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SEASIDE PLANNING COMMISSION MEETING AGENDA

989 Broadway - City Hall Council Chambers

June 1, 2021

6:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** May 11, 2021
6. **PUBLIC HEARING:**
 - A. **21-024VRD:** A conditional use request by Joseph and Patricia Wolf for a three (3) bedroom Vacation Rental Dwelling with a maximum occupancy of nine (9) persons over the age of three, no more than ten regardless of age. The property is located at 332 7th Ave (T6-R10-16DD-TL4200) and it is zoned High Density Residential (R3).
 - B. **21-026CU:** A conditional use request by S Holladay LLC, Masudur Khan, for a 28 unit apartment complex with 47% compact parking spaces. The property is located at 407 S Holladay (T6-R10-21AD-TL15400, 15700, & 16100) and it is zoned General Commercial (C-3).
 - C. **21-027CU:** A conditional use request by River Run, Masudur Khan, for a 59 unit apartment complex with 48.4% compact parking spaces. The property is located at 1000 S Holladay (T6-R10-21AD-TL6500 & 6600) and it is zoned General Commercial (C-3).
7. **ORDINANCE ADMINISTRATION:**
8. **OTHER BUSINESS:** Election of Officers – Current Chairman, Chris H.; Vice Chair, Robin M.
 - A. Planning Commission Chairman: Open Nominations, Close Nominations, Vote.
 - B. Planning Commission Vice Chair: Open Nominations, Close Nominations, Vote.
9. **PUBLIC COMMENTS:** Not related to specific agenda items
10. **PLANNING COMMISSION & STAFF COMMENTS:**
11. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION
May 11, 2021

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chairman, Chris Hoth, Vice Chairman Robin Montero, Lou Neubecker, Teri Carpenter, Jon Wickersham, and Chris Rose. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Jeff Flory, Transient Rental Compliance Officer. Absent: Kathy Kleczek

APPROVAL OF MINUTES: April 6, 2021 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.

Chairman Hoth asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response.

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

Chairman Hoth stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. He then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. Vice Chair Montero stated that at Art in the Park, she met with an applicant but halted the conversation as soon as the application was brought up. Chair Hoth asked if she was going to recuse herself from the hearing of the application. Vice Chair Montero said no. Commissioner Neubecker stated that he ran into Mark Mead at a restaurant and told him that the projects could not be discussed.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chairman Hoth:

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.

PUBLIC HEARING

- A. **21-16VRD:** A conditional use request by Barbara Fisher for a three (3) bedroom Vacation Rental Dwelling with a maximum occupancy of nine (9) persons over the age of three, no more than ten regardless of age. The property is located at 721 S Prom (T6-R10-21DB-TL7800) and it is zoned High Density Residential (R3).

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chairman Hoth asked if there was anybody who

would like to speak in favor of the proposal. Barbara Fisher and Edward Wiszowaty, 7204 N Mississippi Ave, Portland, OR 97217, spoke about how they have made repairs to the house and removed the garage to make room for additional parking. They are working with Clean Sweep for the layout and the paving of the parking spaces. Mr. Wiszowaty added that they are experienced with short term rentals, having had a short term rental in a different city.

Chair Hoth asked if anybody else would like to speak in favor. There were none.

Chair Hoth asked if anybody would like to speak in opposition. There were none.

Chair Hoth opened the discussion to the Planning Commission. Vice Chair Montero asked if the fence along Avenue G was going to be removed, while the fence that separates the property from the house on the east would remain. Mr. Wiszowaty replied that the cyclone fence would be relocated to allow for the cars to have better access to the parking. Vice Chair Montero questioned to Mr. Cupples if the driveway needed to be 18 feet wide. Mr. Cupples replied that the lot would need to accommodate three 9' x 18' parking spaces. Vice Chair Montero asked about the paving for the parking space. Mr. Wiszowaty responded that they are working with Clean Sweep to accommodate the Planning Commission's parking requirements. Vice Chair Montero asked if they owned any other short term rentals in town. Mrs. Fisher responded that they owned a short term rental in Bay City, Oregon. The Commission discussed parking spaces and driveway access for the property. Vice Chair Montero asked Mr. Cupples if there was a setback requirement from the street for a parking space. Mr. Cupples replied that if there was one, it would be defined by Public Works. The Commission continued to discuss the parking arrangement and driveway width. Commissioner Wickersham asked if the house would be used as a second home. Mr. Wiszowaty responded that they use the house frequently as a second home. Chair Hoth recommended that the motion to approve this VRD should have wording about the placement of the parking spaces on the property. Conversation regarding the layout of the parking spaces continued. Vice Chair Montero motioned to approve 21-016VRD with the condition that the parking access and parking spaces be paved within a year and the configuration of the parking spaces be as described in the conversation. Commissioner Neubecker seconded the motion. The motion passed 6-0 with Commissioner Kleczek absent.

- B. 21-017VRD:** A conditional use request by Rhiannon Chamberlain for a three (3) bedroom Vacation Rental Dwelling with a maximum occupancy of nine (9) persons over the age of three, no more than ten regardless of age. The property is located at 1175 S Prom (T6-R10-21DB-TL15400) and it is zoned Medium Density Residential (R2).

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Rhiannon Chamberlain, 3526 NE 27th Ave, Portland, OR 97212, stated that her grandparents purchased the property, and the property has been passed down in the family. The house has been rebuilt, and the cost of the construction was higher than expected. Mrs. Chamberlain plans on renting the house to offset the cost of construction. The house would still be used for her family.

Chair Hoth asked if anybody else would like to speak in favor. There were none.

Chair Hoth asked if anybody would like to speak in opposition. There were none.

Chair Hoth opened the discussion to the Planning Commission. Chair Hoth stated that the main discussion item is the parking for this property. He reiterated that all parking must be kept on the property, and no on street parking would be allowed for the short term rental. Vice Chair Montero asked Mr. Cupples if the City has plans to pave Avenue L. Mr. Cupples replied that if the neighbors wanted to form a local improvement district and pay for the paving, the Public Works director would get the process started. Chair Hoth recommended that with the motion to approve this application, a condition be applied for the paving to be completed within one year of the approval. Vice Chair asked if the garage would be used for parking for the VRD. Mrs. Chamberlain responded that the garage would be storage for their personal items. Vice Chair questioned if the unimproved space would be converted into an apartment or accessory dwelling unit. Mrs. Chamberlain replied that the space would be used as a storage area. Commissioner

Wickersham motioned to approve 21-017VRD with the condition that the parking spaces be paved within one year if the street is paved. Commissioner Neubecker seconded the motion. The motion passed 6-0 with Commissioner Kleczek absent.

- C. **21-018VRD:** A conditional use request by Lisa Clifford-Burton for a two (2) bedroom Vacation Rental Dwelling with a maximum occupancy of six (6) persons over the age of three, no more than ten regardless of age. The property is located at 2040 Beach Dr (T6-R10-21CD-TL7700) and it is zoned Medium Density Residential (R2).

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Andy White, 7852 Catalpa St, Portland, OR 97229, is representing Jennifer Van Ditti, who is the new owner of the property. The property has been passed down within the family, as have the neighboring properties. As the house got passed down, the renting of the house would help offset the costs of keeping the house.

Chair Hoth asked if anybody else would like to speak in favor. There were none.

Chair Hoth asked if anybody would like to speak in opposition. There were none.

Chair Hoth opened the discussion to the Planning Commission. Vice Chair Montero stated that they had received a letter regarding the unexpected passing of trustee Lisa Clifford-Burton. She asked for clarification on who owned the house when and if the deed transferred. Mr. White responded that the house was owned by a family trust, with Jennifer Van Ditti being the remaining trustee. Mr. White added that Mr. Flory directed him to move forward with the application and the application can be changed to reflect this unexpected change of ownership. Commissioner Carpenter stated that her main concern were the parking spaces. Mr. White explained the layout of the available parking for the rental house. Vice Chair Montero asked if the site plan is measured from the street or to the sidewalk. Mr. White responded that the measurement does not include the 5 foot sidewalk. Commissioner Carpenter asked if a transfer of a VRD license to a member within the family would require a new application. Mr. Cupples responded that the license is deeded within the family and would not be considered a transfer of ownership. Vice Chair Montero motioned to approve 21-018VRD. Commissioner Neubecker seconded the motion. The motion passed 6-0 with Commissioner Kleczek absent.

- D. **21-019SUB:** A subdivision request by Indigo Dunes Investments, LLC represented by Steve Winters. The subject property is located 485 N Wahanna Rd. (T6-R10-S22BA-TL101) and the subject property is zoned High Density Residential (R3). The request will create four separate lots that will each be accessed from N Wahanna Rd. and they are being developed with detached single family dwellings. The approximate size of the lots will be L1-5,217 sq. ft., L-2 5,441sq. ft., L3-5,492 sq. ft., and L4-5,061 sq. ft.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Mr. Cupples added that a letter was received after the packets had been delivered, and he had responded to the neighbor that the houses were an outright approved use for the lot without the lot division. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Mark Mead, 89643 Ocean Drive, Warrenton, OR, acting representative for Indigo Dunes Investments, stated that when the owner started construction of the houses, they had originally planned for them to be rental units but decided to sell them individually. The wetland area will be common open space, and would not be developed. Mr. Mead continued to say that each house will have a turnaround area for pulling out onto Wahanna Rd.

Chair Hoth asked if anybody else would like to speak in favor. There were none.

Chair Hoth asked if anybody would like to speak in opposition. There were none.

Chair Hoth opened the discussion to the Planning Commission. Chair Hoth asked if the houses could be placed on the original parcel without the division of the lot. Mr. Cupples replied that in the R3 lot, the zone allows for multiple houses to be placed on the property as long as it doesn't exceed the maximum density. Chair Hoth questioned if the lots would have to be separated to be

sold off individually. Mr. Cupples responded that the lots would have to be sold individually, or could be sold as a condominium. Commissioner Carpenter asked if the procedure would be different if the owner planned on selling the houses from the beginning. Mr. Cupples replied that the process would not be different. He then continued to give examples of parcels being divided after construction had finished. Commissioner Wickersham stated that a land locked parcel can't be created, and why couldn't the rear parcel be attached to one of the other parcels. Mr. Mead responded that the owner was in discussion with one of the neighboring property owners to work to incorporate the parcel into a bigger piece and donating it to the North Coast Land Conservancy or to the City of Seaside. The original idea was to have each front parcel to extend to the rear property line, but there would be a possibility that the new owners would encroach upon the wetland area. Commissioner Wickersham motioned to approved 21-019SUN based on the recommendations in the staff report. Commissioner Neubecker seconded the motion. The motion passed 6-0 with Commissioner Kleczek absent.

- E. **21-022HOZ:** A Highway Overlay Zone request by RDA Project Management to develop a 28 unit motel at 2001 S Roosevelt (T6-R10-S28ABD-TL10300). The subject property is zoned General Commercial (C-3) and the proposed use would provide 28 detached motel units that would have one access onto S Roosevelt (Hwy 101).

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Mark Mead, 89643 Ocean Drive, Warrenton, OR, presented the alternate layout of the complex to the Commission, stating that he is still waiting to hear back from Oregon Department of Transportation (ODOT). Mr. Mead added that the walking path for the Mill Pond area encroaches onto the property, so the plan calls out the relocation of the path back onto the City's property. Additional parking spaces and landscaping have been included with the proposal.

Chair Hoth asked if anybody else would like to speak in favor. Randy Stemper, PO Box 1417, Astoria, OR, stated that he has read through the conditions that have been recommended and that the project will meet them. The alternative plan that was submitted would better fit the transportation plan and the additional condition would be met.

Chair Hoth asked if anybody else would like to speak in favor. Peter Owen, 2115 S Roosevelt, stated that he is in favor for the proposal, but worries that the new construction would require him to connect to the City's sewer system.

Chair Hoth asked if anybody else would like to speak in favor. Mike McCall, 2155 S Roosevelt, stated that he was looking forward to the Waterhouse logging buildings being removed. His concern was that his business makes a substantial amount of noise. He also plans a future development adding an additional building closer to the north property line.

Chair Hoth asked if anybody else would like to speak in favor. There were none.

Chair Hoth asked if anybody would like to speak in opposition. There were none.

Chair Hoth opened the discussion to the Planning Commission. Chair Hoth asked Mr. Cupples to explain the sewer connection requirements. Mr. Cupples stated that if the sewer was readily available in front of the property, Mr. Owen would have to connect. The proposed construction does not intend to run the sewer main in front of Mr. Owen's property. Chair Hoth added that it is not a guarantee that Mr. Owen would not have to connect to the sewer system in the future, but this development would not require the connection. Mr. Mead stated that the sewer connection will be along the Mill Pond property line. The future sewer main would run along the rear property line up to Avenue V. Commissioner Carpenter asked if the Mill Pond path would still remain open to the public. Mr. Mead responded that the path was being altered to move the path back onto the City's property. Mr. Cupples added that condition 7 of the staff report addressed the modifications to the trail. Mr. Cupples asked if there would be sound attenuation that would be incorporated in the southern buildings. Mr. Mead replied that there are no windows proposed along the southern walls, so the insulation would provide additional sound protection. Vice Chair Montero asked if the billboard that currently sits on the property would remain. Mr. Stemper

responded that they are uncertain at this time if the billboard would be removed. Vice Chair Montero questioned if the modified plan's driveway access is adequate for a firetruck to enter the property. Mr. Mead responded that the drawing reflects the requirements for firetruck access, and the access does meet the requirements for fire access. Vice Chair asked if a sign would be placed on the property and where the location of the sign would be. Mr. Mead replied that the sign would be either just north or south of the driveway entrance. Chair Hoth asked if there was a landscape plan proposed at this time. Mr. Mead stated that the owners of the property own a landscaping company and will be putting together the landscape plan at a future date. Commissioner Carpenter asked if the property has enough space if ODOT decided to widen Roosevelt in this location. Mr. Mead responded that ODOT has a 60 foot right-of-way in front of the property. Commissioner Carpenter asked if there were any protections in the future for Mr. McCall's company and receiving any noise complaints. Mr. Cupples replied that there are no protections under the City's noise ordinance. Mr. Stemper added that the owners are designing the units and landscaping to minimize the noise. Mr. Owen stated that when the surveyor was originally on the property, he was told that the use of the property was for seasonal workers, not as a hotel or motel. Commissioner Wickersham motioned to approve 21-022HOZ with using the plan labeled "Option A" and the additional condition 11. Commissioner Neubecker seconded the motion. The motion passed 6-0 with Commissioner Kleczek absent.

ORDINANCE ADMINISTRATION

Mr. Cupples stated that the final decisions for these projects would be completed prior to his leaving for Hawaii the next day.

COMMENTS FROM THE PUBLIC

Chair Hoth asked if there were any comments from the public. There were none.

COMMENTS FROM COMMISSION/STAFF

Chairman Hoth asked if there were any comments from the Commission or staff. Vice Chair Montero welcomed the new commissioner Chris Rose, and asked about elections of the Chairman and Vice Chairman positions. Mr. Cupples stated that the elections would have been added to this agenda, but with the 5 items the election would be moved to the June meeting.

ADJOURNMENT: Adjourned at 7:38 PM.

Chris Hoth, Chairperson

Jordan Sprague, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: June 1, 2021
Applicant: Joseph and Patricia Wolf
Owner: 4040 E 66th Ave Anchorage, AK 99507
Location: 332 7th Ave Seaside, OR 97138, T6-R10-S16DD TL#04200
Subject: Conditional Use 21-024VRD, Three Bedroom Vacation Rental Dwelling with Limited Occupancy of Nine (9) Persons.

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **332 7th Ave.** The subject property is zoned **High Density Residential (R-3)** and the **applicant is requesting a maximum occupancy of nine (9) persons over the age of three, no more than ten regardless of age,** within the existing **three (3)** bedroom dwelling.

The review will be conducted in accordance with Article 6 and Article 10 of the Seaside Zoning Ordinance which establishes the review criteria and procedures for a conditional use. The specific review criterion for Vacation Rental Dwellings is included in Section 6.137 of the Ordinance.

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. The Commission may include conditions which they consider necessary to protect the best interests of the surrounding area of the city as a whole. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

DECISION CRITERIA # 1: Pursuant to Section 6.137, Vacation Rental Dwellings (VRDs) within the R-2 and R-3 zones shall be reviewed by the Planning Commission whenever the surrounding VRD density is 20% or greater. A permit shall be issued as an accessory use provided the applicant can demonstrate by written application that all of the following standards are met:

- A. **Parking.** One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
- B. **Number of Occupants.** The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a

conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.

- C. Residential yard areas. Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
- D. Local responsible party. A local responsible party that permanently resides within the County must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).
- E. Spatial distribution requirements. Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review based on the following additional criteria:
 - 1. The use of the property as a VRD will be compatible with the surrounding land uses.
 - 2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

A decision by the Commission to approve a VRD request may include conditions that would restrict the number of renters or total occupants in the VRD.

FINDINGS & JUSTIFICATION STATEMENTS:

- 1. Mailed Notice Request Summary: **21-024VRD**: A conditional use request by **Joseph and Patricia Wolf** for a **three (3)** bedroom Vacation Rental Dwelling with a maximum occupancy of **nine (9)** persons over the age of three, no more than ten persons regardless of age. The property is located at **332 7th Ave. (T6-R10-S16DD-TL04200)** and it is zoned High Density Residential (R-3). The applicant's submitted justification is adopted by reference and summarized below:
 - a. The applicant's plot plan indicates there will be at least **three (3)** off-street parking spaces. **Two spaces side by side and one space stacked behind the vehicles in the parking area accessed off of N Franklin St.**
 - b. The existing **three (3)** bedroom residence will have a limited occupancy of **nine (9) persons over the age of three, no more than ten persons regardless of age.**
 - c. The plot plan shows that the parking will not take up over **50% of the required front, rear, or side yards.**

- d. **Joseph and Patricia Wolf have listed Beach House Vacation Rentals, 800 N Roosevelt Dr., Seaside, OR 97138 as the local contact for the VRD and they can be reached at 503-440-1168.**
 - e. The owner/applicants, **Joseph and Patricia Wolf**, have read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently **25%** of the surrounding properties within 100' of the subject property are licensed for VRD use and **24.48%** are licensed within 200'. All of the surrounding property within 100 feet is zoned **High Density Residential (R-3)**.
3. The City of Seaside Planning Commission has established a policy concerning the maximum density of VRDs within neighborhoods that are not zoned Resort Residential (RR). Depending on the location, the Commission will only support VRDs where the surrounding density of VRD licensed properties, within 100 feet; is equal to or less than 40% or 50% depending on their proximity to the beach front areas of Seaside. At the time of submittal, the density of the surrounding VRDs was below the **40%** threshold the Planning Commission believes should be used to limit additional VRDs within this area.
4. The property has undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and approved by the Community Development Department prior to any transient rental of the property unless an alternative time period is identified for specific items.
5. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These are intended to be consistent with the provision in Section 6.031 which in part states: "the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

In recognition of the Planning Commission's efforts and in keeping with the purpose statement for conditional uses, these conditions are incorporated into any decision to approve a VRD in an effort to promote compatibility of the proposed VRD with surrounding uses.

6. All property owners within 100 feet of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department **had not received any letters** expressing concerns about the request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part-time occupancy, long term rental, or short-term rental. Short term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs

do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non-VRDs.

9. The property **has not** previously been permitted as a VRD.
10. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.
11. The Commissioners have indicated their expectation for a local contact's response to complaints should be made very clear to the applicant and the local contact. In light of this, they have recognized a need for the local contact to sign and return a Local Contact Acknowledgment Form in an effort to clarify their role as it relates to the VRD's conditions of approval.
12. Pet friendly rentals can create problems for neighboring property owners if the pets are allowed to run at large, trespass onto neighboring property, or cause a disturbance due to excessive barking when left unattended.
13. Repeatedly violating the conditions of approval could render the use incompatible with the surrounding uses and undermine the basis for approving the request. The conditions of approval could include provisions that would allow the permit to be suspended and/or revoked by the Planning Director or his designee in the event the conditions are repeatedly violated. Such action would be subject to review by the Planning Commission at the applicant/owner's expense.
14. Outdoor fire rings, fire places, hot tubs, & spas can lead to late night disruption in neighborhoods where sound seems to carry even more at night and people talk loudly. Smoke from outdoor fires can also be annoying to the occupants of neighboring properties. Staff routinely requires owners and managers to establish hours of use for these types of outdoor facilities to avoid late night use and suggest limiting their use between the hours of 10:00 p.m. & 7:00 a.m.
15. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners concerns. Past action by the Commission reiterated that additional conditions should be applied conservatively. They believe staff and the Commission can address additional conditions after a

VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.

16. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping within neighborhoods where the majority of homes are owned by local residents or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.

CONCLUSION TO CRITERIA #1:

The Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of special and standard conditions of approval:

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file (21-024VRD) and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

Please be advised the VRD has undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and verified prior to transient rental unless an alternative time period for completion is identified for specific items.

2. **Parking spaces: Three (3) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants. **The map must clearly indicate:**

ON-STREET PARKING CANNOT BE USED BY RENTERS. PLEASE USE THE SPACES PROVIDED ON SITE.

Off-Street Parking Area & Access: The required off-street parking area on the applicant's parking map is not fully improved, so it does not conform to the surfacing requirements in the ordinance. The owner must have the off-street parking area improved prior to any transient rental and paved (asphalt, concrete, or alternative surface approved by the Planning Director) in accordance with City requirements within one (1) year from the date of this decision, while maintaining compliance with the open yard area requirements in Condition 5. Failure to complete the paving will require suspension of the rental until such time the improvements are completed.

3. **Maximum number of occupants: nine (9) persons over the age of three (no more than ten regardless of age).** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **Local Contact: Beach House Vacation Rentals, 800 N Roosevelt Dr., Seaside, OR 97138 is the local contact for the VRD and they can be reached at 503-440-1168.** The local contact must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

Local contact information is available at the Community Development Department (503) 738-7100, City Hall (503) 738-5511, or after business hours at the Seaside Police Department (503) 738-6311.

The local contact must sign a Local Contact Acknowledgement Form that indicates they are aware of the Planning Commission's expectations concerning response to complaints by neighboring residents and maintain a complaint response log that would be made available to the city upon request. The signed form must be returned to the Community Development Department so it can be included in the land use file. An updated form must be submitted by the owner any time a new contact person is established.

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. *This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.*
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.

10. Required Maintenance: It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.

11. Permit Non-transferability: Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.

12. Business License, Room Tax Requirements, & Revocation for Non-Payment: A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

Some web-based booking platforms (Airbnb, VRBO, etc.) collect and remit transient room tax directly to the city on behalf of VRD owners/applicants. It is the responsibility of the owners/applicants that utilize these platforms to report this revenue on their quarterly returns.

13. Conflicts & Potential Denial for Non-Compliance: Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Zoning Ordinance Section 6.137, Subsection 5 at the applicant's expense. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.

14. Complaints: Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and an electronic complaint form can also be accessed on the City of Seaside's web site:

<https://www.cityofseaside.us/planning-department/webforms/vacation-rental-complaint>

This form should be used to report alleged violations that are not being addressed by the local contact or property manager.

15. Time Period for Approval, Required Re-inspection: This VRD will be subject to an annual compliance inspection (subject to applicable fee) during the second year of operation to ensure it maintains compliance with the VRD policies, conditions of approval, and ordinances applicable at the time of re-inspection. Re-inspection notices will be provided annually to the owner and the local contact. Failure to schedule an

inspection or failure to correct any deficiencies identified during the inspection will result in the expiration of the conditional use permit and a new application must be approved prior to obtaining a business license to allow the use. Any new application will be subject to the VRD policies, conditions of approval, and ordinances applicable as of the date the new application is accepted.

- 16. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD that clearly indicates “**You Are Here**”. In addition, a NOAA weather radio, with automatic alert capabilities, must be provided in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
- 17. Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
- 18. Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
- 19. Repeated Violation of Conditions:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(s), their permit can be suspended and/or revoked by the Planning Director or his designee. Any such action would be subject to review by the Planning Commission to determine if the use can be reauthorized in the same manner as the original request, but subject to revised conditions. Review by the Commission would be at the applicant’s expense based on the review fee applicable to the request at the time of review.
- 20. Outdoor Fire Rings, Fire Places, Hot Tubs, & Spa Facilities:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing use of the amenity. It is recommended the rules include a reminder there should be **NO EXCESSIVE NOISE AT ANY TIME** and renters should be considerate of the residents that live around the rental dwelling they are staying at.

 If these hours prove to be insufficient to protect the neighboring property owners from unwanted noise or smoke, they will be further restricted by staff. The additional restriction can include prohibiting use of the outdoor facility entirely by VRD tenants.

FINAL STAFF RECOMMENDATION

Conditionally approve application **21-024VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **nine (9) persons over the age of three (no more than ten regardless of age) at 332 7th Ave.** This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- This approval 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.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

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.

Attachments: Applicant's Submittal
 VRD Density Maps



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

| | | |
|--|----------------------------|----------|
| NAME OF APPLICANT | ADDRESS | ZIP CODE |
| Joseph + Patricia Wolf | 4010 E. 66TH Ave Anch., AK | 99507 |
| STREET ADDRESS OR LOCATION OF PROPERTY | | |
| 332 7th Seaside, OR | | |

| | | | | | |
|------|---------------|----------|-------|---------|---------|
| ZONE | OVERLAY ZONES | TOWNSHIP | RANGE | SECTION | TAX LOT |
| R3 | | 6 | 10 | 1600 | 04200 |

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Vacation Rental

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

| | |
|-------------------------------------|---|
| OWNER: | APPLICANT/REPRESENTATIVE (OTHER THAN OWNER): |
| PRINT NAME OF PROPERTY OWNER | PRINT NAME OF APPLICANT/REPRESENTATIVE |
| Joseph + Patricia Wolf | TO Be Determined |
| ADDRESS | ADDRESS |
| 4010 E. 66TH Ave Anchorage, AK | |
| PHONE / EMAIL PSWOLF PACK @ GCI.NET | PHONE AND EMAIL |
| 907-441-1088 - J / 907-441-1576 - P | |
| SIGNATURE OF PROPERTY OWNER | SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE |
| Patricia Wolf | |

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- CONDITIONAL USE
- LANDSCAPE/ACCESS REVIEW
- MAJOR PARTITION
- MINOR PARTITION
- NON CONFORMING
- PLANNED DEVELOPMENT
- PROPERTY LINE ADJUSTMENT
- SETBACK REDUCTION
- SUBDIVISION
- TEMPORARY USE
- VACATION RENTAL
- VARIANCE
- ZONING CODE AMENDMENT
- ZONING MAP AMENDMENT
- APPEAL
-

| | |
|---------------------------------|-------------|
| PLANNING DEPARTMENT USE: | |
| DATE ACCEPTED AS COMPLETE | BY |
| 04/02/21 | J |
| CASE NUMBER (S) | |
| 21-024 VRD | |
| HEARING DATE | P.C. ACTION |
| 06/01/21 | |

| | |
|--------------------|---------|
| OFFICE USE: | |
| FEE | RECEIPT |
| DATE FILED | BY |
| | |

CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION APR 09 2021

CITY OF SEASIDE

PAID

The City of Seaside requires approval for short term (less than 30 day) rental as an accessory use of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 of the Seaside Zoning Ordinance (see attached). Although most requests can be reviewed by the Planning Director; in some cases, the requests require a public hearing before the City Planning Commission. In both cases, VRD applicants must provide the following information.

In addressing the following questions, additional information and supporting evidence can be referenced and attached to the submittal.

SUBMITTAL INFORMATION

1. Applicant's Name: Joseph and Patricia Wolf
2. Mailing Address: 4010 E. 66th Ave Anchorage, AK 99507
3. Telephone #: Home 907.441.1088 - J, Work 907-212-4822 - P
907.441.1376 - P, Fax N/A, E-Mail pswolfpack@qci.net
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 332 7th, Seaside, OR.
6. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 3 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
7. How many bedrooms are in the dwelling? 3. Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 4 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 9. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
8. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take up more than 50% of the property's yard areas? No. The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
9. Who will be acting as the local responsible party for the VRD owner?

Name: TDD Phone # _____

Address: _____ The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding

20
500 ✓ 110763.
430
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9904

ORIGINAL

the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

10. What is the zone designation of subject property? R3. The VRD ordinance states: Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 20% of the dwelling units within 100' of the subject property are currently licensed for VRD use, a public hearing and review by the Planning Commission is required.

11. 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 off street parking spaces (existing & proposed). In addition to the site plan, a floor plan(s) must be included which clearly indicates the intended use of all interior areas (e.g. bedrooms, kitchen, living room, storage etc.).

12. The following is a list of standard conditions that apply to VRDs:

- Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection Weekly solid waste pick-up is required during all months.
- Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
- It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes; and Traveler's Accommodation Statutes, and with the Uniform Housing Code.
- Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she desires, may apply for a new permit in accordance with the VRD ordinance.
- A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in the VRD ordinance. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. This would be in addition to any violation procedures specified in Article 12 of the Seaside Zoning Ordinance.

Has the owner or the duly authorized applicant read all the standard conditions and answered all of the questions honestly based on their understanding of the VRD request? yes.

By signing this application, the applicant is also acknowledging that if the request requires review by the Planning Commission (Ordinance Provision 6.137E), the Applicant or a duly Authorized representative must attend the Public Hearing.

Applicant's Signature: Patricia J. Wolf, Date: 4/8/2021

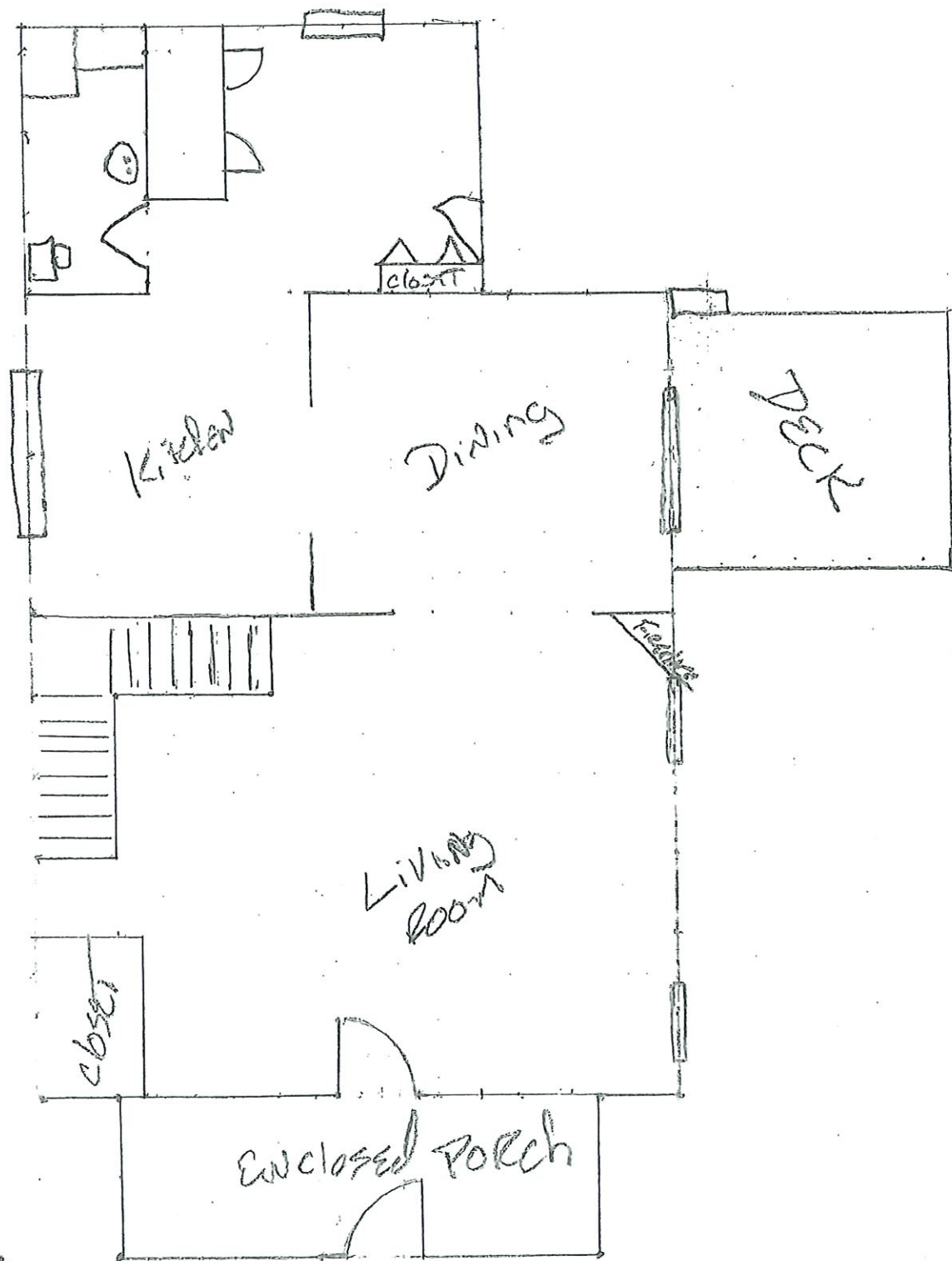
-----**For Office Use Only**-----

At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$475.00, 6-10 occupants \$500.00, 11+ occupants 550.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 10) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review the application.

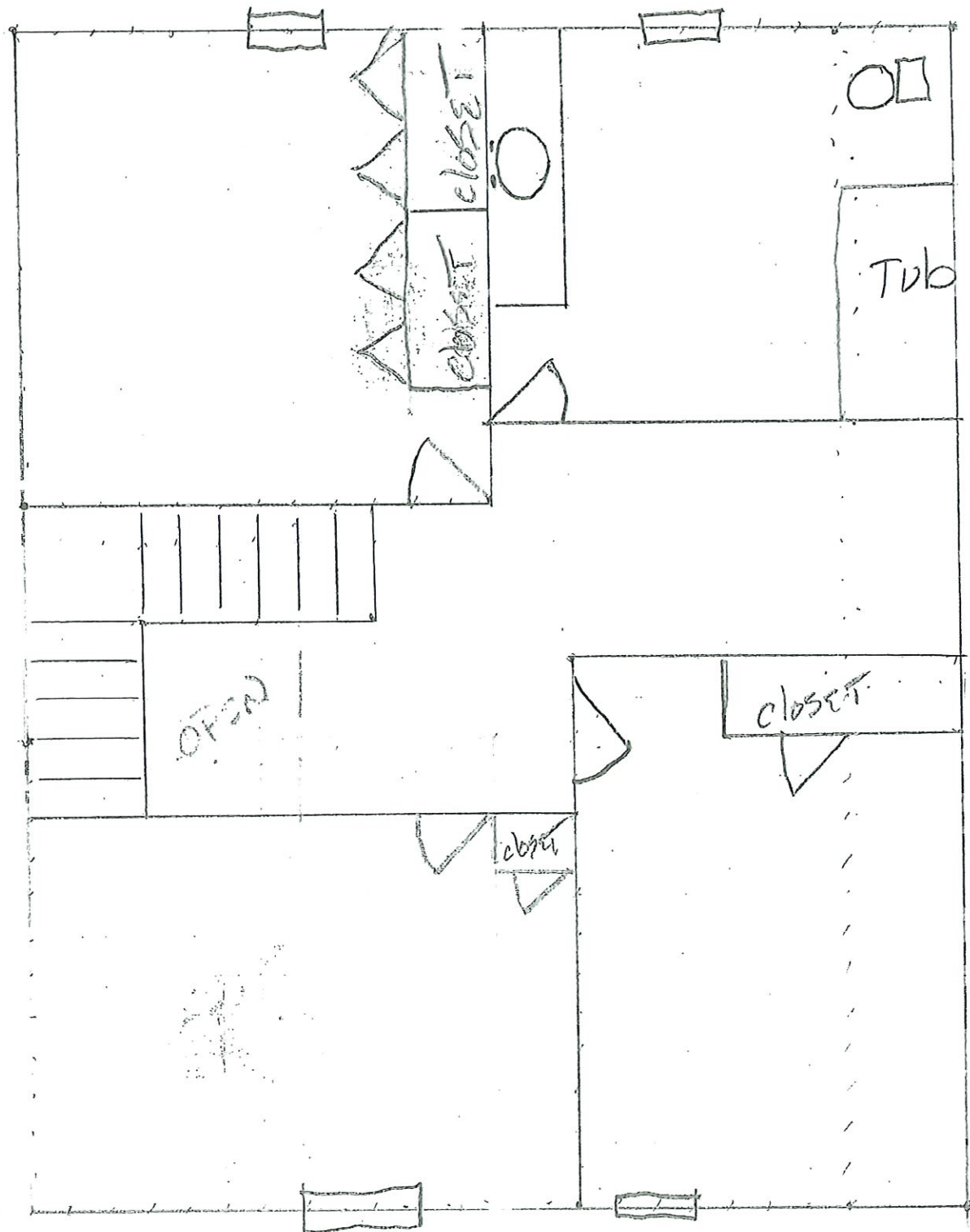
If the VRD application is not approved, only the business license fee will be refunded.

Submittal Date: 4/9/2021 Amount Paid: \$950⁰⁰ PD.
~~\$1190⁰⁰~~ PD. \$950 -
on 4/9
to city ADM



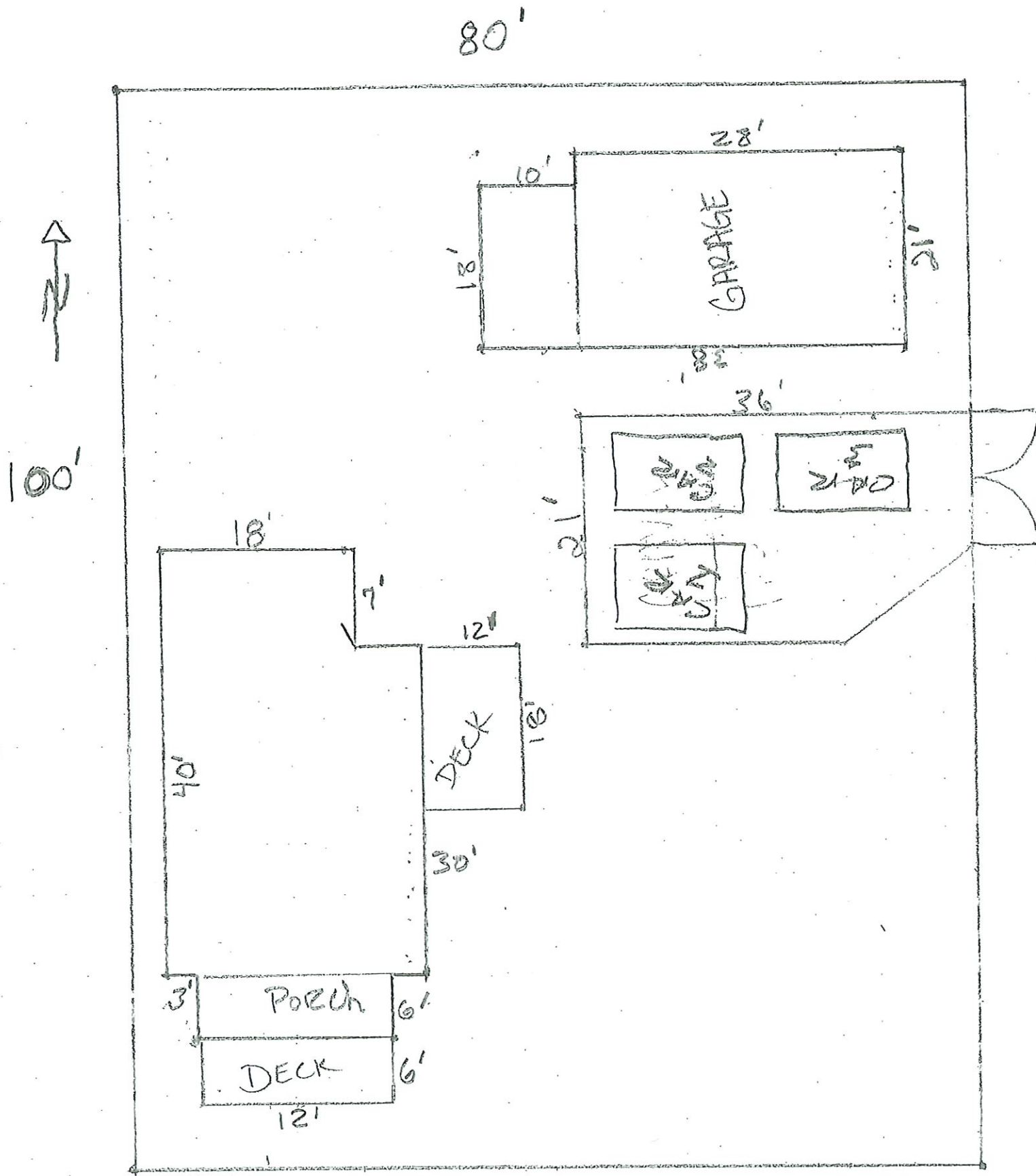
□ = 1'6"

WOLF 332 7th



□ = 1'

wolf 332 7th
2nd floor



50% of lot IS GREEN SPACE.

□ = 3'

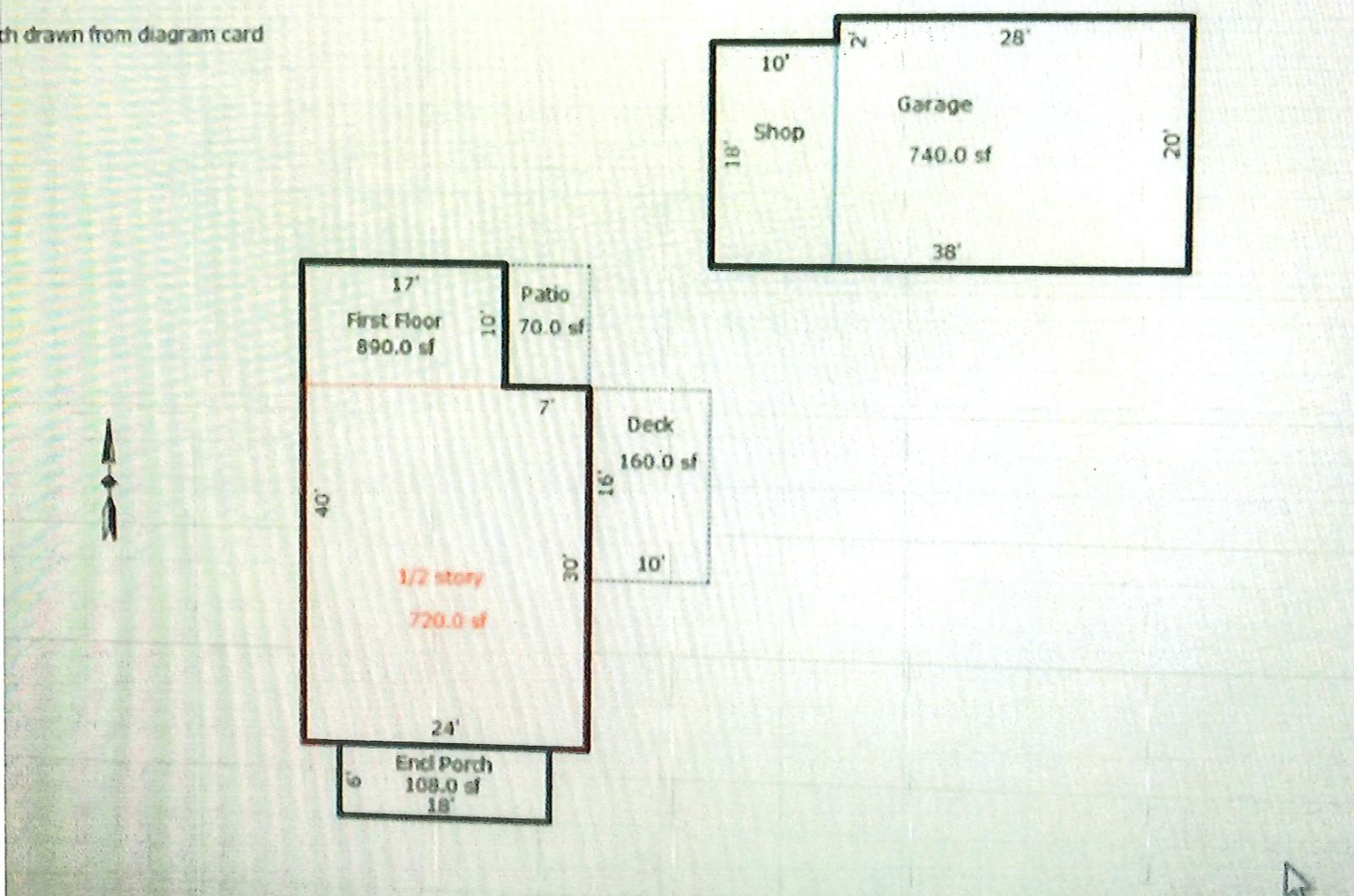
WOLF
332 7th
LOT

1610

Single Family

| | Sq Ft | Bedrooms | Bathro |
|-----|-------|----------|--------|
| por | 890 | 0 | 1 |
| ory | 720 | 3 | 1 |

th drawn from diagram card



I love u

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: June 1, 2021
**Applicant/
Owner:** South Holladay Drive, LLC; Masudur Khan, 531 Avenue A,
Seaside OR 97138
Location: 407 S Holladay Dr. (T6-R10-21AD-TL15400, 15700, & 16100)
Subject: 21-026CU: A Conditional Use to Develop a 28 Unit Apartment
Complex within the General Commercial (C-3) Zone

REQUEST:

The applicant is requesting a conditional use permit to develop a 28 unit apartment complex within the General Commercial (C-3) zone. The subject property is located at 407 S Holladay Dr. (T6-R10-21AD-TL15400, 15700, & 16100) and apartments are conditionally permitted in the zone. The proposed use will replace the existing commercial buildings with three separate apartment buildings and the applicant's plan calls for 47% of the off-street parking spaces to be designated as compact car spaces.

Building A, located adjacent to Holladay Dr., will include office space and parking on the ground floor. The second and third floors will provide 4-two bedroom and 2-one bedroom apartments.

Building B, located adjacent to the east side of the property, will provide parking on the ground floor. The second and third floors will provide 4-one bedroom apartments.

Building C, located in the SE corner of the property, will provide parking and 2-one bedroom ground floor apartments. The second and third floors will provide 3-one bedroom apartments.

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. The Commission may include conditions which they consider necessary to protect the interests of the surrounding area of the city as a whole. Although each of the findings or justification statements specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

DECISION CRITERIA # 1: 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.**

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.

FINDINGS & JUSTIFICATION STATEMENTS:

1. Mailed Notice Request Summary: **21-026CU**: A conditional use request by S Holladay LLC, Masudur Khan, for a 28 unit apartment complex with 47% compact parking spaces. The property is located at 407 S Holladay (T6-R10-21AD-TL15400, 15700, & 16100) and it is zoned General Commercial (C-3)
2. The applicant's supporting evidence and site plan are adopted by reference. The applicant's submitted information is summarized as follows:
 - a. The proposed apartments will replace four old retails/storage buildings.
 - b. The proposed apartments are a conditionally permitted use in the general commercial (C-3) zone.
 - c. The new development will consist of three new three story buildings and associated parking.
 - d. The main entrance for the project will be from Avenue C, just east of S Holladay Dr.
 - e. A five-foot-wide easement will be dedicated to the City of Seaside for sidewalk and utilities along Avenue C and a new sidewalk will be installed along Avenue C.
 - f. The site will contain several bike parking areas on the first floor of each building along with a number of covered parking spaces.
 - g. A total of 20 one-bedroom and 8 two-bedroom units will be constructed on the site.

Building A, located adjacent to Holladay Dr., will include office space and parking on the ground floor. The second and third floors will provide 4-two bedroom and 2-one bedroom apartments.

Building B, located adjacent to the east side of the property, will provide parking on the ground floor. The second and third floors will provide 4-one bedroom apartments.

Building C, located in the SE corner of the property, will provide parking and 2-one bedroom ground floor apartments. The second and third floors will provide 3-one bedroom apartments.
 - h. A total of 40 off-street parking spaces are required for the site. A total of 43 spaces will be provided. The percentage of compact spaces will be 47%.

- i. The parking for each unit will be assigned with the front and back (tandem) parking spaces being assigned to a single unit.
- j. The eastern boundary of the site extends 4.5 feet into the property to the east. This property has landscaping along with portions of their garage building being over the property line. This 4.5-foot section of lot 9 was deeded to the owners of this site in 1940 and a survey from 1988 clearly shows the encroachment onto this site. The easterly side of the first floor has been designed around the garage encroachment and the easterly wall of the 2nd and 3rd floors will be stepped back from the first floor to allow for mor privacy to the adjoining property.
- k. Two ADA accessible one bedroom units are located on the first floor of Building C with two covered parking spaces.
- l. Trash cans and recycle area is located west of Building C.

3. The applicant has identified a clear vision corner based on the curb lines at the intersection of Avenue C and S Holladay and not actual property lines. The corner of Building A's first floor has been angled to keep this area open. This is consistent with past interpretations of the required clear vision area in commercial zones. The clear vision corner is generally ascribed by using the property line as the legs of the clear vision triangle. In the past, the Public Works Director has indicated the term "street lot lines" (referred to in Article 4, Section 4.050,1.) should be considered the curb line in commercial zones and not the actual property line. This interpretation was justified by the minimal setbacks applicable in the zone and the fact that sidewalks provide consistent open space at the street intersections. If the alternative lines are not administered, it can result in greater impacts to commercial property without truly considering the visual clearance necessary at the street intersections.

4. Appendix G of the TSP requires bike parking for apartment facilities. Apartments require the following:

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 building design.

The applicant has identified six covered spaces; however, each bike riser could be designed to accommodate 2 bikes for a total of 12 covered spaces. This would exceed the combined total number of spaces required in addition to providing space for the office. One additional short term space would be needed for the office space inside or outside of the building.

5. Appendix G of the TSP requires pedestrian circulation throughout apartment facility. This can be accommodated via a public sidewalk and private walkway within the proposed development.

6. Drainage provisions are not included on the plan and a properly engineered system would need to be incorporated into the final plans.

7. Specification for the proposed exterior lighting is not addressed on the plan and future plans would need to conform to Seaside's outdoor lighting ordinance.

CONCLUSION TO CRITERIA #1:

The proposed apartments 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 overall number of off-street parking spaces will provide sufficient parking for up to three employees within the office space; however, an ADA accessible space may need to be incorporated into the plan for this use. If additional employees will be utilizing the office space, additional off-street parking will need to be provided in accordance with the applicable provision in the Seaside Zoning Ordinance.

Condition 2: The applicant must provide for at least one short bike parking spaces for the office space. An additional long term space within the office space could satisfy the additional space requirement.

Condition 3: The applicant must provide an engineered drainage plan that indicates how the existing and proposed drainage facilities will accommodate storm water runoff from the parking lots and roof drains. The plan would also need to address water quality measures that would be incorporated into the system in an effort to limit oil & sediment from entering the public storm water system or local groundwater.

Condition 4: The applicant must provide a detailed exterior lighting plan. The plan must document that all exterior lighting fixtures will be designed to limit glare in accordance with the City's Outdoor Lighting Ordinance.

Condition 5: The trash and recycle area must be appropriately screened from public view or enclosed within a building(s).

Condition 6: 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.

FINAL STAFF RECOMMENDATION

Conditionally approve request 21-026CU for the development of a 28 unit apartment complex at 407 S Holladay Dr. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject the previously stated 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.

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.

Attachments:

Applicant's Submittal & Proposed Development Plans



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT: Masudur Khan, ADDRESS: 531 Ave A, Seaside, Or, ZIP CODE: 97138. STREET ADDRESS OR LOCATION OF PROPERTY: 407 S Holladay, Seaside, Or 97138

Table with 6 columns: ZONE (C-3), OVERLAY ZONES, TOWNSHIP (6N), RANGE (10W), SECTION (21AD), TAX LOT (15400, 15700, 16100)

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Replace existing storage, office buildings and Build 28 apartment units with 43 parking spaces

47% of parking will be compact spaces

see attached plans

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

Table with 2 columns: OWNER (S Holladay LLC, 531 Ave A, Seaside, Or 97138) and APPLICANT/REPRESENTATIVE (Mark Mead Mead Engineering LLC, 89643 Ocean Drive, Warrenton, Or 97146)

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- Conditional Use, Landscape/Access Review, Major Partition, Minor Partition, Non Conforming, Planned Development, Property Line Adjustment, Setback Reduction, Subdivision, Temporary Use, Vacation Rental, Variance, Zoning Code Amendment, Zoning Map Amendment, Appeal

PLANNING DEPARTMENT USE: DATE ACCEPTED AS COMPLETE (4/29/21) BY (JAS), CASE NUMBER (S) (21-026-011), HEARING DATE (June 1, 2021) P.C. ACTION

OFFICE USE: FEE (675.00), RECEIPT (17508), DATE FILED (4/29/21) BY (JAS)

PALD

Mead Engineering
89643 Ocean Drive, Warrenton, Oregon 97146
Ph. 503-738-2538
mark@meadeng.com

26 April 2021

To: City of Seaside
Kevin Cupples
Planning Director

From: Mark Mead PE

Re: Ave C & Holladay Apartments
407 S. Holladay
Seaside, Oregon 97138

Tax Lots 15400, 15700, 16100
Tax Map 6-10-21AD



This site is located at the Southeast side of the intersection of Ave C and S Holladay in Seaside, Oregon. This existing site contains four old retail/storage buildings with the rest of the site being parking and open space. The zoning is C-3 commercial which allows for apartments with a conditional use and office space is an outright usage.

The new development will consist of three new three-story buildings and associated parking. The main entrance for the project will be from Ave C just east of Holladay drive. A 5-foot-wide easement will be dedicated to the city of seaside for sidewalk and utilities along ave C. A new sidewalk will be installed along ave C. The site will contain several bike parking areas on the first floor of each building along with a number of covered parking spaces. A total of 8 two-bedroom units and 20 one-bedroom units will be constructed on the site. This makes for a total of 28 apartments units. A total of 40 parking spaces are required for the site. A total of 43 parking spaces will be provided for the site. The percentage of compact parking spaces will be 47%.

Building A along S Holladay will have parking and a small 875 sqft office space to be used for management and maintenance of the project along with a possible small office space to be rented out. The parking for each unit will be assigned to each unit with the front to back style parking being assigned to a single unit for each row. The second and third floors will have one- and two-bedroom apartment units for a total of 12 units in this building. The building will be stair stepped along Holladay to allow for larger units at the southern end of the building. Four two-bedroom units per floor will be located at the southern end of the building.

Mark M. Mead
Professional Engineer Oregon 12181, Hawaii 7492, Washington 49698
Geotechnical Engineer Oregon 12181
Professional Land Surveyor Oregon 2259
Oregon Structural Inspector #2555SIA
Oregon Structural Plans Examiner #2554PEA
OIC-OR Inspector Certification #OIC2587

Mead Engineering

89643 Ocean Drive, Warrenton, Oregon 97146

Ph. 503-738-2538

mark@meadeng.com

Building B is located along the eastern boundary of the site adjacent to ave C. The eastern boundary of the site extends 4.5 feet into the property to the east. This property has landscaping along with a portion of their garage building being over the property line. This 4.5-foot section of lot 9 was deeded to the owners of this site back in 1940. A survey from 1988 recorded at the county surveyor's office clearly shows the encroachments onto this site. These property corners have been recently found. The building will have compact parking spaces located on the first floor of the building. The rear (easterly) side of the first floor has been designed around the existing garage building that encroaches onto this site. Again, these parking spaces will be assigned to units. The second and third floor units are to be one-bedroom units with four units per floor for a total of eight units. The easterly wall of the second and third floors have been stepped back from the first floor to allow for more privacy to the adjoining property.

Building C is located in the rear southeast corner of the site. This building will have two ADA one-bedroom units located on the first floor along with two covered parking spaces. The second and third floor units will consist of three one-bedroom units per floor.

Mark M. Mead

Professional Engineer Oregon 12181, Hawaii 7492, Washington 49698

Geotechnical Engineer Oregon 12181

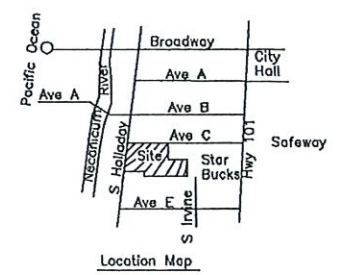
Professional Land Surveyor Oregon 2259

Oregon Structural Inspector #2555SIA

Oregon Structural Plans Examiner #2554PEA

OIC-OR Inspector Certification #OIC2587

Property City Zoning C-3
Required Setbacks - None
Density maximum - None
Parking
Standard Space 9'x18'
Compact Space 8'x16'



Building 'A'
first floor parking, office
second floor 4-two bedroom 2-one bedroom
third floor 4-two bedroom 2-one bedroom

Building 'B'
first floor parking
second floor 4-one bedroom
third floor 4-one bedroom

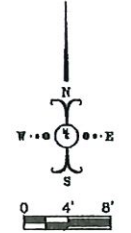
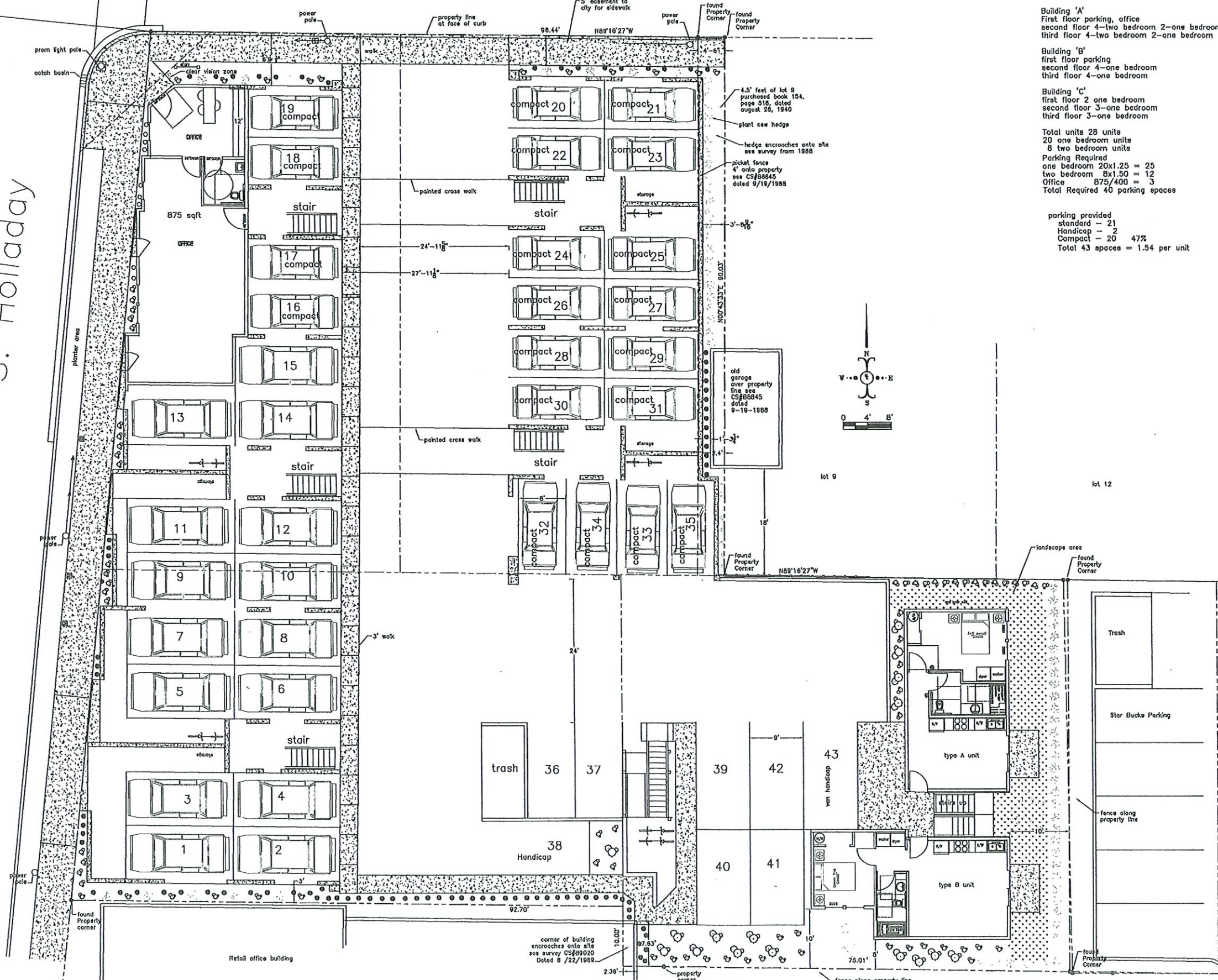
Building 'C'
first floor 2 one bedroom
second floor 3-one bedroom
third floor 3-one bedroom

Total units 28 units
20 one bedroom units
8 two bedroom units
Parking Required
one bedroom 20x1.25 = 25
two bedroom 8x1.50 = 12
Office 875/400 = 3
Total Required 40 parking spaces

parking provided
standard - 21
Handicap - 2
Compact - 20 47%
Total 43 spaces = 1.54 per unit

S. Holladay

Ave 'C'



New Site Plan
28 Units
407 S Holladay
Seaside, Oregon 97138
South Holladay LLC
541 Ave A, Seaside, Or 97138
Ph: 248-910-8170
nhollan@southholladayllc.com

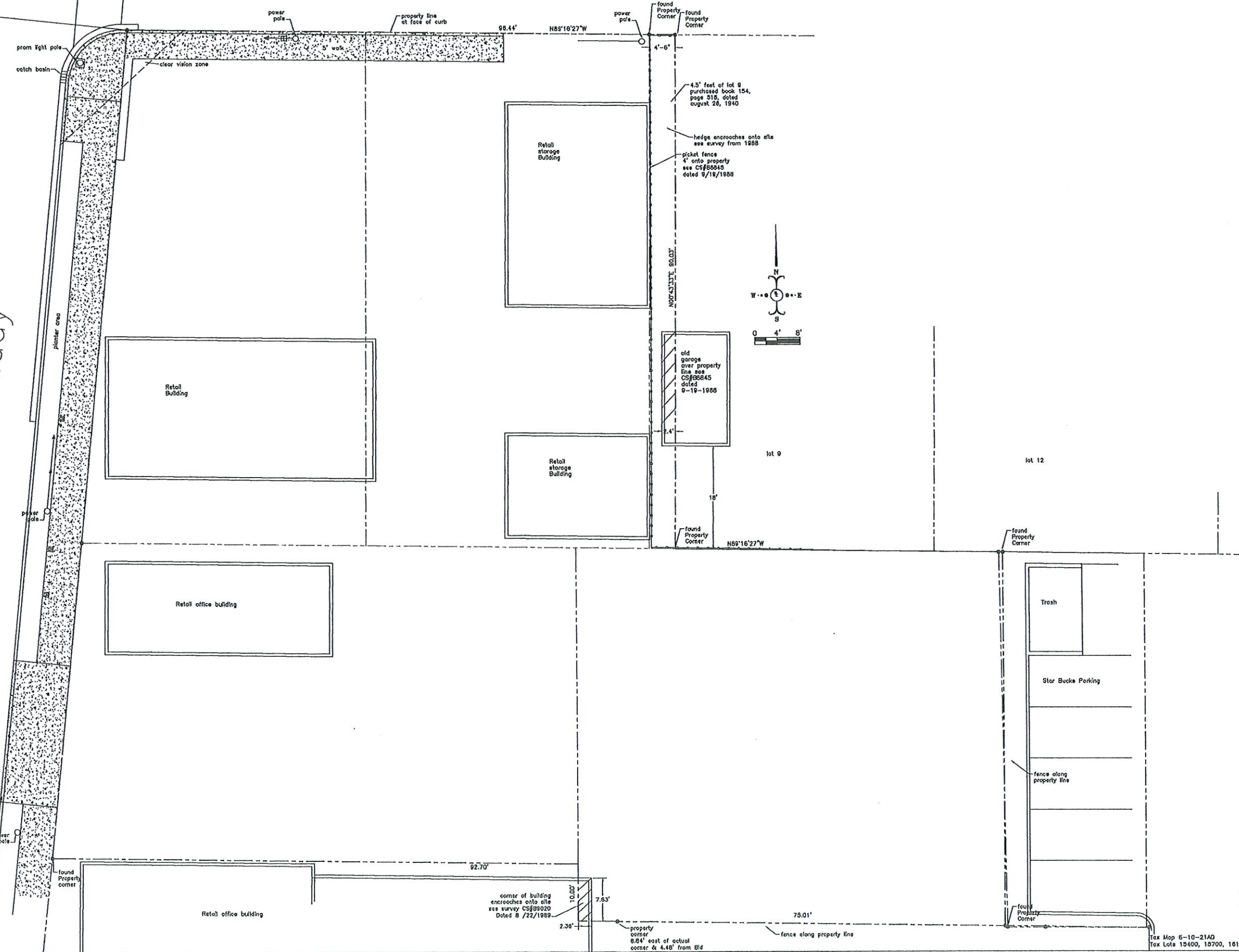


Mead
Engineering LLC
89643 OCEAN DRIVE
WARRENTON, OREGON 97146
Ph. 503-738-2538
Email: mark@meadeng.com

Property City Zoning C-3
Required Setbacks - None
Density maximum - None

Ave 'C'

S. Holladay



Existing Site Plan
28 Units
407 S Holladay
Seaside, Oregon 97138
South Holladay LLC
248-810-8170
Mholladay@meadengllc.com



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North Elevation



West Elevation

North & West Elevation

Building 'A'
28 Units
407 S Holladay
Seaside, Oregon 97138
Mead
Engineering LLC
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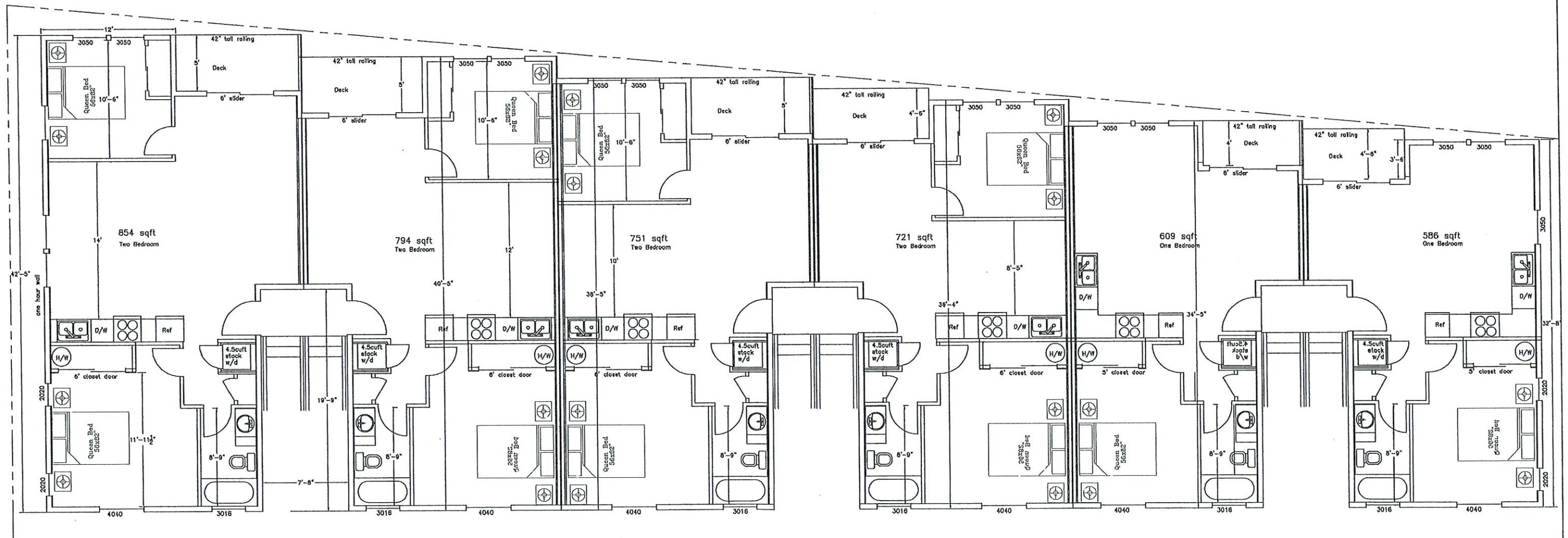
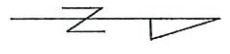


South Holladay LLC
248-810-8170
mkhan@southholladayllc.com

Tax Map 6-10-21A0
Tax Lots 15600, 15700, 10100

EXPIRES 12/31/2024
Date: 8 Jan. 2021
Rev. 3/08/2021

Scale 1/4"=1' Sht 3



2nd & 3rd Floor
 Building 'A'
 28 Units
 407 S Holladay
 Seaside, Oregon 97138
 South Holladay LLC
 248-910-8170
 M.hon@seasideodgingtc.com



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South Elevation



East Elevation

South & East Elevations

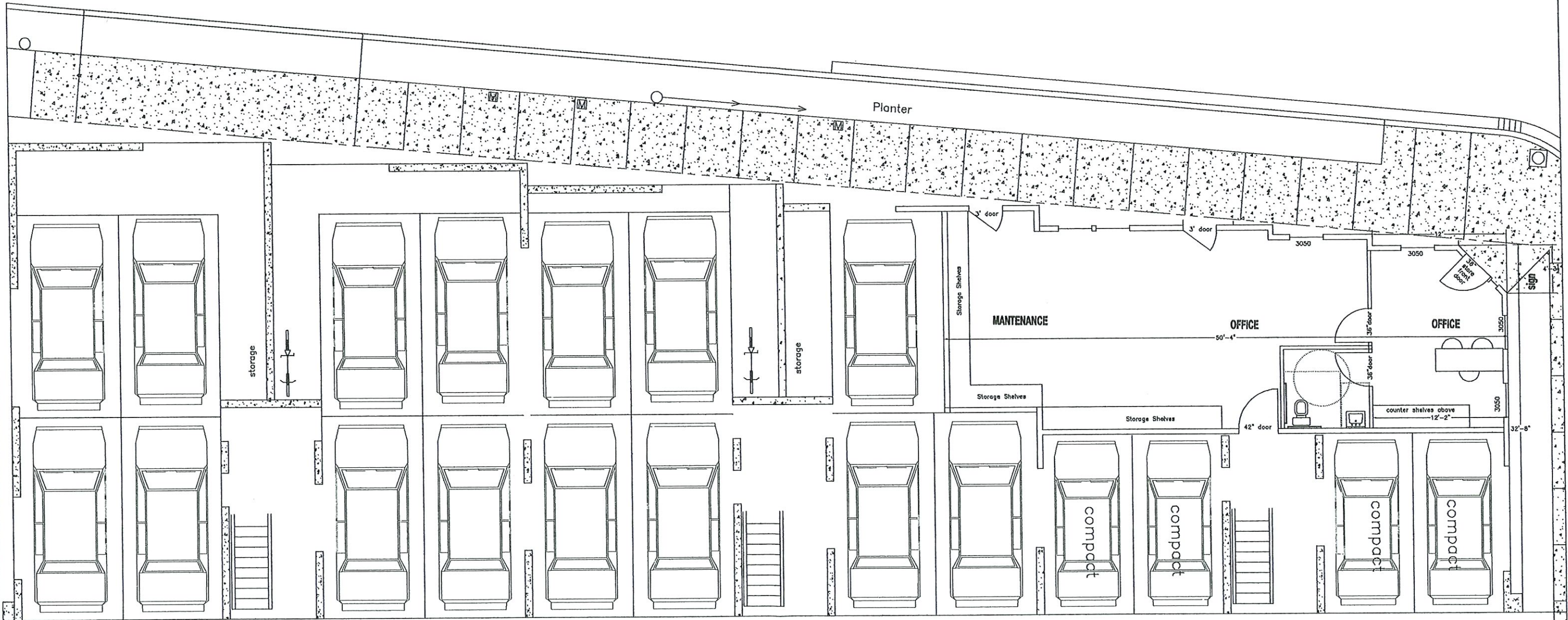
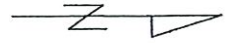
Building 'A'
 28 Units
 407 S Holladay
 Seaside, Oregon 97138
 South Holladay LLC
 248-810-8170
 Mshon@seasideodginglo.com



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 Engineer LLC
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Scale 1/4"=1'
 Sht 4

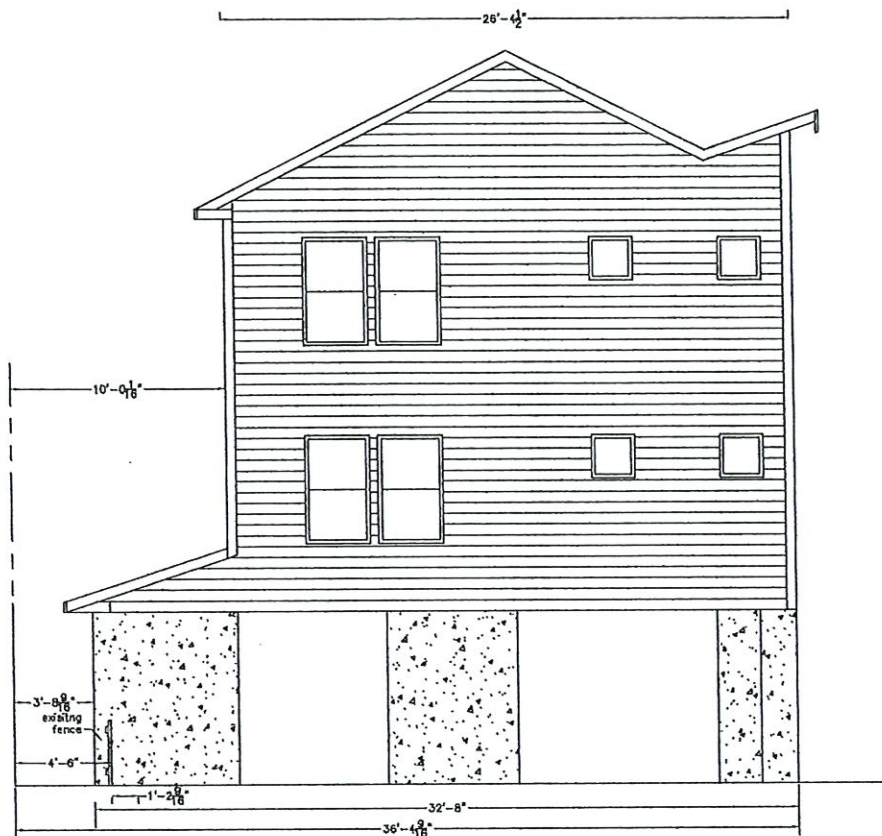
TOX HOP 6-10-21AD Date: 6 Jan, 2021
 TOX LOTS 15400, 15700, 16100 Rev. 3/08/2021



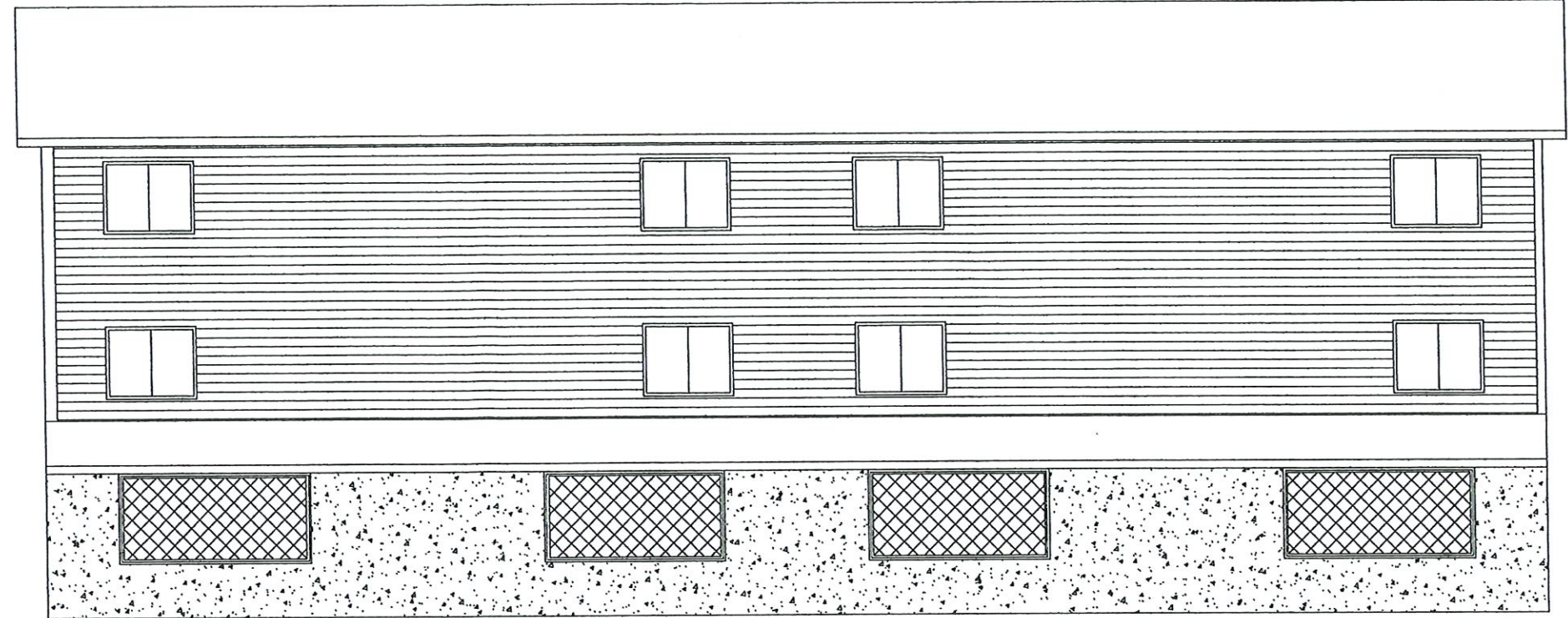
First Floor
 Building 'A'
 28 Units
 407 S Holladay
 Seaside, Oregon 97138
 South Holladay LLC
 248-910-8170
 Mharr@seasideholladayllc.com



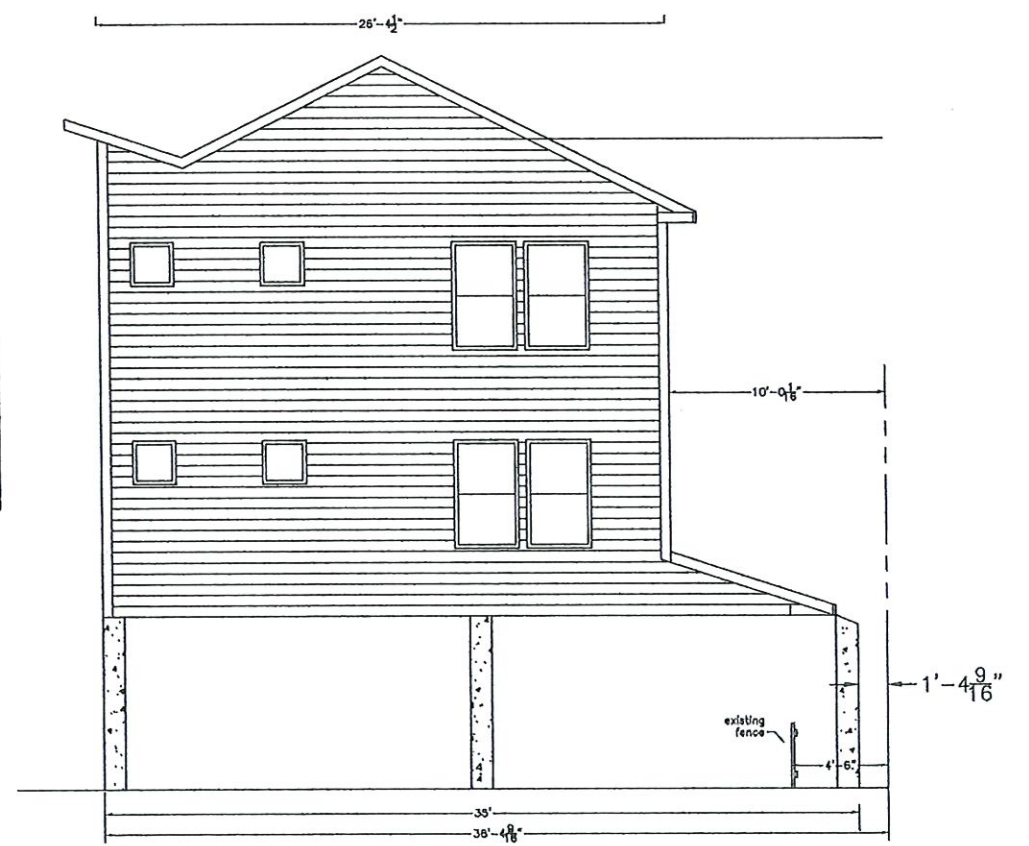
Mead
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 WARRENTON, OREGON 97146
 Ph. 503-738-2538
 Email: mmark@meadeng.com



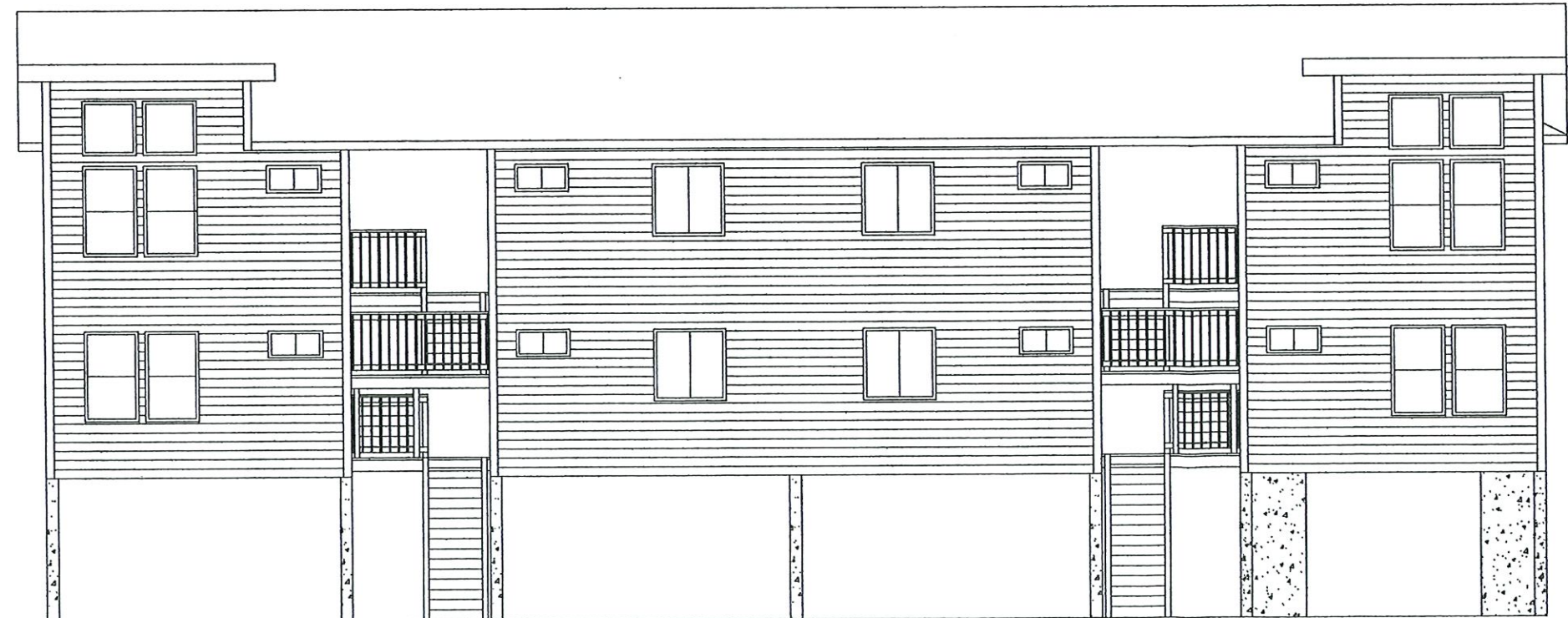
North Elevation



East Elevation



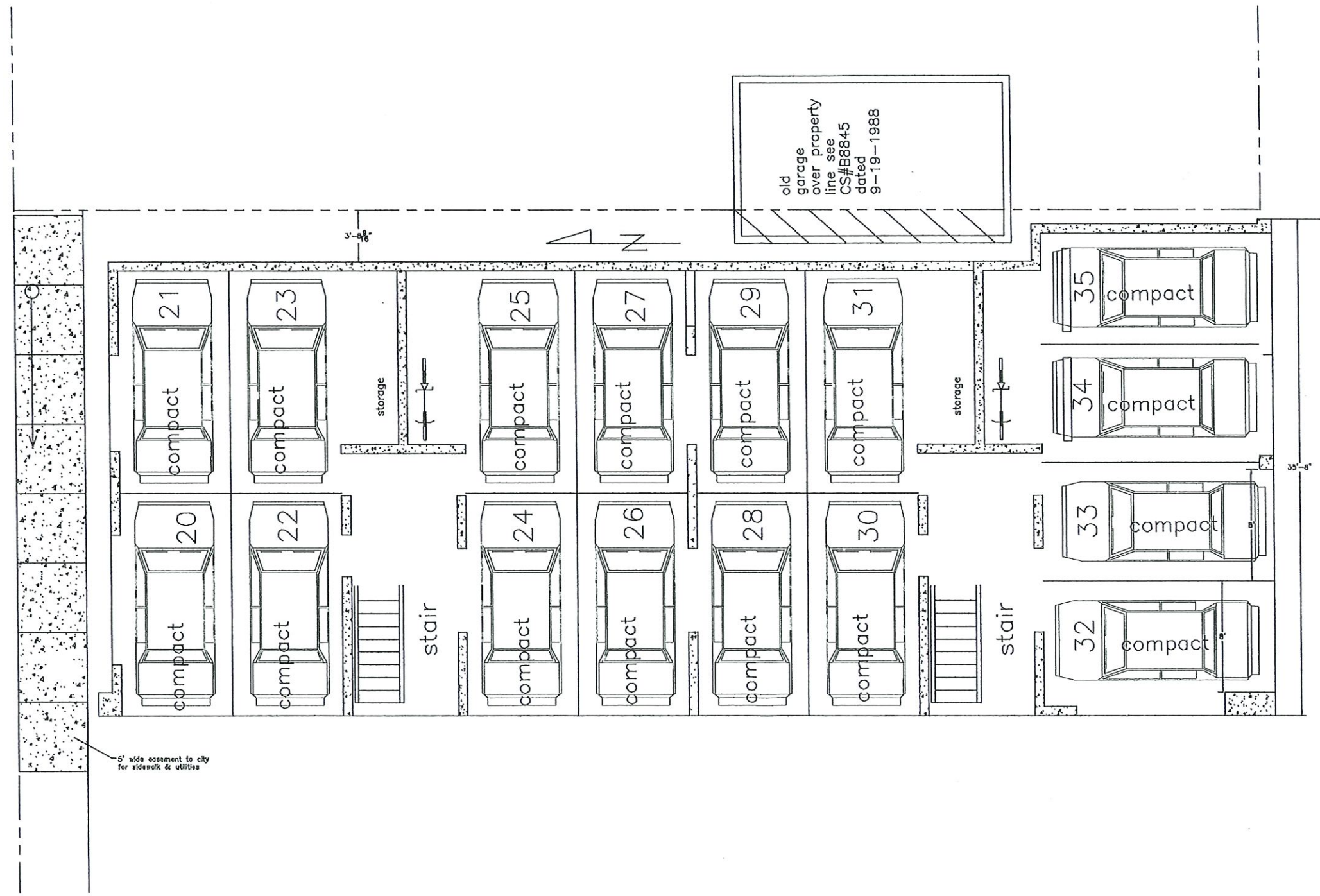
South Elevation



West Elevation



Ave 'C'



5' wide easement to city for sidewalk & utilities

old garage over property line see CS#B8845 dated 9-19-1988

First Floor
Building 'B'
28 Units
407 S Holladay
Seaside, Oregon 97138
South Holladay LLC
248-910-5170
Mhonor@scosidelodgingllc.com

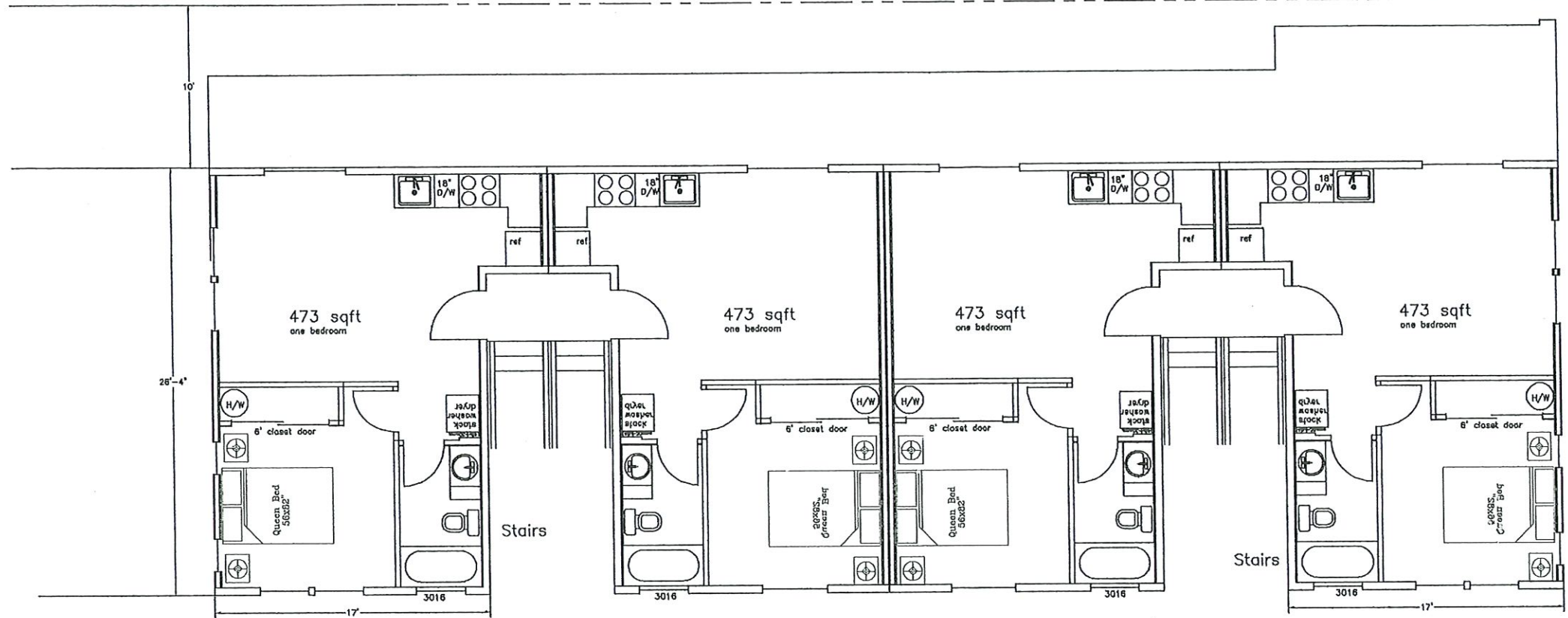
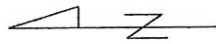


Mark M Mead
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Tex Map 8-10-21AD
Tex Lots 15400, 15700, 16100

REVISED 12/14/2021
Date: 6 Jun. 2021
Rev. 2/16/2021
Rev. 3/08/2021

Scale 1/4"=1' SH 8



2nd & 3rd Floor
 Building 'B'
 28 Units
 407 S Holladay
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Tax Map 6-10-21AD
 Tax Lots 15400, 16700, 16100

Revised 11/19/2021
 Date: 6 Jan. 2021
 Rev: 2/18/2021
 Rev: 3/08/2021

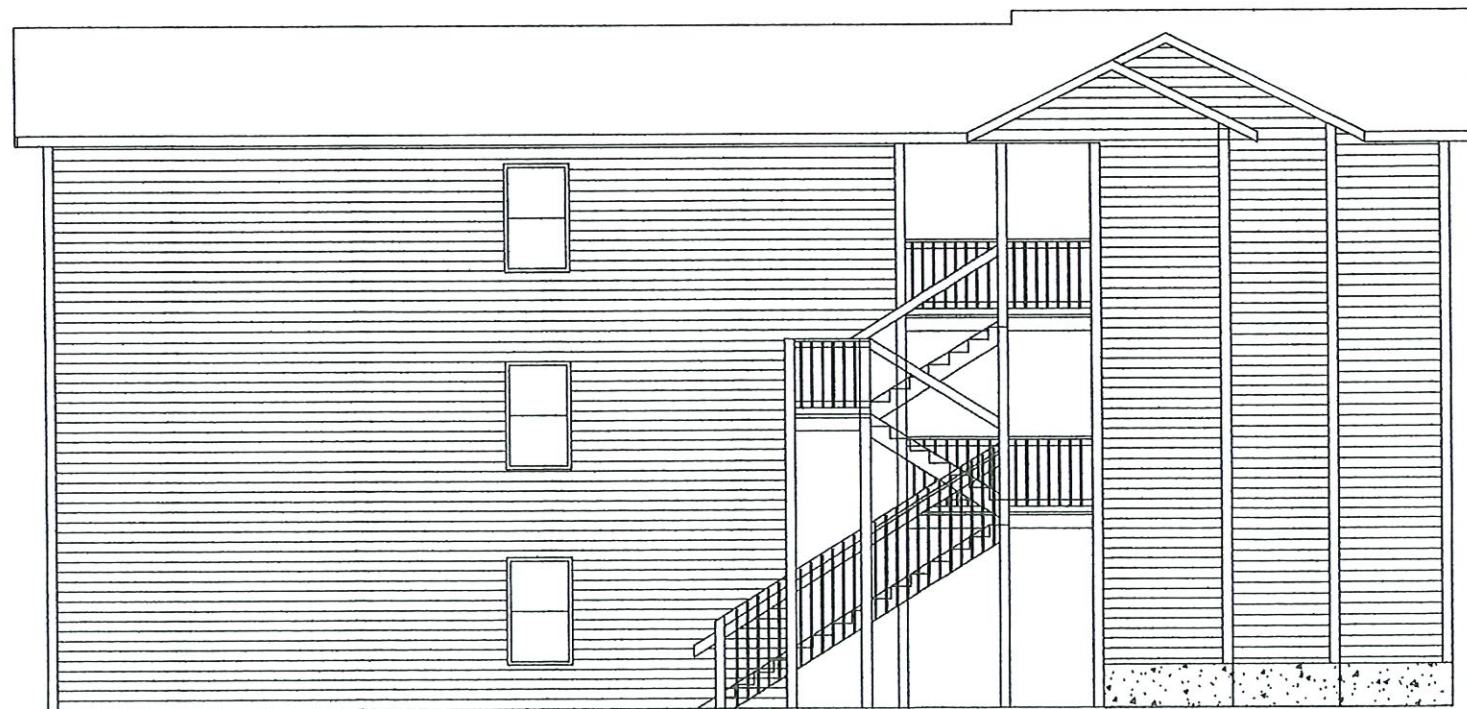
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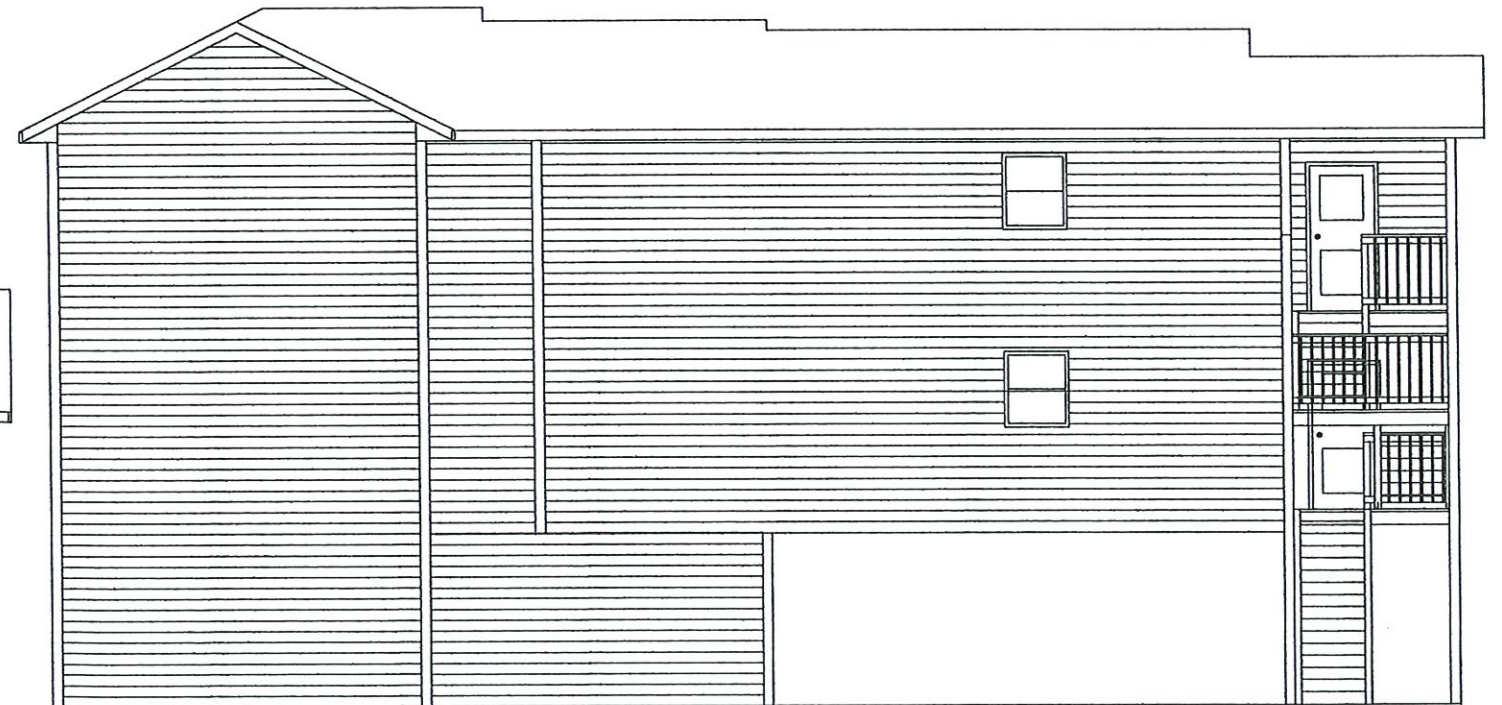
East Elevation



South Elevation



West Elevation



North Elevation

Exterior Elevations
Building 'C'
28 Units
407 S Holladay
Seaside, Oregon 97138
South Holladay LLC
248-910-8170
MHcn@seasideodgingllc.com

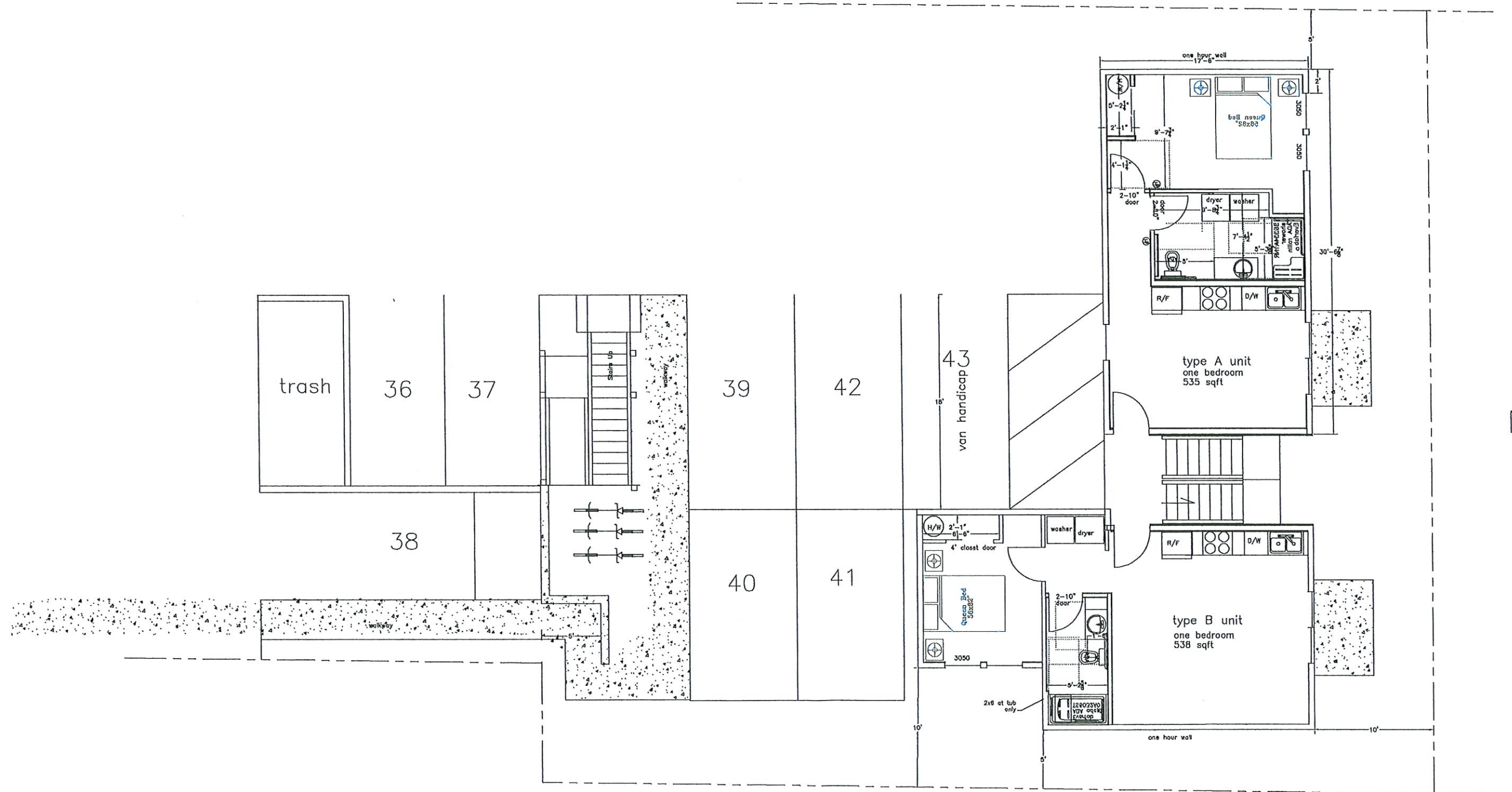


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Ph. 503-738-2538
Email: mark@meodeng.com

Tex Map 6-10-21AD
Tex Lots 15400, 15700, 16100

Date: 6 Jan. 2021
Rev. 3/08/2021

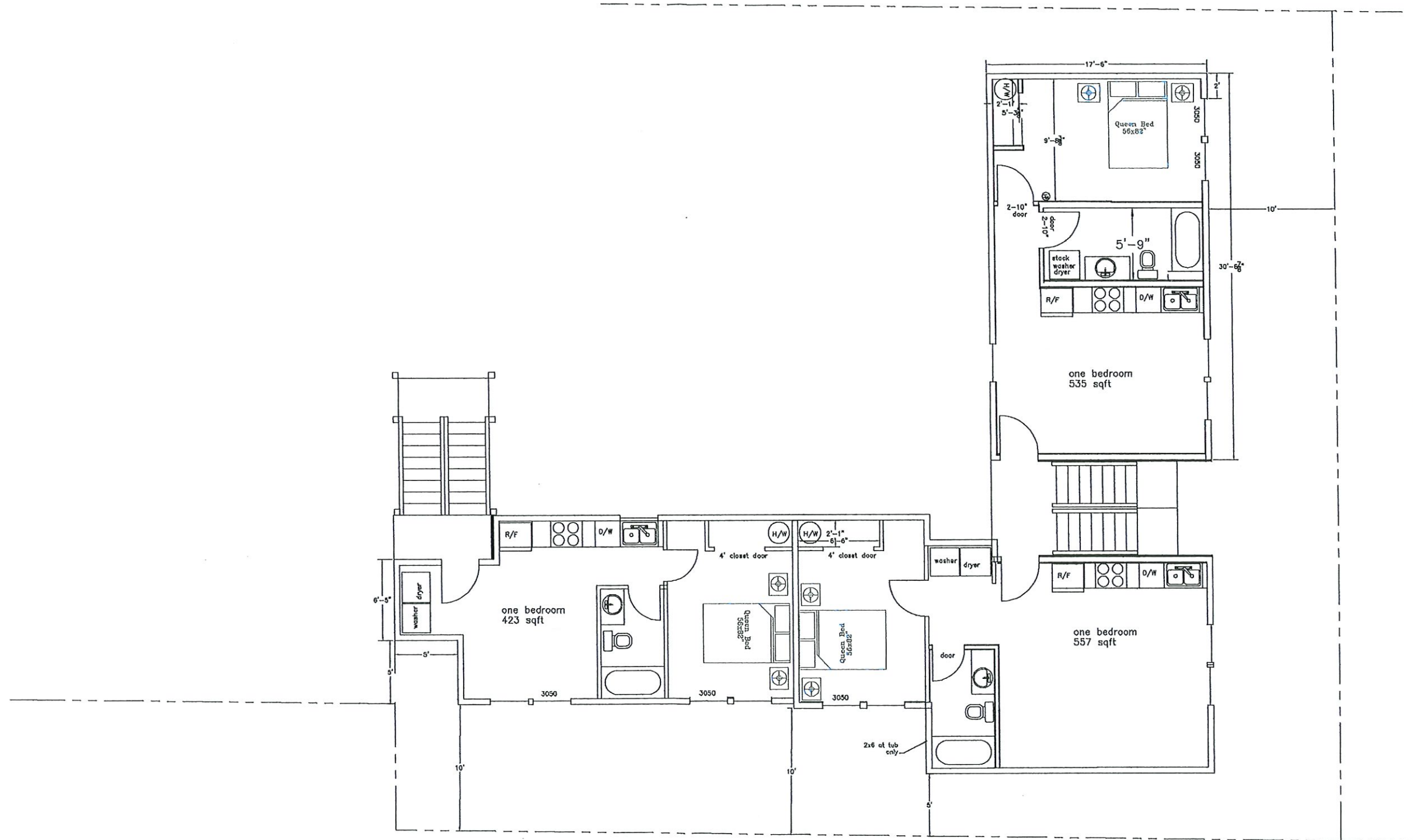
Scale 1/4"=1' Sht 10



First Floor
 Building 'C'
 28 Units
 407 S Holladay
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 Mhcn@seasidecdgtylco.com



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2nd & 3rd Floor
 Building 'C'
 28 Units
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CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: June 1, 2021
**Applicant/
Owner:** River Run Condominium, LLC; Masudur Khan, 531 Avenue A,
Seaside OR 97138
Location: 1000 S Holladay Dr. (T6-R10-21AD-TL6500 & 6600)
Subject: 21-027CU: A Conditional Use to Develop a 59 Unit Apartment
Complex within the General Commercial (C-3) Zone

REQUEST:

The applicant is requesting a conditional use permit to develop a 59 unit apartment complex within the General Commercial (C-3) zone. The subject property is located at 1000 S Holladay Dr. (T6-R10-21AD-TL6500 & 6600) and apartments are conditionally permitted in the zone. The proposed use will replace the existing commercial & residential buildings with three separate apartment buildings and one building dedicated to office, lobby, & housekeeping. The applicant's plan calls for 48.4% of the off-street parking spaces to be designated as compact car spaces.

Building A, facing the Necanicum River, will be a three story building with 9-two bedroom apartment units on each floor for a total of 27 units.

Building B, along the south property line, will be a three story building with 8-two bedroom apartment units on each floor for a total of 24 units. The plan calls for the building to be setback 10 feet from the property line and the easterly unit will by an ADA type unit.

Mixed Use Building, south of the entrance & adjacent to S Holladay, will be three stories with 2 office spaces (1204 sq. ft. per space) on the ground floor. The second and third floors will provide 4 one-bedroom units apartments on each floor for a total of 8 units.

Office & Housekeeping, north of the entrance & adjacent to S Holladay, will be two stories with an office and housekeeping area on the ground floor and a second floor loft area.

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. The Commission may include conditions which they consider necessary to protect the interests of the surrounding area of the city as a whole. Although each of the findings or justification statements specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

DECISION CRITERIA # 1: 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.
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.

FINDINGS & JUSTIFICATION STATEMENTS:

1. Mailed Notice Request Summary: **21-027CU:** A conditional use request by River Run, Masudur Khan, for a 59 unit apartment complex with 48.4% compact parking spaces. The property is located at 1000 S Holladay (T6-R10-21AD-TL6500 & 6600) and it is zoned General Commercial (C-3).
2. The applicant's supporting evidence and site plan are adopted by reference. The applicant's submitted information is summarized as follows:
 - a. The subject property is located between Riley's restaurant and the Red Lion Hotel.
 - b. The proposed apartments will replace the single family dwelling that was damaged by fire and the other building used as office space and storage.
 - c. The proposed apartments are a conditionally permitted use in the general commercial (C-3) zone.
 - d. The new development will consist of three new three story buildings and one two story building.
 - e. The main entrance for the project will be from S Holladay Dr. near the central part of the property.
 - f. A 6-foot-tall fence will be built along the north property line.
 - g. Bike parking will be available in various areas around the site along with under the first floor stairs.
 - h. A total of 8 one-bedroom and 51 two-bedroom units will be constructed on the site.

Building A, facing the Necanicum River, will be a three story building with 9-two bedroom apartment units on each floor for a total of 27 units.

Building B, along the south property line, will be a three story building with 8-two bedroom apartment units on each floor for a total of 24 units. The plan calls for

the building to be setback 10 feet from the property line and the easterly unit will be an ADA type unit.

Mixed Use Building, south of the entrance & adjacent to S Holladay, will be three stories with 2 office spaces (1204 sq. ft. per space) on the ground floor. The second and third floors will provide 4 one-bedroom units apartments on each floor for a total of 8 units.

Office & Housekeeping, north of the entrance & adjacent to S Holladay, will be two stories with an office and housekeeping area on the ground floor and a second floor loft area.

- i. A total of 95 off-street parking spaces are provided on the site. The number of off-street parking spaces required for the apartments is 87 spaces which leaves 8 to satisfy the office demand. The percentage of compact spaces will be 48.4% with a total of 46 spaces.
- j. Trash enclosure is located adjacent to the office at the northeast corner of the property.

4. Appendix G of the TSP requires bike parking for apartment facilities. Apartments require the following:

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 building design.

5. Appendix G of the TSP requires pedestrian circulation throughout apartment facility. This can be accommodated via a public sidewalk and private walkway within the proposed development.

6. Drainage provisions are not included on the plan and a properly engineered system would need to be incorporated into the final plans.

7. Specification for the proposed exterior lighting is not addressed on the plan and future plans would need to conform to Seaside's outdoor lighting ordinance.

8. The Conservation Aquatic (A-2) zoned area west of the upland portion of the property has a riparian setback that extends 25 feet landward of the mean higher high water elevation (MHHW +5.01 NGVD); however, the setback can be reduced to a minimum of 15 feet based on a site inspection to determine the actual presence of riparian vegetation.

9. Staff believes the building will not encroach on the riparian setback based on the buildings development above the top of bank. The vegetation below top of bank may be regulated to ensure native vegetation is maintained.

10 The overall number of off-street parking spaces will provide sufficient parking for the apartments, but the total office area (3,988 square feet) demand of 10 spaces will exceed the number of spaces provided without accounting for any employees.

CONCLUSION TO CRITERIA #1:

The proposed apartments 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 off-street parking demand represented by the development will be exceeded with total square footage of office space proposed. The plan will need to be revised in order to satisfy the requirements in the Seaside Zoning Ordinance or approval of a variance will be required.

Condition 2: The applicant must provide bike parking in accordance with the provision in Appendix G of the TSP for the two office structures in addition to meeting the short and long term bike parking requirements for the apartments (15 covered long term & 3 short term spaces).

Condition 3: The applicant must provide an engineered drainage plan that indicates how the existing and proposed drainage facilities will accommodate storm water runoff from the parking lots and roof drains. The plan would also need to address water quality measures that would be incorporated into the system in an effort to limit oil & sediment from entering the public storm water system or local groundwater.

Condition 4: The applicant must provide a detailed exterior lighting plan. The plan must document that all exterior lighting fixtures will be designed to limit glare in accordance with the City's Outdoor Lighting Ordinance.

Condition 5: The trash and recycle area must be appropriately screened from public view or enclosed within a building(s).

Condition 6: The final plan for development must document the buildings setback from the MHHW elevation contour line.

Condition 7: In addition to a standard erosion control plan, a Hazard Mitigation Plan (HMP) must be provided at the time final plans are prepared and submitted for plan review or prior to any preliminary site preparation within 25 feet of the top of bank on the west side of the property.

Condition 8: 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.

FINAL STAFF RECOMMENDATION

Conditionally approve request 21-027CU for the development of a 59 unit apartment complex at 1000 S Holladay Dr. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject the previously stated 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.

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.

Attachments:

Applicant's Submittal & Proposed Development Plans



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT: Masudur Khan, ADDRESS: 531 Ave A, Seaside, Or, ZIP CODE: 97138. STREET ADDRESS OR LOCATION OF PROPERTY: 1000 S Holladay, Seaside, Or 97138

Table with 6 columns: ZONE (C-3), OVERLAY ZONES, TOWNSHIP (6N), RANGE (10W), SECTION (21DA), TAX LOT (6500, 6600)

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Replace existing storage, office and house and Build 59 apartment units with 95 parking spaces

48.4% of parking will be compact spaces

see attached plans

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

Table comparing OWNER (River Run - Masudur Khan) and APPLICANT/REPRESENTATIVE (Mark Mead, Mead Engineering LLC) with fields for name, address, phone/fax/email, and signature.

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- Checkboxes for: CONDITIONAL Use, LANDSCAPE/ACCESS REVIEW, MAJOR PARTITION, MINOR PARTITION, NON CONFORMING, PLANNED DEVELOPMENT, PROPERTY LINE ADJUSTMENT, SETBACK REDUCTION, SUBDIVISION, TEMPORARY USE, VACATION RENTAL, VARIANCE, ZONING CODE AMENDMENT, ZONING MAP AMENDMENT, APPEAL.

PLANNING DEPARTMENT USE: DATE ACCEPTED AS COMPLETE (4/29/21), CASE NUMBER (S) (21-027CU), HEARING DATE (June 1, 2021)

OFFICE USE: FEE (1075.00), RECEIPT (17508), DATE FILED (4/29/21)

PALD

Mead Engineering
89643 Ocean Drive, Warrenton, Oregon 97146
Ph. 503-738-2538
mark@meadeng.com

26 April 2021

To: City of Seaside
Kevin Cupples
Planning Director

From: Mark Mead PE

Re: River Run Apartments
1000 S. Holladay
Seaside, Oregon 97138



Tax Lots 6500 & 6600
Tax Map 6-10-21DA

This site is located on S Holladay between Riley's restaurant and the Red Lion Hotel. The site currently contains an old house that had a fire in it that makes it currently un-livable. The other building on the site was built in 1940 contains a couple of small office spaces and mini storage units. Seaside eye care is the current major retail/office tenant in this building. The rest of the site is vacant land that is either paved or is graveled for additional parking and storage. The zoning is C-3 commercial which allows for apartments with a conditional use and office space is an outright usage.

The site will be re-developed with 59 total apartment units and a small amount of office space being provided along Holladay. The interior of the site will contain the parking lot area. The apartment units will consist of 8 one-bedroom units and 51 two-bedroom units for a total of 59 apartment units. A total of 95 parking spaces are required for this complex and have been provided. A total of 48.4% on the parking spaces will be compact type spaces. Bike parking will be available in varies areas around the site along with under the first-floor stairs.

The building to be built on the northern side of the site adjacent to Holladay will be a two-story office maintenance building. This building will serve as support to the complex along with housing a house keeping area for any of the units that maybe rented on a short-term basis. This site is zoned C-3 which allows for hotel usage as an outright usage.

Mark M. Mead
Professional Engineer Oregon 12181, Hawaii 7492, Washington 49698
Geotechnical Engineer Oregon 12181
Professional Land Surveyor Oregon 2259
Oregon Structural Inspector #2555SIA
Oregon Structural Plans Examiner #2554PEA
OIC-OR Inspector Certification #OIC2587

Mead Engineering

89643 Ocean Drive, Warrenton, Oregon 97146

Ph. 503-738-2538

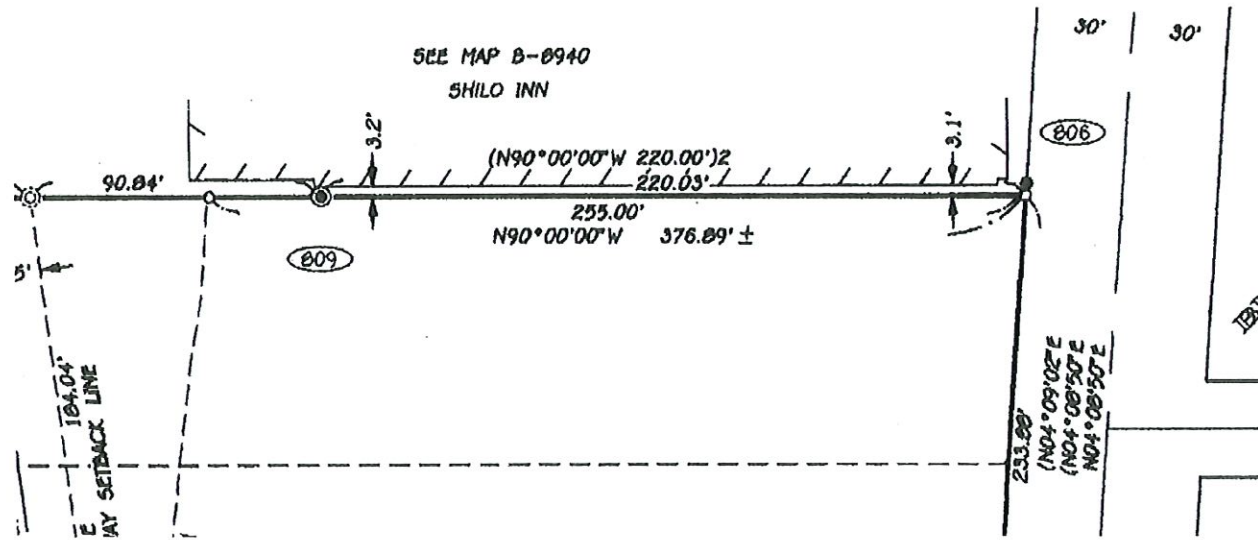
mark@meadeng.com

The next building south along Holladay will have two office spaces on the first floor and eight one-bedroom units located on the upper two stories of the building. The driveway for the site will enter between these two buildings.

Building 'A' facing the river will be three stories and contain 9 units per floor for a total of 27 units. All of these units will be two bedrooms with a small deck looking out over the estuary and Necanicum river. The face of the building has been stepped at every two units to allow for better views from the units. This building will be located near the existing top edge of the river bank.

Building 'B' will be facing south and will also be three stories and contain 8 units per floor for a total of 24 units. The easterly unit will be a type 'A' ADA unit. This building has been setback 10 feet from the property line to allow for a landscape buffer between it and the properties to the south.

The majority of the compact parking spaces have been placed in the northern half of the parking lot. Along most of the northern side of the site is parking and a landscape buffer facing the Red Lion hotel units. This hotel building is located very near the property line as can be seen in the attached portion of the boundary survey.



Mark M. Mead

Professional Engineer Oregon 12181, Hawaii 7492, Washington 49698

Geotechnical Engineer Oregon 12181

Professional Land Surveyor Oregon 2259

Oregon Structural Inspector #2555SIA

Oregon Structural Plans Examiner #2554PEA

OIC-OR Inspector Certification #OIC2587

Red Lion Hotel

property corner E=17.69

See boundary survey CS# B-11927 by HLB

Tax 6500 0.70 acres

House

garage

cross walk

gravel driveway

paved driveway

Pavement

Office

Tax Lot 6600 1.14 acres

Storage

water meter

catch basin

catch basin EL=17.23

property corner E=18.69

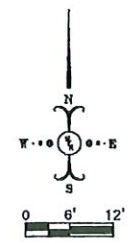
property corner E=17.73

property line

Three Story Condo Units

garage

Rest



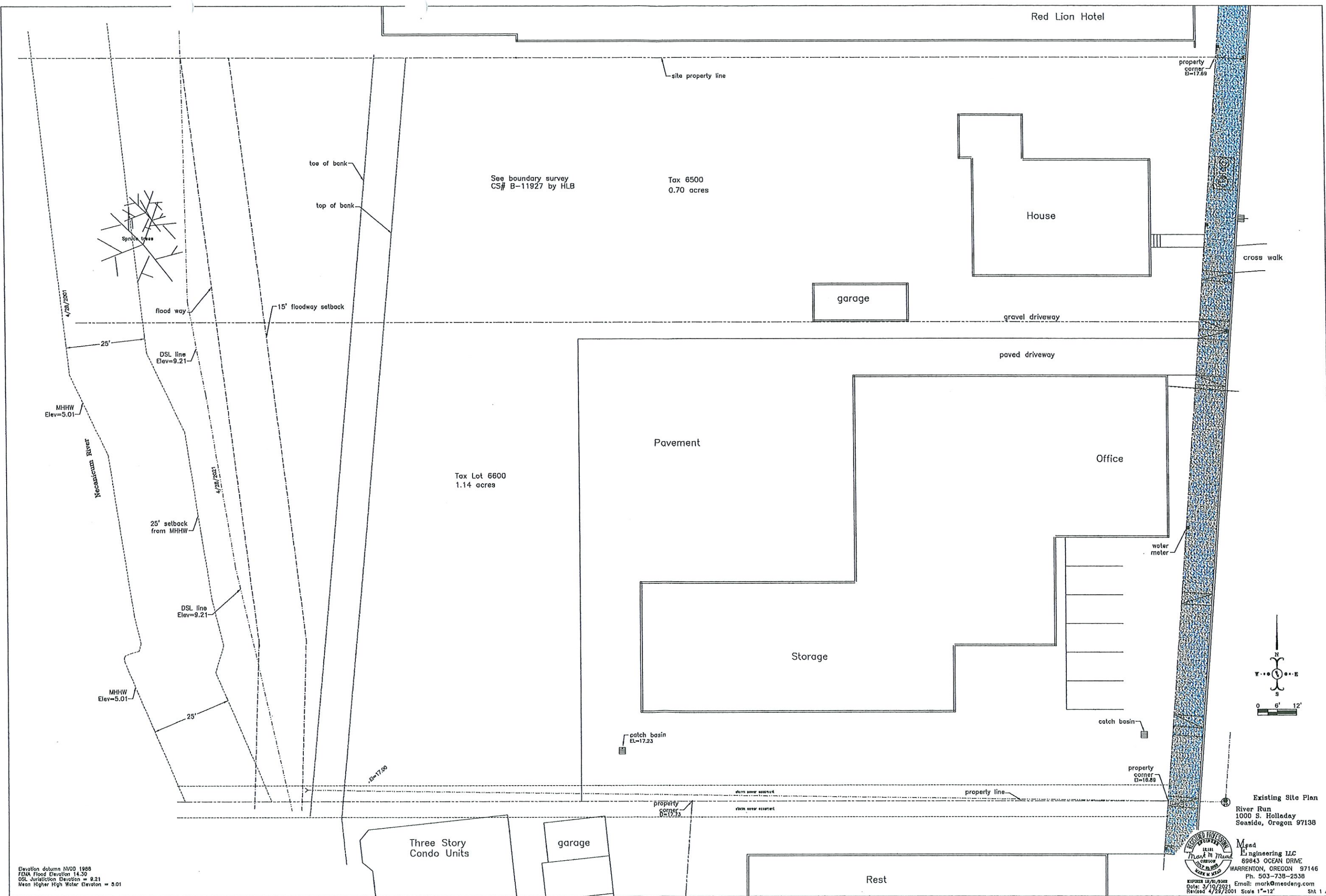
Existing Site Plan River Run 1000 S. Holladay Seaside, Oregon 97138



Mark A. Mead Engineering LLC 89643 OCEAN DRIVE WARRENTON, OREGON 97146 Ph. 503-738-2538 Email: mark@meadeng.com

Elevation datum NVD 1988 FEMA Flood Elevation 14.30 DSL Jurisdiction Elevation = 9.21 Mean Higher High Water Elevation = 5.01

DATE: 3/19/2021 Date: 3/19/2021 Revised: 4/28/2001 Scale: 1"=12' Sht 1 of 1



Red Lion Hotel

property corner

site property line

See boundary survey
CS# B-11927 by HLB

Tax 6500
0.70 acres

House

cross walk

garage

gravel driveway

top of bank

top of bank

flood way

15' floodway setback

paved driveway

Pavement

Office

Tax Lot 6600
1.14 acres

water meter

Storage

catch basin

catch basin

property corner

property line

property corner

Existing Site Plan
River Run
1000 S. Holladay
Seaside, Oregon 97138



Necanicum River

Three Story
Condo Units

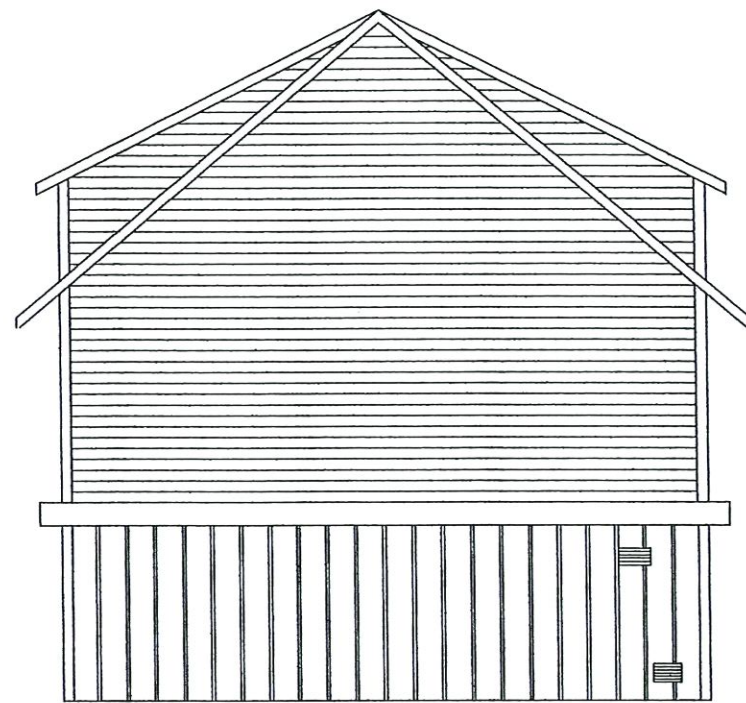
garage

Rest

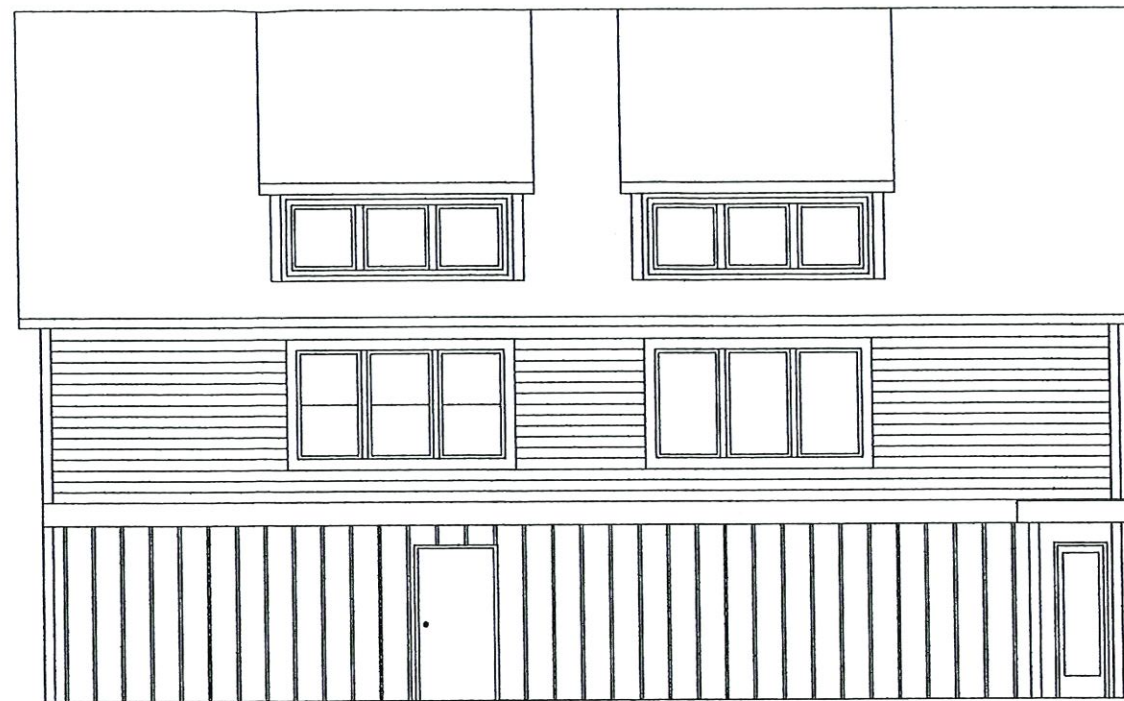


Mead
Engineering LLC
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WARRENTON, OREGON 97146
Ph. 503-738-2538
Email: mark@meadeng.com
Scale 1"=12' Sht 1 A

DATE: 12/11/2022
Date: 3/10/2021



North side



West Side



South side



Holladay side

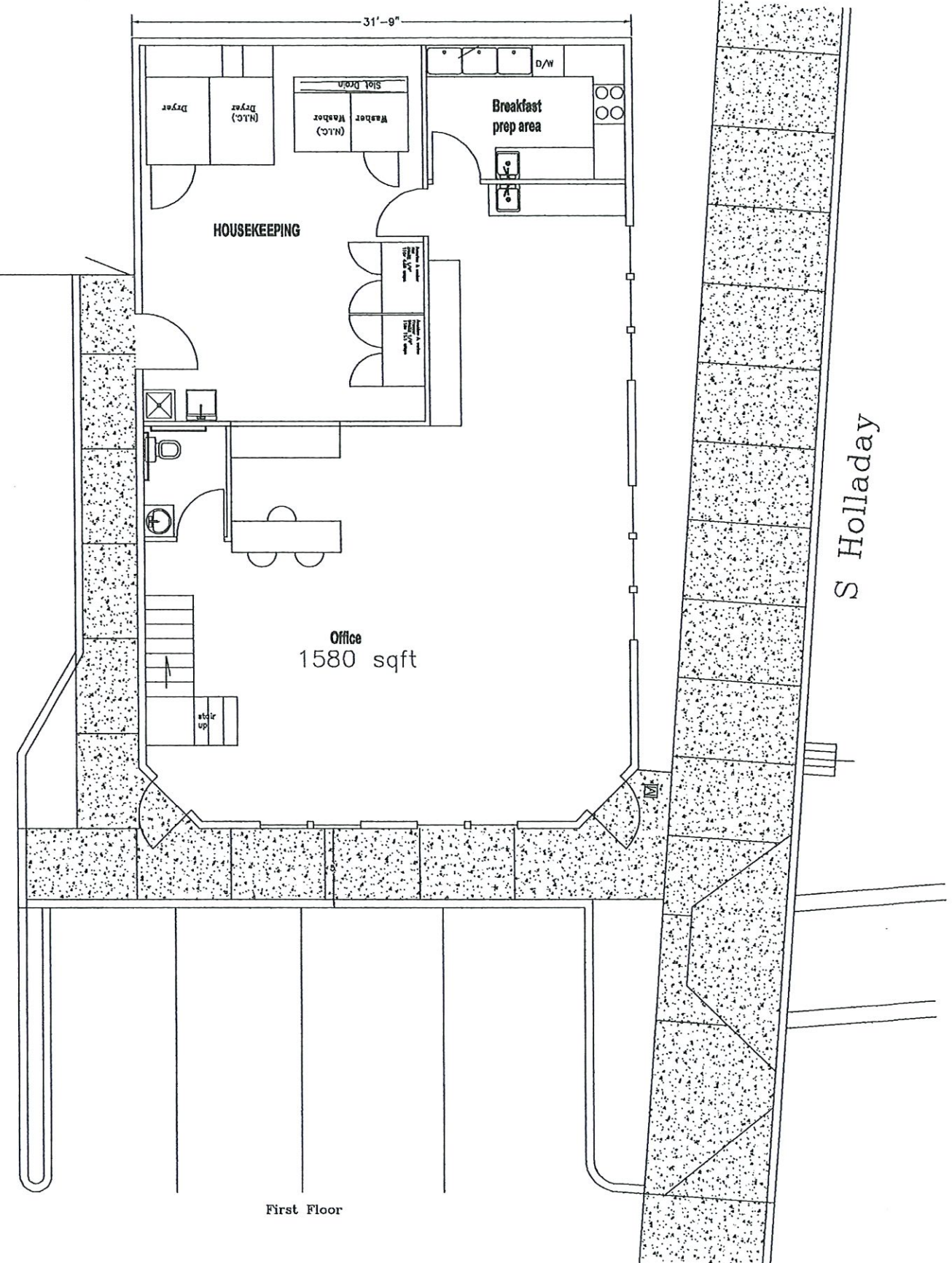
Exterior Elevations
Office / Lobby North
River Run
1000 S Holladay
Seaside, Oregon 97138



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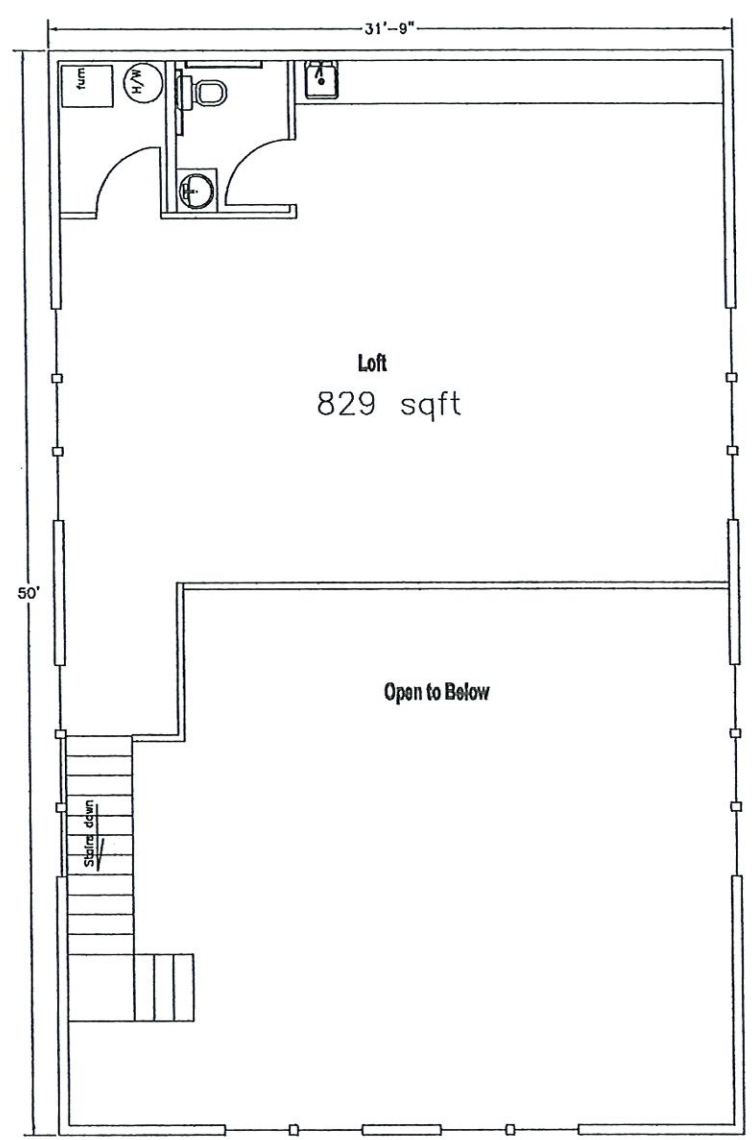
EX-228 12/21/2022
Date: 29 April 2021

Scale 1/4"=1' Sht 2



First Floor

S Holladay



Second Floor

Floor Plan
Office / Lobby North
River Run
1000 S Holladay
Seaside, Oregon 97138

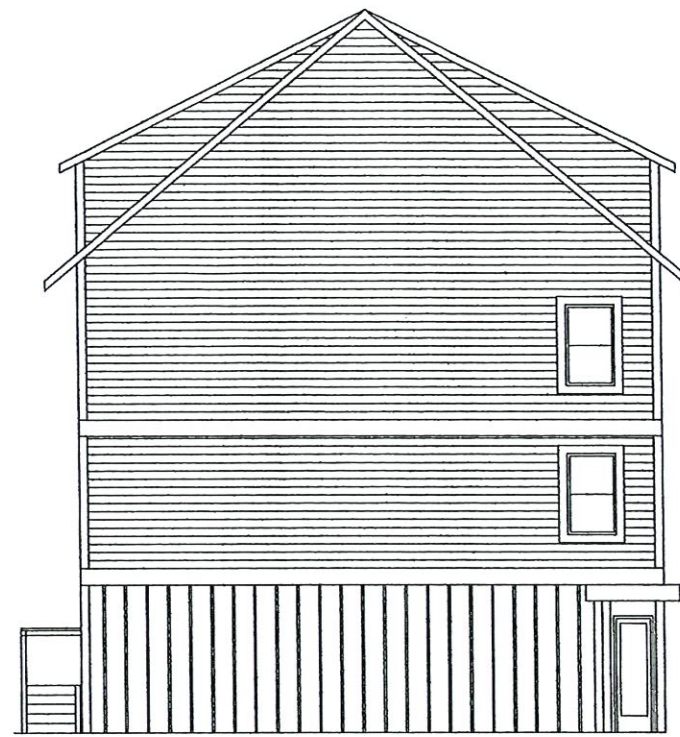


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Email: mark@meadeng.com

EXPIRES 12/31/2024
Date: 28 April 2021



West Side



South side



Holladay side

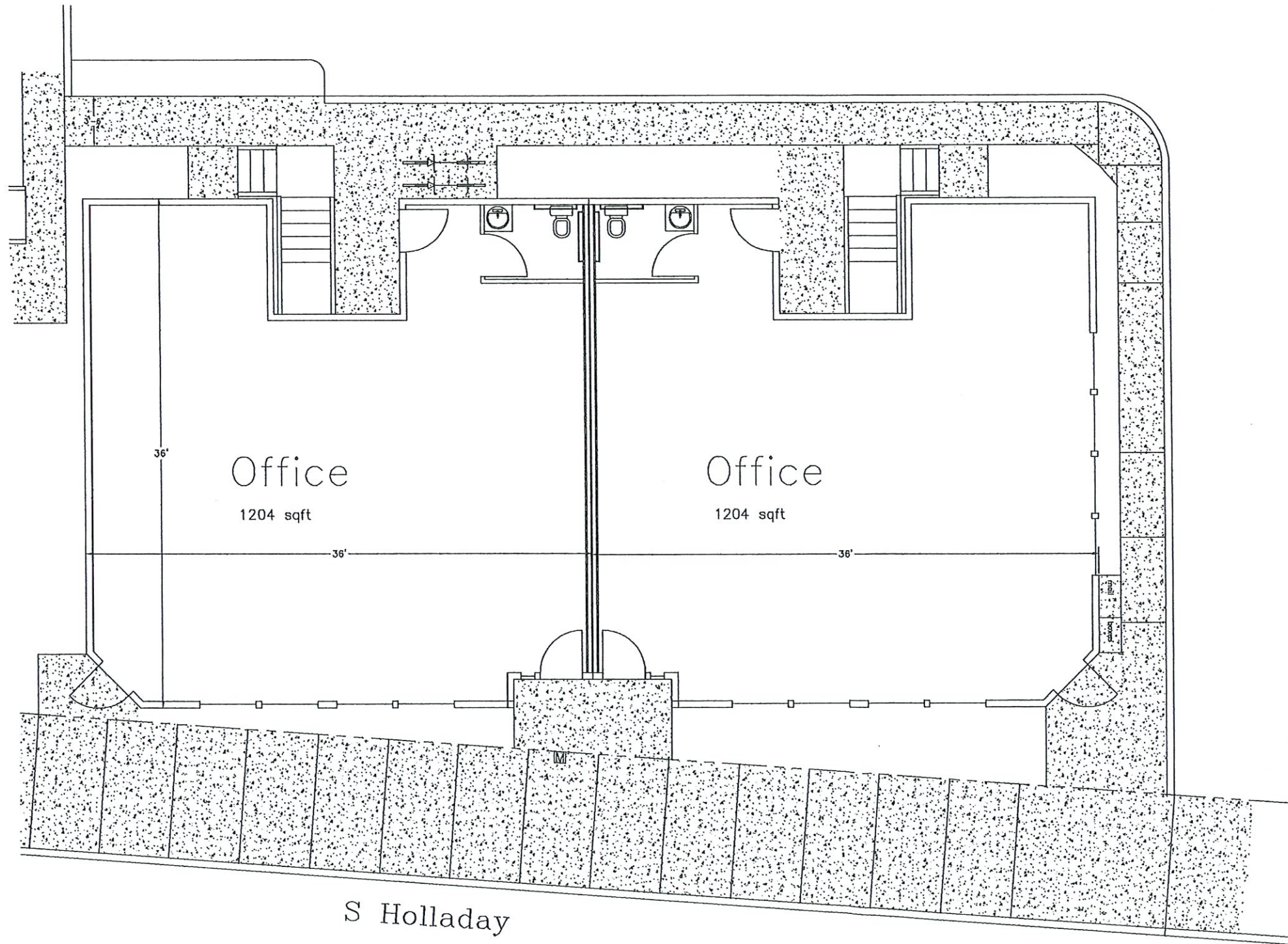


North side



Exterior Elevations
Office South & 8 Units
River Run
1000 S Holladay
Seaside, Oregon 97138
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EXPIRES 12/31/2024
Date: 28 April 2021

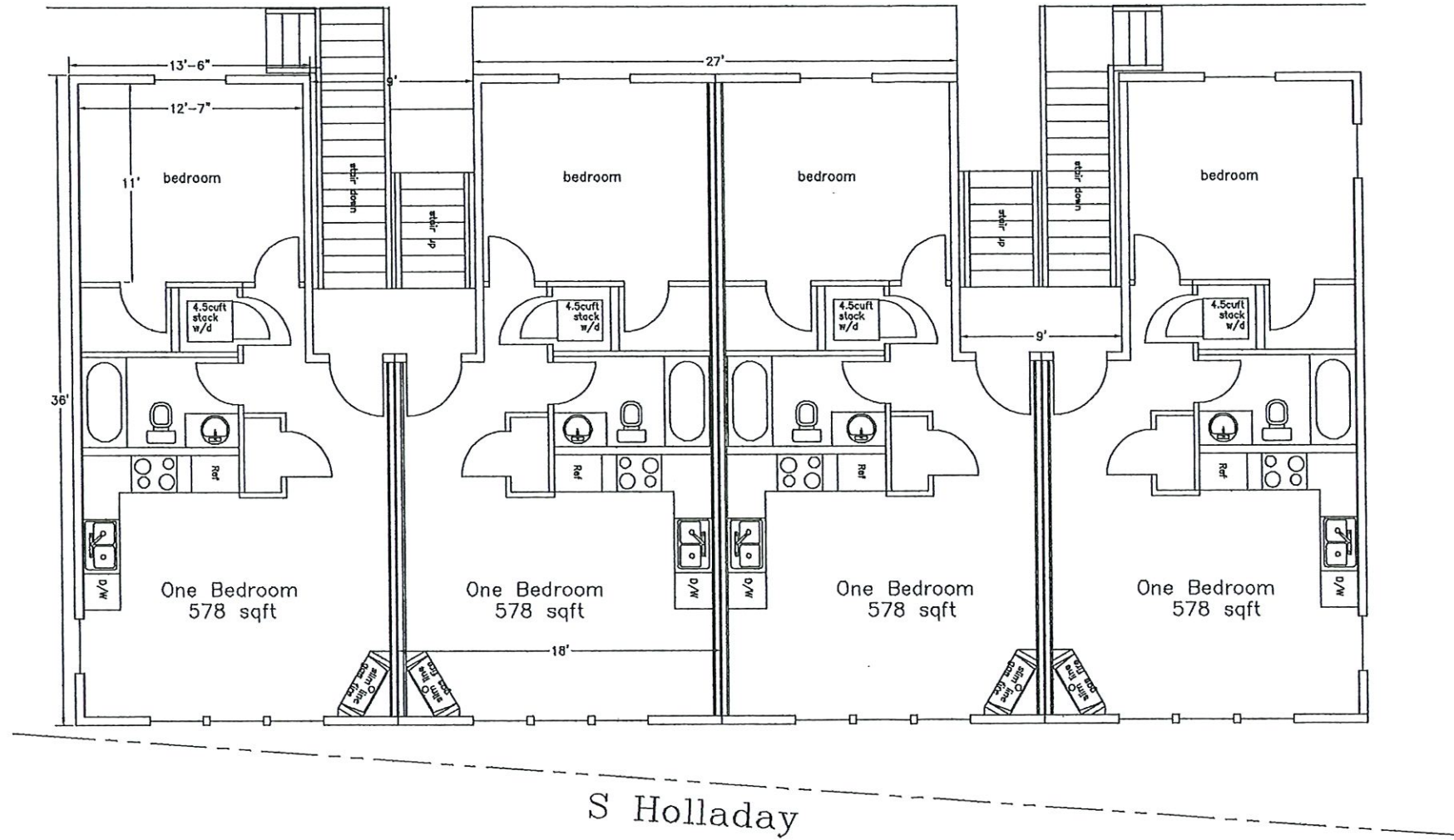


office Floor Plan
 Office South & 8 Units
 River Run
 1000 S Holladay
 Seaside, Oregon 97138



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EXPIRES 12/31/2025
 Date: 28 April 2021



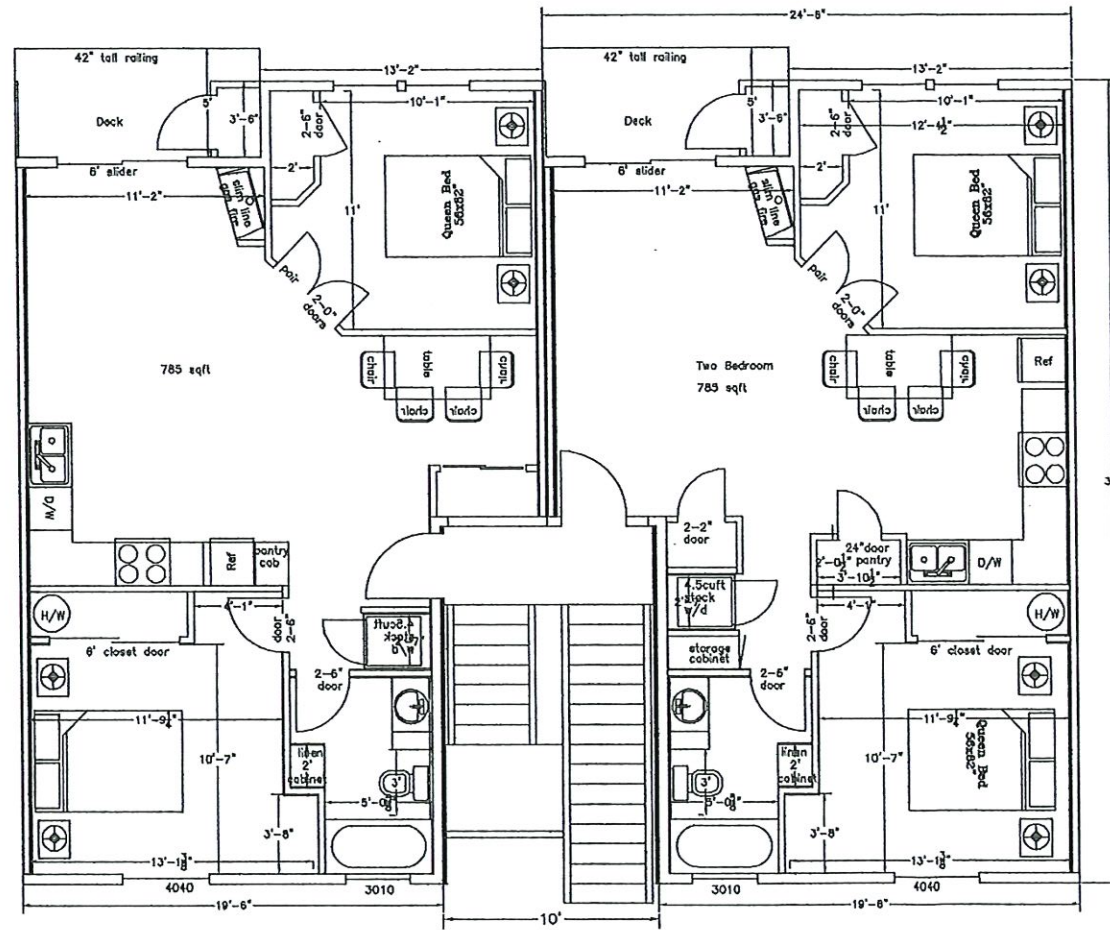
2nd & 3rd Floor Units
 Office South & 8 Units
 River Run
 1000 S Holladay
 Seaside, Oregon 97138



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EXPIRES 12/31/2022
 Date: 26 April 2021

Scale 1/4"=1' Sht 6



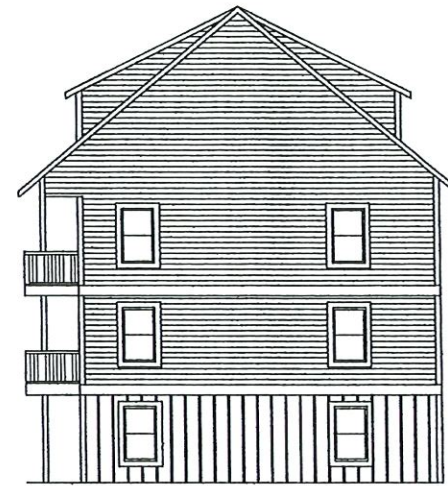
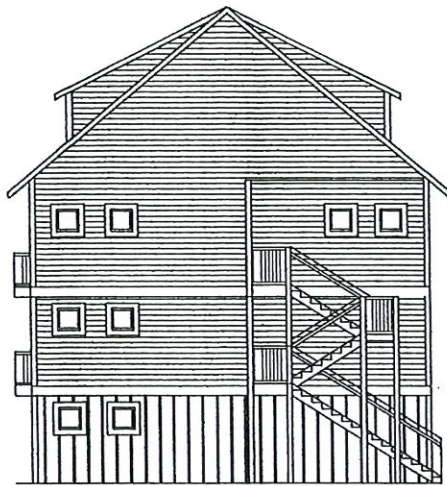
Two Bedroom floor Plans

Two Bedroom Units
 River Run
 1000 S Holladay
 Seaside, Oregon 97138

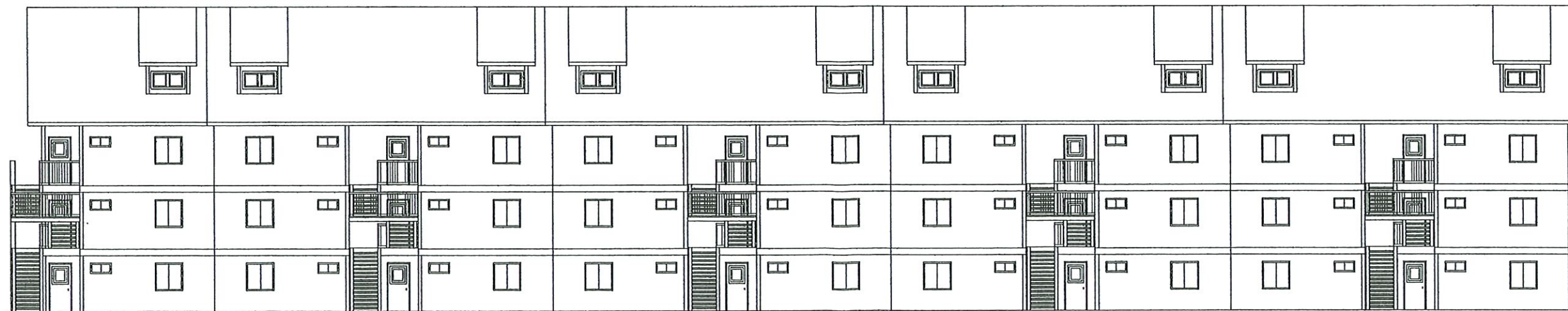


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EXPIRES 12/15/2022
 Date: 26 April 2021



River (west) side
Building 'A'



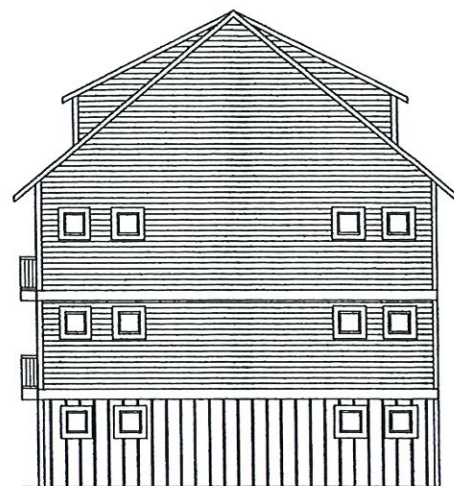
Parking lot (east) side
Building 'A'

Exterior Elevations
 Building A
 River Run
 1000 S Holladay
 Seaside, Oregon 97138

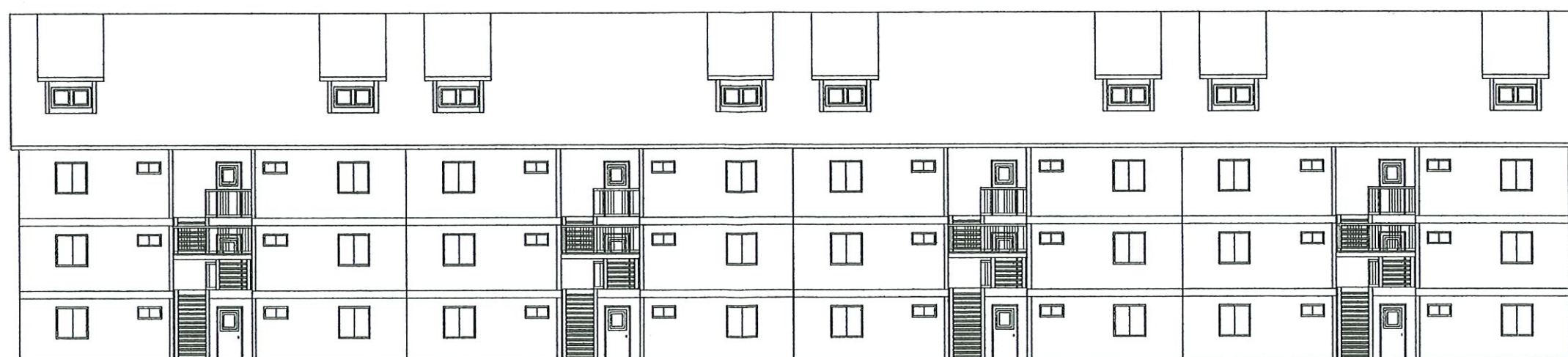
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Professional Engineer
 Mark A. Mead
 License No. 12345
 State of Oregon

DATE: 28 APRIL 2021
 Scale 1/8"=1' Sht 8



South side
Building 'B'



Parking lot (north) side
Building 'B'

Exterior Elevations
 Building B
 River Run
 1000 S Holladay
 Seaside, Oregon 97138



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EXPLAINS 18/10/2022
 Date: 28 April 2021