

CITY OF GEARHART PLANNING COMMISSION

City Staff Report

From: Carole Connell, AICP - City Planner

Re: Request for a Conditional Use approval

July 7, 2022

---

City File: #22-05 CU

Application Purpose: An application for a Conditional Use to permit 26 long-term apartments in the existing Windjammer Motel building in a Commercial C-2 zone. Note – the application refers to three new units for a total of 27. On 6-29-22 the applicant said only two new units are being added for a total of 26.

Public Hearing Date: July 14, 2022

Applicant: Zachary Smith & Steven Yett

PO Box 26125

Eugene, Oregon 97402

Property Owner: Kim Bauske

PO Box 1053

Seaside, OR 97138

Location: 4253 N. Hwy 101; Tax Lot 800 & 900 Map 6 10 03BA

Lot size: 95,832 square feet (2.2 acres)

Procedures: Application received: 5-27-22

Completeness: 6-14-22

Notice Mailed: 6-23-22

Notice Published: 6-23-22

120-day deadline: 10-12-22

Exhibits

- Gearhart Fire Chief, hydrant replacement, 7-2-22 email
- Gearhart Building Inspector, identify 3 accessible and 1 van-accessible ADA parking spaces, email 6-24-22
- Gearhart Police Chief, questions on-site management, email 6-20-22
- Gearhart Public Works, depending on what is needed for adequate fire suppression and water supply, the applicant will be required to cover costs of water system upgrades needed to meet city standards, email 6-30-22
- Gearhart City Manager, no comment
- Clatsop County: no comment

- ODOT, no comment

Gearhart Zoning Code Review Criteria:

- GZO Section 3.5 General Commercial C-2 Zone
- GZO Section 3.14 Tsunami Hazard Overlay Zone
- GZO Article 4 Transportation Improvements & Access Management
- GZO Section 6.060 Off-Street Parking, landscaping, signage, clear vision requirements
- GZO Section 8.040 Conditional Use Review Criteria
- GZO Section 8.060 Additional Modification of Standards for CUP
- GZO Article 13 Administrative Application, Notice & Hearing Procedure

I. Background

Site information & proposal: The subject parcel is zoned General Commercial C-2 and is currently occupied by the Windjammer Inn which has historically been rented for overnight and long-term customers. Now there are 24 rooms of which 90% are rented for long-term tenants. The new owners hope to convert them all to long-term apartments. A bank loan is unavailable for the new owners until the property is officially approved for apartment use. The applicant proposes to add 2 additional rooms by remodeling an existing room and converting the lobby for a total of 26 long-term rentals. The applicant plans to hire a professional property manager, Port Town Property Management in Astoria (Nan Schowenwald) to operate the business and care for the property. The applicant proposes site improvements to the parking stalls, lighting, landscaping, improved on-site laundry facilities, trash/recycling amenities and new branding/signage. The storage building on site is to remain as is for now, full of old motel furniture. It has no plumbing and may be torn down.

Surrounding uses include five single family dwellings to the north, a vacant parcel to the east, a day care business to the south and the highway to the west.

- A. Agency Coordination: The proposal was referred to city departments, ODOT and Clatsop County. There were no objections, but some concerns were raised. If approved, agency approvals of final plans are required.

II. Gearhart Comprehensive Plan and Zoning Code (GZO) Provisions

- A. GZO Article 13 Administrative Provisions: The application for a Conditional Use Permit is a quasi-judicial decision of the Planning Commission. The applicant has submitted the required forms and materials. The public hearing was advertised at least 20-days before the hearing and notices were mailed to properties within 200 feet of the subject parcel.

This report was made available no less than seven days before the hearing. The public hearing will be conducted in accordance with Section 13.050. A party to the decision by the Planning Commission may appeal the decision to the City Council.

B. Applicable Comprehensive Plan and Zone Standards: The site is designated General Commercial C-2 by the Gearhart Comprehensive Plan and Zoning Ordinance.

C. GZO Section 3.5 C-2 General Commercial Zone

The purpose of the C-2 zone is to provide for a broad range of commercial uses and activities to serve the needs of the city and its visitors. The General Commercial zone shall allow for a broader range of development than may be located in the C-1 Neighborhood Commercial Zone.

FINDINGS: The City finds the C-2 Zone Section 3.530 Conditional Uses allow a tri-plex or multi-family dwelling. The request is for approval to improve the existing, mostly long-term units and add two more within the existing building footprint, subject to Planning Commission approval based on the C-2 Zone standards and Article 8 Conditional Use approval criteria.

The C-2 zone allows for multi-family housing per C-2 zone standards:

1. Lot size: No minimum
2. Density: No maximum. FINDING: The Tsunami Hazard Overlay zone limits the density to 10 units per acre unless an exception is approved by the Planning Commission, discussed later in this report.
3. Front yard: A front yard shall be at least 25 feet deep. FINDING: The front yard adjoins Hwy 101. The pre-existing building is setback 100 feet from the highway.
4. Side yard: A side yard shall be 5 feet. FINDING: The existing two-story building is 15' from the parcel's north side line and about 200' from the south side.
5. Rear yard: None when adjoining a parcel zoned commercial. FINDING: The existing two-story structure is about 90' from the east rear property line.
6. Height restriction: The maximum height of a structure shall be 30 feet or three stories whichever is less. FINDING: The two-story structure is not subject to a height limitation because it is pre-existing.
7. Lot coverage: The maximum area covered by a permitted structure and accessory buildings shall not exceed 55% of the total lot area. FINDING: The 2.2-acre site has two buildings that cover approximately 12,244 SF, an estimated 17% of the site.

SUMMARY FINDINGS: The City finds the existing structure and improvements comply with the above C-2 zone standards.

D. GZO Section 3.14 Tsunami Hazard Overlay Zone (THO)

The purpose of this section of the code is to increase community resilience from a Cascadia Subduction Zone tsunami by establishing standards, requirements, incentives and other measures applied in the review and authorization of land use and development activities impacted by the XXL magnitude source tsunami event, which covers all of Gearhart.

#### THO Zone Permitted, Conditional and Prohibited Uses

In the THO zone all permitted, conditional and prohibited uses in the underlying C-2 zone are subject to applicable THO zone limitations and requirements. Applicable to this case, Section 3.1450 Prohibited Uses 2. G. prohibits a residential density that exceeds 10 dwelling units an acre in areas inundated by the “M” magnitude scenario, “unless authorized as an exception with Section 3.1460”.

FINDING: Under the THO zone density provision, the 2.2-acre site is permitted a maximum of 22 dwellings. However, the existing use currently has 24 units, and the applicant plans to add 2 more units, increasing the density limit and further exceeding the maximum of 10 dwellings per acre. An exception can be made by the Planning Commission based on the THO Zone Use Exception criteria below.

#### Section 13.1460 THO Zone Use Exceptions

3. Uses prohibited may be permitted upon the following findings:

- a. *There are no reasonable, lower risk alternative sites available for the proposed use.*

FINDING: The City finds there are virtually no apartment sites or dwelling units available in the city limits, according to the City Administrator. The 2019 Clatsop County Housing Strategies Study concluded there is a ‘housing crisis’ and the county desperately needs more middle and higher density housing types. The study also recommends Gearhart “remove barriers to the development of higher density housing...” Expanding an existing low density apartment complex is an effective and less impactful method for retaining and modestly increasing the affordable housing supply.

- b. *Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized.*

FINDING: The City finds based on the 2013 DOGAMI lidar map information on the City GIS website, the site is within a 15-minute walking/running distance of a “Large” scenario earthquake with access to the elevated dune an estimated 400 feet east of the property. A higher dune northwest of the site near Highland Lane is also walking/running accessible to residents via the highway.

- c. *The buildings will be designed and constructed in a manner to minimize the risk of structural failure during the design (M magnitude) earthquake and tsunami event.*

FINDING: The existing building is not new construction. The proposed interior remodel for 2 new units is an improvement not proportional to a City exaction that would require a structural rebuild to current earthquake construction standards.

- d. *Applications, review, decisions and appeals for Use Exceptions authorized by this subsection shall be in accordance with the requirements for a Quasi-Judicial procedure as set forth in GZO Article 13.*

FINDING: This Conditional Use application has been processed by the City in accordance with the Quasi-Judicial procedures of GZO Article 13.

SUMMARY FINDINGS: The need for affordable housing and the need to promote tsunami resiliency creates a dilemma and a trade-off sometimes required in a land use decision. The City finds the need for affordable (and improved) multi-family housing in an existing structure is more urgent than the risk of adding two units within an existing building that may be subject to tsunami impacts. The existing structure is within walking distance to a better protected elevation from a “Large L” tsunami to the east and a XL tsunami to the northwest. Residents also have direct access to Highway 101 which is an evacuation route. If the proposal were for a new, large apartment complex the argument for an exception would be more difficult to justify.

#### Section 3.1470 THO Required Development Improvements

Except for single-family and duplex dwellings, all new development, substantial improvements and land divisions in the THO zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the Gearhart TSP evacuation route designations.

1. Evacuation Routes: A new multi-family residence is required to incorporate evacuation route improvements as a part of new development in compliance with the Gearhart TSP.

FINDINGS: The subject interior remodel of an existing building is not part of a “new development”. Regardless, residents have direct access to Highway 101, a designated evacuation route. The interior remodel to gain two additional units is a minor improvement that does not warrant construction of a highway sidewalk improvement, primarily because the draft “ODOT Highway 101 Safety Improvement Plan for Gearhart” is not complete or definitive as to what the improvement would be. ODOT was notified of this request and has not commented to date.

#### E. Street Improvements

#### GZO Article 4 Transportation Improvements and Access Management

For brevity, only relevant sections of Article 4 Transportation Improvements are paraphrased below. Requirements the staff finds not applicable are not listed or addressed herein

#### Section 4.020 Additional Criteria for Access Controls on Highway 101.

1. Access management standards for U.S. 101 shall be those standards required by ODOT.
2. A new approach onto Hwy 101 or change of use requires ODOT approval.
3. Parking lots located in front of a structure fronting on the highway shall be adjacent to at least one side property line.

FINDINGS: The subject property abuts Highway 101. A new highway approach is not proposed. There are two existing access driveways onto Highway 101, one on the north side and one on the south side of the building. There is an existing 20' wide access easement on the south property line serving as a shared highway intersection access aligned with the Gearhart Lane intersection across the street. There is a pending Highway 101 Safety Improvement Plan for sidewalk and bike lane improvements on the site's frontage, including a possible roundabout at Gearhart Lane intersection across the highway, but ODOT staff for the plan said it's too soon to determine if any improvements are required. The proposal is a change of use and ODOT access management staff was notified of this request but has not commented.

#### Section 4.040 Transportation Improvements

1. Applicability: A multi-family development is required to construct transportation improvements in accordance with the standards and procedures of this chapter.
2. Street, Shared-use Path and Evacuation Route Design Standards: All transportation improvements, required or voluntary shall conform to the Gearhart TSP.

FINDINGS: The proposed ODOT Highway 101 Safety Improvement Plan will include a unified plan for pedestrian and bicycle improvements on this portion of the highway. The plan is in draft form and cannot yet be referred to regarding future improvement plans at the subject location.

Public Improvement Requirements: No building permit shall be issued until all required street improvements are in place and approved by the City Manager or designee, or otherwise bonded and shall be proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the improvements directly relate to and are roughly proportional to the impact of the development.

FINDINGS: The City finds highway sidewalk improvements adjoining the site should be coordinated with ODOT's north coast office, if any improvements are required.

3. Improvements to Existing Streets in a multi-family development: All multi-family dwelling development shall construct a minimum of half-street improvements to all existing streets adjacent to, within, or necessary to serve the development in accordance with the Gearhart TSP standards.

FINDINGS: The City finds a half street improvement to Highway 101 is functionally impractical and premature with the pending Highway Safety and Improvement Plan adoption. The cost for such a project would be an exaction not proportional to the impact of the two new apartment units.

4. Waivers, Deferrals and Fee-in-Lieu options may be approved by the City Manager.

FINDINGS: The City finds an unspecified highway improvement is waived for this request.

Section 4.060 Access Management Standards

1. Nonconforming Access Features: Legal access connections in place as of August 2, 2017 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
  - 3.B. a change in use or enlargements or improvements that will increase trip generation.

FINDINGS: The existing access to Highway 101 for the Windjammer is not a known non-conforming access. Comments from ODOT may be forthcoming.

2. Long Term Consolidation of Access: The number of driveways and private street intersections with Highway 101, (an arterial street) may be required to be shared with reciprocal easements. However, this section allows for an exception to shared access onto the highway if there are physical or development pattern constraints.

FINDINGS: The City finds there are two existing accesses, the south access is shared with the adjoining Daycare Center and aligns with Gearhart Lane across the highway. The Windjammer’s north access cannot be shared with the developed homesites adjoining the north property line because the land is developed, and it has an existing highway access on their north property line.

Section 4.070 Traffic Impact Analysis TIA

1. The City or ODOT may require a Traffic Impact Analysis (TIA) for a change of use application or when there is a projected increase in trip generation of more than 25 or more trips during the AM or PM peak hours, or if more than 300 total daily trips.

FINDINGS: The City finds a TIA cannot be required for the existing 24 units. Adding two new units is not a change of use. For information purposes, based on the estimated number of daily trips generated from the low-rise building in the ITE chart below, three units will generate an estimated 22 new trips per day, less than 300 trips that trigger the required TIA.



Source: Institute of Transportation Engineers, *Trip Generation Manual*, 10th Edition

F. Section 4.080 Pedestrian Access and Circulation and Bike Parking

Development shall conform to all pedestrian access and circulation standards of this section.

1. Continuous Walkway System: the site is fully developed and paved. There are no delineated walkways.
2. Vehicle/Walkway Separation: The existing pedestrian access is not separated from the vehicle routes.
3. Tsunami Evacuation Routes: Shall be constructed in accordance with the TSP standard. FINDING: No new construction is proposed. This has been addressed in the Tsunami Hazard Overlay Zone section of this report.
4. Walkway width and surface: Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface as approved by the City Manager or designee and shall be not less than 5-feet wide. Multi-use paths shall be concrete or asphalt per TSP standards. FINDING: Existing walking routes are an asphalt surface.

G. GZO Article 6 Supplementary Provisions

1. Fences shall not exceed 6 feet within yards, measured from the ground level where located. Fences abutting Highway 101 are subject to the ten (10-foot setback from the property line per 6.070 4. (G). FINDING: There is an existing fence on the north property line adjoining the five dwellings. No new fencing is proposed.
2. Outdoor Lighting: Lighting fixtures shall be shielded or recessed into the building design to avoid casting glare onto adjacent property or upward into the night sky. FINDING: This should be a condition of approval in the event of new lighting plans.
3. Signs: shall comply with the city sign requirements of Section 6.020. FINDING: At the appropriate time for the applicant, a new sign permit shall be applied for.
4. Clear Vision: A 15-foot clear vision triangle at the intersection of the two existing driveways on Highway 101 shall not contain plantings, fencing, structures, a wall or other temporary or permanent obstruction exceeding 2.5 feet in height measured from the top of the curb, except trees exceeding that height may be located in the areas provided all branches and foliage are removed to a height of 8 feet above the grade. FINDING: The applicant indicates the existing site improvements on the west property line adjoining the highway provide clear vision for drivers entering the highway and will be maintained as such.
5. Maintenance of Minimum Setback and Open Space: No lot area, yard or other open space or off-street parking or loading areas shall be reduced below the minimum required for it by this ordinance. FINDING: All requirements have been met.
6. Section 6.060 Off-street Parking: This section requires compliance for a new use and when a use is changed in an existing structure. No existing parking spaces may be eliminated if it results in less parking than required by this section.
  - a. Parking spaces shall be a minimum of 9' wide by 18 feet deep, except for compact spaces may be 8' wide and 16' deep and up to 50% of the spaces may be compact spaces.



FINDINGS: The City requires two (2) parking spaces for all residential dwellings, regardless of whether it is a single family or a multi-family structure. The site is therefore required to have 52 parking stalls. The application illustrates 77 parking stalls, and the applicant indicated they are drawn to be 9'x18', with no scale.

- b. Bicycle Parking shall be provided for new development and consist of staple-design steel racks or other City approved racks, lockers, storage bins that provide a safe and secure means of storing a bicycle.

FINDINGS: A multi-family housing complex requires two bike spaces per four dwelling units. For 26 units a minimum of 4 bicycle spaces should be required as a condition of approval.

7. Section 6.070 Landscaping and Tree Preservation: Landscaping requirements adjacent to US Highway 101:

- a. As a minimum requirement, a 10-foot-wide strip of landscaping shall be provided adjoining the Highway right-of-way.
- b. A landscaping plan shall be submitted to the City Administrator for approval before building permits are issued for any new development on lots adjacent to Highway 101. The landscaping plan shall include a maintenance schedule with a provision for routine placement of plants that fail to survive. Landscaping plans shall comply with the standards of Section 6.030 Clear Vision Area.
- c. Required landscaping areas shall preferably consist of native plant species which are compatible with the weather of the coastal environment and the soil types of the site. Examples of native plants are described by the book "*Plants of the Pacific Northwest Coast* by Pojar and MacKinnon" and on the list from "*The Western Gardener*" available at City Hall. In addition to native plants, edible plants, fruits, vegetables, and nuts shall also be permitted. With Planning Commission review, applicants may request that non-native plants be placed on the list of acceptable plants within required landscaping areas.
- d. No plants prohibited by the City of Gearhart shall be permitted.
- e. All structures, including any fence, shall be setback ten feet from the property line adjacent to US Highway 101.

FINDINGS: The site is paved up to the highway pavement and several existing utility poles are located along the highway frontage. The above landscaping standard is required for a building permit related to new development. Landscaping would improve the appearance of the business and the applicant indicates they will add some landscaping. Because no new development is proposed, and the site is paved and has utility poles, landscaping cannot be required.

III. GZO Article 8 Conditional Uses

A. Section 8.040 General Conditional Use Review Criteria

Before a conditional use is approved findings will be made that the use will comply with the following standards:

1. The proposed use is consistent with the policies of the Comprehensive Plan

The following Comprehensive Plan policies are relevant to the proposal:

- ***Residential Development and Housing Goal 10 Policies***
  - a. *It is a City goal to ensure decent, affordable housing and housing availability for all residents of the Gearhart area.*
  - b. *The City will preserve and maintain the predominately residential character of Gearhart through appropriate zoning and land use development regulations.*

FINDINGS: The City finds approval of the conditional use permit to improve and officially convert existing housing rentals plus two more, in a C-2 zone that adjoins existing residences to the north, will add an additional housing option not available and increase the number of affordable residential dwellings in the city, while preserving the predominately residential character of Gearhart.

- c. *The City, through provisions in the Zoning Ordinance shall allow for needed housing types such as manufactured dwellings, duplexes, multi-family dwellings, and residential care facilities and residential homes.*

FINDINGS: The City finds the existing General Commercial C-2 zone allows for a multi-family housing type that will help to meet the affordable housing needs of Gearhart businesses and residents, subject to compliance with the C-2 zone, relevant standards and the Conditional Use approval criteria, which are all addressed in this report.

- d. *The City will prevent the city from becoming a tourist destination. To achieve this policy the City, through its land-use regulations shall seek to accommodate only a limited level of tourist development.*

FINDINGS: The City finds the Windjammer apartments in a commercial zone decreases rather than increases the amount of commercial land in the city. The proposed residential use will not increase tourism while providing a needed and improved housing option for the regional workforce.

- e. *The City will establish Zoning ordinance standards to protect residential areas from adjacent commercial development.*

FINDINGS: The City finds the existing residential uses to the north, and under construction to the south will be adjoined by a few new residential units rather than a new commercial use. The proposal is compatible with existing residential development in the area.

- ***Air, Water and Land Resource Quality Goal 6 Policies***

- f. *The City will encourage the use of alternative modes of transportation to the automobile in an effort to decrease the overall levels of air pollution.*

FINDINGS: The City finds the proposal will allow a new housing opportunity in proximity to nearby commercial services, thereby reducing the length of daily trips and providing an opportunity to walk to some nearby commercial uses.

- ***Economy & Energy Goals 9 & 11 Policies***

- g. *Medium density developments, when appropriate, will be concentrated along high-capacity transportation corridors in order to achieve greater energy efficiency.*

FINDINGS: The City finds legitimizing the existing long-term apartments and adding two new units will provide a “medium density” housing development that is located on Highway 101, the highest-capacity travel corridor in Gearhart, in compliance with this policy.

- h. *Future commercial, industrial and residential development within and adjacent to the City of Gearhart shall progress in the most energy efficient and logical manner possible.*

FINDINGS: The City finds it is logical and highly energy efficient to utilize and improve an existing structure as compared to new construction.

- ***Transportation Goal 10 Policies***

- i. *Protect the existing function and planned roadways identified in the adopted Transportation System Plan (TSP) by ensuring that all development proposals, plan amendments and zone changes are consistent with the planned transportation system.*

FINDINGS: The City finds this request for a Conditional Use to affirm the existing long-term apartment units are a permitted use, and adding two new units, will have a negligible impact on the existing highway traffic patterns. Furthermore, multi-family housing located on the highway is consistent with the Comprehensive Plan policy to locate higher density housing on the high-capacity Highway 101 corridor.

Plan Compliance Summary: The above findings support expanding the existing Windjammer apartments by two multi-family units in the existing structure is compliant with the relevant Comprehensive Plan policies, the intent of the C-2 Zone, the Gearhart Transportation System Plan and the Tsunami Evacuation route and density standards.

2. A demand exists for the use at the proposed location. Several factors which shall be considered in determining whether this demand exists include accessibility for users (such as customers and employees), availability of similar uses, availability of other appropriately zoned sites, particularly those not requiring conditional use approval, and the desirability of other suitable zoned sites for the use.

FINDINGS: The City finds a demand exists for the multi-family housing as described in the Clatsop County 2017 Comprehensive Housing Study, which has since amplified by skyrocketing increases in new housing, rental rates and housing availability. The study indicates Gearhart has a low supply of affordable housing compared to other jurisdictions in the county. Further it can be found that:

- Accessibility: The subject parcel has direct access to Highway 101 which provides transit access and some services within walking distance to residents.
- Other C-2 sites: The site is already developed with affordable housing units in compliance with city requirements. It is illogical to look for another site that may be preferable to this one.
- Other commercial zones: No other commercial zones in the city allow a free-standing multi-family housing structure. The C-2 zone allows multi-family housing as a Conditional Use.

3. The location, size, design, and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties.

FINDINGS: The City finds the highway location and the relatively low amount of residential traffic generated by the use provides direct access to a high-capacity road facility in proximity to commercial uses. The property is zoned commercial, and the structure has been used for multi-family housing for many years. There will be no change or new impacts that may affect adjoining land to the north, south or east.

4. The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated.

FINDINGS: The City finds existing residential use of the Windjammer building and the addition of two new units will not generate more or excessive traffic than a permitted commercial use would.

5. Public facilities and services are adequate to accommodate the proposed use:

FINDINGS: The City finds the existing building has access to utility connections and public water, septic and fire services. Remodeling to create two new units will require approval by the City Building and Fire Departments and Clatsop County Health prior to occupancy. According to the Fire Chief there was a damaged fire hydrant that the owner had to move. The city plans to replace the existing fire hydrant near the facility which will improve existing low water pressure. The relatively flat site has some drainage runoff problems like many uses on the highway.

6. The site's physical characteristics in terms of topography, soils and other pertinent considerations are appropriate for the intended use; and:

FINDINGS: The City finds the developed site is flat with stable soils. There are no known constraints related to topography or soil conditions on the parcel.

7. The site has adequate area to accommodate the proposed use. The site layout has been designed to provide appropriate access points, on site drives, parking area, loading areas, storage facilities, setbacks, buffers, utilities, or other facilities which are required by City ordinance or desired by the applicant.

FINDINGS: The City finds the use is not new and the site layout is adequate to accommodate the existing apartments and the addition of two new units. There two existing access drives provide adequate highway access. There are more parking stalls than required. The owner is hiring a management company located in Astoria to oversee the needs of the apartment operation. The applicant plans to improve the appearance of the site and add new lighting, signage, laundry, garbage, and recycling facilities. A minimum bicycle rack for 4 bicycles is an appropriate condition of approval.

B. Section 8.060 Additional Modifications of Standards for Conditional Uses

The Planning Commission may impose additional conditions if necessary to protect the best interest of the City as a whole. These additional conditions may include:

1. Increasing the required lot size or yard dimensions.

FINDINGS: The C-2 zone requires no minimum lot size, The existing building exceeds minimum setbacks of 25 feet from the front property line, 5 feet from the sides and 0 feet from the rear property line.

2. Limiting the height of buildings.

FINDINGS: The existing two-story building cannot be required to be modified, and the applicant believes it does not exceed the minimum height of 30' permitted by the zone.

3. Controlling the location and number of vehicle access points.

FINDINGS: This criterion is not applicable because the location of the existing access is established, and no new accesses are proposed.

4. Increasing the street width

FINDINGS: The City finds the existing highway width is not proposed to be widened, and that ODOT has provided no comments about the conditional use.

5. Increasing the number of required off-street parking space.

FINDINGS: The City finds the existing site provides an estimated 77 parking stalls, more than the 52 required. A 4-space bicycle rack is required.

6. Limiting the number, size, location, and lighting of signs.

FINDINGS: The applicant intends to upgrade site signage or lighting. When the time comes the applicant will be required to locate signage and install lighting in accordance with city regulations. In addition, no signage is permitted in the highway ROW.

7. Requiring diking, fencing, landscaping, or other facilities to protect adjacent or nearby property.

FINDINGS: The City finds: no diking is required, a Windjammer fence exists adjoining the homes on the north side; open space adjoins the vacant rear parcel to the east, and an existing access shared driveway adjoins the Daycare Center to the south.

8. Designating sites for open space; and

FINDINGS: The existing use is not required to provide designated open space. But the applicant plans to enhance the existing open space in the southeast corner of the site with a fire pit, landscaping, and a pet friendly area.

9. Hours of use or operation.

FINDINGS: This criterion is not applicable.

IV. SUMMARY CONCLUSION: The City finds the proposed site is suited for the existing multi-family structure and is compliant with the Comprehensive Plan policies, the intent of the C-2 Zone and the Zone Code development standards, subject to conditions of approval.

- V. MOTION OPTIONS AND RECOMMENDATION The Planning Commission has three decision options:
- 1) Approve the Conditional Use Permit based on the findings in this report with conditions of approval, as may be modified by the Commission.
  - 2) Continue the public hearing to a time certain date if requested, by a party to the request or the Commission.
  - 3) Deny the application stating why the proposal does not comply with the Conditional Use Permit approval criteria.

Staff Recommendation and Conditions of Approval:

Based on the findings in this report, staff recommends approval of the Conditional Use Permit to formally permit the existing long-term apartment building and add two new units by remodeling, subject to the following conditions of approval:

Prior to issuance of any permits:

1. The applicant shall provide the City with a copy of the septic system approval from DEQ/Clatsop County Health Dept.

Prior to issuance of an occupancy permit:

1. The applicant shall file a sign permit request with the City prior to installation of any signs. No sign structure is permitted in the Highway 101 right-of-way.
2. Prior to occupancy, the applicant is required to provide a bicycle rack with a minimum of 4 spaces accessible to all residents, plus 3 accessible and 1 van-accessible ADA parking spaces.
3. Outdoor lighting fixtures and exterior building lighting fixtures shall be shielded or recessed into the fixture or building design to avoid casting glare onto adjacent property or upward into the night sky.
4. A 15-foot clear vision triangle at the intersection of driveways and Highway 101 shall not contain parking, plantings, fencing, structures, a wall or other temporary or permanent obstruction exceeding 2.5 feet in height measured from the top of the curb, except trees exceeding that height may locate in the area, provided all branches and foliage are removed to a height of 8 feet above the grade.