

Park Square Apt.'s

880 Park Street

CITY OF
ASHLAND

City Council Appeal Hearing
December 4, 2018



Park Square Apt.'s

880 Park Street

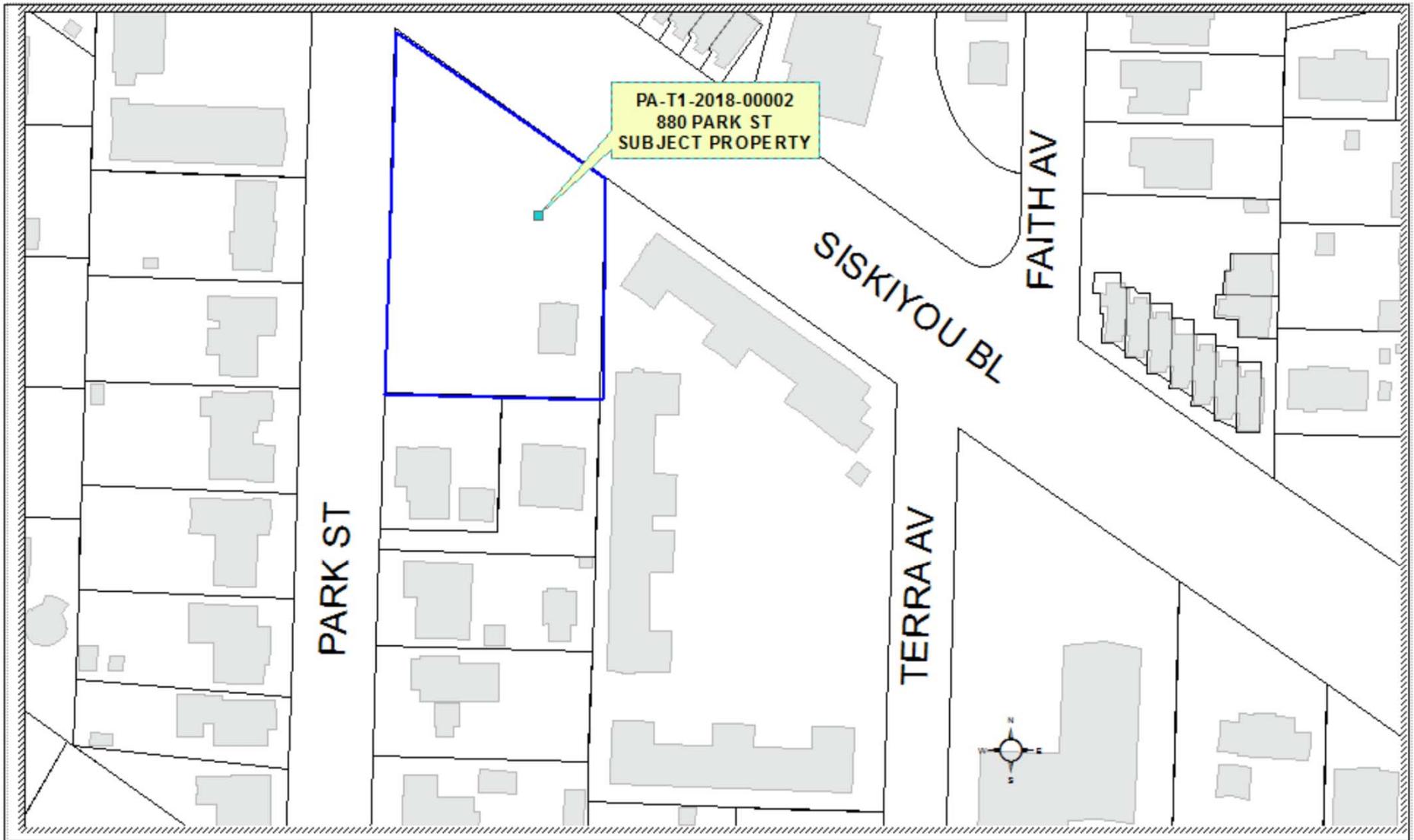
Appeal Issues

1. That the Planning Commission was provided illegal evidence by staff and the applicant after the record had closed.
2. That there is currently no code for the type of dwelling being proposed, and the project should be considered a dormitory rather than multi-family dwelling units.
3. That multi-family parking requirements should not be used; parking requirements should be considered in terms of a dormitory.
4. That the tree protection plan is inadequate, and that tree protection for the project site's trees and neighbor's trees should be applied equally.
5. That the traffic study is flawed in considering a multi-family development rather than 60 motoring adults.

As an appeal "on the record," tonight's hearing is limited to considering the Planning Commission's decision with regard to only these five issues based on the existing record.

Park Square Apt.'s

880 Park Street – Vicinity Map



Park Square Apt.'s

880 Park Street - Proposal

A request for **Site Design Review approval** to construct a 15-unit apartment complex consisting of six apartment buildings, a separate 221 square foot laundry facility and a 30-space parking lot.

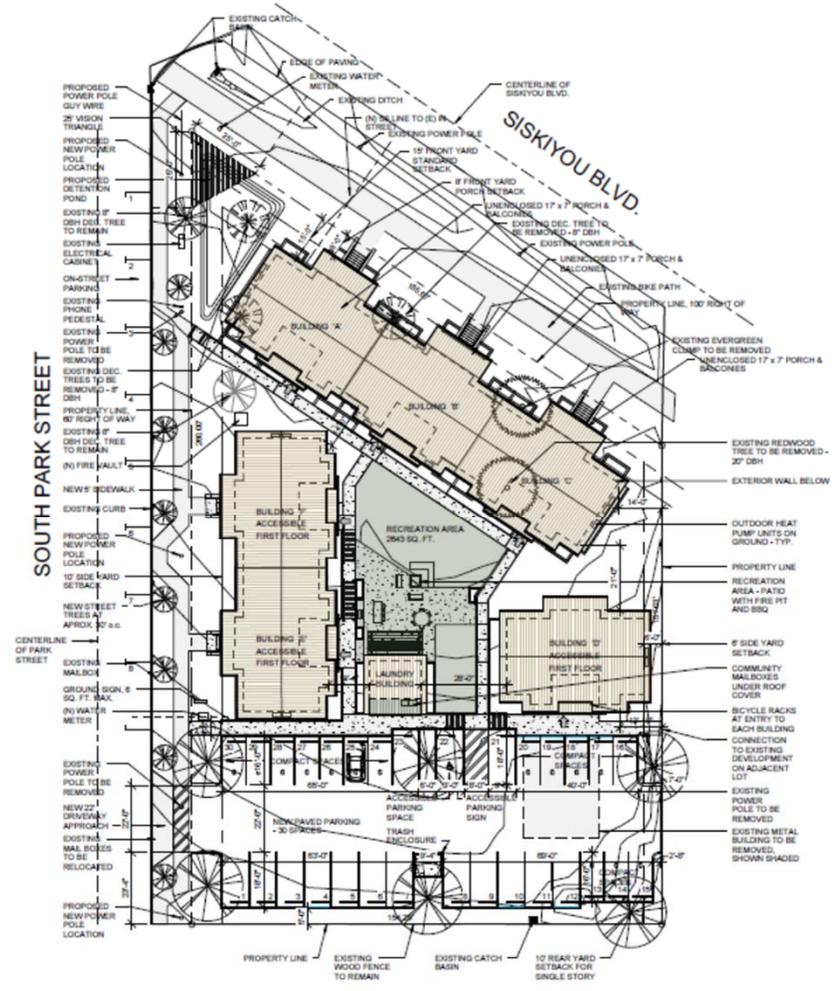
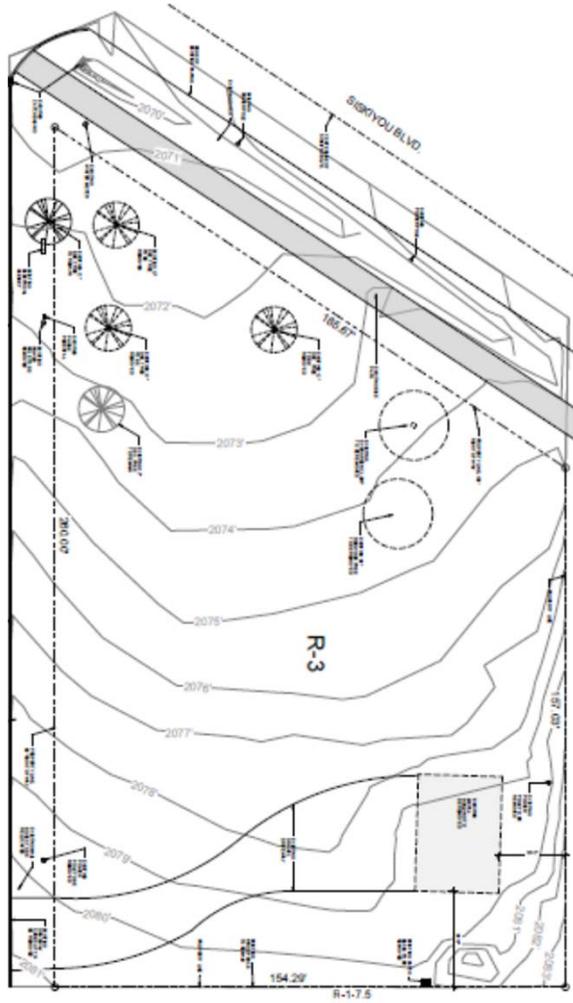
The application includes requests **for Exceptions to the Street Standards** to **1)** retain the existing asphalt multi-use path along Siskiyou Boulevard and **2)** to construct a meandering sidewalk along the subject property's Park Street frontage to accommodate replacement of existing power poles rather than installing new city standard sidewalks with parkrow planting strips between the curb & sidewalk.

The application includes a **Tree Removal Permit** to remove five of the site's seven trees, including: two Green Ash, one Modesto Ash, and two Redwoods. One of the Redwoods is a multi-trunked cluster with five trunks of diameters ranging from eight- to 14-inches in diameter.

Park Square Apt.'s

880 Park Street

CITY OF
ASHLAND



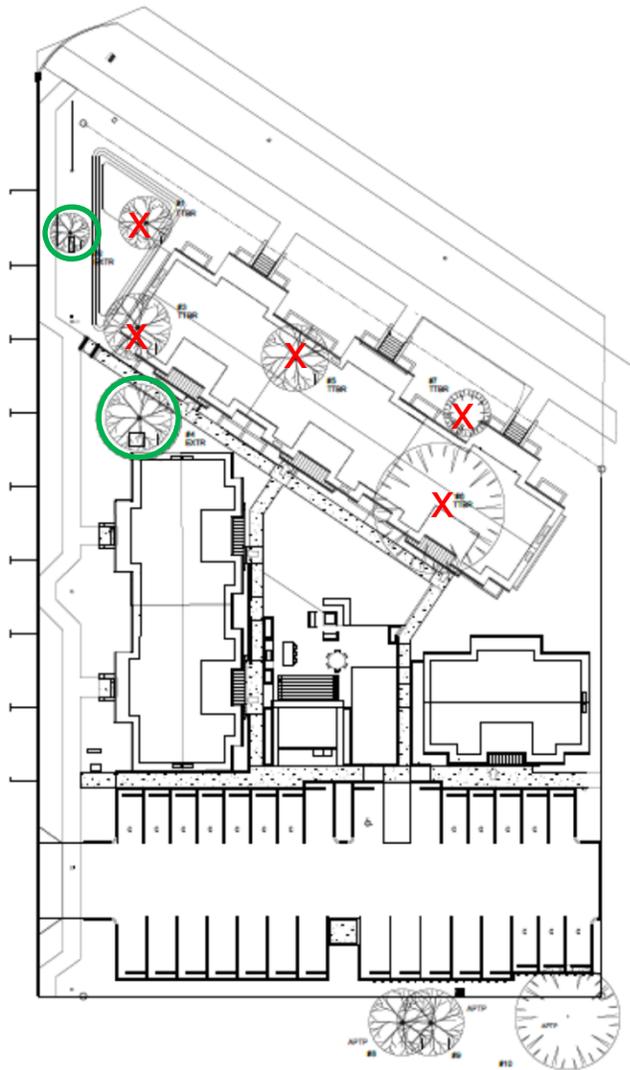
PROPOSED SITE PLAN 1

24 X 36" 1" = 20' 11 X 17" 1" = 40'

Park Square Apt.'s

CITY OF
ASHLAND

880 Park Street –Tree Protection Plan



Park Square Apt.'s 880 Park Street – Color Renderings

CITY OF
ASHLAND



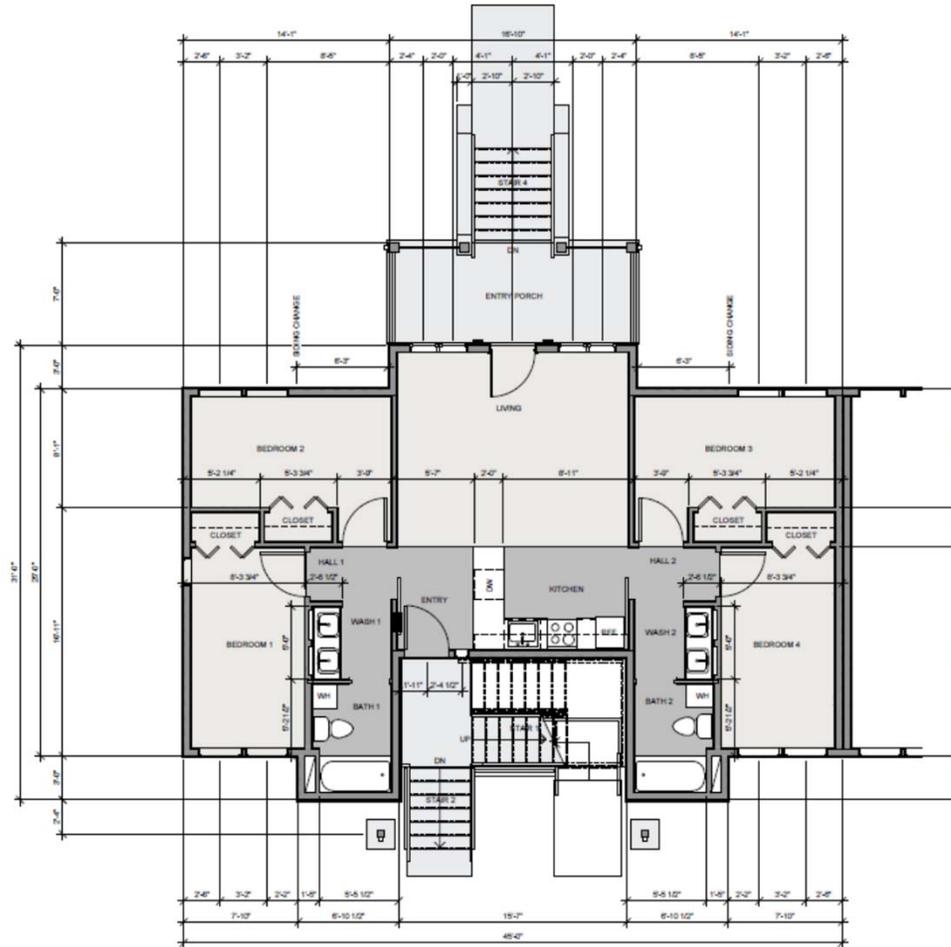
2 STORY FRONT ELEVATION ①
11 X 17: 1/8" = 1'-0"



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

Park Square Apt.'s

880 Park Street – Floor Plans



3 STORY BLD'G. - SECOND FLOOR PLAN

THIRD FLOOR PLAN SIM., SEE ENTRY AND BALCONY PLANS AT LEFT

24 X 36 1/4" = 1/8"

11 X 17 1/8" = 1/4"



Park Square Apt.'s

880 Park Street

Appeal Issue #1

That the Planning Commission was provided illegal evidence by staff and the applicant after the record had closed.

The Planning Commission made a specific finding in **Section 2.1** that the materials submitted by the applicant on October 2, 2018 as “*Applicant’s Closing Legal Argument*” were to have been limited to legal arguments and applicant’s rebuttal and were not to contain new evidence. The Commission recognized that new evidence was provided along with the closing legal arguments, and the Planning Commission moved to strike pages 2, 3 and 8-19 of the applicant’s October 2, 2018 submittal from the record and from consideration in the decision as these pages were found to contain new evidence submitted after the hearing and record had closed.

In staff’s view, the Commission striking the new materials from the record and removing them from consideration in the decision fully remedied this issue. Staff would recommend that Council make a finding to this effect.

Park Square Apt.'s

880 Park Street

Appeal Issue #2

That there is currently no code for the type of dwelling being proposed, and the project should be considered a dormitory rather than multi-family dwelling units.

A **multi-family dwelling** is defined in terms of a grouping of dwellings units, with each unit having one set of cooking facilities and accommodating one family.

“**Dormitory**” is not separately defined in the land use ordinance, but dormitories are addressed as a type of “**Room and Board Facility**” under “**Group Living**” in the Definitions chapter.

The Planning Commission found that “**Group Living**” was defined as typically accommodating a group larger than the average size of a household in structures that are not self-contained but rather have common dining, social, recreational, and laundry facilities.

Park Square Apt.'s

880 Park Street

Appeal Issue #2

That there is currently no code for the type of dwelling being proposed, and the project should be considered a dormitory rather than multi-family dwelling units.

The Planning Commission found that the units proposed were self-contained, as each unit includes four bedrooms, two bathrooms and one kitchen, and as such were multi-family dwelling units rather than dormitory rooms.

To insure compliance with the definition of a multi-family dwelling unit, a condition of approval was included to make clear that each dwelling unit was not to house more than one family, which is defined as *“An individual or two or more persons related by blood, marriage, legal adoption, or guardianship; or not more than five persons who are not related by blood, marriage, legal adoption, or guardianship.”*

In staff's view, the code clearly addresses dormitories as a type of 'Room and Board Facility' under the 'Group Living' definition, and the Planning Commission considered this, and made the correct finding that the units being self-contained with their own kitchens disqualified them from consideration as a dormitory, and further determined that they fit the definition of multi-family dwelling units. Staff recommends that the Council make a similar finding here.

Park Square Apt.'s

880 Park Street

Appeal Issue #3

That multi-family parking requirements should not be used; parking requirements should be considered in terms of a dormitory.

The Land Use Ordinance includes specific parking requirements for dormitories, however in considering parking requirements for the proposal, the Planning Commission made an explicit finding that, *“the proposed use... is a multi-family dwelling and does not constitute either a group living establishment or room and board facility such as a dormitory within the meaning of the Land Use Ordinance, AMC Part 18.6.1 or an “unspecified use” within the meaning of AMC 18.4.3.030.A.2.”*

Park Square Apt.'s

880 Park Street

Appeal Issue #3

That multi-family parking requirements should not be used; parking requirements should be considered in terms of a dormitory.

Based on the determination that the proposed units were multi-family dwelling units, the Planning Commission made the findings that parking requirements were based on AMC Table 18.4.3.040, where both single family and multi-family dwelling units are subject to the following parking requirements:

Studio units or 1-bedroom units less than 500 sq. ft.	1 space/unit.
1-bedroom units 500 sq. ft. or larger	1.50 spaces/unit.
2-bedroom units	1.75 spaces/unit.
3-bedroom or greater units	2.00 spaces/unit.

The Planning Commission found that based on this table, at 2.00 spaces per unit for “3-bedroom or greater units”, 15 multi-family dwelling units required 30 off-street parking spaces. 30 off-street parking spaces are proposed to be provided by the applicant, and as such the proposal satisfied the applicable off-street parking requirement. The Commission also found that the standard parking ratio provides for “3-bedrooms or greater units” and that 4-bedrooms falls into this category, and that the parking ratios in the code do not provide for any extrapolation to require additional parking based on any number of bedrooms beyond three. Staff recommends that the Council make similar findings here.

Park Square Apt.'s

880 Park Street

Appeal Issue#4

That the tree protection plan is inadequate, and that tree protection for the project site's trees and neighbor's trees should be applied equally.

- The Land Use Ordinance requires a Tree Protection Plan that includes the “*Location, species, and diameter of each tree on site and within 15 feet of the site.*” (18.4.5.030.B.)
- The arborist report submitted by the applicant included the recommendation that, “*I also recommend that the trees on the neighboring property to the South be addressed, especially the large deodar cedar near the southeast corner. The tree protection plan should extend to these trees as well.*”
- Staff recommended Condition #9e which the Planning Commission adopted requiring that the building permit submittals include, “*... a revised Tree Inventory and Tree Protection Plan be provided for the review and approval of the Staff Advisor. This plan shall identify and address protection of all trees to be preserved on the site and those on adjacent to the site within 15 feet of the property line which are six-inches in diameter at breast height or greater, and shall include a watering schedule for trees to be preserved and protected, with watering to occur at least twice per week.*”
- In staff's view, the applicant's own submittals recognized that the tree protection plan needed to be revised to consider the trees on neighboring properties, staff conveyed this through the hearing process, and the adopted decision includes a specific requirement that the building permit submittals include a revised Tree Protection Plan which addresses the trees on neighboring properties within 15 feet of the property line, as required by code.

Park Square Apt.'s

880 Park Street

Appeal Issue#4

That the tree protection plan is inadequate, and that tree protection for the project site's trees and neighbor's trees should be applied equally.

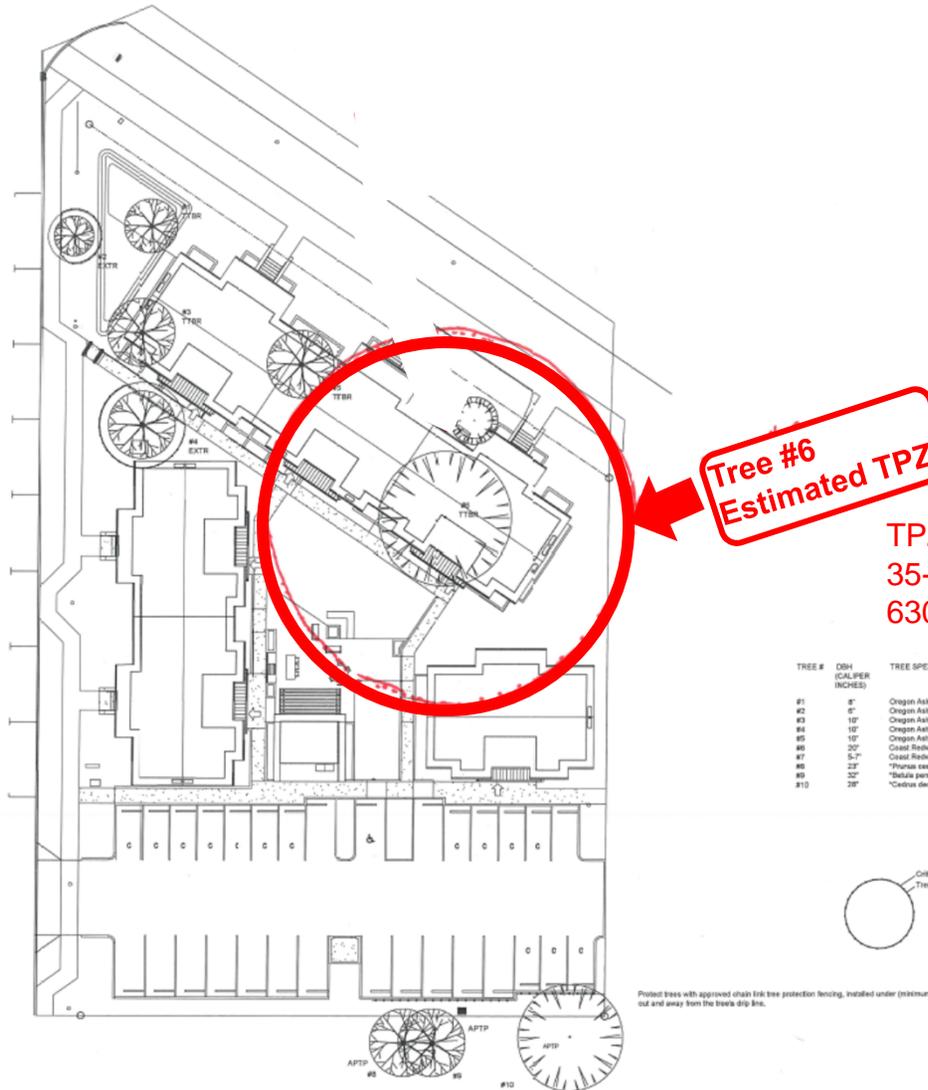
For staff, it is important to recognize that a Tree Protection Plan will consider a tree's health, potential hazards, and tolerance for the development disturbance proposed and provide recommendations to provide for the tree's preservation and protection by limiting activities within a specific protection zone. A Tree Protection Plan does not prevent all activities within the protection zones, but might call for hand excavation and hand pruning of roots or require the use of only permeable paving materials within the protection zone.

In staff's view, the applicant's own submittals recognized that the tree protection plan needed to be revised to consider the trees on neighboring properties, staff conveyed this through the hearing process, and the adopted decision includes a specific requirement that the building permit submittals include a revised Tree Protection Plan which addresses the trees on neighboring properties within 15 feet of the property line, as required by code.

Staff would recommend that the Council find that the Planning Commission's Condition #9e requires that the applicant provide a revised tree protection plan which addresses the neighbors' trees to the extent required by the Tree Preservation and Protection Ordinance (AMC 18.4.5).

Park Square Apt.'s

880 Park Street – Tree Protection Plan



Tree Removal Criteria: **“Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.” (18.5.7.040.B.2.d.)**

TPZ estimated based on 18" radius of TPZ per diameter inch
 35-inch DBH x 18-inches = 630 inch radius TPZ
 630-inch/12-inches per foot = 52 ½ foot radius TPZ

Park Square Apt.'s

880 Park Street

Appeal Issue #5

That the traffic study is flawed in considering a multi-family development rather than 60 motoring adults.

Under Public Works' standards, the project did not reach threshold levels to require a traffic study, however the applicant provided a technical memo prepared by a transportation engineer in response to neighbors' concerns. This memo considered traffic from the development in terms of the current Institute of Transportation Engineers Trip Generation Manual for Multi-Family housing with the following conclusions:

- ✓ The proposed apartment traffic will generate five trips in the A.M. peak hour and seven trips in the P.M. peak hour where the threshold level for a traffic study is 50 trips.
- ✓ The intersection of Park Street and Siskiyou Boulevard has had no reported crashes within the past five years. There is no apparent safety issue with the intersection.
- ✓ The intersection of Park Street at Siskiyou Boulevard operates better than the ODOT and city standard.
- ✓ 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 Park Street apartments.

Park Square Apt.'s

880 Park Street

Appeal Issue #5

That the traffic study is flawed in considering a multi-family development rather than 60 motoring adults.

The Planning Commission found that the units proposed by the applicant were multi-family dwelling units rather than dormitory rooms, and to insure compliance with the definition of a multi-family dwelling unit, a condition was included to make clear that each dwelling unit was not to house more than one family, which is defined as *“not more than five persons who are not related by blood, marriage, legal adoption or guardianship.”*

In staff's assessment, based on the determination by the Planning Commission that the proposal is a multi-family development rather than a dormitory, the technical memo prepared by the applicant's transportation engineer correctly considered the proposal as multi-family dwelling units.

Park Square Apt.'s

880 Park Street

Appeal Issues

1. That the Planning Commission was provided illegal evidence by staff and the applicant after the record had closed.
2. That there is currently no code for the type of dwelling being proposed, and the project should be considered a dormitory rather than multi-family dwelling units.
3. That multi-family parking requirements should not be used; parking requirements should be considered in terms of a dormitory.
4. That the tree protection plan is inadequate, and that tree protection for the project site's trees and neighbor's trees should be applied equally.
5. That the traffic study is flawed in considering a multi-family development rather than 60 motoring adults.

Staff Recommendation

Planning staff recommends that the Council affirm the decision of the Planning Commission, reject the appeal and direct staff to prepare findings for adoption by Council at the December 18th meeting.

Park Square Apt.'s

880 Park Street

CITY OF
ASHLAND

City Council Appeal Hearing
December 4, 2018

