



Planning Commission Staff Report

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| APPLICATION(S): | 23-001CU & 23-002V– Conditional Use & Variance Apartments in the Central Commercial (C-4) Zone. |
| MEETING DATE: | February 7, 2023 |
| PUBLIC HEARING: | Yes |
| Report Date: | January 27, 2023 |
| Applicant: | Matt Johnson – Lift Architecture |
| Owner: | One Ten Holdings LLC |
| Location: | 726 Broadway Seaside, OR 97138 |
| Major Street Access: | Broadway with lot access off of Oceanway St. |
| Parcel Number(s) & Size: | 6-10-21AA-TL 04200, 04300, 05900, & 06000 |
| Parcel Zoning: | Central Commercial (C-4) |
| Adjacent Zoning: | General Commercial (C-3) and Central Commercial (C-4) |
| Current Use of Parcel: | Hotel and Retail |
| Adjacent Uses: | Retail |
| Previous Meetings: | None |
| Previous Approvals: | None |
| Type of Action: | Administrative |
| Land Use Authority: | Planning Commission |
| Future Routing: | None |
| Planner: | Jeff Flory, Community Development Director |

A. 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.

Staff Recommendation:

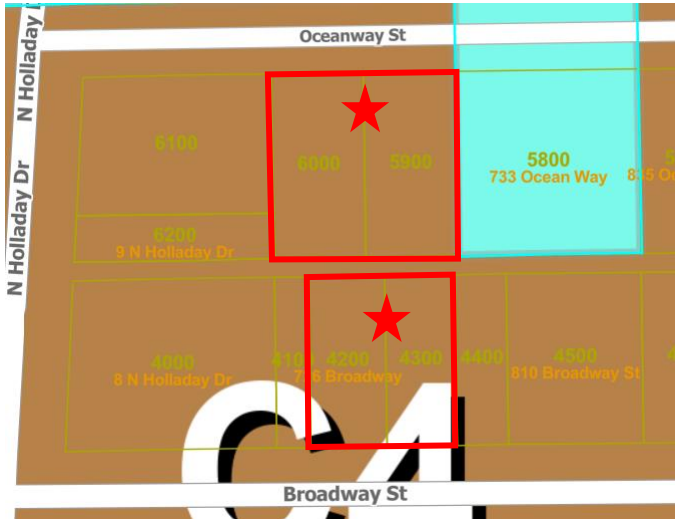
Staff recommends the Planning Commission conduct a public hearing on the application, take public comment, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, and conclusions in this report and approve the applicant's request subject to the listed conditions.

B. Exhibits:

1. Applicant Submittals
2. Site Plan

C. Location:

726 Broadway St. (6-10-21AA-TL 04200, 04300, 05900, & 6000)



D. Background:

The property is currently used as a ground level antique store with three (3) one-bedroom apartments on the second floor. The two lots to the north of the building are under common ownership and are currently used as parking for the tenants of the existing apartments.

Building permits from the 1970's indicate this space was once used as a hotel. While the hotel has not been in operation in some time the applicant states the nature of the space above the retail area is consistent with hotel use. At some point, three (3) one-bedroom apartments were constructed in some of the space. Staff was unable to find a record of when these existing apartments were installed.

E. Required Dates:

This application was accepted as complete on January 8, 2023. The 120-day decision timeframe is May 8, 2023.

F. Specific Request:

The applicant is requesting 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.

The applicant's total unit configuration for this space if this request is approved will be as follows:

| Unit Number | Bedrooms |
|----------------|----------|
| 201 | 2 |
| 202 | 1 |
| 203 | 1 |
| 204 | Studio |
| 205 | Studio |
| 206 | Studio |
| 211 (Existing) | 1 |
| 212 (Existing) | 1 |

G. Process:

This request is being reviewed under Article 6, Article 7, and Article 10 of Seaside Zoning Ordinance. Article 6 establishes the criteria for conditional uses, Article 7 establishes the criteria for variances, and Article 10 establishes the process and procedures that are applicable to this request.

H. Community Review:

Notice of this public hearing was published in the Daily Astorian on January 19, 2023. Additionally, mailed notice was sent on January 17, 2023 to all property owners within 100ft of the subject property.

I. Written Comments:

At the time of this report, no written comments have been received.

J. Comprehensive Plan:

This property is located in the Central Commercial land use designation. The Central Commercial land use designation provides a division between the Resort Commercial designation and the higher intensity General Commercial designation. This area of Broadway is heavily pedestrian oriented and the under-utilized second floor of some of these buildings could provide for apartment housing for employees of the businesses in the downtown core area.

K. Zoning Ordinance Criteria for a Conditional Use:

Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include (but are not limited to) the following:

1. **Increasing the required lot size or yard dimension.** *Finding: The applicant's lots total approximately .39 acres. The C-4 zone does not require setbacks unless the property abuts an "R" Zone. The neighboring properties are all zoned C-4 with the exception to one property boarding the parking lot that is zoned C-3. The applicant has provided the required 4ft 6in setback for the parking lot.*
2. **Limiting the height of buildings.** *Finding: The C-4 zone restricts building heights to 75ft. The applicant's plan is to convert an existing building that already meets the zone standard. The current structure is compatible with surrounding buildings within the immediate vicinity. The applicant's plan does not increase the current height of the structure.*
3. **Controlling the location and number of vehicle access points.** *Finding: The applicant's site plan shows a parking lot that is accessed from Oceanway St. The parking lot design provides two vehicle access points with one-way designations to improve vehicular flow.*
4. **Increasing the street width.** *Finding: The current streets, Broadway, and the access street for the parking lot, Oceanway, are fully improved with curbing and sidewalks. The Oceanway frontage sidewalk is cracking and in disrepair. The applicant intends to relocate the driveway entrances to the parking lot and Condition 3 will require improved sidewalks along the entire frontage.*
5. **Increasing the number of required off-street parking spaces.** *Finding: The applicant's site plan shows fourteen (14) parking spaces of which five (5) are designated as compact and one (1) additional space does not look to be fully 9ft x 18ft but is wider than a standard compact space. The applicant is required to provide 11 parking spaces for the residential uses of the building. The ordinance requires parking provided for residential uses must be located on the same lot as the building. The applicant has applied for a variance to this requirement.*

The applicant has indicated 47% of the parking spaces provided will be compact (8ft x 16ft). Per section 4.129 of the Seaside Zoning Ordinance, in parking lots of 10 or more spaces, compact spaces shall not exceed more than 30% of the total number of spaces without Planning Commission review. In no case shall compact spaces exceed 60% of the total spaces required.

The applicant has indicated on the site plan that three (3) bicycle parking spaces will be provided inside the common area as well as a short-term bike rack in front of the building on the sidewalk. Per Condition 2, bicycle parking is required. Condition 1 states the applicant will need to coordinate with Public Works on the install location, type, and color of the short-term bike rack and that if placing the rack in the public right of way does not work, the applicant will need to provide short-term bike parking in the rear of the building within their own property.

6. **Limiting the number, size, location and lighting of signs.** *Finding: Signage will be subject to Chapter 155 of the Code of Ordinances and will be reviewed with the issuance of a building permit.*
7. **Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.** *Finding: The building and parking lot are pre-existing and do not contain fencing or landscaping. Condition 4 will require landscaping within the islands within the parking lot closest to Oceanway. Additionally, the applicant's site plan shows curbing around the exterior of property to provide for the 4ft 6in setback.*
8. **Designating sites for open space.** *Finding: The applicant property is fully developed and will be improved with approval of this project. The building is nearly built to the lot lines and the parking area design provides for the only available open space.*

L. Zoning Ordinance Criteria for Variances:

In certain instances, the ordinary application of the Ordinance will produce hardship cases and in such cases a variance can be granted to help alleviate the hardship. The Planning Director may authorize variance from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship. The Planning Director may also choose to refer any request for a variance to the Planning Commission for hearing.

1. **The manner in which exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.** *Finding: The two tax lots are under the same ownership and eliminating the 4ft 6in setback between the two lots will allow for vehicular circulation and better parking lot design. The existing building is a zero lot line development and there is no physical space to provide parking on the same lot as the dwellings. The two tax lots across the alley from the building are under common ownership and will provide sufficient parking for the proposed project.*
2. **How literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.** *Finding: The intent of the 4ft 6in buffer between the adjacent buildings is to provide space for vehicle overhang or door opening. The common property boundary between these two lots will not need that buffer as both lots will be used in their entirety as one parking lot. Requiring parking on the same lot as the dwelling is not feasible due to the zero-lot line development. Allowing parking on an adjacent lot provides more than amount of required parking for the proposed apartment units. The applicant has applied for a variance to this requirement.*
3. **That the special conditions and circumstances do not result from the actions of the applicant, and** *Finding: The applicant is reacting to existing conditions and has not created these circumstances.*
4. **Evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.** *Finding: The parking lot is under common ownership and requiring a buffer between the common property line is not necessary as the parking lot design and traffic pattern encompasses both lots.*

Parking for commercial uses is not required to be on the same lot as the use so long as it is within 200ft of the building. The applicant is requesting the parking for the proposed apartments to be on a lot that is separated by a 10ft wide alleyway from the building. The provisions of the C-4 zone does not require parking for existing buildings. The change of use from a hotel to apartments requires the new use to comply with the ordinance. However, the zero-lot line building would make this change of use not possible without granting the variance.

M. Additional Findings, Conclusions, and Justification Statements:

Request Summary: 23-001CU and 23-002V: A Conditional Use request to convert space that was previously utilized as a hotel into 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.

1. The applicant's submitted justification is adopted by reference and is summarized as follows:
 - a. The six apartment units will be in conjunction with three existing units on the second floor of an existing building.

- b. Access to the building will be from the parking lot off of Oceanway or a stairwell access on Broadway.
 - c. The applicant has indicated that there will be minimal change to the configuration of the existing building and parking area however, the parking area will be restriped and curbed to meet current parking standards.
- 2. The applicant property is located in the Central Commercial (C-4) zone. Apartments are listed as a conditionally permitted use within the zone.
- 3. The ingress/egress into the parking lot has been reviewed by the Seaside Fire Department. Additional No Parking and Fire Lane signage is necessary along the alleyway to ensure it remains clear for emergency response.
- 4. The site plan has been reviewed by the Public Works Director. The curb cuts for the proposed parking area will need to be rebuilt to conform to ADA standards and the sidewalk along the Oceanway frontage will need to be fixed as it is in disrepair.
- 5. The site is already developed with an existing parking lot and existing building. The applicant will be required to obtain the appropriate change of occupancy building permits that will be subject to review by the Building Official.
- 6. Appendix G of the TSP requires bike parking for apartment facilities. Apartments require the following bicycle parking spaces:

Long Term: One covered space per four units.

Short Term: Two spaces or one per 20 units.

Location and Design: Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle parking space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into the building design.

The applicant has specified they will provide a short-term parking space near the front door on the Broadway frontage and three (3) long term spaces that will be within the indoor common area.

Proposed Conditions:

The proposed apartment complex will satisfy the applicable development standards and be compatible with the surrounding area provided the following conditions are attached to the approval.

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 Public Works Director to install the short-term space in the public right of way on the Broadway frontage. 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.

Condition 9: 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.

N. Recommendation and Alternatives:

Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing on the application, take public comment, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, and conclusions in this report and approve the applicant’s request subject to the listed conditions.

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

- 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.
- All necessary permits (such as structural, plumbing, mechanical, electrical, 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, setbacks) and any other applicable City of Seaside Ordinances.

Alternative 1:

The Planning Commission may choose to continue this request to the regularly scheduled March 7, 2023 Planning Commission meeting to allow the Commission time to review submitted evidence or to allow the applicant, other affected parties, and the public, additional time to review or submit further evidence, rebuttals, or justifications.

Alternative 2:

The Planning Commission may choose to hold the public hearing and review additional submitted comments or evidence. If new evidence justifies denial of the applicant’s request, the Planning Commission could move to deny this application.

The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.