

**ASTORIA PLANNING COMMISSION AGENDA PACKET
FOR SEPTEMBER 26, 2017**

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AGENDA

ASTORIA PLANNING COMMISSION

September 26, 2017

6:30 p.m.

2nd Floor Council Chambers

1095 Duane Street • Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
 - a. Pending Receipt of August 22, 2017 Minutes
 - b. Pending Receipt of September 6, 2017 Minutes
4. PUBLIC HEARINGS
 - a. Conditional Use CU17-08 and Accessory Dwelling Unit ADU17-02 by John and Janet Niemi to locate an accessory dwelling unit in an existing basement at 266 W Irving in the R-1, Low Density Residential zone.
 - b. Conditional Use CU17-11 by Camille Holland to locate a psychotherapy office (professional services) at 1044 Marine Drive in the S-2A, Tourist Oriented Shorelands zone.
5. REPORT OF OFFICERS
6. STAFF UPDATES
 - a. APC Training Opportunities
 - b. TGM Updates: RVP Urban Core & Uniontown Reborn
7. MISC
8. PUBLIC COMMENTS – NON AGENDA ITEMS
9. ADJOURNMENT

THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING COMMUNITY DEVELOPMENT DEPARTMENT, 503-338-5183.

September 15, 2017

TO: ASTORIA PLANNING COMMISSION

FROM: HANNAH DANKBAR, CREST COASTAL PLANNER

SUBJECT: CONDITIONAL USE REQUEST (CU17-08) BY JOHN AND JANET NIEMI TO LOCATE AN ACCESSORY DWELLING UNIT (ADU) FOR LONG TERM RENTAL IN AN EXISTING BASEMENT IN AN R-1 ZONE.

I. Background

- A. Applicant: John and Janet Niemi
266 West Irving Avenue
Astoria, OR 97103
- B. Owner: Same
- C. Location: 266 W. Irving Avenue; Map T8N-R9W Section 7CD, Tax Lot 1200; Lot 4; Block 111, Taylor's Astoria.
- D. Zone: R-1 Low density residential
- E. Lot Size: 9,974 ft² (.23 acre); ADU: 580 ft²
- F. Request: To create an Accessory Dwelling Unit for long term rental in an existing basement. The pre-application meeting was held June 28, 2017.



II. BACKGROUND

A. Subject Property

The applicant has a single-family house along W. Irving Avenue. The proposed ADU will be built in an existing, attached portion of the building.

B. Adjacent Neighborhood

The surrounding neighborhood is all low density residential.



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on August 31, 2017. A notice of public hearing was published in the *Daily Astorian* on September 19, 2017. An onsite notice was furnished and installed by the applicant within the required timeframe. Comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.025 (7) concerning Conditional Uses in R-1 Zoning lists ADUs as a permitted conditional use.

Finding: The residence would exist in an R-1 zone and is permitted under a Conditional Use Permit.

- B. Section 3.020(B) concerning Accessory Dwelling Units lists the following requirements:

- a. *A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.*

Finding: The lot size is 9,974 square feet in an R-1 Zone. This criterion is satisfied.

- b. *An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller.*

Finding: The square footage of the primary dwelling unit is 1,580 square feet, and the proposed ADU will have a square footage of 580 square feet. This is less than 800 square feet and makes up 36.7% of the total area. This criterion is satisfied.

- c. *The Accessory Dwelling Unit may be created through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, areas over attached garages, and detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.*

Finding: The proposed ADU will be in an existing basement. This criterion is satisfied.

- d. *To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as single service utilities. The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing service to communication devices such as telephone, television, and other communication devices.*

Finding: The ADU will not have separate utilities. This criterion is satisfied.

- e. *An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.*

Finding: The ADU is proposed for the basement. Therefore, it will not be able to be divided from the primary residence. This criterion is satisfied.

- f. *In addition to the main entrance, one entrance to the house may be located on the side or rear of the house. An additional entrance shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion. The location of the entrance to a detached unit can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in front of the main dwelling, the entrance shall not face the street. In cases where new units are placed on a corner lot, they shall be located on a side yard or rear of the lot.*

Finding: A new entrance is not proposed. There is an existing door on the south side of the residence, this entrance faces the street and is separate from the entrance of the primary residence. This door existed prior to this application. There are also steps on the north side which lead down to the ADU and do not face the street, but provide adequate access. This criterion is satisfied.



North entrance

- g. Accessory Dwelling Units are allowed as an accessory use to any existing single-family dwelling in all zones.*

Finding: The residence exists in the R-1 zone, which is low density residential. This criterion is satisfied.

- h. The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.*

Finding: The owners intend to stay in the primary residence with no intention to gather rent for the space. This criterion is satisfied.

- i. The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.*

Finding: This requirement will be listed as a condition of approval. This criterion is satisfied.

- j. In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street built to a city standard identified in the Transportation System Plan and has parking on both sides of the street, one space may be credited to the requirement of three total spaces.*

Finding: In addition to the two required parking spaces for single-family residential structures, one additional off-street parking spot is available in the driveway. On-street parking should be avoided due to the narrow residential street. This criterion is satisfied.



Residents should use off-street parking because of narrow residential streets.



A large driveway provides a total of three parking spaces. Two serve the primary residence and one serves the proposed ADU.

- k. Homestay lodging is prohibited in accessory dwelling units created after May 17, 2017. (Ordinance 17-07, Adopted April 17, 2017)*

Finding: No homestay lodging is proposed. This criterion is satisfied.

- C. Section 11.020(B.)(1) states that “the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan.”

CP .218 Housing Goals, states the following:

1. *Provide opportunities for development of a wide variety of housing types and price ranges within the Urban Growth Boundary.*

CP.220. Housing Policies, states the following guiding policies:

5. *Encourage low and moderate income housing throughout the City, not concentrated in one area.*
15. *Ensure that multi-family developments in primarily single-family neighborhoods are designed to be compatible with the surrounding neighborhood, in terms of scale, bulk, use of materials, and landscaping.*

Finding: The ADU provides an affordable housing option that would otherwise be unavailable in the area. This criterion is satisfied.

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

- J. 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 use is an appropriate use of an existing building. The ADU is accessible for the renter and is accessible separately from other residential structures in the area. The ADU creates additional available long term housing in Astoria. The residential use of the proposed space matches the existing residential use. ADUs are permitted in R-2 and R-3 zones, which are higher density residential zones. ADUs require a Conditional Use Permit in R-1 zones, which is low-density residential. The criterion is met.

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 site has a large driveway that can provide one off-street parking space for the ADU to complement the two required spots for the primary residence. No other transportation facilities are present or required on the site. There is no anticipated impact on safety, traffic flow and control, and emergency vehicle movements; at most there would be one additional vehicle that will be parked off-street. The criterion is met.

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. As with all new or increased development, there would be incremental impacts to police and fire protection, but it would not overburden these services. The criterion is met.

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: No new external construction is proposed. This criterion is satisfied.

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: No exterior changes are proposed to the structure. This criterion is satisfied.

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. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
2. The City suggests this language, or similar language, shall be included in the deed:

“The dwelling located on the above described property is approved as a single-family dwelling only. In accordance with the Astoria Development Code Section 3.020(5.b), the existence of an Accessory Dwelling Unit in addition to the single-family dwelling is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal

dwelling unit by the property owner. Use of the Accessory Dwelling Unit at this location is subject to the regulations of the Astoria Development Code.”

The applicant should be aware of the following requirements:

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



CITY OF ASTORIA
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 COMMUNITY DEVELOPMENT

CITY OF ASTORIA
 JUN 26 2017
 BUILDING CODES

Fee Paid Date 7/6 # 8079 By MP

No. CU 17-08 see ADU17-02

Fee: \$500.00

CONDITIONAL USE APPLICATION

Property Address: 266 W. Irving Av

Lot 4 Block 111 Subdivision _____

Map FCD Tax Lot 12000 Zone R-1

Applicant Name: John & Janet NIEMI

Mailing Address: same

Phone: 503 335 4173 Business Phone: _____ Email: JONIEMI@inet.com

Property Owner's Name: John Niemi - Janet Niemi

Mailing Address: 266 W Irving

Business Name (if applicable): _____

Signature of Applicant: [Signature] Date: 7/20/17

Signature of Property Owner: [Signature] Date: 7/20/17

Existing Use: den and basement

Proposed Use: Kitchen and " living / sleeping area

Square Footage of Building/Site: ~1580

Proposed Off-Street Parking Spaces: 1

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.

<i>For office use only:</i>			
Application Complete:		Permit Info Into D-Base:	<u>Pre-App 6/28/17 9AM</u>
Labels Prepared:		Tentative APC Meeting Date:	<u>8/22/17</u>
120 Days:			

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month.

Completed applications must be received by the 20th 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.

private entry at front (and rear) of house.

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.

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

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.

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

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



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JUN 26 2017
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Fee Paid Date 7/6 Check # 9078 By [Signature]

ADU 17-02 see CW17-08

Fee: \$100.00

ACCESSORY DWELLING UNIT APPLICATION

Property Address: 266 West Irving Av

Lot 4 Block 111 Subdivision -
Map 7CD Tax Lot 12000 Zone R-1

Applicant Name: John & Janet NIEMI

Mailing Address: 266 W Irving

Phone: 503 325 1173 Business Phone: _____ Email: _____

Property Owner's Name: Simp

Mailing Address: _____

Business Name (if applicable): _____

Signature of Applicant: [Signature] Date: 7/

Signature of Property Owner: [Signature] Date: 7/

Existing Use: study and basement w/ stove ^{whover} and toilet/sink

Proposed Use: long term rental PN (to locate an ADU in existing basement for 1-yr rental)

Square Footage of Building/Site: ± 1580 ft²

Proposed Off-Street Parking Spaces: 2 ~~plus~~ @ driveway

SITE PLAN: A site plan depicting property lines and the location of all existing and proposed structures, parking, and door locations is required. The plan must include distances to all property lines and dimensions of all structures and parking areas. Scaled free-hand drawings are acceptable.

For office use only:			
Application Complete:	<u>7-7-17</u>	Permit Info Into D-Base:	
Labels Prepared:	<u>8/31/17</u>	Tentative APC Meeting Date:	<u>8/22/17 6:30 (9/26/17)</u>
120 Days:	<u>11-4-17</u>		

FILING INFORMATION: The Community Development Director will review only complete applications. Completed applications can be processed as a Type 1, Type 2, or Type 3 depending on the zoning and non-conforming uses. A Pre-Application conference is required for Type 2 and Type 3 requests prior to acceptance of the application as complete.

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

3.020.B. Standards.

1. Size.

a. Primary Structure.

A house with an Accessory Dwelling Unit must have at least 1,400 square feet of floor area prior to creation of the Accessory Dwelling Unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be used in the calculation of the total square footage.

Square footage of finished area of existing structure: 1580

b. Accessory Dwelling Unit.

An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller.

Square footage of primary dwelling unit: 1580

Square footage of smaller ADU: 580 (within above footprint)

2. Creation of the Unit.

a. *The Accessory Dwelling Unit may be created through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, areas over attached garages, and detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.*

Is the ADU in an existing, attached portion of the building: Yes

Is the ADU detached from the main dwelling: No

Is the ADU new construction: No

b. *To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as single service utilities. The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing service to communication devices such as telephone, television, and other communication devices.*

If there are separate utilities, when were they installed: NA

- c. *An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.*

Is the dwelling in an undivided ownership: NO

3. Location of Entrances.

In addition to the main entrance, one entrance to the house may be located on the side or rear of the house. An additional entrance shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion. The location of the entrance to a detached unit can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in front of the main dwelling, the entrance shall not face the street. In cases where new units are placed on a corner lot, they shall be located on a side yard or rear of the lot.

Location of existing doors: South side + Northside upstairs

Location of additional proposed doors: —

4. Zones in Which Permitted.

Accessory Dwelling Units are allowed as an accessory use to any existing single-family dwelling in all zones.

5. Owner Occupancy.

- a. *The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.*

Will the owner reside in the primary unit or ADU: Primary

- b. *The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.*

The City suggests the following for inclusion in the deed:

“The dwelling located on the above described property is approved as a single-family dwelling only. In accordance with the Astoria Development Code Section 3.020(5.b), the existence of an Accessory Dwelling Unit in addition to the single-family dwelling is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner. Use of the Accessory Dwelling Unit at this location is subject to the regulations of the Astoria Development Code.”

Submit a draft deed with this or similar deed restriction for approval.

6. Lot Size.

A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.

Lot dimensions and square footage: see attached

7. Off-Street Parking Requirements.

In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street built to a city standard identified in the Transportation System Plan and has parking on both sides of the street, one space may be credited to the requirement of three total spaces.

Location and number of off-street and on street parking spaces on site plan:

one offstreet, one along W. Irving on prop.

8. Height.

The height of new detached units shall not exceed 20 feet or 80% of the height of the main dwelling, whichever is less.

What is the height of the existing or new detached ADU: N/A

9. Homestay Lodging.

Homestay lodging is prohibited in accessory dwelling units created after May 17, 2017. (Ordinance 17-07, Adopted April 17, 2017)

C. Permits.

1. Permit Required.

A permit is required for the establishment of an Accessory Dwelling Unit. The property owner shall submit an application to the Community Development Department on a form provided by the City.

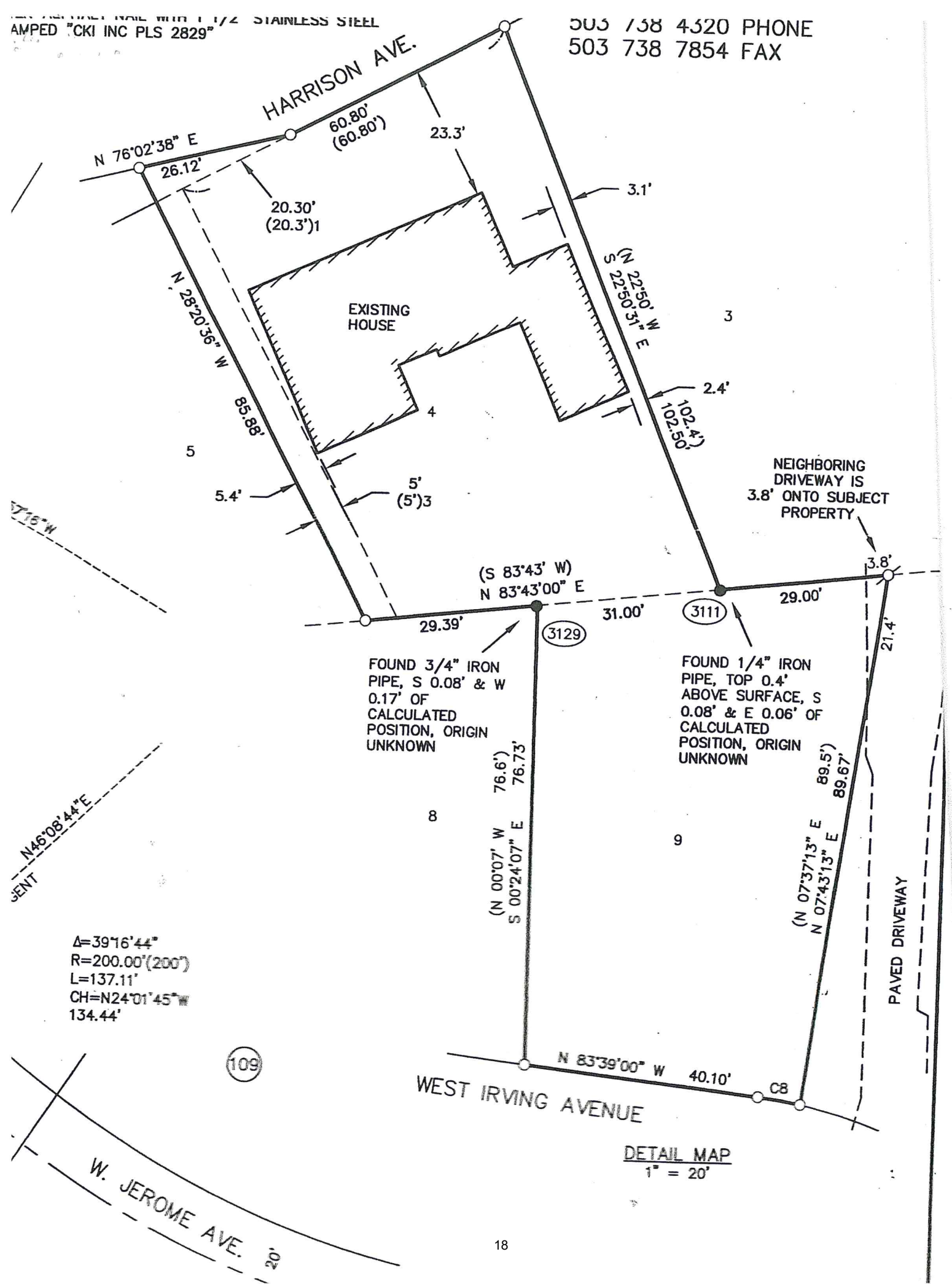
2. Expiration of Permit.

An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:

- a. *The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or*
- b. *The subject lot ceases to provide the approved number of parking spaces; or*
- c. *The property owner ceases to reside in either the principal or the Accessory Dwelling Unit.*

D. Non-conforming Accessory Dwelling Units.

- 1. *The portion of a single-family dwelling which meets the definition of Accessory Dwelling Unit which was in existence prior to January 1, 2004, may continue in existence provided the following requirements are met:*
 - a. *An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review.*
 - b. *The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria.*
 - c. *The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units".*
- 2. *The Community Development Director may approve a permit submitted for a non-conforming unit that does not meet all of the above requirements, except those relative to building code requirements, as follows:*
 - a. *The permit review shall be in accordance with Article 9 concerning administrative decisions. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Non-conforming Accessory Dwelling Unit. The notice shall set forth the standards required and the nature of the non-conformity.*
 - b. *Permits for a Non-conforming Accessory Dwelling Unit may be issued after the notice period by the Community Development Director where the Director has made written findings as follows:*
 - 1) *That full compliance would be impractical; and*
 - 2) *That neither present nor anticipated future use of the unit reasonably require strict or literal interpretation and enforcement of the requirements of this code; and*
 - 3) *That the granting of the permit will not create a safety hazard.*
- 3. *A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040."*



$\Delta = 39^{\circ}16'44''$
 $R = 200.00' (200')$
 $L = 137.11'$
 $CH = N24^{\circ}01'45'' W$
 $134.44'$

109

3129

3111

C8

DETAIL MAP
 $1" = 20'$

RENTAL UNIT 266 WEST IRVING AVENUE, ASTORIA, OREGON

Janet and John Niemi propose to rent space in their home at the above address on a long-term basis.

The space (see drawings) will have a separate entrance at front of home (South side) into an existing room which will be converted into kitchen, eating and sitting area. A 5' wide 'mini-kitchen' (See catalog cut) containing sink, refrigerator and two burner cooktops will be installed along the West wall under an existing window.

There is an existing finished basement with bathroom that will serve as a bedroom. It is entered through an existing stairwell outside the kitchen sitting area room. The stairwell to basement will be blocked off from the main residence. The existing closet above stairs shall be exclusively for tenant.

The basement contains gas fireplace, bathroom, sauna and shower. It also has another private egress on the North side up enclosed stairs. The unit can be rented furnished or unfurnished.

There is adequate parking in the front of the house for three vehicles. All utilities will be provided and included in rental fee (with the exception of cable TV).

CITY OF ASTORIA
JUN 26 2017
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14' x 24' 0" 1011

11' 0" x 16' 0" 200

See IN PLAN

EXIST'G STAIRS TO GRADE (ENCLOSED)

EXIST'G BASSEMENT ± 450 lb

EXIST'G FOUNDATION

SINK

POUNDER

EXIST'G PIPE PANEL

(11)

BASEMENT/FOUNDATION PLAN

Scale: 1/4" = 1'-0"

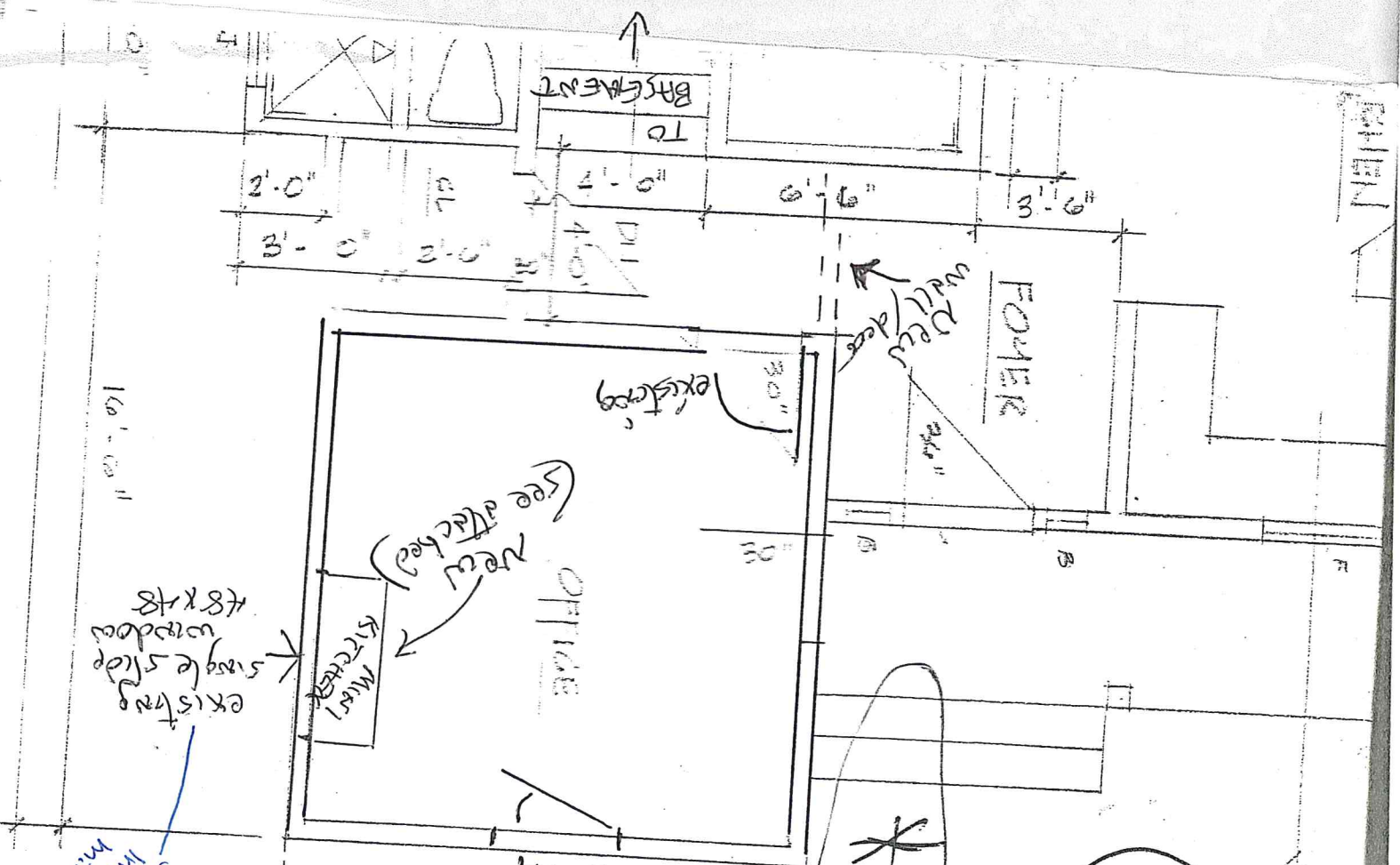
50' - 0"

47' - 0"

4' - 0"

2'-0"

1/4" = 1'-0"



See Engineering Attached, Review prior to construction

* See Attached Checklist *

REVIEWED FOR CODE COMPLIANCE
PLAN APPROVED

Approved plans and specifications shall not be changed modified or altered without authorizations from the building official, and all work regulated by the code shall be done in accordance with the approved plans. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of any violation of any of the provisions of the code or any other ordinance of the jurisdiction.

City of Astoria, OR
 Date 6/11/10

See attached info on mini kitchen

existing single slide 48x48

BUILDING CODES
 JUN 26 2010
 CITY OF ASTORIA

BUILDING
 APR 29
 CITY OF ASTORIA

September 15, 2017

TO: ASTORIA PLANNING COMMISSION

FROM: HANNAH DANKBAR, CREST COASTAL PLANNER

SUBJECT: CONDITIONAL USE REQUEST (CU17-11) BY CAMILLE HOLLAND TO LOCATE PROFESSIONAL SERVICES (PSYCHOTHERAPY SERVICES) AT 1004 MARINE DRIVE SUITE #5 IN EXISTING COMMERCIAL SPACE in S-2A ZONE

I. Background

- A. Applicant: Camille Holland
34951 Patterson Lane
Astoria, OR 97103
- B. Owner: Erie Investment and Management, LLC
4021 NW 137th Street
Vancouver, WA 98685
- C. Location: 1004 Marine Drive; Map T8N-R9W Section 8CB, Tax Lot 8600;
Lot 7 & 8; Block 56, McClures.
- D. Zone: S-2A Tourist-oriented Shorelands Zone
- E. Lot Size: Approximately 90' x 95' (8,550 square feet); applicant's proposed
office space is 335 square feet
- F. Request: To locate professional services/office space in vacant portion of
existing commercial building.
- G. Previous Applications: 2011 Conditional Use Permit to allow professional services in the
basement of a commercial building. This permit has since expired. The pre-application meeting for this permit was held on August 16, 2017.



II. BACKGROUND

A. Subject Property

The subject property is located on the north side of Marine Drive east of 10th Street. The structure, built in 1924, is designated as historic in the Downtown National Register Historic District. In the basement other tenants include: The Wine Cellar on 10th and United Way of Clatsop County. Other tenants in the building located on the first floor include an Indian restaurant, a professional office, Astoria Visual Arts art gallery, and other incidental businesses.



B. Adjacent Neighborhood

The neighborhood is developed with a variety of uses, including bars, restaurants, offices, and the Sunset Empire Transit Center.

The site is north of the C-4 zone which allows professional service establishments as an outright permitted use. The majority of the adjacent properties are zoned S-2A shown in purple. This Tourist Oriented Shoreland Zone is intended to provide for mixed-use tourist oriented developments, which are compatible with pedestrian orientation. The emphasis in the zone is on “rehabilitation and reuse of existing structures,” per Article 2.700.

1044 Marine Dr.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on August 31, 2017. A notice of public hearing was published in the *Daily Astorian* on September 19, 2017. An onsite notice was furnished and is located on the building. Comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.710(7) concerning Conditional Uses permitted in the S-2A Zone lists “Professional and business offices,” the psychotherapy services proposed fall under this category as defined by the following in Article 1.400:

PROFESSIONAL SERVICE ESTABLISHMENTS: *Businesses primarily engaged in providing services such as the following: medical and other health services;*

legal services; engineering and architectural services; accounting, auditing, and bookkeeping services; real estate services; and financial services.

Finding: The applicant proposes relocating their psychotherapy services office space into 335 square feet at the proposed site. The psychotherapy operation meets the definition of Professional Service Establishment in that it involves providing health services. The criterion is met.

- B. Section 2.185(1) states that *“All uses will comply with applicable access, parking, and loading standards in Article 7.”*

Section 7.100 concerning Minimum Parking Space Requirements identifies parking spaces for professional offices as one space per 500 square feet.

Finding: The proposed use will be in an existing commercial structure. In other areas of the S-2A zone, one additional space would be required, however 2.715 Development Standards and Procedural Requirements for the S-2A is unique for this site:

#3 “Uses located between 8th and 14th Street are not required to provide off-street parking or loading. Uses located in other portions of the S-2A Zone shall comply with access, parking, and loading standards in Article 7.”

Finding: This location is off of 10th Street and does not require the additional off-street parking space. However, to provide easy access to the business for the patients, the applicant leased two parking spaces from Sunset Empire Transportation District. This goes above requirements of the Development Code. The criterion is met.



- C. Section 2.445(8) requires that signs will comply with requirements in Article 8.

Finding: No new signs are proposed as part of this request. Any future sign installations shall comply with the requirements of Article 8. The applicant shall

submit a sign permit for any face changes or new signage at the site. The criterion is met.

- D. Section 2.715(6) states that *“Commercial and recreational facilities having a tourist orientation shall be designed to take maximum advantage of river views.”*

Finding: The proposed use as professional and business offices is not tourist oriented. The tenant space is located in the basement level and does not have a river view.

- E. Section 11.020(B.)(1) states that *“the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan.”*

CP.055. Downtown Policies Area Policies, states the following guiding policies:

1. *The City encourages the reuse of existing buildings prior to the expansion of commercial zones.*

Finding: The proposal is for use of the vacant space of an existing building.

2. CP.200.1, Economic Development Goal 1 and Goal 1 Policy 5, states that *“The City of Astoria will strengthen, improve, and diversify the area’s economy to increase local employment opportunities. 5. Provide a supportive environment for new business.”*

Finding: The applicant is starting a new small business in the City. She will be the only employee and she will serve multiple customers within the City. As the owner of the business she will also be working to accumulate post graduate clinical experience to earn her LPC in Oregon.

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

- F. 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 use is an appropriate use of an existing building. The applicant seeks to relocate in a small portion of the building that will only occupy 335 square feet of the site. While other similar sites are available, this site allows for convenient access and protects the privacy of the clients. This location is one of the best locations in Astoria for clients to

access mental health care. The proximity of the transportation district allows to convenient access and the location offers privacy for clients who wish to be discrete. The criterion is met.

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.”*

Section 7.105 Bicycle parking spaces shall be provided for new development, change of use, and major renovation, at a minimum, based on the standards in Table 7.105. Major renovation is defined as construction valued at 25% or more of the assessed value of the existing structure.

Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automotive parking standard, pursuant to Section 7.062, the Community Development Director or Planning Commission, as applicable, may require bicycle parking spaces in addition to those in Table 7.105.

Per table 7.105- Commercial uses require 1 bike space per primary use, or 1 per 10 vehicle spaces.

Finding: The site is adequately paved and accessible from 10th street and Marine Drive, it is fully serviced by a sidewalk on both sides. While parking is not required under the zoning in S-2A, the applicant leased two parking spaces from Sunset Transportation District. The conditional use permit does not trigger the requirement for additional bike parking, because the use of the building is not changing. Bicycle parking is available along Marine Drive West of the entrance to the basement. This criterion is met.

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 criterion is met.

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: No new construction is proposed.

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: With a change of use, Article 3.105 requires landscaping come into compliance; however, there are no specific landscaping requirements for the S-2A zone. Landscaping, lighting, street furniture, or above ground planters at the entryway may be required by the Planning Commission, but are not necessary due to the proximity to the River Walk and the fact that the site is already developed. This criterion is satisfied.

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. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
2. The applicant shall submit a sign permit for any signage including sandwich boards, prior to installation.

The applicant should be aware of the following requirements: The applicant shall obtain all necessary City and building permits prior to the start of operation.

Staff recommends approval of the request based on the findings of fact above.



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
 COMMUNITY DEVELOPMENT

CITY OF ASTORIA
 AUG - 4 2017
 BUILDING CODES

Fee Paid Date 8/14/17 By Check #270
500- Fee: \$500.00

No. CU 17-11

CONDITIONAL USE APPLICATION

Property Address: 1044 Marine Dr. Astoria OR 97103
1004 Marine Dr., Suite #5, Astoria OR, 97103 (actual site address)
 Lot 7 and 8, McClures Block 56 Subdivision N/A
 Map 8.9.8CDB Tax Lot 80908CB08600 Zone Tourist-oriented shoreland
 Applicant Name: Camille Holland
 Mailing Address: 34951 Patterson Ln. Astoria OR, 97103
 Phone (503) 338-9662 Business Phone: (503) 468-9464 Email: camille@counselingsolutionsnw.com
 Property Owner's Name: Erie Investment and Management, LLC.
 Mailing Address: 4021 NW 137th St. Vancouver WA, 98685
 Business Name (if applicable): Counseling Solutions NW, LLC.
 Signature of Applicant: Camille Holland Date: 8-3-17
 Signature of Property Owner: _____ Date: _____

Existing Use: vacant
 Proposed Use: psychotherapy services office space (PN: to locate psychotherapy services office (professional services) in S-2A zone)
 Square Footage of Building/Site: 335 sq. ft.
 Proposed Off-Street Parking Spaces: rented parking space from Sunset Empire Transportation (across the street)

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.

<i>For office use only:</i>	
Application Complete:	Permit Info Into D-Base:
Labels Prepared: <u>8/31/17</u>	Tentative APC Meeting Date:
120 Days:	

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 20th 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.

The site is centrally located downtown providing optimal access. It includes two entrances/exits and an elevator. It's conveniently located directly across the street from the ~~trans~~ public transportation district. The site offers privacy for clients when coming and going.

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.

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

N/A. Small office without plumbing & sewer facilities

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.

N/A

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

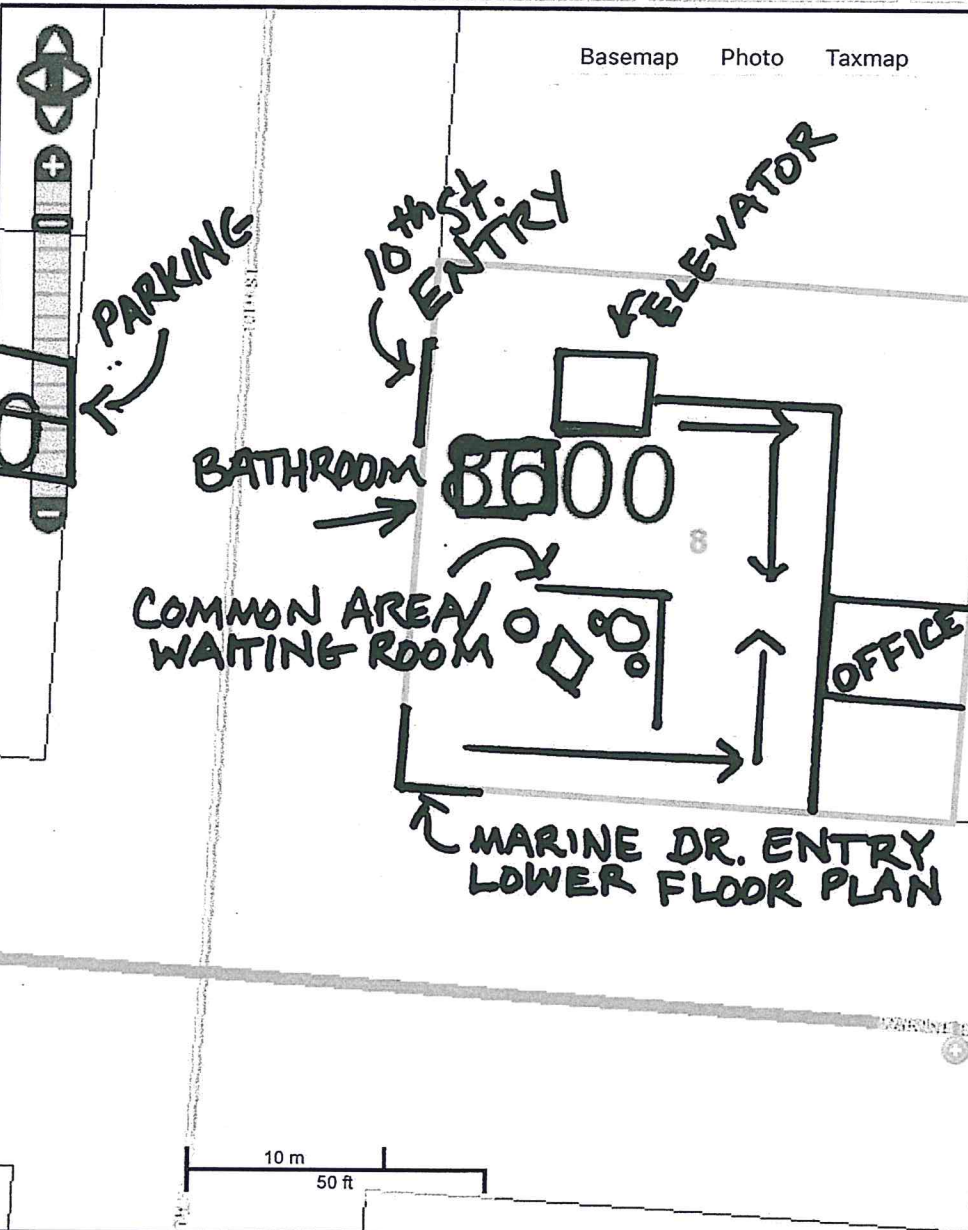
N/A

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



Clatsop County Webmaps

Search Tools | Sketch Tools | Advanced | Zoom To



Map Layers Search Taxlots Results

Results: 1

Tax Account

[View Summary](#)

[View Tax Map](#)

Maptaxlot: 80908CB08600

Tax Map: 8.9.8CB

Account: 22568

Owner: Triple M LLC

Owner 1:

Owner 2:

Situs Addr: 1044 Marine Dr

Situs City: Astoria

Mail Addr: 1636 Irving Ave

Mail PO Box:

Mail City: Astoria

Mail Zip: 97103-3621

Tax Code: 0101

CITY OF ASTORIA

AUG - 4 2017

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CITY OF ASTORIA
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Astoria City Hall

Community Development
1095 Duane St.
Astoria, OR 97103

August 4, 2017

Dear members of the Astoria Planning Commission,

My Conditional Use Application has come before you for review. Let me begin by saying that the location of this office space is one of the best locations in Astoria for clients to access mental health care. The transportation district is right across from the office on 10th street for public transportation. I have arranged to rent parking spaces #11 and #12 in SETD parking lot for clients. The accompanying site plan illustrates very close proximity of the two parking spaces to the 10th street entrance and the ease of access to two entry/exits with an elevator down to the office floor. The location offers privacy for clients who wish to be discrete. This also increases probability of engaging in and staying involved in mental healthcare services. There is a common area that will serve as a waiting room and very clean bathrooms will be available for my clients. The waiting area will remain open to all who lease in the building, even after the teahouse tasting space is rented to someone else.

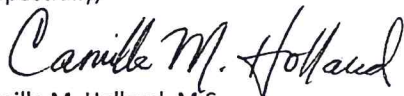
I am in the beginning stage of accruing post graduate clinical experience hours to earn my LPC in the state of Oregon. It is the final step in the process. I am most interested in serving populations that may not otherwise have affordable access to services and I want to help meet the need for more mental health care in Astoria. As I have previously worked with Clatsop County court-mandated clients for therapy and then as a Clatsop CASA volunteer for the last three years, I am not looking to gear my practice toward crisis intervention but instead to the general population in Astoria. I plan to work with individuals who suffer from depression, anxiety, trauma and grief. Oftentimes these disorders exist together in the individual, compounding the problem.

Since, as an intern I cannot bill insurance companies until I earn my license, I am charging \$50/session hour with the initial session fee set at \$70/session hour for writing the Mental Health Evaluation report. I will further offer clients who need it, a sliding scale using the Oregon 2016 poverty guidelines. This will make mental healthcare affordable to clients without health insurance as reduced fees will be comparable to a co-pay. This financial incentive for clients will help me to accrue my necessary clinical hours for state licensure. I would like to stay on, in that location in private practice, after I earn my Oregon LPC as well.

I am also collaborating with Sheryl Redburn, art therapist at Hope House, on future endeavors facilitating and co-facilitating therapy groups geared toward the aforementioned mental health disorders. She has been in communication with the new CMH/OHSU Cancer Center about therapy groups involving that patient population.

There are numerous aspects to the location and ease of access that make 1004 Marine Dr. #5 a very good office space for counseling services. I would very much like to grow a successful private practice that helps meet the need for more mental health services in Astoria. Please consider my application for a Conditional Use Permit. Thank you.

Respectfully,

A handwritten signature in cursive script that reads "Camille M. Holland".

Camille M. Holland, M.S.

Proprietor/Mental Health Professional

**SUNSET EMPIRE TRANSPORTATION DISTRICT
900 Marine Drive, Astoria OR 97103**

CITY OF ASTORIA
AUG 21 2017
BUILDING CODES

**VEHICLE PARKING AGREEMENT
For Reserved Spaces at Transit Center**

THIS VEHICLE PARKING AGREEMENT, hereinafter referred to as "Agreement", executed the 4th of August 2017, by and between Sunset Empire Transportation District (SETD), hereinafter referred to as "Contractor" and **Camille Holland** hereafter referred to as "Lessee."

WITNESSETH:

WHEREAS, Lessee is authorized and empowered to contract for parking for vehicles operated by Lessee's employees, agents and invitees; and

WHEREAS, Lessee desires to contract for vehicle parking upon the terms and conditions of this Agreement; and

WHEREAS, Contractor is in the business of providing vehicle parking spaces in facilities which it owns, leases, or operates, located at 900 Marine Drive; and

WHEREAS, Contractor is willing to enter into this Agreement for parking spaces at the Facility under the terms and conditions set forth in this Agreement.

NOW THEREFORE, intending to be legally bound hereby, Lessee and Contractor do hereby covenant and agree as follows:

- 1. Assignment of Parking Spaces:** Contractor agrees to assign Lessee the use of parking space number **11 (beginning August 7th)** and space number **12 (beginning September 1st)** at the Facility. The assigned space(s) will be separated by clearly defined, painted lines and will be of sufficient size to accommodate a standard size vehicle. The assigned spaces will be numbered and a sign will be prominently displayed that the assigned spaces are reserved and not available for public parking. All of the assigned spaces, to the extent possible, will be in the same contiguous area and will be adjacent to one another. Contractor will assign each space and when a space is assigned to a Lessee employee, Lessee will provide Contractor the assigned employee's name, the vehicle's make and model, the license plate number and employee's business telephone number for use in an emergency only. Lessee shall be permitted to use the assigned spaces Monday-Friday, hours of 8:00 a.m. to 6:00 p.m.
- 2. Term:** The term of this Agreement will be for **Duration** and shall commence on the Executed Date, subject to other provisions of this Agreement.
- 3. Terminating Agreement:** Either party shall give the other thirty (30) days notice in writing of its intention to terminate this Agreement.
- 4. Parking fee:** The fee for the use of each parking space will be **\$47.50** per month per space. This fee will be due in advance at the beginning of each month of the term of this Agreement. **Failure to pay monthly parking fee within 30 days will result in the loss of use of the assigned space(s).**

5. **Change in Monthly Fee:** Contractor may change the monthly fee by providing Lessee with **thirty (30)** day's prior written notice. Should Lessee not agree to the increased fee, Lessee may, upon **thirty (30)** day's notice in writing terminate this Agreement. If Lessee provides the notice of termination within **thirty (30)** days after receipt of the notice of increase, Lessee shall not be required to pay the increased fee during the **thirty (30)** day period following notice of termination.
6. **Change in Number of Spaces:** Contractor and Lessee may mutually agree to expand or decrease the number of assigned spaces under this Agreement at the same payment rate and terms and conditions. In the event of an increase in the number of assigned spaces, Contractor, to the extent possible, will assign the additional spaces in the same contiguous and adjacent area.
7. **Maintenance of Facility:** Contractor agrees to maintain the Facility and to make all necessary repairs to the Facility and in particular, the parking spaces. Contractor agrees to keep access to and from the parking space and the parking spaces themselves free and clear of snow and ice and any other obstacles, and other similar impediments to safe driving in the Facility.
8. **Removal of Illegally-Parked Vehicles:** Contractor is responsible for contacting a towing service to have vehicles removed that are illegally parked in the space(s) assigned to Lessee under this Agreement. However, it is the responsibility of the Lessee to contact Contractor, either in-person at the Transit Center Ticket Office or by calling (503) 861-7433, to request to have the illegally-parked vehicle(s) removed.
9. **Notice:** Notice under this Agreement will be sufficient if given by certified mail, postage prepaid, to the above address.
10. **Indemnity:** Except for claims arising solely from the negligence of Contractor, its employees or agents, the Lessee agrees to indemnify and hold the Contractor harmless from and against all actions, suits, claims and demands for loss or damages, including property damage, personal injury and wrongful death, arising out of or in connection with the obligations under this agreement, including any claims for attorney fees and costs at trials or on appeal.
11. **Assignability:** This Agreement shall be binding upon the heirs, executors, administrators, successors, or assigns of Contractor. The Contractor may not assign, in whole or in part, this Agreement, or its rights, duties or obligations, or responsibilities hereunder without the prior written consent of Lessee, which consent may be withheld at the sole and absolute discretion of Lessee.
12. **License:** Contractor and Lessee agree that this Agreement is a license to use the parking space now or hereafter assigned and that nothing herein will be construed or interpreted to make this a lease agreement or convert this Agreement into a landlord-tenant relationship.
13. **Applicable Law:** This Agreement shall be governed by and interpreted and enforced in accordance with the laws of the State of Oregon and the decisions of the Sunset Empire Transportation District Board of Commissioners.
14. **Integration:** This Agreement, including all referenced exhibits, constitutes the entire agreement between the parties. No agent, representative, employee or officer of either the Lessee or Contractor has the authority to make, or had made, any statement, agreement or representation, oral or written, in connection with the Agreement which in any way can be deemed to modify, add to or detract from, or otherwise change or alter its terms and conditions. No negotiations between the parties, nor any custom or usage, shall be permitted to modify or contradict any of the terms and conditions of the Agreement. Except as provided herein, no modifications, alterations, changes, or waiver to the Agreement or any of its terms shall be valid or binding unless accomplished by a written amendment signed by both parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Sunset Empire Transportation District:

Lessee:

Signature

Camille Holland
Signature

Name

Camille Holland
Name

Executive Director
Title

503-468-9464
Phone Number

Date

8/17/17
Date

Federal ID 93-1146160