

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
APRIL 11, 2017
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. February 28, 2017 Special Meeting.
 2. March 14, 2017 Regular Meeting.

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Adoption of Findings for PA-2017-00016, 474 Russell Street.**

- VII. **TYPE II PUBLIC HEARINGS**
 - A. **PLANNING ACTION: PA-2017-00200**
 - SUBJECT PROPERTY: 165 Water Street (*corner of Van Ness & Water Streets*)**
 - OWNER/APPLICANT: Magnolia Investment Group, LLC/Gil Livni**
 - DESCRIPTION: A request for Site Design Review approval to construct a 42,841 square foot, three-story, mixed-use building consisting of commercial tenant space on the ground floor, 26 hotel units on the second floor, and ten residential condominiums on the third floor for the vacant property located at 165 Water Street, at the corner of Van Ness and Water Streets, in the Skidmore Academy Historic District. The application includes requests for a Conditional Use Permit to allow hotel/motel use; an Exception to Street Standards; a Physical & Environmental Constraints Review Permit for the development of floodplain and severe constraints lands; and a Tree Removal Permit to remove seven trees. **COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP: 39 1E 04CC; TAX LOT #: 2000.****

- VIII. **ADJOURNMENT**

**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).

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
FEBRUARY 28, 2017

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
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
April Lucas, Administrative Supervisor

Absent Members:

Roger Pearce

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS/AD HOC COMMITTEE UPDATES

Community Development Director Bill Molnar announced the Planning Commission's decision on the Rogue Credit Union application has been appealed to the City Council. He also provided a brief update on the Housing Element update and stated staff was in need of volunteers to host tables at the March 8, 2017 forum.

Commissioner Mindlin announced the wildfire working group is continuing to meet and they are working with consultants who are providing technical assistance.

PUBLIC FORUM

Huelz Gutcheon/2253 Highway 99/Commented on new technology available in heat pumps that allow them to run on solar power.

TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: PA-2016-02103

SUBJECT PROPERTY: 133 Alida Street

OWNER/APPLICANT: Mike and Karen Mallory, trustees for the Mallory Revocable Trust

DESCRIPTION: The Planning Commission will consider an appeal of the Staff Advisor's approval of a Site Design Review permit to construct a 417 square foot Accessory Residential Unit for the property located at 133 Alida Street. The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. (The appeal request focuses on the determination of Alida Street as the front lot line, the effect this determination had upon required setbacks, and the resultant impact to the neighboring property at 145 Alida Street.) **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09DA; **TAX LOT #:** 3300.

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

Ex Parte Contact

No ex parte contact was reported. Commissioner Miller noted she was not present at the last meeting but has reviewed the record, watched the video, and is able to participate.

Questions of Staff

Staff was asked to comment on the appellant's claim that there was a procedural error made by staff and a variance was needed to change the setbacks. Mr. Molnar noted this was addressed in the staff report. He explained staff made a determination about the front yard based on the definition listed in the code, which states it shall be the narrower frontage unless there are topographical or access issues. He stated this is a discretionary decision and this provision has been in the code for a very long time. Mr. Molnar explained access does not always apply to vehicular and topographical but also applies to the arrangement of natural and man-made structures. He added that staff disagrees with the claim that this determination required a variance.

Staff was asked how common it is to accept these legal, nonconforming features (such as the front lot line) when construction predates the regulations. Mr. Molnar stated it is very common in a town of this age to have nonconformities. He added a determination on corner lots does not come up very often and there is no established precedent.

Staff was asked if the front lot line determination defaults to the address. Mr. Molnar stated the determination is based on the definition which states the narrower of the two frontages unless there are access or topographical issues.

Deliberations and Decision

Commissioner Thompson stated she reviewed the code carefully and believes the appellant's made some good arguments, however the lot is nonconforming in several ways. She stated if Blaine Street is the front than the whole property is oriented wrong, but if Alida is the front than the lot is not deep enough under the existing rules. For purposes of defining the setbacks she recommended they determine the frame of reference. Thompson remarked that it does not make sense for a house that is clearly oriented to the long frontage to all of a sudden apply rules as if it were oriented another way than it is. She gave her opinion that it makes the most sense to state this is historical nonconformity where the front lot line is the longer frontage (that is how the access and topography are structured) and to deal with this as the status quo.

Commission Brown commented that the property next door is also nonconforming and was built too close to the property line. He stated these were built at a different time with a different set of rules, but had the neighboring property met the setbacks this application would not be in question.

Commissioner Norton commented on how rear and side yards are used and stated this application works best as it is proposed. He stated this functions better as a sideyard which will not have as much active use that would impact the adjacent lot.

Commissioners Thompson/Dawkins m/s to approve PA-2016-02103 and deny the appeal. DISCUSSION:

Commissioner Dawkins stated he sympathizes with appellant but stated there are a lot of nonconforming buildings around town and those were built under different regulations than what the code says now. Commissioner Miller voiced her concern over these types of neighborhood disputes. Commission Mindlin commented that she does not believe staff made any errors, that side yard to side yard makes more sense, and making it a backyard could make it even more impactful to the neighbor. **Roll Call Vote: Commissioners Brown, Dawkins, Miller, Norton, Thompson, and Mindlin, YES. Motion passed 6-0.**

DISCUSSION ITEMS

A. Cottage Housing Standards

Senior Planner Brandon Goldman stated a number of the changes have been made to the draft ordinance since it was last reviewed by the commission. He explained a draft was presented to the Housing & Human Services Commission and they had the following issues, some of which have already been remedied: 1) they were concerned about a mechanism to ensure affordability, 2) they were concerned over design restrictions, building setbacks, and the difficulty in locating buildings, parking, and landscaping which could impede development, and 3) they were concerned about the recommendation to reduce the maximum number of units of a cottage development from 16 to 12.

Mr. Goldman presented an overview of the changes to the draft ordinance, which include:

- A minimum of 3 cottage housing units and a maximum of 12.
- A floor area ratio of .35 with exemptions for common buildings.
- The height has been amended to set a maximum of 18' with a ridgeline no greater than 25', and the 1 ½ story limitation has been removed.
- Lot coverage remains consistent with the underlying zone; 50% for R-1-5 zone and 45% for R-1-7.5. However the draft includes a greater allowance for lot coverage of pervious materials.
- Setbacks have been reduced to 6 ft. between buildings, with the exception that setbacks along the perimeter of the development will meet the requirements of the zone.
- Cottage developments would be exempt from the solar ordinance in cases where the shadows cast from buildings within the development are entirely within the parent parcel.
- The 20% open space requirement is retained but allows for the open space to be divided into multiple common open spaces provided they are interconnected and accessible to all residents of the development.
- Cottage design considerations have been stricken from the draft ordinance with exception to the street orientation and pedestrian connections to the neighborhood.
- The parking requirements have been modified to use the existing multi-family parking standards.
- The draft now clearly states that porches, patios, gardens, and private yards all count as private outdoor space.

Public Input

Mark Knox/Stated staff has done a really good job with the ordinance and it is exciting to see this. Mr. Knox voiced his appreciation for the commission recognizing issues in the community regarding affordable housing, but also being respectful of single family neighborhoods, market issues, developer concerns, and the livability for the end user. He recommended language for an exception process be added and to not make it a variance. He stated garage space is a livability issue for many people and they should allow single car garages. He added the houses would need to stay small and the garage should count towards their overall floor area ratio. Regarding solar, Mr. Knox recommended the ordinance require developers to identify solar reserve areas. He commented on open space and suggested wetland could towards this requirement. He added developments should embrace the wetland feature and make it part of the project instead of turning their backs to the wetland space.

Carlos Delgado/Voiced his appreciation for the level of work going into this ordinance. Mr. Delgado stated there is not a lot of vacant lot inventory in Ashland and supports incorporating these developments on lots with existing structures. He agreed with the change to remove the 1 ½ story height limitation and agreed with Mr. Knox about wetlands and open space. He voiced support for a minimum of 3 units but voiced caution about allowing large garages. He stated these would likely be used as storage and could create a policing issue for the City, and suggested carports be used instead.

Commission Discussion

The commission held discussion on the individual components of the draft ordinance, shared their opinions, and received clarification on their questions from staff. In summary:

- 1) The commission agreed the size of cottage developments should be 3-12 units.
- 2) The commission agreed with removing the 1 ½ story language and setting a maximum height of 18 ft. with a 25 ft. ridgeline.
- 3) Support was voiced for a 6 ft. minimum setback between cottages instead of 10 ft.
- 4) Support was voiced for retaining the 20% requirement for open space and keeping the minimum dimension at 20 ft., but allowing for multiple spaces if there is good justification.
- 5) The commission agreed with using the multi-family parking standards for cottage housing developments.
- 6) No concerns were raised regarding the language proposed for private outdoor areas.
- 7) Consensus was reached to have an 8 ft. dimensional requirement for private outdoor areas.
- 8) Consensus was reached to allow carports and one car garages, but garages would count towards the FAR.

Mr. Goldman noted the next step in this process will be contracting with a professional to create sample site plans and show how developments could be arranged to meet the requirements. Recommendation was made that the contractor use real properties in Ashland, but to not identify the location.

ADJOURNMENT

Meeting adjourned at 9:15 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
MARCH 14, 2017

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:

Bill Molnar, Community Development Director
Derek Severson, Senior Planner
April Lucas, Administrative Supervisor

Absent Members:

None

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS/AD HOC COMMITTEE UPDATES

Community Development Director Bill Molnar announced the Rogue Credit Union appeal will be heard at the March 21, 2017 City Council meeting, he thanked Commissioners Thompson, Brown, and Norton for volunteering to be facilitators at the Housing Forum, and briefed the group on the recent Community Development Department Stakeholders meeting.

CONSENT AGENDA

- A. Approval of Minutes.
1. February 14, 2017 Regular Meeting.

Commissioners Thompson/Brown m/s to approve the Consent Agenda. Voice Vote: all AYES. [Commissioner Miller abstained] Motion passed 6-0.

PUBLIC FORUM

No one came forward to speak.

UNFINISHED BUSINESS

- A. Adoption of Findings for PA-2016-02103, 133 Alida Street.

Commissioners Miller/Norton m/s to approve the Findings for PA-2016-02103, 133 Alida. Voice Vote: all AYES. [Commissioner Pearce abstained] Motion passed 6-0.

TYPE II PUBLIC HEARINGS

- A. PLANNING ACTION: PA-2017-00016
SUBJECT PROPERTY: 474 Russell Street
OWNER/APPLICANT: Laz Ayala/Meadowbrook Builders LLC
DESCRIPTION: A request for Conditional Use Permit approval to allow the four second-story residential units in "Building A" at 474 Russell Street to be used for short-term corporate rental housing. This is considered a hotel/motel use because the rental period may be for less than 30 days at a time. The

proposal is to accommodate new employees hired by local or regional businesses during their relocation period and would also house traveling professionals who work locally on a short-term contract basis. (*The two buildings on the property previously received Site Design Review approval as Planning Action #2015-01284, and are under construction now. There are a total of ten second floor residential units between the two buildings, and the six units in Building B are to remain standard residential units.*)

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

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

Ex Parte Contact

Commissioners Thompson and Miller declared site visits; no ex parte contact was reported.

Staff Report

Senior Planner Derek Severson reviewed the project area and explained the application is for a conditional use permit to allow four of the second story units in Building A to be used as short term corporate rental housing. Mr. Severson explained in the E-1 zone this is considered a hotel/motel use, however this would not be a traditional hotel. He noted the two buildings are currently under construction and a total of 10 second floor units will be built between the two buildings. Mr. Severson noted Russell Drive and the Mountain Creek corridor act as a buffer between the buildings and the residential neighborhood and stated the main consideration in this action is whether the proposal will have no greater adverse impact on the livability of the impact area when compared to the target use of the zone, which in this case is a 14,000 sq.ft. office building. Mr. Severson listed the issues raised during the comment period which included generation of traffic, impact to neighborhood character, and impacts on housing and affordable housing; and listed the applicant's argument in favor which stated the proposal is limited to 4 of the 10 units, the proposal would generate fewer trips than the E-1 target use, and the nature of tenants is much different than that of a hotel/motel with an average stay being 1-6 months. Mr. Severson concluded his presentation and stated staff is recommending approval with the proposed conditions, which includes a requirement for a contact person to be listed in case concerns arise from the neighbors.

Questions of Staff

Mr. Severson clarified in the E-1 zone the ground floor has to be at least 65% non-residential and there are no restrictions on the upper floors.

Staff was asked whether the ownership of these units could be sold to another party who would run it as a traditional hotel/motel. Mr. Severson stated the Commission has the ability to add a condition that would require the new owners to come back and re-apply and agree to the same conditions. He added with commercial conditional use permits the city has typically not required this.

Applicant's Presentation

Mark Knox/604 Fair Oaks Ct/Mr. Knox stated the staff report clearly lays out what they are proposing. He commented that this proposal is not a hotel, motel, or travel accommodation and does not cater to tourists. He stated corporate housing does not compete with hotel accommodations or standard residential rentals, as this type of renter typically stays for several weeks or months, and are generally individual tenants. Mr. Knox stated corporate housing has less impacts than a hotel/motel in that there are significantly less trips generated and there is a lower parking requirement. He acknowledged the neighborhood concerns but stated the railroad property, which is 20 acres in size, will generate a significant amount of trips when built out, and while they live in a residential zone it is next to one of the most important employment zones in the city.

Laz Ayala/604 Fair Oaks Ct/Mr. Ayala acknowledged the neighbors' concerns but stated it is important to understand what this is, and what it is not. He commented on the lifestyle of a typical renter and stated the impact of the occupants will be significantly less than a traditional rental or a hotel/motel unit. Mr. Ayala noted the need for this type of accommodation in our community and stated this industry plays an important part in economic development. He stated he has been in this industry for 12 years and has 12 units in Medford and Jacksonville. He added most renters are in the

medical field and generally stay between 3-6 months although they have had some stays as long as a year. Mr. Ayala stated a hotel room does not meet their needs and it is extremely difficult to rent an unfurnished unit for less than a year, much less a furnished rental. He stated this application meets the criteria and the impacts are less than the target use of the zone or a conventional rental unit. He added corporate housing is permitted without a CUP, but they would like the ability to assist people if they are needing to stay for less than 30 days.

Mr. Knox stated they have no issue with the conditions of approval recommended by staff and clarified they are not proposing any signage. Mr. Ayala added what they have done on his other units is a discreet decal on the window or door, but no signs.

Commissioner Questions

The applicants were asked whether they would be open to a 2-week minimum stay. Mr. Ayala stated this would defeat the intent of the application and the flexibility they are looking for. He added if they violate the intent of this approval the city has the ability to void that approval.

Staff was asked how the collection of transient occupancy taxes would work. Mr. Severson clarified transient occupancy taxes do not apply to stays longer than 30 days and this is something that will be worked out with the city's Finance Department when the applicant registers their business.

Public Testimony

Dave Helmich/468 Williamson/Urged the Planning Commission to reject this proposal. He stated this development is directly behind his back fence, and noted people cut through on their narrow residential street all the time and it's hard to imagine this won't continue. Mr. Helmich stated this proposal will take the housing units that were already approved off the market and this goes against city policy. He stated this is essentially an Air BNB permit and is surprised the notice for the application was not sent to the entire city. Mr. Helmich stated these units are not consistent with the neighborhood and they want more community, not less.

Applicant's Rebuttal

Mr. Knox stated if for any reason one of the units changes ownership they will come back and modify the application. He added their intention was never to build for-sale units, and noted they are not required to provide any housing units at all in this location.

Questions of Staff

Staff was asked whether a condition should be added to address signage. Mr. Severson explained the application states no signage and the approval would need to be modified to change that. Mr. Molnar added the City has fairly stringent regulations on what types of signage would be allowed and they would need to comply with those regulations.

Comment was made expressing concern about a change in ownership and these units being operated as a hotel/motel. Mr. Molnar clarified that while the applicants are proposing corporate housing, hotel/motel is an allowable use in the employment zone.

Staff clarified if any of the units are sold, they will need to come back to the City for approval.

Deliberations and Decision

Commissioners Dawkins/Pearce m/s to approve PA-2017-00016. DISCUSSION: Dawkins commented that this is an interesting application and use and can see its benefits. He stated he is concerned about whether this will turn into a hotel/motel, but in the end it does not matter since the code allows that use in this zone. Pearce acknowledged the neighbor's concerns but stated this is an E-1 employment zone and they have to compare the proposal to an office use, not a residential use. He added the application meets the criteria for a CUP. Brown voiced his support for the motion and stated the application meets the criteria. He acknowledged the need for long term rental housing, but stated there is also a need for employment and other housing types. Commissioner Miller voiced concern with the applicants getting

approved for housing units and then changing course and removing four units from the rental stock that are so badly needed. Thompson stated the residential neighborhood is next to an E-1 zone and the developer's choice to develop mixed use and corporate housing is more beneficial to the neighborhood than what they could have done. She added there is no guarantee that this E-1 zone will continue to develop in this quasi-residential way and stated under the code they are required to grant approval. Norton commented that the city is dealing with a housing shortage and stated he is struggling to support this request. Mindlin voiced support for the motion. She stated the application meets the criteria and they were not required to building housing at all. **Roll Call Vote: Commissioners Dawkins, Thompson, Brown, Pearce, Norton, and Mindlin, YES. Commissioner Miller, NO. Motion passed 6-1.**

ADJOURNMENT

Meeting adjourned at 8:05 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

FINDINGS

PA-2017-00016
474 Russell Street

BEFORE THE PLANNING COMMISSION
April 11, 2017

IN THE MATTER OF PLANNING ACTION #2017-00016, A REQUEST FOR)
CONDITIONAL USE PERMIT APPROVAL TO ALLOW THE FOUR SECOND-)
STORY RESIDENTIAL UNITS IN 'BUILDING A' AT 474 RUSSELL STREET TO)
BE USED FOR SHORT-TERM CORPORATE RENTAL HOUSING. THIS IS CON-)
SIDERED HOTEL/MOTEL USE BECAUSE THE RENTAL PERIOD MAY BE FOR)
LESS THAN 30 DAYS AT A TIME. THE PROPOSAL IS TO ACCOMMODATE)
NEW EMPLOYEES HIRED BY LOCAL OR REGIONAL BUSINESSES DURING)
THEIR RELOCATION PERIOD AND WOULD ALSO HOUSE TRAVELING PRO-)
FESSIONALS WHO WORK LOCALLY ON A SHORT-TERM CONTRACT BASIS.)
THE TWO BUILDINGS ON THE PROPERTY PREVIOUSLY RECEIVED SITE)
DESIGN REVIEW APPROVAL AS PLANNING ACTION #2015-01284, AND ARE)
UNDER CONSTRUCTION NOW. THERE ARE A TOTAL OF TEN SECOND)
FLOOR RESIDENTIAL UNITS BETWEEN THE TWO BUILDINGS, AND THE SIX)
UNITS IN 'BUILDING B' WOULD REMAIN AS STANDARD RESIDENTIAL)
UNITS.)

**FINDINGS,
CONCLUSIONS,
AND ORDERS**

OWNER/APPLICANT: Ayala Properties, LLC/Meadowbrook Builders, LLC)

RECITALS:

- 1) Tax lot #2805 of Map 39 1E 09 AA is located at 474 Russell Street and is zoned E-1, Employment.
- 2) The applicants are requesting Conditional Use Permit approval to allow the four second-story residential units in "Building A" at 474 Russell Street to be used for short-term corporate rental housing. This is considered a hotel/motel use because the rental period may be for less than 30 days at a time. The proposal is to accommodate new employees hired by local or regional businesses during their relocation period and would also house traveling professionals who work locally on a short-term contract basis. The two buildings on the property previously received Site Design Review approval as Planning Action #2015-01284, and are under construction now. There are a total of ten second floor residential units between the two buildings, and the six units in Building B would remain as standard residential units. The proposal is outlined on plans on file at the Department of Community Development.
- 3) The criteria for Conditional Use Permit approval are described in **AMC 18.5.4.050** as follows:
 1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
 2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.

3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
 - a. *WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - b. *R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - c. *R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - d. *C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - e. *C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.*
 - f. *E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - g. *M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.*
 - h. *CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.*
 - i. *CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.*
 - k. *CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
 - l. *HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*

4) The Planning Commission, following proper public notice, held a public hearing on March 14, 2017 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for Conditional Use Permit approval meets all applicable criteria for Conditional Use Permit approval described in Chapter 18.5.4.050.

2.3 The Planning Commission finds that the application is a request to allow the four second-story residential units in "Building A" at 474 Russell Street to be used for short-term corporate rental housing to accommodate new employees hired by local or regional businesses during their relocation period and would also house traveling professionals who work locally on a short-term contract basis. Because the rental period could be for less than 30 days at a time, this is considered a hotel/motel use by definition, although the application emphasizes that the average rental period for corporate rental housing is approximately 83 days. Hotel/motel use in the E-1 zoning district requires a Conditional Use Permit.

The first approval criterion for a Conditional Use Permit 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 application asserts that the proposal is in conformance with all standards of the E-1 zoning district and with the relevant Comprehensive Plan policies that are not implemented by any city, state or federal laws or programs.

The second approval 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.”* In the recent Site Design Review approval request to construct the two buildings, it was determined that the existing public facilities, including utilities and transportation facilities, were in place and available to serve the project, and were 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, frontage improvements are to be completed, and services to the property are to be extended as necessary to connect to the proposed buildings subject to the conditions of approval of the previous Site Design Review approval. The Commission finds that the shifting of four of the ten units from standard residential use to hotel/motel use should have no additional impact on City facilities. The application materials provided support this assessment, and further assert that based on the applicants’ similar corporate housing business in Medford and Jacksonville (Acme Suites) they believe that the proposal will have an equal or even lesser impact than standard residential use since the typical client is a professional/executive or highly skilled trade worker such as a nurse or engineer typically without spouses or children in tow and typically renting for periods between 30 and 180 days. The application materials suggest that these tenants typically are alone and immerse themselves in their jobs during the rental period and as such do not place the same demands on services that other tenants would.

The third approval 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.”* In this instance, the target use for the E-1 zone and Detailed Site Review overlay is general office use developed at an intensity of 0.50 floor to area ratio. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area are to be considered in relation to the target use of the zone: similarity in scale, bulk, and coverage; generation of traffic and effects on surrounding streets; architectural compatibility with the impact area; air quality, including the generation of dust, odors, or other environmental pollutants; generation of noise, light, and glare; the development of adjacent properties as envisioned in the Comprehensive Plan; and other factors found to be relevant by the approval authority for review of the proposed use.

The application suggests that based on the particulars of the property and proposal, the target use for comparison would be a 13,939 square foot office building, and goes on to explain that based on this comparison, the proposal would have a significantly lesser impact than the target use. In terms of trip generation, the applicants note that the approved combination of office and residential uses would generate approximately 187 average daily trips while the target office use at 0.50 Floor Area Ratio would generate approximately 231 average daily trips. By contrast, the proposed combination of office, residential and hotel/motel “corporate housing” units would generate approximately 197 average daily trips, or approximately 34 trips less than the target use. Similarly, with regard to parking demand generated by the proposal, the applicants explain that the off-street parking required for the four approved multi-family residential units was 6.5 spaces while the demand for four hotel/motel units is only five spaces. They further indicate that the typically corporate tenant is likely to be single without children or partners, with limited social activities and a large amount of their time consumed by work and as such an equivalent or lesser impact in terms of both parking and vehicle trips would be generated.

The application further notes that the use proposed does not alter the scale, bulk or coverage of the existing building, and suggests that the approved building is architecturally more interesting than a hypothetical

13,939 office building which would support the target use. The application also suggests that there are no design standards in this area beyond the minimum architectural standards, and that the building as designed goes above and beyond these minimum standards.

The applicants suggest that the proposed corporate housing units will support the surrounding E-1 businesses envisioned in the Comprehensive Plan should their employees ever require temporary housing.

The fourth approval 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, hotel/motel use is specifically noted as a Conditional Use within the E-1 zone as provided in Table 18.2.2.030 “*Uses Allowed by Zone*”.

The application materials conclude that the proposal is hoped to provide some flexibility to the developer with the ultimate use of the property while serving a unique niche in the Ashland market by providing an affordable alternative for local corporations such as Asante/Ashland Hospital, Darex, Southern Oregon University, Massif, Yala, and Ashland Dentistry to provide short-term or transitional housing to employees rather than utilizing existing residential or hotel units for what may be months at a time.

2.4 The Planning Commission finds that the proposal was initially noticed as a Type I application, which would have been subject to an administrative decision, on January 31, 2017 as provided in AMC 18.5.4.0. During the subsequent comment period, a number of neighbors submitted written comments voicing opposition to the proposal and raising concerns including the generation of traffic and impacts to surrounding neighborhood character, as well as broader concerns over the loss of approved residential units when housing is in short supply. Given the number of neighbors expressing concern and the variety of issues raised during the comment period, the Staff Advisor opted to “*transmit written comments received along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting*” as allowed under AMC 18.5.1.050.C.1.

Among the concerns expressed were the generation of traffic and its effect on surrounding streets. Neighbors suggested that the change from permanent residential use to hotel/motel use is contrary to the third Conditional Use Permit approval criterion with regard to the “generation of traffic” affecting the surrounding area, indicating that visitors do not make their way about the community on bicycles or afoot at nearly the same rate as permanent residents, and people will be coming in and out of these condos for 30 days or less, in unfamiliar cars, and making an unknown number of trips which would directly impact the surrounding neighborhoods. The Commission finds that the target use for comparison of traffic impacts would be a 13,939 square foot office building, and that based on this comparison, the proposal would have a lesser impact than the target use. In terms of trip generation, the applicants note that the approved combination of office and residential uses would generate approximately 187 average daily trips while the target office use at 0.50 Floor Area Ratio would generate approximately 231 average daily trips. By contrast, the proposed combination of office, residential and hotel/motel “corporate housing” units would generate approximately 197 average daily trips, or approximately 34 average daily trips less than the target use. The Commission further finds that with regard to parking demand generated by the proposal, the applicants explain that the off-street parking required for the four approved multi-family residential units was 6.5 spaces while the demand

for four hotel/motel units is only five spaces. The applicants further suggest that the typical corporate tenant is likely to be single without children or partners in tow, with limited social activities and a large amount of their time consumed by work. The Commission finds that the proposal will have an equal or lesser impact on the surrounding area in terms of both parking demand and vehicle trips generated.

Neighbors have also expressed concern with the impact on housing and specifically affordable housing, indicating that this mixed-use type of building is partly intended to provide more affordable housing while also fitting in with larger plans of infill and density, as opposed to the City having to expand its boundaries outward. They question why, with both these points very much part of the Comprehensive Plan, a Conditional Use Permit would be approved here, and further suggest that there are many short-term vacation rentals available in town for those needing them while there is not enough affordable housing. Neighbors assert that the change from permanent residential occupancy to hotel occupancy should be found to be one of the *“other factors found to be relevant by the approval authority for review of the proposed use”* since it runs counter to creating housing. The Planning Commission finds that because there are only ten residential units on the property here, there is no requirement that affordable housing be provided, although it is certainly hoped that a variety of housing types within the community which includes residential units as part of a mixed-use development will provide more affordable options. The Commission finds that while impacts on the rental market are not generally an approval standard, the application asserts that in removing these corporate renters from the standard rental market, where they may be required to enter into one-year leases even for shorter stays, they will be freeing up some small portion of demand on the rental market and thereby providing at least a minimal benefit to the housing situation. The Commission further finds that while the loss of approved residential units would remove them from current housing inventory, the E-1 zoning district is specifically intended to provide for uses which generate employment.

Neighbors indicate that this area, Russell Street and Rogue Place, was intended to provide a mix of commercial and residential uses, and suggest that the intent was to put in buildings, such as the one already in place at 479 Russell Street, that have condominiums lived in by owners on upper floors with relatively low impact business beneath. Neighbors suggest that this has worked admirably and fits the surrounding neighborhood, and further assert that although the area is zoned for potential hotel use, such an arrangement would not fit well with the character of the three or four established neighborhoods in the immediate vicinity. The Planning Commission finds that there is no requirement for owner occupancy of residential units, either in the land use ordinance or the approval in place here. The Commission further finds that the Conditional Use Permit process provides the Planning Commission with a review mechanism to carefully consider whether the proposal would be an appropriate fit for the impact area by comparing the adverse material impacts of the proposal against the material impacts associated with the target general office use of the E-1 zone. The Commission finds that in this case, the proposed corporate rental housing is likely to function more like multi-

family residential development or apartments than a typical hotel and will likely have a lesser impact to the neighborhood than would either the target office use or a typical hotel/motel use.

Neighbors further indicate that the request involves the re-categorization of ten homes to hotel units, and suggest that this runs counter to the applicable approval criteria. Neighbors specifically suggest that the change from permanent residential use to a hotel/motel use violates the first approval criterion requiring that the use be *“in conformance with the standards within the zoning district in which it located...”* Neighbors suggest that the zoning anticipates permanent residential occupancy, and that an approval would encourage transient occupancy that is not conducive to community, its formation or enjoyment. The Planning Commission finds that the proposal here would re-categorize four of ten approved residential units as corporate rental housing. Corporate rental housing is undefined in the code, however any rental of residential units for a period of less than 30 days within the E-1 district is considered by definition to be a hotel/motel use. The Commission further finds that within the Detail Site Review overlay of the E-1 (Employment) zoning district, general office use developed to a Floor Area Ratio of 0.50 is the identified target use. Residential uses are considered to be a special permitted use; residential use is not required for development in the district, and approved residential units could be used for either ownership or rentals on a month-to-month basis. Rentals of less than 30 days are considered hotel/motel use and are allowed with an approved Conditional Use Permit which provides for consideration of impacts to the surrounding neighborhood. The Planning Commission further finds that the first approval criterion for a Conditional Use 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 suggestion that a conditional use cannot meet the first approval criterion for a Conditional Use Permit by virtue of being a conditional use would invalidate the Conditional Use Permit chapter and effectively disallow all conditional uses. Hotel/motel use is allowed *conditionally* under the “Uses Allowed by Zone” in Table 18.2.2.030, while Chapter 18.2.6 “Standards for Non-Residential Zones” details the specific standards which apply to the non-residential zoning districts, including the E-1 district here, and which are considered in addressing this criterion.

Neighbors also raised concerns with the uncertainties associated both with transient accommodations and with the difference between the proposed corporate housing and standard hotel/motel use. Neighbors question who besides businessmen might rent the properties, noting that once approved for hotel usage, they could be rented by anyone. They further suggest that it is unknown how these properties would be managed and who will monitor noise, maintenance of the properties, and evaluation of potential renters, as well as how long they would stay. They suggest that the turnover could be quite high, and that the tenants will not be invested in the neighborhood or the town. The Planning Commission finds that while Traveler’s Accommodations located within multi-family zones include business owner occupancy requirements so that the business owner will be invested in the neighborhood and available to address any concerns with the use or its tenants that may arise, there is no similar requirement for hotel/motel uses in commercial zones. Traveler’s Accommodations are seen as a commercial use allowed within a residential zone while hotel/motel use is a commercial use

within a commercial zone. The Commission finds that it is reasonable to require that the property owner identify a responsible party to be contacted in the event of complaints and maintain updated contact information on file with the city, and a condition to this effect has been included below. The Planning Commission further finds that the rental of residential units for less than a 30-day period in the E-1 district is considered to be a hotel/motel use, and absent more restrictive conditions these units could be rented by the applicants on a nightly basis if they chose to do so. They have however indicated that they operate a similar operation in Medford and Jacksonville and have rented 12 units for the past ten years as Acme Suites. They suggest that the average rental period is 83 days, and that tenants tend to be professionals, executives and skilled tradespeople.

Neighbors have expressed concern that the developers, if granted permission for one building to be used as a hotel, may push for similar uses in future buildings, thus changing the traffic flow and neighborhood feeling, and eliminating needed housing options for Ashland residents. Neighbors suggest that the traffic and stranger penetration into the neighborhood affect all who live there, and add that Falcon Heights business clients and residents already tend to speed through our non-standard, inadequately narrow streets and cut through rather than proceeding directly out to Hersey Street. The Planning Commission finds that hotel/motel use is a conditionally allowed use within the E-1 zoning district, and the applicants could make application proposing similar uses in Building B or other buildings to be constructed in the future. Conditional Use Permits provide a significant level of review on the part of the Commission in considering a wide range of “adverse material impacts” of a proposal including traffic and parking; noise, light, and glare; air quality; bulk, scale, coverage and architectural compatibility; impacts to the use of surrounding properties according to the Comprehensive Plan’s vision; and other factors found to be relevant by the Commission. The Conditional Use Permit process provides the Commission with ample ability to carefully consider the measurable adverse impacts associated with a project in comparison to those of the target use.

Neighbors have expressed objection to the fact that public notice was only provided to properties within 200 feet of the subject property, suggesting that the proposed Conditional Use Permit runs counter to the will of City residents and would be opposed by most residents and should thus a wider cross-section of the community should receive notice. The Planning Commission finds that AMC 18.5.1.050.B.1 specifically details who is to receive notice and requires that a notice of application be sent to the applicant; the owner of the subject property; the *owners of record for properties located within 200 feet of the perimeter of the subject property*; any city-recognized neighborhood groups or organizations within the area; parties of record of a preceding Type II decision; and persons who requested notice of a previous decision which is now being modified. In addition, notice of application must be posted on the property so as to be clearly visible from the adjacent right-of-way so that those who may interact with the property on a regular basis but who would not otherwise receive mailed notice are made aware of the proposal.

One neighbor has also raised the issue of the environmental remediation of the adjacent railroad property, suggesting that disclosure requirements will impact sales of residential units but that there

is no requirement for disclosure to short-term tenants. This neighbor suggests that the request be approved with a condition that residential use of the four units in question could not be re-established for seven years, and that the applicants be required to pay 50 percent of their additional permit costs to offset the likely fiscal impacts of the proposed hotel/motel use over those seven years. In addition, this neighbor recommends posting notice of the environmental remediation efforts adjacent to the property and requiring the applicants post similar notice within the rental units. The Planning Commission finds that Conditional Use Permit approval requires a demonstration that the proposal will have no greater adverse material impact than the target use of the zone, and further finds that if such a finding is made it would be difficult to then justify additional fees based on there being greater impacts. The Commission further finds that permit fees are not substantially higher for hotel/motel units than for residential units to justify additional fees with a conversion, and that both the Transportation and Parks System Development Charges are actually significantly less for transient occupancy units than for standard residential units. The Commission finds no basis in the code to prevent the conversion of the proposed corporate rental housing units back to standard residential units for any period of time.

Neighbors have indicated that added profit is not part of the bargain the developer made when it proposed this development, and suggest that it is not the role of the City, its Planning Department or its Planning Commission to pump the developer's profits after permits have been issued. They suggest that the residents of Ashland must be better respected, and that staff should be reprimanded for forwarding this illegal proposal. The Planning Commission finds that the Land Use Ordinance details outright permitted and conditionally allowed uses within each zoning district, and provides procedures for modifying existing approvals including specific approval criteria which do not consider developer profit. In this instance, the rental of residential units for a period of less than 30 days is considered to be a hotel/motel use which is allowed subject to Conditional Use Permit approval within the E-1 zoning district. The Commission further finds that state law mandates that once an application is submitted, it must be reviewed and processed according to the established procedures in a timely manner.

2.6 The Planning Commission finds that the neighbors' concerns point to a larger issue beyond the scope of this application in considering whether the establishment of a short-term rental units is appropriate in close proximity to established residential neighborhoods, without closer proximity and greater connectivity to the more intensely developed commercial areas like A Street or the downtown core. With the railroad property's clean-up scheduled to begin in the very near future, that property is likely to become available for development which could lead to a completion of the street network in the vicinity and provide a greater degree of connectivity for more convenient access to the Railroad District and downtown. In the meantime, the Commission finds that the applicants have demonstrated that the adverse impacts of the proposal would be equal or less than could be expected if the property were developed according to its target use. Limiting the proposal to only four corporate rental housing units while retaining six standard residential units provides a measure of the flexibility the applicants are seeking while helping to minimize adverse impacts and maintain the general character of the area. In addition, the applicants' experience operating a similar business elsewhere in the region provides some

assurances as to the nature of potential renters who seem likely to function more like longer term residents than as tourists. The Commission finds that the proposal strikes a good balance in limiting the number of units while making clear the likely impacts.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Conditional Use Permit approval to allow the four second-story residential units in “Building A” at 474 Russell Street to be used for short-term corporate rental housing is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2017-00016. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2017-00016 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein, including that should one or more of the four units in Building A approved for corporate rental housing be sold into different ownership, the applicants will either seek modification of this Conditional Use Permit approval or discontinue the corporate rental housing use.
2. That all conditions of previous land use approvals including PA #2015-01284 shall remain in effect unless otherwise specifically modified herein.
3. That the applicants shall provide contact information for a responsible party to be contacted in the event of complaints and maintain updated contact information on file with the city.
4. That the four proposed corporate rental housing units shall meet all applicable building, fire, and related safety codes at all times which may include but are not limited to fire suppression and alarm, occupancy separation and accessibility requirements, 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 any necessary building permit approvals and associated inspections through the Building Division for the proposed change from an R-2 to an R-1 occupancy for these four units.
6. 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 corporate rental housing business.
7. That any advertisement for the corporate rental housing units must include the City of Ashland Planning Action number assigned to this city land use approval (i.e. PA #17-16).

Planning Commission Approval

April 11, 2017
Date

**TYPE II
PUBLIC HEARING**

**PA-2017-00200
165 Water Street**



PLANNING ACTION: PA-2017-00200

SUBJECT PROPERTY: 165 Water Street (*corner of Van Ness & Water Streets*)

OWNER/APPLICANT: Magnolia Investment Group, LLC/Gil Livni

DESCRIPTION: A request for Site Design Review approval to construct a 42,841 square foot, three-story, mixed-use building consisting of commercial tenant space on the ground floor, 26 hotel units on the second floor, and ten residential condominiums on the third floor for the vacant property located at 165 Water Street, at the corner of Van Ness and Water Streets, in the Skidmore Academy Historic District. The application includes requests for a Conditional Use Permit to allow hotel/motel use; an Exception to Street Standards; a Physical & Environmental Constraints Review Permit for the development of floodplain and severe constraints lands; and a Tree Removal Permit to remove seven trees. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 04CC; **TAX LOT #:** 2000.

NOTE: The Ashland Historic Commission will also review this Planning Action on **Wednesday April 5, 2017 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, April 6, 2017 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *Tuesday, April 11, 2017 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

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.

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.

CONDITIONAL USE PERMITS

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

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.3.10.050

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
- C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

TREE REMOVAL PERMIT

18.5.7.040.B

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.
 - 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 18.10.
 - b. 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.
 - 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.
 - 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 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.
 - 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.

ASHLAND PLANNING DIVISION STAFF REPORT

April 11, 2017

PLANNING ACTION: #2017-00200

OWNER/APPLICANT: Magnolia Investment Group, LLC/Gil Livni

LOCATION: 165 Water Street
(Corner of Van Ness Avenue & Water Street)

ZONE DESIGNATION: E-1 (Residential Overlay)

COMP. PLAN DESIGNATION: Employment

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
- 18.3.10 Physical & Environmental Constraints
- 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
- 18.4.8 Solar Access
- 18.5.2 Site Design Review
- 18.5.4 Conditional Use Permits
- 18.5.7 Tree Removal Permits
- 18.6.1 Definitions

REQUEST: A request for Site Design Review approval to construct a 42,841 square foot, three-story, mixed-use building consisting of commercial tenant space on the ground floor, 26 hotel units on the second floor, and ten residential condominiums on the third floor for the vacant property located at 165 Water Street, at the corner of Van Ness Avenue and Water Streets, in the Skidmore Academy Historic District. The application includes requests for a Conditional Use Permit to allow hotel/motel use; an Exception to Street Standards; a Physical & Environmental Constraints Review Permit for the development of floodplain and severe constraints lands; and a Tree Removal Permit to remove seven trees.

I. Relevant Facts

A. Background - History of Application

In March of 1982, the Planning Commission granted approval of Planning Action #1982-013, a Site Review permit and Zoning Variance for a proposed automobile repair and tune-up shop. That application noted that there were no other actions in the recent past.

There are no other planning actions of record for this property.

B. Detailed Description of the Site and Proposal

The Site

The subject property is located at 165 Water Street, at the corner of Van Ness Avenue and Water Street. The property is irregularly shaped, with approximately 230 feet of frontage along Van Ness Avenue and 150 feet of frontage along Water Street.

Both Van Ness Avenue and Water Street are Neighborhood Streets in the vicinity of the subject property. Both are paved with curbs and gutters in place; Van Ness Avenue currently has curbside sidewalks in place along the subject property's frontage. Water Street lacks sidewalks or park rows along the property's frontage. An unimproved section of city right-of-way which extends between Water Street and Helman Street; the applicants propose to improve a portion of this right-of-way and use it to access the proposed development.

Ashland Creek, a riparian stream, is located behind the property on the opposite side of Water Street, 125-165 feet to the east. As a riparian stream, Ashland Creek has a Water Resource Protection Zone which extends 50 feet from its top of bank. In addition, Ashland's modified floodplain corridor map shows floodplain lands extending into roughly the easternmost 30 feet of the property along its Water Street frontage and FEMA's 500-year floodplain extends onto a significant portion of the site.

The subject property is relatively flat for a significant portion of the site, however there is a sloped area at the rear of the property where it transitions up toward Helman Street with slopes in the vicinity of 65 percent.

The subject property is generally devoid of natural features, however there are three oaks and a mulberry located along the steep bank at the rear of the property; a mulberry and *liquidambar* along the property's Water Street frontage; and a cedar tree which is described as dying located near the south property line. All seven of these trees are proposed for removal with the development of the site.

Zoning for the subject property and in the immediate vicinity is E-1 (Employment) and the property is located within an R (Residential) overlay, as well as the Detail Site Review overlay zone. The subject property is also located within the Ashland Skidmore-Academy Historic District. Properties to the north, across the railroad tracks, are zoned M-1 (Industrial); to the west, along the west side of Helman Street, there is R-3 (High Density, Multi-Family Residential) zoning; to the south, beginning at Central Avenue, there is C-1 (Commercial) zoning; and to the east, there is R-2 (Low Density, Multi-Family Residential) zoning along Oak Street.

Over the years, the property has contained a variety of uses including auto repair and a service station. According to the application materials provided, above ground fuel tanks were placed along Van Ness Street at some point in the past. Due to the presence of these fuel tanks, the applicants indicate that the site is considered to be a brownfield, but has been cleaned up and the case closed by the Department of Environmental Quality (DEQ). Information about the clean-up is included in the application submittal materials.

The Proposal

The application involves a request for Site Design Review approval to construct a 42,841 square foot, three-story, mixed-use building consisting of commercial tenant space on the ground floor, 26 hotel units on the second floor, and ten residential condominiums on the third floor, with parking provided through a mix of surface parking and basement parking, for the vacant property located at 165 Water Street, at the corner of Van Ness Avenue and Water Streets, in the Skidmore Academy Historic District. The application includes requests for a Conditional Use Permit to allow hotel/motel use; an Exception to Street Standards to allow a sidewalk configuration along Van Ness Avenue which accommodates on-street parking while transitioning to curbside sidewalks on the properties to the east and west; Physical & Environmental Constraints Review Permits to allow development on the portions of the property containing floodplain lands and severe constraints lands (i.e. those at the rear of the property with slopes in excess of 35 percent); and a Tree Removal Permit to remove seven trees.

II. Project Impact

For applications where Site Design Review is requested for buildings totaling more than 10,000 square feet in floor area within the Detail Site Review Zone, a Type II procedure is required with a decision by the Planning Commission through a public hearing.

The application includes written findings responding to the applicable criteria for Site Design Review, Exception to Street Standards, Conditional Use Permit, Physical & Environmental Constraints Review Permit and Tree Removal Permit. For staff, there are a number of issues with the proposal that we believe need to be looked at closely by the Planning Commission. Staff has raised these issues with the applicant, and they have asked that further review or discussion of their application by staff be waived and that the application instead be taken directly to the Planning Commission for consideration as is, with the understanding *“that by declining to submit all information the City of Ashland believes necessary, the Ashland Planning Division may conclude that the applicable criteria are not met and a denial will be issued or recommended.”*

Given the timing of the submittal, the applicant’s desire to waive further staff review and the complexity of the application, staff have been unable to fully review the proposal, however we felt that bringing the application to the Commission and advisory committees and highlighting what we believe are key issues would provide the opportunity for the Commission to become familiar with a complex proposal and to provide feedback to the applicants and staff before a full review of the application at the May meeting.

Application Completeness/Project Valuation & Application Fee

AMC 18.5.1.060 requires that an application fee must accompany a Type II application for it to be considered complete. The required fee set by the City Council for a Type II Commercial Site Review is “\$2,050 + ½ percent of value” (see the Planning Fee schedule on-line at:

<http://www.ashland.or.us/SIB/files/2016%2D07%2D01%20Planning%20Fees.pdf>).

The project value is the *“estimated value of all structures per State of Oregon Building Code as well as related project site improvements such as grading, paving, landscaping, bio-swales, etc.”* At initial submittal, a \$1 million project value was declared. In staff’s

assessment, this was significantly below the estimated value of all structures per State of Oregon Building Code as well as related project site improvements such as grading, paving, landscaping, bio-swales, etc. for a 42,841 square foot building with basement parking. Rough calculations by staff put the structural valuation at over \$5.6 million, plus the value of any excavation, grading, drainage or other site work. Staff requested a revised valuation more accurately reflecting the actual labor and materials cost of the project consistent with the State of Oregon Building Code be provided by the applicant, and that the additional ½ percent of this corrected valuation be paid in fees for the application to be deemed complete.

The applicant subsequently provided figures from Buntin Construction, LLC based on a similar building they built in the past. This estimate was not based on Building Code, but indicated they had completed a similar project for \$5,010,630.50 and a breakdown of the component elements of the project was provided. The applicant indicated that they could complete the work for less themselves, and opted to pay additional fees based on a valuation of \$4,384,301.68 which is 88 percent of the contractor's estimate.

The Oregon Administrative Rule for commercial fee calculations is OAR 918-050-0100(2), and provides that commercial construction permit fees shall be calculated using the following methodologies:

(c) A structural permit fee shall be calculated by applying the valuation to the municipality's fee schedule with a minimum set fee. Valuation shall be the greater of either:

- (A) The valuation based on the ICC Building Valuation Data Table current as of April 1 of each year, using the occupancy and construction type as determined by the building official, multiplied by the square footage of the structure; or*
- (B) The value as stated by the applicant.*
- (C) When the construction or occupancy type does not fit the ICC Building Valuation Data Table, the valuation shall be determined by the building official with input from the applicant.*

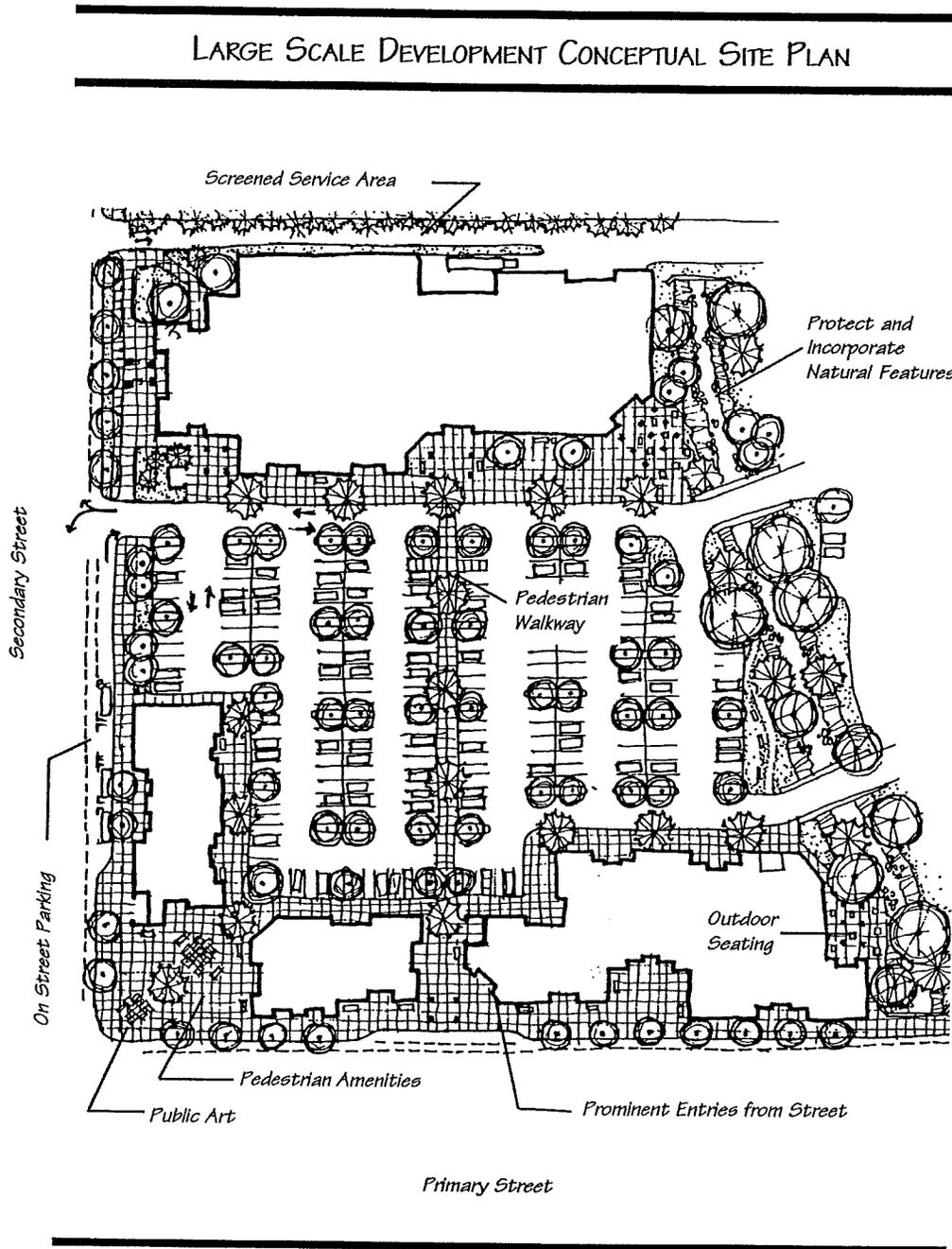
Application Completeness – Project Valuation & Fee

In staff's assessment, 88 percent of the cost of a similar project does not satisfy this methodology, which requires that the "*valuation shall be the greater of*" the Building Code Valuation or the value stated by the applicant. Staff will accordingly recommend a condition that prior to the issuance of a building permit for the project, the applicant provide a complete valuation of the project based on the ICC Building Valuation Date Table for the proposed construction type and including all "*related project site improvements such as grading, paving, landscaping, bio-swales, etc.*" for the review of the Building Official and Staff Advisor, and pay any additional fees based on this corrected valuation.

Plaza/Public Space Requirement

Within the Detail Site Review overlay, in addition to complying with the standards for Basic (18.4.2.040.B) and Detail (18.4.2.040.C) Site Review, developments greater than 10,000 square feet in gross floor area or with more than 100 feet of building frontage are

required to conform with the Additional Standards for Large Scale Projects found in AMC 18.4.2.040.D and illustrated in the conceptual elevations in Figure 18.4.2.040.D.1 and conceptual site plan in Figure 18.4.2.040.D.2 (see below).



The Additional Standards for Large Scale Projects include requirements for plazas or public spaces which require that, “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.” A plaza is defined in AMC 18.6.1 as, “An open public space.” Plazas play into the Detail Site Review standards elsewhere in AMC 18.4.2.040.C, which requires that, “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.”

Plaza or public space is to be by definition public and is typically provided along the public street to provide an engaging transition between the public and private realms to contribute to a vibrant streetscape while also providing opportunities to break up the building, as illustrated in the conceptual site plan, evidenced by their inclusion in the Additional Standards for Large Scale Projects, and emphasized by the requirement that wall areas within 30 feet of public plaza space, like walls facing the public street, are to have windows and doors providing clear views into the interior space of the building.

The standards call for a plaza or public space to incorporate at least four of the following elements:

- 1) 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;
- 2) A mixture of areas that provide both sunlight and shade;
- 3) Protection from wind by screens and buildings;
- 4) 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;
- 5) Water features or public art; and
- 6) Outdoor eating areas or food vendors.

A 42,841 square foot building requires 4,284 square feet of public plaza space to meet the requirements of the “Additional Standards for Large Scale Developments” within the Detail Site Review overlay. This plaza space must include four of the six required elements contained in the standards. The application identifies 4,441 square feet of plaza space in meeting this requirement (see Applicant’s Sheet A1-P) which includes outdoor seating areas with water features at the rear of the building, adjacent to the parking lot; an area adjacent to the rear parking lot with artificial turf, landscaping and low seating wall; areas in and around the covered entry alcoves where seating is shown; and narrow areas for bench seating along the sidewalk corridors.

At the pre-application level, staff advised the applicants to carefully consider and address the public space requirements of the ordinance, noting that if interior or roof-top space were used to address these requirements, it may not help to break up the massing, bulk and scale of the building and could instead be perceived as contribute to a seemingly larger building.

Plaza/Public Space

For staff, plaza or public space is to be by definition public and is typically provided along the street to provide an engaging transition between the public and private realms to contribute to a vibrant streetscape, break up larger buildings.

In considering the application, staff is concerned that significant portions of the public plaza space proposed in meeting the requirement here are at the rear of the building adjacent to private parking tucked away from the public realm and thus not by definition serving the intended purpose; covered entries primarily accommodating circulation into and out of the building; and sections as narrow as one foot in depth in places along or within the required sidewalk corridor.

Staff does not believe that the public space has been completely integrated into the project in a manner consistent with the objective of the standard as illustrated in the Large Scale Development Conceptual Site Plan, and as it has been applied and incorporated in other large scale projects in the Detail Site Review Zone.

Off Street Parking Requirements

The application includes parking calculations indicating that 63 off-street parking spaces are required to serve the proposed development. 21 surface parking spaces and 22 basement parking spaces are proposed to be provided to address this demand, with the remaining 20 spaces of required parking proposed to be addressed through a combination of parking management strategies including:

- Ten parking spaces proposed within the public right-of-way. Nine of these are on-street parking spaces, and the tenth is within the to-be-improved alley right-of-way.
- 1 parking space credit for six scooter/motorcycle spaces proposed in the basement.
- 6 parking space credits for 32 additional bicycle parking spaces proposed.
- 4 parking space reduction through a requested mixed use credit.

The parking management strategies proposed equate to approximately a 32 percent reduction in required parking. The application suggests that many guests are likely to take taxis or shuttles in from the airport and walk to downtown destinations from the hotel, reducing the likely parking demand for the hotel portion of the building; that the project is near the downtown and in a very walkable area; and that on-street parking demand in the area is low, and thus suggests that the requested reductions are appropriate. The application includes a parking analysis from the project's engineer, Kelly Sandow of Sandow Engineering, which illustrates the peak parking demand for the combined uses by hour based on City of Ashland requirements and Institute of Transportation Engineers (ITE) data which concludes that the peak demands of the proposed uses are materially offset to a degree that at no time should the peak demand of 44 spaces exceed the combined available ten on-street and 43 off-street parking spaces provided.

Off-Street Parking

As detailed in AMC 18.4.3.060, reductions in required off-street parking are discretionary on the part of the Planning Commission and depend on whether the Commission believes that the credits requested will result in a meaningful reduction in actual parking demand without having a negative impact on the surrounding streetscape and broader neighborhood. Staff observations suggest that parking demand in the area is far from low, and recent parking studies show afternoon and evening parking utilization levels on Water Street near Central Avenue at times in the 85-100 percent range. In staff's preliminary assessment,

it seems questionable that the number of additional motorcycle, scooter and bicycle parking spaces proposed will result in the reduction in motor vehicle parking demand requested, and in spite of the analysis provided a 32 percent overall reduction in required parking for a 42,841 square foot building mixing hotel, residential, retail, office and a coffee shop uses seems higher than appropriate and likely to adversely impact on-street parking and surrounding uses.

For staff, some indication from the Commission as to the appropriateness of the requested parking reductions would be helpful.

III. Procedural - Required Burden of Proof

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.

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

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.

The criteria for a Conditional Use Permit are described in AMC 185.4.050.A as follows:

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

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
 - a. **WR and RR.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - b. **R-1.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - c. **R-2 and R-3.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - d. **C-1.** The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to

- e. 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 a Physical & Environmental Constraints Review Permit are described in AMC 18.3.10.050 as follows:

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
- C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

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

1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*

- 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 18.10.*
- b. *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.*
- 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.*
- 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 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.*
- 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.*

IV. Conclusions and Recommendations

The application involves a request for Site Design Review approval to construct a 42,841 square foot, three-story, mixed-use building consisting of basement and surface parking; commercial tenant space on the ground floor; 26 hotel units on the second floor; and ten residential condominiums on the third floor. The application also includes requests for a Conditional Use Permit to allow hotel/motel use; an Exception to Street Standards; Physical & Environmental Constraints Review Permits for the development of Floodplain and Severe Constraints Lands; and a Tree Removal Permit to remove seven trees.

The applicants have worked with staff and the Historic Commission at length since initial pre-application discussions in 2015 in trying to arrive at a design which meets the applicants needs while responding to the applicable standards in the unique context of the site. Staff believes that the applicants design efforts are commendable and that the project is a good one, however for staff there are some remaining issues with the proposal which we believe need further consideration, including the payment of application fees, public space requirements, and the off-street parking requirements.

Staff has raised these issues with the applicant, and they have asked for no further review of their application by staff and it instead be taken directly to the Planning Commission for consideration as is, with the understanding *“that by declining to submit all information the City of Ashland believes necessary, the Ashland Planning Division may conclude that the applicable criteria are not met and a denial will be issued or recommended.”*

Given the timing of the submittal, the applicant’s desire to waive further staff review and the complexity of the application, staff have been unable to fully review the proposal and are unable to recommend approval, however we felt that bringing the application to the Commission and advisory committees and highlighting what we believe are key issues would provide the opportunity for the Commission to become familiar with a complex proposal and to provide feedback to the applicants and staff before a full review of the application at a May meeting.

Planning/Community Development Miscellaneous Fees and Charges

<u>Pre-Application Conference</u>	\$133.00
<u>Administration Actions</u>	
Final Plat Review:	
Partitions*	\$133.00+\$10/lot
Subdivisions*	\$338.00+\$28/lot
New Sign Permit	\$133.00+\$2.60/sq ft
Street Tree Removal Permit	\$28.00
Replacement Sign Permit	\$28.00+\$2.60/sq ft
Home Occupation Permits	\$28.00
Zoning permit (fence, accessory structure, etc.)	\$28.00
Land Use Approval Extension Request	\$338.00
Lot Line Adjustments	\$338.00
Any other Administrative Action	\$338.00
<u>Type I Reviews</u>	
Tree Removal Permit	\$28.00
(not associated with another action)	
Solar Setback Variance	\$1,022.00
Amendments to Conditions	\$1,022.00
Physical & Environmental Constraints Permit	\$1,022.00
Site Design Review - Accessory Residential Unit	\$664.00
Conditional Use Permit (Type I only)	\$1,022.00
Variance (Type I only)	\$1,022.00
Residential Site Review	\$1,022.00+\$68/unit
Final Plan Performance Standards	\$1,022.00+\$68/unit
Land Partitions	\$1,022.00+\$68/unit
Commercial Site Review	\$1,022+.5% of project value**
Any other Type I Review	\$1,022.00
Independent Review of Wireless Communication Facilities***	\$5,000.00
<u>Type II Reviews</u>	
Conditional Use Permit (Type II only)	\$2,050.00
Variance (Type II only)	\$2,050.00
Outline Plan or Preliminary Plat for Subdivisions	\$2,050.00+\$138/lot
Final Plan with Outline	\$2,730.00+\$138/lot
Commercial Site Review	\$2,050.00+.5% (.005) of project value**
Any other Type II Review	\$2,050.00
Independent Review of Wireless Communication Facilities***	\$5,000.00

*Does not include Public Works review fee, See pg. 29

**Project value includes the estimated valuation of all structures (per State of Oregon Building Code), as well as all related project site improvements, such as grading, paving, landscaping, bioswales, etc.

***The initial deposit required with an application for a new wireless communication facility that is not collocated is \$5,000, and shall be used by the (continued on next page)

Section 3-Community Development

(continued) City for the costs of expert review of the application. If any time during the planning application process the account balance is less than \$1,000, the Applicant shall upon notification by the City replenish the account so the balance is at least \$5,000. The maximum total consultant fees to be charged to the Applicant shall be \$10,000, and any unused portion of fee will be refunded.

Type III Reviews

Zone/Comprehensive Plan Map Change	\$2,730.00
Comprehensive Plan Change	\$2,730.00
Annexation	\$4,106.00
Urban Growth Boundary Amendment	\$4,106.00
Any other Type III Review	\$3,419.00

Legislative Amendments

Comprehensive Plan Map/Large Zoning Map Amendment	\$4,792.00
Land Use Ordinance Amendment	\$4,792.00
Comprehensive Plan Amendment	\$4,792.00
City Sponsored Legislation (City Council Directive)	\$0.00

Appeals

Appeal for initial Public Hearing (Building Appeals Board/Demolition Review Board/Planning Commission)	\$150.00
Appeal for Final Decision of City (Planning Commission or City Council)	\$325.00

Solar Access

Solar Access Permit (not a Solar Variance)	\$50.00+\$10.00 per lot affected
--	-------------------------------------

Community Development Fee

This fee is charged concurrently with Building Permit Fees at the time of building permit application for all building permits requiring a plan review.	1.1% (.011) of new construction per building code definition of valuation
---	---

Community Development Copy Fees

Copy Fees

Black and White Copies	Letter/Legal	Single-Sided	\$.20 each
Black and White Copies	Letter/Legal	Double-Sided	\$.40 each
Black and White Copies	Tabloid	Single-Sided	\$.40 each
Black and White Copies	Tabloid	Double-Sided	\$.80 each
Color Copies	Letter/Legal	Single-Sided	\$1.50 each
Color Copies	Tabloid	Single-Sided	\$3.00 each

Prepared Documents

Site Design & Use Standards	\$5.00
Street Tree Guide	\$5.00
Transportation Element	\$5.00
Downtown Plans (2001, 1998)	\$5.00
Street Standards Guide	\$5.00
Comprehensive Plan/Land Use Code	\$40.00

Research Fee

Refer to Section 12, pg. 39

Building Division Permit Fees for Commercial and Residential

In accordance with OAR 918-050-0100: "Residential construction permit fees shall be calculated using the following methodologies. (c) Effective January 1, 2009, a structural permit fee for new construction and additions shall be calculated using the ICC Building Valuation Data Table current April 1 of each year, multiplied by the square footage of the dwelling unit to determine the valuation. The valuation shall then be applied to the municipality's fee schedule to determine the permit fee. The plan review fee shall be based on a pre-determined percentage of the permit fee set by the municipality. (A) The square footage of a dwelling, addition, or garage shall be determined from outside exterior wall to outside exterior wall for each level. (B)

The square footage of a carport, covered porch, or deck shall be calculated separately at fifty percent of the value of a private garage from the ICC Building Valuation Data Table current as of April 1. (C) Permit fees for an alteration or repair shall be calculated based on the fair market value as determined by the Building Official, and then applying the valuation to the municipality's fee schedule.

Commercial construction permit fees shall be calculated using the following methodologies. (c) A structural permit fee shall be calculated by applying the valuation to the municipality's fee schedule with a set minimum fee. Valuation shall be the greater of either. (A) The valuation based on the ICC Building Valuation Table current as of April 1 of each year, using the occupancy and construction type as determined by the Building Official, multiplied by the square footage of the structure; or (B) The value as stated by the applicant and approved by the building official. (C) When the construction or occupancy does not fit the ICC Building Valuation Data Table, the valuation shall be determined by the Building Official with input from the applicant."

Building Permit Fees

Total Value of Work Performed

\$1.00 to \$500.00	\$10.00
\$501.00 to \$2,000.00	\$10.00 for the first \$500.00 plus \$1.50 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$32.50 for the first \$2,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$170.50 for the first \$25,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$283.00 for the first \$50,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 and up	\$433.00 for the first \$100,000.00 plus \$2.50 for each additional \$1,000.00 or fraction thereof

Building Valuation Data – AUGUST 2016

The International Code Council is pleased to provide the following Building Valuation Data (BVD) for its members. The BVD will be updated at six-month intervals, with the next update in February 2017. ICC strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact of this BVD table before utilizing it in their current code enforcement related activities.

The BVD table provides the “average” construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 109.2 of the 2015 *International Building Code* (IBC) whereas Section 109.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.

ICC has developed this data to aid jurisdictions in determining permit fees. It is important to note that while this BVD table does determine an estimated value of a building (i.e., Gross Area x Square Foot Construction Cost), this data is only intended to assist jurisdictions in determining their permit fees. This data table is not intended to be used as an estimating guide because the data only reflects average costs and is not representative of specific construction.

This degree of precision is sufficient for the intended purpose, which is to help establish permit fees so as to fund code compliance activities. This BVD table provides jurisdictions with a simplified way to determine the estimated value of a building that does not rely on the permit applicant to determine the cost of construction. Therefore, the bidding process for a particular job and other associated factors do not affect the value of a building for determining the permit fee. Whether a specific project is bid at a cost above or below the computed value of construction does not affect the permit fee because the cost of related code enforcement activities is not directly affected by the bid process and results.

Building Valuation

The following building valuation data represents average valuations for most buildings. In conjunction with IBC Section 109.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. Again it should be noted that, when using this data, these are “average” costs based on typical construction methods for each occupancy group and type of construction. The average costs include foundation work, structural and nonstructural

building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and does not take into account any regional cost differences. As such, the use of Regional Cost Modifiers is subject to the authority having jurisdiction.

Permit Fee Multiplier

Determine the Permit Fee Multiplier:

1. Based on historical records, determine the total annual construction value which has occurred within the jurisdiction for the past year.
2. Determine the percentage (%) of the building department budget expected to be provided by building permit revenue.
- 3.

$$\text{Permit Fee Multiplier} = \frac{\text{Bldg. Dept. Budget} \times (\%)}{\text{Total Annual Construction Value}}$$

Example

The building department operates on a \$300,000 budget, and it expects to cover 75 percent of that from building permit fees. The total annual construction value which occurred within the jurisdiction in the previous year is \$30,000,000.

$$\text{Permit Fee Multiplier} = \frac{\$300,000 \times 75\%}{\$30,000,000} = 0.0075$$

Permit Fee

The permit fee is determined using the building gross area, the Square Foot Construction Cost and the Permit Fee Multiplier.

$$\text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier}$$

Example

Type of Construction: IIB

Area: 1st story = 8,000 sq. ft.
2nd story = 8,000 sq. ft.

Height: 2 stories

Permit Fee Multiplier = 0.0075

Use Group: B

1. Gross area:
Business = 2 stories x 8,000 sq. ft. = 16,000 sq. ft.
2. Square Foot Construction Cost:
B/IIB = \$160.26/sq. ft. Permit Fee:
Business = 16,000 sq. ft. x \$160.26/sq. ft x 0.0075
= \$19,231

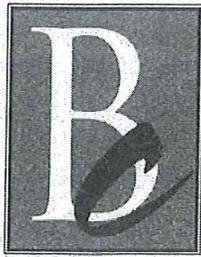
Important Points

- The BVD is not intended to apply to alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.
- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period (1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).
- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

Square Foot Construction Costs ^{a, b, c, d}

Group (2015 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	226.92	219.10	213.80	205.04	192.95	187.36	198.56	176.18	169.73
A-1 Assembly, theaters, without stage	207.97	200.15	194.85	186.09	174.15	168.55	179.61	157.38	150.92
A-2 Assembly, nightclubs	177.49	172.34	167.98	161.18	151.95	147.76	155.52	137.58	132.93
A-2 Assembly, restaurants, bars, banquet halls	176.49	171.34	165.98	160.18	149.95	146.76	154.52	135.58	131.93
A-3 Assembly, churches	209.94	202.13	196.83	188.07	176.32	170.72	181.59	159.54	153.09
A-3 Assembly, general, community halls, libraries, museums	175.12	167.31	161.01	153.25	140.50	135.90	146.77	123.72	118.27
A-4 Assembly, arenas	206.97	199.15	192.85	185.09	172.15	167.55	178.61	155.38	149.92
B Business	181.12	174.43	168.67	160.26	146.18	140.70	153.97	128.34	122.72
E Educational	192.29	185.47	180.15	172.12	160.72	152.55	166.18	140.46	136.18
F-1 Factory and industrial, moderate hazard	108.53	103.54	97.56	93.81	84.17	80.36	89.86	70.57	66.08
F-2 Factory and industrial, low hazard	107.53	102.54	97.56	92.81	84.17	79.36	88.86	70.57	65.08
H-1 High Hazard, explosives	101.60	96.60	91.63	86.88	78.44	73.62	82.93	64.84	N.P.
H234 High Hazard	101.60	96.60	91.63	86.88	78.44	73.62	82.93	64.84	59.35
H-5 HPM	181.12	174.43	168.67	160.26	146.18	140.70	153.97	128.34	122.72
I-1 Institutional, supervised environment	180.72	174.14	169.28	161.12	149.06	145.04	161.12	133.69	129.43
I-2 Institutional, hospitals	304.80	298.11	292.36	283.95	268.92	N.P.	277.65	251.09	N.P.
I-2 Institutional, nursing homes	211.20	204.51	198.75	190.34	177.26	N.P.	184.05	159.42	N.P.
I-3 Institutional, restrained	206.08	199.38	193.63	185.22	172.62	166.14	178.93	154.78	147.16
I-4 Institutional, day care facilities	180.72	174.14	169.28	161.12	149.06	145.04	161.12	133.69	129.43
M Mercantile	132.23	127.09	121.73	115.92	106.18	102.99	110.26	91.82	88.16
R-1 Residential, hotels	182.28	175.70	170.83	162.68	150.87	146.84	162.68	135.49	131.23
R-2 Residential, multiple family	152.86	146.27	141.41	133.25	122.04	118.01	133.25	106.66	102.41
R-3 Residential, one- and two-family	143.93	139.97	136.51	132.83	127.95	124.61	130.57	119.73	112.65
R-4 Residential, care/assisted living facilities	180.72	174.14	169.28	161.12	149.06	145.04	161.12	133.69	129.43
S-1 Storage, moderate hazard	100.60	95.60	89.63	85.88	76.44	72.62	81.93	62.84	58.35
S-2 Storage, low hazard	99.60	94.60	89.63	84.88	76.44	71.62	80.93	62.84	57.35
U Utility, miscellaneous	77.82	73.48	69.04	65.52	59.23	55.31	62.58	46.83	44.63

- Private Garages use Utility, miscellaneous
- Unfinished basements (all use group) = \$15.00 per sq. ft.
- For shell only buildings deduct 20 percent
- N.P. = not permitted



RECEIVED
MAR 06 2017
City of Ashland

BUNTIN CONSTRUCTION, L.L.C.
CCB #38553

March 2, 2017

Dear Dave you requested I view the Magnolia Mixed-Use Development and come up with some Preliminary numbers for you and your client. Below numbers are based on similar project completed in the past. These number may vary from the final design criteria, however, for your planning purposes I think these number are good for reference. Let me know if I can help out further.

Thank you

Terry Buntin

PARKING

9,229 s.f. @ \$7.50= \$69,217.50

SIDEWALKS AND OUTDOOR LIVNG AND SEATING AREA

7,163 s.f. @ \$7.50= \$53,725.00

LANDSCAPE

5,126 s.f. @ \$5.50= \$28,193.00

COMMERCIAL/RETAIL GROUND FLOOR SPACE (Cold Shell):

6,953 s.f. @ \$80 s.f. = \$556,240.00

SHORT TERM RESIDENTIAL:

16,306 s.f. @ \$105 s.f. = \$1,712,130.00

LONG TERM RESIDENTIAL:

17,129 s.f. @ \$125 s.f. = \$2,141,125.00

SUBTERRANEAN PARKING (Unconditioned area):

9,576 s.f. = \$450,000.00

TOTAL ESTIMATED CONSTRUCTION COST: \$5,010,630.50

Applicant's Statement of Completeness
(To be completed by the Applicant and
returned to the City of Ashland Planning Division)

Date Received

RECEIVED

MAR 20 2017

City of Ashland

(to be completed by staff)

Re: **PA-2017-00200, 165 Water Street**

Date Application Expires: **August 2, 2017**

Pursuant to an Incompleteness Determination, I, the undersigned applicant or agent for the applicant, elects one of the three options below by initialing:

1. Submit All of the Missing Information
(Initial if elected)

I am submitting all of the information requested in the Incompleteness Determination letter.

Unless checked below, I am requesting that the City of Ashland Planning Division review this additional information within 30 days of submission to determine whether the application is complete. I understand that this 30-day review for completeness period for the new information preserves my opportunity to submit additional materials, should it be determined that the application is still incomplete after the second review. (**Note:** *The 120-day period for the City of Ashland's final determination of compliance with applicable criteria does not commence until the additional review for completeness period is completed.*)

Check if desired

I waive further review of the information submitted for completeness and direct review of the information submitted for compliance with the Community Development Code criteria, regardless of whether the application is, in fact, later determined by the staff to be incomplete.

I understand that by checking the above statement the application will be evaluated based upon the material submitted and no notice of any missing information will be given. If material information is missing from the application, the application will fail to meet the burden of showing that all criteria are met, and the application will be denied.



(10/17)

2. Submit Some of the Requested Information:

(Initial if elected)

Decline to Provide Other Information

I am submitting some of the information requested and declining to submit other information requested in the Incompleteness Determination letter. I understand that by declining to submit all information the City of Ashland believes necessary, the Ashland Planning Division may conclude that the applicable criteria are not met and a Denial will be issued or recommended.

()

3. Decline to Provide any of the Requested Information

(Initial if elected)

I decline to provide any of the information requested. I understand that the Community Development Department may conclude that the applicable criteria are not met and a Denial will be issued or recommended.



Signed and Acknowledged
(Applicant or Applicant's Agent)

3-20-17

Date

Return to:

City of Ashland
Planning Department
Attn: Derek Severson, *Senior Planner*
c/o 20 East Main Street
Ashland, OR 97520



Magnolia Building

Site Design Review
Conditional Use Permit
Physical and Environmental Constraints Review



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MAR 20 2017

City of Ashland



ROGUE PLANNING & DEVELOPMENT SERVICES, LLC

March 2017

**Site Design Review and Conditional Use Permit Approval
For new mixed-use commercial building**

Property Owner: Magnolia Investment LLC
Gil Livni
2532 Old Mill Way
Ashland, OR 97501

Architect: Ron Grimes Architecture Group
Dave Evans
14 Central Ave.
Medford, OR 97501

Land Use Planner: Rogue Planning and Development Services, LLC
Amy Gunter
1424 S Ivy Street
Medford, OR 97501

Civil Engineer: Rhine-Cross Group
Marc Cross
PO BOX 909
Klamath Falls, OR 97601

Transportation Engineer: Sandow Engineering
Kelly Sandow
160 Madison Street, Suite A
Eugene, OR 97402

Geotechnical Expert: Marquess and Associates
Rick Swanson
PO Box 490
Medford, OR 97504

Structural Engineer: Snyder Engineers
Eric Snyder
415 E Pine St
Central Point, OR 97502

Landscape Design: Tom Madera
2994 Well Fargo Road
Central Point, OR 97504

Surveyor: Polaris Land Survey
Shawn Kampann
PO BOX 459
Ashland, OR 97501

RECEIVED

MAR 20 2017

City of Ashland

Subject Property

Address: 165 Water Street
Map & Tax Lot: 39 1E 04 CC; 2000
Comprehensive Plan Designation: Employment
Zoning: E-1
Overlays: Skidmore Academy Historic District
Detail Site Review Zone
Floodplain
Severe Constraints
Lot Area: .75 ac / 32,232 square feet

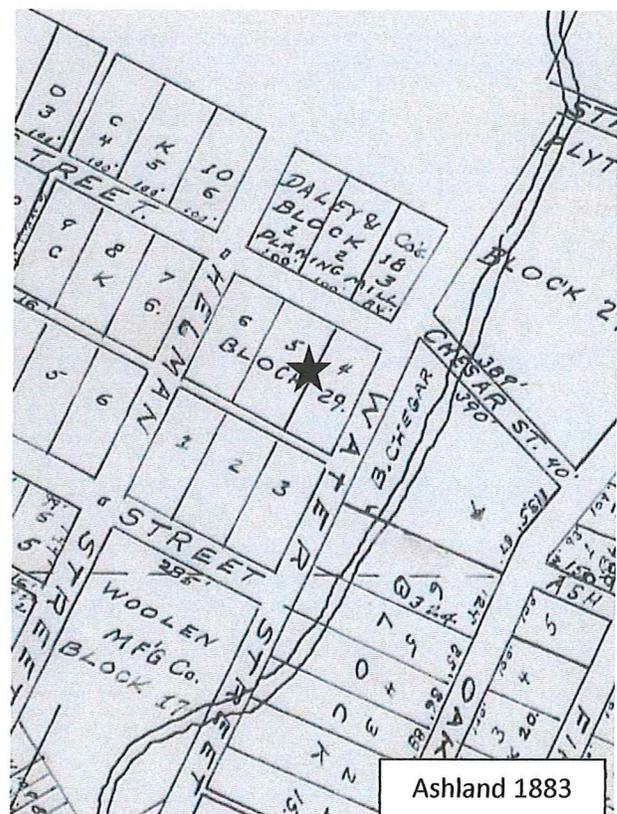
Request:

Request for Site Design Review and Conditional Use Permit for a 42,841-square foot, three-story, mixed use, commercial, hotel and residential condominium structure at 165 Water Street. The request includes a Physical and Environmental Constraints Review Permit for encroachment onto to lands that have more than 35 percent slope, and development within the Ashland Adopted Floodplain (outside of the 2011 FEMA Floodplain boundaries), and a Tree Removal Permit. The application includes a request for an exception to the street design standards for improvements to Van Ness Street.

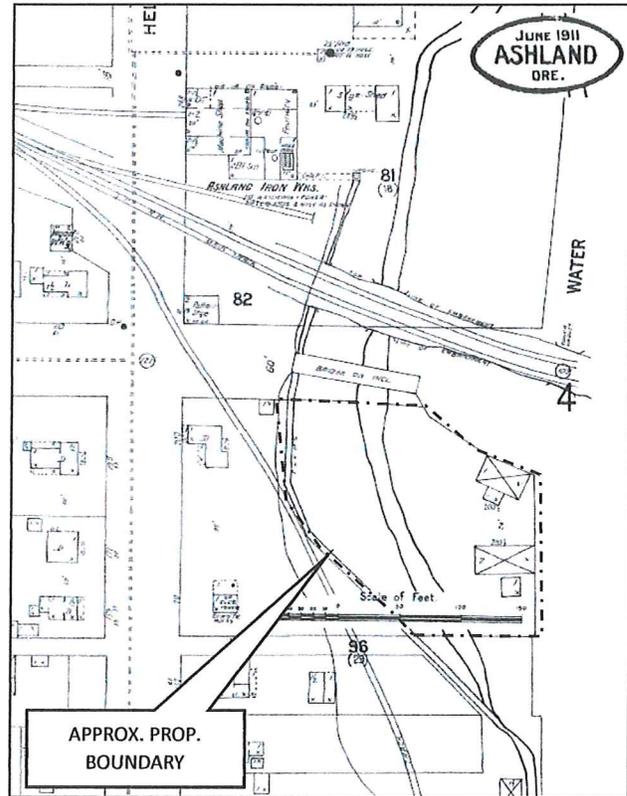
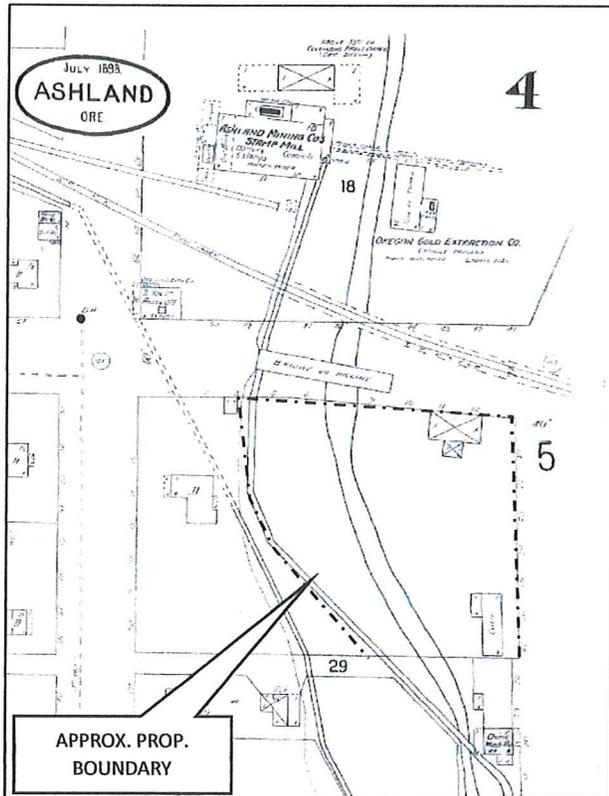
Property History:

The property appears on the earliest City of Ashland Maps (1883 AD) as a part of Lots 4 & 5 of Block 29 at the intersection of Mechanic (Van Ness) and Water Streets (prior to railroad) created from Abel D. Helman's Donation Land Claim Act. The property to the north across the street was the site of Daley & Co.'s Planing Mill. This mill was run using water from a flume that diverted water from Ashland Creek to the south of the subject property, and run through a turbine. (<http://wrightarchives.blogspot.com/2011/07/ashland-oregon-early-history.html>)

In 1887, the "Golden Spike" was driven, finishing the trans-continental route for the railroad. The area to the north of the subject property (Block 18, Lots 1, 2 & 3) where the Daley & Co. Planing Mill had been located, became railroad right-of-way. Historically, a steel trestle was constructed crossing Ashland Creek (Mill Creek at the time) and Water Street. On the 1898 Sanborn map (clip of July 1898 #4 below (full sheet attached)), an irrigation ditch traverses the property to



from the south to the northwest. Another flume carried the tail race waters from Ashland Woolen Mill that had been located at the property now occupied by the Plaza Inn and Suites, to the south of the property, to the Oregon Mining and Stamp Co. which was located on the north side of the railroad tracks. The via duct for Water Street that passes under the Railroad as seen was constructed in 1907.



By 1911, according to the Sanborn Fire Insurance Map, the site still had the tail race flume but the former irrigation route had been converted to a spur rail line for the Southern Pacific Railroad that went into town to serve the various mills, including Ashland Cold Storage that had taken over the Woolen Mill site.

Following the closure of the mills and the subsequent removal of the flumes, the property held commercial structures (shops, sheds, etc.). Above ground fuel storage tanks were placed along Van Ness Street. In about the mid-1950s, a service station was constructed on the site. The property operated as a service station then auto repair for many years. In the 1980s, SOS Plumbing began operations on the property. SOS operated at the site until 2007. The site has been most recently used as an auto repair shop, then as a storage area for the property owners construction business equipment and for a local landscape contractors equipment.

Due to the presence of the above ground fuel storage tanks, the fueling station and the auto repair shop, the site was considered a Brownfield. The site was cleaned up and the case has been closed by the Department of Environmental Quality

<http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceId=4951&SourceIdType=11>

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MAR 20 2017
City of Ashland

Property Description:

The subject property is a vacant lot on the west side of Water Street, south of Van Ness Street at the southwest intersection Van Ness and Water Street. There is an east / west alley right-of-way along the south side of the property. The property has 153.52 feet of frontage on Water Street, there is 225.83 feet of frontage on Van Ness and 138.52 feet of frontage along the unimproved alley right-of-way.

The property is bound by Water Street on the east. Behind the residence at 16 Van Ness, across, Water Street, is Ashland Creek. Along the Water Street frontage, the first approximately 47-feet of the property, is within the Ashland Adopted Floodplain Overlay for Ashland Creek. The FEMA 100-year floodplain is adjacent to the banks of Ashland Creek and to the rear of 16 Van Ness, the FEMA 500-year floodplain extends onto the subject property. Floodplain maps are attached.

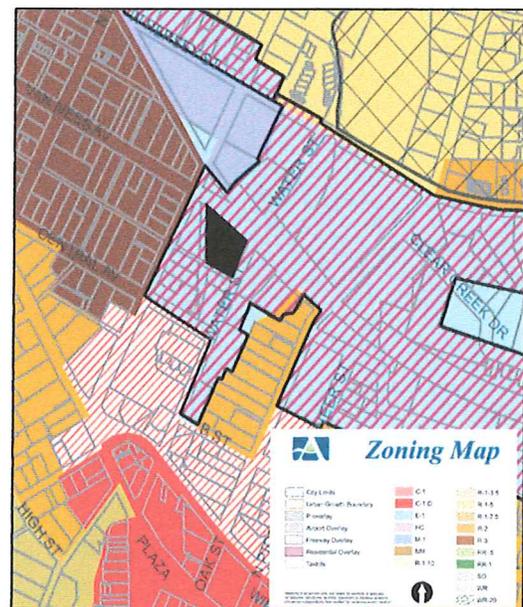
Van Ness Street is to the north. Across Van Ness is a steep berm leading up to the Southern Pacific Railroad tracks, the tunnel for Water Street under the railroad tracks is diagonally to the northeast.

The property to the west fronts on Van Ness and Helman Streets. This property is substantially higher than the subject property. The west property line runs diagonally from the north to the south where the south property line abuts a 16-foot public alley right-of-way. The alley is not improved along the frontage of the property.

The subject property and the immediately adjacent properties to the north, south, east and west are zoned Employment with the Residential Overlay. Beyond the employment zoned properties to the east and west are residentially zoned properties (across Helman Street on the west and abutting Oak Street on the east side of Ashland Creek). To the south is employment and commercially zoned properties. The properties to the north, across the railroad tracks, are zoned Employment with Residential Overlay and Industrial zoning.

The property is at the northern boundary of the Skidmore Academy Historic District (railroad tracks form boundary). The properties across Water Street are within the Railroad Historic District.

There are three deciduous trees along the steep slope adjacent to the east property line. A dying Cedar tree is near the south property line adjacent to the un-improved alley and there are two trees along the Water Street frontage.



On the adjacent property to the west there are smaller stature trees, none have driplines that encroach onto the subject property.

Water Street has a 40-foot wide right-of-way and is improved with an varying improved width consisting of curb, gutter, pavement, five-foot curbside sidewalk and a parking bay across the street from the subject property. Van Ness has a varying width right-of-way, with between 50 – 30 feet of right of way and approximately 27-feet of improvements including a five-foot wide curb side sidewalk. Both streets are

classified as Neighborhood Streets in the Transportation System Plan. A 16-foot wide, unimproved alley extends along the south property line. The alley right-of-way extends through to Helman Street but due to the significant grade change along the west property line, the alley does not physically extend through from Water Street to Helman.

Detailed Proposal:

The proposal is for a 42,814-square foot, three-story, mixed use, commercial/residential structure. The proposed structure is oriented towards both streets with the primary orientation towards Water Street.

The ground floor is proposed as 9,406 square feet. The ground floor is divided into nine tenant spaces. As proposed, the spaces are a mixture of retail, commercial space, coffee shop, the hotel lobby and small lobby for the residential units. The second floor is proposed as 16,306 square feet and is with a 26-unit hotel. There is also breakfast dining area, a fitness center and a large balcony area.

The third floor is proposed as ten residential units. This floor is 17,129 square feet in area. The residential units range in size from approximately 1,000 square feet to 1,600 square feet and include one, two and three bedroom units.

Building Design:

The primary orientation of the structure is towards the intersection with prominent building entrances on both street frontages. An “anchor” tenant space entrance faces Water Street near the intersection. The structure is proposed as close to the intersection as feasible with the building façade occupying the majority of both street frontages.

The proposed building is designed as a nod to “Main Street” design. The façade of the building along the street frontages incorporates offsets, jogs and other distinctive changes in the building’s façade. The building has been designed to give the impression of separate, 25 – 30-foot wide “buildings” through the use of exterior material changes, surface treatments and finishes that provide interest and emphasize the “separate” buildings attached along the frontage and provide emphasis on the entrances. Though not within the Downtown Design Standards, the proposed building incorporates many of the standards to reduce the massing of the structure along the frontages of the property found within the Downtown Design Standards.

The entrances to the commercial units open onto the public pedestrian areas, public plaza areas and outdoor seating areas with benches and table areas for future potential eating establishment clients. The entrances are all designed in a manner to provide clear, visible, and functional entrances with direct access to the public sidewalk. Emphasis has been provided to the entrances using roof overhangs, awnings, lighting and surface treatment changes. The upper stories provide roof cover, the recesses in the façade provide arcades and awnings will be provided to further protect pedestrians from the rain and sun. The proposed street improvements will create a pedestrian friendly environment in an area where there is presently very little pedestrian activity due to the lack of development and pedestrian infrastructure.

Access and Site Circulation:

The proposed vehicular and bicycle access to the property is from Water Street via the public alley to the south of the property and a driveway access from Van Ness Street. A driveway through the parking lot connects the two points of access. The project Civil Engineer has determined the access point from Van Ness is not too steep for the proposed driveway. Adequate vertical clearances are provided for emergency vehicles to traverse the site. The proposal includes street improvements to both street frontages and to the alley. Water street is proposed to be improved with new curb, gutter, five-foot hardscape parkrow with street trees in grates and an eight-foot sidewalk. Van Ness is proposed to be improved along the majority of the frontage with the required five-foot hardscape parkrow and eight-foot sidewalk, as the property and Van Ness slope uphill, to the west towards Helman Street, the proposed sidewalk is reduced in width to achieve the necessary transition between the subject property and the property to the west at 160 Helman Street. The alley is proposed to be improved with 16-feet of paving. Due to the topography of the site and the grade difference between the subject property and the properties to the west, the alley cannot be improved to have vehicular traffic, to provide a pedestrian connection, a stairway is proposed. The steep topography and the limited right-of-way width does not allow for switchbacks that would provide for ADA or bicycle access through the alley. A single vehicle parking space is proposed within the alley. This space will not be utilized by residents but will be allowed for business hour use.

Parking:

The proposed development of the site requires 63 (62.75) automobile parking spaces if a substantial portion of the ground floor is utilized as retail commercial with the higher retail parking requirements over office space parking requirements. If the retail portions are utilized as office, 58 parking spaces would be necessary. As provided, there are 21 surface parking space, 22 parking spaces below grade, and a single parking space within the alley for a total of 43 on-site parking spaces.

Commercial / Retail: $2528 / 350 = 7.36$

Office: $3,680 / 500 = 7.22$

Coffee: 1 per 4 seat = 4

Commercial Total: 18.5

Hotel: 26 rooms = 26

Manager: = 1

Hotel Total = 27

Residential:

1 br > 500 = 3

7 2br = 12.25

3 br = 2

Residential Total = 17.25

Total Spaces Required = 62.75

The proposed development requires 26 bicycle parking spaces. Of those 21 are required to be covered, all proposed bicycle parking is covered. The bicycle parking is as close to the entrances as the nearest

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on-site vehicle parking spaces and can be found between the building and the streets, to the side of the building in the parking area accessed from the Van Ness driveway and in the underground parking.

Bicycle parking:

Commercial = 1 space for every 5 parking spaces / 45.5 parking space = 9.1

Residential = 16.5

Bicycle Total = 26

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The request includes a Parking Management proposal as permitted in AMC 18.4.3.060 and the application seeks to reduce the off-street parking spaces through the application of the allowed credits for on-street parking, alternative vehicle parking and six-percent mixed use credit. The requested reduction in off-street parking spaces is 33 percent. The maximum allowed credit within the Parking Management strategies is 50 percent. The proposed reduction in vehicle parking spaces are permitted within the municipal code and the parking demand analysis prepared by Sandow Engineering demonstrates that the requested utilization of Parking Management Strategies' and the provision of a mixed-use credit demonstrates that the parking generated by the proposed development complies with the standards.

Parking Management Strategies:

extra bicycle = $30 / 5 = 6$ space credit

motorcycle = 5 spaces = 1 space credit

on-street = 9 space credit

alley = 1 space credit

Parking Management Strategy Total = 17 spaces ($17 / 63 = .27$)

Mixed-Use Credit = 4 spaces ($4 / 63 = .06$)

Provided on-site parking = 43 spaces

Parking Management Strategy = 17 space credits

Mixed-Use Credit = 4 space credits

Total provided = 63 spaces

The required parking space calculations assume that all the tenant spaces are occupied and open for business, the hotel is at full capacity and every room is occupied by a guest that drove a vehicle and that every resident is home with at least one automobile. Though ideal for the property owner, hotel owner, business owners, etc., it is highly unlikely and not typical of commercial development. With Ashland's proximity to the Medford International Airport, hotel guests from out of the area also will taxi or take shuttles from the airport to the hotel thus reducing the hotels parking impact. The provided parking, the justified parking management strategies as allowed in the municipal code, coupled with the low demand for on-street parking along the frontages of the property and the close proximity to downtown and the "walkability" (the site scores an 89 out of 100 for walkability according to WalkScore) of the neighborhood, appears to justify the reduction in the number of vehicle parking spaces.

The proposed parking lot design and construction complies with the standards from AMC 18.4.3.080.B.

Common Areas:

The proposed 42,841 square foot building requires 4,284 square feet of plaza space. Within the recessed alcoves of the commercial spaces, public pedestrian plaza areas have been proposed. Of the required public plaza area, 1,540 square feet are proposed along the front of the building between the structure and the public sidewalk and parkrow area. A substantial outdoor seating area has been proposed at the rear of the building. The outdoor plaza areas include sitting space in the form of tables and chairs and traditional benches. A water feature is proposed in the middle of the space. Much of the ground floor tenant spaces has direct access to this space. The outdoor area in the rear is on a southwest exposure and is therefore covered. The space will have substantial shade to protect from the summer sun and is covered to encourage year-round use and protection from rain and snow. This area provides the remaining outdoor plaza area. The balance of both street fronting plaza area and plaza area at the rear of the building is to provide a mixture of sun and shade. The east and north sides of the proposed building abut the public streets and are not the ideal locations for outdoor areas due to perpetual shade and limited view corridors. The southwest plaza area at the rear of the building provide views of the Siskiyou's and provide for a mixture of sun and shade. The hotel and the residential units have functional balcony areas to provide private outdoor space for each residence and for the majority of the hotel units. These balcony areas have not been included in the total common area calculation as they are not publicly available.

Trees and Landscaping:

The existing trees on the site will be removed to facilitate the development. The two trees on Water Street are species that are known for their 'destructive' qualities – Liquid Ambar and Fruitless Mulberry are known to have surface rooting that damages streets, sidewalks, structure and utility infrastructure.

The proposed landscape plan uses a variety of deciduous shade trees, shrubs, and ground covers. Using water conserving landscape and irrigation design, the proposed landscape plan and the future irrigation plan can demonstrate compliance with the standards.

Findings of Fact:

The following information addressing the findings of fact for the applicable criteria from the Ashland Municipal Code are provided on the following pages. For clarity, the criteria are in Arial font and the applicant's responses are in Times New Roman font.

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Criteria from the Ashland Land Use Ordinance

Site Development Design Standards Approval Criteria:

18.5.2.050 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.

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.

The proposal complies the standards from 18.2.

The property is zoned Employment (E-1). The proposed uses of the site as commercial is a permitted use, the hotel is a Conditional Use and the residential portions are a special permitted use.

The proposed structure is setback approximately 13-feet from the Water Street property line and varies between 15 to 20-feet from the street, and approximately 10-feet from Van Ness. The proposed setback is to provide adequate clearance for minimum street improvements (eight feet of sidewalk and five-foot hardscape parkrow with 5X5 metal street tree grates). There are variations in the setbacks to provide additional setback areas to the façade with alcoves for the entrances to the various ground floor commercial spaces. The rear setback and side setbacks are to accomplish fire separations, parking space and vehicular access and circulation. There are no residential zones adjacent that would require a greater setback.

The proposed building is an average of 32-feet, 5-inches. A five-foot parapet is proposed that will provide mechanical screening.

The proposed building at 42,841 square feet, exceeds the minimum Floor Area Ratio of 15,481.5 square feet, but is less than the maximum permitted floor area of 45,000 square feet.

The proposed residential density is ten units, this is less than the allowed residential density of 10.6 units.

Slightly more than 15 percent of the site is proposed as landscape areas (5,079 square feet). This total includes all landscape areas, there is 4,776 square feet of landscape area that is outside of the building areas and not impeded by a three-foot overhang. The landscape area that is provided outside of the three-foot overhang areas is 15.42 percent and complies with the minimum landscape area.

The proposed buildings are clearly oriented to both street frontages with prominent pedestrian entrances into each separate tenant space. The proposed architecture has a modern feel from our time as required in the Historic District Design Standards but has clear historical elements such as a strong base, a consistent rhythm of openings within each "building", material choices commonly found in Ashland's Commercial Historic Districts.

18.2.3.130 Dwelling in Non-Residential Zone

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

The Employment (E-1) Zoned property is within the Residential Overlay.

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

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.

There is one building on the site. The ground floor use for the residential lobby and elevator is less than 35 percent of the gross floor area. ($682 / 9,406 = 6.4$ percent).

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 proposal has ten residential dwelling units which is less than the allowed density. ($.74 \times 15 = 10.6$ units)

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

The setbacks, landscaping and design standards that have been applied to the residences are the same as those of the underlying zone.

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

Off-street parking for the residences has been provided. More details on the parking are provided in the findings below.

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.

Ten residential units are proposed. The proposal does not require the dedication of an affordable unit.

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

The property is subject to the Physical and Environmental Constraints Review, Basic and Detail Site Design Review and Historic District Standards. As evidenced in the findings below and with the supplemental documents from the Geo-Tech, preliminary Civil Engineering and future Structural Engineering it can be found that the proposed development complies with the development of a commercial building within the Ashland Modified Floodplain but outside of the FEMA floodplain and complies with the development standards for Severe Constraints due to the slope of the property.

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Physical and Environmental Constraints Review (AMC 18.3.10.050)

The subject property is subject to the Physical and Environmental Constraints Review Chapter due to the presence of the Ashland Modified Floodplain adopted on the maps of the City of Ashland.

18.3.10.060 Land Classifications

A. Flood Plain Corridor Lands. Lands with potential stream flow and flood hazard. The following lands are classified as Flood Plain Corridor Lands.

1. All land contained within the 100-year Flood Plain as defined by the Federal Insurance Administration and identified in the Flood Insurance Map (FIRM) adopted by the City Council as provided for in AMC 15.10.

The property is not within the 100-year floodplain as defined by the FEMA Flood Insurance Rate Maps.

2. All land within the area defined as Flood Plain Corridor Land in maps adopted by the Council as provided for in section 18.3.10.070 Official Maps.

The property is on land that was determined as the Ashland Modified Floodplain. The Ashland Modified Flood Zone was identified back in the 1980's based on City of Ashland identified discrepancies with the FEMA Flood Zone maps at the time. This map is based on an elevation line drawn on a map but lacks the necessary elevation data for floodplain elevation and delineation as required by FEMA. The FEMA Maps are flood hazard areas and the City's map is a flood protection area. Following the 1997 flood, the City of Ashland studied the impacts of the 1996/97 flood event and a plan for Flood Restoration was drafted. Otak Engineering presented the final documents to the City of Ashland in November 1997. The Ashland Creek Flood Restoration Project study identified the highest flood flows based on year event through research study of the creek, survey of high water marks and collection of detailed eye witness accounts and anecdotal information the Otak team pulled together a clearer picture of the New Year's Day flood scenario. What was determined using the survey data was that the flooding area is within the Water Street and Van Ness Streets right-of-way.

3. All lands which have physical or historical evidence of flooding in the historical past.

Upstream blockages during the 1996/97 event caused the original stream corridor to exist the natural drainage course and create a new course that ran through the front lawn of Lithia Park, through the front of the Plaza (note: majority of Ashland Plaza not in and never included in the floodplain designations) and down Water Street. Per the Ashland Creek Flood Restoration Plan completed in November 1997 and written by Otak Engineering, not long after the blockages were cleared, Ashland Creek was freely flowing in its banks below the flood stage but the ravages of the creek above the Winburn Way bridge, more water was directed through the plaza and down Water Street than flowing in the creek. The events of 1997 have largely been rectified through the construction of the new bridge at Winburn Way and the Calle Guanajuato. The construction of floodwalls and stabilization of the banks and redevelopment of the Calle Guanajuato, the study and stabilization of the East Main Street bridge at the Plaza and Bluebird Park. And most recently, the bridge under Water Street to the south of 165 Water Street and the improvement of properties immediately downstream of the bridge (51 Water Street, 70 Water Street and 96 Water Street) to

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convey floodwaters was recently completed. The bridge was increased in size, the banks were stabilized, in-stream barriers were removed and non-native, noxious vegetation and trees that created barriers to floodwaters and debris removed. This project was started by the City of Ashland following the 1997 flood and was completed in 2012. Any flooding that happened near on the subject property was heavily impacted by upstream conditions and caused out of bank flooding that may not have happened had the blockages and stream re-direction not occurred.

18.3.10.060 Land Classifications

D. Severe Constraint Lands. The following lands are classified as Severe Constraint Lands, which have characteristics that severely limit normal development.

1. All areas that are within the floodway channels, as defined in AMC 15.10.

There are no floodway channels as defined in AMC 15.10.

2. All lands with a slope greater than 35 percent.

There is an embankment along the west property line that is more than 35 percent slope.

A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.

It can be found that the potential to impacts to the property and nearby areas have been considered. The construction of the structure 13-feet from the Water Street property line. The proposed structure encroaches approximately 32-feet into the Ashland Modified Floodplain. From the elevation line drawing approved with the Ashland Modified Floodplain, the flood "elevation" is 1845. The proposed ground floor, finished floor elevation at 1845.00, is the approximate elevation of the line drawn on the Ashland Modified Floodplain Map. The FEMA floodplain is across Water Street. There are no pillars or other barriers being constructed that could be found to be a barrier to possible floodwaters. No loose fill or other impacts that could have adverse impacts on downstream properties.

The hillside has been evaluated by Rick Swanson, P.E, G.E., and has been found to be reasonably stable and no areas of instability or seepage were observed. The soil types, Camas-Newberg-Evans and Shefflein Loam are typically found on shallow slopes, adjacent to floodplains and are relatively stable, with slight erosion hazard. The hillside will be removed and a structural retaining wall will be installed to accomplish the proposed site development. The retaining walls will be designed by the Structural Engineer with review by the Geotechnical Expert. The retaining wall will provide stability for the future development of the property above. The proposed development will not increase erosion, sedimentation of lower slopes as there are none, flooding problems or sever scarring of the sloped areas.

18.3.10.080 Development Standards for Flood Plain Corridor Lands

For all land use actions that could result in development of the Flood Plain Corridor, the following is required in addition to any requirements of AMC 15.10.

Ashland Municipal Code 15.10 does not apply to the subject property as AMC 15.10 is the building code regulations regarding construction within the FEMA regulated 100-year floodplain.

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A. Standards for Fill in Flood Plain Corridor Lands.

The only fill on the site will be poured concrete and other building, paving and landscaping materials necessary for the construction of the new structure.

The are no fill slopes nor is the floodway channel on the subject property.

Little fill in the sense of loose dirt, excepting the landscape areas is necessary to accomplish the proposed development. The proposal has below grade construction which will require soil removal. Poured concrete and other materials necessary for the construction of the structure. Aggregate base and paving materials necessary to construct the approved public street improvements (e.g. sidewalks, curb, gutter, alley and driveways) is the only "fill" proposed on the site.

It is not anticipated that more than 50 cu yards of "fill" will be placed on the site.

The proposed structure is not within the FEMA floodplain which has specific elevation data as to what the height of the elevation would be required to be raised too. The Ashland Modified Floodplain Boundary from 1989 was not based on surveyed elevation data. There are no survey markers provided for necessary survey data to determine the elevation for the finished floor elevations.

B. Crossings.

No crossings proposed.

C. Elevation of Non-Residential Structures.

The structure is not required to be flood proofed to the standards found in AMC 15.10 because those standards are specific to the elevation data provided in the Digital Flood Insurance Rate Maps (DFIRMs) and the FEMA Base Flood Elevations (BFE) which have necessary survey data that allows for surveys of finished floor elevations where development occurs within the FEMA floodplain.

Since the Ashland Modified Floodplain was adopted based on the same level of science and fact that the FEMA flood plain maps are adopted to and even to the data found through the Ashland Creek Flood Restoration, it is difficult to arbitrarily dictate the building be elevation to somewhere between 1845 and 1849.

D. Elevation of Residential Structures.

The residential units are sustainably above the FEMA floodplain.

E. Structure Placement.

In order to comply with the standards from the Employment District Design Standards, the Basic and Detail Site Review Standards and the Historic District Design Standards, the

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structure has been placed within the floodplain corridor land. In order to remove the structure from the Ashland Modified Floodplain, the structure would be located on the southwest portions of the property and the parking lot could be along the street frontage. This is in consistent with Ashland's design standards. The documented flood elevations using the hydrologic modeling from the Ashland Creek Floodplain Restoration study found the water stayed within the rights-of-way and didn't encroach onto the subject property.

F. Residential Structure Placement.

N/A

G. New Non-Residential Structures. New non-residential uses may be located on that portion of Flood Plain Corridor Lands that equal to or above the flood elevations on the official maps adopted in section [18.3.10.070 Official Maps](#).

The FEMA floodplains which have clear elevation data that provides precise measurements for elevations above the FEMA floodplains are not located on the subject property. The City of Ashland Modified floodplain is not based on elevation data and cannot be definitively surveyed. The proposed structure is more than 50-feet from the floodplain, will not impact any riparian vegetation. The proposed structures lowest finished floor is at or above the elevation contained on the Ashland Modified Floodplain.

H. Building Envelopes.

No property line adjustments or partitions that require the identification of a building envelope are part of the application.

I. Basements.

No portion of the below grade parking area is habitable.

The flood-proofing standard from AMC 15.10 are directly correlated to the FEMA floodplain base flood elevations (BBFE) and there are no FEMA floodplains on the property.

J. Hazardous Chemicals. *No toxic chemicals will be stored on the site. The property had been previously identified as a Brownfield. The site has been cleaned up to the DEQ's recommended standards. The proposed development is consistent with the condition of approval from the DEQ report (DEQ Summary Attached).*

<http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceId=4951&SourceIdType=11>.

K. Fences.

No fences are proposed.

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L. Decks and Other Structures.

Not applicable. The flood-proofing standard from AMC 15.10 are directly correlated to the FEMA floodplain, base flood elevations (BFE) and there are no FEMA floodplains on the property.

M. Local Streets and Utilities.

The existing public infrastructure and utility connections are within Water Street which is outside of the FEMA floodplain but within the Ashland Modified Floodplain. It is not possible for the existing public infrastructure to be relocated outside of the floodplain.

18.3.10.110 Development Standards for Severe Constraint Lands

Along the west property line there is an area of more than 35 percent slopes. Rick Swanson, P.E., G.E. from Marquess and Associates, LLC has reviewed the steep slope along the west property line. No slope failure or seepage were evident. The Geo-Tech provided an assessment that the slope is stable and that with appropriate engineering, the retaining wall will further stabilize the topography. There is currently a retaining wall on the public alley and the adjacent property to the south along the same hillside. These retaining walls do not exhibit any evidence of failure. The soil type, Camas-Newberg-Evans and Sheffelin Loam are both stable soil types found throughout the area. The Geo-Tech’s evaluation letter is attached.

18.3.10.090 Development Standards for Hillside Lands

B. Hillside Grading and Erosion Control.

The grading, retaining wall design, drainage and erosion control plans are designed by Structural and Civil Engineers with review by a geotechnical expert (geo-techs don’t typically design). All cuts, grading and if any fill proposed will conform to the applicable building code.

The proposed retaining wall construction would be one of the first site improvements and ideally the construction on the wall would begin in May and end prior to October 31.

No partition or subdivision is proposed and the site will not be retained in a natural state.

The cut slope is proposed to be retained with a structural retaining wall.

No exposed cut slopes are proposed. The retained cut slope is be more than seven feet in height and is not proposed to be terraced. The vertical height of the existing hillside is 8 – 12 feet and the retaining wall will be approximately 10 – 12 feet tall.

The encroachment into the steep slope area is not for a structure but a retaining wall. The intent of the “split pad or stepped footings” is to “cut” a residence into the hillside to reduce the massing and to keep the structure low on the hills to limit houses from sticking out of the hillside above town. The applicant finds that it was not the intent of the hillside

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design standards to prevent the development of Employment zoned lands that happen to have a steep embankment that has been manipulated for decades. In order to reduce the effective visual bulk of the retaining wall, a living, green screen is proposed in front of the retaining wall adjacent to the parking spaces. The portions of the retaining wall where a landscape buffer is located between the parking area and the wall, a climbing plant is proposed to grow up the wall to screen the wall and reduce the visual bulk.

The soil types, Camas-Newberg-Evans and Schefflin Loam have little erosive qualities and are not soil types typically found on Ashland's hillsides where highly erosive decomposed granite is the predominant soil material. No fill on the lands classified as Hillside Lands is proposed.

6. Revegetation Requirements.

Following site development, all areas of proposed landscaping will be revegetated as required by the City of Ashland codes. With the final landscaping plan, it can be shown that vegetation can be substantially established within one year of installation.

7. Maintenance, Security, and Penalties for Erosion Control Measures.

All landscaping and erosion control will be maintained in perpetuity.

The property has existed long before January 1, 1998 and the erosion control security bond is not applicable.

8. Site Grading. The grading of a site on Hillside Lands shall be reviewed considering the following factors.

The applicability of this section is questionable as the intent of Employment Zoned lands is to develop the site to the highest and best use and the majority of the hillside lots that the intent of the ordinance was addressing are the steep, residentially zoned slopes above town. Keeping development away from the hillside (ten feet per the Geotech) would reduce the developable area of the Employment Zoned land substantially. There are no unstable or hazardous areas of the site.

9. Inspections and Final Report.

The geotechnical expert will inspect the site and provide a final report to the City of Ashland as requested. The report will indicate that the approved grading, drainage, and erosion control measures were installed as per the approved plans and the scheduled inspections periodically throughout the project.

C. Surface and Groundwater Drainage.

It can be found on the proposed preliminary Civil Engineering plans, and will be shown on the building permit submittals that, collection and treatment of new impervious surface

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runoff from the development complies with the standards for surface, ground water and storm water treatment. As proposed, storm water facilities for the new driveways, parking areas and roof drain systems can be accommodated on the site and released into the City of Ashland approved destination point in accordance with the Storm Water Facility Design Requirements. Storm drainage will be installed as part subsurface site preparation for the underground parking and therefore, one of the first improvements constructed on the site. The surface parking area and driveway are proposed to drain first to a parking lot bio-swale for treatment of the surface generated storm water as a result of the site development. This flow retarding system is intended to minimize increases in run-off volume and peak flow rate.

All storm water drainage has been designed by a Civil Engineer with the consultation of the Geo-Technical Expert and the project Structural Engineer.

D. Tree Conservation, Protection and Removal.

Three trees that are more than six-inches in diameter at breast height are on the sloped area of the site. There are two Oak trees, a 24-inch DBH oak and an 11-inch, multi-trunk fruitless mulberry and a 10-inch maple. There are two deciduous trees along the Water Street frontage. One is a 12-inch DBH Liquid Ambar and the other is a 15-inch DBH fruitless mulberry.

The trees are not suitable for conservation for a number of reasons. The two trees adjacent to Water Street, the Liquid Ambar and the Mulberry are both trees that are notorious for their penchant for damaging sidewalks, curbs, streets, utilities with their strong, surface rooting growth pattern. Both trees also have fruit that litters the ground and creates trip hazards. Both trees also are in a location that would prevent the required street improvements in accordance with the City's codes.

The Oak trees and the mulberry tree along the hillside slope will be substantially, negatively impacted by the site construction and would not survive the amount of cut necessary within the root zone in order to allow for the development of the parking area and driveway.

Replacement trees will be planted in the landscape areas to replace the trees removed on the hillside. The two trees in the Water Street right-of-way (the Mulberry and Liquid Ambar) will be replaced with street trees in the new sidewalk and street tree grates.

H. Exception to the Development Standards for Hillside Lands.

1. 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. The site is zoned Employment and is unique in that there are no other Hillside Lands and the area of steep slope is isolated along a property line. In order to develop the site in accordance with the standards for the Site Review and Historic District Design Standards, encroachment into the steep slopes is necessary.

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2. The exception will result in equal or greater protection of the resources protected under this chapter.

The proposed exception for the retaining wall along the parking area to be structurally retained instead of unretained loose soil. The retaining provide protection to the subject property that is “down slope” of the unretained slope. Eventually, when the property to the east which is also Employment zoned develops, the proposed retaining wall will protect their property from slope failure due to the structural retention proposed.

3. The exception is the minimum necessary to alleviate the difficulty.

The exception is the minimum necessary to alleviate the difficulty in not developing the property in accordance with the standards from the Site Review and Historic District Design Standards.

4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10 Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.

The proposed exception is consistent with the purpose and intent of the chapter and insures the development does not create soil erosion, sedimentation of lower slopes as there are none, and prevents slide damage. The development standards for hillside lands appear to be focused primary on retention of the natural hillsides and the retention of the natural slopes. The “natural” physiographic conditions of the site that created the embankment are called into question as there has been documented development on the property as long as there has been a City of Ashland.

B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.

The applicant has considered the potential hazards from development of the Ashland Modified Floodplain. The Ashland Modified Floodplain was created without surveyed elevations and without a flood water modeling study. The FEMA floodplain is based on flood modeling, and more recently, following the Ashland Flood Restoration Study was undertaken following the 1997 flood. It was found using oral account, evidence of flooding, and floodplain modeling, that the drainage system upstream of the subject property had numerous areas of failure including heavily vegetated banks, unsecured bridges, undersized culverts, channelization from previous flood scarring, instream hazards that contributed to the flooding in 1997. It was found that the flood “elevation” from the Ashland Restoration Study that the subject property didn’t flood and that the floodwaters stayed within Water Street. The proposed development is outside of the FEMA floodplain. In the event of an even more major, 1997 flood was considered a 25-year event, it is found that minor property protections such as sandbags can prevent flooding to the structure.

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The construction of the retaining wall on the stable soil slopes will not create hazards to adjacent properties. The retaining wall will not cause slope failure, erosion or siltation on to adjacent properties.

C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

The applicant finds that due to previous site developments, adverse impacts to the environment will not occur as a result of the proposed development. The site development is proposed in accordance with the Site Design Review Standards for commercial development and it can be found that the impacts from the proposed development will not have negative environmental impacts.

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.

18.4.2.040 Non-Residential Development

The proposed development of the Employment zoned land with a mixed-use commercial structure will have a positive impact upon the streetscapes of Water and Van Ness Streets. The building is proposed to have a minimal setback as . Outdoor spaces for pedestrian activity and outdoor seating areas for guests, customers and tenants of the building are proposed that will improve the projects appearance and site amenities. Landscaping is proposed to enhance the site and provide screening of the parking lot and trees to provide cooling of the surface parking areas. The proposed public transportation improvements will enhance the pedestrian environment and will improve bicycle transit by providing an abundance of bicycle parking facilities as encouraged in the Off-Street parking chapter of the municipal code.

The proposed building is designed to be consistent with the highest standards for compliance with the detail site review, large scale and historic district design standards even though the site is on lower order, less traveled City streets adjacent to the railroad tracks.

B. Basic Site Review Standards.

1. Orientation and Scale.

The proposed building is clearly oriented towards the public streets. The streets have equal functional classifications, the proposed building is oriented towards both streets. The Water Street frontage has its most prominent pedestrian entrance as close to the intersection as practicable. No parking is proposed between the building and the street, all parking is behind the façade of the structure.

The proposed building occupies the majority of the two street frontages. The only gap created is for the driveway access from Van Ness under the structure. The second and third story facades

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are continuous over the driveway access. A pedestrian sidewalk is proposed to extend from the Van Ness Street improvements under the bridge to the rear of the building and the large public plaza area.

The majority of the proposed building entrances are located within 20-feet of the street right-of-way. The entrances are clearly visible, have alcoves, lighting, pedestrian covering and changes in materials to emphasize the entrances.

Public sidewalks are proposed along the public street frontages, pedestrian walkways are provided for each business entrance from the public pedestrian sidewalks. Landscape screening is proposed for the parking spaces that are accessed from the alley along the south property line to screen the vehicles from Water Street.

2. Streetscape.

One street tree for every 30-feet of frontage in compliance with the spacing standards for street trees have been provided. See preliminary landscape plan.

3. Landscaping.

The proposed landscaping complies with the minimum standards and slightly more than 15 percent of the site has been provided as landscape area. A recycle and refuse area that will be screened in accordance with the standards from AMC 18.4.4 is proposed along the west property line.

More than seven percent of the parking lot area has landscaped areas. There are parking lot shade trees provided for every seven parking spaces. There are 21 surface parking spaces and five parking lot shade trees proposed.

An exception to the parking lot screening standards for the reduction of the parking lot buffer adjacent to the property line has been requested. The proposed parking lot is more than eight feet below the embankment and therefore, headlight encroachment, automobile noise, exhaust, etc. will not negatively affect the adjacent property. The retaining wall is proposed to be screened with a living, green screen.

4. Designated Creek Protection.

Not applicable

5. Noise and Glare.

All artificial lighting will comply with the standards of 18.4.4.050. There are no residential zones in the vicinity of the project site. Two, new Sternberg Commercial street lights are proposed at the intersection of the two public streets and on Water Street at the intersection of the alley and Water.

6. Expansion of Existing Sites and Buildings.

Not applicable

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C. Detailed Site Review Standards.

The subject property is within the Detailed Site Review Standards.

1. Orientation and Scale.

Floor Area Ratio (FAR) of 0.50.

The proposed Floor Area Ratio exceeds .50. The proposed structure is 42,841 square feet which is more than the required .50 FAR of 15,481 square feet.

The infill building is adjacent to the public sidewalk. The proposed building frontage is more than 100-feet in length. The building has substantial offsets, jogs and other distinctive changes in the building façade. The walls within 30-feet of the public street have more than 20 percent of the wall area as windows and doorways. No blank walls are proposed.

The proposed building has substantial changes in mass, surfacing and the exterior finish materials to emphasize the entrances. The proposed building has alcoves for the entrances. The upper floors, awnings and marquees are proposed to provide protection for pedestrians from rain and sun.

2. Streetscape.

Colored and scored concrete are proposed to designate people areas for both the sidewalks and the covered outdoor seating area at the rear of the building. The internal sidewalks provided through the development will match the San Diego Buff city sidewalk.

The building is at no point more than five feet from the public sidewalk. The alcoves that are recessed more than five feet have plaza areas, and outdoor seating areas.

3. Buffering and Screening.

There are no incompatible uses on adjacent lots. All the surrounding properties are Employment Zoned and generally all have commercial uses on the sites.

A landscape buffer with a parking lot shade tree is proposed to buffer the surface parking lot from Water Street.

4. Building Materials.

More than 15 percent of the exterior walls have substantial changes in relief. There are cornices, bases, fenestration, changes in material such as brick, siding, stucco, metal and wood. No bright or neon paint colors are proposed the majority of the building is not glass.

D. Additional Standards for Large Scale Projects.

The proposed building is more than 10,000 square feet in gross floor area and has more than 100-feet of frontage and is considered a Large-Scale Building.

1. Orientation and Scale.

The proposed 42,841 square foot building is less than the maximum 45,000 gross floor area. The below grade parking is not counted in the gross floor area for the purposes of determining maximum building area for this section of code.

As depicted on the Architectural Elevation plans, the proposed building façade has been divided into a series of distinct, separate “buildings” that range between 27 – 40-feet. Each “building”

has been created to give the impression that the site developed organically overtime similar to the development pattern found in the downtown. The various building divisions are created through material changes, changes in window type and promote a more human scale by reducing the massing, and the setbacks. The separate business entrances also anchor the “building” divisions. Sheltering roofs and distinct changes in architectural styles further reduce the building mass with interesting variations in setbacks and coverings. Street trees will also provide a softening effect and increase shading and changes in lighting throughout the day.

The corner unit at the intersection of Water and Van Ness is proposed as an anchor space. This portion of the building is proposed to have traditional building materials found in Ashland’s commercial developments, specifically found in the downtown area. The corner unit utilizes a post and lintel construction style, with a traditional reddish brick, strong, fiber cement base, aluminum, storefront style windows with divided light transoms and a recessed entrance with traditional, storefront double doors on the ground floor. This building is proposed to have upper story balconies that break up the vertical massing and provide a distinct relationship to modern development style in concert with the traditional style of the overall building façade. The divided light windows on the upper floors are smaller than those on the ground floor to retain the emphasis on the lower level. A well-defined cornice has been proposed on this building to “cap” it off.

The unit to the south has a more modern styling. This unit is recessed behind the façade of the corner unit. The exterior finish is proposed as a horizontal siding with stucco accents. This unit has a narrower frontage and has taller upper story windows with metal sunshade awnings giving it a more vertical presence over the more horizontal façade designs on the adjacent units. This unit has more modern design aesthetic with the use of metal, stucco, horizontal siding and glass. These are traditional design elements found in Ashland’s more “modern” historic buildings. The next building to the south has a more elongated façade reflecting a “Moderne” style of architecture. This 50-foot wide unit is divided into two tenant spaces which are reflected through the use of columns, and distinctive, recessed facades. This section of the building is lower in height in comparison to the adjacent units. This building has larger, storefront glazing, a lower, less substantial base reflective of architecture found on the Claycomb Mall building in downtown. Modern materials such as stucco, cement board, horizontal siding and metal railings on the upper story decks, create a distinctive break in the façade of the structure.

The end unit on Water Street has elements of traditional architecture though the choice of materials, brick, cement board, divided light windows that are more vertical than horizontal and modern elements such as expansive upper story decks with metal railings.

The “units” facing Van Ness utilize modern materials such as horizontal lap siding, cement base, aluminum storefront windows, metal railings and single pane glazing instead of more historically accurate divided light windows. A five foot parapet is provided along the entire façade of the structure to screen the rooftop mechanical equipment.

2. Public Spaces.

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The proposed building requires 4,841 square feet of plaza space. Within the recessed alcoves of the commercial spaces, along the frontage of the building 1,540 square feet (36 percent) of public plaza areas have been proposed. The remaining 2,744 square feet (2,990 provided) is found within the substantial outdoor seating areas to the side and the rear of the building. The outdoor plaza areas include sitting space in the form of tables and chairs and traditional benches. A water feature is proposed in the middle of the space. The outdoor area in the rear is on a southwest exposure and is therefore covered. The space will have substantial shade to protect from the summer sun and is covered to encourage year-round use and protection from rain and snow. Some of the metal awnings along the street frontages will have clear roofing within the metal frame to incorporate sunlight and shade.

The property is to the southwest of the street intersection. The plaza areas along the street frontages are on the east and north sides. These areas have limited view corridors due to the railroad tracks and the creek corridor and are within the naturally less sunny areas of the property. The provided mixture better addresses the City Standards both engaging the street corridors and providing a lively pedestrian area. The proposed building setbacks from property line vary from 13-feet (minimum sidewalk improvements) to more than 20-feet to provide for ample public pedestrian plaza areas along the street frontages while retaining the maximum setback in the detail site review zone of five feet unless provided as pedestrian plaza areas. The proposed site layout allows for vehicular access to and through the property, while retaining minimum setbacks and provision of a substantial pedestrian plaza area outside of the 13-foot pedestrian corridor.

The plaza areas on the front and rear provide for accesses to the street and the rear entrances of the commercial tenant spaces on the ground floor. Trees and landscaping are provided in the landscape areas adjacent to the outdoor spaces. Concern has been expressed that the proposal does not provide a “vibrant streetscape that provides an engaging transition between the street and the private site”. It can be found that providing 1,540 square feet (36 percent) of the required plaza area between the building and streets adequately provides for vibrant streetscape that will engage pedestrian as expressed in the Site Design Standards. This 1,540 square feet of plaza area has sitting and standing areas, benches and tables with chairs, provides for protection from wind by the building and provides a mixture of areas that provide sunlight and shade. The proposal also provides for ample area between the required parking spaces and the rear entrances of the ground floor commercial spaces to engage the customers of the business, the guests of the hotel and the residents of the residential units.

When compared to the only similar commercial developments in the vicinity, the Plaza Inn and Suites on Helman and Central (58,578 square feet in two buildings) and the Ashland Creek Condominiums (42,224 square feet) on Water and Central, the proposed public plaza area along the street at 1,540 square feet in area is more substantial than the plaza areas provided with those developments (none at the Water Street Condominiums and approximately 1,350 square feet behind an uninviting, disengaging four-foot metal hand rail at the Plaza Inn and Suites separated from the public sidewalk by landscape area).

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18.4.2.050 Historic District Development

The subject property is at the northeast corner of the Skidmore Academy Historic District. The property across Water Street is the northwest corner of the Railroad Historic District. The proposed building incorporates the main architectural themes found in Ashland's historic districts but is not an imitation of a specific architectural style. The standards speak to a comparison of historic buildings in the vicinity. In the case of the subject property, the adjacent properties are underdeveloped or have non-conforming residential development.

B. Historic District Design Standards.

1. Transitional Areas.

The property is located that the boundary of the Skidmore Academy Historic District, and the Detail Site Review zone. The proposed building has numerous traditional, architectural elements and materials, the scale, form, massing and some of the material elements are more modern in styling. It can be found that the proposed building is architecturally compatible with the historic district design standards and provides a solid neighborhood anchor for the future redevelopment of the adjacent employment zoned properties.

The Historic District Design Standards are primarily a contrast and comparison of the proposed site development and the development on immediately adjacent properties. The adjacent properties, and those within the 200-foot impact area, are underdeveloped, partially vacant or utilized as a non-conforming use such as, residences in the E-1 zone. Additionally, the graphics provided within the Historic District Design Standards are of residential properties and do not translate easily to commercial development. This complicates that comparisons necessary by code.

It can be found that the proposed building incorporates a number of the historic district design standard objectives such as sense of entry, provision of a base, fenestrations, a rhythm of openings, smaller masses to reduce bulk and scale.

2. Height.

The structure is proposed to be three stories and an average height of 40-feet, a five-foot parapet is proposed. This is the allowed building and parapet height in the Employment zone.

3. Scale.

The scale of the building is appropriate for an Employment zoned property that has two street frontages. The nearest commercial developments can be found on Central Avenue. The Ashland Creek Condominiums and the Plaza Inn and Suites on the south side of Central, are just over 200-feet away, too far to adequately judge scale. (Plaza Inn and Suites is 58,578 square feet in area and Ashland Creek Condominiums is 42,224 square feet in area). A graphical representation is provided on page A-3.0, 3.4 & 3.5 of the Architectural renderings that depicts the proposed development with the referenced commercial structures and properties.

The property on the corner of Van Ness and Helman, 160 Helman, is partially vacant, a previous development proposal for the site would have completely screened the subject property from Helman. The future development of 160 Helman will likely screen the building from view by the residential properties to the west. Due to the topography, with the current adjacent site

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development, the building will appear as a two-story from Helman Street until the adjacent Employment zoned properties develop at a higher intensity that dictates larger building areas.

There is a 4,058-square foot, two story commercial building with residential above to the northwest, across Van Ness. This structure is on a 3,500-square foot lot, has nearly 80-feet of façade along Van Ness Street. Though on a smaller scale, the floor area ratio of this site at 1.15 percent Floor Area Ratio is similar to proposal.

4. Massing.

The proposed building is divided into smaller, varied masses. The architecture differs from the residentially inspired Plaza Inn and Suites and is more consistent with historically appropriate commercial architecture. The recessed entrances, canted bay windows, covered pedestrian areas, wide sidewalks, street trees all provide visual relief and reduce the massing. The proposed vertical and horizontal rhythms are symmetrical.

5. Setback.

The proposed building is setback the maximum allowed by the municipal code. The maximum setback from the public sidewalk in the Detail Site Review overlay is five feet, the proposed setback is at no point more than five feet.

6. Roof.

The proposed flat roof with a staggered parapet is consistent with traditional streetscapes found the developed commercial areas of Ashland such as A Street and in the downtown.

7. Rhythm of Openings.

The proposed pattern of wall to door and window openings on the street frontages is maintained within each clearly defined "building unit". The pattern, and a compatible width to height ratio is maintained across the entire building façade even though the window style changes to retain consistent window styles within the different vertical divisions.

8. Base or Platforms.

The proposed building has a well-defined base. The base is reflective of the style of the building. The base is not consistent across the entire façade and materially changes with the style of the façade division.

9. Form.

The proposed buildings form is consistent with commercial development and the design is In order to add visual interest, the proposed building incorporates complex paneled exteriors with columns, framed bays, transoms, and windows to create multiple surface levels. There is a clear visual division shall be maintained between ground level floor and upper floors.

10. Entrances.

Well-defined, covered, recessed, primary entrances are provided into each tenant space on the street frontages. Awnings and marquees are proposed to emphasize the entrances.

11. Imitation of Historic Features.

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The building design is consistent with this standard. The proposed building is clearly contemporary in design while providing historical context with the incorporation of materials and architectural elements found on commercial buildings in Ashland's historic districts.

18.4.3 Parking Access and Circulation:

The proposed development requires 63 vehicle parking spaces.

Commercial / Retail: $2528 / 350 = 7.36$

Office: $3,680 / 500 = 7.22$

Coffee: 1 per 4 seat = 4

Total: 18.5

Hotel Use: 26 units + 1 manager = 27

Residential:

1 br. 500 sf unit: $2 \times 1.5 = 3$

2 br. Units: $7 \times 1.75 = 12.25$

3 br. Units: $1 \times 2 = 2$

Total Residential Spaces: 17.25

Total Required Automobile Spaces: 62.75

The proposal accommodates for 21 parking spaces above ground, to the side and rear of the proposed structure. An additional 22 parking spaces are proposed underground, beneath the structure. The parking spaces are accessed via the driveway near Van Ness through to the alley that connects to Water Street. A total of 43 of the required 63 are provided for on site.

Additional parking is proposed utilizing the various Parking Management Strategies' provided within the land use ordinance to meet parking demands. One additional parking space is provided for within the public alley that cannot be connected through to Helman Street due to the topography. A head-in parking space is proposed with a stairway that provides pedestrian access to and through the development. In preliminary discussions with the City of Ashland Public Works Division, will be permitted with an encroachment permit approval.

The remaining required parking spaces are requested to be accounted for through the implementation of Parking Management Strategies from AMC 18.4.3.060. The parking management strategies have been reviewed by the project Transportation Engineer, Kelly Sandow and it has been found that the proposed uses, the mixture of uses, how their demand off-sets each other and the location of the proposed structure all reduce parking demand. It can be found that the proposed parking management strategies are supported through the provided traffic data. The requested parking management credit is 33 percent or 21 vehicle parking spaces.

The proposal requires 26 bicycle parking spaces. Commercial requires 16.5 bicycle parking spaces, residential requires 9.5 bicycle parking spaces. The bicycle parking is accommodated throughout the site.

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18.4.3.060 Parking Management Strategies

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

1. Credit. One off-street parking space credit for one on-street parking space

With the proposed street improvements, nine, on-street parking spaces will be created. The nine spaces are contiguous with the property frontage, comply with the separation from driveway and intersection standards and presently, development in the immediate vicinity is very low and on-street parking is not in demand along the frontages of the property at the same capacity as the on-street parking demands found on the properties to the south of Central Avenue.

B. Alternative Vehicle Parking. Alternative vehicle parking facilities may reduce the required off street parking spaces up to 25 percent, as follows.

1. Motorcycle or scooter parking. One off-street parking space credit for four motorcycle or scooter parking spaces.

Six motorcycle parking spaces are proposed to provide a single vehicle parking credit.

2. Bicycle parking. One off-street parking space credit for five additional, non-required bicycle parking spaces.

There are 30 additional covered bicycle parking spaces provided distributed throughout the site. The 30 additional spaces provide a credit for six vehicle parking spaces.

C. Mixed Uses.

Several users are proposed to occupy the structure. The uses of the site, retail / commercial and office space peak parking demands are off-set by the peak parking demand for the residential uses and a mixed-use credit of six parking spaces. Additionally, a parking space is provided for each hotel accommodation unit. According to the Traffic Institute Hotels often have 60 percent occupancy and even when fully occupied, the associated parking is not fully occupied because visitors that come by air take a taxi or shuttle and stay in Ashland without their personal vehicle. Additionally, the property and the neighborhood is very walkable, where most errands can be accomplished on foot and receives a WalkScore of 89 out of 100.

<https://www.walkscore.com/score/165-water-st-ashland-or-97520>

This reduces the dependence of automobiles both from the development but also to the site. The customers and clients of the commercial business that live and / or work in the area are able to walk or bike to the proposed development.

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18.4.3.080 Vehicle Area Design

A. Parking Location

The proposed parking is located to the side and rear of the proposed building.

B. Parking Area Design.

The required parking area is proposed to be designed in accordance with the standards. The proposed parking spaces are 9 X 18 with up to 50 percent of the provided parking spaces as compact. The parking spaces have the required 22-foot back up, except the compact car parking spaces adjacent to the south side of the structure where a compact automobile turning radi is shown on the Architectural renderings. Another 22-parking spaces are provided underground.

One additional parking lot shade tree is proposed. The parking area has been designed to minimize the adverse environmental impacts. The parking lot is designed to capture and treat surface run-off through a landscape swale. A raised pedestrian walkway is proposed to provide access from the surface parking spaces to the building.

18.4.5.030 Tree Protection.

The trees on the subject property are proposed for removal. There several smaller deciduous trees on the adjacent property to the east, uphill from the subject property. These trees will have six-foot chain link fence installed at the dripline of the trees to protect them from the proposed site development. These trees are on the adjacent property and no construction activities will occur within the tree protection zones. The driplines of the trees do not encroach across the property lines.

18.4.6.020 Public Facilities

B. Exceptions and Variances.

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 or proposed use of the site.

The location of the public infrastructure at the intersection of the two streets, particularly the fire hydrant, would require relocation at a high cost to the property owner. Installing street improvements that comply with the standards for sidewalk and park row width including curb return at the intersection are cost prohibitive when considering an intensification of the site is not proposed.

b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.

The connectivity of the property and the neighborhood will have superior transportation facilities through the installation of sidewalk to city standards on Water Street along the frontage of the property. The sidewalk on Van Ness will be improved in width, from four-feet to six-feet, the requested area of exception is to transition the existing curbside sidewalk along the property to the east. There is also a substantial grade change along the frontage of the property and the proposed location of the sidewalk allows for a transition area that will not increase the steepness or the cross slope of the property.

i. For transit facilities and related improvements, access, wait time, and ride experience.

Not applicable

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.

Van Ness and Water Streets are both 'shared' streets without dedicated bicycle lanes. The proposal will not have a negative impact on the bicycle facilities. The provision of ample, secure bicycle parking facilities will encourage employees of the commercial uses of the site to utilize alternate transportation over vehicles.

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- 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.

The proposal is to add sidewalks where none currently exist on Water Street and to widen the sidewalk on Van Ness. Street trees are proposed on both frontages. A truncated dome and accessible cross walk is proposed for the intersection of Water and Van Ness. The proposed improvements improve the comfort level of walking along the street and provides a safer crossing of Water Street along the Van Ness sidewalks. The area where the sidewalk on Van Ness requires the exception will have a parking bay between the sidewalk and the street which will provide a feeling of safety as the sidewalk surface is not directly adjacent to the travel lane.

- c. The exception is the minimum necessary to alleviate the difficulty.

The exception is the minimum necessary to alleviate the difficulty of improving to full city standards since a transition to the sidewalk on the property up-hill to the west is necessary.

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

The purpose and intent contains standards for street connectivity and design as well as cross sections for street improvements including installation of new streets and improvements to existing streets. The increased sidewalk width for a majority of the frontage while maintaining connectivity is consistent with the standards.

18.4.7 Signs.

A single projecting sign for the Magnolia Building is proposed currently. This sign is an architectural feature. The signs for the individual businesses will comply with the sign code standards for sign area based upon business frontage with the sign sizes varying based on the frontage dimensions. No plastic or internally illuminated signs will be permitted.

18.4.8 Solar Access.

The proposed property has a 60 foot wide right-of-way for Van Ness Street to the north but also a 70-foot wide railroad right-of-way beyond that. The proposed structure complies with the solar setback as the rights-of-way are allowed to be shadowed by development.

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.

Adequate city facilities exist to service the proposed development.

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Water: *There is an existing 16-inch water main in Water Street. There is also a 16-inch main in Van Ness. The new water services are proposed adjacent to Water Street, along the curb line to reduce the infringement into the sidewalk and the 13-foot pedestrian corridor. There is a fire hydrant on Water Street. The fire connection vault is proposed to be located within the sidewalk adjacent to the alley along Water Street as required by the City of Ashland Water Department. The water line sizes are substantial enough to comply with the water needs for the new structure.*

Sanitary Sewer: *There is an eight-inch sanitary sewer line in the Water Street In discussion with the Wastewater Department Supervisor, there are no capacity issues with the public sanitary sewer lines. New sewer connections will be made to connect the proposed structure to the public infrastructure.*

Electrical: *Substantial upgrades are required to the electrical infrastructure. The primary power will come from a pole on Helman and Van Ness. A new transformer will be installed behind the sidewalk adjacent to the new structure, this will connect to a new junction box that is proposed to be located on the south side of the alley. A public utility easement will be provided for all public utilities that are on the private property. Solar panels are proposed on the roof of the building to off-set the demands on the electrical system.*

Storm Sewer: *There is a 12-inch Storm sewer main in Van Ness Street and a 10-inch main in Water. In consultation with the Street Division, there are no capacity issues with the city's facilities. When considering that post development peak flows are not to exceed pre-development peak flows, there should be little discernable impacts on the storm sewer facilitates.*

Transportation: *According the Transportation System Plan, both Water and Van Ness Water Street are classified as Neighborhood Collectors. This street classification anticipates less than 1,500 ADT and are meant to provide access to residential and neighborhood commercial areas.*

Water Street has a 40-foot right-of-way and has a varied improved width. Water Street is currently "improved" with curb, gutter on the subject property side of the street (west) and curb, gutter, and a five-foot curbside sidewalk the east side of Water Street. Across from the subject property there is an on-street parking bay near the driveway that accesses the surface parking area for the residence at 16 Van Ness. The proposal is to upgrade Water Street with five-foot hardscape parkrow and eight feet of sidewalk. A public pedestrian access easement will be provided to provide the required pedestrian access across the property.

Van Ness Street has a variable width right-of-way with 60-feet of ROW at the west side of the property and reduces to 40-feet at the intersection of Van Ness and Water Street. Van Ness, is improved with curb, gutter and a four-foot curbside sidewalk. The proposal is for the majority of the sidewalk along the frontage of the proposed building to comply with the standards (five-foot hardscape park row and an eight-foot sidewalk). The sidewalk is proposed to transition to a five-foot curbside adjacent to the new, on-street parking parallel parking spaces that will be constructed along Van Ness.

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The public alley along the south side of the property cannot be completed through to Helman Street due to the topography is proposed to have a pedestrian stairway to provide pedestrian access to and through the development.

A Traffic Impact Analysis (TIA) was completed by Kelly Sandow from Sandow Engineering with the following summary:

All intersections operate within the mobility standards with the exception of Water Street/Main Street. The Water St Approach does not meet standards in the future year condition with the development in place. The simple mitigation is to restripe the approach to be two lanes with a separate left and through lane.

The TIA was reviewed by the City of Ashland Public Works Division and comments and concerns were provided in response that expressed concerns regarding the inability to stripe Water Street to afford necessary future year condition. The comments from the City discussed a planned improvement of a traffic light to be partially funded through the ODOT ARTS program and that the light is the preferred mitigation. As addressed by the Traffic Engineer, the proposed development increases traffic at the intersection by less than two percent. Any recommended financial contributions to the light to cover the difference between the grant funding and the City's proportional share should not exceed that of the cost of striping.

The Public Works Dept. also expressed concern about Oregon Department of Transportation (ODOT) review of the impact to North Main Street since North Main Street is an ODOT facility. ODOT has stated they have no comment because the proposal is off-highway, and is not a zone change (Attachments include the TIA, Engineers response, and ODOT response to request for comment).

E. Exception to the Site Development and Design Standards.

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

The requested reduction of a portion of the parking lot buffer adjacent to the property line requires an exception. The property is unique in that there is a more than 35 percent slope along the property line. A retaining wall will be constructed to accommodate the parking and the parking will be more than 8-feet below the grade of the adjacent property which will effectively screen the vehicles parking in the spaces adjacent to the property line. The exception will not have any negative impacts on the adjacent properties.

18.5.4.050 Conditional Use Permit

A. Approval Criteria.

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.

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The proposed hotel requires a conditional use permit in E-1 zone.

It can be found that the proposed hotel complies with the standards of the zoning district. The target use in the zone is employment with the potential for up to 15 dwelling units per acre. The proposed hotel will not have any greater adverse material effects on the livability of the impact area. The residentially zoned properties are across Helman Street, uphill to the west, and across Ashland Creek off of Oak Street to the east. The proposed use complies with the standards for the non-residential zone, employment zoned property setbacks, lot coverage, landscaping, openspace, parking requirements, maximum heights and overall City of Ashland Site Design Review standards for commercial development in the Employment zone.

The proposal complies with relevant Comprehensive Plan policies. Specifically, the City of Ashland Comprehensive Plan recognizes the importance of tourism on Ashland Economy. Section 7.06, Future Growth and Development of Ashland's Economic Bases has an entire section devoted to Tourism (7.06.02). It finds that tourism can be beneficial because tourists patronize a wide variety of establishments and consequently contribute to diversification of the goods and products produced locally. Tourism thus promotes specialization in production and consumption of a greater variety of goods than the community itself can efficiently produce. (Ashland Comprehensive Plan; pg. 19 – 20). The Comprehensive Plan notes that in order to meet demand (in 2005) more than 9.5 acres of land were needed to meet the current demand.

The Comprehensive Plan states "If no additional rooms are built, more people will stay in nearby communities and come to Ashland by car, causing additional traffic and parking problems. Building motels and hotels in Ashland will allow the city to encourage the use of public transport or shuttle services in town, and will provide additional employment and tax base. At present occupancy rates, however, it would take an additional nine and one half acres to provide the number of rooms that will be demanded at the peak month in the year 2005...The City should accommodate new hotel rooms sufficient to allow tourists whose primary destination is Ashland to stay in the City limits." (Ashland Comprehensive Plan, The Economy; pg. 28)

The State of Oregon also recognizes that importance of providing tourist accommodations and the property is eligible for Oregon Enterprise Zone tax relief.

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.

Adequate city facilities exist to service the proposed development.

Water: *There is an existing 16-inch water main in Water Street. There is also a 16-inch main in Van Ness. The new water services are proposed adjacent to Water Street, along the curb line to reduce the infringement into the sidewalk and the 13-foot pedestrian corridor. There is a fire hydrant on Water Street. The fire connection vault is proposed to be located behind the sidewalk adjacent to the alley along Water Street. The water line sizes are substantial enough to comply with the water needs for the new structure.*

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Sanitary Sewer: *There is an eight-inch sanitary sewer line in the Water Street In discussion with the Wastewater Department Supervisor, there are no capacity issues with the public sanitary sewer lines. New sewer connections will be made to connect the proposed structure to the public infrastructure.*

Electrical: *Substantial upgrades are required to the electrical infrastructure. The primary power will come from a pole on Helman and Van Ness. A new transformer will be installed behind the sidewalk adjacent to the new structure, this will connect to a new junction box that is proposed to be located on the south side of the alley. A public utility easement will be provided for all public utilities that are on the private property. Solar panels are proposed on the roof of the building to off-set the demands on the electrical system.*

Storm Sewer: *There is a 12-inch Storm sewer main in Van Ness Street and a 10-inch main in Water. In consultation with the Street Division, there are no capacity issues with the city's facilities. When considering that post development peak flows are not to exceed pre-development peak flows, there should be little discernable impacts on the storm sewer facilitates.*

Transportation: *According the Transportation System Plan, both Water and Van Ness Water Street are classified as Neighborhood Collectors. This street classification anticipates less than 1,500 ADT and are meant to provide access to residential and neighborhood commercial areas.*

Water Street has a 40-foot right-of-way and has a varied improved width. Water Street is currently "improved" with curb, gutter on the subject property side of the street (west) and curb, gutter, and a five-foot curbside sidewalk the east side of Water Street. Across from the subject property there is an on-street parking bay near the driveway that accesses the surface parking area for the residence at 16 Van Ness. The proposal is to upgrade Water Street with five-foot hardscape parkrow and eight feet of sidewalk. A public pedestrian access easement will be provided to provide the required pedestrian access across the property.

Van Ness Street has a variable width right-of-way with 60-feet of ROW at the west side of the property and reduces to 40-feet at the intersection of Van Ness and Water Street. Van Ness, is improved with curb, gutter and a four-foot curbside sidewalk. The proposal is for the majority of the sidewalk along the frontage of the proposed building to comply with the standards (five-foot hardscape park row and an eight-foot sidewalk). The sidewalk is proposed to transition to a five-foot curbside adjacent to the new, on-street parking parallel parking spaces that will be constructed along Van Ness.

The public alley along the south side of the property cannot be completed through to Helman Street due to the topography is proposed to have a pedestrian stairway to provide pedestrian access to and through the development.

A Traffic Impact Analysis (TIA) was completed by Kelly Sandow from Sandow Engineering with the following summary:

All intersections operate within the mobility standards with the exception of Water Street/Main Street. The Water St Approach does not meet standards in the future year condition with the

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development in place. The simple mitigation is to restripe the approach to be two lanes with a separate left and through lane.

The TIA was reviewed by the City of Ashland Public Works Division and comments and concerns were provided in response that expressed concerns regarding the inability to stripe Water Street to afford necessary future year condition. The comments from the City discussed a planned improvement of a traffic light to be partially funded through the ODOT ARTS program and that the light is the preferred mitigation. As addressed by the Traffic Engineer, the proposed development increases traffic at the intersection by less than two percent. Any recommended financial contributions to the light to cover the difference between the grant funding and the City's proportional share should not exceed that of the cost of striping.

The Public Works Dept. also expressed concern about Oregon Department of Transportation (ODOT) review of the impact to North Main Street since North Main Street is an ODOT facility. ODOT has stated they have no comment because the proposal is off-highway, and is not a zone change (Attachments include the TIA, Engineers response, and ODOT response to request for comment).

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.

The target use in the zone is employment with the potential for up to 15 dwelling units per acre. The proposed hotel will not have any greater adverse material effects on the livability of the impact area. The residentially zoned properties are across Helman Street, uphill to the west, and across Ashland Creek off of Oak Street to the east. The proposed use complies with the standards for the non-residential zone, employment zoned property setbacks, lot coverage, landscaping, openspace, parking requirements, maximum heights and overall City of Ashland Site Design Review standards for commercial development in the Employment zone.

a. Similarity in scale, bulk, and coverage.

This is a challenging criterion to address since the adjacent commercial properties in the impact area are under-developed and the majority of the residentially zoned lots in the impact area are smaller than the minimum lot area in the R-2 zone. The proposed building will have a three-story presence on Water and Van Ness Streets but due to the topographical "bowl" on the north and west sides, the massing is reduced. Due to the lack of commercial development in the impact area it can be found that the proposed development complies with scale, bulk and coverage standards. The Ashland Creek Condominiums at Central and Water and the Plaza Inn and Suites at Helman and Water Streets are both similar scale with 58,578 square feet of building area and 42,224 square feet respectively, with two and three story construction, the proposed 42,841 square foot building can be found to be similar in scale and bulk. The proposed coverage is consistent with the maximum lot coverage allowed in the zone.

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.

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The proposed generation of traffic and the effects on the surrounding streets from the hotel can be found similar to or less than the impacts of an office use of comparable size. It can be found that typically hotel guests that are within walking distance of the downtown take advantage of the proximity and walk to their destinations. Additionally, bicycle parking is provided for with the development, the site is near the through town connections to the Bear Creek Greenway providing easy access to bicycle facilities. The property receives a Walkscore of 89 out of 100 which is considered very walkable.

c. Architectural compatibility with the impact area.

The proposed structure is architecturally compatible with the Historic District Design Standards and will not detract from any historic commercial structures in the vicinity as there are none. The impact area is underdeveloped or residential which does not provide any basis for comparison of architectural compatibility.

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

The proposed hotel will not have greater adverse negative impacts on air quality, including the generation of dust, odors, or other environmental pollutants when compared to an office use of similar size.

e. Generation of noise, light, and glare.

The proposed hotel will not have greater generation of noise, light or glare over what a similarly sized office use would.

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

The proposed hotel development will have no impact on the development of adjacent properties as envisioned in the comprehensive plan. In fact, the upgrades to the electric utilities will assist the development of the adjacent properties to higher intensities as envisioned in the Comprehensive Plan.

4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.

A hotel use is allowed with a Conditional Use Permit in the employment zone.

18.5.7.040 Approval Criteria

B. Tree Removal Permit.

2. Tree That is 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.

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The trees are proposed for removal to permit the applicant to be consistent with other applicable ordinance requirements and standards applicable to the Site Design Standards and the Physical and Environmental Constraints ordinance.

b. 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.

The removals will not have significant negative impacts on erosion, soil stability, flow of surfaces waters, protection of adjacent trees or existing windbreaks. The areas where the trees are located, post removal will be redeveloped as part of the larger, comprehensive site development.

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.

There are several trees within 200-feet of the subject property. The proximity to the heavily vegetated creek area provides substantial species diversity, canopy coverage and tree densities. The proposed development replaces canopy, tree densities, sizes and species diversity.

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 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.

The residential density is not increased or decreased as a result of the tree removals.

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.

Mitigation trees are proposed throughout the property. There are five trees proposed within the parking lot to mitigate the removal of the five trees on the site. The conifer tree that is in a state of decline will not be mitigated for.

Conclusion:

The applicants have gone to great lengths to design the building and site in a manner that complies with the Basic, Detail, Large-Scale Building Design, and the Historic District Design Standards for the City of Ashland. The proposed building is an efficient use of the land, allows for intensification of uses across the spectrum of allowed uses in the Employment zone including office, retail, restaurant, hotel and residential uses. The proposal provides adequate transportation for pedestrian, bicycle and vehicular access to and through the site. The proposed plaza areas encourage outdoor engagement of both the pedestrian streetscape and for the tenants and guests of the property.

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We believe that after the past year of planning and meeting with City staff, and the Historic Commission the proposed building exceedingly complies with the standards, furthers the intent and purpose of the Employment Zone and is consistent with implementing the Comprehensive Plan and provides employment that meets both the City of Ashland needs and identified needs of the State of Oregon.

Attachments:

- 1) SANBORN FIRE INSURANCE MAP 1889; SECTION 4
- 2) FEMA FLOODPLAIN MAP
- 3) DEQ SITE CLEAN-UP CLEARANCE
- 4) GEOTECH EVALUATION
- 5) SITE SURVEY
- 6) ARCHITECTURAL SITE PLAN AND ELEVATIONS
- 7) PRELIMINARY LANDSCAPE PLANS
- 8) PRELIMINARY CIVIL PLANS
- 9) TRAFFIC IMPACT ANALYSIS
- 10) TRAFFIC IMPACT ANALYSIS REVIEW RESONSE
- 11) ODOT RESPONSE
- 12) PARKING ANALYSIS

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JULY 1898
ASHLAND
ORE.

4

ASHLAND MINING CO.
STRIP MILL
150' x 100'
150' x 100'
150' x 100'

OREGON GOLD EXTRACTION CO.
CRUSH HOUSE
100' x 100'

MECHANIC

60'

2

LAUREL

60'

FACTORY

HELMAN

5

WATER

5

ASHLAND WOOLEN MILLS
MINOR VOLS. 2-18-98
200' x 100'
200' x 100'
200' x 100'

17
FANONIA PL. - MINOR 2"
CONCRETE SURFACE 3" - DENNO MATHS

E. H. PATTERSON FRUIT DRYER

J. W. COLEMAN'S FRUIT DRYER

WATER

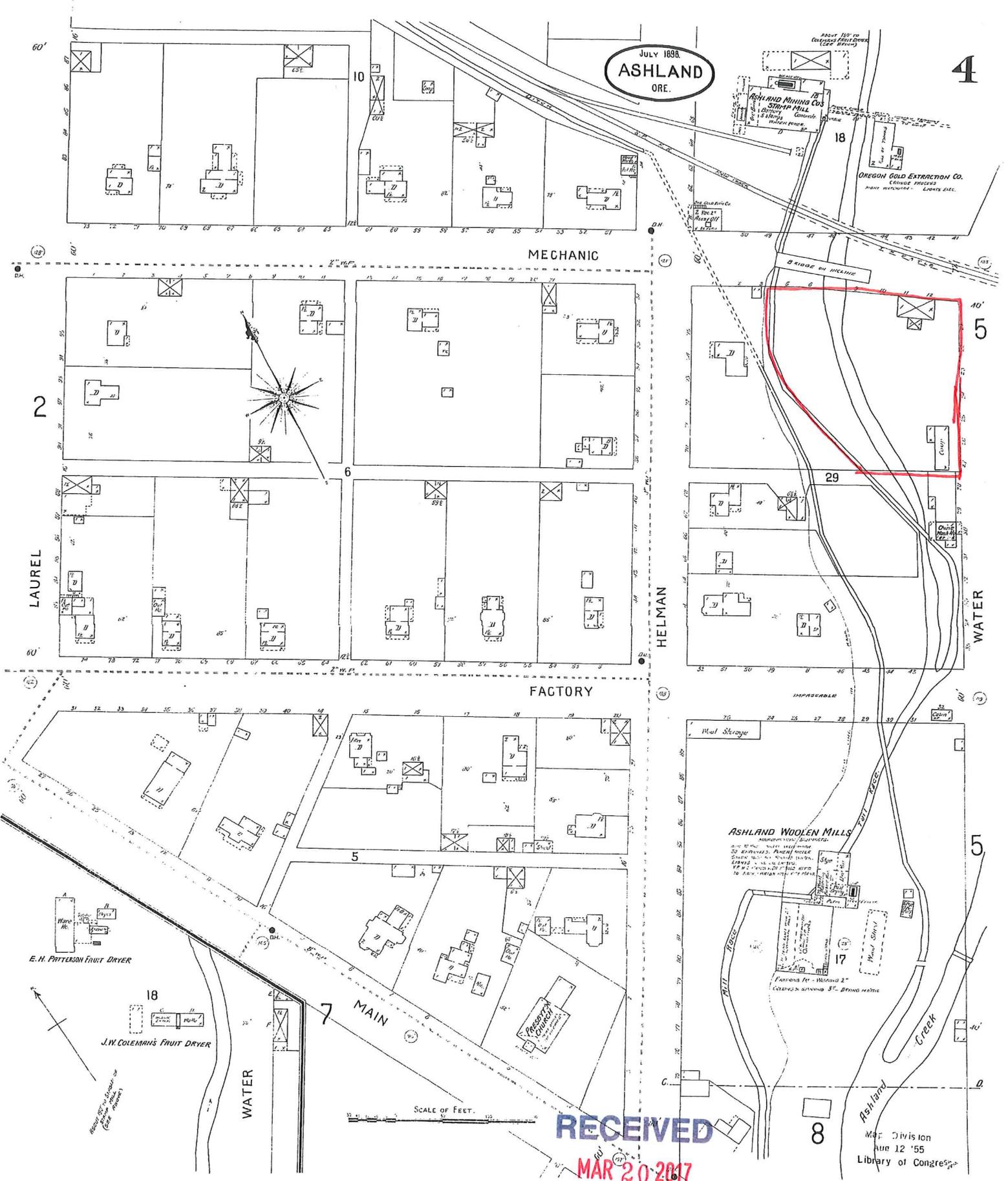
SCALE OF FEET.

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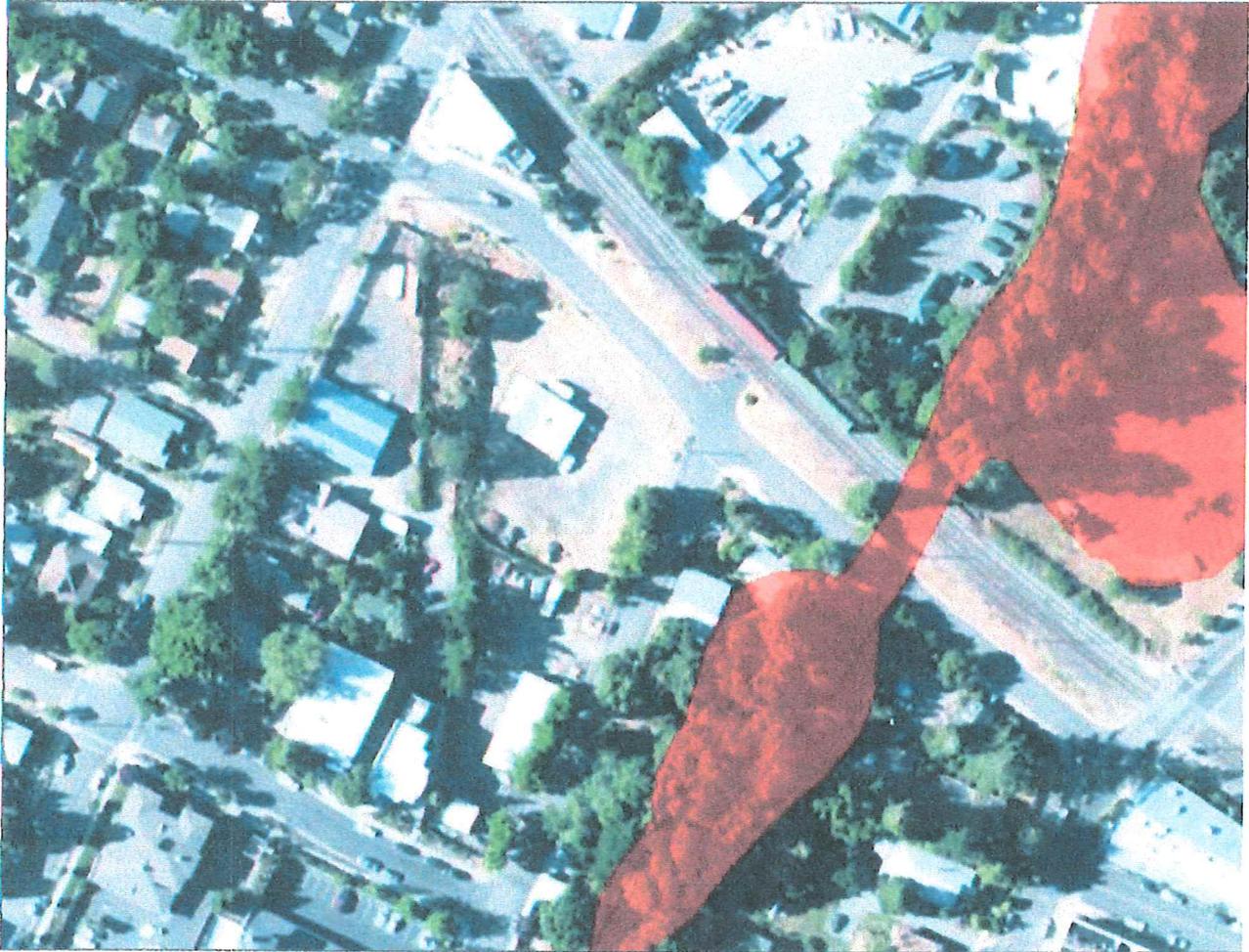
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Map Division
Aug 12 '55
Library of Congress



Oregon SFHA

Oregon Special Flood Hazard Area, also known as the "100-year" flood. Data from FEMA Flood Insurance Rate Maps; see official FEMA info for regulatory purposes



DLCD, DOGAMI | DigitalGlobe, Microso

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Oregon

Kate Brown, Governor

Department of Environmental Quality
Western Region
165 E. 7th Avenue
Eugene, Oregon 97405
(541) 686-7836

January 6, 2016

Mike Davis
SOS Plumbing and Drain, Inc.
206 S. Pacific Hwy
Talent, OR 97540

RE: Conditional No Further Action Determination for SOS Plumbing and Drain, Inc.
ECSI #4951

Dear Mr. Davis:

The Oregon Department of Environmental Quality (DEQ) has completed a review of the available information and the closure report entitled Near Surface PCS Removal and Groundwater Site Investigation, dated September 14, 2015, and submitted to DEQ on your behalf. The site address is 165 Water Street, Ashland, Jackson County Oregon. The tax lot is 391E04CC, Tax Lot 2000 on the Jackson County tax map.

DEQ has determined that the remedial action to address environmental contamination at the SOS Plumbing and Drain, Inc. Ashland Site is complete, and no further action is required, however, no groundwater use at the facility is allowed.

The only potentially complete exposure pathway that could present an unacceptable risk is for construction workers who could encounter soil at a depth that contains petroleum hydrocarbons at levels above DEQ's Risk-Based Cleanup levels. However, this risk will be managed by a Contaminated Media Management Plan (CMMP), which will be required to be used when excavating contaminated soil at the site. The CMMP is required by an Easement and Equitable Servitudes (EES) that is now attached to the property deed. Both documents are attached to this letter.

The EES also prohibits use of groundwater from the site, and limits the use of the site to non-agricultural use, and further prohibits residential use on the ground floor of any future buildings.

Based on the removal of contamination and the sample results for soil, groundwater, and soil gas, acceptable risk levels are not exceeded or can be managed with the CMMP. Therefore, DEQ has determined that a Conditional No Further Action determination may be granted for this site.

This determination is based on DEQ regulations and the facts as we now understand them including, but not limited to the following:

- The site was originally used as a fuel storage facility. Fuel oil was delivered via a former rail spur on the site. Fuel oil was stored on site in above ground tanks and was distributed to retail customers.

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- The original cause of the contamination of soil and groundwater at the site appears to have been from petroleum hydrocarbons which were related to heating oil distribution and supply.
- Over two hundred tons of contaminated soils have been removed from the site for appropriate disposal at a permitted landfill.
- No groundwater use at the facility is allowed.
- No residential use is allowed on the ground floor of any future structures.
- No agricultural use of the land is allowed.
- Public notice was necessary since a removal action was done at the site. Letters soliciting comments were sent to neighboring properties, and notices were placed on DEQ's website. No comments regarding the proposed Conditional No Further Action determination were received.

Based on the available information, the SOS Plumbing and Drain Inc. Ashland Site is currently protective of public health and the environment. As long as the use restrictions listed above are maintained, the site requires no further action under the Oregon Environmental Cleanup Law, ORS 465.200 et seq. unless new or previously undisclosed information becomes available, or there are changes in site development or land and water uses, or more contamination is discovered. DEQ has updated the Environmental Cleanup Site Information (ECSI) database to reflect this decision.

This letter only applies to the release discussed above. If contaminated soil or groundwater is encountered in the future, it must be handled and disposed of in accordance with the CMMP and local, state and federal regulations. Monitoring wells should be maintained or decommissioned in accordance with Oregon Water Resources Department regulations.

A copy of the staff memo supporting this No Further Action decision can be viewed online. Go to <http://www.deq.state.or.us/lq/ecsi/ecsiquery.asp> and search ID #4951. DEQ recommends keeping a copy of all of the documentation associated with this remedial action with the permanent facility records. If you have any questions, please contact Norman Read at 541-687-7348, or via email at read.norm@deq.state.or.us.

Sincerely,



Michael E. Kucinski, Manager
Western Region Environmental Cleanup Section

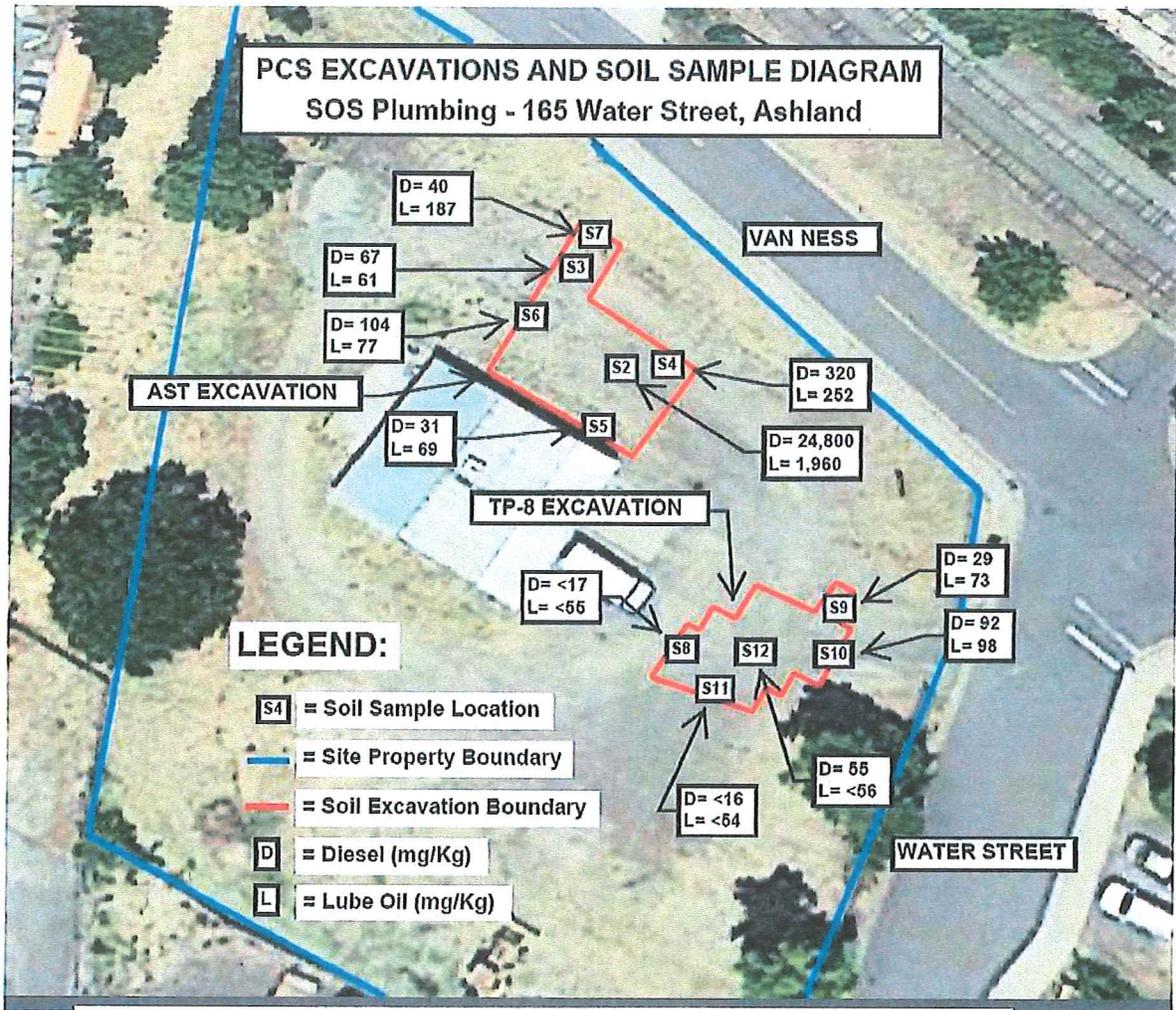
Attachments: Site Map
Easement and Equitable Servitudes
Contaminated Media Management Plan

cc: Dave Fawcett, Coleman Creek Consulting, Inc., 810 Leonard Street, Ashland, OR 97520
Norm Read/DEQ
File ECSI #4951

cc: Kris Byrd/OWRD kristopher.r.byrd@state.or.us

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Attachment – Site Map



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YOUR PROFESSIONAL ENGINEERING TEAM SINCE 1957

P 541-772-7115 F 541-779-4079 1120 EAST JACKSON PO BOX 490 MEDFORD, OR 97501
EMAIL: info@marquess.com WEB: www.marquess.com

Date: January 20, 2017

To: Gil Livni
Amy Gunter

From: Rick Swanson, P.E., G.E.

RE: Geotechnical Reconnaissance
165 Water Street, Ashland, Oregon
MAI Job No. P17-9005

As requested by Amy, we have prepared this letter regarding the steep slope that forms the west boundary of 165 Water Street, Ashland, Oregon. On January 11, 2017, we visited the site and observed the steep slope and the general site conditions. We understand the slope is an old railspur embankment.

The subject slope is about 12' high and inclined at about 3 horizontal to 1 vertical to as steep as 2 horizontal to 1 vertical. The slope is vegetated with weeds and a few scattered mature trees. The top of the slope appears to be somewhat locally rounded due to the scattered placement of miscellaneous materials (presumably from the people who occupy the ground at the top of the slope). We did not observe any signs of slope instability or seepage from the slope.

The slope appears to be reasonably stable. If future improvements, such as a parking lot, are set back from the toe of the slope, perhaps at least 10', it would be reasonable to leave the slope as-is and landscape it to your liking. If future improvements require the removal of the slope, or portions of the slope, we would recommend installing retaining walls to support the slope.

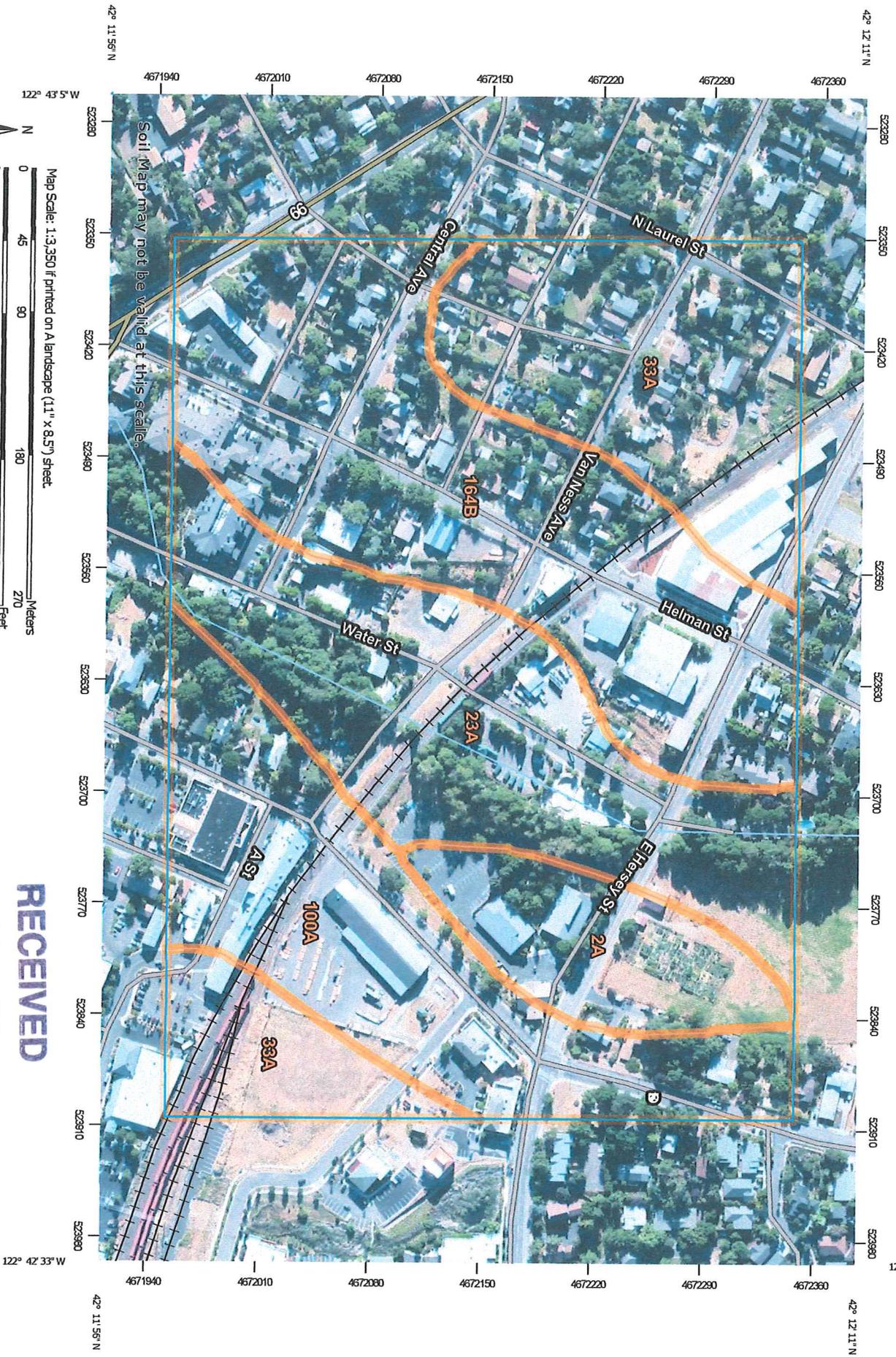
This brief letter has been prepared in accordance with generally accepted soil and foundation engineering principles and practices in this area. No other warranty, either expressed or implied, is made.



EXPIRES: 6-30-2018

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Soil Map—Jackson County Area, Oregon, Parts of Jackson and Klamath Counties
(165 Water Street)



USDA
Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

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MAP LEGEND

	Area of Interest (AOI)		Area of Interest (AOI)
Soils			Soil Map Unit Polygons
	Soil Map Unit Lines		Very Stony Spot
	Soil Map Unit Points		Wet Spot
			Other
Special Point Features			Special Line Features
	Blowout		Streams and Canals
	Borrow Pit	Transportation	
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow		Background
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

Survey Area Data: Version 13, Sep 16, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 28, 2010—Jul 17, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

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Map Unit Legend

Jackson County Area, Oregon, Parts of Jackson and Klamath Counties (OR632)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2A	Abin silty clay loam, 0 to 3 percent slopes	4.2	7.8%
23A	Camas-Newberg-Evans complex, 0 to 3 percent slopes	11.8	21.8%
33A	Coker clay, 0 to 3 percent slopes	11.5	21.2%
100A	Kubli loam, 0 to 3 percent slopes	10.9	20.1%
164B	Shefflein loam, 2 to 7 percent slopes	15.8	29.1%
Totals for Area of Interest		54.2	100.0%

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TO: Karl Johnson
City of Ashland

FROM: Kelly Sandow
Sandow Engineering

DATE: February 13, 2017

RE: Magnolia Development TIA-Response to City of Ashland Comments



RENEWAL 06 / 30 / 18

The City of Ashland has provided comments, dated February 1st, 2017, in response to the review of Sandow Engineering's Magnolia Development Traffic Impact Analysis (TIA) dated January 18th, 2017. Sandow Engineering is providing the following response to the comments.

1. The City feels that the proposed mitigation at the N. Main/Water Street is not an acceptable mitigation because of the following:
 - a. Sight distance from Water Street onto N. Main Street is poor, and is part of why this intersection is a concern. Geometry of this intersection should be reviewed to determine how the two southerly movements, along with the existing crosswalks, will be effected.
 - b. The intersection experiences long delays and long queue lengths at this time and additional developmental traffic will increase these delays/lengths. The available storage shown in Tables 8 and 9 for the SB movement on Water Street is stated to be 500 feet but there's only 100 feet to the "Beaver Slide" from Lithia Way, which will be the first street that would be blocked. If traffic blocks the "Beaver Slide" then traffic could back up to Lithia Way which is a safety concern.
 - c. There is not adequate width to stripe for two southbound lanes without removing parking, and parking in the downtown area is already insufficient.
 - d. The planned improvement at this intersection is a traffic signal, which at this point is in the ODOT ARTS Grant Process and is being partially funded, and as such this is the mitigation recommended for this intersection by the City.

The signalization of this intersection was recently brought to the attention of Sandow Engineering. Sandow Engineering agrees that a traffic signal is one possible mitigation strategy to improve the intersection of Main Street and Water Street. The signalization option was analyzed using Synchro and it was determined that under the 2023 background condition the intersection of Main Street and Water Street will operate better than the mobility standard ($v/c = 0.60$). The 2023 build condition will also operate better than the mobility standard ($v/c = 0.61$). Therefore, a traffic signal would adequately address the background capacity issues which are expected to occur by 2023. The synchro outputs for the analysis are attached.

In addition to improving capacity, signalization will also help to improve safety at the intersection as discussed in response to comment 3. That being said the development is adding 19 trips to the intersection of Main Street and Water Street during the PM peak hour. In existing conditions the intersection has 1200 vehicles entering the intersection during the PM peak hour. The development is only increasing entering volumes at the intersection by 1.6% and therefore should not be

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required to pay for the traffic signal. The cost of the signal is disproportionate to the impact this development has on the intersection.

The mitigation of restriping the intersection for two separate turn lanes was determined to improve the v/c ratio and to be more proportional to the impact of the development.

2. The City's TSP uses a commuter/summer adjustment in its traffic study analysis and the City feels that the same should be used for this project instead of a commuter adjustment.

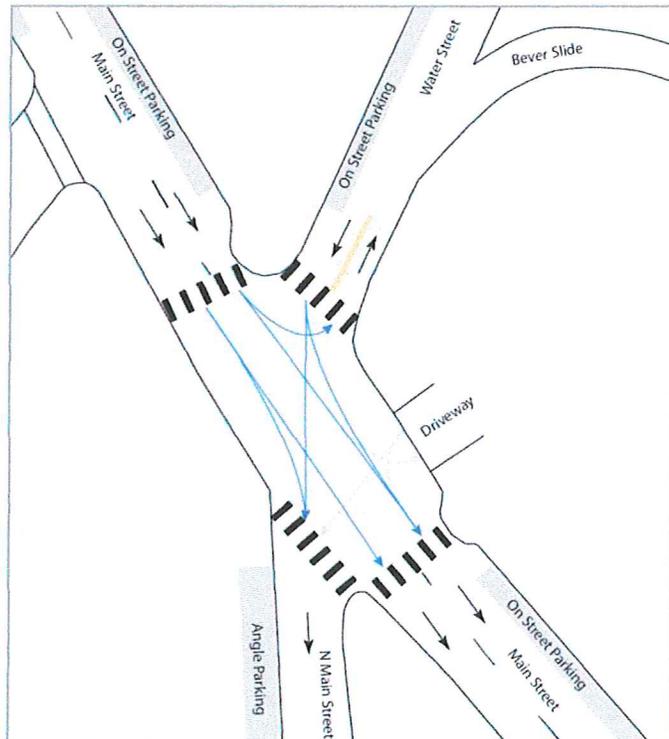
Sandow Engineering agrees that consistency with the TSP is important. In this case, it was determined that using the commuter only adjustment was appropriate as traffic counts were taken in December which is a peak shopping season in the downtown area. Additionally, it should be noted that traffic counts were also taken while Southern Oregon University was in session. Therefore, using engineering judgement, it was determined that the commuter seasonal adjustment alone was adequate to determine peak traffic volumes.

3. It appears that the crash rate for this intersection in Table 2, based upon the ADT, is incorrect. With the numbers used the crash rate calculates to over 1.0 threshold. This should be reviewed.

The ADT included in Table 2 for the intersection of Water Street and Main Street was a typo. 10,370 is the correct ADT for the intersection. The crash rate of 0.32 is the correct rate using an ADT of 10,370.

4. The City defers to ODOT methodology when evaluating crash data for whether further investigation is necessary. The intersection of Water Street / Main Street would be considered a 3ST based on N. Main Street being one way and the intersection should also have a higher safety concern due to the fact that there was a fatal accident here.

The ODOT Analysis Procedures Manual (APM) intersection crash rates into four categories, three-legged signalized/unsignalized (3 SG/ST) and four-legged signalized/unsignalized (4 SG/ST). The intersection of Main Street and Water Street consists of Main Street which is a one-way road, Water Street which is a two-way road, and N Main



Tech Memo

From: Kelly Sandow

RE: Magnolia Development Response to Comments

Date: 2.13.2017

Page 3

Street which is a southbound one-way road that is approximately aligned with Water Street (see figure below). Without considering the N Main Street connection, the intersection would be considered a 3ST intersection. Although Water Street and N Main Street are not directly aligned, their alignment is such that a vehicle from Water Street can make a through movement directly to N Main Street. Additionally, if the intersection were signalized, the N Main Street leg would be considered as part of the intersection. Therefore, the intersection of Main Street and Water Street would be considered a 4ST.

The 95th Percentile Statewide Average for an unsignalized four-legged intersection (4ST) within an urban area is 0.408 crashes/MEV. As discussed above the crash rate for the intersection of Water Street and Main Street was determined to be 0.32 crashes/MEV which is under the 95th Percentile Statewide Average, therefore further investigation is not necessary.

The trips generated by the development site are not expected to increase vehicle traffic for the southeast through movement on Main Street, the southwest through movement from Water Street, or the left-turn movement from Main Street onto Water Street (the movements with crashes that have occurred in the last 5 years) and therefore is not expected to perpetuate any of the existing crash patterns.

Additionally, as mentioned discussed in the response to comment 1, the city is looking to improve the intersection of Main Street and Water Street by installing a traffic signal. This improvement will help to improve safety by reducing rear-end collisions due to lack of visibility at the pedestrian crossing and angle collisions by assigning right-of-way.

5. ODOT should be involved since it is their intersection. Were they given this TIA for review?

The TIA guidelines state that "all land use actions that either propose direct or indirect access to a State highway or a boulevard will need to provide the City of Ashland with the information outlined below. The governing jurisdiction will then inform ODOT of the intended land use action and provide pertinent review material." As such Sandow Engineering was under the impression that the City would provide ODOT with the TIA if necessary. However, if the City requests it, we would be happy to provide ODOT with a copy of the TIA.

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City of Ashland

SANDOW
ENGINEERING

TECH MEMO

TO: City of Ashland
FROM: Kelly Sandow P.E.
Sandow Engineering
DATE: February 20th, 2017
RE: Magnolia Development Parking Analysis



RENEWAL 06 / 30 / 18

This memo provides a parking analysis to determine the parking need for the Magnolia Development off Water Street. The development is a mix of residential, retail, and hotel land uses. These types of uses have peak parking demands that occur at different times of the day and not necessarily during the same time period. Therefore, there is opportunity for some land uses to share parking and reduce the overall number of needed parking spaces. This letter evaluates the potential for shared parking and how much parking is needed on-site.

PARKING ANALYSIS:

As stated previously, the site consists of several different land uses that have peak demand for parking at different times of the day and on different days of the week. Table 1 illustrates the time periods of peak parking demand as provided by the ITE Parking Generation Manual 4th Edition for each of the development's land uses.

TABLE 1: PEAK PARKING TIME BY LAND USE

Land Use	Parking Demand Peak Day	Parking Demand Peak Hour
Residential (Apartments)	Weekday	10:00-11:00 PM
Retail	Friday	6:00-7:00 PM
Hotel	Saturday	8:00-9:00 AM

As shown land uses do not have peak parking demands occur at the same time. There is opportunity for the land uses to share parking.

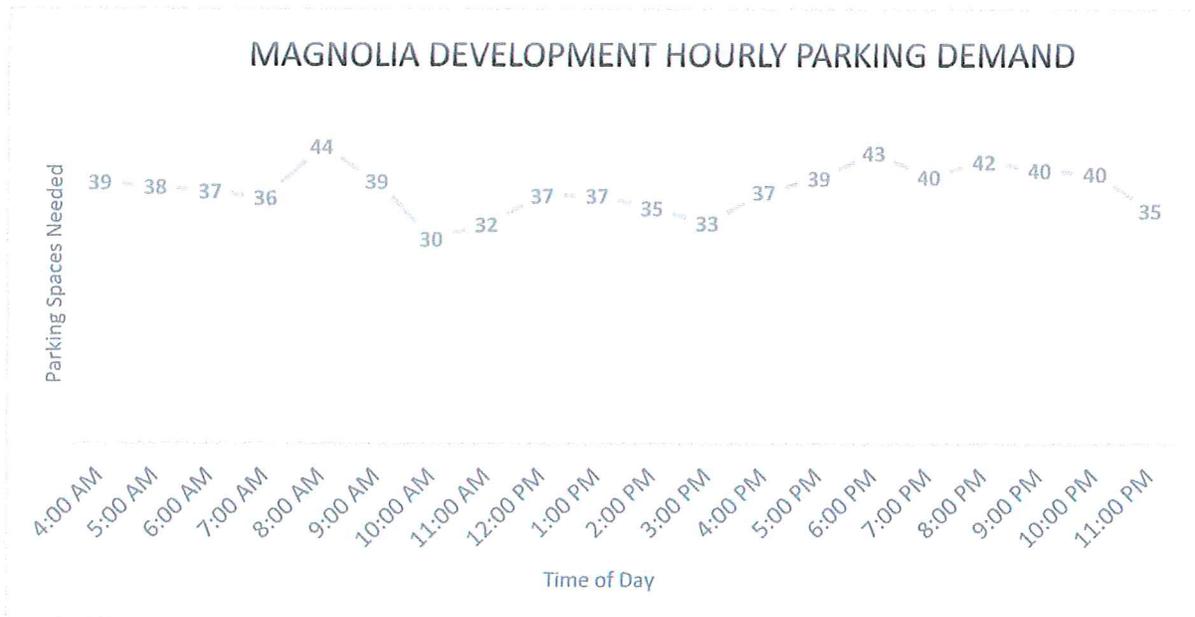
The total number of parking spaces needed by the Magnolia Development was determined as described below:

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Step 1: Determining the number of spaces required for each land use individually using the City of Ashland parking requirements as per Ashland Code 18.43.030. The parking calculation is included in Attachment A.

Step 2: Determining the hourly parking demand for each building. The hourly parking demand for each building was calculated using data contained within the ITE Parking Generation Manual. The Parking Generation Manual provides the utilization of parking spaces for typical weekdays and weekend days by hour. The data is provided as a percentage of the peak usage. The required number of parking spaces, per Ashland Code (Step 1), was assumed to be the peak usage (100%). The parking utilization was distributed hourly according to the ITE data. The parking demand numbers are illustrated in Attachment A. The hourly demand for each land use was summed up to determine the total hourly demand for the entire development. Figure 1 illustrates the parking demand by hour.

FIGURE 1: PEAK PARKING DEMAND BY TIME OF DAY



As shown, the entire development experiences a peak parking demand from 8:00 AM – 9:00 AM of 44 parking spaces. The site will be near peak occupancy from 9:00 AM to 10:00 AM and from 6:00 PM to 11:00 PM. This is primarily due to the parking demand for the hotel. Hotels have the highest parking demand from 8:00 PM to 9:00 AM weekdays, retail has the highest parking demand around noon, and the Apartments have the highest parking demand occurring after 8:00 PM on weekdays. Because of this peak parking demand is not the accumulation of the peak for each land use.

The development plans include 42 off-street parking spaces and 9 on-street parking spaces for a total of 51 spaces. There are enough parking spaces throughout the entire site to accommodate the peak parking demand. It should be noted that the parking numbers for each land use are calculated from the

Tech Memo
From: Kelly Sandow PE
RE: Magnolia Development Parking Analysis
Date: 2.20.17
Page 3

Ashland Parking Code which assumes the land uses are standalone. However, the development is comprised of a variety of uses within one building. The parking generation numbers used to develop the City parking requirements do not take into consideration internal trips which result in one parking space being used while visiting multiple land uses. Therefore, the parking generation numbers estimated in the analysis will be higher than general day to day operations and represent worst case scenario.

FINDINGS:

The report concludes the following:

- The Magnolia Development is proposing 42 off-street parking and 9 on-street parking spaces.
- The Magnolia Development has a peak parking demand of 44 vehicles. Peak occupancy is about 86% of total spaces provided.
- The peak parking demand occurs from 8:00 to 9:00 AM on typical weekdays. The site will operate near peak demand from 8:00 AM to 9:00 AM and from 6:00 PM to 11:00 PM on typical weekdays.
- The land uses of Apartments, Hotel, and Retail have individual peak parking demands that occur at times of the day and do not overlap; i.e Hotels have a peak parking demand in the early mornings on weekdays and retail has a peak parking demand after 6:00 PM on weekdays. Therefore, providing opportunities for shared parking.

As shown, the anticipated maximum usage on site is well below the available parking spaces on site. Additionally, these parking numbers do not take into consideration internal trips where people park at visit multiple land uses on site; i.e. a residential trip stopping in a retail shop. Therefore, there is sufficient available parking to meet the parking demand for the site.

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Hotel Rate	27	27	6962	Retail Rate	64	39
Hotel Rate	1	27	350	Retail Rate	0	38
Hotel Rate	28	20	20	Retail Rate	0	37
0:00	4:00 AM	79%	0:00	4:00 AM	0	36
5:00 AM	6:00 AM	79%	5:00 AM	6:00 AM	0	44
6:00 AM	7:00 AM	79%	6:00 AM	7:00 AM	0	39
7:00 AM	8:00 AM	77%	7:00 AM	8:00 AM	3	30
8:00 AM	9:00 AM	100%	8:00 AM	9:00 AM	5	32
9:00 AM	10:00 AM	96%	9:00 AM	10:00 AM	12	37
10:00 AM	11:00 AM	55%	10:00 AM	11:00 AM	15	37
11:00 AM	12:00 PM	52%	11:00 AM	12:00 PM	18	35
12:00 PM	1:00 PM	60%	12:00 PM	1:00 PM	20	33
1:00 PM	2:00 PM	60%	1:00 PM	2:00 PM	20	37
2:00 PM	3:00 PM	55%	2:00 PM	3:00 PM	19	37
3:00 PM	4:00 PM	52%	3:00 PM	4:00 PM	18	39
4:00 PM	5:00 PM	53%	4:00 PM	5:00 PM	15	43
5:00 PM	6:00 PM	58%	5:00 PM	6:00 PM	13	40
6:00 PM	7:00 PM	62%	6:00 PM	7:00 PM	14	42
7:00 PM	8:00 PM	66%	7:00 PM	8:00 PM	10	40
8:00 PM	9:00 PM	68%	8:00 PM	9:00 PM	10	40
9:00 PM	10:00 PM	68%	9:00 PM	10:00 PM	9	40
10:00 PM	11:00 PM	68%	10:00 PM	11:00 PM	6	40
11:00 PM	12:00 AM	68%	11:00 PM	12:00 AM	0	35

max 44

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MAR 20 2017

City of Ashland

165 WATER STREET



Oregon Department of Environmental Quality
SOS Plumbing & Drain Service, Inc.

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FEB 22 2017
City of Ashland

Summary Information

(last updated on: 2/2/2016 9:16:32 AM)

[Jan. 2016] DEQ has made a conditional no further-action determination for this site. Conditions include: 1) a prohibition on groundwater use; 2) requirement for a contaminated media management plan to protect construction workers if in-ground work is done; 3) no residential use allowed on the ground floor; and 4) no agricultural use of the site is allowed.

General Site Information

Site:	SOS Plumbing & Drain Service, Inc. (ECSI Site ID: 4951)	CERCLIS (EPA) Id	
Project Manager:	N/A - Project Completed.	Investigative Status:	No Further Action needed
PM Phone:		NPL(National Priority Listing):	No
Address:	165 Water St.	Is this site an Orphan?	No
	Ashland, 97520	Is this site a brownfield?	No
County:	JACKSON	Action Underway or Needed:	No Further Action (Conditional)
Region:	Western Region	Click for more details ...	

NOTE: This site has one or more long-term controls designed to manage site risks. [Click here](#) for details.

Site Documents

Click the link to view the document.

<u>File Name</u>	<u>Category</u>	<u>File Size MB</u>	<u>Document Date</u>	<u>Upload Date</u>
SOSPlumbingAndDrainEESAndCMMP.pdf	E&ES documents	1.2895	12/7/2015	1/6/2016
C3SiteSummaryReport.pdf	Reports	9.9101	9/14/2015	11/5/2015
StaffReportForSOS11052015 DEH1.pdf	RODs/Staff Reports	1.4420	11/23/2015	11/23/2015
01-06-2016-Signed-NFA-Letter-SOS-Plumbing.pdf	Signed NFA letters	0.8844	1/6/2016	1/6/2016
11-02-2015-SOS-Plumbing-Contaminated-Media-Management-Plan.pdf	Work Plans	0.3382	11/2/2015	1/6/2016

Department of Environmental Quality
700 NE Multnomah Street, Suite 600 Portland, OR 97232
Hours: Mon-Fri, 8 a.m.-5 p.m

Email: emailContact@deq.state.or.us | Phone: 503-229-5696 | Fax: 503-229-6124

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Traffic Impact Analysis

This application includes a Traffic Impact Analysis.

The full document is available online at:

www.ashland.or.us/Files/MagnoliaDevelopment_TIA.pdf

If you would like a hard copy of the document, please contact April Lucas at
541-552-2041 or april.lucas@ashland.or.us





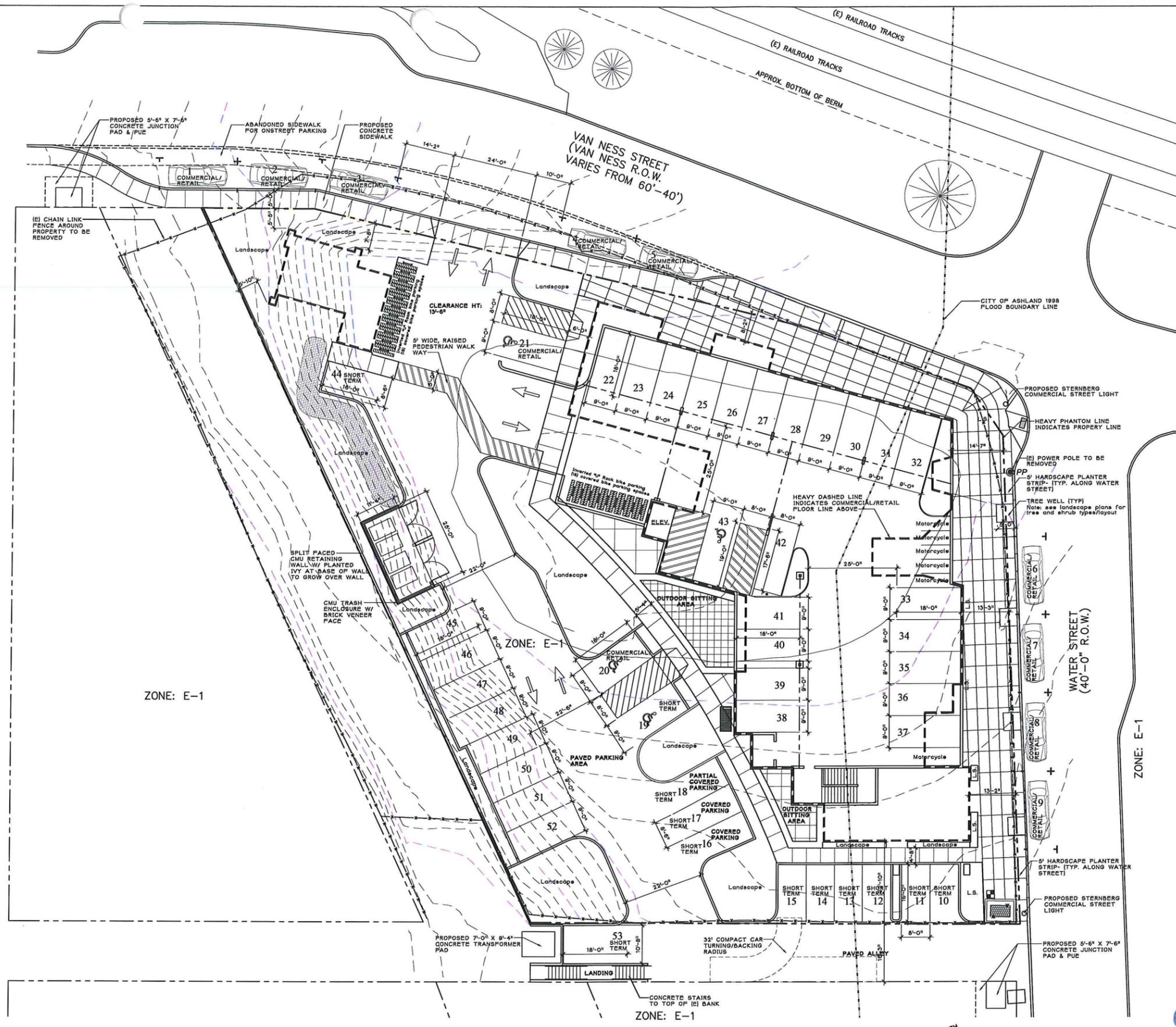
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PROJECT NAME
MAGNOLIA MIXED-USE DEVELOPMENT
 ASHLAND, OREGON

REVISIONS	BY

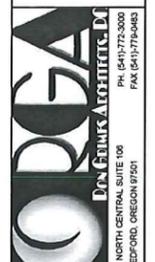
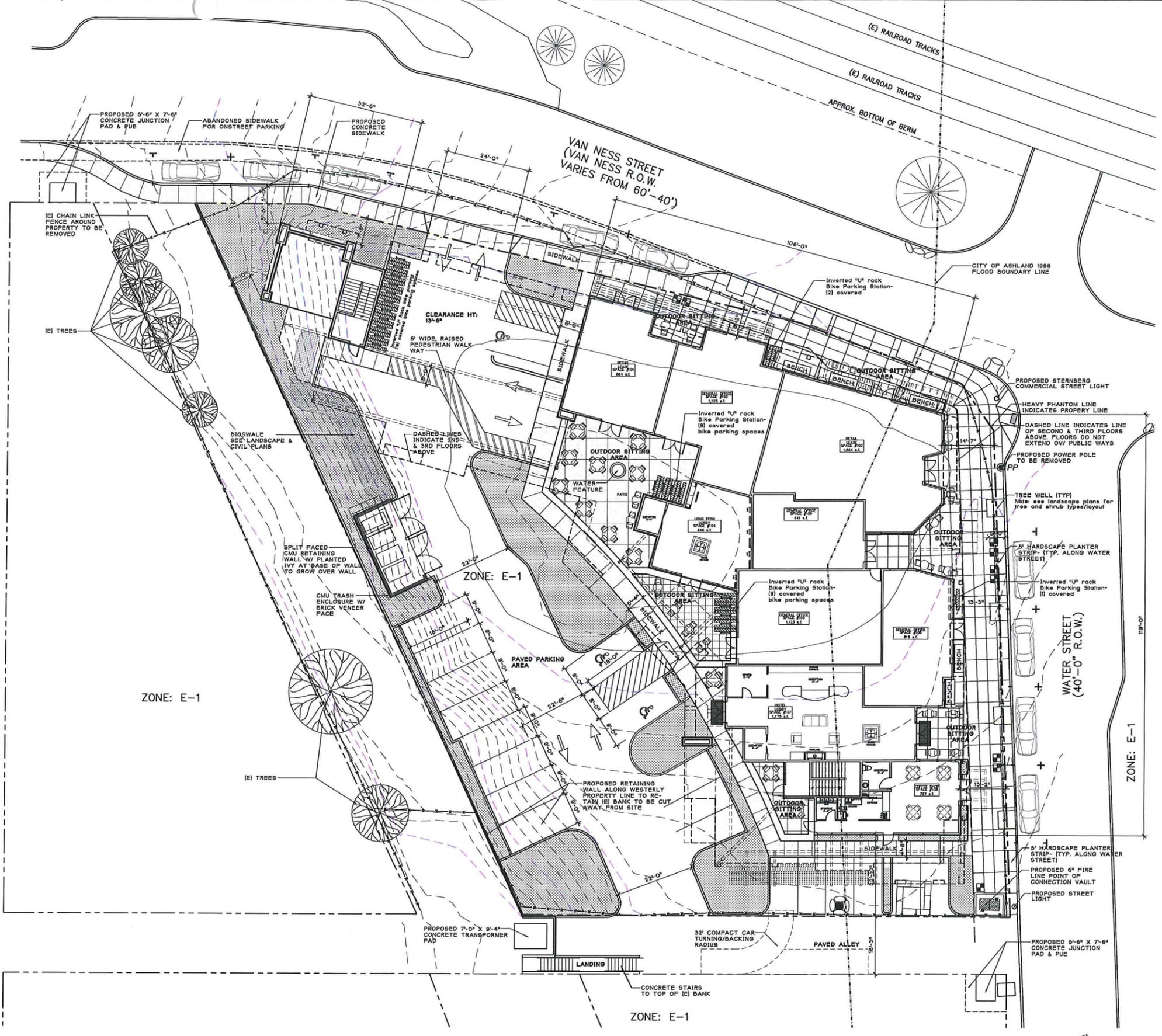
FILE: 1506p-A10 Site Plan
 DATE: 03-17-17
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1 SITE PARKING PLAN
 SCALE: 3/32" = 1'-0"





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ASHLAND, OREGON

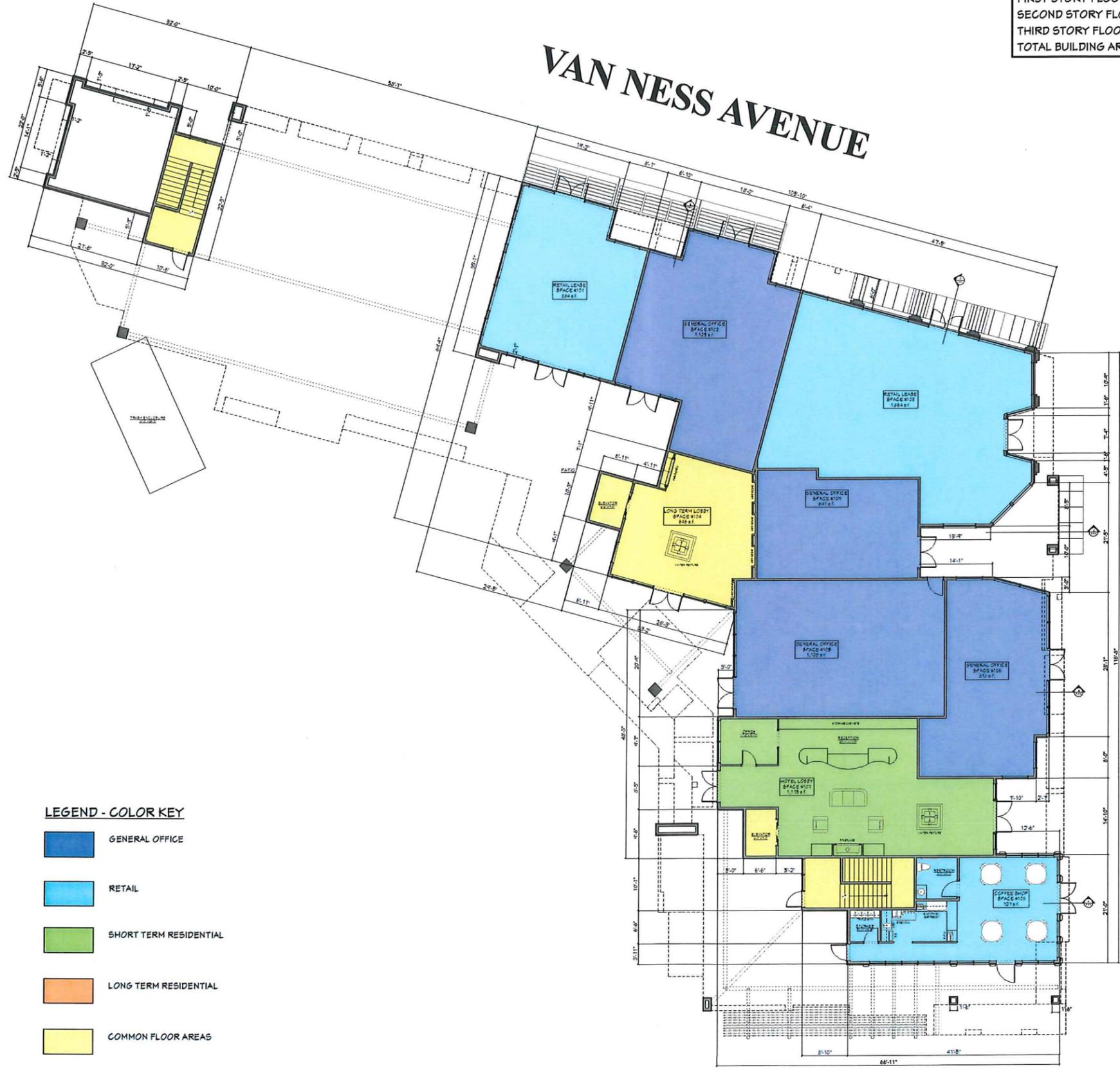
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 JOB #
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 OF 7

1 SITE PLAN
 SCALE: 3/32" = 1'-0"

BUILDING AREAS	
FIRST STORY FLOOR PLAN AREA =	9,406 S.F.
SECOND STORY FLOOR PLAN AREA =	16,306 S.F.
THIRD STORY FLOOR PLAN AREA =	17,129 S.F.
TOTAL BUILDING AREA =	42,841 S.F.



VAN NESS AVENUE

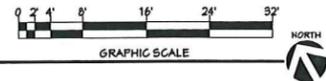
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WATER STREET

LEGEND - COLOR KEY

- GENERAL OFFICE
- RETAIL
- SHORT TERM RESIDENTIAL
- LONG TERM RESIDENTIAL
- COMMON FLOOR AREAS

FIRST STORY FLOOR PLAN - 9,406 S.F.
SCALE: 1/8" = 1' - 0"

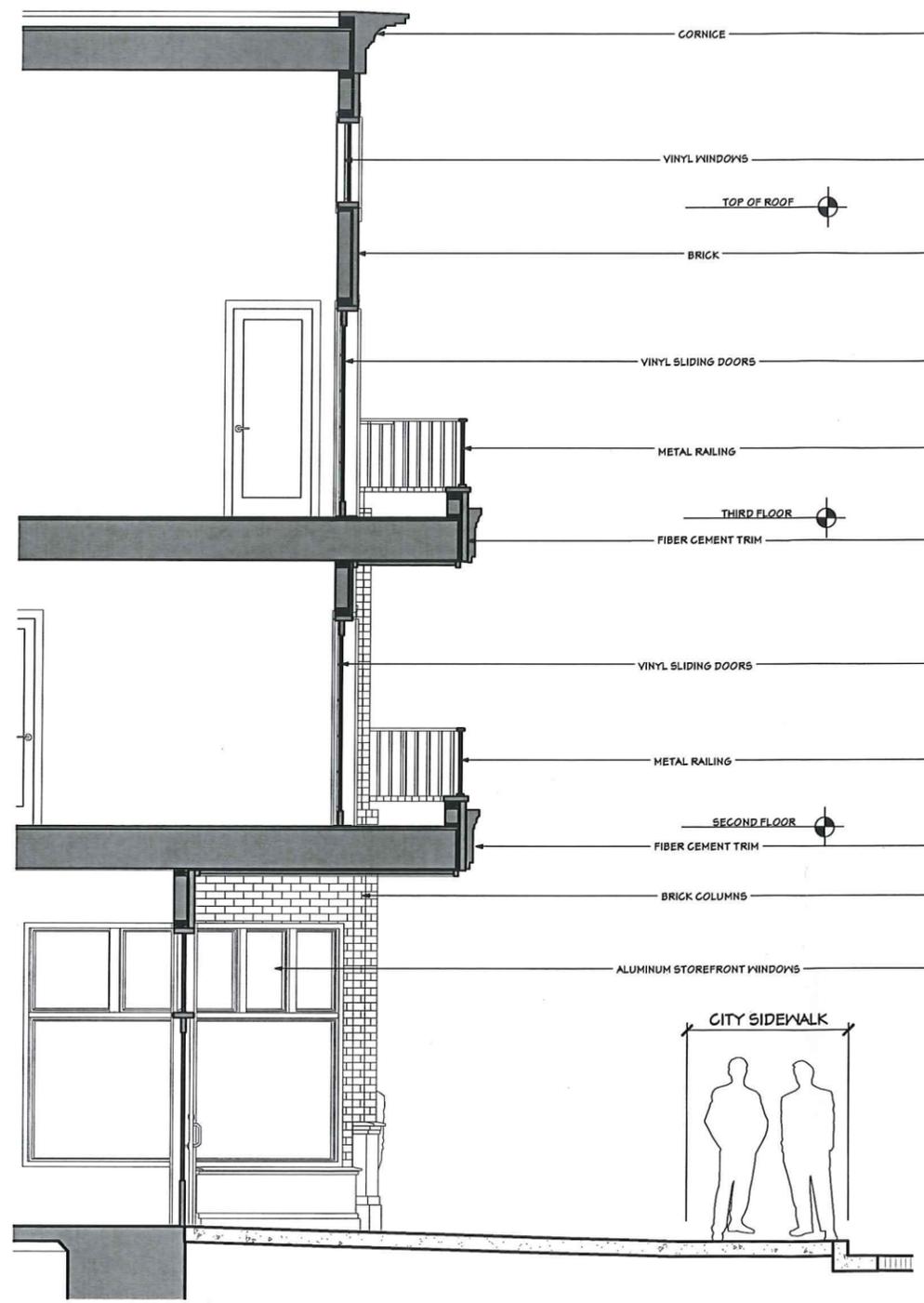


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MAGNOLIA MIXED USE
165 WATER STREET
ASHLAND, OREGON 971520

REVISIONS:	BY

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DATE:	01/31/17
SCALE:	
DRAWN:	JEH
JOB #	1506
SHEET	A-2.0
OF	



WALL SECTION



WALL ELEVATION

PARTIAL SECTION E (ADJACENT TO WATER STREET)
SCALE: 1/2" = 1'-0"

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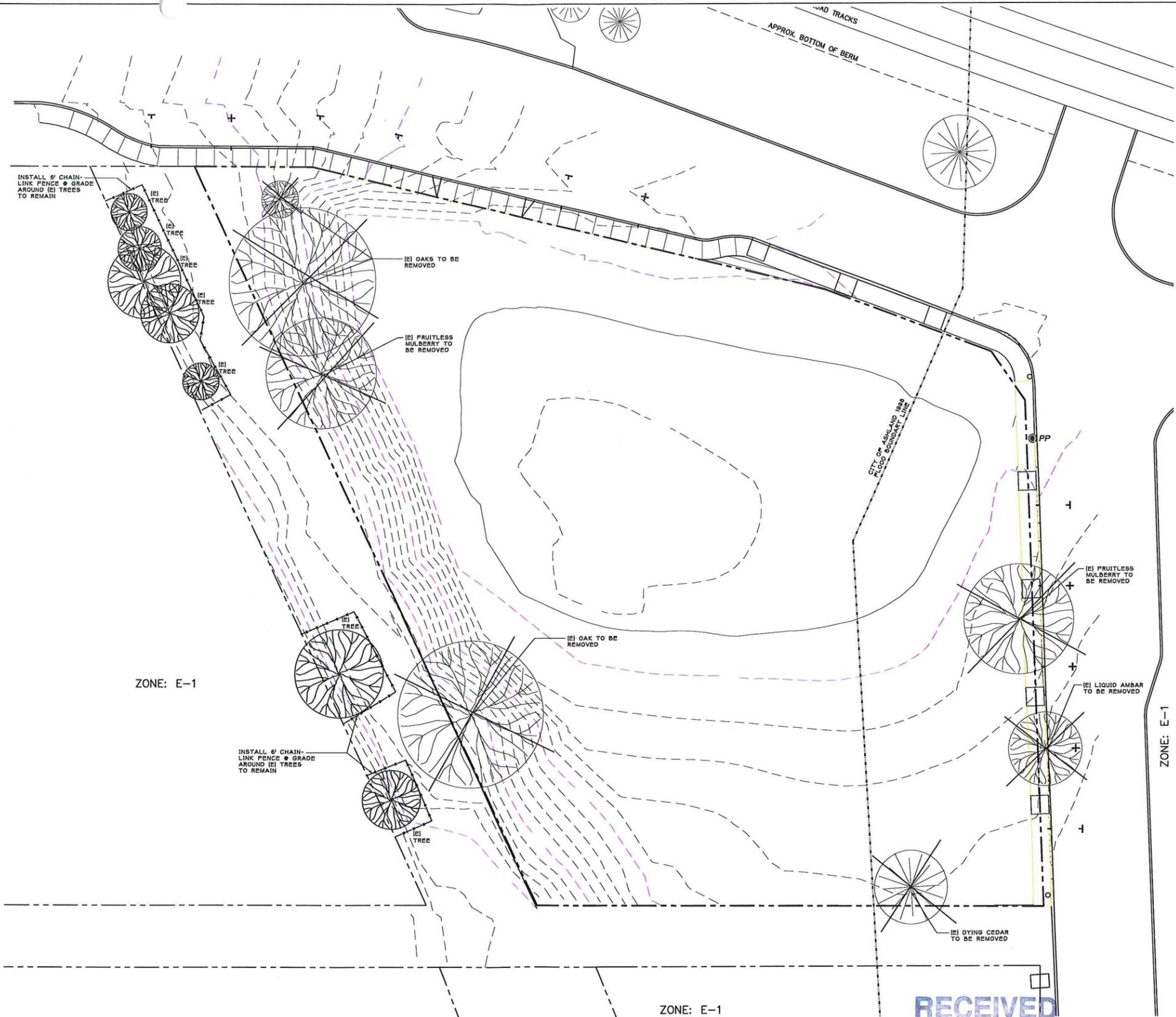
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MAGNOLIA MIXED USE
165 WATER STREET
ASHLAND, OREGON 971520

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SCALE:	
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SHEET A-4.3
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PROJECT NAME
 MAGNOLIA MIXED-USE DEVELOPMENT
 ASHLAND, OREGON

REVISIONS	BY

FILE: 1506p-A10 Site Plan
 DATE: 03-17-17
 SCALE: AS SHWN
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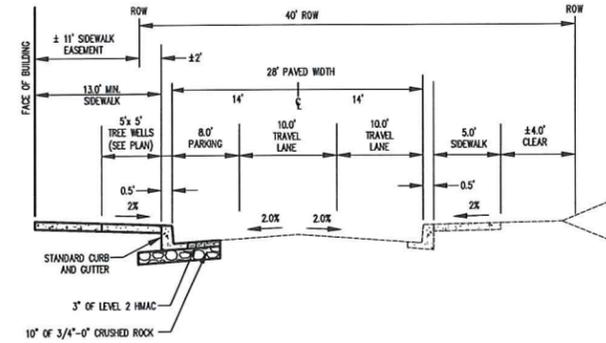
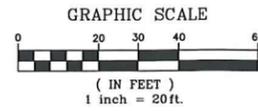
1 TREE REMOVAL PLAN
 SCALE: 3/32" = 1'-0"



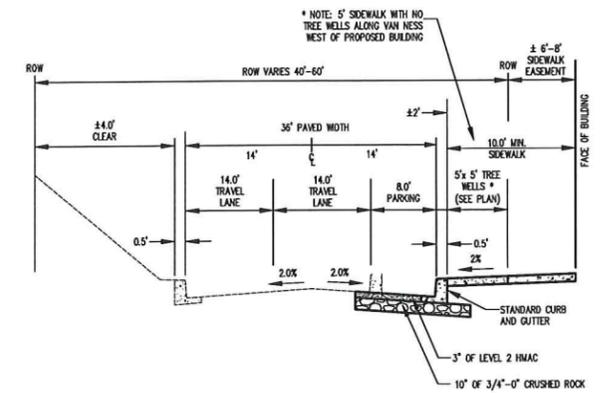
MAGNOLIA MIXED USE

PRELIMINARY GRADING, DRAINAGE, & UTILITY PLAN

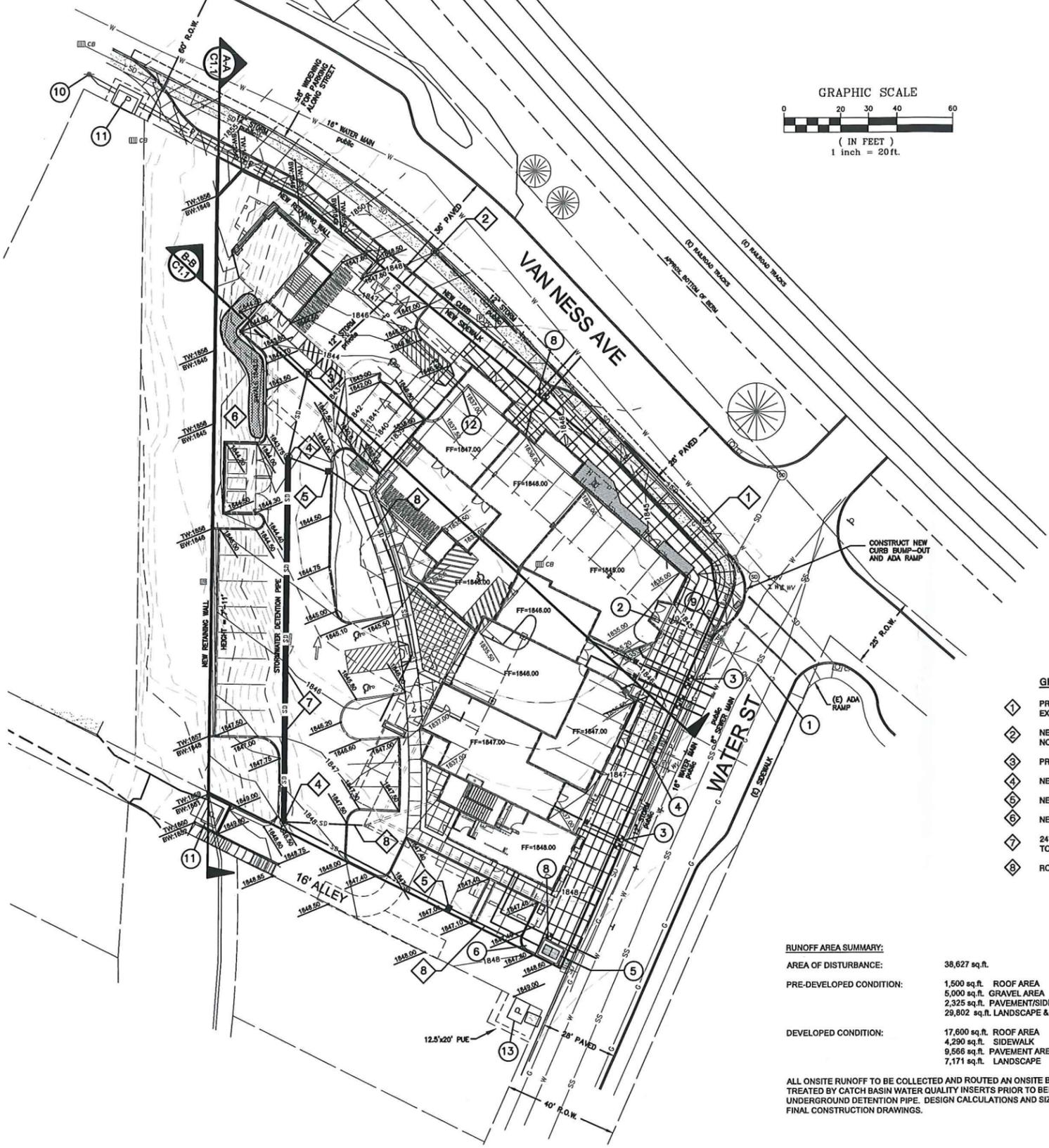
MARCH 2017



STREET CROSS SECTION: WATER STREET
NOT TO SCALE



STREET CROSS SECTION: VAN NESS AVE
NOT TO SCALE



GRADING & DRAINAGE NOTES:

- 1 PROPOSED STORM POINT OF CONNECTION TO EXISTING MH
- 2 NEW MANHOLE CONNECT TO EXISTING LINE TO THE NORTHWEST WITH INSIDE DROP
- 3 PROPOSED FLOW CONTROL MH
- 4 NEW MANHOLE
- 5 NEW CATCH BASIN WITH WATER QUALITY INSERT
- 6 NEW VEGETATIVE STORM WATER SWALE
- 7 24" PIPE FOR RUNOFF DETENTION PRIOR TO RELEASE TO CITY'S SYSTEM
- 8 ROOF DRAIN LINES

RUNOFF AREA SUMMARY:

AREA OF DISTURBANCE:	38,627 sq.ft.
PRE-DEVELOPED CONDITION:	1,500 sq.ft. ROOF AREA 5,000 sq.ft. GRAVEL AREA 2,325 sq.ft. PAVEMENT/SIDEWALK AREA 28,802 sq.ft. LANDSCAPE & NATURAL AREA
DEVELOPED CONDITION:	17,600 sq.ft. ROOF AREA 4,290 sq.ft. SIDEWALK 9,566 sq.ft. PAVEMENT AREA 7,171 sq.ft. LANDSCAPE

ALL ONSITE RUNOFF TO BE COLLECTED AND ROUTED AN ONSITE BIOFILTRATION SWALE OR TREATED BY CATCH BASIN WATER QUALITY INSERTS PRIOR TO BEING DETAINED IN AN UNDERGROUND DETENTION PIPE. DESIGN CALCULATIONS AND SIZING TO BE SUBMITTED WITH FINAL CONSTRUCTION DRAWINGS.

UTILITY NOTES:

- 1 SANITARY SEWER POINT OF CONNECTION TO CITY SYSTEM. CONNECT TO SANITARY MAIN LINE WITH 6" LATERAL IF EXISTING LATERAL IS NOT SIZED CORRECTLY
- 2 SANITARY SEWER POINT OF CONNECTION TO BUILDING
- 3 INSTALL (8) NEW 1" METERS AND BACK-FLOW DEVICES FOR EACH COMMERCIAL GROUND FLOOR SPACE. METER LOCATIONS TO BE COORDINATED WITH THE CITY OF ASHLAND WATER DEPARTMENT
- 4 EXISTING FIRE HYDRANT TO REMAIN
- 5 PROPOSED 6" FIRE LINE POINT OF CONNECTION TO CITY SYSTEM. WATER TAP TO BE PERFORMED BY CITY OF ASHLAND CREWS, CONTRACTOR SHALL COORDINATE
- 6 PROPOSED D.C.D.A. ASSEMBLY IN VAULT WITH FIRE DEPT. CONNECTION
- 7 FIRE LINE CONNECTION TO BUILDING. RISER SHALL BE INSIDE PROPOSED MECHANICAL ROOM LOCATED IN BASEMENT
- 8 INSTALL NEW 2" WATER METER AND BACK-FLOW DEVICE FOR RESIDENTIAL UNITS ON UPPER FLOORS
- 9 EXISTING POWER POLE TO BE RE-LOCATED FOR CONSTRUCTION. WORK SHALL BE COORDINATED WITH UTILITY COMPANIES
- 10 POWER, TELEPHONE, AND CABLE TV POINT OF CONNECTION AT CORNER OF VAN NESS AVE AND HELMAN ST. ROUTE LINE IN UNDERGROUND CONDUIT TO BUILDING AS SHOWN. FINAL LOCATIONS TO BE DETERMINED BY UTILITY PROVIDER
- 11 NEW TRANSFORMER LOCATION TO BE COORDINATED WITH THE POWER COMPANY
- 12 POWER, TELEPHONE, AND CABLE TV POINT OF CONNECTION TO BUILDING, COORDINATE ALL WORK WITH UTILITY COMPANIES
- 13 PROPOSED POWER SECTIONALIZER VAULT

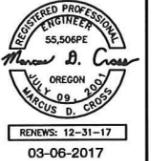
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SHEET INDEX:

- C1.0 PRELIMINARY GRADING & DRAINAGE PLAN
- C1.1 PRELIMINARY GRADING SECTIONS
- C1.1 PRELIMINARY EROSION CONTROL PLAN

RON GRIMES ARCHITECTS, PC
14 N. CENTRAL - SUITE 106
MEDFORD, OR 97501
(541) 772-3000

RHINE-CROSS GROUP, LLC
ENGINEERING - SURVEYING - PLANNING
112 N 5th ST - SUITE 200 - P.O. BOX 909
KLAMATH FALLS, OREGON 97601
Phone: (541) 851-9405 Fax: (541) 273-9200
admin@rc-grp.com



MAGNOLIA MIXED USE DEVELOPMENT
OREGON
ASHLAND

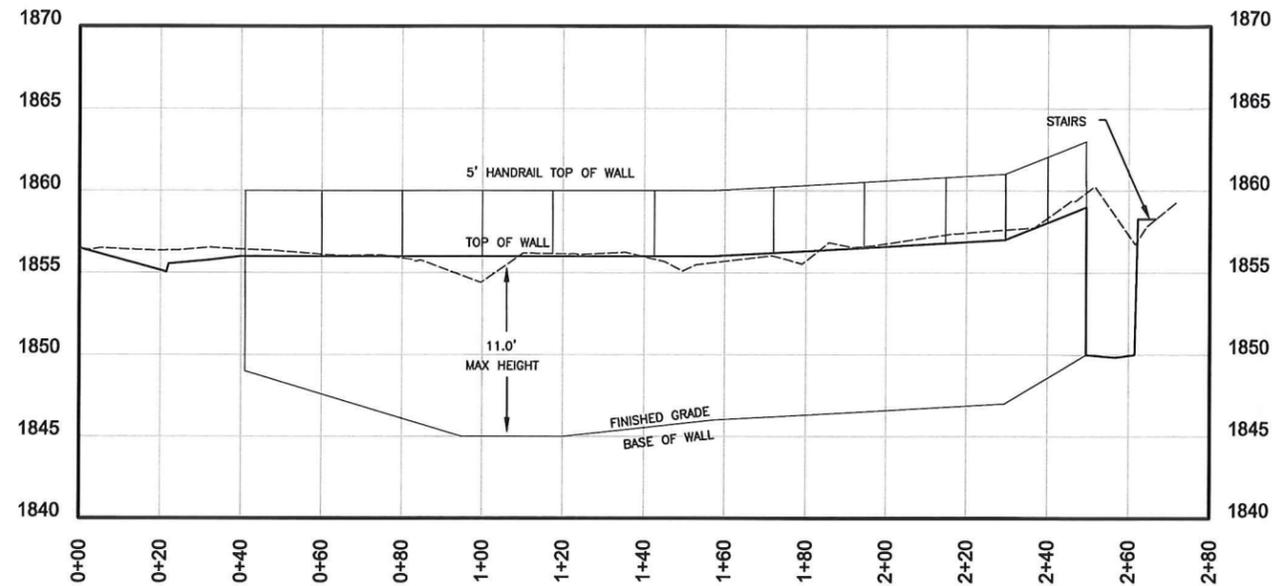
SHEET NAME:
PRELIMINARY GRADING & DRAINAGE PLAN
DRAWN BY: MDC
CHKD BY: DAC
DATE: MARCH 2017

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JOB NO. 1597
SHEET NO. C1.0
SHEET 1 of 3

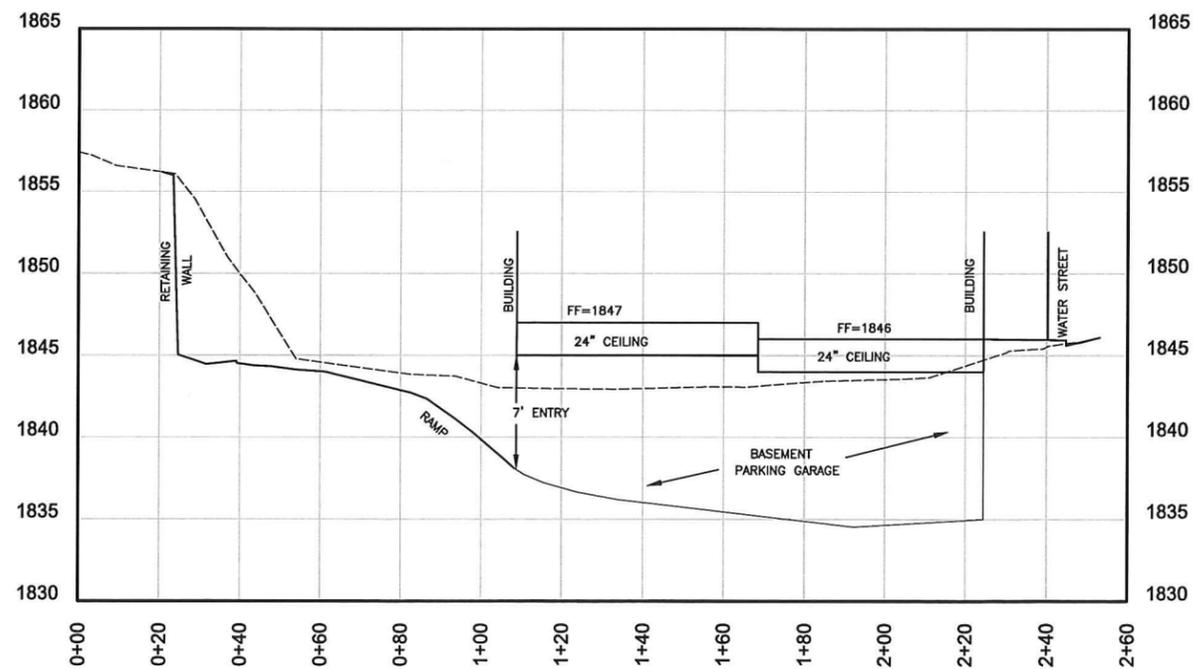
MAGNOLIA MIXED USE

PRELIMINARY GRADING SECTIONS

MARCH 2017



A-A RETAINING WALL PROFILE
C1.1 SCALE: H: 1"=20' V: 1"=5'



B-B GRADING SECTION
C1.1 SCALE: H: 1"=20' V: 1"=5'

LEGEND

	EXISTING	PROPOSED		EXISTING	PROPOSED
DECIDUOUS TREE			STORM SEWER CLEANOUT		
CONIFEROUS TREE			STORM SEWER CATCH BASIN		
FIRE HYDRANT			STORM SEWER MANHOLE		
WATER BLOW-OFF			GAS METER		
WATER METER			GAS VALVE		
WATER VALVE			GUY WIRE ANCHOR		
DOUBLE CHECK VALVE			POWER POLE		
AIR RELEASE VALVE			POWER VAULT		
SANITARY SEWER CLEANOUT			POWER JUNCTION BOX		
SANITARY SEWER MANHOLE			POWER RISER		
SIGN			TELEPHONE/TELEVISION POLE		
STREET LIGHT			TELEPHONE/TELEVISION VAULT		
MAILBOX			TELEPHONE/TELEVISION JUNCTION BOX		
PUBLIC ACCESS CURB RAMP			TELEPHONE/TELEVISION RISER		
			CENTERLINE SURVEY MONUMENT		

	EXISTING	PROPOSED
RIGHT-OF-WAY		
BOUNDARY LINE		
PROPERTY LINE		
CENTERLINE		
DITCH		
CURB		
EDGE OF PAVEMENT (E.O.P.)		
EASEMENT		
FENCE LINE		
GRAVEL EDGE		
POWER LINE		
OVERHEAD WIRE		
TELEPHONE LINE		
TELEVISION LINE		
GAS LINE		
STORM SEWER LINE		
SANITARY SEWER LINE		
WATER LINE		
IRRIGATION LINE		

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RON GRIMES ARCHITECTS, PC
 14 N. CENTRAL - SUITE 106
 MEDFORD, OR 97501
 (541) 772-3000

R-C RHINE-CROSS GROUP LLC
 ENGINEERING - SURVEYING - PLANNING
 112 N 5th ST - SUITE 200 - P.O. BOX 909
 KLAMATH FALLS, OREGON 97601
 Phone: (541) 851-9405 Fax: (541) 273-9200 admin@rc-gp.com



REVISIONS: 12-31-17
 03-06-2017

MAGNOLIA
 MIXED USE DEVELOPMENT
 OREGON
 ASHLAND

SHEET NAME:
 PRELIMINARY
 GRADING
 SECTIONS

DRAWN BY: MDC
 CHECKED BY: DAC
 DATE: MARCH 2017

REVISIONS:

JOB NO.
 1597

SHEET NO.

C1.1

SHEET 2 of 3

MAGNOLIA MIXED USE

PRELIMINARY EROSION CONTROL PLAN

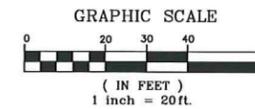
MARCH 2017



GRADING AND EROSION LEGEND

- 1850 EXISTING CONTOUR (1' INTERVAL)
- 1850 FINISHED GRADE CONTOUR (1' INTERVAL)
- SHADING REPRESENTS AREAS OF CUT
- CONCRETE WASHOUT
- INLET PROTECTION
- GRAVEL/ROCK CONSTRUCTION ENTRANCE
- TEMP. EROSION CONTROL FENCE

TOTAL PARCEL ACREAGE: 0.74 ACRES
 TOTAL DISTURBED ACREAGE: 0.88 ACRES
 AREA OF GRADING:
 0.88 ACRES TOTAL



EROSION CONTROL NOTES:

- EC1** INSTALL ROCK CONSTRUCTION ENTRANCE PER DETAIL ON SHEET COS2. SWEEPING OF STREET SHALL BE REQUIRED IF SEDIMENT BECOMES VISIBLE ON ASPHALT SURFACE.
- EC2** INSTALL 8" DEEP 'V' CUT OFF DITCH ALONG STREET CURB
- EC3** INSTALL 2' DEEP SEDIMENT POND AT PROPERTY LOW POINT
- EC4** INSTALL SILT SACK OR BIO-BAG INLET PROTECTION
- EC5** INSTALL 10' X 10' STRAW BALE CONCRETE WASHOUT BASIN LINED WITH 6 MIL VISQUEEN BARRIER (OR APPROVED EQUAL)

DEMOLITION NOTES:

- P** PROTECT EXISTING FEATURE. ANY DAMAGE AS A RESULT OF CONSTRUCTION SHALL BE REPAIRED BY CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- R** REMOVE AND HAUL OFF-SITE IN APPROVED DISPOSAL SITE.
- R2** CONTRACTOR SHALL COORDINATE WITH LOCAL UTILITY REPRESENTATIVE FOR RE-LOCATION OR REPLACEMENT OF EXISTING UTILITY FEATURE AND SERVICE.
- S** SAWCUT. AFTER NEW PAVEMENT IS PLACED, CONTRACTOR SHALL SAND AND SEAL JOINT PER CITY OF ASHLAND STANDARDS.

TREE NOTES

1. NUMBER OF TREES REMOVED FOR INFRASTRUCTURE: 7
2. TOTAL NUMBER OF RESTORATION TREES TO BE PLANTED: SEE L.S. PLAN

LEGEND

- EXISTING TREE (TO BE PRESERVED)
- EXISTING TREE TO BE REMOVED

NOTE: SIGNIFICANT VARIATION AND DEGREE OF EROSION CONTROL EFFORT WILL BE DICTATED BY WEATHER CONDITIONS. THE DEVELOPER AND CONTRACTOR SHOULD BE PREPARED TO PROVIDE EXTRA EROSION CONTROL PROVISIONS AND EFFORT DURING WINTER AND WET WEATHER CONDITIONS BEYOND THAT NORMALLY REQUIRED DURING SUMMER AND DRY WEATHER CONDITIONS. FINE GRAINED AND UNCONSOLIDATED SOILS ON SLOPING SITES MAY BECOME UNSTABLE WHEN SUBJECT TO EXCESSIVE MOISTURE.

RECEIVED
MAR 20 2017
 City of Ashland

RON GRIMES ARCHITECTS, PC
 14 N. CENTRAL - SUITE 106
 MEDFORD, OR 97501
 (541) 772-3000

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REVISIONS: 12-31-17
 03-06-2017

MAGNOLIA
 MIXED USE DEVELOPMENT
 OREGON
 ASHLAND

SHEET NAME:
 PRELIMINARY
 EROSION
 CONTROL PLAN

DRAWN BY: MDC
 CHKD BY: DAC
 DATE: MARCH 2017

REVISIONS:

JOB NO.
 1597

SHEET NO.
C1.2
 SHEET 3 OF 3