

## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall  
November 28, 2017

### 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-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.

New Commissioner Joan Herman introduced herself.

### APPROVAL OF MINUTES:

President Easom asked for approval of the minutes of the October 24, 2017 meeting.

Commissioner Mitchell requested that the following be included/changed for clarification:

- Page 2, Paragraph 8, – Commissioner Mitchell believed it was appropriate when someone is asking for changes that will give them financial benefit that they should not protest the cost of paying for Staff time.

Commissioner Moore moved that the Astoria Planning Commission approve the minutes as amended; seconded by Vice President Fitzpatrick. Motion passed unanimously.

The minutes of the September 6, 2017 meeting were not available.

### 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 4(a):

CU17-13                      Conditional Use CU17-13 by Chester Trabucco to construct a 7,164.5 square foot Professional Office/Service Establishment at 623 West Marine in the S2-A Tourist-oriented Shorelands 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 that he and Mr. Trabucco had been friends for over 14 years. He had a potential conflict because he owned a professional medical office building in Astoria; however, he believed he could be impartial.

Commissioner Mitchell declared that she had known Mr. Trabucco for about 20 years, but she did not believe she had a conflict.

Commissioner Moore declared an ex parte contact as he attended a City Council work session where this application was discussed. The discussion was brief and ended as soon as the City Manager explained to the Council that this application was still open. Once the public hearing opens, he would inform the Applicant of the comments made at the work session and give the Applicant the opportunity to respond.

Vice President Fitzpatrick declared ex parte contact as a few people have talked to him about this application. However, the Applicant had not discussed the application with him.

President Easom declared that he had known Mr. Trabucco for about 25 years, but that would not change his vote.

President Easom asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. A new site plan was made available to the Commissioners and the audience. The Staff report contained a typographical error in the location address, which Staff would correct. However, the public notice cited the correct address. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Moore asked Planner Ferber to clarify the text in the Staff report that suggested maneuvering would not be required on the site. Planner Ferber explained that maneuvering was allowed offsite, but loading was required on site. Trucks are allowed to turn around and back up while in public rights-of-ways. This exemption is common in the downtown area, but she would double check the language in Article 7 of the Comprehensive Plan. Public Works has approved the maneuvering plan for this application.

Commissioner Moore noted the following corrections to the Staff report:

- Page 7, IV.A. - Section 2.710(7)(5)
- Page 7, IV.B. - Section 2.485(1)715(3)
- Page 9, C. - Section 2.445(8)715(4)
- Page 10, (6), second sentence - The Planning Commission may require landscaping, lighting, street future of other amenities as part of a new use per 2.470715(8e).

Commissioner Henri stated that the original proposal was for two buildings on the site, but the current proposal is for one building. Planner Ferber confirmed that was one of many changes made as Staff worked with the Applicant on this project.

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

Chester Trabucco, 19823 83<sup>rd</sup> Place W., Edmonds, WA, said it had been a long time since he last stood in front of the Planning Commission. His last proposal relative to this site was for a 32 unit mixed use building with a 6,000 square foot restaurant and 5,000 square feet of retail over the water. He had 23 of the 32 units presold, but everyone backed out of their reservations when the recession began. This site has been the subject of many iterations of proposed development activity, much of which was already in place. The Cannery Café was part of the Bumblebee Cannery maintenance building in 1883. The M.J. Kenny Cannery, located at #10 6th Street, was the home of Bumblebee Seafoods headquarters that his company acquired in 1983 or 1984. The parking lot came with the building. The purchase price for the property was about \$150,000 for 35,000 square feet of office space, 200 linear space along the shoreline, and half a city block of parking. At that time, his company needed more parking for Clatsop Community Healthcare, one of their tenants. So, they contacted the owner of the gas station that occupied the southern half of the block, Etu Inc., to request the use of 16 parking spots. As an afterthought, their attorney suggested they get a right of first refusal on the gas station. Three months later, Kentucky Fried Chicken made an offer on the gas station site and his company exercised their right of first refusal. Fifty years before his company purchased the site, the property was a fill site made of various types of rock and sand. He has been talking to a number of people over the last two or three years about the use of this site and most of the interest has been from financial services looking for a site that would accommodate a drive through. About six or seven months ago, Fresenius Medical Center approached his company asking they consider this site as a place for them to grow into. The medical center currently has 12 dialysis stations, but their plan calls for 17 stations. He believed this site could accommodate a bank and the dialysis center. Staff has been great to work with as obstacles presented themselves. Parking and the need for an on-site loading zone quickly became an issue. However, they worked through the issues and on Friday, he received the Staff report. His company hustled throughout the weekend and on Monday to make the changes included in the updated site plan. His company has already addressed several of the conditions of approval, as follows:

- He had no issues with the first condition, as it would be very difficult to continue with a condominium project.
- The generator and trash enclosure have been moved, as noted on the new site plan.



- The site plan shows four public parking spaces. The covenants, conditions, and deed restrictions (CC&Rs) call for eight public parking spaces in exchange for a local improvement district (LID) payment when they did some additional financing years ago. The other four parking spaces are on the northeast corner of the site, which is not owned by his company. Planner Ferber had mentioned two other owners on the northeast corner, but they do not affect this application. The only two owners are the owners of #10 6th Street and the owners of the southern half of the block, Etu. At one time, he attempted to and received approval from Andrew Bornstein and Joe Barnes to have access to a drive aisle if needed. However, he no longer needs the drive aisle since the new configuration will be L-shaped and will not include the northeast corner of the block. The ownership situation is a catch 22. Two owners have signed off on the application. If the project comes together, it is their intent to purchase the property instead of lease it. The current owners are interested in selling the property, not developing a parking plan.
- Representatives from the dialysis center are prepared to talk about the signage plan.
- He attempted to address all of the conditions through design changes; however, he believed the property had enough room for onsite maneuvering in the space where the bank would have been located. This is an opportunity. This site has not had an upgrade for over 50 years relative to the southern half of the block. Since the gas station was removed, no repaving has been done and the gas station pad is still visible. This property is located at the gateway to Astoria's downtown. It will be beautifully landscaped and fair rental terms will ensure the block will always look good after being blighted for quite some time.

Commissioner Moore said during the City Council work session, a Councilor brought up this application during a discussion on developing housing. The Councilor questioned why the City would allow new development that did not include a housing element, considering Astoria's housing situation. Mr. Trabucco said his initial intent was put 32 condominium units on the site. However, it is difficult to make housing work on such a small footprint. He has discussed this with Councilor Price, who expressed the same concern.

Chris King, Regional Construction Manager, Fresenius Medical, 312 SE Stonemill Dr., Vancouver, WA, said life safety, patient care, and comfort issues arise when combining a dialysis clinic with residential units, so it is generally not a practice that his company pursues. During their real estate search, Fresenius considered 27 different locations in this area, three of which were in Warrenton. This is the right location for this clinic.

Commissioner Mitchell stated it seems proximity to existing hospitals would be the best circumstance. She asked if all other possible locations closer to medical facilities had been exhausted. Mr. King said they looked at 2190 Marine Drive, 23<sup>rd</sup> and Marine Drive, Commercial and Marine Drive, 3250 Leif Erickson, 616 31<sup>st</sup> Street, Highway 30 and 31<sup>st</sup> Street, and more. He had a big list.

Commissioner Mitchell asked what the problems were with those sites. Mr. King said they had a tough time siting a dialysis clinic on the old Napa Auto Parts on Commercial and Marine Drive property. His real estate manager took him on a two-day tour of Astoria. Many of the sites are on hillsides, which are extremely difficult for patients. The proposed site is the best for their use.

Mr. Trabucco added that the current site plan for the dialysis center was iteration G, but three other iterations had previously been completed by an architect. Each iteration has been an attempt to accommodate how the dialysis functions on the site in conjunction with the City's requirements. Fitting a dialysis center on a full city block anywhere would be difficult, but this is only three-quarters of a block in a sensitive area. He tried to make sure the facility was sited in the right place and did not conflict with other uses in the area.

Mr. King explained that in a perfect world, a clinic of this size would go on an acre. Trying to fit the clinic in a downtown area is very difficult. This site plan was done by Christopher Kidd and Associates, who have designed hundreds of Fresenius' dialysis clinics. With their input and operations in mind, many aspects of the project are specific to their patient's needs, like the drop off area in the front. The loading area has already been addressed, which is a big deal for the facility. Deliveries come on large pallets and are delivered at grade off a lift gate truck, then are wheeled into the building on pallet jacks. The ability to have the clinic flow and function well is difficult on many sites.

Kendall Beatty, 41947 NW Bates, said he was grateful for this opportunity to speak to the Commission on behalf of his patients. He has been in dialysis for 20 years, starting as a nurse and moving up to patient advocate. Fresenius is very grateful to its current landlord of 20 years. However, kidney failure is growing due to diabetes



and hypertension. The current clinic has 12 stations and each station can accommodate one patient. Dialysis patients receive treatments three days a week, with each visit lasting four hours. The clinic currently has 44 patients, which limits the time of day they can offer dialysis. Moving and increasing the size of the clinic will allow them to offer patients more shifts. Patients need opportunities to go to work and be more self-sufficient. This site is more centrally located so patients will not have to drive very far. Up to 15 minutes of drive time might be cut from a patient's drive to the clinic, especially in the summer. At this location, it will be easy for patients to get on and off the street. Parking is challenging at their current location, where some patients have to park on the street and walk about 50 yards to the clinic. The facility's equipment is adequate, but old, especially in their water room. The water room contains carbon tank softeners and a reverse osmosis system. Newer dialysis facilities use the CWP reverse osmosis system that continuously runs water throughout the dialysis treatment, plus it uses a heated type of disinfectant that the facility does not currently have on its existing water system. Fresenius needs to start looking at putting this newer system in all of their new clinics because it is superior. Seven of his nine clinics will have the new system and the Astoria clinic will get the new system if it can be relocated. Upgrades are not possible at the existing location because of confined space. He wanted the new facility to be located as close to the hospital as possible because dialysis is still considered a high acuity, like an intensive care unit. If patients and equipment is not monitored closely during dialysis, a person can end up in the hospital very quickly.

Mr. Trabucco added that the proposed location is technically closer to the hospital than any location in Warrenton.

Commissioner Cameron-Latteck asked if the new facility would have substantially more employees than the existing facility. Mr. Beatty said the clinic currently has 10 employees. He predicts about 10 new patients at the new facility, which would require one or two more full time employees.

Commissioner Cameron-Latteck asked where the next nearest dialysis center for Clatsop County residents was located. Mr. Beatty stated Fresenius has a clinic in St. Helens, so this new facility would serve most of Clatsop County. A different company has a clinic across the bridge in Long Beach. Fresenius partners with the clinic in Long Beach if there is a water break or supplies get cut off. They also helped U.S. Renal in Tillamook by taking some of their patients during the flood a few years ago. A larger clinic will allow Fresenius to continue helping neighboring dialysis centers.

President Easom asked how long the current clinic has been in its existing location. Mr. Beatty said almost 20 years.

Commissioner Herman asked if the clinic had the option to increase space at its current location. Mr. Beatty said no, and invited Commissioner to go look at the existing space. The landlord has been gracious enough to give the clinic almost the entire right side of the building.

Commissioner Henri asked what was happening with the property in the northeast corner of the block. Mr. Trabucco stated that property was two separate parcels owned by Starlight and Craft 3. The portion owned by Starlight is used for Buoy Beer's overflow parking and the portion owned by Craft 3 is used for condominium parking. Those properties do not affect this application, but the owners did give him permission to share a drive lane in exchange for access to another parking area during off hours. His lease with Fresenius requires parking be available 24 hours a day, seven days a week. However, based on their current load, there could be some situations that allow them to share parking with other users.

Commissioner Mitchell asked for clarification about parking. She understood the Applicant was required to have eight parking spaces for the viewing tower at 6<sup>th</sup> Street, but she did not see this on the map. Mr. Trabucco showed the location of the eight parking spaces on the map.

Commissioner Mitchell said they were far from the viewing tower and it would not occur to most people that they could park in that area. The current parking was closer. Mr. Trabucco believed the right signage would ensure people understood where to park. He would like to see all eight parking spaces together. Four of the spaces belong to Andrew Bornstein and it is possible that people going to Buoy Beer would park in those spaces, which they are entitled to do because those spaces are for Riverwalk access as well as the tower. Fresenius needs parking as close to the facility as possible.



Commissioner Mitchell stated tourists would not know that parking was available. Mr. Trabucco said he would make sure there was good signage. He gave up 900 square feet to accommodate the bridge end project, so there is no other way to pull this off while still allowing the 3 by 8 foot parcel for the 6<sup>th</sup> Street bridge end. Because of the construction timetable, an 11 by 25 foot maneuvering space is needed. One piece of the property is locked in and no building can be constructed on it unless they build around it, but that would not accommodate the standard off the shelf floor plan. They could have taken the building to within three feet of the sidewalk and still achieved the required landscaping coverage. Part of the space will likely be used to satisfy the Historic Landmarks Commission's requirements, but there is ample room to beautify the extra space. It is possible to push everything down and create public parking spaces.

Commissioner Mitchell appreciated that the existing trees would remain.

Commissioner Herman asked what guarantees Mr. Trabucco had that the four parking spots owned by Mr. Bornstein would be accessible to the public and that people would not be towed. Mr. Trabucco said Mr. Bornstein's parking was open to the public. The only part of the entire block where cars would be towed is where signs say parking is reserved. All of the parking in the north quadrant is unmarked.

Commissioner Cameron-Lattek stated 18-wheeled trucks are not supposed to cross the railroad tracks. On the drawing, it looks as if the trucks would back over the tracks. Mr. Trabucco explained that he went through several discussions about this, which led to moving the building south. Trucks cannot maneuver backwards over the tracks, but they can nose in, back out, and then go across the tracks. Trucks can cross the tracks, but they cannot maneuver on the tracks. So, trucks will not back in off of the Riverwalk.

President Easom 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 Code number changes were just numerical errors, but the text in the Staff report was from the appropriate Codes. She would send clarification about maneuvering because trucks are allowed to cross the tracks, but not back up over the tracks. She would confirm with the City Attorney that the original agreement for the eight parking spots are split four and four. The parking is not marked well, so it will be nice that in the future they will be clearly delineated for public access to the Riverwalk.

Mr. Trabucco said at the time the parking restriction was added, he owned the entire north half of the block. The sale of the northeast quarter included a signed agreement, which Staff has, indicating four parking spots would be for public use.

Planner Ferber stated Staff needed to confirm that before delineating those parking spots.

Mr. Trabucco added that it would be no problem for the Commission to require as a condition of approval that Fresenius to assign those four spots to public use.

Planner Ferber stated that was one of her recommendations. Also, any tree trimming or removal on City property would have to be approved by City Council.

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

Vice President Fitzpatrick stated he had several questions in the beginning, but they were all answered by the Applicant. A conditional use permit is allowed when another location cannot be found and the Applicant considered 20+ other available spots. He was concerned about housing, but understood it would not be compatible with a dialysis center. His questions have been answered to his satisfaction.

Commissioner Moore said he was concerned because the S2-A zone is intended to provide mixed-use tourist oriented development. A dialysis center is needed. While the availability of other sites gives the Commission a reason to deny this application, the unavailability of other sites does not guarantee approval. The dialysis center is a destination site, so no matter where it is located, their clients will go to it. Siting a non-tourist establishment in a tourist zone is a problem because there are so few places to develop. This lot is vacant and can be developed. The lot is in a tourist oriented and pedestrian oriented zone and the City might want to have a tourist-oriented development on the lot. He understood that a professional service was a conditional use for the site, but he read



the Code as saying a professional service that might have some tourist availability. He was not entirely against the application, but wanted to clearly state that this is a zone intended for tourism and Astoria has very few places to develop for tourism. He cannot consider whether or not a better location exists in the area as a reason to approve the application. He was leaning towards declining the request because it does not seem like the right use for a tourist zone.

Commissioner Cameron-Lattek said she shared many of Commissioner Moore's concerns. She questioned whether the Commission had a good enough economic reason to approve a conditional use for something that is clearly not tourist oriented. This will not add more jobs, but it could fulfill some important practical functions for populations that need these medical services. The area needs to be active and engaging for pedestrians, but the building would have a loading zone facing the Riverwalk. She had concerns and was not completely convinced.

Commissioner Herman stated she was sensitive to the need for such a facility, but was concerned about siting it in the Shoreland zone for the same reasons Commissioner Moore stated, especially since there are so few sites like this one left in Astoria along the waterfront. The loading zone would front the Riverwalk and this area is intended to be pedestrian friendly. Therefore, she did not believe this site was the best for such a facility.

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. And tourism is great, but residences still need essential services. The Commission needs to balance what the Code says with uses that provide benefits to residents.

Commissioner Henri stated that a vacant lot would be redeveloped and she appreciated what the Applicant said about landscaping. This would definitely improve the look of the area. If the Commission denied the Application, there is no way to know how long it would be before another proposal was put in front of them or what it would be. The next proposal could be for a Kentucky Fried Chicken. She was dissatisfied with the loading zone, but did not believe there was another reasonable configuration. She was not satisfied with the public parking. While signage provides benefits, the parking situation would not be intuitive. She doubted the location of the parking spaces would serve tourism. Her main concern was that the use is not tourist oriented, so the City would be giving up a pretty good waterfront parcel with an awesome view for a non-tourism oriented facility.

President Easom said he was leaning towards approving the application. The property has been vacant for 10 years and there's never been a building on the site. The property was a parking lot for Bumblebee Seafood. When #10 6th Street was there, many businesses of this type were housed on the waterfront. The City does not have developers beating down their doors for tourist-oriented areas and this would provide a service that is definitely needed in the community. The public parking has always been on the south side of this property and was marked at one time. So, he had no problems with the location of the public parking.

Vice President Fitzpatrick added that he shared the concern about putting a professional medical office in a tourist-oriented zone. However, he agreed with Commissioner Herman and President Easom. Part of Astoria's appeal is that it is a working town. There are several businesses with loading zones along the water and tourists will stop to watch the trucks as they back in to those loading zones. He did not believe this was a reason to deny the application. Patients appreciate having a dialysis facility in Astoria and he agreed this clinic would benefit Astorians. Therefore, he was in favor of approving the application.

Mr. Trabucco requested that the public hearing be re-opened.

President Easom reopened the public hearing.

Mr. Beatty stated another reason the clinic would like to expand is because they received 66 visitors in the last summer months. If they are unable to expand, the clinic will have to turn some of those visitors away because they just do not have the room. He understood the focus was on tourism, but they believed the clinic helped with tourism a little bit by providing a service for the visitors. They also provide dialysis to cruise ship visitors. Last summer was the clinic's best summer and they predict more visitors in the future. He confirmed visitors were not patients.

Mr. Trabucco added that in the last seven years, he had not received one inquiry relative to the site having to do with any tourist-oriented use. All of the inquiries have been from financial services or medical services. He had



some very exciting plans around the corner that would continue to expand tourist oriented uses that would create more parking problems. He feared the Arby's on the south side because he would no longer be able to control it. He also feared the city would end up with a strip mall with T-mobile and Verizon that speak to the tourist-oriented retail because people can walk to them from the Riverwalk. The proposed building will be handsome. He understood that this Commission was not the Historic Landmarks Commission. The intent is a nod to number 10 with shiplap siding that looked exactly the same as the reveals on number 10. The windows would be wooden and the columns would be a nod to Fisher Brothers, which is a concrete building, and a reflection of the nice job done on the cancer center. The loading truck will be on site once a week and will rarely be a 53-foot truck. He has more 53-foot trucks coming into the site now because they are parking to go to McDonalds. The trucks stay on site over night because there's no place for the 53-foot trucks to park. He has not let the Commission down in terms of addressing old buildings in any construction he's been involved in. He hoped the Commission would give him an opportunity to build another building.

Commissioner Herman asked for clarification about the Commission's ability to require landscaping features. Planner Ferber explained that the Planning Commission has the option to require additional parking and landscaping for all conditional use permits. In this case, because the lot is a hard surface parking lot, a planter box might be a nice addition depending on the final landscaping plan. The Commission is welcome to add additional conditions or recommendations.

Commissioner Herman said she understood the site was still in flux and the layout was not yet final. Some furnishing by the public parking spaces might help with wayfinding. Mr. Trabucco explained that several of the parking spots immediately adjacent to the Riverwalk could be made available to the public in exchange for some of the Buoy Beer employee parking spots that are located elsewhere on the lot.

President Easom closed the public hearing.

Commissioner Moore believed it was important for the Commission to realize they should not consider proposals that do not exist. The Commission only needs to worry about what is currently in front of them. He continued to have reservations about the zoning, which exists for tourism. However, he was intrigued that tourists who come to Astoria may benefit from the proposed use. Weighing the potential economic value this project could provide against any economic value lost by not developing a tourist-oriented section of the city toward tourism is important. He was still on the fence and the Commission seemed all over the place.

Commissioner Herman added that the site is at the very corner of the S2-A zone.

Commissioner Cameron-Lattek said the corner was not the most beautiful area of the S2-A zone and the proposal would result in a visually appealing development. The tourism industry does not really need a lot of help right now in terms of economic development support. As part of Advance Astoria, the City has stated it wants to put more energy behind the healthcare industry and support family wage jobs and services for local Astorians. Those considerations make her feel comfortable with a proposal like this one.

President Easom said the 66 visitors came with other people. And it is possible that they came to Astoria because the city had the clinic.

Commissioner Moore agreed with Vice President Fitzpatrick that a loading zone on the Riverwalk did not turn him off to the plan. However, he was uncomfortable with semis driving across the Riverwalk. He was led to believe by the Staff report that driving across the Riverwalk was not allowed. He wanted to ensure that the loading zone conformed to all of Public Works and Engineering requirements and meets all of the Codes.

Commissioner Cameron-Lattek stated Condition of Approval 12 requires the updated landscaping plan to include a buffer between every 20 parking spaces. She believed the buffer should be between every 10 parking spaces. Planner Ferber explained that a landscaping buffer was required for every 10 parking spaces if the lot contains 20 parking spaces or more. She agreed the condition was poorly worded.

Commissioner Mitchell said making a motion was complicated because there is a list of recommendations that were not complete at the time the Staff report was written. She asked Staff to list which recommendations needed to be included in motion.



Commissioner Henri stated that some of the items would have to be handled.

Planner Ferber explained that things like parking and off-site maneuvering would be reviewed by Public Works when a building permit is submitted, so the findings in this Staff report are just to get through the conditional use permitting process. All access, maneuvering, storm water management, and landscaping issues would have to be addressed before a building permit would be granted. Other aspects of the project might be reviewed by the HLC as well. However, the Commission is welcome to add, delete, or reword the findings for the conditional use permit.

Commissioner Mitchell said she understood.

Vice President Fitzpatrick moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU17-13 by Chester Trabucco; seconded by Commissioner Mitchell. Motion passed 6 to 1. Ayes: President Easom, Vice President Fitzpatrick, Commissioners Moore Henri, Cameron-Lattek, and Mitchell. Nays: Commissioner Herman.

Vice President Fitzpatrick confirmed the roof would be a parapet roof.

Commissioner Moore thanked the Commission for a vibrant discussion. His opinion was swayed by feedback from fellow Commissioners.

President Easom read the rules of appeal into the record.

President Easom called for a recess at 8:01 pm and reconvened the meeting at 8:08 pm.

#### ITEM 4(b):

CU17-14                      Conditional Use CU17-14 by Stephan Eiter, WWHJ Holdings, LLC to locate light manufacturing in approximately 1,000 square feet of an existing vacant building at 1010 Duane St. 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.

Commissioner Moore declared that he met with some of the principal makers a few months ago to discuss an unrelated business matter. This would not affect his ability to decide the application on its merits.

Vice President Fitzpatrick declared that one of the principals is a tenant at a residential property that he owns. He has spoken with several of the maker space members for quite a while, working to see if the Armory would be a suitable location. He noted he served on the board of the Astoria Armory. He encouraged the members to pursue the business. Several years ago, he and the City Manager went to Portland to see how maker spaces worked in Portland and consider whether something like that would be feasible in Astoria. He believed he could be impartial on this application, but would be happy to recuse himself if the Commission preferred.

President Easom confirmed he had no issues with Vice President Fitzpatrick's ex parte contacts. He declared that he had discussed the maker space with the Applicants when they were considering another building. One of the Applicants is a tenant in a building he manages. One of his agents was their representative in purchasing this building. However, he believed he could be impartial to the application.

Commissioner Mitchell declared that she served on the board of the Harbor.

President Easom asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. She noted the Staff report would be corrected to state the space was 10,000 square feet, not 1,000 square feet. Last week, the HLC approved the Applicants exterior alteration request to install a garage door. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.



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

Steff Eiter, 1684 Franklin Ave., Astoria, said the main use of the building would be for a maker's space, which is a creative place for artists, technicians, or whoever to come to a facility that houses machines, offers classes, and collaborative working spaces. The maker's space allows members to create things they could not make in their home or garage. The building will have a variety of machines that would be cost prohibitive for most people, like laser cutters, three-dimensional makers, and routers. Half of the first floor contains Frank's Barber Shop, which will be a tenant for life. The other half of the first floor and the basement will be the maker space. The second floor will have a community room and studio art spaces that will be rented out. Artists who rent studio space will be able to use the maker space. He wanted the building to be a hub of activity and creativity. That section of Duane Street is quiet. He had considered spaces near the Reach Break triangle, but they were all cost prohibitive. So he was happy to learn of the Harbor building before it went on sale. He has purchased the building and is now trying to move forward with the maker space. The classes will be educational and the second floor will be used for public events. A retail space will allow people who create stuff in the maker space to sell items during the Second Saturday Art Walk. A gallery space will allow people to put their items on exhibit.

Glen Herman, 1432 Franklin Ave., Number 5, Astoria, said the business has enormous opportunities to partner with the public library, Clatsop Community College, high schools, and many other organizations in the area.

Mr. Eiter understood parking was always a concern and the Staff report indicated there were a couple of other issues. So, he was happy to answer any questions.

Commissioner Henri asked if the Applicants were still doing tiny houses and if they were part of this Application.

Mr. Eiter said small houses were part of the umbrella company. Small houses would not be built in the maker space. The company helps developers come up with plans and designs. Maker's spaces allow people to create things that were traditionally built behind closed doors and help people help themselves. Instead of having a factory in town that does all of these products and everyone works at, the maker space allows many people in many towns to create all parts of things and bring them together to get processed or sent out. The business will help people learn how to make stuff and work with business models.

Commissioner Moore asked how many full time equivalent staff would be on site and how many members were expected on the property.

Mr. Eiter said currently, the business currently has five full time employees who all live within blocks of the building and would likely walk to work. They are planning for 60 members and expect 10 to 12 people in the shop at any one time. He has already discussed parking with the City. The business would rent parking space by the Charter building. Planner Ferber has pointed out a couple other lots. The private lot directly across the street and the lot with the food carts could be considered for parking. Theoretically, he would have no more than five businesses in the same building. He would like to find five to eight parking spots and increase the parking as needed. When the residences are complete in the Merwyn, more parking will be needed in the area. As his company grows, parking could be added. He has already located seven parking spots that the City says are vacant. So, if the maker space needs those spaces, they can get them.

Commissioner Herman asked what products the Applicants were making for the Cannery Pier Hotel and other businesses. Mr. Eiter said they made all of the bed frames for the Cannery Pier Hotel. They are also working on projects for Fort George, Buoy Beer, and Cider Works.

Commissioner Herman said she believed cyclists would ride bikes to the business. She asked what size the bike racks would be. Mr. Eiter said he was not sure if the green poles were considered bike racks or bike locks. Planner Ferber explained that the City had a couple of bike lockers, which are all currently being utilized. The standard is a circular green rack like the one outside City Hall. The City recommends these racks because maintain consistency in town. However, if the Applicant wanted to manufacture a unique bike rack they could, but, it might count as signage or advertising. The main requirements for bike racks is that they must be permanently bolted to the ground. The bike lockers each hold two bikes.



Mr. Eiter said the property had 94 feet of lineal footage on the front of the building and 45 feet on the barber shop side of the building. He would be happy to install some of the green posts. He would rather have people bike to the building regardless of the rain. He is part of the historic preservation program at the college and would be willing to create something if the HLC would allow it. Keeping things consistent and in line with the look and feel is important. He has been striving to make the building look better.

Commissioner Mitchell asked if the maker's space would have a kiln. Mr. Eiter said yes, the basement will include a full ceramic studio. They have received a lot of input from the community and have tried to incorporate what people want as much as possible.

Planner Ferber asked if the garbage enclosure would be within the existing footprint. Mr. Eiter explained that for now, the garbage would be kept inside. The barber shop takes care of their own garbage, which is very little. About 40 trash cans came with the building when it was purchased and he needed to talk to Recology about how they pick up trash. Most of their waste would be small scraps of wood, which can be maintained inside.

Mr. Herman added that the building's footprint covers the entire property. Therefore, a lot of reuse and recycling would be done. The garbage would be kept inside the building until trash day.

Mr. Eiter said they could also take the trash to Recology instead of waiting for it to be picked up. They might also consider leasing lot space.

President Easom 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 Fitzpatrick said he liked the application and the idea of having a maker space downtown. Downtown seemed to be a more favorable location than at the Astoria Armory. One of the recommendations was that the Planning Commission determine the number of parking spaces required to protect the interests of the surrounding properties and city as a whole. He was not sure what that number should be. Most of the people who use the maker space in Portland ride bicycles or walk. He believed that once the Waldorf was restored there would be many pedestrians walking back and forth across the street. He was in favor of the application.

Commissioner Cameron-Latteck stated she was in favor of the application and believed four to eight parking spaces would be fine. Parking needs would increase with housing right across the street and people would come to Astoria from out of town to attend events at the maker space.

Commissioner Herman said she was excited about the proposal and the creative energy being put into the building. She was glad the Applicants were renovating an existing building that has not looked great for a number of years. Her only concern was parking because the Merwyn would be developed in a couple of years. She was in favor of requiring some parking spaces.

Commissioner Moore stated he was strongly in favor of this application and definitely believed the Commission should require some parking. The Merwyn will utilize all of the parking in the area, so the Applicant and the downtown area are better off with the maker space having parking from the start. He recommended at least four parking spaces.

Commissioner Mitchell said her only concern was parking as well. She was delighted about the project, but wanted to know if there were any available parking spots in the below grade parking lot. Parking probably would not be an issue for the first year, but possibly by the third year. She preferred to allow the Applicants to add parking as the business grows but was not sure if that would be possible.

Commissioner Henri stated she was in favor of the application. The maker space would be an incredible asset to the community. She believed parking would only be an issue during the tourist season because tourism relies on people who drive to Astoria.

President Easom said he was in favor of the application without parking requirements.



Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU17-14 by Stephan Eiter, WWHJ Holdings, LLC, with the following additional condition of approval:

- Four parking spaces are required.

Seconded by Commissioner Cameron-Lattek.

Vice President Fitzpatrick asked if the parking could be reviewed by the City annually. Planner Ferber said she would ask the City Attorney. Only temporary conditional use permits are reviewed annually. She recommended if requiring parking, the Commission stipulate that a certain number of parking spaces were required within the next five years.

Commissioner Cameron-Lattek believed four spaces in the first year was more than necessary.

Commissioner Herman stated four spaces sounded good, but she would also support a first year review to make sure there was enough parking space. The Merwyn would be renovated in two or three years and hopefully the maker's space would have a better sense of how much parking they would need.

Planner Ferber suggested the option of amending the permit after it is approved. If the Commission approved this permit without parking requirements or with a specific number of parking spaces required, an amendment could require a one-year review.

Commissioner Mitchell asked if requiring eight parking spaces within two or three years would be more appropriate, considering the Merwyn's timeframe. Planner Ferber said that would be up to the Commission, but it is an option. The City cannot project what will or will not happen with the Merwyn, but Article 11 requires the Commission to consider this project's overall impact to the area as a whole, which is in an area being revitalized. Vice President Fitzpatrick stated he would be in favor of four spaces initially, but was concerned about the parking situation three to five years from now.

Commissioner Herman asked if the City required Fort George to have parking. Planner Ferber explained the City does not require parking for Fort George because they are in a C-4 zone. However, they do have a small private parking lot on the north side of Duane Street, and parking at the back of their building, by Fernhill Glass.

Commissioner Mitchell added that Fort George has 90 employees. Planner Ferber noted that Fort George also has a unique bike program that incentivizes their employees to bike to work.

President Easom reopened the public hearing.

Mr. Eiter said he would be happy to keep the City informed about how their membership increases over time. The maker's space will not be open for another six months, so four parking spaces are not an immediate need. He suggested X number of parking spaces per X number of members.

President Easom closed the public hearing.

Commissioner Moore amended his motion that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU17-14 by Stephan Eiter, WWHJ Holdings, LLC, with the following additional condition of approval:

- Four parking spaces shall be acquired within two years

Seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

President Easom read the rules of appeal into the record.

#### ITEM 4(c):

V17-02

Sign Variance V17-02 by Stephan Eiter, WWHJ Holdings, LLC from a maximum of 15 square feet projecting sign to install a 36 square foot sign on the SW corner of the building, and from the maximum of 64 feet allowed at the site to 74.5 feet for wall signage at 1010 Duane St. 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.

Commissioner Moore declared that he met with the principles of the maker's space earlier in the year on an unrelated business matter, but this would not affect his ability to be objective.

Vice President Fitzpatrick declared that one of the principles is a tenant in a residential building he owns. He believed he could be impartial.

President Easom declared he had dealt with the Applicant on various business matters and with regard to a maker space, but this would affect his vote.

President Easom 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.

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

Mr. Eiter, 1684 Franklin Ave., Astoria, stated he wanted to replicate what the original Van Dusen building had on it. Historically, the building had signs on the Duane Street side and above what is now the parking lot for the Hildebrand building. Two of his signs would look similar to the sign on the Elliott Hotel. The projection sign would be reminiscent of the sign on the old drug store that was located in the corner of the building when it was first built. The sign would be similar to but of a smaller scale than the sign on the Liberty. He was happy to work with Planner Ferber on the designs. He was still trying to figure out how to illuminate the signs and the City has stipulations about down lighting and blinking lights. The signs would not be neon, but would have bulbs like the Liberty. He would build the signs and his contractor would build the frames and wall attachments, which would be made of steel. He shared a photograph of a sign and made copies available to Staff.

President Easom 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 stated photographic evidence of a historic projecting sign at the site confirms that this proposal meets the criteria. Projecting signs are common downtown on the corners. She was confident about recommending approval.

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

Vice President Fitzpatrick said he did not disclose ex parte contact with the Applicant because he did not have any. However, he did have ex parte contact when his wife looked over his shoulder at a photograph and said, "Oooh, that's cool." From his front windows, he has a direct line of vision of the upper half of the building and will be able to see the sign from his home. He liked that the signs would be similar to the historic signs. He appreciated what the Applicants had done with the front of the building and it is great to see the building cleaned up. He would love to see the signs and was in favor of the request.

Commissioner Mitchells and Henri agreed with Vice President Fitzpatrick.

Commissioner Cameron-Lattek believed the signs were consistent with the size and style of the building.

Commissioner Herman said she loved the signs.

Commissioner Moore stated he had no objections.

President Easom said he was in favor of the request.



Commissioner Mitchell moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Sign Variance V17-02 by Stephan Eiter, WWHJ Holdings, LLC; seconded by Commissioner Henri. Motion passed unanimously.

President Easom read the rules of appeal into the record.

Vice President Fitzpatrick asked if the Applicant had repaired the roof leaks.

Mr. Eiter said the roof was patched on the Tuesday before it started to pour.

#### REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Moore explained that during discussions on the Astoria Warming Center he was troubled that the Development Code did not contain any language regarding the types of services provided by the warming center. He made hand outs available at the dais of draft Code language that he wrote defining an emergency warming center, sets specific conditional uses for an emergency warming center, and specifies zones he believed were appropriate for such a facility. He recommended the Commission discuss this in a work session and have Staff ensure that any of the Commission's recommendations are legal. He suggested the Commission make a recommendation that City Council adopt something similar to his draft. The new Code language would give the Commission direction on where it would be appropriate to locate a shelter and codify any commitment that a shelter presented to the Commission. Holding the warming center accountable to its commitment to the City would make the center operate better and make it more appropriate in its location.

President Easom said he believed Astoria needed Code language regarding warming centers.

Commission Action: Commissioner Moore moved that the Astoria Planning Commission direct Staff to review the draft Code language on emergency warming centers and schedule a work session to discuss Code amendments.

Commissioner Mitchell asked if the draft was equivalent to the commitment made by the existing warming center.

Commissioner Moore said every part of his draft could be rewritten at the work session. He used language from the existing commitment and other emergency shelter agreements.

Commissioner Mitchell stated she attended a training session at the warming center, which now has paid staff paired with volunteers at the facility every night they are open. They are taking the commitment seriously and reinforce their rules with the guests.

Motion seconded by Commissioner Henri.

Planner Ferber confirmed she was unable to guarantee a timeline for this project because of Staff's current work load and efforts to hire a new Director.

Motion passed unanimously.

Commissioner Mitchell recommended 20 minutes 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~~. She made handouts available listing some suggested topics.

Commissioners and Staff shared their support and discussed the best way to schedule and conduct the sessions. They also discussed which topics would be best. All agreed that the Commission should wait for a new Director to be hired, given Staff's current work load.

STAFF UPDATES: There were none.

#### MISCELLANEOUS:



### **Item 7(a): Welcome Joan Herman to the Astoria Planning Commission**

No discussion.

### **Item 7(b): Review Meeting Schedule Changes for December and January**

Planner Ferber updated the Commission on the following:

- The December meeting has been canceled, as there was nothing on the agenda.
- Special Planning Commission Meeting - second week of January
- Regular Planning Commission Meeting - January 23, 2018
- New Commissioner Training – January 20, 2018
- Boards and Commission Reception – December 18, 2017

#### PUBLIC COMMENTS:

Rick Culver, 3506 Harrison, Astoria, said his first issue was that the Astoria Planning Commission allowed the rezoning of a lot across the street from his house. Several years ago, the same person tried to readjust his lot lines to divide his property, but the Planning Commission denied his request. He and his neighbors received a letter and addressed the lack of off-street parking during the public hearing. Some of the properties were sold over the summer. The rezoning and lot line adjustments separated the garage from the house and the house no longer has off-street parking. Parking will be in front of his and a neighbor's house. The intersection of 35<sup>th</sup> and Harrison is dangerous and serves as a main route to Irving. There is a lot of traffic and tourism in the neighborhood now because of the movie houses, vacation homes, and short-term rentals. He did not know what the process was, but he never received another letter prior to the Commission approving the adjustment. He planned to go to Planner Ferber's office the next day to see exactly how the lot was divided and where the division was located. He asked if the City only sent one letter and if he was expected to attend every Planning Commission meeting to see if the issue was brought up again.

President Easom stated he could not recall this hearing, noting that he had been on the Commission for ~~two~~ three plus years. Mr. Culver said the hearing occurred within the last five years.

President Easom asked if the hearing was on a lot line adjustment. Mr. Culver stated he was not sure, but the property owner had to get a variance to readjust the lot lines and separate the garage from the house. He had been working out of town and this was the first opportunity he had to come to a meeting and ask about the process. His neighbor, John Jensen, recently came to the City and was told that nothing could be done about this. The Planning Commission created this mess by granting a variance or a lot line adjustment.

Planner Ferber said she was not familiar with the property. A zone change would be unusual. Mr. Culver stated the address was 822 and 824 35<sup>th</sup> Street. Planner Ferber said she would be happy to research and discuss the situation with Mr. Culver and suggested he set up an appointment.

Mr. Culver added that a new water meter was recently installed on the property directly across from his driveway. His side of the street would be affected by parking. An excavator was just moved on to the vacant lot. He needs to see how this situation was set up. His sidewalk is part of the landslide issues in east Astoria and is in poor shape. Construction equipment will be parking on the sidewalk and it will deteriorate more and more. He is responsible for the sidewalk in front of his house. He anticipates future parking issues coming up quick. He looked at the grading permits and no erosion controls have been set up yet. He did not know if that would be done before the excavating starts. He has already had to go over and clean out the storm sewer. There will be a lot of sediment going into the sewer from this construction, which he would address with the City as well.

Commissioner Henri said Mr. Culver could also call the Department of Environmental Quality (DEQ) if erosion control measures are not set up prior to breaking ground.

Mr. Culver said multiple lines in the area had been broken from land movement over the last several years. Some of the homes recently sold needed the sewer lines to the houses replaced. His house has slight land movement as well. He added that the flyers available in the kiosk at City Hall state that vacation rentals are only allowed in commercial zones. He has spoken at meetings about his residential neighborhood, which has several vacation homes. He knew the Planning Commission made the rules, but wanted to know who enforced the rules.



President Easom explained that Staff has been working on enforcement.

Planner Ferber reiterated that she was happy to talk with Mr. Culver about the difference between vacation rentals and short-term rentals, as well as code enforcement on specific properties.

Mr. Culver said the properties were not occupied all the time. People come and go and different people are there quite often. Astoria does not have enough volunteers because people do not live here anymore. He confirmed he would talk to the Planning Office in the morning.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 9:21 pm.

**APPROVED:**

  
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City Planner