

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
MARCH 14, 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 14, 2017 Regular Meeting.

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Adoption of Findings for PA-2016-02103, 133 Alida Street.**

- VII. **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.**

- 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
REGULAR MEETING
MINUTES
FEBRUARY 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
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:

Debbie Miller

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS/AD HOC COMMITTEE UPDATES

Community Development Director Bill Molnar announced the City Council has directed staff to move forward with the Transit Triangle Infill Strategy; that revisions to the proposed cottage housing ordinance will be presented at the February study session; and stated an alternate date for the Commission's annual retreat will need to be selected due to scheduling conflicts.

CONSENT AGENDA

- A. Approval of Minutes.
1. January 10, 2017 Regular Meeting.
 2. January 24, 2017 Special Meeting.

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

PUBLIC FORUM

Huelz Gutcheon/2253 Highway 99/Expressed his concerns regarding climate change. Mr. Gutcheon stated it is impossible to keep everything the same and make progress, there will be a lot of problems in the future, and there are no easy solutions to address this.

UNFINISHED BUSINESS

- A. Adoption of Findings for PA-2016-01894, 1651 Ashland Street.
No ex parte contact was reported.

Commissioners Thompson and Mindlin presented changes to the Findings (see Attachment #1) and support was voiced for the amendments.

Commissioners Brown/Dawkins m/s to approve the Findings for PA-2016-01894 with the modifications submitted. Voice Vote: Commissioners Pearce, Thompson, Dawkins, Brown, and Mindlin, YES. Commissioner Norton, NO. Motion passed 5-1.

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

Commissioners Norton, Pearce, Thompson, Mindlin, Dawkins, and Brown declared site visits. No ex parte contact was reported.

Staff Report

Senior Planner Derek Severson explained this is an appeal of staff's approval of a 417 sq.ft. Accessory Residential Unit (ARU) at 133 Alida Street. He reviewed the project details and stated staff's approval was based on the designation of Alida Street as the property's front lot line; however subsequent to that approval the neighboring property owners appealed that decision and their appeal request focused on the determination of Alida as the front lot line, the effect this has on the required setbacks, and the resulting impact to their property.

Mr. Severson reviewed the existing conditions and the applicant's proposed site plan, tree protection plan, floor plan, and landscape plan. He stated both the Historic Commission and Tree Commission reviewed this proposal and have recommended approval.

Mr. Severson recited the definition of a front lot line, which states "In the case of an interior lot, the lot line separating the lot from the street other than an alley. A corner lot has one street line considered the front lot line. The narrower street frontage must be the front lot line except when the Staff Advisor determines topographical or access problems make such a designation impractical." In this case, staff determined access constraints on Blaine St. support Alida St. being the front lot line for this property. Mr. Severson went on to say the front lot line question was answered in 1942 when the home was built and you can clearly see the front door, pedestrian connection to the street, architectural details, and addressing of the property all support Alida as the front. Mr. Severson explained the code provides for legal, non-conforming situations like this one and it states "structures that do not comply with current requirements such as height and setbacks, noting that if the structure was lawful when constructed, may remain on site so long as it remains otherwise lawful and that additions and alterations are permitted if the improvement, evaluated separately from the existing structure, conforms to the ordinance." He added the proposed ARU complies with the standard R-2 setbacks based on the historic treatment of Alida Street as the front property line. Mr. Severson noted the appellant's property is also non-conforming in that it does not meet the current 6 ft. side yard setback requirement and is located 2 ft. from the property line. He added the decision on which frontage is the front lot line makes a 4 ft. difference on where the ARU can be placed.

Mr. Severson commented on the window placement of the ARU in relation to the neighboring property and clarified no windows look directly into neighbors home. He concluded his presentation and stated staff's recommendation is to confirm the front lot line determination, deny the appeal, and approve the application with the recommended conditions of approval.

Appellant

Joe McMonagle/145 Alida/Stated he and his wife are not against development that creates affordable housing in the community, however they have serious concerns about the City flexing building rules that impact existing property owners. Mr. McMonagle stated this proposal is unreasonably invasive. He stated changing the front lot line to accommodate this proposal puts the ARU 4 ft. closer to their house and they do not believe there is sufficient justification for this determination. Mr. McMonagle stated the front lot line is defined as the narrower street frontage unless there is topographical issues, which in this case there are none. He stated this site is already unusually challenging and this proposal would only make the problems worse. He stated the lot is small and this ARU is being shoehorned in. Mr. McMonagle stated the ARU would be very close to their house and will be taller and closer than the existing garage. He added a viable alternative is to attach the ARU to the existing house. Mr. McMonagle requested a careful consideration of their concerns and asked that the record remain open so they can submit additional information before a decision is made.

Applicant's Presentation

Mike Mallory and Karen Mallory/Mr. Mallory stated they purchased this property in 2014 with plans to add an ARU, and they believe this is a good plan that is mindful of the neighboring properties and the impact on the neighborhood. He explained their first plan was to convert the garage however that was protested by neighbors so they went back to the drawing board and looked at different scenarios. What they came up with was removing the garage and building a second unit. This allows them to have an attractive building and will be a great addition to the neighborhood and will look a lot better than the garage. Mr. Mallory stated they have been in contact with the neighbors the whole time and have tried to accommodate them.

Kerry KenCairn/Commented on the original orientation of this historic house and stated the house clearly faces Alida Street. She explained access off Blaine would require tree removals on the applicant's property as well as the neighbor's property and stated if the City supports ARUs this is the only way this site will work. She noted this is not a large structure and they worked hard to make sure the windows between the buildings did not line up. She stated the appellant's house does not meet legal setbacks and that is not the fault of this owner.

Questions of the Applicant

The applicants were asked if they considered placing the ARU in the same location as the garage. Mr. Mallory responded that this would have created issues with building separation and they wanted to keep the pass through between the two buildings functional. Ms. KenCairn acknowledged they have a small amount of room to shift (about 1.5 ft.) but they wanted to maintain a good relationship between the two buildings and noted the applicants have offered to build and pay for a fence along the property line.

Appellant's Rebuttal

Joe McMonagle/Stated when they started down this road they did not understand the process and were unaware of their rights. He explained they have since sought professional help, which has cost them significant money, and believe this site is not ideal for an ARU and the applicant's constraints are self-imposed. Mr. McMonagle stated they are asking for a reasonable consideration for the impact this proposal will have on their home. He stated there is room for interpretation, and while there is a suitable alternative, the way the ARU is designed will have a significant impact.

Questions of Staff

Mr. Molnar clarified the appellant has asked to leave the record open, which means the Commission is unable to deliberate or make a decision. He reviewed the process and stated this item could come back at the February 28 or March 14 meeting, depending on whether the applicants would like the full 7 days allotted to them to respond.

Commissioner Mindlin asked the applicant how they would like to proceed and they agreed to waive some of their response time so that the Commission could bring this back to their February 28 meeting.

Commissioner Mindlin asked for clarification about the original decision and staff stated it was based on the finding that the front lot line has already been decided and was established in 1942 when the house was built.

Staff announced the record will remain open for 7 days and the Commission's decision will be continued to February 28, 2017.

ADJOURNMENT

Meeting adjourned at 8:30 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

Suggested changes to Findings, Conclusions & Decision for PA #2016-01894
(proposed deletions in ~~strikethrough~~ – proposed additions in red)

Bottom of Page 5, last sentence:

The Planning Commission finds that by definition, the Ashland Municipal Code provides that contiguous lots under a single ownership may be considered a single property for planning purposes; however, in this case it is clear that development is not to occur while the properties are under the same ownership and as such, ~~they could not~~ **the Planning Commission finds that they should not** be considered together as part of a shadow plan.

Top of page 6, 1st paragraph, last sentence:

The Commission finds that the shadow plan provided is counter to the intent of providing more intense development along the Boulevard corridor to contribute to a sense of enclosure of the streetscape, while instead pushing the more intense future development nearer to residentially-zoned neighbors at the rear of the property, and further finds that the **current application and shadow plan provided as part of that application** fails to meet the ~~Floor Area Ratio standard and that this standard is not met in the current application~~ **Detailed Site Review Standard regarding Orientation and Scale in 18.4.2.040.C.1.**

Page 9, last paragraph of §2.3:

The Planning Commission further finds that as a credit union, being subject to a ~~covenant~~ **charter regulations** preventing them from pursuing speculative development proposals does not constitute a unique or unusual aspect of the proposed use of the site, as this is ultimately aspect of the specific user (Rogue Credit Union) and not the proposed use as a financial institution. The Planning Commission finds that there is not a demonstrable difficulty in meeting the standards due either to a unique or unusual aspect of an existing structure or the proposed use of the site, and that as such an Exception is not merited. **The Commission finds that the suggestion to impose a real estate covenant on proposed Lot #1, requiring a future owner to develop to a density of at least .624 F.A.R., does not cure the problems with the proposed shadow plan in this application. The two lots would be separate lots, under separate ownerships, and for totally separate developments, which does not meet the definition or the intent of a shadow plan in the Land Use Ordinance.**

Page 10, second paragraph in §3.1:

Change as follows:

~~“covenant~~ **charter regulations** preventing them from pursuing speculative development”

In the Tree Removal Permit request, Pardee explains that efforts were made in the planning process to accommodate the site's trees. He notes that for years, the site was used as a trailer park and as such the central portion is largely without tree cover and those trees that are in place are primarily concentrated along the property lines at the perimeter. This arrangement provided for the preservation of the bulk of the site's trees, and in Pardee's assessment the retention of these larger established trees at the property boundaries will benefit the site and surrounding properties. He goes on to explain that the tree removals proposed are in areas that will be disturbed by paving, building construction or utility installation to develop the site in keeping with the Site Development and Design Standards, and that the Rogue Credit Union project will include many new trees selected for their hardiness, beauty and longevity selected to meet Ashland's standards and more than mitigate the removals proposed. He asserts that these removals will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks, or upon the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review approval, and Tree Removal Permits is not supported by evidence contained within the whole record.

The Planning Commission finds that the shadow plan provided fails to meet the Floor Area Ratio standard. The Commission also finds that the requested Exception to the F.A.R. standard based on the shadow plan supplemented by a covenant to restrict the future development of Lot #1 does not equally or better achieve the level of intensity of development or sense of enclosure of the street sought by the standard. The Commission finds that accommodating the proposed drive-up use and the associated site planning has not been demonstrated to prevent accommodating a larger footprint on Lot #2, and that being subject to a covenant preventing them from pursuing speculative development proposals does not constitute a unique or unusual aspect of the proposed use of the site, as this is ultimately an aspect of the specific credit union user rather than the proposed financial institution use. The Planning Commission finds that there is not a demonstrable difficulty in meeting the standards due either to a unique or unusual aspect of an existing structure or the proposed use of the site, and that as such an Exception is not merited.

Therefore, based on our overall conclusions, we deny Planning Action #2016-01894 without prejudice.

Planning Commission Chair

February 14, 2017

Date

BEFORE THE PLANNING COMMISSION
March 14, 2017

IN THE MATTER OF PLANNING ACTION #2016-02103, AN APPEAL OF THE)
STAFF ADVISOR’S APPROVAL OF A REQUEST FOR SITE DESIGN REVIEW)
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 PROPOSAL IS)
BASED UPON DESIGNATION OF ALIDA STREET AS THE FRONT LOT LINE,)
WHICH IS CONSISTENT WITH THE ESTABLISHED ORIENTATION OF THE)
HISTORIC CONTRIBUTING “JAMES A. & VIOLA YOUNGS” HOUSE ON THE)
PROPERTY. STAFF INITIALLY APPROVED THE APPLICATION ADMIN-)
ISTRATIVELY SUBJECT TO A NUMBER OF CONDITIONS. SUBSEQUENT TO)
TO THE MAILING OF A NOTICE OF DECISION, NEIGHBORS RUTH AND)
JOSEPH MCMONAGLE WHO RESIDE AT 145 ALIDA STREET FILED AN)
APPEAL REQUEST WHICH FOCUSED ON THE DETERMINATION OF ALIDA)
STREET AS THE FRONT LOT LINE, THE EFFECT THIS DETERMINATION HAD)
UPON THE REQUIRED SETBACKS, AND THE RESULTANT IMPACT TO THEIR)
PROPERTY.)

FINDINGS
CONCLUSIONS &
ORDERS

APPLICANT/OWNER: Mike & Karen Mallory, Trustees)
The Mallory Revocable Trust)
APPELLANTS: Ruth & Joseph McMonagle)

RECITALS:

- 1) Tax lots #3300 of Map 39 1E 09DA is located at 133 Alida Street and is zoned R-2 (Low Density, Multi-Family Residential).

- 2) The application is a request for Site Design Review approval 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 proposal is based upon designation of Alida Street as the front lot line, which is consistent with the established orientation of the historic contributing “James A. & Viola Youngs” house on the property. Staff initially approved the application administratively subject to a number of conditions. Subsequent to the mailing of a Notice of Decision, neighbors Ruth and Joseph McMonagle who reside at 145 Alida Street filed an appeal request which focused on the determination of Alida Street as the front lot line, the effect this determination had upon the required setbacks, and the resultant impact to their

property. Site improvements are outlined on the plans on file at the Department of Community Development.

3) 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.*

4) The criteria for an Accessory Residential Unit within the R-1 zones are described in AMC 18.2.3.040.A as follows:

1. *One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.*
2. *Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.*
3. *The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed*

- 1,000 square feet GHFA.*
4. *The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.*
 5. *Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-around's, and driveways are exempt from the paving requirements in subsection 18.4.3.080.E.1.*
- 5) The additional criteria for Accessory Residential Units with the R-2 and R-3 zones are described in AMC 18.2.3.040 as follows:
- C. *Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection 18.2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.*
- 6) The Planning Commission, following proper public notice, held a public hearing on February 14, 2017 at which time testimony was received and exhibits were presented. Prior to the close of the public hearing, the appellants asked that the record be left open for seven days for the submittal of additional written comments. The record was left open until 9:00 a.m. on Wednesday, February 22, 2017. The applicants asked that they be given the opportunity to submit written argument until 4:30 p.m. on Friday, February 24, 2017 in order to enable the Planning Commission to begin deliberations at their next meeting at 7:00 p.m. on Tuesday, February, 28, 2017. The meeting was continued to this date and time certain.

The Planning Commission ultimately determined that staff had not erred in approving the requested Site Design Review approval to construct a 417 square foot Accessory Residential Unit based upon designation of Alida Street as the front lot line, denying the appeal and approving 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, and 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 Site Design Review meets all applicable criteria for Site Design Review approval described in Chapter 18.5.2.050 and for Accessory Residential Unit approval described in Chapter 18.2.3.040 with the attached conditions of approval. The site plan and elevation drawings provided delineate the proposed building locations, designs and associated site improvements.

2.3 The Planning Commission finds that development on the subject property requires Site Design Review approval and is subject to the “Building Placement, Orientation and Design” standards for residential development found in AMC 18.4.2.030.

The first criterion for Site Design Review is that, “*The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*” The application materials provided explain that the proposed ARU complies with the building and yard setbacks based on the historic designation of Alida Street as the front yard, and that the lot area, density, floor area, lot coverage, building height, building orientation, architecture, and other applicable standards are satisfied.

The second approval criterion is that, “*The proposal complies with applicable overlay zone requirements (part 18.3).*” In this instance, the property is located within the Siskiyou-Hargadine Historic District and Site Design Review includes review for compliance with the Historic District Design Standards that address compatibility with historic context in terms of height, scale, massing, setbacks, roof shape, rhythms of openings, directional expression, sense of entry, imitation, etc. The application explains that the proposed ARU is to match the siding, paint, windows and architectural style of the existing historic home and that the building will be proportionately shorter than the main house and match the scale of other single-story buildings in the immediate neighborhood. The ARU will be a small cottage with a front porch to break up the street wall and a nested gable to echo this design detail of the home. The ARU is to be set slightly behind the façade of the historic home in deference, but it will generally maintain the historic façade line of the streetscape. The roofline and pitch are generally to match the historic home, while the roof orientation is oriented perpendicular to that of the historic home similar to other ARU’s in the surrounding neighborhood. The concrete foundation is intended to present a similar platform to the historic home and other homes in the neighborhood, and the directional expression and orientation will echo that of the home. The application was reviewed by the Historic Commission at its regular meeting on December 7th, and Commissioners recommended approval of the application as submitted.

The third criterion for the Site Design Review approval is that, “*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E (which addresses Exceptions) below.*” Residential buildings subject to Site Design Review are required to have their “*primary orientation toward a street,*” and building orientation is defined in terms of “*the directional*

expression of the front façade of a building.” The standards further require that *“Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.”* The existing historic home has a front façade oriented to Alida Street, and a primary entrance opening toward Alida Street with a walkway to the sidewalk. The application notes that the ARU will have a similar orientation to Alida Street and that stepping-stones will be provided out to the parking area at the street for pedestrians. These standards include a limitation on automobile circulation or parking between the building and the street, and the application has requested an Exception to this standard, which is addressed later in this document.

Building materials and paint colors are to be compatible with the surrounding area, and very bright primary or neon-type paint colors, which attract attention to the building or use, are noted as being unacceptable. The application explains that the siding and paint have been chosen to match the existing historic home on the property.

The standards also call for one street tree chosen from the street tree list to be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E., and a condition has been included to require that street trees be planted along Alida Street before the ARU is occupied or receives final inspection approval.

Landscaping, recycling and refuse disposal areas are required to be provided pursuant to chapter 18.4.4. A landscape and irrigation plan has been provided, and the application explains that recycling and refuse disposal containers are to be placed near the northwest corner of the ARU and screened behind fencing. Conditions requiring that the landscaping, irrigation and recycling/refuse screening be detailed in the final building permit submittals are included below.

Residential developments that are subject to the provisions of this chapter are also to provide an area equal to at least eight percent of the lot area dedicated to open space for recreational use by the tenants of the development. This area may not be covered with shrubs, bark mulch, or other ground covers that do not provide suitable surface for human use. Lawn and decks, patios, and similar areas that provide for recreational use are eligible for consideration as open space. The application indicates that more than eight percent is dedicated to recreational area and open space, and that only 43.5 percent lot coverage is proposed where 65 percent coverage is allowed. A condition has been added below to require that specific recreation spaces for both the home and ARU and their surfacing be detailed on the final site plan.

Two off-street parking spaces are required for the existing home and one additional space is required for the ARU. The Planning Commission finds that two parking spaces are proposed off-street, with the third space to be provided through an on-street parking credit as allowed under the Parking Management Strategy section of the Land Use Ordinance (AMC 18.4.3.060). Three covered bicycle parking spaces are required, and the applicants note that these will be installed with hangers under cover at the southwest corner of the home. The Commission finds that hanging bike parking does not typically satisfy the requirements of AMC 18.4.3.070, which generally seek parking that supports the bicycle frame rather than the wheels, and that allows for the frame and wheels to be locked to the rack. A condition has therefore been added to require that bicycle parking details including rack specifications be included with the building permit submittals and that these demonstrate compliance with the standards in AMC

18.4.3.070.

The fourth approval criterion for Site Design Review addresses city facilities and requires that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”* The Commission finds that the required public facilities to serve the ARU already exist and are adequate to serve the existing home and ARU. The application notes that the Water and Sewer Departments have been contacted and have indicated that the existing services are adequately sized. ARU’s require that a separate electric service be provided, and the applicants indicate that they have confirmed with the Electric Department that there is adequate capacity and a new meter with underground service is proposed to be installed by the applicants.

The Commission finds that both Blaine and Alida Streets are Residential Neighborhood Streets with curbs, gutters and paving in place. The property’s Alida Street frontage has sidewalks and parkrow planting strips in place, but there are no street trees within the parkrow planting strip, and the Blaine Street frontage lacks city standard parkrows or sidewalks. Conditions have accordingly been included below to require that the applicants sign in favor of a future Local Improvement District (LID) for the installation of future improvements to the Blaine Street frontage, and that street trees be planted in the park row planting strip along Alida Street prior to occupancy of the ARU.

2.4 The Planning Commission finds that 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. These Exceptions involve the placement of parking between the building and the street, the east wall of the ARU extending two-inches into the required eight-foot landscape buffer between the parking and the structure over a length of ten feet and the porch extending 26-inches into this buffer over its eight foot width.

The approval criteria for Exception to the Site Development and Design Standards provide that *“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 Site Development and Design Standards generally seek a strong orientation of buildings to the street, with a walkway connection to the sidewalk, and discourage parking or circulation between the building and the street. The Planning Commission finds that the existing house, garage and driveway placement and established trees on the property and within the parkrow limit the options for an alternative parking placement, and the application details how alternative access, if taken from Blaine Street, would affect trees on the site and on a neighbor's property. The application suggests that the parking and circulation standards have not typically been applied for Accessory Residential Units and that the proposal is a Single Family Residence with an ARU rather than a multi-family development and should be treated as such in keeping with the neighborhood character. The Commission finds that there is a "stacked" parking established between the existing non-conforming garage and the street, and the applicants efforts to remedy this by providing two standard off-street parking spaces while working to preserve the existing trees are positive improvements that will not negatively impact adjacent properties, are consistent with the Site Development and Design Standards and are the minimum necessary to alleviate the difficulty.

The Commission further finds that the standards seek a five-foot landscape buffer between surface off-street parking spaces and the property lines and an eight-foot setback from structures. The applicants have requested an Exception for the buffer between the parking and the structure as the east wall of the ARU extends two-inches into this buffer over a length of ten feet, and the porch extends 26-inches into this buffer over its eight foot width. The application includes a landscaping plan which illustrates this buffer area being planted with rosemary and lavender and accommodating a crushed stone path. The Planning Commission finds that the wall's encroachment into the buffer is *de minimus*; that the porch is an architecturally pleasing addition to the streetscape that makes the ARU more compatible with the house and neighborhood while providing an added spatial buffer between the parking and living space; and that the design is in keeping with the purpose and intent of the standards.

2.5 The Planning Commission finds that only one accessory residential unit (ARU) is allowed per lot, and the maximum number of dwelling units is not to exceed two per lot. Accessory residential units are not subject to the density or minimum lot area requirements of the parent zone, but within the R-2 and R-3 zones, the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA in any case. Proposals involving ARU's are to the overall maximum lot coverage and setback requirements of the underlying zone, and parking spaces are to be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-around's, and driveways are exempt from paving requirements. The Commission finds that in this instance, two units are proposed for the subject property and at 417 square feet, the proposed ARU is less than half the floor area of the primary residence and within the GHFA limitations of the zone. The Commission further finds that the proposal complies with the lot coverage limitations and setback requirements of the R-2 zoning district, and that two off-street parking spaces are proposed with the third space to be provided through an off-street credit as allowed under the Parking Management Strategy section of the Land Use Ordinance (AMC 18.4.3.060).

2.6 The Planning Commission finds that all planning actions are required to include a tree preservation/protection plan in accordance with AMC 18.4.5.030, and the application includes a tree preservation and protection plan prepared by KenCairn Landscape Architecture that identifies six trees on

the property. All six trees are to be preserved and protected during construction, and the plan provided details requisite tree protection fencing as well as 20 specifications for the preservation of the trees during construction. The Tree Commission reviewed the plan at its regular meeting of December 8th and recommended that the application be approved as presented.

2.7 The Planning Commission finds that subsequent to the staff's initial mailing of a Notice of Complete Application, written comments were received from neighbors at 145 Alida Street and 148 Alida Street. The applicants provided written responses to these comments while the comment period remained open.

- **Comments from 145 Alida Street Neighbors** - The neighbors at 145 Alida Street expressed concern that with the modification of the front lot line from Blaine Street to Alida Street and the resultant change in setbacks (*i.e. if Blaine Street were considered the front lot line, the line opposite would be a rear yard and would require a ten-foot per story setback adjacent to 145 Alida Street; with Alida Street as the front lot line, this is a side yard and requires only a six-foot setback.*) They emphasized that the narrower frontage *must* be considered the front lot line, unless there are topographic or access constraints, and that a change in lot line designation would yield a non-conforming lot depth and front yard setback for the existing home in the R-2 zoning district, and that such a determination would necessitate Variances to these standards. The neighbors also emphasized that such a determination cannot be determined by the Staff Advisor without due process, and would negatively impact them by allowing a single-story structure to be four feet closer to the property line where their home was built at a non-conforming two-foot setback, meaning the buildings could be built only eight feet apart where standard abutting side yards would yield a 12-foot separation (*as would a standard ten-foot rear yard abutting their currently non-conforming two-foot side yard setback*). They emphasized that this would put the proposed ARU four feet closer to two children's bedrooms and a bathroom. They also questioned whether the required separation between buildings has been met with the proposal, and suggested that an attached ARU could be constructed to comply with setbacks while better addressing the standards without necessitating Exceptions or Variances.
- **Comments from 148 Alida Street Neighbors** - The neighbors at 148 Alida Street expressed concern that the proposal involved the changing of a lot line (*i.e. the designation of Alida Street as the front lot line rather than Blane Street*) and as such should require a Variance. They asked that the proposal be revised so that it does not involve changing lot lines when there is no reason (*i.e. no topographical or access issue*) to do so, and that the appearance of crowding be avoided with a proposal that would not require Variances or Exceptions.
- **Response from the Applicants** - In response to the initial comments received from neighbors, the applicants noted that they believed the existing house, as situated, meets the front setbacks based on Alida Street being considered the front lot line. They further indicated that the ARU's windows had been placed opposite a blank wall on the house at 145 Alida Street, and that they proposed to

install privacy fencing which would still allow natural light for the neighbors. The applicants also asserted that based on their calculations, a separation between buildings of five feet ten inches was required, and that significantly more separation had been provided.

The Planning Commission finds that the appellants' initial comments emphasized that a front lot line determination cannot be made by the Staff Advisor without due process. The Commission further finds that in this case, the Staff Advisor made clear that the proposal was based on consideration of Alida Street as the front property line in both the public notice mailed to neighbors and the signs posted on the subject property, and both public notices included information on how to participate in the land use process with regard to the proposal.

The Commission finds that with regard to window placement concerns, while there is no standard in place in the land use ordinance that regulates the placement of windows relative to windows of buildings on adjacent properties, the application submittal included an exhibit clearly illustrating the design efforts made to be sensitive to the neighbors with the proposed window placement.

The Planning Commission finds that regard to the separation between buildings, for R-2 and R-3 properties AMC 18.2.5.030.A requires a separation between buildings on the same site equal to one-half the height of the tallest building, where building height is measured at the two closest exterior walls, with a maximum required separation of 12 feet. The application materials explain that taller building here has a height of 11 feet seven-inches, which requires a separation between buildings of five feet ten-inches. The Commission finds that as proposed, the seven-foot six-inch separation to be provided more than complies with this requirement.

2.8 The Planning Commission finds that the current application was initially approved administratively subject to a number of conditions, and subsequent to the mailing of the Notice of Decision, neighbors Ruth and Joseph McMonagle who reside at 145 Alida Street filed a timely appeal request which focused on the determination of Alida Street as the front lot line, the effect this determination had upon the required setbacks, and the resultant impacts to their property. The Commission finds that the McMonagles had standing to appeal both as neighboring property owners who were entitled to receive notice, and because they had provided written comments in response to the original request.

2.9 The Planning Commission finds that in the initial staff decision and in the appeal now under consideration, the key question of the proposal is the determination of the front lot line for this corner lot. As discussed during the hearing, the definition of a front lot line in AM 18.6.1 indicates that for a corner lot, the narrower street frontage must be considered the front lot line except when the Staff Advisor determines topographical or access problems make such a designation impractical. The Commission finds that both "topographical" and "access" provide for a more broad consideration than alluded to in the oral and written comments provided. While neither is specifically defined within the code, AMC 18.6.1.020.B provides that terms not defined within the code shall have their ordinary accepted meanings within the context in which they are used, and that Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference. In this instance "**topography**"

is defined in Webster's as "*the configuration of a surface including its relief and the position of its natural and man-made features*" and "**access**" is "*a way or means of entering or approaching.*" The Commission finds that considerations of topography and access allow the Staff Advisor to take a much broader approach in looking at how the property is approached or entered not merely by motor vehicles but also by other modes of travel including pedestrians, and which considers topography not merely in terms of the site's grade but also the relative positioning of natural and man-made features to determine the front lot line for a corner lot.

The Planning Commission finds that staff noted during the hearing that in considering this issue, the placement of the existing historic house, established mature trees and controlled access standards would make taking vehicular access from Blaine Street difficult and that this could be considered in making a front lot line determination. During the period while the record remained open, staff noted that in further considering the issue, it was important to consider that the lack of a public sidewalk and of any doors on the home's Blaine Street elevation pose access problems for pedestrians from Blaine Street and that pedestrian access to the home has been established only from Alida Street for nearly 80 years. The Commission finds that Ashland's Comprehensive Plan policies emphasize the consideration of all modes of transportation in thinking of access. The Commission further finds that the property and its existing home have access problems for both vehicles and pedestrians from Blaine Street that support the consideration of Alida Street as the front lot line. The Planning Commission finds that staff did not err in determining Alida Street to be the front lot line in a manner consistent with the historical site plan and building orientation and that topography and access considerations support this determination.

The Commission further finds that, particularly given the non-conforming placement of the appellant's home closer to the property line than would be allowed under current regulations, it makes more sense when considering the character of the immediate neighborhood to have a side yard abutting a side yard as proposed, versus placing a larger rear yard to abut a side yard because side yards by virtue of their six-foot depth will have less active outdoor use while a rear yard of at least a ten-foot depth could encourage more active outdoor use in proximity to the neighbor's non-conforming two-foot side yard, with windows closer to the property line, leading to more potential conflicts between the two properties.

The Commission further finds that a front lot line determination was made with the placement and design of the historic home well before the current rules were adopted. The home has a clear orientation to Alida Street, with its front door, front porch, and larger windows facing Alida Street; a pedestrian walkway connecting the front door to the Alida Street sidewalk; and the property addressed from Alida Street, while the wall facing Blaine Street is clearly subordinate, with smaller windows and no door or pedestrian connection to the sidewalk. If Alida Street is considered the front lot line, the home is nonconforming in terms of its front setback, however AMC 18.1.4.030 addresses structures that do not comply with current requirements such as height and setbacks, noting that if the structure was lawful when constructed, it may remain on site so long as it remains otherwise lawful and that additions and alterations are permitted if the improvement, evaluated separately from the existing structure, conforms to the ordinance.

While the application materials provided discuss a change in front lot line designation to Alida Street based on the orientation of the existing home, Alida Street was largely established as the historical front property line and as such continuing with this determination seems appropriate in seeking historically

compatible development of the property. The Planning Commission finds that the Accessory Residential Unit proposed here complies with standard R-2 setbacks based on the treatment of Alida Street as the front property line, and the proposed unit relates well to the streetscape while remaining secondary to the existing historic home and compatible with the surrounding neighborhood, and the application was supported by both the Historic and Tree Commissions. The Commission finds that the proposal with the attached conditions complies with all applicable City ordinances.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the request for Site Design Review approval to construct a 417 square foot Accessory Residential Unit with Exceptions to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit is supported by evidence contained within the whole record.

The Planning Commission denies the appeal, and re-affirms the Staff Advisor's original Site Design Review approval to allow the construction of a 417 square foot Accessory Residential Unit subject to the conditions detailed below. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2016-02103 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 modified herein.
2. That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the current Site Design Review approval shall be submitted and approved prior to issuance of a building permit.
3. That any new addresses shall be assigned by City of Ashland Engineering Department.
4. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way.
5. That the building permit submittals shall include:
 - a. Identification of all easements, including but not limited to any public or private utility easements.
 - b. The building permit submittals shall include an electric service plan approved by the Electric Department that shows the meters for the primary residence and the proposed accessory unit grouped together, as required by the Electric Department and which details any proposed upgrades to the service for the primary residence.
 - c. Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
 - d. Demonstration that exterior lighting shall be directed onto the property and shall not directly illuminate adjacent properties. Exterior lighting details including fixture

specifications, placement details and shrouding details (*if necessary*) shall be provided on building permit submittals.

- e. That exterior building materials and paint colors shall be compatible with the surrounding area and consistent with those described in the application materials. Sample exterior building colors shall be provided with the building permit submittals for review and approval of the Staff Advisor. Very bright or neon paint colors shall not be used in accordance with the Site Design and Development Standards.
 - f. Lot coverage calculations including all building footprints, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than 65 percent as allowed in the R-2 zoning district.
 - g. A final landscaping and irrigation plan to include irrigation details satisfying the requirements of the Water Conserving Landscaping Guidelines and Policies found in AMC 18.4.4 which includes: 1) A clear delineation of the proposed placement and treatment of the required recreation/open space for both the home and accessory residential unit; 2) Identification of the placement and screening of the required recycling/refuse area; and 3) The location and treatment of a pathway connection from the proposed accessory unit and the Alida Street sidewalk.
 - h. That the building permit submittals shall identify the three required sheltered bicycle parking spaces for the existing home and proposed accessory residential unit. The building permit submittals shall verify that the bicycle parking design, spacing and coverage requirements in AMC 18.4.3.070 are met, and all bicycle parking shall be installed in accordance with the approved plan prior to the issuance of the certificate of occupancy.
 - i. That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
6. That prior to the issuance of a building permit:
- a. That the tree protection fencing and other tree preservation measures shall be installed according to the approved plan, inspected and approved by the Staff Advisor prior to any site work, storage of materials or issuance of the building permit. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.4.5.030.C. and no construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.
 - b. The requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved prior to being installed.
 - c. That the property owners shall sign in favor of a local improvement district (LID) for the future street improvements, including but not limited to sidewalks, parkrow, curb, gutter and storm drainage, for Blaine Street prior to the issuance of the building permit. Nothing in this condition is intended to prohibit the owners/developers, their successors or assigns from exercising their rights to freedom of speech and expression by orally objecting or

participating in the LID hearing or to take advantage of any protection afforded any party by City ordinances and resolutions.

- d. That all necessary building permits, including permits for the new electrical service to the accessory residential unit, and system development charges for water, sewer, storm water, parks, and transportation shall be paid prior to the issuance of a building permit.

7. That prior to the issuance of a certificate of occupancy:

- a. That the required bicycle parking shall be installed according to the approved plan, inspected and approved by the Staff Advisor.
- b. That all landscaping and irrigation shall be installed in accordance with the approved plans, inspected and approved by the Staff Advisor.
- c. That street trees, one per 30 feet of street frontage, shall be installed on the Alida Street frontage prior to the issuance of a certificate of occupancy for the accessory residential unit. All street trees shall be chosen from the adopted Street Tree List and shall be planted in accordance with the specifications contained therein. The street trees shall be irrigated.
- d. That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Development Standards prior to the issuance of a certificate of occupancy. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure in accordance with 18.4.4.040.
- e. That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
- f. That a separate, underground electric service for the accessory residential unit shall be installed in accordance with Ashland Electric Department requirements prior to issuance of the certificate of occupancy.

Planning Commission Approval

March 14, 2017
Date



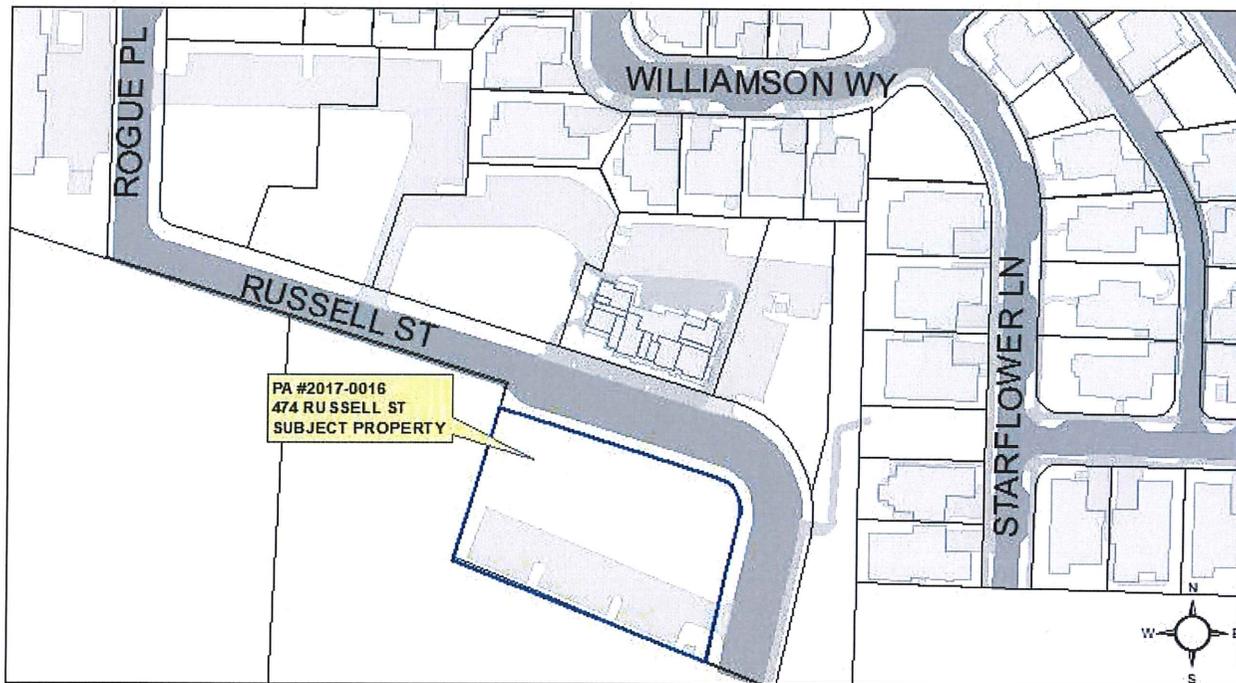
PLANNING ACTION: PA-2017-00016

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.

ASHLAND PLANNING COMMISSION MEETING: *Tuesday, March 14, 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.

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 Oregon University District, respectively, complying with all ordinance requirements.

ASHLAND PLANNING DIVISION STAFF REPORT

March 14, 2017

PLANNING ACTION: #2017-00016

OWNER/APPLICANT: Laz Ayala/Meadowbrook Builders, LLC

LOCATION: 474 Russell Street

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

COMP. PLAN DESIGNATION: Employment

APPLICATION DEEMED COMPLETE: January 31, 2017

120-DAY TIME LIMIT: May 31, 2017

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

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

REQUEST: 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 would remain as standard residential units.)*

I. Relevant Facts

A. Background - History of Application

The subject property is Lot #6 within the Falcon Heights Subdivision, which as has been previously noted has a detailed history:

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

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

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

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

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

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

In December of 2015, the Planning Commission approved Planning Action #2015-01284, a request for Site Design Review approval to construct two mixed-use buildings. "Building A" is to be a two-story, mixed use 8,688 square foot building consisting of commercial space and garages on the ground floor, and four residential condominiums on the second floor; "Building B" is to be a two-story 12,617 feet commercial building consisting of

commercial space with six residential condominiums on the second floor. Building permits have been issued for both buildings, and construction is in progress.

There are no other planning actions of record for the subject property, and with the exception of Lot #4 at 479 Russell Street, the remainder of the subdivision parcels remain vacant.

B. Detailed Description of the Site and Proposal

Site

The subject property is Lot #6 of the Falcon Heights Subdivision, is located at 474 Russell Street, and is a vacant 0.64-acre parcel zoned E-1 (Employment). The property is located within the Detail Site Review and Residential overlays. The property is generally rectangular with an approximate six percent slope from south to north. The site's parking lot, including paving, curbs and storm drain were installed along with perimeter curbing, street lights, fire hydrants and transformer boxes as part of the subdivision infrastructure and remaining elements including landscaping are to be completed as part of the current development that is now underway.

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

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

Proposal

The application involves a request for 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 would 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.

II. Project Impact

The proposal was initially noticed as a Type I application (i.e. 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.

Conditional Use Permit Request

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 periods of 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 improved 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. In staff’s assessment, 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 similar demands on services as would other tenants.

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. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities; 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 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. *(Here, staff would note that the area is within the Detail Site Review overlay zone, and the approved buildings were found to comply with the applicable design standards for Basic Site Design Review, Detail Site Review and the Additional Standards for Large Scale Development and as such were subject to – and found to meet – some of the more stringent design standards outside of the historic downtown.)*

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 more a caveat, 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.

Neighbors' Issues

Subsequent to the Notice of a Complete Application (NOCA), several neighbors provided written comment largely in opposition to the proposal. The issues raised are listed below, followed by a staff response to each:

- **Generation of traffic and effects on surrounding streets:** Neighbors suggest 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 application suggests that based on the particulars of the property and proposal, the target use for comparison of traffic impacts would be a 13,939 square foot office building, and explains 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.
 - 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 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 and as such likely to have an equal or lesser impact on the surrounding area in terms of both parking demand and vehicle trips generated.
- **Impact on Housing/Affordable Housing:** Neighbors indicate that this mixed-use type of building is partly intended to provide more affordable housing while also fitting in with the larger plan 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? They suggest that there are many short-term vacation rentals available in town for those needing it, but 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.

- Because there are only ten residential units on the property here, there is no requirement for affordable housing, 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 some more affordable options.
 - 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, 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.
 - 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.
- **Neighborhood Character:** Neighbors indicate that this area, Russell Street and Rogue Place, was intended to provide a mix of commercial and residential uses. They 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 three or four established neighborhoods in the immediate vicinity.
- There is no requirement for owner occupancy of residential units, unless included as part of a private development restriction such as the Covenants, Contracts and Restrictions for the development.
 - The Conditional Use Permit process provides the Planning Commission with a mechanism for review 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.
- **Proposal is Contrary to Criteria:** Neighbors 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 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 hotel/motel use.
 - The E-1 zoning district is an Employment zoning with general office use developed to a Floor Area Ratio of 0.50 as the identified target use. Residential uses are considered 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 first approval criterion 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.
- o **Uncertainties:** 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.
- 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. In staff's view, it would be reasonable to add a condition requiring 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. A condition to this effect has been recommended below.

- Unless the Planning Commission were to include additional conditions, rental of residential units for less than a 30-day period in the E-1 district is simply considered to be a hotel/motel use and 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, that the average rental period is 83 days, and that tenants tend to be professionals, executives and skilled tradespeople.
- o **Precedent:** Neighbors 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 affects 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.
- 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.
- o **Noticing Issue:** 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.

- 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.
- o **Railroad Property Environmental Remediation:** One neighbor also raises the issue of the environmental remediation of the adjacent railroad property, suggesting that disclosure requirements will impacts 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 to post similar notice within the rental units.
 - 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 if such a finding is made it would be difficult to simultaneously justify levying additional fees for greater impacts. .
 - Permit fees are not substantially higher for hotel/motel units than for residential units to justify additional fees with a conversion. Both the Transportation and Parks SDC's are actually significantly less for transient occupancy units than for standard residential units.
 - Staff can similarly see 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.
- o **Developer Profit:** 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 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. State law mandates that once an application is submitted, it must be processed according to the established procedures in a timely manner.

III. Procedural - Required Burden of Proof

The criteria for Conditional Use Permit approval are described in 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.*

IV. Conclusions and Recommendations

In staff's assessment, 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, staff believes that the applicants have made a good case that the adverse impacts of the proposal would be equal or less than could be expected if the property were developed according to the 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.

Staff believes that the proposal strikes a good balance in limiting the number of units while making clear the likely impacts. We are supportive of the application and recommend that it be approved with the following conditions:

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).

474 Russell Drive "Corporate Rental Housing" Proposal

Derek Severson

Fri 2/17/2017 9:11 AM

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

Bcc: James Jarrard <jjarrard51@icloud.com>; ekchieco@yahoo.com <ekchieco@yahoo.com>; sbolom@ccountry.net <sbolom@ccountry.net>; Karen Hiller <khiller@nwlinc.com>;

Given the number of comments received on this proposal, the Staff Advisor has decided to schedule it for a public hearing before the Planning Commission. This hearing will be held on Tuesday, March 14th at 7:00 p.m. We'll be sending public notice approximately 10 days prior to the hearing, and will include everyone who provided comments initially as well as all neighboring property owners within 200 feet on that notice list.

Thank you for your comments.

- Derek

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

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

FW: Reject Proposed Conditional Use Permit

April Lucas

Tue 2/14/2017 8:11 AM

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

Cc: Maria Harris <maria.harris@ashland.or.us>;



From: Melanie Mindlin [mailto:sassetta@mind.net]

Sent: Monday, February 13, 2017 6:05 PM

To: April Lucas

Subject: Fwd: Reject Proposed Conditional Use Permit

Begin forwarded message:

From: Eileen Chieco <ekchieco@yahoo.com>
Subject: Reject Proposed Conditional Use Permit
Date: February 12, 2017 at 2:14:10 PM PST
To: "sassetta@mind.net" <sassetta@mind.net>
Reply-To: Eileen Chieco <ekchieco@yahoo.com>

Dear Ms. Mindlin;

I strongly object to the Proposed Conditional Use Permit, Planning Action PA-2017-00016, 474 Russell Drive.

The request is to re-categorize 4 of 10 homes to hotel units. This violates the law in at least three ways, two of which are site specific and a third that runs counter to City policy encouraging more housing for residential purposes. This application clearly should have been rejected at the counter. Quoting from the law (18.5.4.050): "A Conditional Use Permit shall be granted if the approval authority finds the application meets all of the following criteria...".

It violates three:

1. The change from permanent residential occupancy to hotel occupancy violates Condition 1. The use is not "in conformance with the standards within the zoning district in which it located..." The zoning anticipates permanent residential occupancy.

Approval would encourage transient occupancy that is not conducive to community, its formation or enjoyment.

2. The change from permanent residential occupancy to hotel occupancy violates Condition 3.b. It will clearly lead to more "Generation of traffic..." affecting the surrounding area, including my house. Visitors do not make their way about the community on bicycles or afoot at nearly the same rate permanent residents do, to say the least.

In addition, approval would tend to establish a precedent for future planned Falcon Heights development. The traffic and stranger penetration into our neighborhood affects all those who live there. Falcon Heights business clients and residents already tend to speed through our non-standard, inadequately narrow streets and cut through rather than proceeding to Hersey.

3. The change from permanent residential occupancy to hotel occupancy should be found to be in violation of Condition 3.g. since it actually runs counter to creating housing in the City for residents.

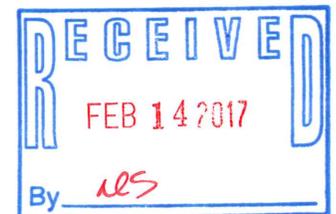
If you find the application is in violation of any of the three conditions I have cited, you must disapprove of it.

In addition to the clear violations cited above, I object to the fact this was only noticed to the properties within 200 feet of the subject property. The proposed conditional permit runs counter to the will of *most* City residents. Most residents in Ashland would oppose this. Our neighborhoods need to be preserved for those who live in them.

Added profit to the owners of 474 Russell Drive is not part of the bargain the developer made when it proposed this development. It is not the role of the City, its Planning Department or its Planning Commission to "pump" the developer's profits after its permit(s) have been issued. The residents of Ashland must be better respected. Staffers should be reprimanded for forwarding this illegal proposal.

I appreciate the opportunity to object to this poorly considered application.

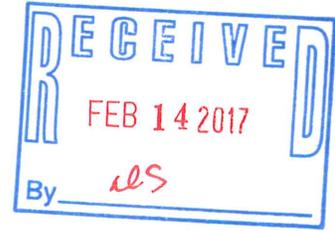
Eileen Chieco, Ashland, OR 97520



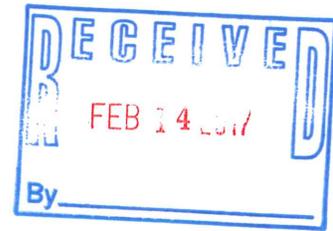
"It is one of the ironies of our time that, while concentrating on the defense of our country against enemies from without, we should be so heedless of those who would destroy it from within."

Rachel Carson

"To sin by silence, when we should protest,
Makes cowards out of men." Ella Wheeler Wilcox



Planning Commission



To Whom It May Concern:

February 14, 2017

My name is Carol Kim. I live at 422 Rogue Pl., straight down the street from 474 Russell Drive and adjacent to Williamson Way.

I am writing in regards to the proposed hotel usage of 4 condos in one of the buildings being developed at 474 Russell Drive. I met multiple times with the developer and architect informally, along with a few of my neighbors, last year. This possible hotel usage was never mentioned to us. However, we do know- as they told us – that the developer owns one or two of the other undeveloped lots and plans to put similar buildings on them.

Here are my concerns:

1. As we look at conditional use permits, this does speak to the generation of traffic and effects on surrounding streets. People will be coming in and out of these condos for 30 days or less, in unfamiliar cars, and making an unknown amount of trips. This will directly impact the surrounding neighborhoods.
2. If businessmen do not rent the properties, who will? Once approved for hotel usage, they could be rented by anyone. It is unknown how these properties would be managed and who would monitor noise, maintenance of the properties, and evaluation of potential renters, as well as how long they would stay. The turnover could be quite high. Such renters will not be invested in the neighborhood or town.
3. This area – Russell and Rogue- was intended for mixed use commercial/RESIDENTIAL use. The intent, as was told to me when purchasing my property, was to put in buildings , such as the one already on Russell – that have condos lived in by owners and light business beneath. This has worked admirably and fits the surrounding neighborhood. Though zoned for potential hotel use, that type of set up does not fit in with the 3-4 surrounding neighborhoods.
4. The developer, if granted permission for one building to be used as a hotel, may push for this in the future buildings he puts up, thus totally changing the traffic flow and neighborhood feeling, and eliminating needed housing options for Ashland residents.
5. Ashland is suffering from a severe lack of affordable housing. This mixed use type of building is partly intended to provide more affordable housing while also fitting in with the larger plan of infill and density , as opposed to having to expand outward. With both these points very much part of the comprehensive plan, why would a conditional use permit be granted for 474 Russell Drive?
6. We have many short- term vacation rentals available in this town for those needing it. We do not have enough affordable housing. I sat through several planning meetings and

council meetings on these short-term vacation rentals and know they were carefully considered and are available, with rules created to supervise them.

Please do not grant this conditional use property to 474 Russell Drive. It is not needed, deprives Ashland of desperately needed affordable housing, and housing in general, and has the potential to create quite a bit of added traffic flow to surrounding neighborhoods and change the quality of the neighborhood itself – from residential to temporary housing.....most especially in the area of Russell and Rogue. It also could set a precedent for the developer to do this in his other future buildings.

Thank you very much for your consideration.

Carol Kim



RE: Planning Action #2017-00016 / Citizen Comment

Jeremy Payne

Wed 2/15/2017 1:40 PM

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

Hi Derek,

From a building occupancy perspective the building occupancy classification will change from an R-2 to an R-1. Simply said, this really only means that the building is classified for occupants that are primarily *transient* in nature. From a construction and fire and life safety stand point the building will still need to have fire suppression and alarm systems, as well as occupancy separation. Furthermore, accessibility requirements per Chapter 11 of the 2014 Oregon Structural Specialty Code may also change, though from my observation the number of units contained in the building will still closely mirror that of an R-2 occupancy type. Essentially, the hazard degree from a fire and life safety standpoint is almost one in the same for both occupancy types. I hope this assists. Please let me know if you need any further info.

Thanks,

Jeremy Payne C.B.O., Building Official
City of Ashland, Community Development Department
51 Winburn Way, Ashland, OR 97520
Phone: (541) 552-2073, TTY (800) 735-2900

This email transmission is official business of the City of Ashland and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at (541) 552-2073. Thank you

President



<https://www.soc-icc.org/>

From: Derek Severson
Sent: Tuesday, February 14, 2017 2:05 PM
To: Jeremy Payne
Subject: Fw: Planning Action #2017-00016 / Citizen Comment

Jeremy,

We have a proposal currently under review to change the four upstairs residential units at 474 Russell Drive (Building A) from the approved residential units in a mixed-use building to allow their short-term rental use as "corporate housing". Building B would remain as approved with six residential units. This would mean that for the four units, the owners could rent them for time periods less than 30 days, which by our code is considered to be hotel/motel use. This requires a Conditional Use Permit and we've sent notice out to neighbors making them aware of the application.

One neighbor is asking "What modifications to the building, or building plans, will be required in order for the building at 474 Russell Drive to be permitted for motel operations. I would assume it includes fire suppression systems not mandated for residential properties and a greater facility for emergency egress than a personal residence. I'm asking this because residential properties have different requirements than motels and hotels in every jurisdiction in which I have lived. I would have adamant opposition to this proposed planning action change if the property does not comply, or is not required to comply, with (*the same regulations*) as every other motel/hotel in the city."

If it helps, the building permit number for the approval is BD-2016-01181 which was issued as a "shell only" permit.

Any info you can provide in response would be much appreciated; if it's easiest to respond to me I can forward the comments on to James Jarrard (jjarrard51@icloud.com) who is asking the questions and include your response in the record as well.

Thanks,

- Derek

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

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From: James Jarrard <jjarrard51@icloud.com>
Sent: Tuesday, February 14, 2017 1:02 PM
To: Derek Severson
Subject: Re: Planning Action #2017-00016 / Citizen Comment

Mr. Severson,

Yes, please do send the final determination of this action 2017-00016. It is in the vicinity of my home and I would like to remain an informed citizen. Our address is:

1072 Clear Creek Drive
Ashland, OR 97520-1809

It is heartening to hear that the applicant for occupancy change at 474 Russell Drive will be required to meet the city codes for the occupancy permit for which they applied. Please do let me know what these requirements are. I would assume that it includes fire suppression systems not mandated for residential properties and a greater facility for emergency egress than a personal residence.

Thanks for your help in this.

James Jarrard

From: Derek Severson <derek.severson@ashland.or.us>
Date: Tuesday, February 14, 2017 at 10:57 AM
To: James Jarrard <jjarrard51@icloud.com>
Subject: Re: Planning Action #2017-00016 / Citizen Comment

Mr. Jarrard,

I've received your comments and will add them to the file to be considered when this application is reviewed for a decision. We typically mail hardcopies of the decision to the parties once a decision is reached - if you have a physical address I can include in the file, I'll add you to that mailing list.

The applicants would be responsible for meeting any necessary building or fire code requirements for any necessary change in occupancy for the proposed use. As far as specific requirements, I'll forward your question to our Building Official Jeremy Payne and let you know his response.

Thank you for your comments.

- Derek

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

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

552-2040. Thank you.

From: James Jarrard <jjarrard51@icloud.com>
Sent: Tuesday, February 14, 2017 10:36:50 AM
To: Derek Severson
Cc: James Jarrard
Subject: Re: Planning Action #2017-00016 / Citizen Comment

Mr. Severson:

One more quick question.

Could you please let me know what modifications to the building, or building plans will be required in order for the building at 474 Russell Drive to be permitted for motel operations?

I'm asking this because residential properties have different requirements than motels and hotels in every jurisdiction in which I have lived.

I would have adamant opposition to this proposed Planning Action change if the property does not comply, or is not required to comply with every other motel/hotel in the city.

Thanks for allowing me to submit this second correspondence to you.

James Jarrard
cell: 703.447.8249

From: James Jarrard <jjarrard51@icloud.com>
Date: Tuesday, February 14, 2017 at 10:24 AM
To: <derek.severson@ashland.or.us>
Cc: James Jarrard <jjarrard51@gmail.com>
Subject: Planning Action #2017-00016 / Citizen Comment

Dear Mr. Severson:

The front desk contact person and Ashland's Planning Department indicates you are the responsible person for planning action underway for 474 Russell Drive in Ashland. This is Planning Action #2017-00016.

Attached are my comments regarding the proposed modifications for the property prior to its completion. I basically recommend approval for the action, but strongly recommend that the residential use permit be removed for a period of seven years once the motel usage

permit is granted. My rationale for this recommendation are in my formal remarks.

Would you please be so kind as to let me know that you've received my comments? Also, could you please let me know about the final determination in this process at its completion.

Thank you for your efforts on behalf of the city.

James Jarrard
Cell: 703.447.8249

Ashland Planning Commission Citizen Communication
February 14, 2017

PA-2017-00016 - 474 Russell Drive - Meadowbrook Builders LLC

From:

James P. Jarrard, Ashland City Resident, james.jarrard@icloud.com



COMMUNICATION SUMMARY:

As a citizen and resident of the City of Ashland, I, James P. Jarrard, petition the Planning Commission to fully explore the implications of allowing Meadowbrook Builders LLC to market the residences approved under Planning Action #2015-01284 as short-term rental units. The original approvals for these buildings was as residential homes, not short-term rentals.

The owner/applicant of this new building/construction at 474 Russell Drive are now required to inform prospective residential purchasers and real estate agents that at least eighteen (18) months of dangerous material excavation by the Union Pacific Railroad yard (UPRR) or its contractors will be occurring adjacent to the property covered by this Planning Action consideration. This material action by UPRR has been announced publicly and it is reasonable to assume that realtors should know about it. This heavy metal excavation immediately adjacent to the subject PA-2017-00016 property will substantially reduce the sales price of residential properties and possibly make them unsalable. I strongly suggest that the property will be more marketable at a higher sale value when sold as short-term rentals rather than personal residences because short-term rentals are not required to inform residents of the dangerous activities nearby.

Property management firms and real estate oriented hedge funds with a longer time horizon for investing can see a substantial return once the UPRR yards are remediated. In a 36 to 48 month investment period, the suppressed price of short-term rental *properties will substantially increase in financial value when they can be sold without requirements to inform purchasers of impending brownfield remediation within 100 yards of the residence.*

BACKGROUND AND ACTION IMPLICATIONS:

The owner/applicant for this property, Laz Ayala/Meadowbrook Builders LLC

probably did not project the immediate UPRR brownfield remediation immediately adjacent to their property when original plan PA-2015-01284 was submitted and approved in 2015.

In June, 2016 the Planning Commission modified deed restrictions on the UPRR property allowing for property sale if substantial remediation is done on heavy metals on the UPRR property.

The approval by the Planning Commission and subsequent action by UPRR reduced the sale value of the development initially approved under action PA 2015-01284. The owner of the property and any sales agents selling residential units on the property will be required to inform prospective purchases of the impending brownfield remediation.

Short-term rental occupants of these properties will not be informed of the action and will likely not be heavily impacted.

The owner/applicant probably now realizes they can improve their financial return on the initial construction investment by having the Planning Commission change the usage permits from residential to motel. The sale of these residential units as short-term rentals/motels will not be as great as that originally plans for residential units, but at least there will be potential for sale.

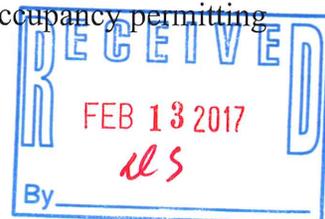
The granting of the petitioner's request will be financially valuable to the petitioner.

FISCAL IMPLICATIONS:

With any change to projected residency actions in the vicinity of this property, there could be traffic changes requiring investment by the city in roads, signage, signaling, or other traffic management technologies. If the property becomes transient housing in the foreseeable future, there could be a notable increase of police attention to the property.

CITIZEN RECOMMENDATIONS:

The Planning Commission should approve the change to Use Permit to be classified as a motel, under the condition that Use Permit for residential occupancy permitting



currently in place be removed for a period no less than seven (7) years. In layman terms, I recommend that the property be granted motel status, but then not be able to sell the individual units as residences for at least seven years.

The Planning Commission should recommend substantial addition costs to the applicant to accommodate the additional parking, traffic, permitting, and police costs to be incurred over the seven years. A recommended cost increase would be a minimum of a 50% increase already paid on permits issued by the city.

I also recommend that the Planning Commission require posting of notices of the heavy metal removal procedures underway immediately adjacent to the subject property. Notice postings would be in all rental/motel units and at entrances/stairways in the building.

SUGGESTED MOTION:

The Planning Commission and the City Planning Department should require substantial additional costs on the property prior to its conversion to a motel. This change to motel use permitting should be for no less than seven years and the properties may not be subdivided into individual residential units for sale for this seven year period.

The Planning Commission should require positing of notices of dangerous materials being removed from the adjacent property in all units, and in plain view in public locations around the property.

The changes requested by the owner/applicant should be approved with the conditions recommended in this petition.



February 13, 2017

City of Ashland, Planning Commission

Planning Department

51 Winburn Way

Ashland OR 97520

Planning Action PA-2017-00016

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FEB 13 2017

City Of Ashland

Commission:

We request that you deny the above application. This proposed use will negatively impact the surrounding residential neighborhoods and is likely to be another step in the erosion of protections for such areas where "big" business gets bigger at the expense of the single-family residences. If approved, we can expect more such requests for the other units, other buildings and future development.

Once this first application is approved, the following developments will point to this decision and ask "Why not?" Some of those to-be-developed parcels are even closer to the surrounding residences. Do yourself and future commissions a favor and discourage such requests now by denying this one.

This development has a long history of negatively impacting the neighboring residential properties. Surrounding property owners still believe the grade was changed which raised the elevation and subsequent large buildings are even higher. The mixed-use properties on the periphery are so close to houses already that buildings (with apartments and now potentially hotel rooms) will tower over backyards and bedrooms. Their easy answer to that is telling home owners they should not have bought and built next to mixed-use property. The reverse is true in this case. The applicants should not build or have built large units that could not be used within the limitations on the property they bought.

Just as we single family residences have to live with our own restrictions and the already negative impacts of large buildings within 200 feet of our small houses, the owners of those properties should be held to the restrictions on record that were meant to protect us all.

If this "hotel use" is approved, there will be a constant battle for review and enforcement of city regulations and compliance, further impacting multiple city departments...the city already struggles with the number of residential spaces turned into short term rentals, code compliance, lodging tax compliance, parking limitations, etc.

Owners and future purchasers of these parcels need to know that the few limitations put on mixed use properties are very important to the neighboring properties and not easily changed for profit.

Thank you,



Darlow & Janet Tuneberg, 327 Starflower Lane, Ashland, OR 97520

FW: Planning Action PA-2017-00016

April Lucas

Wed 2/8/2017 4:23 PM

Inbox

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

Cc: Maria Harris <maria.harris@ashland.or.us>;

From: Melanie Mindlin [mailto:sassetta@mind.net]

Sent: Wednesday, February 08, 2017 4:15 PM

To: April Lucas

Subject: Fwd: Planning Action PA-2017-00016

Begin forwarded message:

From: Surya Bolom <sbolom@ccountry.net>
Subject: Planning Action PA-2017-00016
Date: February 8, 2017 at 3:35:43 PM PST
To: sassetta@mind.net

*Re: Reject Proposed Conditional Use Permit
Planning Action PA-2017-00016
474 Russell Drive*

Ms. Mindlin:

I strenuously object to approval of the subject proposed conditional use permit application.

The request is to re-categorize 4 of 10 homes to hotel units. This violates the law in at least three ways, two of which are site specific and a third that runs counter to City policy encouraging more housing for residential purposes. Please refer to Mr. Helmich's hard copy letter of February 5 to the Commission in this regard.

I was noticed on this application and live at 470 Williamson Way.

My objection to this is that it runs counter to the City's discussion and resolution of the AirBnB issue a year or so ago.

It affects me personally due to the negative impacts that most affect nearby residents. Please note that this is being considered without input of the occupants (all 10) of the newly constructed units—those who would be most impacted—because those units are not yet completed and sold.

If a future occupant(s) of a unit wishes to convert it to hotel occupancy, that should come before the Commission with an individual justification. This feels as though the developer is preparing to start a business—in violation of the law and the previously heavily litigated existing zoning.

The units in question should be added to the housing inventory, not the transient room inventory. Our neighborhood and most likely the City as a whole, including the UGB, does not need more hotel rooms. We have a significant housing in this City crisis and need as many units for residents as possible. I cannot understand why such an obviously illegal

proposal is even under consideration.

Thank you for the opportunity to object to this poorly considered and elitist application.

Sincerely,

Surya Bolom

470 Williamson Way

Ashland, OR 97520

February 5, 2017

City of Ashland
PLANNING DEPARTMENT
51 Winburn Way
Ashland, OR 97520

Re: Objecting to Proposed
Conditional Use Permit
Planning Action PA-2017-00016
474 Russell Drive

To Whom It May Concern:

I strenuously object to approval of the subject proposed conditional use permit application.

The request is to re-categorize 10 homes to hotel units. This violates the law in at least three ways, two of which are site specific and a third that runs counter to City policy encouraging more housing for residential purposes. This application clearly should have been rejected at the counter. Quoting from the law (18.5.4.050): "A Conditional Use Permit shall be granted if the approval authority finds the application meets *all of the following criteria, or...*" (emphasis added.) It violates **three**:

1. The change from permanent residential occupancy to hotel occupancy violates Condition 1. The use is not "in conformance with the standards within the zoning district in which it located..." The zoning anticipates permanent residential occupancy. Approval would encourage transient occupancy that is not conducive to community, its formation or enjoyment.
2. The change from permanent residential occupancy to hotel occupancy violates Condition 3.b. It will clearly lead to more "Generation of traffic..." affecting the surrounding area, including my house. Visitors do not make their way about the community on bicycles or afoot at nearly the same rate permanent residents do, to say the least.

In addition, approval would tend to establish a precedent for future planned Falcon Heights development. The traffic and stranger penetration into our neighborhood affects *all* of us who live here. Falcon Heights business clients and residents *already* tend to speed through our non-standard, inadequately narrow streets and cut through rather than proceeding to Hersey.

3. The change from permanent residential occupancy to hotel occupancy should be found to be in violation of Condition 3.g. since it actually runs counter to creating housing in the City *for residents*.

If you find the application is in violation of **any** of the three conditions I have cited, you must disapprove of it.

In addition to the clear violations cited above, *I object to the fact this was **only noticed to the properties within 200 feet** of the subject property.* The proposed conditional permit runs counter to the will of City residents. Most residents in Ashland would oppose this. Our neighborhoods need to be preserved for those who live in them.

Added profit to the owners of 474 Russell Drive is not part of the bargain the developer made when it proposed this development. It is not the role of the City, its Planning Department or its Planning Commission to "pump" the developer's profits after its permit(s) have been issued. The *residents* of Ashland must be better respected. Staffers should be reprimanded for forwarding this illegal proposal.

I appreciate the opportunity to object to this poorly considered application.

Sincerely,



D. Michael Helmich
468 Williamson Way
Ashland, OR 97520

RECEIVED

FEB 07 2017

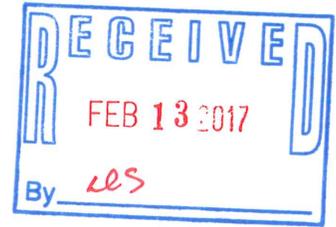
City of Ashland

FW: Russell Street

Mark Knox <knox@mind.net>

Mon 2/13/2017 9:03 AM

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



Derek,

I wanted to forward an e-mail I had with Mrs. Hiller. It sounds like she no longer has an issue, but nowadays who knows...
Thanks

From: Mark Knox [mailto:knox@mind.net]
Sent: Monday, February 13, 2017 8:53 AM
To: Knox_work
Subject: Fwd: Russell Street

Sent from my iPhone

Begin forwarded message:

From: Mark Knox <knox@mind.net>
Date: February 10, 2017 at 2:08:43 PM PST
To: Karen Hiller <khiller@nwlink.com>
Subject: Re: Russell Street

Thanks for your inquiry. It's an understandable question. If the four corporate housing units do not work, the units will revert back to their "already" approved use which is four standard residential housing units. In our opinion, we strongly feel the four corporate housing units are less impacting to neighboring properties than the standard units, but because of the City's limited experience or lack of a definition that would clearly distinguish a corporate units characteristics, its "labeled" hotel/motel. Not a positive image I'm sure and something we do not desire either. We own the three vacant parcels across the street and intend to spend millions of dollars in building improvements so we're very conscientious about impacts a certain use can have.

We will not have signs or any exterior components that would indicate it's use. They will blend into the background just like the other already approved six units.

Hope this helps, but feel free to email or call me with more questions.

Thanks- Mark Knox

Sent from my iPhone

On Feb 10, 2017, at 9:55 AM, Karen Hiller <khiller@nwlink.com> wrote:

Hi Mark,

Thanks for the letter regarding this project. I have stayed in corporate housing on several occasions for several companies and it is a godsend when you are away from home for extended periods.

My husband and I think that what you are planning sounds fine (and we will not be attending your on site meeting) but did have a question. Should the builder/owner decide that corporate housing is not viable/profitable, what safeguards are there that the 4 corporate housing units will not be changed to another purpose that would negatively impact the neighborhood? I can imagine a long battle between the neighborhood, the owner and the city if the current or eventual owner wanted to change function in the future for more profit.

Thanks again for the clarifying letter.

Karen Hiller
Ashland, Oregon
541 708 0916



Re: 474 Russell Drive "Corporate Rental Housing" Proposal

Karen Hiller <karenhiller218@gmail.com>

Fri 2/17/2017 9:48 AM

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

Hi Derek,

I was concerned but was satisfied with the response from Mark Knox. I am not planning to attend and don't have any further questions but thanks for reaching out!

Karen Hiller
Ashland, OR

On Fri, Feb 17, 2017 at 9:11 AM, Derek Severson <derek.severson@ashland.or.us> wrote:

Given the number of comments received on this proposal, the Staff Advisor has decided to schedule it for a public hearing before the Planning Commission. This hearing will be held on Tuesday, March 14th at 7:00 p.m. We'll be sending public notice approximately 10 days prior to the hearing, and will include everyone who provided comments initially as well as all neighboring property owners within 200 feet on that notice list.

Thank you for your comments.

- Derek

Derek Severson, *Senior Planner*

City of Ashland, Department of Community Development

51 Winburn Way, Ashland, OR 97520

PH: [\(541\) 552-2040](tel:5415522040) FAX: [\(541\) 552-2050](tel:5415522050) TTY: [1-800-735-2900](tel:18007352900)

E-MAIL: derek.severson@ashland.or.us

This e-mail transmission is the official business of the City of Ashland, and is subject to Oregon's public records laws for disclosure and retention. If you've received this e-mail in error, please contact me at [\(541\) 552-2040](tel:5415522040). Thank you.

--

Karen Hiller
Ashland, Oregon

.....do what you love, love what you do.....

Planning Action PA-2017-00016 - Comment

Karen Hiller <khiller@nwlink.com>

Sun 2/5/2017 1:56 PM

Inbox

To:planning <planning@ashland.or.us>;

Re: Objecting to Proposed
Conditional Use Permit
Planning Action PA-2017-00016
474 Russell Drive

Hello Planning Department! We heard about this issue from a friend and we are troubled about what might be approved and how it would affect neighbors of Russell Drive. We understand that you have to follow process and that can take time to reach a rejection of the permit.

We object to approval of the subject proposed conditional use permit application as we understand it.

The request is to re-categorize 10 homes to hotel units? This seems to violate the law in at least three ways, two of which are site specific and a third that runs counter to City policy encouraging more housing for residential purposes. Quoting from the law (18.5.4.050): "A Conditional Use Permit shall be granted if the approval authority finds the application meets all of the following criteria, or..." It violates three:

1. The change from permanent residential occupancy to hotel occupancy violates Condition 1. The use is not "in conformance with the standards within the zoning district in which it located..." The zoning anticipates permanent residential occupancy. Approval would encourage transient occupancy that is not conducive to community, its formation or enjoyment.
2. The change from permanent residential occupancy to hotel occupancy violates Condition 3.b. It will clearly lead to more "Generation of traffic..." affecting the surrounding area, including my house. Visitors do not make their way about the community on bicycles or afoot at nearly the same rate permanent residents do, to say the least.

In addition, approval would tend to establish a precedent for future planned Falcon Heights development. The traffic and stranger penetration into our neighborhood affects all of us who live here. Falcon Heights business clients and residents already tend to speed through our non-standard, inadequately narrow streets and cut through rather than proceeding to Hersey.

3. The change from permanent residential occupancy to hotel occupancy should be found to be in violation of Condition 3.g. since it actually runs counter to creating housing in the City for residents.

If you find the application is in violation of any of the three conditions I have cited, you must disapprove of it.

In addition to the clear violations cited above, I object to the fact this was only noticed to the properties within 200 feet of the subject property. The proposed conditional permit runs counter to the will of City residents. Most residents in Ashland would oppose this. Our neighborhoods need to be preserved for those who live in them.

Added profit to the owners of 474 Russell Drive is not part of the bargain the developer made when it proposed

this development. It is not the role of the City, its Planning Department or its Planning Commission to “pump” the developer's profits after its permit(s) have been issued. The residents of Ashland must be better respected. Staffers should be reprimanded for forwarding this illegal proposal.

I appreciate the opportunity to object..

Karen Hiller and Mike Bielec

980 Ivy Lane
Ashland, Oregon

"FALCON VI – A MIXED-USE DEVELOPMENT"

COPY



FRONT (NORTH) ELEVATION



REAR (SOUTH) ELEVATION

A PROPOSAL FOR

**A CONDITIONAL USE PERMIT
TO ALLOW FOR FOUR OF THE BUILDINGS' TEN UNITS
TO BE USED AS CORPORATE HOUSING**

FALCON HEIGHTS SUBDIVISION, LOT #6

SUBMITTED TO

CITY OF ASHLAND

FOR

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

BY

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

RECEIVED

JAN 06 2017

City Of Ashland

JANUARY 6TH, 2017

I. PROJECT INFORMATION:

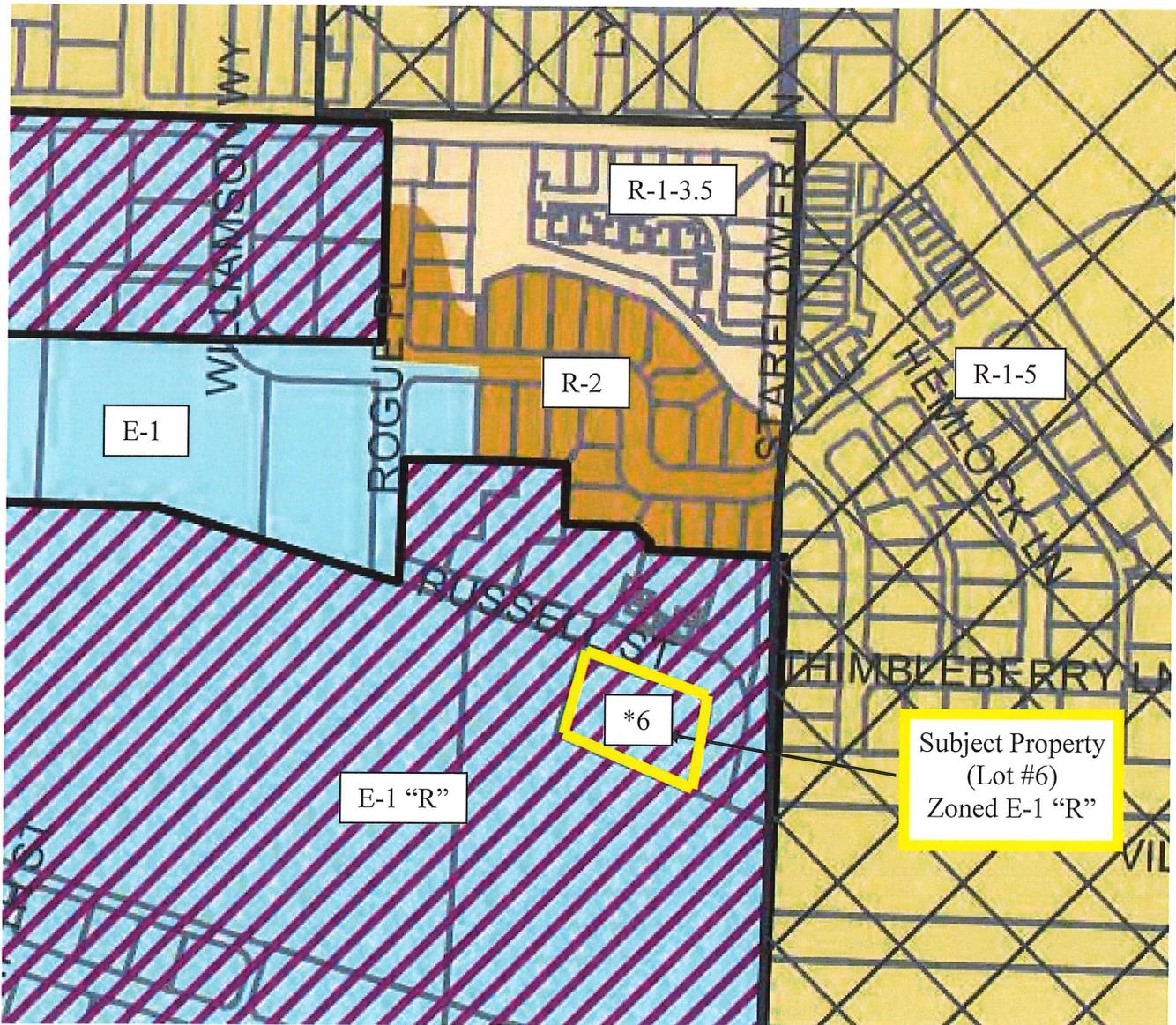
PROJECT NAME: “Falcon VI – Corporate Housing” (Falcon Heights, Lot #6)

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

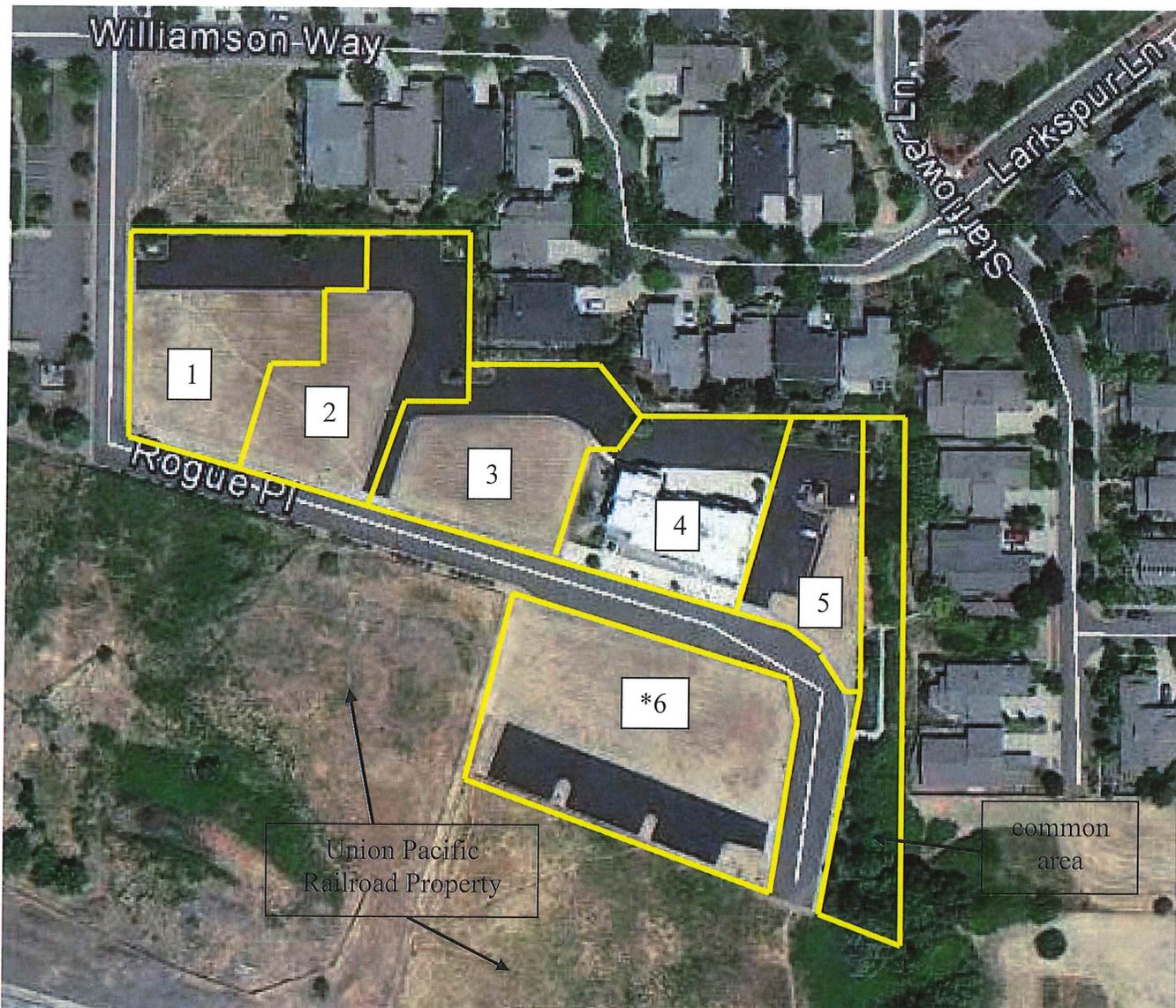
LAND USE PLANNING:
Urban Development Services, LLC
604 Fair Oaks Court
Ashland, OR 97520

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

PROJECT ZONING: As illustrated in the inserted Zoning Map (below), the property is zoned Employment (E-1) with a Residential Overlay. The subject property is regulated by the Ashland Municipal Code, Chapters 18.2.6 (Zoning), 18.3.13 (Residential Overlay), 18.4.2 (Site Design Standards, Non-Residential Development – Basic, Detail & Large Scale design standards) and 18.5.4 (Conditional Use Permits).



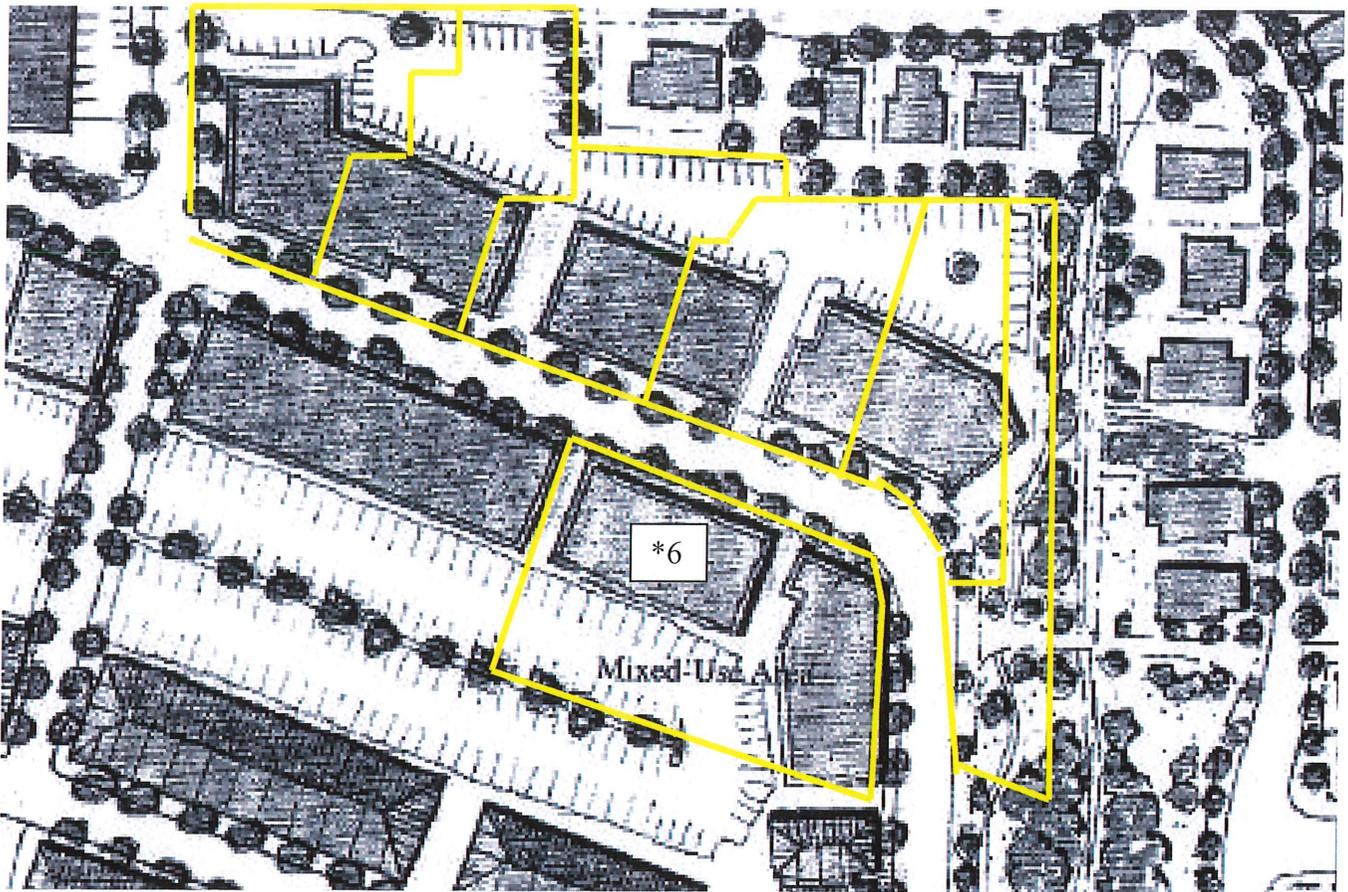
City Zoning Map



Falcon Heights Subdivision

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

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



Railroad Master Plan – 2001

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



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

In 2015, Planning Action 2015-01284 granted a Site Design Review approval to construct two mixed-use buildings, connected by a skywalk, on the subject property. At the time of this writing, both buildings are under construction. "Building A" (west building) is to be a two-story, 8,999 square foot mixed-use building consisting of commercial space and garages on the ground floor, and four residential condominiums on the second floor; "Building B" (east building) is to be two-story 12,903 square foot mixed-use building consisting of commercial space and garages on the ground floor, and six residential condominiums on the second floor.

PROPERTY DESCRIPTION: The property is located at 474 Russell Street and is a vacant .64 acre parcel zoned E-1 with a Residential Overlay. The property is rectangular shaped with an approximate 6% south to north grade. As previously described, the site's parking lot (storm water drain, paving and curbing) has been installed as well as the site's perimeter curbing, street lights, fire hydrants and transformer boxes. A short retaining wall abuts along the south property line, but due to poor installation, it needs to be repaired. When completed, an open plaza space between the two buildings will be created consisting of seats, trees, landscaping and areas of shade for gathering. The site's two buildings are now currently under construction and should be completed by the summer of 2017.

PROJECT PROPOSAL: The applicants are seeking Conditional Use Permit approval to utilize the four second floor residential units within Building "A" as "corporate housing" for stays less than 30 days. The six second floor residential units within Building "B" will remain standard residential units (for stays greater than 30 days). The project's 10 enclosed garages will remain assigned to each of the 10 units and all ground floor commercial spaces will remain commercial as originally approved.

Building "A": Building "A" is intended to be a two-story mixed-use structure consisting of commercial space on the ground floor and four residential units on the second floor. As noted, the four units are to be "corporate housing" units, accommodating tenants for less than 30 days. The ground floor will also include five enclosed garages for the second floor residences, but because of the site's sloping grade (roughly 5'-6" from the front to back), the commercial space will be level with the adjacent sidewalk where as the garage space will be accessed from the rear parking lot. The ground floor commercial space will be 2,743 sq. ft. and designed to orientate to the street, similar to the ground floor commercial space within the existing building across the street (required by the City's Site Design and Use Standards). Further, Building "A", as well as Building "B" discussed below, will abut a newly installed sidewalk which will include street trees, street lights and seating areas.

Building “A’s” four residential units will consist of two one-bedroom units of 758 sq. ft. and 759 sq. ft. and two two-bedroom units of 1,133 and 1,243 square feet. The units will be accessed by an internal stair and hallway system.

Building “B”: Building “B” is also intended to be a two-story mixed-use building with six “standard” residential units above the ground floor’s commercial space. Building “B” is essentially the same as Building “A”, but includes two additional units and an elevator. The ground floor is slated to be one commercial space consisting of 4,701 sq. ft. to be used by a single prospective tenant, but will be designed to convert to multiple spaces (three) in order to provide flexibility over the building’s life span. The commercial space(s) will be orientated towards Russell Drive and the planned sidewalk that runs along the frontage and then wraps around the east side of the building and extending to the end of the property where it abuts the Railroad property to the south.

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

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

Note: The original proposal to construct the two buildings, connected by a second floor skywalk, as a “condominium” development with each commercial or residential space being designed and constructed to allow for individual ownership remains the applicants’ intention. However, it’s important for the decision makers to understand the reasoning behind this proposal which is to allow ultimate flexibility of unknown market circumstances and to construct and design the buildings to comply with current condominium building codes. Otherwise, the conversion of such spaces years after the fact is not only costly, but also intrusive to the units, site’s landscaping, building design and integrity. As such, the applicants believe the added expense to design and construct the subject units as “condominium” units today, but rent the units for the foreseeable future, is simply a wise investment. That said, it’s the intention of the applicants to retain ownership of the subject 10 second floor residential units and “rent” the units – *6 as standard rental units and 4 as corporate housing rental units.*

Finally, if the applicant’s eventually sale one or more of the four subject units within Building “A”, the applicants will either apply for a Conditional Use Permit Modification to adjust accordingly or provide notice to the City’s Planning Department the “corporate housing business” is being terminated and the Conditional Use Permit is no longer needed.

Building Architecture: The buildings have been designed to not only reflect certain components of the existing building across the street, but also in accordance with the regulations noted in the Basic, Detail and Large Scale design standards (Site Design & Use Standards). Such standards do *not* require a certain

design style such as Downtown Ashland, but do require large building masses to be divided into heights and sizes that relate to human scale by incorporating changes in building masses or direction, sheltering roofs, a distinct pattern of surfaces, windows, trees, and small scale lighting. In this proposal's case, the buildings have been articulated in both mass, volume and material and no one wall is a voided plane. Each wall includes symmetrically balanced components for a positive streetscape rhythm. In this regard, the applicants and Architect have amended elevations multiple times in an attempt to make sure the design complements the existing building across the street, but is a building that expands the architecture and palate of colors and materials for future buildings planned within the Falcon Heights Mixed-Use Subdivision.

WHAT IS CORPORATE HOUSING AND WHY IS A CONDITIONAL USE PERMIT NECESSARY? Corporate housing is a niche market in the hospitality industry. It primarily caters to traveling professionals such as consultants, traveling nurses, doctors, therapists, contractors, engineers, and other professionals that perform services on a contract basis. The applicant's tenants typically stay 1-6 months with an industry average stay of 83 days (Highlands Group Corporate Housing Report, 2011). Corporate housing is also used by local and regional companies to temporarily house relocating employees or contract service providers. The amenities (washer, dryer, kitchen, all furnishings, all-inclusive utilities, etc.) found in a corporate housing condominium make it not only more comfortable compared to a hotel/motel, but also more economical. Corporate housing provides a critical housing solution for our business community, particularly medical, manufacturing and tech industries.

A Conditional Use Permit is necessary because there are times when the clients need housing for periods less than 30 days, but desire the comfort, convenience and affordability of these types of units. Any use less than 30 days requires a permit per Ashland's Municipal Code, Section 18.6.1

The applicants operate their corporate housing business under Acme Suites. They have been operating 12 corporate housing units in Medford and Jacksonville for over 10 years. They have an established clientele with local businesses and national providers of corporate housing. They frequently get inquiries for corporate housing in Ashland where they have none to offer at the current time. They also believe corporate housing services will be of great value to the Ashland business community and economy.

Further, corporate housing generally does *not* compete with either the local rental market or hotel industry due to the expense of pre-furnishing and the average stay time noted. In fact, it's the applicants' contention an optimum amount of corporate housing suites eliminates the consumption of a standard monthly rental where property owners require 12 month leases, but corporate housing tenants are month to month (83 to 100 days on average). This condition either forces tenants to lease a standard rental for a period significantly less than needed and then sub-lease or buy-out the remaining lease period at a significant and unnecessary expense. Obviously, this circumstance removes a standard rental unit from an already strained housing supply or leaves a standard rental unit unoccupied for the duration of a lease period caused by a number of reasons such as restrictions within the lease agreement to sublease, tenant's concern of liability and/or the tenant's ability to find a sublessee to occupy the unit for the remaining period of the lease. In the end, the corporate housing option as proposed is a optimal solution for temporary resident employees and local businesses needing this service and should be considered a

benefit, albeit very small, to the housing crisis Ashland has been facing and for affordable temporary housing for local businesses.

Parking: The subject buildings, site plan, landscaping and parking, as approved by the Planning Commission with the adoption of PA-2015-01284, are not proposed to be modified with this application. The original parking demand of 15.5 parking spaces for the 10 residential units plus the commercial demand of 15 to 21 spaces (25 or 31 spaces depending on the type of commercial use), would be allotted based on a combination of the 28 on-site spaces, plus a 13% mixed-use credit and a 40% on-street credit.

That said, the applicants contend the parking demands for corporate housing are less or at least equivalent to the parking demands associated with the permitted uses (multi-family) or the semi-equivalent conditional use (hotel/motel). According to the Ashland Municipal Code, Section 18.4.3.040, the parking demands for an equivalent four-unit multi-family residence, would require a total of 6.5 parking spaces whereas a four-unit hotel/motel would require five parking spaces. The applicants contend the proposed four corporate housing units function very similar to a typical standard multi-family unit, but would argue the parking demands are likely less as the tenants are generally here for employment purposes for a specific period of time and thus their typical day-to-day routines vary greatly when compared to a standard occupant's (limited social activities, limited vehicle trips, generally single, limited storage needs, etc.). As such, the proposal is less or at least equivalent to the parking demands generated by a permitted residential multi-family use and the existing parking approvals granted with PA-2015-01284 are more than enough to accommodate the proposed use.

Trip Generation: According to the Institute of Traffic Engineers (ITE) Trip Generation Manual, 7th Edition, standard equivalent multi-family units generate 6.47 daily vehicle trips per unit whereas equivalent hotel/motel units generate 8.7 daily vehicle trips per unit. Unfortunately, the ITE does not have trip generation data on corporate housing. However, based on the applicants' experiences at their Medford location, trip generation is significantly lower than 6.47 and is estimated to be closer to 4.5 trips per day per unit. The applicants believe the low daily trip generation is a result of corporate tenant schedules which are generally consumed by long hours of work and limited extracurricular demands (no kids, limited partners, limited social activities, etc). Also, unlike hotel/motels with limited kitchen and laundry facilities, corporate housing has these amenities and thus the housing accommodations are very similar.

Nevertheless, the applicants contend the vehicle trips will be 4.5 trips per day per unit or at least equal to an equivalent multi-family unit (6.47 trips per day), but even if the trips are slightly greater or even equivalent to a motel/hotel (8.7 trips per day), the difference (2.23 trips per unit or 9 total vehicle trips per day) is minimal at best and wouldn't be noticeable along surrounding streets.

Finally, in accordance with the Conditional Use Permit criterion, specifically AMC 18.5.4.050 A.3.b., as it relates to the zone's "target use", if one compares a four-unit corporate housing facility (hotel/motel), six standard residential units and the approved 7,362 square foot of office spaces in both buildings to the zone's target use of an equivalent 13,939 square foot office building, the results show 35.42 less vehicle trips per day (see below). As such, the applicants contend the four-unit corporate housing proposal meets

not only the Conditional Use Permit criteria based on the zone’s target use, but also an equivalent use such as a hotel/motel.

Target Use

13,939 sq. ft. office	ITE* Code #710	Rate = 16.58 vehicle trips per 1,000 sq. ft.	<u>231.1 trips</u>
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Proposed Use

7,362 sq. ft. office	ITE* Code #710	Rate = 16.58 vehicle trips per 1,000 sq. ft.	122.06 trips
4 Hotel/Motel units	ITE* Code #310	Rate = 8.70 per occupied room	34.8 trips
6 Standard units	ITE* Code #220	Rate = 6.47 per occupied room	38.82 trips
Total			195.68 trips
Difference (target use less proposed uses)			<u>35.42 trips</u>

*Institute of Traffic Engineers, Trip Generation Manual

II. FINDINGS OF FACT:

The required *findings of fact* have been provided to ensure the proposed project meets the requirements and procedures outlined in Planning Department’s pre-application report, dated 11.9.16, and the Ashland Municipal Code, Section 18.5.4.050 A., Conditional Use Permits. The application is to be processed as a Type II Planning Action based on the Ashland Municipal Code (AMC) 18.5.1.060 (Type II Procedure) as the proposed use is listed as a Conditional Use Permit under Table 18.2.2.030 E. (Hotel).

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

8.5.4.050 Approval Criteria

A. Approval Criteria. 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.

The proposal for four corporate housing units, above ground floor offices and with enclosed parking, is in conformance with all standards within the E-1 zoning district and in conformance with relevant Comprehensive Plan policies any City, State, or Federal laws or programs.

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 capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation is currently provided to the subject property and there is no indication the proposed conditional use for four corporate housing would increase the capacity or put additional strain on these facilities. In fact, the applicants contend the proposed use of four corporate housing units would have equal or less impacts than the approved 10 residential condominium housing units, simply based on the applicant's existing corporate housing business in Medford (ACME Suites) where the units are occupied by professionals and/or highly skilled trade workers, without spouses or kids, for a period greater than 30 days, but usually less than 180 days due to the unique circumstances with their employment.

In general, these individuals come to the Rogue Valley or Ashland to complete or fill-in for employment tasks that are not long term, but offer their employers a skilled task force for a short period of time based on the employer's specific need. For example, there are specialized nurses for the region's medical providers and mechanical engineers from Europe for both Derex and Brammo that have come to the region for a variable period of time to specifically work on an employment task here. Often times their contracts are extended (or shortened) and accommodations need to adjust accordingly. Corporate housing offers the tenants and employers not only the flexibility of tenancy, but also fully furnished spaces where they can have their semi-housing needs met, without the inconveniences of a hotel/motel or lease commitments of a standard apartment. To this point, the corporate housing tenants tend to be alone and immerse themselves into their jobs and do not generate the typical demands a typical tenant would generate.

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 subject property is zoned E-1 (Employment), .64 acres in size (27,878 sq. ft.) and is within the City of Ashland's Detail Site Review Zone. In accordance with the above, the proposed four corporate housing units is to be evaluated based on the zone's target use as described below under AMC 18.5.4.050 A.5.f which reads as follows:

AMC 18.5.4.050 A.5.f. 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.

Based on the particulars of the site and proposed use, the target use would be a 13,939 square foot office building (lot size x .50 FAR = 13,939 sq. ft.). When one evaluates the effect of four corporate housing units, six standard units and 7,362 square feet of commercial office space versus a 13,939 square foot office building, the numbers are dramatic and in no possible way would the proposed use be more impacting on the neighboring properties when compared to the zones target use.

a. Similarity in scale, bulk, and coverage.

The scale, bulk and coverage of the building would not change regardless if the four units were corporate housing units or standard units. The scale, bulk and coverage would remain “as is” and as approved with PA-2015-01284.

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.

The applicants contend the proposal for a four unit corporate housing facility would have less impact on traffic and effects on surrounding streets. If one compares a four unit corporate housing facility, six standard units, plus 7,362 square feet of commercial office space to a 13,939 square foot office building, the results show 35.42 less vehicle trips per day (see below).

Approved Use – PA-2015-01284			
7,362 sq. ft. office	ITE* Code #710	Rate = 16.58 vehicle trips per 1,000 sq. ft.	122.06 trips
10 residential units	ITE* Code #220	Rate = 6.47 per occupied room	64.7 trips
Total:			186.76 trips

Target Use

13,939 sq. ft. office	ITE* Code #710	Rate = 16.58 vehicle trips per 1,000 sq. ft.	<u>231.1 trips</u>
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Proposed Use

7,362 sq. ft. office	ITE* Code #710	Rate = 16.58 vehicle trips per 1,000 sq. ft.	122.06 trips
4 Hotel/Motel units	ITE* Code #310	Rate = 8.70 per occupied room	34.8 trips
6 Standard units	ITE* Code #220	Rate = 6.47 per occupied room	38.82 trips
Total			195.68 trips
Difference (target use less proposed uses)			<u>35.42 trips</u>

*Institute of Traffic Engineers, Trip Generation Manual

As evidenced above, the proposal to utilize four of the ten residential units as corporate housing rentals meets the zone’s target use criteria as the vehicle trips generated would be less than the zone’s target use of a 13,939 square foot office building.

c. Architectural compatibility with the impact area.

The proposed building’s architecture is compatible with the surrounding neighborhood and would be similar, if not more articulate and engaging, than a standard 13,939 square foot office building. Overall, the applicants contend the buildings architecture is very attractive, is contextually compatible to the building across the street (see above photo – page 4) and is significantly more appealing than other buildings found in the area. Further, it should be understood, there are no design standards per se for this area, but instead minimum architectural standards such as building orientation, sidewalk placement, street tree patterns, etc. As such, the applicants contend the design of the two buildings meets the City’s

intended design standards, as also approved by the Planning Commission with the approval of PA-2015-01284.

Building Orientation



Figure 18.4.2.040.B.1
Building Orientation

City of Ashland – Example

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

The Conditional Use Permit proposal will not create any additional air quality issues any more than the currently approved use (PA-2015-01284) or the zone’s target use - a 13,939 square foot office building.

e. Generation of noise, light, and glare.

The Conditional Use Permit proposal will not generate any additional noise, light or glare than the currently approved use (PA-2015-01284) or the zone’s target use - a 13,939 square foot office building.

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

The Conditional Use Permit proposal will not impact adjacent properties as envisioned in the City’s Comprehensive Plan any more than the currently approved use (PA-2015-01284) or the zone’s target use - a 13,939 square foot office building. The applicants’ believe the proposed addition of four corporate housing units will “support” those businesses as envisioned in the City’s Comprehensive Plan as those

properties are zoned “employment” and the use specifically designed to work with various businesses within the area and/or around the City that need temporary housing.

g. Other factors found to be relevant by the approval authority for review of the proposed use.

To the best of the applicants’ knowledge, there are no other factors that could be thought where the proposed four unit corporate housing use would be more impacting to neighboring properties, streets or infrastructure than what is permitted out-right or as measured against the E-1 zone’s target use.

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

The proposed use is not a prohibited use or one that is not permitted by ordinance. For the purposes of this application and the category of permitted uses, the subject four units are a hotel/motel, but as described herein, the functionality of a corporate housing unit is different and instead will function like a typical residence.

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.

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.

See responses from above – pages 9 - 13.

CONCLUSION: The applicants contend the proposal is a unique niche for Ashland and an opportunity to provide temporary housing at an affordable rate for local corporations (Ashland Hospital, Asante, Southern Oregon University, etc.) or commercial entities (Derex Corporation, Massif, Yala, Ashland Dentistry, etc.) that do not desire their unique employees/guests or cannot afford to house their unique employees/guests in a typical hotel, motel or single-family residence for multiple months on-end. Also, due to the site’s central location, Enterprise Zone status, and the vast amounts of adjoining vacant land zoned for employment purposes, the applicant’s believe the use is appropriate and timely.

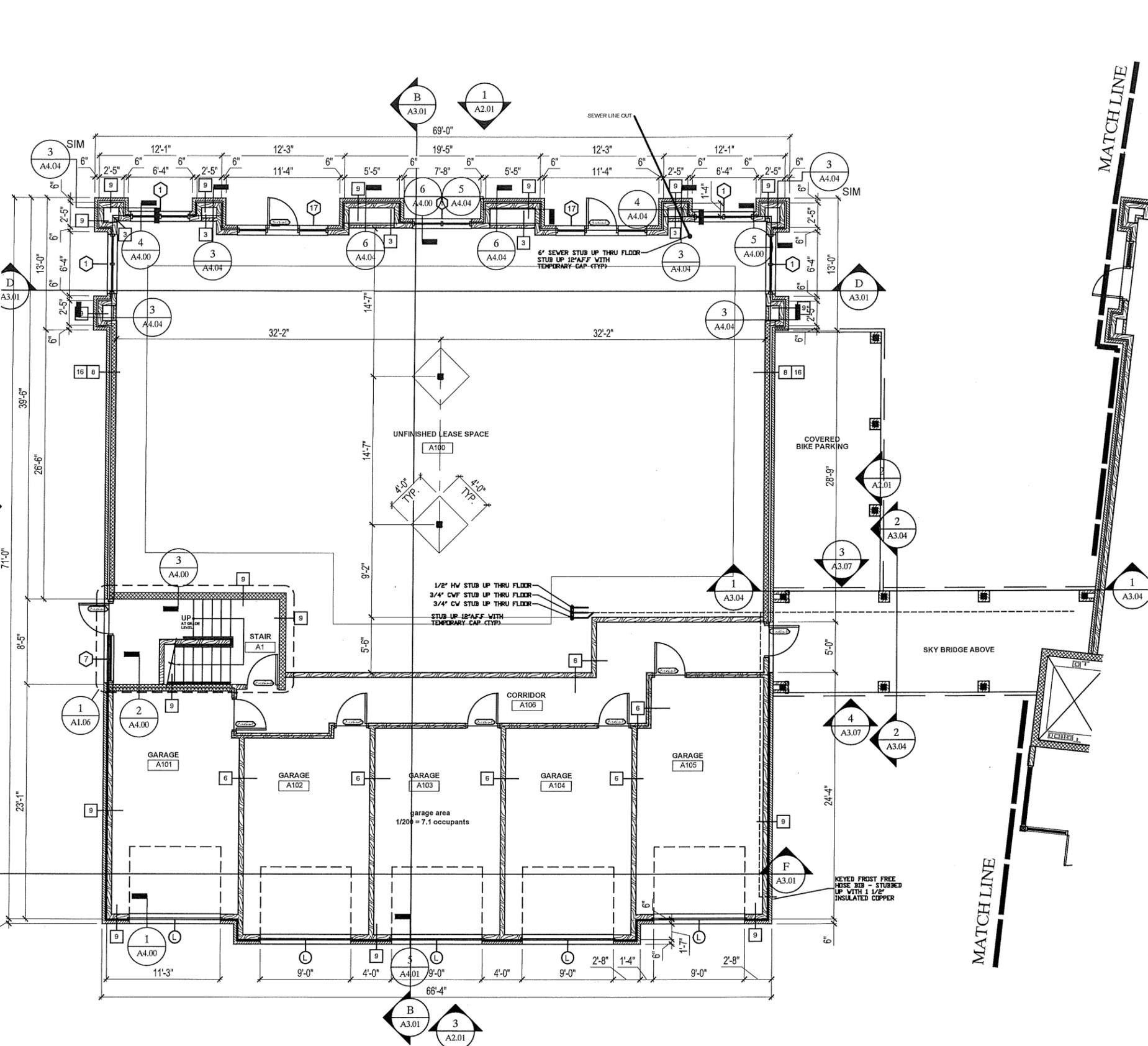
Attachments: Front Elevation
Site / Planting Plan
*First Floor Plan
*Second Floor Plan

*Floor plans are not to scale, but plans are the same as final construction drawings. Applicants are willing to provide large copies or provide digital versions upon request.



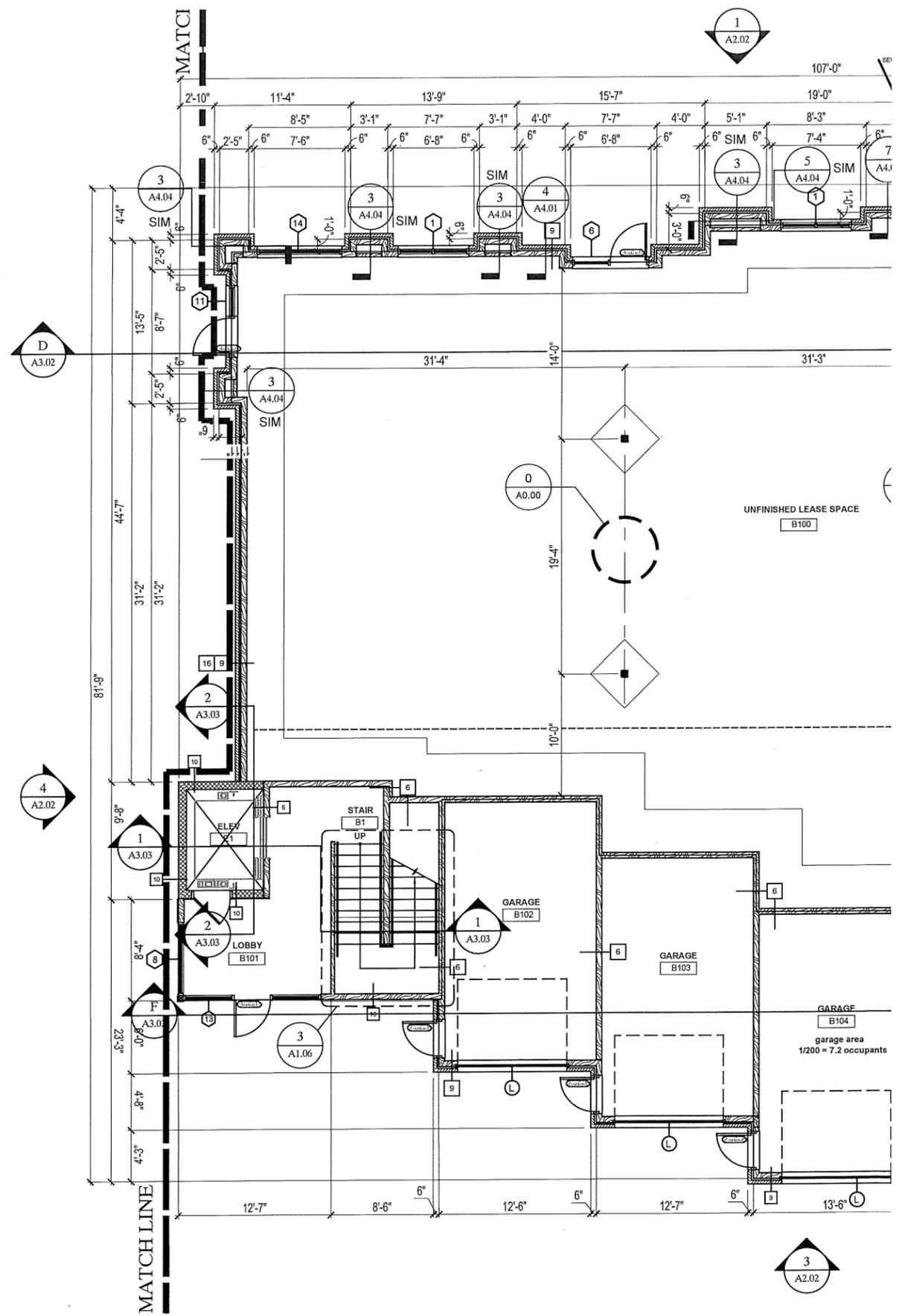
Building "B"

Building "A"



BUILDING "A" FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



BUILDING "B" FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

