

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: May 3, 2016
Applicant/: Richard Feves
Owners 1118 3rd St. #102
Santa Monica, CA 90403
Subject: Conditional Use 16-016VRD; Vacation Rental Dwelling @
2132 S Columbia, T6-R10-S 28BA TL#3200

REQUEST:

The **applicant is** requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **2132 S Columbia**. The subject property is zoned **High Density Residential (R-3)** and the request is for a maximum occupancy of **ten (10)** people, regardless of age, within the existing **four** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

C. Residential yard areas. Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.

D. Local responsible party. A local responsible party that permanently resides within the County must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

E. Spatial distribution requirements. Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review based on the following additional criteria:

1. The use of the property as a VRD will be compatible with the surrounding land uses.
2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

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

FINDINGS & JUSTIFICATION STATEMENTS:

1. The **applicant** is requesting a conditional use that will allow the authorization of a Vacation Rental Dwelling (VRD) at **2132 S Columbia**. The subject property is zoned **High Density Residential (R-3)** and the request is for a maximum occupancy of **ten (10)** people, regardless of age, within the existing **four** bedroom dwelling.

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

- a. The applicant's plot plan indicates there are **four** off-street parking spaces that are available on the site.
- b. The existing **four** bedroom residence will have a limited occupancy of **ten people** regardless of age.
- c. The plot plan shows that parking will not take up more than 50% of the required yards.
- d. Local contact: **Seaside Vacation Homes, Mark Tolan, 524 N Roosevelt , Seaside, OR 97138 will be the local contact for the VRD and he can be reached at (503) 738-0982.**
- e. The applicant, **Richard Feves** has read all of the standards and conditions applicable to VRDs.

2. The proposed VRD is located within a developed residential neighborhood. Currently **31%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **High Density Residential (R-3)**.
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 written comments 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. **All of the corrections noted during the inspection must be completed and approved by final inspection prior to any transient rental of the property.**
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 450 lumens, the equivalent of a 40 watt bulb.
8. Unsurfaced access to off street parking spaces can cause gravel to be drug into the paved surface of the public street. **Since this property was previously licensed for VRD use, there is no change in use that will require the parking spaces to be paved.**

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 **(16-016VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

Please be advised the VRD has undergone a preliminary compliance inspection but it cannot be rented for transient occupancy until it has passed a final inspection. During the inspection, it was noted that a small bed was located in the room at the top of the stairs to the second floor and that room does not have the required egress window. That bed must be removed at the time of final inspection unless the required access is provided and this could reduce the maximum occupancy to 9 persons over the age of three (no more than 10 regardless of age).

2. **Parking spaces:** Four (4) off-street parking spaces (9' X 18' per space) are required on site. These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants.
3. **Maximum number of occupants:** Ten (10) persons 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:** **Seaside Vacation Homes, Mark Tolan, 524 N Roosevelt, Seaside, OR 97138 will be the local contact for the VRD and he can be reached at (503) 738-0982.**

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 5th calendar year. If the re-inspection is not completed during the 5th year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6th 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 that clearly indicates “**You Are Here**”. 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.

18. Hot Tub/Jacuzzi: Reasonable hot tub use hours must be posted and the cover must be provided with a method of locking it closed when it is not in use.

FINAL STAFF RECOMMENDATION

Conditionally approve application **16-016VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **ten (10)** persons, regardless of age, at **2132 S Columbia**. 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.

- This approval will become void one (1) year from the date of decision a VRD license is obtained 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 <i>Richard Feves</i>	ADDRESS	ZIP CODE
STREET ADDRESS OR LOCATION OF PROPERTY <i>2132 Columbia Seaside OR 97138</i>		

ZONE <i>R3</i>	OVERLAY ZONES	TOWNSHIP <i>u</i>	RANGE <i>10</i>	SECTION <i>28BA</i>	TAX LOT <i>3200</i>
-------------------	---------------	----------------------	--------------------	------------------------	------------------------

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

vacation Rental

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

OWNER:		APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):	
PRINT NAME OF PROPERTY OWNER <i>Richard Feves</i>		PRINT NAME OF APPLICANT/REPRESENTATIVE	
ADDRESS <i>1118 3rd St #102 Santa Monica, CA</i>		ADDRESS	
PHONE / FAX / EMAIL <i>818.448.8875</i>		PHONE / FAX / EMAIL <i>90403</i>	
SIGNATURE OF PROPERTY OWNER <i>Richard Feves</i>		SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE	
<small>richard feves (Mef 22, 2016)</small>			

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 checked="" 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) <i>16-016 VRP</i>	
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: Richard Feves
2. Mailing Address: 1118 3RD St. # 102 Santa Monica, CA 90403
3. Telephone #: Home 818-448-8875, Work _____, Fax _____
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: 2132 Columbia Seaside OR 97138
6. Tax Map Ref.: Township __, Range __, Section ____, Tax lot # ____
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 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? 4 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 10 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 10. 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

ORIGINAL

VRD Application updated 5-5-11

cc 20
100
430
550
9707

CITY OF SEASIDE

MAR 22 2016

PAID

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: Richard Feves Date: Mar 22, 2016
richard feves (Mar 22, 2016)

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: _____

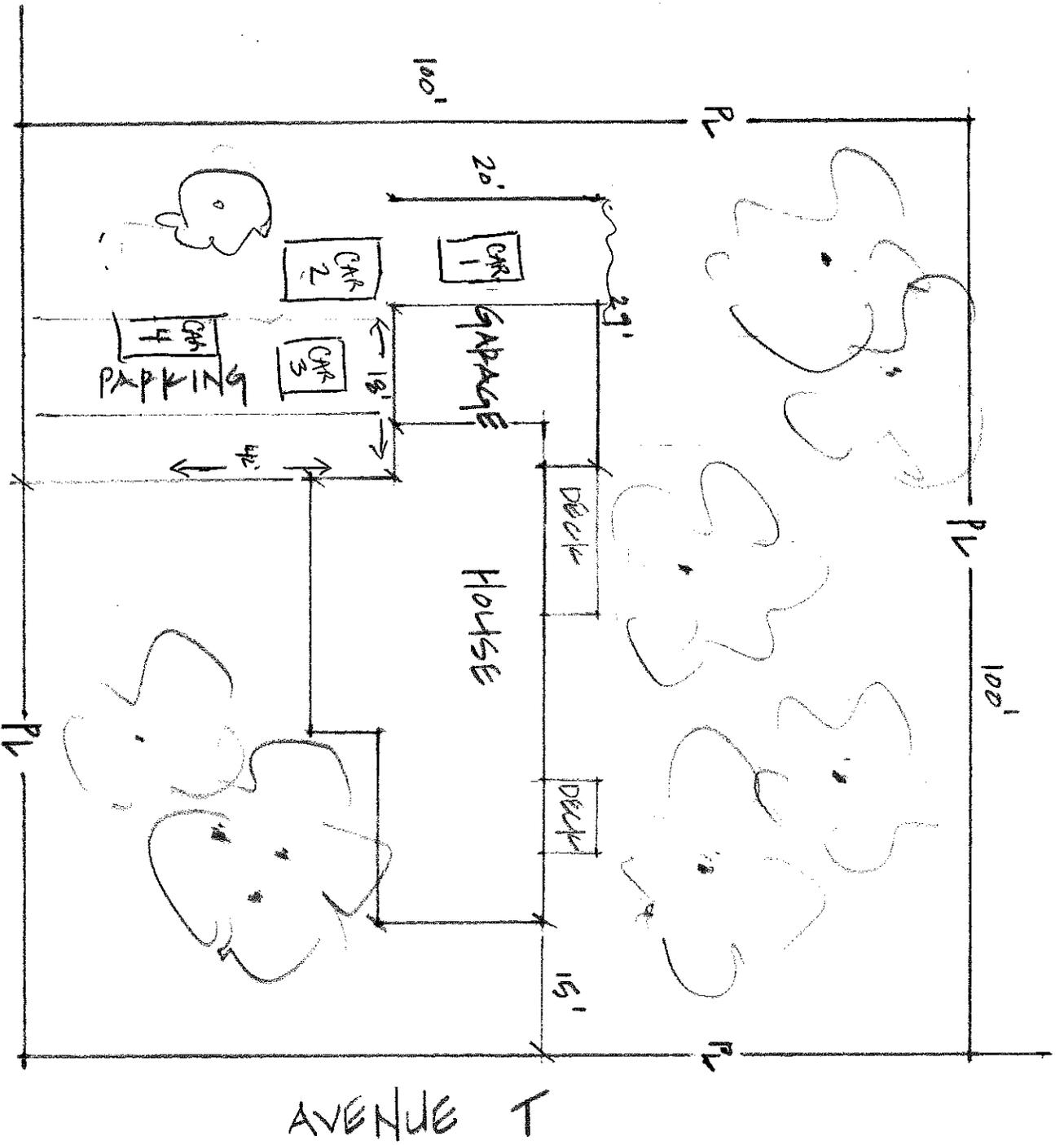
For Community Development Use

Date application was received at Community Development: _____

File Reference # _____ Date determined to be complete: _____

If applicable, date for Planning Commission Hearing: _____

2132 S. COLUMBIA



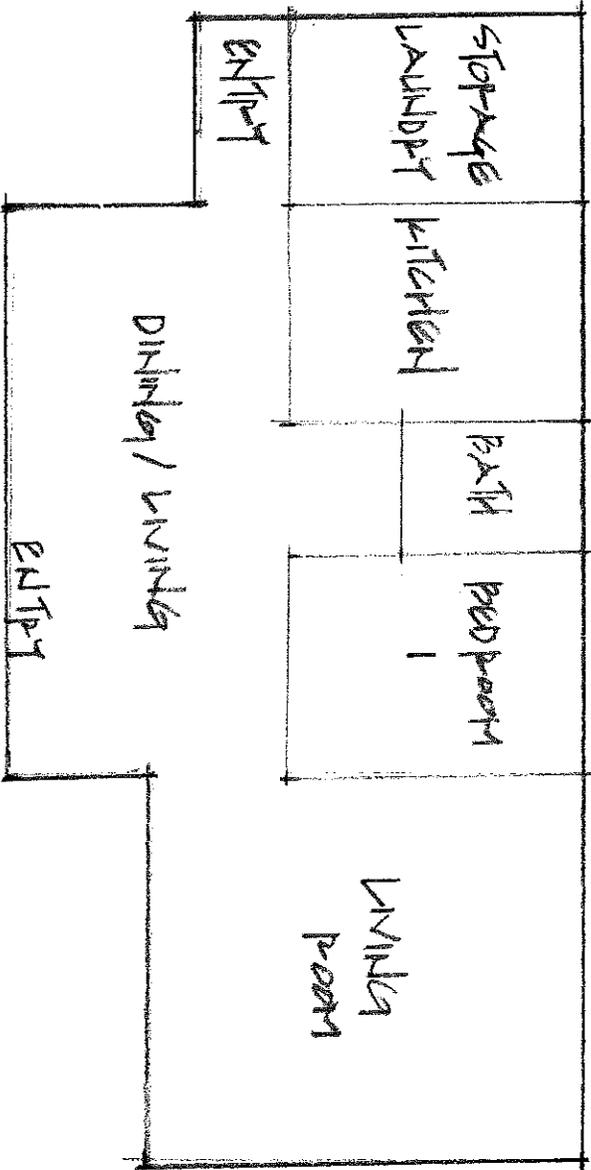
AVENUE T

NORTH →

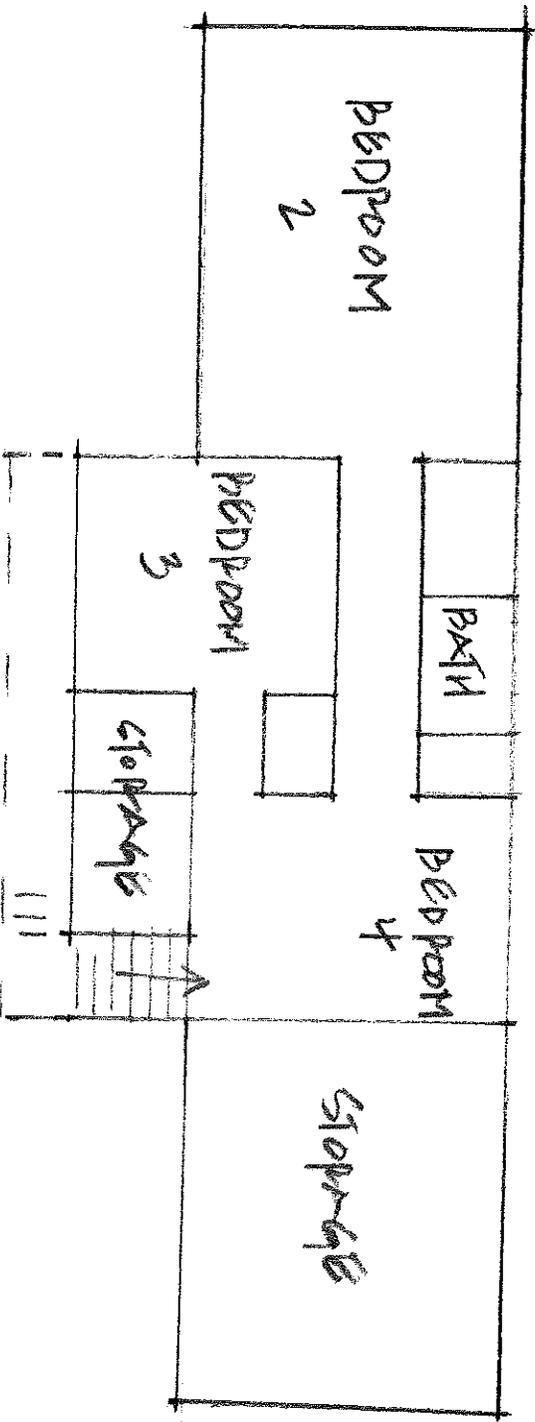
SCALE 1" = 18'-0"
(APPROX.)

LOT: 100' x 100'

HOUSE: 2,000 SF



First Floor



SECOND FLOOR

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: May 3, 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 One Side Yard In the Resort Residential (RR) Zone.

REQUEST:

The applicant is requesting a variance to the allowed building height 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 feet in order to develop a 50 unit motel. The building will have a sloped roof with a primary ridge line height of approximately 65' and numerous dormers and open decks on the westerly facade. The structure would also have a non-habitable tower with a peak height of 90'; however, this type of architectural feature falls under an exception to the allowed building height. The apparent height of the building and tower would be 9 feet less from the Prom since the first story parking garage would be below grade. A number of pre-existing buildings in the surrounding area are close to or exceed the requested building height.

The applicant is also requesting a variance to allow encroachment into a portion of the northern interior yard. A portion of the yard would be a zero lot line configuration and a partial encroachment (approximately 4 feet) into the side yard located adjacent to 25 Avenue A.

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. Mailed Notice Request Summary: 16-017V: A request by Antoine Simmons for a variance to the allowed building height 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 feet in order to develop a 50 unit motel. The building will have a sloped roof with a primary ridge line height of approximately 65' and numerous dormers and open decks on the westerly facade. The structure would also have a non-habitable tower with a peak height of 90'; however, this type of architectural feature is allowed an exception to the allowed building height. The apparent height of the building and tower would be 9 feet less from the Prom since the first story parking garage would be below grade. 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 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 6th 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 tower at the northwest corner is the tallest roof at 90 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 setback has been reduced to zero, similar to that are allowed for 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.

- e. 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 26 units, more than half of the proposed total and render the project infeasible.
 - f. The special condition represented by the adjacent properties has not been created by the applicant.
 - g. 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.
 - h. 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 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.
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. A zero lot line 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 perceived encroachment into the required 8' side yard adjacent to 25 Avenue A will be intensified since that existing structure is almost devoid of yards. It appears the first parking floor could be below the ground surface (which staff would not be concerned about provided proper engineering would ensure the neighboring dwelling would remain stable); however, it appears the second parking floor would be above grade and situated very close to the neighboring dwelling.
8. The garage on the neighboring property to the north (340 Beach Dr.) is also very close to the property line and virtually no yard would be present between the two structures as proposed.
9. 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 (one leg of the L shaped property). It appears that even if the entire yard was abandoned in this area, the backup area necessary for 90 degree spaces would be well below commonly accepted standards unless the spaces were all compact.
10. It would seem reasonable to step the east to west portion of the building down to eliminate the top floor of the structure in an effort to more closely follow the height restriction in the zone; however, even this action would still require a variance to the height of the building based on the information submitted by the applicant. This would likely result in the loss of 4 penthouse units (46 total units).
11. 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 by 8 more (38 total units).

12. 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 fire wall and provide adequate room to feasibly develop the east to west portion of the proposed building. 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.
13. 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.
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 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.

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 monolithic nature of the east to west portion of the proposed building.

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 surrounding developments.

Staff further believes that a lesser variance on the east to west portion of the structure could be supported; however, the impacts to the surrounding area are less clear given the Sand and Sea structure would be the only similar development within this block of RR zoned property.

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. Staff would support a continuance that would provide the applicant time to provide any revised elevation drawings that could be used to support any degree of variance the Commission is willing to consider and/or address concerns expressed during the public hearing.

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 Antoine Simmons	ADDRESS 35547 Montrose Ct. Astoria, OR	ZIP CODE 97103
STREET ADDRESS OR LOCATION OF PROPERTY 341 S. Prom, Seaside OR, 97138		

ZONE RR	OVERLAY ZONES	TOWNSHIP 6	RANGE 10	SECTION 21 AC	TAX LOT
-------------------	---------------	----------------------	--------------------	-------------------------	---------

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

Tax Lots, 11900, 11100 & 10900

Proposed use: Rebuild existing hotel

Purpose of application: Request a height variance

(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 Antoine Simmons	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS 35547 Montrose Ct. Astoria, OR 97103	ADDRESS
PHONE / FAX / EMAIL (503) 440-3944	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER 	SIGNATURE OF APPLICANT/REPRESENTATIVE

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 checked="" type="checkbox"/> VARIANCE | <input type="checkbox"/> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE 4-5-16	BY DK
CASE NUMBER (S) 16-017V	
HEARING DATE 5-3-16	P.C. ACTION

OFFICE USE:	
FEE 670⁰⁰	RECEIPT
DATE FILED 4-5-16	BY DK

Simmons Hotel Development – The Pearl of Seaside

PROJECT NARRATIVE

This project involves the replacement of the existing hotel between Beach Drive and 6th 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:

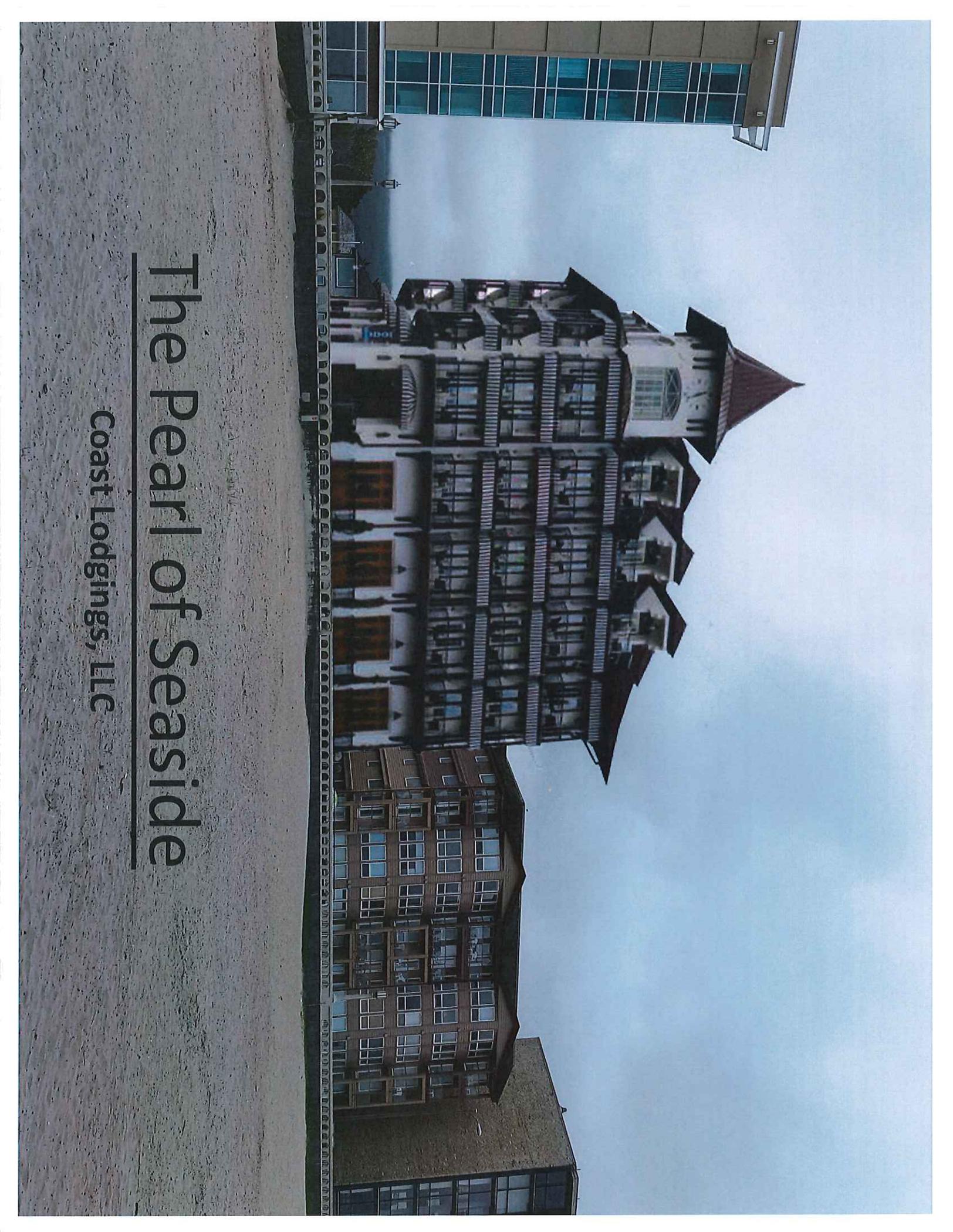
- 1. This property is the only vacant parcel in the south prom vicinity. It is bordered by the 5 story 52 foot high Promenade hotel and 6 story 64 foot high Sand & Sea hotel to the south in the RR zone and the 8 story 84 foot high Worldmark Timeshare to the north in the C2 Zone . These adjacent buildings 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 tower at the northwest corner is the tallest roof at 90 feet, while the main roof and dormers are 60 feet average in height.**

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 zero, similar to that are allowed for 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.

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

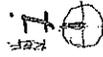
2. The literal interpretation of the ordinance would limit the allowed average roof height of the proposed development to 45 feet from the lowest point of the property, or 37 feet at the westerly property line, based on the slope of the site. This would reduce the development by two stories, or 26 units, more than half of the proposed total 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, 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.



The Pearl of Seaside

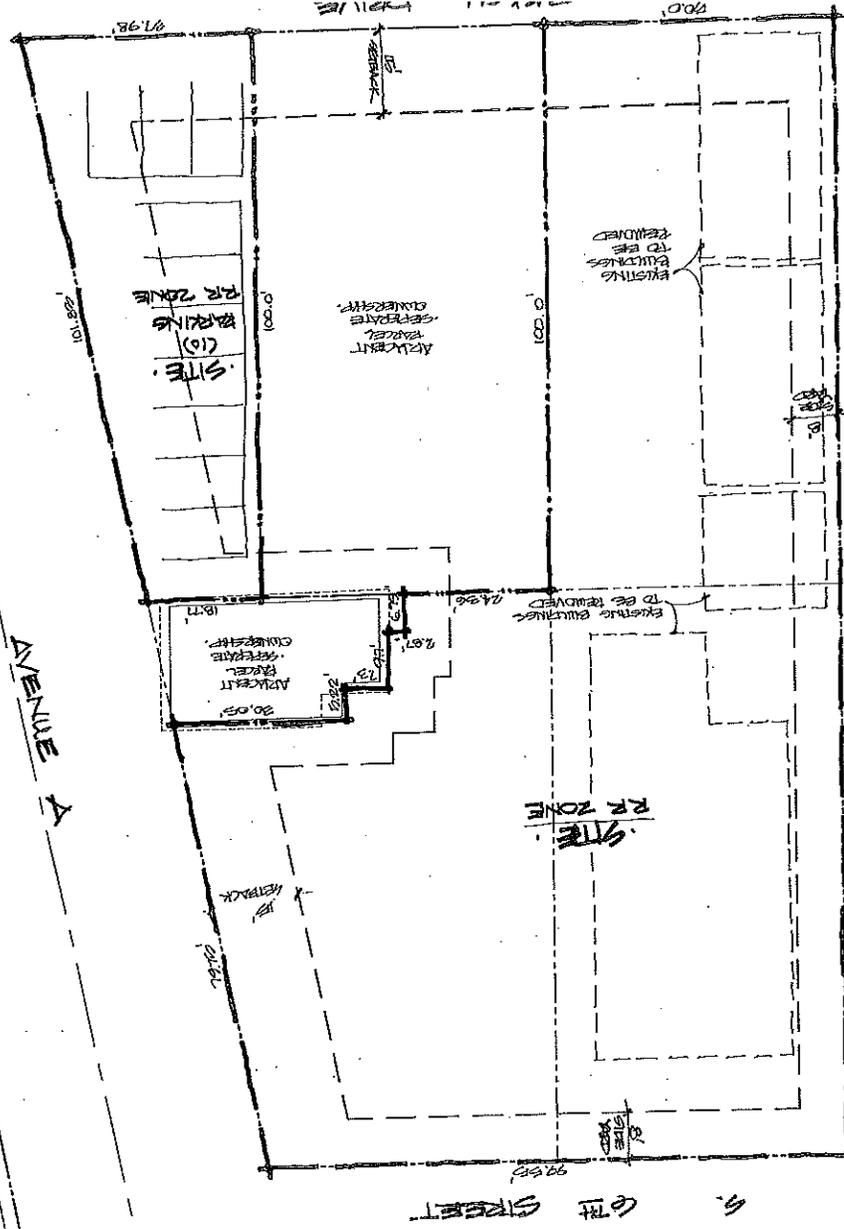
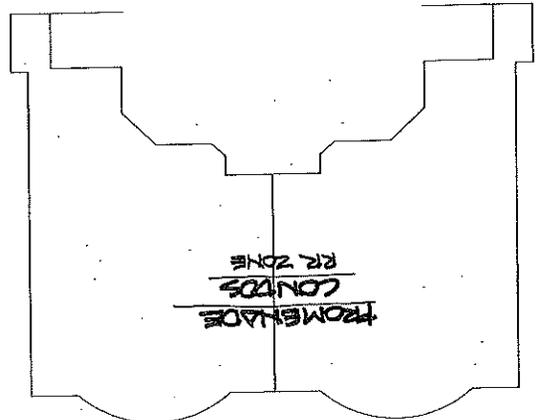
Coast Lodgings, LLC



COMPARABLE PROPERTIES

DATE ACQ.	SQ. FT.	PRICE	WEIGHT
10/2/92	276,100	\$4.17	(+ 100%)
10/2/92	20,000	\$2.12	
10/2/92	16,000	\$2.12	
10/2/92	14,000	\$2.12	
10/2/92	14,000	\$2.12	

THIS PROJECT 20,000 SQ. FT. (100%)



BEACH DRIVE



EXISTING CL TO REMAIN

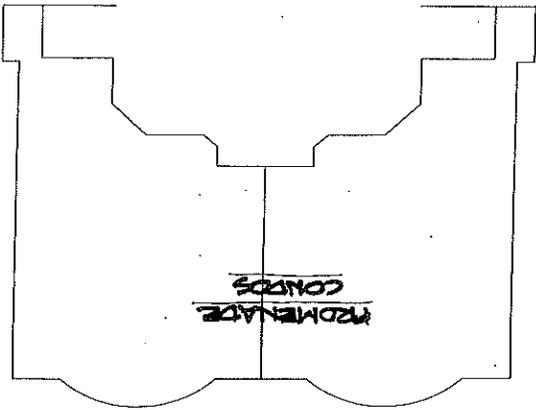
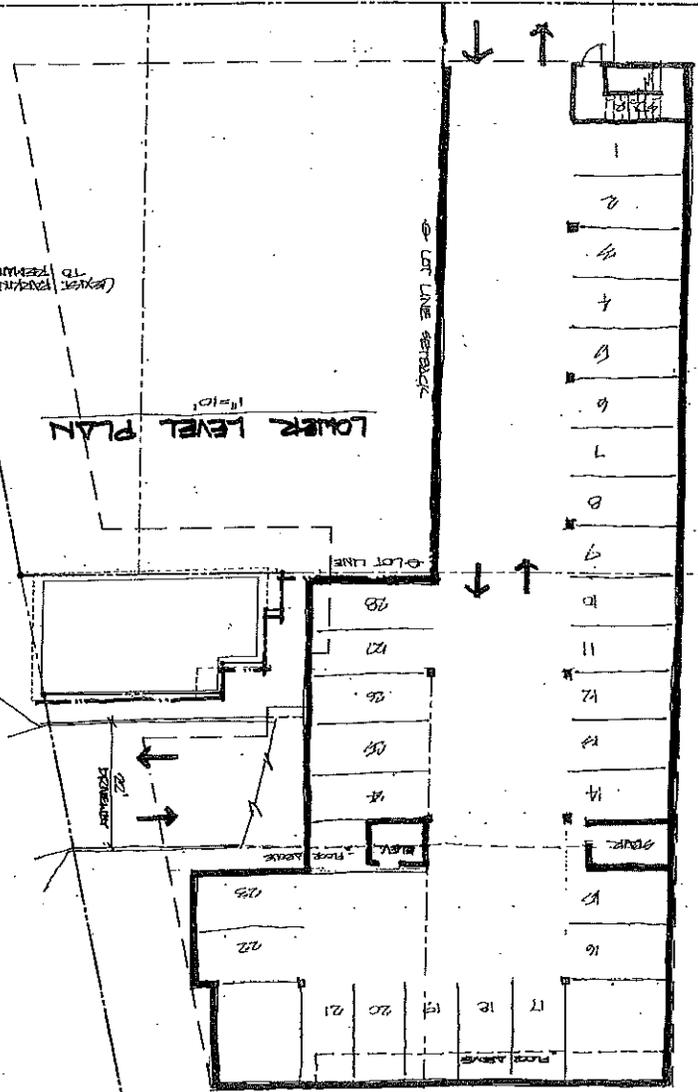
LOWER LEVEL PLAN

LOT LINE SETBACK

LOT LINE

PLANT ROOM

AVENUE A

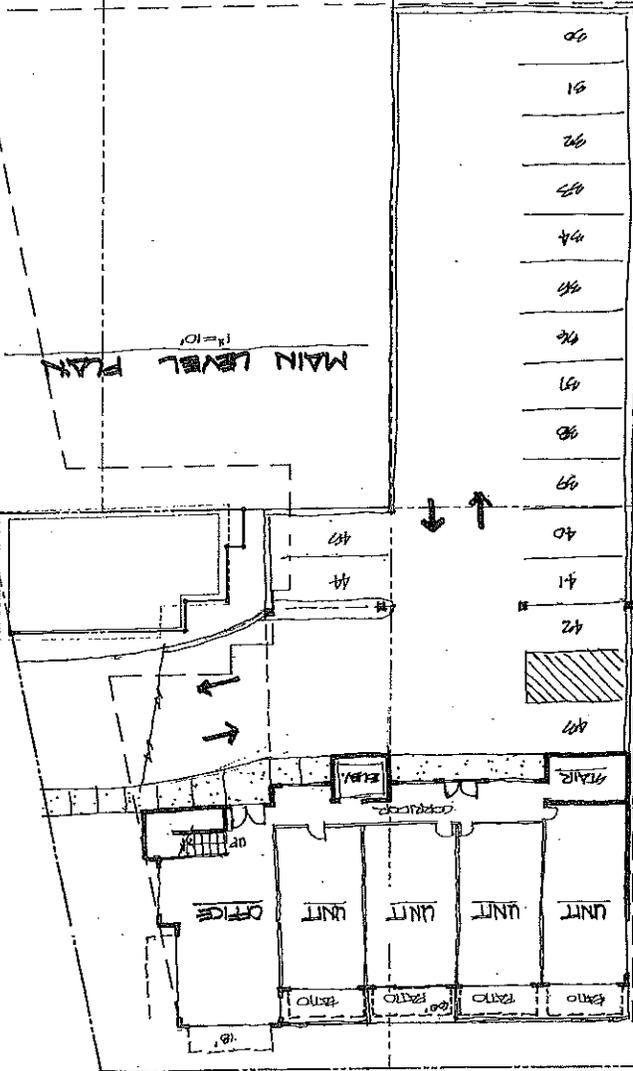


S. SIXTH STREET

BEKOH DRIVE

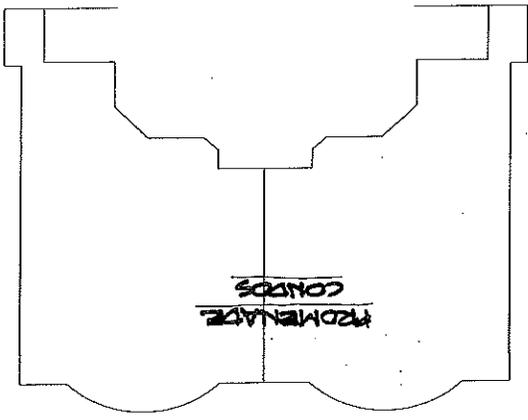


MAIN LEVEL PLAN



AVENUE A

APARTMENT CONDOS



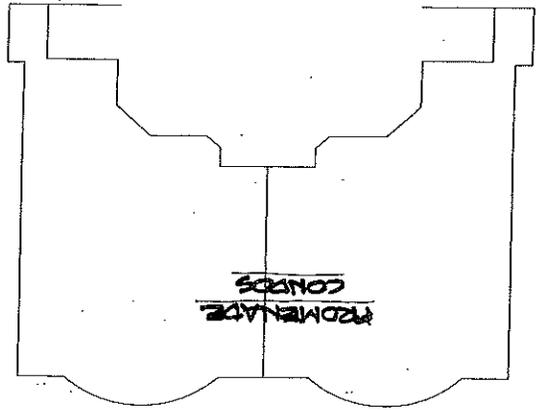
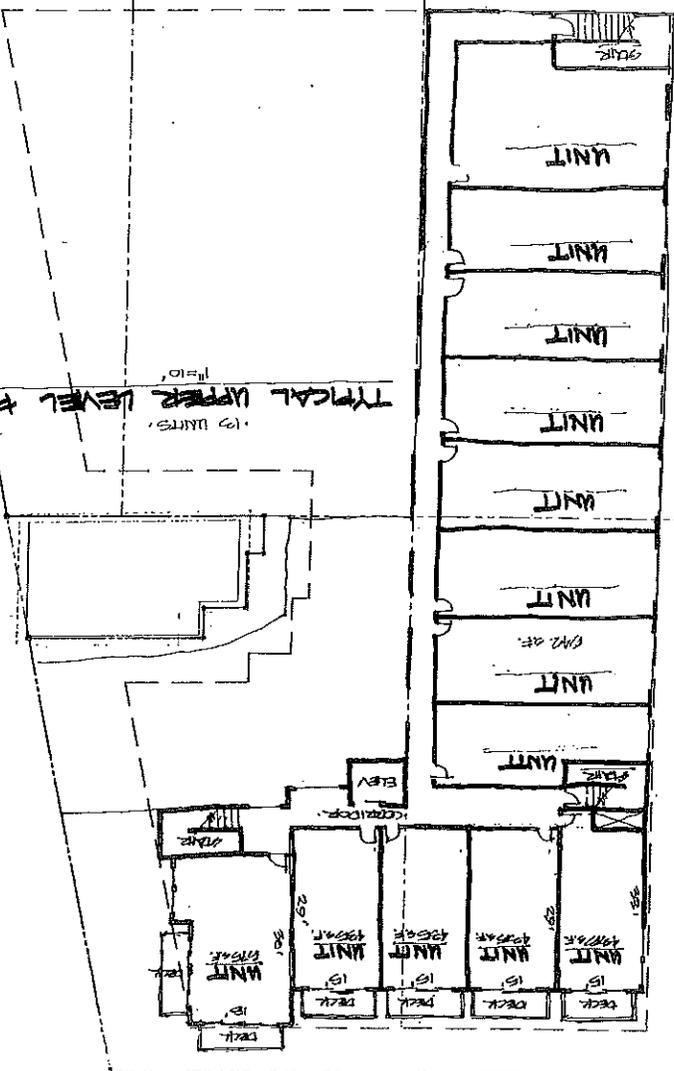
S. 6TH STREET

BEACH DRIVE



AVENUE A

TYPICAL UPPER LEVEL PLAN
12 UNITS
11'10"



PROMENADE
CONDOS

6TH STREET

BEACH DRIVE

AVENUE A

S. OTH STREET

PENTHOUSE FLOOR PLAN
7 UNITS
1" = 10'

