

**PLANNING COMMISSION MEETING**  
**WEDNESDAY, FEBRUARY 19, 2020**  
**4:00-6:00 PM**  
**PINE GROVE COMMUNITY HOUSE**  
**225 LANEDA AVE**  
**MANZANITA, OR 97130**

**CITY OF MANZANITA**

**PLANNING COMMISSION MEETING**

**A G E N D A**

**WEDNESDAY, FEBRUARY 19, 2020**

- I. CALL MEETING TO ORDER – 4:00 P.M**
- II. AUDIENCE INTRODUCTION**
- III. APPROVAL OF MINUTES – January 21, 2020**

**QUASI JUDICIAL ITEMS**

- IV. FINAL PLANNING REVIEW OF DESIGN REVIEW OF 250 SQ FT ADDITION TO AN EXISTING RETAIL GROCERY STORE (FRESH FOODS)**
- V. PUBLIC HEARING: DESIGN REVIEW OF ADDITION RETAIL GROCERY STORE IN THE COMMERCIAL ZONE (C-1) (MANZANITA DELI)**
- VI. GENERAL UPDATES**
- VII. ADJOURNMENT**

**IF YOU WOULD LIKE TO VIEW THE PLANNING COMMISSION PACKET, PLEASE KNOW THAT IT IS CURRENTLY UNAVAILABLE ON THE CITY WEBSITE. WE INVITE YOU TO CONTACT CITY HALL AND A PACKET WILL BE PROVIDED FOR YOU AT NO COST. WE ARE SORRY FOR ANY INCONVENIENCE.**

**MANZANITA CITY HALL – COUNCIL CHAMBERS – 543 LANEDA AVENUE**  
**The City of Manzanita is an Equal Opportunity Provider and Employer**

**CITY OF MANZANITA  
PLANNING COMMISSION MEETING MINUTES  
JANUARY 21, 2020**

**I. CALL MEETING TO ORDER:** Chair Karen Reddick-Yurka called the meeting to order at 4:01 p.m.

**II. ROLL:** Members present were: Karen Reddick-Yurka, Burt Went, Phil Mannan, John Nanson and Lee Hiltenbrand. Colleen Everroad and Steve Bloom were absent and excused. There was a quorum. Staff present: City Manager Cynthia Alamillo and License and Ordinance Specialist Judy Wilson.

**III. AUDIENCE:** There were 2 persons in the audience.

**IV. APPROVAL OF MINUTES:** October 22, 2019

Commissioner Mannan noted that the word “site” was misspelled on page 2 in section I.

**A motion was made by Hiltenbrand, seconded by Mannan, to approve the minutes of the October 21, 2019 Planning Commission meeting as corrected. Motion passed unanimously.**

**LEGISLATIVE ITEM**

**V. DISCUSSION ON ACCESSORY DWELLING UNITS**

City Manager Alamillo explained to the Commission that they would be reviewing the 2019 Department of Land Conservation and Development’s Guidance on Implementing the Accessory Dwelling Units (ADU) Requirement handout a few sections at a time to gain a full understanding before addressing changes to City code. The topics discussed were: the number of ADUs required to be allowed per detached single-family dwelling; siting standards such as where to allow ADUs, non-conforming structures, and parking concerns; design standards including setbacks, open space, maximum height, and ADU size restrictions; and what the City would allow ADUs to be used for.

City Manager Alamillo will provide to the Commissioners for review copies of or email links to zoning ordinances from cities that have finished the process of incorporating ADU language into their code. The Commissioners will provide Alamillo written comments and questions to be forwarded to the DLCD. Alamillo stated that this discussion of ADUs will continue at the regular February 2020 Planning Commission meeting.

**VI. GENERAL UPDATES**

City Manager Alamillo informed the Commission that they would be considering a design

review application from the owners of the Manzanita Deli at their regular March 2020 meeting. Alamillo also stated that she is working on scheduling a joint meeting of the Planning Commission and the City Council within the next month to discuss Council Goals; noted the Planning Commission Handbook that had been provided to them; and explained that Jim Pentz is still working on his final plat.

**A motion was made by Nanson, seconded by Went, to adjourn the meeting. Motion passed unanimously.**

**Chair Reddick-Yurka adjourned the meeting at 5:13 p.m.**

**MINUTES APPROVED THIS  
19<sup>TH</sup> DAY OF FEBRUARY 2020**

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Karen Reddick-Yurka, Chair

**ATTEST:**

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Cynthia Alamillo, City Manager/Recorder

Date: 19 December 2019

To: Cynthia Alamillo, City Manager Manzanita

Re: Design review, Manzanita Deli

Cynthia-

Thanks for taking the time to review our proposed development for the Manzanita Deli. What follows is a narrative response to the various issues relating to the Manzanita zoning ordinance. If you have any questions, please don't hesitate to contact me.

Address: 193 Laneda Ave  
Tax Lot: 3N10-29BD #15500, 15400, 15200  
Applicants: Chung & Judy Lee  
Owner: Same  
Zoning: C-1 (Commercial)

(passages from the Manzanita Zoning Ordinance appear in in italics)

*3.040: (1) Commercial Zone, C-1. Uses Permitted Outright. In the C-1 zone the following uses and their accessory uses are permitted outright: (b) Retail trade establishment (other than an auto wrecking yard or outdoor storage of scrap material).*

The building will continue to be used as a grocery store.

*(3) Standards. In the C-1 zone the following standards shall apply: (b) For commercial, nonresidential, or mixed use development uses, the minimum front yard shall be 10 feet, the minimum side yard shall be 5 feet, and the minimum rear yard shall be 5 feet. For corner lots adjacent to Laneda Avenue, the yard facing Laneda Avenue shall be considered the front yard.*

New portions of the building will respect a 10 foot setback on the Laneda frontage and 5 foot setbacks elsewhere (including the second street frontage). Some portions of the existing structure are within the current right as an existing nonconforming use, and the footprint of those areas will not be changed.

*(c) The maximum building or structure height shall be 28 feet, 6 inches.*

No portion of the building will be higher than approximately 22'.

*(d) Minimum landscaped area: At least 10% of the total lot area of commercial, mixed use, or non-residential uses shall be devoted to landscaping or usable open space such as playgrounds, sitting areas or picnic areas.*

Just over 10% of the lot will be landscaped, as shown on the site plan. See §4.156 for additional requirement compliance.

*(g) In the C-1 zone, signs, awnings, marquees and sidewalk coverings shall extend not more than 10 feet from a building or more than 5 feet over a sidewalk, whichever is less.*

No portions of the building will extend more than 10 feet from the building or 5 feet over the sidewalk.

*(h) Adequate storm drainage shall be provided as specified by the City.*

Dry wells and/or underpavement catch-and-release system will be provided as determined by the city and engineering considerations.

*(i) Design review subject to Section 4.152.*

This project is subject to Design Review.

*(j) Building(s) on a lot shall have a floor area ratio of no more than 0.65. The combined floor area of all buildings on a lot shall be used in calculating the floor area ratio.*

The Floor Area Ratio of this project is 0.45, including all structures on the property.

*(k) If a development is proposed on a parcel consisting of two or more contiguous lots, the lots must be legally combined into one lot.*

The lot consists of three parcels. As discussed with the City, prior to start of construction the owners will combine the properties with an affidavit that is signed, notarized, and filed with the county clerk.

*4.070 Sign Requirements. a. A sign permit and fee determined by City Council resolution is required for: (1) The erection or placement of any new sign or signs, except those that are Exempted Signs in this Ordinance. Permits shall be obtained from City Hall.*

The signage permit application will be filed separately. All signage will conform to the requirements of the Manzanita zoning ordinance.

*2. General. The following apply to all zones and all uses:*

*a. No sign shall be placed on public property or extend over a sidewalk/street right-of-way except where specifically allowed by this Ordinance.*

*b. There shall be no flashing elements, including but not limited to moving, rotating, handheld, projected and/or laser projected or otherwise animated parts. Light from a sign shall be directed away from a residential use or zone, shall not create or reflect glare on any adjacent building and shall be located so as not to distract from a motorist's view of a traffic sign and/or vehicular or pedestrian traffic.*

*c. Sign Height. Maximum 24 feet except where otherwise noted.*

*d. No sign may be attached to trees, shrubs, utility poles, traffic control or directional sign posts except for Public Signs.*

*e. When multiple signs are used, the sum of the face area of all signs may not exceed the maximum square footage permitted in this ordinance, except where otherwise noted.*

*f. All signs shall meet the material and construction methods requirements of the latest Uniform Sign Code, and Oregon Structural Specialty Code.*

*g. Placement on the property must be consistent with the location shown on the Sign Permit.*

Signage on the new building comply with all of the above criteria

*3. Sign Requirements - Commercial Zones*

*a. General requirements. The following types of signs are allowed in the commercial zones:*

*(1) Permanent, free-standing, and awning signs shall be allowed subject to the total area limitation specified in paragraph 3.b. (Total Square Foot Restrictions for Commercial Businesses) below*

*b. Total Square Foot Restrictions for Commercial Businesses*

*(2) Businesses not abutting Highway 101 will be allowed 24 square feet of signs not including Incidental Signs, Temporary Signs, one exterior reader board/bulletin board, and not more than one (1) A-Frame/sandwich board or portable-type sign meeting the requirements of Section 3.a.(2).*

The total proposed area of signage is 24 square feet.

*Section 4.080 Off-Street Parking and Off-Street Loading Requirements. At the time a new structure is erected or the use of an existing structure is changed or enlarged, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this Ordinance.*

*1. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.*

*2. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.*

*3. Owners of 2 or more uses, structures, or parcels of land may agree to utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish the joint use.*

*4. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other parking spaces required by this Section may be located on another parcel of land, provided that the furthest parking space is no more than 500 feet from an entrance of a use it serves, measured by following a sidewalk or other pedestrian route. The right to use the offsite parking must be evidenced by a recorded deed, lease, easement or similar written instrument. Any use of offsite parking spaces may not decrease the parking spaces of any other use below the requirements of Sections 4.080 or 4.090. [Amended by Ord. 11-04, passed November 9, 2011]*

All parking spaces for this project are located on the parcel.

*5. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting business or use.*

*6. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and drained so as to avoid flow of water across public sidewalks or adjacent property.*

All parking surfaces will be paved with asphalt or concrete.

*7. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbances of residents by the erection between the uses of a sight-obstructing fence of not less than 5 or more than 6 feet in height except where vision clearance is required.*

A cedar fence 5'6" high will be constructed along the north edge of the parking lot.

*8. Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least 4 inches high and set back a minimum of 4 1/2 feet from the property line.*

The parking lot is surrounded by a 6" concrete curb and that is located 5' from the property line.

*9. Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling.*

Lot lighting will be provided with full cutoff fixtures and designed for <.1fc of light trespass at property lines not adjacent to a right-of-way.

*10. Groups of more than 4 parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.*

The parking lot has its own driveway onto Second Street.

*11. Loading of merchandise, materials, or supplies, buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.*

There is adequate space in the off-street parking lot to accommodate small to medium sized delivery vehicles during the morning hours before start of business. The owner will continue the existing practice of using the on-street parking for large deliveries in the early morning hours before start of business.

*12. Groups of 4 or more parking spaces shall be required within the Commercial and Limited Commercial zones to be clearly marked and shall not be less than 9 feet by 18 feet in size for each space required. An information sign of 4 square feet, visible from the street, road or highway will be used to identify the location of off-street parking areas.*

Spaces are 9'x18'. A 4 square foot informational sign will be added to the southwest corner of the building.

*13. For corner lots on Laneda Avenue, access to parking areas for new structures shall not be from Laneda Avenue.*

The owner will be voluntarily abandoning their existing access to Laneda as part of this project. Recognizing that this is in line with the interests of the City, it is our hope that this gesture will be looked upon favorably by the planning commission when deliberating other aspects of the project that are left to the City's discretion.

*14. When a use in the commercial zone existing as of November 9, 2011 does not have the number of off-street parking spaces required by this ordinance and the use or size changes, the total number of parking spaces required for the new use or size shall be reduced by the deficient number of spaces for the existing use or size.*

The existing site is nonconforming, with a deficiency of 3 spaces. The new site would require 20 spaces at 1 per 400sf of commercial retail space. Carrying this deficiency forward, the actual number of spaces required is 17. Additional calculations can be seen on the Zoning Site Plan.

*15. For development on lots adjacent to Laneda Avenue, offsite parking for commercial uses may be located further away than outlined in Section 4.080(4) above if the following conditions are met:*

All parking will be located on site.

*16. Parking spaces within a structure shall be on no more than one level.*

There are no parking spaces within the structure.

*4.090 Off-Street Parking Requirements.*

*1. In determining the number of parking spaces required by this section, all fractions shall be rounded to the nearest whole number.*

*3. Requirements for specific uses: (f) Retail, restaurant, and library: One space for each 400sf of gross floor area.*

The proposed development has 7,890sf gross area for all buildings, requiring 19.75 (20) parking spaces. See previous discussion under section 14 for compliance.

*4.137 Site Plan Approval*

See attached drawings. Two shore pines will be removed during the work, and replacements will be planted in the landscaping area along second Street.

*4.138 Filling of Lots*

No fill will be added to the lot.

*4.141 Parking structures within the front yard*

There will be no parking in the front yard.

*4.155 Site Design Evaluation Criteria*

*1. In terms of setback from street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structure and the surrounding area.*

*2. The design incorporates existing features such as rocks, slopes and vegetation.*

Landscape areas along Second Street will have slopes and vegetation.

*3. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining space in order to create pedestrian pathways and/or open system that connects other properties.*

The new entrance addresses the sidewalk on Laneda with a pedestrian-friendly and ADA accessible approach, and there will be a sidewalk to the west of the building to better accommodate foot traffic across the lot in the north-south direction.

*4. The design gives attention to the placement of storage or mechanical equipment so as to screen it from view.*



Mechanical equipment will be located on the roof behind parapets, hiding it from view from the street.

*5. All functions, uses and improvements are arranged to reflect and harmonize with the natural characteristics and limitations of the site and adjacent properties.*

The building is arranged as a series of smaller, connected masses to bring the scale more into harmony with the surrounding structures and beach character of Manzanita.

*Section 4.156 Architectural and Landscape Design Evaluation Criteria.*

*1. The design integrates and harmonizes the existing and proposed development with the existing surroundings and future allowed uses. This standard shall be applied in a manner that encourages village design and visual diversity within development projects and the surrounding area. Corrugated siding is prohibited as it does not harmonize with siding used on most existing buildings.*

The materials pallet of the building will include cedar shingles, stainless steel trim, painted siding, and metal roofing that relate to the surrounding context.

*2. The landscape design acknowledges the growing conditions for the climatic zone, and provisions are made for the survival and continuous maintenance. The landscape design shall include the use of local native species of trees and shrubs.*

Native plantings are used in the landscape areas.

*3. The minimum lot area required to be landscaped under Section 3.040(3)(d) for commercial, mixed use, or non-residential uses shall be located in the front and side yards and the portion of the lot adjacent to the front or street side yards and not within the foundation footprint or rear yard.*

The landscaping is located in the front and side yards.

*4. Living plant material shall constitute of minimum of 50% of the total required landscape area, which can include landscaping around buildings, in parking lots and loading areas, outdoor recreation use areas, and screening and buffering areas. For corner lots, no less than 25% of the total landscape area required to be in living plant material shall face each street frontage.*

1758sf of landscaping is required. 25% of that = 440sf require in each street facing, since this is a corner lot. On the Second Street facing, 690sf is provided. On the Laneda Ave frontage, 450sf of hard surface landscaping (a plaza) is provided.

The ordinance requires that half of the 10% required landscape be living plant materials, and 25% of that be in each street frontage. That equals 220sf of living plant material required on Laneda. This is a hardship for this site, due to the existing (nonconforming) building being entirely within much of the front yard, reducing the available space to locate living plant material. As an alternate means of compliance, we request that we be allowed to use decorative concrete or brick pavers to meet this requirement.

*5. The grading and contouring of the site, and on site drainage facilities, shall be designed so there is no adverse affect on neighboring properties or public rights-of-way.*

No significant changes will be made to the grading of the site.

*6. The design avoids monotony and provides visual interest by giving sufficient attention to architectural details and to design elements.*

The facades of the building are articulated with fenestration, use a varied materials pallet, and provide changes in massing to reduce the visual scale of the building and create visual interest.

*7. The design adequately addresses the pedestrian nature of the commercial area and places structures in relation to sidewalks and open areas to foster human interaction.*

Windows along Laneda provide visual interaction between pedestrians on the street and those inside the store, while also effectively displaying the wares of the shopkeeper. Outdoor tables and/ or seating will be provided in the plaza outside the store, off of the right-of-way so that pedestrians can still pass unimpeded. A glazed overhead door faces the street and the new plaza/seating area, giving the store the feel of an open-air market during the summer months.

*8. Lighting is non-industrial and non-invasive in character, and contributes to the village character.*

The building will be lit with commercial, low-glare fixtures and indirect lighting giving soft illumination.

*9. Compatibility. All new commercial and mixed use buildings and exterior alterations shall be designed consistent with the architectural context in which they are located. This standard is met when the Design Review Board finds that all of the criteria in a. - c., below, are met.*

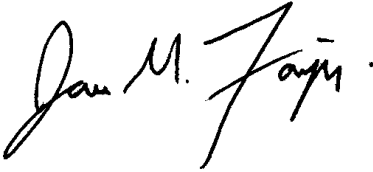
*a. There is compatibility in building sizes between new and existing commercial and mixed use buildings;*

*b. The size, shape and scale of the structures are architecturally compatible with the site and with the village character of the surrounding neighborhood.*

*c. All buildings and developments shall provide human scale design. The design avoids a monolithic expanse of frontages and roof lines, diminishes the massing of buildings by breaking up building sections, and/or by use of such elements as visual planes, projections, bays, dormers, setbacks or changes in the roof line, and/or similar features generally shown in the following figure (Note: The examples shown below are meant to illustrate these building design elements, and should not be interpreted as a required architectural style).*

As previously noted, the building is designed so as to appear as a collection of smaller buildings, enhancing the village feel and making it more compatible with the scale of nearby commercial and mixed use buildings. Many visitors to Manzanita have a strong emotional connection to the deli, so the existing portion of the building will be remodeled and retained in an exterior configuration similar to the existing. The original red door will be kept and re-used elsewhere on the exterior. The various different siding and finish materials create a rich architectural fabric, and installed artwork will serve as a unifying thread throughout the entire building.

Respectfully submitted,

A handwritten signature in black ink, reading "James M. Fanjoy". The signature is fluid and cursive, with a period at the end.

James M Fanjoy, Architect

Brittall Architecture Inc  
35820 7<sup>th</sup> St.  
Nehalem , OR 97131  
Ph: 360-636-5074





[illegible]

**PRELIMINARY**  
NOT FOR CONSTRUCTION

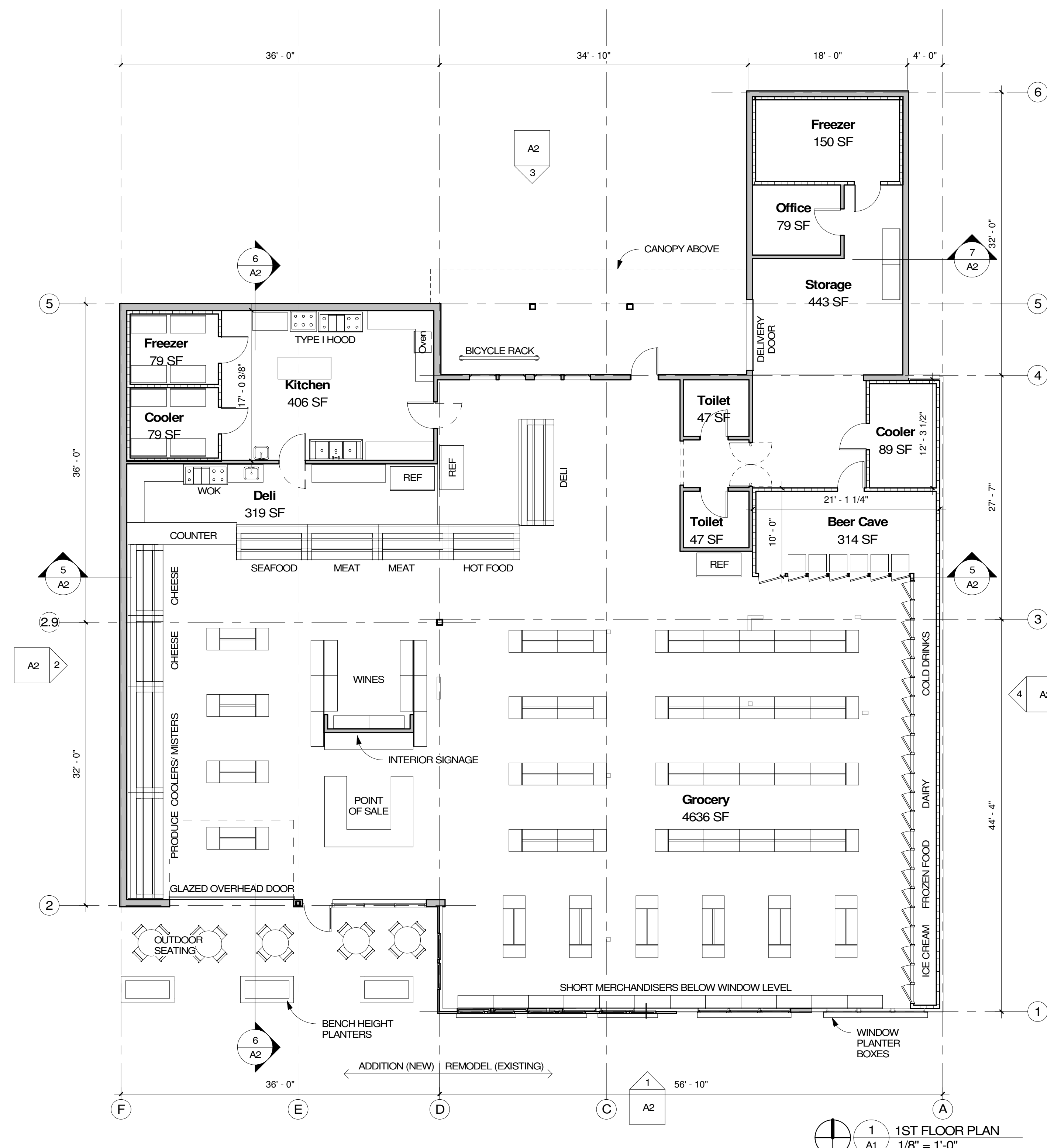
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# A1

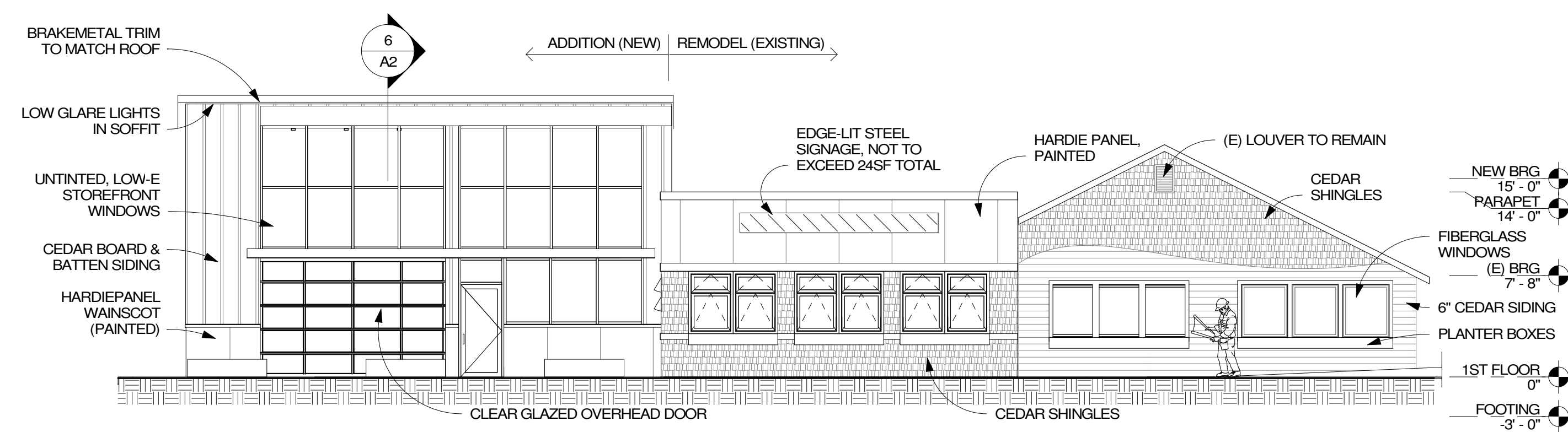
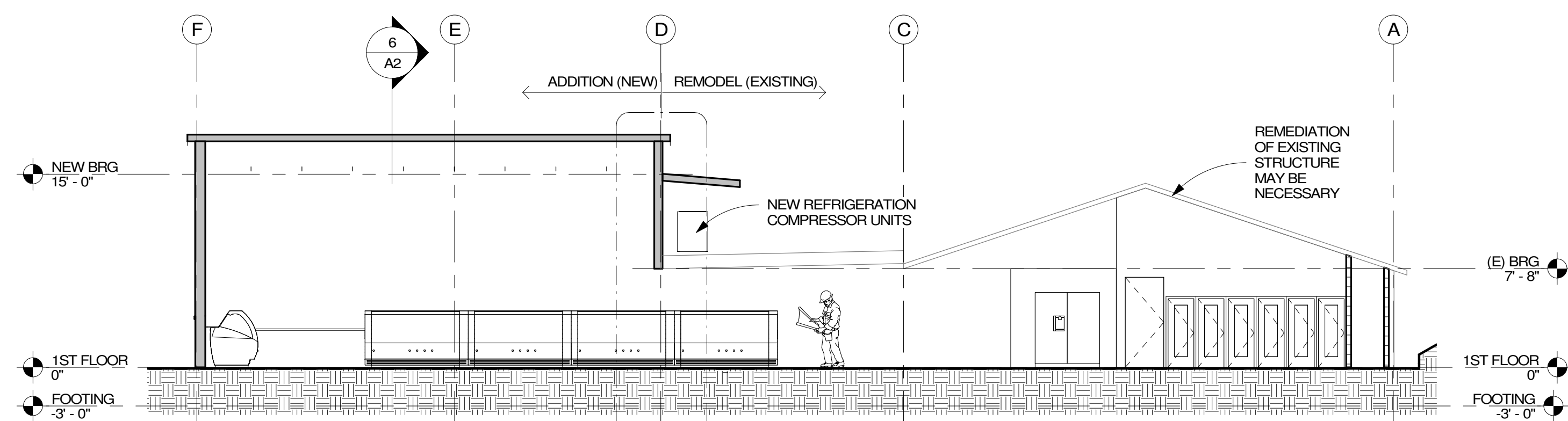
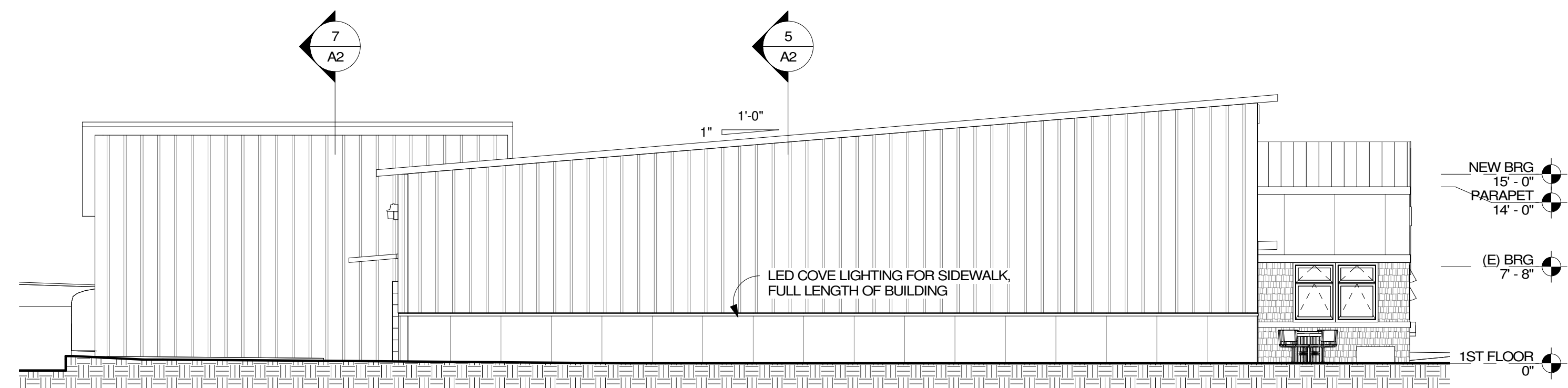
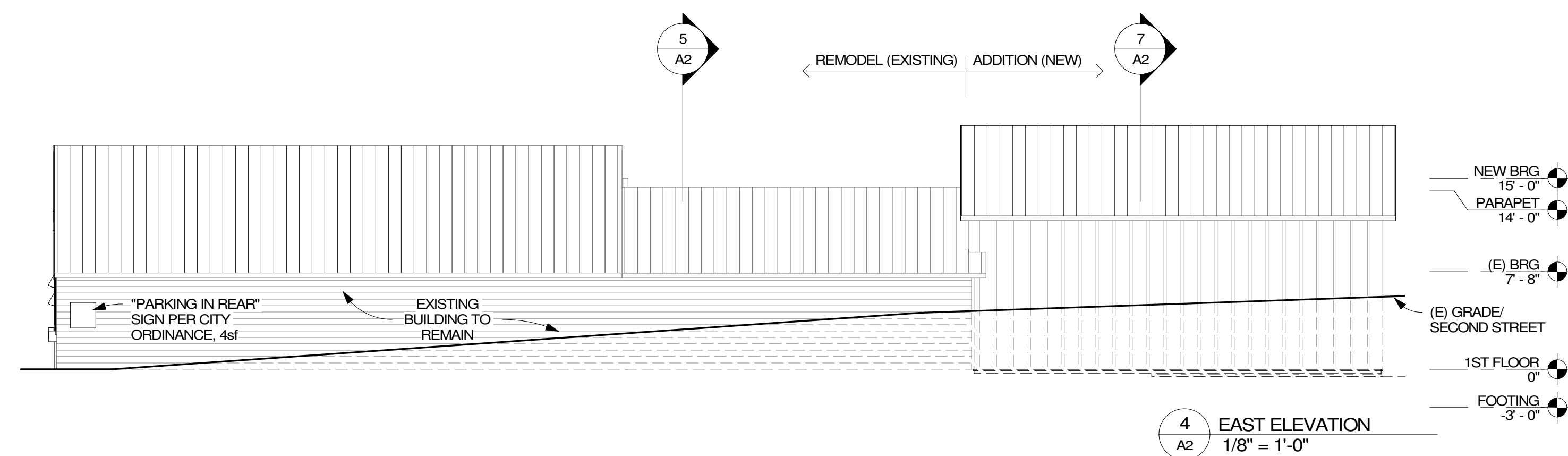
## FLOOR PLANS

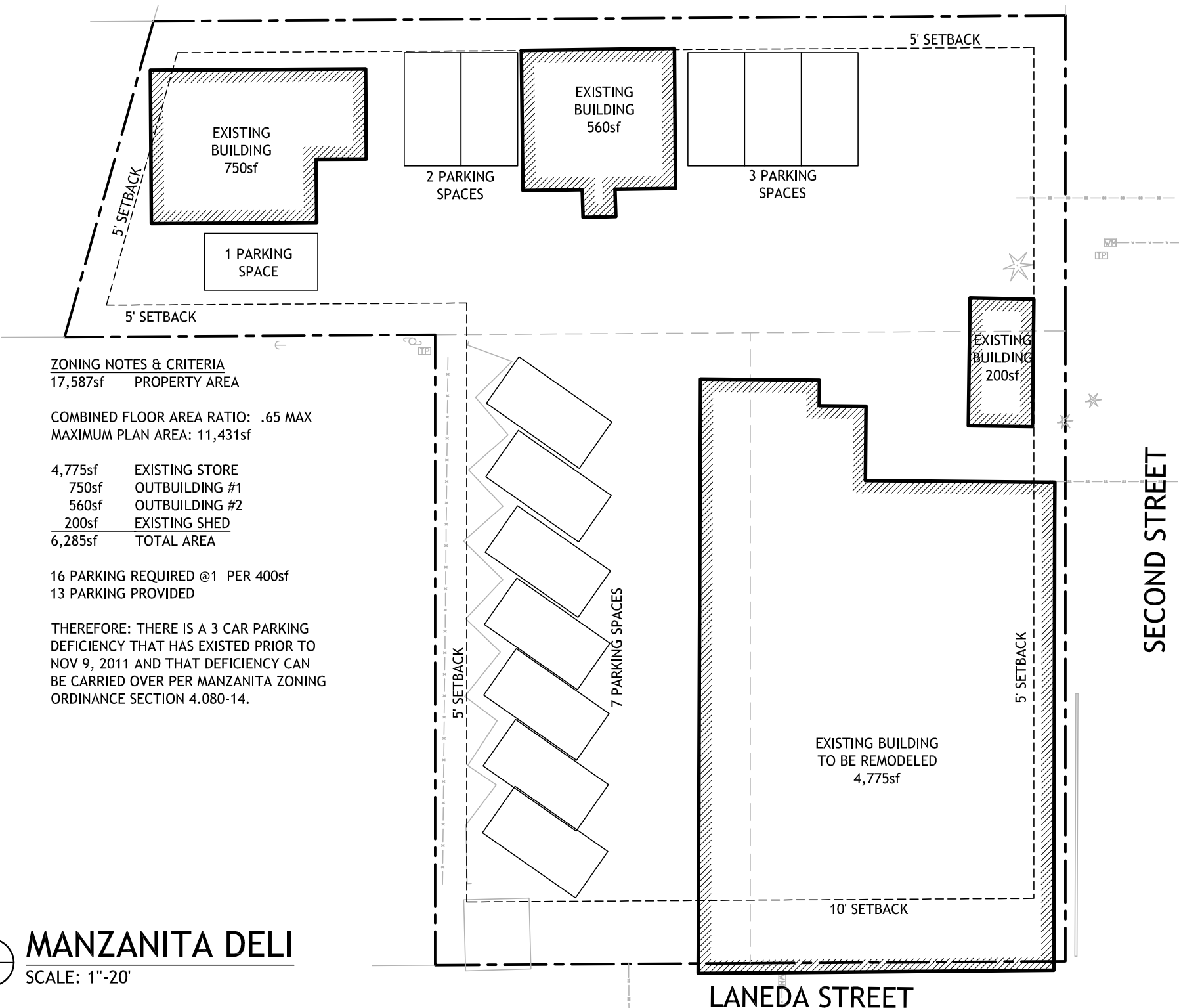


3 PERSPECTIVE- CORNER

2  
A1 PERSPECTIVE- LANEDA

1  
A1 1ST FLOOR PLAN  
1/8" = 1'-0"





ZONING NOTES & CRITERIA  
 17,587sf PROPERTY AREA

COMBINED FLOOR AREA RATIO: .65 MAX  
 MAXIMUM PLAN AREA: 11,431sf

4,775sf	EXISTING STORE
750sf	OUTBUILDING #1
560sf	OUTBUILDING #2
200sf	EXISTING SHED
<u>6,285sf</u>	<u>TOTAL AREA</u>

16 PARKING REQUIRED @1 PER 400sf  
 13 PARKING PROVIDED

THEREFORE: THERE IS A 3 CAR PARKING  
 DEFICIENCY THAT HAS EXISTED PRIOR TO  
 NOV 9, 2011 AND THAT DEFICIENCY CAN  
 BE CARRIED OVER PER MANZANITA ZONING  
 ORDINANCE SECTION 4.080-14.



**MANZANITA DELI**  
 SCALE: 1"-20'

**CITY OF MANZANITA PLANNING COMMISSION  
FINDINGS OF FACT AND CONCLUSIONS**

**Design review of addition to retail grocery store.**

**Location:** 193 Laneda Ave.  
**Assessor's Map:** 3N –10–29 BD, Tax Lots 15500, 15400, 15200  
**Applicant:** Chung and Judy Lee (Manzanita Grocery & Deli “The Little Apple”)  
**Owner:** Same as applicant  
**Zoning:** C-1 (Commercial)  
**Criteria:** This application will be evaluated against the design review standards listed in Sections 4.020, 4.070, 4.080, 4.090, 4.137 through 4.158 and 7.010 through 7.060 of Ordinance 95-4, and the standards for the Commercial (C-1) zone listed in Section 3.040 of Ordinance 95-4.

**Date of Hearing:** February 19, 2020

**FINDINGS OF FACT**

1. Applicant Chung and Judy Lee, through its representative Architect Jim Fanjoy, submitted an application on January 8, 2020 for design review of an addition to retail grocery store. The application was determined to be complete on January 16, 2020. The fee for the design review will be collected at the time the building permit is issued for the proposed addition. A copy of this application is included as Exhibit A of this report. The applicant provided a site plan and drawings of the proposed addition.
2. A notice of public hearing on the application was published in the (Tillamook) Headlight-Herald on February 12, 2020. Written notice of the public meeting on this design review application was mailed on January 30, 2020 to property owners of records within 150 feet of the subject property as required by Article 10 of Ordinance 95-4. Public comment was taken at the regular Planning Commission meeting of February 19, 2020.
3. Applicant wishes to construct an addition to a retail grocery store on property zoned C-1 (Commercial). The addition consists of adding more retail space on the west side and on the northeast side of the existing grocery store. The store is 4,850 square feet, the west addition is 3,040 square feet, and the northeast addition is 580 square feet for a total of 7,890 square feet. The site also has two structures located at the back. One of these two structures would be demolished in order to provide the needed parking spaces. The remaining structure is 750 square feet and it will continue its current use of booking and administration space.
4. The subject property is a combination of three lots located at the corner of Laneda Avenue and Second Street. There are two 5,000 square foot lots (3N1029 BD, TL 15500 & 15400), and the third lot is approximately 7,587 square feet, for a total of 17,587 square feet. The owners own an additional lot (3N1029 BD, TL 15800) along Second Street but that is not part of this application. That lot is used as additional parking.
5. The regulations for the C-1 zone are described in Section 3.040 of Ordinance 95-4. The property to the west is vacant and properties across the street south of the parcel in the Commercial (C-1) zone have commercial businesses (Finnesterre and Sunset Vacation Rentals); the property across the street to the east in the Commercial (C-1) zone has a residence. The adjacent properties to the north are in the High Density Residential/Limited Commercial (R-4) zone and have residential uses.



6. Section 1.030 of Ordinance 95-4 lists the definition of nonconforming use as follows.

**Nonconforming Structure or Use.** A lawful existing structure or use at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**Findings:** The existing grocery store is 4,100 square feet and it is considered a preexisting nonconforming structure. That is because the building does not conform to the current setback requirements of the Commercial (C-1) zone. The store extends into the Laneda Avenue right-of-way by 1 foot and the side yard is approximately 3 feet, which is under the required 5 feet side yard setback.

This standard is met.

7. Article 7 of Ordinance 95-4 specifies the standards for nonconforming uses.

**Section 7.010 Continuation of Nonconforming Use.** Subject to the provisions of ORS 215.130 and subsequent provisions of this article, a nonconforming use or structure may be continued. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of Ordinance No. 74-2 is not considered an enlargement or expansion of a nonconforming use under Section 7.020 of this Ordinance.

**Findings:** The existing grocery store is not a nonconforming use, but it is considered a preexisting nonconforming structure. Following the above standard, the nonconforming structure may be continued.

The proposed addition is not an enlargement or expansion of a nonconforming use. The existing use and the use of the proposed addition are considered a retail trade establishment which is an outright use of the Commercial (C-1) zone.

This standard is met.

**Section 7.020 Enlargement or Expansion of a Nonconforming Use.** In case of practical difficulty and unnecessary hardship, the Planning Commission may grant a variance for the enlargement or expansion of a nonconforming use up to 20% in floor area or in those cases not involving structures, up to 10% in land area as existing on the effective date of this Ordinance. The Planning Commission shall grant expansion or enlargement where required to conform to another law, such as a pollution control requirement.

**Findings:** The proposed addition is not an enlargement or expansion of a nonconforming use. The existing use and the proposed addition are considered a retail trade establishment which is an outright use of the Commercial (C-1) zone.

This standard is not applicable.

**Section 7.030 Discontinuance of Nonconforming Use.**

1. If a nonconforming use involving a structure is discontinued for a period of one year, further use of the property shall conform to this Ordinance.

2. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this Ordinance unless the Planning Commission determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced.

**Findings:** The proposed addition is not a discontinuance of nonconforming use nor would it be replaced

by another use. The existing use of the building and the proposed addition are considered a retail trade establishment which is an outright use of the Commercial (C-1) zone.

This standard is not applicable.

**Section 7.040 Change of a Nonconforming Structure.** A structure conforming as to use but nonconforming as to height, yard requirements, lot coverage, equipment, its location on the lot or other requirements concerning the structure may be altered or enlarged provided the alteration or enlargement conforms to the current requirements of this Ordinance and the altered or enlarged building or buildings do not result in additional nonconformity. [Amended by Ord. 06-03, passed 9/18/06; and amended by Ord. 14-02, passed April 9, 2014].

**Findings:** The use of the existing building conforms to the retail trade establishment use which is a permitted outright use of the Commercial (C-1) zone, but it is nonconforming as to the yard requirements of the Commercial (C-1) zone. Following the standard above, the store can be altered or enlarged.

The proposed addition conforms to the retail trade establishment use which is a permitted outright use of the Commercial (C-1) zone; meets the current requirements of the Commercial (C-1) zone and does not result in additional nonconformity.

This standard is met.

**Section 7.050 Destruction of Nonconforming Use or Structure.** If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80% of its fair market value as indicated by the records of the County Assessor and is not returned to use within one year from the date of destruction, a future structure or use on the site shall conform to this Ordinance. For any nonconforming structure so rebuilt within one year of the date of destruction, any part of the structure which is outside of the original foundation footprint shall conform to the current standards of this Ordinance and the resulting building or buildings shall not result in additional nonconformity. Such rebuilt buildings on corner lots shall conform to the clear vision area requirements specified in Section 4.020 of this Ordinance. [Amended by Ord. 14-02, passed April 9, 2014].

**Findings:** The proposed addition would not destroy the preexisting nonconforming structure. One of the two houses at the back would be demolish with the purpose of meeting the parking requirements. The applicant has no intention of rebuilding it.

This standard is met.

**Section 7.060 Public Hearing Required.** Alteration, restoration, replacement or resumptions of a nonconforming use shall only be done after a public hearing and determination by the Planning Commission that the action is not detrimental to the City or the neighborhood, or the policies of the Comprehensive Plan.

**Findings:** The existing use of the building and the proposed addition are considered a retail trade establishment which is an outright use of the Commercial (C-1) zone.

This standard is not applicable.

8. Section 3.040 of Ordinance 95-4 specifies the standards for structures in the C-1 zone as follows:

**Section 3.040 Commercial Zone, C-1**

- (1) Uses Permitted Outright. In the C-1 zone the following uses and their accessory uses are permitted outright:

(b) Retail trade establishment (other than an auto wrecking yard or outdoor storage of scrap material).

**Findings:** The existing use of the building and the proposed addition are considered a retail trade establishment which is an outright use of the Commercial (C-1) zone.

This standard is met.

(2) Conditional Uses Permitted. In the C-1 zone, the following conditional uses are permitted subject to the provisions of Article 5:

**Findings:** The application does not include a request for a conditional use.

This standard is not applicable.

(3) Standards. In the C-1 zone the following standards shall apply:

(a) The minimum lot size, setbacks and height for residential uses, except in mixed use development, shall be the same as in the R-2 zone. [Amended by Ord.03-06, passed July 9, 2003].

**Findings:** The addition is to a retail trade establishment use not to a residential use.

This standard is not applicable.

(b) For commercial, nonresidential, or mixed use development uses, the minimum front yard shall be 10 feet, the minimum side yard shall be 5 feet, and the minimum rear yard shall be 5 feet. For corner lots adjacent to Laneda Avenue, the yard facing Laneda Avenue shall be considered the front yard. [Amended by Ord. 11-04, passed November 9, 2011].

**Findings:** The existing grocery store is a preexisting nonconforming structure in that the current front and side yard setback requirements of the Commercial (C-1) zone are not met. The existing building extends into the Laneda Avenue right-of-way by 1 foot and the side yard is approximately 3 feet, which is under the required 5 feet side yard setback.

The west addition is for 2,460 square feet and it is located on the west side of the existing building. The front yard is 10 feet as required, the side yard is 5 feet as required and the rear yard is at least 5 feet as required.

The northeast addition is for 580 square feet and it is located on the north side of the existing building. This addition does not have a front yard as is attached to the north side of the store. The side yard is 5 feet as required and the rear yard is at least 5 feet as required.

The property in question is a corner lot adjacent to Laneda Avenue which means that the property line facing Laneda Avenue is considered the front yard. The front yard for the west addition is also the property line that faces Laneda Avenue which meets the minimum requirement of 10 feet.

This standard is met.

(c) The maximum building or structure height shall be 28 feet, 6 inches. However, if more than one-half of the roof area has a roof pitch of less than 3 in 12, the building or structure height shall not exceed 24 feet. The height of a stepped or terraced building shall be the maximum height of any segment of the building or structure. [Amended by Ord. 95-4, passed March 6, 1996; Amended by Ord. 01-03, passed 8/27/01]

**Findings:** The existing grocery store is a nonconforming structure and after determining grade as defined in the Ordinance, the existing building is 28'1" in height and meets the 28'6" height limitation for the zone.

The highest point of the proposed west addition has a height of 19' 1<sup>9/16</sup>" which meets the 28'6" height limitation for the zone.

The highest point of the proposed northeast addition has a height of 14' which meets the 28'6" height limitation for the zone.

This standard is met.

(d) Minimum landscaped area: At least 10% of the total lot area of commercial, mixed use, or non-residential uses shall be devoted to landscaping or usable open space such as playgrounds, sitting areas or picnic areas. For developments exempt from on-site parking requirements under Section 4.090(2) and for commercial and mixed use developments providing less than the required number of parking spaces on-site, an additional 10% of the total lot area shall be devoted to landscaping. The minimum lot area required for landscaping in residential and other uses shall be 20%. Placement of landscaping is subject to standards specified in Section 4.156. [Amended by Ord. 11-04, passed November 9, 2011]

**Findings:** A total of 10% of the lot area is required to be landscaped. For the 17,587 square foot lot, the requirement would be 1,758 square feet of landscaping.

At least the required 10% is shown on the site plan. The plan indicates that 16.6% is dedicated to landscape, that is 2,920 square feet. This includes the northeast soft landscaping area of 690 square feet, the northwest soft landscaping area of 645 square feet, approximate 1,535 square feet of paved sidewalk (includes the front, westside and rear), 30 square feet for three bench height planters located at the front and approximately 20 square feet of soft landscape on the window boxes of the existing building.

The commercial building is not exempt from on-site parking requirements under Section 4.090(2). Therefore, the applicant is not required to provide the additional 10% of landscaping.

See for page 17 for additional landscaping requirements.

This standard is met.

(e) Parking shall be in accordance with Article 4, Section 4.080.

**Findings:** This standard is addressed in Item 10.

(f) Signs shall be in accordance with Article 4, 4.070.

**Findings:** This standard is addressed in Item 11.

(g) In the C-1 zone, signs, awnings, marquees and sidewalk coverings shall extend not more than 10 feet from a building or more than 5 feet over a sidewalk, whichever is less. [Amended by Ord. 14-02, passed April 9, 2014].

**Findings:** The application does not include any signs, awnings, marquees and sidewalk coverings that extend from the building more than 10 feet.

The application does include a sign, but it does not project from the building. See Item 11 for more information on the sign.

The plans show a sunshade that projects 18 inches from the building.

This standard is met.

(h) Adequate storm drainage shall be provided as specified by the City.

**Findings:** Applicant notes in their narrative that drywells and a catch-and-release system will be placed to handle storm water retention. The exact size of the system and location of catch basins will be addressed and approved by the Manzanita Public Works and Building Official at the time the building permit is applied for.

This standard shall be a condition of approval.

(i) Design review subject to Section 4.152. [Amended by Ord. 95-4, passed March 6, 1996].

**Findings:** This application meets the requirement of Section 4.152 for a design review plan approval.

This standard is met.

(j) Building(s) on a lot shall have a floor area ratio of no more than 0.65. The combined floor area of all buildings on a lot shall be used in calculating the floor area ratio. If a development is proposed on a lot divided between the R-4 and C-1 zones, the area in the R-4 zone shall be assumed to be no greater than the area in the C-1 zone for purposes of calculating the floor area ratio. [Added by Ord. 11-04, passed November 9, 2011]

**Findings:** The lot area is 17,587 square feet and all of it is on the Commercial (C-1) zone. The gross floor area of the proposed west addition is 2,460 square feet, the northeast addition is 580 square feet, the existing building is 4,100 square feet, and the existing administrative building (located at the back of the lot) is 750 square feet; for a total of 7,890 square feet. Therefore, the floor area ratio is 0.45, which is below the 0.65 maximum standard.

This standard is met.

(k) If a development is proposed on a parcel consisting of two or more contiguous lots, the lots must be legally combined into one lot. [Added by Ord. 11-04, passed November 9, 2011]

**Findings:** The applicants are the legal owners of the three lots in question. After discussions with the City, the applicants were granted the opportunity to complete the combination of the properties before building permits are issued.

This standard shall be a condition of approval.

9. Section 4.020 of Ordinance 95-4 specifies the standards for clear vision areas.

**Section 4.020 Clear Vision Areas.** A clear-vision area shall be maintained on the corners of all property at the intersection of two streets.

1. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of each is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

2. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of 8 feet above the grade.

3. The following measurements shall establish clear-vision areas: (a) In a residential zone the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet. (b) In all other zones where yards are required, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet, except that when the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet.

**Findings:** The existing grocery store is considered a preexisting nonconforming structure that does not meet the clear vision area standards. The proposed addition does not interfere with the clear vision area as the additions are not located within the vision area.

It would be advisable to the applicant to make sure that while it is a nonconforming structure, the southeast corner should not have plantings, furniture, or sale items that might add to the obstruction of the clear vision area. The clear vision area in the commercial zone is 15 feet.

This standard is met but a note shall be included in the conditions of approval.

10. Section 4.080 and Section 4.090 of Ordinance 95-4 specify the off-street parking requirements in the C-1 zone as follows:

**Section 4.080 Off-Street Parking and Off-Street Loading Requirements.** At the time a new structure is erected or the use of an existing structure is changed or enlarged, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this Ordinance.

1. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

**Findings:** The type and use of the proposed addition is listed in the zoning Ordinance.

This standard is met.

2. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.

**Findings:** The application does not include different uses. The existing building and the proposed addition are for a retail trade establishment use.

This standard is met.

3. Owners of 2 or more uses, structures, or parcels of land may agree to utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish the joint use.

**Findings:** The application includes two structures, the store and the building at the back, but the use of the building at the back does not generate the need to share parking spaces. The building at the back would maintain its current use of supporting the main use of retail in the form of bookkeeping and administrative space.

The store currently operates from 7:00 am to 9:00 pm on weekdays and 7:00 am to 10:00 pm on weekends. The narrative notes that small to medium sized delivery vehicles would be done before the start of business and would use of the off-street parking spaces. Large sized delivery vehicles would continue operating from the on-street parking. For the last two years, the City has not received complaints or concerns on the use off the on-street parking for deliveries.

Note - The floor area of the administrative building is considered for the total number of required off street parking spaces.

This standard is not applicable.

4. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other parking spaces required by this Section may be located on another parcel of land, provided that the furthest parking space is no more than 500 feet from an entrance of a use it serves, measured by following a sidewalk or other pedestrian route. The right to use the offsite parking must be evidenced by a recorded deed, lease, easement or similar written instrument. Any use of offsite parking spaces may not decrease the parking spaces of any other use below the requirements of Sections 4.080 or 4.090. [Amended by Ord. 11-04, passed November 9, 2011]

**Findings:** All the required off-street parking spaces are located on the three lots owned by the applicants. There are no required parking spaces located on parcels of no more than 500 feet from the retail entrance. The applicants use an additional lot they own as parking lot, but those parking spaces are extra and have not impact on this application.

This standard is met.

5. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting business or use.

**Findings:** The required parking spaces would be available for the parking of customers only. None of the parking spaces provided would be used for the storage of vehicles or materials or for the parking of



business trucks.

This standard is met but a note shall be included in the conditions of approval.

6. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and drained so as to avoid flow of water across public sidewalks or adjacent property.

**Findings:** The applicant proposes to install concrete or asphalt paving. This standard is not on the plans, but it is addressed in the applicant's narrative.

This requirement is met.

7. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbances of residents by the erection between the uses of a sight-obstructing fence of not less than 5 or more than 6 feet in height except where vision clearance is required.

**Findings:** The parking and loading area for the store is adjacent to a residential zone on the north side. The applicant proposes to install a cedar fence, 5'6" high, along the north edge of the parking lot.

This standard is met.

8. Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least 4 inches high and set back a minimum of 4 1/2 feet from the property line.

**Findings:** All parking spaces are located on the north side of the store and they are surrounded by a 6" concrete curb that is located 5' from the property line.

This standard is met.

9. Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling.

**Findings:** Lighting for the purpose of off-street parking is provided on the site plan. The plan includes placing two full cutoff fixtures on the parking lot. Cutoff fixtures project all light in a downward direction. One fixture would be placed in front of the administration building and the second one would be on the parking lot driveway. Both fixtures are at least 23' away from the adjacent residential zone located to the north and should not create or reflect glare on the adjacent dwellings. The property across the street to the east in the Commercial (C-1) zone has a dwelling but this lot is not considered adjacent.

This standard is met.

10. Groups of more than 4 parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.

**Findings:** The site plan includes two groups of more than four parking spaces, and they are served by a driveway located on Second Street. Applicant shall coordinate with Public Works to get a driveway permit to ensure it meets the City's standards.



The access aisle between spaces is 24' which is a standard used in Washington County. The City does not have a standard for this element yet, but 24' is an appropriate distance for the maneuvering of cars and for a two-traffic lane.

The parking lot located in front of the dumpster enclosure is an existing parking space. The applicant noted that the dumpster and the parking space could be moved four or five feet to the east if there are concerns about the maneuvering area for this parking spot.

This standard is met but a note shall be included in the conditions of approval.

11. Loading of merchandise, materials, or supplies, buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

**Findings:** The site plan does not include off-street loading berths which means that the loading and unloading operations would be performed on the on-street and off-street parking spaces before the start of business.

This standard is met but a note shall be included in the conditions of approval.

12. Groups of 4 or more parking spaces shall be required within the Commercial and Limited Commercial zones to be clearly marked and shall not be less than 9 feet by 18 feet in size for each space required. An information sign of 4 square feet, visible from the street, road or highway will be used to identify the location of off-street parking areas.

**Findings:** The site plan includes two groups of 4 or more parking spaces and the plans show that they are clearly marked by the proper striping. Markings specify which slot is intended for handicap use and where the access aisle leads to. A total of 17 parking spaces are shown in the site plan and all meet the required specifications of 9'by18'.

The narrative and plans include a placing a 4 square foot informational sign on the southwest corner of the building. Applicant would have to include this sign in their sign permit application.

This standard is met but a note shall be included in the conditions of approval.

13. For corner lots on Laneda Avenue, access to parking areas for new structures shall not be from Laneda Avenue. [Added by Ord. 06-04, passed September 18, 2006]

**Findings:** The current application does not propose an access to the parking area from Laneda Avenue. The existing building does have an entry on Laneda Avenue but that will change with the addition. It is assumed that at the time of first submittal the access from Laneda Avenue was allowed.

This standard is not applicable.

14. When a use in the commercial zone existing as of November 9, 2011 does not have the number of off-street parking spaces required by this ordinance and the use or size changes, the total number of parking spaces required for the new use or size shall be reduced by the deficient number of spaces for the existing use or size. [Added by Ord. 11-04, passed November 9, 2011]

**Findings:** The floor plan shows a gross area of 7,890 square feet. This would require 20 parking spaces ( $7,890/400=19.7$ ).

The existing building has 6,285 square feet. This includes 4,775 for the existing store, 200 square feet for a storage building on the east side, 560 square feet for a storage building on the north side and 750 square feet for the administrative building. Following the current ordinance, the existing structures would require 16 parking spaces ( $6,285/400=15.7$ ). The existing building provides 13 parking spaces, meaning they are deficient by 3.

Following the standard above, the parking spaces required for the addition shall be reduced by 3. Therefore, the parking requirement for the proposed addition of 7,890 square feet is 17 (20 required spaces by the ordinance minus 3 parking spaces from the existing deficiency).

The proposed site plan shows the required 17 parking spaces.

This standard is met.

15. For development on lots adjacent to Laneda Avenue, offsite parking for commercial uses may be located further away than outlined in Section 4.080(4) above if the following conditions are met: a) The parcel on which the parking is located shall be deeded to the City after the required number of parking spaces is developed to City specifications. b) The entrance to this remote, offsite parking must be clearly visible to the flow of traffic on Laneda Avenue. c) This parking will be available for the general public to use. [Item 15 added by Ord. 11-04, passed November 9, 2011]

**Findings:** This lot is on Laneda Avenue, however; the required offsite parking is located on site.

This standard is met.

16. Parking spaces within a structure shall be on no more than one level. [Added by Ord. 11-04, passed November 9, 2011]

**Findings:** There are no parking spaces within a structure.

This standard is not applicable.

#### **Section 4.090 Off-Street Parking Requirements.**

1. In determining the number of parking spaces required by this section, all fractions shall be rounded to the nearest whole number. [Added by Ord. 11-04, passed November 9, 2011]

2. Development of no more than two (2) retail, restaurant or office spaces on lots of 5,000 square feet or less in the C-1 or L-C zones will require no parking spaces in excess of that required by the Americans with Disabilities Act [ADA] or required by Section 4.090(3)(b) below. [Added by Ord. 11-04, passed November 9, 2011]

3. Requirements for specific uses [Amended by Ord. 11-04, passed November 9, 2011]

USE  
(f) Retail, restaurant and library

REQUIREMENTS  
One space for each 400 square feet of gross floor area

**Findings:** The addition is not exempt from on-site parking requirements per Section 4.090(2) as the three lots would be combined and would be over 5,000 square feet. The development shall follow the off-street parking requirements on Section 4.090(3).

The parking requirement for the proposed application of 7,890 square feet is 17 (20 required spaces by the ordinance minus 3 parking spaces from the existing deficiency).

The proposed site plan shows the required 17 parking spaces.

This standard is met.

11. Section 4.070 of Ordinance 95-4 specify the sign requirements.

**Section 4.070 Sign Requirements**

b. Total Square Foot Restrictions for Commercial Businesses

(2) Businesses not abutting Highway 101 will be allowed 24 square feet of signs not including Incidental Signs, Temporary Signs, one exterior reader board/bulletin board, and not more than one (1) A-Frame/sandwich board or portable-type sign meeting the requirements of Section 3.a.(2).

**Findings:** The site plan indicates the placement of one steel sign placed on the store front facing Laneda.

Applicant would have to submit a sign permit before building permits are issued.

This shall be a condition of approval.

12. Sections 4.150 through 4.158 of Ordinance 95-4 specify the procedures and standards for design review of construction within the C-1 zone.

**Section 4.150 Design Review.** The purpose of Sections 4.150 through 4.158 is to provide design standards for commercial and mixed use development in Manzanita's commercial zones and in the High Density Residential/Limited Commercial zone. Design review provides aesthetic judgment over development projects in order to maintain the unique character of the community by keeping buildings to human scale and reflecting the natural beauty of the city's setting, to encourage the traditional style of the Pacific Northwest, and to protect the viability of the commercial zones. The standards provide for originality, flexibility and innovation in site planning and development and encourage development where structures, use areas, artistic expression and site elements are integrated in a manner that is harmonious within the site and with adjacent properties. Design review criteria shall be applicable to all new construction, alteration of site improvements, or exterior alteration of commercial and mixed use development in the C-1, LC, and R-4 zones. [Amended by Ord. 06-04, passed September 18, 2006; and amended by Ord. 14-02, passed April 9, 2014].

**Section 4.151 Definitions.** [Amended by Ord. 06-04, passed September 18, 2006; and amended by Ord. 14-02, passed April 9, 2014].

- a. New construction: New building, public improvements such as sidewalks, benches, lighting and/or landscaping.
- b. Alteration of site improvements: The removal of landscaping of an area of 100 square feet or more.
- c. Exterior alteration: The addition of more than 100 square feet of interior building space.

d. Minor alteration: Modification of a building or improvement which is (a) not a Major Revision to an approved design review plan, (b) does not significantly alter or move an exterior wall or roof or change the height of a portion of a building, (c) does not relocate an existing building on its lot, (d) creates no new driveways, and (e) adds no additional uses to the building.

e. Major revision: Modifications to an approved design review plan which result in a significant change to the plan; including but not limited to changes to the siting of a building or improvements, the modification of the areas to be landscaped, the placement of mechanical or electrical equipment not shown on the approved design review plan, or modifications to a plan element that was the subject of a Design Review Board condition.

f. Minor revision: Minor modifications to an approved design review plan which result in an insignificant change to the plan; including but not limited to minor changes to the dimension or placement of windows or doors, changes in building materials where only a limited area is affected and which do not affect the overall architectural design, or the substitution of landscape materials which do not affect the overall landscape design.

g. Design Review Board: The Planning Commission or a separate board designated by the City Council.

**Section 4.152 Design Review Plan - When Approval is Required.** Design review plan approval shall be required prior to:

1. Site clearance activities such as tree removal, grading, excavation or filling.
2. The issuance of a building permit for new construction or alteration. This shall include reconstruction of a nonconforming structure. The plan for which a building permit is issued shall conform in all aspects to the plan approved through the design review process. [Amended by Ord. 14-02, passed April 9, 2014].
3. Alteration of site improvements.
4. Design review approval is not required for minor alterations as defined in Section 4.151. [Section 4.152 amended by Ord. 06-04, passed September 18, 2006]

**Findings:** The proposed addition requires design review plan approval as listed in Section 4.151 (c).

This standard is met.

**Section 4.153 Design Review Plan - Review Procedures.**

1. Pre Application Conference. Prior to applying for design review approval, applicants shall meet with the City Manager or designee, and present a plan which shall contain, in preliminary form, the information required on a design review plan application. The City will advise the applicant of the intent, standards, criteria and provision of the ordinance, other City ordinances, variance requirements, conditional uses, etc. Preliminary information presented shall be considered confidential.
2. Property owners, or their designated representatives, shall file a design review application and submit site plans, elevations, renderings, landscape plans, models, or other materials to insure a clear understanding by the Design Review Board. The materials submitted must include at least one rendering or model showing the proposed development and the adjacent properties so that the Design Review Board can evaluate the project's harmony relative to adjacent structures. The applicant bears the responsibility or burden of proof that the proposed development complies with the design review criteria.

**Findings:** The applicant contacted the City Manager multiple times to discuss the design review requirements. The applicant submitted site plans, elevations, renderings, and other materials.

This standard is met.

3. The design plan must identify:

- a. Natural and man-made features, including trees and structures onsite and on adjacent properties having a visual or other significant relationship with or that may affect the development.

**Findings:** The submitted plan addresses these requirements.

This standard is met.

- b. The location and external dimensions of proposed buildings and structures, and of existing buildings and structures to be retained.

**Findings:** The application includes the location and dimensions of the proposed addition and of the existing building that would be retained.

This standard is met.

- c. The location of fences, retaining walls, mechanical equipment, garbage disposal areas, utility appurtenances and similar structures.

**Findings:** The submitted plan includes the location of a sight-obstructive fence that will be placed on the north property line. This fence would obstruct the parking lot from the adjacent dwellings.

The site plan does not include any retaining walls.

The site plan shows that refrigeration compressor units would be placed on the rooftop hidden by the parapet.

The site plan shows the garbage disposal area on the northwest side of the property. The dumpster is enclosed by a cedar fence.

This standard is met.

- d. Pedestrian, parking and vehicular circulation areas including service areas for the loading and delivery of goods.

**Findings:** The submitted plan includes a pedestrian walkway that would allow customers to safely circulate from the parking lot to the store entrance. The area for loading and delivery of goods would be the off and on street parking spaces before the start of business.

This standard is met.

- e. Private and shared outdoor areas, including walkways, plazas, courtyards, seating areas, street furniture and permanent outdoor features including sculptures and artwork.

**Findings:** The submitted plans include a plaza and a walkway on the west side that would allow customers to safely circulate from the parking lot to the store entrance. The application also includes description of the permanent outdoor artwork.

This standard is met.

f. Exterior lighting on all buildings and in landscape areas, including type, intensity and area to be illuminated.

**Findings:** The submitted plans show low glare lights on the trim of the rooftop of the addition, which would provide light to the store entrance. Both sides of the store would also have low glare lights. The application includes pictures of the lights.

This standard is met.

g. Location, size and method of illuminating signs.

**Findings:** The submitted plans address this requirement.

h. Points of access and interior floor plans on architectural plans to the extent required to clarify access functions and the relationship to decks, porches, balconies, stairs or other exterior features.

**Findings:** The submitted plans address this requirement.

i. The color and texture of finish materials, window and door placement and materials, light fixtures, stairways, unique architectural elements, especially in development plans that are unique or innovative.

**Findings:** The submitted plans address this requirement.

j. Location and proposed living plant material for landscaped areas, including type, number and size of living plant materials and including visual representations of the living plant materials relative to building elevations. [Added by Ord. 14-02, passed April 9, 2014].

**Findings:** The submitted plans address this requirement and the narrative includes the proposed living plant material.

This standard is met.

4. The City Manager or designee shall prepare a report to the Design Review Board on conformance with pertinent zoning ordinance requirements. The report shall be available to the public, at reasonable cost, at least 7 days prior to the date set for the hearing.

5. Design Review Board Meeting and Decision

a. Before the Design Review Board may act on a design review plan, written notice must be sent to all property owners within 150 feet of the proposed development or alteration informing them of the date, time and location of the Board meeting in which the design plan will be reviewed.

b. The Design Review Board shall determine whether the proposed development meets all applicable design review criteria. The Board may request additional materials from the applicant prior to reaching a decision. The Board may approve, approve with conditions, or deny a design

review plan. [Section 4.153 amended by Ord. 06-04, passed September 18, 2006]

**Findings:** The Planning Commission acting as the Design Review Board will meet on August 19, 2019 at 4:00 pm in the City Council Chambers to determine whether the proposed addition meets all applicable design review criteria.

**Section 4.154 Design Review Criteria**

1. The design review criteria are intended to provide a frame of reference for the applicant in the development of site, building and landscape plans and to provide the city with a means of reviewing proposed plans. These criteria are not intended to be inflexible requirements nor are they intended to discourage creativity or innovation. The criteria do not intend to specify a particular architectural style.
2. The Design Review Board is not authorized to approve projects which do not adhere to specific development standards provided by this ordinance (e.g. building height or setbacks.) [Section 4.154 added by Ord. 06-04, passed September 18, 2006]

**Section 4.155 Site Design Evaluation Criteria.**

1. In terms of setback from street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structure and the surrounding area.
2. The design incorporates existing features such as rocks, slopes and vegetation.
3. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining space in order to create pedestrian pathways and/or open system that connects other properties.
4. The design gives attention to the placement of storage or mechanical equipment so as to screen it from view.
5. All functions, uses and improvements are arranged to reflect and harmonize with the natural characteristics and limitations of the site and adjacent properties.

**Findings:** The plans and narrative address these requirements. The design of the proposed addition will match the existing features of the nearby properties.

**Section 4.156 Architectural and Landscape Design Evaluation Criteria.**

1. The design integrates and harmonizes the existing and proposed development with the existing surroundings and future allowed uses. This standard shall be applied in a manner that encourages village design and visual diversity within development projects and the surrounding area. Corrugated siding is prohibited as it does not harmonize with siding used on most existing buildings. [Amended by Ord. 14-02, passed April 9, 2014].

**Findings:** The design of the proposed addition integrates and harmonizes with the existing buildings on the surrounding area. Having small sections rather than a large building supports the village atmosphere desired by the community.

2. The landscape design acknowledges the growing conditions for the climatic zone, and provisions are made for the survival and continuous maintenance. The landscape design shall include the use of local native species of trees and shrubs.

**Findings:** The submitted application addresses this requirement.

3. The minimum lot area required to be landscaped under Section 3.040(3)(d) for commercial, mixed use, or non-residential uses shall be located in the front and side yards and the portion of the lot adjacent to the front



or street side yards and not within the foundation footprint or rear yard. Living plant material shall cover at least 50% of this required minimum landscape area. For corner lots, at least 25% of the living plant material required by this section shall face each street frontage. This paragraph addresses only the landscape requirements of Section 3.040(3)(d). Additional living plant material may be required to meet screening requirements specified elsewhere in this Ordinance. [Amended by Ord. 16-04, passed November 9, 2016].

**Findings:** The minimum area required to be landscaped for this application is 10%, that is 1,758 square feet. Following this standard, that 10% must be in the front and side yards.

A total of 9.1% (1,597 square feet) of landscape is located on the side and front yard. This includes the northeast soft landscaped area of 690 square feet, 857 square feet of walkway, 30 square feet for the three bench height planters and 20 square feet of soft landscape on the window boxes on the existing building.

This standard is not met.

Following the standard above, living plant material shall cover at least 50% of the required landscape area. The required landscape area is 10% (1,758 square feet) and 50% of that is 879 square feet. The total living plant material proposed is 740 square feet, which is 42.1%. This includes the northeast soft landscaped area of 690 square feet, 30 square feet for the three bench height planters and 20 square feet of soft landscape on the window boxes on the existing building.

This standard is not met.

Following the standard above, corner lots shall have at least 25% of the living plant material facing each street frontage. The required living plant material that must face street frontage is 220 square feet. The proposed total living plant material facing Laneda is 50 square feet. The proposed total living plant material facing 2<sup>nd</sup> Street is 690 square feet, which is over the requirement.

This standard is not met.

Because the addition is to an existing nonconforming structure, adding living plant material is a challenge. The applicant is asking the Planning Commission to provide alternative solutions to address this deficiency.

An alternative view to this issue is to only consider the landscaping requirements of the addition and not of the existing nonconforming building.

Because the landscape requirement is based on the lot size, it is suggested that the three lots are considered independently for the purpose of the landscape determination.

The subject property is a combination of three lots located at the corner of Laneda Avenue and Second Street. There are two 5,000 square feet lots (3N1029 BD, TL 15500 & 15400), and the third lot is approximately 7,587 square feet, for a total of 17,587 square feet.



## **Lot 1**

The west lot has 5,000 and approximately 2,753 square feet of structure. This includes the new addition and a portion of the existing store.

The minimum area required to be landscaped for this lot is 10%, that is 500 square feet. Following this standard, that 10% must be in the front and side yards.

A total of 17.7% (887 square feet) of landscape is located on the side and front yard. This includes the 857 square feet of walkway and 30 square feet for the three bench height planters.

This standard is met.

Following the standard above, living plant material shall cover at least 50% of the required landscape area. The required landscape area is 10% (500 square feet) and 50% of that is 250 square feet. The total living plant material proposed is 30 square feet for the three bench height planters.

This standard is not met.

Following the standard above, corner lots shall have at least 25% of the living plant material facing each street frontage. The west lot would not be considered a corner lot.

This standard is not applicable.

## **Lot 2**

The corner lot is 5,000 and has approximately 4,108 square feet of structure. This includes the northeast addition and a portion of the existing store.

The minimum area required to be landscaped for this lot is 10%, that is 500 square feet. Following this standard, that 10% must be in the front and side yards.

A total of 6% (30 square feet) of landscape is located on the side and front yard. This includes the square feet of soft landscape on the window boxes on the existing building. Additional landscape could be placed on the east side of the addition. If the applicant landscapes this area, they will add more landscape square footage.

This standard is not met.

Following the standard above, living plant material shall cover at least 50% of the required landscape area. The required landscape area is 10% (500 square feet) and 50% of that is 250 square feet. The total living plant material proposed is 20 square feet, which does not meet the requirement. This includes the 20 square feet of soft landscape on the window boxes on the existing building. Additional landscape could be placed on the east side of the addition. If the applicant landscapes this area, they will add more landscape square footage.

This standard is not met.

Following the standard above, corner lots shall have at least 25% of the living plant material facing each street frontage. The required living plant material that must face each street frontage is 250 square feet. The proposed total living plant material facing Laneda is 20 square feet and there is not living plant material facing Second Street.

This standard is not met.

### **Lot 3**

The north lot has is approximately 7,405 and has 750 square feet of structure for the administrative space.

The minimum area required to be landscaped for this lot is 10%, that is 740 square feet. Following this standard, that 10% must be in the front and side yards.

A total of 9.3% (887 square feet) of landscape is located on the side and front yard. This includes the northeast soft landscaped area of 690 square feet.

This standard is not met.

Following the standard above, living plant material shall cover at least 50% of the required landscape area. The required landscape area is 10% (740 square feet) and 50% of that is 370 square feet. The total living plant material proposed is 690 square feet, which meets the requirement.

This standard is met.

Following the standard above, corner lots shall have at least 25% of the living plant material facing each street frontage. The north lot would not be considered a corner lot.

This standard is not applicable.

It should be noted that this lot has an additional 645 square feet of landscape at the back that is not included in the calculation as the requirement is to have the front and side yards landscaped.

Some landscape requirements are still not met using this different approach but hopefully this would help the Planning Commission provide an alternative solution to address this deficiency.

4. [Reserved] [Amended by Ord. 16-04, passed November 9, 2016].

5. The grading and contouring of the site, and on site drainage facilities, shall be designed so there is no adverse affect on neighboring properties or public rights-of-way.

**Findings:** The Applicant proposes underground drywell systems. This standard is met.

6. The design avoids monotony and provides visual interest by giving sufficient attention to architectural details and to design elements.

**Findings:** The addition is designed to integrated together even though they are on separate lots. Applicant proposed to add a painted mural, vinyl decals and 3D installations to differentiate the sections and break the monotony.

This standard is met.

7. The design adequately addresses the pedestrian nature of the commercial area and places structures in relation to sidewalks and open areas to foster human interaction.

**Findings:** The seating area and windows would encourage pedestrian activity and human interaction.

This standard is met.

8. Lighting is non-industrial and non-invasive in character, and contributes to the village character.

**Findings:** Applicant provided some information on the proposed lights.

This standard is met.

9. Compatibility. All new commercial and mixed use buildings and exterior alterations shall be designed consistent with the architectural context in which they are located. This standard is met when the Design Review Board finds that all of the criteria in a.- c., below, are met.

a. There is compatibility in building sizes between new and existing commercial and mixed use buildings;

b. The size, shape and scale of the structures are architecturally compatible with the site and with the village character of the surrounding neighborhood. Particular attention will be paid to addressing the visual impact of the structures on residential uses that are adjacent or on the opposite side of the same street. [Amended by Ord. 16-04, passed November 9, 2016].

c. All buildings and developments shall provide human scale design. The design avoids a monolithic expanse of frontages and roof lines, diminishes the massing of buildings by breaking up building sections, and/or by use of such elements as visual planes, projections, bays, dormers, second floor setbacks or changes in the roof line, and/or similar features generally shown in the following figure (Note: The examples shown below are meant to illustrate these building design elements, and should not be interpreted as a required architectural style). Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features will not independently satisfy this criterion. [Amended by Ord. 16-04, passed November 9, 2016]

**Findings:** The size and shape of the buildings are compatible with the surrounding residential area and the scale is consistent with the village character of the surrounding neighborhood.

This standard is met.

**Section 4.157 Revision of Approved Plans.** Building permits and construction documents shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the design review plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review the modification. The City Manager and the Design Review Board Chair shall review the proposed modification to determine whether it constitutes a major or minor revision of the approved plans. Major revisions require approval of the Design Review Board in the same manner as a

new application. Minor revisions may be approved by the City Manager and do not require a new approval by the Design Review Board. [Section 4.157 added by Ord. 06-04, passed September 18, 2006]

**Findings:** Applicant needs to be aware of this.

**Section 4.158 Performance Assurance.**

1. Site, building and landscape improvements required pursuant to an approved design review plan shall be installed prior to the issuance of certificate of occupancy or final inspection, unless the property owner submits a performance assurance agreement committing to the installation of landscaping or other site improvements within 6 months. In no case shall the property owner delay performance for more than 6 months.
2. The final approval of a design review plan shall be void after one year of the date of approval unless a building permit has been obtained. [Sections 4.150 - 4.157 added by Ord. 95-4, passed March 6, 1996; Section 4.158 renumbered by Ord. 06-04, passed September 18, 2006]

**Findings:** The applicant did not request a performance assurance agreement. Following the standard above, the final approval of the design review for the addition shall be void after one year of the date of approval unless building permits have been obtained.

This standard is met.

**COMMISSION CONCLUSIONS AND DETERMINATION**

**Recommended motions:**

- 1. Move to approve the design review of addition to retail grocery store subject to all conditions being met and maintained and subject to the following additional conditions.**
- 2. Move to give the applicant an extension of time to submit additional information and to continue the design review to a later meeting.**

**Recommended conditions:**

- 1. Applicant shall coordinate with Public Works and with the Building Official for the drywells and catch-bay systems that would be placed to handle storm water.**
- 2. Applicant shall combine all three lots into one prior to the approval of any building permits.**
- 3. Applicant shall comply with the clear vision area requirements and ensure that the southeast corner shall have no plantings, furniture, or sale items that might add to the obstruction of the clear vision area.**
- 4. The 17 off street parking spaces shall be available for customers only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting business.**
- 5. Applicant shall coordinate with Public Works to get a driveway permit to ensure it meets**

**the City's standards.**

- 6. The loading and unloading operations would be performed on the on-street and off-street parking spaces before the start or business or if it is during business hours minimal disruption to traffic shall be considered.**
- 7. Applicant shall apply for a sign permit to ensure the proposed signs meets the City's standards.**

## MEMORANDUM

**TO:** HONORABLE PLANNING COMMISSION  
**FROM:** SCOTT GEBHART, PLANNING DEPARTMENT  
**RE:** DESIGN REVIEW FOR FRESH FOODS – FINAL PLANNING INSPECTION  
**DATE:** FEBRUARY 12, 2020

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**Final Planning Inspection of a 250 sqft addition to an existing retail grocery store in the Commercial zone.**

**Location:** Southeast corner of Manzanita Avenue and Classic Street (730 Manzanita Avenue)

**Assessor's Map:** 3N-10-29AD, Tax Lot 1700

**Applicant:** WelshCORP (Manzanita Fresh Foods)

**Owner:** Same as applicant

**Zoning:** C-1 (Commercial)

1. Applicant Fresh Foods, by its representative Vito Cerelli, submitted an application on February 7, 2019 for a design of a 250 square feet addition to an existing grocery store in the commercial zone. The addition is to create a new room for the sale of liquor.
2. The Planning Commission approved the design review on March 18, 2019.
4. Scott Gebhart from the Planning Department completed an inspection on February 5, 2020. The inspection purpose was to ensure the applicant completed all the conditions of approval.
5. Section 4.090 Off-street Parking Requirements

**Findings of Fact Report Findings:** *Following the site plan, parking spaces labeled #36 and #37 need to be designated for compact cars and spaces have to be marked accordingly. Parking space #42 will be removed and #43 and #44 may be relocated closer to the driveway to ensure they remain accessible.*

*The submitted plans do not show the placement of bollards on the parking spaces located in front of the addition, but the applicant has made assurances that he may place bollards in front of the addition or the bollards will be built within the structure to protect the building.*

*The 26 required parking spaces determined in 2011 needs to be grandfathered. The 250 square feet addition does not increase the number of required spaces as the rule states one space for each 400 square feet.*

**Inspection Findings:** Parking spaces #35-#37 have been labeled Compact on the asphalt as shown in picture 1. The bollards have been built in the north facing wall, verified at the time of the framing inspection. Parking space #42 has been removed and #43 and #44 have been moved closer to the driveway as shown in picture 2.

## 6. Section 4.153 Design Review Plan

**Findings of Fact Report Findings:** The applicant submitted documentation addressing the applicable requirements. The applicable requirements are letters b, d, h, and i. The addition will not include new signs, fences or any mechanical equipment. The application includes color and texture of finish materials. The front side of the addition is broken up by placing dark horizontal cedar wood on the lower half and light vertical cedar wood on the top half.

**Inspection Findings:** Picture 1 shows the dark horizontal cedar on the lower half of the addition and light vertical cedar on the upper half.

## 7. Section 4.155 Site Design Evaluation Criteria

**Findings of Fact Report Findings:** The design of the proposed addition will match the existing features. No additional storage or mechanical equipment is proposed. The applicant provided a narrative and drawings that addressed the mechanical equipment installed on the east side of the building. Some of the equipment has already been removed. The equipment that is left is a propane tank, backup generator, HVAC system, dumpster, and used cooking oil collection vat. The propane tank, generator, and HVAC system will be screened by a solid 6' cedar fence and vegetation will be placed on the north side of the fence (to south of the property) to provide additional screening. The dumpster and used cooking oil collection vat will be placed in front of the fence and the vent pipes will be painted the same color as the building. Seasonal sale items will also be placed along the east wall.

**Inspection Findings:** Picture 2 shows the dumpster and cooking oil collection vat in front of the solid 6' cedar fence. Pictures 3 and 4 show the propane tank, generator, and HVAC system with the piping painted the same color as the building are behind the fence. New trees as seen in picture 4 have been planted and staked along the east side of the propane tank.

## 8. Section 4.156 Architectural and Landscape Design Evaluation Criteria

**Findings of Fact Report Findings:** Due to the location (under existing awning) and size of the proposed addition (250 sf), it does not trigger any of the Architectural and Landscape Design Evaluation Criteria. The design of the proposed addition will match the existing features of the grocery store, and no new landscaped areas are required. The proposed space for the addition extends to the edge of the existing sidewalk. The sidewalk is below the area along the front store awning. While a segment of the sidewalk will be converted into a new sales area, it will not interrupt the access to the store. Currently, ice cooler machines, trash cans and shopping carts are located in the area where the store will be expanded. Once the addition is complete, those items will be relocated outside the building. The applicant submitted a drawing that shows the location of the carts, ice bins and other sale items.

**Inspection Findings:** Pictures 5 and 6 show the relocation of the carts, ice bins and other sale items on the outside of the building on the east and west side of the addition.





**PICTURE 1**



**PICTURE 2**





**PICTURE 3**



**PICTURE 4**





**PICTURE 5**



**PICTURE 6**