised site plan based on an Oregon-licensed surveyor's property line determination demonstrating that an eight-foot by 16-foot compact parking space could be provided entirely on the applicants' property with relocation of the gas meter/bollard and that a 22-foot back-up area was available behind the space, the third guest unit would be approved. The applicants have subsequently removed the bollard adjacent to the gas meter (see Exhibits 3 and 4 attached), and have indicated that an eight-foot by 16-foot parking space can now be accommodated in this space, however no survey has been provided to verify the property line location

relative to this space, and the Commission has accordingly included the condition initially imposed by staff requiring a surveyor's verification that the fifth parking space can be accommodated.

The Commission finds that the appeal request also notes specific concern with the application having greater adverse material effect on the livability of the impact area when compared to development of the subject lot with the target use of the zone in terms of traffic, referencing the specific criteria for Conditional Use Permits found in AMC 18.5.4.050.A.3.b),

The Commission finds that AMC 18.5.4.050.A.3 reads, *"That the Conditional Use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone."* Subsection B speaks to the following factor of livability: *"Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities."* The Commission finds that the target use of a 7,500 square foot lot developed to the density permitted within the R-2 zoning district as detailed in AMC 18.2.5.080 would be two residential units.

The Planning Commission finds that the city does not compile Ashland-specific trip generation numbers for specific uses, and that the typical reference in considering average daily trips by use in the Institute of Transportation Engineers (ITE) Trip Generation manual. ITE numbers typically assume approximately 9.55 daily trips for a typical single family residence and 6.47 daily trips for a multi-family residential unit. This would put the likely trips for two units at 13-20 trips per day. There are not specific trip generation figures for a bed and breakfast or travelers' accommodation, but the ITE does provide the following trip generation figures for hotel use: 8.92 daily trips for a typical occupied hotel room on a weekday, 10.5 daily trips on a Saturday, and 8.48 daily trips on a Sunday which averages to approximately 9.08 trips per day over the course of a week. This would mean that three to four Travelers' Accommodation units might generate 27-36 trips per day, although here the Commission recognizes that the ITE studies are noted as being largely based on hotels in suburban areas, outside of central business districts that would likely require guests to drive to any sort of tourist amenities where Ashland's regulations generally, and this request specifically, have Travelers' Accommodation units within walking distance of dining, shopping and entertainment by design to minimize the need for vehicle trips and their impacts to residential neighborhoods.

The Commission finds that in terms of the effects on surrounding streets, as a Neighborhood Street, Third Street is expected to accommodate less than 1,500 average daily trips (ADT). The most recent trip counts from the city's Engineering Division, which date to 2002, put the trip count for this block of Third Street at 555 ADT. By contrast, the same block of Second Street had 1,442 ADT that year and Fourth Street was at 996 ADT. The Commission finds that any additional trips that could be anticipated for the proposal can be accommodated by the surrounding street system. The Commission further finds that in response to the concerns raised, the applicants emphasize that the property is within walking distance of both the downtown and A Street, and that they would anticipate their guests to generate fewer vehicle trips than long-term renters in opting to walk to these destinations.

The Commission finds that the appellants have also raised the issues with the potential for generation of noise, light and glare, all livability factors considered for a Conditional Use Permit under AMC 18.5.4.050.A.3.e. The Commission finds that it is difficult to make a determination that there is a demonstrable difference in the likely noise, light or glare that would be generated by Travelers' Accommodation guests versus month-to-month renters in the same structure and location, particularly when the property owners are required to reside on the property and provide oversight for the guests, while there would be no similar oversight of long-term tenants. The applicants have asserted that it is expected that their average tenants will be single persons, couples or small families and that any impacts would be less than or equal to what could be expected from long-term rental of the property. They emphasize that they anticipate no change in water, sewer or electrical usage, although upgrades to insulation and appliances are anticipated to increase energy efficiency, and they conclude that the use as a vacation rental is similar to surrounding uses and should not bring adverse impacts in terms of air pollution, noise, light or glare, and that to insure that the property is inviting, significant updates are being made to the property and landscaping and it will receive better upkeep than it has in the past.

The Planning Commission finds that the Ashland Municipal Code requires that, *"During operation of a travelers' accommodation, the property on which the travelers' accommodation is sited must be the primary residence of the business-owner. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement must specifically state that the property owner is not involved in the day-to-day operation or financial management of the accommodation and that the business-owner has actual ownership of the business and is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business."* The Commission finds during the hearing, Jackson County's property data identified the owners of the property as the current applicants and listed a mailing address in Newcastle, California which was consistent with that provided in their application materials. In response to the initial concerns raised about the primary residence requirements, the applicants emphasized that changing their residency was dependent on receiving approval of the current request. They explained that operation of the proposed Travelers' Accommodation was their plan for retirement, and that they would make the house their primary residence before starting to operate the Travelers' Accommodation as a business. They indicated that "Unit B" of the building addressed as 266 Third Street would be their primary residence with approval, and recognized that they would be required to provide proof of residency before beginning operations. A condition has been included below to require that evidence of primary residence in the form of valid Oregon Drivers Licenses or Identification Cards reflecting the 266 Third Street address be provided for the review of the Staff Advisor prior to the commencement of the use as required in AMC section 18.2.3.220.A.

During the course of the hearing, the applicants further noted that during the off-season, they may not live on site and would instead rent the property on a month-to-month basis during that period. Because use as a Travelers' Accommodation requires owner occupancy and the property's density will only allow two residential units, the Commission has also included a condition to make clear that long-term (*i.e. more than 30-day*) rental of residential units during the Travelers' Accommodation's off-season shall be limited to no more than the two residential units which are approved for the property based on the R-2 density allowances, and that there shall be no mix of long-term and short-term rentals.

2.9 The Planning Commission finds that both in the initial comments submitted and the subsequent appeal, the neighbors have expressed concerns that a quasi-commercial use would adversely impact the livability of a cohesive residential neighborhood which is already challenged by other commercial uses on the block, which include Get 'N Gear and the downstairs office uses at 426 A Street at the corner, and by the proximity to other commercial uses in place on Fourth and A Streets, including Noble Coffee.

The Commission finds that in considering similar concerns raised over the impacts to residential neighborhood character in a Travelers' Accommodation application in Planning Action #2005-666 at 184 B Street in 2005, the Planning Commission's Hearings Board found that in light of the summative effect of other Conditional Use Permit approvals previously granted in the neighborhood, the three Travelers' Accommodation units proposed at the time represented the maximum number of units that could be allowed in the 2005 request without having a greater adverse material effect on the livability of the neighborhood than would the target use. In that application, the notice area included 21 residentially zoned properties surrounded by four large E-1 commercial properties. Eight of the 21 residential properties already had Conditional Use Permits to allow office, retail and Travelers' Accommodations, and the request in PA #2005-00666 represented the ninth Conditional Use Permit in the impact area. In the current application, the residentially-zoned portion of the impact area consists of 14 properties including eight that appear to be owner-occupied single family residences, two duplexes where the owner resides in one of the units, two rental duplexes, one rented single family home, and the subject property. The Commission finds that the Conditional Use Permit requested by the applicants here would be the first on record among these 14 properties (see Exhibit 5). The remainder of the impact area along A Street and Fourth Street consists of E-1 zoned properties.

The Commission finds that the Travelers' Accommodation proposed with two to three guest units will have no greater adverse material impact on the livability of the impact area than development of the subject lot with two residential units, the target use in the zone. The Commission finds that the existence of explicit criteria which provide a framework to determine where Travelers' Accommodations are appropriate in multi-family zones attempts, to the degree possible, to limit these adverse material impacts. The Commission further finds that the proposal would have no more impact in terms of traffic, noise, light or glare than would normal residential use, and that the key consideration is in insuring that adequate parking is provided. Because the property line was unclear and the ability to provide a required fifth parking space entirely on the applicants' property was in question, staff initially limited the approval to one owner's unit and two guest units, unless a revised site plan based on a property line determination by an Oregon-licensed surveyor was provided illustrating that the required fifth parking space could be provided entirely on the applicants' property with relocation of the gas meter and bollard. The condition provided that if a revised site plan based on an Oregon-licensed surveyor's property line determination demonstrated that an eight-foot by 16-foot compact parking space can be provided entirely on the applicants' property with relocation of the gas meter, and the requisite 22-foot back up area provided, then a third guest unit would be approved. The Commission further finds that while the applicants have subsequently removed the bollard adjacent to the gas meter in order to accommodate the full parking space, they have not provided a survey and as such, it remains difficult to clearly ascertain that a parking space of the required dimension can be provided on the applicants' property in this location, and with adequate back-up area. Absent a survey clearly delineating the property lines in the

area, the Planning Commission has accordingly retained the condition for a survey of the property line as originally recommended by staff. Should a survey be provided demonstrating that the parking space can be accommodated on the subject property as asserted by the applicants, the Staff Advisor could approve the additional unit through administrative review of a business license application.

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

### **SECTION 3. DECISION**

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Travelers' Accommodation, Conditional Use Permit, Site Design Review, and Exception to the Site Development and Design Standards for the property located at 266-268 North Third Street is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we deny the appeal, uphold the administrative decision and approve Planning Action #2015-00797. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2015-00797 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicants shall be conditions of approval unless otherwise specifically modified herein, including that the garage shall remain available for off-street parking. Any changes of business ownership, manager-occupancy or other modifications to the proposal shall be subject to the Conditional Use Permit procedure for modification of this approval.
2. That the approval shall be for one owner's unit and two guest units only unless a revised site plan based on a property line determination by an Oregon-licensed surveyor is provided illustrating that the required fifth parking space can be provided entirely on the applicants' property with relocation of the gas meter and bollard. Should a revised site plan based on an Oregon-licensed surveyor's property line determination demonstrate that an eight-foot by 16-foot compact parking space with a 22-foot back-up area can be provided entirely on the applicants' property with relocation of the gas meter, then a third guest unit shall be approved. All required parking shall be in place, inspected and approved by the Staff Advisor prior to obtaining a business license or operation of the Travelers' Accommodation. The fifth space shall be painted/striped to clearly delineate its boundaries and shall be designated for compact car parking only.

3. That all landscaping, irrigation and hardscaping improvements shall be installed according to the approved plan, inspected and approved by the Staff Advisor prior to obtaining a business license or operation of the Travelers' Accommodation.
4. That the Travelers' Accommodation shall meet all applicable building, fire, and related safety codes at all times, and shall be inspected by the Fire Department before commencing operations and periodically thereafter pursuant to AMC 15.28.
5. That the applicants shall obtain and maintain a city business license and register for and pay all transient occupancy tax as required in AMC 4.24 and AMC 6.04 prior to operation of the Travelers' Accommodation.
6. That only one wall or ground sign is permitted on site in conjunction with the Travelers' Accommodation. The sign shall be constructed out of a non-plastic material, shall not be internally illuminated, and shall have a maximum sign area of six square feet and a maximum overall height of five feet. Any exterior illumination shall not direct light on to any adjacent residential uses. A sign permit demonstrating compliance with these conditions and with the regulations in the Ashland Municipal Code section 18.2.3.220.F and chapter 18.4.7 shall be obtained prior to the placement of any signage on the property.
7. That the subject property shall remain the primary residence of the applicants as business-owners, and evidence of primary residence (*i.e. valid Oregon Drivers Licenses or Identification Cards reflecting this address*) shall be provided for the review of the Staff Advisor prior to the commencement of the use as required in AMC section 18.2.3.220.A.
8. That any advertisement for the Travelers' Accommodation unit must include the City of Ashland Planning Action number assigned to this city land use approval (*i.e. PA#15-797*).
9. That the recommendation of the Ashland Historic Commission that the applicants not install a porch rail so that the home may remain in keeping with the simple, bungalow style of the original 1901 cottage shall be a condition of this approval. The Historic Commission found that the historic design of the contributing resource structure was best served by the existing porch design, without rails.
10. That long-term (*i.e. more than 30-day*) rental of residential units in the Travelers' Accommodation's off-season shall be limited to no more than the two residential units which are approved for the property based on the R-2 density allowances. There shall be no mix of long-term and short-term rentals.
11. That a revised location for trash and recycling containers shall be identified, and any necessary screening installed in accordance with the Site Design and Use Standards, inspected and approved by the Staff Advisor prior to obtaining a business license or operation of the Travelers' Accommodation.

November 10, 2015

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Planning Commission Approval

Date

**See Attached Exhibits:**

**Exhibit 1.** Parking Photo illustrating Eight-Foot Required Compact Space Width (Prior to Bollard Removal)

**Exhibit 2.** Parking Photo illustrating 16-Foot Required Compact Space Depth (Prior to Bollard Removal)

**Exhibit 3.** Photo of Parking in Use with Bollard Removed

**Exhibit 4.** Photo of Parking in Use with Bollard Removed

**Exhibit 5.** The Impact Area

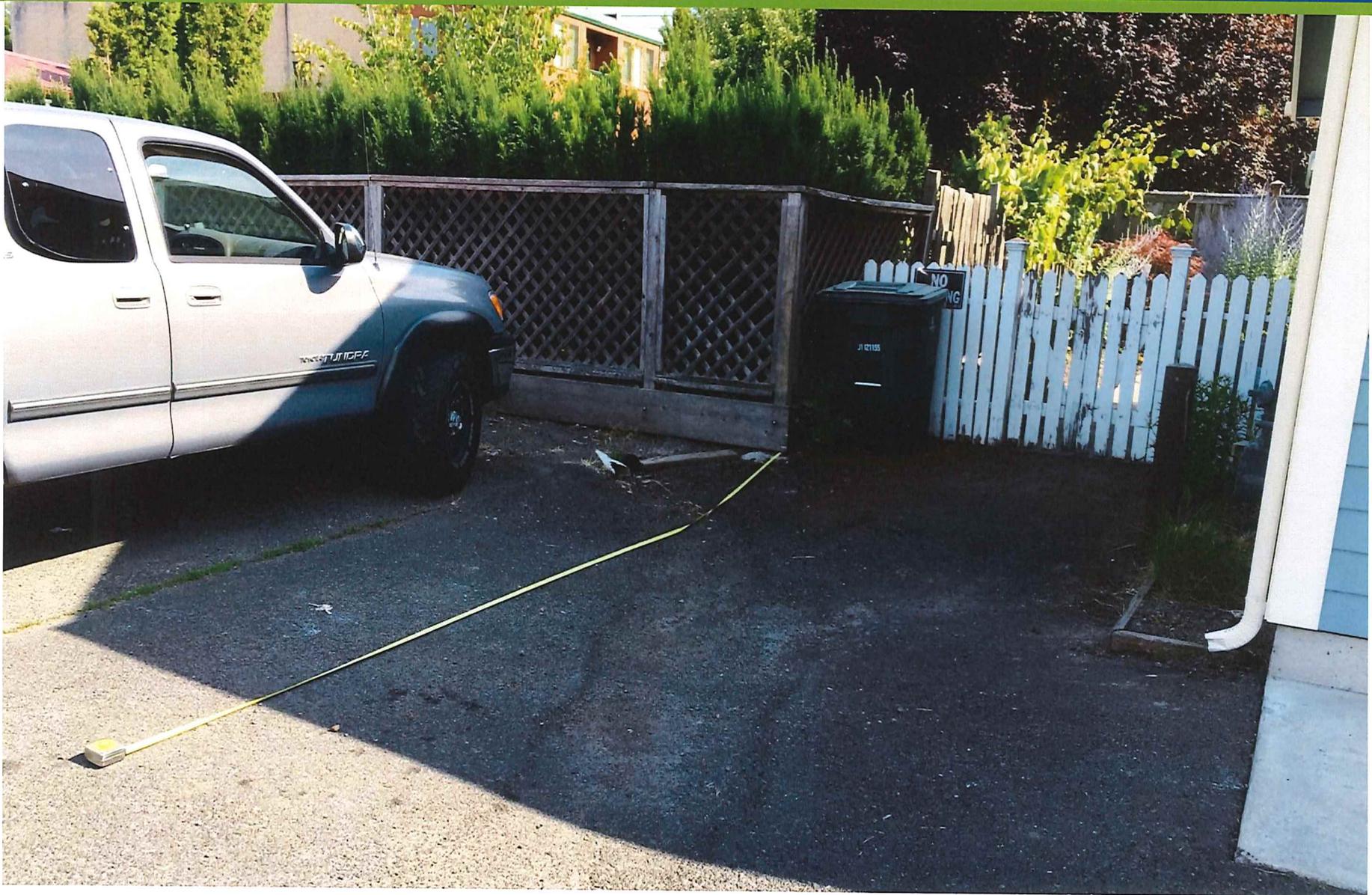
# 266 Third St. Appeal

Exhibit 1. Eight-Foot Compact Space Width (Bollard In Place)



# 266 Third St. Appeal

Exhibit 2. 16-Foot Compact Space Depth (Bollard in Place)



# 266 Third St. Appeal

CITY OF  
ASHLAND

Exhibit 3. Parking In Use with Bollard Removed



# 266 Third St. Appeal

Exhibit 4. Parking In Use with Bollard Removed

CITY OF  
ASHLAND





**TYPE II  
CONTINUED PUBLIC HEARING**

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



**PLANNING ACTION:** PA-2015-01517

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

**OWNER/APPLICANT:** Spartan Ashland Natalie Real Estate, LLC

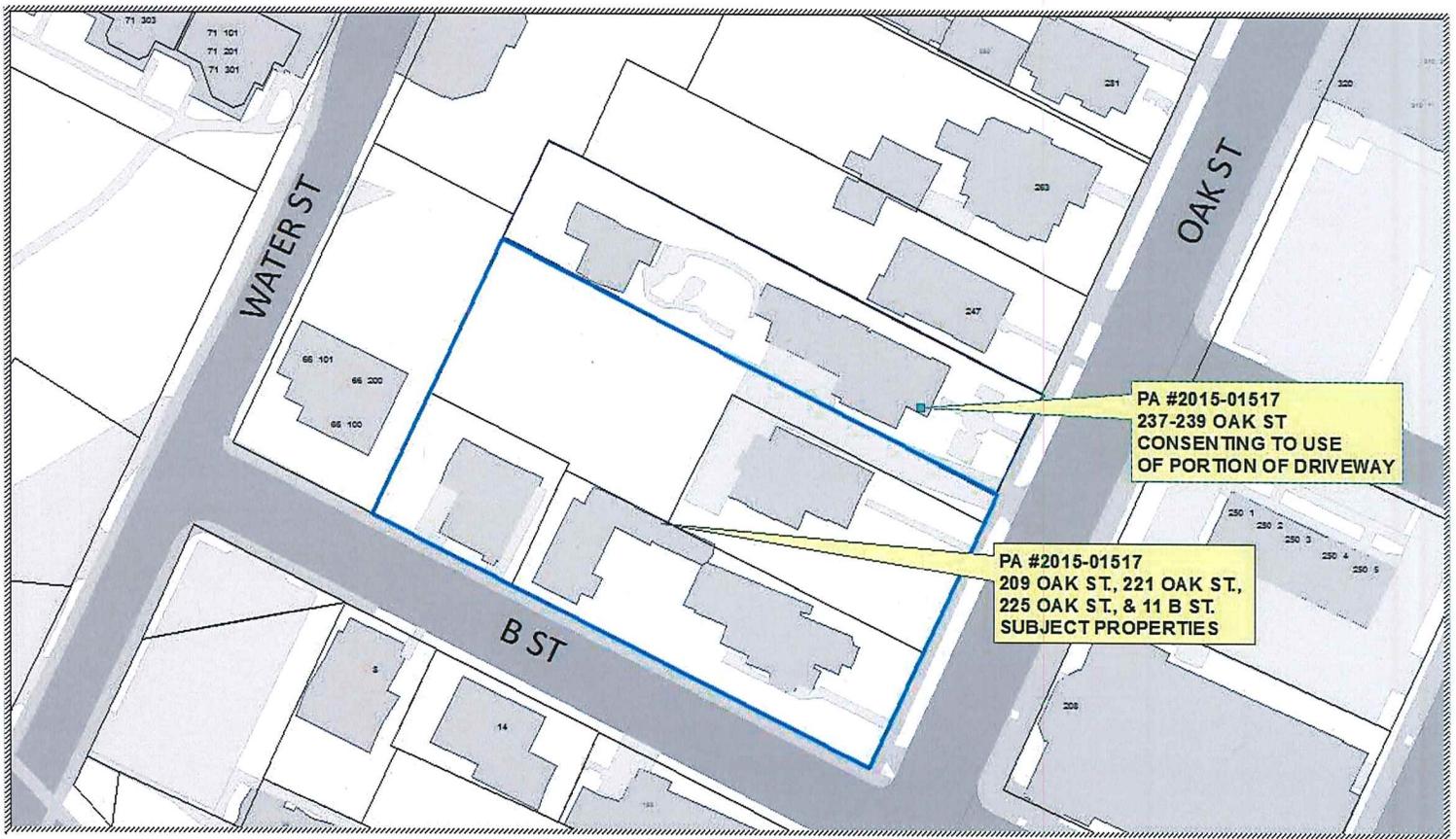
**AGENTS:** Kistler, Small & White, Architects

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

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

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

**ASHLAND PLANNING COMMISSION MEETING:** **Tuesday, October 13 at 7:00 PM, Ashland Civic Center, 1175 East Main Street** **[CONTINUED TO NOVEMBER 10<sup>th</sup> at 7:00 PM/PLEASE BRING OCTOBER PACKETS]**



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

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

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

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

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

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

## OUTLINE PLAN APPROVAL

### 18.3.9.040.A.3

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

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

## FINAL PLAN APPROVAL

### AMC 18.3.9.040.B.5

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

- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.
- c. The open spaces vary no more than ten percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the Street Standards.
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.

## SITE DESIGN AND USE STANDARDS

### 18.5.2.050

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

- A. Underlying Zone: The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. Overlay Zones: The proposal complies with applicable overlay zone requirements (part 18.3).
- C. Site Development and Design Standards: The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. City Facilities: The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
  1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
  2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

## CONDITIONAL USE PERMIT

### 18.5.4.050.A

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

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
  - a. Similarity in scale, bulk, and coverage.
  - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  - c. Architectural compatibility with the impact area.
  - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
  - e. Generation of noise, light, and glare.
  - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
  - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
  - a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
  - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.

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

## **VARIANCE**

### **18.5.5.050**

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

## **EXCEPTION TO STREET STANDARDS**

### **18.4.6.020.B.1**

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

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

## **TREE REMOVAL PERMIT**

### **18.5.7.040.B**

#### **B. Tree Removal Permit.**

1. Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
  - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
  - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
  1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.
  2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
  3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.
  4. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
  5. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

# ASHLAND PLANNING DIVISION STAFF REPORT ADDENDUM

**November 10, 2015**

**PLANNING ACTION:** #2015-01517

**OWNER/APPLICANT:** Spartan Ashland Natalie Real Estate, LLC

**AGENTS:** Kistler, Small & White, Architects

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

**ZONE DESIGNATION:** R-2

**COMP. PLAN DESIGNATION:** Low Density Multi-Family Residential

**APPLICATION DEEMED COMPLETE:** October 5, 2015

**120-DAY TIME LIMIT:** February 2, 2016

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

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

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

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

## **I. Relevant Facts**

### **Background - History of Application**

The Planning Commission opened the public hearing for this matter on October 13, 2015 at which time testimony was heard and evidence was presented. During the staff report, Planning Staff noted that based on insufficient information in the submittal, the Historic Commission postponed making a recommendation on the Planning Action until their November meeting. The Historic Commission provided the following comments for initial consideration:

- The cottage setback is a good use of space and preserves the character of the property.
- The exclusion of a park-row along B Street is appropriate.
- The slanted partitions separating the condominiums along B Street are not desirable.
- Design development drawings would be helpful.
- Details on materials and design specifics are needed.
- The Historic Commission would recommend against a Conditional Use Permit for the commercial use of the historic home on the corner of Oak and B Streets.
- Metal roofing is not appropriate.
- Detailed drawings of the condominium porches are needed.

Because the Historic Commission determined that additional materials were necessary before they could make a formal recommendation on a project involving, and based on staff's recommendation, the hearing was continued until the Planning Commission's next regular meeting on November 10, 2015 at 7:00 p.m.

Subsequent to the October hearing, the applicants have provided revised written findings and plan submittals which are provided in the Commission packets with this report. As this report is being prepared, the Historic Commission has not reviewed the revised application materials, and comments from their November 4, 2015 review of the applicants' revised submittals will be provided for Planning Commissioners via e-mail before the November 10, 2014 hearing.

## **II. Project Impact**

Subsequent to the applicants' testimony at the October hearing, the Planning Commission there was discussion of the following issues:

**Compatibility of Townhomes** – Commissioners commented that a pitched roof design might be a more historically-compatible treatment for residential units, and additional

comment was made that the applicants design along the Oak Street frontage is in keeping with the historic neighborhood character, but once on B Street the units are more urban.

Here staff would direct Commissioners to consider the Historic District Design Standards in AMC 18.4.2.050.B which provide for consideration of height, massing, scale and “*roof shape, pitches, and materials consistent with historic buildings in the immediate vicinity,*” among the considerations for determining historic compatibility. These standards further provide that, “*For projects located at the boundary between zones or overlays, appropriate adjustments to building form, massing, height, scale, placement, or architectural and material treatment may be considered to address compatibility with the transitional area while not losing sight of the underlying standards or requirements applicable to the subject property.*” The Historic Commission comments did not raise concern over the proposed roof designs, and the Planning Commission’s question of the townhomes’ compatibility has been conveyed to the Historic Commission for their November discussion.

**Roofing Material** – The Historic Commission had noted that metal roofing was not an appropriate treatment within the historic districts. The applicants suggested that asphalt shingles are outlawed in most countries in Europe due to their toxicity and recommended against their use. They further noted that a number of historic buildings in the historic districts have metal roofs and stated the proposed roof would not be a bright metal, but rather would be a darker shade compatible with the Historic District. The revised submittals indicated that vintage metal roofing that is darker and has more texture is now proposed for the historic buildings. The Planning Commission asked for clarification from the Historic Commission whether they felt that metal roofs were inappropriate on all structures, or whether their concern was limited to the two historic homes to be restored. This question has been conveyed to the Historic Commission for their November discussion.

**Fire Separation** – The Historic Commission had noted that more detailed drawings of the condominium porches were needed to enable their review, and had specifically noted that the slanted partitions separating the condominiums along B Street were not desirable. At the October Planning Commission hearing, the applicants explained that the angle of the fire partition wall was a design element that mirrors what was done on the applicants recently constructed Winston Building at the corner of Water and B Street and that they do not extend past the proposed bay windows. They emphasized that their intent in mirroring this feature was to tie the block together. They further clarified that if the doors were moved to the outside of the units, the firewall would not be necessary for separation, however, this would require that the stairs to be moved which would necessitate the removal of some of the windows on the exterior walls. More detailed drawings have been provided for Historic and Planning Commission review, including cross-section drawings, color renderings from several perspectives, and comparisons of the porches with the full parkrow planting strip and with only a six-foot sidewalk. The revised materials submitted have not changed the treatment of the slanted partitions providing required separation between the units.

**Commercial Use of Historic Home** - The Historic Commission had noted that they would recommend against a Conditional Use Permit for the commercial use of the historic home on the corner of Oak and B Streets. At the October Planning Commission,

the applicants pointed out that there are commercial buildings on all three of the other corners on this block, and that the existing performance uses at the Historic Ashland Armory directly across the street make the corner home undesirable for residential use. Planning Commissioners asked for floor plans to clarify the proposed uses within the two historic homes, and floor plans have been provided.

**B Street Streetscape** – The applicants have requested an Exception to Street Standards to continue the existing curbside sidewalk pattern established with the Winston building at the corner of Water and B Streets. They note that the narrower sidewalk corridor will allow wider porches for the proposed townhomes, that a standard parkrow would have a suburban character inappropriate to the urban setting here, and that parked cars provide the same buffering effect achieved with parkrow planting strips. The Historic Commission expressed support for this request, and while their reasoning was not elaborated staff believes that it was primarily an indication that they would prefer the deeper porches if forced to choose between a full parkrow or a wider porch. The Planning Commission asked that the Historic Commission elaborate here, and this request has been conveyed to the Commission for their November discussion.

Revised drawings have been provided to better illustrate the proposal, and drawings showing the porches with the city standard parkrow and sidewalk versus a six-foot curbside sidewalk have been provided for comparison. In addition, the applicants have added three trees adjacent to the sidewalk – a Tree of Heaven and two Ash trees - to their tree removal request, noting that while the arborist has indicated they are healthy, the process thus far has suggested they should be removed.

Planning staff continue to believe that a full city standard parkrow and sidewalk would be preferable. The applicants are correct that the existing on-street parking is heavily used, but in staff's view the parked cars do not provide the same buffer as trees, and they do not provide the shade canopy sought in the standards. In addition, a parked car's open door can almost completely block the existing sidewalk's full width, which is already challenging if two pedestrians need to pass one another, even more so if there is a wheelchair or baby stroller involved. For staff, the larger porches are a benefit in making the porches more usable to encourage a stronger relationship between the public street corridor and the private homes, however if they are provided at the expense of the public street corridor and the porch users are relating only to parked cars, un-buffered by a park row and its trees, a large part of this benefit is lost on both sides.

Should the Commission grant an Exception, staff strongly recommend that a minimum six-foot sidewalk width be required, and that the conditions include a requirement for trees behind the sidewalk on the private property spaced at no more than one tree per 30 feet to achieve the same level of canopy coverage sought in the standard.

**Number of Residential Units** – There was some confusion in the original submittal materials as to the number of residential units proposed, and during the October hearing the Commission asked that the applicants provide clear information on the number of units requested so that staff could provide an accurate parking analysis. The materials provided suggest that eight residential units are requested, with the six townhomes, one cottage, and one residential unit in the Smith-Elliott house, and that the application still proposes commercial office use in the Mickelson-Chapman house. Floor plans reflecting

this proposal have been provided, and the applicants have included parking calculations which note that the eight units each require 1¾ parking spaces while the 1,308 square feet of office requires three spaces ( $1308/500 = 2.616$ ) for a total of 17 spaces, including one van-accessible space for the commercial use. 17 spaces have been proposed on-site to meet this requirement.

Staff would also note that should the Conditional Use Permit to allow office use of the Mickelson-Chapman house be denied, there would be enough parking available using one on street credit at most to accommodate two units within the home.

**Driveways & On-Site Circulation** – During Planning Commission discussion in October, it was questioned whether the driveway onto B Street could be widened to a full 20-foot width, noting that with the additional vehicle trips the development would generate, it would be nice to have another access into the site.

Commissioners also questioned internal circulation in terms of how residents would access the shared recreational facilities.

The current submittals do not include a widening of the driveway, and now identify a pedestrian route from the recreation space which then extends to B Street with a separated pedestrian walkway within the 15-foot driveway width. This change seems significant and is not clearly discussed in the revised narrative provided.

In staff's view, further narrowing the substandard 15-foot driveway to accommodate pedestrian circulation seems inappropriate, and conditions have been recommended below to require that the driveway width be at least 15-feet for its full extent and that a revised pedestrian circulation plan be provided prior to the issuance of building permits or signature of a final plat which identifies a internal pedestrian circulation through the site to provide connections between the recreation space, parking spaces and the individual residential units.

**Trees** – During the October hearing's discussion, comment was made that any extension of the sidewalk would encroach into the root system of the trees, and the removal of the cement retaining wall would likely expose roots. At the time, there was discussion of keeping those sections of retaining wall necessary to protect the tree roots, and the applicants agreed that if the sidewalk were widened the trees would have to be removed. The applicants clarified that if the trees were removed, a six-foot sidewalk could be installed and they could still maintain the larger porch designs preferred by the Historic Commission, quite a bit of landscaped area in front of the porches, and allow the planting of additional trees. Commissioners questioned the arborist's statement in the materials provided at the hearing that these trees would survive and the Commission asked that the applicants provide something more substantive speaking to these trees and their ability to accommodate sidewalk construction.

The revised materials provided include a Tree Protection Plan and clear identification of those trees proposed for removal. They do not include any additional information from the arborist, however the applicants have added the three trees adjacent to the sidewalk – a Tree of Heaven and two Ash trees - to their tree removal request, noting that while the arborist had indicated they were healthy, the process thus far has lead the applicants to

believe they should be removed. The revised materials will be considered by the Tree Commission at their November 4<sup>th</sup> meeting, and their comments provided before the Planning Commission's November 10<sup>th</sup> hearing.

### **III. Procedural - Required Burden of Proof**

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

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

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

- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.
- c. The open spaces vary no more than ten percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the Street Standards.
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.

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

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

- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
  - 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
  - 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

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

- 1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- 2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
- 3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
  - a. Similarity in scale, bulk, and coverage.
  - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  - c. Architectural compatibility with the impact area.
  - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
  - e. Generation of noise, light, and glare.
  - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
  - g. Other factors found to be relevant by the approval authority for review of the proposed use.

4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
  - a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
  - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
  - c. **R-2 and R-3.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
  - d. C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
  - e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.
  - f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
  - g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.
  - h. CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.
  - i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.
  - k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.
  - l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.

**The criteria for Variance approval are described in 18.5.5.050 as follows:**

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.

4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

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

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

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

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

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.
2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.
4. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
5. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

#### **IV. Conclusions and Recommendations**

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

More detailed submittal materials have been provided since the initial hearing, and both the Historic and Tree Commissions will be providing comment on those submittals subsequent to this report being prepared and distributed. In staff's view those comments will inform much of the Commission discussion at November's meeting.

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

Staff do not, however, support the requested Exception to Street Standards in order to not install park row planting strips along B Street, and believe that the applicants should be required to install six-foot sidewalks and seven-foot park row planting strips as required in the adopted street standards. The applicants are correct that the existing on-street parking is heavily used, but in staff's view the parked cars do not provide the same buffer as street trees, and they do not provide the shade canopy sought in the standards. In addition, a parked car's open door can almost completely block the existing sidewalk's full width, which is already challenging if two pedestrians need to pass one another, even more so if there is a wheelchair or baby stroller involved. For staff, the benefit of larger porches is in making the porches more usable to encourage a stronger, more engaging relationship between the public street corridor and the private homes, however if these porches are provided at the expense of the public street corridor and the porch users are relating not to a vibrant streetscape but instead to parked cars, un-buffered by a park row and street trees, with only minimal accommodation for pedestrians much of the intended benefit is lost on both sides.

Should the Commission ultimately determine that this Exception is merited, staff would strongly recommend that the applicants nonetheless be required to widen the existing

sidewalks to a full six-foot width, and that street trees be planted on the private property, behind the sidewalk, according to standards so that a healthy canopy can nonetheless be established and maintained along this block of B Street.

Staff would recommend approval of the request with the following conditions attached:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein, including that the existing historic homes at 209 Oak Street and 221 Oak Street shall be fully restored as part of the current application.
- 2) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this approval shall be submitted and approved prior to the issuance of a building permit.
- 3) That the recommendations of the Ashland Historic Commission from their **November 4, 2015** meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 4) That all recommendations of the Ashland Tree Commission from their **November 5, 2015** meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 5) That prior to the installation of any signage, a sign permit shall be obtained. All signage shall meet the requirements of the Sign Ordinance (AMC 18.4.7) including the specific limitations for Conditional Use Permit signage found in AMC 18.4.7.060.B.2.
- 6) That the roofing of the two historic homes to be restored shall not utilize wood shingles or metal roofing, both of which are noted as to be avoided in the Historic District Development Standards for the rehabilitation of existing historic buildings. The final roofing material treatment shall be asphalt or composition shingles which match the original roofs in color and texture or another non-metal or wood roofing deemed acceptable by the Historic Commission. Roofing materials shall be detailed in the building permit submittals for the review and approval of the Staff Advisor and Historic Commission's Review Board.
- 7) That all requirements of the Fire Department shall be satisfactorily addressed, including fire apparatus access, fire apparatus access approach, any necessary shared access easements, fire flow, fire sprinklers, fire department connection, fire hydrants, fire extinguishers, key box, approved addressing, approval of any gates, fences or other access obstructions; and fire safety measures during construction.
- 8) That the applicants shall obtain Demolition/Relocation Review Permit approvals through the Building Division prior to the demolition of any buildings greater than 500 square feet if deemed necessary by the Building Official pursuant to AMC 15.04.210-216 .
- 9) That building permit submittals shall include:
  - a) The identification of all easements, including but not limited to public or private utility or drainage easements, mutual access easements allowing

for the use of the shared driveway by 239 Oak Street, fire apparatus access easements, and public pedestrian access easements.

- b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor and Historic Commission Review Board. Colors and materials shall be consistent with those described in the application, and very bright or neon paint colors shall not be used.
- c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
- d) Revised Landscape, Irrigation and Tree Protection Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. These revised plans shall address: 1) The recommendations of the Tree Commission from their **November 5, 2015** meeting where consistent with applicable criteria and standards, and with final approval by the Staff Advisor; and 2) the required size and species specific replacement planting details and associated irrigation plan modifications, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications.
- e) A stormwater drainage plan for the review and approval of the Engineering, Building and Planning Departments. This plan shall incorporate low impact development measures such as permeable paving and on-site bio-swale stormwater detention as proposed by the applicants to meet Public Works/Engineering standards and ensure that post-development peak stormwater flows do not exceed pre-development levels and that no additional stormwater load is added to the B Street corridor, and if it proves necessary to obtain drainage easements over adjacent properties or upgrade existing stormwater facilities in order to meet these standards and accommodate large storm events, all necessary improvements to address the site's stormwater shall be provided at the applicants' expense.
- f) A final utility plan for the project for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of any necessary connections to public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Cabinets, vaults and Fire Department Connections shall be located in areas least visible from streets, sidewalks and pedestrian areas, while considering access needs. Any necessary service extensions or upgrades shall be completed by the applicant at applicant's expense.
- g) An electric design and distribution plan including load calculations and locations of all primary and secondary services including any transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to the issuance of demolition, excavation or building permits. Transformers, cabinets and vaults shall be located in areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the Electric Department.

- h) The drawings necessary to verify compliance of the patios and entry stairs with the standard ten-foot side yard setback requirement along B Street and the general exception provisions of AMC 18.2.4.050.C, which exempt uncovered patios, porches and entry stairs from these setback requirements.
  - i) Calculations demonstrating that the final building floor area does not exceed the 11,830 square foot maximum permitted floor area approved here, based on the methodology detailed in AMC 18.2.5.070.
  - j) That the applicants shall provide engineered plans for the installation of city-standard seven-foot width parkrows with irrigated street trees, six-foot sidewalks, and pedestrian scale street lighting on the property's full B Street frontage for the review of the Planning and Public Works/Engineering Departments. These plans shall detail the necessary transitions to existing improvements at either end of the corridor, the removal of curb-cuts other than for the proposed one-way driveway, and shall include the use of the historic district standard "San Diego Buff" colored concrete. If necessary to accommodate city standard street frontage improvements, the applicant shall dedicate additional right-of-way or provide public pedestrian access easements. Any necessary easements or right-of-way dedications shall be submitted for the review and approval of the Planning and Public Works/Engineering Departments.
  - k) Identification or required bicycle parking, which includes four bicycle parking spaces for the studios without private garages and an additional two parking spaces for the proposed office use. The inverted u-racks shall be used for the bicycle parking, and all bicycle parking shall be installed in accordance with design and rack standards in 18.4.3.070.I prior to the issuance of the certificate of occupancy. The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met.
  - l) The identification of internal pedestrian circulation routes through the site to provide connections between the recreation space, parking spaces and the individual residential units. Pedestrian circulation shall not reduce the driveway width below the proposed 15-foot width.**
  - m) The identification of the placement of the trash enclosure.**
- 10) That prior to the issuance of the building permit, the commencement of site work including demolition or the storage of materials:
- a) A Tree Verification Permit shall be obtained, and tree protection measures installed according to the approved plan, inspected and approved by Staff Advisor. The Verification Permit is to inspect the identification of the tree within the footprint of Unit 4 to be removed and the installation of tree protection fencing for the trees to be retained and protected on and adjacent to the site. Tree protection measures shall be in the form of chain link fencing six feet tall, installed and maintained in accordance with the requirements of AMC 18.4.5.030.C. (The removal of any additional trees

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

- b) That all necessary building permits fees and associated charges, including permits and connections fees for new, separate, underground electrical services to each proposed unit, and system development charges for water, sewer, storm water, parks, and transportation (less any credits for existing structures) shall be paid.
- 11) That prior to the final approval of the project, signature of the final plat or issuance of a certificate of occupancy:
- a) All hardscaping including the one-way driveway **installed to the proposed 15-foot width for its full extent**, landscaping including one mitigation tree, and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor.
  - b) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
  - c) Sanitary sewer laterals, water services including connection with meters at the street, and underground electric services shall be installed according to the approved plans to serve all units prior to signature of the final survey plat or issuance of a certificate of occupancy.
  - d) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.
  - e) All required street frontage improvements, including but not limited to the sidewalk, parkrow with irrigated street trees spaced at one tree per 30 feet of frontage, and street lighting on B Street, and any additional street trees necessary on Oak Street, shall be installed under permit from the Public Works Department and in accordance with the approved plans, inspected and approved by the Staff Advisor. All curb cuts other than one on each frontage for the proposed one-way driveway shall be removed with the frontage improvements.
  - f) Restoration of the two historic homes shall be completed according to the approved plans, inspected and approved by the Staff Advisor.
  - g) The CC&Rs for the Homeowner's Association or similar maintenance agreement shall be provided for the review and approval of the Staff Advisor prior to signature of the final survey plat. This agreement shall describe the responsibility for the maintenance of all common use-improvements including landscaping, driveways, planting strips and street trees, and the approved Tree Protection Plan and accompanying standards for compliance shall be noted in the CC&Rs. The CC&Rs must state that deviations from the approved plan shall be considered a violation of the Planning Application approval and therefore subject to penalties described in the Ashland Municipal Code.
  - h) Screening for the trash and recycling enclosure shall be installed in

accordance with the Site Design and Use Standards, and an opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure as required in AMC 18.4.4.040.

- i) The one way driveway shall be installed according to the approved plan with a minimum 15-foot width in a permeable paving surface if necessary for stormwater drainage, striped and/or signed to make limitations to one way travel and no parking along the driveway clear, and evidence of a recorded shared access easement for use of the drive by the applicants' development and the neighbors at 239 Oak Street provided.

COPY

November 10, 2015  
Site Review



## **BRICKS ON B URBAN TOWNHOUSES**

Submitted to:

CITY OF ASHLAND PLANNING DEPARTMENT

ASHLAND, OREGON

Submitted by:

KISTLER, SMALL & WHITE

ARCHITECTS

66 WATER STREET

ASHLAND, OR 97520

kistler +  
small  
+ white  
architects

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## PROJECT INFORMATION

### PLANNING ACTION:

The applicant, Spartan Properties, is submitting outline & final plan for a type 2 site review for the renovation of the two historic houses, construction of six townhouses and a residential cottage. The application will be using the Performance Standards Options. The subject property is located at the corner of Oak Street and "B" Streets. The applicant will request two Conditional-Use permits, one for an allowable increase of MPFA per 18.2.5.070C and the second for commercial use of existing historical residential building. Additionally, a variance will be requested to the requirement of a 20-foot driveway and an exception to the parkrow street standard. Five (5) tree removal permits will be requested, two (2) are required for construction and the additional three trees on location and quality.

### ADDRESS & LEGAL DESCRIPTION:

**OWNER:**  
Spartan Properties, LLC  
35 Second Street  
Ashland, OR 97520

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

**LAND USE PLANNING:**  
Kistler, Small & White  
66 Water Street  
Ashland, OR 97520  
541.488.8200

**PROJECT LANDSCAPE:**  
Kistler, Small & White  
66 Water Street  
Ashland, OR 97520  
541.488.8200

### ADJACENT PROPERTY OWNER:

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



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**COMPREHENSIVE PLAN DESIGNATION:** Multi-Family

**ZONING DESIGNATION:** R-2

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

**LOT AREA:**

- Tax Lot 15600 10,914 sf
- Tax Lot 15700 4,463 sf
- Tax Lot 15900 8,677 sf
- Tax Lot 16000 11,909 sf

Total Area: 35,963 square feet

**RESIDENTIAL DENSITY:**

- R-2
- Target Density = 11.20
- Minimum Density = 8.96
- Proposed Number of Units = 9

**BUILDING DATA:**

- Two (1) unit at 1,320 sf 1,320 sf
- One (1) unit at 1389 sf 1,389 sf
- One (1) unit at 895 sf 895 sf
- Six (6) unit 1,371 sf 8,226 sf

Total : 11,830 square feet

**MAXIMUM PERMITTED FLOOR AREA: 18.2.5. 070 G. Multiple Dwellings**

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

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

Graduated FAR (0.56) = 9,465 sf

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

Total Building sf = 11,830

Overage = 0 %

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



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## **PARKING: 18.92**

**Required:** (with the CUP for commercial use granted)

**Residential:** Multi and Single family, 1.75 for 8 units, 14 spaces required.

**Commercial:** Three (3) spaces are required for the one (1) 1308 sf commercial unit, including one van accessible space.

Total = 17 spaces (including one van accessible space)

**Proposed** (With the CUP for commercial use of 209 Oak granted)

- The residential "Bricks" units will be provided with one (6) garage space each for six (6) spaces.
- Six (6) covered spaces on the common lot
- Four (4) uncovered spaces on the common lot
- One (1) Van Accessible Space
- Two (2) street credit (per the suggestion of staff with the request of the removal of two (2) on-site spaces).

Total 19 spaces (17 on-site, including a Van Accessible space)

## **APPLICABLE ORDINANCES**

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

## **ADJACENT ZONING/USE**

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

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## PROJECT DESCRIPTION

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

The site consists of four adjoining tax lots. Existing lot lines dividing 15600, 15700, 15900 and 16000 would be abandon and drawn as a single lot. Individual buildings will be on footprint lots with a single common lot beneath them through the Performance Standards Options. Included on the site are three contributing historic homes, the Mickelson-Chapman house and the Smith-Elliott house and the Thompson Rental House, at 209 Oak Street, 221 Oak Street and 11 "B" Street respectively. The Mickelson-Chapman house, while contributing, has fallen into extreme disrepair. The Smith-Elliott house, likewise rundown, has most recently been a low-end rental property. Both properties would be renovated and returned to 19th Century appearance. Remaining structures, including the Thompson Rental House fronting "B" street, are condemned and scheduled for removal (see figure 1). It should be noted, thirty-three (33%) percent of the site is required in order to keep these Historic Homes the prominent view from Oak Street.

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

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



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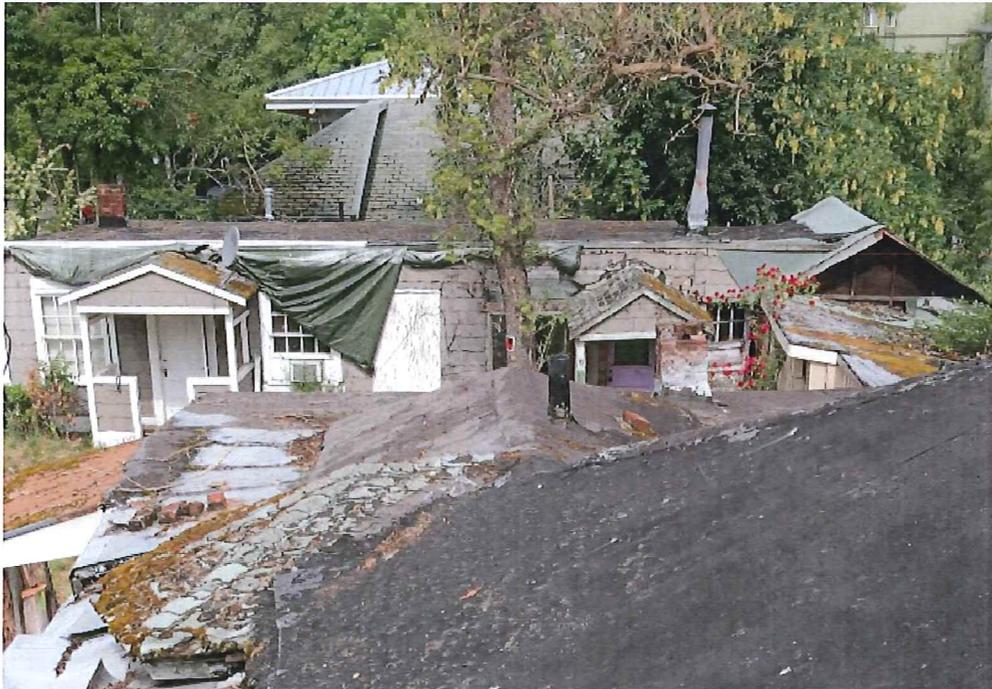


Figure 1

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A written narrative and findings of fact as well as a Site Plan, Lot Plan, Landscaping Plan, Tree Protection Plan, Historic Preservation Plan, Building Elevations, Floor Plans and Well Section are enclosed. Additionally, site and buildings renderings have been provided. (Note: renderings are provided for conceptual support only. Drawings supersede the renderings in resolving any detail conflicts. The colors in the rendered buildings are approximate only.)

This information is provided in the application materials and addresses the submittal requirements of Chapter 18.3.9.

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

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

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

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

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

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

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Figure 2

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**Recreational and Open Spaces:** A rectangular space of 1958 square feet, 5 % of the site will be dedicated to a communal recreational area. Intended to extend living area and foster community, the recreational area will included a major recreational facility, at the lease a mulit-sport court. The owner is considering a Pool in the recreation area, but would like make a final decision at a later time. Additionally, 50% of the entire side will be landscaped open space, this amount is dictated by the placement of the existing historical homes and the goal of providing a usable shape (as opposed to long, linear connections) for the recreational area. The site will be compliant with the requirements of 18.88.020.H

**Tree Removal and Protection:** Currently there are seventeen (17) 6" dba Trees on the site. Three of these trees are notable, and are being considered foundation trees. The applicant will request five (5) tree removal permits. Two (2) trees have been identified by an arborist as diseased and lie within the footprint of the proposed building. Three (3) of the trees, a Tree of Heaven and two (2) Ash trees are located very close to the "B" street sidewalk, the arborist has determined they are healthy but not of great quality. The site review process thus far has indicated they should be removed, especially considering that the likeliness the sidewalk be widened. Additional Street Trees will be installed per City standards (18.61) and a Landscaping Plan has been provided.

**Parking:** Eighteen (17) on-site parking spaces (including one ADA space) are proposed at the rear of the buildings with access on the flag lot. Two additional parking spaces have been removed, adjacent to 209 Oak Street, in favor of two (2) (of the eleven 11 possible) street credits. The parking provided is compliant with the requirement 18.92 The on-site parking is entirely screened from street/pedestrian view. A Van Accessible space has been provided at the closest possible to the proposed commercial location.

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

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

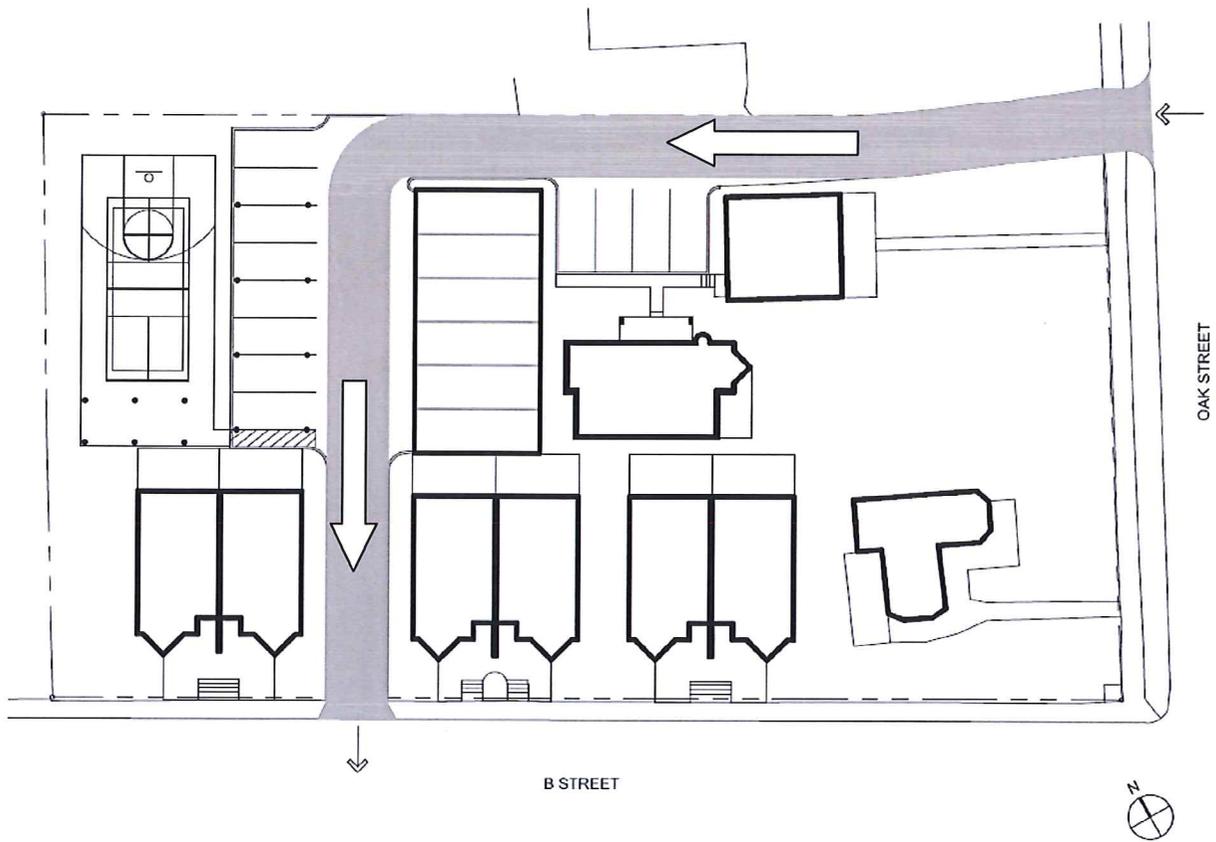


Figure 3

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## FINDING OF FACT

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

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

## Chapter 18.3.9.010, PERFORMANCE STANDARDS OPTIONS

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

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

## 18.3.9.040 REVIEW PROCEDURES AND CRITERIA

### A. Outline Plan

1. **Review Procedure:** The applicant will comply with the required review procedures.
2. **Application Submission Requirements. The following information is required for a Performance Standards Subdivision Outline Plan application submittal.**

Applicable items A -J are provided on site drawing, The site is presently owned by the applicant and development will not be in stages.

3. **The development meets all applicable ordinance requirements of the City**

To the applicant's knowledge all City regulations are or will be met by the proposed development.

4. **Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.**

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

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

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

- 5. The existing and natural features of the land: such as wetlands, floodplain corridors, ponds, large trees, rock outcropping, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.**

The Historic Homes are the most notable feature of the site, a full 33% of the site has been dedicated to their preservation. Development will be done with the least possible removal of trees.

- 6. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.**

The development will not prevent development of adjacent land.

- 7. There are adequate provisions for the maintenance of open space and common areas, if required or provided.**

A landscape plan will be submitted. Irrigation systems shall be installed to assure landscaping success. In addition the developer will provide professional grounds keeping.

- 8. The proposed density meets the base and bonus density standards established under this chapter.**

The site does not exceed the allowable density in R-2. The target density is 11 units, there is not minimum density in the Historic District. Chapter 18.3.9.050 PSO.

- 9. The development complies with the Street Standards.**

The development is asking for an exception to the Street Standards in regards to providing a parkrow on "B" Street. The applicant would prefer to match the existing sidewalk in front of the Winston Building, and initial feedback from Historic Commission and Planning Commission would concur.

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## Chapter 18.4.2, SITE DEVELOPMENT AND DESIGN STANDARDS.

### 18.4.2.030.B RESIDENTIAL DEVELOPMENT/BASIC SITE REVIEW STANDARDS:

#### A. Purpose and Intent

##### 1. Crime Prevention and Defensible Space

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

**B. Applicability.** Site will comply with section 18.5.2.020

#### C. Building Orientation

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

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## D. Garages

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

**E. Building Materials:** The "Bricks" and the cottage are made of brick with metal accents. The historic homes will be painted wood in historic colors. All new construction will share the same zincalume standing seam metal roofs that were used at the Ashland Carnegie Library. The Mickelson-Chapman and Smith-Elliott home will have "Vintage" metal roofs, a darker more textured option

The architect urges the city not to require asphalt composition shingles, arguably the worst sustainable building material with the largest footprint in our landfills every 15 years.

**F. Streetscape:** The landscape plan will maintain these trees and the park-row that exists on Oak Street. We request an exception to the requirement for a parkrow on "B" Street sidewalk; to extend the existing sidewalk, size and color, from the corner of "B" and Water Streets. Replacement trees will be planted per the Landscape Plan.

## H. Open Space:

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

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## HISTORIC DESIGN STANDARDS:

### 18.4.2.050.B HISTORIC DISTRICT/HISTORIC DISTRICT DESIGN STANDARDS:

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

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- 11. Imitation of Historic Features:** The "Bricks" are designed with traditional element such as a raised, recessed front door and bay windows keeping them in harmony with the existing historic houses, but are not imitative.
- 12. Additions:** N/A
- 13. Garage Placement:** The garages are situated behind the "Bricks" not visible to the street.

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

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

The architect would prefer a metal roof, because of it superior durability, quality, environmental sustainability and performance, however wood shingles will be used if not allowed by the Planning Commission. A darker, more textured metal would be used to a more "historic" feel. Also metal is an historic material for roofs and only went out of favor because composition shingles are a cheap replacement for word shingles.



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- j. **New porches:** The porches will be compatible with the historic building. Design of the porches have been updated per the comments made by the Historic Commission.
- k. **New detached buildings:** The garage is a detached building and will be compatible with the other buildings on the site.

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## CHAPTER 18.5.5.050, VARIANCE TO 18.4.3

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

### **18.4.3 D.**

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

**3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.**

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

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

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## CONDITIONAL USE PERMIT (MPFA)

### **AMC 18.104.050 Conditional Use Permit Criteria (MPFA)**

#### **18.104.050 Approval Criteria**

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

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

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

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

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

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

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

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

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

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

**1. Similarity in scale, bulk, and coverage.**

The proposal is similar in bulk and coverage to surrounding historic properties from the public streets / views. It is actually considerably less dense than the target R-2, would expect due to the MPFA ratios in the Historic District intended to prevent "McMansions". However, on large R-2 properties such as this that particular ordinance counters multi-family infill goals. We believe this proposal is a good blend of the two conflicting goals. The Bricks Townhouses are a modest 1371 sq ft.

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

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

**3. Architectural compatibility with the impact area.**

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

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

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

**5. Generation of noise, light, and glare.**

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

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

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

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

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

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## CONDITIONAL USE PERMIT (COMMERCIAL USE):

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

#### **18.104.050 Approval Criteria**

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

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

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

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

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

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

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

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

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

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

**1. Similarity in scale, bulk, and coverage.**

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

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

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

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

**3. Architectural compatibility with the impact area.**

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

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

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

**5. Generation of noise, light, and glare.**

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

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

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

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

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

## EXCEPTION TO STREET STANDARDS

### 18.4.6.040 Exception to Street Standards

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

#### 1. Exception to the Street Design Standards.

- a. **There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site of proposed use of the site.** A exception to a parkrow is being asked for on behalf of the future residence of the "Bricks" . We believe that it would be in the best interest of the residence and pedestrians if the sidewalk is improved and widened to match the existing sidewalk in front of the Winston building (as was suggested in the first pre-application comments). The Patio in the front of the townhomes would be greatly negatively impacted with a parkrow, and pedestrians would be uncomfortably close to the windows. Landscaping will be provided to make this a very pleasant pedestrian experience.

In addition, the benefit of a 6' parkrow, in protecting pedestrians, is negated because this block always has parked cars as it is the closest parking to downtown without parking restrictions. Also the parkrow are desirable but are very suburban feature, the bricks have a very urban feel.

- b. **The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.**
  - i. **For transit facilities and related improvements, access, wait time, and ride experience.**
  - ii. **For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.**
  - iii. **For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.**

i, ii, ii There will be no diminishing effect to transit, safety for bicycles or pedestrians.

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



Figure 4

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## **Additional Response to Staff Comments regarding exception to street standards:**

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

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

One of the most significant arguments supporting the exception of a parkrow, discussed at that meeting, was the Urban design of the "Bricks". This specific block of Ashland is an uniquely urban setting (see figure 5, below).

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Figure 5

The "Bricks" were designed for this block and as the Architect, Raymond Kistler, says; the development would not be appropriate for another site even a block away. Equally so, a parkrow is a suburban feature and is not appropriate for this specific urban frontage. It should also be noted that on the opposite side of the street there is a partial sidewalk, it assumed that someday in the future there will a sidewalk upgrade, but there is not now nor will ever be a parkrow (see Figure 6, below).



Figure 6

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

Additionally, the requirement for a parkrow would greatly reduce the size of the patios in the front of the "Bricks" (an increase to the original size was a result of a request of the Historic Commission) . The patios, and the floor plans were intended to orient public activity, and recreation toward the street. The

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reduction required by a parkrow would be counter to its intent to have interesting and attractive walkways.

And finally, it was sited that this exception would affect the entire block, while the frontage of the site is the majority of the block it would require the sidewalk to offset as there is no parkrow in front of the Winston Building (on the corner of Oak and "B") or across the street. The Winston Building was completed in 2014 and will not likely, ever, have a parkrow. For these reasons, we feel the suggestion of the first pre-application's comments of improving the sidewalk to match the style of the sidewalk of the Winston building to be the most beneficial overall. (see figure 7, below)



Figure7

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## TREE PRESERVATION AND PROTECTION

### 18.4.5 TREE PRESERVATION AND PROTECTION

The applicants will request a tree removal permit for two (2) trees that are within the proposed footprint of the new addition. And additional permits for three (3) trees on the edge of the sidewalk on "B" street. There are many mature trees on the site and the removal of these effected trees will not change the overall feel of tree coverage on the site.

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

### 18.5.7.040.B Tree Removal Permit

#### 2. Tree That in Not a Hazard:

- a. **The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.**
- b. **Removal of the tree will not have a significant negative impact on erosion, soil stability, floor of surface waters, protection of adjacent trees, or existing windbreaks.** The removal of the trees will not have a significant negative impact on erosion, soil stability, surface waters, adjacent trees or existing windbreaks.
- c. **Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.** The site has many mature trees and removal of the subject trees will not significant negatively impact the overall tree canopy.
- d. **Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider City of Ashland 5-59 Land Use Ordinance 18.5.7 – Tree Removal Permits alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance. N/A**

- e. **The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.**

A Landscape Plan has been provide that shows the replacement of the Street Trees that will be removed.

## **Tree Protection Plan**

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

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

## RESPONSE TO COMMENTS

### **PUBLIC FACILITIES**

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

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

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

### **NEW COTTAGE PLACEMENT/DESIGN**

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

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The applicant is aware the Historic District Design Standard calls for new buildings to be placed in the same plane as the adjacent historic buildings, however, there were several reasons the cottage was located as presented. One of the primary considerations, for the design of this site, has been preserving the historic homes on Oak Street and the front yard trees. The placement of the cottage was deliberately set back in order to preserve the dominance of the historic homes from the Oak Street view. Both houses are quite set back on the lot, 209 Oak at approximately 30' and 221 Oak at over 60'. Historic District Design Standards would require the cottage to be set back approximately 45' (splitting the difference of the existing setbacks), this would greatly block the view of 221 Oak. Currently, 221 Oak is visible from the corner of Oak Streets and "B" Street. If the cottage was located to the design standards 221 Oak would not be in site until a pedestrian, coming from the Oak Street and "B" Street corner, passed 209 Oak Street. The new cottage would obscure the historic home.

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

In addition to these design considerations, the existing trees make construction in the area between the historic homes problematic (see **Figure 8** , below).

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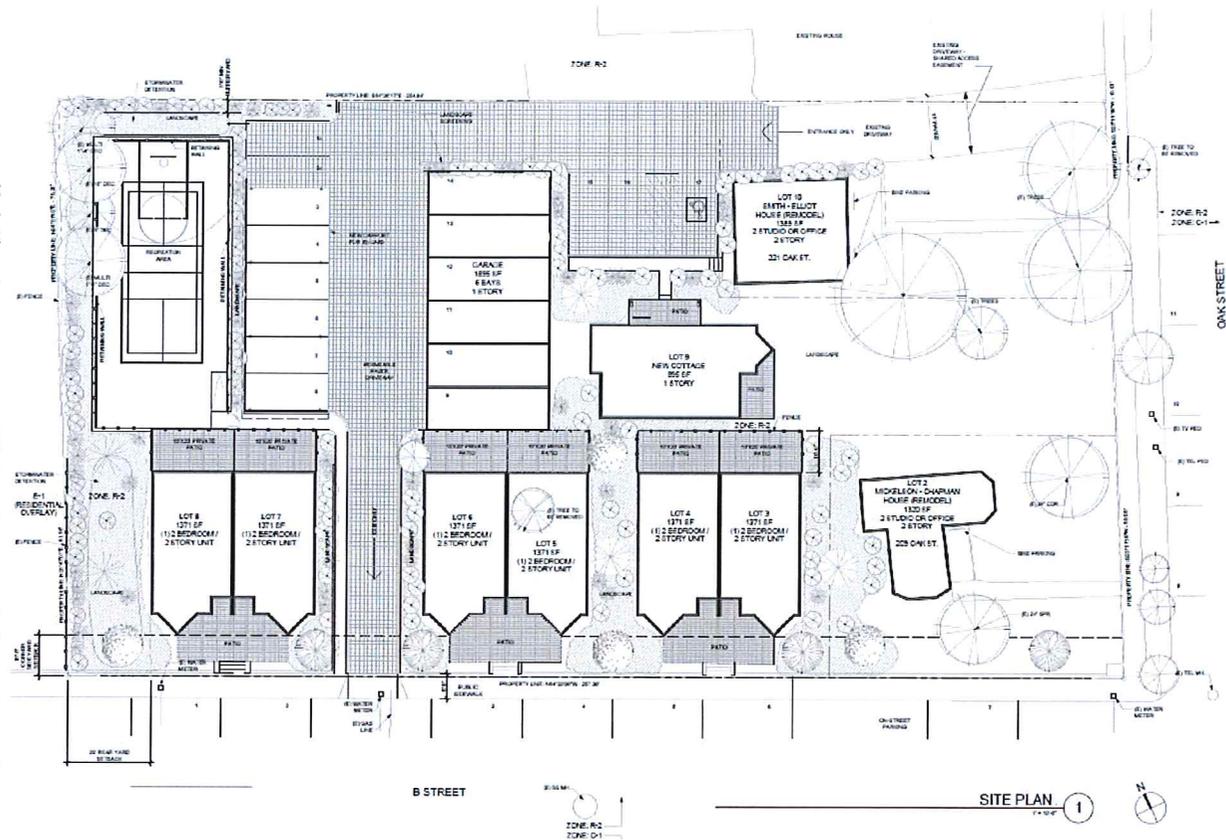


Figure 8

Prepared and Respectfully Submitted by:

Raymond Kistler  
Kistler Small + White, Architects

Date



Kyle Bartell

roguetreecare@gmail.com

541-951-8733

Arborist PN-6891A

CCB-200911

Rogue Valley Tree -in care of

Kistler+Small+ White



Dear City of Ashland,

To Whom It May Concern, I have done a visual inspection to give a professional opinion of approximately a dozen trees in question of removal as well as preservation during a development project on the north east corner of oak and B Street.

I have labeled the trees **1-12** on the tree protection plan drawing. I will briefly explain my opinion for each tree to incorporate its future existence and to sustain a viable belonging into the site devolvment.

Starting with number **1**, the first large cedar tree on the corner yard and drive way at the mickelsen <sup>Smith</sup> house that has clearly been topped in years past will need to be pruned back to its healthily live wood reducing hazard limbs to help and sustain its future existence of the site.

Number **2** is also a large cedar tree- visually very healthy and needs very minimal maintenance to provide years of beauty and value.

Number **3** is a medium size white oak tree in fair condition that should not be affected by the future remodel of its closest structure.

Number **4** is a small cedar in very healthy condition and should be protected of any damages during construction.

Number **5** is a medium size cedar tree that is also very healthy and will provide years of value and life to the development.

Number **6** is a large spruce that is very healthy and may need minimum trimming to remodel and maintain the future coexistence of the tree and residence at 209 oak St.

Number **7&8** are medium to larger Modesto ash trees in question for removal and replacement, however they both appear to be very healthy and with a little required preventive maintenance the two trees will stand for years providing great aesthetics and value to the area. I do not see any reason for removal of these two trees at this time; I feel they are better off preserved.

Number **9** is a smaller ailanthus tree, although thought by many as an invasive short lived species. This tree may provide future value with a lot of care and restructuring of the ivy and fence growing around it.

Number **10** is a smaller big leaf maple tree obviously well in the way of development and stressed by years of neglect should be removed and replaced with a tree in a more suitable location.

Number **11** is a sycamore tree that has reached its demise by disease and is more than 25% dead. This sycamore tree should be removed and replaced by a more suitable landscape tree.

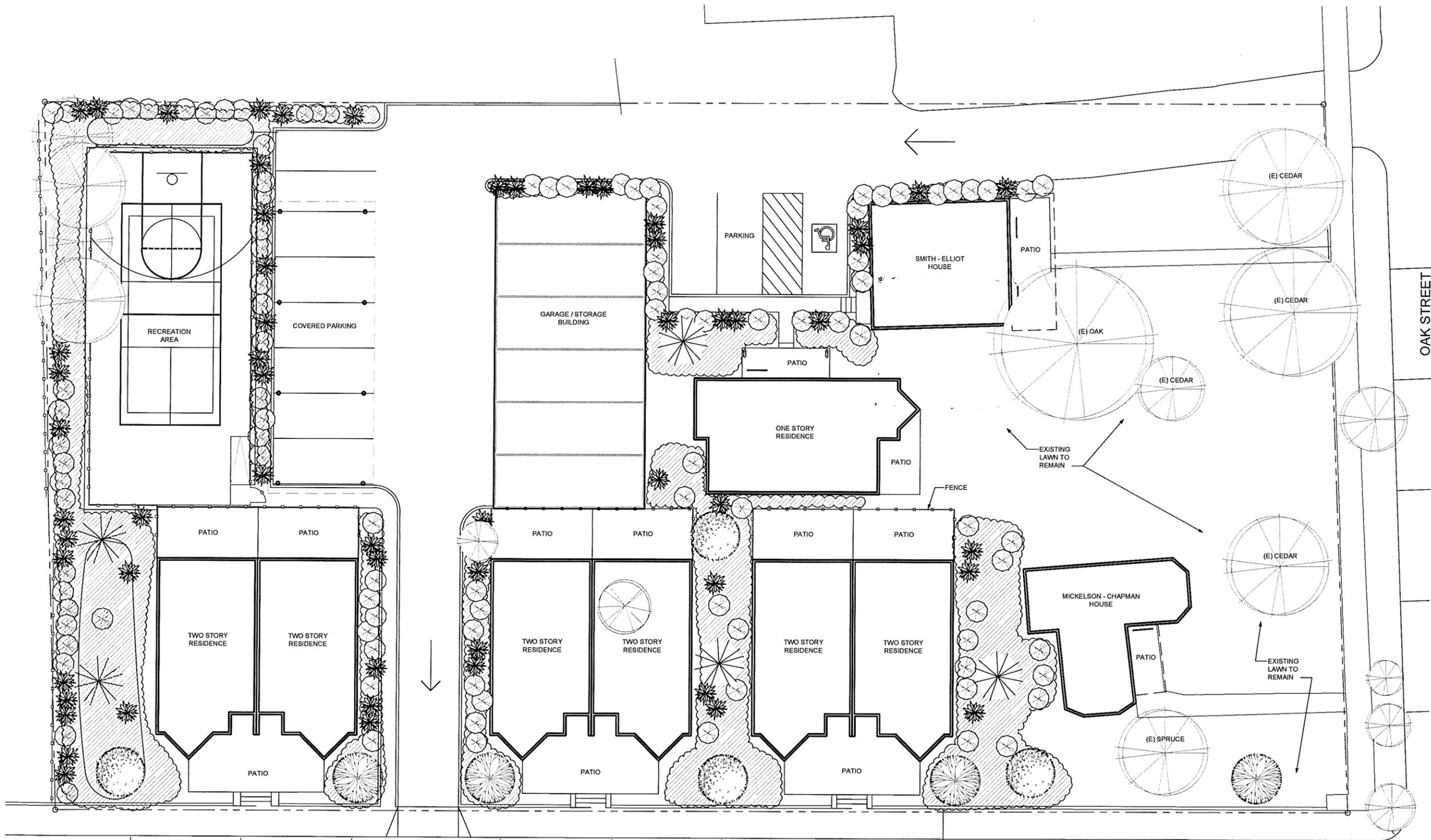
Number **12** is a group of shrubs that surrounded a crab apple tree on the far north side of the development project, which of all are easily replaced by a more historic specimen after construction.

In conclusion to my evaluation of the trees surrounding the area of construction zone I ask you take into consideration the species of trees and substantial time it takes them to mature to the size they have. The healthy vigor trees listed above have the possibility of a positive long term existents with the future development and surrounding area. Trees are a renewable resource, however it is still very important to take care of the ones we have.

Oct,12,2015

Certified Arborist- Kyle Bartell

PN-6891A



PLANTING LEGEND

- |  |                            |  |                                |
|--|----------------------------|--|--------------------------------|
|  | EXISTING TREE TO REMAIN    |  | NEW SHRUB: OREGON BOXWOOD      |
|  | NEW TREE: WESTERN DOGWOOD  |  | NEW SHRUB: OREGON GRAPE        |
|  | NEW TREE: PONDEROSA PINE   |  | NEW GROUND COVER: KINNIKINNICK |
|  | NEW TREE: FOREST GREEN OAK |  |                                |

B STREET

LANDSCAPE PLAN

1

1" = 10'-0"



B STREET. BROWNSTONE TOWNHOUSES

11 B STREET. ASHLAND, OREGON

REVISIONS

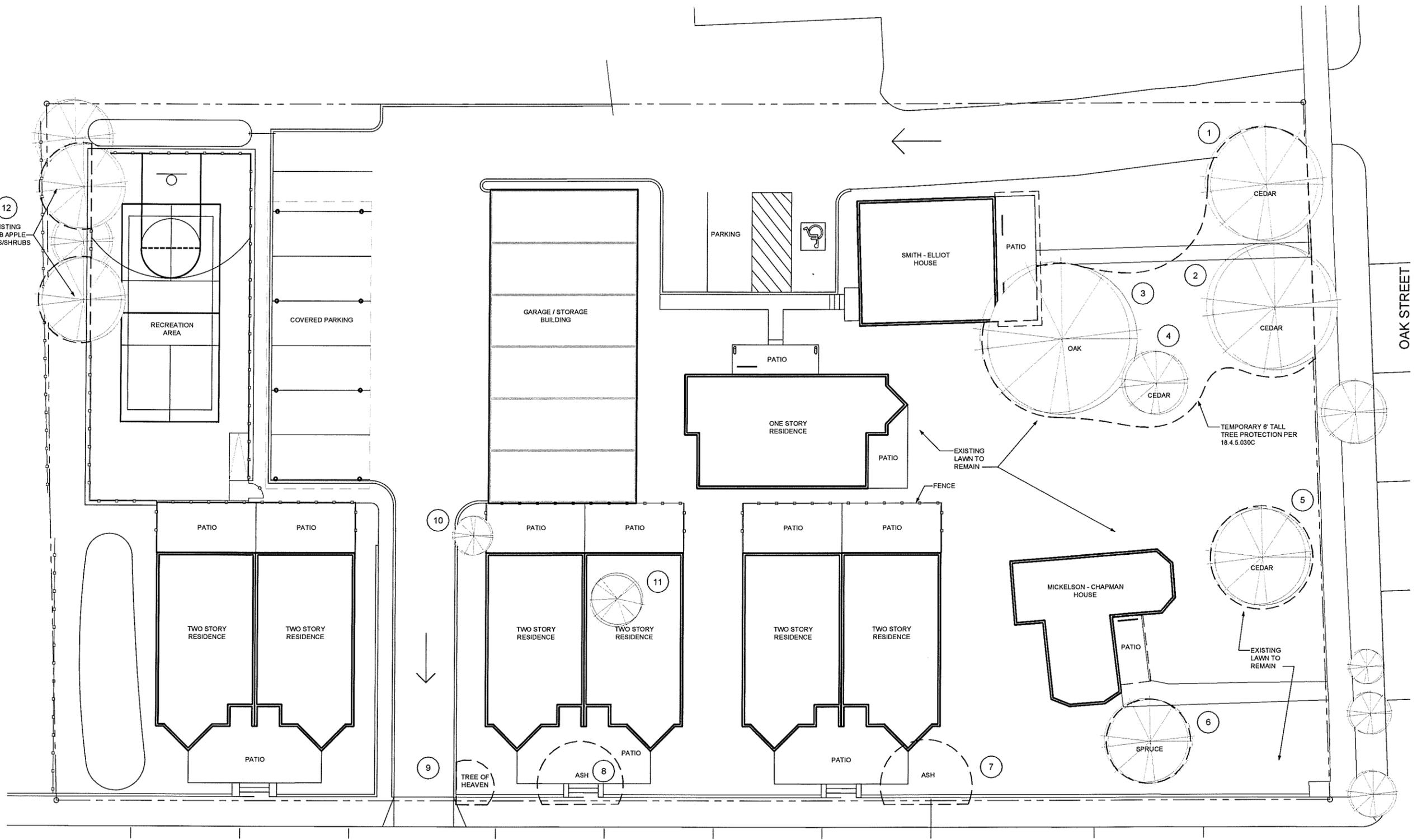
LANDSCAPE PLAN

PROJECT: 14-028

ISSUE DATE: -

SHEET:

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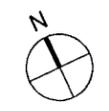
TREE LEGEND

1 TO REMAIN	7 TO BE REMOVED
2 TO REMAIN	8 TO BE REMOVED
3 TO REMAIN	9 TO BE REMOVED
4 TO REMAIN	10 TO BE REMOVED
5 TO REMAIN	11 TO BE REMOVED
6 TO REMAIN	12 TO REMAIN

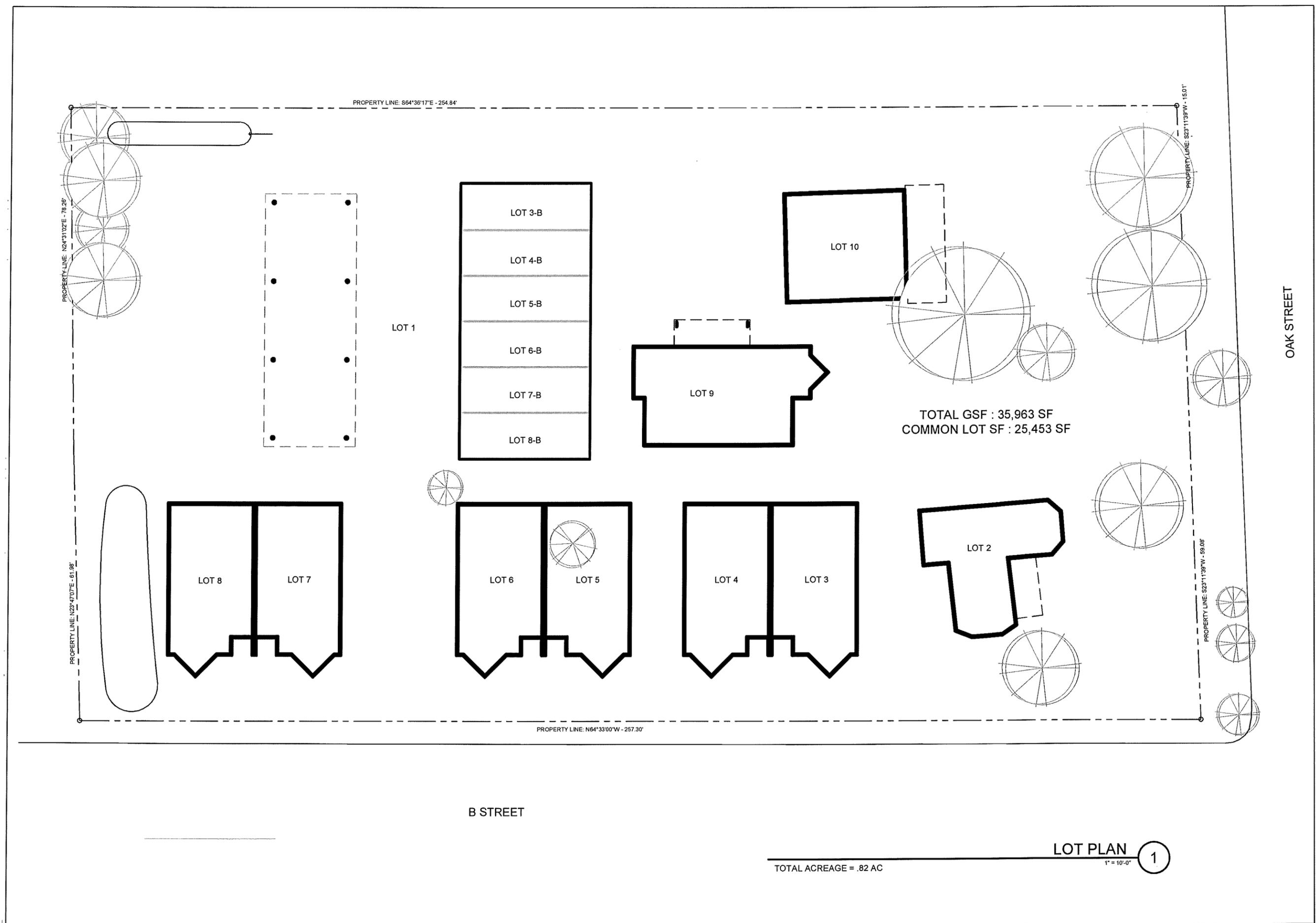
B STREET

ALL REMAINING TREES ON THE SITE TO BE INDIVIDUALLY PROTECTED PER 18.4.5.030C

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







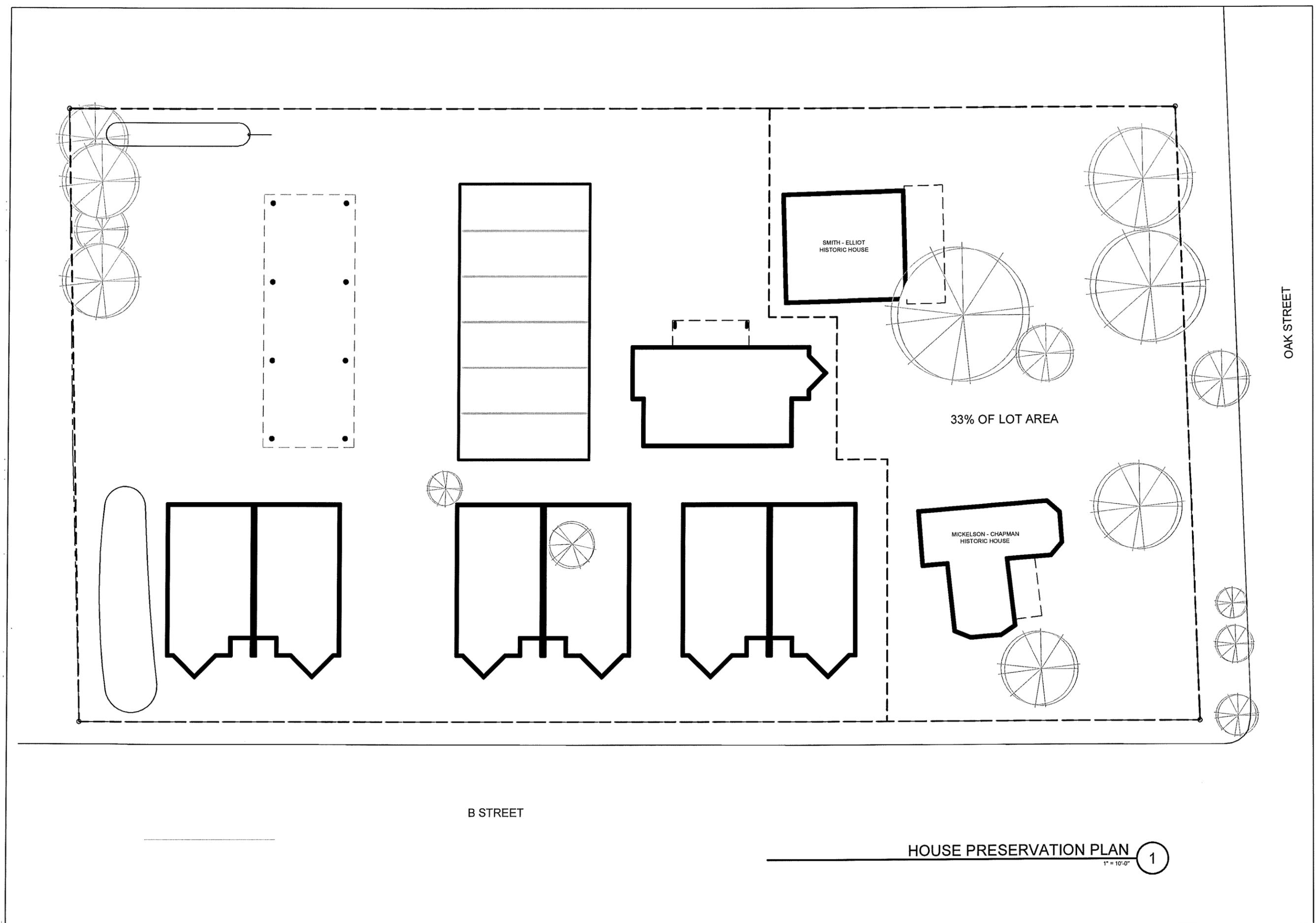
B STREET

OAK STREET

LOT PLAN **1**

TOTAL ACREAGE = .82 AC

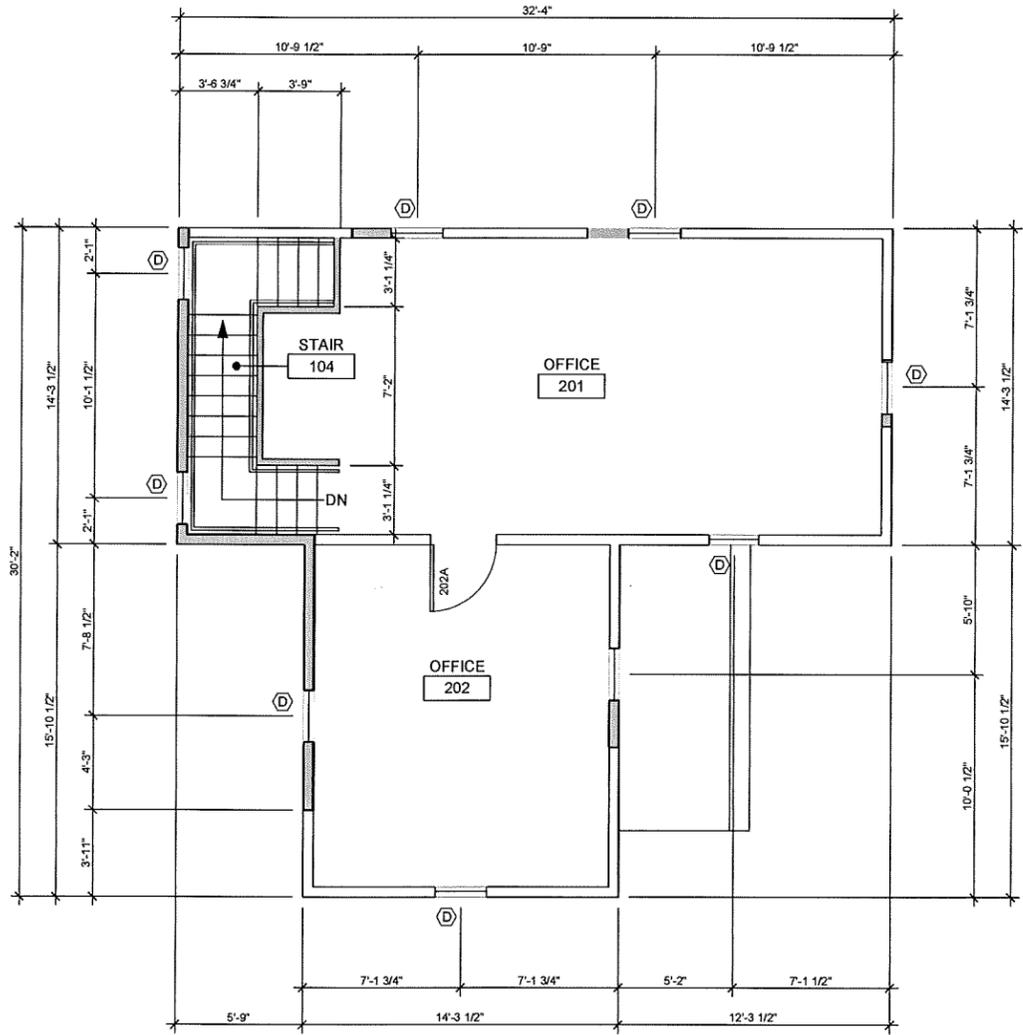
1" = 10'-0"



B STREET

OAK STREET

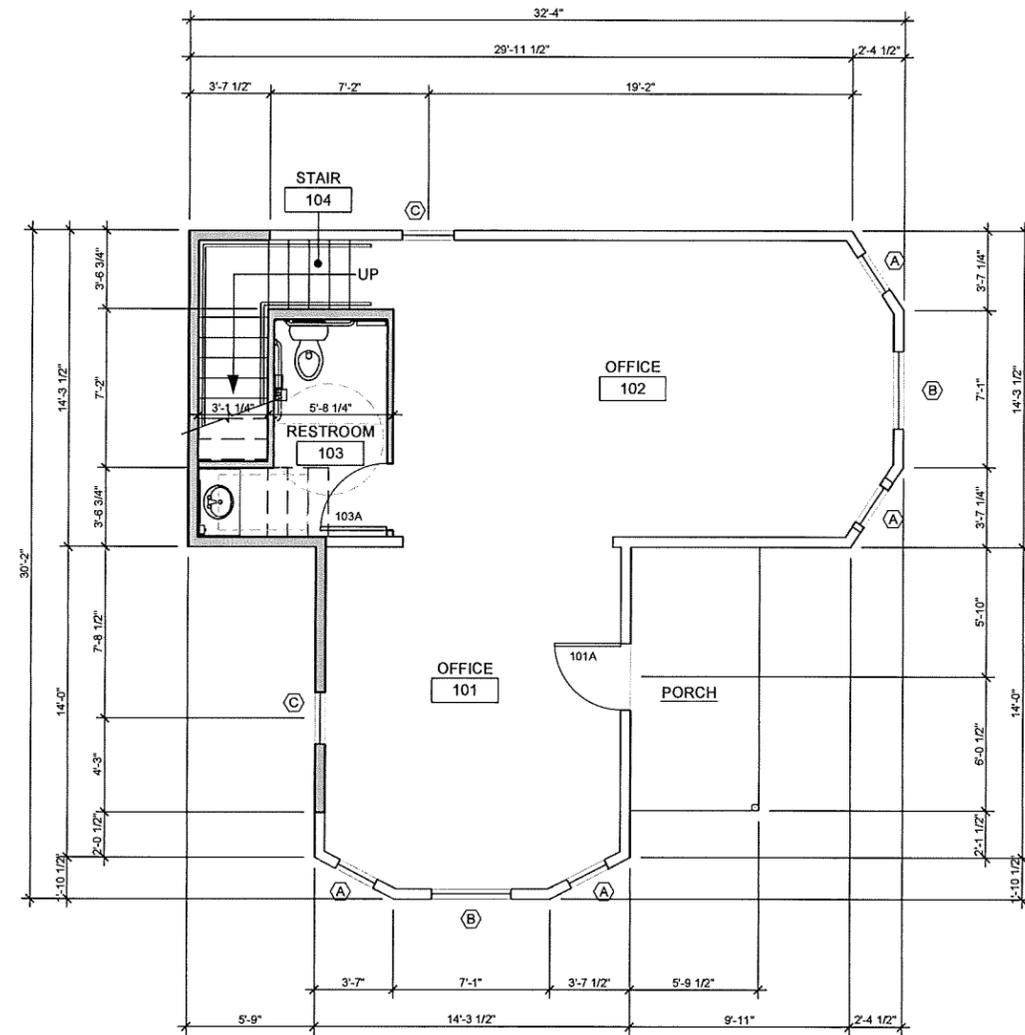
HOUSE PRESERVATION PLAN **1**  
1" = 10'-0"



HOUSE 1 - PROPOSED SECOND FLOOR PLAN 2

623 s.f.

1/4" = 1'-0"

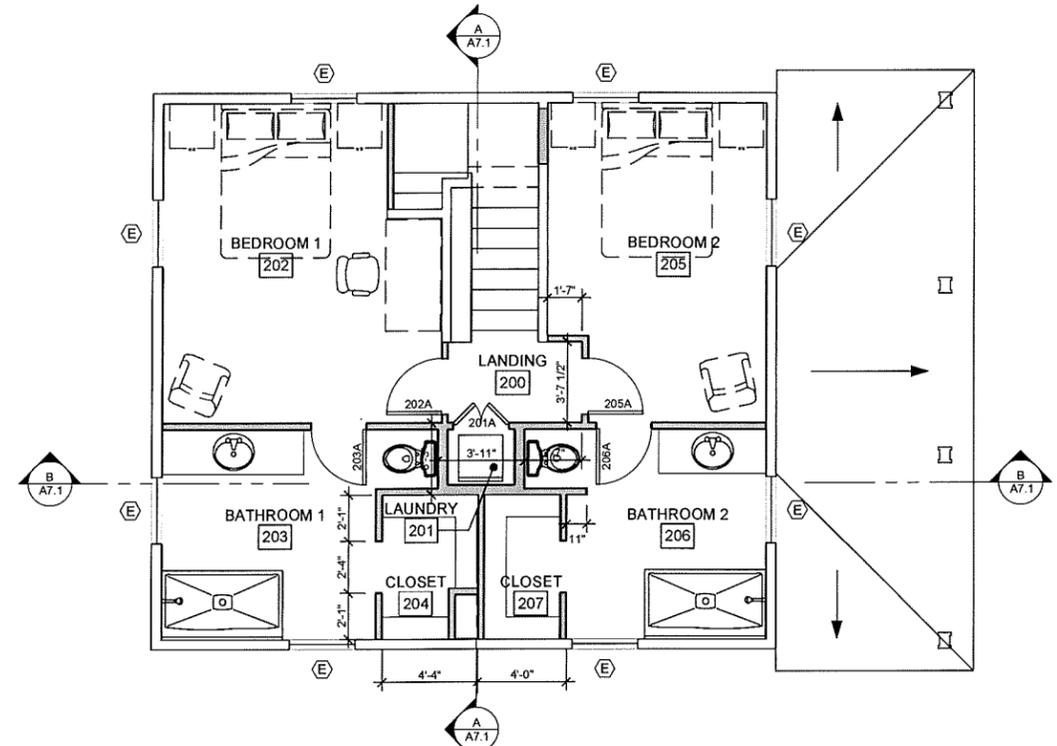


HOUSE 1 - PROPOSED FIRST FLOOR PLAN 1

689 s.f.

1/4" = 1'-0"

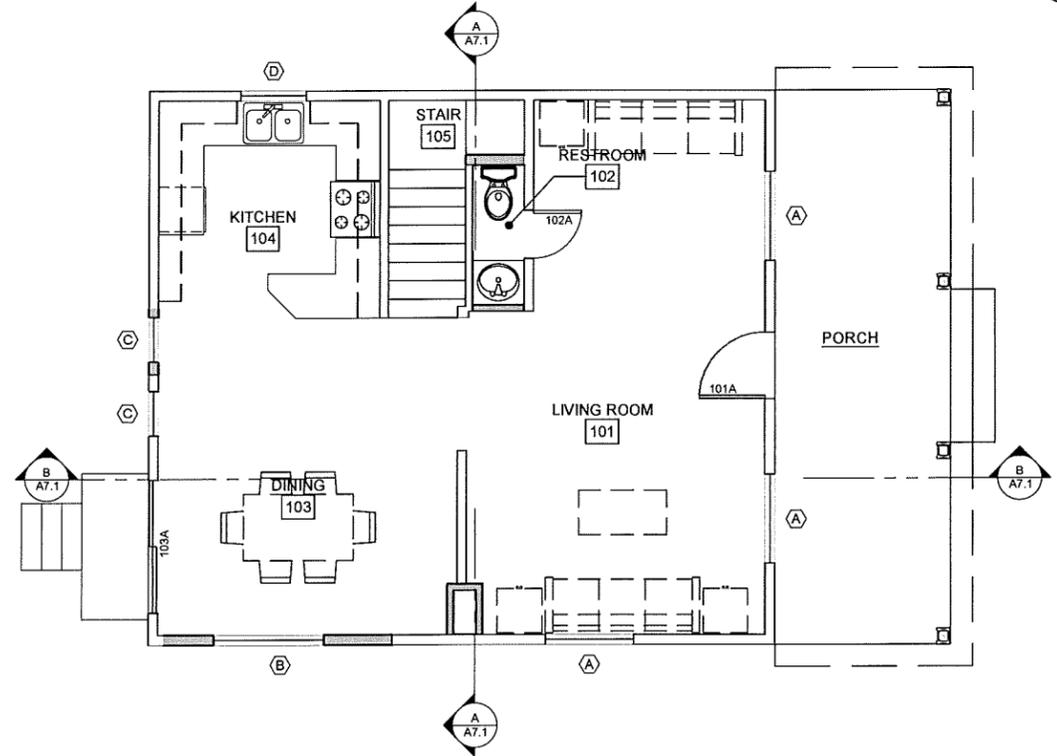




HOUSE 2 - PROPOSED SECOND FLOOR PLAN

681 s.f. 1/4"=1'-0"

2



HOUSE 2 - PROPOSED FIRST FLOOR PLAN

837 s.f. 1/4"=1'-0"

1



REVISIONS

HOUSE 2  
PROPOSED  
FLOOR PLANS

PROJECT: 14-028

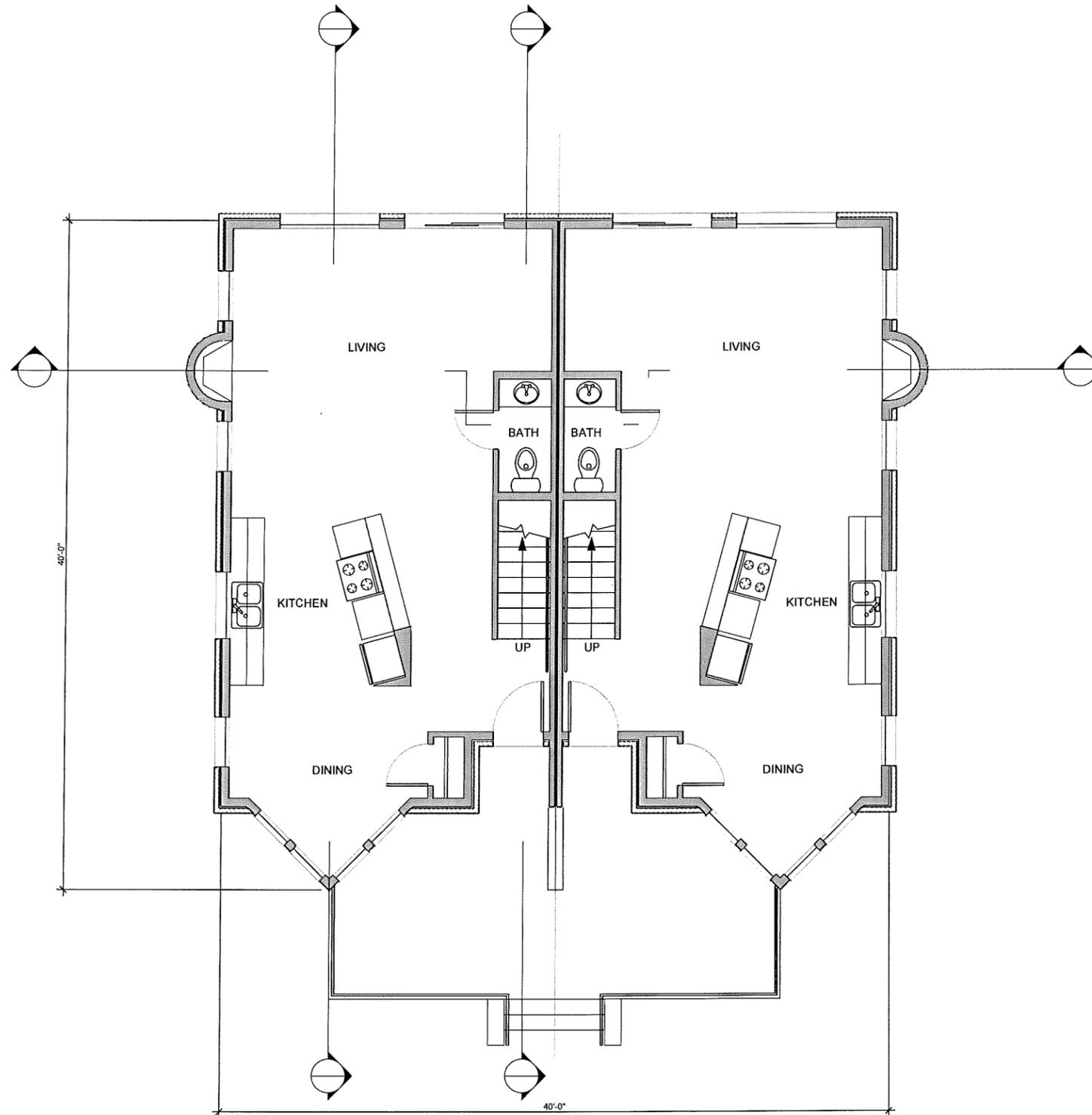
ISSUE DATE: -

SHEET:

**A3.2**

**GENERAL PLAN NOTES**

1. ALL DIMENSIONS ARE TO FACE OF STRUCTURE UNLESS NOTED OTHERWISE.
2. ALL INTERIOR PARTITIONS ARE TYPE 1B UNLESS NOTED OTHERWISE.

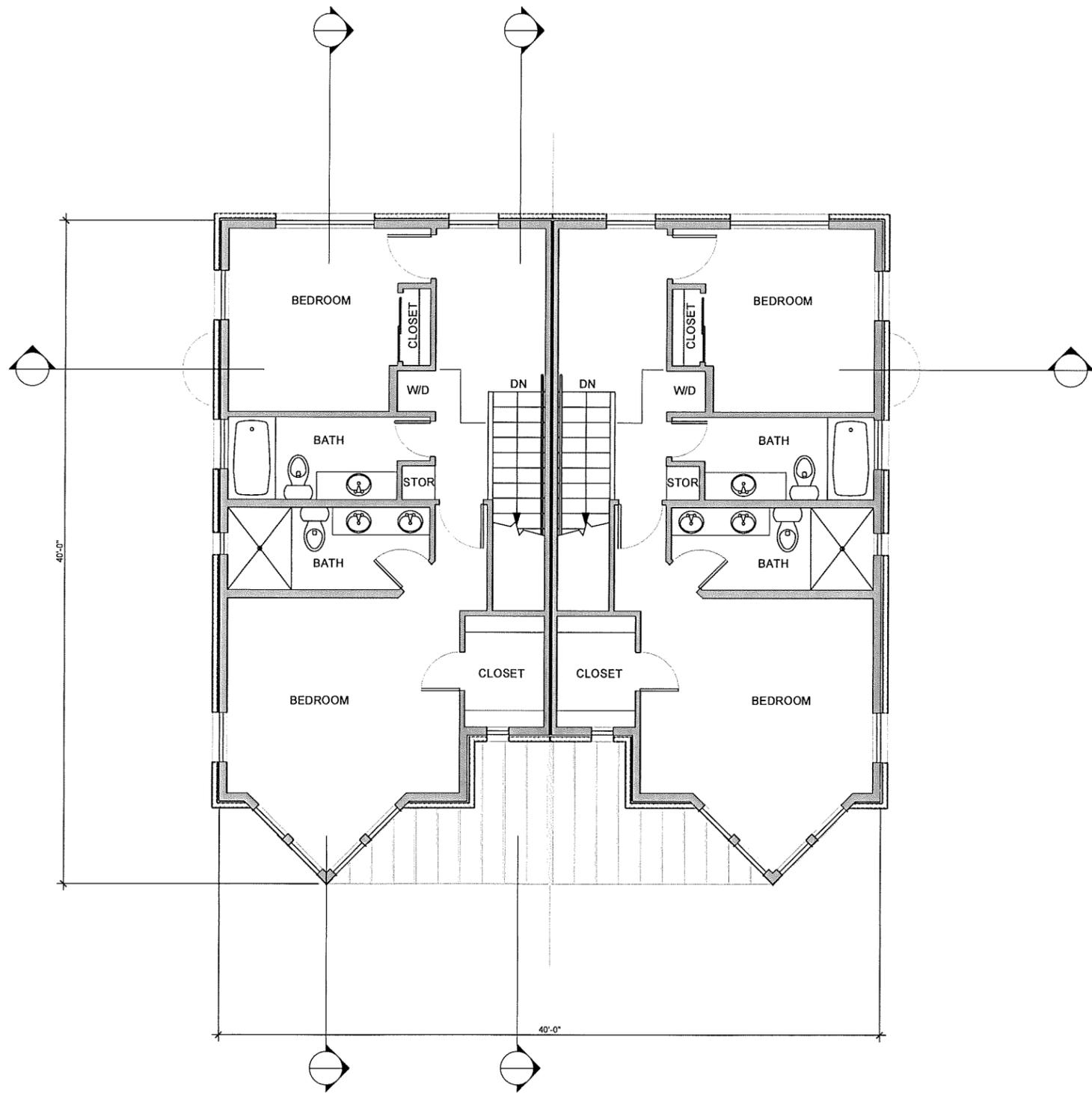


**BROWNSTONES FIRST FLOOR PLAN**

1/4" = 1'-0"

1

REVISIONS



BROWNSTONES SECOND FLOOR PLAN

1/4" = 1'-0"

1

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REVISIONS

BROWNSTONES  
SECOND FLOOR  
PLAN

PROJECT: 14-028

ISSUE DATE: -

SHEET:

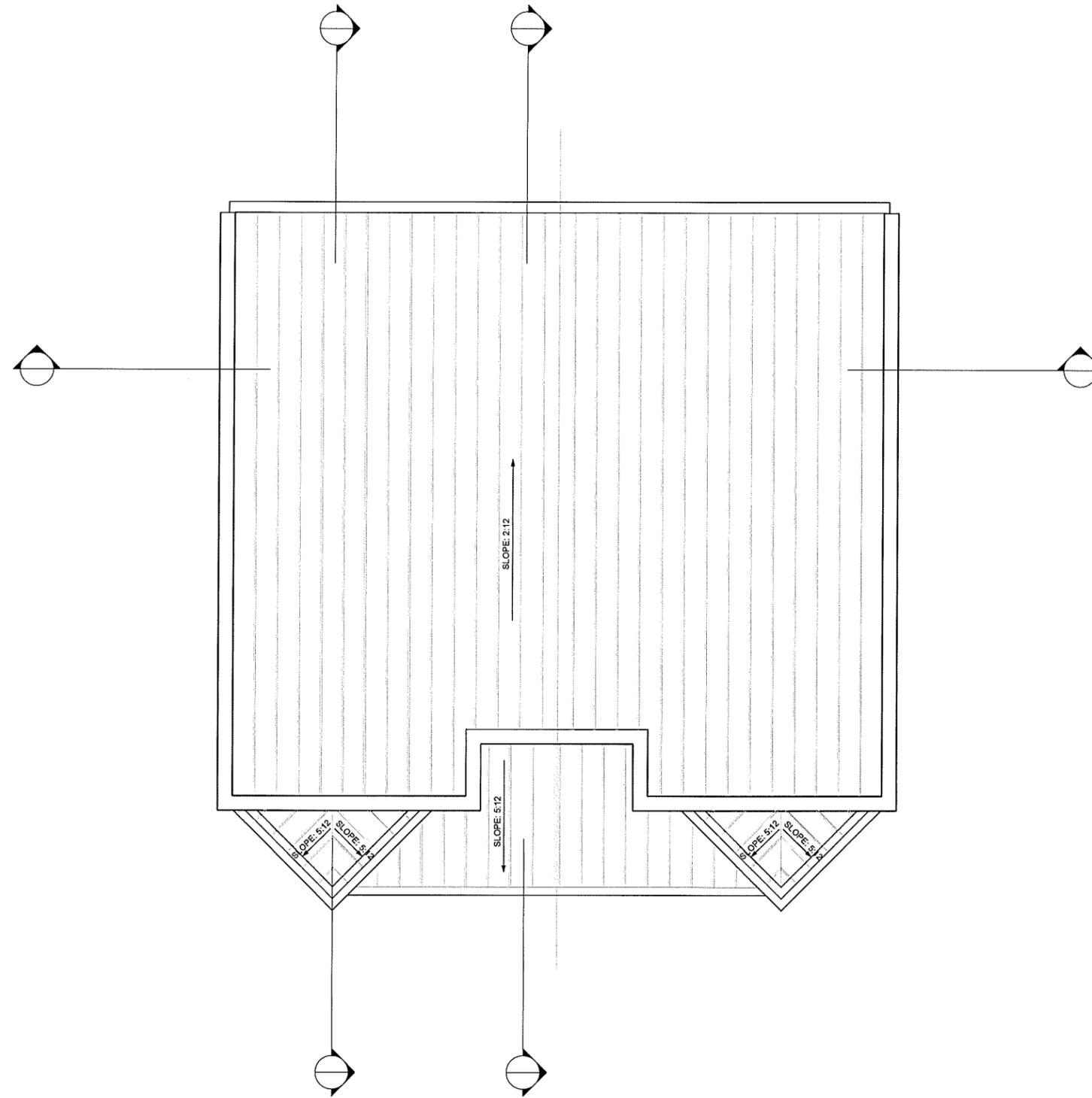
**A3.4**

### KEY NOTES

- ① STANDING SEAM METAL ROOFING
- ② CONTINUOUS GUTTER
- ③ CONT SM FLASHING CAP OVER BRICK FACED PARAPET
- ④
- ⑤
- ⑥
- ⑦
- ⑧
- ⑨
- ⑩
- ⑪
- ⑫

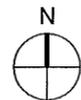
### GENERAL PLAN NOTES

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



## BROWNSTONES ROOF PLAN

1/4" = 1'-0"



1

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REVISIONS

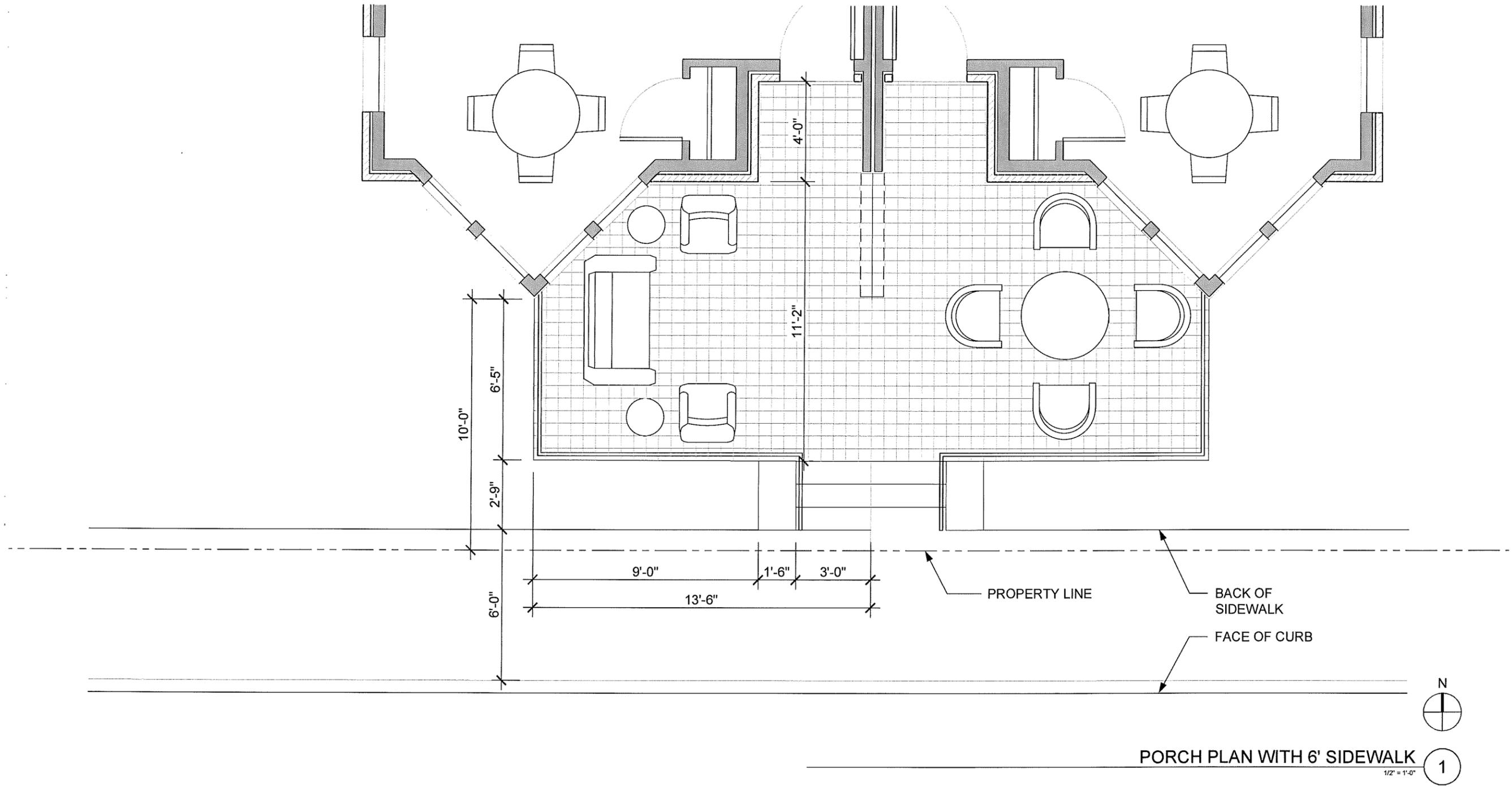
BROWNSTONES  
ROOF PLAN

PROJECT: 14-028

ISSUE DATE: -

SHEET:

**A3.5**



PORCH PLAN WITH 6' SIDEWALK

B STREET. BROWNSTONE TOWNHOUSES

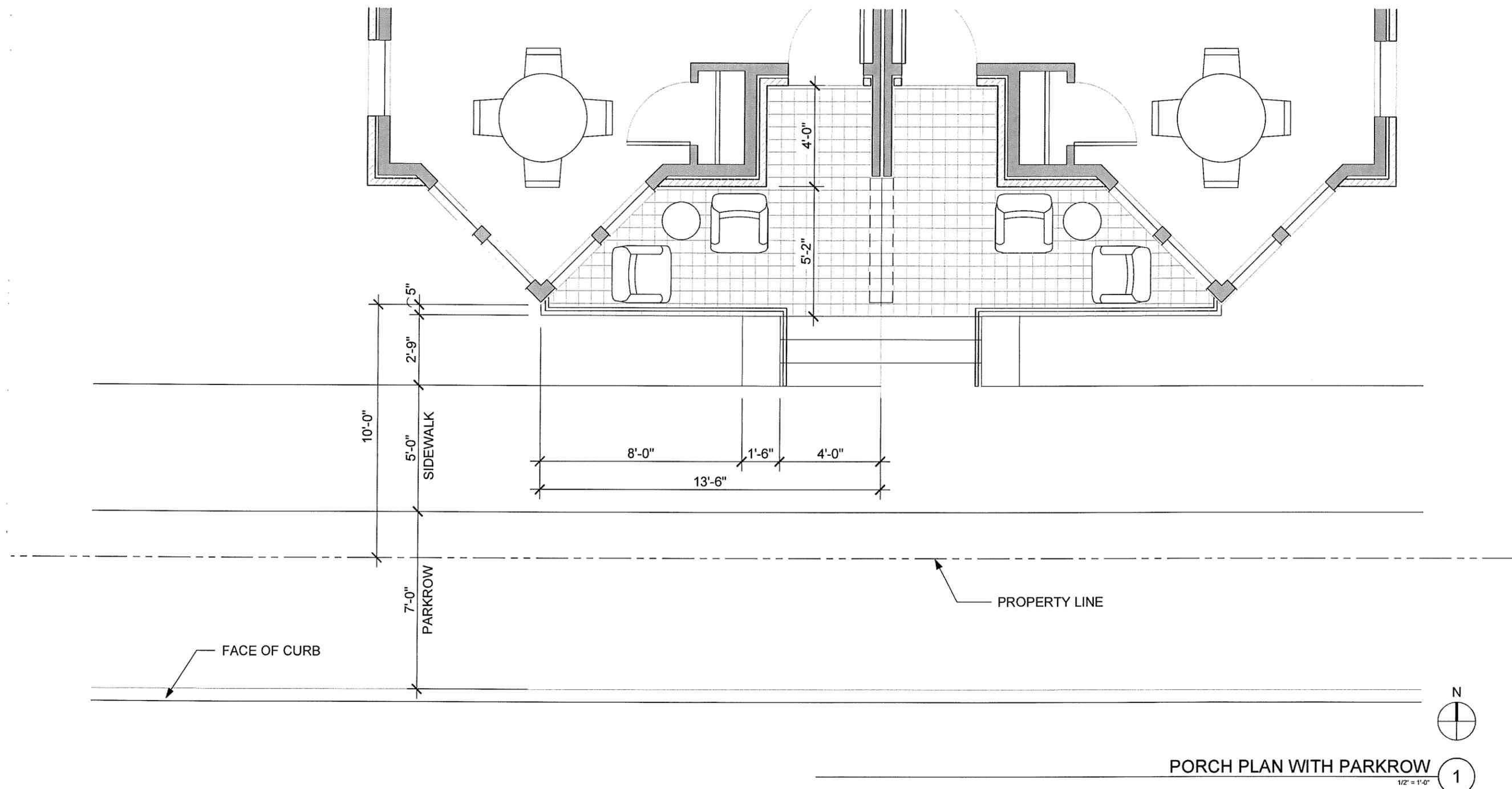
11 B STREET. ASHLAND, OREGON

REVISIONS

BROWNSTONES  
PORCH  
ENLARGED PLAN

PROJECT: 14-028  
ISSUE DATE: -  
SHEET:

A3.6

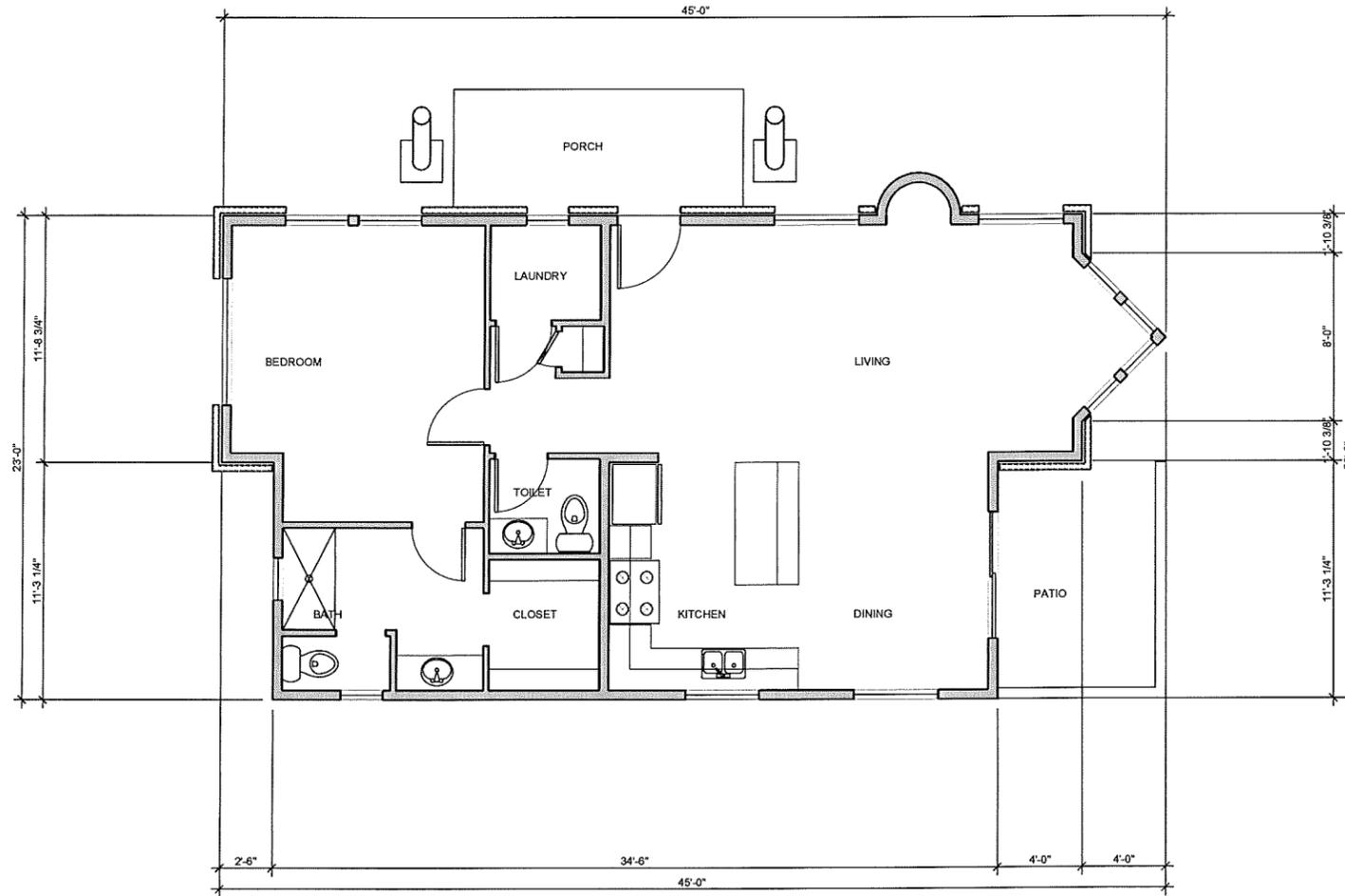


PORCH PLAN WITH PARKROW

1/2" = 1'-0"



1



COTTAGE FLOOR PLAN

1/4" = 1'-0"

1

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REVISIONS

COTTAGE  
FLOOR PLAN

PROJECT: 14-028  
ISSUE DATE: -  
SHEET:

A3.8



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



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



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



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

B STREET. BROWNSTONE TOWNHOUSES

11 B STREET. ASHLAND, OREGON

REVISIONS

HOUSE 1  
PROPOSED  
EXTERIOR  
ELEVATIONS

PROJECT: 14-028

ISSUE DATE: -

SHEET:

A6.1



HOUSE 1 - SOUTH ELEVATION AS-BUILT PLAN

1/4" = 1'-0"

1



HOUSE 1 - EAST ELEVATION AS-BUILT PLAN

1/4" = 1'-0"

1

B STREET. BROWNSTONE TOWNHOUSES

11 B STREET. ASHLAND, OREGON

REVISIONS

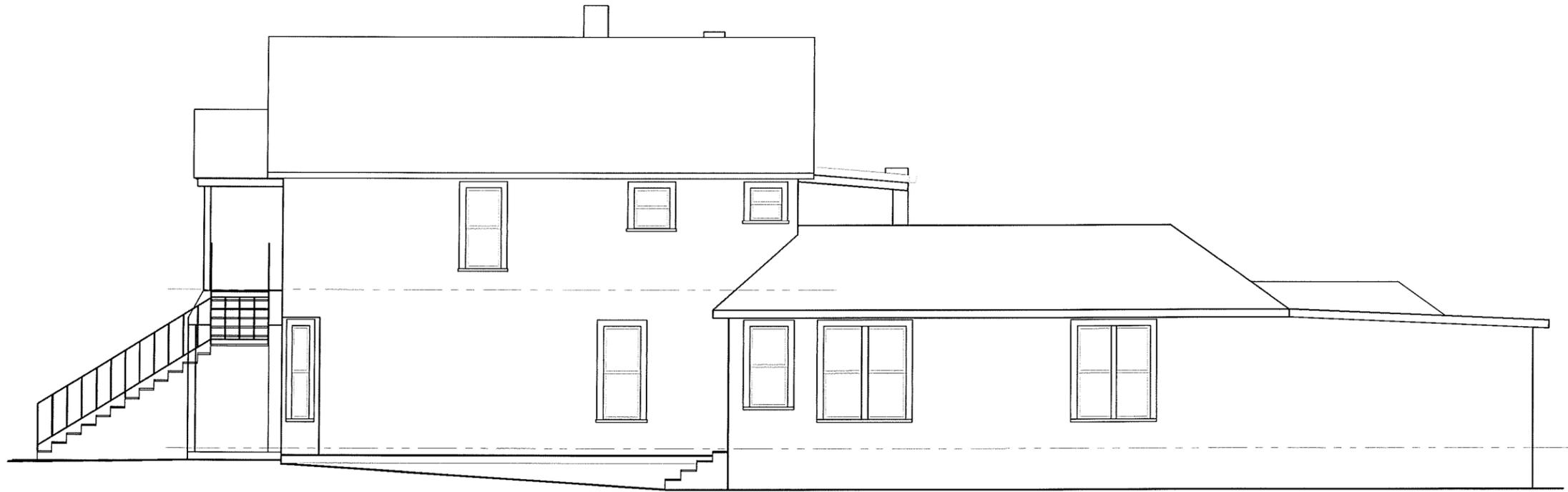
HOUSE 1  
AS-BUILT  
EXTERIOR  
ELEVATIONS

PROJECT: 14-028

ISSUE DATE: -

SHEET:

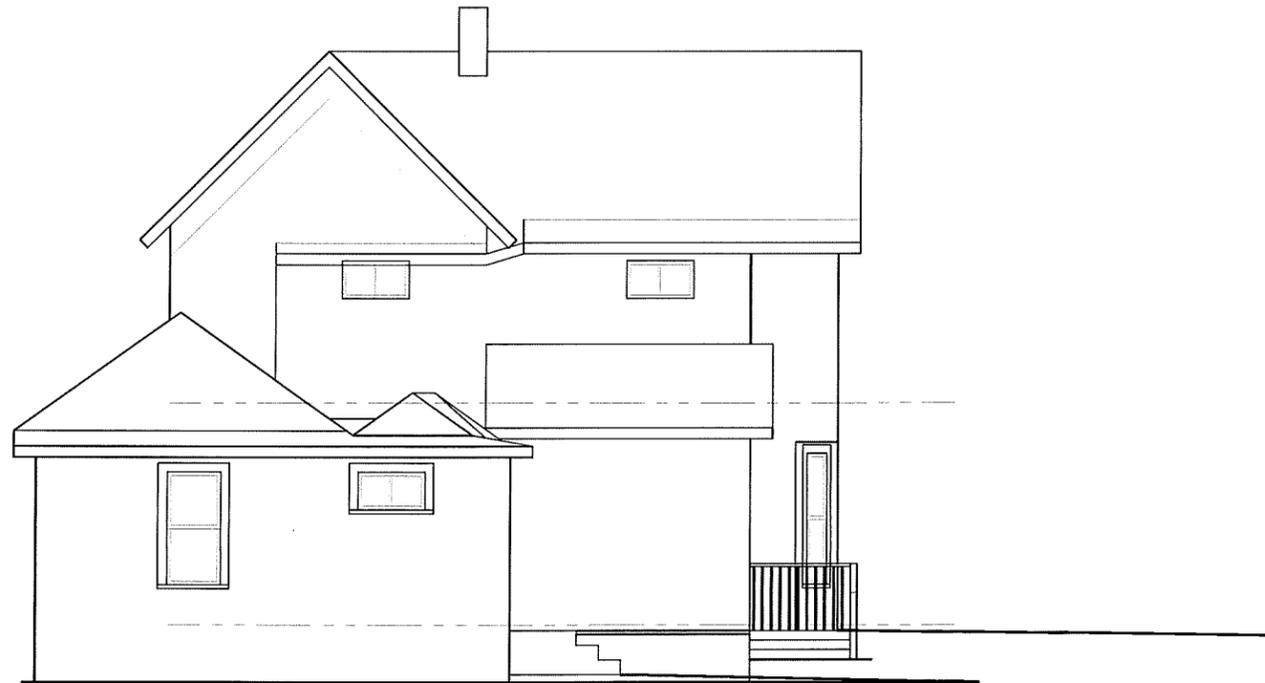
**A6.1A**



HOUSE 1 - NORTH ELEVATION AS-BUILT PLAN

1/4" = 1'-0"

1



HOUSE 1 - WEST ELEVATION AS-BUILT PLAN

1/4" = 1'-0"

2

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REVISIONS

HOUSE 1  
AS-BUILT  
EXTERIOR  
ELEVATIONS

PROJECT: 14-028

ISSUE DATE: -

SHEET:

**A6.1B**

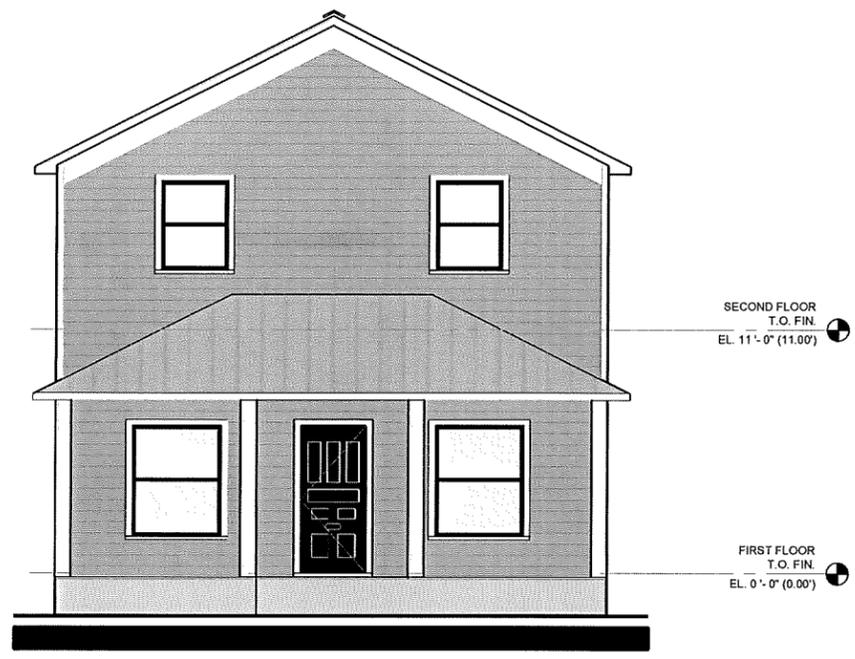
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HOUSE 2 - PROPOSED NORTH ELEVATION 1  
1/4" = 1'-0"



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



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



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

B STREET. BROWNSTONE TOWNHOUSES

11 B STREET. ASHLAND, OREGON

REVISIONS

HOUSE 2  
PROPOSED  
EXTERIOR  
ELEVATIONS

PROJECT: 14-028

ISSUE DATE: -

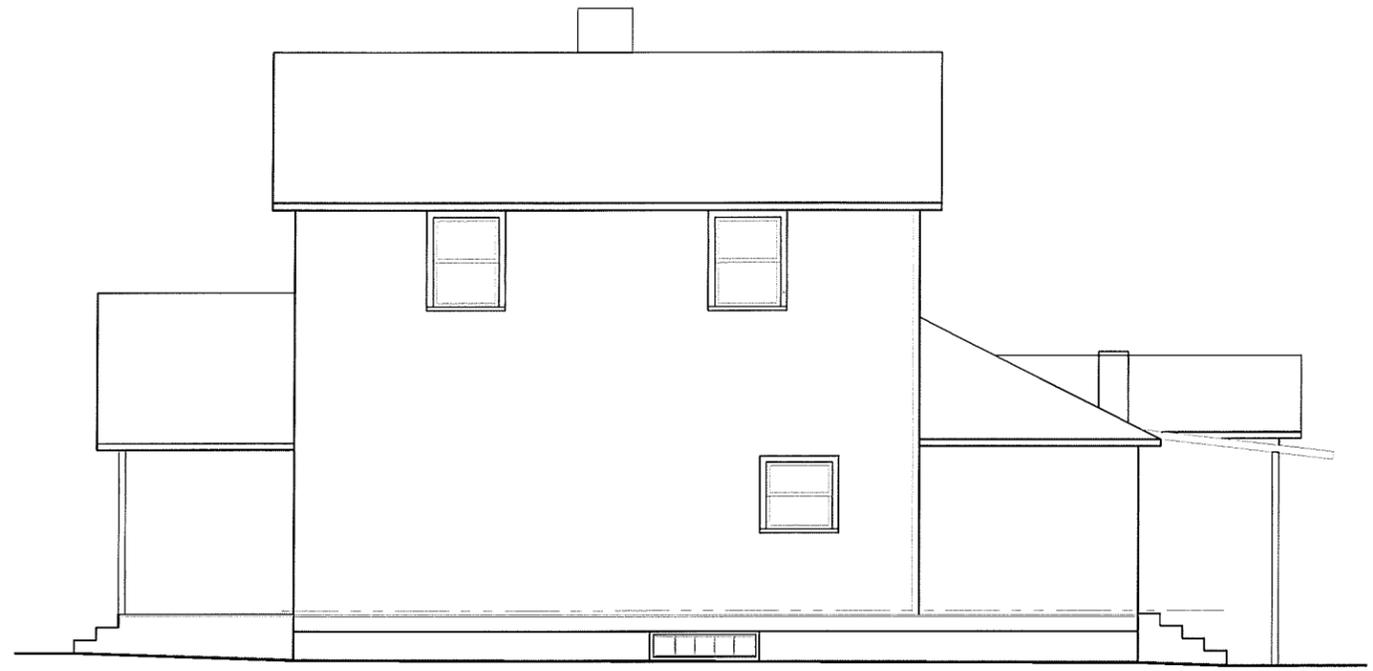
SHEET:

A6.2

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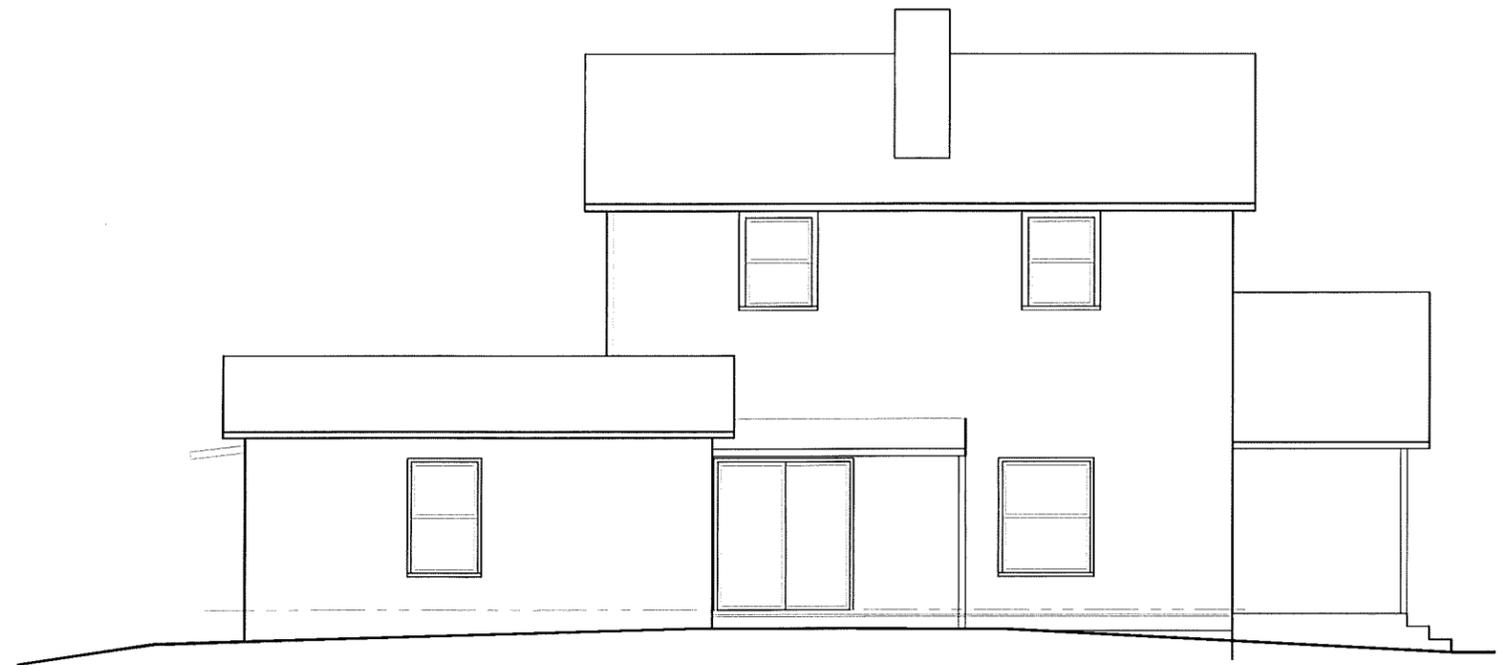
HOUSE 2 - EAST ELEVATION AS-BUILT PLAN 1  
1/4" = 1'-0"



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



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



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

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REVISIONS

HOUSE 2  
AS-BUILT  
EXTERIOR  
ELEVATIONS

PROJECT: 14-028

ISSUE DATE: -

SHEET:

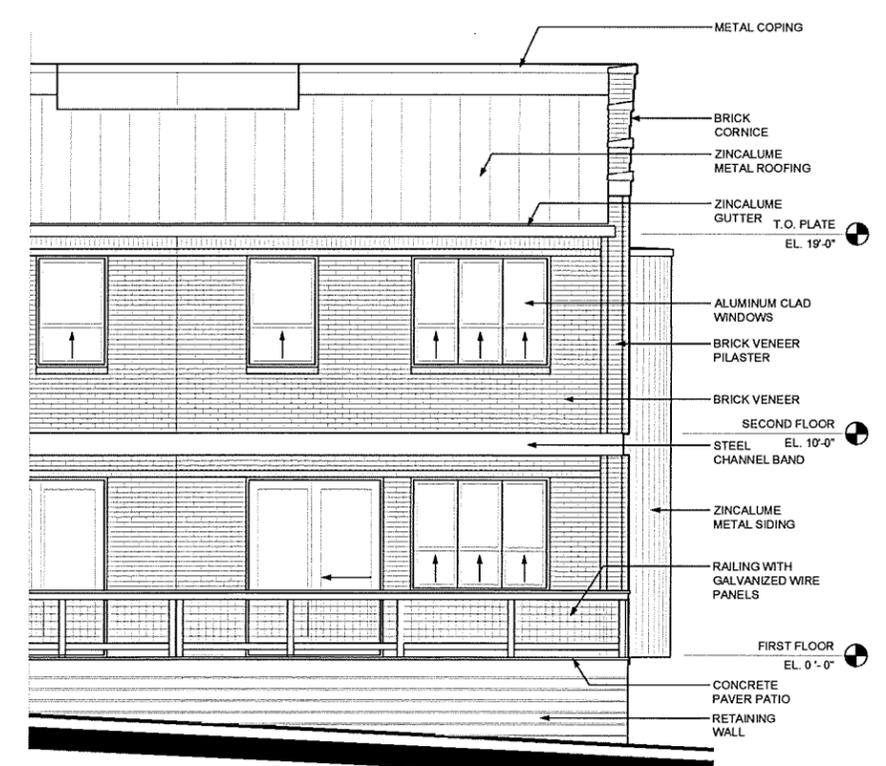
A6.2A



**SIDE ELEVATION** 1  
36"x24": 1/4=1'-0"



**FRONT ELEVATION** 3  
36"x24": 1/4=1'-0"



**REAR ELEVATION** 2  
36"x24": 1/4=1'-0"

B STREET. BROWNSTONE TOWNHOUSES

11 B STREET. ASHLAND, OREGON

REVISIONS

EXTERIOR  
ELEVATION  
EAST

PROJECT: 14-028  
ISSUE DATE: -  
SHEET:

**A6.3**



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

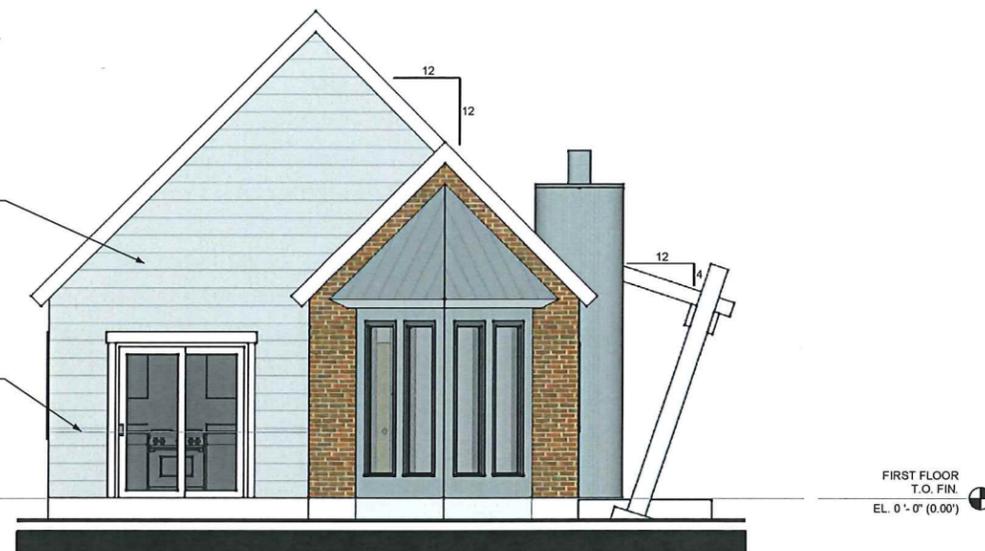
LEVEL  
T.O.  
EL. 0'-0"

STANDING SEAM METAL  
ROOFING

8" LAP SIDING

BRICK

LOW WALL AT  
PATIO NOT SHOWN

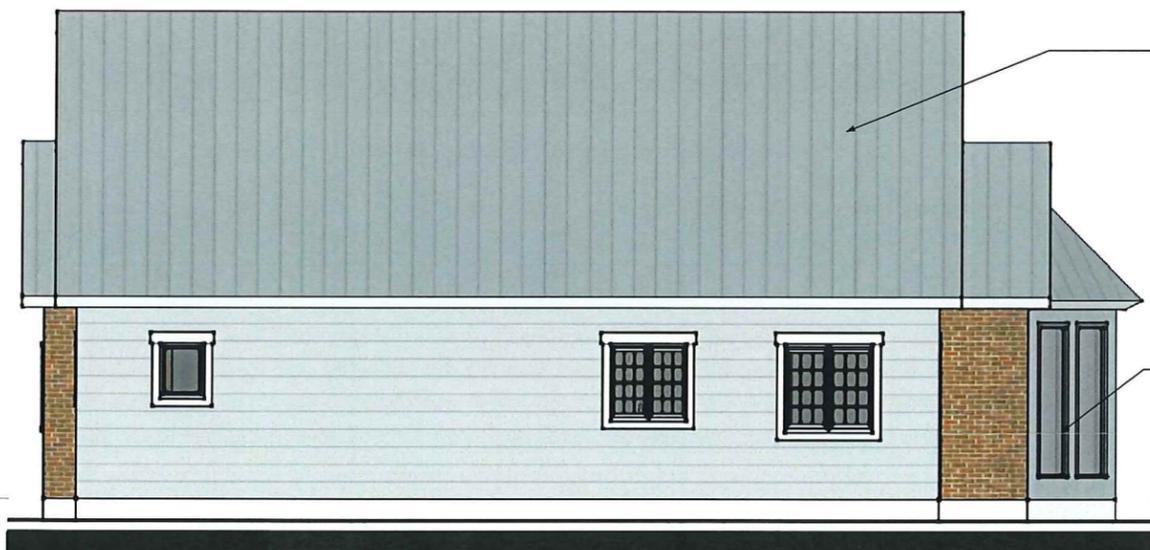


COTTAGE EAST ELEVATION (SIDE) 2  
1/4" = 1'-0"

FIRST FLOOR  
T.O. FIN.  
EL. 0'-0" (0.00')

STANDING SEAM METAL  
ROOFING

LOW WALL AT PATIO NOT  
SHOWN



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

LEVEL  
T.O.  
EL. 0'-0"



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

FIRST FLOOR  
T.O. FIN.  
EL. 0'-0" (0.00')

BRICK

8" LAP SIDING

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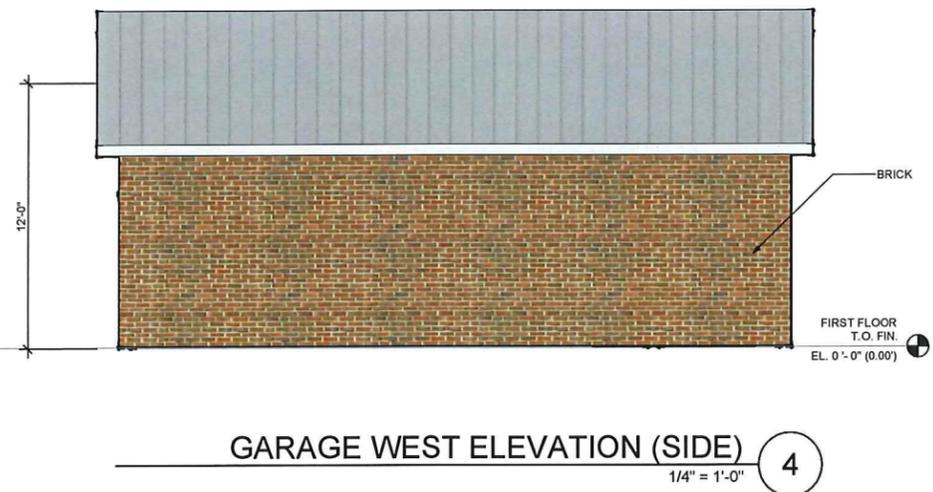
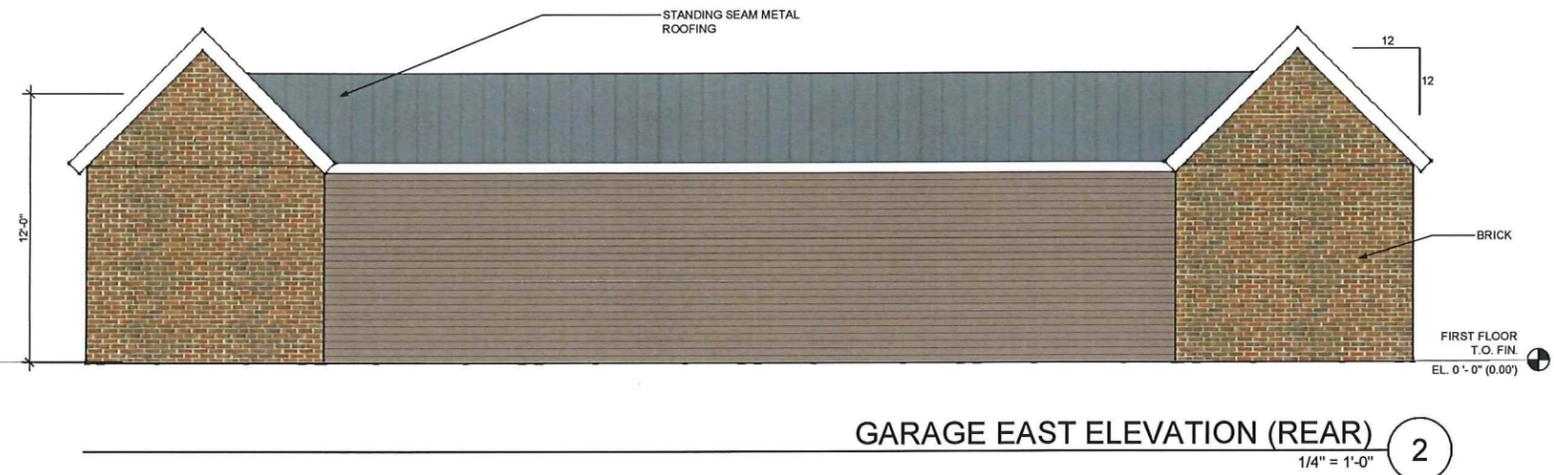
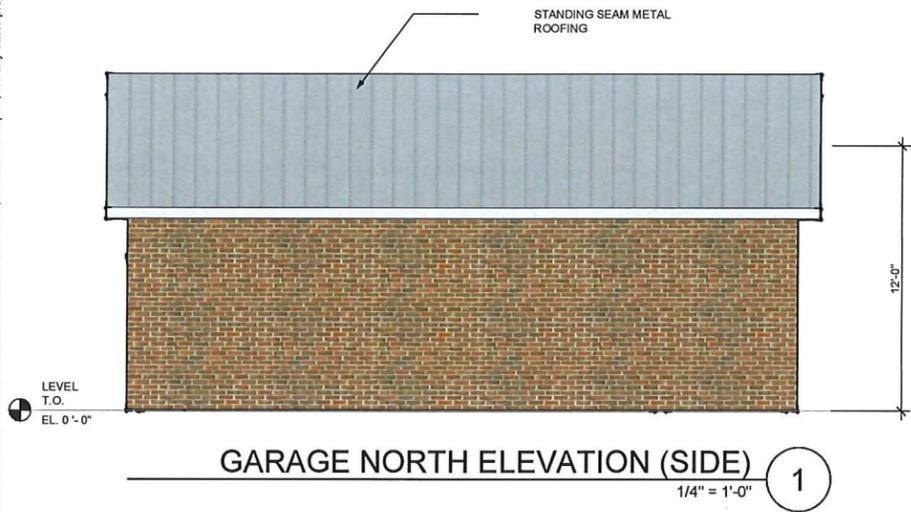
B STREET. BROWNSTONE TOWNHOUSES  
11 B STREET. ASHLAND, OREGON

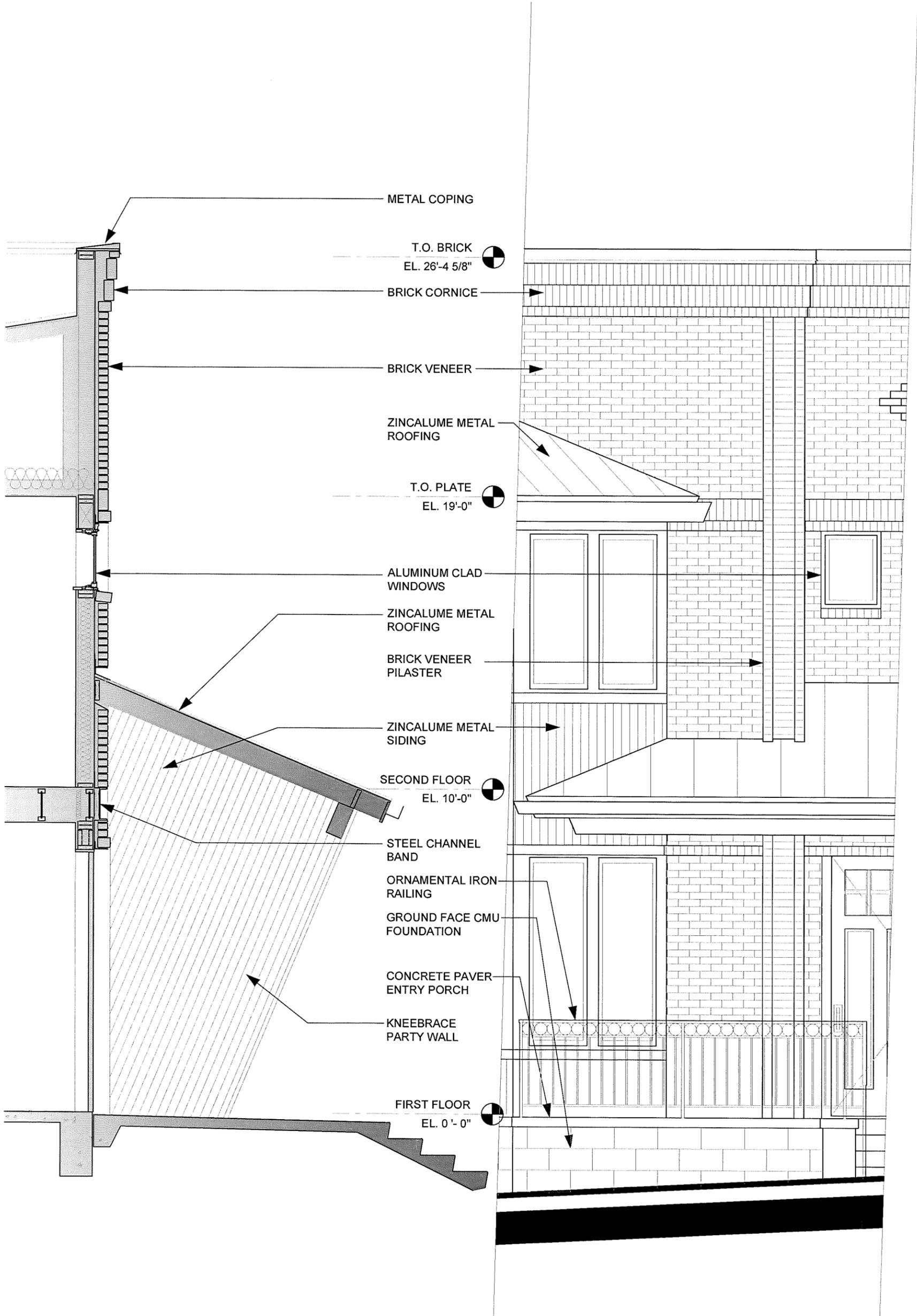
REVISIONS

GARAGE  
EXTERIOR  
ELEVATIONS

PROJECT: 14-028  
ISSUE DATE: -  
SHEET:

A6.5





WALL SECTION **B STREET TOWNHOMES**

WALL ELEVATION 3/4"=1'-0" FULL SIZE  
3/8"=1'-0" HALF SIZE

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USED FOR: BIDDING  
CONSTRUCTION  
RECORDATION  
CONVEYANCE  
ISSUANCE OF A PERMIT

**B STREET BROWNSTONE TOWNHOMES**

PROJECT ADDRESS: 11 B STREET, ASHLAND, OREGON

WALL SECTION

PROJECT NO.: 14-028  
ISSUE DATE: 10-21-15  
SHEET:

**A8.1**





















**TYPE II  
PUBLIC HEARING**

---

**PA-2015-01284  
474 Russell Street**



**PLANNING ACTION: PA-2015-01284**

**SUBJECT PROPERTY: 474 Russell**

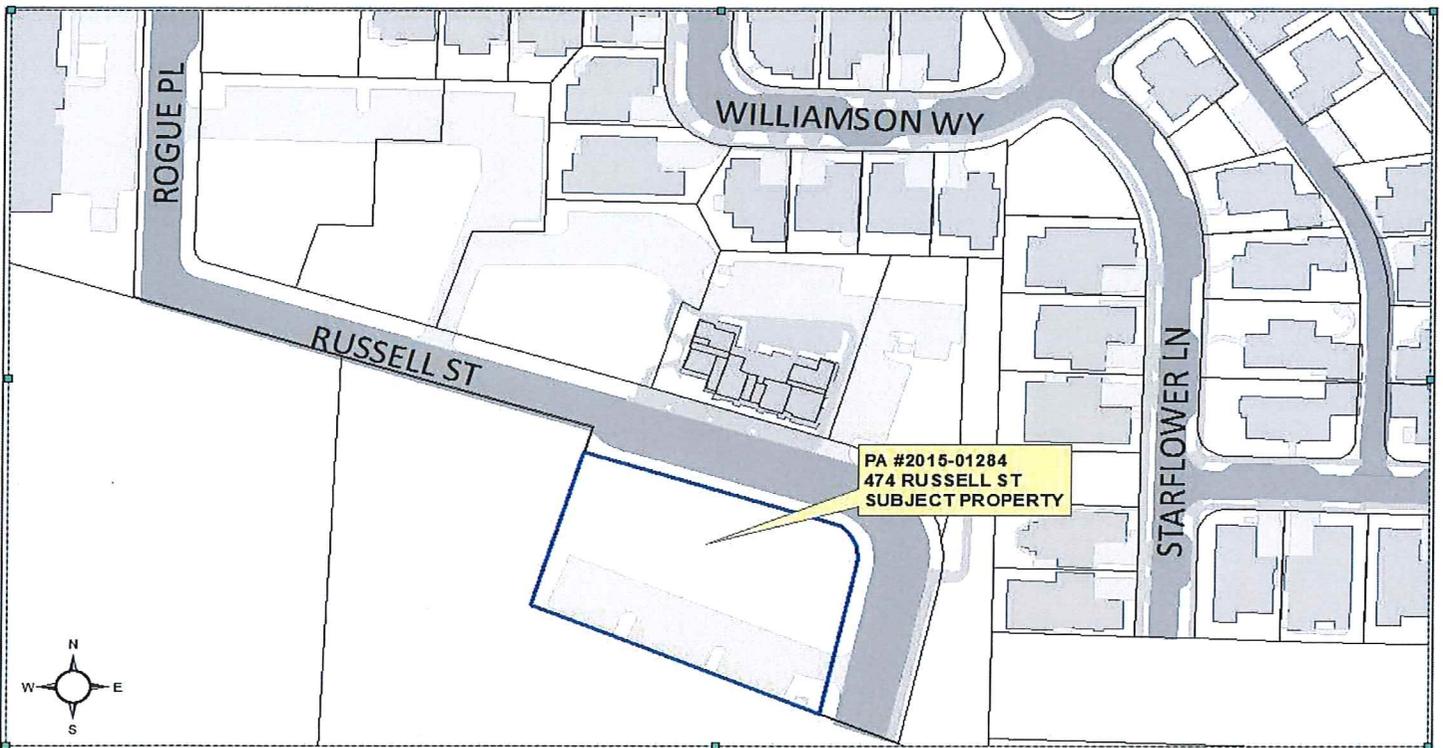
**OWNER/APPLICANT: Laz Ayala/Ayala Properties, LLC**

**DESCRIPTION:** A request for Site Design Review approval to construct two mixed-use buildings for the property located at 474 Russell Street. "Building A" will be a two-story, mixed use 8,688 square foot building consisting of commercial space and garages on the ground floor, and four residential condominiums on the second floor; "Building B" will be a two-story 12,617 feet commercial building consisting of commercial space with six residential condominiums on the second floor.

**COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP: 39 1E 09AA; TAX LOTS: 2805**

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **Thursday, November 5, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**ASHLAND PLANNING COMMISSION MEETING: November 10, 2015 at 7:00 PM, Ashland Civic Center, 1175 East Main Street**



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

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

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

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

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

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

## SITE DESIGN AND USE STANDARDS

### 18.5.2.050 Approval Criteria

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

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
  - 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
  - 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

# ASHLAND PLANNING DIVISION STAFF REPORT

**November 10, 2015**

**PLANNING ACTION:** #2015-01284

**OWNER/APPLICANT:** Laz Ayala/Ayala Properties, LLC

**LOCATION:** 474 Russell Street

**ZONE DESIGNATION:** E-1, Detail Site Review & Residential Overlays

**COMP. PLAN DESIGNATION:** Employment

**APPLICATION DEEMED COMPLETE:** November 2, 2015

**120-DAY TIME LIMIT:** March 1, 2016

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

- 18.2.2 Base Zones & Allowed Uses
- 18.2.6 Standards for Non-Residential Zones
- 18.3 Special Districts and Overlay Zones
- 18.3.9 Performance Standards
- 18.4.2 Building Placement, Orientation & Design
- 18.4.3 Parking, Access, and Circulation
- 18.4.6 Public Facilities
- 18.5.2 Site Design Review

**REQUEST:** A request for Site Design Review approval to construct two mixed-use buildings for the property located at 474 Russell Street. “Building A” will be a two-story, mixed use 8,688 square foot building consisting of commercial space and garages on the ground floor, and four residential condominiums on the second floor; “Building B” will be a two-story 12,617 feet commercial building consisting of commercial space with six residential condominiums on the second floor.

## **I. Relevant Facts**

### **A. Background - History of Application**

The subject property is Lot #6 within the Falcon Heights Subdivision.

In 1991, a proposal was made to develop the subdivision’s parent property. The proposed development was initially approved by the Planning Commission; however, a neighborhood group appealed the decisions to the City Council and eventually to LUBA. The project was remanded to the City and a mediation process was initiated. Mediation resulted in a mixed zone and density project.

The E-1 portion of the land, including the subject property and its parent subdivision, was sold and the remaining residential land was split and zoned R-2 (Multiple Residential) and R-1-3.5 (Suburban Residential). A mixed zone development plan for the residential land received final plan approval in September 1998. That plan included a total of 49 dwelling units, including 27 detached single-family units which are now built and occupied immediately to the north of the Falcon Heights Subdivision.

The city completed a draft Master Final Plan for Ashland's railroad property in June 2001. The subject property is included in this document. The consultants for that Master Plan recommended a combination of uses from light industrial to office to affordable housing for the subject property.

In 2002, the Planning Commission approved an Outline Plan for the seven-lot Falcon Heights Subdivision on property located southeast of Rogue Place and north of the railroad tracks as Planning Action #2002-00020. This approval superseded a previously approved outline plan for 13 lots. Russell Street was created to provide access to the lots. The developer at the time modified the original site design to accommodate his development plans; these modifications were approved as part of Planning Action #2003-00047. The subdivision plat map was approved and recorded, and utilities, parking, some common area landscaping, and some street improvements have been installed.

In 2006, the Planning Commission considered a request for Site Review approval as Planning Action #2005-01834 for a three-story mixed-use building consisting of four ground-level commercial units and three residential units on upper levels located at 479 Russell Drive located across the street to the north on Lot #4. This initial application was ultimately withdrawn and the proposal modified in response to issues with the height and bulk of the proposed building that were raised during Planning Commission review. The Planning Commission ultimately approved a modified proposal as Planning Action #2006-01787 in April of 2007. The approved application was for a two-story, 7,762 square foot mixed-use building comprised of retail and office space on the ground floor and five residential units on the second floor. This building is now constructed and occupied.

In May of 2008, the Planning Commission Hearings Board approved Planning Action #2008-00598, a request for Site Review approval to construct a two-story, mixed use building on Lot #5 at 489 Russell Street. This building was to have been 5,579 square feet, with office space on the ground floor and two residential units on the second floor. An 18-month extension of this approval was granted in April of 2009, but the approval has since expired.

Since its creation with the recording of the Falcon Heights subdivision plat map, there are no other planning actions of record for the subject property, and with the exception of Lot #4 at 479 Russell Street, the remainder of the subdivision remains vacant.

## **B. Detailed Description of the Site and Proposal**

### **Site**

The subject property is Lot #6 of the Falcon Heights Subdivision, is located at 474 Russell Street, and is a vacant 0.64-acre parcel zoned E-1 (Employment). The property is

located within the Detail Site Review and Residential overlays. The property is generally rectangular with an approximate six percent slope from south to north. The site's parking lot, including paving, curbs and storm drain were installed along with perimeter curbing, street lights, fire hydrants and transformer boxes as part of the subdivision infrastructure. A short retaining wall abuts the south property line; the application notes that the original construction of this wall was poor, and that it is in need of repair.

Lot #6 has no significant natural features. There are no trees or shrubs on the property, and while parking lot landscaping bays were installed with the subdivision infrastructure, they were never planted. Mountain Creek, an intermittent or ephemeral stream according to Ashland's adopted Water Resources Protection Zones Requirements map is located to the east, across Russell Street. As an intermittent or ephemeral stream, Mountain Creek has a Water Resource Protection Zone which extends 30 feet upland of the centerline of the stream to provide a riparian buffer. This protection zone is largely preserved and protected in the subdivision's open space area and by the placement of Russell Street, and does not extend onto Lot #6. Street trees, sidewalks, and landscaping are to be installed as each lot develops.

Single-family dwellings in Phase 1 of the Park Ridge Subdivision are located adjacent to subdivision, to the north, and dwellings in Phase 1 of the Mountain Crest Estates Subdivision are location to the east, across Russell Street and Mountain Creek. The railroad property is located to the south, and various manufacturing, service and commercial uses are to the west.

### **Proposal**

The application involves a request for Site Design Review approval to construct two mixed-use buildings for the property located at 474 Russell Street. "Building A" will be a two-story, mixed use 8,688 square foot building consisting of commercial space and garages on the ground floor, and four residential condominiums on the second floor; "Building B" will be a two-story 12,617 feet commercial building consisting of commercial space with six residential condominiums on the second floor.

## **II. Project Impact**

As detailed in AMC 18.3.12.030.C, any development within the Detail Site Review Overlay which exceeds 10,000 square feet is to be reviewed through a "Type II" application process and requires a decision by the Planning Commission through a public hearing.

### **Site Design Review Proposal**

#### **Underlying Zone Requirements**

The first approval criterion for Site Design Review is that, *"The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards."* The application materials provided note that to the best of the applicant's

knowledge, all of the applicable provisions of the property's E-1 zoning from AMC 18.2, including but not limited to building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture and other applicable standards are being complied with, and no exceptions or variances are proposed.

The subject property's underlying zone is E-1 (Employment) and within this zone, there is no minimum lot area, width, or depth; no minimum front, side or rear yard area except where abutting a residential zone to the side or rear; no maximum lot coverage; and no minimum residential density. While there are residential properties at the perimeter of the subdivision, the subject property does not directly abut residential zones to the side or rear, and is not located on an arterial street, and as such no setback requirements come into play. The maximum building height is limited to 40 feet, and the proposed 31-foot maximum height here complies with this limit.

### **Overlay Zone Requirements**

The second Site Design Review approval criterion is that, *"The proposal complies with applicable overlay zone requirements (part 18.3)."* The application materials suggest that the proposal complies with the Residential Overlay regulations found in AMC 18.3.13.010, including but not limited to commercial and residential ground floor ratios as well as permissible residential densities. The applicants emphasize that the *"project is for an attractive and well thought-out mixed use development that will not only provide the City with needed small unit housing and new office space close to the downtown core, but is also in keeping with the original subdivision's envisioned concept plans and is contextually compatible with the existing building on Lot #4 across the street."*

For properties within the E-1 zoning district's Residential Overlay, residential development is allowed at a density of 15 dwelling units per acre. The application materials provided explain that the property is 0.636 acres in size and thus has a base density of 9.54 dwelling units. The proposal is for six two-bedroom units, two one-bedroom units and two studio units that will be less than 500 square feet and thus count as only  $\frac{3}{4}$  units for density purposes. This calculates to 9.50 dwelling units and complies with the property's allowed base density.

Within the Residential Overlay zone, AMC 18.2.3.130.B.1 provides that, *"If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses."* The applicant notes that:

*"The proposal is for two buildings on one site .... The overall ground floor of both buildings is 11,302 sq. ft., including residential garages and commercial area footprints. Building "A's" commercial / residential ground floor ratio is 2,743 sq. ft. commercial and 1,801 sq. ft. residential. Building "B's" commercial / residential ground floor ratio is 4,701 sq. ft. commercial and 2,057 sq. ft. residential. Combined, the ground floors of the two buildings have a commercial to residential ratio of 7,444 sq. ft. commercial to 3,858 sq. ft. residential (66% commercial / 34% residential) in compliance with AMC 18.2.3.130 B.1. Further, although*

*the Municipal Code defines the two buildings as “one building” due to the connection of the skywalk, the overall site area has also been calculated in accordance with AMC 18.2.3.130. B.1 in order to determine the ratio of the site that is commercial and residential. In this case, the calculations illustrate that 54% of the site (14,946 sq. ft.) is deemed “commercial use” and 46% (12,763 sq. ft.) is deemed residential use. Specifically, the commercial area includes the footprint of the two buildings, less the residential parking garages, ground floor hallway on Building “A” and ½ of all other common areas such as the parking lot, access isle and plaza. Based on these calculations, Standard 18.2.3.130 B. is complied with.*

As noted by the applicant, if the buildings are considered to be a single structure because they are connected by a “skywalk”, they provide 66 percent of the total ground floor area in commercial space, and if they are considered as separate buildings, 54 percent of the site is reserved for commercial use. In either case, the requisite commercial/residential split is satisfied.

### **Site Development and Design Standards**

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

The application asserts that the proposal complies with the applicable Site Development and Design Standards of AMC Chapter 18.4, and that to the best of the applicant’s knowledge, no exceptions to the Site Development and Design Standards are necessary for this application.

### **Basic Site Review**

The application materials note that the site’s parking lot sits behind the two proposed buildings and will be screened from the front of the property by the buildings and the elevated plaza area. The applicant suggests that two proportionally wide buildings were determined to be significantly superior to a single mass, and the two proposed building facades occupy the majority of the streetscape, and are separated by an elevated plaza area which is noted as providing a break between the buildings while also addressing concerns expressed by neighbors residing in the mixed-use building across the street who wanted to preserve some of their views of Mt. Ashland.

The applicant further explains that with the exception of the residential entrances, the buildings’ primary commercial entrances are located on the ground level adjacent to the public sidewalk; have been designed to face the street and sidewalk; and are clearly

visible, functional, and should remain open to the public during all business hours. The applicant notes that the standards seek to have buildings on corner lots oriented to the higher order street or to the corner, and suggests that in this case, the subject property is not on a corner lot, but on a sharp 90-degree curve in the street. The applicant emphasizes that their design team looked at this standard and its intended purpose, and determined that given the relationship of the curb, open space and residential neighborhood to the east, it was more appropriate to have the buildings' entrances oriented to the commercial streetscape of the subdivision and remain true to its commercial street character. Staff would concur here that the building is on a curve in the Russell Street corridor rather than at a corner, and that the orientation proposed is appropriate.

The applicant notes that although warehouses and some industrial/manufacturing uses are permitted in the E-1 zone, they have designed the building to accommodate an array of uses which include commercial office and service businesses that will benefit from attractive building designs and accessible public sidewalk, and will construct a public sidewalk and install street trees along the property frontage, in keeping with city standards and the original vision of the subdivision.

The application materials provided include landscaping and site plans identifying a screened trash and recycling area, and the applicant further notes that all site and building lighting will meet requirements not to directly illuminate adjacent properties and noise ordinance requirements as well. The applicant emphasizes that they have an interest in minimizing any typical nuisance issues related to lighting or noise in order to provide the expected quality of living to the project's residents.

### **Detail Site Review Overlay**

The application materials explain that the site is 0.636 acres in size, or 27,710 square feet, and has a total proposed floor area of 21,305 square feet, for a Floor Area Ratio (F.A.R.) of 0.76, not including the plaza area, which exceeds the minimum requirement for a 0.50 F.A.R. The applicant notes that the buildings' frontages have a variety of jogs and other distinctive changes in the façade for the purpose of creating an attractive streetscape, and that the walls facing the street and plaza area will have displays, windows and doorways for at least 20 percent of the wall area. The buildings' working areas, pedestrian entrances and display areas are to be transparent while also addressing current building code and conservation standards relating to energy efficiency. The applicant explains that the buildings incorporate lighting and changes in mass, surface and finish to give emphasis to the entrances, and that the buildings' elevations illustrate a continuous plane of awnings between pilasters and vertical forms of the building that not only accentuate the building's design, but also protect pedestrians from the rain and sun. The applicant further notes that the buildings will front onto a 15-foot sidewalk with street trees planted in irrigated tree wells that, along with the building awnings, provide relief from inclement weather and in return promote walking and 'people areas', and explains that the design of

the plaza space, including canted stairs and adjacent bench along the public sidewalk, was intended to create a sense of invitation to promote ‘people use’ of the plaza.

The applicant notes that the building is within five feet of the sidewalk as required in the Detail Site Review standards, and that the landscape plan includes landscaping between the public street and the parking lot. They further explain that a landscape buffer is also in existence along the southern property line adjacent to the existing retaining wall, and suggest that in general, there are no incompatible uses on any of the adjacent lots as the surrounding lots are primarily vacant. The application materials point out that the building materials include changes in relief for at least 15 percent of the exterior wall area, and that bright paint colors or significant amounts of glass are not to be incorporated in the buildings’ facades.

The Detail Site Review Standards in AMC 18.4.2.040.C. require that building facades incorporate “arcades, roofs, alcoves, porticoes and awnings that protect pedestrians from the rain and sun,” and the applicant notes that awnings are provided on the proposed building for this purpose. In previous actions, the Commission has suggested that a depth of approximate seven feet was necessary to provide such protection, and could be provided through a combination of recessed entry area and awning projection. While it is not completely clear from the drawings provided, it appears that the awnings here project only about four feet from the building face, and staff have recommended a condition below to require that in the final design the awnings provide a protected area of at least seven feet in depth to protect pedestrians from the rain and sun as required in the standard.

### **Additional Standards for Large Scale Developments**

With regard to the Additional Standards for Large Scale Developments found in AMC 18.4.2.040.D., the application materials explain that the proposed buildings were designed to divide large building masses into heights and sizes that relate to human scale, and both incorporate changes in building masses, have sheltering awnings and recessed entrances and include a distinct pattern of divisions on surfaces. In addition, both include windows, small scale lighting and trees that will be planted along the property’s frontage and throughout the site.

The applicant points out that the subject property is outside the Downtown Design Standards Overlay, and as such is subject to standards which limit the building area and length. The application explains that the combined square footage of the proposed buildings is 21,305 square feet, and the property frontage is less than 200 feet, and as such the buildings comply with the standards limiting their footprints and areas to less than 45,000 square feet and their lengths to no more than 300 feet.

The applicant goes on to explain that the project was designed with a roughly 2,788 square foot plaza, and that the combined gross floor area of both buildings is 21,305

square feet. As such, the plaza space is roughly 13 percent of the floor area, which exceeds the minimum ten percent plaza space requirement. The applicant emphasizes that the plaza was designed to serve multiple purposes ranging from a view corridor, a break in the building mass, a place for public gathering and recreation, a wind break, and an area for seating and general relaxation. The plaza incorporates four of the required elements for plaza space – sitting spaces, a mixture of sunlight and shade, protection from wind, and trees. The applicant goes on to explain that there are roughly 30 formal seats in the plaza area as proposed, where only eight are required, and that all of the seats will be at least 16-inches in height and 30-inches in width. The plaza area also includes six shade trees, all of which will be at least two-inches in diameter when planted.

**Parking, Access & Circulation**

Based on the city’s parking requirements, as detailed in AMC 18.4.3.040, the applicant has provided the following parking calculations:

**Building “A” – Mixed-Use**

Two (2) one-bedroom residential units (> 500 sq. ft.) @ 1½ spaces per unit =	<b>3 spaces</b>
Two (2) two-bedroom residential units (> 500 sq. ft.) @ 1¾ spaces per unit =	<b>3.5 spaces</b>
2,743 sq. ft. of general office @ 1 space per 500 sq. ft. =	<b>5.5 spaces</b>
<i>or</i>	
2,743 sq. ft. of medical or retail @ 1 space per 350 sq. ft. =	<b>7.8 spaces</b>
Building “A” Total Parking Required =	<b>12 - 14.3 parking spaces*</b>

**Building “B” – Mixed-Use**

Two (2) studio residential units (< 500 sq. ft.) @ 1 space per unit =	<b>2 spaces</b>
Four (4) two-bedroom residential units (> 500 sq. ft.) @ 1¾ spaces per unit =	<b>7 spaces</b>
4,701 sq. ft. of general office @ 1 space per 500 sq. ft. =	<b>9.4 spaces</b>
<i>or</i>	
4,701 sq. ft. of medical or retail @ 1 space per 350 sq. ft. =	<b>13.4 spaces</b>
Building “B” Total Parking Required =	<b>18.4 to 22.4 parking spaces*</b>

Total Combined Parking Required:	31 to 37 parking spaces*
Surface Parking Provided (Off-Street):	18 parking spaces
Garage Parking Provided:	10 parking spaces
Total Off-Street Parking Provided:	28 parking spaces

*(\* The range of parking required is dependent upon actual commercial uses; if the full amount of downstairs commercial space were used as general office, the lower number of spaces would apply, and if the full amount of downstairs commercial space were used as retail or medical office space, the high number of parking spaces would be required.)*

A total of 18 parking spaces were installed as part of the subdivision's original infrastructure installation, and the applicant proposes to construct ten additional off-street parking spaces in garages with the proposed development. The total parking required is between 31 and 37 spaces where only 28 off-street spaces are proposed, and the applicant has requested to meet the additional three to nine space parking demand through the parking management strategies found in AMC 18.4.3.060 which provide that the off-street parking requirements may be reduced by up to 50 percent through on-street parking credits, alternative vehicle parking credits, mixed or joint use credits where it can be shown that the peak demand for the individual uses is off-set and does not materially overlap, transportation demand management plan credits, or transit facilities credits. These credits provide for a maximum combined reduction in parking demand of 50 percent; the reduction requested here is between 9.7 and 24.3 percent. In the case of 479 Russell Street across the street, the Planning Commission approved a one-space on-street parking credit and allowed an additional two-space reduction in the parking requirement through an 11 percent mixed-use parking credit as it was determined that the peak demand of the ground floor commercial space and the five-residential units above was materially offset to a degree to merit the reduction.

The applicant explains that there are ten on-street parking spaces along the subject property's frontage (seven parking spaces are located along the north side of the lot's street frontage and three more on the lot's east side) which are available as on-street credits, and goes on to suggest that based on the credit methodology discussed in AMC 18.4.3.060, 50 percent of the site's 18 surface parking spaces should be available for mixed- or joint-use credits, creating a pool of 19 credits for the applicant's use (i.e. ten on-street spaces plus nine (50 percent of the 18 surface spaces)). In staff's reading of the code, the parking demand management strategies do not mean that 50 percent of the site's available surface parking spaces are available as a pool to be used in reducing parking demand, but rather that parking demand may be reduced by up to 50 percent when it is demonstrated that the peak demand of differing uses will be off-set to a degree that a lesser number of spaces can accommodate their combined demand.

In this instance, the upper floor uses consist of ten residential units of varying sizes. These ten units generate a total parking demand of 15.5 spaces, and ten garage spaces are to be provided. In staff's assessment the peak residential parking demand is likely to be at night, while the bulk of daytime residential demand could likely be accommodated in the garage spaces. And there are ten on-street parking spaces available, which could fully accommodate the anticipated parking demand. If four of the ten on-street spaces were considered as on-street parking credits and a 13 percent mixed-use credit were granted, the parking requirements would be satisfied and in staff's view, this seems an appropriate use of the available parking demand management strategies in the code. (36.7 maximum required parking spaces – 28 spaces provided – 4 on-street credits = 4.7 space mixed use credit;  $4.7/36.7 = 12.806$  percent reduction). However, in staff's view for the site's parking to work it is essential that garage spaces be available for parking rather than being used for storage by residents, and staff have accordingly recommended a

condition below to require that the garage spaces remain available for vehicle parking and not be used for storage as required in AMC 18.4.3.110.

The required bicycle parking for the proposal includes 13 required covered bicycle parking spaces for the ten residential units, and at least five bicycle parking spaces for the commercial space, with at least three of these covered. The applicant has proposed to provide ten bicycle parking spaces in the residential garages, and an additional ten covered bicycle parking spaces near the plaza to address the combined commercial and residential bicycle parking requirement. All proposed bicycle parking spaces are to be designed in compliance with the Bicycle Parking Design Standards noted in AMC 18.4.070. A total of 20 bike parking spaces will be constructed, all of which will be covered; each of the ten enclosed garages will have one hanging bike parking space and ten additional covered bike parking spaces will be installed adjacent to the plaza, next to Building “A”.

The subject property’s parking lot is pre-existing, and was constructed in 2003-2004 in conjunction with the other subdivision improvements. The applicant asserts that the curbing, drainage, landscaping area, irrigation conduit, asphalt thickness, etc. met the Building and Planning standards, and they intend to utilize the parking lot as originally constructed, completing the necessary landscaping and irrigation improvements shown in the landscape plans, however the applicant does not propose to bring the parking lot into compliance with parking area design requirements from AMC 18.4.3.080.B.5 that have been adopted subsequent to its construction which would require modifications to its surfacing and stormwater drainage provisions.

### **Public Facilities**

The fourth approval criterion for Site Design Review approval is that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”*

The application materials indicate that all key facilities are available to service the proposed buildings and were installed during the subdivision’s initial construction in 2003-2004. The application further explains that all utilities to service the buildings are available within the adjacent Russell Street right-of-way or are already stubbed to the property, but that if necessary, services will be installed at the time of construction in accordance with Ashland Public Work Standards. The applicant indicates that in meetings with the various city utilities, it has been indicated that adequate City facilities are available to serve the subject property.

In discussing the available public facilities with planning staff, the Public Works, Fire and individual utility departments have noted the following:

- **Water** - The property is currently served by an eight-inch water main in Russell Street, and the applicant will need to extend services and pay any applicable service and connection fees required for any new water services installed as part of this project. The Fire Department has also indicated that because the project is mixed-use, monitored fire sprinklers will be required, and a flow test has been scheduled to verify that flows are adequate to accommodate sprinkler installation. *(The Fire Department also notes that one street light installed with the subdivision infrastructure is incorrectly identified as a fire hydrant in the submittal materials; this will need to be corrected in the final utility plan.)*
- **Sanitary Sewer** - The property is currently served by an eight-inch sanitary sewer main in Russell Street.
- **Electricity** – There is an existing three-phase service located at the southeast corner of the subject property. The Electric Department has indicated that a second vault will need to be installed within one of the parking lot tree wells, and will require bollards or other protection as a buffer from parking cars.
- **Urban Storm Drainage Storm Drainage** – The Public Works Department noted that stormwater issues were considered in the subdivision infrastructure installation, and the property is currently served by a 12-inch storm sewer main in Russell Street as well as a 12-inch storm sewer in the interior of the lot.
- **Paved Access & Adequate Transportation** – Russell Street is a commercial neighborhood collector street, and was improved to city street standards as part of the subdivision infrastructure installation, with the exception of sidewalks and street trees which were to be installed as each lot develops. The street standards call for a five-foot hardscape parkrow with tree well with irrigated street trees and an eight- to ten-foot sidewalk. The applicant has proposed to meet these standards with the installation of a 15-foot sidewalk corridor.

With the construction of subdivision infrastructure, a pedestrian bridge over Mountain Creek was constructed to provide a link for pedestrian connectivity to the adjacent residential subdivision (Mountain Creek Estates) and down through the subdivision via Thimbleberry Lane to the North Mountain Park area.

A future street connection will extend Russell Street to connect with Clear Creek Drive as part of the adopted street dedication map for the area, and the original subdivision's developer was required to sign in favor of a Local Improvement District (L.I.D.) to participate in the cost of constructing a future railroad crossing at Fourth Street.

In staff's assessment, existing public facilities and utilities are in place and available to serve the project, and have been preliminarily identified on the Site Plan provided and discussed in the narrative. Utilities and street improvements were largely installed with the subdivision: water service, sanitary sewer and storm drainage are available in Russell Street, and the applicant has indicated that services will be extended as necessary to

connect to the proposed buildings. Conditions are recommended below to require that final electrical distribution, utility, storm drainage, and street improvement plans be provided for review and approval prior to building permit submittal, and that any fees for necessary service upgrades or connection to address specific service requirements for the proposed buildings be paid for prior to permit issuance.

### **Exceptions to the Site Development and Design Standards**

The final criterion for Site Design Review approval provides that the Planning Commission may approve Exceptions to the Site Development and Design Standards of part 18.4 if certain circumstances are found to exist. The application indicates that to the best of the applicant's knowledge, no such exceptions are necessary and none are requested for approval here.

### **III. Procedural - Required Burden of Proof**

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

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
  - 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
  - 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

### **IV. Conclusions and Recommendations**

For staff, this application seems fairly straightforward in that utilities and street improvements were largely installed with the subdivision, and the applicant proposes to complete these by extending services to the buildings proposed and installing city standard frontage improvements. No Exceptions or Variances are requested. The proposed new buildings seem to have been designed with city standards in mind, and have their primary orientation to the street rather than

to parking areas, with visible, functional and attractive entrances oriented to the street and accessed directly from the sidewalk. Parking is located behind the buildings and within ground floor garages, and the surface parking is visible from the second-story windows.

The issues for staff are relatively minor, first in seeking to insure that the awnings proposed provide a sufficient covered area around the entrances to protect pedestrians from sun and rain as sought in the standards; second in carefully considering the applicant's requested parking credits; and finally in verifying that the split between commercial and residential uses is in keeping with the standards and does not compromise the site's primary designation as employment land. Upon review and with the conditions recommended below, staff doesn't believe that any of these issues pose a concern. We are supportive of the proposal, which seems well-suited to the site and vicinity, and recommend approval with the following conditions:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this approval shall be submitted and approved prior to the issuance of a building permit.
- 3) That the recommendations of the Ashland Tree Commission from their November 5, 2015 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 4) That prior to the installation of any signage, a sign permit shall be obtained. All signage shall meet the requirements of the Sign Ordinance (AMC 18.4.7).
- 5) That all requirements of the Fire Department shall be satisfactorily addressed, including approved addressing; commercial fire apparatus access including angle of approach and any necessary easements; provisions for firefighter access pathways; fire flow; fire hydrant clearance; fire department connection (FDC); fire extinguishers; a Knox key box; and monitored fire sprinklers for mixed-use buildings.
- 6) That mechanical equipment shall be screened from view from Russell Street, and the location and screening of all mechanical equipment shall be detailed on the building permit submittals.
- 7) That the front entrances adjacent to Russell Street shall remain functional and open to the public during all business hours, and the windows on the ground floor shall not be tinted so as to prevent views from outside of the building into the interior of the building.
- 8) That all garage parking spaces shall remain available for vehicle parking and shall not be used for material storage, as required in AMC 18.4.3.110.
- 9) That building permit submittals shall include:
  - a) The identification of all easements, including but not limited to public or private utility or drainage easements, mutual access easements, fire apparatus access easements, and public pedestrian access easements.
  - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Colors and materials shall be consistent with those described in the application, and very bright or neon paint colors shall not be used.

- c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
- d) Revised Landscape, Irrigation and Tree Protection Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. These revised plans shall address: 1) The recommendations of the Tree Commission from their November 5, 2015 meeting where consistent with applicable criteria and standards, and with final approval by the Staff Advisor; 2) required size and species specific replacement planting details and associated irrigation plan modifications, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications; 3) lot coverage and required landscaped area calculations, including all building footprints, driveways, parking, and circulation areas, and landscaped areas. Lot coverage shall be limited to no more than 85 percent, and the calculations shall demonstrate that the requisite 15 percent landscaping and seven percent parking lot landscaping are provided.
- e) Stormwater drainage, grading and erosion control plans for the review and approval of the Engineering, Building and Planning Departments. The stormwater plan shall address Public Works/Engineering standards requiring that post-development peak flows do not exceed pre-development levels. Any necessary drainage improvements to address the site's stormwater shall be provided at the applicants' expense. Storm water from all new impervious surfaces and run-off associated with peak rainfall events must be collected on site and channeled to the city storm water collection system (*i.e., curb gutter at public street, public storm pipe or public drainage way*) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
- f) A final utility plan for the project for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of any necessary connections to public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Meters, cabinets, vaults and Fire Department Connections shall be located outside of pedestrian corridors and in areas least visible from streets, sidewalks and pedestrian areas, while considering access needs. Any necessary service extensions or upgrades shall be completed by the applicant at applicant's expense.
- g) An electric design and distribution plan including load calculations and locations of all primary and secondary services including any transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to the issuance of excavation or building permits. Transformers, cabinets and vaults shall be located outside the pedestrian corridor in areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the Electric Department. Any necessary service extensions or upgrades shall be completed at the applicant's expense.

- h) That the applicants shall provide engineered plans for the installation of city-standard street frontage improvements for the full frontage of the subject property, including five-foot width hardscape parkrows with irrigated street trees, ten-foot sidewalks, and pedestrian scale street lighting for the review of the Planning and Public Works/Engineering Departments. If necessary to accommodate city standard street frontage improvements, the applicant shall dedicate additional right-of-way or provide public pedestrian access easements. Any necessary easements or right-of-way dedications shall be submitted for the review and approval of the Planning and Public Works/Engineering Departments.
  - i) Identification or required bicycle parking, which includes bicycle parking spaces in each of the ten garages and ten covered bicycle parking spaces adjacent to the project's plaza space. Inverted u-racks shall be used for the outdoor bicycle parking, and all bicycle parking shall be installed in accordance with the standards in 18.4.3.070.I, inspected and approved prior to the issuance of the certificate of occupancy. The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met.
  - j) That the building permit drawings shall clearly demonstrate that an area of at least seven feet in depth is provided at the front entries to provide pedestrians with protection from rain and sun as required in AMC 18.4.2.040.C. This depth may be met by a combination of any entry recess and the depth of an awning or other covering.
- 10) That prior to the issuance of the building permit, the commencement of site work including staging or the storage of materials:
- a) That all necessary building permits fees and associated charges, including permits and connections fees for new, separate, underground electrical services to each proposed unit, and system development charges for water, sewer, storm water, parks, and transportation (less any credits for existing structures) shall be paid.
- 11) That prior to the final approval of the project, signature of the final plat or issuance of a certificate of occupancy:
- a) All hardscaping including the sidewalk corridor, parking lot and driveway; landscaping; and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor.
  - b) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
  - c) Sanitary sewer laterals, water services including connection with meters at the street, and underground electric services shall be installed according to the approved plans to serve all units prior to signature of the final survey plat or issuance of a certificate of occupancy.
  - d) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.
  - e) All required street frontage improvements, including but not limited to the

sidewalk, parkrow with irrigated street trees spaced at one tree per 30 feet of frontage, and street lighting, shall be installed under permit from the Public Works Department and in accordance with the approved plans, inspected and approved by the Staff Advisor.

- f) The CC&Rs for the Homeowner's Association or similar maintenance agreement shall be provided for the review and approval of the Staff Advisor prior to signature of the final survey plat. This agreement shall describe the responsibility for the maintenance of all common use-improvements including landscaping, driveways, planting strips and street trees. The CC&Rs must state that deviations from the approved plan shall be considered a violation of the Planning Application approval and therefore subject to penalties described in the Ashland Municipal Code.
- g) Screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards, and an opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure as required in AMC 18.4.4.040.

Zimbra

seversod@ashland.or.us

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**Re: Falcon Heights Lot 6**

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**From :** D. Helmich <dave@d-pminc.com>

Wed, Oct 28, 2015 05:11 PM

**Subject :** Re: Falcon Heights Lot 6 2 attachments**To :** Derek Severson <derek.severson@ashland.or.us>**Cc :** Carol Kim <horacekim@hotmail.com>, sbolom@ccountry.net, shepree473@gmail.com, cjmac46@gmail.com, macan@mtashland.net, eahunger@charter.net, colsoned@hotmail.com, ashlandcommons@mind.net, stickrichl@gmail.com, rrbarker@mind.net, janet tuneberg <janet.tuneberg@gmail.com>, linjmom@gmail.com, bclary@dadco.com, hummingbird@jeffnet.org, donahuard@mac.com, rondab@mind.net, Mark Knox <knox@mind.net>**Reply To :** dave@d-pminc.com

Thank you for this, Derek.

This is part of a fairly recent communication from Mark, Derek:

"Dave,

...

On another note, we ended up dropping the third story on the west side building (see attached perspective). It was just getting too expensive as we would have needed two elevators and thus decided to just propose two 2-story buildings connected by a skywalk. I think the design is still very attractive and compliments the building across the street. However, we are still toying with possible material and color changes (block to brick). I'll forward a final version when I finally get them back from the Architect... -Thanks again. – Mark Knox"

I am attaching the jpg sent with the above. For the information of the distribution, would you please kindly confirm that this is more or less representative in its most significant features with what you are currently reviewing? The exterior appearance is acceptable to me and the heights are as good as we can expect I think.

Thanks,  
Dave

ps. My one comment regarding the earlier design Mark presented (when he met with us) was that there seemed to be a great deal of pavement on the lot. My personal opinion (while he represented the coverage as compliant with the E-1 zoning) is that the future residential owners would appreciate a softer, less paved site.

This is probably a conflict which the business owners which are looking for a low/no maintenance site. Since these projects only pencil with a sellout of the residential condos, it would be nice to see future owners enabled for as much decorative landscaping as possible.

On 10/28/2015 4:51 PM, Derek Severson wrote:

Greetings,

I know that neighbors have been meeting with the developers looking at building on Lot #6 in the Falcon Heights Subdivision, i.e. at 474 Russell Drive. I'm the city planner assigned to this project, and since you all had copied me on the e-mail communications relative to neighborhood meetings up to this point I wanted to let you know that we now have an application we've deemed complete and that will be going to the Tree Commission for review on Thursday, November 5th at 6:00 p.m. in the Siskiyou Room at 51 Winburn Way and to the Planning Commission on Tuesday, November 10th at 7:00 p.m. at the City Council Chambers at 1175 East Main Street.

I've attached a PDF copy of the public notice that was mailed to neighbors within 200 feet; this same notice was also posted on the property.

The file is available for review in the Community Development offices at 51 Winburn Way during our business hours (8:00 a.m. to 4:30 p.m.), and if you have any questions, please don't hesitate to contact me.

- **Derek**

Derek Severson, *Associate Planner*  
City of Ashland, Department of Community Development  
51 Winburn Way, Ashland, OR 97520  
**PH:** (541) 552-2040 **FAX:** (541) 552-2050 **TTY:** 1-800-735-2900  
**E-MAIL:** [derek.severson@ashland.or.us](mailto:derek.severson@ashland.or.us)

*This e-mail transmission is the official business of the City of Ashland, and is subject to Oregon's public records laws for disclosure and retention. If you've received this e-mail in error, please contact me at (541) 552-2040. Thank you.*



**Persp-1.jpg**  
726 KB



**dave.vcf**  
187 B

***“FALCON VI – A MIXED-USE DEVELOPMENT”***



*FRONT (NORTH) ELEVATION*



*REAR (SOUTH) ELEVATION*

**A PROPOSAL FOR**

**A SITE REVIEW PERMIT  
TO CONSTRUCT TWO MIXED-USE BUILDINGS  
WITHIN AN EMPLOYMENT (E-1) ZONING DISTRICT  
(FALCON HEIGHTS SUBDIVISION, LOT #6)**

**SUBMITTED TO**

**CITY OF ASHLAND**

**FOR  
AYALA PROPERTIES, LLC.  
604 FAIR OAKS COURT  
ASHLAND, OR 97520**

**BY  
URBAN DEVELOPMENT SERVICES, LLC.  
604 FAIR OAKS COURT  
ASHLAND, OR 97520**

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**City Of Ashland**

**OCTOBER 12<sup>TH</sup>, 2015**

**I. PROJECT INFORMATION:**

**PROJECT NAME:** "Falcon VI" (Falcon Heights, Lot #6)

**APPLICANT:**  
Ayala Properties, LLC  
604 Fair Oaks Court  
Ashland, OR 97520

**ARCHITECT**  
Gary R. Caperna, Architect  
Medford, OR 97501  
2908 Hillcrest Road

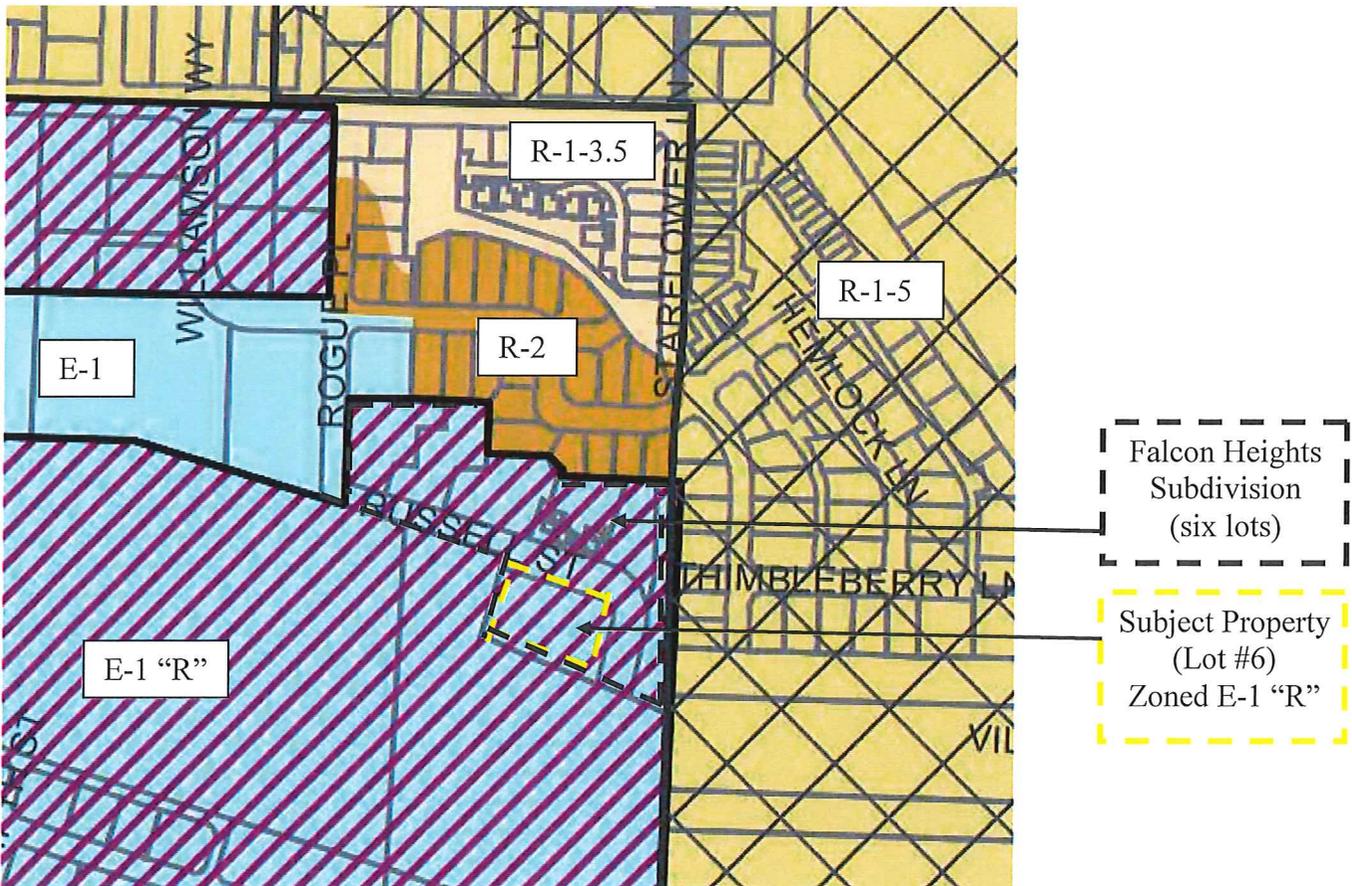
**LANDSCAPE ARCHITECT**  
Laurie Sager & Associates  
700 Mistletoe Road, Suite 201  
Ashland, OR 97520

**LAND USE PLANNING:**  
Urban Development Services, LLC  
604 Fair Oaks Court  
Ashland, OR 97520

**ENGINEER:**  
CEC Engineering  
P.O. Box 1724  
Medford, Oregon 97501

**ATTORNEY OF RECORD**  
Huycke, O'Connor, Jarvis &  
Lohman, LLP  
823 Alder Creek Drive  
Medford, OR 97504

**PROJECT ZONING:** As illustrated in the inserted Zoning Map (below), the property is zoned Employment (E-1) with a Residential Overlay. The subject property is regulated by the Ashland Municipal Code, Chapters 18.2.6 (Zoning), 18.3.13 (Residential Overlay) and 18.4.2 (Site Design Standards, Non-Residential Development – Basic, Detail & Large Scale design standards).

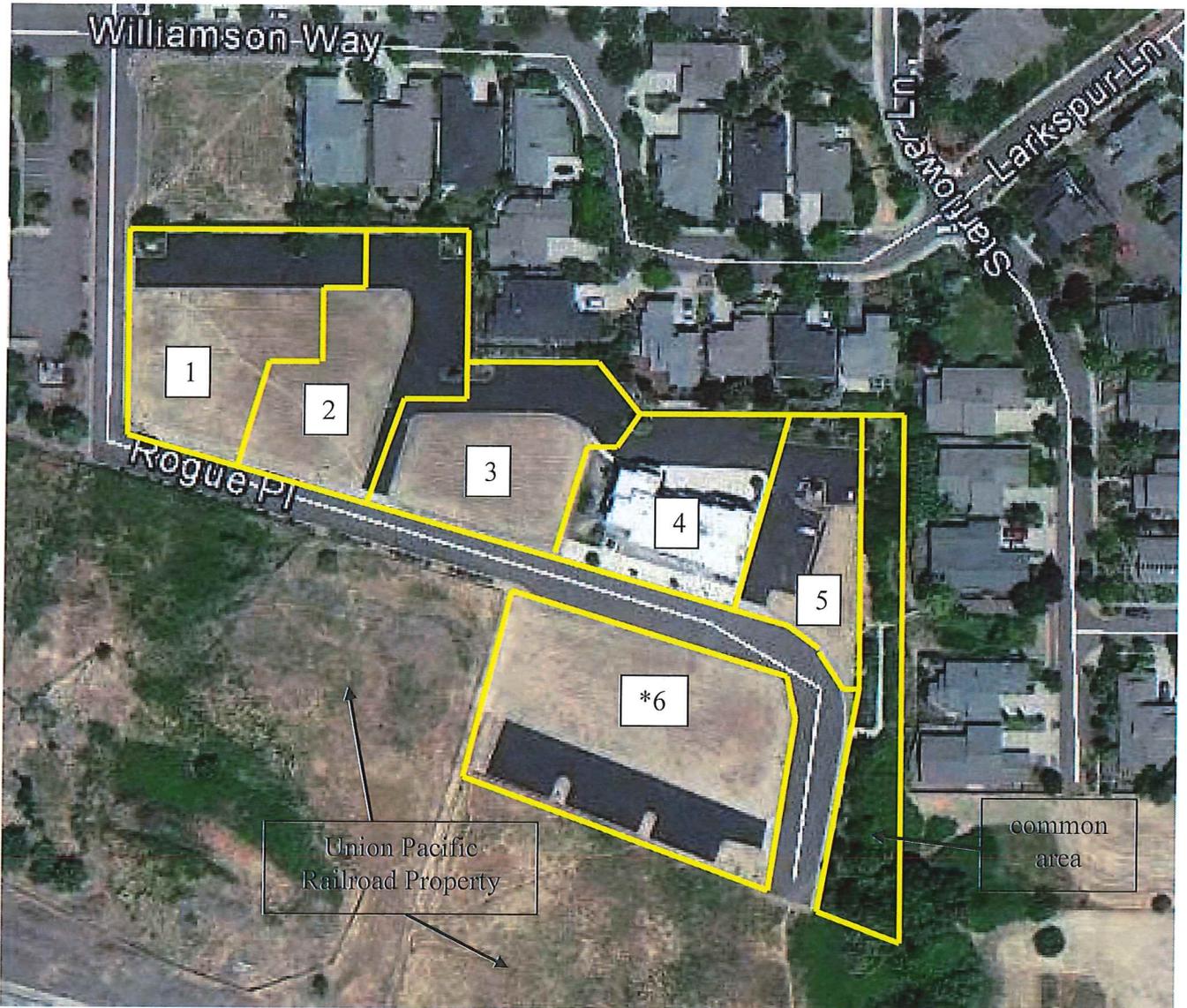


City Zoning Map

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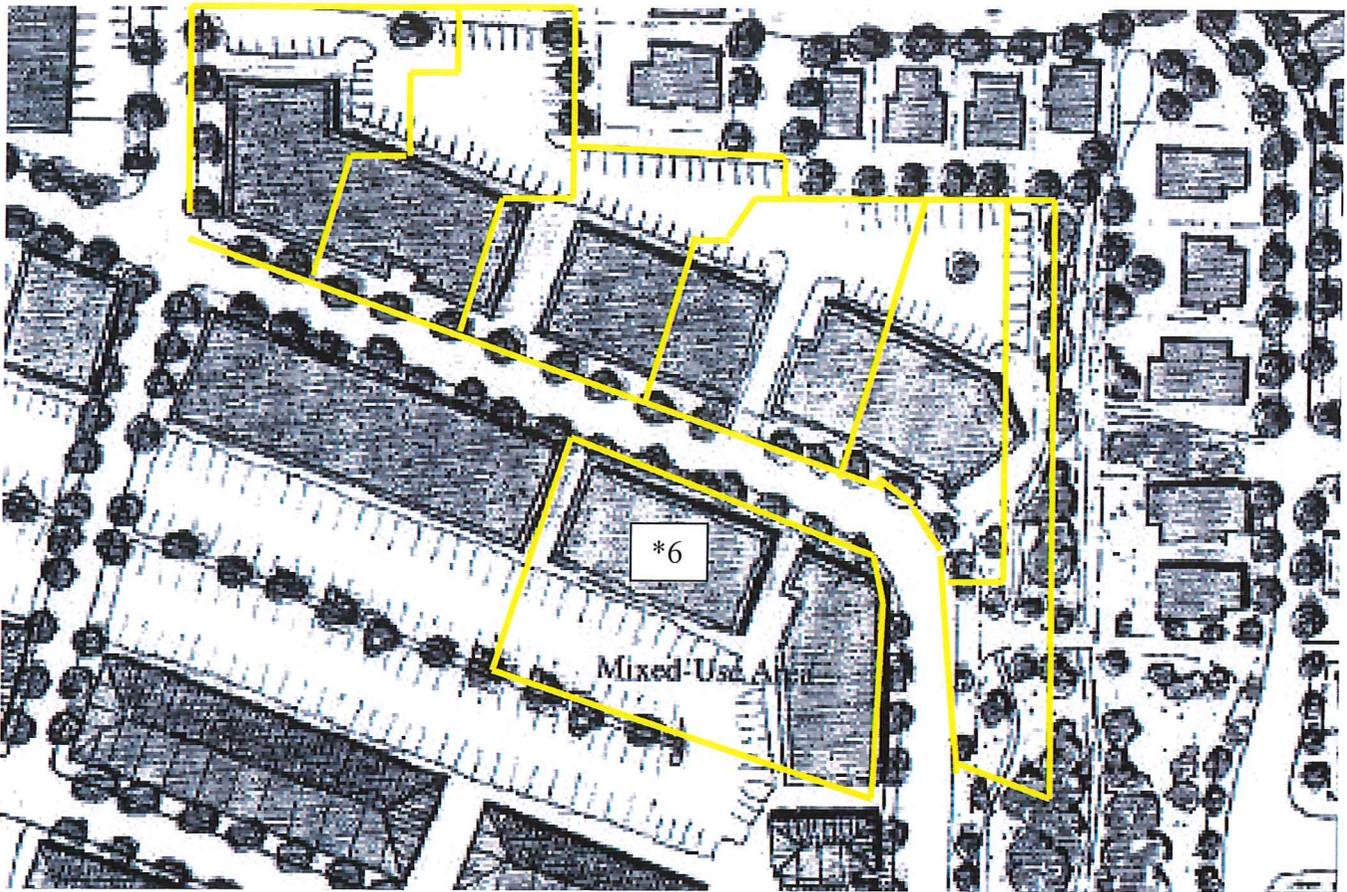
**Falcon Heights Subdivision**

**PROPERTY BACKGROUND:** *In 1991* a proposal was made for the development of not only the subject property, but also the residential properties to the north. The proposal was initially approved by the Planning Commission; however, a neighborhood group appealed the decision to the City Council and eventually to the Land Use Board of Appeals (LUBA). The project was remanded back to the City and a mediation process was initiated. The result of the mediation produced a mixture of land use types from Single-Family Suburban Residential (R-1-3.5) along Heresy Street, Medium Density (R-2) along Williamson Way and Employment with a Residential Overlay (E-1) along Rogue Place. The R-1-3.5 and R-2 properties have been divided, sold, constructed upon and occupied. A total of 27 single-family 22 multi-family parcels were developed.

*In 2001*, the City completed a “draft” Master Plan for the Railroad Property (now Union Pacific’s). The subject property was included in the plan where it identified conceptual street layouts, street designs, street connections, building placements and designs. The Master Plan was never officially adopted, but from the plan came the current street layout now adopted as part of the City’s Transportation System Plan as well as certain building and lot configurations (see insert below).

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Railroad Master Plan – 2001

*In 2002, the property was part of a 13-lot subdivision, but modified in 2003 to seven lots. The seven lot subdivision was then recorded with various improvements including roads, electrical, storm water, bio-swales, sewer, sidewalks, street lights and parking areas installed. The property, in its existing condition today, is generally how it has been since 2004. All of the properties have been reasonably maintained over the years primarily due to the subdivision's property Owner's Association.*



In 2006, an application was made for the first building within the subdivision on Lot #4, a two-story mixed-use building consisting of 7,762 square feet comprised of business professional office space, retail on the ground floor and five residential condominiums on the second floor (see insert above). At the time of its approval, parking was added to the rear of the building, mixed-use parking credits were granted and an on-street parking credit was granted.

**PROPERTY DESCRIPTION:** The property is located at 474 Russell Street and is a vacant .64 acre parcel zoned E-1 with a Residential Overlay. The property is rectangular shaped with an approximate 6% south to north grade. As previously described, the site's parking lot (storm water drain, paving and curbing) have been installed as well as the site's perimeter curbing, street lights, fire hydrants and transformer boxes. A short retaining wall abuts along the south property line, but due to poor installation, it needs to be repaired. Finally, the subject property is well liked by neighboring property owners and tenants due to its semi-improved state where they can comfortably let their dogs roam around the vacant property and the abutting railroad property without too much concern.

**PROJECT PROPOSAL:** The applicants are requesting a Site Review Permit to construct two commercial buildings, connected by a skywalk, on Lot #6 of the Falcon Heights Subdivision consisting of 8,688 sq. ft. (Building "A") and 12,617 sq. ft. (Building "B"). An open plaza space divides the two buildings and will consist of various seats, trees and areas of shade. All of the units will be condominiums sharing and maintaining the site's common improvements.

Building "A": Building "A" is intended to be a two-story mixed-use structure consisting of commercial space on the ground floor and four residential condominiums on the second floor. The ground floor will also include five enclosed garages for the second floor residences, but because of the site's sloping grade (roughly 5'-6" from the front to back), the commercial space will be level with the adjacent sidewalk where as the garage space will be accessed from the rear parking lot. The ground floor commercial space will be 2,743 sq. ft. and designed to orientate to the street, similar to the ground floor commercial space within the existing building across the street (required by the City's Site Design and Use Standards). Further, Building "A", as well as Building "B" discussed below, will abut a newly installed 15' sidewalk which will include street trees, street lights and seating areas.

The building's four residential units will consist of two one bedroom units of 752 sq. ft. and 766 sq. ft. and two will consist of two-bedrooms of 1,196 square feet. The units will be accessed by an internal stair and hallway system.

Building "B": Building "B" is also intended to be a two-story mixed-use building with six residential units above the ground floor's commercial space. Building "B" is essentially the same as Building "A", but includes two additional units and an elevator. The ground floor is slated to be one commercial space consisting of 4,701 sq. ft. to be used by a single prospective tenant, but will be designed to convert to multiple spaces (three) in order to provide flexibility over the building's life span. The commercial space(s) will be orientated towards Russell Drive and the planned 15' sidewalk that runs along the

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frontage and then wraps around the east side of the building and extending to the end of the property where it abuts the Railroad property to the south.

Building “B’s” six residential units will consist of two one bedroom units less than 500 square feet and four two bedroom units with an average floor area of 991 sq. ft. The units will be accessed by a second floor internal stair and hallway system, but also includes an elevator. The elevator will serve both buildings which are to be linked by a second floor skywalk overlooking the plaza. The skywalk will include windows for lighting, but also for views to Mount Ashland and Grizzly Peak.

Similar to Building “A”, Building “B” will also include a pedestrian friendly streetscape façade with the commercial spaces’ primary entrances facing the tree-lined street and 15’ sidewalk. The internal spaces will be divided perpendicular to the street with each commercial space having street level access.

*Note:* It should be noted the proposed residential units are smaller than typical residential condominiums in Ashland primarily for two reasons. First, the applicant desires to create a “sense of place” with the plaza, but in order to increase the size of the units, either the footprint of the buildings would need to be larger or a third floor added. In doing so, the alternative design, although more dramatic in a streetscape sense, would have negatively impacted the plaza space, impacted views to the neighbors across the street and possibly risked a dissenting decision. Secondly, in reading the City of Ashland’s 2012 Housing Needs Analysis and 2007 Rental Needs Analysis, both documents emphasize the need for smaller units, specifically in the studio and one-bedroom unit sizes. As such, the applicants concur there will be a demand in Ashland for the smaller units and for all of the reasons stated is willing to make the investment.

*Building Architecture:* The buildings have been designed to not only reflect certain components of the existing building across the street, but also in accordance with the regulations noted in the Basic, Detail and Large Scale design standards (Site Design & Use Standards). Such standards do *not* require a certain design style such as Downtown Ashland, but do require large building masses to be divided into heights and sizes that relate to human scale by incorporating changes in building masses or direction, sheltering roofs, a distinct pattern of surfaces, windows, trees, and small scale lighting. In this proposal’s case, the buildings have been articulated in both mass, volume and material and no one wall is a voided plane. Each wall includes symmetrically balanced components for a positive streetscape rhythm. In this regard, the applicants and Architect have amended elevations multiple times in an attempt to make sure the design complements the existing building across the street, but is a building that expands the architecture and palate of colors and materials for future buildings planned for the Falcon Heights Mixed-Use Subdivision.

*Zoning & Railroad District Master Plan:* In addition to the design standards, the project complies with the City’s E-1 zoning standards for rear parking, setbacks, solar access, building heights, etc. Further, the subdivision’s original design and concepts clearly follow the 2001 Railroad District Master Plan (draft) as illustrated above on Page #4. In addition, suggestions within the master plan, such as “two or more” building story’s are encouraged, follow the provisions of the zoning code which allow up to 40’, plus a 5’ parapet. In this development’s case, the tallest points of the buildings are roughly 28’ to 31’ – well under the permitted threshold.

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Parking: A total of 18 parking spaces are currently provided on-site and another 10 parking spaces are proposed to be added. Of the 28 total on-site parking spaces, 10 of the proposed spaces will be within single bay garages – five adjacent to each building. An additional seven parking spaces are located along the north side of the lot’s street frontage and three more on the lot’s east side (AMC 18.4.3.060 A.) for a total of 38 parking spaces available to the users of the site.

Note: The property’s parking lot is pre-existing, constructed in 2003/2004 with all of the improvements for curbing, drainage, landscaping area, irrigation conduit, asphalt thickness, etc. meeting Building and Planning standards. That said, the applicants intend to utilize the parking lot as originally constructed, but complete the necessary landscaping and irrigation improvements as shown on the landscape plans. The areas where parking spaces are to be added, the applicants will construct those spaces in accordance with AMC 18.4.3., most notably the new spaces are to be covered in compliance with the City’s recently adopted microclimatic parking design standards.

In accordance with AMC, Table 18.4.3.040 – Automobile Parking Spaces by Use, the project’s parking demand is as follows:

Building “A” – mixed-use

2 One-bedroom Residential Units	> 500 sq. ft.	1.5 spaces per unit	= 3 spaces required
2 Two-bedroom Residential Units	> 500 sq. ft.	1.75 spaces per unit	= 3.5 spaces required
2,743 sq. ft. General Office		1 space per 500 sq. ft.	= 5.5 spaces required
or			
2,743 sq. ft. Medical / Retail		1 space per 350 sq. ft.	= 7.8 spaces required

Building “A” Total: = 12 to 14.3 parking spaces

Building “B” – mixed-use

2 Studio Residential Units	< 500 sq. ft.	1 space per unit	= 2 spaces required
4 Two-bedroom Residential Units	> 500 sq. ft.	1.75 spaces per unit	= 7 spaces required
4,701 sq. ft. General Office		1 space per 500 sq. ft.	= 9.4 spaces required
or			
4,701 sq. ft. Medical / Retail		1 space per 350 sq. ft.	= 13.4 spaces required

Building “B” Total: = 18.4 to 22.4 parking spaces

Total Required:	31 to 37 parking spaces*
Total Provided On-Site:	28 parking spaces (18 open and 10 enclosed)
Available On-Street Credits:	10 (10 existing street parking spaces)
Available On-Site Mixed Use Credits:	9 parking spaces (50% of open parking spaces)
Total parking spaces provided per Parking Management Strategies:	47

\* The demands for commercial parking spaces are based on the actual commercial uses, i.e., a general business professional office use vs. a medical office use vs. manufacturing, etc. and the area

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that commercial tenant occupies. A property owner / applicant has no way of knowing what the tenancy will be over the lifespan of a building and thus, in order to ensure there is always enough parking (and not too much as also required by code) and that commercial uses can fluctuate during the lifespan of the building, the applicants desire to use a parking optimization approach by utilizing the City's Parking Management Strategies noted in AMC 18.4.3.060 A. and C. which provide for a sharing of the *on-site* spaces (day time vs. night time demand) and/or the use of *on-street* parking credits.

Specifically, AMC 18.4.3.060 A. and C. state:

**A. On-Street Parking Credit.** *Credit for on-street parking spaces may reduce the required off-street parking spaces up to 50 percent.*

**C. Mixed Uses.** *In the event that several users occupy a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, in which case the mixed-use credit may reduce the off-street parking requirement by a percentage equal to the reduced parking demand. A mixed-use parking credit may reduce the required off-street parking spaces up to 50 percent.*

As evidenced above, there are a total of 19 available parking spaces (10 on-street and 50% of the 18 on-site open spaces) available within the pool of spaces allowed to be considered under AMC 18.4.3.060 A. and C. In this application's case, only *three* to *nine* parking spaces are necessary for full utilization of the structures' commercial spaces and thus, any additional demands would come from the available pool of 19. Overall, the requested optimization approach is relatively minor considering the "shared" parking nature of mixed-use developments and the extensive amount of on-street parking spaces along the frontages of the property.

In fact, the applicant's contend the street demand is likely to be underutilized based on the following two factors: First, the proposed development is a mixed-use development which generally will accommodate two types of users – one that is primarily a daytime user (commercial businesses) and one that is primarily a nighttime user (residential units). Based on this fact, it's fair to assume a small percentage of the two uses will not create their required parking demand at the same time as contemplated via AMC 18.4.3.060 C. Second, based on multiple site visits and review of Planning Action 2006-01787, the existing mixed-use building across the street where an 11% on-street credit was granted, the street has predominately been void of any parking since its construction.

*Bike Parking Required / Proposed:* All bike parking spaces will be designed in compliance with the Bicycle Parking Design Standards noted in AMC 18.4.070 and specifically the covered bike standards as illustrated in Figure 18.4.3.070.I.10 a. and b. of the Ashland Municipal Code. All bike parking spaces, including those to be mounted inside the residential garage spaces will be reviewed and approved at the time of the development's occupancy. In this proposal's case, a total of 20 bike parking spaces will be constructed, all of which will be covered. Each of the enclosed garages will have one hanging bike parking space (10) and 10 additional covered bike parking spaces adjacent to the plaza, next to Building "A". The requirements for bike parking are as follows:

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*Residential:* 1 per residential unit minimum / 100% covered (AMC 18.4.3.070 C1)  
 Proposed: 2 Studio and 2 One-bedroom Units = 1 covered space per unit (4)  
 6 Two-Bedroom Units = 1.5 covered spaces per unit (9)  
 Covered Spaces: 13 required covered spaces  
 13 proposed covered spaces (10 in garages and 3 adjacent to plaza area)

*Commercial:* 1 per 5 auto spaces / 50% sheltered (AMC 18.4.3.070 D)  
 18 Auto Parking Spaces / 5 = 4 bike spaces required / 7 proposed  
 Covered Spaces: = 2 required / 7 proposed (7 adjacent to plaza)

*Total Proposed:* = 20 Bike Parking Spaces / 20 sheltered

Signs: The buildings’ signage is intended to be mounted on the front of the building and within the window areas of the front façade. Prior to installation, permits for any signage will be applied for in accordance with 18.4.7.020 B. and all standards for commercially zoned signs will be in accordance with AMC 18.4.7.080.

Solar Access: The proposal complies with the City’s adopted Solar Access Ordinance, AMC 18.4.8, as the property is zoned E-1 and classified as a “B” lot and located on the south side of an unbuildable area (Russell Street). Based on the City’s Solar Access Ordinance at a 4.5% negative slope, a 60’ unbuildable area to the north, and a building height of 31’ (Building “A”) and 29’ (Building “B”) the solar shadow is 60’ at the most extensive distance.

It should be noted that because the subject property is classified as a “Class B lot” as regulated by the Ashland Municipal Code, a third story on Building “A” was originally contemplated and designed, but do to neighborhood concern about views and solar access, the third story was removed.

Trash & Recycling: In accordance with 18.4.4.040 G., the project’s trash and recycling area is to be within a combined enclosure, 5’ in height, accessed from the rear parking lot. The enclosed structure is aligned directly with the driveway’s opening for easy access allowing for convenient and quick service by Ashland Recology. The enclosure provides screening from all adjoining neighbors.

Neighborhood Outreach: On June 25<sup>th</sup>, 2015, a neighborhood meeting was held to address neighborhood questions. In attendance were five neighbors, the Land Use Planner and Architect. The neighbors asked positive questions relating to views, heights, proposed uses and construction timing. Two separate meetings also were planned accommodating two neighbors who were out of town. In addition, a fourth neighborhood meeting was held on August 4<sup>th</sup> for neighbors who later expressed concern about exclusion from the previous meetings, but were primarily concerned about marijuana dispensary concerns.

**CONCLUSION:** The applicants contend the proposal is another positive example of Ashland’s land use planning efforts. The opportunity to build two mixed-use buildings without exceptions or variance and

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providing the Ashland real estate market with two viable commercial and residential options is encouraging. The applicants also believe the addition of adding 2 studio units of less than 500 sq. ft. and 8 smaller units is a positive contribution to Ashland's housing market. As noted in the City's 2012 Housing Needs Analysis and 2007 Rental Needs Analysis, both documents emphasize the need for smaller units, specifically in the studio and one-bedroom unit sizes.

Finally, the applicants and design team are excited about bringing forth a building design that makes a positive contribution to the public street. In what could have been a very mediocre building and site plan design, similar to the various manufacturing and office buildings to the west of the subject site, the proposed buildings are oriented to the street, provide an open and elevated public plaza space and include a significant amount of glazing and architectural components that emphasize creativity, but also neighborhood compatibility.

## **II. FINDINGS OF FACT:**

The required *findings of fact* have been provided to ensure the proposed project meets the requirements and procedures outlined in the Ashland Municipal Code (AMC) pertaining to the site's zoning, applicable overlay zones, site development and design regulations. The application is to be processed as a Type II Planning Action based on the Ashland Municipal Code (AMC) 18.5.2.030 B and D. and subject to AMC Chapter 18, specifically Sections 18.2.3.130 (Dwellings in Non-Residential Zones), 18.2.6.030 (Unified Standards for Non-Residential Zones), 18.3.13.010 (Residential Overlay Regulations), 18.4.2.040 (Non-Residential Development), 18.4.2.040 B. (Basic Site Review Standards); 18.4.2.040 C. (Detail Site Review), 18.4.2.040 D. (Large Scale Standards), 18.4.3 (Parking, Access & Circulation), 18.4.4 (Landscaping, Lighting & Screening), 18.4.8 (Solar Access) and 18.5.2.050 Site Review Criteria.

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

### **18.2.3.130 Dwelling in Non-Residential Zone**

**Where dwellings are allowed in non-residential zones, they are subject to all of the following requirements.**

**A. Dwellings in the E-1 zone are limited to the R-overlay zone. See chapter 18.3.13 Residential Overlay.**

The subject property is within an E-1 Residential Overlay Zone as noted on the inserted map on Page #2 of this document.

**B. Dwellings in the E-1 and C-1 zones shall meet all of the following standards:**

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**1. If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses.**

The proposal is for two buildings on one site that will eventually be platted as condominiums sharing and maintaining the site's common improvements. Along with the condominium plat, CC&R's and Bylaws will be included in accordance with State of Oregon Condominium Statutes.

The overall ground floor of both buildings is 11,302 sq. ft., including residential garages and commercial area footprints. Building "A's" commercial / residential ground floor ratio is 2,743 sq. ft. commercial and 1,801 sq. ft. residential. Building "B's" commercial / residential ground floor ratio is 4,701 sq. ft. commercial and 2,057 sq. ft. residential. Combined, the ground floors of the two buildings have a commercial to residential ratio of 7,444 sq. ft. commercial to 3,858 sq. ft. residential (66% commercial / 34% residential) in compliance with AMC 18.2.3.130 B.1. Further, although the Municipal Code defines the two buildings as "one building" due to the connection of the skywalk, the overall site area has also been calculated in accordance with AMC 18.2.3.130. B.1 in order to determine the ratio of the site that is commercial and residential. In this case, the calculations illustrate that 54% of the site (14,946 sq. ft.) is deemed "commercial use" and 46% (12,763 sq. ft.) is deemed residential use. Specifically, the commercial area includes the footprint of the two buildings, less the residential parking garages, ground floor hallway on Building "A" and ½ of all other common areas such as the parking lot, access isle and plaza. Based on these calculations, Standard 18.2.3.130 B. is complied with.

**2. Residential densities shall not exceed 15 dwelling units per acre in the E-1 zone, 30 dwelling units per acre in the C-1 zone, and 60 dwelling units per acre in the C-1-D zone. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.**

The property is .64 (.636 acres) acres in size and has a base density of 9.54 dwelling units. The proposal is for six two-bedroom units, two one-bedroom units and two studio units less than 500 sq. ft. (.75 unit density factor) which calculates based on the above provisions to be 9.50 dwelling units.

**3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying zone.**

The proposed residential uses have been designed to comply with the underlying E-1 zoning standards.

**4. Off-street parking is not required for residential uses in the C-1-D zone.**

Not applicable

**5. Where the number of residential units exceeds ten, at least ten percent of the residential units shall be affordable for moderate-income persons in accord with the standards of section 18.2.5.050. The number of units required to be affordable shall be rounded down to the nearest whole unit.**

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Not applicable as the proposed density is 9.5 dwelling units (maximum permitted by code).

**18.2.6.030 Unified Standards for Non-Residential Zones**

<b>18.2.6.030 Unified Standards for Non-Residential Zones -</b>		<b>EMPLOYMENT ZONE (E-1)</b>
Residential Density	15 du/ac	complies
Lot Area, Width, Depth or Lot Coverage	There is no minimum lot area, width or depth, or maximum lot coverage; or minimum front, side or rear yard, except as required to comply with the special district and overlay zone provisions of part 18.3 or the site.	complies
Setback Yards (feet)	There is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side of not less than 10 ft and a rear yard of not less than 10 ft per story is required.	complies
Building Height <sup>2&amp;3</sup> – Maximum (feet)	40 ft	complies
Landscape Area – Minimum (% of developed lot area)	15%	complies
<i><sup>3</sup>Parapets may be erected up to five feet above the maximum building height; see also, 18.4.4.030.G.4 for mechanical equipment screening requirements, and 18.5.2.020 for Site Design Review for mechanical equipment review process.</i>		

Specifically in response to the standards noted in 18.2.6.030, Unified Standards for Non-Residential Zones noted in the above table, the following is intended to help clarify the applicant’s compliance with the codes:

*Density:* The property is .64 (.636 acres) acres in size and has a base density of 9.54 dwelling units. The proposal is for six two-bedroom units, two one-bedroom units and two studio units less than 500 sq. ft. (.75 unit density factor) which calculates based on the above provisions to be 9.50 dwelling units.

*Lot Standards:* Based on reading through the history of the property, E-1 zoning standards and the various Site Design and Use Standards, there are no unique lot area, lot width, lot depth or lot coverage standards associated with the subject property that are not already designed within the proposal (plaza area, plaza elements, street trees, etc).

*Setbacks:* The property does not abut a residential zone. As such, no additional setbacks are required.

*Building Height:* The maximum height in the E-1 zone is 40’, plus an additional 5’ for parapets or mechanical screening. In this case, neither building is greater than 31’. *Note:* As the architectural plans are reviewed for mechanical and structural engineering for the eventual Building Permit, there may be some slight adjustments, specifically to screen any necessary mechanical equipment, but the plans will remain substantially the same as those presented here.

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*Landscape Area:* The proposal requires a total of 15% of the property to be landscaped and allows up to 50% of the plaza area to be considered landscaping for the purpose of meeting this standard (18.2.12.060 D). As such, 15% of the site's 27,710 square feet is 4,157 square feet and as proposed, the development will have 2,877 sq. ft. in landscaping around the property, plus no more than 50% of the plaza area (2,788 sq. ft.) for a total landscape area of 4,271 sq. ft. (15%).

### **18.3.13.010 Residential Overlay Regulations**

(Note: The standards below appear to be duplicating the standards noted in 18.2.3.130, above, but there are differences. Nevertheless, the purpose of these Findings of Fact is to ensure the application meets all of the applicable criteria and development standards.)

**C. Requirements. The Residential overlay requirements are as follows.**

**1. If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses.**

The proposal is for two buildings on one site that will eventually be platted as condominiums sharing and maintaining the site's common improvements. Along with the condominium plat, CC&R's and Bylaws will be included in accordance with State of Oregon Condominium Statutes.

The overall ground floor of both buildings is 11,302 sq. ft., including residential garages and commercial area footprints. Building "A's" commercial / residential ground floor ratio is 2,743 sq. ft. commercial and 1,801 sq. ft. residential. Building "B's" commercial / residential ground floor ratio is 4,701 sq. ft. commercial and 2,057 sq. ft. residential. Combined, the ground floors of the two buildings have a commercial to residential ratio of 7,444 sq. ft. commercial to 3,858 sq. ft. residential (66% commercial / 34% residential) in compliance with AMC 18.2.3.130 B.1. Further, although the Municipal Code defines the two buildings as "one building" due to the connection of the skywalk, the overall site area has also been calculated in accordance with AMC 18.2.3.130. B.1 in order to determine the ratio of the site that is commercial and residential. In this case, the calculations illustrate that 54% of the site (14,946 sq. ft.) is deemed "commercial use" and 46% (12,763 sq. ft.) is deemed residential use. Specifically, the commercial area includes the footprint of the two buildings, less the residential parking garages, ground floor hallway on Building "A" and ½ of all other common areas such as the parking lot, access isle and plaza. Based on these calculations, Standard 18.2.3.130 B. is complied with.

**2. Residential densities shall not exceed 15 dwelling units per acre. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.**

The property is .64 (.636 acres) acres in size and has a base density of 9.54 dwelling units. The proposal is for six two bedroom units, two one bedroom units and two studio units less 500 sq. ft. which calculates based on the above provisions to be 9.50 dwelling units.

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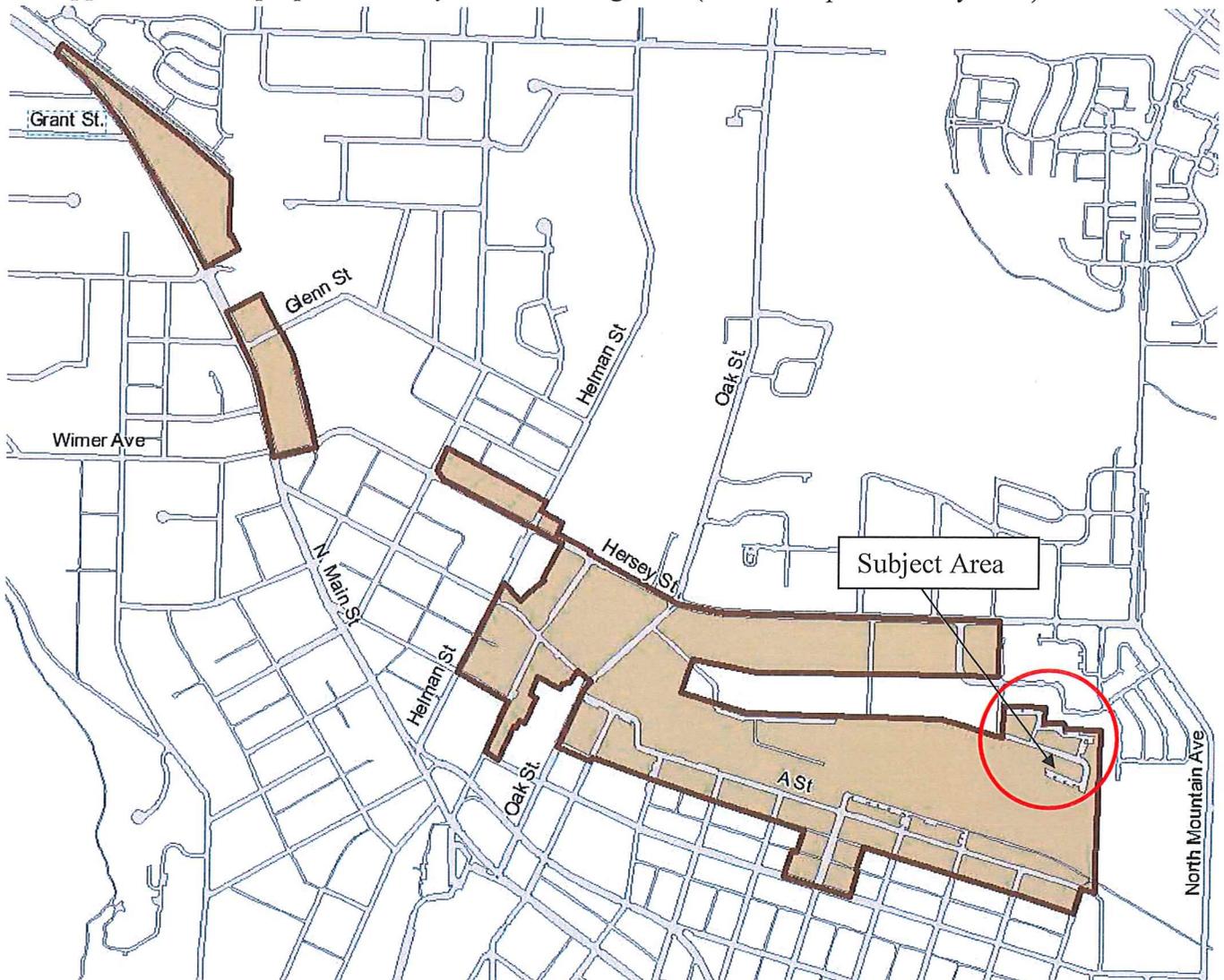
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3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the E-1 District.

The proposed residential uses have been designed to comply with the underlying E-1 zoning standards.

4. If the number of residential units exceeds ten, then at least 10 percent of the residential units shall be affordable for moderate-income persons in accord with the standards established by resolution of the City Council through procedures contained in the resolution. The number of units required to be affordable shall be rounded down to the nearest whole unit.

Not applicable as the proposed density is 9.5 dwelling units (maximum permitted by code).



AMC 18.3.13.010 Residential Overlay Map (1 of 2)

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#### 18.4.2.040 Non-Residential Development

**A. Purpose and Intent. Commercial and employment developments should have a positive impact upon the streetscape. For example, buildings made of unadorned concrete block or painted with bright primary colors used to attract attention can create an undesirable effect upon the streetscape.**

The proposal clearly has a positive impact upon the streetscape with its varying use of materials, colors and large store-front windows. The buildings have been designed in context with the neighboring building across the street with the long-term goal of creating a cohesive and enjoyable street to work or live on and to utilize various modes of transportation.

**Landscaping and site design for commercial and employment zones is somewhat different from that required for residential zones. The requirement for outdoor spaces is much less. The primary function is to improve the project's appearance, enhance the City's streetscape, lessen the visual and climatic impact of parking areas, and to screen adjacent residential uses from the adverse impacts which commercial uses may cause.**

The design team contends the proposal enhance the streetscape and with the installation of added landscaping and appropriate building placement will lessen the visual and climatic impact of parking areas. Also, because the property is roughly 100' from the nearest residential zone, bisected by a natural drainage corridor with a change in topographic elevation, the typical adverse impacts commercial uses may cause are mitigated.

**One area in which Ashland's commercial differs from that seen in many other cities is the relationship between the street, buildings, parking areas, and landscaping. The most common form of modern commercial development is the placement of a small buffer of landscaping between the street and the parking area, with the building behind the parking area at the rear of the parcel with loading areas behind the building. This may be desirable for the commercial use because it gives the appearance of ample parking for customers. However, the effect on the streetscape is less than desirable because the result is a vast hot, open, parking area which is not only unsightly but results in a development form which the City discourages.**

**The alternative desired in Ashland is to design the site so that it makes a positive contribution to the streetscape and enhances pedestrian and bicycle traffic. The following development standards apply to commercial, industrial, non-residential and mixed-use development. The application of the standards depends on what area of the City the property is located. Generally speaking, areas that are visible from highly traveled arterial streets and that are in the Historic District are held to a higher development standard than projects that are in manufacturing and industrial area.**

The project site is not within a Historic District. However, the project planning for this development, including the initial site and street layout phase, has clearly attempted to make a positive contribution to the streetscape as well as the residential neighborhood it abuts. As the subdivision and adjoining

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properties develop and the City continues to enforce its Transportation Plan objectives with connected streets and positive multi-modal developments, the subject property and the properties within the vicinity will continue to make a positive contribution towards Ashland's livability.

#### **18.4.2.040 B. Basic Site Review Standards**

**Except as otherwise required by an overlay zone or plan district, the following requirements apply to commercial, industrial, non-residential and mixed-use development pursuant to section 18.5.2.020.**

##### **1. Orientation and Scale.**

**a. Buildings shall have their primary orientation toward the street and not a parking area. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or to one side.**

The site's parking lot sits behind the two proposed buildings and will be screened from the front of the property by the buildings and the elevated plaza area.

**b. A building façade or multiple building facades shall occupy a large majority of a project's street frontage as illustrated in Figure 18.4.2.040.B, and avoid site design that incorporates extensive gaps between building frontages created through a combination of driveway aprons, parking areas, or vehicle aisles. This can be addressed by, but not limited to, positioning the wider side of the building rather than the narrow side of the building toward the street. In the case of a corner lot, this standard applies to both street frontages. Spaces between buildings shall consist of landscaping and hard durable surface materials to highlight pedestrian areas.**

In keeping with the above standard, the decision was made that two proportionally wide buildings would be significantly superior than a single mass. As such, the two building facades as proposed occupy the majority of the streetscape, but for the elevated plaza area which, in its own right, is attractive and inviting. Further the plaza area provides a break between the buildings that address neighbor concerns within the mixed-use building across the street that desire to maintain some of their views of Mt. Ashland.

**c. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours.**

The building entrances have been designed to face the primary street and its public sidewalk. The entrances are designed to be clearly visible, functional, and should remain open to the public during all business hours.

**d. Building entrances shall be located within 20 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration,**

designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where other buildings meet this standard.

Other than the residential entrances, the buildings' primary commercial entrances are located on the ground level adjacent to the public sidewalk.

**e. Where a building is located on a corner lot, its entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. The building shall be located as close to the intersection corner as practicable.**

The subject property is technically not on a corner lot, but on a sharp 90 degree street section. However, the design team had looked at this standard and its intended purpose, but based on the eventual outcome of directly facing the entrance at the residential neighborhood to the east (see photo insert below), it was decided the entrance should instead face the commercial building across the street and remain true to its commercial street and zoning.



**f. Public sidewalks shall be provided adjacent to a public street along the street frontage.**

The proposal will construct a public sidewalk, in accordance with the City's Street Design Standards and the Subdivision's originally conceived plan along the Russell Street frontage.

**g. The standards in a-d, above, may be waived if the building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service stations.**

Although warehouses and some industrial/manufacturing uses are permitted in the E-1 zone, the applicants have designed the building to accommodate an array of uses which include commercial office and service businesses that will benefit from attractive building designs and accessible public sidewalks.

**2. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.**

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In accordance with AMC 18.4.4.030 E., one street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street – including the northwest section of street abutting the side of Building “B”.

**3. Landscaping.**

**a. Landscape areas at least ten feet in width shall buffer buildings adjacent to streets, except the buffer is not required in the Detail Site Review, Historic District, and Pedestrian Place overlays.**

The property is within the Detail Site Review Overlay and not subject to the standard.

**b. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.**

The attached landscaping and site plans identify a screened recycling and refuse area.

**4. Designated Creek Protection. Where a project is proposed adjacent to a designated creek protection area, the project shall incorporate the creek into the design while maintaining required setbacks and buffering, and complying water quality protection standards. The developer shall plant native riparian plants in and adjacent to the creek protection zone.**

Not applicable as the property does not abut a designated creek protection area.

**5. Noise and Glare. Artificial lighting shall meet the requirements of section 18.4.4.050. Compliance with AMC 9.08.170.c and AMC 9.08.175 related to noise is required.**

Site and building lighting will meet the requirements of AMC 18.4.4.050 as well as adopted building codes and any noise will comply with AMC 9.08.175. The applicants have an interest in minimizing any typical nuisance issues related to lighting or noise in order to provide an expected quality of living to the project’s residents.

**6. Expansion of Existing Sites and Buildings. For sites that do not conform to the standards of section 18.4.2.040 (i.e., nonconforming developments), an equal percentage of the site must be made to comply with the standards of this section as the percentage of building expansion. For example, if a building area is expanded by 25 percent, then 25 percent of the site must be brought up to the standards required by this document.**

Not applicable as the property is currently vacant.

**18.4.2.040 C. Detailed Site Review Standards**

Development that is within the Detail Site Review overlay shall, in addition to the complying with the standards for Basic Site Review in 18.4.2.040.B, above, conform to the following standards. See

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**b. Building frontages greater than 100 feet in length shall have offsets, jogs, or have other distinctive changes in the building façade.**

The subject building frontages have a variety of jogs and other distinctive changes in the building façade for the purpose of creating an attractive street facade.

**c. Any wall that is within 30 feet of the street, plaza, or other public open space shall contain at least 20 percent of the wall area facing the street in display areas, windows, or doorways. Windows must allow view into working areas, lobbies, pedestrian entrances, or displays areas. Blank walls within 30 feet of the street are prohibited. Up to 40 percent of the length of the building perimeter can be exempted for this standard if oriented toward loading or service areas.**

The buildings' walls facing the street and plaza all have windows of at least 20% in display, windows and doorways. The buildings' working areas, pedestrian entrances and display areas will be transparent, but also address current building code and conservation standards relating to energy efficiency.

**d. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to entrances.**

The buildings' incorporate lighting and changes in mass, surface and finish giving emphasis to the entrances.

**e. Infill or buildings, adjacent to public sidewalks, in existing parking lots is encouraged and desirable.**

The application complies with this standard.

**f. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.**

The building elevations illustrate a continuous plane of awnings between pilasters and vertical forms of the building that not only accentuate the building's design, but also protect pedestrians from the rain and sun.

## **2. Streetscape.**

**a. Hardscape (paving material) shall be utilized to designate "people" areas. Sample materials could be unit masonry, scored and colored concrete, grasscrete, or combinations of the above.**

The buildings will front onto a 15' wide sidewalk with street trees planted within irrigated tree wells that along with the building awnings provide relief from inclement weather and in return promote walking and "people" areas. Further, the design of the plaza, including the canted stairs and adjacent bench along the public sidewalk create a sense of invitation to promote "people" use of the plaza.

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b. A building shall be setback not more than five feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65 percent of the aggregate building frontage shall be within five feet of the sidewalk.

The application complies with the above standard.

### 3. Buffering and Screening.

a. Landscape buffers and screening shall be located between incompatible uses on an adjacent lot. Those buffers can consist of either plant material or building materials and must be compatible with proposed buildings.

b. Parking lots shall be buffered from the main street, cross streets, and screened from residentially zoned land.

The landscape plan includes landscaping between the public street and the parking lot. A landscape buffer is also in existence along the southern property line where an existing wall lays. In general, there are no incompatible uses on any of the adjacent lots as the lots are primarily vacant.

### 4. Building Materials.

a. Buildings shall include changes in relief such as cornices, bases, fenestration, and fluted masonry, for at least 15 percent of the exterior wall area.

The building materials include changes for relief for at least 15 percent of the exterior wall area.

b. Bright or neon paint colors used extensively to attract attention to the building or use are prohibited. Buildings may not incorporate glass as a majority of the building skin.

Bright paint colors or significant amounts of glass are not to be incorporated in the buildings' facades.

#### 18.4.2.040 D. Additional Standards for Large Scale Projects

In the Detail Site Review overlay, developments that are greater than 10,000 square feet in gross floor area or contain more than 100 feet of building frontage shall, in addition to complying with the standards for Basic (18.4.2.040.B) and Detail (18.4.2.040.C) Site Review, above, conform to the following standards. See conceptual elevation of large scale development in Figure 18.4.2.040.D.1 and conceptual site plan of large scale development in Figure 18.4.2.040.D.2.

#### 1. Orientation and Scale.

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**a. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building masses or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.**

The proposed buildings have been designed to divide large building masses into heights and sizes that relate to human scale. Both incorporate changes in building masses, have sheltering awnings and recessed entrances and include a distinct pattern of divisions on surfaces. Both include windows, small scale lighting and trees will be planted along the frontage and throughout the site.

**b. Outside of the Downtown Design Standards overlay, new buildings or expansions of existing buildings in the Detail Site Review overlay shall conform to the following standards.**

- i. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.**
- ii. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside of the exterior walls and including all interior courtyards. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.**
- iii. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space, roof top parking, and outdoor retail and storage areas, with the following exception. Automobile parking areas located within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.**
- iv. Buildings shall not exceed a combined contiguous building length of 300 feet.**

The subject property is outside the Downtown Design Standards Overlay. The combined square footage is 21,305 square feet and considering the frontage of the property is less than 200', the buildings' combined building length is in compliance with the standard.

## **2. Public Spaces.**

**a. One square foot of plaza or public space shall be required for every ten square feet of gross floor area, except for the fourth gross floor area.**

The project has been designed with a plaza area of roughly 2,788 square feet and the combined gross floor area of both buildings is 21,305 square feet. As such, the plaza space is roughly 13% whereas 10% is required (2,130 sq. ft.) by code. The plaza is designed to serve multiple purposes ranging from a view corridor, a break in the building mass, a place for public gathering and recreation, wind breaks, seating and general relaxation.

**b. A plaza or public spaces shall incorporate at least four of the following elements.**

- i. Sitting Space – at least one sitting space for each 500 square feet shall be included in the plaza. Seating shall be a minimum of 16 inches in height and 30 inches in width. Ledge benches shall have a minimum depth of 30 inches.**

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- ii. A mixture of areas that provide both sunlight and shade.
- iii. Protection from wind by screens and buildings.
- iv. Trees – provided in proportion to the space at a minimum of one tree per 500 square feet, at least two inches in diameter at breast height.
- v. Water features or public art.
- vi. Outdoor eating areas or food vendors.

The plaza incorporates four of the above elements – sitting spaces, mixture of sunlight and shade, protection from wind and trees. There are roughly 30 formal seats where only eight are required. All of the seats will be at least 16 inches in height and 30 inches in width. The plaza area also includes six shade trees, all of which will be 2” dbh when planted.

**3. Transit Amenities. Transit amenities, bus shelters, pullouts, and designated bike lanes shall be required in accordance with the Ashland Transportation Plan and guidelines established by the Rogue Valley Transportation District.**

In review of the City’s Transportation System Plan and through discussions with the Rogue Valley Transportation District, there are no planned services for this area.

**18.5.2.050 Site Review Permit – Approval Criteria**

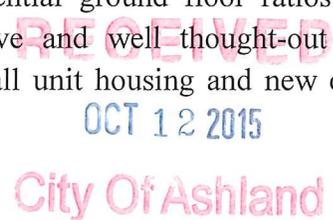
**An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.**

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

To the best of the applicant’s and design team’s knowledge, all of the applicable provisions of the property’s E-1 zone (Chapter 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture and other applicable standards are being complied with. No exceptions or variances are proposed with this development.

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

The proposal complies with the Residential Overlay for this site which is regulated by AMC Chapter 18.3.13.010, including but not limited to commercial and residential ground floor ratios as well as permissible residential densities. The project is for an attractive and well thought-out mixed use development that will not only provide the City with needed small unit housing and new office space



close to the downtown core, but is also in keeping with the original subdivision's envisioned concept plans and is contextually compatible with the existing building on Lot #4 across the street.

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

The proposal complies with the applicable Site Development and Design Standards of AMC Chapter 18.4, as addressed above. To the best of the applicant's and design team's knowledge, no exceptions to the Site Development and Design Standards are proposed with this application.

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

All key facilities are available to service the proposed buildings and were installed during the subdivision's initial construction in 2003/2004. All utilities to service the buildings are within the adjoining rights-of-way and stub to the property or if necessary, will be installed at the time of construction in accordance with Ashland Public Work Standards. The applicant, Planning Agent and project Civil Engineer have met with all of the utility departments to verify if there were any capacity issues. The results of the meetings were that adequate City facilities are available to the subject site.

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

**1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or**

**2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.**

To the best of the applicant's and design team's knowledge, no exceptions are proposed with this application as they relate to the City's Site Development and Design Standards.

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PAINTED STL. GUARD RAIL (TYP @ BALCONY)  
 PAINTED STUCCO TRIM (BUFF)  
 WHT. VINYL SH. WDO W/TRANSOM  
 CONG. LAP SIDING (DK BRN)

GLU-LAM WD. CORBEL TYPICAL  
 STUCCO BU. CORNICE (BUFF)  
 STUCCO WALL (BUFF)

STUCCO SIDING (SAGE)  
 PAINTED STUCCO TRIM (BUFF)  
 WHT. VINYL SH. WDO W/TRANSOM  
 CONG. LAP SIDING (DK BRN)

BUILDING "A" PLAZA BUILDING "B"  
 CMU TRASH ENCLOSURE (DNK BRN SMOOTH AND SPLIT FACE)  
 PAINTED SPLIT FACE CMU ABOVE WATER TABLE (SAGE OR COCO)  
 PAINTED SMOOTH FACE CMU WATER TABLE (SAGE OR COCO AS SHOWN)  
 PAINTED SECTIONAL OH GARAGE DR (BUFF OR COCO AS SHOWN)  
 STUCCO BAND (BUFF)

RED BRICK ACCENT AT ENTRY  
 SHT. MTL. CANOPY (SAGE) TYPICAL  
 ALUM. STOREFRONT ENTRY DOOR ASSEMBLY

PAINTED SPLIT FACE CMU ABOVE WATER TABLE (SAGE OR COCO)  
 PAINTED SMOOTH FACE CMU WATER TABLE (SAGE OR COCO AS SHOWN)  
 PAINTED SECTIONAL OH GARAGE DR (BUFF OR COCO AS SHOWN)  
 STUCCO CANOPY (BUFF)

1 SOUTH ELEVATION (BLDG "A" LEFT, BLDG "B" RIGHT)  
 A3 SCALE: 1/8" = 1'-0"



CONG. LAP SIDING (DK BRN)  
 PAINTED STL. GUARD RAIL (TYP @ BALCONY)  
 PAINTED STUCCO TRIM (BUFF)  
 WHT. VINYL SH. WDO W/TRANSOM  
 GLU LAM CORBEL (TYPICAL)

RED BRICK COLUMNS @ BREEZEWAY  
 ALUM. STOREFRONT @ SKY WALK  
 PAINTED STL. GUARD RAIL (TYP @ BALCONY)  
 PAINTED STUCCO TRIM (BUFF)  
 WHT. VINYL SH. WDO W/TRANSOM  
 STUCCO WALL (SAGE)

BUILDING "B" PLAZA BUILDING "A"  
 PAINTED SPLIT FACE CMU ABOVE SMOOTH CMU WATER TABLE (SAGE OR BUFF)  
 RED BRICK BASE TYPICAL AS SHOWN  
 GALV. STEEL CANOPY WITH POWDER COATED STEEL CORBEL (GRN)  
 STUCCO BAND (BUFF)

ALUM. STOREFRONT ENTRY DOORS (TYPICAL)  
 PAINTED SMOOTH FACE CMU WATER TABLE & SPLIT FACE BODY (SAGE)  
 PAINTED SECTIONAL OH GARAGE DR (BUFF OR COCO AS SHOWN)  
 RED BRICK ACCENTS

2 NORTH ELEVATION (BLDG "B" LEFT, BLDG "A" RIGHT)  
 A3 SCALE: 1/8" = 1'-0"



VINYL SH. WDO W/TRANSOM AND PAINTED WD. TRIM  
 ALUM. STOREFRONT AT STAIR TOWER

CEMENT BD. LAP SIDING (COCO) WITH PAINTED WD. TRIM  
 PAINTED SMOOTH FACE CMU WATER TABLE/SPLIT FACE BODY (DK BRN)  
 RED BRICK BASE (TYPICAL AS SHOWN)  
 SHT. MTL. CANOPY (SAGE)

3 WEST ELEVATION (BLDG "A")  
 A3 SCALE: 1/8" = 1'-0"



4 PERSPECTIVE LOOKING SE (BLDG "B" BACK)  
 A3 SCALE: NONE

**GARY R. CAPERNA ARCHITECT**  
 ARCHITECTURE PLANNING  
 2908 Hillcrest Rd.  
 Medford, Oregon 97501  
 541.840.4123  
 Email: garycaperna@charter.net  
 Oregon Architect License 5247  
 Member American Institute Of Architects

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PROJECT: **FALCON VI**  
 PROJECT LOCATION: 474 Russell Road, Ashland, Oregon 97520  
 Map & Text lot Reference: 391E-094A - Lot 2805  
 CLIENT: City of Ashland  
 132 W. Main Street, Medford Oregon 97501

MARK	DATE	DESCRIPTION
ISSUE	October 12, 2015	
PROJECT NO.		
DRAWN BY:	GRC	
CHECKED BY:		

APPROVED FOR THE OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_  
 SHEET TITLE:  
 A3.0 EXTERIOR ELEVATIONS

**A.3**



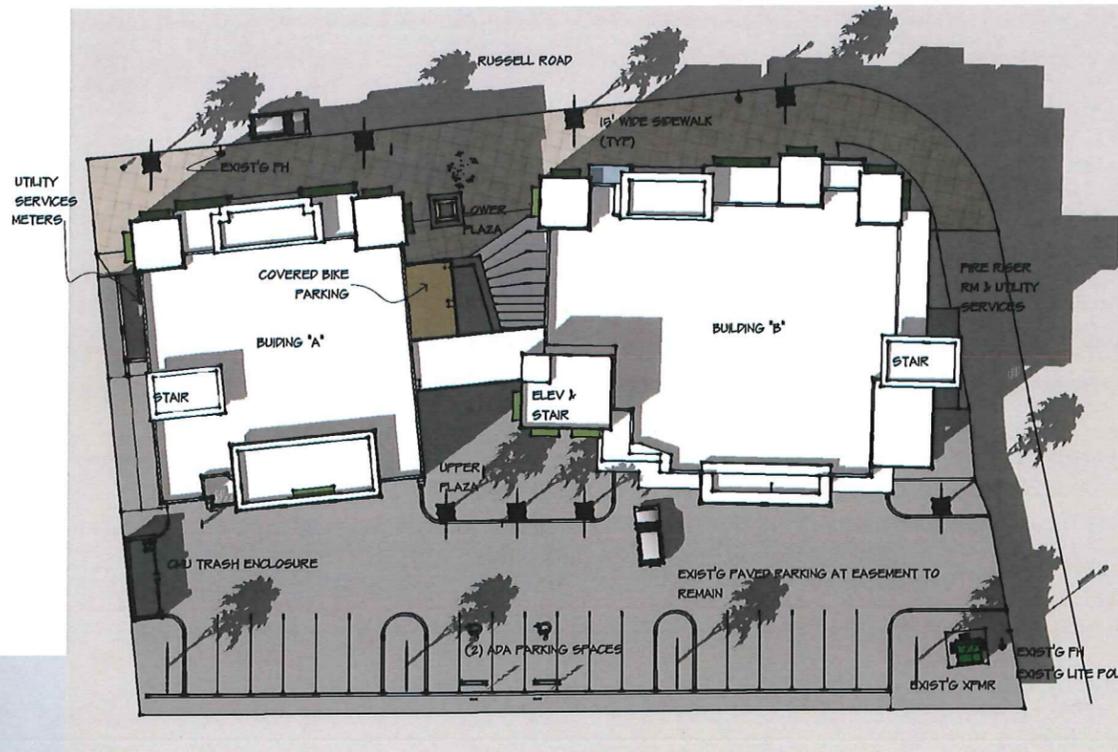
1 STREET VIEW FROM RUSSELL LOOKING SE (BLDG "A" RIGHT)  
A4 SCALE: NONE



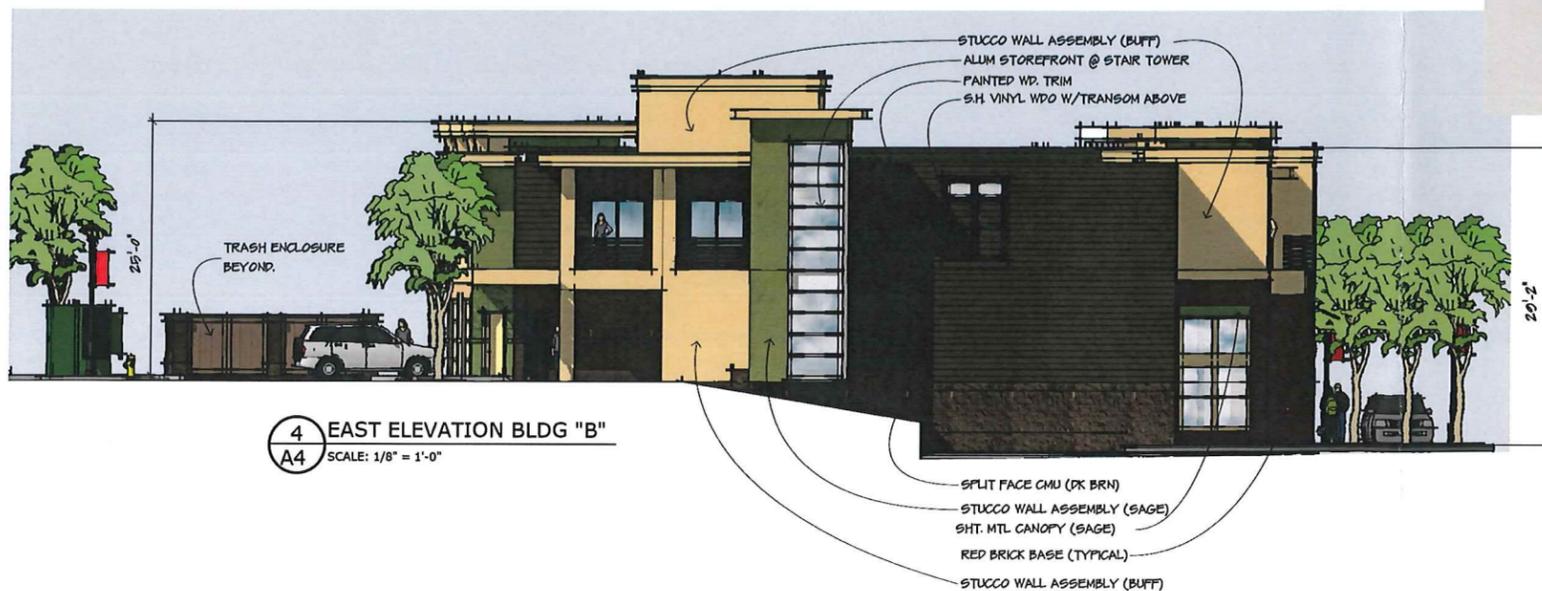
2 BIRDS EYE LOOKING NW (BLDG "B" RIGHT)  
A4 SCALE: NONE



3 STREET VIEW FROM RUSSELL LOOKING SOUTH (BLDG "A" RIGHT)  
A4 SCALE: NONE



5 SITE PLAN  
A5 SCALE: 1" = 20'-0"



4 EAST ELEVATION BLDG "B"  
A4 SCALE: 1/8" = 1'-0"

STUCCO WALL ASSEMBLY (BUFF)  
ALUM STOREFRONT @ STAIR TOWER  
PAINTED WD. TRIM  
SH. VINYL WDO W/TRANSOM ABOVE

SPLIT FACE CMU (DK BRN)  
STUCCO WALL ASSEMBLY (SAGE)  
SHT. MTL CANOPY (SAGE)  
RED BRICK BASE (TYPICAL)  
STUCCO WALL ASSEMBLY (BUFF)

**GARY R. CAPERNA ARCHITECT**  
ARCHITECTURE PLANNING  
2908 Hillcrest Rd., Medford, Oregon 97501  
541.840.4123  
Email: garycaperna@charter.net  
Oregon Architect License 5247  
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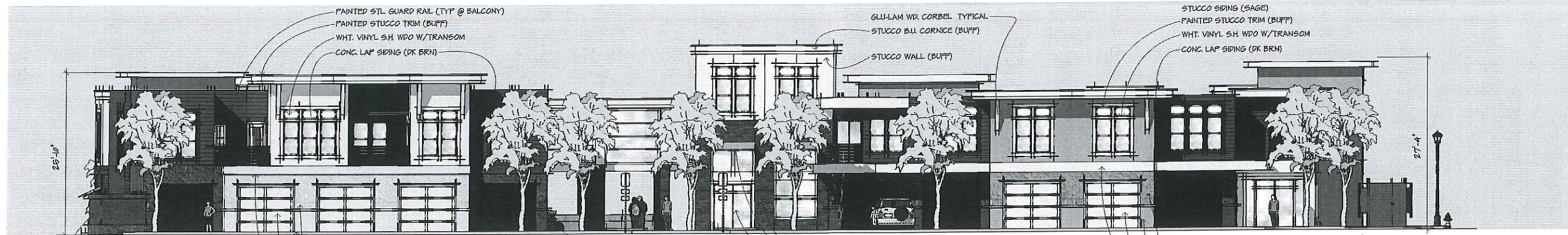
PROJECT: **FALCON VI**  
PROJECT LOCATION: 474 Russell Road, Ashland, Oregon 97520  
Map & Tax lot Reference: 391E-09AA - Lot 2805  
CLIENT: Laz Ayala  
132 W Main Street, Medford Oregon 97501

ISSUE	DATE	DESCRIPTION
ISSUE	October 12, 2015	
PROJECT NO.	-	
DRAWN BY:	GRC	
CHECKED BY:	-	

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SHEET TITLE: \_\_\_\_\_  
PAGE 6

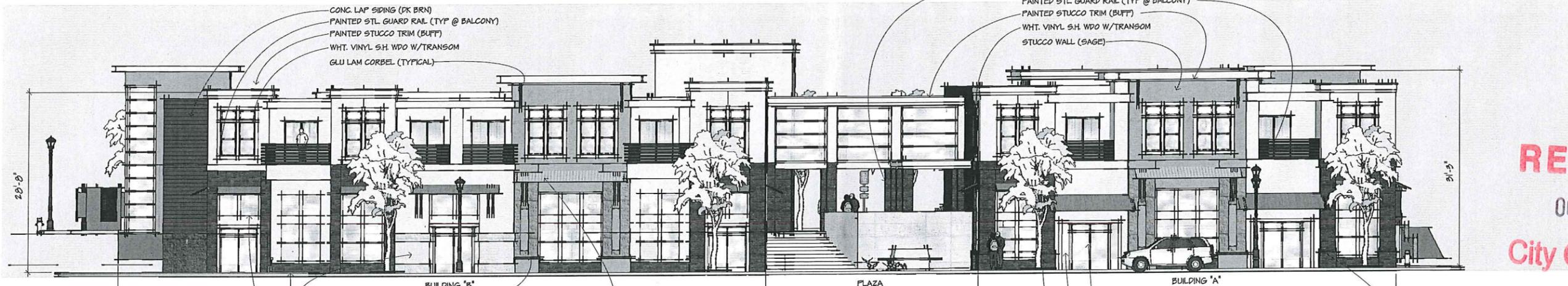
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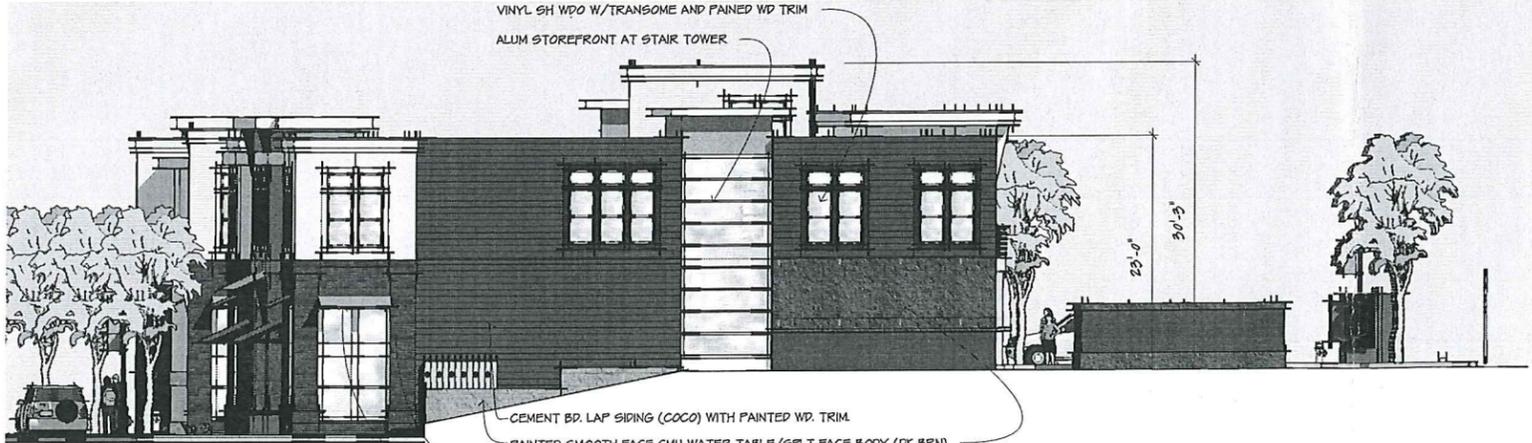
BUILDING "A" BUILDING "B"  
 CMU TRASH ENCLOSURE (DNK BRN SMOOTH AND SPLIT FACE)  
 PAINTED SPLIT FACE CMU ABOVE WATER TABLE (SAGE OR COCO)  
 PAINTED SMOOTH FACE CMU WATER TABLE (SAGE OR COCO AS SHOWN)  
 PAINTED SECTIONAL OH GARAGE DR (BUFF OR COCO AS SHOWN)  
 STUCCO BAND (BUFF)  
 PLAZA  
 RED BRICK ACCENT AT ENTRY  
 SHT. MTL CANOPY (SAGE) TYPICAL  
 ALUM STOREFRONT ENTRY DOOR ASSEMBLY  
 BUILDING "B"  
 PAINTED SPLIT FACE CMU ABOVE WATER TABLE (SAGE OR COCO)  
 PAINTED SMOOTH FACE CMU WATER TABLE (SAGE OR COCO AS SHOWN)  
 PAINTED SECTIONAL OH GARAGE DR (BUFF OR COCO AS SHOWN)  
 STUCCO CANOPY (BUFF)

1 SOUTH ELEVATION (BLDG "A" LEFT, BLDG "B" RIGHT)  
 A3 SCALE: 1/8" = 1'-0"



BUILDING "B" BUILDING "A"  
 PAINTED SPLIT FACE CMU ABOVE SMOOTH CMU WATER TABLE (SAGE OR BUFF)  
 RED BRICK BASE TYPICAL AS SHOWN  
 GALV. STEEL CANOPY WITH POWDER COATED STEEL CORBEL (GRN)  
 STUCCO BAND (BUFF)  
 PLAZA  
 ALUM STOREFRONT ENTRY DOORS (TYPICAL)  
 PAINTED SMOOTH FACE CMU WATER TABLE & SPLIT FACE BODY (SAGE)  
 PAINTED SECTIONAL OH GARAGE DR (BUFF OR COCO AS SHOWN)  
 RED BRICK ACCENTS

2 NORTH ELEVATION (BLDG "B" LEFT, BLDG "A" RIGHT)  
 A3 SCALE: 1/8" = 1'-0"



CEMENT BR. LAP SIDING (COCO) WITH PAINTED WD. TRIM  
 PAINTED SMOOTH FACE CMU WATER TABLE/SPLIT FACE BODY (DK BRN)  
 RED BRICK BASE (TYPICAL AS SHOWN)  
 SHT. MTL CANOPY (SAGE)

3 WEST ELEVATION (BLDG "A")  
 A3 SCALE: 1/8" = 1'-0"



4 PERSPECTIVE LOOKING SE (BLDG "B" BACK)  
 A3 SCALE: NONE

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**GARY R. CAPERNA ARCHITECT**  
 ARCHITECTURE PLANNING  
 2908 Hillcrest Rd.  
 Medford, Oregon 97501  
 541.840.4123  
 Email: garycaperna@charter.net  
 Oregon Architect License 5247  
 Member American Institute Of Architects

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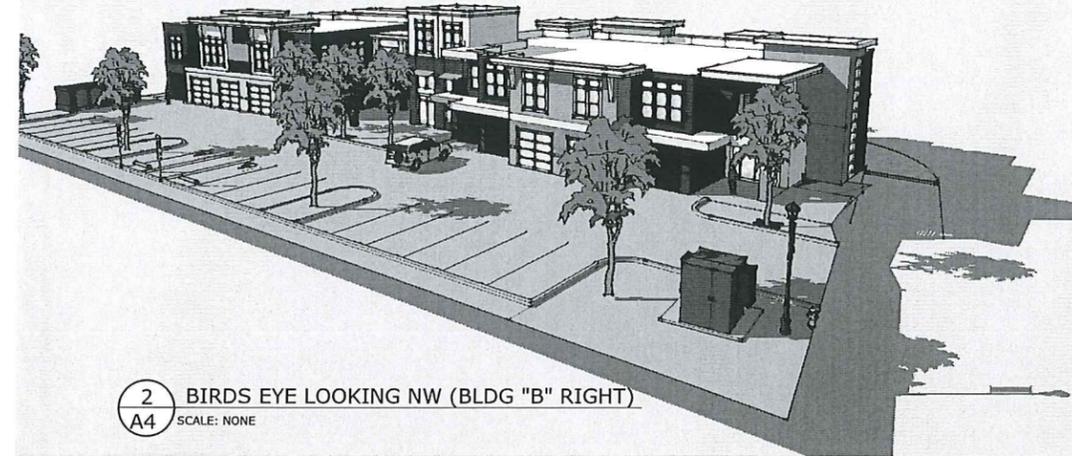
**PROJECT: FALCON VI**  
**PROJECT LOCATION:** 474 Russell Road, Ashland, Oregon 97520  
 Map & Tax lot Reference: 391E-09AA - Lot 2805  
**CLIENT:** L&L  
 132 W Main Street  
 Medford Oregon 97501

MARK	DATE	DESCRIPTION
ISSUE	October 12, 2015	
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SHEET TITLE:	A3.0 EXTERIOR ELEVATIONS	

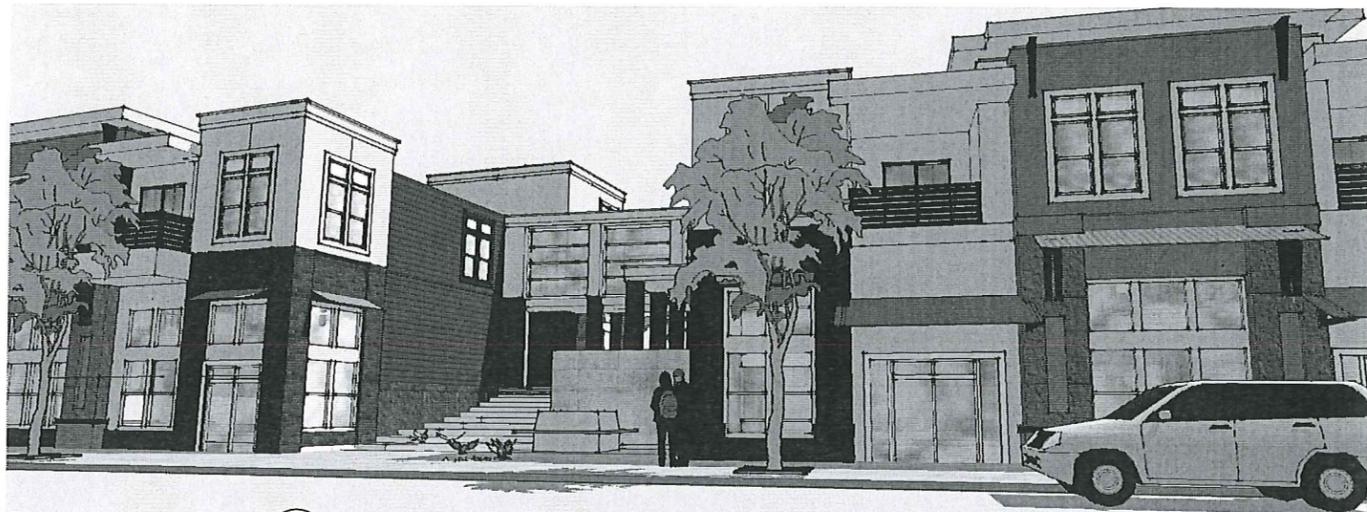
**A.3**



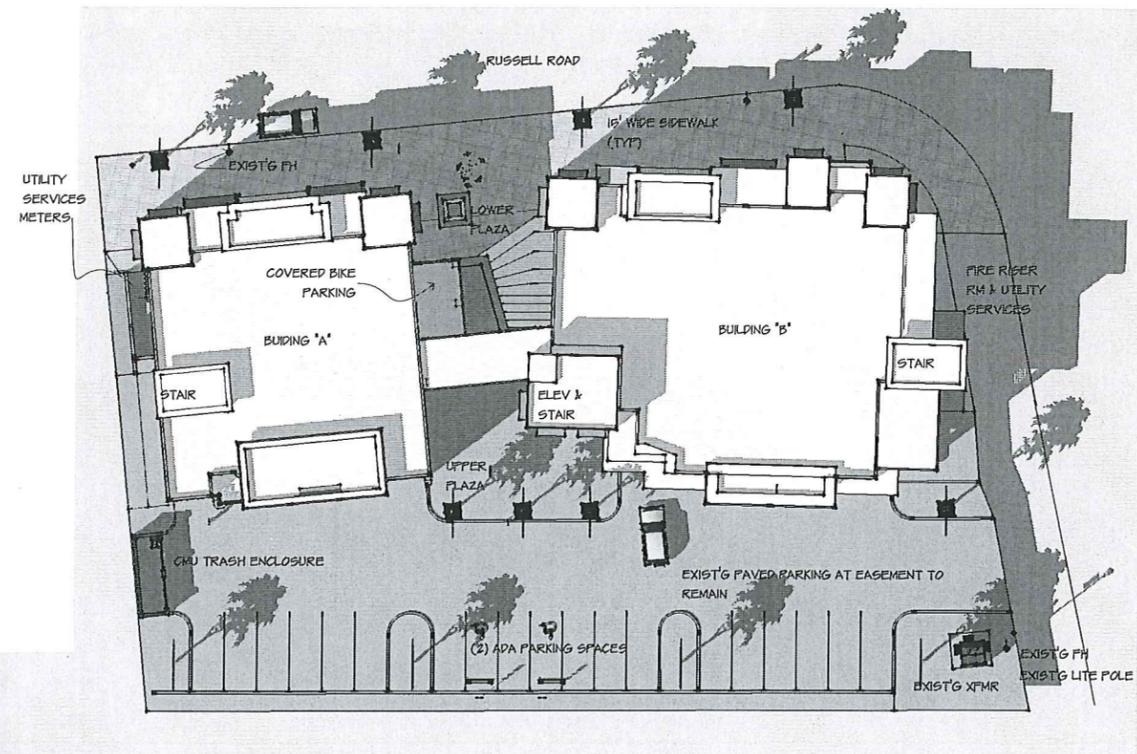
1 STREET VIEW FROM RUSSELL LOOKING SE (BLDG "A" RIGHT)  
A4 SCALE: NONE



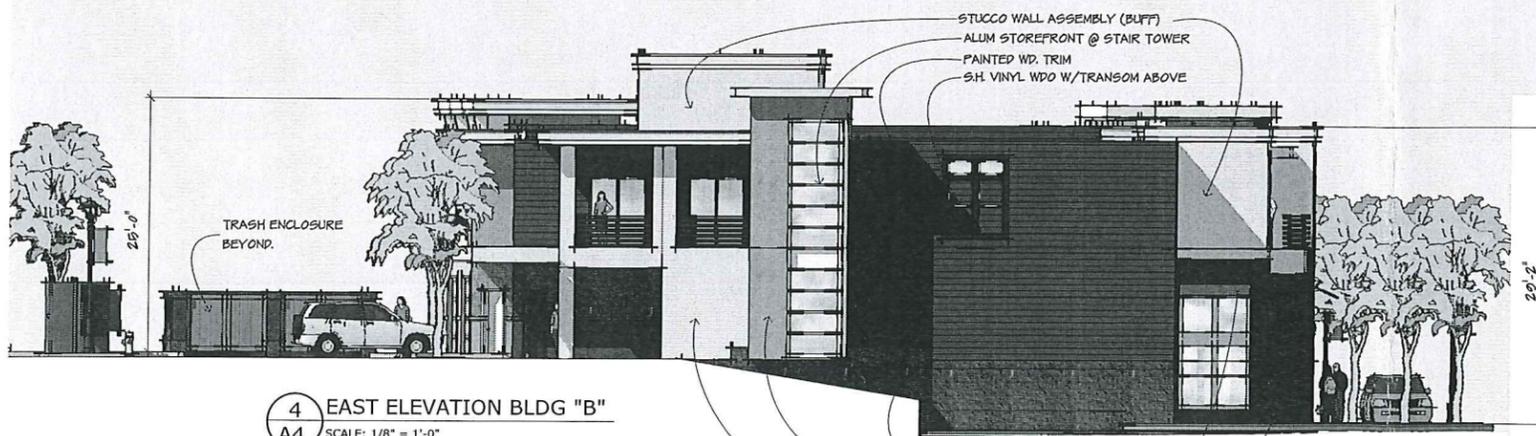
2 BIRDS EYE LOOKING NW (BLDG "B" RIGHT)  
A4 SCALE: NONE



3 STREET VIEW FROM RUSSELL LOOKING SOUTH (BLDG "A" RIGHT)  
A4 SCALE: NONE



5 SITE PLAN  
A5 SCALE: 1" = 20'-0"



4 EAST ELEVATION BLDG "B"  
A4 SCALE: 1/8" = 1'-0"

STUCCO WALL ASSEMBLY (BUFF)  
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**GARY R. CAPERNA ARCHITECT**  
ARCHITECTURE PLANNING  
2908 Hillcrest Rd.  
Medford, Oregon 97501  
541.840.4123  
Email: garycaperna@charter.net  
Oregon Architect License 5247  
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PROJECT: **FALCON VI**  
PROJECT LOCATION: 474 Russell Road, Ashland, Oregon 97520  
Map & Tax Lot Reference: 381E-09AA - Lot 2805  
CLIENT: Laz Avila  
132 W Main Street, Medford Oregon 97501

MARK	DATE	DESCRIPTION

ISSUE: October 12, 2015  
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Revision Date:

Drawn By:

FALCON VI  
 474 RUSSELL STREET  
 ASHLAND, OREGON

September 18, 2015

L-1.1

PLANT LEGEND				
CATEGORY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES	ACEB	ACER 'BON FIRE'	BON FIRE MAPLE	2" CAL
	ACER	ACER R. 'SCARSEN'	SCARLET SENTINAL MAPLE	2" CAL
	FRAA	FRAXINUS 'AUTUMN PURPLE'	AUTUMN PURPLE ASH	2" CAL
	PINO	PINUS 'OREGON GREEN'	OREGON GREEN AUSTRIAN PINE	10' TALL
	PYRC	PYRUS 'CHANTICLEER'	CHANTICLEER FLOWERING PEAR	2" CAL
	ZELC	ZELKOVA 'CITY SPRITE'	ZELKOVA CITY SPRITE	2" CAL
SHRUBS, PERENNIALS AND GRASSES	ARCS	ARCTOSTYPHYLOS 'SUNSET'	SUNSET MANZANITA	5 GAL
	ASAS	ASARUM SPLENDENS	WILD GINGER	1 GAL
	CISS	CISTUS 'SUNSET'	SUNSET ROCKROSE	5 GAL
	HELH	HELIANTHEMUM 'HENFIELD BRILLIANT'	HENFIELD BRILLIANT SUNROSE	1 GAL
	PANN	PANICUM 'NORTHWIND'	NORTHWIND SWITCHGRASS	1 GAL
	SESA	SESLARIA AUTUMNALIS	AUTUMN MOOR GRASS	1 GAL
MIXES/ GROUND COVER	MIX 1 	ERIGERON K. 'PROFUSION'	SANTA BARBARA DAISY	1 GAL
		NEPETA 'PURRSIAN BLUE'	PURRSIAN BLUE CAT MINT	1 GAL
		STACHYS 'SILVER CARPET'	SILVER CARPET LAMB'S EAR	1 GAL

**1 TREE PLANTING DETAIL**  
 SECURING TIES USE RUBBER HOSE AT BARK  
 1X4 BRACING  
 2" WOOD STAKES (3)  
 SET ROOT CROWN 2" ABOVE FINISH GRADE  
 MULCH: 2" MIN. KEEPING MULCH 1" AWAY FROM TRUNK  
 SOIL SAUCER: USE PREPARED SOIL MIX 4"  
 ROPES AT TOP OF BALL SHALL BE CUT. REMOVE TOP 1/2 OF BURLAP. NON-BIO-DEGRADABLE MATERIAL SHALL BE TOTALLY REMOVED.  
 BACKFILL WITH PREPARED MIX OF 25% IMPORTED COMPOST AND TOPSOIL AND 75% NATIVE SOIL  
 UNDISTURBED NATIVE SOIL  
 2 X BALL DIA. MIN.  
 NOTES:  
 1. STAKE TREES ONLY IF NEEDED AND REMOVE AFTER 2 YEARS MAXIMUM  
 2. INSTALL SUNSCALD WRAP ON TREES PLACED IN DIRECT SUN

**NOTES**

1. PLACE 12" COMPOST/TOPSOIL BLEND IN ALL TREE AND SHRUB PLANTING AREAS PROPOSED AND EXISTING. PLACE 24" IN ALL RAISED PLANTERS AND IN STREET TREE PLANTING AREAS BELOW PROPOSED TREE GRATES. TOPSOIL PLUS BLEND AVAILABLE FROM HILTON LANDSCAPE SUPPLY.
2. PRIOR TO SOIL INSTALLATION, REMOVE ALL DEBRIS AND ROCKS OVER 2" IN SIZE. TILL COMPACTED SUBGRADE TO A DEPTH OF 6".
3. PLANT ALL TREES AND SHRUBS PER DETAIL 1 & 2; LA SHALL APPROVE ALL PLANT LAYOUT PRIOR TO INSTALLATION.
4. MULCH PLANTING AREAS AFTER INSTALLATION OF PLANT MATERIAL WITH 3" OF DARK MULTIBARK, OR EQUAL.
5. APPLY DEER SPRAY TO ALL NEW PLANTS PRIOR TO AND FOLLOWING INSTALLATION.
6. AUTOMATED IRRIGATION SHALL BE INSTALLED IN ALL (P) PLANTING AREAS.

**2 SHRUB PLANTING DETAIL**  
 SHRUBS SHALL BE SLIGHTLY HIGHER IN RELATION TO FINISHED GRADE  
 MULCH 3" MIN  
 PRUNE DAMAGED OR DESICCATED ROOTS  
 GENTLY COMPACTED SOIL MIX  
 SCARIFY PIT BOTTOM 150mm (6") MIN.  
 2.5 X DIAMETER OF ROOT BALL

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PLANTING LEGEND