



# AGENDA

## ASTORIA PLANNING COMMISSION

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August 2, 2016  
6:30 p.m.  
2<sup>nd</sup> Floor Council Chambers  
1095 Duane Street · Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC HEARINGS
  - a. Conditional Use CU16-05 by Robert Johnston to locate light manufacturing (smoking and packaging nuts) and retail sales in an existing commercial building at 1820 SE Front Street in the S-2, General Development Shorelands zone.
  - b. Conditional Use CU16-06 by Mo's Clam Chowder / Newport Pacific Corporation to locate a tourist oriented activity, indoor family entertainment (viewing chowder production) and eating/drinking establishment in an existing building at 101 15th Street in the A-2A, Aquatic Two A Development and S-2A, Tourist Oriented Shorelands zone.
  - c. Conditional Use CU16-09 by Becka Blacksten to locate a day care in an existing commercial building at 609 Bond Street in the C-3, General Commercial zone.
4. REPORT OF OFFICERS
5. PUBLIC COMMENTS (Non-Agenda Items)
6. 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 SHERRI WILLIAMS, COMMUNITY DEVELOPMENT DEPARTMENT, 503-338-5183.**

July 26, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, PLANNER 

SUBJECT: CONDITIONAL USE REQUEST (CU16-05) PROPOSED RETAIL SALES, LIGHT MANUFACTURING AND EATING/DRINKING ESTABLISHMENT

**I. BACKGROUND SUMMARY**

- A. Applicant: Robert Johnston  
42223 Tweedle Rd.  
Seaside, OR 97138
- B. Owner: Robert Stang  
Rising Tide Enterprises LLC  
500 38<sup>th</sup> Street  
Astoria OR 97103
- C. Location: 1820 SE Front Street; Map T8N-R9W Section 17DD, Tax Lot 4700; Lots 10 to 32, Block 33, Eagle Ridge
- D. Proposal: To locate a retail sales establishment (selling marinades and rubs, and smoke nuts), light manufacturing (smoking pistachios) and an eating/drinking establishment (take-out) in an existing commercial building.
- E. Zone(s): S2 (General Development Shorelands Zone)
- F. Lot Size: 3,000 square feet of a 76,139 square foot lot
- F. Previous Applications: CUP 00-04 was approved to locate retail sales-Tide Point Grocery and eating/drinking establishment, CU14-11 approved to locate retail sales –feed store, dock repair work was completed in 2008, code enforcement in 2007 for erosion control efforts and fill-removal processes, waterway lease for non-commercial marina

**II. BACKGROUND**

A. Project Site

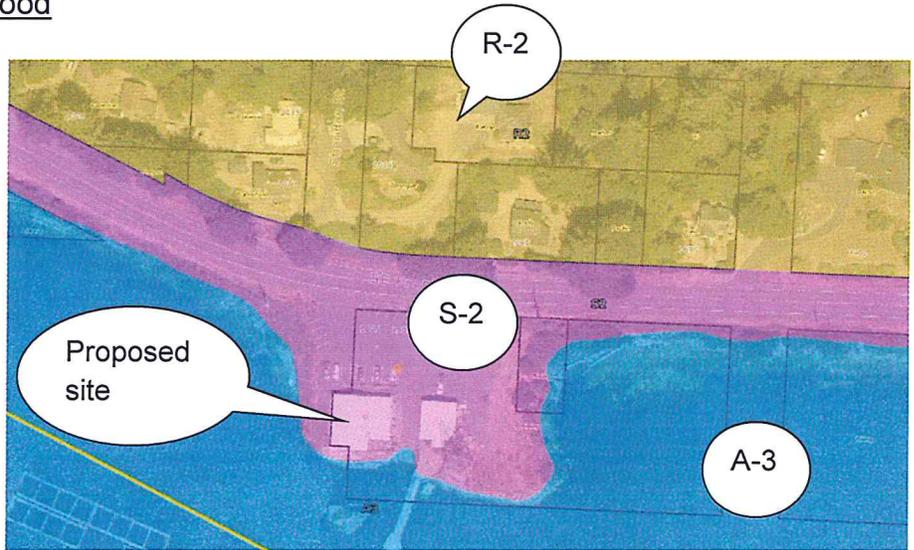
The project site is located on the south side of Highway 202



(SE Front Street) approximately 0.27 miles west of Williamsport Road. The site includes a commercial building that was constructed in 1989. It is a flat area surrounded on three sides by Young's River. The proposed light manufacturing would be located within the existing kitchen area of restaurant in building situated in the NW portion of the site. The applicant is proposing the eating and drinking establishment to allow for take-out and retail sales of smoked nuts. There is no restaurant seating proposed at this time.

B. Adjacent Neighborhood

The project site is located in the southern portion of the South Slope area. Adjacent areas to the project site to the north consists mostly of single-family residential housing; to the south of the project site the property is



surrounded by Young's Bay. The proposed site has an existing building on site that housed a restaurant which is closed. There is also boat ramp access and a storage area that was once proposed for use as a feed store.

C. Proposed Use

The applicant is proposing to use an existing kitchen in the restaurant on site to locate a smokehouse (light manufacturing) for smoking pistachio nuts, packaging, and retail sales and allowing eating/drinking establishment at the site for take-out sales. The restaurant is currently closed and the building is not occupied. The structure was previously used as a storage building for marine equipment. No new construction is being proposed on the property. However, this would be a



change of use within the building and prior to use of the building, the applicant shall obtain a building permit and/or change of occupancy permit to be reviewed and approved by the Building Inspector.

### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on July 8, 2016. A notice of public hearing was published in the *Daily Astorian* on July 26, 2016. Any comments received will be made available at the Planning Commission meeting.

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

- A. Section 2.675 concerning the Purpose for S-2 Zone (General Development Shorelands Zone) states that *"The purpose of the S-2 Zone is to provide an area where a mixture of industrial, commercial, residential, public and recreational uses can locate. Uses which are water-dependent or water-related and other uses which would benefit from a water-front location are preferred. The S-2 Zone includes areas less suitable for marine-oriented uses than the S-1 Zone, such as shoreland areas with limited backup land."*

Finding: The purpose of the proposed retail sales establishment and light manufacturing is to produce, package and sell smoked nuts, marinades and rubs, while taking advantage of an existing commercial kitchen. The eating/drinking establishment would allow for take-out sales. No seating area is proposed with this application. The project as proposed is consistent with the intent of the S-2 Zone purpose as a conditional use.

- B. Section 2.685.22 concerning Conditional Uses in the S-2 Zone (General Development) lists *"Retail"* as an authorized use under a conditional use in accordance with Article 11, Conditional Uses, when they meet the provisions of 2.690, Development Standards and Procedural Requirements. *"Light manufacturing and Eating/drinking establishments* are also listed as conditional uses.

Section 2.690.1 concerning Development Standards and Procedural Requirements states that *"All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity Standards in Article 4. Where a proposal involves several uses, the standards applicable to each use shall be satisfied."*

Finding: See Section IV. M & N of this staff report for Article 4 review and findings.

- C. Section 2.690.2 concerning Development Standards and Procedural Requirements states that *“Outdoor storage areas will be enclosed by appropriate vegetation, fencing or walls.”*

Finding: No outdoor storage areas are proposed with this application. Should outdoor storage areas be considered in the future they shall be appropriately enclosed by vegetation, fencing or walls.

- D. Section 2.690.3 concerning Development Standards and Procedural Requirements states that *“All uses will comply with access, parking, and loading standards in Article 7.”*

Finding: See Section IV.O, P and Q of this staff report for Article 7 review and findings.

- E. Section 2.690.4 concerning Development Standards and Procedural Requirements states that *“When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.”*

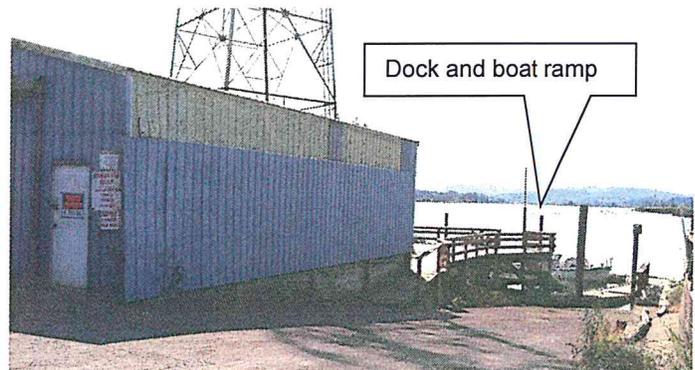
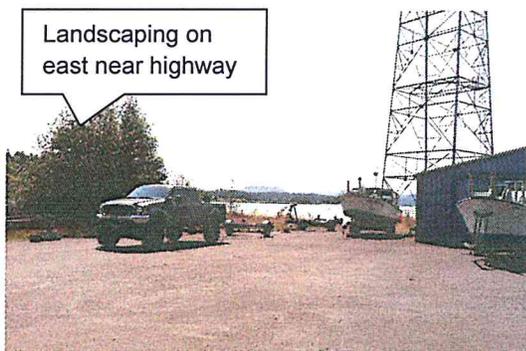
Finding: The project proposes several uses under this request. Light manufacturing, eating/drinking for take-out, and retail sales establishments are both conditional uses. In this case, parking requirements are most stringent for the retail sales and are reviewed below.

- F. Section 2.690.5 concerning Development Standards and Procedural Requirements states that *“Signs will comply with requirements in Article 8.”*

Section 4.160.1 concerning sign placement states *“Signs shall not impair views of water areas. Signs shall be constructed against existing buildings whenever feasible. Off-premise outdoor advertising shall not be allowed in aquatic areas.”*

Finding: The proposed retail sales shall apply for a “Sign Permit” per the standards of Article 8 of the Development Code prior to erecting any signs associated with this use.

- G. Section 2.690.8 concerning Development Standards and Procedural Requirements states that *“Uses which are non-water-dependent, non-water-*



*related or which otherwise derive no benefit from a waterfront location and which have frontage on the water shall provide a landscaped buffer along the waterfront.”*

Finding: The existing site does not require additional landscaping along the waterfront as the site includes docks and a boat ramp. There is some landscaping between the building and the highway. Should the proposed project require additional landscaping from that existing on site, the applicant will work with the City Planner regarding what additional landscaping would be necessary. The project is consistent with this standard.

- H. Section 2.690.9 concerning Development Standards and Procedural Requirements states that *“Whenever possible all structures shall be designed and orientated to maintain views of the river from public rights-of-way.”*

Finding: The proposed retail sales, eating/drinking establishment and light manufacturing will be utilizing an existing vacant building on site. No new structures are proposed under this conditional use request that would affect existing views. The proposed use is consistent with this standard.

- I. Section 2.690.10 concerning Development Standards and Procedural Requirements states that *“Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependending uses (Section 4.220(A)), or for water-related uses (Section 4.220(B)).”*

Finding: The proposed retail sales, eating/drinking establishment, and light manufacturing is neither water-related nor water-dependent, therefore not subject to this standard.

- J. Section 2.690.11 concerning Development Standards and Procedural Requirements states that *“Accessory structures in the General Development Shorelands Zone are limited in size to a maximum of 10% of the lot or parcel size.”*

Finding: The proposed retail sales, eating/drinking establishment, and light manufacturing operation is not requesting to construct any accessory structures under this conditional use request. Should accessory structures be proposed in the future they shall meet all applicable permit review standards, setback requirements, and size limits.

- K. Section 2.750 concerning the Purpose and Areas Included in the CRESO (Columbia River Estuary Shoreland Overlay District) states that *“This overlay district establishes additional requirements for shoreland areas adjacent to the Columbia River Estuary to assure that estuary shorelands are managed in a way that is compatible with adjacent estuarine aquatic areas. This district includes the following shoreland areas:*

1. *Areas within 50 feet of the estuary shoreline;*

2. *Adjacent area of geologic instability where the instability is related to or will impact the estuary;*
3. *Riparian vegetation;*
4. *Area of significant shoreland and wetland biological habitats where habitat quality is derived from or associated with the estuary;*
5. *Areas in the S-1, S-2, S-2A, S-3, or S-4 Zones.*
6. *Area of exceptional aesthetic or scenic quality, where the quality is primarily derived from or associated with the estuary;”*

Section 2.760 concerning Development Standards and Procedural Requirements states that:

1. *All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses, the Standards applicable to each use shall be satisfied.*
2. *Proposal involving a development that is only partially within this Overlay District shall be reviewed so that only the uses and activities actually within the Shorelands Boundary are subject to the requirements of this Overlay District.*
3. *The shorelands Boundary describes the landward limit of this Overlay District. The shorelands Boundary is described in the Subarea Plans, Section CP.155 through CP.180 of the Comprehensive Plan.*

Finding: The proposed retail sales, eating/drinking establishment, and light manufacturing is located within the S-2 Zone and is subject to the standards contained within this overlay district and is subject to the development standards and procedural requirements for the CRESO overlay district.

- L. Section 2.755 concerning Permitted and Conditional Uses states that:
- “1. *Use and activity listed in the underlying zone, subject to the procedure specified in the underlying zone.*
  2. *Accessory use and activity associated with development in adjacent Columbia River Estuary aquatic areas, subject to the procedure specified in the Aquatic Zone.”*

Finding: The proposed light manufacturing and retail sales meets the standards and procedures specified in the underlying S-2 Zone as a conditional use. The proposed project is not located within an aquatic zone. The proposed light manufacturing, eating/drinking establishment, and retail sales establishment under this conditional use application meets this standard.

- M. Section 4.010. concerning Columbia River Estuary and Shoreland Regional Standards states that *“Article 4 establishes use and activity standards for developments in Columbia River Estuary aquatic areas and shorelands. Some apply only to the estuary’s waters and tidal water wetlands: These are indicated by qualifying phrase “aquatic areas” or “aquatic designations”. Standards applicable only to estuary shorelands, including associated non-tidal wetland*

areas, are so indicated by the phrase “shoreland areas” or shoreland designations”.

Finding: The proposed project is subject to the development standards and procedural requirements for the CRESO overlay district pursuant to shoreland areas. Section 4.160 Residential, Commercial and Industrial Development is the only section applicable to this project. This section is reviewed below.

- N. Section 4.160.1 *“Sign placement shall not impair views of water areas. Signs shall be constructed against existing buildings whenever feasible. Off-premise outdoor advertising shall not be allowed in aquatic areas.”*

Finding: No signage has been proposed with this application. Should the applicant change the signage at the site, signs shall comply with Article 4 and Article 8 requirements.

- O. Section 4.160.3 concerning Residential, Commercial and Industrial Development, states that *“Joint use of parking, moorage and other commercial support facility is encouraged where feasible and where consistent with local code requirements.”*

parking lot

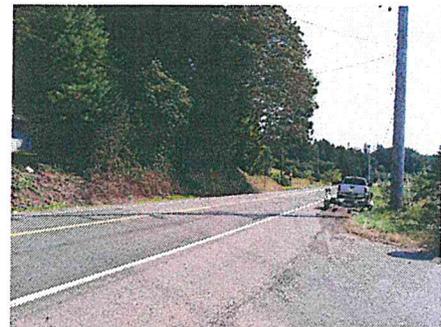
Finding: The proposed project does not propose joint-use of parking areas. The location does have a vacant restaurant on site and the potential to share parking is feasible as the lot affords plenty of off-street parking spaces to support both uses. The project is consistent with this standard.



- P. Section 7.100. concerning Minimum Parking Space Requirements requires parking for *“Retail Sales, General Merchandise”* at *“One space per 500 square feet of gross floor area.”*

*Light Manufacturing requires 1 space per 2 employees on the largest shift, and eating/drinking establishments without seating requires 1 space per 500 square feet.*

Finding: The square footage of the retail floor area is 3,000 square feet, which requires the use to provide six parking spaces. The existing parking lot has enough room to accommodate greater than six parking spaces. Two employees are currently proposed, with the goal of adding an additional staff with a maximum of five



employees. Five employees would require three spaces. The proposed use meets this requirement.

- Q. Section 7.160.C concerning Minimum Loading Spaces Requirements states *“Commercial, Non-office, Public and Semi-Public – Under 5,000 sq. ft. requires zero (0) number of spaces for loading.”*

Finding: The proposed use is 3,000 square feet which does not require a loading area; however, the site has ample space for loading and unloading of retail items from distributors for sale. The applicant does not anticipate an increase in loading needs beyond occasional FedEx/UPS pick-ups. The proposed use meets this requirement.

- R. Section 11.020.B.1 of the Development Code states that Conditional Uses requires that *“The proposed use comply with applicable policies of the Comprehensive Plan.”*

1. Section CP.060 to CP.065 refer to the South Slope Area.

Finding: The applicable South Slope Area Policies were reviewed for the requested conditional use. There are no applicable policies of the South Slope Area.

2. Section CP.140.E concerning Columbia River Estuary Aquatic and Shoreland Designations, Development Shoreland, states that *“Development Shoreland areas are designated to provide for water-related and water-dependent development along the estuary’s shoreline. Development Shorelands areas include urban or developed shorelands with little or no natural resource value, and shorelands with existing water-dependent or water-related uses. These areas are in the General Development Shorelands Zone (S-2), or the Tourist-Oriented Shorelands Zone (S-2A). Some of these areas are in residential or commercial zones with a Shorelands Overlay Zone.”*

Finding: The proposed project is located within an (S-2) General Development Shorelands Zone.

3. Section CP.150.E.16. concerning Permitted Uses in the Columbia River Estuary Aquatic and Shoreland Designations for S-2 Zones (General Development Shorelands) list *“Non-dependent, non-related uses.”* as a permitted use.

Finding: The proposed project is consistent with the above standard as an allowed conditional use. The proposed use of the existing structure as a retail sales, light manufacturing and eating/drinking is permitted under CP.150.E.16. The proposed project is located within the South Astoria Subarea Plan as identified in CP.160.A

4. Section CP.160.G.2 concerning South Astoria Subarea Plan Subarea Policies states that *“Potential conflicts between new development and existing uses on the South Astoria Waterfront will be evaluated on a case-by-case basis during permit review.”*

Finding: The proposed project is consistent with the subarea plan for South Astoria. No new conflicts will result as a result of this project being approved. No other subarea policies listed under Section CP.160.G.2 are applicable to the proposed project.

- S. Section 11.030.A concerning Basic Conditional Use Standards requires that *“Before a conditional use is approved, findings will be made that the use will comply with the following standards:”*

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.”*

Finding: The proposed project is located within the S-2 Zone (General Development Shorelands). The proposed project is listed as an allowable conditional use and is compatible with the intent of the S-2 Zone. While other sites would allow these uses outright, the more rural nature of the site outside of the urban area of the City and the location on the highway with ample on-site maneuvering space make this an ideal location for this use.

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.”*

Finding: The use will not require a site layout for transportation activities. The proposed project is requesting a Conditional Use Permit for the authorization to use an existing building for retail sales, light manufacturing and an eating/drinking establishment. The project has been reviewed for compliance with applicable regulations stated above and it has been determined the project meets the above review criteria.

The highway is fairly straight along the front of this property with a gentle curve to the west allowing for good visibility for vehicles entering or leaving the site. The size of the parking area and paved/graveled storage areas provide ample maneuvering space for trucks and other vehicles coming to the site. There are no sidewalks in this area but customers

would generally not walk or bike to this type of retail facility. However, per Development Code 7.105 Bicycle Parking, a change of use at the site requires the applicant to provide bicycle parking spaces. *The applicant shall install 1 bike space per primary use or 1 per 10 vehicle spaces, whichever is greater.*

The site has an on-site solid waste disposal area. The applicant shall contact Recology, the waste disposal company in the City, to assure that the existing or any proposed disposal area is ample for the proposed use. Any new area shall be screen from view and shall be reviewed by the Planner prior to installation.

3. *"The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities."*

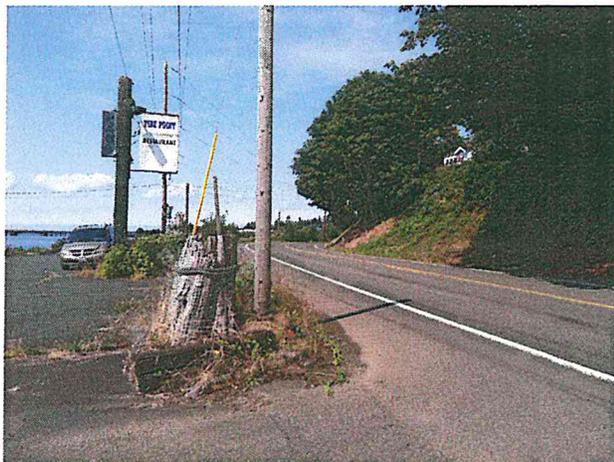
Finding: The proposed project will not overburden or increase demands on City facilities and Fire and Police protection. The light manufacturing will not significantly increase water usage, the eating/drinking establishment has been proposed as a grab-and-go type of take-out establishment, and the retail operation is in an existing building and does not overburden or increase demands on City facilities and services which are existing at the site. The project meets the above review criteria.

4. *"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 proposed project will be operated out of an existing building and does not require an engineering or geologic study for the requested use. No new buildings are proposed to be constructed under this request. The location is adequate for the use and the project meets the above review criteria.

5. *"The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."*

Finding: The proposed project contains the appropriate amount of landscaping, buffers and berms from adjacent uses. No additional measures are necessary to buffer the project location from adjacent uses. However regular



upkeep of the landscaped areas is required and weeds and noxious growth shall be removed prior to operation. The proposed project meets the above review criteria.

## V. CONCLUSIONS AND RECOMMENDATIONS

The conditional use request meets all applicable review criteria, policies and standards reviewed above that are found in the Development Code and Comprehensive Plan. Staff recommends approval of the request based on the Findings of Fact above with the following conditions:

1. Light manufacturing would trigger a change of occupancy within the building and prior to use of the building, the applicant shall obtain a building permit and/or change of occupancy permit to be reviewed and approved by the Building Inspector.
2. The applicant shall work with Recology/WOW on the location and size of the refuse collection area for the proposed use in the building.
3. If a new solid waste disposal area is installed, the area shall be screened from view and be appropriately enclosed by vegetation, fencing or walls. The design shall be submitted to the Planner for review and approval prior to installation.
4. No signage has been proposed with this application. Should the applicant change the signage at the site, signs shall comply with article 4 and article 8 requirements.
5. If the parking area is changed, the applicant shall meet all applicable design standards for parking as addressed in Article 7 of the Development Code. The parking site plan shall be reviewed and approved by the Planner prior to striping.
6. Per Development Code 7.105 Bicycle Parking, a change of use at the site requires the applicant to provide bicycle parking spaces. The applicant shall install 1 bike space and submit plans for review to the Planner prior to installation.
7. Regular upkeep of the landscaped areas is required and weeds shall be removed prior to operation.
8. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

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  
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

CITY OF ASTORIA

JUN - 9 REC'D

BUILDING CODES

✓ Check 1011  
paid 6/9/16  
Fee: \$250.00

No. CU 16-05

**CONDITIONAL USE APPLICATION**

Property Address: 1820 SE Front St Astoria OR

Lot # 10-32 Block 33 Subdivision Eagle Ridge

Map 17DD Tax Lot 4700 Zone S-2

for X Zone  
★ Flood  
Certificate  
(but X Zone,  
not AE)

Applicant Name: Robert Johnston

Mailing Address: 42223 Tweedle Rd Seaside OR 97138

Phone: 206-353-7075 Business Phone: 206-353-7075 Email: Info@Noodoonuts.com

Property Owner's Name: Robert Stang - Rising tide Enterprises LLC

Mailing Address: 500 38<sup>th</sup>

Business Name (if applicable): Sageana Smokehouse specialty foods LLC

Signature of Applicant: [Signature] Date: 6-9-16

Signature of Property Owner: [Signature] Date: 5/31/16

Existing Use: Restaurant

Proposed Use: Within footprint of existing restaurant building, restaurant situated in NW Portion, Kitchen on E,  
to locate light manuf (Smokehouse) + retail

Square Footage of Building/Site: 3,000 light manuf. going into kitchen area  
↳ And retail sales

Proposed Off-Street Parking Spaces: Existing loading/parking meets criteria

**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:	<u>6/22/16</u>	Permit Info Into D-Base:	<u>6/22/16</u>
Labels Prepared:	<u>6/22/16</u>	Tentative APC Meeting Date:	<u>8/2/16</u>
120 Days:	<u>10/20/16</u>		

**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.

*Complementary retail sales and food consumption*

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.

*no additional impact. No additional deliveries*

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

*no additional impact*

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.

*no impact*

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

*no impact*

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

Additional Statement regarding application for Conditional Use Permit for 1820 SE Front Street, Astoria, Oregon 97103

# 26 light manufacturing

This statement is made in support of the application and on behalf of Sedona Smokehouse Specialty Food, LLC, ("SSSFood") and supported by the Landlord, Rising Tide Enterprises, LLC ("RTE")

In addition to using the kitchen for restaurant purposes, SSSFood will prepare food products, such as smoked nuts, which will be sold at retail from the premises at 1820 SE Front Street and shipped around the country to stores through United States Postal Service or United Parcel Service or other mail providers. The traffic generated by this use will be typical food deliveries for a restaurant or retail use and therefore there will be no additional impact. We expect to employ 3 new people as we open and expand our business.

CITY OF ASTORIA

JUN - 9 2020

BUILDING CODES



**STAFF REPORT AND FINDINGS OF FACT**

July 26, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: KEVIN A. CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR 

SUBJECT: CONDITIONAL USE REQUEST (CU16-06) BY MO'S CLAM CHOWDER/NEWPORT PACIFIC CORP TO LOCATE EATING/DRINKING ESTABLISHMENT, INDOOR FAMILY ENTERTAINMENT, TOURIST-ORIENTED RETAIL SALES, AND LIGHT MANUFACTURING WITHIN AN EXISTING BUILDING LOCATED AT 101 15TH STREET IN DOWNTOWN ASTORIA

I. SUMMARY

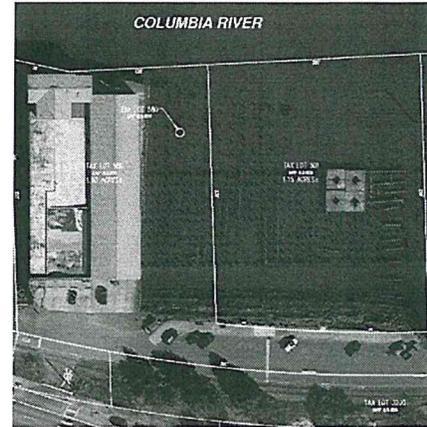
- A. Applicant's Representative: AKS Engineering & Forestry  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062
- B. Applicant: Jolee Bancroft, Owner  
Mo's Clam Chowder/Newport Pacific Corp  
P.O. Box 2151  
Newport OR 97365
- C. Owner: Englund Marine Supply Co.  
PO Box 296  
Astoria, OR 97103
- D. Location: 101 15th Street, Map T8N R9W Section 8DB,  
Tax Lot 500, Tax Lot 501; Shively
- E. Zone: A-2A, Aquatic Two A Development, S-2A Tourist-Oriented  
Shorelands (off street parking area only)
- F. Lot Size: Tax Lot 500: 56,715 + Tax Lot 501: 50,153 = 106,868  
Square Feet (SF) or 2.45 acres
- G. Proposal: To locate a sit down restaurant, chowder production facility,  
and accessory gift shop (tourist-oriented retail sales, indoor  
family entertainment) in an existing warehouse structure.

- H. Previous Applications: V06-33 Variance request approved in January 2006 to construct two residential buildings above maximum height. CUP 07-04/AP07-07 Appeal of conditional use for two mixed use buildings with Council approval in September 2007. These permits have expired.

## II. BACKGROUND INFORMATION

### A. Site:

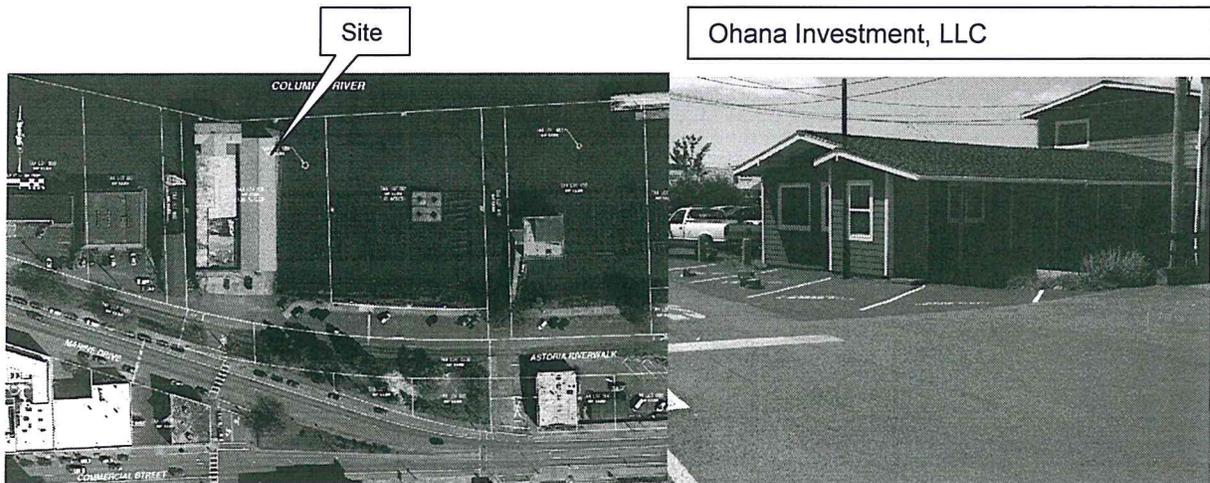
The subject property is located at the foot of 15<sup>th</sup> Street and contains an overwater warehouse built by the current owner Englund Marine Supply in 1924 with a major addition in 1944 and remodel in 1990. The main entrance faces the Riverwalk and has off street parking. It is the current location of Vintage Hardware a retail tenant that occupies most of the leasable space. There is a walkway running north/south on the east side as well. The adjacent property is an overwater lot with submerged lands managed by the Division of State Lands and does not include any development other than preexisting pilings. The shorelands include the Riverwalk and off street parking.



The proposed use would be located in the existing building after a significant renovation. The site can be accessed from 15<sup>th</sup> Street or the Riverwalk, which is city managed right-of-way under contract with the railroad. There is limited one way access for vehicles along the Riverwalk.

### B. Neighborhood:

The area is bounded on the north by the Columbia River; on the west by the Ohana Investments, LLC owned offices, which are currently vacant, on the east by Stopwater, LLC (River Pilots); and on the south by the River Trail and trolley line, 16<sup>th</sup> Street People's Park, and Marine Drive. This portion of the River Trail provides vehicular access. All two-way access to the property is from a vacated portion of 15<sup>th</sup> Street platted 50' wide with no on-street parking allowed on both sides of the street. The Riverwalk vehicle access is one way.



C. Proposal:

The applicant is proposing to locate an eating/drinking establishment, tourist-oriented retail sales, and an indoor family entertainment in an existing commercial structure that is occupied by Vintage Hardware, which is expected to relocate to a new commercial space on Marine Drive. The uses would occupy approximately 14,011 SF of the building with off street parking provided on two lots similar to the existing layout. All uses would be at street level. The applicant has indicated that the chowder production will be an accessory use under the other proposed conditional uses. A public viewing area is proposed for the riverside portion of the building, but no public walkway from 15<sup>th</sup> Street is proposed.

D. Staff Comments:

The staff report below is based on an assumption that the proposed uses are most aligned with the uses contained in the underlying zone. The APC has interpreted previous applications and set a precedent for applying these uses to current planning requests. Per 11 and Buoy Beer are recent examples. In this case, chowder production is being reviewed as an accessory use to the main retail use of the building. If the Planning Commission has a different viewpoint, then this topic should be discussed first since it is the most fundamental aspect of the application. Staff has consulted with the local DLCDD representative as well to confirm this approach.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on July 8, 2016. A notice of public hearing was published in the Daily Astorian on July 26, 2016. No comments have been received as of the publish date of the staff report. Any comments received will be made available at the Planning Commission meeting.

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

- A. Section 2.535(12) concerning Conditional Uses permitted in the A-2A Zone lists *"Eating and drinking establishment open to the general public which provides significant visual access to the waterfront."*

Section 2.535(14) concerning Conditional Uses permitted in the A-2A Zone lists *"Tourist-oriented retail sales establishment which provides significant visual access to the waterfront."*

Section 2.535(15) concerning Conditional Uses permitted in the A-2A Zone lists *"Indoor amusement, entertainment, and/or recreation establishment which provides significant visual access to the waterfront."*

Section 2.705 concerning Conditional Uses permitted in the S2-A Shorelands Zone list *"commercial or public parking."*

Finding: The applicant intends to locate an eating/drinking establishment, tourist-oriented retail sales, and indoor family entertainment of tours in an existing commercial structure. These are allowed as conditional uses. The chowder production would be an accessory use to the other allowable uses. A parking lot to serve the uses in the building is located in the S-2A zone, but is accessory to the main building and does not operate as a single entity. The uses proposed require review as a conditional use.

- B. Section 2.540(1) concerning Development Standards and Procedural Requirements for the A-2A Zone states that *"All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Areas Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses)."*

Finding: The proposed uses would be within an existing waterfront industrial building. Any exterior renovation of the building would need to comply with Article 4. The proposed uses will not result in changes to the estuary or in disposal of effluents into the Columbia River. A letter from CREST is included for reference.

- C. Section 2.540(2) concerning Development Standards and Procedural Requirements for the A-2A Zone states that *"When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent provision."*

Finding: Review of the proposed uses will be made under the more stringent provisions.

- D. Section 2.540(4) concerning Development Standards and Procedural Requirements for the A-2A Zone states that *“Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.”*

Finding: The original use was for Englund Marine Supply as a major retailer of mariner goods, including a Shell Oil marine gas station. Englund Marine built a new facility to house their corporate headquarters and retail store at the Port of Astoria in 2006. Since that time, the building has had different tenants with Vintage Hardware occupying the site in 2014. It is highly unlikely that a new fish processing plant or marine supply business would locate in this building as a result of market conditions, but would not preclude a future use of similar nature. Other buildings along the waterfront associated with the fishing industry such as Bruski’s Dock at 80 11th Street, Big Red at 100 30th Street, and the building at 4998 Birch Street are also vacant. Other marine buildings have been repurposed as a brewery (Buoy Beer) and tourist-oriented retail and offices (Pier 11 & Pier 12). Most of the fish processing facilities are now located on the piers at the Port. The proposed uses would involve major alterations to the interior, but would provide additional waterfront viewing with the opening of a roll up garage, dining, and windows especially on the north elevation. While not likely, the building could be returned to a water-dependent use in the future.

Section 2.540(5) concerning Development Standards and Procedural Requirements for the A-2A Zone states that *“No structures can exceed 28 feet above the grade from adjacent shorelands.”*

Finding: The preliminary south elevation dated June 17, 2016 includes the original gabled roof on the east end and two new gabled roof lines at the entryway. The applicant has stated that the roof line is 26 feet. The addition of mechanical penthouses for heating/ventilation can exceed this limit. Building plans will be reviewed to verify height prior to issuance of any building permits. Standard is met.

- E. Section 4.150(1), Recreation and Tourism, states that *“Standards in this subsection are applicable to recreational and tourist-oriented facilities in Columbia River estuary shoreland and aquatic areas.”* and Section 4.160(2), Residential, Commercial and Industrial Development, states that *“The standards in this subsection are applicable to construction or expansion of residential, commercial or industrial facilities in Columbia River Estuary shoreland and aquatic areas.”*

*“Off-street parking may only be located over an aquatic area if all of the following conditions are met:*

- a. Parking will be on an existing pile-supported structure; and*
- b. Suitable shoreland areas are not available; and*
- c. The amount of aquatic area committed to parking is minimized; and*

d. *The aquatic area is in a Development designation.*”

Finding: Up to 11 parking spaces are proposed to be located on the shoreland portion of the lot. The applicant also proposes to use an adjacent lot to the building for additional parking. All areas proposed for parking are existing and used for parking and/or storage and are located within the A-2A (Aquatic Two A Development) or S-2A (Tourist Oriented Shoreland) Zone. No additional over water parking areas will be constructed.

F. Section 4.160 Residential, Commercial and Industrial Development, states that *“The standards in this subsection are applicable to construction or expansion of residential, commercial or industrial facilities in Columbia River Estuary shoreland and aquatic areas.*

1. *Sign placement shall not impair views of water areas. Signs shall be constructed against existing buildings whenever feasible. Off-premise outdoor advertising shall not be allowed in aquatic areas.”*

Finding: Signs are not proposed with this application. Any signage would be subject to the requirements of Development Code Article 8 concerning Signs and this section.

G. 4.200 Water Quality Maintenance, states that *“The standards in this subsection are intended to help protect and enhance the quality of water in the Columbia River Estuary. Impacts on water quality in aquatic areas and in tidedegated sloughs in shoreland areas are covered by these standards.”*

Finding: The proposed uses will not result in disposal of effluents into the Columbia River.

H. Section 7.100.A concerning Minimum Parking Space Requirements identifies parking spaces for *“Mixed use retail/indoor amusement”* as follows: *“One space per 400 square feet of gross floor area, plus one space per two employees.”*

Section 7.100.I concerning Minimum Parking Space Requirements identifies parking spaces for *“Eating and drinking establishment”* as follows: *“One space per 250 square feet of gross floor area.”*

Section 7.100.I concerning Minimum Parking Space Requirements identifies parking spaces for *“General merchandise store, food store, apparel and accessory store, and miscellaneous retail”* as follows: *“One space per 500 square feet of gross floor area.”*

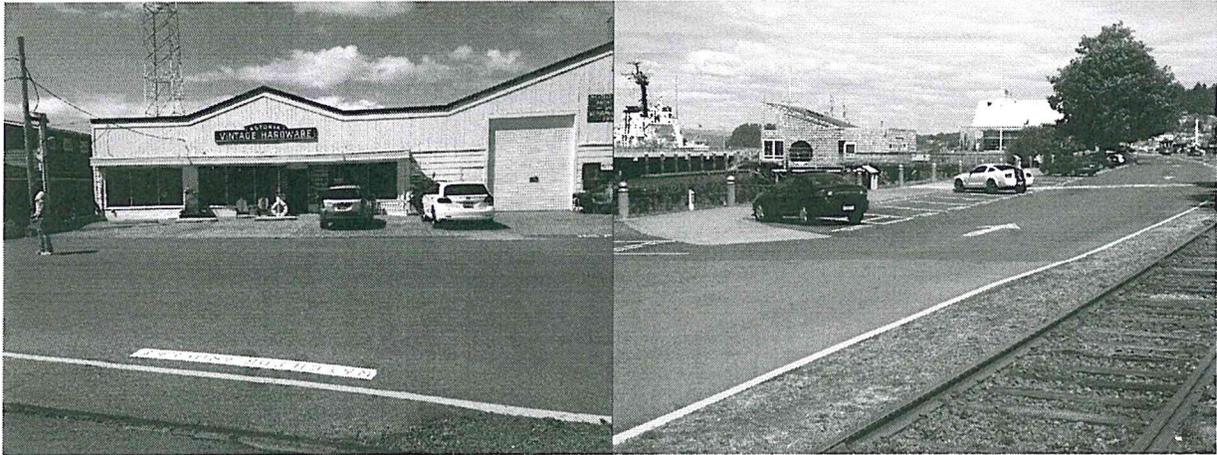
Finding: The area devoted to eating/drinking is approximately 7,173 SF; the area for the chowder production is approximately 5,297 SF with approximately four employees. The retail sales and indoor family entertainment areas are within the overall square footage of these two primary uses with the same

employees. The eating/drinking space requirement is the more stringent. Therefore, a total of 31 off-street parking spaces are required as follows:

Eating/Drinking: – 7,173 SF @ 1 space / 250 SF = 29

Production: 4 employees; 1 space / 2 employees = 2

The applicant proposes to provide a total of 31 parking (two ADA spaces) spaces which include 20 off-street parking spaces located on the adjacent lot. The existing parking spaces that are designated for Vintage Hardware will require new labeling. The applicant proposed to reconfigure the existing head in parking area to maximize parking and provide better access and circulation.



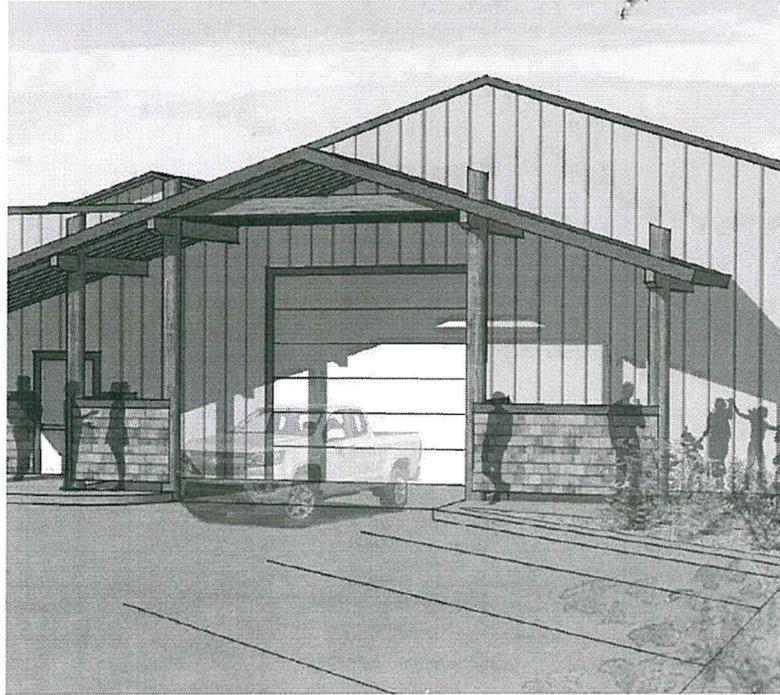
- J. Section 7.090, Off-Street Loading, states that:
- A. *Except as otherwise specifically provided in this ordinance, off-street loading shall be provided in amounts not less than those set forth in Section 7.160.*
  - B. *A parking area meeting the requirements of Sections 7.100 through 7.110 may also be used for loading when the use does not require a delivery vehicle which exceeds a combined vehicle and load rating of 20,000 pounds, and when the parking area is within 25 feet of the building or use which it serves.”*

Section 7.160.C, Minimum Loading Space Requirements for “*Commercial, Non-office, Public and Semi-Public*” uses requires one loading area of 12’ x 55’ x 14’ for uses of 5,000 to 59,999 square feet.

Section 7.160.D, Minimum Loading Space Requirements for “*Industrial*” uses requires one loading area of 12’ x 55’ x 14’ for uses of 5,000 to 99,999 square feet.

Finding: The proposed section of 15<sup>th</sup> Street is not an overwater bridge and as a result do not have load limits. The applicant proposes to use truck deliveries

for vendors and product distribution for loading. A loading zone is proposed at the east end of the building to meet this standard.



- K. Section 7.170. LANDSCAPING OF OUTDOOR STORAGE OR PARKING AREAS. *A minimum of 5% of the gross parking lot area shall be designed and maintained as landscaped area, subject to the standards in Sections 3.105 through 3.120. This requirement shall apply to all parking lots with an area of 600 square feet or greater. The minimum 5% landscaping shall be counted as part of the total landscaping required for the property.*

Finding: The landscape plan includes 5,226 SF of parking while the landscaping is 720 SF, which exceeds the 5% requirement at approximately ~14%. The proposed plant list is consistent with Section 3.105. Raised planter boxes or containers are another way to meet the standard and are commonplace in the downtown. The applicant is encouraged to add these elements to distinguish and soften the front entryway, but is not required to meet the standard. Any future lighting needs to be downcast on to the subject property and not into adjacent properties.

- L. Section 2.445(8) requires that signs will comply with requirements in Article 8. Finding: No signs are proposed as part of this request. Any future sign installation shall comply with the requirements of Article 8, specifically regulations pertaining to the S-2A Zone. Signage will be limited to 64 square feet as required of the S-2A zone, which is more stringent than the A-2A code.

- M. Section 11.110(A) concerning Light Manufacturing, Nuisances states that *“No use shall generate odor, dust, gas, fumes, glare or vibration beyond the property line or site boundary.”*

Finding: The proposed uses include retail, entertainment, and eating/drinking. The chowder production is an accessory use and would generally be classified as “light manufacturing”. The production process would generate some odor common to the cooking of food products such as a restaurant. This is generally not considered as extensive and not of an amount that would be considered a nuisance. Light manufacturing operations would be a low impact operation with minimal odor, dust, etc.

- N. Section 11.110(B) concerning Light Manufacturing, Storage states that *“Storage of materials and equipment shall be screened from adjacent properties or public streets by sight-obscuring fencing, landscaping or both. Clear vision areas shall not be obscured.”*

Finding: All materials and equipment would be stored in the building and/or screened from view. No outdoor storage is proposed at this time other than the solid waste and recycling disposal area which is addressed below. As noted below, the site is adjacent to a historic property. Any new structures detached from the existing building, such as a trash enclosure, requires historic design review.

- O. Section 11.110(C) concerning Light Manufacturing, Buffer states that *“Where a use abuts a residential zone, or other sensitive use (regardless of the presence of a street) a buffer of at least 10 feet shall be established. Such buffer may include plantings, berms, walls, and fencing adequate to provide a separation of the use from the residential area.”*



Finding: The use would be in an existing building that was previously used for marine supplies. There are windows on the south elevation of the building. The site is not adjacent to a residential zone. There is a living space within the adjacent offices to the west. The proposed light manufacturing would have a minimal impact due to the nature of the process.

With the existing development, there is no opportunity, nor need, to provide additional buffering between the proposed use and the residential use.

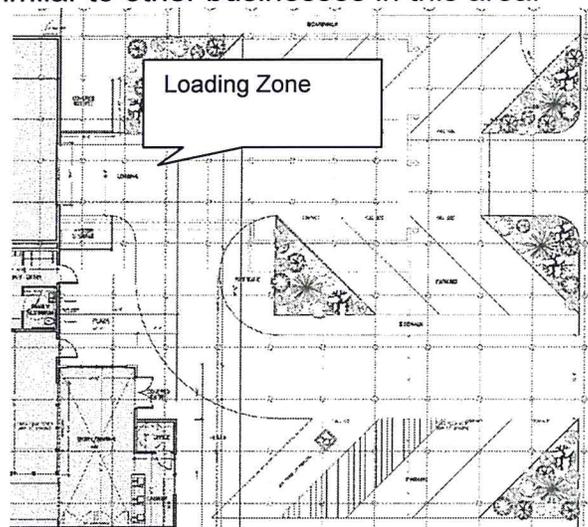
The residential use is within a commercial building with other uses which have a higher impact than the proposed light manufacturing. No additional buffering is required.

- P. Section 11.110(D) concerning Light Manufacturing, Lighting states that *“Exterior lighting shall be shielded so as to direct it away from adjacent property.”*

Finding: No exterior lighting is proposed. Any future lighting shall be reviewed by the Planner for compliance with this standard.

- Q. Section 11.110(E) concerning Light Manufacturing, Parking states that *“Uses shall have adequate parking, loading, maneuvering, and vehicle storage areas so as not to impact adjacent public streets or parking facilities. Ingress and egress shall be limited so as to direct parking onto arterial or collector streets.”*

Finding: There is maneuvering space on the street for loading and unloading. The building has a garage door on the east end that could be used for a loading area eliminating the need for deliveries to use on-street loading and unloading similar to other businesses in this area.



- R. Section 11.020(B)(1) requires that the use comply with policies of the Comprehensive Plan.

1. Section CP.055(4) concerning Downtown Area Policies states that *“The City encourages the reuse of existing buildings prior to the expansion of commercial zones.”*

Finding: The applicant is proposing to reuse an existing building. The nature of the structure with large open areas, garage area for future loading and deliveries within the building, and potential for riverfront windows allows a good opportunity for adaptive reuse for the proposed use with retail sales and eating/drinking. The applicant is improving the building to make it more conducive to some retail sales and other

pedestrian friendly uses. The proposed use for tourist oriented retail sales, eating/drinking, indoor entertainment, and associated food production as light manufacturing allows a reuse of the building in its current configuration with a substantial interior renovation.

2. Section CP.055(4) concerning Downtown Area Policies states that *“Shoreland zone policies and standards will be designed to encourage public access along the Downtown waterfront.”*

Finding: The proposed use of this building as an eating/drinking and tourist oriented establishment will encourage and allow public access to the waterfront. The applicant proposes to open windows to the River to allow more viewing opportunities from within the building.

3. 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.”*

Finding: The proposed production facility and eating/drinking establishment would allow for continued compact urban form development of an area currently serviced by City utilities. Astoria is the cultural center of the North Coast region with its numerous historic properties and districts, cultural attractions, and with the increase of breweries, distillery, and restaurants it is becoming a destination for these facilities also. The proposed use of the building for these tourist related uses has the potential to become an important part of the overall downtown redevelopment. In addition, Mo's has a substantial footprint and name brand recognition on the Oregon coast which has larger implications for a tourist-based economy.

4. 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.”*

Finding: The existing building was inventoried in 1990 as a “compatible” resource as part of the Downtown Historic District inventory. The building is not considered historic because of the significant alterations that have

occurred, including a remodeling effort in 1990 with an addition and new siding on the front elevation. The proposed alterations such as Palladian windows, shingle siding and exposed rafters change this compatibility. The applicant proposes several alterations to open the building up allowing more public access to the building and waterfront. However, the new design is drastically different from the existing elevation and does not address the historic nature of the building form or marina type architecture. The use of open timbers to frame the building form is respectable to the cultural reference of the prevalent forestry economy, but is not typically associated with marina architecture. The use of board and batten, cedar shingles, and standing seam metal roof are building materials consistent with Astoria architecture. However, Palladian windows with no recess to the main facade are associated with Neo Classical vernacular and a “suburban” design are not appropriate for Astoria which has traditional, articulated, storefront windows common in commercial buildings in the 1920s. This storefront window design approach also respects the historic nature of the building as a retail hub since 1944, encourages more pedestrian activity and interaction, and provides views of downtown that complement expected views of the Columbia River on the north elevation. Conditions of approval will address this concern.

5. CP.205(1) concerning Economic Development Policies states that *“The downtown core of Astoria, generally extending from Sixth to Sixteenth Streets, and from the waterfront to Exchange Street is the retail, service and governmental center of the area. The City, through its zoning actions and support of the Astoria Downtown Development Association, will promote the Downtown.”*

CP.200(2) concerning Economic Development Goals states that *“The City of Astoria will assist in strengthening the City’s Downtown core as the retail center of the area, with the support of the Downtown Association and the Downtown Manager.”*

CP.200(3) concerning Economic Development Goals states that *“The City of Astoria will encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries.”*

CP.205(5) concerning Economic Development Policies states that *“The city and business community should develop a cooperative program for strengthening and upgrading the core commercial area’s competitive position.”*

Finding: The existing buildings and businesses in the area are active participants in the downtown commercial area. They are a mixture of working waterfront and commercial businesses visually and physically

linked to the downtown and help strengthen the downtown as a central business district. The possible use of this building for an eating/drinking establishment, including tours, and retail sales would support the economic health of the area. The growing cluster of food and beverage businesses would give Astoria a competitive edge in the “foodie” production field and could help to promote Astoria as a destination city for tourists. The proposed uses would strengthen the downtown as well as provide year round job opportunities.

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

- S. 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 site is easily accessible to pedestrians, bicyclists, vehicle traffic, trolley line, and those using public transit. The existing building was constructed and used for marine supplies. Use for light manufacturing as food production as an accessory use to the eating/drinking and retail sales would not be a major impact to the area as this site has been used for retail with numerous customers and major deliveries/shipments. The building would be reconfigured for pedestrian related access. There are few downtown buildings that have easy vehicular access to the buildings for deliveries. With the ability to use 15<sup>th</sup> Street for truck deliveries, this building is well suited for the production operation due to the minimal impact to the streets for these functions.

The uses would benefit from a downtown location due to the pedestrian traffic and the close proximity to other similar sales and services such as art galleries, restaurants, retail sales, and other general commercial businesses. With the opening of large windows to view the River, high ceilings, transparent production area for viewing, and a waterfront location, the building is ideal for the proposed uses. However, the applicant proposes significant changes to the facade. Conditions of approval will address this issue. The site is appropriate for the proposed use.

- T. 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.”*

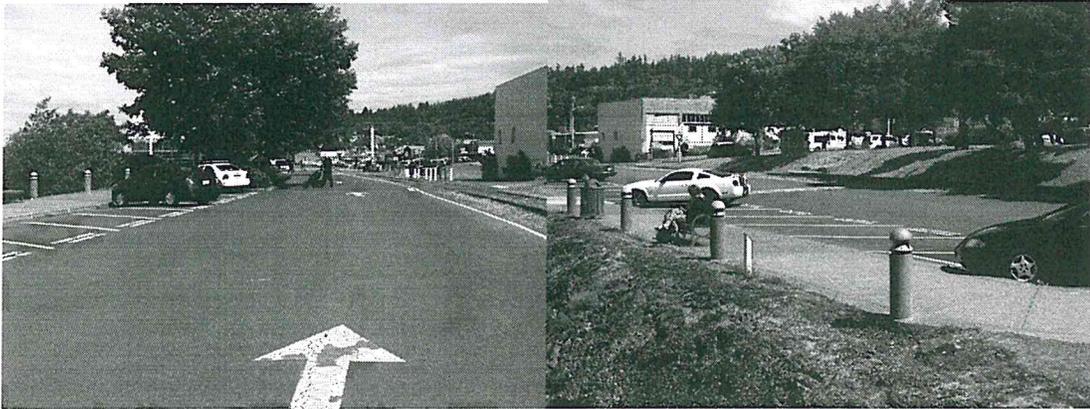
Finding: The applicant has submitted a traffic analysis requested by staff. The site is accessible from 15<sup>th</sup> Street from the south and the Riverwalk for vehicles from the west side, and from the trolley line to the south. On-street parking is available on both sides of the street from 14<sup>th</sup> to 16<sup>th</sup> Street and Marine Drive and Commercial Street. ODOT reviewed the request because it will access the site from Marine Drive (see Section 3.015.5). ODOT has no comment.

After renovation, the entire building is approximately 28,022 square feet split between office, retail, and food production. Parking and loading have been addressed above. Garbage collection is provided by Recology/Western Oregon Waste (WOW) under contract with the City. A solid waste and recycling facility will be located at the east end of the parking area with easy access from the loading zone. Solid waste disposal areas shall be screened from view.

Per 3.008.D, and 3.010.C the construction of the new driveways, and pedestrian walkways and separation needs to be reviewed and comply with the code. The proposal is in compliance with the subject standards, including surface material, spacing, emergency access, and maneuvering. Regarding pedestrian access, the driveway access that loops internally splits some of the parking from the main entryway. The standard requires clearly marked walkways or crosswalks with contrasting paving materials or a speed table. The applicant shall include a crosswalk from the middle sidewalk to the main entry to encourage pedestrian safety.

A sidewalk is located on the adjacent lot where the bulk of the off street parking is provided. The Riverwalk for pedestrians and bicycles, as well as public transit is in close proximity to the site. The City maintains an easement to operate the Riverwalk. Vehicle access is readily available to the site to accommodate visitors using various modes of transportation. The applicant proposes to provide bicycle parking to meet Section 7.105 that will be located near the plaza and front entryway. Long term bicycle parking will be located near the loading zone in a storage locker. The applicant proposes two driveway cuts to access the main building parking lot.

A net increase in customer traffic is expected from a mercantile use to a restaurant. In addition, there will be an increase in employees accessing the building. The addition of a production facility will add four employees. However, the restaurant and retail functions will generate the majority of traffic to the site. A parking management strategy is warranted to balance the needs of employees and customers using the available off street parking and mitigate potential impacts to the nearby on street parking. This strategy will help maintain availability of parking for customers. The strategy needs to include incentives for employees to walk, bike, car pool, or take public transit. If the actual traffic counts exceed the planned amount, and the parking strategy is ineffective, a traffic study will be required and mitigation measures determined.



Emergency vehicle movements are confined to 15<sup>th</sup> Street and the Riverwalk. Fire trucks can access the front entrance through the driveway. The driveway curbs shall be marked red to indicate areas where parking is not allowed. The closest fire hydrant is located on the south side of Marine Drive which requires closure of Marine in the event of a fire. A new fire hydrant is recommended when the new waterline is installed. The City does not own a fire boat that can attack a fire from the River. As a result, sprinklers will be required for the change of occupancy. Sprinklers are also recommended for underneath the building as well, but are not required.

- U. *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: Public facilities are available to the site. However, the existing waterline is undersized for the proposed use and to meet adequate fire flow. The applicant is working with the Public Works Department on the right size waterline, connections, and meter size. The use will not overburden the overall water, sewer, or storm drainage systems. Stormwater drains directly to the River as it does today. A utility plan addressing all utilities shall be reviewed by the Engineering Department. Food production along with the restaurant will require more water than some other uses generally in the downtown area, and more than the current tenant. However, supply is not an issue. The building will require installation of a fire suppression system. As with all new or increased businesses and development, there will be incremental impacts to police and fire protection but the proposed use will not overburden these services. Various types of light manufacturing may require possible conditions related to a fire suppression system. The applicant has submitted preliminary plans for a change of occupancy permit to be reviewed and approved by the Building Official to assure that the services are adequate to accommodate the proposed use.

- V. *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 exterior construction is proposed as part of this request other than renovation of the building. The site is not within 100' of a known geologic hazard area. The site is located within Flood Hazard Zone AE "Special Flood Hazard Area subject to inundation by the 1% annual chance flood - (Base Flood Elevation 12 feet). A Flood Elevation Certificate will be required prior to occupancy of the building as the proposed construction work will exceed 25% of the building's assessed value. Additional studies are not required.

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

Finding: The building is existing and encompasses the entire parcel on the A-2A zoned section. As described above, landscaping is proposed in the reconfigured parking lot and will be imposed as part of this request. Native vegetation is strongly encouraged to help filter and improve water quality. A final check of the landscape plan will be completed prior to issuance of a building permit.

## VI. CONCLUSIONS AND RECOMMENDATIONS

The request does not meet all applicable review criteria as submitted. However, staff recommends approval of the request based on the Findings of Fact above with the following conditions to meet all applicable criteria:

1. The applicant shall work with Recology/WOW on the location and size of the refuse collection area for the proposed use in the building. A detached trash enclosure area design plan shall be reviewed and approved by the Planner prior to construction. The enclosure shall be installed prior to occupancy of the building.
2. The applicant shall provide a copy of any approved Division of State Lands (DSL) permit for submerged land lease prior to issuance of a certificate of occupancy.
3. Prior to work on site, the applicant shall obtain a building permit and/or change of occupancy permit to be reviewed and approved by the Building Inspector to assure that the services are adequate to accommodate the proposed use.
4. The applicant shall provide a parking management strategy to reduce demand for employee parking. This could include, but is not limited to incentives for employees to take public transit, car pool, walk, or bike to and from work. The strategy shall be submitted and approved prior to any request for certificate of occupancy. After one year of operation, the City will work with the owner on assessing the traffic impacts.

5. Any future lighting shall be reviewed by the Planner for compliance with the standards of Development Code Section 11.110.D.
6. A Flood Elevation Certificate shall be submitted to the Planner prior to occupancy of the building.
7. The applicant shall revise the south elevation facing downtown and design storefront windows that are appropriate for the building and compatible with downtown architecture.
8. The applicant shall work with the Public Works Department on the sizing, location, design, and installation of a new waterline.
9. The applicant shall include a crosswalk of contrasting materials or a speed table in the parking lot connecting the middle sidewalk to the main entry to encourage pedestrian safety. Driveway curbs shall be painted red "Fire Lane") to denote areas where parking is not allowed.
10. A utility plan that illustrates all connections to City facilities, including stormwater, shall be submitted and reviewed by the Engineering Division prior to issuance of any building permit.
11. The applicant shall submit a final landscape and site plan for review and approval by the Planner, prior to the issuance of a building permit. All landscaping shall be installed and approved prior to occupancy of the building.

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 operation.

June 20, 2016

Nancy Ferber  
Community Development Department  
City of Astoria  
1095 Duane Street  
Astoria, OR 97103

CITY OF ASTORIA

JUN. 21 REC'D

BUILDING CODES

RE: Conditional Use Permit-Mo's Clam Chowder/Newport Pacific

Dear Ms. Ferber:

Thank you very much for reviewing the Conditional Use Permit Application that we submitted to you for the Mo's Restaurant planned for 101 15<sup>th</sup> Street. This letter and accompanying information responds your request for additional materials that you sent to us (via email) on June 17, 2016 (attached). By submitting this information by June 20, we anticipate a hearing before the Astoria Planning Commission on July 26, 2016. The list of additional information requested is shown in *italics*, with the applicant's response directly below.

1. *Additional information on the proposed use of the site for meeting the following conditional uses:*

*Development Zone A-2A Conditional Use 2.560:*

- 10) *Eating and drinking establishment open to the general public which provides significant visual access to the waterfront.*
- 12) *Tourist-oriented retail sales establishment which provides significant visual access to the waterfront.*

**RESPONSE:** As shown on the submitted preliminary building plans, the project includes restaurant and chowder production space on the first floor with office space on the second floor. The restaurant will be open to the general public, and the floor layout puts the waterfront front and center. The project is planned to feature banks of windows that will provide significant visual access to the waterfront. Booths next to windows are planned to ring the northern half of the restaurant with views to the water. An outdoor patio and dining area accessible via roll up doors will also provide visual access to the waterfront. Therefore, the restaurant constitutes an eating and drinking establishment open to the general public which provides significant visual access to the waterfront.

A chowder production facility is planned to be integrated within the restaurant. As illustrated on the preliminary building plans, this amenity will provide tourists and visitors with an opportunity to observe how Mo's famous clam chowder is made. This area is planned to be separated from the restaurant by windows or other Plexiglas-type barrier. Informational materials explaining the process and Mo's history will educate visitors. Clam chowder, apparel, and other souvenirs will be available for retail sale

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to visitors. Therefore, the chowder production facility constitutes a tourist-oriented retail sales establishment which provides significant visual access to the waterfront.

- 2. While general landscaping is not a requirement in this zone, landscaping in the parking area is required. Please provide a detailed landscape plan meeting criteria in Article 3.120-landscape requirements, and Article 7.170 which requires a minimum 5% of the gross parking lot area to be designed and maintained as landscaped area.*

**RESPONSE:** Please see the attached preliminary landscape plan. The parking area immediately in front of the restaurant contains 11 vehicle spaces and five curbed planters which will contain the required landscaping. The gross parking lot area is +/- 7,852 SF and +/- 720 SF (+/- 9%) of landscaping is provided. The landscaping in the parking area exceeds the minimum requirements in the Development Code.

The frontage extending to the east currently contains additional dedicated parking spaces. Any changes to this parking area (although none are planned at this time) will continue to comply with the applicable landscaping provisions in Article 3.120 and Article 7.170.

- 3. A detailed plan for proposed bike parking, which requires 1 bike space per primary use, or 1 per 10 vehicles, whichever is greater. 50% shall be long term and 50% shall be short term bike parking. All bicycle parking shall be securely anchored to the ground or to a structure. Requirements are listed in Article 7.105.*

**RESPONSE:** Based on the Table in Article 7.105, three bicycle parking spaces will be required. Bicycle parking will be securely anchored and convenient, with direct access to the public right-of-way. Short-term bicycle parking is shown on the preliminary plans at the front plaza, within 50' of the main building entrance. Long-term bicycle parking is also shown near the building loading area in the form of a storage locker.

- 4. Submittal of a traffic analysis. This does not need to be a complete traffic impact study, but should outline the proposed circulation and potential impacts of increased traffic at the site.*

**RESPONSE:** The site is readily accessible to pedestrian, bicyclists, vehicle traffic, trolley line, and those using public transit. Major traffic routes, notably Marine Drive and Commercial Streets, are located nearby. The restaurant and chowder facility uses would benefit from the downtown location due to the pedestrian traffic and the close proximity to other similar sales and services such as art galleries, restaurants, retail sales, and other general commercial businesses. As noted in previous City land use decisions, there are few downtown buildings that have easy vehicular access to the buildings for deliveries.

The existing building served Englund Marine Supply Co until 2006, and several community events such as the Bicentennial and Goonies Celebration until Vintage Hardware received approval in 2014 and opened for business. The restaurant and chowder facility will continue the retail use of the property and should not significantly impact the area as this site has been used for major retail and special community events for decades. Redevelopment of the site will strengthen local connections to the trolley and Riverwalk.

In terms of vehicular circulation, the project includes the replacement of several head-in/back out parking spaces with a small parking area that provides for forward motion entry and exiting movements.

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In addition, a stop sign is planned at the parking area exit, so as to improve safety and further define the area where the riverfront access and subject site intersect.

5. *Project review by Fire Chief Ted Ames, who was out of town during the pre-application meeting. Chief Ames can be reached at 503-298-2520 tames@astoria.or.us*

**RESPONSE:** I reached out to Fire Chief (Ted Ames) and spoke with him on the phone today. Afterwards, I followed up and sent him information regarding the project (via email) as he had not had a chance to review our information in detail before. As you know, we did discuss issues related to building and fire codes, fire-fighting access, water supply, hydrant spacing and location requirements, as well as fire sprinklers with Deputy Fire Marshal, Paul Gascoigne at the pre-application conference. Of course, we welcome the opportunity to meet and discuss these items in further detail with Mr. Ames, assuming he would like to.

We trust that this additional information satisfies your request. Thank you again for all of your help.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



Chris Goodell  
Associate



CITY OF ASTORIA  
Founded 1811 • Incorporated 1854

June 20, 2016

AKS Engineering & Forestry  
Attn: Joey Shearer  
12965 SW Herman Rd  
Tualatin, OR 97032

RE: Conditional Use Permit-Mo's Clam Chowder/Newport Pacific

Dear Applicant:

Thank you for discussing your project proposal at the pre-application meeting held June 16, 2016. After review of your application referenced above, the application has been deemed to be incomplete. The following items are still required for a complete application:

1. Additional information on the proposed use of the site for meeting the following conditional uses:

*Development Zone A-2A Conditional Use 2.560:*

*10) Eating and drinking establishment open to the general public which provides significant visual access to the waterfront.*

*12) Tourist-oriented retail sales establishment which provides significant visual access to the waterfront.*

2. While general landscaping is not a requirement in this zone, landscaping in the parking area is required. Please provide a detailed landscape plan meeting criteria in Article 3.120-landscape requirements, and Article 7.170 which requires a minimum 5% of the gross parking lot area to be designed and maintained as landscaped area.
3. A detailed plan for proposed bike parking, which requires 1 bike space per primary use, or 1 per 10 vehicles, whichever is greater. 50% shall be long term and 50% shall be short term bike parking. All bicycle parking shall be securely anchored to the ground or to a structure. Requirements are listed in Article 7.105.
4. Submittal of a traffic analysis. This does not need to be a complete traffic impact study, but should outline the proposed circulation and potential impacts of increased traffic at the site.

5. Project review by Fire Chief Ted Ames, who was out of town during the pre-application meeting. Chief Ames can be reached at 503-298-2520 [tames@astoria.or.us](mailto:tames@astoria.or.us)

Please acknowledge, in writing, your intent to provide the material required to complete the application, as identified above. To do this, please sign below and return this acknowledgement to the Community Development Department, 1095 Duane Street, Astoria OR 97103. I will hold off processing your payment until I hear from you.

If you indicate your intent to complete the application, you will have 180 days from the date of this letter to submit the required material, in accordance with ORS 227.178. If you fail to submit the material within 180 days, your application will be deemed incomplete and the application will then be processed based upon the information submitted.

A public notice on your request will be mailed and published after your application is deemed complete. Complete applications were due by June 20<sup>th</sup> for the July Planning Commission meeting. If you submit the materials requested by the July 20<sup>th</sup> deadline, we can schedule you for the August 23<sup>rd</sup> Planning Commission.

If you do not return this acknowledgement, such action will be considered to be a refusal to submit the needed information. Your application will then be processed based upon the information you have previously submitted. Note that failure to submit sufficient evidence or material to demonstrate compliance with the applicable criteria is grounds for denial of the application.

**ACKNOWLEDGMENT**

I ( intend /  do not intend) to provide the additional material identified in this correspondence from the Community Development Department. PROVIDED

  
Signed and Acknowledged (Applicant signature)

6/20/2016  
Date

If you have any questions, or need additional information, please contact me at 503-338-5183 or [nferber@astoria.or.us](mailto:nferber@astoria.or.us)

Sincerely,

Nancy Ferber  
City Planner  
Community Development Department  
City of Astoria  
1095 Duane Street  
Astoria, OR 97103  
(w)503-338-5183  
(c) 971-704-4000

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



CITY OF ASTORIA  
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

Applicant's Consultant: AKS Engineering & Forestry  
Monty Hurley, monty@aks-eng.com, 503-563-6151  
12965 SW Herman Rd, Tualatin, OR 97062

No. CU

Fee: \$250.00

**CONDITIONAL USE APPLICATION**

Property Address: 101 15th Street

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Map 8N 9W 8DB Tax Lot 500, 580, 501 Zone A-2A, S-2A

Applicant Name: Mo's Clam Chowder/Newport Pacific

Mailing Address: PO Box 2151, Newport, OR 97365

Phone: Contact Consultant Business Phone: \_\_\_\_\_ Email: Contact Consultant

Property Owner's Name: Englund Marine Supply Co

Mailing Address: PO Box 296, Astoria, OR 97103

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

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Property Owner: [Signature], Corporate Treasurer Date: 06/15/16

Existing Use: Retail, storage

Proposed Use: Seafood restaurant, office, industrial kitchen

Square Footage of Building/Site: Existing building is ±20,000 SF

Proposed Off-Street Parking Spaces: ±31 vehicle spaces and 3 bicycle 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.

<i>For office use only:</i>			
Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		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 existing building is underutilized. Location is unique and ideal for an iconic Oregon seafood and chowder restaurant. Proximity to, and views of, the water is critical. Site is located on the Astoria Riverwalk and trolley line, and is easily accessible to vehicles, bicyclists, and pedestrians. Will draw locals and tourists to the riverfront, with spillover benefits to surrounding businesses.

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.

Located at the end of 15th Street, on the Riverwalk, across the trolley line, near Marine Drive and Commercial Street, and 4-5 blocks from the transit center. The site is easily accessible to vehicles and pedestrians. Refuse storage and collection will be coordinated with Recology, and located and enclosed per City requirements.

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

According to City documents, most utilities are available in the area. Utilities currently serve 8,250 SF of retail space. The site previously served Englund Marine Supply Co, and several community events such as the Bicentennial and Goonies Celebration. The use will not overburden public facilities, services, or 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.

The site is flat and almost completely over water. The site is located in Flood Zone AE with Base Flood Elevation 12' (FIRM Community Panel Number 410028-0229-E). The site is also within the Tsunami Inundation Zone. Construction will comply with applicable building code requirements, and a Flood Elevation Certificate will be provided.

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

The A-2A and S-2A zones do not require landscaping, but parking areas will meet all applicable landscaping requirements.

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

**SPECIAL MEETING OF THE  
SHAREHOLDERS OF  
ENGLUND MARINE SUPPLY CO.**

In accordance with the Oregon Business Corporation Act, the following actions are taken by the unanimous written consent of the shareholders of Englund Marine Supply Co., an Oregon corporation (the "Company"), in lieu of a special meeting:

**OFFICERS**

RESOLVED, that the following individuals be elected to the offices set opposite their respective names below, to serve as such until the election and qualification of their respective successors in office, subject to prior death, resignation or removal:

Kurt Englund	President
Jon A. Englund	Vice President / Secretary
Jeremy Davis	Treasurer

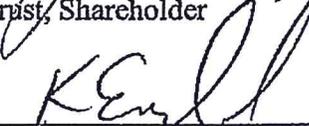
**GENERAL AUTHORITY**

RESOLVED, that the appropriate officers of the Company are authorized to sign and deliver all documents and to take or cause to be taken all other acts on behalf of the Company that they deem necessary or appropriate to effect and carry out the intent of the above resolutions.

RESOLVED, that all acts previously taken by any officer of the Company on behalf of the Company to effect and carry out the intent of the above resolutions are approved, ratified, and confirmed, provided the acts were not inconsistent with the Company's Articles of Incorporation or Bylaws, the Oregon Business Corporation Act, or any other applicable law.

Dated effective: June 30, 2013

  
\_\_\_\_\_  
Jon A. Englund, Trustee of the Englund Family  
Trust, Shareholder

  
\_\_\_\_\_  
Kurt Englund, Shareholder



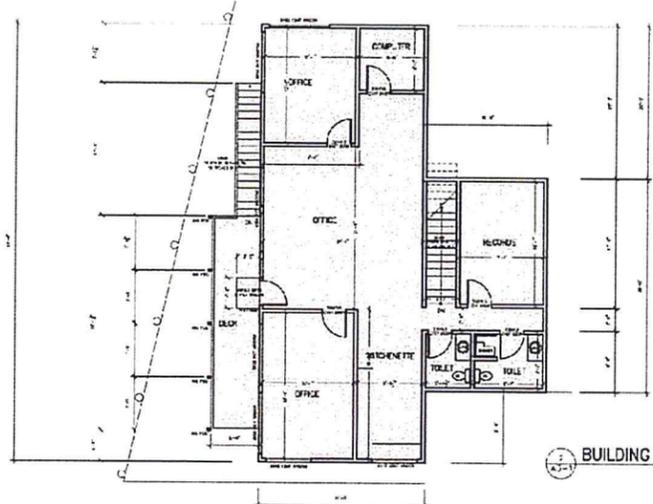
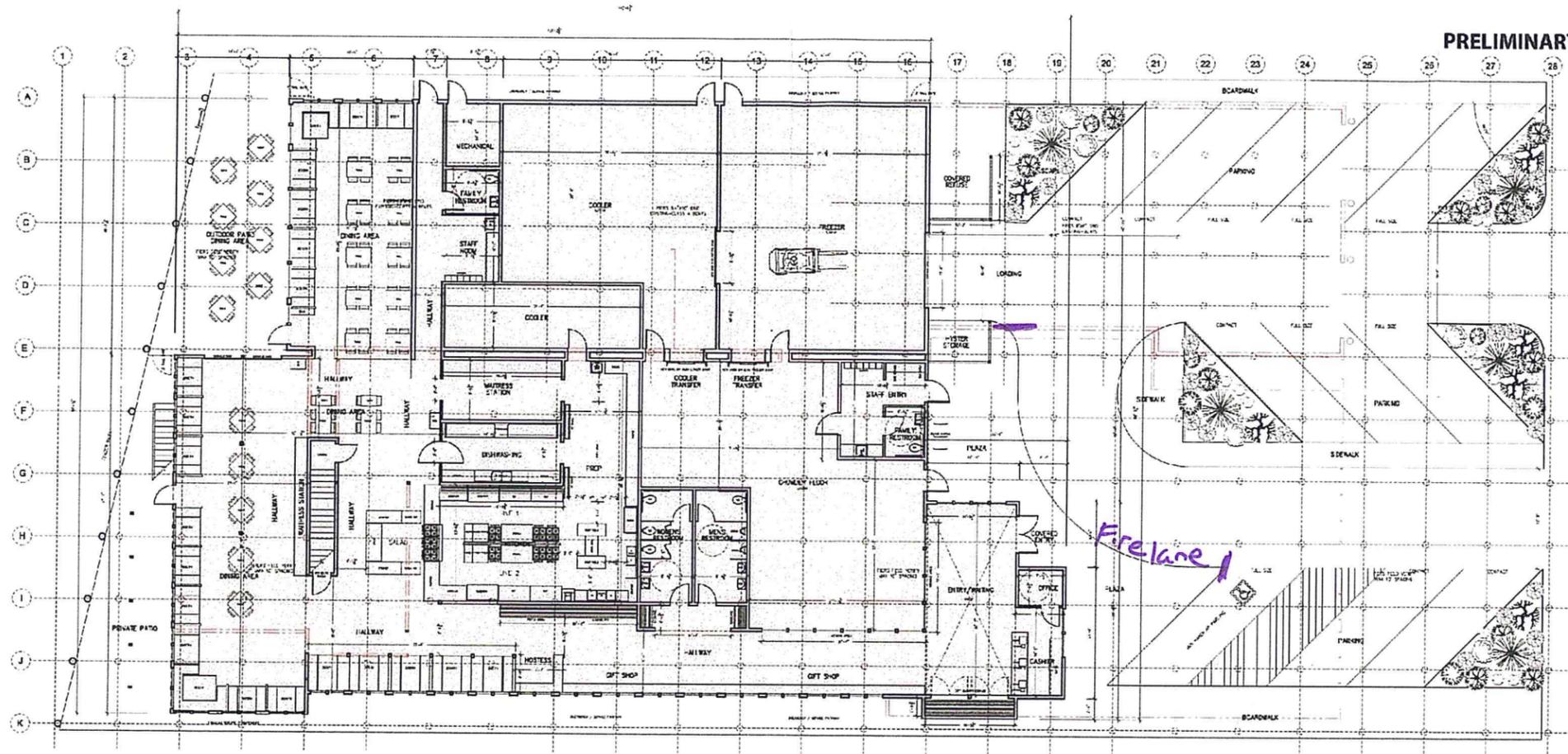
**ASTORIA RESTAURANT**  
PRELIMINARY DESIGN SUBMITTAL - 17 JUNE 2016

capriarchitecture  
541.961.0503 info@capriarchitecture.com



ENTRY PERSPECTIVE

PRELIMINARY DESIGN



1 BUILDING MAIN FLOOR PLAN

NOTE:  
EXISTING 2004 PLANS FOR THE BUILDING ARE SHOWN WITH DASHED LINES. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

2 BUILDING UPPER FLOOR PLAN

LEGEND	
BOTANICAL NAME	SIZE
FLOWER, GRASS	
☉ PENNISETUM ALOPECUROIDES 'HAEMELN'	EACH
☉ PENNISETUM	EACH
FLOWER, PERENNIAL	
☉ LITHODORA DIFFUSA 'GRACE WARD'	EACH
SHRUB, EVERGREEN BROADLEAF	
☉ ENGLISH LAVENDER	5 GAL.
☉ PITTOSPORUM TOBIRA 'VARIEGATA'	5 GAL.
☉ ROSMARINUS OFFICINALIS 'LOCKWOOD'	1 GAL.
SHRUB, EVERGREEN CONIFER	
☉ PINUS MUGO	5 GAL.

**MO'S RESTAURANT**  
ASTORIA RESTAURANT  
101 15TH STREET, ASTORIA, OR

capriarchitecture  
541.981.0503 info@capriarchitecture.com

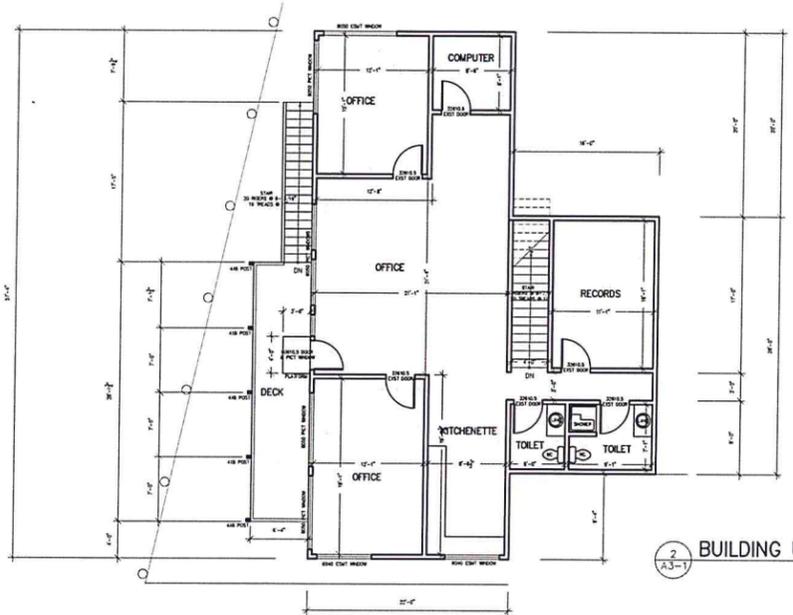
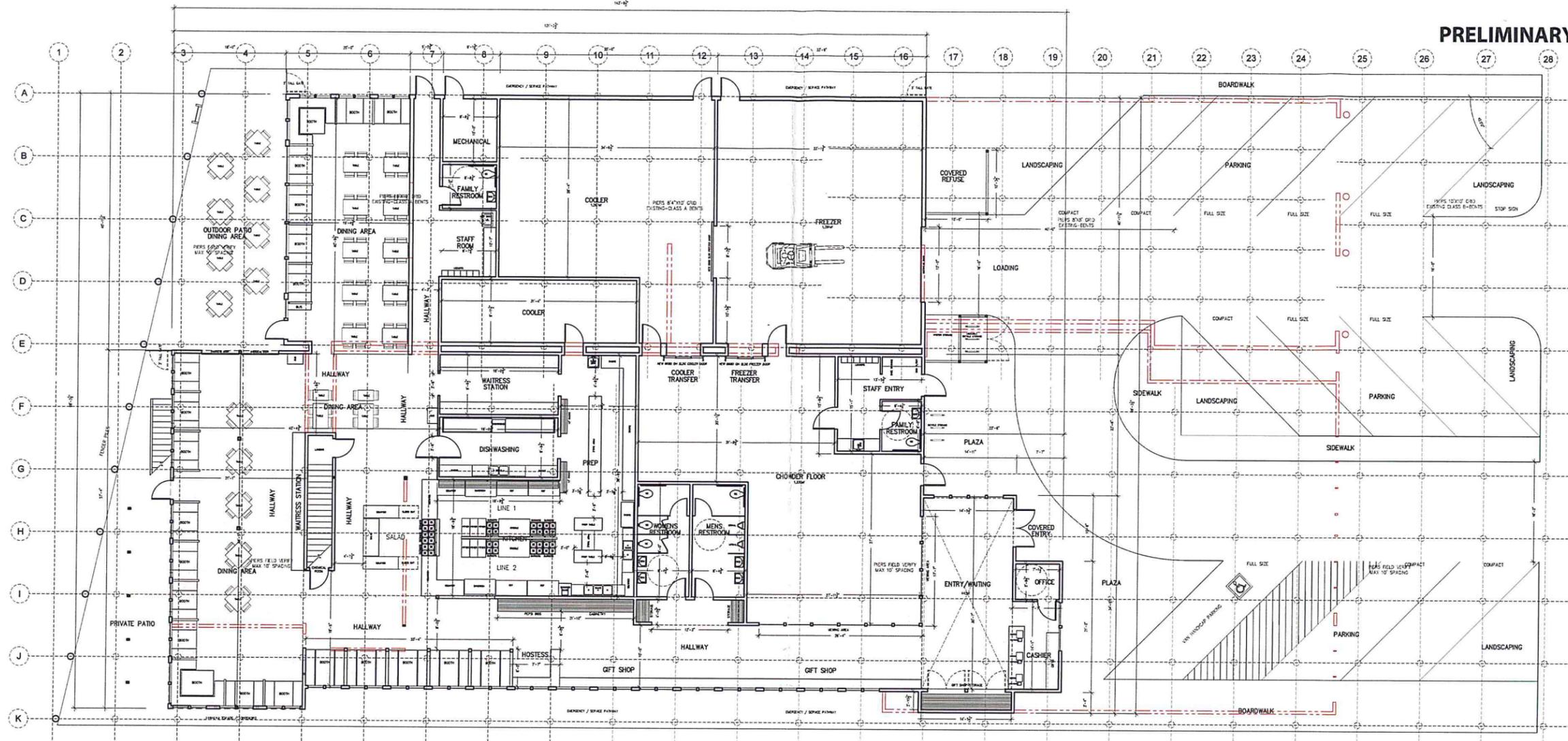
SCALE: 1/8" = 1'-0"

DATE: 06/17/16  
ARCHITECT: Dustin J. Capri  
PROJECT MANAGER:  
DRAWN BY: Dustin J. Capri  
CHECKED BY: Dustin J. Capri

**A3-1**

Revision #: 1	Scale: 1" = 30'	Landscape Plan: 1	Landscape Design by: Ryan Bancroft
Date: 6/18/2016		Mo's Astoria	Ground FX Landscape Management, LI

**PRELIMINARY DESIGN**



**1 BUILDING MAIN FLOOR PLAN**  
2.3-1  
 NOTE:  
 EXISTING DOOR FRAMING, PERS AND PILES ARE LOCATED BASED OFF OF 1989 CONSTRUCTION DRAWING SET  
 SHOULD ACTUAL LAYOUT OR SIZE OF EXISTING MEMBERS VARY FROM THAT SHOWN, CONTACT ARCHITECT FOR FURTHER GUIDANCE.

**2 BUILDING UPPER FLOOR PLAN**  
2.3-2

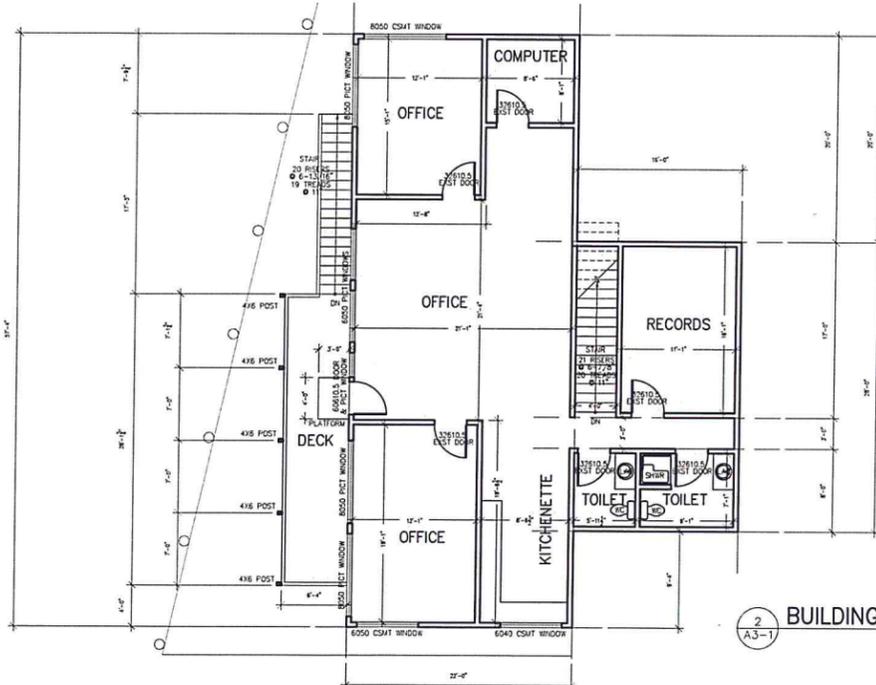
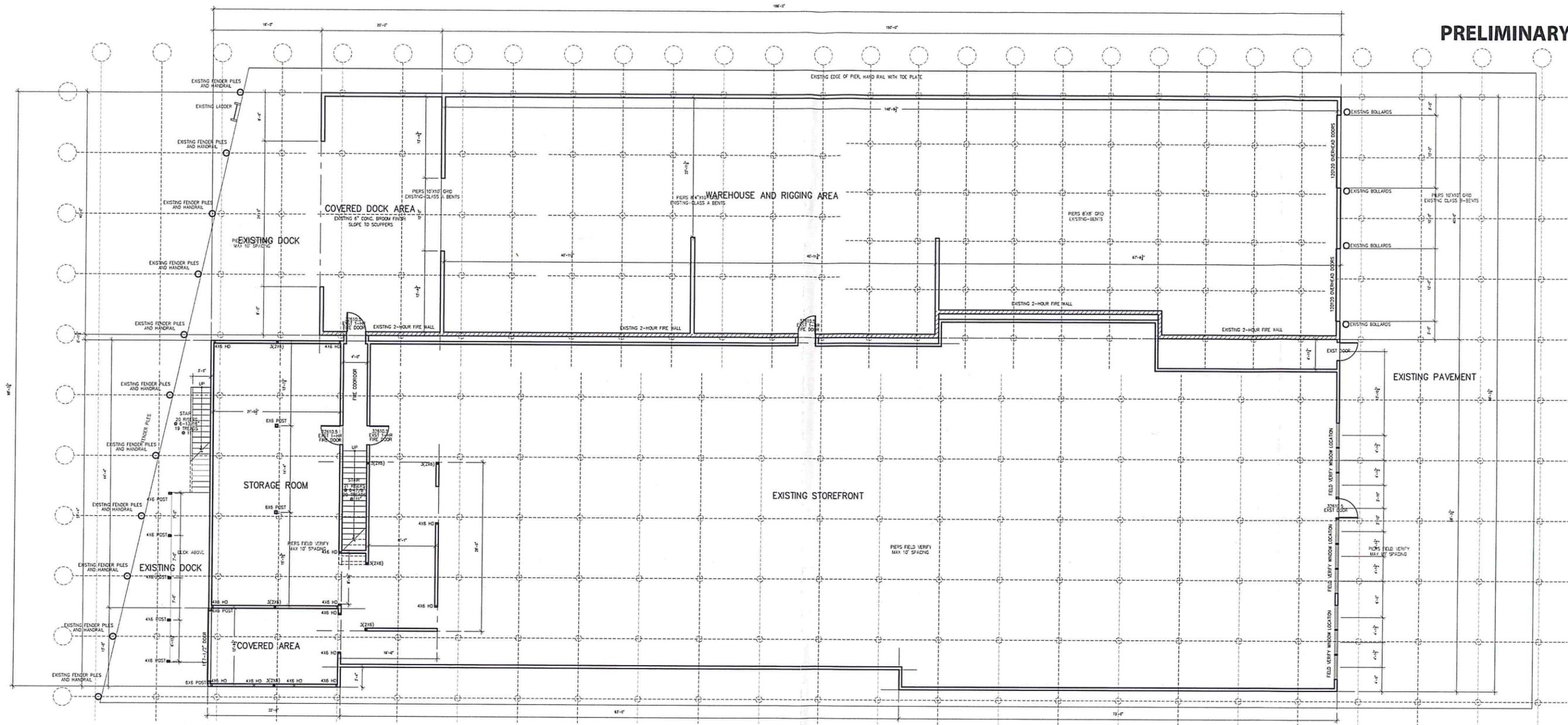


**MO'S RESTAURANT**  
 ASTORIA RESTAURANT  
 101 15TH STREET, ASTORIA, OR

**capriarchitecture**  
 541.981.0503 info@capriarchitecture.com

SCALE: 1/8" = 1'-0"  
 DATE: 06/20/16  
 ARCHITECT: Dustin J. Capri  
 PROJECT MANAGER:  
 DRAWN By: Dustin J. Capri  
 Checked By: Dustin J. Capri

**A3-1**



1 BUILDING MAIN FLOOR EXISTING CONDITION PLAN

NOTE:  
EXISTING DOCK FRAMING, PIERS AND PILES ARE LOCATED BASED OFF OF 1989 CONSTRUCTION DRAWING SET. SHOULD ACTUAL LAYOUT OR SIZE OF EXISTING MEMBERS VARY FROM THAT SHOWN, CONTACT ARCHITECT FOR FURTHER GUIDANCE.

2 BUILDING UPPER FLOOR EXISTING CONDITION PLAN



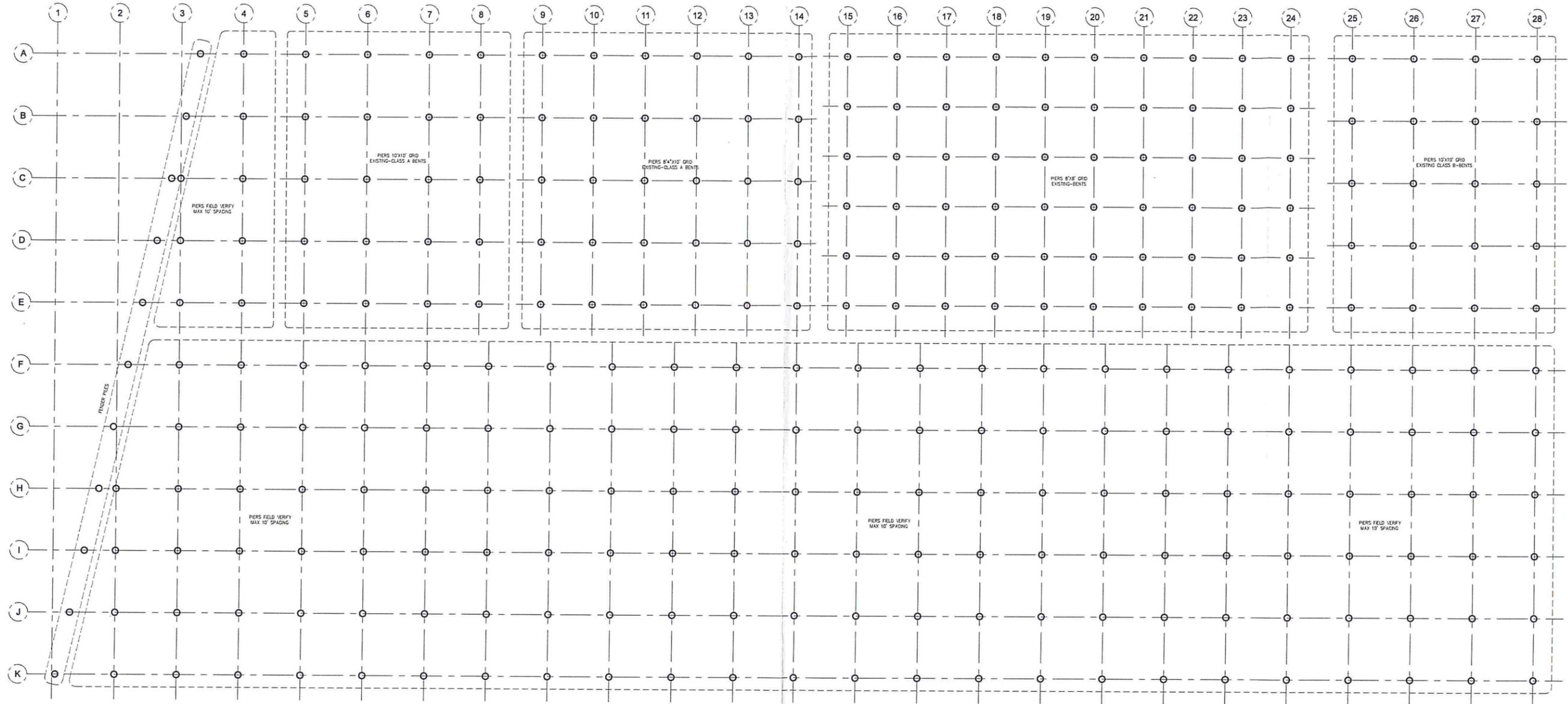
**MO'S RESTAURANT**  
ASTORIA RESTAURANT  
101 15TH STREET, ASTORIA, OR

capriarchitecture  
541.961.0503 info@capriarchitecture.com

SCALE: 1/8" = 1'0"

DATE: 06/15/16  
ARCHITECT: Dustin J. Capri  
PROJECT MANAGER:  
DRAWN By: Dustin J. Capri  
Checked By: Dustin J. Capri





1 BUILDING PILE PLAN  
7.3-2

NOTE:  
EXISTING DOOR FRAMING, PIERS AND PILES ARE LOCATED BASED OFF OF 1989 CONSTRUCTION DRAWING SET  
SHOULD ACTUAL LAYOUT OR SIZE OF EXISTING MEMBERS VARY FROM THAT SHOWN, CONTACT ARCHITECT FOR FURTHER GUIDANCE.



**MO'S RESTAURANT**  
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101 15TH STREET, ASTORIA, OR

**capriarchitecture**  
541.961.0503 info@capriarchitecture.com

SCALE: 1/8" = 1'0"

DATE: 06/15/16  
ARCHITECT: Dustin J. Capri  
PROJECT MANAGER:  
DRAWN By: Dustin J. Capri  
Checked By: Dustin J. Capri



## Kevin Cronin

---

**From:** Ryan Crater <RCrater@columbiaestuary.org>  
**Sent:** Thursday, July 21, 2016 12:22 PM  
**To:** Kevin Cronin; Denise Lofman  
**Subject:** RE: Mo's Chowder House | 101 15th St | Conditional Use Permit Request

Hey Kevin,

Looking at Astoria's applicable regulations, Mo's does not need an Impact Assessment or a Resource Capability Determination. They would need one "if" they propose to do any work that could have a potential to impact the estuary's physical processes or biological resources. Based on what I know about the project and what I have reviewed, I don't believe what is being proposed at this time triggers any special reviews under the Aquatic and Shoreland section of the Comp plan or under Article 5 of the development code.

Best regards,

**Ryan E. Crater**  
**Senior Coastal Planner**  
City Planner for Rockaway and Vernonia

Columbia River Estuary Study Taskforce  
Office (503) 325-0435 ext. 213  
Cell (509) 942-9309  
<http://www.columbiaestuary.org/>



---

**From:** Kevin Cronin [mailto:kcronin@astoria.or.us]  
**Sent:** Wednesday, July 20, 2016 1:53 PM  
**To:** Denise Lofman  
**Cc:** Ryan Crater  
**Subject:** FW: Mo's Chowder House | 101 15th St | Conditional Use Permit Request  
**Importance:** High

I just realized that Ryan attended the pre-app so he should have some background.

After checking with Nancy, Mo's (AKS Engineering) was requested to work directly with CREST.

Let me know if you have an update.

Thanks - Kevin

*Inventory Area Only*

OREGON INVENTORY OF HISTORIC PROPERTIES  
HISTORIC RESOURCE SURVEY FORM  
COUNTY: CLATSOP

HIST. NAME: Englund Marine Supply  
COMMON NAME: Englund Marine Supply  
ADDRESS: 101 Fifteenth Street

DATE OF CONSTRUCTION: 1944  
ORIGINAL USE: retail  
PRESENT USE: retail

CITY: Astoria, 97103  
OWNER: Englund Marine Supply

ARCHITECT:  
BUILDER:  
THEME: industry & manufacturing  
STYLE: vernacular

T/R/S: T8N/R9W/S8  
MAP NO.: 80908 DB TAX LOT: 500

ADDITION: Shively's Astoria xBLDG STRUC DIST SITE OBJ  
BLOCK: ~~500~~ LOT: QUAD: Astoria

PLAN TYPE/SHAPE: rectangular NO. OF STORIES: one  
FOUNDATION MATERIAL: wood piling BASEMENT: none  
ROOF FORM & MATERIALS: flat/built up  
gable/metal

WALL CONSTRUCTION: nailed wood frame STRUCTURAL FRAME: post and beam  
PRIMARY WINDOW TYPE: fixed in aluminum frame  
EXTERIOR SURFACING MATERIALS: vertical T-111 siding  
DECORATIVE FEATURES: gable parapet above 1944 addition  
OTHER: none

CLASSIFICATION: compatible  
STRUCTURAL STATUS: xGOOD FAIR POOR MOVED (DATE)  
HISTORICAL INTEGRITY: no remaining features  
EXTERIOR ALTERATIONS/ADDITIONS: building completely remodeled during  
winter of 1990, large addition attached to west elevation; front  
elevation covered with new siding

NOTEWORTHY LANDSCAPE FEATURES: none  
ASSOCIATED STRUCTURES: none  
KNOWN ARCHAEOLOGICAL FEATURES: none

SETTING: foot on 15th Street; north side of Burlington Northern  
tracks; built over river's edge;

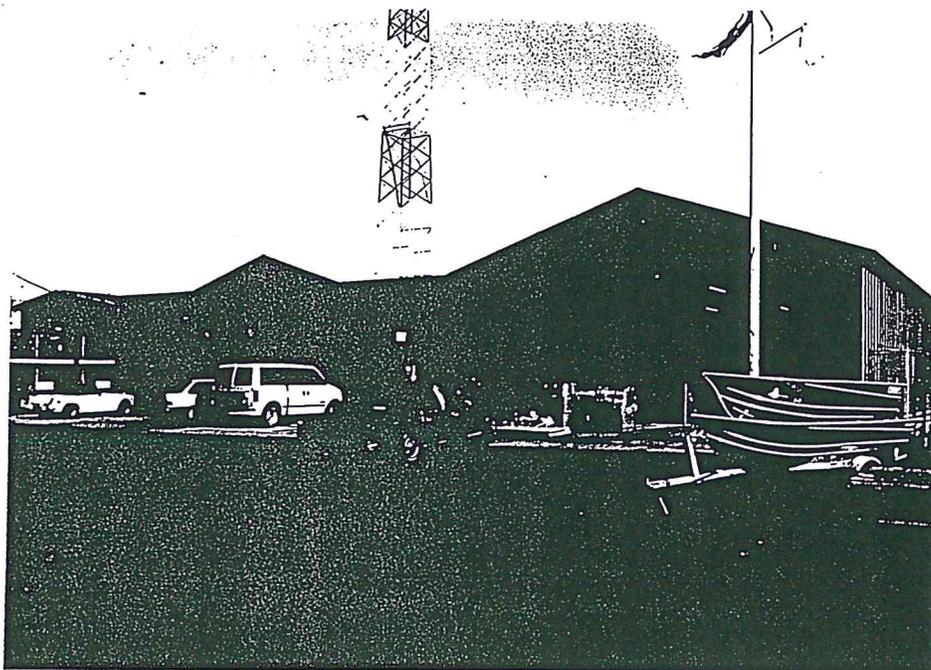
STATEMENT OF SIGNIFICANCE: Axel Englund opened his marine supply store  
and Shell Oil Company's marine petroleum outlet on newly constructed  
docks and a new building July 22, 1944. The re-built dock formerly  
abutted the Astoria Regatta pavilion which was destroyed by fire  
August 27, 1940. Also constructed was a 6 foot wide walk-way east of  
the building for mooring and service of boats. Englund Marine Supply  
continues to operate at this location and the outlines of the original  
building may be seen on the floor of the much larger store today.

SOURCES: Sanborn Fire Insurance Maps; Astorian Evening Budget, August

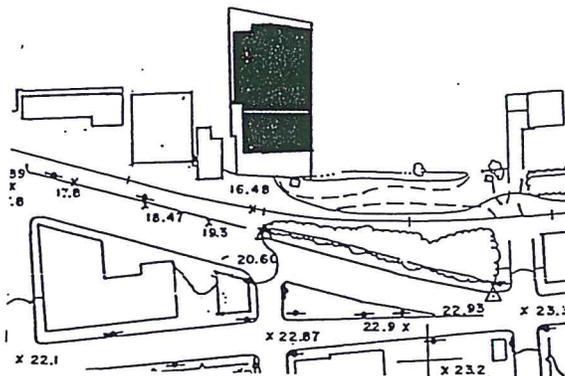
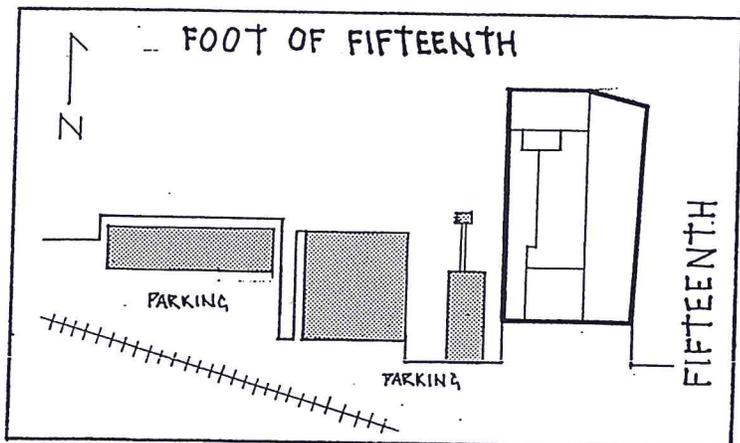
OREGON INVENTORY OF HISTORIC PROPERTIES  
HISTORIC RESOURCE SURVEY FORM  
COUNTY: CLATSOP

PROPERTY: Englund Marine Supply  
ADDRESS: 101 Fifteenth Street  
TAX I.D.: 51529

T/R/S: T8N/R9W/S8  
MAP NO.: 80908 DB  
QUAD.: Astoria



NEGATIVE NO.: R7 N35



TOPOG. DATE: 1967

GRAPHIC & PHOTO SOURCES: N.C.L.C.; CITY OF ASTORIA, ENGINEERING DEPT.  
S.H.P.O. INVENTORY NO.:



July 25, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, PLANNER 

SUBJECT: CONDITIONAL USE REQUEST (CU16-09) BY BECKA BLACKSTEN TO LOCATE A DAY CARE CENTER AT 609 BOND STREET

I. Background

- A. Applicant: Becka Blacksten  
PO Box 1086  
Astoria OR 97103
- B. Owner: Lum Gordon David Trust  
PO Box 820  
Warrenton, OR 97146
- C. Location: 609 Bond Street; Map T8N-R9W Section 8CB, Tax Lot 4300; Lot 1; Block 22, McClures
- D. Zone: C-3, General Commercial Zone
- E. Lot Size: 4,922 lot, 4,925 parking lot, proposed use 3,000 square feet
- F. Request: To locate a day care center in an existing building at 609 Bond Street.
- G. Previous Applications: Building permits for gas line to unit heating, adding a second meter, replace ceiling grids and back entry door, change in occupancy and parking striping, sheet rocking additional walls, installation of roof drains and roof work.

II. BACKGROUND

A. Subject Property

The site is located on the corner of 6<sup>th</sup> Street and Bond Street in a building that was most recently renovated in 2013. The building is currently vacant. Previously it was leased to Clatsop County Shops for woodworking space, used as a paint retail store, retail sales for Sprint, a proposed site for a church, and is currently owned by the Lum's Auto Center.

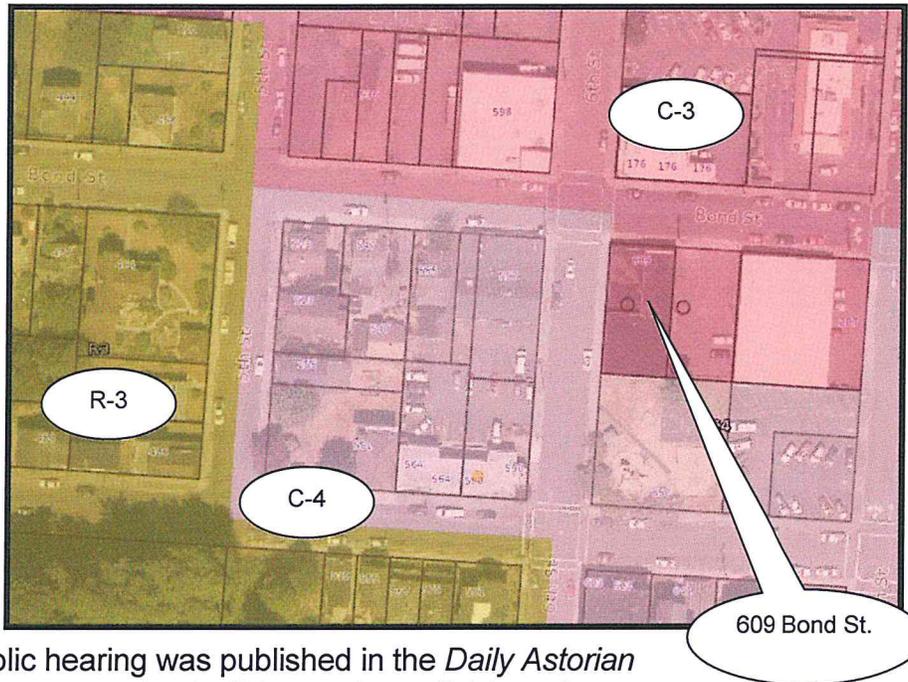
The applicant currently operates “Soar with Us” daycare facility down the block at 590 Commercial Street.

B. Adjacent Neighborhood

The neighborhood is developed with a variety of uses, including restaurants, a church, the Post Office, offices and a park. Single and multifamily dwellings are located southwest along Commercial Street in the R-3 zone.



The site is within the C-3 General Commercial, zone, and is adjacent to C-4 Central Commercial.



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on July 8, 2016. A notice of public hearing was published in the *Daily Astorian* on July 26, 2016. Comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Section 2.395 lists “day care center” as a Conditional Use in the C-3 Zone, in accordance with Article 11 concerning Conditional Uses.

Finding: The proposed use is classified as a day care center and is being reviewed as a Conditional Use.

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

Section 7.100 requires one space per employee for “day care center”.

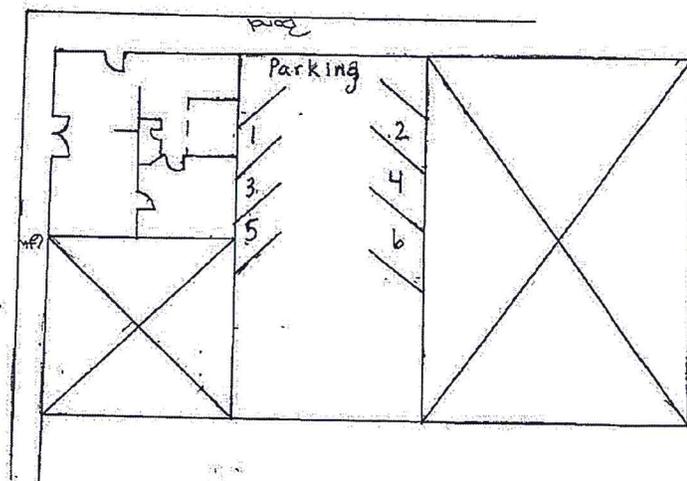
Section 7.040 concerning Fractional Measurements for parking states that “When calculations for determining the number of required off-street parking or loading spaces result in a requirement of fractional space, any fraction of a space less than one-half shall be disregarded, and a fraction of one-half or greater shall be counted as one full space.”

Finding: The proposed use will be in an existing vacant commercial structure. Operations will start with two staffers, with the likelihood of hiring a third employee. A total of six parking spaces are currently available in the parking lot adjacent to the building. The additional off-street parking will be used for drop off and pick up. The parking requirement of one space per employee has been met. The applicant shall submit a parking plan including aisle width, striping and landscaping that meet article 7.110 requirements for Day Care Centers.



6 off-street spaces with potential for additional spaces

Loading will occur in the parking lot area. The applicant shall work with Public Works and Community Development staff to submit a plan for street-side loading/drop off zone should the parking lot not provide sufficient space. The loading zone shall be reviewed in nine months to allow the site to get up and running.



Per Article 7.105, bike parking spaces shall be provided for a change of use. Commercial spaces require 1 bike space per primary use.

The applicant shall submit a bike parking plan for installing a bike rack to the Planner prior to installation.

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.”*

1. CP.055.4, Downtown Area Policies, states that *“The City encourages the reuse of existing buildings prior to the expansion of commercial zones.”*

Finding: Access to the site will be from the parking lot on Bond Street and double doors on 6<sup>th</sup> Street. Anticipated impact to the neighborhood would not be significantly different from what has been at this location. Both 6<sup>th</sup> Street and Bond Street are two way 30' wide streets with parking on available on both sides of the street. Should the parking lot not provide sufficient area for drop off and pick up, the applicant shall work with Public Works and Community Development staff to provide a loading area time limits. For example, signage in areas with daycare sites have indicated 15 minute parking only between 7:00 am and 9:00 am, and between 4:00 pm and 6:00 pm. The applicant shall pay for any costs associated with designation of these spaces as loading zones if needed.

2. CP.200.1, Economic Development Goal 1 and Goal 1 Policies, states that *“The City of Astoria will strengthen, improve, and diversify the area's economy to increase local employment opportunities. 1. Encourage, support, and assist existing businesses.”*

Finding: The applicant has an existing preschool center, “Soar with Us” on the corner of 6<sup>th</sup> and Commercial Street. The applicant has indicated “Soar with Us” Preschool cannot meet the current



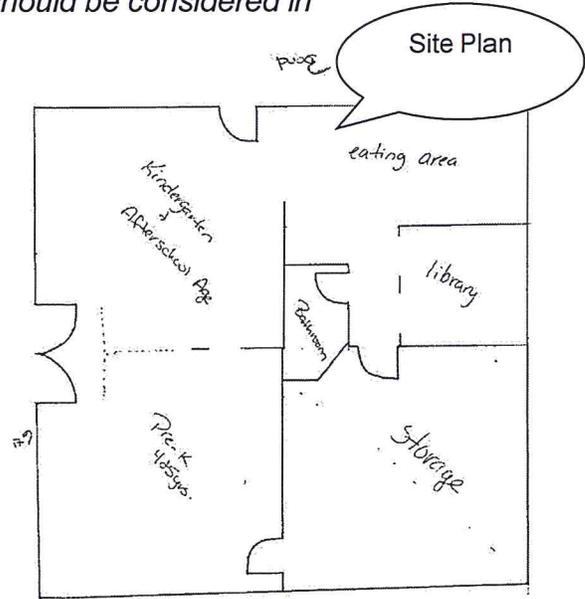
demand for childcare and there is a strong demand for summer programming as well as an opportunity to provide back-to-school child care in the Fall. This new location will provide needed services for afterschool childcare, and provides flexibility for younger children to utilize the existing space, and older pre-kindergarteners to locate at the proposed site. Expanding the local business will also provide an increase in employment opportunities and assist the existing business.

“Soar with Us” at the current location has nine staff members. An additional two to three employees will be hired for the proposed site.

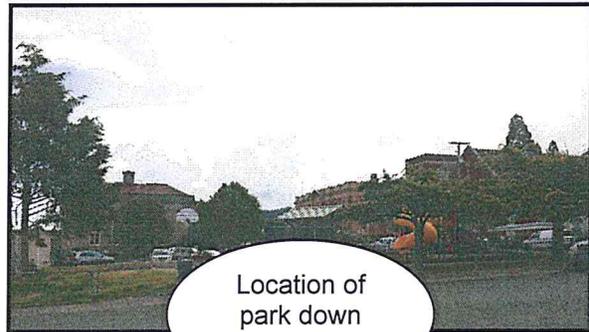
Finding: The request is in compliance with the Comprehensive Plan.

D. 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 vacant building. The applicant has operated a preschool down the street and is proposing expanding her operation to meet the demand for childcare in the community. She is proposing separating the age groups to have kindergarteners, afterschool age children and pre-kindergarteners at the new site. The site is zoned for commercial uses, and an expansion of an existing similar use down the block is appropriate for an otherwise vacant storefront. With an existing park located down the block, the location is ideal for child care and is an appropriate use of the site



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 use is for a day care with up to three employees, which require three parking spaces once all staff is hired. The applicant is proposing staff park at their current location down the block. However the new site will have adequate parking for staff. Approximately 15 children will be served by the facility. The proposed ages of the children would be between pre-kindergarten including four and five year olds to kindergarten and afterschool age.

With a day care facility, clients need to park to drop off the children and leave within a few minutes. They then return and park to pick up the children, again with a stay of only a few minutes. Most clients would be coming and going at similar times. According to *ITE Trip Generation* resource, 20 children are expected to generate approximately 20 peak vehicle trips between 7:00 am to 9:00 am and again between 4:00 pm and 6:00 pm. There would be an increase in traffic during the peak hours from the previous use. The day care should not create a large impact on the traffic pattern in the neighborhood during majority of the day.

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 businesses and development, there would be incremental impacts to police and fire protection but it would not overburden these services. The applicant proposed adding an additional bathroom in the future, which Public Works has approved.

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: Interior improvements will be required for a change of occupancy, however no new construction is proposed, and the site is not within 100' of a known geologic hazard as indicated on the City map.

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 construction is proposed other than potential use of an already developed area for parking and access driveway. A landscaping plan shall be submitted with the parking lot improvement plan to meet landscaping requirements.

## 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. Loading will occur in the parking lot area. The applicant shall work with Public Works and Community Development staff to submit a plan for street-side loading/drop off zone should the parking lot not provide sufficient space. If necessary, the applicant and staff will need to work on the location and signing of these spaces. The signage should indicate 15 minute parking, for example only between 7:00 am and 9:00 am, and between 4:00 pm and 6:00 pm. The proposed loading in the parking lot shall be reviewed in nine months to allow the site to get up and running.
2. The applicant shall pay for any costs associated with designation of these spaces as loading zones.
3. One bike rack is required at the site. The applicant shall submit a bike parking plan prior to the Planner prior to installation of the bike rack.
4. The applicant shall obtain all necessary permitting from the State of Oregon to operate a daycare facility.
5. The applicant shall work with the Building Inspector and Fire Chief to obtain a change of occupancy and address any necessary emergency access issues.
6. A landscaping plan shall be submitted with a parking lot improvement plan to meet landscaping requirements.
7. Any signage at the site shall be submitted to the Community Development Department for review and approval.

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

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**  
 Founded 1811 • Incorporated 1856  
**COMMUNITY DEVELOPMENT**

*SEP 16 2016*

No. CU 16-09

• Check pending  
 Fee: \$250.00

**CONDITIONAL USE APPLICATION**

Property Address: 609 Bond Street

Lot 1 Block 22 Subdivision McClures

Map 8CB Tax Lot 4300 Zone C-3

Applicant Name: Becka Blacksten

Mailing Address: P.O. Box 1086 Astoria OR 97103

Phone: (503) 440-7014 Business Phone: (503) 741-3002 Email: soarwithbecka@gmail.com

Property Owner's Name: David Lum

Mailing Address: P.O. Box 820 Warrenton OR 97146

Business Name (if applicable): Soar With Us

Signature of Applicant: Becka Blacksten Date: 6.3.16

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

Existing Use: empty

Proposed Use: Child care center ages 4 or 5 and older, private elementary gr  
*to locate a daycare in existing commercial space in C-3 zone.*

Square Footage of Building/Site: 3000ft<sup>2</sup>

Proposed Off-Street Parking Spaces: 8-10 for 2-3 staff

**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:	<u>6/28/16</u>	Permit Info Into D-Base:	<u>6/29/16</u>
Labels Prepared:	<u>10/26/16</u>	Tentative APC Meeting Date:	<u>8/2/16</u>
120 Days:	<u>10/26/16</u>		<u>C</u>

**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.

I believe this building is perfect for the intended use.

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.

no transportation activities. All sidewalks and entrances/exits are clear.

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

correct, it will not - will be adding 2<sup>nd</sup> bathroom in future, use will not signif. increase PW use

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.

NA

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

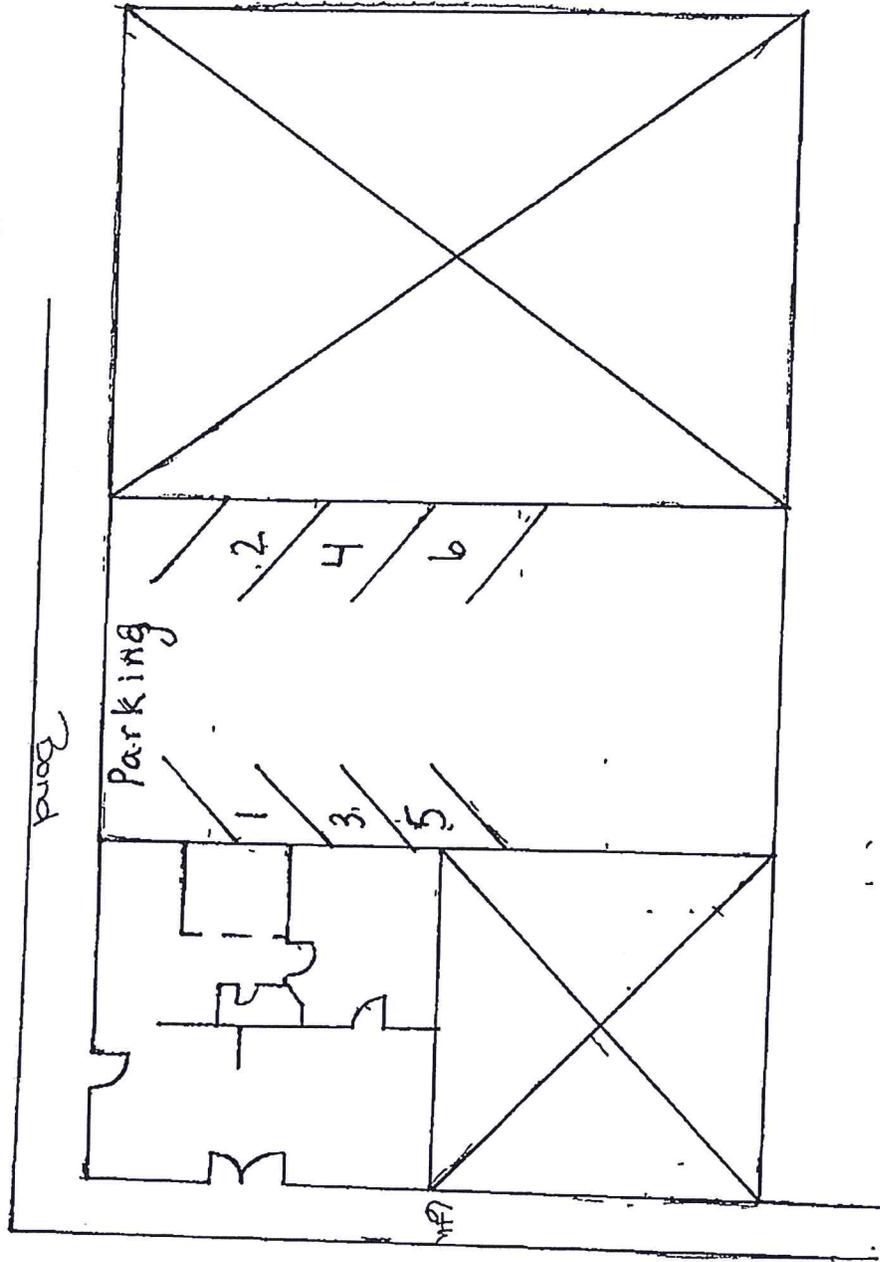
yes

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

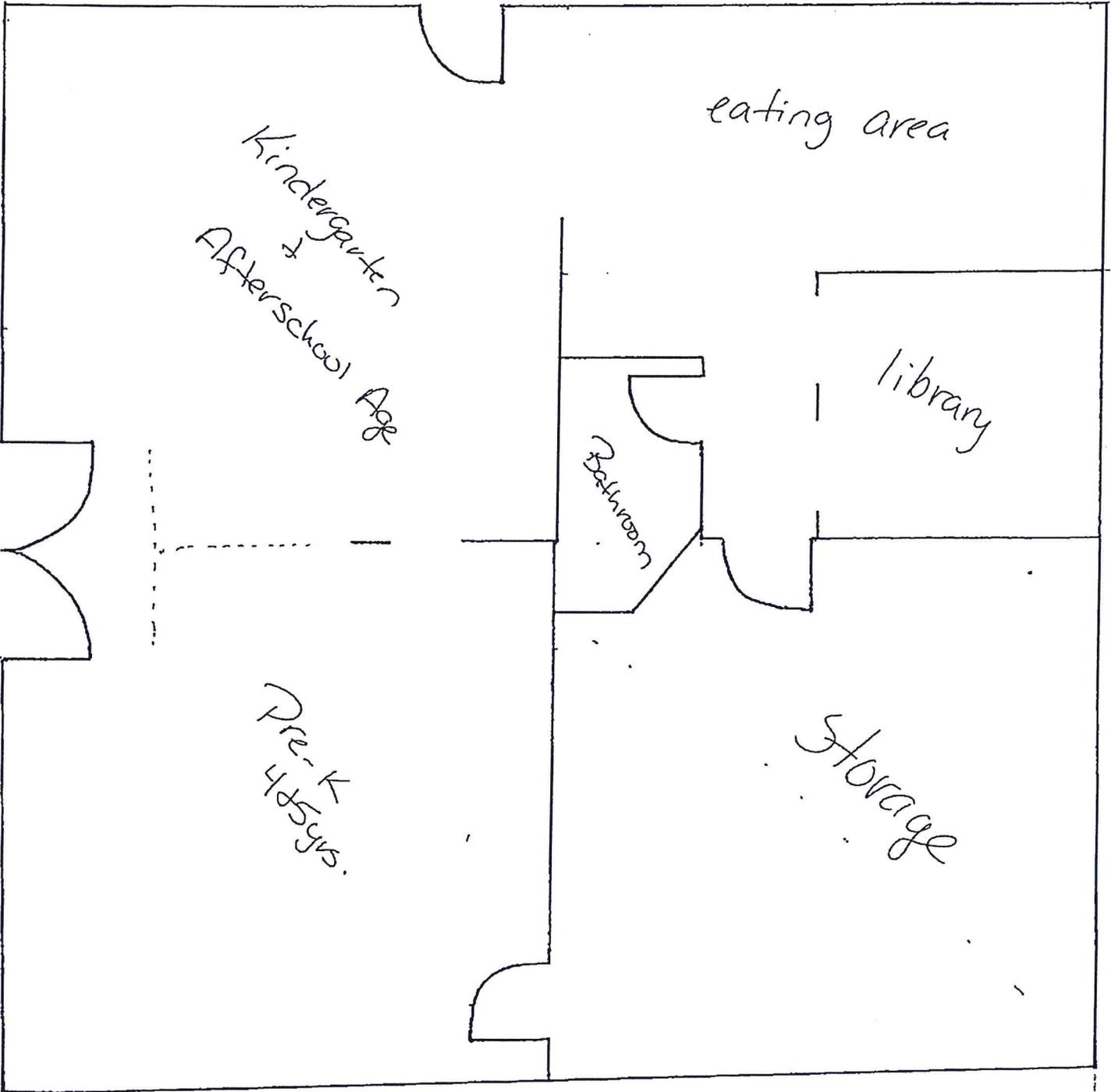
CITY OF ASTORIA

JUL 14 REC'D

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