

FW: PA-T2-2022-00237 - May we have impartial meetings

Bill Molnar <bill.molnar@ashland.or.us>

Thu 2022-02-24 03:15 PM

To: Derek Severson <derek.severson@ashland.or.us>

Cc: Brandon Goldman <brandon.goldman@ashland.or.us>

I'll notify the entire Council of the need to refrain from discussing or reviewing information related to this quasi-judicial action before the PC, as it would be subject to rules regarding ex parte communications outside the public hearing process.

From: Mark Brouillard <MTBrouillard@msn.com>

Sent: Thursday, February 24, 2022 2:59 PM

To: Shaun Moran <Shaun.Moran@council.ashland.or.us>; Stephen Jensen <stephen@council.ashland.or.us>;

Paula Hyatt <Paula.Hyatt@council.ashland.or.us>

Cc: Bill Molnar <bill.molnar@ashland.or.us>; Julie Akins <julie@council.ashland.or.us>

Subject: PA-T2-2022-00237 - May we have impartial meetings

[EXTERNAL SENDER]

To Council Liaisons, Planning Department, and Mayor,

I am asking that we have impartial meetings with regards to PA-T2-2022-00237. There are very specific reasons for this. During the last go around with what is being proposed (it was for 95 Van Ness Street - PA-T1-2018-0033) a proclamation was made by a presenter (Rogue Planning) and laughed at and mocked by the historic commission members. That proclamation was "now that there aren't any pesky home owners here we might get something accomplished." I was present at the meeting as a homeowner and made an objection to it (being labeled as a pesky homeowner). But, the attending historic commission members laughed at it and I guess they thought it was entertaining. To me and others it showed bias.

Again, we are having another new PA with regards to the subject properties at 95 Van Ness, 160 Helman, and 165 Water. We as neighbors thought we had gotten past the prior two approvals (much to the objections of the neighborhood) for 95 Van Ness and 160 Helman. We had all gotten used to the idea of having (2) 40 foot tall buildings across the street from us to now trying for 5 massive buildings that offer no affordable housing, unless you call a million dollars per condo affordable (8 buildings in total with 3 being on 165 Water).

Those of us who have been around long enough on Helman have seen the City not be totally truthful with the neighborhood. Look into the notes and building plans for The Plaza Inns & Suites (on Helman Street and Central Avenue). One building we never saw the plans for and when the open house happened, Mayor DeBoer asked what we thought about the buildings; he was asked where it was on the plans. They were not there. Bill Molnar's predecessor told us that the City wouldn't let another 3 story building happen on Helman Street after the Plaza fiasco.

Our original suggestion for the now 95 Van Ness Avenue building would be to make it the height limit of the historic district, which is 30 feet. It should have a setback as well. The type of building that they are wanting to build is one that is better suited for the Clear Creek Drive area.

Here are our other concerns (again) with the project:

In our opinion the buildings do not meet the basic requirements of AMC 18.4.2.050. First, the buildings will be considerable taller than the “historic buildings in the vicinity” pursuant to 18.4.2.050.B.2. The buildings, in our opinion, also does not meet the criteria for the following sections: 18.4.2.050. B.3, B.4, B.5, B.6, B.7, B.8, B.9, and B.10.

We also believe that according to AMC 18-2.3.130.A which states that “Dwellings in the E-1 zone are limited to the R-overlay zone. See chapter 18-3.13 Residential Overlay.” This property is not in the residential overlay (figure 18.3.13.010) and should be held to R-2 standards. If this holds true, and with the Historic District overlay, the maximum height is to be 30 feet not the 39.5 feet that is planned. It would also need the proper setbacks as well. Having a building directly at the edge of the sidewalk also does not fit with AMC 18.4.2.050.B.6.

Again, the main topic is to have impartial meetings with regards to PA-T2-2022-00237, and yes I do understand that the public is allowed their opinion. But when the commissions find it funny then we have unintended bias.

Respectfully,

Mark and Donna Brouillard
159 Helman Street
Ashland, OR 97520
206-661-7085

From: [Barry Baker](#)
To: [Planning Commission - Public Testimony](#)
Subject: Advisory Commission Hearing Testimony
Date: Saturday, April 02, 2022 8:47:24 AM

[EXTERNAL SENDER]

My wife and I live on Helman Street and are very concerned about project PA-T2-2022-00037 because it does not fit into the quaint historic feel of our neighborhood. After having been blindsided by the city when the Plaza Inn was able to add an additional building on the corner of Central and Helman that was not in the original approved plans, we feel that extra care needs to be taken to protect what is left of our quality neighborhood. Our concerns are as follows:

Height - the proposed units on Helman Street will be much taller than any nearby.

Scale - the proposed units will not be to scale with anything on that side of Helman Street.

Massing - the surrounding buildings are single units and set back from the street and the new project is not consistent with this design.

Past project proposals have been denied for these same reasons and we hope that this project will also be denied.

From: [City of Ashland, Oregon](#)
To: [planning](#); [Regan Trapp](#)
Subject: Historic Commission Contact Form Submitted
Date: Monday, April 04, 2022 6:31:16 AM

[EXTERNAL SENDER]

*** FORM FIELD DATA ***

Full Name: **Mark Brouillard**

Phone: **206 661 7085**

Email: **Mtbrouillard@msn.com**

Subject: **PA-T2-2022--00037**

Message: **To whom it may concern: I am unable to be at this week's meeting but wanted to follow-up from the last meeting. First, as a point of reference we have heard about the photo showing Ashland Iron Works and its supposed 40 foot height. That height was on the Water Strret frontage. Second, I implore you to revisit the Helman Street side. Stand in front of 173 Helman. Look at the subject property and notice a lamp post next to the gate. The propsed Buildings would be 8+ feet taller than that. Third, it seems like a rather flippant response to the Commisiins asking for different heights on the Helman Street side. Two deck/balcony changes and that is considered an elevation change? Fourth, this project still doesn't meet the AMC criteria I laid out in the last meeting. Setbacks, scale, massing, height are not even close to the homes in the on or across the street. Fifth, buildings are.still cookie cutter and don't follow the AMC which states different buildings and residential accommodation (have AMC at home, currently on an airplane). All we are asking for is something reasonable on the Helman Street side. Buildings taller than a telephone poll is not reasonable. No setbacks; again revisit the site and look at it from the sidewalk on the east side of Helman. Walk from Central towards Van Ness and invision a monolithic building with zero setback. It will block the openness of the street and any view that there once was. Doesn't seem like any equity; social, mental health, economic, or justice. This is a David versus Goliath moment that you as the historic commission have a lot of say in. Respectfully, Mark and Donna Brouillard 159 Helman Street**

Attachment 1 file:

Attachment 2 file:

Attachment 3 file:

*** USER INFORMATION ***

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SubscriberUserName:

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Received 4.4.2022

Michael Sullivan

From: Cat Gould <cat.gould@gmail.com>
Sent: Monday, April 04, 2022 3:51 PM
To: Planning Commission - Public Testimony
Subject: 4/12/22 PC hearing testimony

[EXTERNAL SENDER]

Dear commissioners,

I live very close to this proposed development and feel for the following reasons it is not a good fit for our neighbourhood in the Skidmore historic district, nor responsible development for Ashland as a whole. The design has not made any attempt to blend into the historic nature of our modest neighbourhood. Nor takes into account the necessity to curtail energy consumption in every household.

PLANNING ACTION: PA-T2-2022-00037

SUBJECT PROPERTY: 165 Water Street, 160 Helman Street and 95 Van Ness (corner of Van Ness & Water Streets)

Sincerely,
Cat Gould
114 Van Ness Ave, Ashland, OR 97520

Sustainability and Affordability

Ashland does not need more unaffordable housing that demands huge energy consumption to keep cool in summer and warm in winter due to the high ceilings and exposure. What are the projected energy costs to keep these large high ceilinged apartments comfortable? Ashland needs housing for lower income workers that we rely on to work in our restaurants/schools/and retail stores. Many employees of the Ashland City administration can't even afford to live here.

Energy costs are skyrocketing and this is not just pocket book costs, it is costs paid out in climate chaos on the poorest of the world who do not have the freedom to simply pay more to live elsewhere. It is irresponsible to be building anything less than energy efficient housing.

Parking

Most houses in the area already use street parking which is strained during high season, this can not have been assessed by the traffic analysis due to lack of high season for the past 2 years.

Flood Plain

While we are in a drought cycle now we all know that this will be over at some point and the unpredictable nature of climate chaos that we have unalterably entered will continue. I have to wonder why Gil Livni, who only recently lost his entire development to climate chaos and had to completely rebuild after the Alameda fire, would once again throw his buildings in the path of zoned "extreme or severe risk" of flooding.

This land has Severe Constraints meaning "development of this land is discouraged"
Application itself explains "the embankment was likely first created by Ashland Creek" .

Shading caused by mass of structure on neighborhood and traffic

The following image was taken off google earth and you can see where the 28 foot pole reaches (yellow). At a proposed average height of 40 feet the development will be approximately 40% taller than the existing pole. I have conservatively projected in orange the extent of the shadow that will be cast from this building on the homes and intersection. This intersection and the steep downhill slope of Van Ness Ave to Water st is in heavy use throughout the year by commuters, school traffic, recology vehicles, delivery trucks and the official bike corridor from the greenway and will be extremely icy throughout winter due to this shading from the building.



Eric Bonetti Public Comment – Historic Commission 4/6/2022

Photos presented during oral testimony:





Eric Bonetti Public Comment – Historic Commission 4/6/2022

Photos presented during oral testimony



Eric Bonetti Public Comment – Historic Commission 4/6/2022
Photos presented during oral testimony



Eric Bonetti Public Comment – Historic Commission 4/6/2022
Photos presented during oral testimony



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Photos presented during oral testimony



Eric Bonetti Public Comment – Historic Commission 4/6/2022
Photos presented during oral testimony

PA-T2-2022-00037 (165 Water Street)

BC PARTNERS III

Memo from Eric Bonetti, 105 Water Street, Ashland, OR 97520

GENERAL COMMENTS REGARDING THE PROJECT

1. I have lived in Ashland since 1997, various locations within town, ranging from the Railroad District, near the High School, a home off of Tolman Creek Road, now back in the middle of town. pl met Gil Livni and his wife Kathleen in 2005 on Old Mill Way, and I have worked on numerous successful projects with Mr. Livni over the years.

We also own and happen to be the neighboring property at 105 Water Street, directly adjacent to Mr. Livni's project on Water Street.

2. The extension of the E1 "Employment Zone" has never been fully realized within this area of Ashland. The E1 zone actually extends from Hersey all the way up to "B" Street. This particular section of town on Water Street, Van Ness and Helman also has a "residential overlay."
3. I know that this project on Water, Van Ness and Helman Street is a challenging site to develop and there are various transition considerations to be given between the M1 (Industrial zoning), R3 (High Density Residential zoning) and E1 (Employment zoning)—but I believe the architects at Terrain Landscape Design and Rogue Planning and Development have done a great job addressing these challenges.
4. I find the project quite practical and attractive in its overall design. I believe the connectivity through the property on its landscaped paths and via the new alleyway will help bring new life and vibrancy to this area of town.
5. I am concerned that if Mr. Livni's project is not approved for some reason, meaning that there are no new business opportunities developed in this area, no new housing brought to this area, **the "undeveloped blight" will remain unchanged.** I've have witnessed for 25+ years, that nothing new has developed along this area of Water Street. Worse in my opinion is that these three properties could be redeveloped into more large metal commercial structures lacking any charter nor provide needed residential housing.

PHOTOS OF SURROUNDING WATER STREET AREA

ENHANCEMENT TO THE NEIGHBORHOOD AND DISTRICT

1. The E-1 Zone is and "employment zone" and these particular parcels have the "residential overlay"—so the thought of having new live/work area to this section of Ashland is appealing. It also seems appropriate for the proposed housing density since the property is adjacent to the M1, R3 High Density Residential Zoning.
2. **If the City wants more housing in Ashland, more employment in Ashland—then one needs to have structures with multiple floors at this level of density or greater. Again, the Magnolia Terraces project is in compliance for the E1 Employment Zone.**
3. **The proposed development should create a new energy, vibrancy an opportunities to within this area and surrounding neighborhoods, hypothetically there could be a yoga studio, a CPA, a coffee shop, a reading center, and nonprofit organization, etc. Currently what is in the area could be seen as a "hodge podge" of residential, construction yards, concrete pumping services, recycling center, skate park, cabinet shop, food services and large metal commercial buildings.**

4. I think how great the railroad district is with its buildings, homes and businesses and live & work structures, coffee shops, bike shops, veterinarians, furniture stores, etc.. This area of Water Street, Van Ness and Helman could also be great! Now is the time to extend the Railroad District and Downtown into what has been a neglected area for many many years.

CREATING SAFETY AND ENHANCING THE NEIGHBORHOOD

1. **I previously have heard comments from a neighbor that this area has been ripe for illegal drugs (calling it a ‘shooting gallery’), nefarious activities, etc. They didn’t seem to support the development, connectivity that alley extension between Water Street and Helman Street and pathways through the project will be provided.**

The City’s website, states; “Role - The Transportation Commission advises the City Council on transportation related issues specifically as they relate to **safety**, planning, funding and advocacy for bicycles, transit, parking, **pedestrian** and all other modes of transportation.

2. **I actually have a different perspective. I assume that when this project moves forward, when the area is populated, with active businesses and engaged citizens, pedestrian traffic, buildings, lights, and personal pride of ownership—that the area would actually be cleaned up and less dangerous — the blight lifted.**
3. **Again, this area of Water Street has been a “dark zone in the past” hence the City’s parking has been limited to (4) hours in the day, no parking between Midnight—5:30 a.m. People will be less likely be parking buses on the street, nor the spilling of booze bottles and trash. Yes, unfortunately—these are all realities I’ve witnessed as I have personally clean areas in front of our buildings at 105 Water Street (with my kids in tow).**

HISTORIC COMMISSION

1. I participated in the Historic Commission’s meeting last week. I find the Historic Commission’s interaction last week with Mr. Livni to have been very subjective, premeditated — and not objective. They did not provided him a clear path to move this project forward.
2. On a personal note, when we were remodeling 145 North Main Street, we encountered a very similar subjective, not historically accurate, and un-supportive criticism from the Historic Commission. Therefore we brought forth our project to the Planning Commission to which the Historic Commission’s sentiments were overturned.

PLAZA / OPEN SPACE / PROXIMITY OF THE PROJECT

1. I appreciate how Magnolia has designed the plaza space and pathways within the project. If an individual has a bad knee or hip, an elderly parent visiting, young children, do you have to walk up the hill to enjoy the plaza space or could you not enjoy the landscaping and the open space near your building with ease-of-use.
2. If someone would like additional open space, one can venture literally a block away and there’s 4.4 acres of land and community gardens at Ashland Creek Park on Hersey.

3. Two-three blocks to the South, puts one at the Downtown Plaza and adjacent to the Calle where you can there is additional open space along the Ashland Creek and Lithia Park. This project should be considered an extension of the Railroad District and Downtown.

COMPARISON OF OTHER PROJECTS

1. The hotel which was previously approved for Mr. Livni was much larger in scale, much more massive than the current project that has been proposed. The Planning Commission approved Hotel building with apartments on the site for Magnolia Investments as presented in 2018.
2. The property and the proposed building on the corner of 95 Van Ness and Helman, previously owned by Jim Batzer, had a building which was approved by the historic commission, and this building was much larger, taller, than what Mr. Livni is proposing for any of his buildings.
3. The Magnolia Terraces project and design tastefully done. It integrates the need for the required commercial building spaces per the E1 Employment Zone, with the buildings overall looking more residential giving a nod to the R3 High Density Residential zone—much more than neighboring metal buildings on Helman, Hersey, and Water Street.

It appears that the proposed development and application meets the required planning code requirements. The City now has the opportunity to move this area of town forward—I look to the planning commission's for support of this project.

Thank you for your time and consideration.

Eric Bonetti

From: [City of Ashland, Oregon](#)
To: [planning](#); [Regan Trapp](#)
Subject: Historic Commission Contact Form Submitted
Date: Monday, April 11, 2022 3:01:10 PM

[EXTERNAL SENDER]

*** FORM FIELD DATA ***

Full Name: **Mark Brouillard**

Phone: **2066617085**

Email: **mtbrouillard@msn.com**

Subject: **Response to April 6th meeting**

Message: **Dear Historic Commission: Thank you for your diligence with regards to PA-T2-2022-00037. We believe that the Commission came to the correct decision. I am not writing really in response to your decision. I would like to respond to several comments I heard from the recording and following along with the draft minutes provided by staff (Regan Trapp). Eric Bonetti's comments, like ours, should be looked at in full context. Mr. Bonetti was tasked by Magnolia Fine Homes to sell 160 Helman Street as a multi-story multi-use condo complex in 2020-2021. I asked that the Commission look at Zillow and put in the address for 160 Helman Street. You can see what they were trying to sell as an "approved" project. I interacted with Mr. Bonetti on several occasions, including about Mass, Scale, and Size of the proposed "approved" building he was trying to sell. I cannot share those comments as they are not appropriate, but they were so egregious that I wrote Mayor Atkins about it. I would personally contact Mr. Bonetti when the For Sale sign would fall or be knocked over, asked if we could do something about the landscape maintenance (the neighborhood was willing to pitch in to clean it up), and when the door was open (along with calling the police for both him and Gil due to the 160 Helman building being used as a "shooting den"). At one point, I believe Magnolia Fine Homes came in and upgraded the security of the building so that they could use it for storage (windows, and other construction materials "guessing it was for the project in Talent). That stemmed the flow of folks through the building. Also, Mr. Bonetti should know that materials to be shown or used in public meetings are supposed to be provided before the meetings, as he is a developer and real-estate agent. If it was one or two pictures I wouldn't have minded, but it makes it hard for a rebuttal during a meeting, which if I were present would have. Next, being referred to as uneducated ("should have educated themselves better?") home owners who should have known better before purchasing the properties is a slap in the face. Margret (owner of 145/149 Helman Street) purchased her duplex from her landlord/owner. Myself and my wife (owners of 159 Helman) purchased our home from our landlord/owner. Felipe and Sofia (owners of 171 Helman) purchased their home from their landlord/owner. Gabrielle and Gerome (former owners of 175 Helman "moved recently due to job) purchased their home from their landlord/owner. We were all tenants who purchased the homes we rented. We had all been around for the first iterations of Magnolia Terrace back in 2006. We all knew that something was going to be built across from us as we have seen it over the years. When Brian purchased 173 Helman from Woody, he knew that there was going to be something built across the street (though in the minutes it is shown as 160 Helman, it was 95 Van Ness/Bazt e r's project). When Brian sold it to Jordan and Sheldon (current owners, purchased this year), they were fully aware that buildings were going to be put up across the street. Seems rather disingenuous to suggest that we, the Helman Street**

homeowners?, didn't know this and that we should have researched better before purchasing. Also, I moved here in 1992 and my first job was at Pyramid Juice Company. Think I might know the property just a tad more than most. My last comment would be in response to energy efficiency of our 'small' homes being less efficient than the new proposed buildings. Though it might be possibly correct, it again is another slight to those of us who have worked diligently to make our homes more efficient. Let's start with 175 Helman; in 2017 Gabrielle and Gerome got a loan through the city to put in an energy efficient HVAC system. They then went on to redo the entire interior of the house to put in more insulation in the walls, better windows and doors, new insulation in the attic and crawl space, water saving measures in landscape and all new plumbing throughout. They were conscious about energy consumption as she worked as was a conservationist, along with having a newborn that they wanted to teach about redoing old and making it better than before. My wife and I redid the interior of our home in 2018 by removing the lath and plaster and rebuilding inside of the original exterior walls using 2 X 6 construction methods. We lost several square feet of living space to do this and put in R-21 insulation vs. having nothing before. We put in all new energy efficient windows and doors, along with new insulation in the attic (did the crawl space about 20 years ago). We also purchased an energy efficient mini-split HVAC system vs. having a window mounted A/C and very large gas furnace. Sofia and Felipe of 173 Helman also did an interior remodel in 2018 for the same reasons I mentioned with the other two addresses. They too put in an energy efficient mini-split HVAC system vs. having a window mounted A/C and very large gas furnace. Thank you for your time and sorry for the long winded response.

Attachment 1 file:

Attachment 2 file:

Attachment 3 file:

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