

# ASHLAND PLANNING DIVISION STAFF REPORT

February 11, 2020

**PLANNING ACTION:** PA-L-2019-00007

**APPLICANT:** City of Ashland

**ORDINANCE REFERENCES:** **AMC 18.4.2** Building Placement, Orientation, and Design  
**AMC 18.6.1** Definitions

**REQUEST:** An Ordinance amendment to the Site Design and Use Standards plaza space requirements (Chapter 18.4.2.040.D(2)) within the C-1-D (downtown) zone and Downtown Design Standards overlay, and to provide a new definition for Detail Site Review Plaza Spaces (Chapter 18.6.1). The proposal includes removing the requirement that large scale buildings (10,000 square feet or greater) within the downtown area provide an outdoor plaza space that is a minimum of 10% of the building's floor area.

## **I. Relevant Facts**

### **A. Background**

On October 15, 2019, the Ashland City Council directed staff and the Planning Commission to evaluate the existing plaza space requirements in consideration of how amending the standard could potentially encourage new multi-story development within downtown Ashland while preserving continuity of the historic pattern of development.

The Planning Commission discussed the existing requirements for plaza space in the Detail Site Review (DSR) overlay and specific application within the downtown area on August 27<sup>th</sup> and December 10<sup>th</sup>, 2019 at Study Sessions.

The Historic Commission discussed the proposed amendments to the plaza space requirements at their regular meeting on January 8, 2020.

### **Public Notice**

Notification regarding the proposed plaza space ordinance public hearings was published in the Ashland Tidings on January 17, 2020. A direct mailing was sent to the owners of 149 properties within the downtown area that would potentially be affected by the proposed amendment. The newspaper notice and direct mailing included the Planning Commission and City Council hearing dates (February 11, 2020 and March 17, 2020 respectively), an outline of the proposed amendment including a list of common questions and answers, and a link to a dedicated webpage ([www.ashland.or.us/plazaspaces](http://www.ashland.or.us/plazaspaces)) where citizens can find additional background information about the proposed amendment. These two public hearings provide an opportunity for the public to review and comment on the proposed amendments, and for decision makers to consider those comments as they deliberate on the final amendments to

the Ashland Land Use Ordinance (ALUO).

Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on 12/27/2019, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) OAR 660- 018-0020.

Providing opportunities for public involvement as described above is consistent with citizen involvement goals and policies for land use actions in Comprehensive Plan Goal 1 [Citizen Involvement] and Chapter 18.5.1 of the ALUO. As of the date of this report, three written comments have been received by the Community Development Department and they are included as attachments to this report.

### **Type III Legislative Land Use Process**

Amendments to the ALUO are made through a Type III legislative land use review process. The Planning Commission will hold a public hearing to consider proposed amendments and will make a recommendation to the City Council. The City Council will hold a subsequent public hearing to consider the proposed amendments. After closing the public hearing, the City Council will deliberate and make a final decision. Within five days of the City Council's final action on the proposed amendments, the Community Development Director will provide written notice of the decisions to any parties entitled to notice. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision makers.

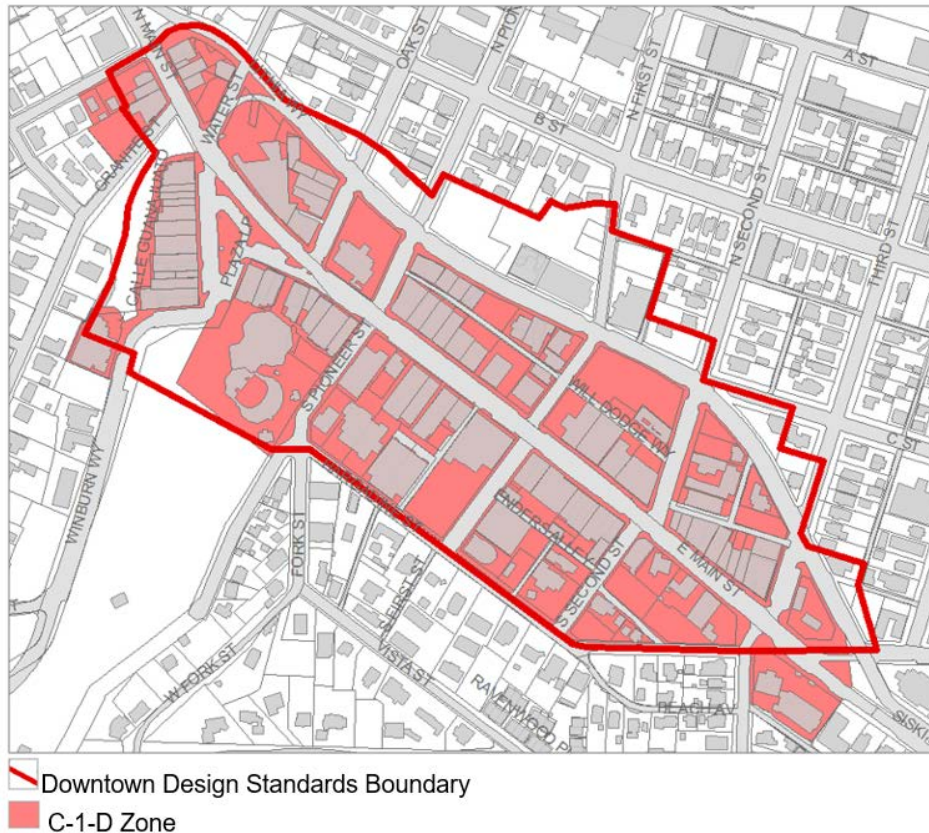
### **B. Ordinance Amendments**

The proposed ordinance amendments, as they would appear in the Ashland Land Use Ordinance (ALUO), are provided in full as an attachment to this report.

### **Summary of Proposed Amendments**

Within the Detail Site Review overlay plaza spaces currently must be incorporated into projects when building's square footage is greater than 10,000 square feet. This required plaza space is to be equal to 10% of the building's total gross floor area and must incorporate four out of six listed design elements as outlined in [18.4.2.040.D.2\(b\)](#). This standard currently applies to large scale commercial developments within specific areas (Detail Site Review overlay) throughout the City including the downtown.

The draft ordinance amendment presented for consideration would result in no longer requiring the inclusion of plaza space for new buildings, with floor areas of 10,000 or greater, in the downtown for properties that are zoned C-1-D, or are within the Downtown Design Standards boundary.



The proposed code amendment would remove the plaza space requirement in the downtown area, but it would still apply in other commercially zoned areas outside the downtown within the Detail Site Review Overlay (A Street, Ashland Street and Siskiyou Boulevard, North Main Street and sections of Hersey Street).

To clarify that such plaza spaces are on private property, and not technically “public”, the terminology in the draft ordinance has been changed to consistently refer to “plaza space” instead of “public plaza space”. Although private plaza spaces are seemingly accessible to members of the public these sites are subject to private landowner restrictions, which may cause confusion regarding allowable use and access by the general public. The draft ordinance further proposes a change to the Ashland Land Use Ordinances Chapter 18.6.1 [Definitions] to newly provide the following definition for such plaza spaces to provide clarity on this subject:

*Detail Site Review Plaza Space: An open area under private ownership intended to meet the requirements of Large Scale Project standards within the Detail Site Review Overlay.*

Staff has received some general questions from the public as to whether the proposed changes to the plaza space requirement would allow for taller buildings in the downtown, increase the maximum size of buildings allowed, impact the central Plaza, or newly require buildings to be built up to the sidewalk’s edge. The following bullet points address these concerns:

- The proposed amendment *does not* change height limits in the downtown area. Those height limits will stay as is, which are: 40-foot maximum height limit; 55-foot maximum height limit when approved through a conditional use permit procedure.

- The proposed amendment *does not* change the maximum building size within the C-1 and C-1-D zones which is 45,000sq.ft.
- Public open spaces such as the central Plaza, the open space in front of the Black Swan Theatre, Calle Guanajuato, the public pedestrian corridor adjacent to the McGee-Fortmiller Building (142 East Main Street) extending from East Main Street to the Public Parking Structure, would be unaffected by the proposed amendment. Other public rights-of-way or parks properties within the downtown would also be unaffected by the proposed amendment.
- The existing downtown design standards ([18.4.2.060C.2](#)) currently require that buildings shall maintain a zero setback from the sidewalk or property line, although ground level entries should be recessed from the public right-of-way and have detailing and materials that create a sense of entry. These design standards would be unchanged by the proposed changes regarding plaza space within the downtown area.

### **Change in Circumstances or Conditions**

AMC 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. The Planning Commission makes a recommendation to the City Council and the City Council makes the final decision.

### **Statewide and Local Goals**

Comprehensive Plan Economy Element (Chapter VII)

*Goal 7.03.3 Policy 2.c:*

*The City shall design the Land Use Ordinance to provide for specific development guidelines which will ensure that: 2) New development or redevelopment in the Historic District will be compatible with the character of the district.*

Comprehensive Plan Historic Sites and Structures Element (Chapter I)

*Goal: To preserve historically significant structures and sites in Ashland*

*Policy I-7: The City shall develop and implement through law design guidelines for new development as well as for alteration of existing structures within the historic interest areas for structures and areas that are historically significant.*

In review of the existing requirements for plaza space, as part of the design standards for new large scale development and alterations to existing large scale buildings within the downtown, it was found that application of these standards within the downtown could have the effect of disrupting the historic pattern of development and breaking the continuity of buildings having their front façades built to the sidewalk's edge and to the side lot lines.

The development of the plaza standards was initially considered to apply city wide in all Detail Ste Review overlay areas without special consideration of the downtown historic interest area. Most existing historic buildings in the downtown have frontage directly at the sidewalk edge. Opportunities for infill and redevelopment within this area should develop consistent with this established historic pattern to protect the historic character of the area and promote interaction between the activity in the building and the people on the street. Proposed amendments to the plaza space standards have been presented in the attached draft ordinance to more effectively

direct future development, and redevelopment, within the downtown to be compatible with the historic character of the district.

## **II. Procedural**

### **18.5.9.020 Applicability and Review Procedure**

Applications for Plan Amendments and Zone Changes are as follows:

**B. Type III.** It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

## **III. Conclusions and Recommendations**

Removing the existing requirement that plaza spaces be located on individual privately-owned properties associated with large scale developments, within the C-1-D and Downtown Design Standards, overlay will further the objective of protecting the historic character of the area while promoting appropriate mixed use developments within the Ashland's downtown area.

The historic characteristics of the downtown area are not present in other commercial areas of the City where the plaza standard applies. As a commercial area listed on the National Register of Historic Places, with considerable pedestrian activity due to its concentration of commercial uses, most historic buildings in the downtown are built up to the sidewalk edge. Opportunities for infill and redevelopment within the context of this historic area should develop consistent with the established historic pattern of development to protect the character of the area. A continuous "street-wall" provided by buildings constructed up to their front and side property lines promotes interaction between the commercial activity in the buildings and the people on the street. Incorporating a plaza space, to meet the existing requirement, often results in the need for offsets, jogs, or distinctive changes in a building's footprint. This can present design challenges, add to development costs and result in a less efficient building design.

Plaza spaces developed within the downtown area on individual private properties, as part of meeting site design standard requirements, do not necessarily function to provide the general public with opportunities for relief and respite from the urban fabric. Public open spaces used to

create a prominent civic component within the downtown area are best placed in identified central locations and highly visible focal points and should be open to the public at large.

The proposed amendments are consistent with applicable Comprehensive Plan goals, policies and implementation methods. Given this, the proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language.

#### Historic Commission

The Historic Commission reviewed the draft ordinance on January 8, 2020 and recommend approval of the ordinance.

#### Planning Commission

The Planning Commission will review the proposed ordinance on February 11, 2020, and their formal recommendation to the Council regarding the ordinance will be presented to the City Council at the public hearing scheduled for March 17, 2020. A representative from the Planning Commission is invited to provide the Commission's recommendations to the during the public hearing before the City Council.

#### **Potential Motions:**

*I move to recommend that the City Council approve the proposed amendments to Chapter 18.4.2 of the Ashland Land Use Ordinance. This motion is based on findings and conclusions in the staff report, and findings in support of the application made during deliberations on this matter.*

*I move to recommend that the City Council approve the proposed amendments to Chapter 18.4.2 of the Ashland Land Use Ordinance with the following changes \_\_\_\_\_.*  
*This motion is based on findings and conclusions in the staff report, and findings in support of the application made during deliberations on this matter.*

#### **Attachments:**

- Draft Ordinance amending Plaza Space Standards
- Public Comment
  - [Thalden letter](#) dated March 12, 2019
  - [Falkenstein letter](#) dated October 13, 2019
  - [Stitham letter](#) dated December 02, 2019
  - [Fields letter](#) dated December 6, 2019
- Meeting Minutes
  - [Draft Historic Commission Minutes 01/08/2020](#)
  - [Planning Commission Study Session Minutes 12/10/2019](#)