



CITY OF SEASIDE

PLANNING COMMISSION AGENDA

Tuesday, February 7, 2023 6:00 PM

To provide public comment for Planning Commission meetings, participants should register prior to the meeting. Please complete the form linked below to offer public comment at an upcoming Planning Commission meeting. You may provide public comment using the following methods:

1. In-person (meetings are held at Seaside City Hall, 989 Broadway, Seaside, OR)
2. Via Zoom web conference or telephone (obtain link and register at cityofseaside.us)
3. Written comments may be submitted using this [form](#), via e-mail to publiccomment@cityofseaside.us or in person at City Hall (989 Broadway, Seaside, OR).

If you are providing public comment in person or via Zoom, please keep in mind your comments will be limited to three (3) minutes. If your comments will be longer than three (3) minutes, please submit your comment in writing and utilize your three (3) minutes to summarize your written document. Please review the [Public Comment Rules of Conduct](#) prior to the meeting.

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1. **CALL TO ORDER**
 2. **PLEDGE OF ALLEGIANCE**
 3. **ROLL CALL**
 4. **APPROVAL OF MINUTES**
 5. **DECLARATION OF POTENTIAL CONFLICT OF INTEREST**
 6. **PUBLIC HEARING**
 - a) **23-001CU & 23-002V:** A Conditional Use request by **Matt Johnson, Lift Architecture**, 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 (T6-R10-21AA TL 4200, 4300, 5900, 6000)**. 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.
 7. **ORDINANCE ADMINISTRATION:**
 8. **OTHER BUSINESS:**
 - a) July Planning Commission discussion
 9. **PUBLIC COMMENTS** Members of the public may use this time to provide comment to the Planning Commission on items that are not scheduled on this agenda for a public hearing or public comment. Speaking time is limited to three minutes.
 10. **PLANNING COMMISSION & STAFF COMMENTS:**
 11. **ADJOURNMENT**

Complete copies of the Current Commission meeting Agenda, Packets, and Minutes can be viewed at: www.cityofseaside.us.

All meetings other than executive sessions are open to the public. When appropriate, any public member desiring to address the Commission may be recognized by the presiding officer. Remarks are limited to the question under discussion except during public comment. This meeting is handicapped accessible. Please let us know at 503-738-5511 if you will need any special accommodation to participate in this meeting.

MINUTES SEASIDE PLANNING COMMISSION January 3, 2023

CALL TO ORDER: Chair Montero called the regular meeting of the Seaside Planning Commission to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chairman Robin Montero, Vice Chair Kathy Kleczek, Lou Neubecker, Chris Rose, and Don Johnson. Staff present: Jeff Flory, Community Development Director, Jordan Sprague, Administrative Assistant, Anne McBride, Code Compliance Official. Absent: Brandon Kraft

APPROVAL OF MINUTES: December 6, 2022 minutes were adopted as written.

INTRODUCTORY STATEMENTS

This is the time duly advertised for the Seaside Planning Commission to hold its monthly meeting. Agenda items can be initiated by the general public, any legal property owner, Seaside City Council, City staff, and the Seaside Planning Commission.

Chair Montero asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There were none.

PUBLIC HEARING PROCEDURES, EX PARTE CONTACTS, & CONFLICTS OF INTEREST:

Chair Montero stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. She then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. There were none.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Montero:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.
5. Electronic testimony can be submitted via Zoom using the meeting ID of 817-4719-0379.

PUBLIC HEARING

- A. 22-054CU:** A Conditional Use request by **Emmons Design, LLC** to convert the existing hotel into fifty-five (55) apartments. The project will provide fifty-two (52) studio and three (3) one-bedroom units. Up to 35% of the units will be affordable to lower-income residents within the Columbia Pacific Coordinated Care Organization (CPCCO) in coordination with Clatsop Behavioral Health and Clatsop Community Action to provide on-site care and services. The remaining units will be market rate units for CPCCO's network and healthcare workforce at **900 S Holladay Dr (T6-R10-S21DA TL: 6300 & 6400)**.

Jeff Flory, Community Development Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Stuart Emmons, 1 12th St, Astoria, OR, and Ganesh Sonpatki, 415 SW Montgomery St, Portland, OR, introduced their associates sitting in the audience. Mr. Emmons stated that he was tasked with finding affordable housing and met with Mr. Sonpatki. Workforce housing is needed to support jobs and how hard it is to find housing in Clatsop County. The units will not be used for short term rentals and will be there for people needing housing. Mr. Emmons continued to state that this type of project is happening around the State. Kitchenettes will be installed in the rooms to convert them into studio and one-bedroom apartments. Mr. Sonpatki added that his private business was having issues with staff finding housing within the area.

Chair Montero asked if there was anybody else who would like to speak in favor. Pam Cooper, 1669 Laurel Dr, stated that there have been therapists and physicians turn down jobs because of the lack of housing within the area.

Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Chair Montero asked if there was anybody who would like to speak in opposition. Lori Evans, 870 S Holladay #4, stated that the Red Lion was in her back yard. The mailing that was sent out stated the units were going to be used for transitional housing for mental health and behavior health patients with on-site medical. Mr. Flory re-read the conditional use application's description for clarification. Ms. Evans asked if this housing was to be used for just workforce housing. Mr. Flory responded that up to 35% of the units will be used for low-income housing and the remaining units will be workforce housing. Ms. Evans asked who signs up the renters for the housing, and if the employee who is living within the unit leaves do they give up their unit as well.

Chair Montero asked if the applicant would like to rebut the opposition. Leslie Ford, 7106 SE 36th Ave, Portland, OR, stated that this project would be 1/3 low-income housing and 2/3 workforce housing. The low-income housing would be permanent long-term housing with supports assigned to the project.

Chair Montero asked if there was anybody else who would like to speak in opposition. Diana Rapp, 870 S Holladay Dr #7, stated that low-income housing is needed within the city but has concerns regarding the on-site services and having Clatsop Behavioral Health patients on-site. The neighborhood is not safe as it currently is and will be worse with this housing project. The property values will be lowered for the surrounding properties.

Chair Montero asked if there was anybody else who would like to speak in opposition. Sadie Taney, 870 S Holladay Dr #6 agreed with what Mrs. Rapp had stated and has concerns about the safety of the neighboring condos.

Chair Montero asked if there was anybody else who would like to speak in opposition. There were none.

Chair Montero asked if the applicant would like to rebut the opposition. Mr. Emmons stated the building is currently being used as a hotel. Mrs. Ford added that the low-income section of the units would be monitored and interacted with. The tenants would be screened before allowing to live on site and there is support staff on-site to help with safety concerns.

Chair Montero opened the discussion to the Commission. Vice Chair Kleczek asked the applicants to clarify how many units would be used for low-income. Mr. Emmons responded that 35% of the 55 units would come out 17.5 units, rounding down to 17 units, would be affordable housing. Vice Chair Kleczek asked if all of the affordable housing units would be receiving consoling and on-site care. Mrs. Ford responded that all tenants within the 17 to 18 low-income units would have the housing support staff available. Vice Chair Kleczek asked if the tenants that are within the low-

income units would stay within those units if their income increases or their living situations change. Ms. Ford responded that the property will be managed according to Fair Housing standards, so if a person's income or housing situation changes, they are allowed to stay within the unit. Vice Chair Kleczek asked if another unit would be made available for low-income if a tenant "graduated" from the required support. Ms. Ford stated that the tenant would be relocated to a workforce housing unit and the low-income unit would be made available. Vice Chair Kleczek asked how the units will be managed, what services will be provided, and where the funding was coming from to pay for the services. Ms. Ford responded that the services will be a permanent part of the project and are paid for through the CCO and are a part of the care services that are provided to the community. This project is an investment on the part of CareOregon and CPCCO. The ongoing funding will be supported by the rents of the housing units, with vouchers from CCO to help subsidize the rent for the deeply affordable units. Vice Chair Kleczek asked for an elaboration of the services that are proposed to be on-site. Ms. Ford responded that the support is housing support, which helps people improve their ability to pay bills, manage the unit, and all skills that are required to maintain residency in a rentable unit. Vice Chair Kleczek asked how tenants are selected for the low-income housing. Ms. Ford stated that each resident is determined on a case-by-case review and screening. Vice Chair Kleczek asked if this type of project has been started in Oregon and when did they start. Ms. Ford responded there is a 117-unit project, Albertina Kerr, in Portland. Vice Chair Kleczek asked if there will be staff on site to clean the tenants' rooms and if there is a common area and kitchen. Ms. Ford responded that since it is not a hotel, there will not be a turndown service. The building will be an apartment complex, so there will be a laundry facility on-site and will have a common area. Vice Chair Kleczek asked what the differences are for a hotel compared to an apartment. Mr. Emmons responded that there is a difference between the two and will be compliant with Chapter 11 and the Oregon Safety Code. Vice Chair Kleczek asked if EV charging stations will be included in the development. Mr. Emmons stated that the project hasn't been finalized with all improvements but will meet the State's requirements. Vice Chair Kleczek stated the condition regarding bicycle parking should include the word "secured" in the description. Mr. Emmons responded that the swimming pool area will be remodeled and could include a secure bicycle parking but the design of the interior isn't finalized at this time. Vice Chair Kleczek asked if the site's water service is capable of supporting long-term residents. Mr. Flory responded that the design had been reviewed by Public Works and the Fire Department. Chair Montero asked if there are medical services that are administered on site or if it was just housing support. Ms. Ford responded that supportive housing services will be administered on-site but medical services will be provided by their usual provider at their usual locations. Chair Montero suggested that 24-hour site management be provided. Commissioner Johnson stated that there have been many hotels that have changed to long-term residency, so this is not a new topic for the Commission. Commissioner Neubecker added that the converted hotels did not change their names and did not change their zoning. Chair Montero stated that within the C-3 zone, an outright permitted use is a residential facility, and the type of use for the 35% low-income units should be treated as such. Mr. Flory provided the definition of a residential facility requiring to be licensed by or under the authority of the Oregon Department of Human Resources. The level of care being offered does not rise to the level of need the DHS requirement. Vice Chair Kleczek asked if there was a way to condition the property to remain a long-term housing structure. Chair Montero stated that if the property were to be sold, the new owners could convert the property back to a hotel through a change of use permit through the City's Building Department. Mr. Flory added that a hotel or motel is an outright permitted use in the zone, and the only way to achieve what Vice Chair Kleczek is requesting is through a deed restriction of the property. Vice Chair Kleczek requested a deed restriction for a minimum of 35% low-income affordable housing. Mr. Sonpetki stated the property is already zoned for a hotel, and what the CPCCO is requesting is to remove it as a hotel. Adding limitation starts affecting the financial ability to underwrite any project. Vice Chair Kleczek stated that the wording of "up to 35%" could allow only one affordable unit. Chair Montero suggested the approval to read "a minimum of 35%" from "up to 35%." Mr. Sonpetki asked how the minimum would be achieved if the need is not met. Would this require the workforce housing to be lowered to meet the minimum percentage of low-income? Mr. Emmons agreed to the change of the wording from "up to" to "minimum." Vice Chair Kleczek asked if the affordable housing units were just for CPCCO employees or if they were available for any tenant. Ms. Ford responded that the housing is focused

on employees of the CPCCO's partners. Vice Chair Kleczek asked if the tenants would be removed if their employment status changed. Mrs. Ford responded that Fair Housing does not allow them to be evicted if their employment status changes. Commissioner Johnson asked if the name of the building would be changed. Mrs. Ford replied that it would but they are uncertain about the name at this time. Commissioner Neubecker motioned to conditionally approve 22-054CU with the altered conditions of condition one adding the term "secured" to the bicycle parking, add a condition to mirror the State law for new construction for EV charging parking, require 24 hour seven days a week on-site management, and altering the wording of the description to a minimum of 35% of the units be lower income residents. Vice Chair Kleczek seconded the motion. The motion passed unanimously with Commissioner Kraft absent.

22-061VRD: A conditional use request by **Nanette Schuster** for a one (1) bedroom Vacation Rental Dwelling with a maximum occupancy of three (3) persons over the age of three, no more than five (5) persons regardless of age. The property is located at **2216 S Downing St (T6-R10-S28BA-04500)** and is zoned **High Density Residential (R3)**.

Jeff Flory, Community Development Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Vincent Schuster, 2216 S Downing St, stated this property was his grandmother's house in the early 1960s and the property came up for sale. The house will be used for their retirement home and would like to use the house as a rental when not being used.

Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Chair Montero asked if there was anybody who would like to speak in opposition. Eric Rathmann, 2176 S Downing St, stated that this is the third property to apply for a vacation rental in their immediate vicinity. If this property were to be approved as a VRD, this would increase the density to 35%. Seaside states that it is a vacation community, and the Planning Commission does not want to have a social community. Mr. Rathmann added vacation rentals are lousy neighbors and the neighborhood stops becoming a neighborhood.

Chair Montero asked if there was anybody else who would like to speak in opposition. There were none.

Chair Montero offered the applicant a chance to rebut the opposition. Mr. Schuster did not rebut.

Chair Montero opened the discussion to the Commission. Vice Chair Kleczek stated her concern regarding calculating density for this application because approving this VRD would increase the density to over 30%. Mr. Flory responded that the applicant's property is not used to calculate density, only the properties within 100 feet of the applicant's property. Chair Montero seconded Vice Chair Kleczek's concern, stating approving this application would push the density to 35%. There are requirements in the International Residential Code that defines how large a bedroom must be, and this building does not meet that requirement. Chair Montero suggested a reduction of the occupancy to a maximum of three (3) people regardless of age. Commissioner Neubecker asked if the density could be changed to a maximum of four (4) people regardless of age and only two (2) persons over the age of three (3). Chair Montero responded that the property has the parking but the house does not have the space. Commissioner Johnson asked Mr. Flory if the justifications in the staff report were written that this property falls below the 30% density. Mr. Flory responded that they were written on the city has calculated density and this property falls below 30%. Chair Montero added that the property currently does, without the applicant's approval. Mr. Flory corrected Chair Montero that the applicant's property does not get calculated in the density calculation. Commissioner Johnson asked for clarification if this application was within the ordinance and policy. Mr. Flory confirmed that it was. Commissioner Johnson motioned to approve 22-061VRD with the condition the maximum occupancy was reduced to three (3) persons

maximum regardless of age. Commissioner Neubecker seconded the motion. The motion passed 3-2 with Chair Montero and Vice Chair Kleczek voting no and Commissioner Kraft absent.

ORDINANCE ADMINISTRATION

Mr. Flory stated land use applications will be made available through the City's website.

OTHER BUSINESS

Election of Officer: Chair Montero opened the nominations for Planning Commission Chairperson and Vice Chairperson. Commissioner Neubecker nominated Commissioner Montero for Chairperson and Commissioner Kleczek for Vice Chairperson. Commissioner Johnson seconded the motion. The motion passed unanimously with Commissioner Kraft absent.

COMMENTS FROM THE PUBLIC

There were none.

COMMENTS FROM COMMISSION/STAFF

Commissioner Neubecker asked for a follow up for the affordable housing project next to the Red Lion. Mr. Flory responded that the conditional use approval expired because plans for the new use have not been submitted to the city for review. Vice Chair Kleczek asked for an update on the Cross Creek housing project. Mr. Flory responded that the project was moving forward with plans being submitted and reviewed. Chair Montero stated that there was a vacancy on the Planning Commission. Mr. Flory stated that Commissioner Johnson requested staff to determine if the applicant for the Avenue S storage facility could be required to pay for sidewalks. This was not standard practice for the Public Works department, and if the Commission would like to require applicants to pay for sidewalks, in this special circumstance, it would have to be approved through the City Manager, City Council, and the City Attorney. Vice Chair Kleczek requested this conversation to be had between the Commission and City Council. Mr. Flory added that staff is requiring applicants to meet sidewalk requirements on VRD applications per Public Works.

ADJOURNMENT: Adjourned at 7:26 PM.

Robin Montero, Chairman

Jordan Sprague, Admin. Assistant.



Planning Commission Staff Report

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:

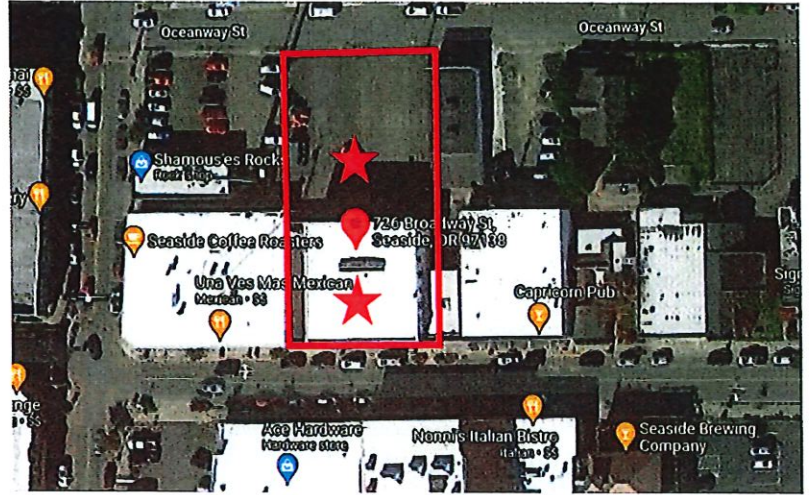
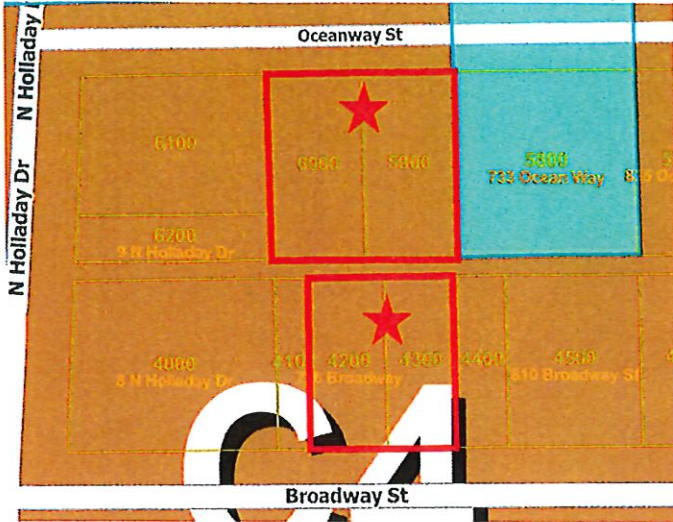
Staff recommends the Planning Commission conduct a public hearing on the application, take public comment, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, 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.

Seaside Planning Department Land Use Application



Office: 503-738-7100

E-mail: CDAdmin@CityofSeaside.us

Fax: 503-738-8765

Mailing Address: 989 Broadway Seaside, OR 97138

Physical Address: 1389 Avenue U Seaside, OR 97138

Name of Applicant: Matt Johnson	Address: PO Box 3382 Salem, OR	Zip Code: 97302
Street Address or Location of Property: 726 Broadway St		

Zone C-4	Overlay Zones	Township 6	Range 10	Section 21AA	Tax Lot 4200, 4300, 5900, 6000
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Proposed Use of Property and Purpose of Application:

Tax lots 61021AA04200, 4300, 5900, 6000. Remodel portion of existing second floor at 726 Broadway to create 6 apartment units in addition to 3 existing units. No work in existing units or ground floor antiques store.

(Attach additional pages if necessary.)

Owner	Applicant/Representative (Other than Owner)
Print Name of Property Owner: Gabe Johansen	Print Name of Applicant/Representative: Matt Johnson
Address: 145 Libert St NE Suite 105 Salem, OR 97301	Address: PO Box 3382 Salem, OR 97302
Phone:	Phone: (503) 420-8520
E-mail: gabe@smire.com	E-mail: matt@liftarchitecture.com
Signature of Property Owner: 	Signature of Duly Authorized Applicant/Representative:

FOR OFFICE USE ONLY—DO NOT WRITE BELOW THIS LINE.

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Non-Conforming | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Zoning Code Amendment |
| <input type="checkbox"/> Landscape/Access Review | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Major Partition | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Vacation Rental <input type="checkbox"/> PC <input type="checkbox"/> PD | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Setback Reduction | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> |

Planning Department Use	
Date Accepted as Complete: 1-8-23	By: JF
File Number: 23-001CU, 23-002V	
Hearing Date: Feb 7, 2023	P.C. Action:

Office Use		
Fee:	Receipt:	
Date Filed:	Time Filed:	By:

CONDITIONAL USE - ARTICLE 6

TYPE 1 - PLANNING DIRECTOR DECISION

FEE: \$ 430.00

In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristic, or special characteristics of the area in which they are to be located, conditional uses require special considerations so they may be properly located with respect to the Comprehensive Plan and to the objectives of this Ordinance.

The Planning Director shall have the authority to approve, approve with conditions, or disapprove Conditional Use Permits in accordance with the provisions in Article 6 of the Seaside Zoning Ordinance.

In addition to those standards and requirements expressly specified by the Ordinance, the Planning Director may impose conditions, which are necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location and lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

The Planning Director will make a determination concerning a conditional use based on the applicant's justification of the following statements:

1. What is the proposed use in the zone?

Convert existing hotel use in existing building to apartments.

2. How will the development conform to the general development standards in Ordinance and the specific standards in the zone?

The change of use is limited to the second floor of the existing building at 726 Broadway. Vehicle and bike parking will be provided per Seaside requirements.

3. How will the development meet any of the applicable standards in Article 6?

The proposed use is listed as an acceptable conditional use within the C-4 zone. The change of use and building alterations intend to comply with Seaside's zoning code where feasible.

4. Describe any additional measures (if any) the applicant will take in order to protect the interests of the surrounding area or the city as a whole.

5. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and other structures (existing & proposed), the existing and intended use of each building (include floor plans), and other information need to determine conformance with the development standards in the ordinance (e.g. setbacks, parking spaces, fences, accesses, landscaping, neighboring buildings, or uses, etc.)

ATTACH EXTRA SHEETS IF NEEDED

ARTICLE 7 VARIANCES FEE: \$ 430.00 Planning Director Decision
\$670 for Planning Commission Decision

The Planning Director may authorize variances from the requirements of the Seaside Zoning 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.

No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

In accordance with Article 7.031, a variance shall not be granted unless and until the following standards are met. The property owner must demonstrate by written application that all of the following circumstances exist. Please address how your request complies with the following standards.

1. What exceptional or extraordinary circumstances apply to the property that 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 (6/28/83), topography, or other circumstances over which the applicant had no control?

Two tax lots currently used for parking are under the same ownership. The applicant is requesting a variance to allow the two lots to be considered one for the new parking improvements, eliminating the 4'-6" setback at the shared property line and allowing vehicle circulation between the two lots.

2. Which literal interpretations 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?

The 4'-6" setback is intended to provide a buffer between the parking lot and adjacent uses and buildings. Implementing the setback at the shared property line would limit parking availability and ease of access.

3. Are these special conditions and circumstances a result of the actions of the applicant?

No, the applicant is reacting to existing conditions.

4. Is there any 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.

The proposed variance provides parking per Seaside requirements as if the lots were combined. The same approval would be supported by the applicant for a similar development in which the applicant has no involvement in.

In addition to addressing the standards above, applications shall be accompanied by plans and specifications (plot plan), drawn to scale, showing the actual shape and dimension of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, and/or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

ARTICLE 7 VARIANCES FEE: \$ 430.00 Planning Director Decision
\$670 for Planning Commission Decision

The Planning Director may authorize variances from the requirements of the Seaside Zoning 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.

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1. What exceptional or extraordinary circumstances apply to the property that 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 (6/28/83), topography, or other circumstances over which the applicant had no control?

The existing building is a zero lot line development. There is not physical space to provide required parking. The applicant requests a variance to allow parking on the tax lot behind the building under the same ownership.

2. Which literal interpretations 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?

The requirement for parking to be on the same tax lot as the development would render the development infeasible, or restrict the tenants from having parking associated with their apartment unit.

3. Are these special conditions and circumstances a result of the actions of the applicant?

No, the applicant is reacting to existing conditions.

4. Is there any 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.

The proposed variance provides parking per Seaside requirements on an adjacent lot. The same approval would be supported by the applicant for a similar development in which the applicant has no involvement in.

In addition to addressing the standards above, applications shall be accompanied by plans and specifications (plot plan), drawn to scale, showing the actual shape and dimension of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, and/or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

CODE REVIEW:

ADDRESS: 726 Broadway St, Seaside, OR
 PROJECT NO: 2021-125
 DRAWING SUBMITTAL: 2021
 DATE: 12/25/2022

GOVERNING CODES:

- 2017 Oregon Structural Specialty Code (OSCC)
- 2021 Oregon Residential Specialty Code (ORSC)
- 2021 Oregon Mechanical Specialty Code (OMSC)
- 2021 Oregon Electrical Specialty Code (OESC)
- 2021 Oregon Fire and Alarm Specialty Code (OFASC)
- 2021 Oregon Energy Ready Specialty Code (ERSC)
- 2021 Oregon Fire, Life and Safety Specialty Code (FLSSC)
- 2021 Oregon Landmark Specialty Code (OLSSC)
- 2021 Oregon Mechanical Specialty Code (OSCC)
- 2021 Oregon Fire, Life and Safety Specialty Code (FLSSC)
- 2021 Oregon Energy Ready Specialty Code (ERSC)
- 2021 Oregon Landmark Specialty Code (OLSSC)

US AND OCCUPANCY CLASSIFICATION:

- Residential - Single-Family (R-1)
- Residential - Medium Density (R-2)
- Residential - High Density (R-3)
- Residential - Single-Family Attached (R-3.1)
- Residential - Multi-Family Attached (R-3.2)
- Residential - Multi-Family Detached (R-3.3)

OCCUPANCY SEPARATIONS: per Section 422

- 1-hour separation between dwelling units, constructed as fire partition.
- 1-hour separation between dwelling units, constructed as fire partition.

ALLOWABLE AREA CALCULATIONS:

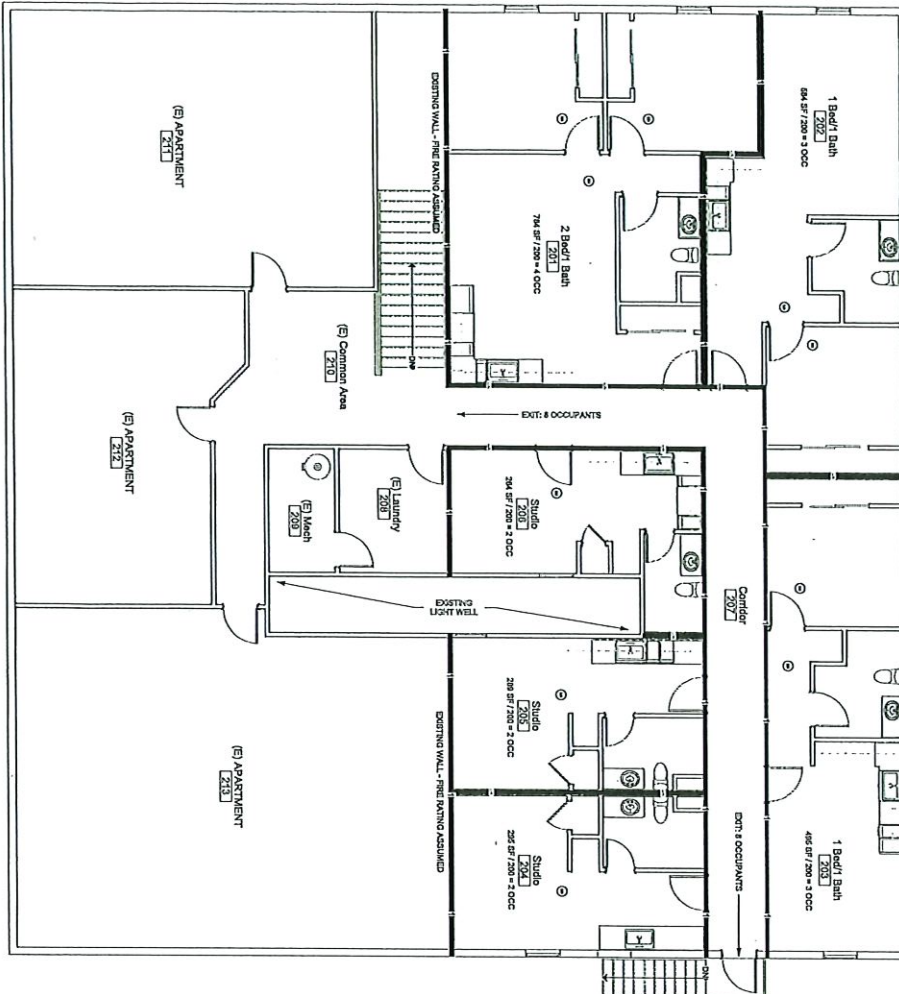
- A4 = Area of Floor Area
- A2 = Area of Floor Area
- A1 = Area of Floor Area
- A0 = Area of Floor Area

ACTUAL AREA VS CODE:

- LEVEL 01 (Ground Floor) = 6,091 sq. ft. < 2,000 sq. ft. PROHIBITED
- LEVEL 02 (Basement Floor) = 6,091 sq. ft. < 2,000 sq. ft. PROHIBITED

FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS IN WYHOLE: per Table 601 and 602

- Partitions: 1-hour
- Roofs: 1-hour
- Exterior Walls: 2-hour
- Structural Steel: 2-hour
- Structural Concrete: 2-hour
- Structural Masonry: 2-hour
- Structural Timber: 2-hour
- Structural Light Metal: 2-hour
- Structural Glass: 2-hour
- Structural Aluminum: 2-hour
- Structural Plastic: 2-hour



1 Proposed Second Floor Plan
 SCALE: 3/8" = 1'-0"

**Partial Remodel
 726 Broadway Street
 Seaside, OR**

LIFT ARCHITECTURE
 REGISTERED ARCHITECT
 MATTHEW D. JOHNSON
 LICENSE NO. 10330
 NORTHERN CALIFORNIA BOARD OF ARCHITECTS

PROJECT #	2021-125
DATE	12/25/2022
SHEET	G1.01
CODE REVIEW PLANS	
REVISIONS:	

ZONING REVIEW:

SITE AREA:
Lots owned by ONE TEN HOLDINGS LLC:

- LOT 4100: 0.04 acres
- LOT 4200: 0.09 acres
- LOT 4300: 0.08 acres
- LOT 5900: 0.11 acres
- LOT 6000: 0.11 acres

ZONING: C-4 Commercial

PARKING:
APARTMENTS: RATIO VARIES = 12 STALLS
TOTAL REQUIRED: = 12 STALLS
TOTAL PROVIDED: = 14 STALLS



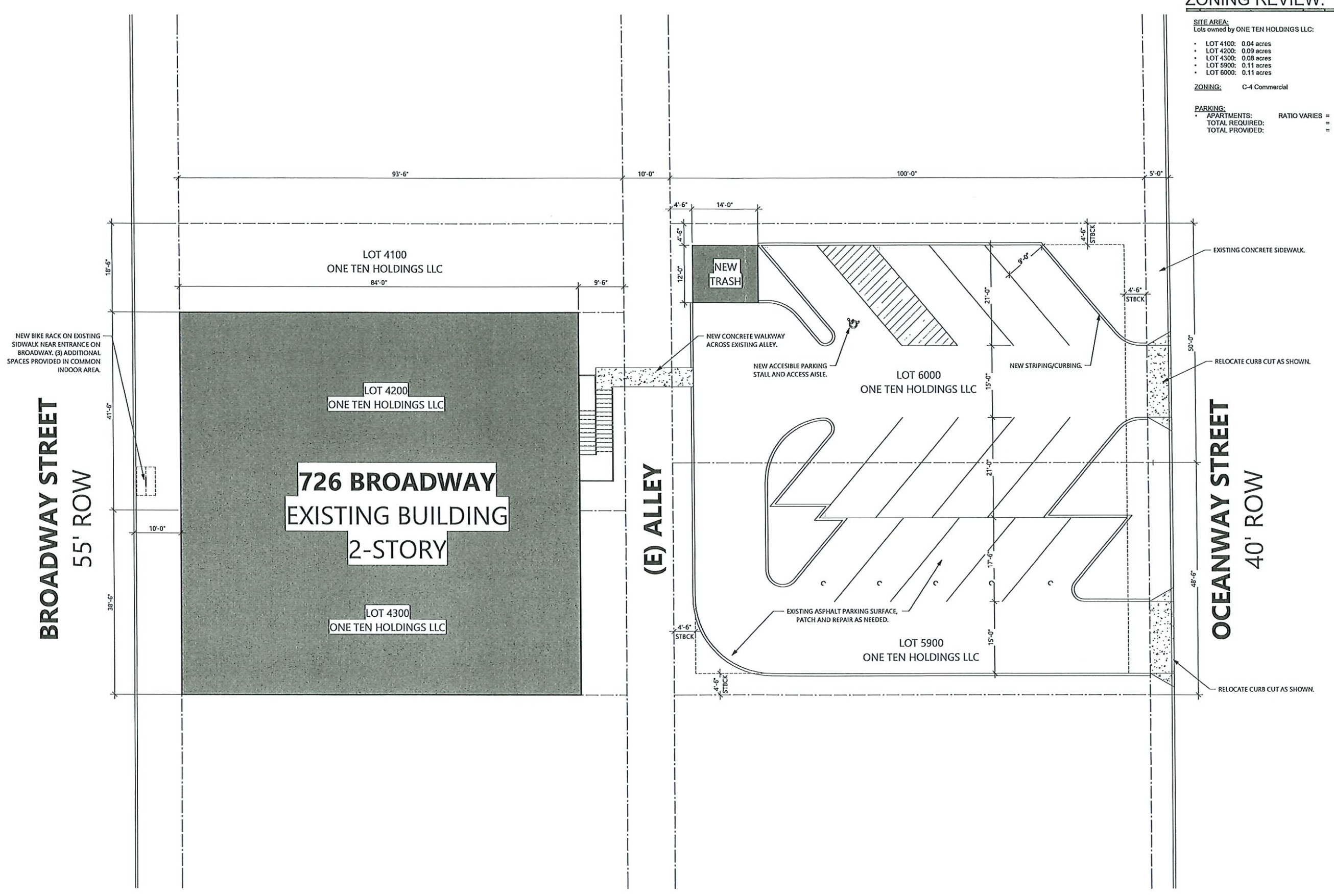
**PRELIMINARY
NOT FOR
CONSTRUCTION**

**Partial Remodel
726 Broadway Street
Seaside, OR**

REVISIONS:

SHEET:
A1.01
SITE PLAN

PROJECT # 2021-125
DATE: 12/16/2022



**BROADWAY STREET
55' ROW**

(E) ALLEY

**OCEANWAY STREET
40' ROW**

1 SITE - PROPOSED
SCALE: 1" = 10'-0"



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