

MINUTES SEASIDE PLANNING COMMISSION
July 5, 2016

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

PLEDGE OF ALLEGIANCE

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

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Romine asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. Commissioner Horning excused himself from item C on the agenda (16-017V).

APPROVAL OF MINUTES: June; 7, 2016

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

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Romine:

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

PUBLIC HEARING:

A.) 16-029VRD is a conditional use request by **Chris Erickson, Brad Lundstrom & Susan Coe-Lundstrom** for a **three (3)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine (9)** people over the age of three. The property is located at **450 16th Avenue (6 10 16AD TL 903)** and it is zoned **Medium Density Residential (R-2)**.

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Brad Lundstrom, 450 16th Ave, but reside in Spokane, WA. Brad and his wife have been coming to Seaside for the last 19 years. They want to spend more time here and wanted to live by the beach. Their son said the same and would like to invest here too. So they went in together to purchase this property and would like this as a vacation rental to help them offset some of the cost of the home.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Vice Chair Carpenter stated that they did receive a letter in opposition and it says that they have concerns regarding the hot tub, but there is a statement in the staff report with the condition that limits the timing that the hot tub could be

used. Mr. Lundstrom stated that they put up a sign at the hot tub that says it can only be used from 6am to 10pm.

Commissioner Ridout stated that he has some concerns regarding the letter in opposition and it's a very strong letter. He wants to make sure that the local contact will take care of any issues that arise immediately. Commissioner Ridout asked Mr. Cupples about the statement in the letter that says if they complain there maybe retaliatory actions and is there any support to that. Mr. Cupples stated that staff doesn't have anything specific, he's got hearsay information about what type of retaliatory actions have been taken but at staff level he has nothing that says yes this happened. He doesn't have factual evidence to that. We do have reports of a current vacation rental having cars parked on the street. We have talked to the property owner, required them to get professional management, which they did. That particular property manager has actually been talked to about making sure that people know where to park. Commissioner Ridout asked if this was a vacation rental before. Mr. Cupples stated he didn't believe so. The local contact is directly across the street from this home. Commissioner Ridout asked how many complaints are we talking about. Mr. Cupples stated that we have probably had at least 3 complaints regarding on street parking. There has been some history of them going directly to the property manager, but we have tried to follow up on them. Mr. Cupples said honestly he can't say exactly how many there have been. We have gotten more strict with the property owner over time and to make sure they have a property manager that will be responsive. Commissioner Ridout asked if we are talking about multiple homes in the neighborhood or just the one. Mr. Cupples stated just the one. Commissioner Ridout asked if Mr. Cupples thought that it was under control now and Mr. Cupples stated he thinks that it is. Commissioner Wright stated that seems pretty good to have a watchdog on the block. He also had questions regarding putting the restriction on the hot tub and asked Mr. Cupples if he has put that specific restriction on other VRD's. Mr. Cupples stated he did with this one based on the letter from the neighboring property owner. We do commonly say that they should have a limitation on what the hours of operation were but he hasn't been this specific. He just wants to forewarn them, they may find that they may want to lock it down anyway, he has heard horror story of very sandy people messing up hot tubs and dog baths. People's voices do carry. Commissioner Horning stated that when he went by he didn't notice that they had three parking spaces. Mr. Lundstrom stated that they have the two car garage and then they can also park in front of the garage.

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

B.) 16-034CU: A conditional use request by **the City of Seaside** that will allow the development of a dog park at the northwest corner of the Broadway Middle School's parking lot. The park would provide a centrally located, fenced off area where the public can exercise their dogs on & off leash. The property is referenced as 1120 Broadway (T6, R10, 22BB TL: 4700 & 5201). Development of the dog park is being supported by the Seaside Parks Advisory Committee, and as proposed, it would make use of an underutilized area that frequently becomes overgrown with brush and weeds. The property is currently zoned General Commercial (C-3).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Dale McDowell, Public Works Director for the City of Seaside. They are currently looking for areas within the City to place small dog parks. This spot is an ideal one, it is partly city property and school property. The second thing is that they have restrooms right there and plenty of parking and this one will become an ADA accessible dog park. It's not a big place and they are not expecting a lot of dogs in there at one time. They are trying to find some pockets of city property or school district property that are underutilized. We do have a gigantic one here if you want to put your dog on a leash. We don't want them so small so that you can't throw a ball or a Frisbee for your dog. He personally is not a dog owner he is just trying to do his part and fix some of the properties that we have and just don't use. This one has an electrical vault and it will have a double gate. If there are dogs in there already they won't be running out a single gate. The city will maintain the pathway that kids currently use so that they will not be crossing the parking lot. All the trees will stay.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Ridout asked what is happening with the maintenance of that. Mr. McDowell stated that the city will maintain it and we are just going to add it to our parks inventory and it will be irrigated. Commissioner Ridout asked if the city was going to put in picnic tables, water or anything like that. Mr. McDowell stated that with the restrooms being right there it wouldn't be needed. This is one of the first areas in town where people stop and it is one of the most used restrooms in the city. The chamber is right there. Right now people are using the lawn area along Highway 101 as a dog park and we are hoping to guide them to an area that is a dog park. Commissioner Ridout stated not being a dog owner he considers this as a big potty area. Commissioner Hoth asked what is the radius for notification? Mr. Cupples stated that it is 100 feet from all property corners. Commissioner Hoth asked if the 100 feet reached into the residential neighborhood? Mr. Cupples stated that it hit some properties off of 2nd Avenue. It shows 9 properties that were notified and no residences. Commissioner Wright asked if PPL signed off on this? Mr. McDowell stated they are the ones that requested the double gate to get in and other than that there was no requirement. Commissioner Wright asked if PPL was aware that the pets would be using this to go to the bathroom on. Mr. McDowell stated that is why there will be a double gate.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Perkel made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Hoth stated that his concern is that people in the neighborhood were not notified and dogs are noisy and that concerns him. Commissioner Wright stated that it's on Highway 101 so that's already noisy. Mr. Cupples stated if you look at the plan the nearest dwelling is not that close. There was no second on this motion. Vice Chair Carpenter made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Wright seconded and the motion was carried with a 6 to 1 vote. Commissioner Hoth voting no.

C.) Continuance: 16-017V: 341 S Prom

Kevin Cupples, City Planning Director, stated that at the last meeting the commissioners asked the applicant to come back with exactly what it is that they would really need as far as the development of the property. They have brought that back and said that they wanted the side yards on the north side of the property to be 3 feet and 3 feet on the south side with the exception of where the northwest portion of the building is. The building is L shaped. The portion that fronts the Prom would be setback. Where the proposed structure and the Promenade are located it would meet the 8 foot setback but it would bump out where the parking would be 3 feet back and then again on the Nudelman property would be 3 feet. The rest of the setbacks would be compliant and they are still asking for the height variance. There is no set back variance on the 6th street/Prom side of the building or Beach Drive or Avenue A.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. David Vonada, Tolovanna Architects, PO Box 648, Tolovanna Park. He appreciates all the time that the commissioners have put into this. Mr. Cupples is exactly right and the plan shows the lower level plan, which is the parking plan which is accessible off of Beach Dr. The motivation here is to meet the parking isle as well as the parking stall width. The only way they can do that is to ask for the 3 foot variance on the Promenade parking side and the north side of this property. That will give them the 18 foot deep parking stall as well as the 24 foot isle. They have tried to tighten it up but the parking standards just aren't there and they really need that 18' and 24' combined for the parking to meet the city and industry parking widths. That is what is driving the 3 foot setbacks. They do comply with the 8 foot setback adjacent to the Promenade itself, and the setback along 6th Street and the setback along Avenue A. Hopefully that shows that they have put a lot of effort to massage this plan to demonstrate the least amount of variances that they are asking for. Commissioner Hoth asked if he would be correct in identifying the little southeast corner of the main building is 4 foot. Mr. Cupples stated that on one of the floor plans it's got a portion of the building that is below grade, so it is not in the setback, you don't hit the setback until you are 30" above grade. Commissioner Hoth asked if the setback of the structure would be 8 feet. David stated that would be correct. David also wanted to point out the height variance, again they were able to massage that to an acceptable level. They complied with the height along Beach Drive it's only the westerly wing of the building where they are asking a height variance. Actually the 45ft average grade to the average peak of the roof at Beach Drive. The grade is working in their favor. They are asking for the 15 foot variance because there is an 8 foot grade difference, because

that is below grade in fact the difference is only 7 foot. Commissioner Hoth stated that the actual physical height from Beach Drive is 60 feet. David stated that the commission should have received a supplement to the project narrative on what they are asking for. It really represents the minimum of what they really need. It is reasonable. He knows that the Promenade had a 6 foot height variance when it was built. If you look at how well this building will look, it will fit in with the height and texture of the surroundings.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Antione Simmons, 341 Beach Dr. Last time he was here he was asked to come back with exactly what he needed and Mr. Cupples stated that the big thing was the parking. They looked at different ways to come up with a plan that would work for everyone.

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

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Avril Nudelman, owns the property to the north of the project right on Beach Drive. This project is going to directly affect the livability of his home because of the variances. At first it was an 8' setback then at the last meeting it was 5' now it's down to 3' which is to accommodate parking. This is going to affect the enjoyment of his own home and his property. It's going to cut out the light that comes into his home, not to mention the view from his home. Three feet from his driveway he is going to have a 60 foot tall building. The three feet variance from his property is just to close. He's going to be in the shadow of the hotel and his property value will go way down. He would like to see what this is going to look like. It's just too close.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Mark Golding, 303 Promenade, Seaside OR, He doesn't know if he's speaking in opposition or not he doesn't fully understand what is going on. Last time he was here he thought that they were going to come back with a variance for compact parking spots in the garage. Is that still being asked for? Chair Romine stated that it does not look like they are asking for that at this time. Mr. Golding asked where the entrance will be? Mr. Cupples stated that the accesses have not changed since the first submittal. One access will be off of Beach Dr. and then one off of Avenue A. Mr. Golding stated that another one of his concerns is that between this and the Trendwest/Wyndham will that cause difficulty in emergency access to the Beach. Mr. Cupples stated that would be addressed by City Staff when the plans are submitted for review. Because we want to be able to control the access and not backup with traffic, people drive down there now even with all the signage that's there. Mr. Golding stated that the only opposition is that he wishes to support Mr. Nudelman's points.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Marlow Hornberger 403 Promenade Condos. Mr. Hornberger stated there should be a neutral response. He wanted to thank Antione and Tolovanna Architects for all the changes that have been made. He wants some clarification on the front west side of the building facing the ocean is now 10 feet, correct? David stated yes. Then the parking structure's lower level is at a 10 foot setback. Once they get above that lower level is where the questions come up. Once they get past that it shows there is a 10 foot setback, with a patio in front, if there is a 30inch patio which is 2.5 feet then the solid part of the building will be 12.5 feet back. If it is then that is perfect for what they are asking for from the Prom. They took pictures that last time and if it is set up like the Inn at the Prom is right now then it would be an ideal situation of what they have been asking for and they are happy with that. Maybe as things progress here on the coast we need to relook at the parking ordinance. They have two parking spots for the Promenade Condos and they are able to stay within the parking boundaries even when they are full. They would appreciate a contact name so that they can keep in contact with someone during the building process.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Susan Calef, 25 Avenue A. The house has been in their family since the 1920s. The big concern now that they have changed the rooms around is that the guest of the hotel will be looking directly right into the upstairs bedrooms. Which is kind of interesting. She has a wonderful idea which her brother told her not to say, and that is she has lots of single lady friends and they wouldn't mind if they only agreed to rent those rooms to handsome men. Her brother and she wrote a letter regarding fire. Mr. Cupples stated that he did talk to the Building Official and the concern was rather they had balconies that were close to the dwelling and if they were going to allow BBQ's close to where that dwelling is and the Building Official stated that it really isn't a concern because it is a contained flame and that is something that wouldn't be

an issue as far as the fire life & safety plan review went. If they had one of the outside open fires then that would be an issue. She is a retired school teacher and would have liked to go out there on the 4th of July and have people read the signs very slowly so they could understand the No Parking signs. She also stated that they didn't receive a letter with regards to tonight's meeting. Mr. Cupples stated that we don't send out a second notice. If something changes during a meeting and it didn't have adequate notices then we send out another notice, but the notice that we are continuing the meeting is said at the last meeting and that is the notice.

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

Chair Romine indicated the issue was opened for Commission discussion.

Chair Romine stated when they submitted the application the description for extraordinary circumstances, could the applicant please rephrase that for him. David Vonada stated to begin with it is the only vacant parcel of land on the S Prom and it is bordered by the Promenade to the South and then the Worldmark/Trendwest to the north. The adjacent buildings are higher than the standard, the Promenade had a variance to the height. Worldmark/Trendwest is in a separate zone. So really the setting and the location is what creates the unique circumstance in his opinion. Chair Romine stated that is what he was looking for, and now the number of parking spaces relating to the number of units. When they looked at the parking space that was available meeting the criteria of the setbacks how many units would you have to downsize to accommodate the correct setback. David stated that basically what they would end up doing is reducing the 90° spaces to parallel spaces. There really wouldn't be room if they had to meet setbacks on the north and south side. Chair Romine asked even if it were diagonal. David stated that even at a diagonal they would end up basically with one out of each three spaces. So instead of having 9 spaces we would only have 3 spaces. Chair Romine stated so you would be losing 6 rooms. David stated it's a two story parking garage so that would be 12 units and that would bring it down to 36 units. Antione stated on the second level they would lose more than that because they need to turn around. They would lose at least 20 units if they were required to meet all the setbacks. If you look at the Inn at the Prom now and see how the parking is, it's all messed up and that is what they will be dealing with if they can't get these variances. Chair Romine stated after the review it has become pretty clear to him that we need to really look at this from the applicant's perspective. He has unique need and exceptional circumstances, that property is one of the last pieces of vacant land along South Prom. Commissioner Hoth stated at the last meeting, for him, this property is one of those older mixed use zones and where you have what was traditionally there for many years and then running up against what is currently allowed in the zone. They don't have a square lot. If they did they wouldn't be here asking for these variances. They have this odd shaped lot and now have to fit in and to him that is what makes this unique in terms of developing this property. Chair Romine stated when he brings in a project and he starts to develop, it is his job to do his due diligence to find out if he can fit the project on the property. Commissioner Hoth stated the next step is the consideration of the variances that are before them, are they sufficiently not as impactful as greater ones to allow for development. This is where it starts impacting people. The question for him and the reason he is wrestling with this is people don't want something built that will impact their property and no matter what is built there it will impact their property. So the decision for him isn't how will he stop it from impacting neighboring properties, the decision is, is the impact going to be too great by granting these variances. We are starting with these properties will be impacted because that's the zone and that is what is allowed in that zone. It doesn't matter because something is eventually going to be built there. The decision becomes here is the impact they are going to have are we adding more than we should or is the minimum not necessary to be justified. The applicant has made a lot of effort to bring this in and again we have all been impacted ourselves. Commissioner Wright stated that he is happy to see that the 8 foot setback close to the houses that was his biggest concern. He has walked by the property a number of times. There is a big sign there right now that is on the property line or very close to the property. Even if there was an 8 foot setback the view is going to be destroyed towards the south anyways. The applicant has done a tremendous job of resolving basically all the questions. It's a mixed use neighborhood and it is the last piece of vacant land and there is a reason that it's the last piece. The variances of three feet is actually 2 feet wider than it is now. Right now it is only a 1 foot setback. We are looking at the best use for that particular piece of property and it does need to get used. It's just a big vacant lot. Vice Chair Carpenter stated he agrees with Commissioner Wright, the applicants have done the best job they can to litigate all of the things that they could, especially the issue from the Prom side (west side) and he feels that this should be approved. Commissioner Ridout stated that he kept hoping for things that the people asked for and there are only two houses there, they just want to

visually see what the project would look like for them. He doesn't know if they have enough setback there or not and if they met the law. Visually he can't picture what those houses will look like in there. We have spent a lot of time dealing with the big picture and not the two little structures that are there. Commissioner Hoth stated that he can't visually see it either. Commissioner Ridout stated that he doesn't have a problem with any of the main structure and he would have gone with a lesser setback and built on the same footprint on the south side.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Vice Chair Carpenter made a motion to approve the conditional use under project narrative supplement dated June 27, 2017 and all of the other conditions that are in the staff report. Mr. Cupples made a suggestion that instead of making that full decision is to direct the planning director to put together a findings document that would justify that decision based on the information found in the record based on the conversations that you have had. Adding that information will help secure you if someone decides to appeal it. It would give you a better document to justify it since the staff report was based on other requests at the time that it was done. Mr. Cupples would rather go through and make the adjusted findings, you can make a decision to direct him to do that and bring it back. It would not be open for public comment you would just come back for a justifications document for approval at the next work session. Which will be a public hearing on July 19th at 7pm here in the Council Chambers. To take final action on the final order. Commissioner Wright seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:30 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant