

**SEASIDE PLANNING COMMISSION AGENDA**  
**989 Broadway - City Hall Council Chambers**  
**June 7, 2016**  
**7:00 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 3, 2016
6. **PUBLIC HEARING:**
  - A.) **16-023VRD** is a conditional use request by **Tran Ly Baunach** for a **two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The property is located at **2036 S Franklin (6 10 28AB TL 1300)** and it is zoned **Medium Density Residential (R-2)**.
  - B.) **Continuance: 16-017V:** A **revised** request by **Antoine Simmons** for a variance to the allowed building height and required setbacks at 341 S Prom. (6 10 21AC TL: 11900, 11100, 10900). The property is zoned Resort Residential (R-R) and the zone currently allows a defined building height of 45 ft. The applicant is requesting to build up to a defined height of approximately 60 ft on the western portion of the property but the apparent height would be approximately 51 ft due to a below grade story. The eastern portion of the building would be setback 3 ft. along a portion of the southern property line and 5' along a portion of the northern interior property line where the zone requires an 8' setback. The northwest corner of the building would be 8 ft. from the Prom frontage. The applicant intends to develop a 48 unit motel. The building will have sloped roofs and numerous dormers and open decks on the westerly facade. The structure would also have a non-habitable tower with a peak height of 80'; however, this type of architectural feature is already allowed an exception to the building height under the ordinance. A number of pre-existing buildings in the surrounding area are close to or exceed the requested building height. The review will be conducted in accordance with Article 7 and Article 10 of the Seaside Zoning Ordinance, which establishes the review criteria and procedures for a Variance.
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

**MINUTES SEASIDE PLANNING COMMISSION**  
**May 3, 2016**

**CALL TO ORDER:** Chair Ray Romine called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE:** Commissioners present: Dick Ridout, Steve Wright, Chris Hoth, Bill Carpenter, Bob Perkel, Tom Horning and Ray Romine, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

**OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT:** Chair Romine 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. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. Commissioner Horning excused himself from item C on the agenda (16-017V).

**APPROVAL OF MINUTES:** April 5, 2016;

Vice Chair Carpenter made a motion to approve the minutes as submitted. Commissioner Perkel seconded. The motion was carried unanimously.

**AGENDA:**

**PUBLIC HEARING REQUIREMENTS:**

The following public hearing statements were read by Chair Romine:

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:**

**Waiting for a representative, item was moved to the last item on the agenda.**

**A.) 16-012HOZ** is a Highway Overlay Zone request by **Musudur Khan (Pinehurst LLC)** to change the use from a 7 unit apartment building (which will be demolished) to a 64 unit hotel and 16 long term stay units. The hotel is an outright permitted use in the zone. The property is zoned General Commercial (C-3) and it is referenced as T6 R10 S28AC TL: 1101 on the County Assessor Maps.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Mark Mead 89643 Ocean, Warrenton OR. Mr. Kahn is planning on putting a 64 unit Motel on this site and a 16 unit long stay motel. He is debating whether to make those long stay units or do a separate building that has an additional 32 units, that's why that part of the plan has 2 parking spaces per unit. He wants to build the hotel part first and then decide what to do with the last section. The site currently has a seven unit apartment building on it. There are wetlands around the property and Mr. Kahn is not sure what he will do with that portion of the property. He may deed it over to the North Coast Land Conservancy.

The building will be set back in an L shape so that we can get a lot of the rooms to look out over the wetlands. When they were laying out the parking lot they left space for a left turn lane, right turn lane, and acceleration lane and then talked with ODOT and ODOT stated that because of the existing access permits the number of cars and other factors right now that would not be required. They did want a clear vision space though. One of the problems with putting in a left hand turn lane is that the next motel

north, there is not enough space without taking their property to put in a left turn lane. Most of the lighting for the parking lot and hotel will be soffit lighting. If he decides to go with a branded hotel instead of being independent, he may have to do a little bit of parking lot lighting. If he does then he may put in lights with small ballards on them and not the big huge poles. They tried to come up with a plan that fit the site and not encroach on the wetlands. The DSL said they could go closer but they want to have that as a view for the guests. Some of the rooms will look out front. People enjoy looking out over the wetlands.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Jody McCallister, her Dad is Darrel Davis who owns the old Pete Anderson building and she lives there now. She doesn't know if she's in favor or against this. She is thrilled that something nice will be going in. She asked Mark if the long term meant permanent rentals or longer stay hotel rooms. Mark stated less than 30 days. She stated that they talked about sharing that one driveway. The Guesthouse has 60 plus units and then the 64 units for this hotel means that both of these hotels will be packed for at least 6 months of the year with all those people trying to get in and out of the property. She thought that at least they should require a turn lane. Without a center lane they will sit there forever because they are trying to get to Cannon Beach. Someone needs to really look at that turn lane. Chair Romine stated that ODOT has concluded that there is no need for a turn lane.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Mary Kemhus, 86183 S Wahanna Rd. Seaside. Mary stated that this is not in opposition, she's knows Mr. Kahn and he's a great guy and does great work. She is concerned that this reduces the long term housing that we have available. She would like to see some provision regarding that there is long term housing that will replace what is already there.

Chair Romine asked if there was anyone else who would like to offer testimony in opposition. Zachary Sidel, 346 9<sup>th</sup> St. #C, Astoria OR. Zachary stated that there is a problem with long term housing. The rents are high and there is very little housing available.

Chair Romine asked if there was anyone else who would like to offer testimony in opposition. There was no response.

Chair Romine stated that it was time for rebuttal. Mark Mead stated on the access lane they thought that they were going to have to put one in but ODOT came back and said no. This used to be one property with the hotel and apartments. When that driveway went in there was an agreement signed that said no more driveways can be put in at that time. So that's where they stand with that, but they are leaving the space so that if ODOT changes their mind one can be put in. The housing is an issue. Mr. Kahn knows how hard it is to find housing. He is trying to find other housing to buy for his own employees.

Commissioner Horning stated that the topic of the highway and access is quite compelling and ODOT is losing an opportunity. Mr. Cupples stated that he did check the TSP and there is no third lane proposal in that area. Commissioner Horning asked if there was a process so that we could be amend the TSP. Vice Chair Carpenter stated that they are going through the TSP right now and he invited Commissioner Horning to attend that meeting.

Commissioner Ridout stated that someone mentioned that there was not enough room to put in the turn lane. Mark stated that was one of the problems. The width of the highway isn't large enough to put the turn lane in. With the turn lane they have to also include a bicycle lane and sidewalks.

Commissioner Horning stated that regards to the wetlands on the east side of the property, he would like to see a fence to keep the public out. Mark stated that they are leaving a 25 foot setback there. Commissioner Horning stated he would like to see a fence there. Mark stated that they will do some plantings.

Commissioner Horning stated that this project also needs to be dark sky compliant. With this being a 3 story building and they need to keep the lighting from going into the wetlands. Mark stated if you look at the other hotel that he built on the river that's how the lighting will look.

Commissioner Hoth stated that there should be at least a right hand turn lane.

Chair Romine stated that the site line is pretty clear.

Mr. Cupples tried to get a hold of Matt Caswell with ODOT for additional clarification, but couldn't.

Mr. Mead stated that the project will probably start next February, which gives them time to work with ODOT.

Commissioner Ridout asked if there was a way we could talk with ODOT and say that we think that we need this. Chair Romine stated that we can't impose something on the project that we can't enforce. That's on ODOT. We can suggest that they leave the space available for that.

Commissioner Horning asked if there was a way that we could get something in writing that says that when ODOT does say they are going to do something that the land will be available. Mark stated that is why they are leaving that area alone, so that there is room at the entrance.

Mr. Cupples stated that with the three travel lanes and the same thing happening on the other side of the highway there is just not enough room. Commissioner Horning stated that it would be a shame to say no to a project because ODOT doesn't get things done for years and it will even be a worse shame to tie up traffic even more. Mark stated that maybe they can do an easement to the city or to ODOT so when they are able to expand they can. At least it's something.

Commissioner Hoth stated that the TSP says that the buildings should be up front by the highway and the parking should be around back. With this project it's the opposite with the parking up front and the building in the back which will make it better when and if they do the additional lanes. Vice Chair Carpenter asked can't you just go ahead and do this. Mark stated its ODOT's right of way they can't just do it and they still need to meet all of ODOT's standards.

Commissioner Wright asked how many of the apartments are rented out right now. Mark stated all of them. Chair Romine stated that there is still the new apartment building being built.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Hoth made a motion to approve the highway overlay zone review under the guidelines that staff has presented to which they will add that they approve the parking as it stands and that the left hand turn lane be considered and pursued as much as possible and that the right turn lane be pursued more strenuously. All the lighting has been addressed and the barrier should be site appropriate. Mr. Cupples stated that because you are dealing with the floodway, it appears to be where the alder tree line is and he doesn't want to start putting things in the floodway. Commissioner Hoth stated then it should be a site appropriate barrier. Commissioner Ridout asked Commissioner Horning exactly what is he trying to accomplish here, to keep people from walking back into the wetlands? Commissioner Horning stated he wants to keep the people out of wetlands.

Vice Chair Carpenter seconded and the motion was carried unanimously.

**B.) 16-016VRD** is a request by **Richard Feves** for a **four (4)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **ten(10)** people over the age of three. The property is located at **2132 S. Columbia** and it is zoned High Density Residential (R-3).

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Mark Tolan, 524 N Roosevelt, Seaside with Seaside Vacation Homes will be representing the applicant.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Romine indicated the issue was opened for Commission discussion.

Vice Chair Carpenter stated that in the past, vacation rentals have been required to pave the parking area. Mr. Cupples stated that there is a finding in the report that states if you change the use then you would have to pave the parking. Being as this was previously licensed as a VRD we are not requiring paving of the parking.

Commissioner Ridout asked if there have been any past complaints with this property. Mr. Cupples stated no.

Commissioner Horning asked regarding open yard areas, how do they come into play on this site. Mr. Cupples stated that the numbers work out very well. They don't need the garage for parking. They have enough parking without it. Mr. Tolan stated that it is a double lot. Chair Romine asked about the safety

of the upstairs bedroom windows. Mr. Cupples stated that the two upstairs bedrooms have an egress windows but there is a trundle bed that needs to be removed or the window will need to meet the height requirement.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Vice Chair Carpenter made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Perkel seconded and the motion was carried unanimously.

**C.) 16-017V:** A request by **Antoine Simmons** for a variance at 341 S Prom. (6 10 21AC TL: 11900, 11100, 10900). The property is zoned Resort Residential (R-R). The applicant is requesting that a defined building height of 90 feet (45 feet over the allowed height) be permitted. The adjacent buildings are considerably higher than the allowed 45 foot maximum. It will have a sloped roof with numerous dormers and open decks on the westerly facade to add to the guest's coastal experience. The tower at the northwest corner is the tallest roof at 90 feet, while the main roof and dormers are 65 feet at the peak.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions. Mr. Cupples stated that the applicants will need a continuance to get all the documents ready.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. David Vonada, PO Box 648, Tolovanna Park. Mr. Vonada brought in some additional photos of what the property will look like once completed. He also wanted to confirm that they would like a continuance but would still like get feedback on the project from the commissioners and public. Antoine Simmons is also here tonight. One of the reason they would like more time is because they would like to study the east/west wing of the building to see if they could minimize the height of the building along Beach Drive. They would like to keep the height the same along the portion that is facing the Prom. They are also considering shifting the building to the south on the east/west wing so instead of a zero lot line against the residential properties they will shift it to the parking lot of the existing Promenade Condos. If they were going to a zero lot line that would be the preferred location. That way they can achieve the 8 foot setback on the North side to the adjacent homes. He apologizes because he knows there are some homeowners here that are unaware of these new changes. They share the concerns. David stated that the actual height is 60 feet to the average gable. Furthermore, 60 feet is measured at the lowest grade. The parking proposed is two levels and the ground floor enters off of Beach Drive and the upper level enters off of Avenue A.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Antoine Simmons 341 S Prom, Seaside. They acquired the property back in 2011 and it has been a dream of theirs to develop the property. He understands the neighbor's concerns. He wants to put something there that is a beautiful piece of architecture and that's where he came up with the name the Pearl so people coming to Seaside can really discover something. They are discussing bringing it down on the backside so that the front end will be 52 feet and then the backend will go more with the zone itself. It will be a four story structure about 45 feet in height. Mr. Vonada stated that they are talking about scaling down the east/west wing on the easterly side. Commissioner Hoth stated essentially losing a story. Mr. Vonada stated yes. Commissioner Ridout asked if they were eliminating one of the parking floors or removing the top floor. Mr. Vonada stated they will probably eliminate the penthouse units. Commissioner Hoth asked if the property was then essentially 52 feet and the uninhabited tower is 15 feet then how did you come up with 90 feet. Mr. Cupples stated that Chris used to work for the county and we have a different way of determining height. We look at the elevation of the structure and take a line and draw 5 feet out from it and you draw it all the way around the building, in between 0 and 5 feet out you find the lowest point. You start your measuring from there. Then you measure up until you get to half the height of the highest gable end. In this case although you are looking at the lowest grade clear out at Beach Dr. the highest grade may be on a different part of the building, but that is the height of the building. You just draw an imaginary line all the way around and say that is the height. The apparent height of the structure is where it's out by the Prom, if you bury one level, well that's buried on that level but it's exposed on the Beach Drive side. So you are starting from the Beach Drive side measuring the height even though when you get out towards the Prom side you may have one whole floor of the structure underground, which is the case here. Commissioner Hoth stated that what he would like to have Antoine & David come back with a drawing that shows the height of the western corner to the top of the tower and also the actual height of the building. Vice Chair Carpenter asked if the uninhabitable area is going to be used for anything like storage. David stated no it's an architectural

feature. Commissioner Perkel asked Antoine if he has addressed the letter that neighbors sent. Antoine stated that he has reviewed everything with him. Antoine stated that the issue is that there are a lot of older homes that have been there for years, but they are right in the middle of tourism and this is a challenge. That's why if they push for a zero lot line over by 8 feet to the parking lot side that would give them an 8 foot setback on the house. Antoine stated that they could do more screening and make it feel more like a home. Antoine stated that right now the property pins are right on their structure. They will have the 8 foot setback from there and they still will be able to have access to their side yard. The lot has been vacant for many years and the lot has become a dog park for downtown Seaside. They are willing to make adjustments and changes. Commissioner Hoth asked if they moved the zero lot line to the parking lot but it doesn't look like you've moved the front western portion over. David said that could still be done but he hasn't done it at this point. The 8 foot setback will be along the Promenade Condos. Commissioner Hoth stated that there is another view and that is the people walking along the Prom and seeing the Coastal Range and if you got space in between the buildings then you have more of a sense of community.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Marlo Hornberger 20838 SW Siletz Ct. Tualatin OR. VP Promenade Condo Association. This new revelation tonight is quite shocking. At first his number one concern was the setback from the Prom and the mystery 6<sup>th</sup> Street. He is in unit 403, his master bedroom is located very close to this proposed new building. When he comes to Seaside he likes to open the window and listen to the ocean. Now he would be looking into the bedroom of a motel. He is ok with them being 8 feet away because that is the same set back on the other side with the Sand & Sea. The Promenade parking lot is right there and it seems as though when it rains all the cars will get soaked. That is a huge concern. The other issue is the set back from the sidewalk. They lost most of the views to the North when they built the Trendwest, even that is set back 20 feet. You can look all the way down the coast line south of them and every single building is 40 to 50 feet back from the Prom and this looks like it's pushing the limits. He also saw that the roof has an overhang of 8 to 10 feet on the south side of the building and when it rains it will all be dumped on the Promenade Condo's parking lot. The next point is parking, it's a mess already. You want to put in 50 units with a parking of 55 spots. A typical weekend in this town there are cars all over, the Trendwest doesn't have enough parking in that structure so they will be parking along the street. Right now when they exit the Promenade Parking lot there is always a giant truck parked there and he is amazed that there hasn't been an accident already. They have 18 units at the Promenade with 35 parking spaces and a lot of them are the same size units as they're proposing to put in this complex, so where are they going to put all the cars for this place. He has a feeling they are going to try and park in their parking. 50% of the people at the Promenade rent out their units with an annual income of roughly \$30,000 and he is worried about loss of income during construction and loss of income because the view will now be restricted with this new plan. This is not acceptable. The Promenade is not an old building. It's only about 20 years old and they have rights too. He doesn't want to see his property value hindered because of this proposed new development. It would be a nice addition to the city but they need to downsize this. It looks like it should be up on Mt. Hood. They have their condo association meeting next Thursday and he needs the 16 feet in between the buildings, How would you like to come to the coast and open up your window and look 8 feet right into the bedroom window of the building next door. This needs to be 16 feet.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Chris Hardy, Unit 503 at the Promenade Condos. He is a builder and he looks at the building and it looks a little big and extravagant but it is too close. When he stands out on his balcony he will be looking into a building. Right now he looks out to the turn around. He knows the lot was available but he didn't think they would tear down the building next to them and then build a 5 story hotel. He has light issue right now and he enjoys the sun coming into his unit. If you allow them to build this 5 story building it will be a dungeon in his unit. Right now there is a parking issue. They should have called the city before and had them paint the curb red. When they pull out right now you cannot see left or right because of the big trucks that park on the road. He is glad that we are waiting for another month so that he has time to review this. People need to know what this will look like. He doesn't want to look out at a brick wall.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Suzanne Calef, 25 Avenue A. Seaside OR. The home has been in the family for 4 generations. They do need the 8 foot setback so that they will be able to access the front door. This home used to be the carriage house and

her grandfather turned it into two separate units many years ago and if they don't have the 8 foot setback it will be very hard to access the second unit.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Zachary Sidel, 346 9<sup>th</sup> St. #C, Astoria OR. He went to a county meeting and they were discussing the county wetlands. Chair Romine asked if this pertained to the agenda item. Zachary stated that yes it does. The Clatsop County Wetland Advisory Committee is going over the regulations as to flood plain insurance. Commissioner Ridout stated that this property is not in the flood zone and so the flood zone has nothing to do with this agenda item. Zachary stated that the wetlands are being affected by the sewer and he doesn't know how well the sewer has been analyzed. Commissioner Hoth stated that we are talking about a hotel development on the prom. He asked if Zachary was referring to the hotel at the south end of town. Zachary stated they are all related to the sewer. Vice Chair Carpenter stated that has nothing to do with the variance that is before us now.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Erin Barker PO Box 408 Seaside. She is here on behalf of two owners on Beach Dr. that have short and long term rentals. They are concerned with the size of it. If this goes through Beach Drive will feel like a big wall. Even though they are on the other side of Beach Dr. they wonder if they will even be able to get sunlight on the front patio. The size and the height of it are their biggest concern.

Chair Romine stated it was time for David or Antione's rebuttal. David Vonada stated that he thanks everyone for their input and will go back and take everyone's concerns and come back with a recycled plan.

Chair Romine asked Mr. Cupples if this development plan was an outright permitted use. Mr. Cupples stated that yes it was. Marlo Hornberger asked to put that in laymen's turn. Mr. Cupples stated that the use is permitted outright. If they were to bring this in and met the setbacks and height restrictions and off street parking, the planning commission wouldn't be reviewing this.

Chair Romine stated that this is a great project and he would like to see something go on that vacant lot but it will be difficult.

Vice Chair Carpenter stated it will be nice to see something useful.

Commissioner Perkel stated that he thinks it's a great idea also but we need to have something that doesn't upset the neighbors.

Antione stated that is why they are here to get an understanding of what the city and neighbors would like to see there. Right now, we have Trendwest and also the Sand and Sea that are pretty tall buildings. They were not planning on changing the front end of the building at all. Where it is now is where it will stay. Mr. Hornberger stated that the plans show a dotted line and it looks like it will got out at least another 8 to 10 more feet. Antione stated that it will be where it is now and will not disrupt the view of the Promenade Condos.

Commissioner Hoth stated that if you want to see where 6<sup>th</sup> Street is you can walk down a few block and look back and see where the sixth street is and where the building will be located from there.

Antione Simmons stated that when you look at the Comprehensive Plan of a City, this sixth street was probably put in at the turn of the century and now we are building up the prom area. Downtown is not only Broadway, it's actually about the first three blocks either way. We are designing and building based on a street that will never exist, ever. He asked Kevin about this and Kevin stated that if we give it up we will never get it back. Antione stated yes, but they are designing the next 100 years of buildings based on a street that will never exist. He doesn't understand. Vice Chair Carpenter stated that the city attorney says that anything that is owned by the city, for example streets that are not improved, right of ways, never give that up. The Trendwest is right up on the prom and they have to come back from 6<sup>th</sup> street. Antione wanted to make one more statement about the zero lot line. Right now the current structure is currently on the line. Someone from the audience stated yes but they are small. Antione stated that is right on the parking lot it will go up four stories. Chair Romine stated that when they return he wants to see all the elevations so that we can get a clear picture of what is proposed.

Vice Chair Carpenter made motion to continue this until the next planning commission meeting scheduled for June 7<sup>th</sup>. Commissioner Perkel seconded and the motion was carried unanimously by the six voting members.

**ORDINANCE ADMINISTRATION:** Mr. Cupples stated that the DLCD and FEMA anticipate the updated flood plain maps should be here mid-month. Two years ago the DSL prepared adjustments based on LIDAR data for

flood plain areas in Seaside and we kept thinking they were going to move forward and that we were going to get them and we haven't received them. The only reason we are getting them now is because there was an agreement to leave out regions of the north county that had issues and move ahead with the south county where we didn't have issues with the maps. He guesses that they are now going to bisect the whole process and allow the people who weren't in objection to go forward and then worry about the north section later. Until these maps get amended, people will still have to pay flood insurance at a non-preferred rate. That also has bearing on the work we want to do with the Fore Dune Management Plans because the statewide planning goals are all tied to base flood information and you can only grade down to base flood plus 4 feet unless you have an exception. Our exception has sunset and so right now people are only allowed to grade down to what the flood plain map says currently and the future maps are supposed to go down further. He will believe in the delivery when he gets the proposed maps. He is hoping that the DLCD will allow them to use the draft map elevations for foredune purposes. Then we will probably go forward with a LOMAR using FEMA's own data to have the maps updated faster than the normal process.

**COMMENTS FROM THE PUBLIC:** Zachary Sidel stated that he was at the Clatsop County Wetlands Advisory meeting and they motioned to talk to the council. The maps are so inaccurate and need to be revised. The state maps are not changing and are just as unusable. He knows he isn't making much sense but neither do the maps. He also wanted to know if Seaside is hiring an Admin Assistant and he is also running for State Representative and if you love him you will write his name in.

**COMMENTS FROM COMMISSION/STAFF:** None

**ADJOURNMENT:** Adjourned at 9:00 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Admin. Assistant, Debbie Kenyon  
**Date:** June 7, 2016  
**Owner/:** Tran Ly Baunach  
**Applicant** 12840 SW Harlequin Dr.,  
Beaverton, OR 97001  
**Location:** 2036 S Franklin, Seaside OR, T6-R10-S28AB TL#1300  
**Subject:** Conditional Use 16-023VRD; Vacation Rental Dwelling Permit

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### REQUEST:

The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **2036 S Franklin**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is** requesting a maximum occupancy of **six (6)** people over the age of three (not more than 10, regardless of age) within the existing **two** 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 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 6.137, 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. The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **2036 S Franklin**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is** requesting a maximum occupancy of **six (6)** people over the age of three (not more than 10, regardless of age) within the existing **two** bedroom dwelling.

The applicant's submitted justification is adopted by reference and summarized below:

- a. The applicant's plot plan indicates there are **at least two** off-street parking spaces that are available on the site.
  - b. The existing **two** bedroom dwelling **unit** will have a limited occupancy of **six people** over the age of three (not more than 10 regardless of age).
  - c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.
  - d. **Oregon Beach Vacations, Linda Murray, 201 S Holladay, Seaside, OR 97138 will be the local contact for the VRD and she can be reached at (503) 738-5532.**
  - e. The **applicant, Tran Ly Baunach has** read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood with a mixture of single family dwellings and apartments. Currently **27%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-2)**.
3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department **has not** received any comment about the applicant's request.
4. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
5. The property has undergone a preliminary compliance inspection and has made all the corrections noted.
6. 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 were reviewed with the City Council prior to adoption and they are 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."

7. 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 fixture that exceeds the equivalent lumens of a 40 watt bulb.

### **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 **(16-023 VRD)** 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 already undergone a preliminary compliance inspection and it has passed a final inspection.**

- 2. Parking spaces: Two (2) 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 unit for the VRD tenants.**

**The map must clearly indicate "ON-STREET PARKING CANNOT BE USED BY RENTERS. PLEASE USE THE SPACES PROVIDED ON SITE.**

- 3. Maximum number of occupants: Six (6) persons over the age of three, **no more than 10 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: Oregon Beach Vacations, Linda Murray, 201 S Holladay, Seaside, OR 97138 will be the local contact for the VRD and she can be reached at (503) 738-5532.**

The contact person 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.

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 lighting element that exceeds 450 lumens, the equivalent of a **40 watt bulb**.
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.
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 Subsection 5 of this Section. 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 the forms can also be accessed on the City of Seaside's web site <http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This 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 approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5<sup>th</sup> calendar year. If the re-inspection is not completed during the 5<sup>th</sup> year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6<sup>th</sup> calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.

**16. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD. In addition, a NOAA weather radio, with automatic alert capabilities, must be permanently affixed 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.

### **FINAL STAFF RECOMMENDATION**

Conditionally approve application **16-023VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6)** persons over the age of three (no more than 10, regardless of age) at **2036 S Franklin**. 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 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.
- 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



**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
Tran Ly Baunach	12840 SW Harlequin Dr. Beaverton, OR	97007
STREET ADDRESS OR LOCATION OF PROPERTY		
2036 S. Franklin St. Seaside, OR 97138		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
R-2	?	6 North	10 West	28	1300

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

Home to be used as 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
Tran Ly Baunach	
ADDRESS	ADDRESS
12940 SW Harlequin Dr. Beaverton, OR 97007	
PHONE / FAX / EMAIL	PHONE / FAX / EMAIL
503-809-9686 / 503-495-3604 / soldbyTran@gmail.com	
SIGNATURE OF PROPERTY OWNER	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE
<i>Tran Ly Baunach</i>	

**FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE**

**CHECK TYPE OF PERMIT REQUESTED:**

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> CONDITIONAL USE         | <input type="checkbox"/> NON CONFORMING           | <input type="checkbox"/> SUBDIVISION     | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT      | <input type="checkbox"/> TEMPORARY USE   | <input type="checkbox"/> ZONING MAP AMENDMENT  |
| <input type="checkbox"/> MAJOR PARTITION         | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL                |
| <input type="checkbox"/> MINOR PARTITION         | <input type="checkbox"/> SETBACK REDUCTION        | <input type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (s)	16-023 VRD
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

**CITY OF SEASIDE  
VACATION RENTAL DWELLING (VRD) APPLICATION**

The City of Seaside requires approval for short term (less than 30 day) rental 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 and submit it for review along with their business license application.

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

**SUBMITTAL INFORMATION**

1. Applicant's Name: Tran Ly Bauach
2. Mailing Address: 12840 SW Hartquin Dr. Beaverton, OR 97007
3. Telephone #: Home 503-809-9686 Work 503-809-9686, Fax 503-495-3604
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: 2036 S. Franklin St. Seaside, OR 97138
6. Tax Map Ref.: Township 6N, Range 10W Section 28, Tax lot # 1300
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 3-4 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.
8. How many bedrooms are in the dwelling? 2 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? YES Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 6. The VRD ordinance states: 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.
9. 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.

10. Who will be acting as the local responsible party for the VRD owner? Name: Oregon Beach Vacations Phone # 503-528-7480. Address: 201 S. Holiday Dr. Seaside, OR 97138. 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 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).

11. What is the zone designation of subject property? R-2. 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.

12. 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.).

13. 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: [Signature] Date: 4/19/16

-----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 \$75.00, 6-10 occupants \$100.00, 11+ occupants 150.00. 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 11) 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: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

-----For Community Development Use-----

Date application was received at Community Development: \_\_\_\_\_

File Reference # \_\_\_\_\_ Date determined to be complete: \_\_\_\_\_

If applicable, date for Planning Commission Hearing: \_\_\_\_\_

**Section 6.137 VACATION RENTAL DWELLING (VRD)**

1. **Purpose.** The Vacation Rental Dwelling Permit is in recognition of the desire of many people to rent their property on a short term basis. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.
2. **Standards.** In all zones allowing Vacation Rental Dwellings, a permit shall be issued as an accessory use in accordance with the administrative conditional use provisions 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.

Failure to meet this standard will require a public hearing and review by the Planning Commission under the provisions of Subsection 5.
3. **Notice and Administrative Decision.** Upon submittal of a complete application, notice of the request shall be mailed to all property owners within 100 feet in accordance with Section 10.031 (2). The notice and final decision by the Planning Director must comply with the provisions in Section 10.032 through Section 10.035 of the Ordinance.

4. **Appeals.** Within fifteen (15) days of the administrative decision, the decision may be appealed in accordance with the provisions in Section 10.037 and 10.040 of the Ordinance
5. **Planning Commission review.** The Planning Commission will review VRD's which do not conform with the provisions of Subsection 2.E., in accordance with the conditional use procedures in Section 6.030 through 6.050 of the Ordinance. The applicant must address the following criteria in addition to the standards in Subsection 2.A-D of this Section. 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.
  - A. The use of the property as a VRD will be compatible with the surrounding land uses.
  - B. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.
6. **Approval conditions.** All approval must include the following conditions:
  - A. 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.
  - B. 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.
  - C. 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.
  - D. 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 this Section.
  - E. 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.
  - F. 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 Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in denial of the application

7. **Prior Approvals.** Vacation rental dwellings approved under prior standards shall comply with the provisions of Section 6.137; 2B., 2D., & 6A. within one year of the amendments in this Section.

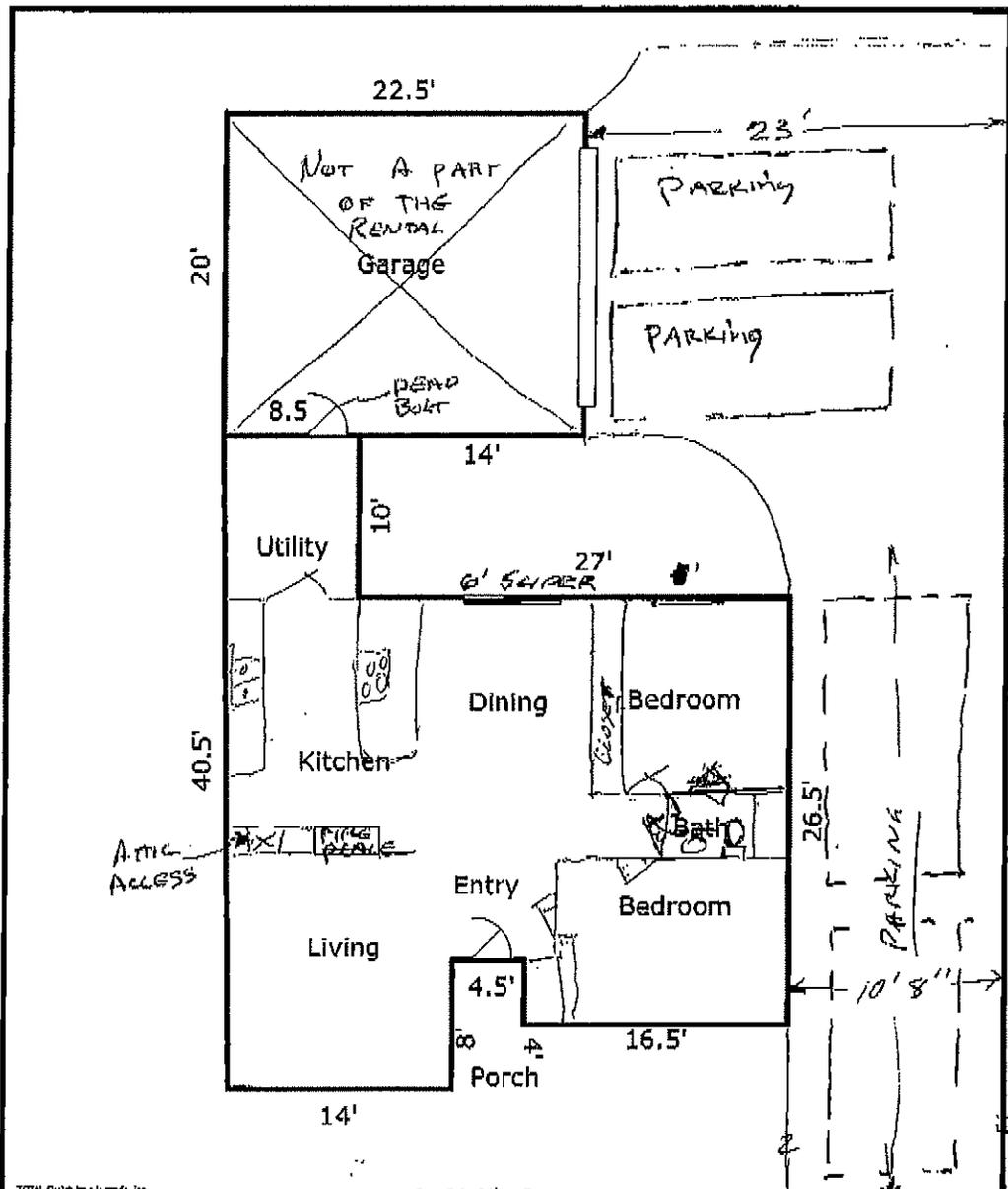
*(Amending Ordinance No., 2000-09, adopted 11-27-2000)*

8. **Complaints.** Any complaint procedures concerning violations of the VRD Provisions are in addition to the "Remedies" specified in Article 12 of the Zoning Ordinance.

FHA/VA Case No.

**Building Sketch**

Borrower	TYAN, L.V. BANOACH		
Property Address	2036 S Franklin St.		
City	Sausalito	County	Clatsop
State	OR	Zip Code	97138
Lender	Guild Mortgage		



TOTAL Sketch by a la mode, inc.		Area Calculations Summary	
First Floor	1055.63 Sq ft	26.0 x 16.6	= 437.25
		22.5 x 4.5	= 101.25
		30.5 x 4	= 122
		40.5 x 6	= 244
		0.5 x 40.5 x 0.5	= 10.12
<b>Total Living Area (Rounded)</b>	<b>1086 Sq ft</b>		
Non-Living Area	450 Sq ft	20 x 22.5	= 450
2 Car Attached			

*STREET  
FRANKLIN.*

**CITY OF SEASIDE STAFF REPORT ADDENDUM**

**To:** Seaside Planning Commission

**From:** Planning Director, Kevin Cupples

**Date:** June 7, 2016

**Applicant/  
Owner:** Antoine Simons, 35547 Montrose Ct, Astoria, OR 97103

**Location:** 341 S Prom, Seaside, OR 97138 (6 10 21AC TL: 10900, 11100, & 11900)

**Subject:** Variance 16-017V, Allowing a 50 Unit Motel That Will Exceed the Allowed Height and Encroach Into the Resort Residential (RR) Zone Side Yards

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**REQUEST:**

The applicant has revised his variance request to the allowed building height and setbacks at 341 S Prom. (6 10 21AC TL: 11900, 11100, 10900). The property is zoned Resort Residential (R-R) and the zone currently allows a defined building height of 45 feet. The applicant is requesting to build up to a defined height of approximately 60 ft on the western portion of the property but the apparent height would be approximately 51 ft due to a below grade story. The eastern portion of the building would be setback 3 ft. along a portion of the southern property line and 5' along a portion of the northern interior property line where the zone requires an 8' setback. The northwest corner of the building would be 8 ft. from 6<sup>th</sup> Street (an undeveloped right of way) that runs parallel to the Prom. The applicant intends to develop a 48 unit motel. The building will have sloped roofs and numerous dormers and open decks on the westerly facade. The structure would also have a non-habitable tower with a peak height of 80'; however, this type of architectural feature is already allowed an exception to the building height under the ordinance. A number of pre-existing buildings in the surrounding area are close to or exceed the requested building height.

A variance to the allowed building height and required yards was previously approved for a five story condominium on a portion of the subject property. The proposal in 2001 would have allowed a building with an overall height of 50 feet according to the file.

**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. These may also include conditions which are necessary to ensure compliance with the Seaside Zoning Ordinance. Although each of the finding or justification statement specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final

decision.

**REVIEW CRITERIA #1:** Variance Section 7.031, the property owner must demonstrate by written application that all of the following circumstances exist:

1. The manner in which exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.
2. How literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant, and
4. Evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

**FINDINGS & JUSTIFICATION STATEMENTS:**

1. Revised Mailed Notice Request Summary: **16-017V:** A **revised** request by **Antoine Simmons** for a variance to the allowed building height and required setbacks at 341 S Prom. (6 10 21AC TL: 11900, 11100, 10900). The property is zoned Resort Residential (R-R) and the zone currently allows a defined building height of 45 ft. The applicant is requesting to build up to a defined height of approximately 60 ft on the western portion of the property but the apparent height would be approximately 51 ft due to a below grade story. The eastern portion of the building would be setback 3 ft. along a portion of the southern property line and 5' along a portion of the northern interior property line where the zone requires an 8' setback. The northwest corner of the building would be 8 ft. from the Prom frontage. The applicant intends to develop a 48 unit motel. The building will have sloped roofs and numerous dormers and open decks on the westerly facade. The structure would also have a non-habitable tower with a peak height of 80'; however, this type of architectural feature is already allowed an exception to the building height under the ordinance. A number of pre-existing buildings in the surrounding area are close to or exceed the requested building height.
2. **The applicant's Revised Project Narrative & justification Dated May 17th**, site plan & elevation drawings are adopted by reference. A summary of the applicant's proposal and justification include the following:
  - a. Project Narrative: This project will replace the existing hotel between Beach Drive & an undeveloped portion of 6<sup>th</sup> Street.

- b. The existing hotel was originally built as a house in the 1920 and it has undergone a number of expansions and remodels. It is generally in poor condition and in need of replacement.
- c. The vacant property on the westerly portion of the property has been vacant for many years. It has been neglected and an eyesore adjacent to the Prom. The goal is to develop a hotel that fits the context of the location.
- d. This property is the only vacant parcel in the south prom vicinity. It is bordered by the 5 story 52 foot high Promenade hotel and 6 story 64 foot high Sand & Sea hotel to the south in the RR zone and the 8 story 84 foot high Worldmark Timeshare to the north in the C2 Zone . These adjacent buildings are considerably higher than the allowed 45 foot average height maximum for this project. The building is designed in a more traditional style that the adjacent buildings in order to convey a more welcome, friendlier appearance than the more contemporary neighboring buildings. It will have a sloped roof with numerous dormers and open decks on the westerly façade to add to the coastal experience. The main roof dormers at the west building wing are 60 feet average in height. The east wing has been revised to 45 feet in compliance to the height limit.
- e. The easterly portion of the property is 50 ft. in width. If side yard setbacks of 8 feet were applied on both the north and south side yards, parking as configured would not be possible. Therefore, the north setback has been reduced to 5 feet and 3 feet at the south. This configuration will also allow easier coordination with the future redevelopment of the adjacent property to the north. There is only a garage at the southwest corner of the adjacent parcel that would abut this development.
- f. The circumstances of this property are unique to this parcel and beyond the control of the applicant.
- g. The literal interpretation of the ordinance would limit the allowed average roof height of the proposed development to 45 feet from the lowest point of the property, or 37 feet at the westerly property line, based on the slope of the site. This would reduce the development by two stories, or 20 units and render the project infeasible.
- h. The special condition represented by the adjacent properties has not been created by the applicant.
- i. It is recognized that the granting of this variance will not confer any special privilege that is denied to owners of other lands, structures, or buildings in the same district. It is understood that the adjacent parcels were in compliance with the original land use zones when they were developed, therefore the non-conforming use of neighboring land is not a basis for this variance.
- j. We believe that the decreased side yard setback and increase to 60 feet for the average roof height at the west building wing, and addition of 15 feet over the 45 feet allowed by the current zoning, will allow a consistent pattern of

development for the area and fill the “gap” that currently exists between the Worldmark and the adjacent hotels and condominiums to the south.

3. The applicant’s variance request was further summarized on May 26<sup>th</sup> as follows:
  - a. A height variance of 15 feet for the westerly portion of the building fronting on Sixth Street. The actual height at Sixth Street will only be a 7 foot increase due to the 8 foot grade difference from Beach Drive.
  - b. A side yard reduction from 8 feet to 3 feet at the south property line side yard adjacent to the existing Promenade Condominium parking lot. The remaining portion of the building will meet the required 8 foot setback.
  - c. A side yard reduction from 8 feet to 5 feet at the north property line adjacent to the existing residence.
  - d. Please note that this property is considered a corner lot with front yards on both Beach Drive and A Streets. The yards at Sixth Street and the south property line with the Promenade condominiums are 8 foot side yards per the RR zoning standards.
4. Variances to the building height requirement have been approved in the past for structures that will enhance the exterior character of a structure and the applicant’s plan does include enhancements to the exterior appearance of the structure from the Prom side view.
5. The apparent height of the structure on the western portion of the property (that portion oriented north to south) will have the parking garage below grade. It would appear very similar to the height of the neighboring Promenade building to the south and the peak of the clock tower would provide an architectural feature that would be similar in height to the Trendwest building north of Avenue A. If this was the extent of the building on the property, it would have a defined height of approximately 52 feet.
6. The western portion of the building is being proposed close to the Central Commercial (C-2) zone boundary and that zone has an allowed building height of 90 feet in this area. The Trendwest building is located within the C-2 zone and it is the tallest building in Seaside (approximately 84’ according to the applicant’s submittal).
7. The applicant has stepped down that portion of the building that is oriented east to west so that it will conform to the RR zones allowed building height.
8. The applicant has stated the side yard setback on 6<sup>th</sup> street should be 8’ based on the language in the ordinance. Staff has reviewed the definitions & development standards in the ordinance and believes this should be considered a street side yard that would require a 10’ setback and that would also apply to the Beach Drive frontage. The ordinance states the following:
  - a. **Lot Types:**
    - i. **Corner Lot** - A lot abutting on two or more streets other than an alley, at their intersections.

- b. **Yard, Front:** A yard extending between lot lines which intersect a street line, the depth of which is the minimum horizontal distance between the street line and a line parallel thereto on the lot. In the case of through-lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. In the case of corner lots, as well as those with reversed frontage, a front yard of the required depth shall be provided in accordance with the ordinance along with required side yard depths on all other frontages. In the case of corner lots with more than two frontages, the building official shall determine which frontage shall be considered the front yard and which shall be considered the side yards.
- c. Section 3.051 Standards. In the R-R Zone, the following standards shall apply:
- i. Lot Size: Lot area shall be a minimum of 5,000 square feet. The average width shall be at least 50 feet and the average depth shall be at least 100 feet.
  - ii. Density: The overall density on any parcel shall not exceed 30 dwelling units per net acre, except that no maximum density shall apply for a motel, hotel or tourist court.
  - iii. Front Yard: A front yard shall be at least 15 feet.
  - iv. Side Yard: A side yard shall be at least five feet, except on corner lots a side yard abutting the side street shall be at least 10 feet. Side yards shall be increased to eight feet for structures three or more stories in height.
9. The 6<sup>th</sup> street frontage is a platted street right of way that is undeveloped and it runs parallel with the Prom. There is undeveloped land between the 6<sup>th</sup> street right of way and the Prom. Neighboring properties have utilized the right of way and the undeveloped property adjacent to the Prom as additional yard area and it is unlikely that it would ever be developed as a street. Trendwest was built west of all the other buildings in this area because the 6<sup>th</sup> street right of way does not run north of Avenue A.
10. The western portion of the building will conform to the 8 foot side yard setback along the southern property line adjacent to the Promenade Condominiums. The portion of the building that runs east and west (adjacent to the Promenade's parking lot would be stepped out to within 3 feet of the property line. The applicant believes a 5 foot setback from the north property line is justified in order to allow development of the property.
11. A variance to the side yard setback on the eastern portion of the building may be necessary for the applicant to feasibly develop their proposed building; however, that does not justify a variance to the development standards in the zone. It seems to justify the need for the applicant to modify their development plan to fit the standards or acquire additional land to accommodate the proposed development.

12. The eastern portion of the building will create an expansive wall along the north and south property lines and loss of the yard area would not fit in with the character of the area.
13. The proposed building will comply with the required 8' side yard adjacent to 25 Avenue A. It appears the first parking floor will be below the ground surface (which staff is not be concerned about provided proper engineering would ensure the neighboring dwelling would remain stable); however, the remaining portion of the building would be set back the required amount.
14. The garage on the neighboring property to the north (340 Beach Dr.) is very close to the south property line. The proposed setback would provide a combined building separation of approximately six feet if the side yard variance was approved along the north property line.
15. Staff understands the advantage to the proposed development's parking configuration if a wider structure could be developed on the eastern portion of the property (east to west leg of the L shaped property building & property). It appears that even with the variances, the backup area necessary for 90 degree spaces would fall below the Commission's recommended design standards and it would also be below some commonly accepted standards for parking structures (provided each wall did not exceed one foot in diameter).
16. Property between the Prom & Beach Drive is finite and it is important to make optimal use of it when the property is redeveloped. The ability to maximize the number of units in the east to west portion of the structure is undoubtedly important to the feasibility of the entire development; however, the maximization should not discount the need to conform to the development standards in the zone without adequate justification.
17. The property north of the east to west portion of the building (340 Beach Dr.) has some underutilized space that could be used for additional yard area. It may be necessary for this property to be acquired in order to eliminate the need for side yard variances. Since this property is at the minimum lot size for a conventional single family dwelling, any proposed property line adjustment would require a variance and there may not be room to accommodate the setback, along with the required off-street parking for the dwelling. That level of variance could be reviewed by the Planning Director if the off-street parking requirement could be satisfied.
18. This request is being forwarded to the Planning Commission due to the nature of the request and so that any objections can be fully heard directly by the Commission. The prior variance request to the required yards & building height was contested by owners and representatives of the neighboring property. The prior variance approval was appealed to City Council & the Commission's approval was sustained.
19. Any future development of the property will require review by the Building Official for Fire & Life Safety compliance. The Fire Department will want to ensure that adequate signage will be maintained or enhanced so that vehicles will not block the abutting portion of Avenue A. It provides emergency vehicle access to the beach

and the abutting properties. Any future construction activities, staging, etc. will need to be carefully planned so the abutting street will remain open and unobstructed.

20. In accordance with the Seaside Zoning Ordinance, in rendering a decision concerning a variance, the Commission must be able to make all of the findings in Section 7.032 which state:

- That the requirements of Section 7.031 have been met by the applicant for a variance.
- That the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance which will make possible the reasonable use of the land, building or structure, and
- That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and of the Comprehensive Plan and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

21. The general purpose statement in the ordinance reads as follows:

#### Section 1.020 PURPOSE

The purpose of this Ordinance is to further the objectives and goals of the Comprehensive Plan and to provide the public health, safety and general welfare of the citizens of Seaside through orderly community development with considerations for: Desirable concentrations of population; protection of property values; aesthetic, recreational and economic development; limitation of dangerous or offensive trades or industries; maintenance of adequate open space for light and air and emergency access; provisions for access and privacy; facilitate community utilities such as transportation, power, water and sewage; and to adequately provide for community facilities such as schools, parks, community centers, and other public requirements.

22. The purpose statement in the RR zone reads as follows:

Section 3.047 Purpose. To provide space for the orderly expansion of tourist accommodations and related business, such as restaurants and gift shops. These areas are characterized by built-up single family units, but are now in a state of transition. Conversion to resort uses should be provided with a minimum of disruption of existing residential values.

23. Motels are an outright permitted use in the zone and any development will have an impact on the neighboring residential properties. It is not clear that a modified height will have any significantly greater impact to the neighboring properties than a building that would conform to the ordinance given the height of buildings in the area.

24. Numerous letters of objection and concern have been submitted by the neighboring property owners. These must all be taken into consideration by the Planning Commission prior to rendering a decision on the variance.

25. The Planning Commission should be aware of the fact a 6 foot height variance was approved for the Promenade Condominiums prior to development. That permitted a building height of 51 feet and the proposed development would have defined

building height of approximately 52' if it were measured from the western finished grade of the property.

**CONCLUSION TO CRITERIA #1:**

The variance to both the height and setback requirements is a significant departure to the development standards in the RR zone. Staff believes the variance to the setback provisions will have unfavorable impacts on the surrounding area based on the massing of the development and the concerns expressed by the neighboring property owners.

Staff believes the height variance could be supported along the western portion of the property since one floor will be below grade and it will not represent a significant departure from the height of the surrounding developments.

**FINAL STAFF RECOMMENDATION**

Following testimony and a review of the site & surrounding area, determine if the height variance for the western portion of the development should be supported. The Commission should also try to determine if any degree of variance should be supported for the east to west portion of the proposed motel.

*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 Revised Submittal
- Height Variance Approval for the Promenade
- Letters from the Neighboring Property Owners

**Simmons Hotel Development – The Pearl of Seaside**

**PROJECT NARRATIVE**

**This project involves the replacement of the existing hotel between Beach Drive and 6<sup>th</sup> Street at Avenue A.**

**The existing hotel on the southerly portion of the subject property was constructed originally as a house in the 1920's and has undergone a number of expansions and remodels. It is generally in poor condition and in need of replacement to meet the demands of the market.**

**The westerly portion of the subject property has been vacant for many years. It has been neglected and an eyesore for tourists who can readily view it from the adjacent prom walkway and guest rooms in the taller neighboring buildings.**

**It is the goal of this development to combine both parcels and develop a hotel that fits the context of its location in an aesthetically pleasing manner.**

**Variance Standards per Section 7.031:**

- 1. This property is the only vacant parcel in the south prom vicinity. It is bordered by the 5 story 52 foot high Promenade hotel and 6 story 64 foot high Sand & Sea hotel to the south in the RR zone and the 8 story 84 foot high Worldmark Timeshare to the north in the C2 Zone . These adjacent buildings are considerably higher than the allowed 45 foot average height maximum for this project. The building is designed in a more traditional style that the adjacent buildings in order to convey a more welcome, friendlier appearance than the more contemporary neighboring buildings. It will have a sloped roof with numerous dormers and open decks on the westerly façade to add to the coastal experience. The main roof and dormers at the west building wing are 60 feet average in height. The east wing has been revised to 45 feet in compliance to the height limit.**

**The easterly portion of the property is 50 feet in width. If side yard setbacks of 8 feet were applied on both the north and south side yards, the parking as configured would not be possible. Therefore, the north setback has been reduced to 5 feet and 3 feet at the south. This configuration will also allow easier coordination with the future redevelopment of the adjacent property to the north. There is only a garage at the southwest corner of the adjacent parcel that would abut this development.**

**The circumstances of this property are unique to this parcel and beyond the control of the applicant.**

2. The literal interpretation of the ordinance would limit the allowed average roof height of the proposed development to 45 feet from the lowest point of the property, or 37 feet at the westerly property line, based on the slope of the site. This would reduce the development by two stories, or approx. 20 units and render the project infeasible.
3. The special condition represented by the adjacent properties has not been created by the applicant.
4. It is recognized that the granting of this variance will not confer any special privilege that is denied to owners of other lands, structures, or buildings in the same district. It is understood that the adjacent parcels were in compliance with the original land use zones when they were developed, therefore the non conforming use of neighboring land is not a basis for this variance.

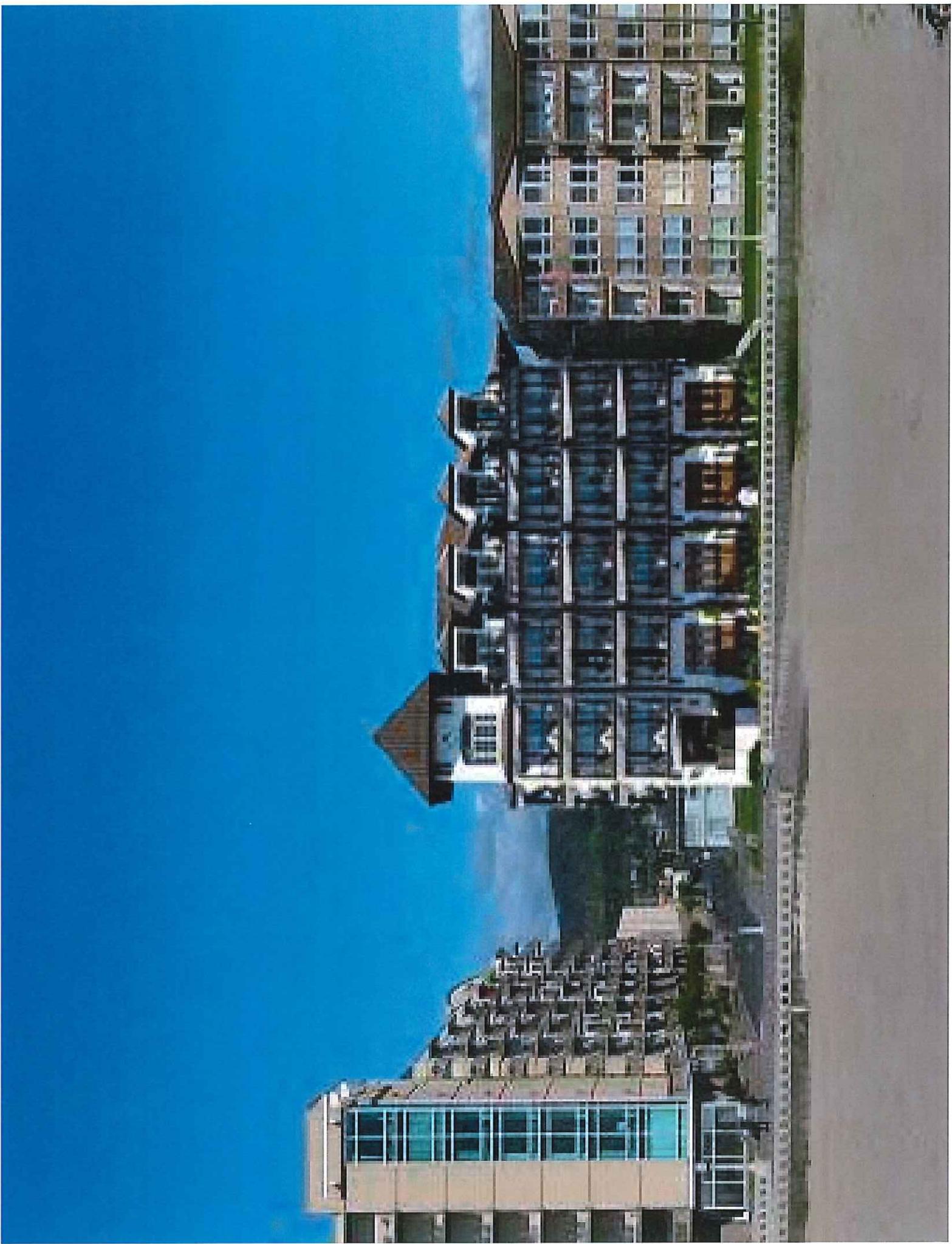
**We believe that the decreased side yard setback and increase to 60 feet for the average roof height at the west building wing, an addition of 15 feet over the 45 feet allowed by the current zoning, will allow a consistent pattern of development for the area and fill the "gap" that currently exists between the Worldmark and the adjacent hotels and condominiums to the south.**

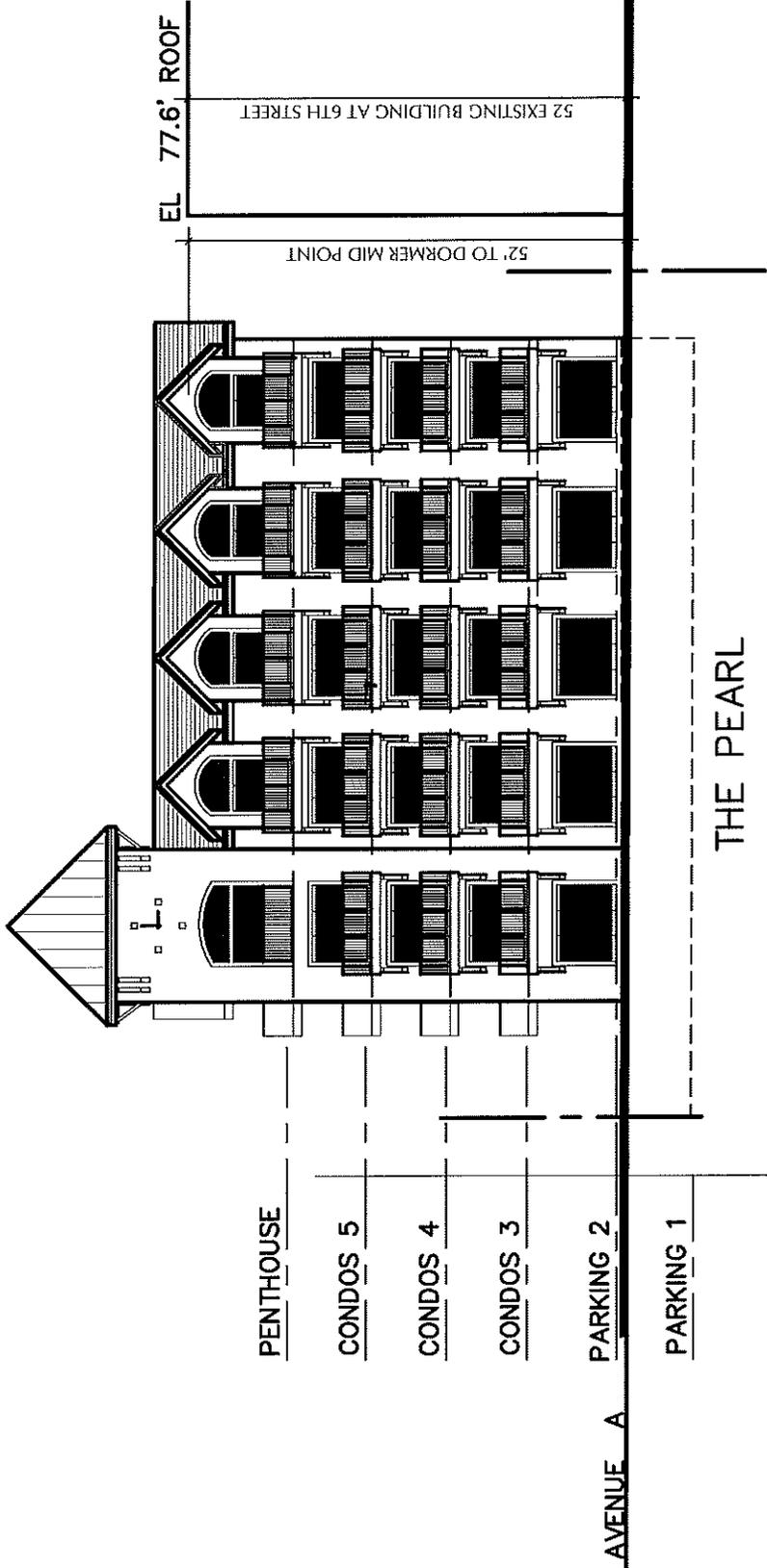
**Simmons Hotel Development – The Pearl of Seaside**

**PROJECT NARRATIVE SUPPLEMENT**

**The following is a summary of the variances requested for the Pearl of Seaside:**

1. A height variance of 15 feet for the westerly portion of the building fronting on Sixth Street. The actual height at Sixth Street will only be a 7 foot increase due to the 8 foot grade difference from Beach Drive.
2. A side yard reduction from 8 feet to 3 feet at the south property line side yard adjacent to the existing Promenade Condominium parking lot. The remaining portion of the building will meet the required 8 foot setback.
3. A side yard reduction from 8 feet to 3 feet at the north property line adjacent to the existing residence.
4. Please note that this property is considered a corner lot with front yards on both Beach Drive and A Streets. The yards at Sixth Street and the south property line with the Promenade condominiums are 8 foot side yards per the RR zoning standards.



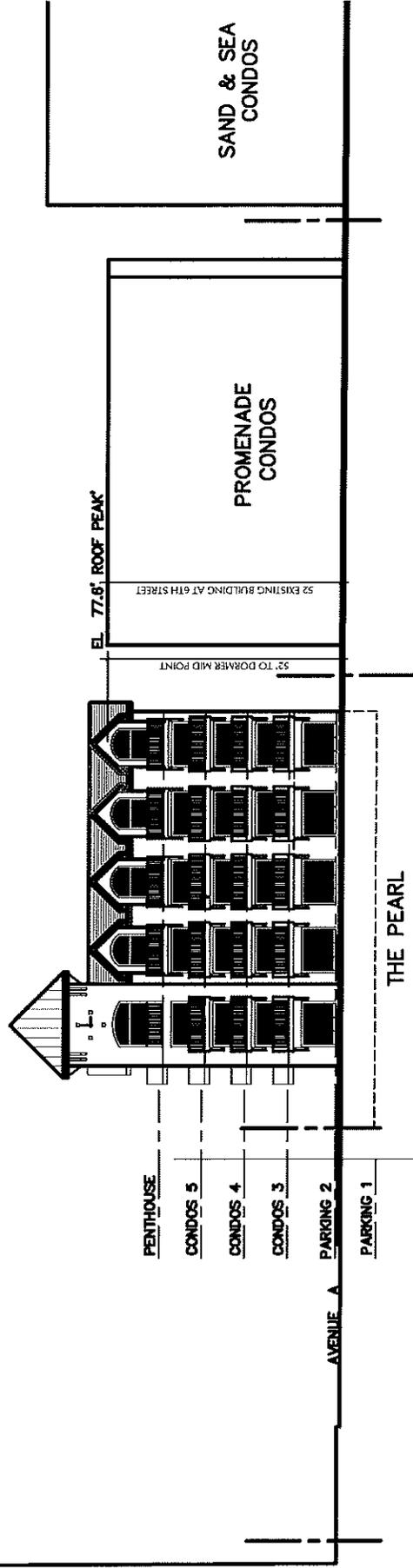


ELEVATION 0.00'

6TH STREET ELEVATION LOOKING EAST

EL. 107.8'

WORLD MARK  
TIMESHARE



ELEVATION 0.00'

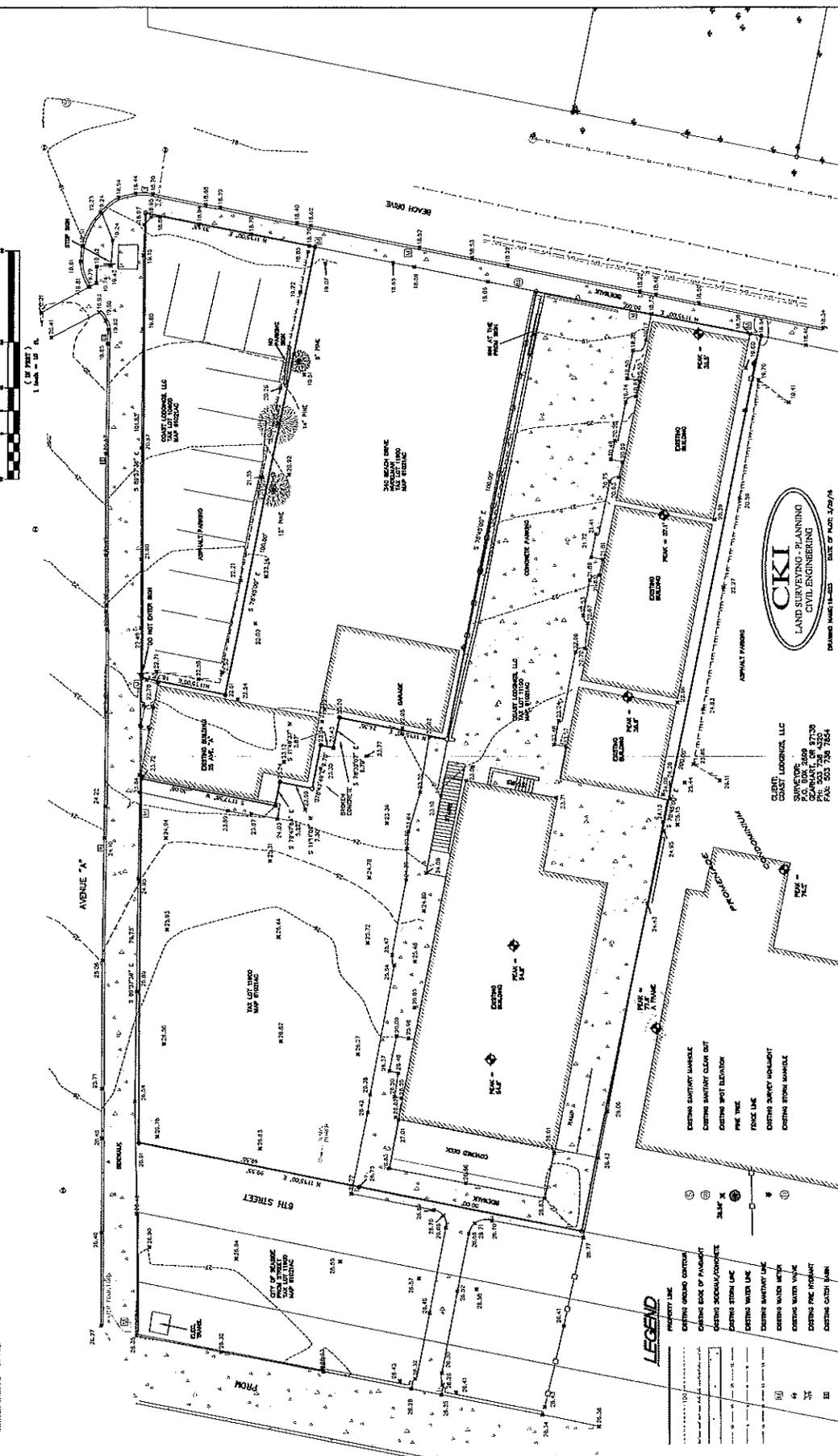
6TH STREET ELEVATION LOOKING EAST

PROFESSIONAL  
LAND SURVEYOR  
CLARENCE  
JOHN E. JOHNSON  
PLANS 72/71/77

**NORTH**  
GRAPHIC SCALE  
(1" = 100')

**TOPOGRAPHIC SURVEY**  
IN THE NE 1/4 OF SECTION 21, T4N, R10W, W4E,  
CITY OF SEASIDE, CLATSOP COUNTY, OREGON  
DATE: MAY 31, 2016 SCALE: 1" = 20'

**NARRATIVE**  
THIS SURVEY IS TO SHOW TOPOGRAPHIC FEATURES ON THE LOT.  
BOUNDARIES TO THE EXISTING ENCLOSURES ARE TO BE ESTABLISHED AND NOT RECONSTRUCTED.  
ELEVATIONS ARE BASED ON A BENCHMARK AT THE EXTREME CORNER OF AVENUE "A" AND BEACH DRIVE.  
SEE SURVEY MONUMENTS FOR LOCAL BENCHMARKS.  
CONTOUR INTERVAL = 1.0 FEET



**LEGEND**

---	PROPERTY LINE
---	EXISTING GRADE CONTROL
---	EXISTING SIDE OF FANOUT
---	EXISTING SIDEWALK/CONCRETE
---	EXISTING WATER LINE
---	EXISTING SANITARY LINE
---	EXISTING WATER WITH
---	EXISTING WATER VALVE
---	EXISTING FIRE HYDRANT
---	EXISTING CURB MARK
---	EXISTING SANITARY MANHOLE
---	EXISTING SANITARY CLEAN OUT
---	EXISTING SPOT ELEVATION
---	PKC TRAIL
---	FENCE LINE
---	EXISTING SANITARY MANHOLE

**CKI**  
LAND SURVEYING - PLANNING  
CIVIL ENGINEERING  
Dakota Street 14-255 TEL: 503-329-7474

CLIENT: LORANGER, LLC  
SURVEYOR: JOHN E. JOHNSON  
COMMISSION # 97130  
EXPIRES: 12/31/2024  
P.L.S. 2013-2024

















# CITY of SEASIDE

OREGON'S  
F A M O U S  
A L L - Y E A R  
R E S O R T

989 BROADWAY  
SEASIDE, OREGON 97138  
(503) 738-5511

## NOTICE OF DECISION

To: Parties of Record

From: David Carpenter, Planning Director

Date: November 15, 1995

Map and Tax Lot #: T6N-R10W-Sec21AC-TL11200

Location: 361 South Prom

Re: Notice of Decision: Inn on the Prom Height Variance/V95-17

At the November 7, 1995 hearing, the Planning Commission approved a Height Variance of six (6) feet for a proposed condominium on the parcel referenced above and adopts the staff report in support of this decision.

Pursuant to Section 10.030 of the Seaside Zoning Ordinance, this decision may be appealed to the City Council by filing an appeal within 15 days of the decision. The date of decision and last day to appeal are listed below. If an appeal is not filed by 5:00 p.m. on the last day of the appeal period, the decision will be final. The appeal must be filed at City Hall and be complete.

If you have any questions regarding this decision or the appeal process, please contact David Carpenter at 738-5511.

**Date of Decision: November 15, 1995**

**Last Day to Appeal: November 30, 1995 @ 5:00 p.m.**

May 31, 2016

Mr. Kevin Cupples  
City Planning Director  
Planning Office, City of Seaside  
989 Broadway  
Seaside, Oregon 97138

06-01-16 14:58 RCVD

Re: 341 South Prom, Seaside OR 97138 - Variance 16-017V – Verbal  
Testimony

Dear Mr. Cupples:

I am writing to urge the Planning Commission to reject the variances requested with respect to the above application. Our family has owned property in Seaside for over 40 years in the Sand and Sea Condominium. Allowing the variances requested in this application will negatively impact not only our property, but other surrounding properties, and the general public's opportunities to enjoy the surrounding area and the wonderful beach and ocean view we all enjoy. We also understand the applicant is requesting an additional variance for the west side setback, which should also be rejected. Building closer to the Promenade would have an especially harmful impact on views from properties to the south of the subject property.

The various setbacks and height restrictions in the subject zone were established for the benefit of both property owners and the general public. There are no exceptional or extraordinary circumstances that apply to the proposed development. The Promenade Condominiums, which are immediately south of the proposed development, were built without variances. The existing ordinances do not prohibit the commercially reasonable development of the subject property.

Mr. Kevin Cupples  
May 31, 2016  
Page 2

Allowing the subject variances will negatively impact the use, enjoyment, and property values of nearby properties. Therefore, we urge the Planning Commission to reject the application for variances.

Very truly yours,

A handwritten signature in black ink, appearing to read "Owen D. Blank", with a long, sweeping horizontal stroke extending to the right.

Owen D. Blank

Seaside Property Address: 475 South Prom, Unit 206  
Seaside, Oregon 97138

Mailing address: 888 SW Fifth Avenue, Suite 1600  
Portland, Oregon 97204

Copy: Ms. Debbie Kenyon ([dkenyon@cityofseaside.us](mailto:dkenyon@cityofseaside.us))

000854/00096/7285661v2

MARK A. GOLDING  
MARK GOLDING, LLC

06-03-16 09:55 RCVD

1030 SW Morrison Street ▪ Portland ▪ OR ▪ 97205 ▪ (503) 222-1812 ▪ mgolding@pfglaw.com

June 1, 2016

**Via Land Mail and E-Mail: kcupples@cityofseaside.us**

City of Seaside, Oregon, Planning Commission  
c/o Kevin Cupples, Planning Commissioner  
Planning Office  
989 Broadway  
Seaside, Oregon

**RE: Variance 16-017V (and any other variances regarding 341 S Prom) Verbal Testimony**

Dear Planning Commissioners:

I am an owner of condominiums at both the Promenade Condominiums (361 S. Prom, Unit 303) and the Sand and Sea Condominiums (475 S. Prom, Unit 108). I understand that Mr. Antoine Simmons has requested at least four variances for a planned motel at 341 S. Prom to be named "The Pearl of Seaside". Those four variances would allow that motel to substantially exceed the maximum height limitation, to be built to within eight feet of the Prom and also to within three feet and five feet of the respective southern and northern property lines, and to greatly reduce the number of parking spaces otherwise required for a building with 50 planned rental units.

Building ordinances are in place for many reasons, one of the most important of which is to prevent impinging on the rights of other property owners' enjoyment of their own properties. Each of these planned variances would impinge on the right of nearby property owners to enjoy their own properties. By building within eight feet of the Prom and within three feet of the southern property line, the proposed development will eliminate or greatly reduce the northern visibility of buildings to the planned motel's south (all of which are, by ordinance, set back 40 to 50 feet from the Prom), especially the two condominiums in which I own a unit, the Promenade Condominiums and the Sand and Sea Condominiums, which are also the two condominium buildings to the planned motel's immediate south. Also, to build a motel exceeding the maximum height ordinance will block out the sun and sky on the northern side for all its southern neighbors, again including my two condominiums. Finally, to reduce the number of required parking spaces virtually by half will create parking and traffic problems for all its neighbors, like me, by requiring the proposed building's renters to find on-street parking and possibly trespassing on its neighbors' parking areas.

For all these reasons I strongly oppose all of these planned variances. I note both the Promenade Condominiums and the Sand and Sea Condominiums followed all the ordinances in effect when those condominiums were built. While Sand and Sea is 60 feet in height, there was no 45-foot limit when it was built. I therefore request that all of the proposed variances be denied.

Sincerely,



Mark A. Golding

May 30, 2016

06-02-16 08:38 RCVD

Kevin Couple, Planning Commissioner  
Planning Office  
City of Seaside  
989 Broadway  
Seaside, OR 97138

Re: Concerns for the proposed new property development of "The Pearl of Seaside"

As an owner and taxpayer of a home in Seaside for the past 13 years, I have some strong concerns on the proposed project being submitted to the commission for approval.

Maintaining the integrity of the prom on the south side of the turnaround is critical to overall home values (including all the condominium buildings) that are south of the Trend West/World Mark property. Maintaining the 50-foot set back from the prom walkway is essential to maintain the integrity of the area as well as the values of all the other property that resides in the 2-3 block area south of the turnaround.

Allowing setbacks to be changed for this project will create significant issues in the future as other projects will try and encroach on long-time owners property and space. The prom area of Seaside is special. It is a one of a kind experience in Oregon. Maintain the integrity of the 50-foot set back as well as the setbacks to the north and south side of the project is essential as well.

It is very exciting to have this new project being considered for Seaside and it will help in maintaining home values and property tax levels for the future, lets just do it right and maintain the integrity of the area.

Sincerely,



Harley Spring  
375 S Prom #408  
Seaside, OR 97138

## Debbie Kenyon

---

**From:** Avrel Nudelman <efraimlevi526@gmail.com>  
**Sent:** Thursday, June 02, 2016 10:05 AM  
**To:** kcupples@cityofseaside.us  
**Cc:** dkenyon@cityofseaside.us  
**Subject:** Planning Commission Public Hearing Re: 341 S. Prom

June 2, 2016

Seaside Planning Commission  
City of Seaside  
989 Broadway  
Seaside, OR 97138

RE: Variance 16-017V Verbal Testimony

Dear Planning Commissioners:

I own the home at 340 Beach Drive. This home has been in my family since 1941. I love my house and its location. It is a large part of my life from which I, my family, and my friends derive much pleasure.

I am quite uneasy about how the extreme proximity of a large hotel with parking directly adjacent to my property will affect the livability of my home. Of primary concern is the variance Mr. Simmons is requesting of 5 feet from his northern interior (my southern) property line. The current zoning requirement is 8 feet. Even at an 8 foot setback, a structure of this height and size so close to my property will obscure my view to the south and greatly decrease the amount of natural light I currently enjoy. Five feet will further reduce the light entering my house and further obscure my visibility to the south. In addition I worry about possible damage to my property with such major construction only a few feet away.

The proposed entrance to the hotel on Avenue A will increase traffic on that street to the extent that the congestion and noise will be nearly constant. Currently this stretch of Avenue A is reserved for emergency vehicles and utility vehicles. Will these vehicles' access to the beach be impeded?

With such a large structure looming over my home, not only blocking my southerly view, but also obliterating my ocean and Prom view from the west side upper level of my house, my property value may decrease. The current zoning setbacks are in place to protect property owners such as myself and to maintain a decent level of livability. While I cannot stop "progress", I will sorely miss the open feeling and view of the mountains I have always had on the southern side of my house.

While I believe something should be developed on the empty lot at 341 S. Prom, I think it should be on a smaller scale to preserve what is left of the residential character of the neighborhood. Doing so would add stability to the area rather than increase its transient nature. Apartments or a multiplex would be more of an asset to the neighborhood, the Prom, and Seaside than another hotel.

Due to the aforementioned, I strongly oppose all of the requested variances to the existing allowed setbacks.

Sincerely,

Dr. Avrel Nudelman

June 1, 2016

06-02-16 14:05 RCVD

Attn: Seaside Planning Commission;

Re: 16-017V

This letter is in opposition to the request by Antione Simmons for a variance of the allowed building height and required setbacks at 341 S Prom. The applicant is requesting a building height of 60 feet with a peak height of **90 feet** including a parking garage below. Antione Simmons is a developer who currently owns 4 motels, including **The Gilbert Inn** across the street from this proposed development. It is our opinion, that he could build his parking garage where The Gilbert Inn is currently located, which may possibly keep this new building within the height restrictions of 45 feet. It has been noted, that a couple other buildings in the area exceed the requested building height. The Sand and Sea being 64 feet, which was build in the 1970's, most likely prior to the current zoning regulations, and the Worldmark at 84 feet. The variances given to Worldmark may have been due to the public parking and shops they offered to the community. They also purchased the entire block; therefore, this building did not impose on any private residences. The Pearl of Seaside would be affecting both a home and the privately-owned units of The Promenade Condominiums, not only in the proposed height, but also with the setbacks being less than the required 8 feet.

What if there were a fire and it spread due to the closeness of the buildings, and would the fire crew have adequate space to work? What about the traffic flow that a 48 unit motel would create, especially during the summer when Worldmark already has cars backed up almost a block from their parking garage? And what about the parking issues it would create due to only 55 parking spaces for 48 units?

We are requesting that the Planning Commission not allow any variances in height or setbacks to The Pearl of Seaside. If any variances are given, our association is prepared to seek legal action.

Christopher & Tamara Hardy  
361 S Prom



THE ZIDELL COMPANIES

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June 3, 2016

City of Seaside, Planning Commission  
c/o Kevin Cupples, City Planning Director  
Planning Office  
989 Broadway  
Seaside, Oregon 97138

Re: 341 South Prom, Seaside OR 97138 - Variance 16-017V – Verbal Testimony

Dear Planning Commissioners,

I am writing today to urge the Planning Commission to reject the variances requested with respect to the above application. We feel that the variances requested in this application will negatively impact our family's property at the Sand and Sea, but will also harmfully impact the surrounding areas and the public's access to the beach. Additionally, we understand the application may request an extra variance for the west side setback, which we have objection to as well.

It is more than reasonable that the proposed development can be planned and built within the existing ordinances and that these additional variances are unnecessary. A prime example is the property located immediately south of the proposed development, the Promenade Condominiums, which were built without any variances.

Allowing the proposed variances will negatively impact the use, enjoyment, and property values of nearby properties. Therefore, we urge the Planning Commission to reject all of the variances applicable to The Pearl of Seaside.

Thank you,



Jay Zidell, Trustee  
The Minnie Zidell Trust

May 31, 2016

Mr. Kevin Cupples  
City Planning Director  
Planning Office, City of Seaside  
989 Broadway  
Seaside, Oregon 97138

Re: 341 South Prom, Seaside OR 97138 - Variance 16-017V - Verbal  
Testimony

Dear Mr. Cupples:

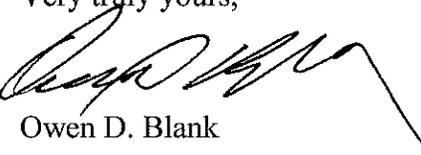
I am writing to urge the Planning Commission to reject the variances requested with respect to the above application. Our family has owned property in Seaside for over 40 years in the Sand and Sea Condominium. Allowing the variances requested in this application will negatively impact not only our property, but other surrounding properties, and the general public's opportunities to enjoy the surrounding area and the wonderful beach and ocean view we all enjoy. We also understand the applicant is requesting an additional variance for the west side setback, which should also be rejected. Building closer to the Promenade would have an especially harmful impact on views from properties to the south of the subject property.

The various setbacks and height restrictions in the subject zone were established for the benefit of both property owners and the general public. There are no exceptional or extraordinary circumstances that apply to the proposed development. The Promenade Condominiums, which are immediately south of the proposed development, were built without variances. The existing ordinances do not prohibit the commercially reasonable development of the subject property.

Mr. Kevin Cupples  
May 31, 2016  
Page 2

Allowing the subject variances will negatively impact the use, enjoyment, and property values of nearby properties. Therefore, we urge the Planning Commission to reject the application for variances.

Very truly yours,



Owen D. Blank

Seaside Property Address: 475 South Prom, Unit 206  
Seaside, Oregon 97138

Mailing address: 888 SW Fifth Avenue, Suite 1600  
Portland, Oregon 97204

Copy: Ms. Debbie Kenyon ([dkenyon@cityofseaside.us](mailto:dkenyon@cityofseaside.us))

000854/00096/7285661v2

06-03-16 15:48 RCVD

June 1, 2016

Kevin Couples  
Seaside Planning Director  
Seaside Planning Commission

RE: 16-017V: A request by Antoine Simmons for variances to the allowed building codes for the development of 341 S Prom

Kevin,

My name is Jeff Wirkkala. I am an original property owner at the Promenade Condominiums and the current president of the Promenade Condominium Association. We recently had our annual meeting and the variances proposed for the development of 341 S Prom were unanimously and adamantly opposed by our association.

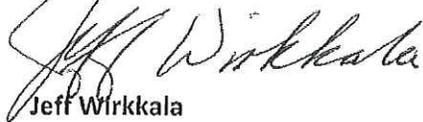
It was unanimously agreed that the setback requests are a significant departure to city development standards. The proposed west boundary will block the sight line north to the turn-a-round from the northern units of the Promenade Condominiums. This development should follow the same building setback requirements that you required our developer to honor in the construction of the Promenade Condominiums.

A second major concern is parking for the proposed 50 unit project. This project should have to provide the same number of full sized parking locations as other motels in the area.

The proposed height variance would have little effect to the owners of the Promenade Condominiums. We would not oppose the variance as long as the requested setbacks were not allowed.

We humbly request that you protect the views and property values of the Promenade Condominiums. Our next step if code setbacks are not honored is to hire legal counsel to protect our interests. We hope that will not be necessary. It was unanimous from our condominium owners that we would take legal action to protect our interests if the Planning Commission does not do so.

Respectfully,



Jeff Wirkkala  
Promenade Condominium Association  
President  
Owner unit #202

Kevin Couples  
Seaside planning director  
Seaside planning commission  
Re: 16-017V

06-03-16 15:48 RCv

Hello,

My name is Nancy Brugato and am an owner of condo unit 203 at The Promenade Condominiums. My husband Tom and I spent a little more money than we wanted to so that we could have a beachfront panoramic view from our condo. We have that now and love it.

That being said, we are 100% opposed to the proposed variance on 341 Prom. Not only would this devalue our property but block the beautiful view we currently have.

I respectfully ask that you keep all the current home and condo owners in mind when reviewing "the new kids on the block" request for variance. We are not opposed to Seaside growing the community and bettering itself however we are opposed if it is at the cost of someone else. Thank you for taking the time to read this. Feel free to contact me anytime.

Respectfully,

Nancy Brugato