



## Planning Commission Notice of Final Decision

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<b>APPLICATION(S):</b>	<b>23-001CU &amp; 23-002V– Conditional Use &amp; Variance Apartments in the Central Commercial (C-4) Zone.</b>
<b>MEETING DATE:</b>	<b>February 7, 2023</b>
<b>MAILED DATE:</b>	<b>February 9, 2023</b>
Applicant:	Matt Johnson – Lift Architecture
Owner:	One Ten Holdings LLC
Location:	726 Broadway Seaside, OR 97138 (6-10-21AA-TL 04200, 04300, 05900, & 06000)
Staff Contact:	Jeff Flory, Community Development Director

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### Request Summary:

A Conditional Use request to convert space that was previously utilized as a hotel into six (6) apartments. The location is on the second floor of the building at 726 Broadway. In conjunction with the conditional use request, the applicant is requesting a variance to the requirement that off-street parking for dwellings be located on the same lot as the dwelling.

### Planning Commission Decision:

On February 7, 2023 the Seaside Planning Commission approved the above referenced request in accordance with the provisions in the City of Seaside Zoning Ordinance and the Comprehensive Plan.

The Planning Commission's Final decision was supported by the applicant's submitted justification, the adopted information in the staff report, and any substantive testimony or evidence that was provided during the public hearing process. This information was used to establish the findings, justification statements, and conclusions adopted by the commission. This approval will allow the applicant to convert the space above the storefront located at 726 Broadway into six (6) additional apartments.

### Appeal Provisions:

The Planning Commission's decision may be appealed in accordance with Section 10.068 of the Seaside Zoning Ordinance which states:

Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within fifteen (15) days after Notice of Decision is provided pursuant to Section 10.066. Written notice of the appeal shall be filed with the City Auditor. If the appeal is not filed (or postmarked) within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation on it from the Planning Commission and shall hold a public hearing on the appeal.

The appeal must be filed at the Planning Department (located at 1387 Ave. U) or mailed to 989 Broadway, Seaside, OR 97138. The appeal must include the applicable fee of \$625.00.

If you have any questions regarding this decision or the appeal process, please contact the Community Development Department at (503)738-7100. The Notice of Decision date and appeal deadline are listed below. Appeals must be submitted or postmarked by this deadline.

<b>Date of Notice of Final Decision:</b>	<b>Thursday, February 9, 2023</b>
<b>Last Day to Appeal:</b>	<b>Friday, February 24, 2023</b>

### **Planning Commission Decision:**

On February 7, 2022 the Seaside Planning Commission approved the above referenced request in accordance with the provisions in the City of Seaside Zoning Ordinance and the Comprehensive Plan.

The Planning Commission's Final decision was supported by the applicant's submitted justification, the adopted information in the staff report, and any substantive testimony or evidence that was provided during the public hearing process. This information was used to establish the findings, justification statements, and conclusions adopted by the commission. This approval will allow the applicant to convert the space above the storefront at 726 Broadway into six (6) additional apartments.

In addition to the findings, justifications, statements, and conclusions adopted by the Commission; the request was approved subject to the applicant satisfying the following condition(s):

**Condition 1:** The applicant/owner must provide short- and long-term bicycle parking in accordance with the provisions in Appendix G of the TSP for the apartments (a minimum of 3 covered long-term spaces and 1 short term spaces). The applicant shall present a plan and receive approval from the Community Development Director to install the short-term parking space in the rear of the building. The installation of the bicycle rack cannot impede access to the building entrance.

**Condition 2:** The trash and recycle area must be appropriately screened from public view or enclosed within a building. The capacity must meet guidelines established by the trash and recycling hauler and additional trash and recycle areas may need to be incorporated into the development plan.

**Condition 3:** The applicant/owner will need to obtain the appropriate permit from Public Works to relocate the parking lot curb cuts for the proposed entrance and exit. Additionally, the sidewalk along the Oceanway frontage is in disrepair and will need to be rebuilt to current standards.

**Condition 4:** The applicant/owner's site plan shows a curb around the boundary of the parking lot that delineates the 4ft 6in required setback. The curb along the south side of the lot adjacent to the alley should be removed to allow traffic flow into the alley and additional maneuverability and access to the trash enclosure.

**Condition 5:** The applicant/owner's site plan provides for curbed islands within the parking lot. The applicant will need to landscape the islands closest to the Oceanway frontage. The islands on the interior of the parking lot near the southern boundary should be striped and not curbed to provide additional space for vehicle maneuverability and better access to the ADA accessible parking spot.

**Condition 6:** The site plan shows a concrete walkway crossing the alley. The applicant will need to submit a plan for approval by the Public Works Director for the required ADA accessible route from the parking lot, across the public right of way, to the building.

**Condition 7:** The applicant/owner must obtain a permit for a change of occupancy for the proposed dwelling space within the building. The proposed space in the building shall not be occupied by long term residents until all of the applicable building permits have received approval and passed final inspections.

**Condition 8:** The applicant/owner will need appropriate "No Parking" and "Fire Lane" signage along the north side of the building so that parking is prohibited in the alley and the area remains clear for emergency vehicle access. Additional signage will need to be added to the parking lot to ensure the parking spaces are strictly reserved for the tenants of the apartments.

**Condition 9:** Fencing needs to be erected on the east and west side of the parking lot to distinguish this parking lot from the adjacent properties. Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

**Condition 10:** To ensure the parking lot remains available for the residential use on tax lots 4200 and 4300, the applicant/owner will need to record a deed restriction prohibiting the individual sale of tax lots 6000, 5900, 4200, or 4300 without prior approval from the Community Development Department.

**Condition 11:** The applicant/owner will need to add verbiage to their lease agreements to ensure tenants are required to park in the parking lot provided for the apartment units.

Although they are not conditions of approval, the following is a reminder to the applicant.

- All necessary permits (such as structural, plumbing, mechanical, electrical, change of occupancy, etc.) must be obtained prior to development.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance (e.g. erosion control, drainage, flood plain) that were not waived by this conditional use and meet any other applicable City of Seaside Ordinances.
- The conditional use will become void one (1) year from the date of decision unless the permit is utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.

**FINAL DECISION JUSTIFICATION SUMMARY:**

The Planning Commission's final decision was supported by the Applicant's submitted justification, the adopted information in the staff report, & any substantive testimony or evidence that was provided during the public hearing process. The staff report provided findings, justifications, conclusions & conditions to support the Commission's final decision, subject to any modifications. If any information in the report was modified by the Commission prior to adoption by deleting, adding, or amending the findings, conditions, or conclusions; they are noted below.

**FINAL PLANNING COMMISSION DECISION MODIFICATION**

In addition to the original staff report's findings, justification statements, and conclusions adopted by the Commission; the request was approved subject to the following amendments to the information included in the staff report:

Pursuant to public comment, the need to ensure the applicant requires their tenants utilize the off-street parking provided for the units was identified and the Planning Commission modified the draft conditions to lessen the impact on the surrounding properties. Additionally, concerns were raised that the bicycle parking in front of the building within the public right of way would impede pedestrian traffic therefore, the commission requested the parking be moved to the rear of the building.

- Condition 1 was modified to move the short-term bicycle parking from the front of the building to the rear of the building.
- Condition 8 was modified to require signage prohibiting parking in the parking lot except by the tenants of the building.
- Condition 9 was modified to require fencing on the east and west sides of the parking lot.
- Condition 10 was added which includes a deed restriction ensuring the parking lot is not able to be sold separately from the apartment building.
- Condition 11 requires the applicant to supply the tenants with a lease agreement that requires the occupants of the units utilize the parking provided in the lot.