



# **AGENDA**

## **ASTORIA PLANNING COMMISSION**

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**October 23, 2018**  
**6:30 p.m.**  
**2<sup>nd</sup> Floor Council Chambers**  
**1095 Duane Street • Astoria OR 97103**

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a) January 9, 2018
  - b) August 7, 2018
  - c) August 28, 2018
4. PUBLIC HEARINGS
  - a) Permit Extension Request (PE18-01) on Conditional Use Permit (CU03-04) by Elisabeth Nelson to locate a school of music as a Temporary Use in an existing building at 1103 Grand Ave.
5. WORK SESSION
  - a) Riverfront Vision Urban Core
6. REPORT OF OFFICERS
7. STAFF/STATUS REPORTS
  - a) Save the date: Next APC meeting is scheduled for Tuesday, Nov. 27, 2018
8. PUBLIC COMMENT (Non-Agenda Items)
9. ADJOURNMENT



# **AGENDA**

## **TRAFFIC SAFETY ADVISORY COMMITTEE**

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**October 23, 2018  
6:30 p.m.  
2<sup>nd</sup> Floor Council Chambers  
1095 Duane St • Astoria OR 97103**

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a. Nothing to approve - no agenda items from July 24, 2018
4. PROJECT UPDATES
5. NEW BUSINESS
6. REPORT OF OFFICERS
7. PUBLIC COMMENTS
8. ADJOURNMENT

<p><b>THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING COMMUNITY DEVELOPMENT DEPARTMENT, 503-338-5183.</b></p>
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## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

January 9, 2018

### CALL TO ORDER:

President Easom called the meeting to order at 6:30 pm.

### ROLL CALL:

Commissioners Present: President Kent Easom, Vice President Sean Fitzpatrick, Jennifer Cameron-Lattek, Daryl Moore, Jan Mitchell, Joan Herman, and Brookley Henri.

Staff Present: Planners Nancy Ferber and Mike Morgan. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

The Commission proceeded to Item 4: Approval of Minutes at this time.

### ELECTION OF OFFICERS:

This item was addressed immediately following Item 5: Public Hearings.

In accordance with Sections 1.110 and 1.115 of the Astoria Development Code, the APC needs to elect officers for 2018. The 2017 officers were: President Kent Easom, Vice President Sean Fitzpatrick and Secretary Anna Stamper.

Commissioner Moore moved that the Astoria Planning Commission elect Sean Fitzpatrick as President; seconded by Commissioner Mitchell. Motion passed unanimously.

President Fitzpatrick moved that the Astoria Planning Commission elect Kent Easom as Vice President; seconded by Commissioner Moore. Motion passed unanimously.

Commissioner Moore moved that the Astoria Planning Commission re-elect Anna Stamper as Secretary; seconded by Vice President Easom. Motion passed unanimously.

The Commission proceeded to Item 6: Reports of Officers at this time.

### APPROVAL OF MINUTES:

This item was addressed immediately after Roll Call.

(Note: additional language in bolded text; deleted language struck through)

#### **Item 4(a): September 6, 2017**

President Easom noted the following corrections:

- Page 1, first sentence - "President ~~Easom~~ **Pearson** asked for approval of the minutes..."
- Page 1, Item 4(a), first sentence - "Director Cronin presented the updated Staff report, a memorandum, and a good neighbor agreement **commitment**." The entire document needed updated to reflect that the title of the good neighbor agreement had been changed to a good neighbor commitment.
- Page 3, last sentence - "He hoped the neighborhood would **be** fine and that the warming center helped people."

#### **Item 4(b): September 26, 2017**

Vice President Fitzpatrick asked that the fifth paragraph on Page 2 reflect that he was the Commissioner who had asked Mrs. Niemi if any changes had been made to the building footprint.

President Easom noted the following corrections:

- Page 3, first sentence - "Commissioner Mitchell said she did not believe the assumption that an apartment would change the value of housing ~~fit~~ **for** this situation."



- Page 4, third sentence - "The only comparable location for this office would be on the Columbia Memorial Hospital (~~CMHO~~ **CMH**) campus.
- Page 4, fifth paragraph - "Vice President ~~Eason~~ **Easom** ..."

#### **Item 4(c): November 28, 2017**

Commissioner Moore did not believe the last sentence on Page 6 [Trabucco KFC comment on Pg 2 & Arby's comment Pg 6; KFC in comment by Henri on Pg 6] accurately reflected what Mr. Trabucco had said. Vice President Fitzpatrick stated he did remember Mr. Trabucco mentioning Kentucky Fried Chicken and Arby's during that meeting.

Commissioner Mitchell suggested the minutes clarify that the building being discussed in Item 4(a): CU17-13 used to be known as Number Ten 6<sup>th</sup> Street [2:17], but it had been gone for years. She also made the following clarification and corrections:

- Page 6, her comments should state, "Commissioner Mitchell said she was struggling with a decision because she acknowledged the lack of available land in Astoria. ~~When the City makes choices that benefit the people who live in here, Astoria becomes more of a place people want to come to.~~ **In the past, it has been acknowledged that our decisions are best when the people who live in Astoria are served. Tourists come to a place that is good to live in and is real.** And tourism is great, but ~~residences~~ **residents** still need essential services. The Commission needs to balance what the Code says with uses that provide benefits to residents." [2:35]
- Page 13, twelfth paragraph – "Commissioner Mitchell recommended 20 minutes of educational sessions be added to the agenda of future meetings ~~for the Commissioners who are new and have not lived in Astoria all their lives~~ **so that all Commissioners share a basic body of information.**" [5:40]

Vice President Fitzpatrick confirmed the ex parte contact he had declared, as stated at the top of the Page 2 was accurate, but he was uncertain why he would not have made the second declaration during his initial declaration on Page 1.

Easom asked Fitzpatrick about the two times (Pgs 1 & 2) he was noted as making declarations; Accurate as to sequence of comments; we agree it could have been combined for better flow. [3:35]

President Easom noted the following changes and corrections:

- Page 3, second sentence - "The ~~covenants, conditions, and restrictions (CC&Rs)~~ **deed restrictions** call for eight public parking spaces..." [Trabucco stated CC&R 24:16]
- Page 12, twelfth paragraph – "Commissioner ~~Mitchells~~ **Commissioners Mitchell** and Henri agreed with Vice President Fitzpatrick."
- Page 14, third paragraph, "President Easom stated he could not recall this hearing, noting he had been the Commission for ~~two~~ **three plus** years."

Commissioner Moore moved that the Astoria Planning Commission approve the minutes of September 6, 2017, September 26, 2017, and November 28, 2017 as amended; seconded by Vice President Fitzpatrick. Motion passed unanimously.

#### **PUBLIC HEARINGS:**

President Easom explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

#### **ITEM 5(a):**

CU17-16                      Conditional Use CU17-16 by Julie Garver, dba Innovative Housing, Inc., to locate a multi-family dwelling (40 units), located above the first floor, with commercial facilities on the first floor at 1067 Duane in the C-4 Central Commercial zone.



President Easom asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Vice President Fitzpatrick declared a potential conflict as he owned rentals in the area. However, he did not believe these proposed units would directly compete with his and that he could be impartial. He also declared an ex parte contact. In 2004 or 2005, he was approached about purchasing this property for \$1.00. He spoke with Todd Scott, the Community Development Director at the time, and John Burtus of Shore Bank Pacific, which is now Craft3. He toured and inspected the building and determined it would cost approximately \$5 million to make the building worth \$3.5 million, so he did not purchase it. Over the years, he has spoken with numerous people about the building. He has advocated for demolition and restoration depending on the plans that were in front of him. Recently, he spoke with Ms. Garver and attended a presentation on her company and this project at a Astoria Downtown Historic District Association (ADHDA) meeting in the fall. Given all of this, he believed he could be impartial. However, he was willing to recuse himself if the Commission believed he had too much of a conflict.

President Easom confirmed that he believed Commissioner Fitzpatrick could remain impartial.

Commissioner Herman declared that she interviewed Ms. Garver in September for her radio show on KMUN. She did not believe that would prevent her from being impartial.

President Easom declared that he was in the property management business. However, he did not believe that would impact his decision on this request. He was also on the Clatsop County Housing Authority when they took title to the building. The Housing Authority had considered the building for renovation, but decided against it because it would be too cost prohibitive at that time. He did not believe that would impact his decision either.

President Easom asked Staff to present the Staff report.

Planner Morgan reviewed the written Staff report and recommended approval of the request with the conditions listed in the Staff report.

Commissioner Henri asked why the parking strategy requirement and the requirement for Innovative Housing, Inc. (IHI) staff to attend ADHDA meetings were combined into one condition of approval. Planner Morgan explained this was suggested by the Applicant.

President Easom opened the public hearing and called for a presentation by the Applicant.

Julie Garver, Portland, stated it had been great getting to know Astoria and the Merwyn over the last year. And it was wonderful to finally be at this point. Innovative Housing has been a private non-profit since 1984 and they have over 1,000 housing units on Oregon in 17 different properties. In 33 years, IHI has never sold a building or property that they have developed because they are invested in the communities they develop in. This makes a difference in how they develop buildings. They need the buildings to last and want them to be assets for the community. IHI has strong asset management and a strong balance sheet, which allows IHI to continue doing projects. The company provides a resident services program at every property to help residents stay stable in housing. Having low rent is great, but other issues can jeopardize housing, so having staff on site is important. Innovative Housing's mission is to create innovative solutions.

- IHI's board of directors likes Astoria, and they are entrepreneurs who have been nudging the company for years to do something in Astoria. When the ADHDA introduced Innovative Housing to Astoria and the Merwyn, their board was excited to look at the project. The company has a combination of historic properties and new construction, which is an interesting mix, but it is helpful because one informs the others while providing variety. They have family buildings, buildings for ex-offenders and individuals with high needs, as well as workforce housing. Each building has a program to fit each population.
- IHI renovated the Musolf Manor Building in Portland where Darcells was located. The project was complex and involved obsolete building systems. There were 95 apartments that needed seismic upgrades and the condition of the storefronts were very poor. Musolf Manor was a contributing building in the Old Town Historic District in Portland. The project cost \$15.5 million. She displayed photographs of the building on the screen, showing the building's condition before and after the renovation. IHI had found one of the original artists who helped with the restoration and kept as many of the original fixtures as possible. All of the units



now have kitchenettes and the storefronts were completely restored. All of the commercial businesses remained operational during the rehabilitation.

- More recently, they renovated the Erickson Fritz Building in 2015. This was a NATO property in the Old Town Historic District. This building had been a saloon and a night club, but was gutted when IHI acquired it. It now provides workforce housing, similar to what they have proposed for the Merwyn. IHI built 65 studio and one-bedroom units into the big open space. The building had significant issues and needed seismic work. Soil had to be removed from the basement and contamination had to be cleaned up. She displayed before and after photographs of the project, noting the original features that were restored and still remain in the building. She described the building's interior atrium that allows light into the residential units. A similar installation was being planned for the Merwyn Building. Living in a renovated building offers a very different experience from new construction. The Erickson had an awkward storefront because there were no entry doors into the retail spaces. So, instead of creating retail spaces, they created a gallery for emerging artists.
- The Rich Building is also a NATO property that had some serious condition issues. Like the Merwyn, it had a central courtyard that had been impacted by water and dry rot. The Clifford Apartments needed major ADA upgrades and seismic work on the roof. The building is now affordable housing for ex-offenders with 24-hour staffing. They are excited about Astoria because they heard the community needs affordable housing. It is difficult to fill jobs when there is no affordable housing. Earlier in the year, she met a bartender who worked in Astoria and lived in Skamokawa, WA. That is a difficult drive to make at 2:00 am.
- The Merwyn has been vacant for 30 years and IHI is up for the challenge presented the buildings issues. IHI and several of its consultants have been looking at the building for a year now. Many people in Astoria are interested in saving the building, but Innovative Housing wants to do the project carefully.
- She displayed financial information, noting the budget for the project was \$7.1 million. This project would not be possible without the historic tax credits and low-income housing tax credits. This building will never appraise at \$7 million. Market rate rents are for renters who do not need to qualify for affordable housing rates. The rents will be at about 80 percent of median income, which is difficult for people to find. There is a lot of restricted housing at up to 60 percent of the median income, but nothing between 60 and 120 percent. The operating budget is tight. Annual cash flow will be about \$9,000, which is required by their lenders and funders. This is why they have worked with the community to develop the parking mitigation strategy.
- She displayed photographs showing what the Merwyn would look like after the renovation, noting IHI has enjoyed partnering with the ADHDA on this project. The company plans to do some crowdfunding so that people can be involved in the project. It also plans to get the community involved in things like choosing paint colors and interior finishes. IHI will host a subcontractor event to encourage local small business owners to get involved in the project. There will also be hard hat tours and a grand opening.
- The building will be operated by a third-party professional property management. The rents will be restricted, so they have to be very careful when putting the project together. This is a multi-million dollar investment in the community with a live/work downtown focus. The building will be rehabilitated to the Secretary of the Interior's standards, as required by the historic tax credits.

Commissioner Cameron-Lattek asked if deposits on the parking spot reservations would provide a significant financial impact.

Ms. Garver explained they wanted to make sure parking spaces would be available for people to rent when they moved into the building. Saving those parking spots for renters imposes costs, which they did not believe should be passed on to the community or the owners of the lots. She would have to raise money for this, but incurring those costs during the construction phase was better than taking those costs out of the operating budget.

Commissioner Moore asked how many full-time staff would be providing the resident services.

Ms. Garver replied the services would be focused on job training since the residences would be workforce housing. She was not sure how many hours an employee would spend on site yet. The company hopes to find another project in Astoria so they can bundle projects and services.

Commissioner Moore asked how many full-time staff were estimated to be on the property.

Ms. Garver said the property would have a full-time manager and a part-time maintenance employee. The property manager is already considering bundling management of this building with another property. With the resident services employee, total full-time employees would be two.



Vice President Fitzpatrick asked if statistics were available on what percentage of their tenants had vehicles and parking.

Ms. Garver said the number of tenants with cars was very low in Portland, which was to be expected. She believed that in Astoria, up to 50 percent of their residents would have cars. The reserved parking will be offered at a very good price and she believed several tenants would want that convenience. The low-income population has a high tolerance for walking, but this property will offer people a fabulous building and affordable rent in Astoria. People understand the trade-offs. However, some people will want to choose parking. She believed up to nine units would reserve parking.

Commissioner Herman asked if tenants' incomes would have to be verified.

Ms. Garver explained that income certifications are required annually, which is why staff costs are so high. The low-income housing tax credit program is complex and requires a lot of management staff to qualify tenants for rent below market rates. The building is deed restricted for a minimum of 50 years to have below market rate rent.

Commissioner Mitchell stated she was pleased to see the varied sources of funding, but some of those sources are not as secure as they had been. She asked if Ms. Garver was confident that some of the federal and state programs would continue.

Ms. Garver said the company has been watching those programs carefully. The decreasing tax rate does create issues because their low-income housing tax credit price would likely be lower. However, the historic tax credits help boost that price up. IHI continues to watch changes in how to take the tax credit, but they also have a lot of investors competing for its projects. IHI is very diligent at managing its investors and have very strong balance sheets.

President Easom called for any testimony in favor of the application.

Sarah Lu Heath, 854 Glasgow, Astoria, stated she was speaking on behalf of the ADHDA. The ADHDA has worked closely with Innovative Housing on this project. Many people have told her saving the Merwyn was the one thing they would change about downtown Astoria. After talking to people who had attempted this project before, she knew Innovative Housing was the only developer that could do this project. The building is a huge asset to downtown and the city. Astoria has a critical housing shortage. The overwhelming sentiment among the Homelessness Solutions Task Force members is that the problem is lack of affordable housing. The ADHDA fully supports this project.

Mike Angilletta, 1320 Madison, Astoria, stated he has filled the accessory dwelling unit (ADU) that the Commission approved a few months ago. He was charging \$1,000 for the unit. He had posted the unit on Craigslist and received 25 responses in 24 hours. Most of the responses were from couples living outside Astoria. People have told him it is impossible to find housing at that price.

President Easom called for any testimony impartial to or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Herman said she was excited about this project. The creative parking ideas will help alleviate some of the parking issues. She did not want parking to get in the way of restoring the building and providing workforce housing.

Vice President Fitzpatrick stated that all of the letters were from people he socializes with and he agreed with all of their comments about this project. He read from Mr. Goodenberger's letter in support of the application. The City has had 30 years to recognize that no one would improve the building. At one point, he was in favor of demolishing the building because it was falling apart and damaging the library and City Hall. He did not believe renovation was feasible and no one was stepping up to fund a project. This is a rare opportunity. Innovative



Housing knows what they are doing and has recognized this is not a profitable project for a private developer. He strongly recommended the Commission approve the permit.

Commissioner Mitchell agreed that this was an incredible opportunity. She was thankful that a company that knows what it is doing has taken on this project.

Commissioner Cameron-Lattek said this project would be good for Astoria and she was excited about the project. However, she questioned whether the requirement for IHI staff to attend ADHDA meeting should be a condition of approval.

Commissioner Henri believed this project was perfect for downtown and she felt confident about the abilities of the property owner and manager. She has seen several of Innovative Housing's renovated properties in Portland. She understood some of the challenges and it seemed like they had all been addressed.

Commissioner Moore believed the application met all of the reviewable criteria. The proposed parking plan is proactive and he was strongly in favor of the application.

President Easom believed Innovative Housing was the only developer who could get this project done. His biggest concern was parking and he believed the Commission should require a minimal number of spaces.

Commissioners Moore and Mitchell agreed the requirement for IHI staff to attend ADHDA meetings be removed from the conditions of approval.

Commissioner Moore added that commercial parking spaces were used at different times than residential parking spaces, so, he was not concerned about parking. The employees at the building are not be allowed to park downtown.

Commissioner Mitchell agreed and did not want to impose parking requirements beyond what has already been offered. Even on busy summer days, parking is available. This is an old building in the central business district and allowances have to be made.

Vice President Fitzpatrick moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU17-16 by Julie Garver, with the following change:

- Condition of Approval 1 – The applicant shall implement the parking strategy outlined above and provide an update to the Community Development Department after six months of occupancy to confirm the strategy has been put into the place. ~~IHI staff or the building manager will attend the Downtown Association meetings regularly into the future to facilitate communication about building operations, parking, upcoming vacancies, and the commercial space.~~

The motion was seconded by Commissioner Mitchell. Motion passed unanimously.

President Easom read the rules of appeal into the record.

The Commission proceeded to Item 3: Election of Officers at this time.

#### REPORTS OF OFFICERS/COMMISSIONERS:

President Fitzpatrick said he appreciated being nominated for President. He nominated Kent Easom for Vice President because he appreciated the way he ran the last meeting. The open dialogue among Commissioners was great and considering what the Commission will be reviewing in 2018, he believed the open discussions would be beneficial.

Commissioner Mitchell stated she had a scheduling conflict with the next meeting. She asked why it had been scheduled on a Wednesday instead of a Tuesday and wanted to know what would be on the agenda. Planner Morgan said he missed the deadline for submitting a zone change requests to the Department of Land Conservation and Development (DLCD). The Wednesday date was the earliest possible day the request could be reviewed. The zone change was being requested by the Astoria Co-op.

Commissioner Herman said she appreciated the civil discourse this Commission can have even though they disagree.

Vice President Easom asked for an update about the warming center. Planner Ferber confirmed a neighborhood meeting had been scheduled for January. President Fitzpatrick added that so far this year, the issues in the neighborhood had not been as bad as the previous year.

STAFF UPDATES:

Planner Morgan updated the Commission on filling the Community Development Director position and shared details about his work on the Merwyn, which began in the 1970s.

MISCELLANEOUS:

PUBLIC COMMENTS:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:44 pm.

**APPROVED:**

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Community Development Director



## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall

August 7, 2018

### CALL TO ORDER:

President Fitzpatrick called the meeting to order at 6:30 pm.

### ROLL CALL:

Commissioners Present: President Sean Fitzpatrick, Jennifer Cameron-Lattek, Daryl Moore, Jan Mitchell, Joan Herman, and Brookley Henri.

Commissioners Excused: Vice President Kent Easom

Staff Present: City Manager Brett Estes and Planner Nancy Ferber.

Consultants: Rosemary Johnson, Planning Consultant; Matt Hastie and Kate Rogers of Angelo Planning Group.

The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES:

There were none.

### WORK SESSION:

#### **Item 4: Riverfront Vision Plan – Urban Core**

President Fitzpatrick explained the procedures governing the conduct of the work session to the audience and advised that public comments would be taken after presentations.

City Manager Estes explained that this work session was intended to set the framework for implementing the Downtown Urban Core Area of the Riverfront Vision Plan. Presentations would begin with historical information on the waterfront, as requested by one of the Commissioners. This project is a City Council goal for the current fiscal year, so Staff had previously presented similar information to Council at a work session several months ago. At that work session, City Council directed Staff to continue moving forward with the public process necessary to complete the project, without offering any specific direction as to how the Planning Commission should proceed. Therefore, he advised that the Planning Commission refer to the Vision Plan as their guiding document. He introduced the Staff and consultants who would be working on the project.

Matt Hastie, Angelo Planning Group, introduced his colleague Kate Rogers and explained she would be doing the bulk of the work on this project with his assistance.

Rosemary Johnson, Planning Consultant, presented a brief overview of the history of Astoria's downtown, beginning with city's first settlement in 1890. Her PowerPoint presentation demonstrated the evolution of shorelines, development, infrastructure, and population changes over time. She noted the dates of significant events and pointed out the locations of current city features on historic maps.

Mr. Hastie gave a PowerPoint presentation on the Riverfront Vision Plan's guiding principles, goals, objectives, and land use recommendations, with a focus on the Urban Core Area. He also reviewed the approaches used by the City to implement the other three areas identified in the Plan. He posed questions for the Commission to consider as they begin to think about what Code amendments would be appropriate for the Urban Core Area and noted draft Code amendments would be reviewed and refined over three work sessions. In addition to the upcoming work sessions, next steps would include a town hall meeting on September 13, 2018 and a public hearing to adopt the Code amendments and recommend them to City Council. He anticipated the project would be complete by May 2019. He and Staff answered questions and responded to comments from the Commission as follows:



- When the boundary of the Urban Core Area was established, the area included everything north of Highway 30, with Commercial Street being the southerly extension of the highway. Because the area narrows to the east side of the Urban Core, the S2-A zone was not included to maintain consistency with that methodology.
- Commissioner Mitchell distributed to the Commission and Staff a list of questions and considerations she wanted responses to at future meetings. She also recommended the Commission consider the development of a parking district and implementing development fees.
- The only way to amend the Riverfront Vision Plan would be through Comprehensive Plan amendments. The Planning Commission is tasked with interpreting the Plan, not amending it, and developing zoning ordinance language appropriate for implementing the Plan. The recommendations in the Plan are general, so there is flexibility in interpreting the Plan. If the Planning Commission believed the Comprehensive Plan should be amended, Staff would need to facilitate a dialogue with City Council.
- The four areas of the Riverfront Vision Plan were each designed to create a different experience on the River Trail [Riverwalk], beginning with open green space and no development to the east in the Civic Greenway Area. The Urban Core Area recognizes that there is already development built up to and north of the River Trail in a more urban form and opportunities exist to extend the River Trail out over the water alongside existing overwater developments. This area is meant to have a different feel than the Civic Greenway and other areas of the riverfront.

President Fitzpatrick called for public comments.

Robert Clark, 145 2<sup>nd</sup> Street, Astoria, said he lived just to the west of the Urban Core boundary line. He is at the corner of 8<sup>th</sup> and Commercial every week and has noticed the need for traffic control. As traffic on 8<sup>th</sup> Street turns east on to Commercial, many people have almost been hit. He had not received much response from Oregon Department of Transportation (ODOT) on installing a traffic signal at that corner. He hoped City Council would put this issue on a future meeting agenda.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said that when discussing visual access to the river, it was very important to consider that most people did not view the river from the Riverwalk, but from the streets and from the rest of town. She was on the Riverfront Vision Planning Committee, which started 11 years ago. At the end of its last meeting, the Committee was told by Blair Henningsgaard that they were simply creating a vision and could not make concrete recommendations. Therefore, it is up to the Planning Commission to be conservative because developers will push as hard as they can to get maximum heights and masses. The vision for the Bridge Vista was sweeping open vistas along the water's edge and broad views along the river. However, much of the Bridge Vista had unrestricted height and mass, which is not sweeping open vistas.

George Hague, 1 3<sup>rd</sup> Street, Astoria, said one of the buildings that was displayed on the screen had burned down since the Riverfront Vision Plan was created at least 10 years ago. He was concerned that elements of the presentation did not match the language in the document. The first slide displayed the document's language, "allowing managed views of the river through building corridors." This means the river can only be seen from between buildings, not from the Riverwalk. However, the next two pictures showed more open views. People might try to say 14<sup>th</sup> Street is an example of a view corridor through buildings, but it is not because 14<sup>th</sup> Street has a wonderful vista off to the east. He had provided the Commission with a letter on August 6<sup>th</sup> and asked Commissioners to read it. The presentation also showed a building on one side of the trail. However, the plan allows buildings on both sides of the trolley tracks, which would create a tunnel along the Riverwalk. He urged Commissioners to refrain from just watching the slides and to actually read the words and interpret them correctly. In Astoria more than in any other city, he sees couples walking along the river holding hands. He believed that was due to the vista. He attended a City Council meeting where the Mayor had indicated that Astoria needed a parking district. The parking shown in the presentation from 10 years is already taken. The City cannot allow the first person who comes in with a project to have parking because the all of the people who come in down the road will not have parking. The Planning Commission needs to identify the parking spaces currently available. He asked that the Commission not accept the idea that limiting parking is the way things are now happening. Cities like Portland are limiting parking, which is appropriate in areas that have transit and bike trails. People in Astoria must use their own transportation to get to the Riverwalk. Side streets two blocks away from the Riverwalk are parked up during the week. Parking spaces should be identified now and not just for the first project that comes along. Parking is needed for the ultimate build out of the vision.

REPORTS OF OFFICERS/COMMISSIONERS:

There were none.

STAFF UPDATES:

The location of the September 13<sup>th</sup> town hall meeting for the Riverfront Vision Plan's Urban Core Area was yet to be determined, but Staff would announce the meeting and its location soon.

Ms. Johnson announced that anyone in the audience who wanted to continue receiving notices about the Urban Core Area could sign up for the mailing list.

PUBLIC COMMENTS (non-agenda):

George Hague, 1 3<sup>rd</sup> Street, Astoria, said he believed the Parks survey led the public to the outcomes that the City wanted. He hoped that on Urban Core surveys, the questions did not predetermine an outcome the City is looking for. The surveys should be very open.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:34 pm.

**APPROVED:**

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Community Development Director

DRAFT



## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall

August 28, 2018

### CALL TO ORDER:

President Fitzpatrick called the meeting to order at 6:30 pm.

### ROLL CALL:

Commissioners Present: President Sean Fitzpatrick, Vice President Kent Easom, Jennifer Cameron-Latteck, Daryl Moore, Jan Mitchell, Joan Herman, and Brookley Henri.

Staff Present: Planner Nancy Ferber. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES:

President Fitzpatrick asked for approval of the minutes of the July 24, 2018 meeting. Vice-President Easom moved that the Astoria Planning Commission approve the minutes as presented; seconded by Commissioner Herman. Motion passed unanimously.

### PUBLIC HEARINGS:

President Fitzpatrick explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

### ITEM 4(a):

V18-07 Variance Request V18-07 by Joseph Michael Fortier from the maximum 30 percent lot coverage to 36 percent lot coverage to construct a porch on the rear of an existing single-family dwelling at 193 W. Duane Street.

President Fitzpatrick asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, he asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report. She suggested a condition be added to confirm the exact square footage of the porch.

President Fitzpatrick opened the public hearing and called for a presentation by the Applicant.

Joseph Fortier, 193 W. Duane St. Astoria, thanked the Commission for their time and consideration of his request. His lot slopes and the back yard is hard to see from a certain angle. The decline goes from about 10 percent to 20 percent from east to west. This makes it difficult to use the backyard. The existing porch is more of a stoop, which is not useable for any kind of recreation. The porch was an addition to the original structure. He did not know when the porch was added, but remnants of a former porch, the style of the existing porch, and the materials that were used suggest it was added some time after the house was constructed. He believed the original porch ran the length of the house, more in keeping with the porch that is on the front of the house, which is in line with his proposal.

Commissioner Henri asked if Mr. Fortier was talking about the balcony on top or the porch that was a few feet off the ground.

Mr. Fortier clarified he was talking about the entire structure. There is a cement slab at the base and a roof. When he purchased the house, there was no railing on the second floor, just a doorway to nowhere. That suggested the house had a larger porch. His homeowner's insurance company threatened to cancel his policy unless he added a railing for safety. He confirmed the porch would be a deck and a balcony. The deck and balcony would only be connected by an interior stairway and no exterior stairway would be built. The south west



corner of the house provided evidence of a former stairwell that led down from the second floor along the exterior.

Commissioner Herman said she understood the request was just for the lower portion of the porch. She asked if both the bottom and top levels would extend the length of the house.

Mr. Fortier explained his idea was to expand the bottom and the roof across the width of the porch. If he used the roof, he would add a railing across the top. That would allow him to maximize his use of outdoor space while maintaining a minimum footprint.

President Fitzpatrick called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Cameron-Lattek stated she believed the application met the requirements for a variance. It looked like the porch would be in line with the architecture of the building and would not strongly impact any of the structures around it.

Vice-President Easom, Commissioners Henri, Moore, Mitchell, and Herman said they agreed and had no objections to the request.

Commissioner Herman added that the lot is undersized and increasing the deck would greatly increase the livability of the property, which supports the Comprehensive Plan.

President Fitzpatrick said his only concern was the hardship. He believed the City was being very creative in finding a hardship, although he had nothing against the application.

Vice-President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance Request V18-07 by Joseph Michael Fortier, with the additional condition requiring confirmation of the total square footage, which shall not exceed 38 percent lot coverage; seconded by Commissioner Moore. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

ITEM 4(b):

V18-10      Variance Request V18-10 by Ben Bradshaw from the off-street parking requirements of one space to operate a one-bedroom Home Stay Lodging (transient lodging) with zero off-street parking in an existing single-family dwelling at 510 Duane Street.

President Fitzpatrick asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, he asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Herman asked what would preclude the residents from obtaining a second vehicle. Planner Ferber said family members and long-term renters would not trigger parking requirements. A second vehicle could potentially exacerbate the tightness of the parking situation in the area. However, the lot is nonconforming, so guests are allowed. But, as soon as a room is rented, a variance is required.

President Fitzpatrick opened the public hearing and called for a presentation by the Applicant.

Ben Bradshaw, 510 Duane St. Astoria, said he understood the determination would be made based on the zoning and parking availability, but he wanted the Commission to know about his family and his business plan. Acceptance of his business license is solely dependent on compliance with zoning laws and parking regulations. He and his husband moved to Astoria eight years ago and purchased the Cove Bed and Breakfast at the end of



Duane Street. They have raised two sons and provided a safe place for as many as 20 foster children. He and his family have worked to strengthen the community through volunteer efforts. He became a Scout Master with Astoria Troop 211 and currently serves as their Committee Chair. He was appointed as the first chair of the Columbia Pacific CCO Community Advisory Council. His husband sat on the council with him as they advocated for stronger mental health services in the community. They were two founding members of the Lower Columbia Q Center, Oregon's only non-profit LGBTIQ resource center outside of the Portland metro. They provided comprehensive LGBTIQ cultural competency and systems of oppression training throughout the region and at the Oregon District Attorney's Conference in Bend. His husband volunteered at the Astoria Warming Center and they volunteer for the food bank. In January 2008, when they decided to back out of all of their service projects to focus on themselves, they had a bit of trouble setting up their business because they had never focused on making money for themselves. They struggled for about two months and became really excited when they found a solution. They decided to donate 10 percent of the proceeds of their guests' stays to two charities, the Lower Columbia Q Center and The Harbor. He understood there was a lot of push back about people opening bed and breakfasts in town. He had served the community for most of the last decade and if other people running bed and breakfasts committed 10 percent of their proceeds to local non-profits, he could only imagine what the city would look like. He was 100 percent committed to the concept. His business would not create a lot of waste or destroy the environment. They are just inviting one family at a time to come stay with them. Their financial projections indicate that the business would make about \$70,000 a year, which would provide about \$7,000 for local charities.

Commissioner Moore asked if the Applicant was comfortable with all of the conditions of approval, including the requirement to park several blocks away in the middle of winter.

Mr. Bradshaw replied absolutely. He worked as a victim's advocate for the Clatsop County District Attorney's Office and had a parking spot a block and a half away. If his employment changed, he would rent out parking. He did not use his car.

President Fitzpatrick called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff.

Planner Ferber clarified that bed and breakfasts have between three and seven bedrooms. This request was just for one bedroom, which is homestay lodging.

President Fitzpatrick closed the public hearing and called for Commission discussion and deliberation.

Commissioner Mitchell said she lived up the hill from this house and she drives by it often. The area is not busy and it is a pretty quiet neighborhood. The house is not far from the courthouse either. She was amazed that there were two houses up against that part of the hill. They are historic and at the end of a dead-end street. After looking at the Staff report and the maps, she believed this project was doable. She was aware of the work the Applicant has done in the community and she supported the application.

Commissioner Cameron-Lattek stated that at first, the request seemed to present a challenging situation, but the Staff report captured some key conditions that would make it work.

Vice-President Easom was concerned about the parking because the street was very narrow and access to existing parking would be difficult. The Commission would approve parking more than 600 feet away for a commercial use; therefore, he did not support the request.

Commissioner Henri said she believed this unique situation seemed to work. The location is tucked away, so she did not believe the use would be burdensome to neighbors. When she lived in Portland, many families did not have cars because parking was a problem in many neighborhoods. If the homeowners want to park their car off site in a legally designated parking space and give their existing onsite parking to guests as a condition of making the use legal, then it fits.

Commissioner Herman asked how the City would ensure that the next owner did not try to use the permit. Planner Ferber explained that the homeowners are required to obtain a business license for homestay lodging. The licenses are renewed annually. If a new owner wanted homestay lodging in the same house, they would have to apply for a business license and parking would be reviewed at that time. There was a high probability



that homestay lodging policies would change in the next few months and that might trigger some other reviews for license renewals and implement a more formal permitting process.

Commissioner Moore said considering the topography and platting in the neighborhood that there was sufficient cause for a variance. He supported the application with the conditions recommended by Staff.

President Fitzpatrick asked if the homeowners shared a car.

Mr. Bradshaw replied yes, but they only use it to go grocery shopping. His husband works at Fort George and he works two blocks away at the courthouse, so they just walk down Duane. They will not have two cars, nor will they have any additional renters or children in the house for the foreseeable future.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance Request V18-10 by Ben Bradshaw; seconded by Commissioner Henri. Motion passed 6 to 1. Ayes: President Fitzpatrick, Commissioners Cameron-Lattek, Moore, Henri, Mitchell, and Herman. Nays: Vice-President Easom.

President Fitzpatrick read the rules of appeal into the record.

ITEM 4(c):

CU18-06 & ADU18-04 Conditional Use CU18-06 and Accessory Dwelling Unit ADU18-04 by Sarah Jane Bardy to convert an existing garage into an ADU at 1659 Irving Avenue in the R-1 zone.

President Fitzpatrick asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Vice-President Easom declared that he owned the property until 2012 or 2013 and lived there from 1995 to 2008. He believed he could be impartial about this request.

President Fitzpatrick asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Herman confirmed the structure was built as a duplex and was designated historic. She asked how changing to a single-family residence would affect the structure's integrity as historic. Planner Ferber explained the historic review would be triggered if changes were made to the character of the building, not the use. In this case, because the existing garage is historic and would be expanded, a historic review is required. The HLC does not review the use.

Commissioner Moore asked when a roommate that shares utility costs becomes a renter in a single-family home according to the Development Code. He assumed that because of the historic implications, the duplex would not be fully converted to a single-family home. There would be a vacant apartment. He asked if the homeowner would be able to share that apartment with a friend or roommate without violating this conditional use. Planner Ferber said the Development Code did not distinguish between renter and roommate. However, a dwelling unit is defined. Something with a full kitchen, bathroom, and living area is considered a dwelling unit. The City could require the Applicant to remove the stove in the kitchen, but she believed that was overkill because the dwelling could potentially be converted back in the future. However, the Commission could require that as a condition of approval. The Applicant could not rent the space or use it as a separate dwelling unit because that would create parking impacts on the neighborhood.

Commissioner Mitchell stated there is a need for worker and market rate housing. This is a historic duplex. If the façade remains unchanged and there are not a lot of people parking in the street, a goal of the community could be achieved. If there is a way to honor what is happening today while holding on to the character of the neighborhood that should be considered. It would be a shame to lose a unit that was constructed for that purpose. She questioned whether the Code needed to be modified. Around World War II, Astoria had 20,000



people and somehow they all fit. Planner Ferber said she discussed this at length with the Applicant. The intent of the structure was a duplex and it would be unfortunate to lose a housing unit. The next time that housing policy code amendments are discussed, she recommended considering language about why the City required permits for single-family dwellings and what the impacts would be if ADUs were allowed with duplexes. In this case, the trigger is the R-1 zoning, which considers lot density and parking, and requires a conditional use permit.

Commissioner Cameron-Lattek understood that if this existing nonconforming duplex in an R-1 zone were converted to a single-family dwelling with an ADU, there would be a way to reactivate the duplex as an ADU if the currently proposed ADU were to go away in the future. Planner Ferber confirmed that hypothetically, if the use of the proposed ADU were to cease, the use of the duplex could not revert because it would no longer be existing nonconforming. However, the Applicant could request a new conditional use permit for an ADU on one side of the duplex.

Vice-President Easom stated that two units in the duplex had separate utility meters. He asked if one meter would be required. Planner Ferber explained that the second meter would not be needed.

President Fitzpatrick noted that Applicant would not be allowed to collect rent for the owner-occupied unit, which could be the main home or the ADU, which precluded a roommate situation. He noted a typographical error in the Staff report and asked for clarification about the deed restriction requirements. Planner Ferber confirmed the word "submitted" or "received" was missing. The deed restriction must be on file with the City. She would correct the Staff report.

President Fitzpatrick opened the public hearing and called for a presentation by the Applicant.

Sarah Jane Bardy, 1661 Irving Avenue, Astoria, said her house was built as a duplex in 1905. It has two front doors and two identical top and bottom units. She lives upstairs and her mother lives in the downstairs unit. The garage has been unusable for quite some time. The roof lifts heavily to one side and she does not even park her car in the garage because the interior is usually wetter than the outside. Her mom is losing her vision. The downstairs apartment is lovely, but there are stairs, the layout is a maze, and there is not a lot of natural light. So, she would like to build a custom smart home with natural lighting and voice activated appliances. She appreciated all of the comments and questions. This is a complicated scenario because of the zoning and because it is nonconforming. It is unfortunate that she is in the R-1 zone because she can throw a rock and hit a giant apartment complex across the street. She understood that she could not have three units on the property, but one way or the other she could have two. Planner Ferber was wonderful about explaining to her how this worked. She initially thought the simple option would be to convert her house to a single-family unit. However, she was a purist when it comes to architecture and it would break her heart to do that. Also, there is not much of a market for really large single-family homes in Astoria. The houses across the street from her are very large and they have been for sale for over two years. Additionally, she had a moral issue with converting her duplex because Astoria has such a housing shortage. The duplex has a perfectly usable two-bedroom, one bath apartment within walking distance to town. So, her other option was to allow the duplex to remain and not use the ADU as a dwelling. If the ADU did not have a fully functioning kitchen it would not be considered a third dwelling unit. She would not have an additional meter. The utilities would tie in with her upstairs unit so that the bills would be lumped together. She had ample off-street parking and there was also a ton of available on street parking. Her driveway is more than 90 feet long. She was willing to make this work. Any work done would be beautiful. Currently, the garage is an eyesore and it would look like an architecturally congruent back house. She did not believe it would stress the neighborhood. Her original thought was to change the deed and convert the house to a single-family dwelling. But, now it just seems better to build the ADU with a bedroom and a bathroom, but not a fully functional kitchen.

Commissioner Herman asked if the downstairs duplex would have a stove.

Ms. Bardy said not if the house were converted to a single-family dwelling, which she did not want to do. She just now realized that a better option would be leave the duplex as is and convert the garage to a bedroom and bathroom with a fridge and toaster oven for her mom. The ADU would not be an official dwelling. It seems wrong on so many counts to take away a two-bedroom apartment in the center of town.

Commissioner Herman stated that did not sound practical for Ms. Bardy's mother, but she would not decide that.



Ms. Bardy confirmed she and her mother would figure it out. She confirmed that they could share a kitchen even with her mother's sight issues.

Commissioner Moore asked if the Applicant was retracting her request.

Ms. Bardy believed her application still applied because she was converting a garage to a habitable space and the footprint would be expanded.

Planner Ferber clarified the project would still require a historic review for the expansion. Technically, the ADU application could be withdrawn, but she had concerns about permitting a dwelling without calling it an ADU. A dwelling is defined as one or more rooms designated for permanent occupancy by one family. She needed to look into if parking requirements would be triggered and if the unit would still be considered an ADU.

Commissioner Moore asked if the Applicant wanted this hearing to be continued or if she wanted the Commission to vote on whether she be allowed to build an ADU.

Ms. Bardy said whatever was in her best interest. She was already here and it would be nice to know if she could or could not build an ADU, then she would know how to move forward. She had seen this done in other places. She rented a house in Portland that had what the city referred to as exterior bedrooms outside. They were small houses with a bathroom, bedroom, living area, and a kitchenette. Unfortunately, Portland allowed them to be used as homestay lodgings and they were just rented out on Airbnb. That was not her intention.

Commissioner Moore confirmed that Ms. Bardy wanted to move forward with this application for an ADU.

President Fitzpatrick believed it would be best for the Commission to consider a continuance if they could not figure out what the Applicant planned to do or what the Commission believed would be best.

Planner Ferber stated the findings of fact did not address the grey area in the Code about an ADU without a kitchen. She was not comfortable pursuing the ADU without a kitchen knowing that it would be a full-time living area. The application could be considered as if the kitchen would be included and then the Applicant would have two years to decide whether to convert the garage to a full ADU. Or, the hearing could be continued so that Staff could do some more research on kitchens in dwellings and how buildings codes would apply if someone is living in the space. A continuance would also allow the Applicant to amend her proposal. The HLC review is scheduled for September.

President Fitzpatrick asked how many occupants and how many vehicles were currently on the property.

Ms. Bardy confirmed that she and her mother were the only occupants. There were currently two vehicles on the property, both belonging to her, and she would be selling one. Her mother cannot drive because she could not see.

President Fitzpatrick asked if the Applicant planned to have others join the household in the future.

Ms. Bardy said she might have a roommate, which would add a second car on the property. If she had a roommate, it would be while her mother was living on the property.

President Fitzpatrick reminded Ms. Bardy that she would not be able to derive income from the primary residence.

Ms. Bardy said she understood but believed she could still have a friend live with her.

President Fitzpatrick called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Vice-President Easom did not want to lose housing stock. The duplex has a two-bedroom unit and a three-bedroom unit. This proposal would create one large five-bedroom unit and a one-bedroom unit, but one of the



units would have to be owner-occupied. That would degrade the use of the property. His mother-in-law is blind and she had no issues with the lower unit. He also had an issue with the tandem parking. If someone needed to get out, someone else would have to move a car. One car would end up on the street because that situation is very inconvenient. During the day, a lot of people from the college park on that street.

Commissioner Cameron-Latteck said she preferred a continuance since the Applicant is reconsidering the project. She was concerned that the owner-occupancy requirement would take a rental unit off the market. It would be a shame to lose an interesting historic duplex.

Commissioner Henri stated she was also concerned about the parking even though there would only be one car on the site. She was concerned about losing a duplex and believed that would degrade the potential value and use of the property. She wanted to hear about opportunities to create a dwelling unit or an accessory unit in the existing garage before making a decision.

Commissioner Herman stated she was also concerned about losing the duplex. She agreed the City should reconsider the housing Codes. She had been by the house several times because she used to live on Irving and she never noticed the garage. She wished this property could have a duplex and an ADU.

Commissioner Mitchell said she was glad this decision could be delayed while options for retaining a viable historic duplex were considered. She did not have a problem with parking, but she looked forward to hearing from Staff.

Commissioner Moore said he was a fan of allowing people to do what they wanted with their property. Duplex owners are not required to rent out half, so he did not feel like the city would be losing housing stock. The proposal is to add housing stock. The housing goals in the Comprehensive Plan clearly state that the community's existing housing stock should be maintained and rehabilitated. Converting a duplex to a single-family dwelling would eliminate a unit even if the unit remains livable. He did not know how the Applicant could allow a roommate to live in the duplex rent free and without deriving income. All of the other aspects of the project are fine and the property owner has the right to leave half of the building unoccupied.

Commissioner Herman confirmed the ADU would have one bedroom.

Ms. Bardy added that the unit in the duplex had two bedrooms, so the community would be losing one bedroom. She did not want to convert the duplex, but that was how the Code was written. She understood variances only applied to numerical values, not uses.

President Fitzpatrick thanked the Applicant for her narrative explaining why she wanted to convert the garage to an ADU. Currently, the parking is not an issue, but it could be with future occupants. He asked if the Applicant preferred a continuance or a decision.

Ms. Bardy asked if she could amend her request.

Planner Ferber explained that if the Commission denied this request as is, Staff would need to revise the findings of fact to support that denial. In that case, she recommended a tentative denial at this hearing and a continuance. However, if the hearing is going to be continued anyway, Staff might as well find answers to the questions and review it at the next meeting. She wanted to find out if attaching the garage to the house somehow would allow for the additional living space. However, that would trigger more historic criteria.

President Fitzpatrick asked if the lower unit could be modified to work for the situation.

Ms. Bardy said it could be, but the unit is 1,200 or 1,300 square feet, which is too large for her mother to clean and maintain. There is not a lot of natural light, so the kitchen and bedrooms are very dark. Additionally, there are stairs up the front and back. The ADU would be a flat, walk-in space. She asked if the permit could expire if she sold the property as a way to alleviate concerns about parking problems caused by future owners.

President Fitzpatrick explained that once converted, the duplex could not be converted back in the future. He did not believe a deed restriction would resolve their concerns.



Ms. Bardy stated she did not want to convert her house to a single-family dwelling. She just wanted to build a unit in the backyard. She would prefer a continuance to October.

Commissioner Moore moved that the Astoria Planning Commission continue the hearing on Conditional Use CU18-06 and Accessory Dwelling Unit ADU18-04 by Sarah Jane Bardy to October 23, 2018; seconded by Vice-President Easom. Motion passed unanimously.

**REPORTS OF OFFICERS/COMMISSIONERS:**

Commissioner Mitchell reported that she attended the most recent City Council meeting and was very distressed by the process. The Council did not remand the decisions on the hotel back to the HLC because the importance of the historic structures was minimized. She hoped the Historic Landmarks Commission did not feel their efforts had been diminished and that Council reconsidered some of the statements that were made. The Applicant had presented an entirely new set of drawings and the Council was distracted by the confusion about what to review.

Planner Ferber noted a member of the Design Review Committee (DRC) was present, so this could be considered ex parte contact.

Commissioner Mitchell said she valued the input of the HLC and DRC and hoped they felt their efforts had been recognized.

Vice-President Easom stated he would not be present for the September meeting, but could participate via telephone.

President Fitzpatrick said he was distracted at the end of the second hearing. He wished he had pointed out that he was very concerned about the parking situation. However, the deed restriction made him a bit more comfortable. He did not want that decision to look like a precedent.

**STAFF UPDATES:**

Planner Ferber shared the following meeting dates:

- September 13, 2018– Riverfront Vision Plan Town Hall, 6:30 pm to 8:00 pm, Clatsop Community College, Columbia Hall, Room 219
- September 25, 2018 – Planning Commission Meeting
- Dates for the work sessions on the Riverfront Vision Plan were displayed on the screen.

Commissioner Herman asked if conversations on social media were considered ex parte contact.

Planner Ferber explained that the Riverfront Vision Plan was a legislative review, not a quasi-judicial review like permits. There is more leeway and she would follow up with more details.

**PUBLIC COMMENTS:**

There were none.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 7:57 pm.

**APPROVED:**

\_\_\_\_\_  
City Planner

\_\_\_\_\_  
Date



## STAFF REPORT AND FINDINGS OF FACT

October 11, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, PLANNER 

SUBJECT: PERMIT EXTENSION REQUEST PE18-01 ON CONDITIONAL USE PERMIT (CU03-04) BY ELISABETH NELSON / ASTORIA CONSERVATORY OF MUSIC AT 1103 GRAND AVENUE

### I. BACKGROUND SUMMARY

- A. Applicant: Elisabeth Nelson  
Astoria Conservatory of Music  
PO Box 81  
Astoria OR 97103
- B. Owner: First Presbyterian Church  
1103 Grand  
Astoria OR 97103
- C. Location: 1103 Grand Avenue; Map T8N-R9W Section 8CD, Tax Lot 5700; Lots 1, 2, 13, 14, Block 91, McClure's
- D. Zone: R-3 (High Density Residential)
- E. Permit: To locate a school of music as a Temporary Use in an existing building; approved August 26, 2003
- F. Request: For a one-year extension to August 23, 2019
- G. Previous Applications Required annual extensions since original permit in 2003

### II. BACKGROUND

#### A. Subject Property

The subject property is located within the R-3 (High Density Residential), on the south side of Grand Avenue at 11th Street. The building is currently used as the First Presbyterian Church and associated offices and class rooms. The adjacent church hall is located on Harrison Avenue and 11<sup>th</sup>.



B. Original Permit.

At its August 26, 2003 meeting, the Astoria Planning Commission (APC) approved a Conditional Use Permit (CU03-04) by Elisabeth Nelson/Astoria Conservatory of Music to locate the music school as a temporary use in the existing church facility. The Findings of Fact and conditions as approved on August 26, 2003 are hereby incorporated as part of this document.

At its November 26, 2014 meeting, the APC approved a one year extension on the permit to August 26, 2015.

The Development Code previously stated that a permit was valid for one year unless an extension was granted. In a LUBA decision for Astoria, it was determined that extensions were limited to only one extension. On April 19, 2010, the City Council amended the Permit Extension portion of the Code to allow a permit to be initially valid for two years with multiple extensions and with no maximum for the number of years a temporary use permit would be valid. Permits approved prior to adoption of the Code are subject to the amended Code.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on September 28, 2018 and to parties on the Record pursuant to Section 9.100.B.3.b. A notice of public hearing was published in the *Daily Astorian* on October, 16, 2018. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Development Code Section 3.240.A, Duration of Permits on Temporary Use, states that

- "1. *A temporary use permit shall expire one year from the date of Final Decision unless an extension has been granted.*
2. *Prior to permit expiration, the applicant may request extensions in accordance with Section 9.100(B.2.a & b) and 9.100(B.3 & 4). A permit remains valid, if a timely request for extension has been filed, until an extension is granted or denied."*

Finding: The original permit was issued on August 26, 2003 under the previous Code on permit extensions. The permit has received one extension each year with the most recent extension to August 26, 2018. An application for extension was received on August 31, 2018. With the 26<sup>th</sup> landing on a weekend in 2018, a few buffer days to submit paperwork was allowed, therefore the permit is still valid pending review of this request.



- B. Section 9.100.B.1.c, Permit Extensions, states that *“One year extensions may be granted in accordance with the requirements of this Section as follows:*

1. *Permit Extension Time Limit.*

- c. *No more than three permit extensions may be granted. No variances may be granted from this provision. Temporary Use Permit extensions are exempt from this requirement and may exceed the three extensions limitation.”*

Finding: The permit extension is for a Temporary Use and therefore is not subject to the maximum number of permit extensions.

- C. Development Code Section 9.100.B.2, Permit Extension Criteria states that *“The granting authority may grant a permit extension upon written findings that the request complies with the following:*

- a. *The project proposal has not been modified in such a manner as to conflict with the original findings of fact for approval; and”*

Finding: No major changes have been made to the original approved project. This criteria is met.

- “b. *The proposed project does not conflict with any changes to the Comprehensive Plan or Development Code which were adopted since the last permit expiration date; and”*

Finding: The Comprehensive Plan has been amended relative to formatting and the Buildable Lands Inventory but would not impact the proposed project approval. The Development Code sections concerning permit extensions have been amended but would not impact the proposed project approval. No other Development Code sections have been amended that are relevant to this project. This criteria is met.

Finding: The application meets the criteria to allow a one year extension to August 26, 2019.

- D. Development Code Section 9.100.B.3 & 4 concerning Permit Extensions states that

“3. *Permit Extension Procedures*

- a. *Applications for permit extensions shall be submitted in accordance with the Administrative Procedures in Article 9. Permit extension requests shall be submitted to the Community Development Department prior to permit expiration.*
- b. *Public notice and procedures on applications for permit extension requests shall be in accordance with the Administrative Procedures in Article 9. However, in addition to mailed notice as*

*required in Article 9, notice shall be provided also to those on the record for the original permit, associated appeals, and associated extensions.*

- c. The Administrative decision, public hearing, and/or Commission/Committee decision concerning a permit extension may occur after the permit would have expired but for a timely filed request for a permit extension.*

4. Appeals.

*The decision concerning a permit extension may be appealed. Appeals shall be made in accordance with Administrative Procedures in Article 9. Appeals on permit extensions shall be limited to the issues relevant to the permit extension criteria only and not to issues relevant to the original permit approval.”*

Finding: The applicant applied for the extension the week of the permit expiration and paid the associated permit fees. Notices were mailed as noted in Section II above. The original permit was not appealed.

V. CONCLUSION

The request, in balance, meets all the applicable review criteria. Staff recommends approval of the request with the following conditions:

1. The Findings of Fact and conditions as approved on August 26, 2003 shall remain applicable to this permit extension.

The applicant should be aware of the following requirement:

1. The applicant shall obtain all necessary City and building permits prior to the start of construction.





CITY OF ASTORIA  
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COMMUNITY DEVELOPMENT

CITY OF ASTORIA

AUG 31 2018

BUILDING CODES

PE 18-01 for 2

☒ Fee Paid Date 8/31/18 By BT

Fee: \$100.00 Admin

\$250.00 Hearing

visa

Original Permit No. CU03-04

## PERMIT EXTENSION & RENEWAL APPLICATION

Property Address: 1103 Grand ave.

Lot 1, 2, 13, 14 Block 91 Subdivision McClure

Map 8CD Tax Lot 5700 Zone R-3

Applicant Name: Elisabeth Nelson

Mailing Address: P.O. Box 81

Phone: 503-298-0338 Business Phone: 503-325-3237 Email: lisa@astoriamusic.com

Property Owner's Name: First Pres. Church of Astoria

Mailing Address: 1103 Grand

Business Name (if applicable): Astoria Conservatory of Music

Signature of Applicant: Elisabeth Nelson Date: 8/31/18

Signature of Property Owner: Rev. Willie Corbett Date: 9/5/2018

Approved Permit to be Extended: CU03-04

Date of Original Approval: 1st extension to 8-23-18

Proposed One Year Extension Date: 8-23-19

Reason Extension is Required: (Also address criteria listed on second page of this application)

Continue ~~operable~~ operating School of music in existing Church

**FILING INFORMATION:** Planning Commission meets on the fourth Tuesday of each month. Historic Landmarks Commission meets on the third Tuesday of each month. Complete applications must be received by the 13th of the month to be on the next month's agenda. A Pre-Application meeting with the Associate Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Commission meeting is recommended.

**For office use only:**

Application Complete:	<u>9-25-18</u>	Permit Info Into D-Base:	
Labels Prepared:		Tentative <u>APC</u> Meeting Date:	<u>10/23/18</u>
120 Days:	<u>11/22/19</u>		

Development Code Section 9.100.B.1

No more than three permit extensions may be granted. No variances may be granted from this provision. Temporary Use Permit extensions are exempt from this requirement and may exceed the three extensions limitation.

Development Code Section 9.100.B.2

The granting authority may grant a permit extension upon written findings that the request complies with the following:

- a. The project proposal has not been modified in such a manner as to conflict with the original findings of fact for approval; and

(List **any** changes to the project) \_\_\_\_\_

\_\_\_\_\_

- b. The proposed project does not conflict with any changes to the Comprehensive Plan or Development Code which were adopted since the last permit expiration date; and

(Staff can assist with this response) \_\_\_\_\_

\_\_\_\_\_

- c. The applicant has demonstrated that progress has been made on the project since the date of the original decision on the permit with regard to items such as, but not limited to:

- 1) Submittal of permit applications to City, State and Federal agencies;
- 2) Contracts for geologic or other site specific reports have been signed and are in effect;
- 3) Project site and/or building engineering, architectural design, or construction has begun.

(List **any** of the above items initiated and their status) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- d. In lieu of compliance with Section 2.c above, the applicant may demonstrate that poor economic conditions exist in the market that would advise against proceeding with the project.

(Provide documentation on all economic conditions) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A  
PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA**

**CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING**

Mail	9-28-18
Email	9-28-18
Web	9-28-18

Pub: 10-16-18

The City of **Astoria Planning Commission** will hold a work session and public hearing on Tuesday, October 23, 2018 immediately following the **Traffic Safety Advisory Committee** meeting at 6:30pm in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Permit Extension Request (PE18-01) on Conditional Use Permit (CU03-04) by Elisabeth Nelson to locate a school of music as a Temporary Use in an existing building at 1103 Grand Ave., Astoria, OR 97103 (Map T8N-R9W Section 8CD, Tax Lot 5700; Lots 1, 2 13 and 14, Block 91, McClure's) in the R-3 Zone (High Density Residential). Development Code Standards in article(s) 3, 9 and 11; Comprehensive Plan Sections CP.005-CP.025 and CP.040-CP.045 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the Planner at 503-338-5183 for additional information.

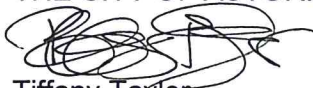
The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against the request(s) at the hearing or by letter addressed to the Planning Commission, 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those impartial to the request, and those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA



Tiffany Taylor  
Administrative Assistant

MAIL: September 28, 2018



CITY OF ASTORIA  
Founded 1811 • Incorporated 1856

October 15, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNING CONSULTANT

SUBJECT: RIVERFRONT VISION PLAN IMPLEMENTATION - URBAN CORE

On September 13, 2018, the City held a Town Hall meeting to introduce the process for implementation of the Riverfront Vision Plan for the Urban Core area. Previously, a work session was held before the City Council and one at the Planning Commission to review the Riverfront Vision Plan and provide a status update on the code implementations.

A work session before the Planning Commission is scheduled for the October 23, 2018 APC meeting which will be open to the public. Attached is the draft of the first section of draft codes prepared by the consultants for the Urban Core area. Staff and the consultants will conduct a PowerPoint presentation to review the proposed drafts and discuss various options for the codes based on the direction of the Riverfront Vision Plan, City Council, and the public input received to date. Additional work sessions will be held in November and January for additional draft code sections for the Urban Core prior to the public hearing tentatively scheduled for March 2019.





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MEMORANDUM

**Draft Urban Core Code Amendments #1 (Task 3)**

**Astoria Riverfront Vision Plan Code Amendments – Urban Core**

DATE October 16, 2018  
TO Brett Estes and Rosemary Johnson, City of Astoria Community Development Department  
FROM Matt Hastie and Kate Rogers

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**A. INTRODUCTION/OVERVIEW**

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The Astoria Riverfront Vision Plan was adopted in 2009 and describes a future vision and specific recommended implementation measures related to land use, open space, and transportation plans along the Columbia River waterfront. For purposes of the Riverfront Vision Plan, the city's riverfront was divided into four sub-areas: Bridge Vista, Urban Core, Civic Greenway, and Neighborhood Greenway. Between 2014-2015, the City of Astoria adopted implementation measures for three of the four sub-areas. The current project focuses on the remaining sub-area—the Urban Core (shown in Figure 1; current zoning is shown in Figure 2). The intent of the project is to implement policies and recommendations identified in the Vision Plan—both general objectives and specific recommendations for the Urban Core—with updated development code text, comprehensive plan language, and map amendments.

In preparation for this memorandum, the project consultants reviewed Comprehensive Plan and Development Code implementation issues identified in the Riverfront Vision Plan for the Urban Core area with City staff. The Vision Plan's land use and urban design recommendations for the Urban Core area focus on retaining and enhancing the area's urban character while still promoting riverfront access. The Plan notes that "this area is and will continue to be characterized by a more dense level of development." It further states that "this area will allow for a mix of commercial, residential and water-dependent uses that support, but should not compete with downtown development." The Plan identifies the following land use policies:

- If development is to occur, promote the urban character of the area and allow for dense development.
- Allow for a mix of commercial, residential and water dependent uses that supports but does not compete with the downtown core.
- Encourage design of new or rehabilitated buildings that respects Astoria's character.

- Create intimate open spaces and gathering places within new developments.
- Use setbacks, stepbacks and other measures to ensure an open feel and continued visual access to the river.
- Work with property owners, including those with existing leases to maximize open areas over the water.

The project team has agreed to organize these issues into three sets of draft policy and code amendments in order to allow for manageable and adequate review of the draft amendments with the Planning Commission and public. Following is a short summary of the three sets of policy and code amendment topics, with brief overviews of related issues and approaches that will be considered. Additional recommendations related to Comprehensive Plan policies may be provided at a later date, as needed. Concepts explored for the Urban Core area are similar to those developed for the other Riverfront sub-areas, but tailored to the Urban Core's specific context, goals, and objectives.

### **Set A**

- Visual and physical access to the Columbia River (overwater development)
  - Protect views of the river through application of overwater development standards that limit development or limit the height or size of buildings.
  - Consider physical access measures similar to those adopted other sub-areas.
- View-related development standards (on-land development)
  - Consider height, setback, and stepback measures that ensure upland views toward the river are preserved. Focus these measures along the River Trail and north-south streets.

### **Set B**

- Permitted uses
  - Allow for a mix of commercial, residential and water dependent uses that supports but does not compete with the downtown core. Consider prohibiting or limiting overwater uses that are currently permitted in base zones, or potentially allowing additional uses not currently permitted.
  - Consider on-land uses that would enhance, and not detract from, the pedestrian realm.
  - Explore development standards, such as floor area limits, that assist in complementing uses in the downtown core.
  - Add and/or clarify definitions of uses as needed.
- Modifications of C-2 (Tourist Commercial) zoning
  - Consider re-zoning land at the west end of the Urban Core from C-2 to another commercial zone to allow for more varied uses (see Figure 2).

### **Set C**

- Design guidelines and standards



- Develop design guidelines and standards that ensure that new development in the Urban Core respects Astoria's historic character while also allowing for diversity in building design. Establish a balance between flexibility and clarity, so that standards and/or guidelines can be easily and consistently administered.
- Landscaping
  - Consider standards for river side and land side landscaping

This memorandum presents the first draft of the Set A package of recommended code amendments for the Urban Core area. The amendments are organized as follows:

- Visual and Physical Access to the River (Overwater Development)
  - Visual Access
  - Physical Access
- View-Related Development Standards (On-Land Development)
  - Height
  - Setbacks
  - Stepbacks
- Applicability and Implementation

In each section of the memorandum, the project team has proposed specific language for the Urban Core area. The proposed language is being presented for consideration and discussion by the Astoria Planning Commission (APC). In several cases, optional approaches are presented, with or in some cases without, a preliminary staff recommendation.

New or amended code provisions can be implemented by integrating them into existing articles of the City of Astoria Development Code or by including them in a new overlay zone developed for the Urban Core area, similar to the approach taken in the Bridge Vista, Civic Greenway, and Neighborhood Greenway areas. These alternatives are addressed in the final section of this memorandum and will be further discussed and determined once all of the amendment packages for the Urban Core area are developed.

Figure 1: Urban Core Area

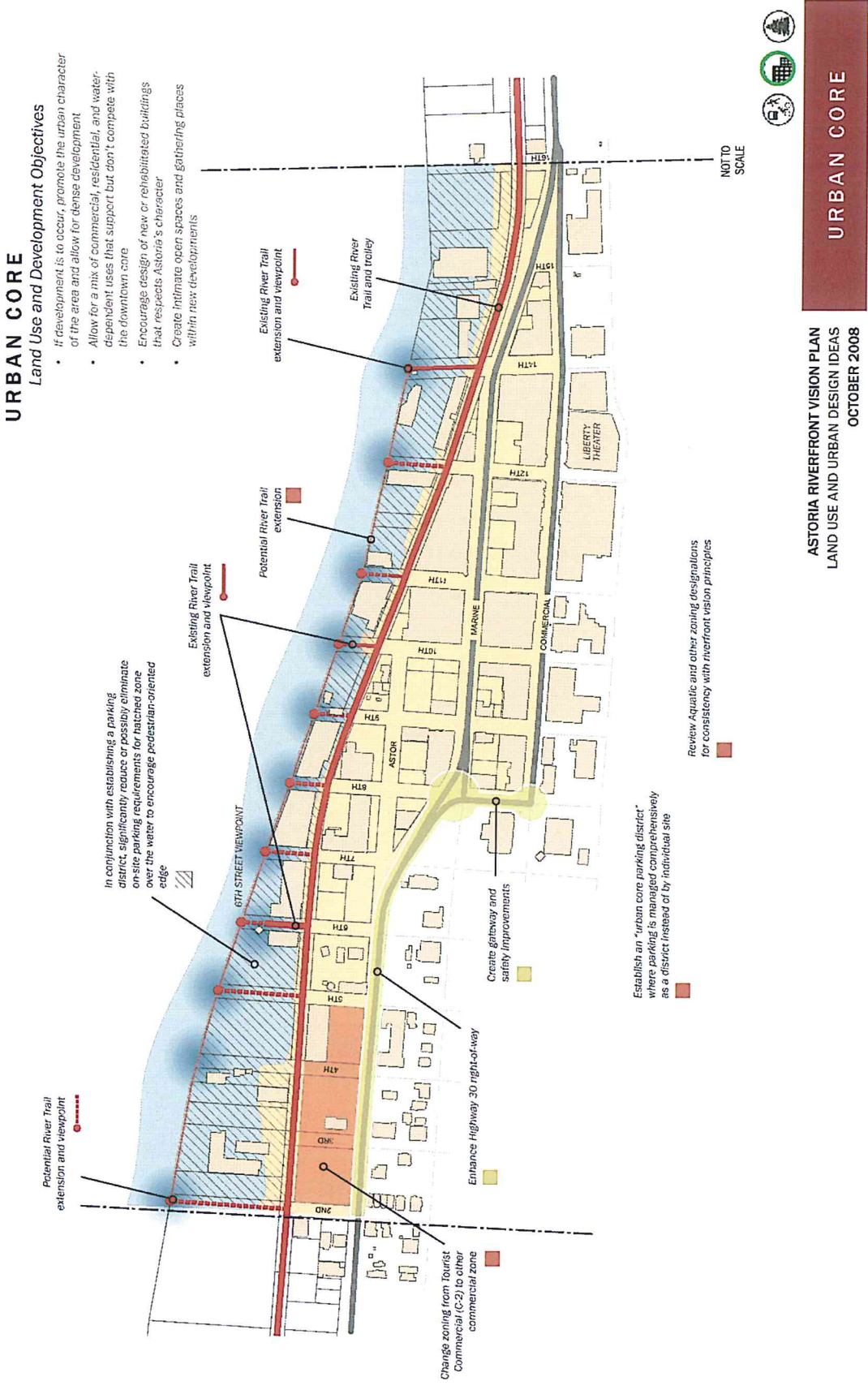
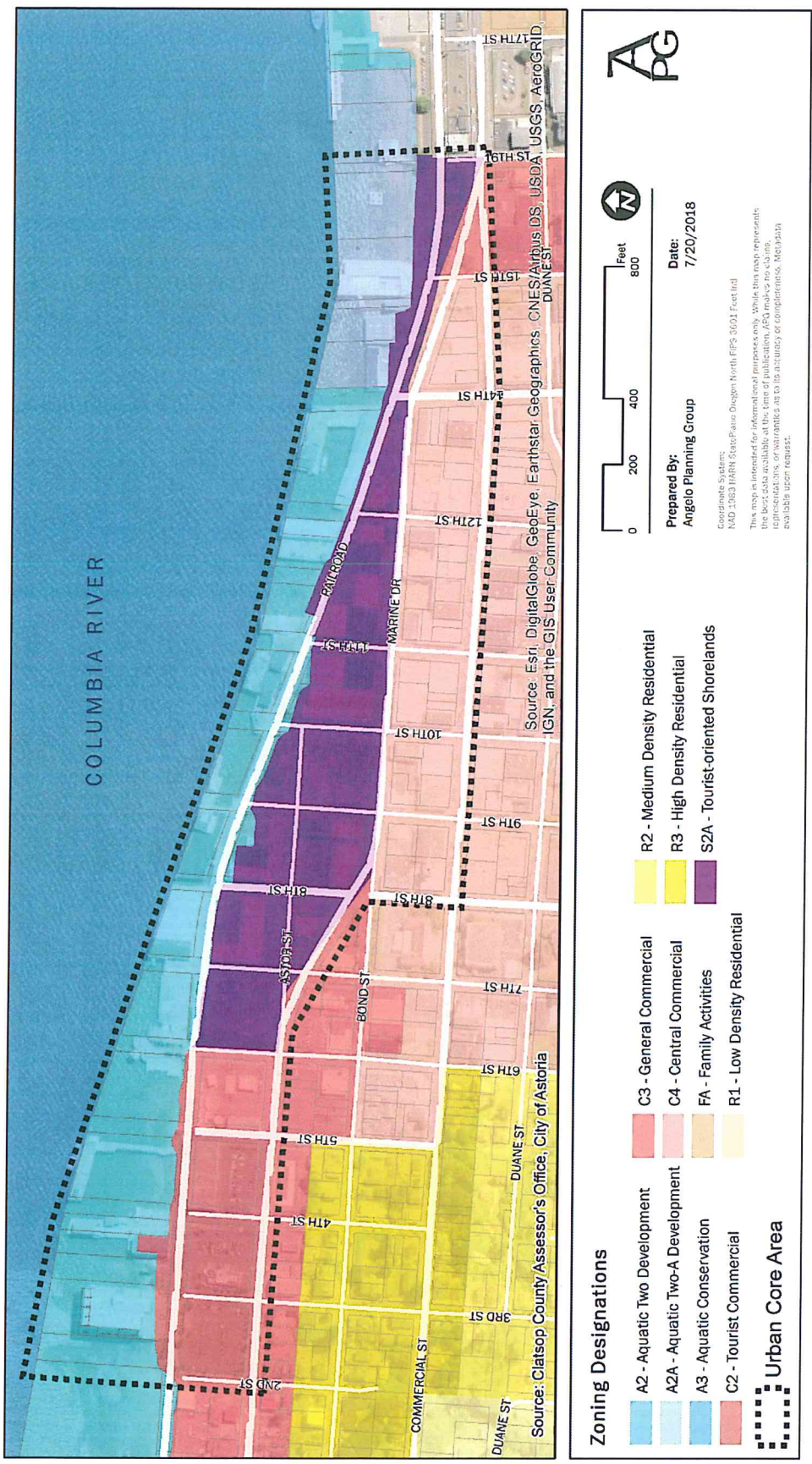




Figure 2: Zoning in the Urban Core Area



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## **B. VISUAL AND PHYSICAL ACCESS TO THE RIVER (OVERWATER DEVELOPMENT)**

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As stated in the Riverfront Vision Plan, the Urban Core area is characterized by a more intense level of development than other Riverfront sub-areas. While the Vision Plan calls for this more urban character to be maintained if new development or redevelopment should occur, the Plan also identifies the need to ensure an open feel and to maximize open areas over the water. The Plan calls for site design and development provisions to ensure continued visual and physical access to the river.

The following sections address means of protecting visual and physical access to the river. They identify options and make several preliminary recommendations for amendments and standards to apply to overwater development in the Urban Core area. In some cases, the options identified for one topic may affect the options considered for another topic. For example, if the City chooses to prohibit any new development over the water in the Urban Core, then potential code provisions related to building heights, widths, setbacks and stepbacks over the water would not need to be considered. This memo does not pre-suppose a certain set of outcomes but attempts to provide a range of options to consider based on direction in the Astoria Riverfront Vision Plan, results of earlier Riverfront code update processes, and community feedback provided to date.

### **1. Visual Access**

The Riverfront Vision Plan identifies the need to maintain visual access to the Columbia River, as well as to ensure an open feel and to maximize open areas over the water in the Urban Core. A few existing overwater views within the Urban Core are depicted in the photographs in Figure 3 and Figure 4.



*Figure 3: Looking east from Pier 12 (near 12th Street)*



*Figure 4: Looking west toward 6th Street Park Viewing Tower and Astoria-Megler Bridge*



Most of the overwater area in the Urban Core (including areas represented in these images) is zoned A-2 (Aquatic Two Development), while a small portion at the east end is zoned A-2A (Aquatic Two-A Development), as shown in Figure 2. Those zones allow for a wide range of uses, with relatively few limitations on the size or height of over-water structures in those areas. Table 1 presents existing height and development standards for the A-2 and A-2A zones.

*Table 1: Existing Overwater Development Standards in the Urban Core Area*

Zone	Maximum Height	Minimum Setback	Distance from Shore
A-2	28' (above grade of adjacent Shoreland). 45' for area between extended 6th Street right-of-way and the Astoria-Megler Bridge.	25' from the extended right-of-way over the water. Required setback areas shall include open space, publicly accessible walkways, plazas or landscaped areas, where feasible. Parking and storage are prohibited in the setback area.	Buildings shall be located as close to the bankline as practical, except where necessary to provide loading or parking, or to provide an aesthetic feature such as an open water area adjacent to the shore.
A-2A	28'	None listed	None listed

The following approaches can be considered in seeking to protect views of the river in the Urban Core area:

1. Restrict Development on Undeveloped Sites – Strictly limit new development on overwater sites that are not currently developed. These areas will become “Limitation Areas,” similar to the Bridge Vista Overlay zones. Allow redevelopment of existing sites that are currently developed, but apply development limitations including structure height, size, width, and/or spacing.
2. Uniform Overwater Standards – Apply the same standards limiting development to all overwater development in the Urban Core. Limitations could include structure height, size, width, and/or spacing.

The Bridge Vista Overlay Zone can serve as a general model, in terms of the overwater development standards addressed in the zone, and the way that the section is organized. The Bridge Vista Overlay includes “Limitation Areas” in which development is strictly limited—structures can be no taller than the height of the adjacent bankline, and they are limited to a maximum gross floor area of 4,000 square feet. Structures in Limitation Areas are also subject to the building width and spacing standards for all overwater development in the Bridge Vista area. Similar limitations could be placed on parcels in the Urban Core area that are currently undeveloped, in order to preserve existing views in these open overwater areas of the Urban Core.



However, the Riverfront Vision Plan’s intent for the Bridge Vista area was somewhat different from the Urban Core. The Plan’s intent there was to preserve “sweeping open vistas” and protect specific prominent views, such as the Astoria-Megler Bridge and the portion of the river near the 2nd Street viewpoint. The overwater area in the Urban Core, on the other hand, is more built-up, with most of the parcels already having structures or an existing lease. Further, the Urban Core does not have the same type of priority views as the Bridge Vista area. Therefore, it may be more appropriate to apply the same level of view protection to all overwater sites in the Urban Core. In that case, the project team would propose similar overwater development standards to those applied to areas outside of the Limitation Areas in the Bridge Vista Overlay Zone, with the exception of two proposed changes: (1) reducing the maximum building height to 28 feet, and (2) adding a minimum view corridor/setback standard for north-south rights-of-way to match on-land areas.

These two options—restricting development in limitation areas and uniform standards—are presented below for consideration by the APC, as are a few potential modifications to be considered. As a starting point, the numeric height, width, and spacing standards are based on numeric standards in the Bridge Vista Overlay Zone, for the sake of consistency. However, the APC may suggest modifications to these standards to suit the conditions of the Urban Core, if appropriate. Potential Development Code language is presented below.

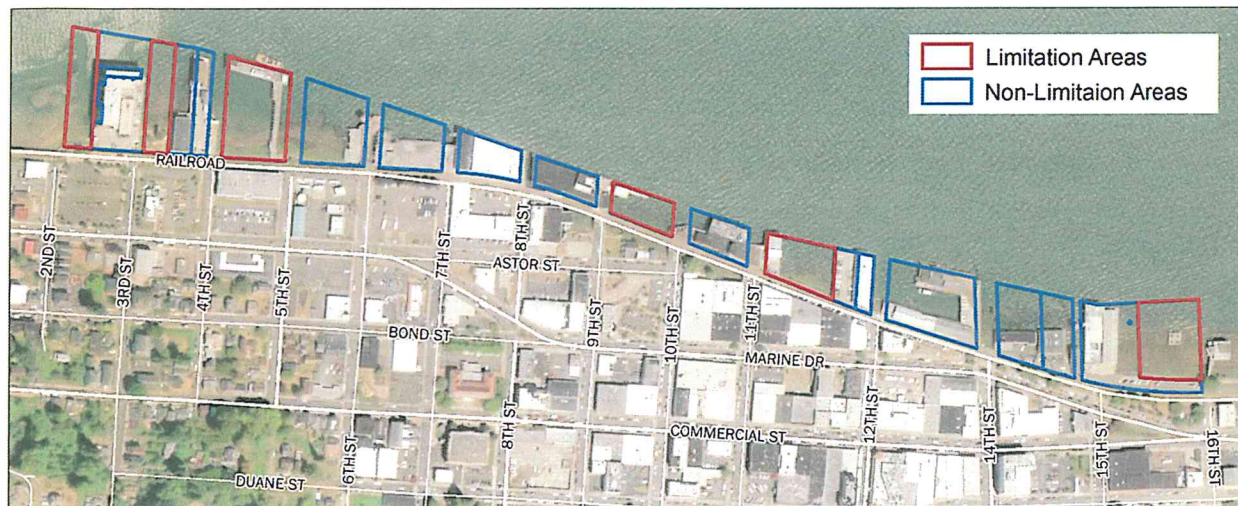
### **Option 1: Restrict Development on Undeveloped Sites**

#### **\_\_\_\_. STANDARDS FOR OVERWATER DEVELOPMENT.**

*The following development standards apply to overwater development in the [Urban Core Overlay Zone]. The Overwater Development standards shall also apply to on-land development north of the River Trail / 50’ wide railroad line property in areas shown in Figure \_\_\_\_\_. In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.*

*Maintenance, repair, or restoration of buildings existing prior to 2019 shall be exempt from the standards of this Section \_\_\_\_\_. Additions and/or new construction on these buildings shall be subject to these standards.*

Figure 5: Potential Limitation Areas in the Urban Core

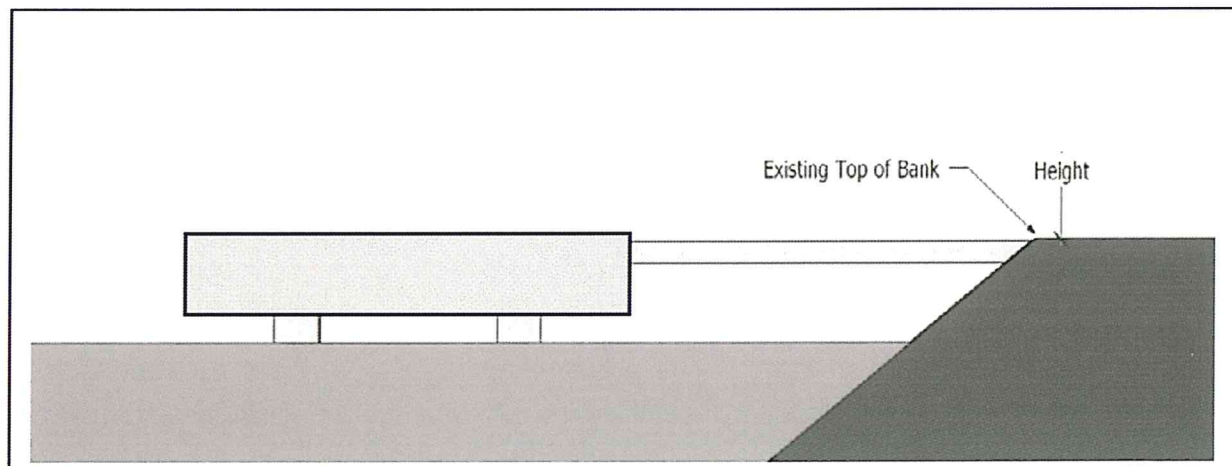


A. Maximum Height.

1. *Structures within Designated Limitation Areas (Figure \_\_)*

*Maximum building height, except hand rails, shall be the top of the existing adjacent riverbank. No variance may be granted for an exception to this height limitation.*

Figure 6: Maximum Building Height within Overwater Development Limitation Areas

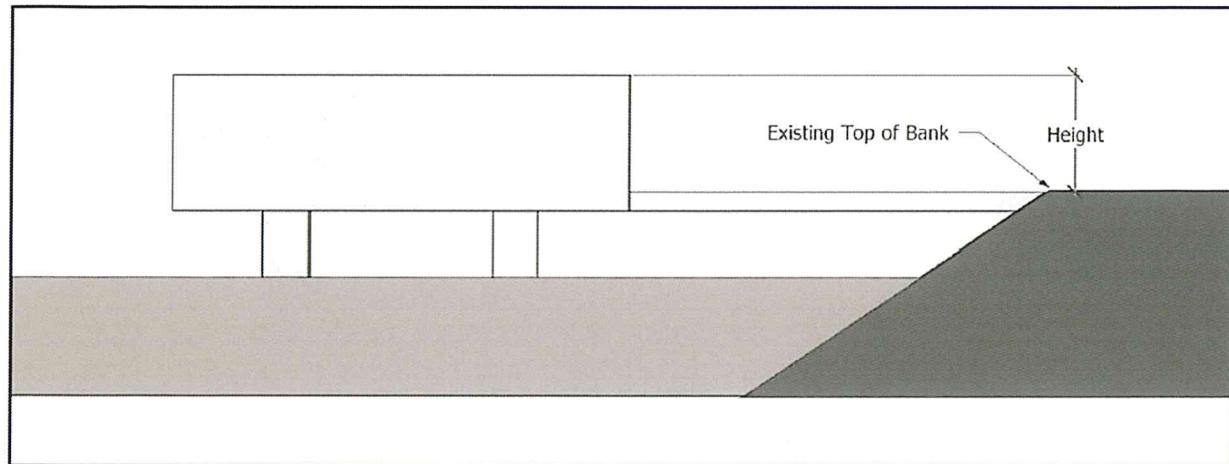


2. *Structures outside of Designated Limitation Areas (Figure \_\_)*

*The maximum height shall be 28 feet from the top of the existing adjacent riverbank. No variance may be granted for an exception to this height limitation.*



Figure 7: Maximum Building Height Outside of Overwater Development Limitation Areas



[Note: Figure 6 and Figure 7 are placeholder graphics that could be replaced in a subsequent draft of the memo, if needed.]

**B. Size.**

1. *Structures within Designated Limitation Areas (Figure \_\_)*

*The maximum gross floor area of enclosed structures is 4,000 square feet.*

2. *Structures outside of Designated Limitation Areas (Figure \_\_)*

*There shall be no maximum gross floor area for buildings located in these areas.*

**C. Width and Spacing.**

*The following standards apply to all overwater development in the [Urban Core Overlay Zone].*

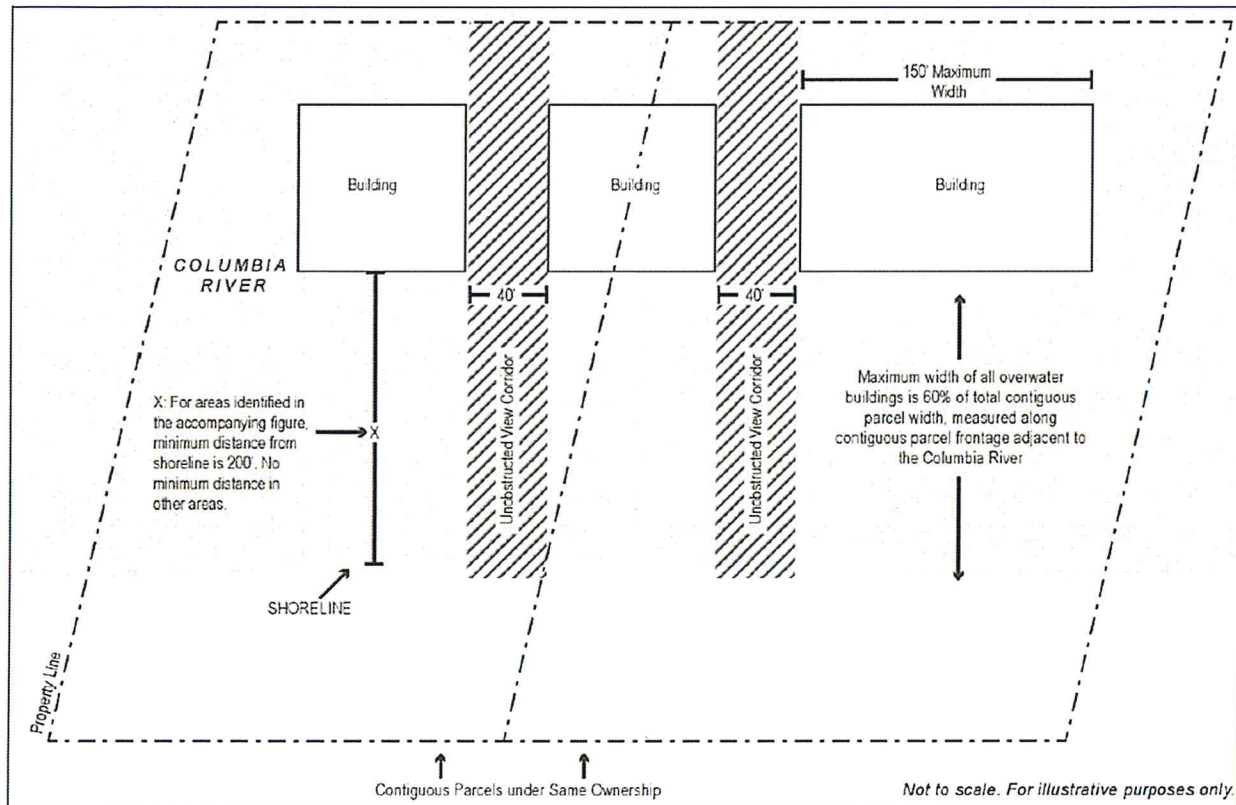
1. *The maximum width of an individual overwater building shall be a maximum 60% of the total parcel width (measured along the parcel frontage adjacent to the Columbia River shoreline) or 150', whichever is less.*
2. *The maximum width of all overwater buildings located on a contiguous set of parcels under the same ownership shall be a maximum of 60% of the total width of the combined parcels (measured along the parcel frontage adjacent to the Columbia River shoreline).*
3. *There shall be a minimum 40' wide, unobstructed view corridor separation between buildings.*

**D. Setbacks**

*The following standard applies to all overwater development in the [Urban Core Overlay Zone].*

*A minimum view corridor width of 70 feet, centered on the extension of the right-of-way centerline over the water, shall be provided on extended north-south overwater rights-of-way. Buildings shall be set back in order to achieve the 70-foot view corridor.*

Figure 8: Maximum Building Width



[Note: Figure 8 is a placeholder graphic that would be modified and replaced in a subsequent draft of the memo.]

## Option 2: Uniform Overwater Standards

### STANDARDS FOR OVERWATER DEVELOPMENT.

[...]

#### A. Maximum Height.

*The maximum height shall be 28 feet from the top of the existing adjacent riverbank. No variance may be granted for an exception to this height limitation.*



[Note: The graphic in Figure 7 would be included here.]

**B. Width and Spacing.**

1. *The maximum width of an individual overwater building shall be a maximum 60% of the total parcel width (measured along the parcel frontage adjacent to the Columbia River shoreline) or 150', whichever is less.*
2. *The maximum width of all overwater buildings located on a contiguous set of parcels under the same ownership shall be a maximum of 60% of the total width of the combined parcels (measured along the parcel frontage adjacent to the Columbia River shoreline).*
3. *There shall be a minimum 40' wide, unobstructed view corridor separation between buildings.*

**C. Setbacks**

*A minimum view corridor width of 70 feet, centered on the extension of the right-of-way centerline over the water, shall be provided on extended north-south overwater rights-of-way. Buildings shall be set back in order to achieve the 70-foot view corridor.*

[Note: A graphic similar to Figure 8 would be included here.]

**Optional Modifications:**

In addition to the two options presented above, the APC may consider the following potential modifications to these standards, in order to limit overwater development in the Urban Core area:

- **Modification 1: Limit building heights closer to the shoreline.**
  - This approach could be used to modify Option 2: Uniform Overwater Standards, in order to provide a higher level of view protection for all overwater parcels.
  - Example standard: Structures more than 100 feet from the shoreline have a maximum height of 28 feet, while structures within 100 feet of the shoreline are limited to either bank height or one story.
  - Note: Buildings in the adjacent Bridge Vista Overlay Zone may be constructed up to 35 feet throughout the Non-Limitation Areas. However, several public commenters have expressed a desire to establish stricter height limits for the Urban Core.
- **Modification 2: Allow full building height if building width is further limited.**
  - This is another potential approach for modifying Option 2, if there are concerns that the combination of building height and width in Option 2 allows too much overwater development.
  - Example standard:

- Base maximum height: 28 feet
- Base width/spacing standards: 60% of parcel width or 150', whichever is less; minimum 40' view corridor width
- Additional height option: up to 35 feet
- Additional height permitted if width limited to 40% of parcel width or 100', whichever is less; minimum 40' view corridor width

## 2. Physical Access

The Riverfront Vision Plan calls for “periodic physical access to the River” and includes design concepts for providing physical access to the river. These concepts were translated into Development Code amendments as part of the Civic Greenway Overlay Zone and Bridge Vista Overlay Zone implementation projects. The Development Code amendments address the following elements of physical access to the river.

- Design options
- Pier and walkway width
- Pier and walkway length
- Hours of access
- Maintenance responsibility

The project team recommends that the code provisions for physical access to the Columbia River that were established through the Civic Greenway and Bridge Vista implementation projects be applied to the Urban Core area as well. These are basic provisions that are applicable to various scales and intensities of development. The physical access code provisions from the Bridge Vista Overlay Zone are presented in Figure 9 through Figure 12, and in the following proposed Development Code text.

### \_\_\_\_. STANDARDS FOR OVERWATER DEVELOPMENT.

[...]

#### D. Access to the Columbia River.

*Access to the River shall be provided using piers and/or walkways as part of new construction and major renovations to structures constructed after the year 2019, where major renovation is defined as construction and alterations only to building exteriors valued at 75% or more of the assessed value of the existing structure.*

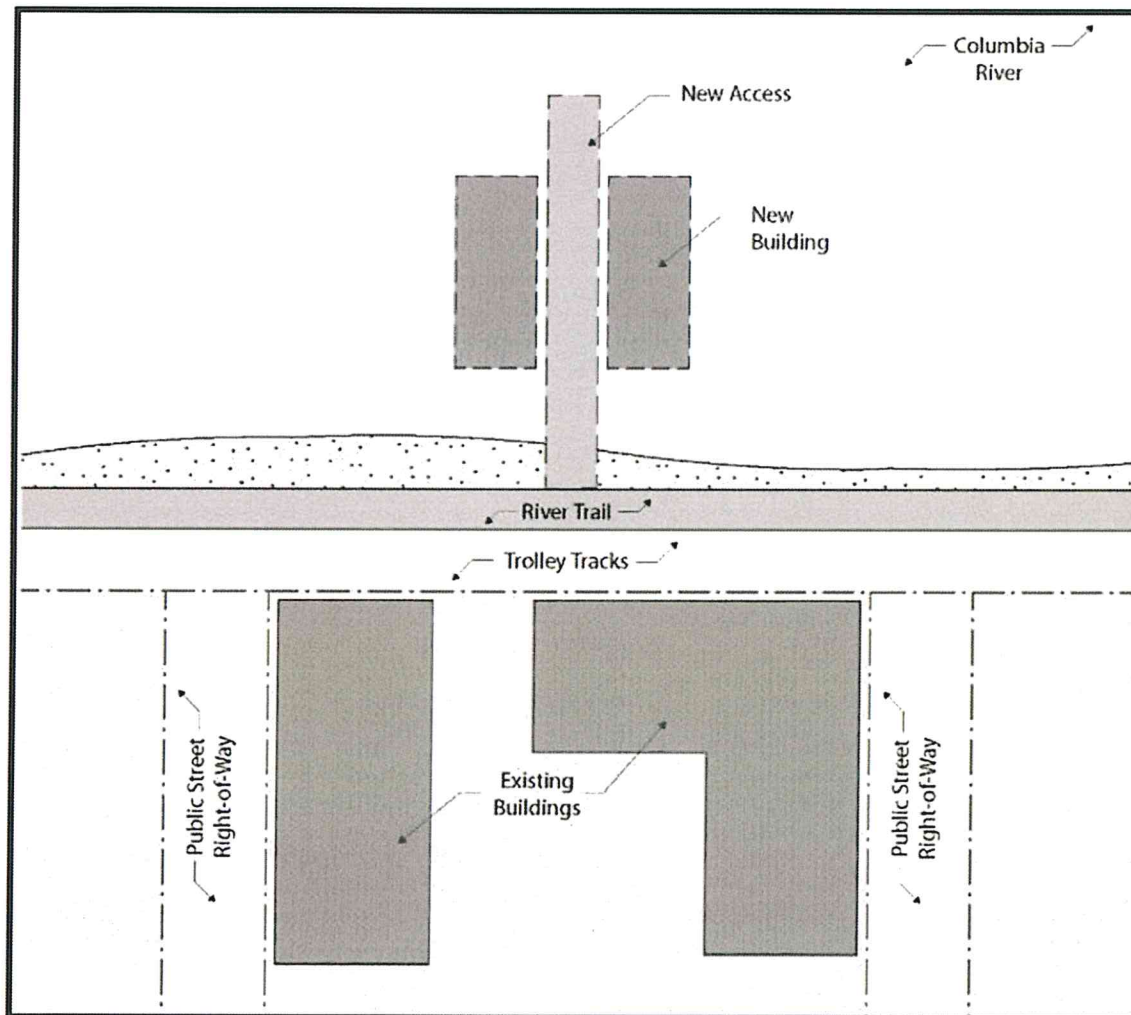
*Piers and walkways shall be constructed in accordance with Access Design A, Access Design B, or Access Design C, as shown and described below.*



1. *Access Design A - "Mid-Site Access".*

*This access design shall be provided in a public access easement provided through the middle of the development or structure.*

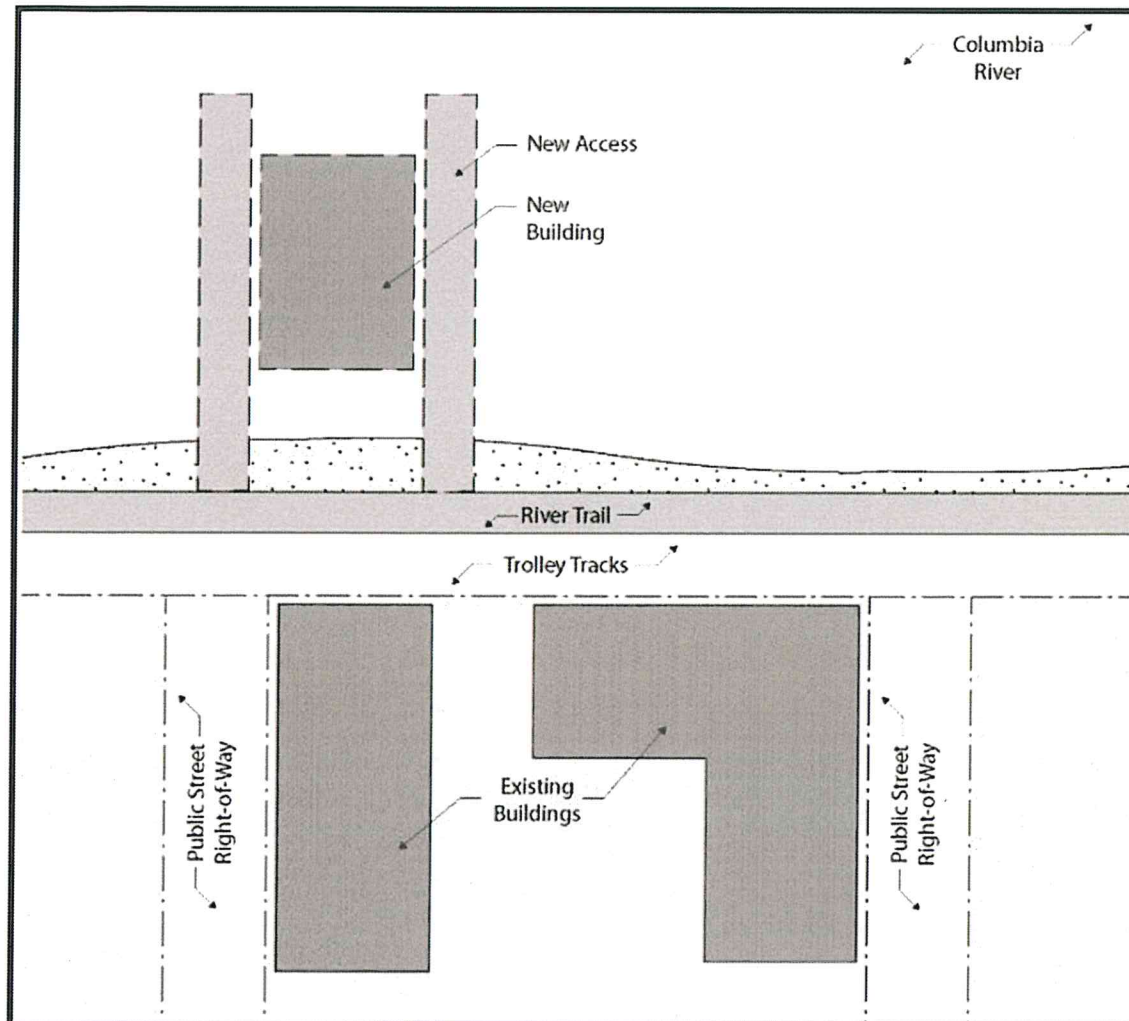
Figure 9: Access Design A



2. *Access Design B - "Viewpoints".*

*This access design shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the City, or a public access easement.*

Figure 10: Access Design B



### 3. Access Design C – “Trail Extension”.

*This access design serves as an extension of the River Trail and shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the City, or easements for the piers on the east and west sides of the development. The boardwalk along the north side of the development shall be provided in a public access easement. [Note: Two possible scenarios are illustrated in the following figures for this option.]*



Figure 11: Access Design C.1

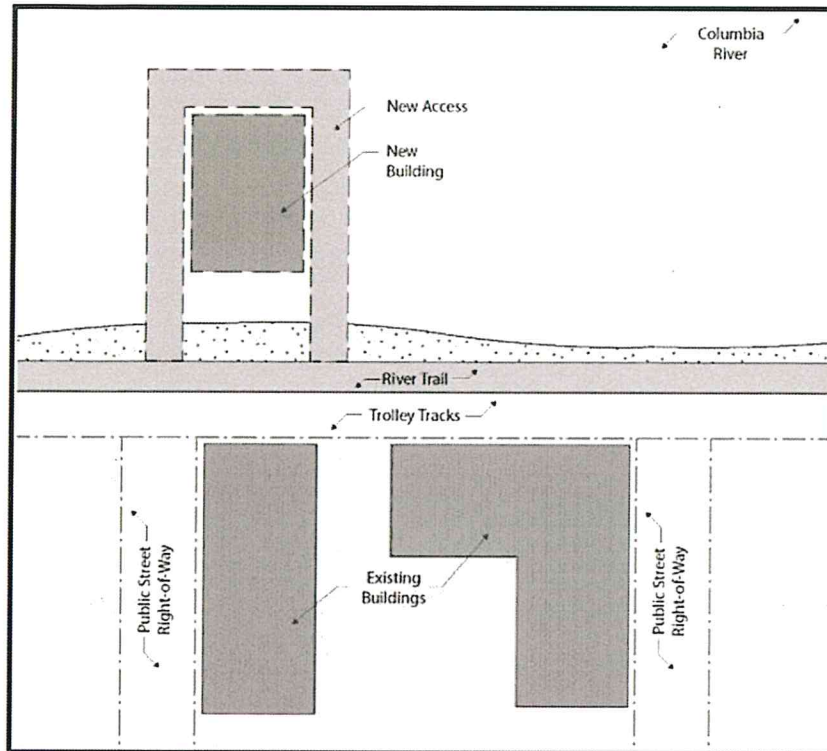
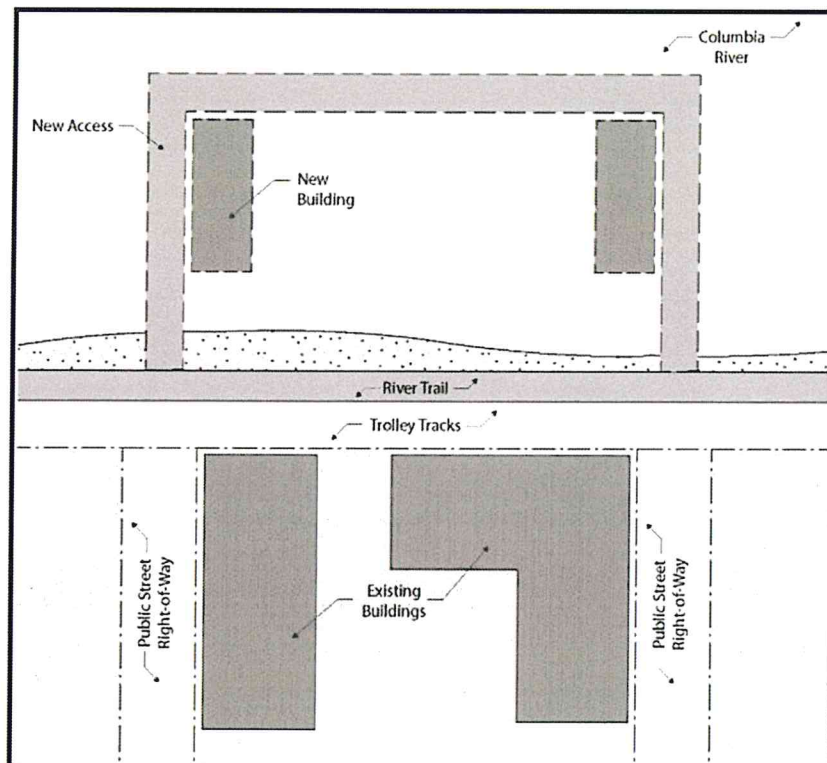


Figure 12: Access Design C.2



[Note: Figure 9 through Figure 12 are placeholder graphics that could be replaced in a subsequent draft of the memo, if needed.]

4. *Pier and Walkway Width.*

*Minimum pier and walkway width is 10 feet if one side of the pier or walkway is developed with overwater structures. Minimum pier and walkway width is 14 feet if both sides of the pier or walkway are developed with overwater structures.*

5. *Pier and Walkway Length.*

*Piers and walkways shall extend beyond the north face of the overwater development a minimum length of 10 feet to ensure that the river is visible beyond the adjacent structure(s).*

6. *Hours of Access.*

*Access on overwater piers and walkways may be restricted during hours specified in City Code Section 5.926 to 5.928.*

7. *Maintenance Responsibility.*

*Responsibility for maintenance of the piers and walkway shall be established through a recorded maintenance agreement acceptable to the City.*

## **C. VIEW-RELATED DEVELOPMENT STANDARDS (ON-LAND DEVELOPMENT)**

---

This section relates to on-land development that affects views of the Columbia River, particularly from vantage points along the River Trail. Recommended code provisions will address objectives to “improve and celebrate the River Trail,” to “ensure an open feel and continued visual access to the river,” and to “create a sense of openness and preserve sunlight and views along the River Trail.” Code provisions associated with overwater development, recommended in the previous sections, will also contribute to meeting these objectives.

The Riverfront Vision Plan identifies concepts for potential code provisions for protecting views and complementing the River Trail in the Urban Core area, such as setbacks and stepbacks from the River Trail and from public rights-of-way. In addition, the Plan also proposes ideas about trading building height for width (mass) in some instances, and setting maximum height limits on the order of one story above the base height. These view-related development standards for on-land development have been implemented in the Bridge Vista and Civic Greenway Overlay Zones and are addressed in the following sections.



## 1. Height

Existing height regulations in the Urban Core area are found in the base zones. As shown in Figure 2, on-land zoning in this area includes the C-2 (Tourist Commercial), C-3 (General Commercial), C-4 (Central Commercial), and S-2A (Tourist-oriented Shorelands) Zones. On-land zoning is largely C-4 and S-2A, with smaller areas of C-2 and C-3. Maximum height provisions for these zones are shown in Table 2.

*Table 2: Existing On-Land Height Regulations in the Urban Core Area*

Zone	Maximum Height
C-2 Tourist Commercial	45'
C-3 General Commercial	45'
C-4 Central Commercial	45'
S-2A Tourist-oriented Shorelands	28' Except 45' above grade of adjacent shoreland between extended 15th-21st Street right-of-way

Existing height provisions can be modified in the Urban Core area to improve conditions for providing openness and views. Modifications can include requiring buildings to be stepped back along streets and the River Trail (see the Stepbacks section in this memorandum). This modification was made in the Civic Greenway and Bridge Vista areas; however, for the Urban Core the project team proposes requiring stepbacks above the first story rather than the second story. The project team also proposes a new provision that buildings near the River Trail have a lower height maximum than buildings farther south. The APC may also suggest other modifications to these standards to suit the conditions of the Urban Core, if appropriate. Potential Development Code language is presented below.

### \_\_\_\_. STANDARDS FOR ON-LAND DEVELOPMENT.

*The following development standards apply to on-land development in the [Urban Core Overlay Zone]. In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.*

#### A. Height.

*Height standards apply to on-land development south of the River Trail / 50' wide railroad line property.*

- 1. Maximum building height within 100 feet of the River Trail is 28 feet.*

2. *Maximum building height in other areas is 45 feet.*
3. *Building stories above 15 feet or one story, whichever is less, must be stepped back from all building planes facing a street and/or the River Trail by least 10 feet in accordance with Section \_\_\_\_ [stepback section].*
4. *Exceptions to building height restrictions may be granted through provisions in Section 3.075.*

#### **Optional Modifications:**

1. No stepbacks required.
2. Stepbacks only required along the River Trail, not along streets.

## **2. Setbacks**

Similar to building height, existing setback regulations for on-land development are found in the base zones. However, the base zones in the Urban Core area do not have setback requirements (aside from residential buffers), as shown in Table 3.

*Table 3: Existing On-Land Setback Regulations in the Urban Core Area*

<b>Zone</b>	<b>Setbacks</b>
C-2	None Except 5-foot “buffer” when adjacent to a lot in a residential zone
C-3	None Except 5-foot “buffer” when adjacent to a lot in a residential zone
C-4	None Except 5-foot “buffer” when adjacent to a lot in a residential zone
S-2A	None

The Riverfront Vision Plan identifies setbacks as a strategy to preserve openness along the River Trail, and to establish view corridors along other rights-of-way in the Urban Core area. In the Bridge Vista Overlay Zone, minimum setbacks are required on both sides of the River Trail. Also, a minimum view corridor width is established for north-south rights-of-way between Marine Drive and the Columbia River, where building setbacks must be provided as part of achieving the minimum width.



The Vision Plan includes images and concepts of setbacks for on-land development along the River Trail in the Urban Core area. The Plan suggests that vegetation be provided “where possible in the form of planters or other landscaping along the River Trail or streets and within courtyards or plazas.” The Plan also suggests that “Benches, lighting, railing and public art should be considered along the River Trail.”

Setback provisions similar to the Bridge Vista Overlay are proposed for on-land development in the Urban Core area. In order to maintain consistency between the two areas along the River Trail, the same setbacks are proposed for the Urban Core as were establish for the Bridge Vista area. Similar minimum view corridor widths are also proposed for north-south rights-of-way from the River Trail to Marine Drive, and to Commercial Street between 8th and 16th Streets, as depicted in Figure 13. Setback standards along the River Trail should also establish amenities (landscaping, seating, etc.) to be provided within the setback. Proposed Development Code language is provided below. A caveat was added to restrict the standards’ applicability only to new development, so that existing downtown buildings do not become nonconforming to setback standards. The APC may suggest modifications to these standards to suit the conditions of the Urban Core, if appropriate.

Figure 13: Areas in the Urban Core Where North-South Setbacks Apply



#### STANDARDS FOR ON-LAND DEVELOPMENT.

[...]

#### B. Setbacks.

*Setback standards apply only to new development approved as of [July 2019] or additions to existing buildings. Setback standards apply to on-land development south of the River Trail / 50' wide railroad line property, as well as to property lines abutting and parallel to the north side of the River Trail.*

1. *A minimum view corridor width of 70 feet, centered on the right-of-way centerline, shall be provided on north-south rights-of-way in the areas shown in Figure \_\_\_\_\_. Buildings shall be set back in order to achieve the 70-foot view corridor.*
2. *Setbacks Adjacent to the River Trail.*
  - a. *The minimum setback adjacent to the River Trail shall be 10 feet on the south side of the trail and 20 feet on the north side of the trail.*
  - b. *The setback area shall be landscaped or shall include a combination of landscaping and pedestrian-oriented amenities such as walkways, seating, and plaza space.*

### 3. Stepbacks

Stepbacks are a final code-related strategy identified in the Riverfront Vision Plan for protecting views and enhancing the River Trail. They are required in both the Civic Greenway and Bridge Vista Overlay Zones. The following definition of stepbacks was incorporated into the Development Code as part of those processes.

*Building stepbacks are stepped or progressive recessions in a building's face as the building rises higher. Stepbacks are designed to reduce building mass to allow views around the building from above and/or from a distance, to allow more light down to the adjacent rights-of-way, and to improve the aesthetic experience of the building from adjacent rights-of-way.*

Both the Civic Greenway and Bridge Vista Overlay Zones specify 10-foot building stepbacks along building faces that front streets or the River Trail.

Building stepback provisions similar to the Bridge Vista Overlay are proposed; however, for the Urban Core the project team proposes requiring stepbacks above the first building story rather than the second story, in order to be more in line with the Riverfront Vision Plan recommendations, and to address recent issues applying the Bridge Vista stepback standards. The team also suggests including balconies as part of the stepback so that they do not block views created by the stepback. The APC may also consider whether it is more appropriate for the level of density called for in on-land areas of the Urban Core not to require stepbacks along street rights-of-way. As such, two options for sample Development Code language are presented below for consideration by the APC: one that requires stepbacks along both the River Trail and along street frontages, and one that only requires stepbacks along the River Trail. Depending on which option is recommended, refinements to the stepback requirements associated with building height limits noted previously may be required.



## Option 1: Stepbacks Along the River Trail and Streets

### \_\_\_\_\_ STANDARDS FOR ON-LAND DEVELOPMENT.

[...]

#### C. Stepbacks.

*Stepback standards apply to on-land development south of the River Trail / 50' wide railroad line property, as well as to property lines abutting and parallel to the north side of the River Trail.*

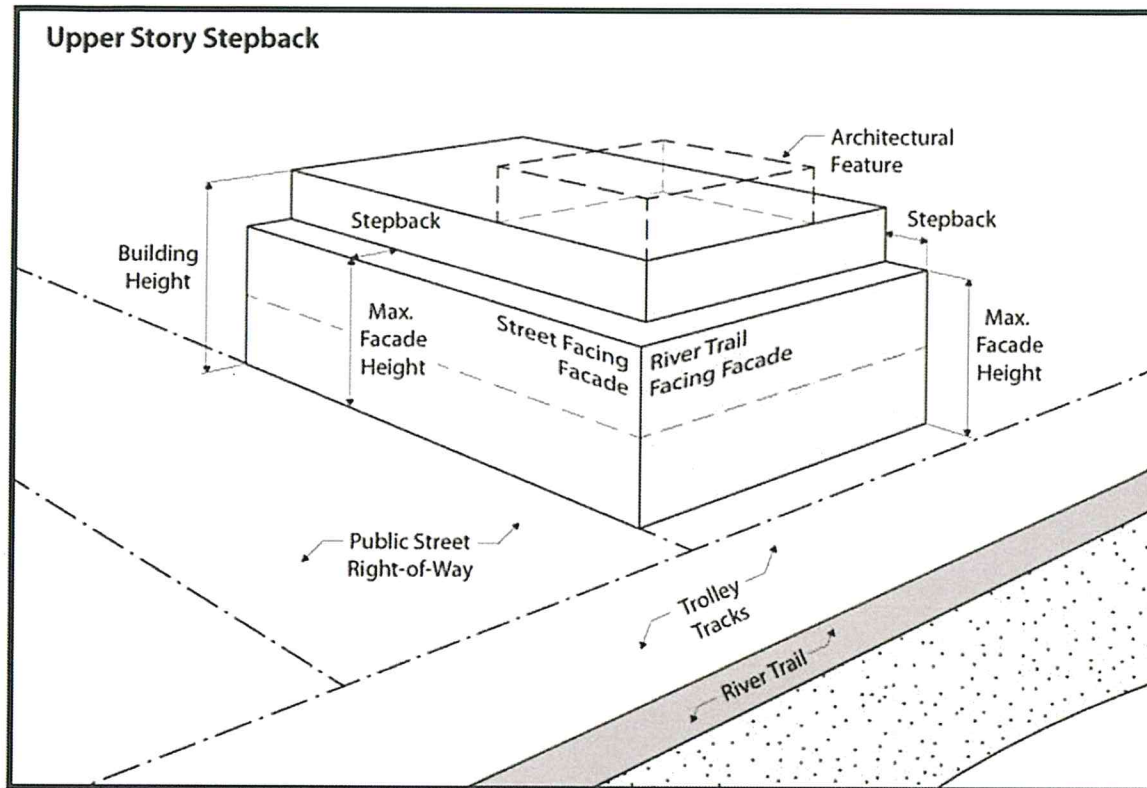
##### 1. *Purpose.*

*The purpose of a stepback is to allow for less obstructed views from above the building and to create a less imposing building scale as viewed from the street or parallel/adjacent trail. A stepback is also designed to allow more light down to the adjacent or fronting street, sidewalk, or trail.*

##### 2. *Additional Building Height.*

*Where the height of a building or building addition is proposed to exceed 15 feet, at least that portion of the building exceeding 15 feet or one story, whichever is less, shall provide a stepback of at least 10 feet from the front plane of the proposed building or building addition that faces the street and/or the River Trail. Balconies shall not encroach into the required 10-foot stepback area; buildings must be stepped back further in order to accommodate balconies.*

Figure 14: Building Stepbacks



[Note: Figure 14 is a placeholder graphic that will be replaced in a subsequent draft of the memo, to illustrate stepbacks above the first story.]

## Option 2: Stepbacks Only Along the River Trail

### STANDARDS FOR ON-LAND DEVELOPMENT.

[...]

#### C. Stepbacks.

*Stepback standards apply to development abutting the River Trail / 50' wide railroad line property.*

##### 1. *Purpose.*

*The purpose of a stepback is to allow for less obstructed views from above the building and to create a less imposing building scale as viewed from the street or parallel/adjacent trail. A stepback is also designed to allow more light down to the adjacent or fronting street, sidewalk, or trail.*



2. *Additional Building Height.*

*Where the height of a building or building addition is proposed to exceed 15 feet, at least that portion of the building exceeding 15 feet or one story, whichever is less, shall provide a stepback of at least 10 feet from the front plane of the proposed building or building addition that faces the River Trail. Balconies shall not encroach into the required 10-foot stepback area; buildings must be stepped back further in order to accommodate balconies.*

[Note: A graphic similar to Figure 14, but modified to only illustrate stepbacks along the River Trail would be inserted here.]

#### **D. APPLICABILITY AND IMPLEMENTATION**

The standards proposed in this memorandum could potentially be implemented through changes to base zones that are found in the Urban Core area. This could be done in a way that establishes the standards only for the Urban Core area so as not to apply to the zones citywide. However, as was determined in the Civic Greenway, Bridge Vista, and Neighborhood Greenway areas, it can be easier to organize and administer new and targeted development standards through an overlay zone. The overlay zone does not have to be extensive; rather it can include just a few sections of standards as needed.

The project team recommends that standards being considered for the Urban Core area be part of a new overlay zone for the Urban Core—tentatively labeled the “Urban Core Overlay Zone.”

However, a final decision about how new proposed standards will be implemented in the Urban Core can be suspended until all three sets of potential amendments for the area are developed and initially vetted.