

ASHLAND PLANNING DIVISION

FINDINGS & ORDERS

PLANNING ACTION: PA-2017-00838
SUBJECT PROPERTY: 250 Alta Ave.
APPLICANT/OWNER: Vadim Agakhanov

DESCRIPTION: A request for a Physical & Environmental Constraints Review Permit to construct a new single-family dwelling on Severe Constraint Hillside Lands for the property located at 250 Alta Ave. The proposal involves an Exception to the Development Standards for Hillside Lands to allow for a 10' tall retaining wall to stabilize an existing nine-foot tall un-retained cut slope, and an Exception to the Street Design Standards to retain Alta Ave. as an unimproved street with the addition of a curb and gutter, but no paving or sidewalk installation.

COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; **ZONING:** R-1-7.5;
ASSESSOR'S MAP: 39 1E 05DC; **TAX LOT:** 1301.

SUBMITTAL DATE:	May 9, 2017
DEEMED COMPLETE DATE:	May 24, 2017
STAFF APPROVAL DATE:	June 15, 2017
APPEAL DEADLINE (4:30 P.M.):	June 27, 2017
FINAL DECISION DATE:	June 27, 2017
APPROVAL EXPIRATION DATE:	December 27, 2018

DECISION

The subject property is located at 250 Alta Street. The parcel is 12,287 sq. ft. The property is presently vacant, but for an extensive system of retaining walls previously constructed. The property slopes to the northeast with an approximate average 26% grade. The natural grade of the property had been significantly altered by the prior property owner in accordance with an approved planning action (PA#2004-013). Although a series of retaining walls were built, a single-family home was not constructed. The retaining walls previously installed are in many cases in poor condition, and thus the application included an engineer's evaluation of each existing wall and of new retaining walls necessary to address un-stabilized cut slopes. Because the property is greater than 25%, the project is subject to a Physical & Environmental Constraints Permit. Lands which have a slope of 25 percent and greater are defined as Hillside Lands in the Ashland land use ordinance (AMC 18.3.10.060.B) and lands which have a slope greater than 35 percent are defined as Severe Constraints Lands (AMC 18.3.10.060.D). Lastly, because the property is within a Historic District (Skidmore-Academy), the typical design standards for hillside lands do not apply.

The applicants are proposing to construct a new one-story home with a daylight basement consisting of a total of 3,291 square feet. The basement area included in the total square footage is 1,382 sq. ft which includes the 531 sq. ft. garage. Since the basement is not exposed for more than 50% of its perimeter, the basement's square footage is not counted under the Maximum Permitted Floor Area (MPFA) calculation for homes within designated historic districts. The MPFA contributing square footage is 1,909 square feet which is less than the calculated MPFA allowed by ordinance which is be 2,894 square feet for this parcel.

The application involves a request for a Physical & Environmental Constraints Review Permit to allow for the proposed single family home, driveway, grading, filling, new retaining walls, the replacement of existing retaining walls, and storm water drainage facilities on Hillside and Severe Constraints Lands for the property located at 250 Alta Ave. The application includes a slope analysis which shows slopes in excess of 25 percent to the front, rear, and east side of the residence. Earth-moving activities and construction in Hillside and Severe Constraints Lands require a Physical and Environmental Constraints Permit because these areas are subject to damage from erosion and slope failure. The application includes grading in the areas surrounding the home in areas of slopes in excess of 25 percent. In addition, a series of retaining walls and drainage facilities will be constructed, or replaced, in these areas.

The proposal identifies that storm drainage and sanitary sewer will be directed to Scenic Dr. To achieve this the utility lines will need to cross the property to the east. Water service is available on Alta Ave to serve the proposed dwelling.

The application includes a request for Exceptions to the Development Standards for Hillside Lands to build a ten foot tall retaining wall to stabilize an existing nine-foot tall unrestrained cut slope adjacent to Alta Ave. The application describes the purpose of the grading and proposed retaining walls adjacent to top the proposed building as necessary to provide access to the home, stabilize the hillside, and resolve storm drainage issues.

The development standards for Hillside Lands in AMC 18.3.10.090 require a geotechnical expert to design grading, retaining walls, drainage, and erosion control. The application includes a geologic investigation and hazard study dated November 6, 2016 which has recommendations for grading, retaining walls, drainage, and erosion control. The geologic investigation and hazard study includes an analysis of the condition of the existing retaining walls. This evaluation identified indications of possible bearing capacity failures of a number of the walls, and as such in additions to recommendations relating to newly proposed retaining walls, the report also indicates strategies to address the existing retaining walls and structural fill as necessary to retain the hillside and support the proposed home. The report further provides recommendations relating to storm drainage and erosion control to be implemented with construction of the property.

The geotechnical investigation and hazard study submitted with the application notes that the property is suitable for development with the proposed improvements, and remediation of the existing retaining walls. The report concludes that if the geotechnical recommendations for development are followed, it is the geotechnical engineer's opinion that there is no significant risk of slope instability on the lot.

Conditions are added to this approval requiring evidence from the project geotechnical expert that the building permit submittals are consistent with the referenced report recommendations and a report on the inspections throughout the project construction by the project geotechnical expert as recommended in #11 on page 5, and #6 on page 6, of the Geologic Investigation and Erosion Control study submitted with the application.

The application notes that the applicants are proposing an Exception to the Development Standards for Hillside Lands to exceed the maximum allowable cut slope of seven feet in height. The Hillside Standards require cuts over seven feet in height to be broken into five foot sections that are terraced and separated by a minimum of three feet in a horizontal direction. The justification for the proposed

exception to to allow a continuous 10' vertical retaining wall is because an existing 9' tall un-retained cut slope exists on the property. A series of cuts in an uphill direction to accommodate a 3' horizontal terrace would further intrude toward the Alta Avenue road edge making this option unviable. Creating a downhill 3' horizontal terrace would require the import of a considerable amount of unnecessary fill, and would further limit the small footprint area for the proposed home. Neither of these alternatives to meet the standard would be preferable to retaining the existing 9' cut slope with a singular wall as is proposed.

Staff believes the exception to make one wall to retain the existing nine foot tall cut slope, rather than a series of smaller cuts, meets the approval for an Exception to the Development Standards for Hillside Lands. The location of the Alta Ave. right of way above the home and the limited buildable area for the proposed residence provide insufficient distance to allow stepped terracing in this situation. The cut behind the home is intended to create a passage to the front of the home and direct storm drainage away from the home. Given the conditions, the use of one cut providing a minimal amount of space in front of the home is the minimum necessary to address the access and storm drainage issues. The exception is consistent with the purpose of the Physical and Environmental Constraints Overlay chapter of the land use ordinance by retaining a cut into a slope of greater than 35 percent, creating access to the front of the home, and resolving potential drainage problems at the front of the residence.

The application requests an exception to Street Standards to not install sidewalks and a parkrow along the Alta Ave. frontage. This section of Alta Ave. is 20' wide with a gravel surface, and does not presently include curb, gutters, or sidewalks. The application proposes the installation of curb and gutter along the property frontage to extend to the improved section of Alta Ave... The installation of the proposed curb and gutter will assist in directing surface run-off from the street to an improved storm water system. Given the steep slopes adjacent to the roadway along the frontage of this and adjoining properties staff recognizes that the installation of a continuous sidewalk is presently impractical without a comprehensive design involving properties all along Alta Ave. Further, as there are no sidewalks on Alta Avenue either to the north or south of the subject property, the construction of a sidewalk along the property's frontage at this time would not improve pedestrian connectivity. Staff has included a condition of approval to require the applicant to sign in favor of future improvements on Alta Ave. in the event the City of Ashland ever forms a Local Improvement District for such street improvements such as paving or sidewalk installation.

The neighboring property owner at 255 Scenic Dr. provided a letter to the City on June 7th which outlined concerns relating storm water drainage, stability of the steep slopes, location of the sewer line, and the proposed size of the proposed structure. The applicants have provided a recorded easement located on the property at 255 Scenic Drive that demonstrates the property at 250 Alta Ave. can connect waste water and storm drain lines to the public systems on Scenic Drive. To address the impact of runoff and drainage in relation to the development of the property, Staff has included a condition of approval to require a geotechnical expert inspect the site throughout construction to ensure the storm drainage system, retaining walls, and building foundation are appropriately constructed. Furthermore a condition of approval is included to require all landscaping and irrigation for re-vegetation of the cut slopes shall be installed before the house can be occupied.

The Historic Commission reviewed the proposal at their June 7th meeting and found the project to comply with the Historic District design guidelines and have recommended approval of the application.

The approval criteria for a Physical & Environmental Constraints Review Permit are detailed in AMC 18.3.10.050 as follows:

- 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 approval criteria for an Exception to the Development Standards for Hillside Lands are detailed in AMC 18.3.10.090.H as follows:

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.*
2. *The exception will result in equal or greater protection of the resources protected under this chapter.*
3. *The exception is the minimum necessary to alleviate the difficulty.*
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 approval criteria for an Exception to the Street Design Standards are detailed in AMC 18.4.6.0920.B as follows:

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.*

Conclusion and Conditions

In staff's assessment, the proposal has been carefully thought out to minimize the disturbance of the site, and remediate for past alterations to the property. Based on the application material submitted, the

application with the attached conditions complies with all applicable City ordinances. Therefore, Planning Action #2017-00838 is approved with the following conditions. If any one or more of the following conditions are found to be invalid for any reason whatsoever, then Planning Action #2017-00838 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.
- 2) That an engineered street improvement and storm drainage plan for Alta Ave. shall be submitted for review and approval of the Ashland Engineering Division prior to issuance of a building permit, and shall be installed in accordance with the approved plans prior to issuance of a Certificate of Occupancy.
- 3) Public Works permits and associated inspections shall be obtained for any work to occur within the public right-of-way.
- 4) That the property owner shall sign in favor of local improvement districts for the future street improvements, including but not limited to paving and sidewalks, for Alta Ave. prior to issuance of a building permit.
- 5) That final determination of existing fire hydrant's distance from the furthest point on the structure, fire flow, and fire apparatus access requirements will be based upon plans submitted for Building Permit review.
- 6) That a "Fuel Break" as defined in Ashland Municipal Code, section 18.3.10.100B shall be completed and an inspection shall be conducted by Ashland Fire & Rescue prior to bringing combustible materials onto the site.
- 7) That the tree protection fencing and temporary erosion control measures (i.e. silt fencing, bale barriers, etc.) shall be installed according to the approved plans prior to issuance of the building permit for the retaining walls in slopes of 25 percent and over, storage of materials, or commencement of any site work. The tree protection and temporary erosion control measures shall be inspected and approved by the Ashland Planning Department prior to site work, storage of materials, the issuance of an excavation permit, and/or the issuance of a building permit.
- 8) That the project landscape architect shall inspect work within the tree protection zones, including but not limited to the installation of retaining walls, excavation for utilities and trimming trees, as detailed in the Tree Protection Plan L-1 submitted with the application. Prior to issuance of a certificate of occupancy, the project landscape architect shall provide a final report indicating that the approved tree protection measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project landscape architect periodically throughout the project.
- 9) That the storm drainage plan shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent properties in accordance with 18.3.10.090.C. The storm drainage plan shall be submitted for review and approval to the Ashland Engineering and Building Divisions prior to application for a building permit.

- 10) The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan prior to a certificate of occupancy. Vegetation shall be installed in such a manner as to be substantially established within one year of installation. That all measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with AMC 18.3.10.090.B.7.a.
- 11) That the project geotechnical expert shall inspect the site according to the inspection schedule geologic investigation and erosion control study submitted with the application and dated November 6, 2016. Prior to issuance of a certificate of occupancy, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.

Bill Molnar, *Director*
Community Development Department

June 13, 2017

Date