

880 Park Street
Land Use Appeal to Council
Applicant's Presentation
Applicant: Tudor Properties LLC
Planning Action: PA-T2-2018-00002

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COUNCIL REVIEW of PLANNING COMMISSION DECISION

- Council shall not re-examine issues of fact. Council review on appeal limited to:
- Are Planning Commission findings supported by substantial evidence?
- Did Planning Commission commit errors of law?
- Were all issues raised clearly and distinctly set forth in Notice of Appeal?

AMC 18.5.1.060.1.5.b.

“SUBSTANTIAL EVIDENCE”

- “Substantial Evidence”: Evidence a reasonable planning commission would rely on in reaching a decision. *Portland v. Bureau of Labor & Industries, 298 Or 104 (1984)*.
- “Substantial Evidence Rule”:
Council limited to considering the evidence and determining if Planning Commission had a reasonable basis for its decision.

Younger v. Portland, 305 Or. 346 (1988)

The Rental Housing Crisis

- Council is familiar Ashland's rental housing crisis.
- "Housing Crunch in Trendy Ashland Prompts Protests Over Rents." *Santa Cruz Sentinel*, 10/18/2016. *Rec: pgs. 171-172.*
- "Rising to Tackle Ashland Rental Housing Challenge." *The News-Review*, 11/30/2016. *Rec: pgs. 173-175.*
- "Ashland Study Shows Dearth of Affordable Housing." *Washington Examiner*, 10/08/2012. *Rec: 176-177*

1. Planning Commission Did Not Consider “New Evidence”

- The Planning Commission expressly rejected and refused to consider any “new evidence” submitted by Applicant. *On-line video of PC hearing, Minutes 22-34.*
- Evidence expressly rejected and “not considered” by Planning Commission does not create a basis for appeal.

“Needed Housing” (1)

- “Needed Housing” means all residential housing determined to meet a need within a city’s UGB, including multi-family housing for rental occupancy. *ORS 197.303(1)*.
- A local government may apply only clear and objective standards, conditions, and procedures to projects proposing “Needed Housing”. *ORS 197.307(4)*.

“Needed Housing” (2)

(continued)

- A local government’s land use standards, conditions and procedures ... **may not have the effect, either in themselves or cumulatively, of discouraging “Needed Housing” through unreasonable cost or delay. ORS 197.307(4)(b).**
- Any local ordinance standards applied to a Needed Housing proposal **must be clear and objective on the face of the ordinance.** **ORS 227.173(2).**

2. Planning Commission's Findings re: Four-Bedroom Apartments based on Substantial Evidence.

- A “dormitory” is a “room and board facility” under City’s “group living” definition. *AMC 18.6.1. Rec: pg. 26.*
- “Group living” is defined as larger than a household in structures that are not self-contained units, but have common dining, social, recreational and laundry facilities.

Rec: pg. 26.

2. Planning Commission's Findings re: "Not Dormitories".

(continued)

- A "dwelling unit" is defined as having one set of cooking facilities and accommodating a "Family".
- City's Ordinance defines a "Family" as not more than five unrelated persons.
- Condition of Approval requires that "no unit may house more than five unrelated persons."

Rec: pg. 26.

3. Planning Commission Findings re: Parking Ratios ALUO Table 18.4.3.040.

USE CATEGORIES	Minimum Parking per Land Use
<u>RESIDENTIAL CATEGORIES</u>	
Multifamily	a. Studios or 1-Bedroom Units < 500 sq. ft.: 1 space/unit. b. 1-Bedroom Units > 500 sq. ft.: 1.5 space/unit. c. 2-Bedroom Units: 1.75 spaces/unit. <u>d. 3-Bedroom or greater units: 2.0 spaces per unit.</u>
<u>INSTITUTIONAL AND PUBLIC CATEGORIES</u>	
Clubs, Fraternity & Sorority Houses; Rooming & Boarding Houses; <u>Dormitories</u>	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. = guest room.

PARKING (continued)

ALUO Table 18.4.3.040.

- Planning Commission found Applicant's four-bedroom units are "3-Bedrooms or greater". *ALUO Table 18.4.3.040.*
- Applicant's 15 units therefore require 30 off-street parking spaces. *ALUO 18.4.3.040.*
- Applicant provides 30 off-street parking spaces.
- Applicant meets the clear and objective requirements of ALUO Table 18.4.3.040.

4. Tree Protection Plan Supported by Substantial Evidence

- Ashland Tree Commission was supportive of Application as submitted. *Rec: pg. 32.*
- Preserving and protecting all trees would require site density be reduced below permitted density allowed in the R-3 zone.
- Tree Commission concluded the proposed mitigation planting have net positive impact on site and surroundings in the long run.

5. Traffic Findings (1)

- “The proposed apartment traffic will generate 5 trips in the AM peak hour and 7 trips in PM peak hour.” (Less than City threshold required for traffic study.)
- “The intersection of Park Street and Siskiyou Blvd has had no reported crashes within the past 5 years. There is no apparent safety issue with the intersection.”
- “The intersection of Park St. at Siskiyou Blvd. operates better than the ODOT and City standards.”

5. Traffic Findings (2)

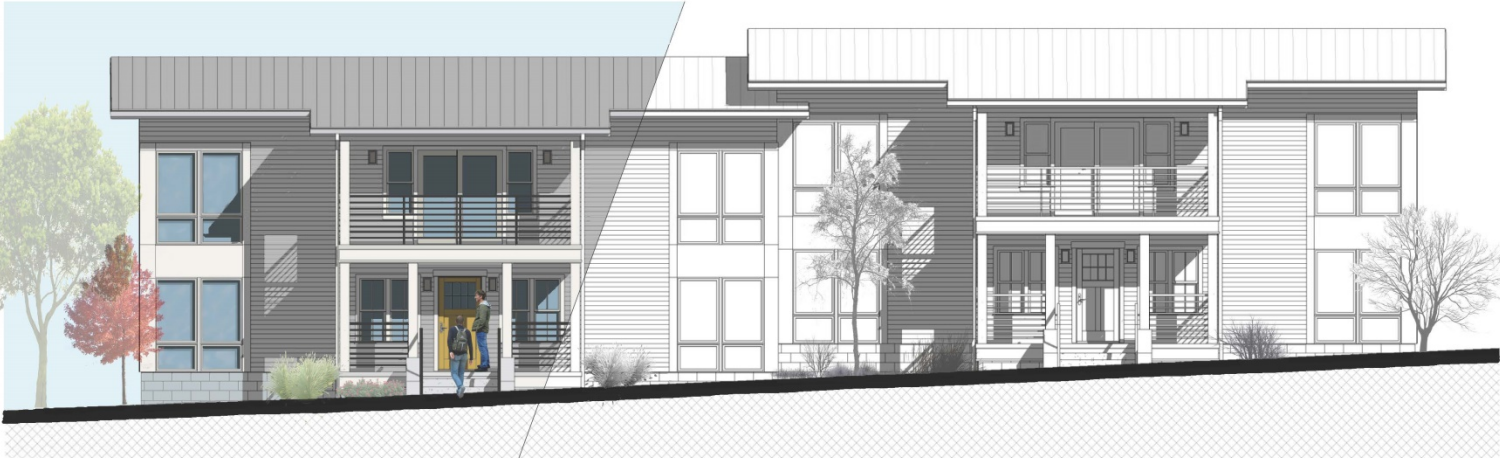
- “The queuing of vehicles entering and exiting the site will not cause operation issues at the intersection.”
- “There are no significant issues or turning movement conflicts that will be impacted by the apartment complex.”
- “All sight distances are met for the south side of Park Street Apartments.”

Kelly Sandow, Oregon-Licensed Traffic Engineer.

Rec: pg. 30.

Conclusion

- **“Substantial evidence”** supports Planning Commission’s unanimous Decision.
- Application proposes **“Needed Housing”** and **State law requires only standards which are clear and objective on the face of the City’s ordinance may be applied.**
- **Important Opportunity for Council to demonstrate City is serious about addressing Ashland’s Rental Housing Crisis.**



2 STORY FRONT ELEVATION ①
11 X 17: 1/8" = 1'-0"



2 STORY REAR ELEVATION ②
11 X 17: 1/8" = 1'-0"

kistler +
small
+ white
architecture

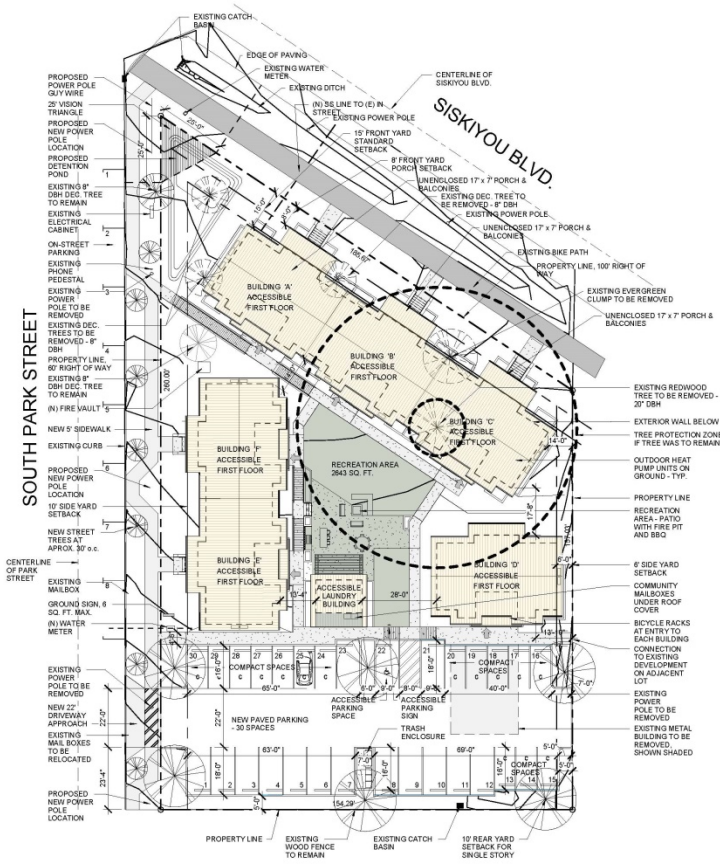
PARK SQUARE - NEW APARTMENTS

SITE REVIEW
8.01.18



SCALE: 1/8" = 1'-0"
STORY EXTERIOR ELEVATIONS

A6.3



VEHICLE PARKING PROVIDED	
PARKING STALL TYPE	COUNT
(ASHLAND ADA) 9' x 18'	1
(ASHLAND COMPACT) 8' x 16'	16
(ASHLAND STANDARD) 8' x 18'	14
TOTAL	30

PER ASHLAND LAND USE ORDINANCE, TABLE 18.4.3.040, MULTI-FAMILY, 3-BEDROOM OR GREATER UNITS REQUIRES 2.00 SPACES PER UNIT.

ZONING INFORMATION

BASE ZONE: MULTI-FAMILY RESIDENTIAL - (R-3)
OVERLAY ZONES: NONE
SPECIAL DISTRICTS: NONE
MAP & TAX LOT: 38 1E 15AD 3402
ACERAGE: 0.74 ACRES (02,199 SF)

BUILDING INFORMATION

BUILDING AREA/STORIES:	BUILDING A	BUILDING B	BUILDING C	BUILDING D	BUILDING E	BUILDING F	LAUNDRY BUILDING	AREA	STORIES	ADA
	3345	3345	3345	2230	2230	2230	221	3345	3	Y
	3345	3345	3345	2230	2230	2230	221	3345	3	Y
	3345	3345	3345	2230	2230	2230	221	3345	3	Y
	2230	2230	2230	2230	2230	2230	221	2230	2	Y
	2230	2230	2230	2230	2230	2230	221	2230	2	Y
	2230	2230	2230	2230	2230	2230	221	2230	2	Y
TOTAL BUILDING SQUARE FOOTAGE:	16,946 ZF									
NUMBER OF DWELLING UNITS:	15 FOUR-BEDROOM									

SITE INFORMATION

PERCENTAGE OF COVERAGE: BUILDINGS 21%, PARKING 25%, SIDEWALK 19%, PATIO 9%, OPEN AREAS 8.7%, RECREATION AREAS 8.2%, LANDSCAPING 34%

PERCENTAGE OF IMPERVIOUS SURFACE: 66%

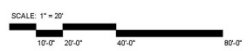
UNIT ACCESSIBILITY

ACCESSIBLE UNITS: 6 ACCESSIBLE TYPE B UNITS ARE PROVIDED PER SECTION 1107

LEGEND

- PROPOSED BUILDING
- PROPOSED RECREATION AREA

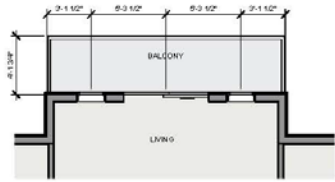
PROPOSED SITE PLAN 1



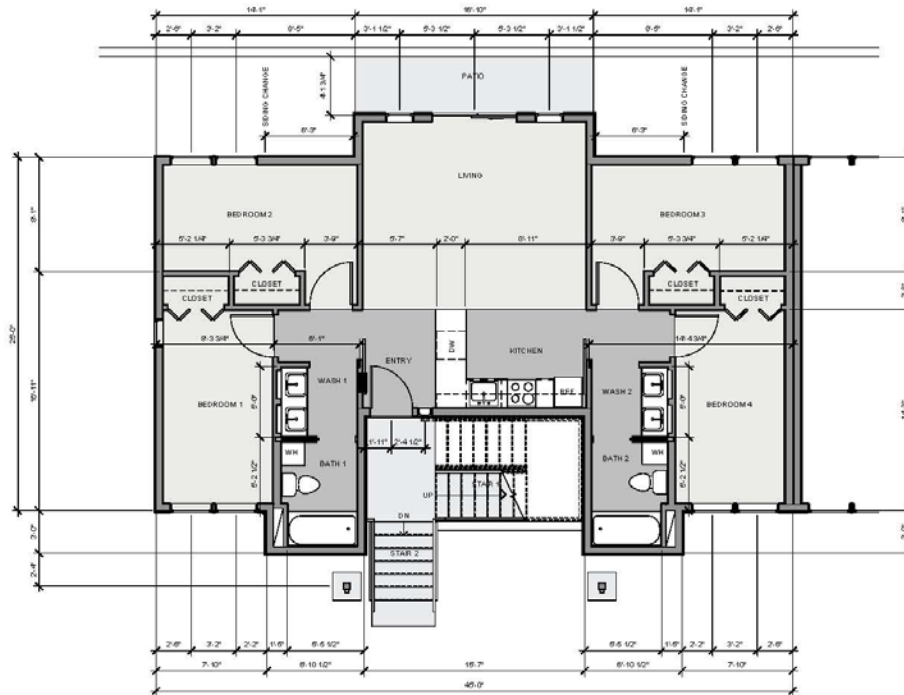
SITE PLAN & ZONING SUMMARY

kistler + small + white
 architects

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2 STORY BLD'G. REAR BALCONY
AT SECOND STORY 2



2 STORY BLD'G. REAR PATIO
AT FIRST STORY 1



REFERENCE NORTH

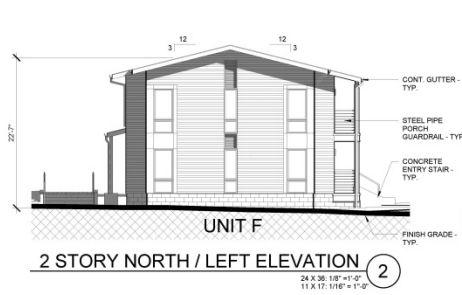


2 STORY BUILDING TYPICAL FLOOR PLAN

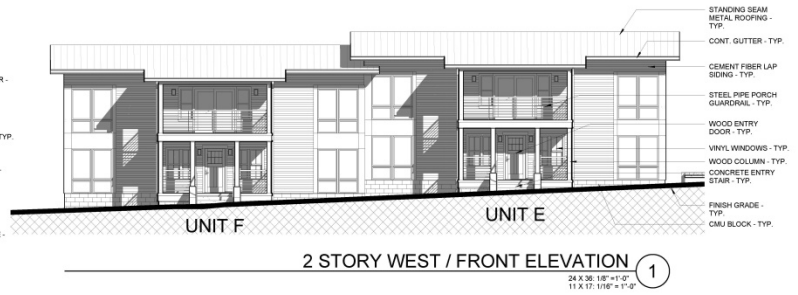
A3.3



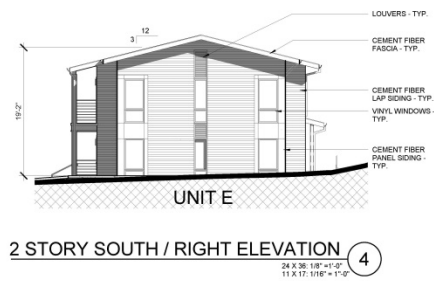
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2 STORY NORTH / LEFT ELEVATION ②
24 X 36' 18" ± 1'-0"
11 X 17' 11/8" ± 1'-0"



2 STORY WEST / FRONT ELEVATION ①
24 X 36' 18" ± 1'-0"
11 X 17' 11/8" ± 1'-0"

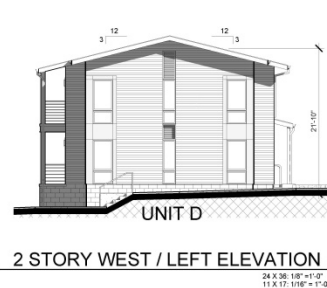


2 STORY SOUTH / RIGHT ELEVATION ④
24 X 36' 18" ± 1'-0"
11 X 17' 11/8" ± 1'-0"

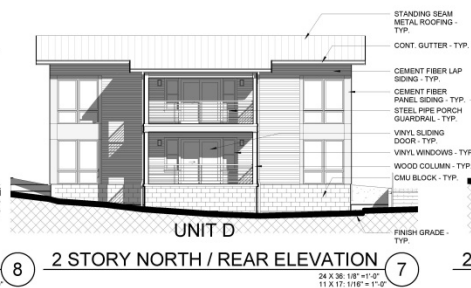


2 STORY EAST / REAR ELEVATION ③
24 X 36' 18" ± 1'-0"
11 X 17' 11/8" ± 1'-0"

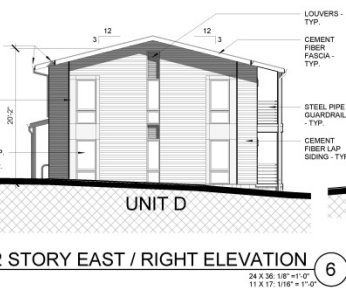
2 STORY DOUBLE BUILDING ELEVATIONS



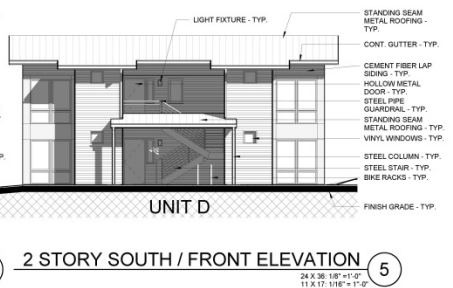
2 STORY WEST / LEFT ELEVATION ⑧
24 X 36' 18" ± 1'-0"
11 X 17' 11/8" ± 1'-0"



2 STORY NORTH / REAR ELEVATION ⑦
24 X 36' 18" ± 1'-0"
11 X 17' 11/8" ± 1'-0"



2 STORY EAST / RIGHT ELEVATION ⑥
24 X 36' 18" ± 1'-0"
11 X 17' 11/8" ± 1'-0"



2 STORY SOUTH / FRONT ELEVATION ⑤
24 X 36' 18" ± 1'-0"
11 X 17' 11/8" ± 1'-0"

2 STORY SINGLE BUILDING ELEVATIONS



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EXTERIOR ELEVATIONS