

February, 4th 2022

Steeplejack - Manzanita
220 Laneda Ave
Manzanita, OR 97130

Request for Variance:

A. Project Information:

Site:	220 Laneda Ave Manzanita, OR 97130
Owner:	Harder Holdings Coastal LLC 9850 SE Main St Milwaukie, OR 97222
Tax lot:	17100 (03N10W29AC)
Current Use:	Residential
Proposed use:	Restaurant

B. Base Zone Requirements:

Base Zone:	C1 - Commercial
Design Review:	Design review required
Allowable Uses:	Restaurant, retail, residential
Maximum FAR:	65% of site area
Max Height:	28'-6"
Setbacks:	Front: 10 ft Side: 5 ft Rear: 10 ft

C. Project Background

The property located at 220 Laneda Ave consists of two separate 5,000 SF lots (See Exhibit B), both zoned C-1 commercial and under the same ownership. The proposed improvements to the east lot (Lot A) includes a two story 3,040 SF restaurant with a 1,800 SF basement. The 1,800 SF daylight basement would include a kitchen for food preparation and storage to support the restaurant.

D. Circumstances for Granting Variance (Section 8.020):

- Exceptional or extraordinary circumstances apply to the property and result from lot size or shape, topography, or other circumstances over which the owners of the property have no control.***

Exceptional circumstances arise from the existing topography of the site which naturally and significantly slopes from the northeast corner of the site to the south by a grade change of -10'-0". Due to the sloping site, the level below the proposed restaurant is not classified as a "Story Above Grade Plane" per the definitions of the OSSC 2019 Oregon Structural Specialty Code.

See attached 'Exhibit D and E' containing diagrams and calculations for the building and site condition.

Manzanita Zoning Ordinance 95-4 does not clarify how basements or floors not considered stories above grade are to be factored into Floor Area Ratio (FAR) calculations. Professional experience and research into other local jurisdictions provide specific exemptions to basement areas from FAR calculations. See Section D for examples.

The height of the peak of the proposed gable would be a maximum of 28'-6" above the average grade plane, thus complying with maximum building height limits. From Laneda Ave, only 14% of the basement façade would be visible due to the natural topography. See Exhibit E, north elevation. The proposed FAR for the main and upper level of the restaurant is .608 and under the maximum allowed on site.

2. The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess.

The variance request would allow the owner to work with the existing topography and utilize the basement space for back of house functions including storage, utility service and food preparation. The basement area will not now or in the future be utilized for assembly purposes. If the variance is denied and basement areas are to be considered as contributing to FAR then the owner of the property would need to construct a foundation with 10'-0" stem walls in order to develop the restaurant at grade level along Laneda Ave. Alternatively, the owner could elect to infill the lot to match street grade level with perimeter retaining walls as allowed per Manzanita Zoning Ordinance 95-4: Section 4.138 Filling of Lots:

Section 4.138 Filling of Lots. The introduction of fill to a lot to obtain height for building purposes is prohibited except in those cases where a lot lies below street grade. Fill may be used to bring the lot grade up to street level abutting front lot line. The applicant shall provide a plan prepared by a registered civil engineer which prevents the diversion of water onto adjoining properties. [Section 4.138 amended by Ord. 95-4, passed March 6, 1996].

In lieu of the hardship posed from these intensive site development measures; the design intent is to work with the existing site and utilize the space below as a daylight basement.

There is a recent and comparable precedent for similar topographic conditions and the exclusion of a daylight basement area from FAR at the Pine Grove Community Center, located across the street at 225 Laneda Ave. This variance was proposed in 2020 and subsequently approved to allow for an addition that included preparation and storage to support the services offered on site.

3. The variance would not be materially detrimental to the purposes of the Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City policy.

Due to the unique site topography, the daylight basement would largely be invisible from Laneda Ave and would not detract from the village character of the street. The proposed building height would be within the allowable height and setbacks for the site and match in scale to the restaurant building to the east and the winery across the street. See north elevation as shown on Exhibit C for example.

In keeping with the goals of the Comprehensive Plan (Design Review Policy #3), the site topography would assist in concealing a small surface parking lot from view from Laneda Ave that

Steeplejack Manzanita

Request for Variance

Page 3 of 5

is located on the site. This parking lot is not required for the restaurant but is proposed to handle parking load for the adjacent lot to the west.

4. **Variance request is the minimum variance which would alleviate the hardship.**

The design intent is to provide an accessible entrance to the restaurant along Laneda and to work with the existing site without imposing intense site development measures as described in more detail in item #2. The proposed use of the additional 10'-0" high basement space, created as a means for the building entrance to meet existing sidewalk grades and introduce desirable restaurant activity to the street, would help support the use of the site and the goals of the City's Comprehensive Plan to foster a pedestrian friendly village.

D. Jurisdictional Definitions of Floor Area Ratio

City of Cannon Beach:

"Gross floor area" means the sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls of a building, including supporting columns and unsupported wall projections (except eaves, uncovered balconies, fireplaces and similar architectural features), or if appropriate, from the center line of a dividing wall between buildings. Gross floor area shall include:

*3. Basement or attic areas determined to be habitable by the city's building official, based on the definitions in the building code. (**Grade level around perimeter of building is such that the basement does not qualify as a "Story Above Grade Plane" by OSSC; therefore, basement should not be included in Gross Floor Area.)*

City of Lincoln City:

"Floor area" means the sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

2. Basement or cellar

City of Seaside:

Floor Area: The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the centerline of wall separating two buildings, but not including:

2. Basement or cellar

City of Gearhart:

Floor Area. The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings, but not including:

2. Basement

City of Warrenton:

Steeplejack Manzanita

Request for Variance

Page 4 of 5

Floor Area. The area of the building, exclusive of porches and exterior stairs which shall extend to the exterior faces of all walls. Floor area shall include all levels within a structure, including mezzanines and additional stories above the first floor.

City of West Linn:

Floor area ratio (FAR). The FAR is that percentage of the total lot size that can be built as habitable space. A FAR of 0.45 means that the square footage of the lot is multiplied by 0.45 to yield the total habitable square footage of the house including accessory dwelling units. For example, on a 10,000-square-foot lot, an FAR of 0.45 will allow a 4,500-square-foot house (10,000 X 0.45 = 4,500). The FAR does not include or apply to attached garages. The FAR does not apply to detached garages, accessory dwelling units and accessory structures except that these detached structures may not individually exceed the height or square footage of the principal dwelling. The FAR does not include basement areas that average less than 50 percent of the basement perimeter exposed above grade. Uninhabitable space such as crawlspaces, attics, and spaces designed under the Flood Management Area Permit program to allow the passage of floodwaters are also exempt.

See Exhibit D for calculation

Clatsop County:

Floor Area -- The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

2) Basement, if more than 50% of the basement is less than grade.

See Exhibit D for calculation

City of Portland:

The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking.

Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of-way;*

City of Salem:

Floor area ratio shall be calculated by dividing the total floor area of all buildings on a lot by the lot area.

$$\text{Floor Area Ratio} = \frac{\text{Total Floor Area of All Buildings}}{\text{Lot Area}}$$

Example: 1.0 FAR

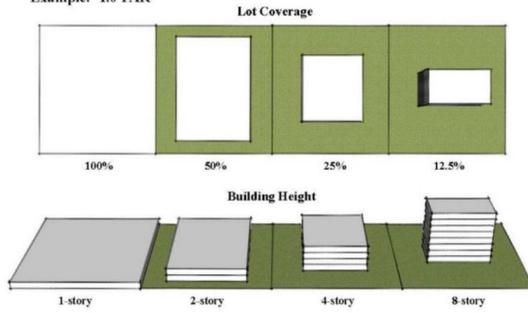


Figure 112-2 does not include stories below grade