

**A G E N D A**  
**ASTORIA PLANNING COMMISSION**

***Astoria City Hall Council Chambers, 1095 Duane Street, Astoria***

**Tuesday, April 23, 2013**

*Immediately Following the Traffic Safety Committee Meeting at 7:00 p.m.*

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a. March 26, 2013
4. PUBLIC HEARINGS
  - a. Conditional Use CU13-01 by Larry Cary to locate an eating and drinking establishment, indoor entertainment, and tourist-oriented retail sales in conjunction with a distillery in an existing commercial building at 80 11th in the A-2, Aquatic Two Development zone. The applicant has withdrawn the request.
  - b. Amendment A13-01 by Rising Tide Enterprises LLC to amend the Astoria Land Use and Zoning Map to rezone an area at 1585 Exchange, 539 - 16th Street and a vacant lot on 16th Street from C-3 (General Commercial) to R-3 (High Density Residential) zone. The Planning Commission's recommendation will be forwarded to the City Council for a public hearing tentatively scheduled for May 20, 2013 at 7:00 p.m. in the City Hall Council Chambers at 1095 Duane Street. Staff recommends that the Planning Commission recommend adoption of the amendment with conditions.
  - c. Amendment A13-02 by Cannery Loft Holdings, LLC to amend the Astoria Land Use and Zoning Map to rezone a vacant parcel from GI, General Industrial to S-2A, Tourist-Oriented Shoreland, at 4050 Abbey Lane. The Planning Commission's recommendation will be forwarded to the City Council for a public hearing tentatively scheduled for May 20, 2013 at 7:00 p.m. in the City Hall Council Chambers at 1095 Duane Street. Staff recommends that the Planning Commission recommend adoption of the amendment.
  - d. Conditional Use CU13-02 by 210 Developers, LLC to locate a multi-family dwelling, professional office, and non-tourist oriented retail sales in a future structure at 4050 Abbey Lane in the S-2A, Tourist-Oriented Shoreland Zone. This request is being processed concurrently with Amendment Request A13-02 and is contingent upon approval of that requested amendment. Staff recommends approval of the request with conditions.
5. REPORT OF OFFICERS
6. STATUS REPORTS

Planner Johnson has included status report photographs of the following: V12-08 for 1400 W. Marine Drive. The project(s) is complete and conditions have been met. This status report is for Commission information.
7. ADJOURNMENT

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

March 26, 2013

### CALL TO ORDER:

President Innes called the meeting to order at 7:37 p.m.

### ROLL CALL:

Commissioners Present: President McLaren Innes, Vice-President Mark Cary, Thor Norgaard, David Pearson, and Zetty Nemlowill

Commissioners Excused: Al Tollefson and Annie Oliver.

Staff Present: Community Development Director / Assistant City Manager Brett Estes, Planner Rosemary Johnson, City Attorney Blair Henningsgaard

### APPROVAL OF MINUTES:

Item 3(a): January 22, 2013 APC/Council Work Session

Item 3(b): January 22, 2013 APC

President Innes noted that on Page 3 of the APC/Council Work Session minutes, the name Pamela Mass McDonald should be changed to Pamela Mattson-McDonald.

Commissioner Nemlowill moved to approve the minutes of the January 22, 2013 APC/City Council Work Session as corrected, and the APC meetings as presented; seconded by Vice-President Cary Motion passed unanimously.

### PUBLIC HEARINGS:

President Innes 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):

CU 13-01 Conditional Use CU 13-01 by Larry Cary to locate an eating and drinking establishment, indoor entertainment, and tourist-oriented retail sales in conjunction with a distillery in an existing commercial building at 80 11th in the A-2, Aquatic Two Development zone. The applicant requests that this issue be continued to the April 23, 2013 Planning Commission meeting.

President Innes opened the public hearing for CU 13-01.

Vice-President Cary moved to continue Conditional Use CU 13-01 by Larry Cary to the April 23, 2013 Planning Commission meeting; seconded by Commissioner Norgaard. Motion passed unanimously.

### ITEM 4(b):

V13-02 Variance V13-02 by Stephen and Karen Allen for the Wet Dog Cafe and Brewery from the maximum 15 square feet for a projecting sign to install an approximate 49 square foot projecting sign and a variance from the maximum 65 square foot signage for the entire site to install approximately 150 square feet of signage on the north and west elevations of an existing commercial building at 144 11th Street in the S- 2A, Tourist Oriented Shorelands zone. This item was continued from the February 19, 2013 meeting.

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

Commissioner Norgaard stated his wife is employed by the Wet Dog Brewery. City Attorney Henningsgaard confirmed that this constitutes a conflict of interest. Commissioner Norgaard stepped down from the dais.

Commissioner Nemlowill stated she had a conflict of interest in ownership of a brewpub in town. City Attorney Henningsgaard noted this does not constitute an actual conflict of interest; however, Commissioner Nemlowill stated she would be stepping down from the dais. Planner Johnson asked if Commissioner Nemlowill could still vote, but abstain so the application would not be delayed another month. City Attorney Henningsgaard believed four positive votes were necessary to approve an application. Planner Johnson stated on a quorum vote, a majority of the quorum is required, adding that a specific City Code was written regarding the voting requirements.

City Attorney Henningsgaard and Planner Johnson reviewed the City Code and discussed the proper procedure that would be needed to proceed with the application.

Commissioner Nemlowill confirmed that she did not vote on a Fort George Brewery application and stated that a direct conflict of interest exists because of money and that both she and Commissioner Norgaard should step down.

Commissioner Nemlowill recalled that this same issue occurred last month and City Attorney Henningsgaard advised that she could abstain from the conversation and voting, so the quorum requirements would still be met. However, City Attorney Henningsgaard later informed her that this was incorrect and the meeting was canceled. Planner Johnson understood Commissioner Nemlowill could remain at the dais but abstain from conversation and the vote and that would constitute a quorum. This was verified by City Attorney Henningsgaard.

Commissioner Nemlowill stated she would remain at the dais and abstain from the discussion and the vote. Vice-President Cary confirmed that an abstained vote is an automatic no vote. The Applicant could have made a decision about this issue if they were present.

President Innes called for the Staff report and recommendation.

Planner Johnson reviewed the written Staff report. Staff recommends approval of the request with no conditions. She noted the property currently has a signage variance of 100 square feet and this variance request will increase the signage beyond the current variance.

President Innes believed the awnings on the building would prohibit the ability to read the sign when approaching from 1<sup>st</sup> Street moving toward the river. Planner Johnson explained the sign would be placed at the top; Page 4 of the Staff report shows that the top of the sign will be at the parapet. The bottom portion of the sign that reads "Brewery" will be slightly blocked by the awnings when traveling down 11<sup>th</sup> Street. The awnings will not block the signage from other perspectives as shown on Page 5. The sign's placement is a decision to be made by the Applicant.

President Innes opened the public hearing and called for testimony from the Applicant. There was none. President Innes called for public testimony in favor of, impartial or opposed to the application. Hearing none, she confirmed there was no rebuttal, closed the public hearing, and called for Commissioner comments.

Vice-President Cary supported the variance and believes the Sign Code is a bit outdated. The sign would not be overbearing and would look good on the building.

Commissioner Pearson supported the variance as well. The application met all of the conditions that the Planning Commission had been asked to review. Other similar businesses, such as The Norblad, have signs of similar design.

Vice-President Cary moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V13-02 by Stephen and Karen Allen for the Wet Dog Cafe and Brewery, seconded by Commissioner Pearson. Motion passed 3 to 0 to 1 with Commissioner Nemlowill abstaining.

Planner Johnson noted that no one has standing to appeal, so President Innes can refrain from reading the rules of appeal into the record. Commissioner Norgaard returned to the dais at this time.

#### ITEM 4(c):

CU 10-03 Extension Request for Conditional Use CU10-03 by James J. Neikes to extend permit for one year, to May 4, 2014, to allow various potential uses within the existing structure at 1415 Olney Avenue in the S-2, General Development Shorelands zone. Staff recommends approval of the request with conditions.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report. Staff recommends approval of the request with conditions. No correspondence has been received.

President Innes noted that the summary at the end of the Staff report was well done.

President Innes opened the public hearing and called for testimony from the Applicant. There was none. President Innes called for public testimony in favor of, impartial or opposed to the application.

Drew Herzig, 628 Klaskanine Ave., spoke impartial to the application and asked if approval of the application could be used as evidence of ownership by Mr. Neikes in his legal dispute, resulting in the Planning Commission becoming involved in an ownership dispute because an extension was made to an individual. City Attorney Henningsgaard nodded his head no, indicating this will not have that effect.

There being no further testimony, President Innes confirmed there was no rebuttal, closed the public hearing, and called for Commissioner comments.

The Commissioners stated they support the extension of the permit.

Commissioner Norgaard moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve a one-year extension request of Conditional Use CU10-03 by James J. Neikes, seconded by Vice-President Cary. Motion passed unanimously.

President Innes read the rules of appeal into the record.

#### ITEM 4(d):

A 12-04 Amendment A 12-04 by the Community Development Director to adopt the Astoria Recreational Trails Master Plan by reference in Development Code Section 1.240 and to amend the Comprehensive Plan to implement recommendations from the Master Plan, City Wide. The Planning Commission's recommendation will be forwarded to the City Council for a public hearing tentatively scheduled for April 15, 2013 at 7:00p.m. in the City Hall Council Chambers at 1095 Duane Street.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report, noting Staff recommends approval of the request with conditions. Handouts were distributed to the Commission regarding grant sources and trail maintenance and development as well as additional items submitted by the intern to add to the Recreational Trails Master Plan. These items reference other documents. No correspondence has been received about the application for

tonight's meeting; however, all prior public input has been reflected in the Master Plan. Director Estes noted that National Park Service Intern Kristina Koenig met with the Planning Commission a couple times throughout the process to update the Commissioners on the progress of the Master Plan and to involve the Commission in the process. The same was done with the Parks Board.

President Innes said the updates were helpful and she was glad the Parks Board recommended approval of the Master Plan.

President Innes opened the public hearing and called for testimony from the Applicant. Director Estes clarified the Planning Commission would consider the Staff report as the Applicant's testimony.

President Innes called for public testimony in favor of, impartial, or opposed to the application. Hearing none, she confirmed there was no rebuttal, closed the public hearing, and called for Commissioner comments.

Commissioner Norgaard commended City Staff for their work on the report, noting the Master Plan has been years in the making. He attended many of the meetings and supports the plan.

Commissioner Nemlowill moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and recommend that City Council approve Amendment A12-04 and adopt the Astoria Recreational Trails Master Plan by reference in Development Code Section 1.240 and amend the Comprehensive Plan to implement recommendations from the Master Plan, City Wide; seconded by Commissioner Pearson. Motion passed unanimously.

Planner Johnson reminded the Planning Commission's recommendation would be forwarded to City Council for a public hearing tentatively scheduled for April 15, 2013 at 7:00 p.m. in City Council Chambers at Astoria City Hall.

REPORTS OF OFFICERS/COMMISSIONERS: No reports.

NEW BUSINESS: None

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:09 p.m.

**ATTEST:**

**APPROVED:**

Secretary

Community Development Director /  
Assistant City Manager

## FINDINGS OF FACT

April 10, 2013

TO: PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER



SUBJECT: AMENDMENT REQUEST (A13-01) BY RISING TIDE ENTERPRISES LLC TO THE LAND USE AND ZONING MAP TO REZONE AN AREA AT 15TH AND EXCHANGE STREETS FROM C-3 (GENERAL COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL)

### I. BACKGROUND SUMMARY

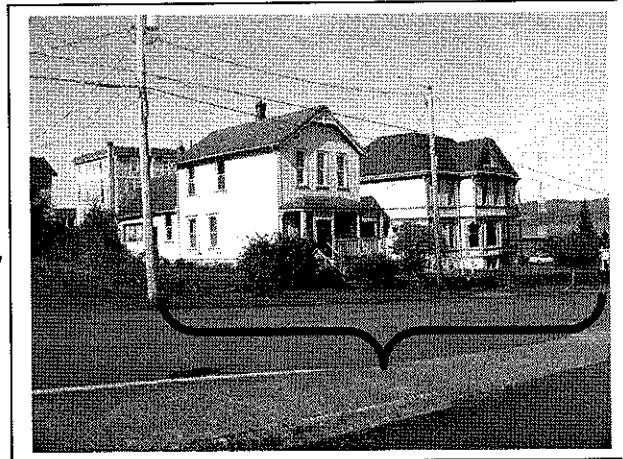
- A. Applicant: Robert Stang  
Rising Tide Enterprises LLC  
3834 Franklin Avenue  
Astoria OR 97103
- B. Owner: Rising Tide Enterprises LLC (1585 Exchange)  
3834 Franklin Avenue  
Astoria OR 97103
- Michael Petersen (539 16th Street)  
539 16th Street  
Astoria OR 97103
- Michael B Henderson (vacant lot on 16th)  
Emily P Henderson  
381 Bon Haven Road  
Maysville KY 41056-9772
- C. Request: Amend the Astoria Land Use and Zoning Map by rezoning Tax Lot 17900 at 1585 Exchange Street, Tax Lot 18000 at 539 16th Street, and Tax Lot 18100 a vacant lot on 16th Street from C-3 (General Commercial) to R-3 (High Density Residential)
- D. Location: 1585 Exchange Street; Map T8N-R9W Section 8DC, Tax Lot 17900; north 100' Lot 1 and east 15' of north 100' Lot 2, Block 114, Shively
- 539 16th Street; Map T8N-R9W Section 8DC, Tax Lot 18000; north 25' of south 50' Lots 1 & 2, Block 114, Shively

Vacant lot on west side of 500 block 16th Street; Map T8N-R9W  
Section 8DC, Tax Lot 18100; south 50' Lots 1 & 2, Block 114,  
Shively

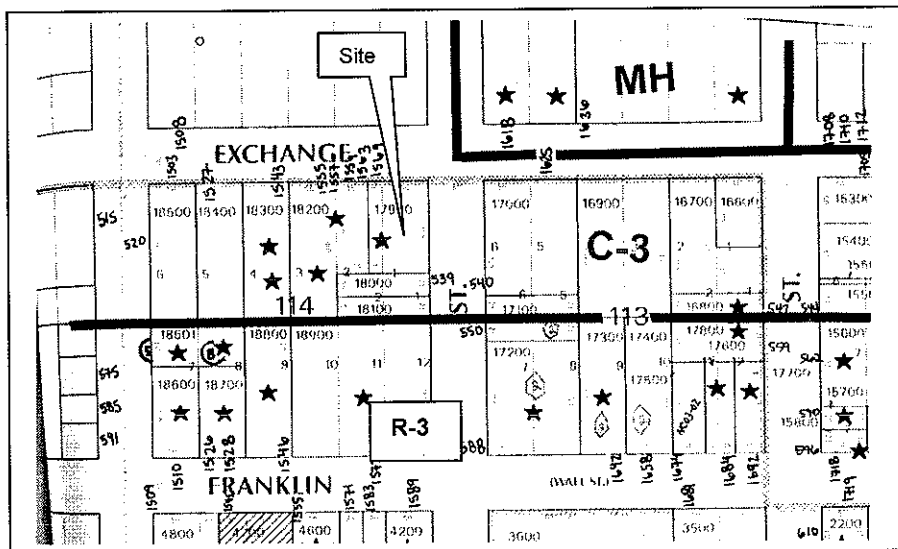
E. Zone: Current: C-3 (General Commercial)  
Proposed: R-3 (High Density Residential)

## II. BACKGROUND

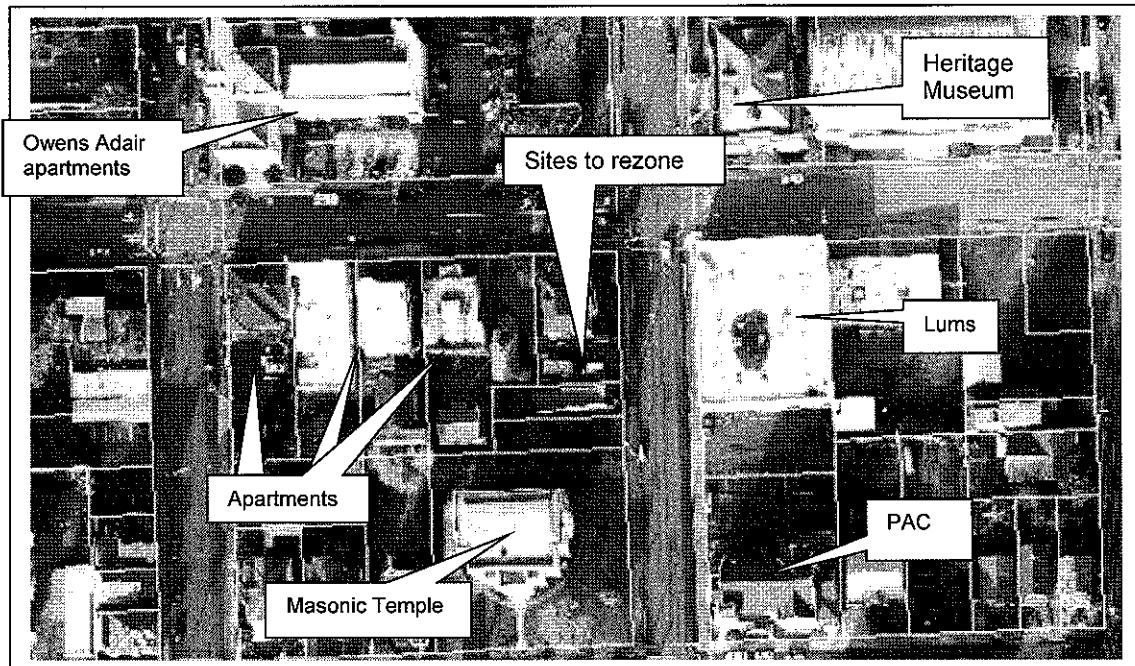
The property proposed for rezone is generally located on 16th and Exchange Streets between Exchange Street and Franklin Avenue. The property is sloped up from the north to south. The site has a vacant lot, and is developed with a single-family dwelling on 16th Street and a dwelling on Exchange Street that is a single-family dwelling but approved for use up to four units. The applicant owns the parcel located at 1585 Exchange which is designated as historic within the Downtown National Register Historic District (NRHD) and any new construction or exterior alterations would require historic design review by the Historic Landmarks Commission.



The site is located on the boundary of three zones and in the transition area between the residential and commercial development. The site is bounded on the north across the Exchange Street right-of-way by the C-3 and MH Zones with Owens Adair apartments and the Heritage Museum; to the south is the R-3 Zone and a mixture of single-family and multi-family dwellings neighborhood along with the Masonic Temple and Clatsop Community College Performing Arts Center; to the east is the C-3 Zone and former Lums Auto sales and service building; to the west is the C-3 Zone with multi-family apartment buildings.



The proposed R-3 Zone would extend into the C-3 Zone.



The site is situated in a transition area between the residentially and commercially developed areas and could be a cohesive part of either development area. Access to the sites would be from Exchange and 16th Streets.

The building at 1585 Exchange Street has gone through several different owners and uses over the last few years. It was a single-family dwelling for many years as a non-conforming, grandfathered use in the C-3 Zone. It was then converted to a restaurant/bakery on the ground floor with residence above. It sat vacant for several years and then a tattoo parlor located on the ground floor with residence above. Over the years, most of the inquiries for purchase of this property was for use as a single-family dwelling. However, since the building had been used commercially, it was no longer was "grandfathered" and therefore could not return to a single-family dwelling. While the site is close to downtown, it is not in the mainstream of downtown traffic and activity. The building was originally built as a dwelling, and is more conducive to that use rather than commercial use.

The building at 539 16th Street is on a small 25' x 100' lot and has been used as a two-family dwelling but is currently used as a single-family dwelling. This is a non-conforming, grandfathered use in the C-3 Zone. The owner has agreed to the rezone.

The vacant lot is small (25' x 100') and any development on the site would require off-street parking and historic design review. The owner of this property has expressed interest in donating the lot to a local non-profit to be used as a community garden. The property owner has not yet submitted a signature agreeing to the proposed zone amendment. Since only the property owner, or City can apply for a zone amendment on a property, this parcel cannot be rezoned without the property owner's signature.



Staff has been working with the owner to obtain permission but have not yet received it. Should the property owner determine that she does not want to be included in the proposed amendment, the vacant parcel would be removed from the request and would remain C-3 Zone.

The APC recommendation will be forwarded to the City Council for consideration tentatively at their May 20, 2013 meeting.

### III. PUBLIC REVIEW AND COMMENT

#### A. Planning Commission

A public notice was mailed to Neighborhood Associations and property owners within 100' of the proposed zone boundary change area on April 1, 2013. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on April 16, 2013. The proposed amendment is quasi-judicial as it applies to only three parcels of land. Any comments received will be made available at the Planning Commission meeting.

#### B. City Council

A public notice will be mailed to Neighborhood Associations and property owners within 100' of the proposed zone boundary area on April 26, 2013. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on May 13, 2013. Any comments received will be made available at the City Council meeting.

### IV. FINDINGS OF FACT

- A. Development Code Section 10.020(B) states that *"an amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed."*

Finding: The proposed amendment to the zoning map boundary is being initiated by the owner(s) of the property proposed to be rezoned. The lead applicant owns 1585 Exchange and the owner of 539 16th has signed a form in support of the application. The owner of the vacant lot has indicated support for the application but has not yet submitted anything in writing. Should she determine that she does not want to be included in the proposed amendment, the vacant parcel would be removed from the request and would remain C-3 Zone. A condition has been recommended which states that *"The vacant parcel on west side of 500 block 16th Street; Map T8N-R9W Section 8DC, Tax Lot 18100; south 50' Lots 1 & 2, Block 114, Shively shall remain C-3 Zone if the property owner does not agree to the amendment request for a rezone of the property by May 8, 2013."*

- B. Section 10.050(B) states that *"The following amendment actions are considered quasi-judicial under this Code:*

1. *A zone change that affects a limited area or a limited number of property owners."*

Finding: The proposed amendment is to amend the Astoria Land Use and Zoning Map to rezone a limited area site with only three property owners from C-3 to R-3 Zone. Processing as a quasi-judicial action would be appropriate.

- C. Section 10.070(B.1) requires that *"The amendment is consistent with the Comprehensive Plan."*

CP.025(2) concerning Policies Pertaining to Land Use Categories and Density Requirements states that *"Changes in the land use and zoning map may be made by boundary amendment so long as such change is consistent with the goals and policies of the Comprehensive Plan."*

1. CP.005(5) concerning General Plan Philosophy and Policy Statement states that local comprehensive plans *"Shall be regularly reviewed, and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve."*

CP.040, Central Residential Area description, states that *"The Central Residential Area is the City's oldest neighborhood, and extends generally from Second Street to 18th Street and from Bond Street to Niagara Street excluding the central business district."*

CP.050, Downtown Area description, states that downtown *"extends from 5th Street to 16th Street, and from the pierhead line in the Columbia River to Exchange Street."*

Finding: The Comprehensive Plan and Development Code establish designated land use areas and zones. The general development of the Downtown area has been consistent since the 1920's. The Central area is the oldest neighborhood and the two buildings located in the area proposed to be rezoned were built in 1880 and 1890 and have been used residentially except for a few recent years that the 1585 Exchange property had some commercial use. The Comprehensive Plan area descriptions could be interpreted that these properties are in the Central Residential Neighborhood and not within the Downtown Area as they are on the south side of Exchange Street which is the south boundary line of the Downtown.

With the historic designation of the one building and others in the neighborhood, and the existing development pattern, major changes are not anticipated that would warrant keeping the proposed properties

within the C-3 Zone which allows more intense commercial development in this transition commercial/residential neighborhood. A change in zone to include these lots within the adjacent residential R-3 Zone is consistent with the current trends of development and vision for this area.

2. CP.015(1) concerning General Land and Water Use Goals states that *"It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City's neighborhoods. It is the intent of the plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area."*

CP. 015(2) concerning General Land and Water Use Goals states that *"It is a goal of the plan to encourage the development of public and private lands within the City limits, particularly areas that are presently serviced with sewer and water, prior to the extension of public facilities to areas outside the City."*

CP.220 concerning Housing Policies states that the City should  
"6. *Protect neighborhoods from incompatible uses, including large scale commercial, industrial, and public uses or activities."*

Finding: The proposed amendment would allow for continued compact urban form development of an area currently serviced by City utilities. Astoria is becoming the cultural center of the region with its numerous historic properties and districts. This property is within a historic district and adjacent to other historic properties. New construction would require historic design review. The vacant parcel abuts residential development and the potential for incompatible commercial development on this lot could be a concern.

The neighborhood was developed over the years with a mixture of multi-family residential apartment buildings, Owens Adair residential apartments which was the former St. Mary's Hospital, automotive sales and service building (Lum's), and the former City Hall which is now the Heritage Center Museum. Property in the 1500 block of Exchange is all residential. East of 16th Street is the start of a separate commercially developed area of the City leading into the Gateway Master Plan area. While the C-3 Zone may have been appropriate when this neighborhood was more automotive and business related, the rezone to R-3 is appropriate for the transition commercial/residential neighborhood now that these uses are gone from this edge of downtown area. The proposed R-3 Zone would extend into the C-3 Zone for this area only. Changing the zone from commercial to residential would keep the commercial uses closer to the downtown core, prevent new automotive

related businesses from locating in this neighborhood, and prevent the expansion of commercial uses into the otherwise residential neighborhood.

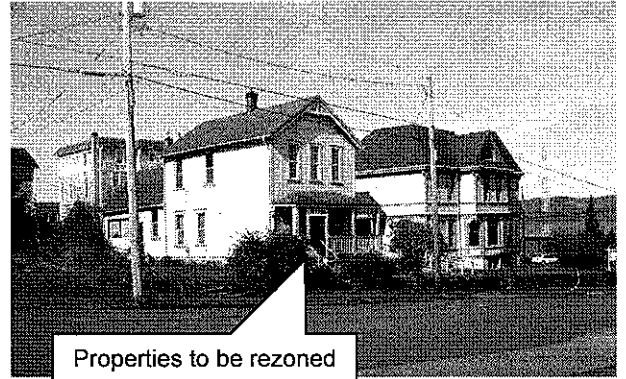
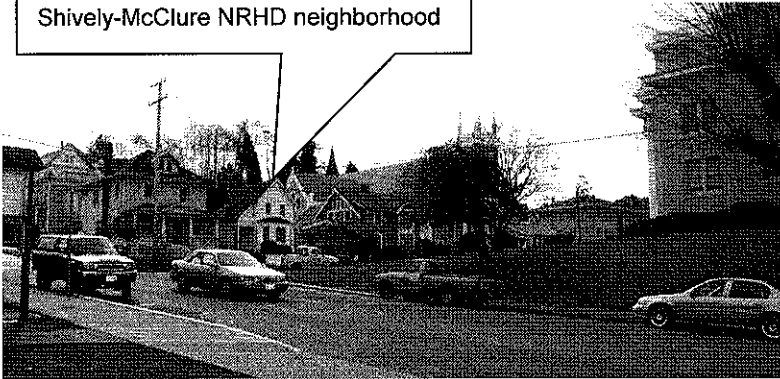
3. CP.020(6) concerning Community Growth, Plan Strategy states that *"The City encourages historic preservation generally, the restoration or reuse of existing buildings. However, these structures must be improved in a timely manner."*

CP.200(6) concerning Economic Development Goals states that *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."*

CP.250(1) concerning Historic Preservation Goals states that *"The City will promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage."*

Finding: The dwellings were built in 1880 and 1890. The structure at 1585 Exchange is designated as historic. There have been many interested buyers who want to restore the building for a single-family dwelling. However, with the current zoning, that was not possible. Rezoning the property to R-3 would help with the preservation of the historic neighborhood to the south.

Shively-McClure NRHD neighborhood

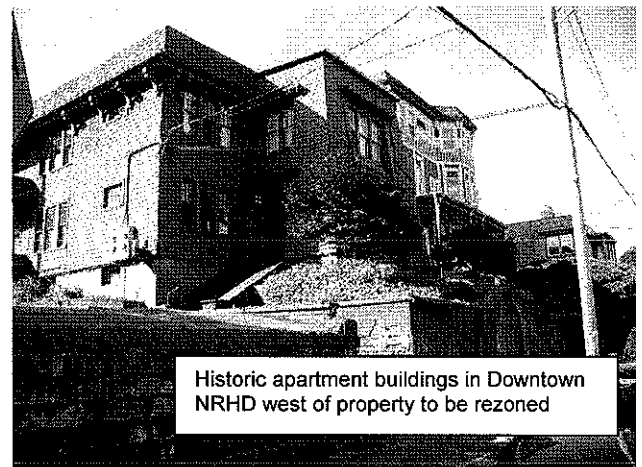


Properties to be rezoned

1585 Exchange



7  
2013/41



Historic apartment buildings in Downtown NRHD west of property to be rezoned

Rezoning of the area from C-3 to R-3 would comply with these CP Sections encouraging preservation of historic streetscapes and neighborhoods.

4. CP.220 concerning Housing Policies states that the City should
- "2. *Provide residential areas with services and facilities necessary for safe, healthful, and convenient urban living.*"
  - "18. *Zone adequate land to meet identified future housing needs for a broad range of housing types, including single-family attached and detached homes, manufactured homes, two-family dwellings, and multi-family dwellings.*"
  - "20. *Allow for, encourage, and support the development of housing units in conjunction with commercial development (e.g. housing located above commercial uses) to provide diversity and security in commercial areas and a range of housing options.*"

CP.223 concerning Housing Tools and Actions states that the City should

- "18. *Work proactively with owners of large vacant or underutilized properties to identify opportunities and develop plans to meet future housing needs, including provisions for ensuring a mix of housing types and price ranges in these areas.*"

Finding: The parcels proposed for rezone to R-3 contain one vacant lot and two residentially developed lots. The rezone to residential would allow the continuation of use as housing adjacent to the urban area and possibly the development of otherwise under-utilized land. The vacant lot could be developed currently with a commercial activity which could be a negative impact to the residential area, or with a zone change, it could be developed with a single-family dwelling or combined with other properties to bring them more into conformance with the minimum lot sizes required by the code. Either zone would allow the current owner to proceed with their goal to donate the land for a community garden. The structure at 1585 Exchange has been a single-family dwelling but has also been approved for up to four dwelling units. For several years, the majority of interest in this property has been for use as a single-family dwelling. With the R-3 Zone, it could be one to four units.

The City conducted a Buildable Lands Inventory (BLI) which was adopted in 2011. The report states that "A comparison of need and supply of industrial and other employment lands indicates an overall surplus of approximately 6.7 acres of employment land. While there is sufficient land for industrial uses, there is a deficit of land zoned for commercial and particularly retail use. However, a portion of the land identified as "Other" can accommodate specific commercial, industrial,

and high-density residential development and help meet the need for additional commercial land.” There is an overall deficit of residentially zoned land. There appears to be sufficient R-3 zoning and not enough R-1 zone and the subject properties would be able to accommodate potentially three single-family dwellings with the one lot able to accommodate up to four units.

**Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027** *Source: Wingard Planning & Development Services*

Type of Use	R1	R2	R3	AH-MP	Total
Land Need	115.4	51.2	67.0	2.7	236.4
Land Supply	25.20	74.99	119.18	1.49	220.86
Surplus/(Deficit)	(90.20)	23.79	52.18	(1.21)	(15.54)

Growth Scenario	Type of Use	Commercial (Office/Retail)	Industrial/Other	Total
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
	Surplus/(Deficit)	(21.1)	27.8	6.7

*Source: Cogan Owens Cogan*

The rezone would remove approximately 0.3 acres (9,400 square feet) from commercial zone to residential and help with the overall deficit of residentially zoned land. With other amendments since the BLI, the figures have not changed dramatically as they have balanced each other out and would be as follows:

Type of Use	Commercial (Office/Retail)	Industrial/Other	Employment Total	R1	R2	R3	AH-MP	Residential Total
Land Need	38.2	11.5	49.7	115.4	51.2	67.0	2.7	236.4
Land Supply	17.1	39.3	56.4	25.20	74.99	119.18	1.49	220.86
A11-05	-0.3					+0.3		
A12-02				-0.8	+0.8			
A12-03	+0.46				-0.46			
BLI Surplus/(Deficit)	(21.1)	27.8	6.7	(90.20)	23.79	52.18	(1.21)	(15.54)
<b>Final Surplus/(Deficit)</b>	<b>(20.94)</b>	<b>27.8</b>	<b>6.86</b>	<b>(91.0)</b>	<b>24.13</b>	<b>52.48</b>	<b>(1.21)</b>	<b>(15.6)</b>

**Finding:** The request is consistent with the Comprehensive Plan as a result of the findings stated above.

- D. Section 10.070(A)(2) requires that “The amendment will:
- Satisfy land and water use needs; or
  - Meet the transportation demands; or
  - Provide community facilities and services.”

**Finding:** The proposed amendment would change the former allowable use of the buildings eliminating possible commercial uses in the future. Existing utilities and services are available for the allowable uses. There is a need for residentially zoned properties in Astoria as indicated in the Buildable Lands

Inventory as noted above. The proposed amendment will satisfy land and water use needs.

- E. Section 10.070(B.3) states that *"The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations."*

Finding: The site is sloped up to the south from Exchange toward Franklin Avenue. There is no known geologic hazard within 100' of the site. The site is within the Flood Zone X, Other Areas determined to be outside the 0.2% annual change floodplain, Flood Insurance Rate Map 410028-0229-E, dated 9-17-10.

The site sits above the street level with stair access from Exchange and a handicap ramp from the 16th Street elevation into the rear of the structure. There is only room for one vehicle to park on the site. The structure is designated as historic which limits the extent of alterations allowed to the building exterior and site. With the limited at grade access and the lack of parking, the site is not as desirable for commercial use. The site could be used for a work/live unit, but demand for this type of facility is minimal. It has been challenging to find a suitable commercial use for the building given the topographic and parking constraints. The land is suited to residential use.

- F. Section 10.070(B.4) states that *"Resource lands, such as wetlands are preserved."*

Finding: There are no known wetlands on the site. The structure located at 1585 Exchange is designated as historic in the Downtown National Register Historic District.

- G. Section 10.070(B.5) states that *"The amendment is compatible with the land use development pattern in the vicinity of the request."*

Finding: The site is situated in a transition area between the residentially and commercially developed areas and could be a cohesive part of either development area. Due to its close proximity to other dwellings and separation from the main portion of the downtown commercial district, the residential zone would be more consistent with the development pattern.

- H. Statewide Planning Goal 12 concerning Transportation requires that cities review transportation related issues when considering land use amendments. Oregon Administrative Rules (OAR) Section 660-012-0060(1) concerning Transportation Planning Rule (TPR) - Plan and Land Use Regulation Amendments stated that *"Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in Section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and*

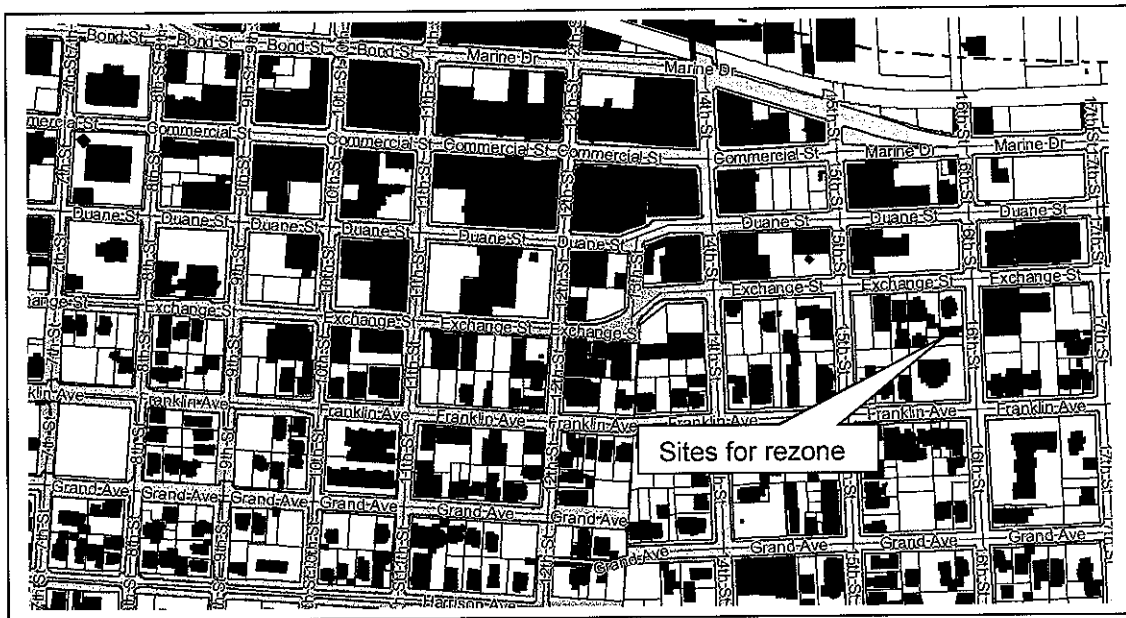
performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. . .” The OAR text continues to identify the requirements for compliance with the TPR and specific review that must be made to show compliance. The full text is not copied in this staff report but is available upon request.

Finding: The proposed amendment would change the area from a more automotive intensive General Commercial Zone (C-3) to the lower impact, pedestrian oriented High Density Residential Zone (R-3). Changes in the allowable uses within the zone could impact the transportation facilities in and adjacent to the zone. The amendment is subject to review under the TPR.

Most of the commercial uses would be eliminated as allowable uses with only low impact uses such as home occupations, family day care centers, etc. remaining as allowed. The following is a comparison of some of the uses within the zones. Not all of the commercial uses eliminated are listed, but it is clear that the traffic impact would be less with the limited uses allowed in the R-3 Zone.

USE	R-3 Zone	C-3 Zone
Bed & Breakfast or Inn	Conditional Use	Outright
Day care center	Conditional Use	Conditional Use
Home Occupation	Outright	Outright
Family day care center	Outright	Outright
Multi-family dwelling	Outright	Outright
Motel/hotel		Outright
Transportation service		Outright
Automotive sales, service, & gas station		Conditional Use
Indoor family entertainment		Outright
Business & education service		Outright
Eating & drinking establishment		Outright
Personal & Professional services		Outright
Repair services		Outright
Retail sales		Outright
Light manufacturing		Conditional Use





The site is accessed from City streets including Exchange and 16th and is located two blocks from Marine Drive and Commercial Street which are State highways. Duane, Exchange, and 16th Streets are classified as "collector" streets, Commercial Street and Marine Drive are "arterial" streets. Any new development at this site would be subject to review by the City to assure that the existing transportation facilities (roads, intersections, etc.) are sufficient to accommodate the proposed development.

The Astoria Transportation System Plan, dated July 1999, did not identified potential transportation system improvements for this general area as it is not a major transportation route.

The R-3 Zone would have less transportation impact than the C-3 Zone due to the elimination of the commercial, traffic-oriented uses.

## V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Planning Commission recommend approval of the proposed amendment to the City Council for adoption with the following condition:

1. The vacant parcel on west side of 500 block 16th Street; Map T8N-R9W Section 8DC, Tax Lot 18100; south 50' Lots 1 & 2, Block 114, Shively shall remain C-3 Zone if the property owner does not agree to the amendment request for a rezone of the property by May 8, 2013.

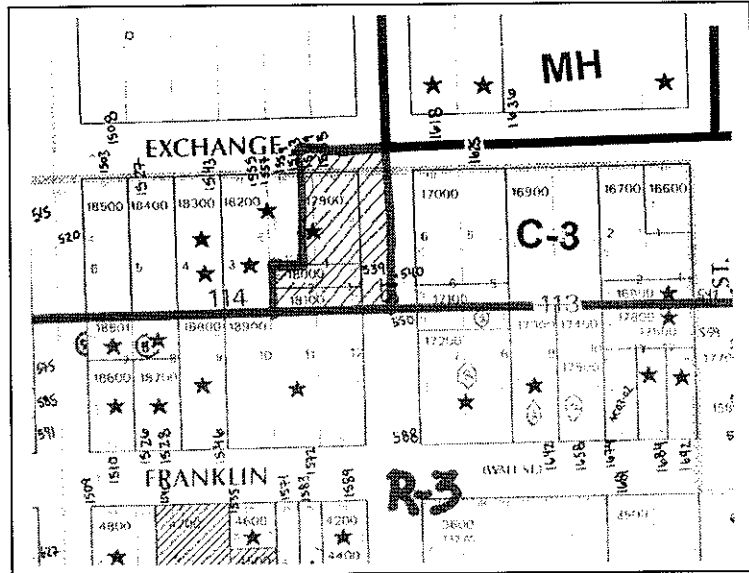
ORDINANCE NO. 13-\_\_\_\_\_

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING PARCELS AT 1585 EXCHANGE, 539 16TH, AND VACANT LOT ADJACENT TO 539 16TH FROM C-3 (GENERAL COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from C-3 (General Commercial) to R-3 (High Density Residential) as indicated on the map:

Map T8N-R9W Section  
8DC, Tax Lots 17900,  
18000, 18100; Lot 1, east  
15' Lot 2, west 35' of south  
50' Lot, Block 114, Shively



Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Paul Benoit, City Manager

ROLL CALL ON ADOPTION:

YEA

NAY

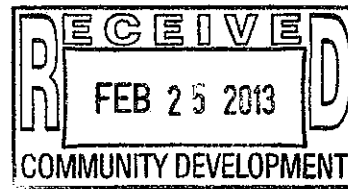
ABSENT

Commissioner      LaMear  
                             Herzig  
                             Mellin  
                             Warr

Mayor                Van Dusen



CITY OF ASTORIA  
1095 Duane Street  
Astoria OR 97103  
503-338-5183



*pd*

A 13-01

Fee: \$400.00

**AMENDMENT**

Property Address: 1585 Exchange, 539-16<sup>th</sup>, vacant lot on 16<sup>th</sup>  
Lot 1 & E 15' L 2 & W 35' of 350' Lot 2 Block 114 Subdivision Shively *OK*  
Map 8DC Tax Lot 17900, 18000, 18100 Zone C-3 to R-3  
Code or Map to be Amended: 8DC TL 17900, 18000, 18100 C3 to R-3

Applicant Name: Rising Tide Enterprises, LLC by Robert Stang  
Mailing Address: 3834 Franklin Ave Astoria, OR 97103  
Phone: 503-325-8687 Business Phone: 917-699-6388  
Property Owner's Name: Rising Tide Enterprises, LLC  
Mailing Address: same livearth1@aol.com  
Business Name (if applicable): \_\_\_\_\_  
Signature of Applicant: [Signature]  
Signature of Property Owner: [Signature] manager

Proposed Amendment To amend the Astoria Land Use & Zoning map  
to rezone an area from C-3 to R-3 *OK*

**For office use only:**

Application Complete:		Permit Info Into D-Base:	<u>3/1/13</u>
Labels Prepared:	<u>3/1/13</u>	Tentative APC Meeting Date:	<u>4/23/13</u>
120 Days:			

**FILING INFORMATION:** Astoria Planning Commission meets at 7:00 pm on the fourth Tuesday of each month. Applications must be received by the 20<sup>th</sup> of the month to be on the next month's agenda. A pre-application meeting with the Planner is required prior to the acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission is recommended.

Briefly address each of the Amendment Criteria and state why this request should be approved. (Use additional sheets if necessary.)

A. Text Amendment (Please provide draft language of proposed text amendment)

Before an amendment to the text of the Code is approved, findings will be made that the following criteria are satisfied.

1. The amendment is consistent with the Comprehensive Plan.

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2. The amendment will not adversely affect the ability of the City to satisfy land and water use needs.

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B. Map Amendment (Please provide a map showing the proposed area to be amended.)

Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: CP.250.1 encourage hist rehab;

1. The amendment is consistent with the Comprehensive Plan:

CP.040-CP.045 CP.045.2 protect hist thru zoning  
CP.218.2 Rehab existing housing; CP.220.6 protect neighborhoods from  
incomp. uses; CP.220.8 protect hist as significant resource;

2. The amendment will: CP.220.18 zone land to meet housing needs.

- a. Satisfy land and water use needs; or

R-1 - 90.20  
(R-3 + 52.18)  
BLI - Comm/zones 21.1 deficit; Residential zones 15.54 def.

- b. Meet transportation demands; or

Lack of off-street parking for these lots limit the  
feasibility of commercial uses.

c. Provide community facilities and services:

NA

3. The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.

House at 1585 Exchange sits several feet above the Exchange St grade on a hill sloped up to the south & not easily ADA accessible from the front on exchange. No slides.

4. Resource lands, such as wetlands are protected.

Designated as historic. Residential use is most likely and residential zone would allow for restoration of the bldg.

5. The amendment is compatible with the land use development pattern in the vicinity of the request.

To west are multi-family dwellings; to north is Owens Blair housing; to south is a duplex and residential neighborhood. To the east is former Lum's Auto, CCHS, PAC. The block to be rezoned is mostly residential development except Masonic Lodge on Franklin.

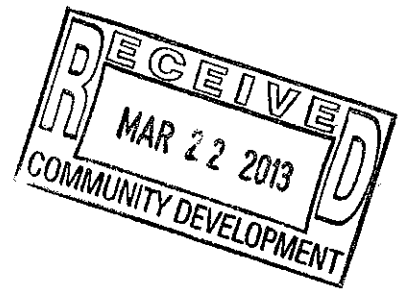
**PLANS:** A site plan indicating location of any proposed zone change is required.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT



Date: 3-22-13

Michael Petersen  
539 16th Street Apt #2  
Astoria OR 97103

RE: Amendment Request (A13-01) by Robert Stang

I **support** the amendment request to rezone my property located at 539 16th Street (Map T8N-R9W Section 8DC, Tax Lot 18000; north 25' of south 50' Lot 1, and east 15' of north 25' of south 50' Lot 2, Block 114, Shively) from C-3 (General Commercial) to R-3 (High Density Residential).

Michael Petersen

If you **do not support** the amendment request to rezone the property, please sign below:

I **DO NOT** support the amendment request to rezone my property located at 539 16th Street from C-3 (General Commercial) to R-3 (High Density Residential).

Michael Petersen

RETURN BY APRIL 1, 2013 TO:

Rosemary Johnson, Planner  
City of Astoria  
Community Development Department  
1095 Duane Street  
Astoria OR 97103

## STAFF REPORT AND FINDINGS OF FACT

April 8, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER



SUBJECT: Amendment Request (A13-02) by Cannery Loft Holdings LLC to amend the Land Use and Zoning Map to rezone the property at 4050 Abbey Lane from GI Zone (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)

### I. BACKGROUND SUMMARY

- A. Applicant: Cannery Loft Holdings LLC  
4380 SW Macadam Suite 190  
Portland OR 97239
- 210 Developers LLC (Proposed Developers)  
427 W Cevallos  
San Antonio TX 78204
- B. Owner: Cannery Loft Partners LLC  
c/o Cannery Loft Holdings LLC  
4380 SW Macadam Suite 190  
Portland OR 97239-6404
- C. Request: Amend the Land Use and Zoning Map to rezone the vacant lot at 4050 Abbey Lane from GI (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)
- D. Location: 4050 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 500; Lot 5, Astoria Business Park
- E. Current Zone: GI (General Industrial)
- Proposed Zone: S-2A (Tourist-Oriented Shoreland)

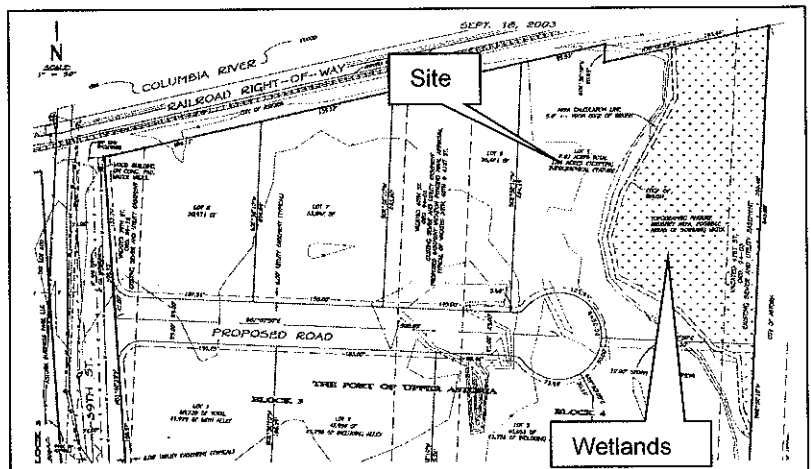
### II. BACKGROUND

#### Subject Site:

The property to be rezoned is approximately 2.09 acres in size and is part of the Astoria Business Park general industrial area. It is located on the dead end cul-de-sac of Abbey Lane accessed from 39th Street off Lief Erikson Drive.



The lot was one of three platted lots approved for development with three Cannery Loft Condominium buildings. Only two of the approved buildings were constructed and the third lot remains vacant. The site is flat and approximately half of the lot is a designated wetland area and is not buildable. A portion of the lot has been paved with parking for the Cannery Loft Building B at 3990 Abbey Lane. That parking is part of a joint use/access easement.



The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities. With the change to GI Zone, the property is no longer included in the City's inventory of Goal 17 shorelands, or those lands which are Especially Suited for Water Dependent (ESWD) uses. An amendment was approved in 2001 (A01-03) which increased some of the allowable uses within the GI Zone.

The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow for multi-family dwellings above the ground floor under a conditional use permit. The site was included in the Cannery Loft Condominium development proposal and approved under Conditional Use permit (CU04-04) as amended by AEP05-05 for construction of a multi-family dwelling. That permit is still valid and would allow multi-family dwelling construction on the site with general industrial use on the ground floor. The original owners were never able to complete construction of the third building and the lot subsequently changed ownership.

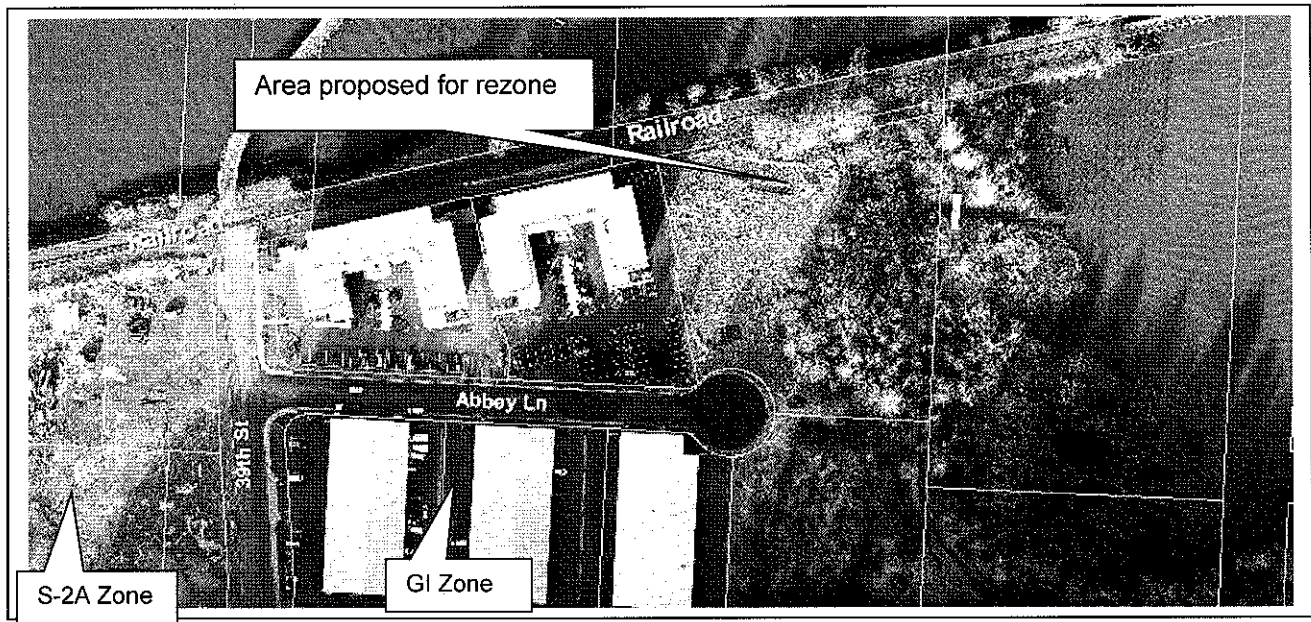
The property to the west of 39th Street was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities more than the industrial uses allowed by the S-1 Zone. The request to rezone the parcel at 4050 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while allowing for broader multi-family dwelling opportunities on all floors of a building.

The new owner has stated that the nature of the two existing condominium buildings has not been conducive to general industrial uses and much of the ground floor spaces have remained vacant. There was a recent code amendment to allow mini storage in the two existing buildings to expand the allowable uses within those buildings. The requested zone change to S-2A would return the property to a waterfront zoning while allowing more flexibility in the range of commercial and tourist-oriented uses allowed.

The applicant proposes to potentially sell the property for redevelopment as a multi-family dwelling with some potential commercial activities such as professional offices and non-tourist oriented retail sales. They have submitted a conditional use application for those

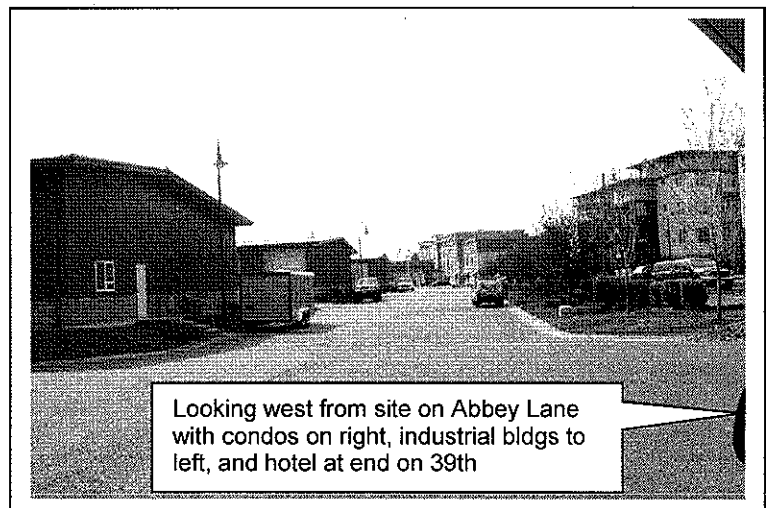
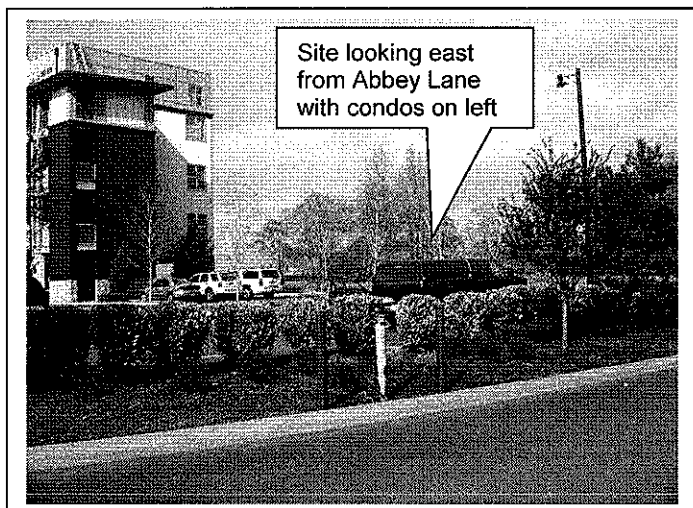


proposed uses which is being processed concurrently with the proposed zone map amendment and would be contingent upon approval of the zone amendment.



#### Neighborhood:

To the west is the two Cannery Loft Condominium buildings and across the 39th Street right-of-way is the Hampton Inn Hotel; to the northwest is the East End Mooring Basin, water area; to the north is the Columbia River, Pier 39, and River Trail (the trolley line ends at 39th Street); to the east is the Alderbrook Lagoon and wetlands; to the south are four industrial lots developed with three industrial buildings on the south side of Abbey Lane adjacent to Lief Erikson Drive. The area to the east is zoned A-3 (Aquatic Conservation). Properties to the west and south are zoned GI Zone (General Industrial). The area west of 39th Street is zoned S-2A (Tourist Oriented Shoreland).



### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet, pursuant to Section 9.020 on March 29, 2013. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on April 16, 2013. Any comments received will be made available at the Planning Commission meeting.

#### IV. FINDINGS OF FACT

- A. Section 10.020(B) states that *"An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed."*

Finding: The proposed amendment to the zone boundary is being initiated by the property owner.

- B. Section 10.050(B) states that *"The following amendment actions are considered quasi-judicial under this Code:*

1. *A zone change that affects a limited area or a limited number of property owners."*

Finding: The proposed amendment is to amend the Astoria Land Use and Zoning Map to rezone a limited area site with only one property owner from GI to S-2A Zone. Processing as a quasi-judicial action would be appropriate.

- C. Section 10.070(B.1) concerning a Map Amendment states that *"Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: 1. The amendment be consistent with the Comprehensive Plan."*

1. CP.010(2) concerning General Development Policies for Natural Features states that *"The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged."*

Finding: At the time development application(s) are submitted for review by the City, issues such as site design will be addressed. No site design issues are being considered as a part of this request.

2. CP.015(4) concerning General Land and Water Use Goals states that *"Because of the City's strong water orientation, the Plan supports continuing regional efforts to manage the Columbia River estuary and shorelands. The City's land use controls, within this regional context, will be aimed at protecting the estuary environment and at promoting the best use of the City's shorelands."*

CP.020(3) concerning Community Growth-Plan Strategy states that *"The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section."*

Finding: The City will continue regional efforts to manage the Columbia River estuary and shorelands regardless of the zone change request. The property was rezoned in 1992 from a shoreland zone to GI and no longer retains the shoreland designation. However, the proposed zone would return the classification to a shoreland designation but with a tourist orientation. Removing this 2.09 acre parcel from the GI Zone and rezoning it S-2A (Tourist-Oriented Shoreland) will allow for an increased variety of uses to potentially occur on this property. This will allow for the redevelopment of the site in a flexible manner and allow for multiple uses.

3. CP.015(6) concerning General Land and Water Use Goals states that *"The plan establishes the goal of encouraging development which the City is capable of servicing. New industry or housing development should be permitted if public facilities such as sewer, water, police and fire protection, and schools, are capable of accommodating increased demand."*

Finding: The property is currently vacant and while capable of being served by public facilities, the actual demand on those services and ability to serve the increased demand cannot be determined until the actual use is proposed. The change in allowable uses could add a variety of commercial, tourist-oriented, and residential uses to the industrial, warehousing, light manufacturing, and other industrial-related uses. It is anticipated that public facilities should be sufficient to serve expanded uses in this area.

4. CP.020.9, Community Growth - Plan Strategy, states *"The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both."*

Finding: The City conducted a Buildable Lands Inventory which was adopted in 2011. The report states that *"A comparison of need and supply of industrial and other employment lands indicates an overall surplus of approximately 6.7 acres of employment land. While there is sufficient land for industrial uses (27.8 acre surplus), there is a deficit of land zoned for commercial and particularly retail use. However, a portion of the land identified as "Other" can accommodate specific commercial, industrial, and high-density residential development and help meet the need for additional commercial land."* There is an overall deficit of residentially zoned land of 15.54 acres. The subject property currently is zoned GI which allows multi-family residential units above the first floor but the proposed S-2A Zone

would allow multi-family dwellings on all floors increasing the possibility for additional residential development. The rezone would take approximately 2.09 acres (approximately 91,404 square feet) from GI Zone (industrial) to S-2A Zone (commercial/shoreland). It would reduce the industrial land surplus to 25.7 acres and would help with the overall deficit of commercially zoned employment land particularly for office/retail use by reducing the deficit to (19.01).

<b>Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027</b>				
<b>Growth Scenario</b>	<b>Type of Use</b>	<b>Commercial (Office/Retail)</b>	<b>Industrial/Other</b>	<b>Total</b>
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
Surplus/(Deficit)	Surplus/(Deficit)	(21.1)	27.8	6.7

Source: Cogan Owens Cogan

#### **Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027**

<b>Type of Use</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>AH-MP</b>	<b>Total</b>
Land Need	115.4	51.2	67.0	2.7	236.4
Land Supply	25.20	74.99	119.18	1.49	220.86
Surplus/(Deficit)	(90.20)	23.79	52.18	(1.21)	(15.54)

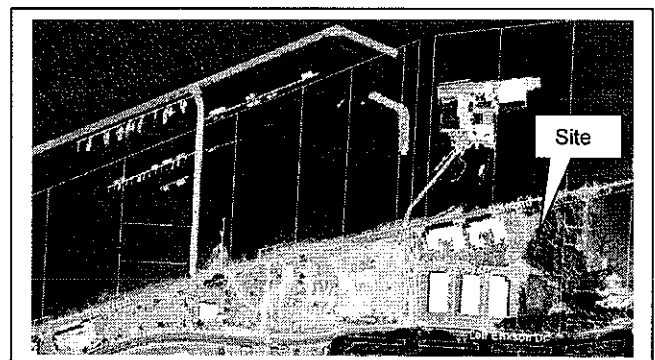
Source: Wingard Planning & Development Services

5. CP.175(E, Paragraphs 1, 2 & 3) concerning Uppertown/Alderbrook Subarea Plan Issues states that *"Shorelands in this subarea do not have direct access to deep water. The ship channel is 2,000 to 4,000 feet from the shoreline, though several ship anchorages are south of the channel."*

*The Corps of Engineers has completed improvements to the East End Mooring Basin breakwaters that correct the surge problem. Eliminating the surge opens the basin to a large number of vessels and increases the need for dredging and for backup land to support basin operations. Vacant shorelands should be reserved for support uses.*

*Most of the subarea shorelands are already developed and there are no large vacant parcels. Between 35th and 41st Streets, however, is mostly vacant land with the potential to support water-dependent and water-related uses associated with the boat basin."*

Finding: The area is no longer zoned shoreland but is within the Uppertown / Alderbrook Subarea Plan area. The S-2A zone would include uses which would support the East Moorage Basin.



6. CP.200 concerning Economic Development Goal 1 Policies states that *"The City of Astoria will:*
4. *Encourage private development such as retail, restaurants, commercial services, transient lodging.*
  5. *Provide a supportive environment for new business.*
  6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base. . .*
  8. *Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries."*

Finding: In addition to multi-family residential uses, the S-2A zone would permit other uses outright such as tourist-oriented retail sales, hotels, and restaurants. The S-2A zone would allow uses to develop which would support the existing mooring basin, hotel, industrial, and condominium development.

7. CP.210(1) concerning Economic Development Recommendations states that *"The City should reevaluate its Plan and zoning designation for its waterfront in light of the decline of the fishing industry. The reevaluation should focus on the waterfront's potential for tourist-oriented development. Plan policies and implementing measures should be developed to encourage and promote tourist oriented development of the waterfront. Possible rezonings should include the A-1 area between 6th and 10th Streets, and in the vicinity of the Samuel Elmore Cannery."*

Finding: The East Mooring Basin is used for smaller fishing operations as well as recreational fishing operations. The S-2A zone would allow for more tourist-based uses to develop on the site which could potentially take advantage of the character of the adjacent working waterfront and historic Pier 39 development.

Finding: The request is in compliance with the Comprehensive Plan.

- D. Section 10.070(B.2) requires that *"The amendment will:*
- a. *Satisfy land and water use needs; or*
  - b. *Meet transportation demands; or*
  - c. *Provide community facilities and services."*

Finding: The site is located on Abbey Lane accessed from Lief Erikson Drive (Highway 30) via 39th Street. There are no traffic lights, however there is a turn lane on Lief Erikson Drive at this intersection. In accordance with Statewide Planning Goal 12 concerning Transportation, and the Transportation Planning Rule (TPR) (OAR 660-12-060), any plan amendment having a significant effect on a transportation facility (i.e. Highway 30) must assure that the allowed land uses are consistent with the function, capacity, and level of service of the facility. In addition, OAR 734-051-0080, and OAR 734-051-0100 state that a proposed development or land use action where an on-site review indicates that operational or safety concerns may be present requires a Traffic Impact Study.

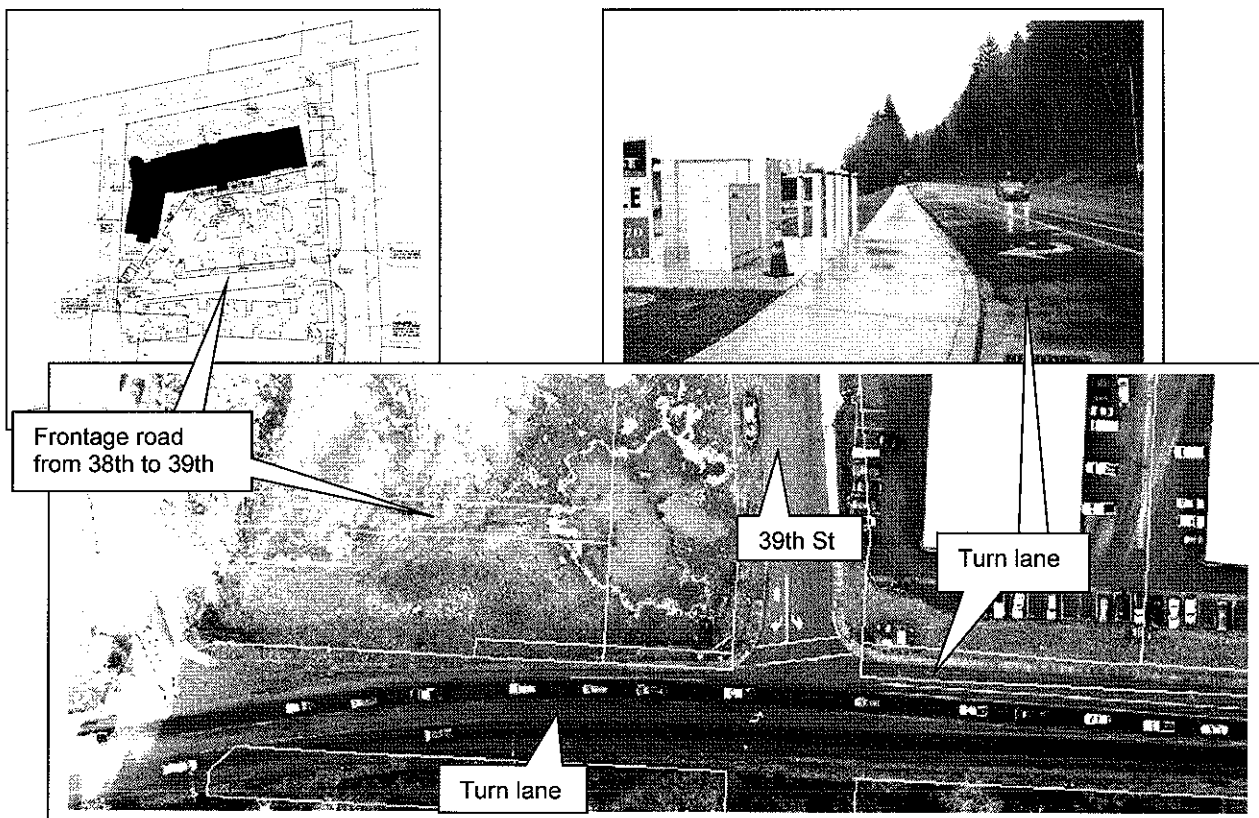
The traffic impact of each proposed use on the existing transportation system would be addressed at the time of a future permit application. The following is a comparison of some of the uses for both the existing and proposed zones.

Uses	GI		S-2A	
	Outright	CU	Outright	CU
Seafood receiving and processing.			X	
Small boat building and repair.			X	
Boat and/or marine equipment sales.			X	
Automotive repair, service, and garage; bulk fuel, ice processing; truck & equipment storage	X			
Commercial testing laboratory	X			
Laundry, cleaning, and garment services	X		X	
Specialized food store, such as bakery, delicatessen and seafood market			X	
Food and kindred products processing		X		
Tourist oriented retail sales establishment.			X	
Non-tourist oriented retail sales establishment.		X with limitations		X
Light manufacturing, photo lab, graphic services, research lab, construction office & storage	X			
Eating, drinking and entertainment establishment without drive-through facility		X with limitations	X	
Park and museum; theater; conference center			X	
Arts and crafts studio.				X
Commercial or public parking lot.				X
Repair service establishment,	X			X not including automotive, heavy equipment, or other major repair service.
Professional and business office.		X with limitations		X
Temporary use meeting the requirements of Section 3.240				X
Hotel, motel, inn, bed and breakfast			X	
Theater			X	
Public or semi-public use appropriate to and compatible with the district.	X no semi-public use			X
Multi-family dwelling		X above 1st floor		X

The zone change to S-2A will provide for a wider variety of uses within the 2.09 acre site, increasing some water-related commercial uses, but eliminating some of the heavier industrial uses. All City utility services are available to the area. The change in allowable uses would be an increase in potential vehicle trips to the site. With the more tourist-oriented uses, the nature of the traffic would be private vehicles versus the larger commercial trucks associated with the industrial uses. Approximately half of the site is designated wetlands and not buildable. Due to the

small size of the site, and the fact that one of the largest traffic generators is multi-family dwelling which is allowed in both zones, the change in traffic impact to the area should not be significant.

In February 2007, the City Council adopted the East Gateway Transportation System Plan. This Plan was conducted by the City of Astoria in conjunction with the Oregon Department of Transportation (ODOT) and studied the existing and forecasted transportation needs in this area. In a letter dated November 5, 2007 concerning the proposed rezone (A07-01) of the area on the west side of 39th Street from S-1 to S-2A, ODOT staff stated that following review of the East Gateway Transportation System Plan, they believed that proposed zone change would comply with the provisions contained in the Transportation Planning Rule. The East Gateway Transportation System Plan recommended a new frontage road connection between 36<sup>th</sup> and 39<sup>th</sup> Streets in order to improve safety and operational issues. At the time of that rezone, ODOT staff stated that from their assessment, there was capacity at the Highway 30 / 39<sup>th</sup> Street intersection provided a parallel road was developed between 38<sup>th</sup> and 39<sup>th</sup> Streets to accommodate the zone change. A new road connection between 38th and 39th Streets was constructed with the new Hampton Inn Hotel in 2012. In addition, the East Gateway TSP recommended a turn lane be constructed on Lief Erikson Drive to accommodate the projected development on 39th Street. Those turn lanes have been constructed.



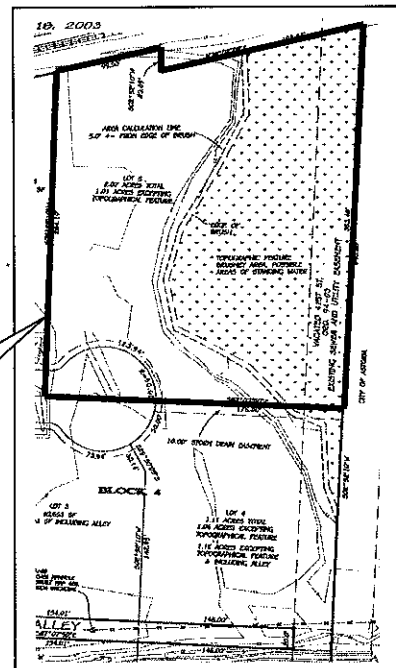
Since this property is accessed from two City streets and not directly from the State Highway, ODOT no longer comments on the TPR review. From the existing East Gateway TSP and projected traffic volumes and projected uses, it appears

E. Section 10.070(B)(3) requires that *“the land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.”*

The west portion of the land area is in flood Zone X, "Areas determined to be outside the 0.2% annual chance floodplain", of the Flood Insurance Rate Map, Community Panel Number 410028-233-E, dated September 17, 2010. The east portion of the site is a designated wetland and is in Flood Hazard Overlay Zone (FHO) X "Areas of 0.2% annual chance flood" and AE "Special Flood Hazard Area subject to inundation by the 1% annual chance flood - (Base Flood Elevation 12')". Any new construction is required to meet first-floor elevation standards, as set by the National Flood Insurance Program; however, the land area is not within a flood zone requiring this construction standard and the areas within the flood zones is a wetland and there would be no construction in this area. The site is located within an "Extreme Risk" Tsunami Inundation Zone as determined by the Oregon Department of Geology and Mineral Industries (map publication IMS-11) and governed by rules contained in Oregon Administrative Rules 632-005 et seq. The subject property is not adjacent to an area of known geologic instability.

D. Section 10.070(B.4) requires that “resource lands, such as wetlands, are protected.”

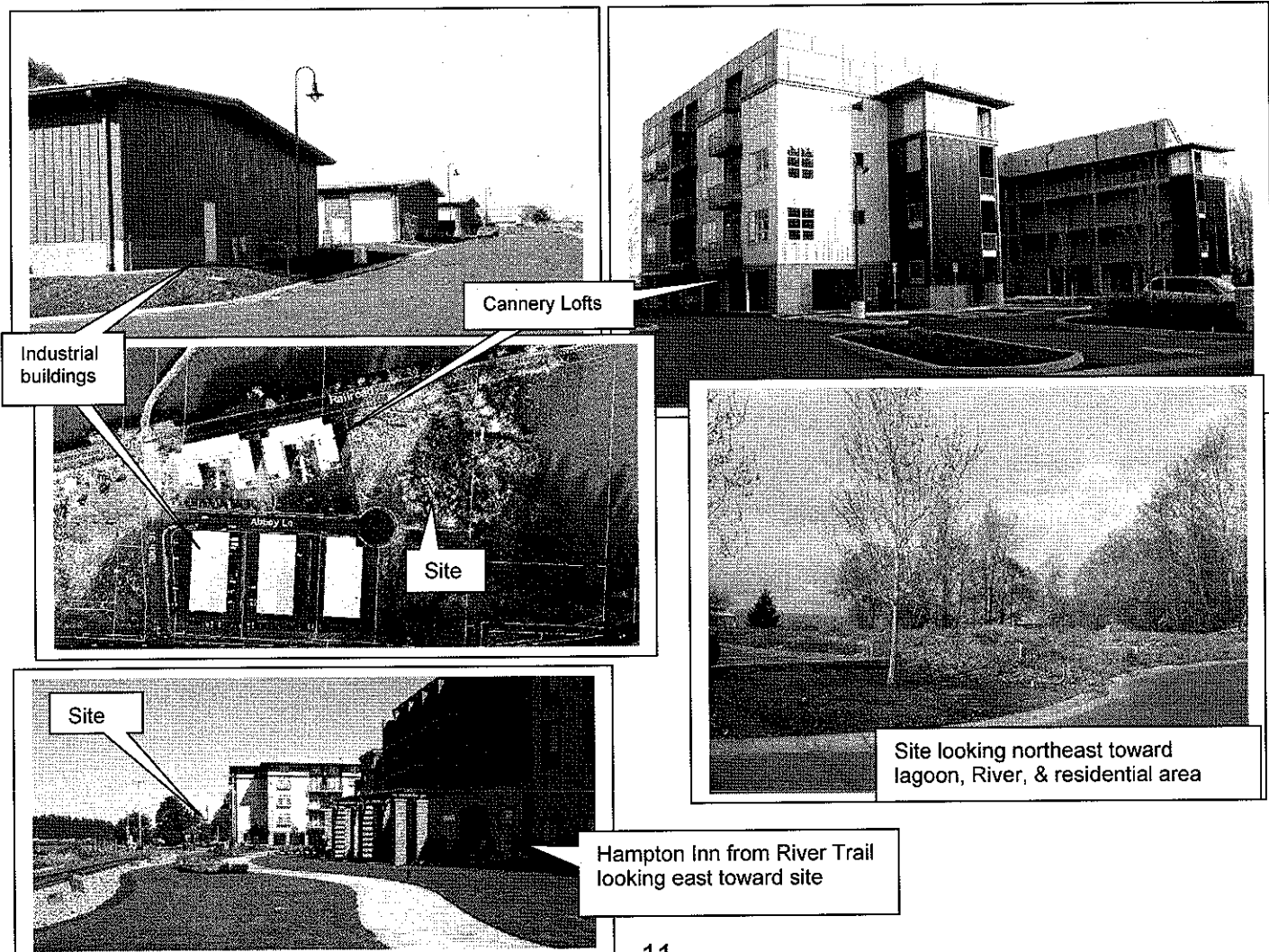
Area proposed to be rezoned with wetlands (unbuildable) area noted.





- E. Section 10.070(B.5) requires that *"the amendment is compatible with the land use development pattern in the vicinity of the request."*

**Finding:** The 39th Street area has a variety of development. On the west side of 39th is an S-2A Zone developed with the Hampton Inn Hotel with the East End Mooring Basin to the west of that; on the north is the Columbia River, trolley line, and Pier 39 with restaurant, museum, scuba shop, offices, transient lodging facility, and boat storage; to the west on the adjacent lots is the Cannery Loft Condominiums with multi-family dwelling units above industrial/commercial facilities on the ground floor; to the south across Abbey Lane right-of-way is the Astoria Business Park industrial development with auto detailing, carpet store, AAMCO store, Fastenal supplies, and martial arts / gym facility; to the east is a lagoon and the start of the Alderbrook residential neighborhood. Development Code Section 2.700 includes the purpose statement for the S-2A zone which states that the S-2A district *"... is intended to provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area."* Across the Lief Erikson Drive right-of-way is a forested hillside and residential with some neighborhood commercial development. The vicinity is effectively bordered to the south by Lief Erikson Drive and the north by the Columbia River.



The River Trail now extends the full length of the developed portion of the Columbia River in Astoria from Pier 3 at the Port to the Alderbrook Lagoon at 54th Street. The Trail in the area of 39th Street is developed more aesthetically with the hotel lawn, trolley stop, Cannery Loft Condominiums, benches, etc. The S-2A Zone would allow development of this site adjacent to the River Trail with uses that would complement the River Trail while keeping a working waterfront zone designation. With the mixture of uses in this neighborhood, the proposed S-2A Zone would be compatible as it would allow uses that would be able to service the other uses in the area. Multi-family dwelling development is allowed in both the GI and S-2A zones, so this possible use would not change. The site to be rezoned is small and allowable S-2A development would not be a major impact to the area.

#### V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code, and staff recommends that the Planning Commission recommend to the City Council that the proposed amendment to the Land Use and Zoning Map be adopted.

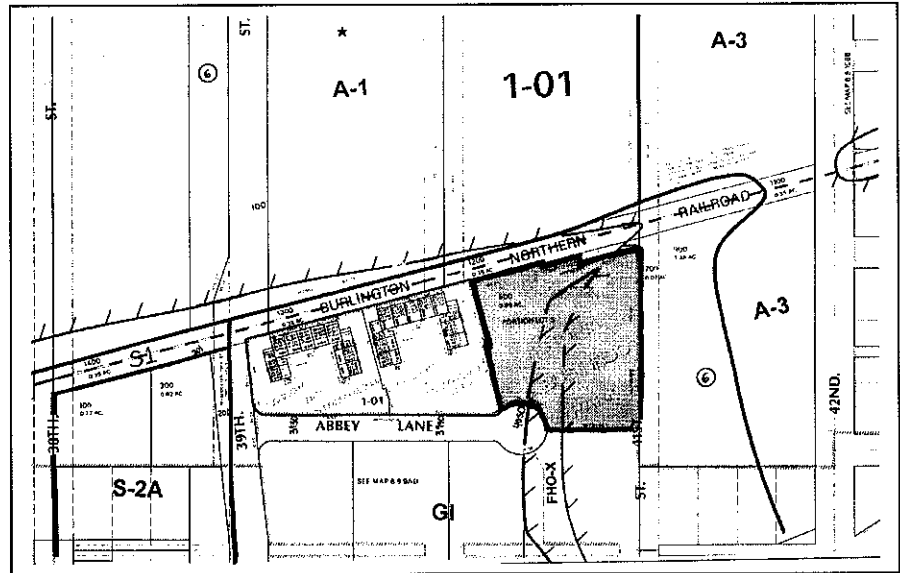
ORDINANCE NO. 13-\_\_\_\_\_

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING PARCEL AT 4050 ABBEY LANE FROM GI (GENERAL INDUSTRIAL) TO S-2A (TOURIST-ORIENTED SHORELAND)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from GI (General Industrial) to S-2A (Tourist-Oriented Shoreland) as indicated on the map:

Map T8N-R9W Section  
9AA, Tax Lot 500; Lot 5,  
Astoria Business Park



Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
Mayor

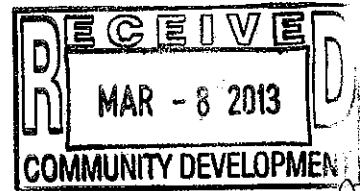
\_\_\_\_\_  
Paul Benoit, City Manager

ROLL CALL ON ADOPTION:                      YEA                      NAY                      ABSENT

Commissioner	LaMear
	Herzig
	Mellin
	Warr
Mayor	Van Dusen



CITY OF ASTORIA  
1095 Duane Street  
Astoria OR 97103  
503-338-5183



A 13-02

Fee: \$400.00

3/12/13

**AMENDMENT**

Property Address: 4050  
3990 Abbey Lane, Astoria, Oregon 97103

Lot 5 Block - Subdivision Astoria Business Park

Map 9AA Tax Lot 500 Zone G1

Code or Map to be Amended: 9AA TL 500

Applicant: Applicant Name: 210 Developers, LLC

Mailing Address: 427 W. Cevallos, San Antonio, Texas 78204

Phone: 512-968-5757 Business Phone: 210-222-2300

Property Owner's Name: Cannery Loft Holdings, LLC

Mailing Address: 4380 SW Macadam, Suite 190, Portland, Oregon 97239

Business Name (if applicable): 210 Developers, LLC.

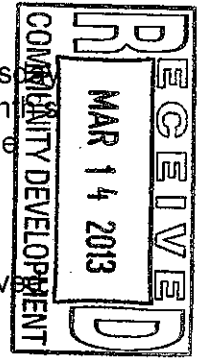
Signature of Applicant: [Signature] Mark Tolley 3/8/13

Signature of Property Owner: [Signature] 151 3/14/13

Proposed Amendment Change existing use zoning, G1, to proposed use, S-2A 2.09 acres

amend Astoria land use and zoning map Section 9AA, Tax lot  
500 from G1 (General Industrial) to S-2A (Tourist-Oriented  
Shoreland) for the vacant property located at 4050 Abbey Lane

For office use only:			
Application Complete:		Permit Info Into D-Base:	<u>3/21/13</u>
Labels Prepared:		Tentative APC Meeting Date:	<u>4/23/13</u>
120 Days:			



**FILING INFORMATION:** Astoria Planning Commission meets at 7:00 pm on the fourth Tuesday of each month. Applications must be received by the 20<sup>th</sup> of the month to be on the next month's agenda. A pre-application meeting with the Planner is required prior to the acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission is recommended.

Briefly address each of the Amendment Criteria and state why this request should be approved. (Use additional sheets if necessary.)

A. Text Amendment (Please provide draft language of proposed text amendment)

Before an amendment to the text of the Code is approved, findings will be made that the following criteria are satisfied.

1. The amendment is consistent with the Comprehensive Plan.

Plan is to change zoning to S-2A to allow normal office, commercial and residential.

This is to allow a more streamlined operation under the S-2A zoning.

2. The amendment will not adversely affect the ability of the City to satisfy land and water use needs.

The structure envelope or parking plan will not change, therefore it will not affect current water and land needs.

B. Map Amendment (Please provide a map showing the proposed area to be amended.)

Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied:

1. The amendment is consistent with the Comprehensive Plan:

The location and structure will not change, only the existing use will change from G1 to S-2A.

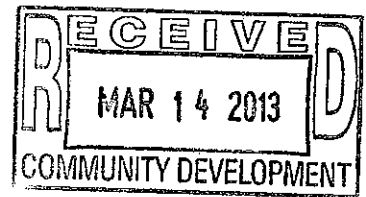
2. The amendment will:

- a. Satisfy land and water use needs; or

Per prior approved Cannery Loft plans

- b. Meet transportation demands; or

Per approved traffic calculations under Cannery Loft plans.



- c. Provide community facilities and services:  
Per prior approved plans.

3. The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.

The site is on stable, flat and level ground, suitable for  
proposed use.

4. Resource lands, such as wetlands are protected.

No protected wetlands are affected by  
amendment.

5. The amendment is compatible with the land use development pattern in the vicinity of the request.

Per General Plan and approved zoning

**PLANS:** A site plan indicating location of any proposed zone change is required.

## STAFF REPORT AND FINDINGS OF FACT

April 16, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER



SUBJECT: CONDITIONAL USE REQUEST (CU13-02) BY 210 DEVELOPERS LLC TO LOCATE MULTI-FAMILY DWELLING, PROFESSIONAL OFFICE, AND NON-TOURIST ORIENTED RETAIL SALES AT 4050 ABBEY LANE IN THE S-2A ZONE (TOURIST-ORIENTED SHORELANDS)

### I. BACKGROUND SUMMARY

- A. Applicant: 210 Developers LLC  
427 W Cevallos  
San Antonio TX 78204
- B. Owner: Cannery Loft Partners LLC  
c/o Cannery Loft Holdings LLC  
4380 SW Macadam Suit 190  
Portland OR 97239-6404
- C. Location: 4050 Abbey Lane; Map T8N R9W Section 9AA, Tax Lot 500; Lot 5,  
Astoria Business Park
- D. Zone: S-2A, Tourist Oriented Shoreland (pending Amendment A13-02)
- E. Lot Size: Approximately 2.09 acres; 91,040 square feet
- F. Proposal: To locate multi-family dwelling on the first floor, professional offices,  
and non-tourist oriented retail sales in a future structure on a current  
vacant site

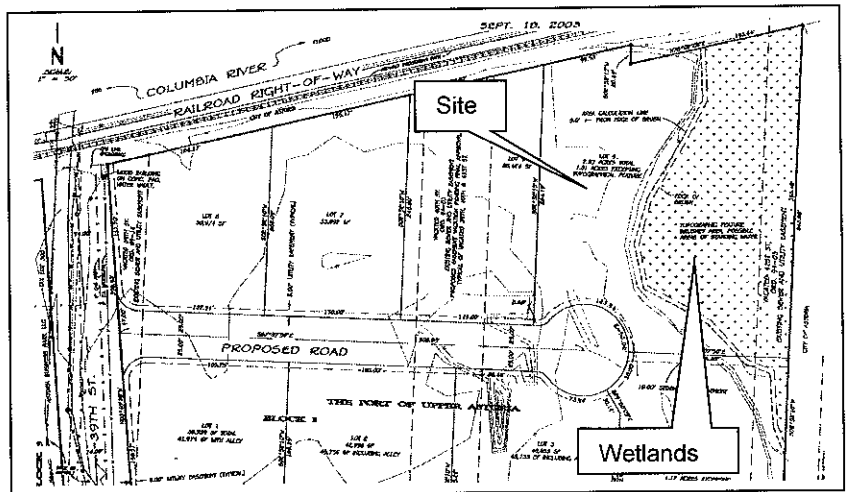
### II. BACKGROUND INFORMATION

#### Subject Site:

The property is approximately 2.09 acres in size and is part of the Astoria Business Park general industrial area. It is located on the dead end cul-de-sac of Abbey Lane accessed from 39th Street off Lief Erikson Drive. The site is vacant, flat, and approximately half of the lot is a designated wetland area and is not buildable.



The lot was one of three platted lots approved for development with three Cannery Loft Condominium buildings. Only two of the approved buildings were constructed and the third lot remains vacant. A portion of the lot has been paved with parking for the Cannery Loft Building B at 3990 Abbey Lane. That parking is part of a joint use/access easement.



The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities. With the change to GI Zone, the property is no longer included in the City's inventory of Goal 17 shorelands, or those lands which are Especially Suited for Water Dependent (ESWD) uses. An amendment was approved in 2001 (A01-03) which increased some of the allowable uses within the GI Zone.

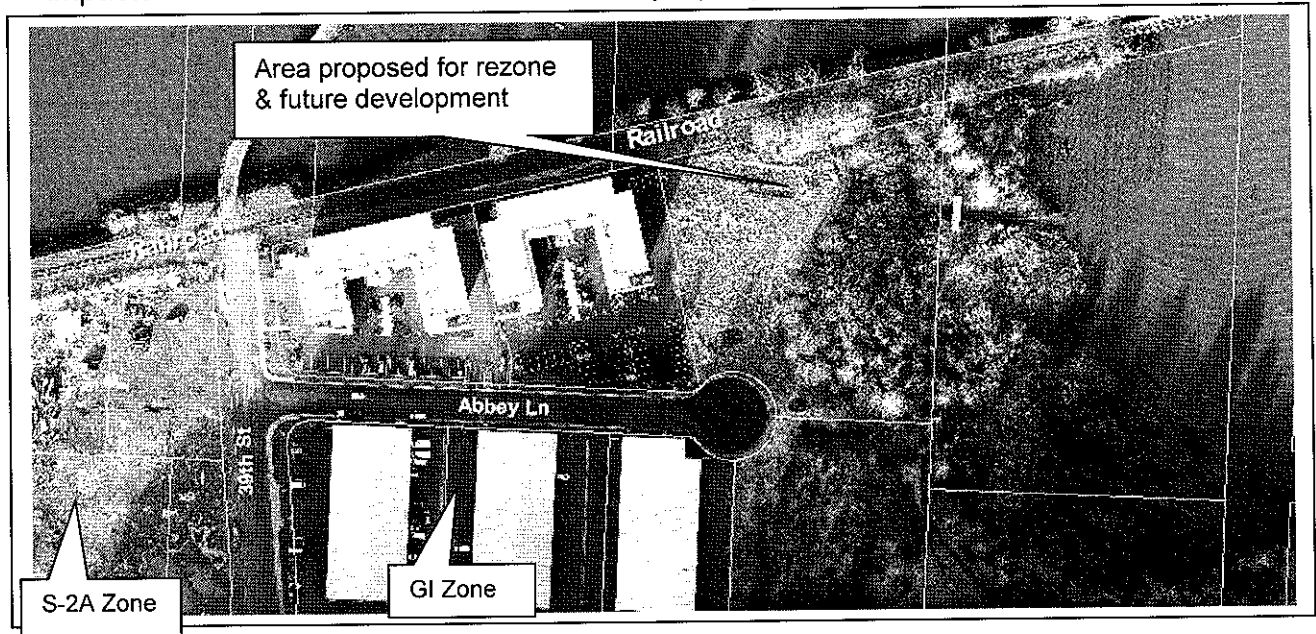
The GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow for multi-family dwellings above the ground floor under a conditional use permit. The site was included in the Cannery Loft Condominium development proposal and approved under Conditional Use permit (CU04-04) as amended by AEP05-05 for construction of a multi-family dwelling. That permit is still valid and would allow multi-family dwelling construction on the site with general industrial use on the ground floor. In addition, a Variance (V05-14) was approved to allow a building height of 55' and a Variance (V04-07) was approved to allow more than 18 dwelling units on the cul-de-sac. Both of these permits are still valid as substantial construction was deemed complete with the construction of the first two buildings in this project. The original owners were never able to complete construction of the third building and the lot subsequently changed ownership.

The current owner has submitted a request (A13-02) to rezone the lot from GI Zone (General Industrial) to S-2A Zone (Tourist Oriented Shoreland).

The subject conditional use permit is being processed concurrently with the proposed zone map amendment and would be contingent upon adoption of that amendment. The conditional use request is to allow multi-family dwellings on the first floor, and professional offices, and non-tourist oriented retail sales uses in the future building. The conditional use permit for the upper floor multi-family units would remain in place. The applicant does not have definite tenants at this time, but proposes to potentially build a structure with the same footprint and building height as the one that was previously approved. The findings are based on the concept that the majority of the building would be residential and only a small square footage of approximately equal to the ground floor only would be used for professional offices and non-tourist oriented retail sales. Therefore, the amount of professional offices and non-tourist oriented retail sales shall be limited to approximately

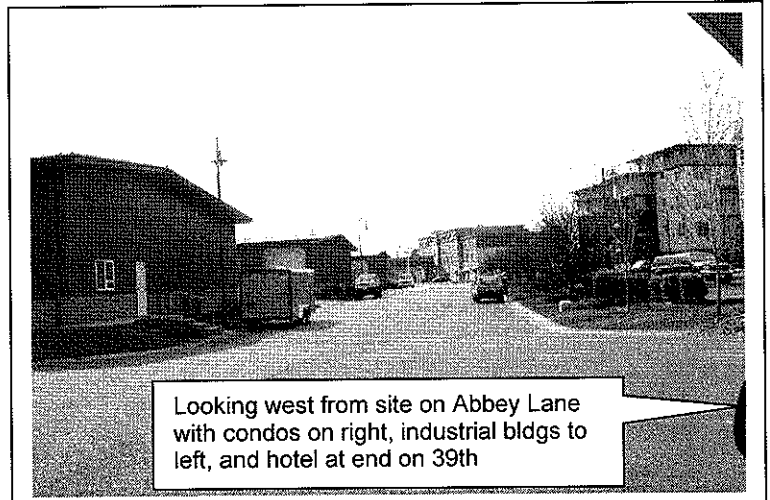
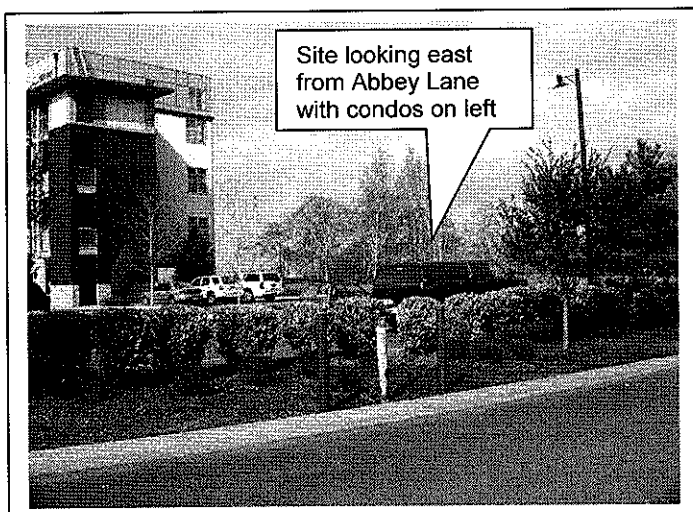


8,500 square feet or an amendment to the permit would be required to review the various impacts of increased commercial use of the property.



#### Neighborhood:

To the west is the two Cannery Loft Condominium buildings and across the 39th Street right-of-way is the Hampton Inn Hotel; to the northwest is the East End Mooring Basin, water area; to the north is the Columbia River, Pier 39, and River Trail (the trolley line ends at 39th Street); to the east is the Alderbrook Lagoon and wetlands; to the south are four industrial lots developed with three industrial buildings on the south side of Abbey Lane adjacent to Lief Erikson Drive. The area to the east is zoned A-3 (Aquatic Conservation). Properties to the west and south are zoned GI Zone (General Industrial). The area west of 39th Street is zoned S-2A (Tourist Oriented Shoreland).



### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet, pursuant to Section 9.020 on March 29, 2013. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on April 16, 2013. Any comments received will be made available at the Planning Commission meeting.

### IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.710 allows the following uses as Conditional Uses in the S-2A Zone, in accordance with Article 11, Conditional Uses.

- “3. Multi-family dwelling.
4. Non-tourist oriented retail sales establishment.
5. Professional and business office.”

Finding: The proposed uses, addition of multi-family dwelling on the ground floor, professional offices, and non-tourist oriented retail sales use are allowed as conditional uses. The proposed mixture of approved uses would support work/live opportunities for the future building. The proposed use as multi-family dwelling above the first floor was previously approved under Conditional Use Permit (CU04-04) as amended (AEP05-05) for construction of a multi-family dwelling above the ground floor. That permit is still valid.

- B. Section 2.715(1) concerning Development Standards and Procedural Requirements states that *“All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4.”*

Finding: The proposal involves the construction of a new building. No change in the footprint or location of the building from the existing valid permit (CU04-04) is proposed. The proposed construction would be reviewed at the building permit stage to assure that it will not negatively impact the Estuary.

- C. Section 2.715(5) concerning Development Standards and Procedural Requirements states that *“No structure will exceed a height of 28 feet above grade, except for those areas between the extended 15th and 21st Street rights-of-way. In this area, no structure shall exceed a height of 45 feet above grade.”*

Section 9.100(A.1), Time Limit On Permits, states that *“Except as otherwise provided in this Code, a permit shall expire two years from the date of Final Decision unless substantial construction has taken place or use has begun. . .”*

Section 9.100(A.2), Time Limit On Permits, Phased Permits, states that

- “a. The initial phase of a phased permit and/or project shall expire two years from the date of Final Decision unless substantial construction or use has begun.
- b. Additional phases of an approved phased permit and/or project shall expire two years from the date of completion of construction for the previous

*phase, unless substantial construction or use has begun on that subsequent phase. Completion of construction of a phase shall be determined by issuance of a temporary and/or final Certificate of Occupancy from the Building Official."*

Finding: The construction of three multi-family dwelling and industrial buildings was approved with a height of 55' under Variance (V05-14). Two of the buildings were constructed and the third building is still pending. The Development Code on permit time limits noted above was amended (A09-05) on April 19, 2010. Prior to that amendment, there was no code concerning "phased" projects. The first two buildings in this project were constructed between 2007 and 2009. At that time, the permits were deemed to have "substantial" construction complete as two of the three buildings were constructed. Therefore, the permit remains valid for the third building construction. The applicant has indicated that he does not propose any changes to the footprint or height of the building. Therefore, unless there is a change in the proposed building, the height of the building is approved at 55'.

- D. Section 7.010 requires that *"off-street parking and loading areas meeting the applicable requirements of the Code be provided and maintained."*

Section 7.100 concerning Minimum Parking Space Requirements states that retail sales, business and professional offices shall have one parking space per 500 square feet of gross floor area; and residential use shall have 1.5 spaces per unit for a four unit or larger apartment with 1.25 spaces per unit limited to one bedroom units.

Finding: The previous approved Conditional Use (CU04-04 and AEP05-05) was for 30 multi-family dwelling units above ground floor industrial uses. The dwellings were calculated at 20 one-bedroom units at 1.25 spaces (25 spaces) and 10 units at 1.5 spaces (15 spaces). The ground floor industrial use was calculated for 8,509 square feet industrial use at one space per 1,500 square feet (8 spaces). The previously approved parking plan includes 40 parking spaces for the 30 residential units, 8 spaces for the industrial units, and 4 spaces to be dedicated for use by Building B at 3990 Abbey Lane.

The findings of fact are based on the concept that the majority of the building would be residential and only a small square footage of approximately equal to the ground floor (8,500 square feet) only would be used for professional offices and non-tourist oriented retail sales. The actual amount of parking required cannot be determined until the actual tenants are approved. The final parking calculation would be reviewed at the time of the building permit based on the proposed square footages of each of the uses at that time. There is ample space on the lot to accommodate parking for development of the site. Any development would be required to meet the parking requirements of the Code at the time of development.

At the time the three buildings were proposed, the property lines were reconfigured so that each building was on its own property. However shared access and parking

was approved over these property lines as it was in one ownership. The CC&R's Supplemental Declaration Stage 2, dated 8-27-2008, Section 7.6, Reservation of Easements for Future Development, address some of the easements on these properties. The fact that access to Building B east side industrial parking spaces is on this lot, and that four parking spaces for Building B are located on this vacant lot, it is important that an easement for these uses be maintained. Additional review of the existing recorded documents will need to be completed to assure that the CC&R easements are sufficient for the existing and proposed developments. In lieu of an easement for the four parking spaces for Building B, a lot line adjustment may be possible. These specifics can be determined at the time of building permit application. Any issues relevant to the easements shall be resolved prior to occupancy of the building.

- E. Section 7.110 concerning Parking and Loading Area Development Requirements addresses the size, location, landscaping, and other design standards for required parking areas.

Finding: Under Conditional Use permit (CU04-04), the applicant was required to improve the parking area, and install landscaping per Development Code Section 7, Parking and Loading, prior to issuance of the final occupancy permit for the buildings. Should changes to the already approved parking plan be needed to meet code provisions, the applicant will need to submit a revised parking and landscaping plan with the building permit application to be reviewed and approved by the Planner. All parking and landscaping improvements shall be completed prior to occupancy of the proposed building.

- F. Section 11.020 requires that *"the proposed use comply with the applicable policies of the Comprehensive Plan."*

1. CP.010(2) concerning General Development Policies for Natural Features states that *"The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged."*

Finding: At the time development application(s) are submitted for review by the City, issues such as site design will be addressed. The applicant has not indicated any proposed changes to the previously approved (CU04-04) site plan. No revised site design issues are being considered as a part of this request.

2. CP.020(3) concerning Community Growth-Plan Strategy states that *"The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section."*

Finding: The proposed uses within the S-2A (Tourist-Oriented Shoreland) will allow for an increased variety of uses to potentially occur on this property. This will allow for the development of the site in a flexible manner and allow for multiple uses.

3. CP.015(6) concerning General Land and Water Use Goals states that *"The plan establishes the goal of encouraging development which the City is capable of servicing. New industry or housing development should be permitted if public facilities such as sewer, water, police and fire protection, and schools, are capable of accommodating increased demand."*

Finding: The property is currently vacant. The proposed uses would allow a variety of commercial, tourist-oriented, and residential uses on the site. Based on the previously approved residential and industrial uses, it is anticipated that public facilities should be sufficient to serve the proposed uses in this area.

Non water-related and non water-dependent uses such a multi-family residential use and non-tourist oriented retail use, and professional offices are permitted as conditional uses in the zone. The applicant proposes these types of uses that could compliment and add to the mix of existing businesses and "working waterfront" atmosphere. The proposed uses would add to the increasing vitality of the vicinity.

4. CP.200 concerning Economic Development Goal 1 Policies states that *"The City of Astoria will:*
  4. *Encourage private development such as retail, restaurants, commercial services, transient lodging.*
  5. *Provide a supportive environment for new business.*
  6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base. . .*
  8. *Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries."*

Finding: In addition to multi-family residential uses, the proposal is for professional offices and non-tourist-oriented retail sales. These uses would support the existing mooring basin, hotel, industrial, and condominium development in the area. The mixture of approved uses would also support a work/live environment within the building.

Finding: The proposed use will comply with the applicable policies of the Comprehensive Plan.

- G. Section 11.030(A) requires that *"before a conditional use is approved, findings will be made that the use will comply with the following standards:"*

1. Section 11.030(A)(1) requires that *"the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

Finding: The proposed multi-family residential use for the upper floors has been reviewed and approved under Conditional Use Permit (CU04-04) and is still valid. The proposed use is to allow multi-family residential use possibly also on the ground floor, and to allow professional offices and non-tourist oriented retail sales in the building. The proposed mixture of approved uses would support work/live opportunities for the future building. Multi-family dwelling units have already been approved with CU04-04. To allow residential use on the ground floor and/or some professional offices and non-tourist oriented retail sales would be minimal changes from the previously approved residential and industrial uses. There are very few properties available on the east side of Astoria for professional offices and retail sales. While there are other zones that allow these uses outright, the proposed uses would be a desirable mix of uses added to the existing uses in the vicinity.

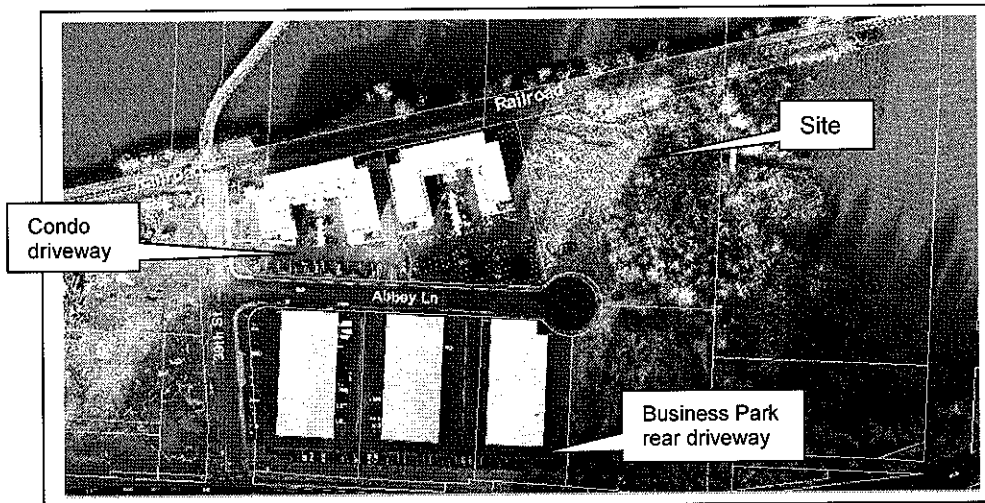
2. Section 11.030(A)(2) requires that *"an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements."*

Finding: The proposed residential use and adjacent commercial and business uses in the area are compatible in terms of limiting the impact to transportation activities. The site is accessible from Abbey Lane at the dead end cul-de-sac via 39th Street off Lief Erikson Drive. There is access to the City River Trail (bike route) and trolley. The location is accessible by multiple modes of transportation.

The findings are based on the concept that the majority of the building would be residential and only a small square footage of approximately equal to the ground floor only (8,500 square feet) would be used for professional offices and non-tourist oriented retail sales.

Anticipated traffic volumes at the dead end street is minimal. At the time of CU04-04, the applicant submitted a Traffic Impact Study that indicated that the roads were sufficient to accommodate the proposed residential and industrial use. There would be little change to those results based on the minimal changes in uses proposed with this application. The industrial buildings have a through driveway on the south side of the buildings allowing

for a circuitous route around the buildings. As noted above, it was intended that the subject site has a joint access agreement with the adjacent Cannery Loft Condominium site allowing access through the parking area for those buildings. With the change in ownership and possibility that this lot may not annex into the Condominium, an access easement should be verified or recorded.



Refuse collection will occur on-site within the building. If an outdoor solid waste disposal site is proposed, the location and screening of that refuse collection area shall be submitted to the Planner for review and approval to assure compliance with the requirements for this area. The applicant should work with the City's solid waste disposal provider concerning the size and location of the proposed refuse area for the proposed uses.

The proposed use to allow residential use on all floors, and to allow professional office and non-tourist oriented retail sales is appropriate at this location.

3. Section 11.030(A)(3) requires that *"the use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities."*

Finding: All utilities are at the site and are capable of serving the use. The impact will not change from the previous approved proposed residential and industrial uses.

4. Section 11.030(A)(4) requires that *"the topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction."*

Finding: The site is flat but does contain a designated wetlands and flood zone. Any construction would require review and compliance with the flood and wetlands regulations. The site is adequate for construction.

5. Section 11.030(A)(5) requires that *"the use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."*

Finding: The original approved plans indicated sufficient landscaping. The applicant will need to submit a final landscape plan with the building permit for review and approval by the Planner. Since the site is not adjacent to a residential zone, there is no additional buffers or setbacks required. The adjacent lots are zoned GI and any needed buffering would be the responsibility of the GI Zone property owners.

## V. CONCLUSIONS AND RECOMMENDATIONS

The request meets all applicable review criteria. Staff recommends approval of the request based on the findings of fact above with the following conditions:

1. Should changes to the already approved parking plan be needed to meet code provisions, the applicant shall submit a parking plan, to scale and which meets the standards of Article 7, Parking and Loading, for review and approval by the Planner at the time of the building permit application. All parking shall be improved prior to occupancy of the building.
2. Additional review of the existing recorded documents shall be completed to assure that the CC&R easements are sufficient for the existing and proposed developments. In lieu of an easement for the four parking spaces for Building B at 3990 Abbey Lane, a lot line adjustment may be possible. These specifics can be determined at the time of building permit application. If additional easements or lot line adjustment are required, they shall be reviewed and approved by the Planner and a copy of the recorded documents provided to the Planner prior to occupancy of the building.
3. All conditions of Conditional Use Permit CU04-04 as Amended (AEP05-05), Variance (V04-07), and Variance (V05-14) shall be applicable to this permit.
4. Approval of the Conditional Use Permit is contingent upon the adoption of the Zone Map Amendment (A13-02) to S-2A Zone.
5. The applicant shall work with the solid waste disposal provider concerning the size and location of the proposed refuse area for the proposed uses.
6. The findings of fact are based on the concept that the majority of the building would be residential and only a small square footage of approximately equal to the ground floor only (8,500 square feet) would be used for professional offices and non-tourist oriented retail sales. The amount of professional offices and non-tourist oriented retail sales shall be limited to approximately 8,500 square feet or an amendment to the permit would be required.

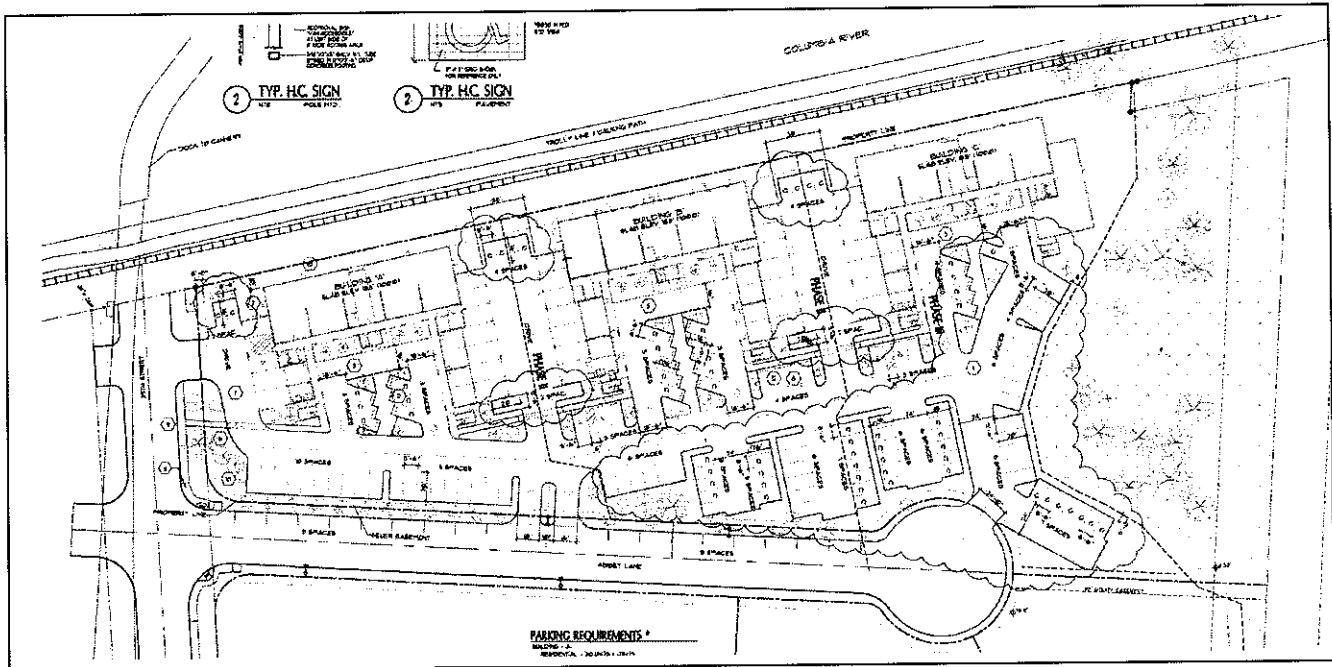


The applicant should be aware of the following requirements:

Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

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

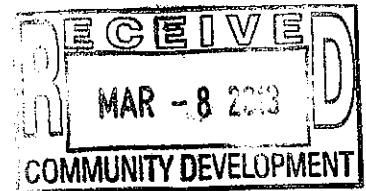
Shows site plan for Building C at 4050 Abbey Lane





CITY OF ASTORIA  
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT



No. CU 13-02 (concurrent w/A13-02)

Fee: \$250.00

**CONDITIONAL USE APPLICATION**

Property Address: 4050 ~~3990~~ Abbey Lane, Oregon 97103

Lot 5

Block —

Subdivision Astoria Business Park

Map 9AA

Tax Lot 500

Zone Rezone S-2A

Applicant Name: 210 Developers, LLC

Mailing Address: 427 W. Cevallos, San Antonio, Texas 78204

Phone: \_\_\_\_\_ Business Phone: 210-222-2300 Email: \_\_\_\_\_

Property Owner's Name: Cannery Loft Holdings, LLC

Mailing Address: 4380 SW Macadam, Suite 190, Portland, Oregon 97239

Business Name (if applicable): \_\_\_\_\_

Signature of Applicant: [Signature] Mark Tollett

Date: 3/8/13

Signature of Property Owner: \_\_\_\_\_

Date: \_\_\_\_\_

Existing Use: G1 Vacant land

Proposed Use: pending rezoning to S-2A

Square Footage of Building/Site: 91,040

Proposed Off-Street Parking Spaces: \_\_\_\_\_

**SITE PLAN:** A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

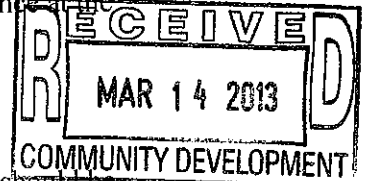
*For office use only:*

Application Complete:		Permit Info Into D-Base:	<u>3/21/13</u>
Labels Prepared:		Tentative APC Meeting Date:	<u>4/23/13</u>
120 Days:			

City Hall • 1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • Fax 503-338-6538

[rjohnson@astoria.or.us](mailto:rjohnson@astoria.or.us) • [www.astoria.or.us](http://www.astoria.or.us)

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



Briefly address each of the following criteria: Use additional sheets if necessary.

- 11.030(A)(1) The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.

There are currently sufficient means for ingress and egress to support the proposed amendment, with all public street improvements for the site completed prior

- 11.030(A)(2) An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.

The site will not add any increased traffic to the area that would cause an issue with access, parking, and transportation under the prior proposed plans for the Cannery Lofts project

- 11.030(A)(3) The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

The use will use existing infrastructure and utilities to support the needs of the site, and will comply with fire and police requirements for service. All required service needs were accounted for under approved plan

- 11.030(A)(4) The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

The structure is already in place and the physical characteristics are appropriate To support the use of the structure, per engineers (OTAK)

- 11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

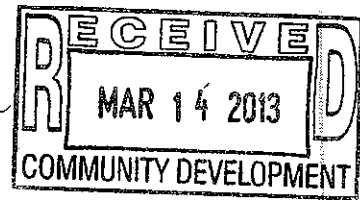
It will conform to approved plans.

- 11.030(B) Housing developments will comply only with standards 2, 3, and 4 above.



CITY OF ASTORIA  
Founded 1811 • Incorporated 1855  
COMMUNITY DEVELOPMENT

*Owner Signature*



No. CU

Fees: \$250.00

### CONDITIONAL USE APPLICATION

Property Address: 3990 Abbey Lane, Oregon 97103

Lot 5 Block Subdivision

Map Tax Lot Zone

Applicant Name: 210 Developers, LLC

Mailing Address: 427 W. Cevallos, San Antonio, Texas 78204

Phone: Business Phone: 210-222-2300 Email:

Property Owner's Name: Cannery Loft Holdings, LLC

Mailing Address: 4380 SW Macadam, Suite 190, Portland, Oregon 97239

Business Name (if applicable):

Signature of Applicant: Date: 3/8/13

Signature of Property Owner: Date: 3/8/13

Existing Use: G1 Multi-family residential, ground floor industrial and commercial

Proposed Use: S-2A Multi-Family dwelling, professional office, non-tourist retail sales

Square Footage of Building/Site: 91,040

Proposed Off-Street Parking Spaces:

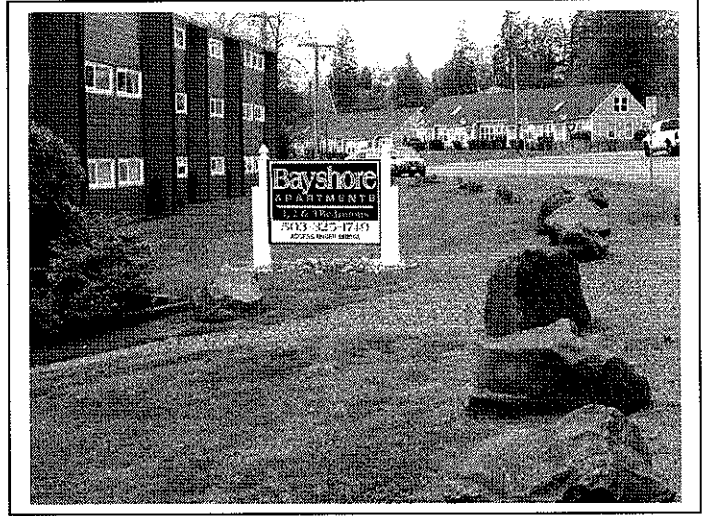
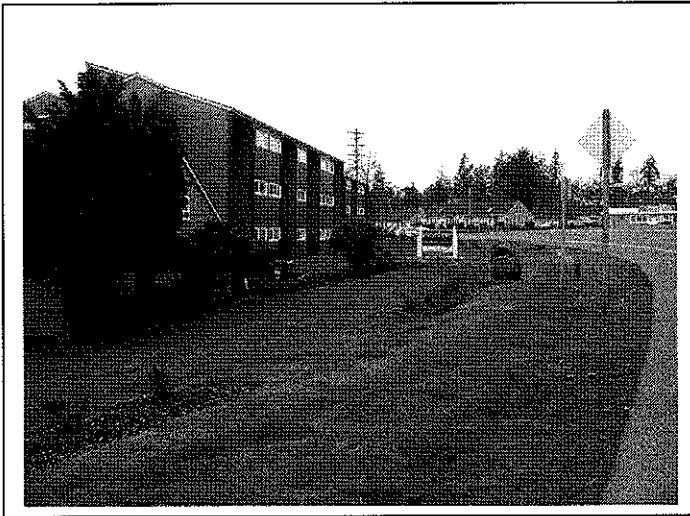
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*For office use only:*

Application Complete:	Permit Info Into D-Base:
Labels Prepared:	Tentative APC Meeting Date:
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gjohnson@astoria.or.us • www.astoria.or.us

1400 W Marine Drive  
V12-08  
4-8-2013



Variance to install a freestanding sign larger than code allowed. All conditions met.