

**SEASIDE PLANNING COMMISSION  
NOTICE OF DECISION**

**Date:** July 19, 2016

**To:** Applicant, Parties, and Previously Notified Individuals

**From:** Kevin Cupples, Planning Director

**RE:** 16-017V: A request by Antoine Simmons for a variance to the allowed building height and required side yard 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 52 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 3' along a portion of the northern interior property line where the zone requires an 8' setback. 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.

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**PLANNING COMMISSION DECISION:**

On **July 5, 2016**; the Seaside Planning Commission approved the above referenced request in accordance with the provision in the City of Seaside Zoning Ordinance.

The Commission's decision was based on the oral and written testimony provided during the hearing, the information submitted by the applicant, and portions of the staff report.

The extent of the yard variances was altered a number of times during the review process and ranged from zero to five foot setbacks. The applicant ultimately proposed a 3' side yard setback along the eastern portion of the building while maintaining the required 8' setback along the western portion of the structure. Likewise, the western portion of the building will be 8' from the property line adjacent to 25 Avenue A and the eastern portion of the building will be 3' from the property line adjacent to 340 Beach Drive.

The height variance for the western portion of the building has remained consistent throughout the review process but the height of the eastern portion of the building will conform to the 45' building height in the zone.

The decision was supported by findings, justification statements, and conclusions adopted by the Commission subject to the following conditions:

**Condition 1.** As stated in the applicant's project narrative, the variance is limited to:

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 westerly portion of the building will meet the required 8 foot setback per Section 3.051 (4).

C. A side yard reduction from 8 feet to 3 feet at the existing north property line adjacent to the existing residence (340 Beach Drive).

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

- The variance 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.

#### **APPEAL PROVISIONS:**

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

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

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

If you have any questions regarding this decision or the appeal process, please contact the Planning Department at (503)738-7100. The Notice of Decision date and appeal deadline are listed below.

**Date of Decision Mailing: July 20, 2016**

**Appeal Deadline: August 4, 2016**

PLANNING COMMISSION'S FINAL DECISION WAS SUPPORTED BY THE FINDINGS,  
JUSTIFICATIONS, CONCLUSIONS & CONDITIONS TO SUPPORT THEIR FINAL DECISION

Date: July 19, 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 48 Unit Motel That Will Exceed the Allowed Height and Encroach Into The Side Yards Along the Eastern Portion of Proposed Structure.

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**REQUEST SUMMARY:**

16-017V: A request by Antoine Simmons for a variance to the allowed building height and required side yard 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 52 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 3' along a portion of the northern interior property line where the zone requires an 8' setback. 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. 16-017V: A request by Antoine Simmons for a variance to the allowed building height and required side yard 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 52 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 3' along a portion of the northern interior property line where the zone requires an 8' setback. 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 submitted justification, site plan & elevation drawings dated June 27, 2016 are adopted by reference. A summary of the applicant's proposal and the original project's justification included the following:
  - 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 westerly portion of the building will meet the required 8 foot setback per Section 3.051 (4).

- c. A side yard reduction from 8 feet to 3 feet at the existing north property line adjacent to the existing residence in order to meet parking minimum stall length and aisle width.
- d. Please note that this property has a 15'-0" front yard setback on A Street and a 10'-0" side yard on Beach Drive and Sixth Street. The side yards at the south property line with the Promenade condominiums is 8'-0" per the RR zoning standards Section 3.051 (4).
- e. The 10'-0" setback from the "Non-Existent" Sixth Street is in addition to the 41'-0" setback from the Prom.
- f. Project Narrative: This project will replace the existing hotel between Beach Drive & an undeveloped portion of 6<sup>th</sup> Street.
- g. 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.
- h. 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.
- i. This property is the only vacant parcel in the south prom vicinity that is zoned Resort Residential (RR). 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 tower at the northwest corner is the tallest roof at 80 feet, while the main roof and dormers are 60 feet average in height, 65 feet at the peak.

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 & south setback along the eastern portion of the building have been reduced to three feet, which is more than zero lot line setbacks in zoning section 5.070 in R-2 and R-3 zones. 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.

- j. 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, and render the project infeasible.

- k. The special condition represented by the adjacent properties has not been created by the applicant.
  - l. 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.
  - m. We believe that the decreased side yard setback and increase to 60 feet for the average roof height, 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.
3. 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.
  4. 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 Worldmark 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.
  5. This 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).
  6. The original submittal included a zero lot line that would will require a solid wall along two portions of the eastern part of the proposed motel structure. The total loss of the yard area and the expansive wall would not fit in with the character of the area.
  7. The original proposal would have encroachment into the required 8' side yard adjacent to 25 Avenue A and the loss of yard would have been intensified since that existing structure is almost devoid of yards.
  8. The applicant has indicated proper engineering at the time of construction would ensure the neighboring dwelling would remain stable..
  9. The garage on the neighboring property to the north (340 Beach Dr.) is also very close to the property line and the combined yards will be approximately four feet (but not less than three feet between the two structures).
  10. The proposed development's parking configuration, without a wider structure being developed on the eastern portion of the property (one leg of the L shaped property) would be well below commonly accepted standards unless the spaces were all compact.

11. The eastern portion of the building was stepped down in height from the applicant's original proposal to conform to the height restriction in the RR zone.
12. 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 and compliance with the height restriction within this portion of the building would likely reduce the total number of potential units.
13. This request was forwarded to the Planning Commission due to the nature of the request and so that any objections could 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.
14. 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 vehicle 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.
15. 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.

16. 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.

17. 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.

18. 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 reduction in yards along the eastern portion of the property 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 and the configuration (location of adjacent parking lots & residence) of the surrounding property.
19. Throughout the hearing process, multiple objections were raised by the surrounding property owners. These included setback from the Prom & the undeveloped 6<sup>th</sup> Street right-of-way, setbacks from the neighboring house at 25 Avenue A, the house & garage at 340 Beach Drive, The Promenade Condominiums & parking lot, the apparent lack of an exceptional circumstance, obstruction of views & light, the need for full size parking spaces, rooms being too close to neighboring windows, restricted access to neighboring property etc. The applicant's proposed plans were modified in an attempt to soften these impacts and reduce them while still making practical use of the narrow portion of the RR zoned property.
20. The Planning Commissioners pointed out that any development of the property that met all the development standards would be impactful to the neighbors.
21. The Commissioners recognized the limited lot width of the RR zoned property as a unique circumstance and the applicant's need to maximize utilization of the lot in order to meet parking standards within the structure.

#### **CONCLUSION TO CRITERIA #1:**

The variance to both the height is a significant departure to the development standards in the RR zone; however, they will allow for reasonable use of the current lot configuration and they will not unreasonably impact the surrounding uses.

The height variance is 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 surrounding developments.

The applicant has sought to limit impacts to the neighboring properties by modifying their original plans so they have requested lesser variances that will still allow for the development of this property within the RR zone.

#### **FINAL DECISION**

Approve the variance for the 48 unit motel development at 341 S Prom subject the the following conditions of approval:

**Condition 1.** As stated in the applicant's project narrative, the variance is limited to:

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 westerly portion of the building will meet the required 8 foot setback per Section 3.051 (4).

C. A side yard reduction from 8 feet to 3 feet at the existing north property line adjacent to the existing residence (340 Beach Drive).

Attachments:

Applicant's Final Submittal

Comments From Neighboring Property Owners

Simmons Hotel Development – The Pearl of Seaside

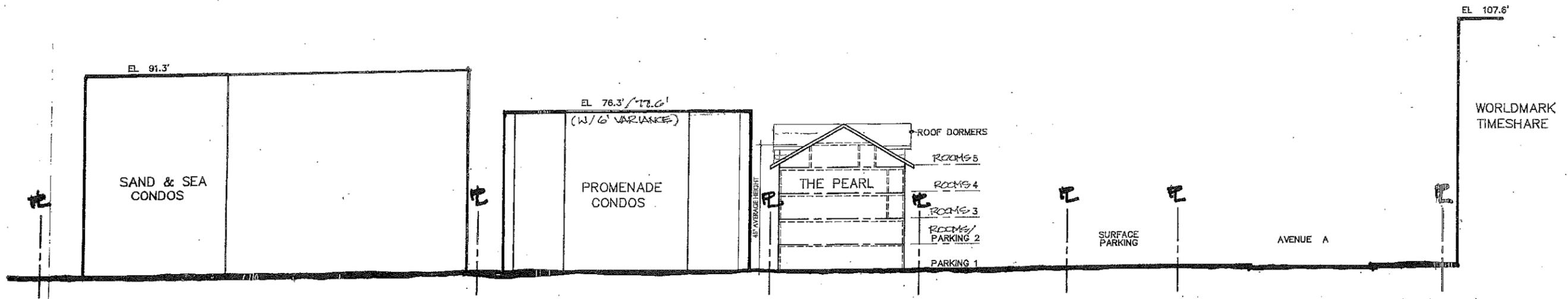
PROJECT NARRATIVE SUPPLEMENT

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

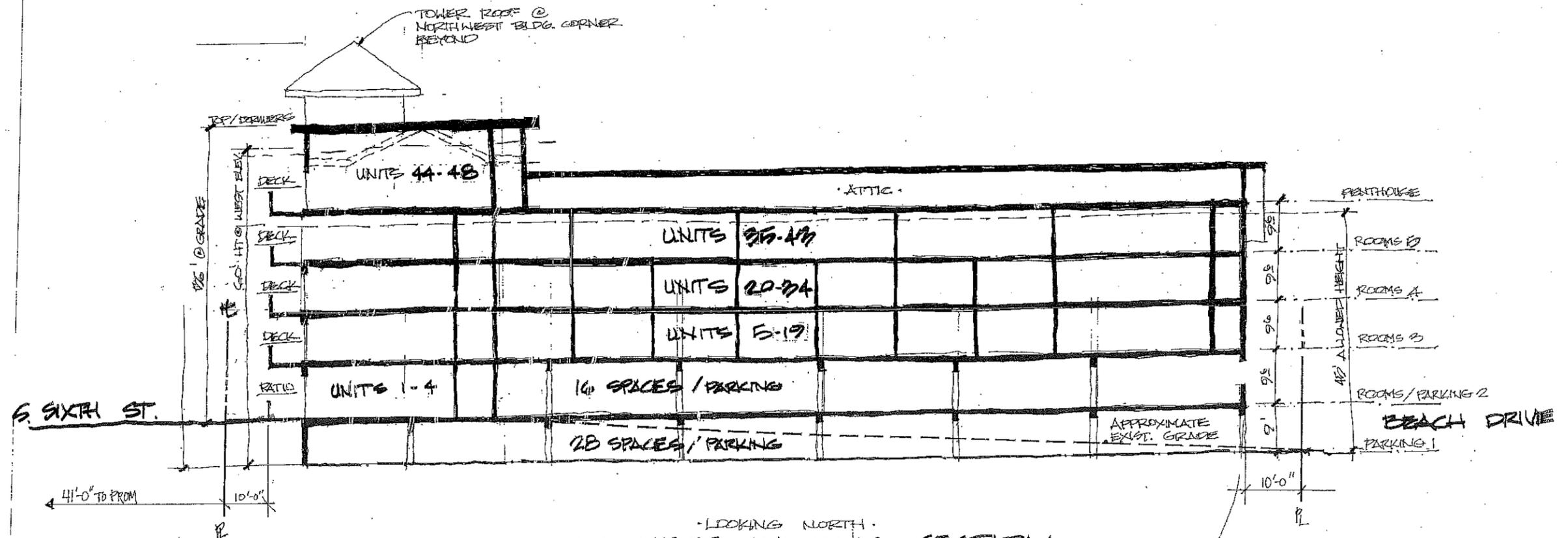
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3. A side yard reduction from 8 feet to 3 feet at the existing north property line adjacent to the existing residence in order to meet parking minimum stall length and aisle width.
4. Please note that this property has a 15'-0" front yard setback on A Street and a 10'-0" side yard on Beach Drive and Sixth Street. The side yards at the south property line with the Promenade condominiums is 8'-0" per the RR zoning standards Section 3.051 (4).
5. The 10'-0" setback from the "Non-Existent" Sixth Street is in addition to the 41'-0" setback from the Prom.







BEACH DRIVE ELEVATION LOOKING WEST.



LOOKING NORTH.  
EAST - WEST BUILDING SECTION.  
1/4" = 1'-0"

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Tolovana Architect LLC  
 368 Elk Creek Rd., Suite 408  
 Cannon Beach, Oregon 97111



THE PEARL  
 COAST LODGINGS, LLC  
 AVENUE A & BEACH DRIVE  
 SEASIDE, OR 97138

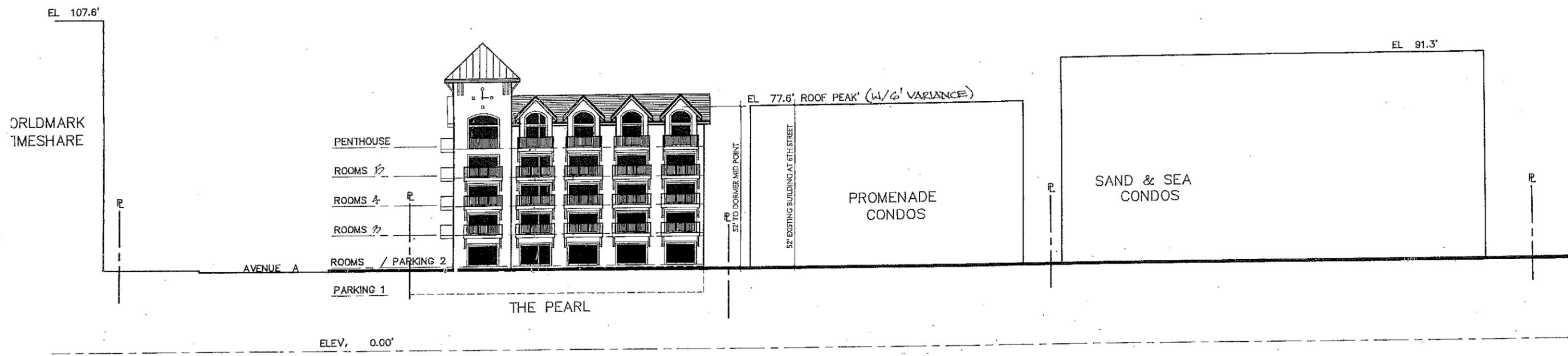
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AIG

Tolovana Architect  
 368 Elk Creek Rd. S1  
 Cannon Beach, Oregon



SIXTH STREET ELEVATION - LOOKING EAST.

THE PEARL  
 COAST LODGINGS, LLC  
 AVENUE A & BEACH DRIVE  
 SEASIDE, OR 97138

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April 30, 2016

Kevin Cupples, Director  
City of Seaside, Planning Department  
989 Broadway, Seaside OR 97136

05-02-16 08:26 RCVD

Please forward to the Planning Commission

Re:16-017V

This letter details the concerns I have, as the co-owner with my sister of the property at 25 Avenue A, regarding the proposed variances for the construction of a new hotel on the adjacent property.

Historically, our small house was constructed around 100 years ago as the carriage house to the larger house that stood in front of us on the prom. This house was converted to a small inn and was called 'Montag House' during much of the twentieth century. When our grandfather, Fred P. Montag, sold the Montag House he kept the carriage house, now 25 Avenue A for his family. He did not, however, keep any additional property beyond the outline of the house. He clearly saw no need to do that as he was on very good terms with the new owner of the Montag House. The Montag House was perpendicular to our house and directly in front of us was the inn's small parking lot. The northeastern corner of the Montag House was just south of our lower front door. With our small lot size, the proposed larger scale construction raises many concerns, as follows:

The plans that we have seen show a driveway cutting directly in front of the beach side (main) door to the lower unit and also to the stairs leading to the only entrance to the upper unit. From the drawings, it appears that the tightest corner is only about two feet from the wall of our house. It is not obvious that we could even open the screen door and the bottom of the covered stairwell would end directly in the driveway. We have a prescriptive easement to our walkway, and want to be assured that it will not be disturbed or interfered with. Our house is a family beach house and we routinely have small children as well as elderly friends and relatives visiting. It is not hard to imagine them stepping out the door directly into traffic.

Some years ago, our house was damaged by a motor vehicle when the vacant lot at the site of the Montag house was used as a parking lot. While we were not there, a car apparently hit the shake exterior hard enough to crack the interior sheet rock. Although we had parking directly in front of our house when the Montag house building was standing, cars would only infrequently enter or leave the adjacent parking spaces. There is, however, a steady stream of cars driven by people who ignore the dead end signs and drive up to the chain just before the prom. As these drivers have already ignored the signage, it would seem possible, if not likely, that they will back into the new driveway in an attempt to turn around, and given the numbers, some are likely to hit our house in the process.

The interior of our house has a small downstairs living room and dining room on the beach side of the house. As configured, more traffic will be passing within feet of these rooms. Currently, when trucks access the beach from the Avenue A ramp, the vibration and noise in these rooms can be very unsettling. Additional traffic this close to our house will have a very negative impact on the livability (and value) of our house.

Our house is old, and there will be large amounts of excavation below and around our house. It is important that an engineering report be done before any work is started, to insure that the structural integrity of our house will not be compromised.

The overall size and height of the project is also a concern, as it will dwarf our house (and the residence on the adjacent property) due to its proximity. With the large condominium directly across Avenue A,, we would be concerned that our small house could be constantly shaded, cold, and damp.

The applicant has requested a significant variance to the existing zoning ordinance to build this project. I believe that this project, as currently proposed, causes unnecessary hardship on the adjacent residential properties. Granting the requested variances will cause safety concerns and negatively affect the value and enjoyment of our property.

Daniel Calef  
25 Avenue A  
Seaside OR 97138  
calef1.1@juno.com

**Kevin Cupples**

05-02-16 08:25 OUT

**From:** Avrel Nudelman <efraimlevi@aol.com>  
**Sent:** Sunday, May 01, 2016 10:28 PM  
**To:** KCupples@CityofSeaside.us  
**Subject:** 341 Beach Drive Proposed Hotel Project

May 2, 2016

Kevin Cupples  
Seaside Planning Director  
City of Seaside

Dear Mr. Cupples:

In reviewing the variance request by Mr. Simmons for construction at the above address site, I have the following concerns :

The close proximity of such a structure to my 108 year old family home exceeding currently allowed height guidelines, will :

1. Eliminate my view of the ocean from my upstairs .
2. Reduce the amount of natural light I enjoy entering my home on the south and west sides .
3. Potentially increase traffic that would deny myself , my family, and guests ready access to my house.
4. Possibly cause damage to my property by major construction on my south property line, in particular from excavation for an underground parking garage .
5. Most likely decrease the value of my property due to items 1-4 above.

While I consider Mr. Simmons a good neighbor, for the reasons above I strongly oppose any variance from the currently allowed building height being granted.

Sincerely,  
Avrel Nudelman  
340 Beach Drive  
Seaside, Oregon

Sent from my iPad

Staff was contacted by a neighboring property owner, Darrell Davis (2480 S Roosevelt). Mr. Davis indicated he has no problem with the development moving ahead, but he is concerned that the development should provide a turn lane for south bound traffic. He indicated there are accidents there caused when people stop before turn into the current motel entrance. Mr. Davis is currently in Arizona and he wanted staff to pass his concern onto the Planning Commission.

Based on Mr. Davis' comment, it seems that some of these accidents are the result of vehicles attempting to pass the vehicles that are stopping to turn into the property. During past review by Planning Commission, the Commission adopted the following conditions related to the request to develop the property.

- c.1) Final access design and restrictions require ODOT review and approval. The applicant is required to provide copies of all access plan details and traffic study information to the Public Works Director at the same time it is submitted to ODOT. The Public Works Director must approve any modification to the access currently shown on the applicant's site plan.
  
- c.2) If ODOT determines the additional demands on the access requires improvements, the improvements must be provided in conjunction with the development within a time frame acceptable to ODOT and the Public Works Director.

These conditions relied on ODOT to determine if any additional improvements would be needed based on the proposed level of development.

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,



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)

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

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**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

06-06-16 09:57 RCVD

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

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.

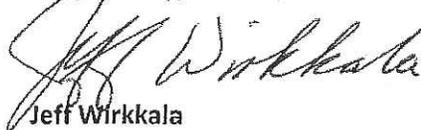
It was unanimously agreed that the setback requests are a significant departure to city development standards. The proposed west boundary will block the sight line north to the turn-a-round from the northern units of the Promenade Condominiums. This development should follow the same building setback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

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



# NMC FUNDING

June 14, 2016

06-14-16 15:21 RCVD

Via E-Mail: [kcupples@cityofseaside.us](mailto: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:

We are the owners of a condominium at the Promenade Condominiums (361 S. Prom, Unit 402). 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 hotel 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 required for a building with 50 planned rental units.

By building within eight feet of the Prom and within three feet of the southern property line, the proposed development will block out or greatly reduce the northern visibility of buildings to the planned hotel's south (all of which are set back 40 to 50 feet from the Prom), especially the Promenade Condominiums which is immediately to the south of the planned motel. 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. Finally, to reduce the number of required parking spaces virtually by half will require the proposed building's renters to find on-street parking and possibly trespassing on its neighbors' parking areas, thus creating parking and traffic problems for its neighbors, like us. 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 to enjoy their own properties. Each of these planned variances would impinge on the right of nearby property owners to enjoy their own properties.

For these reasons we strongly oppose all of these planned variances and therefore request that all of the proposed variances be denied. If you have any questions regarding this matter, please do not hesitate to contact me (503-270-5309 or email [mhuntley@q10nmco.com](mailto:mhuntley@q10nmco.com)).

Sincerely,

Maureen Huntley  
President