

LIST OF HEARING EXHIBITS  
File No. 1-CUP-23/1-ADJ-23-A

Item	Description
H-1	Land Use Application dated 2/9/2023 submitted by John Lee with VIP Hospitality Group
H-2	Application narrative for Adjustment Use Permit submitted by John Lee with VIP Hospitality Group dated 2/9/2023
H-3	Plan drawings dated 2/9/2023 submitted with the conditional use permit application
H-4	Notification map of adjacent property owners submitted by applicant on 2/9/2023
H-5	Application narrative for Conditional Use Permit submitted by John Lee with VIP Hospitality Group dated 2/13/2023
H-6	Mailing list of adjacent property owners within 200 feet submitted by applicant on 2/9/2023
H-7	Receipt for Condition Use Permit & Adjustment Permit fee payment dated 2/14/2023
H-8	Notice of Public Hearing mailing dated 2/22/2023
H-9	Mailing lists for the 2/22/2023 Notice of Public Hearing to affected agencies, and adjacent property owners within 200 feet
H-10	Emails dated on 2/22/2023 to City departments and Agencies for the Notice of Public Hearing
H-11	Notice of Public Hearing publication and Affidavit of Publication in the Newport News Times - published on 3/3/2023
H-12	3/13/2023 Planning Commission Regular Session meeting agenda
H-13	3/13/2023 Planning Staff Report and attachments presented during the Planning Commission public hearing for File No. 1-CUP-23 / 1-ADJ-23
H-14	Public testimony received for the 3/13/2023 public hearing.
H-15	Verbatim excerpt of public testimony given on 3/13/2023 during the Planning Commission public hearing for File No. 1-CUP-23 / 1-ADJ-23
H-16	3/13/2023 approved Planning Commission Regular Session meeting minutes
H-17	3/27/2023 Planning Commission Regular Session meeting agenda for hearing continuance
H-18	3/27/2023 Planning Staff memorandum and attachments presented during the Planning Commission public hearing continuation for File No. 1-CUP-23 / 1-ADJ-23

LIST OF HEARING EXHIBITS  
File No. 1-CUP-23/1-ADJ-23-A

H-19	Verbatim excerpt of public testimony given on 3/27/2023 during the Planning Commission public hearing for File No. 1-CUP-23 / 1-ADJ-23
H-20	3/27/2023 approved Planning Commission Regular Session meeting minutes
H-21	Signed Final Order and Findings of Facts dated 4/10/2023
H-22	4/10/2023 approved Planning Commission Regular Session meeting minutes
H-23	Notice of Decision dated 4/13/2023 of the Planning Commission's denial of the final order for Conditional Use Permit and Adjustment Permit File No. 1-CUP-23 / 1-ADJ-23
H-24	Emails dated 4/13/2023 for the Notice of Decision of the Planning Commission's denial of the final order for File 1-CUP-23 / 1-ADJ-23 to Charlotte Boxer, Adriana Buer, Gervacio Galicia, Mary Young, Lynn & Baker, Colleen Martin, Dylan McEntee, Freddy Saxton, Phyllis & David Johnson, Rebecca Noble, Cristi Farrell, David Malone, Margo Stark & Gerald Best, Wendy Engler, Terry Martin, Jon Tesar, Joseph Lease, Derrick Tokos, and Beth Young.
H-25	Land Use Application submitted by John Lee with VIP Hospitality Group on 4/13/2023 for an appeal to the Planning Commission's denial of Conditional Use Permit and Adjustment Permit File No. 1-CUP-23 / 1-ADJ-23
H-26	Application letter of the appeal submitted by John Lee with VIP Hospitality Group on 4/13/2023
H-27	Receipt for land use appeal fee payment dated 4/13/2023
H-28	Notice of Public Hearing for the Appeal mailing dated 4/19/2023
H-29	Mailing & email list for the Notice of Public Hearing sent to Parties in Standing on 4/19/2023.
H-30	Emails dated 4/19/2023 for the Notice of Public Hearing of the appeal of the Planning Commission's denial of File 1-CUP-23 / 1-ADJ-23 to Charlotte Boxer, Adriana Buer, Gervacio Galicia, Mary Young, Lynn & Jon Baker, Colleen Martin, Dylan McEntee, Freddy Saxton, Phyllis & David Johnson, Rebecca Noble, Cristi Farrell, David Malone, Margo Stark & Gerald Best, Wendy Engler, Terry Martin, Jon Tesar, and Beverly Smith.
H-31	Notice of Public Hearing publication in the Newport News Times - published on 5/5/2023

Exhibit  
H-1

Print Form

City of Newport  
Land Use Application

PLEASE PRINT OR TYPE • COMPLETE ALL BOXES • USE ADDITIONAL PAPER IF NEEDED

Applicant Name(s): John Lee		Property Owner Name(s): Elsinore Investments LLC	
Applicant Mailing Address:  13635 NW Cornell Rd, Suite 100 Portland, OR 97229		Property Owner Mailing Address: 18555 SW Teton Avenue Tualatin, OR 97062	
Applicant Telephone No.: 503-765-5556; jlee@vipgroup.com		Property Owner Telephone No.: (503) 805-7805	
E-mail:		E-mail: Charlie.eggert@keystone-pacific.com	
Authorized Representative(s):			
Authorized Representative Mailing Address:			
Authorized Representative Telephone No.:		E-Mail:	

## Project Information

Property Location:		836 - 856 SW Bay Blvd., Newport, OR	
Tax Assessor's Map No.: 11-11-08-CA-02800-00, -02500, -02501		Tax Lot(s): R394965, R392623, R510871	
Zone Designation: W-2/C-2	Legal Description:		
Comp Plan Designation:			
Brief Description of Land Use Request(s):		1. Demolish existing 1-story buildings 2. Construction of new 3-story hotel with 47 rooms (26,656 SF) with commercial space on street level (2,626 SF) 3. Add landscape planting and seating along Bay Blvd street frontage.	
Existing Structures:		1-story buildings	
Topography and Vegetation:			

## APPLICATION TYPE (please check all that apply)

<input type="checkbox"/> Annexation	<input type="checkbox"/> Interpretation	<input type="checkbox"/> UGB Amendment
<input type="checkbox"/> Appeal	<input type="checkbox"/> Minor Replat	<input type="checkbox"/> Vacation
<input type="checkbox"/> Comp Plan/Map Amendment	<input type="checkbox"/> Partition	<input checked="" type="checkbox"/> Variance/Adjustment
<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Planned Development	<input checked="" type="checkbox"/> PC
<input checked="" type="checkbox"/> PC	<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> Staff
<input type="checkbox"/> Staff	<input type="checkbox"/> Shoreland Impact	<input type="checkbox"/> Zone Ord/Map Amendment
<input type="checkbox"/> Design Review	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Other _____
<input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Temporary Use Permit	

## FOR OFFICE USE ONLY

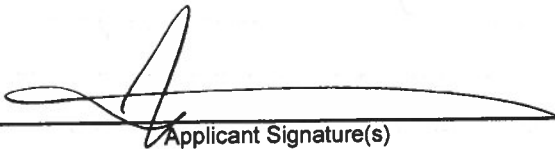
File No. Assigned: _____		
Date Received: _____	Fee Amount: _____	Date Accepted as Complete: _____
Received By: _____	Receipt No.: _____	Accepted By: _____


(SEE REVERSE SIDE)

Community Development &amp; Planning Department • 169 SW Coast Hwy, Newport, OR 97365 • Derrick I. Tokos, AICP, Director

**I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development & Planning Department Staff Report concerning the applicable criteria.**

**I certify that, to the best of my knowledge, all information provided in this application is accurate.**

  
\_\_\_\_\_  
Applicant Signature(s)

DocuSigned by:  
  
\_\_\_\_\_  
Property Owner Signature(s)

\_\_\_\_\_  
Authorized Representative Signature(s)

2/6/23  
\_\_\_\_\_  
Date Signed

2/9/2023 | 11:41 AM PST  
\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

***Please note application will not be accepted without all applicable signatures.***

***Please ask staff for a list of application submittal requirements for your specific type of request.***



February 9, 2023

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: John Lee  
VIP Hospitality Group  
13635 NW Cornell Rd #100  
Portland, OR 97229

Project: 836-856 SW Bay Blvd.  
Newport, OR 97365

Re: Adjustment Request Letter

This letter is to describe the request for adjustments per application submittal requirements. The adjustment requests are as follows:

- 1) Request for a 40% reduction in the required yard buffer to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft 'adjacent yard buffer' per NMC 14.18.020 which is intended to provide visual screening between residential and commercial buildings on level sites. However, the current site sits approximately 12 ft lower than the residential site and is supported by a retaining wall which doesn't meet the physical conditions for which the code is intended. Hence, we are proposing to set the building back 4 ft along SW Bay Blvd (east side) to incorporate some landscaping and seating areas on the front side of the building. This will soften up the urban edge and create a more dynamic pedestrian/street experience.

In addition, we are proposing to build a 6 to 8 ft high wall along the 6 ft west yard buffer line to address concerns of potential future failure of the existing retaining wall that belongs to the condo owners to the west. Visual observation shows deterioration of wood lagging and parts of the wall, including steel piles, that are leaning towards the subject property. The proposed wall will serve as protection in the case of future failure of any portions of the existing wall and will be built according to the recommendations of a soils engineer and structural engineer.

- 2) Request for a 30% reduction in parking (17 stalls). Per zoning code, we are required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. We are currently providing 46 on-site parking stalls.
- 3) Request for a 13% adjustment in maximum compact stalls. The zoning code allows 40% of the parking to be compact stalls which is 18 stalls. We are requesting to allow for 6 more compact stalls.

If approved, the request for adjustments stated above will allow for a mixed-use project that incorporates ground floor commercial space that will increase retail business activity and enhance the pedestrian and street experience. The adjustments will mitigate any impacts to the extent practical such as adequate lighting and privacy to adjoining properties, adequate access, topography, site drainage, significant vegetation, and drainage. The adjustments will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.

February 9, 2023

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: John Lee  
VIP Hospitality Group  
13635 NW Cornell Rd #100  
Portland, OR 97229

Project: 836-856 SW Bay Blvd.  
Newport, OR 97365

Re: Written findings of fact addressing the following criteria:

- 1) That the public facilities can adequately accommodate the proposed use.

The site currently consists of two separate building structures that are in poor condition. One building was used as a restaurant and the other building was used as an art gallery. There was also a third building used as a nightclub, restaurant, retail space and office building that was recently demolished. Due to the large occupancies of these uses there has historically been a considerable impact to the public facilities along Bay Blvd.

- 2) That the request complies with the requirements of the underlying zone or overlay zone.

The proposed boutique hotel building will enhance and serve as an anchor to the Southern portion of the Bayfront by replacing old existing buildings that are in disrepair and providing a new facility that will promote local retail businesses and increase tourism. Nearby is the site of the historic 'Hotel Abbey' which was built in 1911. The Hotel Abbey was known to be one of Newport's most prestigious hotels for honeymooners and visitors alike before it was burned down in 1964. This hotel building, which will be called "Hotel Abbey" will serve as a reflection of the rich history found in Newport and aligns with the spirit of the W-2 zoning provision that states, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."

- 3) That the proposed use does not have an adverse impact greater than the existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust or loss of air quality.)

The proposed building has no adverse impacts on the nearby properties. The use of the building will be consistent with the current retail businesses and restaurants that have historically occupied the

site as well as the other nearby establishments along Bay Blvd. The appearance and design of the building will not only enhance the overall quality of the area but also encourage higher quality for future developments. There will be no unreasonable noise, dust or loss of air quality from the proposed building. The current buildings and uses represent an occupancy and parking demand of 49 spaces and the proposed hotel use represents a slightly lower parking demand of 48 spaces (see breakdown below). The new facility will provide 46 off-street parking spaces.

**Existing Buildings / Uses (Parking Credit – 49 spaces)**

Forinash Gallery (NMC General Retail - 1 space / 300sf) - 1,224sf = 4.1 Spaces  
Shark Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 878sf = 5.9 Spaces  
Shark's Restaurant Kitchen / Support (NMC Industrial - 1.5 spaces / 1,000sf) - 100sf = 0.2 space  
Apollo's Level 1 Restaurant and Nightclub (9-CUP-03) (NMC Eating and Drinking Establishments - 1 space / 150sf) - 5,338sf = 35.6 Spaces  
Apollo's Level 1 Kitchen / Support (4-CUP-07) (NMC Industrial - 1.5 spaces / 1,000sf) - 625sf = 0.9 space  
Apollo's Level 1 Retail Gift Shop (4-CUP-06) (NMC General Retail - 1 space / 600sf) - 600sf = 1.0 Space  
Apollo's Level 2 Offices (9-CUP-03) (NMC General Office - 1 Space / 600sf) - 400sf = 0.7 space  
Apollo's Level 2 Storage (9-CUP-03) (NMC Warehouse - 1 Space / 2,000sf) - 1,293sf = 0.6 space

**Proposed Building / Uses (Parking Demand New Building - 29 Spaces)**

Industrial Food Production Level 1 (NMC Industrial - 1.5 spaces / 1,000sf) - 6,859sf = 10.3 spaces  
General Retail Market Level 1 (NMC General Retail - 1 space / 600sf) - 3,000sf = 5 Spaces  
Food Court / Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 2,000sf = 13.3 Spaces

- 4) If the application is for a proposed building or building modification, that is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

The proposed building will comply with allowable heights permitted outright per zoning code. The design shall not only be consistent with the overall character of the area but improve it through the level of detail and quality of materials used. The boutique design character will add to the unique character of the area that also includes very tall seafood processing buildings on the bay front. The hotel building has been designed to create variation both in the horizontal and vertical planes of the front façade facing Bay Blvd. In addition, the building has been set back 4 ft from the front property line to create pockets of landscaping and outdoor seating areas for a more pedestrian friendly and dynamic street experience. Commercial storefronts with low hanging trellis canopies on the front facade also help to create more human scale.

- 5) A written statement describing the nature of the request:

The proposed 3-story building shall be comprised of approximately 22,656 sf for the hotel portion of the project. The main hotel services will be on the second and third floors. General retail / food and drink establishment shall comprise approximately 2,623 sf of space on the first floor. 46 parking spaces will be provided on the first floor behind the retail storefronts. The roof deck shall be 2,075 sf.

Exhibit  
H-3

# HOTEL ABBEY

MIXED-USE HOTEL & RETAIL

836 - 856 SW BAY BLVD  
NEWPORT, OREGON 97365

HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

## PROJECT DIRECTORY

### OWNER

LC HOTEL LLC  
1308 HWY CORNELL RD SW STE 100  
PORTLAND OR 97209  
TEL 503.799.9522  
CONTACT: JOHN LEE

### PLANNING & DESIGN

DEWAY HARR  
3007 MILLIKEN DRIVE  
VACAVILLE, CA 94987  
TEL 707.442.5444

## PARKING ANALYSIS

### PARKING REQUIRED

HOTEL 47 GUEST ROOMS + 11  
GENERAL RETAIL (1 PER 300 SF)  
OR FOOD & ESTABLISHMENT (1 PER 150 SF)  
PARKING REDUCTION  
TOTAL REQUIRED  
- 48  
- 8  
- 18  
- 5  
- 51 OR 59 STALLS

### PARKING PROVIDED

HANDICAP  
STANDARD  
COMPACT (54%)  
TOTAL PROVIDED  
- 2  
- 19  
- 25  
- 46 STALLS

## PROJECT DESCRIPTION

### SCOPE OF WORK INCLUDES

- DEMOLISH EXISTING 1-STORY BUILDINGS
- CONSTRUCTION OF NEW 3-STORY BUILDING WITH 47 GUEST ROOMS & ROOF DECK (2,015 SF)
- ADD LANDSCAPE PLANTING & SEATING ALONG BAY BLVD FRONTAGE

### PROPOSED BUILDING AREA

1ST FLOOR PLAN  
HOTEL  
COMMERCIAL SPACE  
2ND FLOOR PLAN  
3RD FLOOR PLAN  
TOTAL  
- 1,062 SF  
- 2,823 SF  
- 12,715 SF  
- 12,715 SF  
- 29,279 SF

## PROJECT INFORMATION

ZONING W 2 (C-2 OVERLAY)

LOT AREA 40 ACRES

TOTAL GUEST ROOMS 47

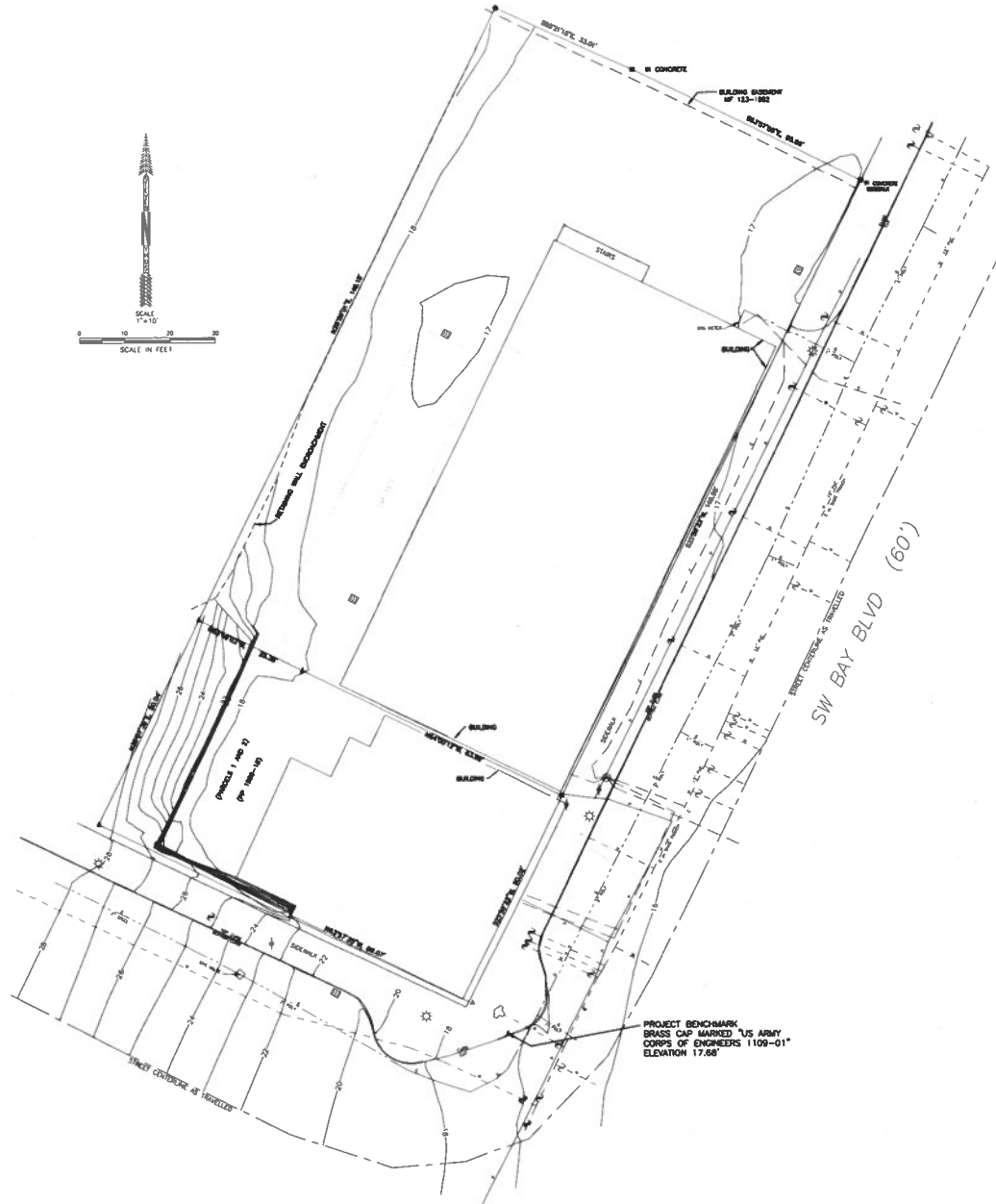
## SHEET INDEX

T-1 TITLE SHEET, PROJECT INFORMATION & SITE PLAN  
A-1 FIRST FLOOR PLAN  
A-2 SECOND FLOOR PLAN  
A-3 THIRD FLOOR PLAN  
A-4 ROOF PLAN  
A-5 BUILDING ELEVATIONS  
A-6 BUILDING SECTION

## VICINITY MAP



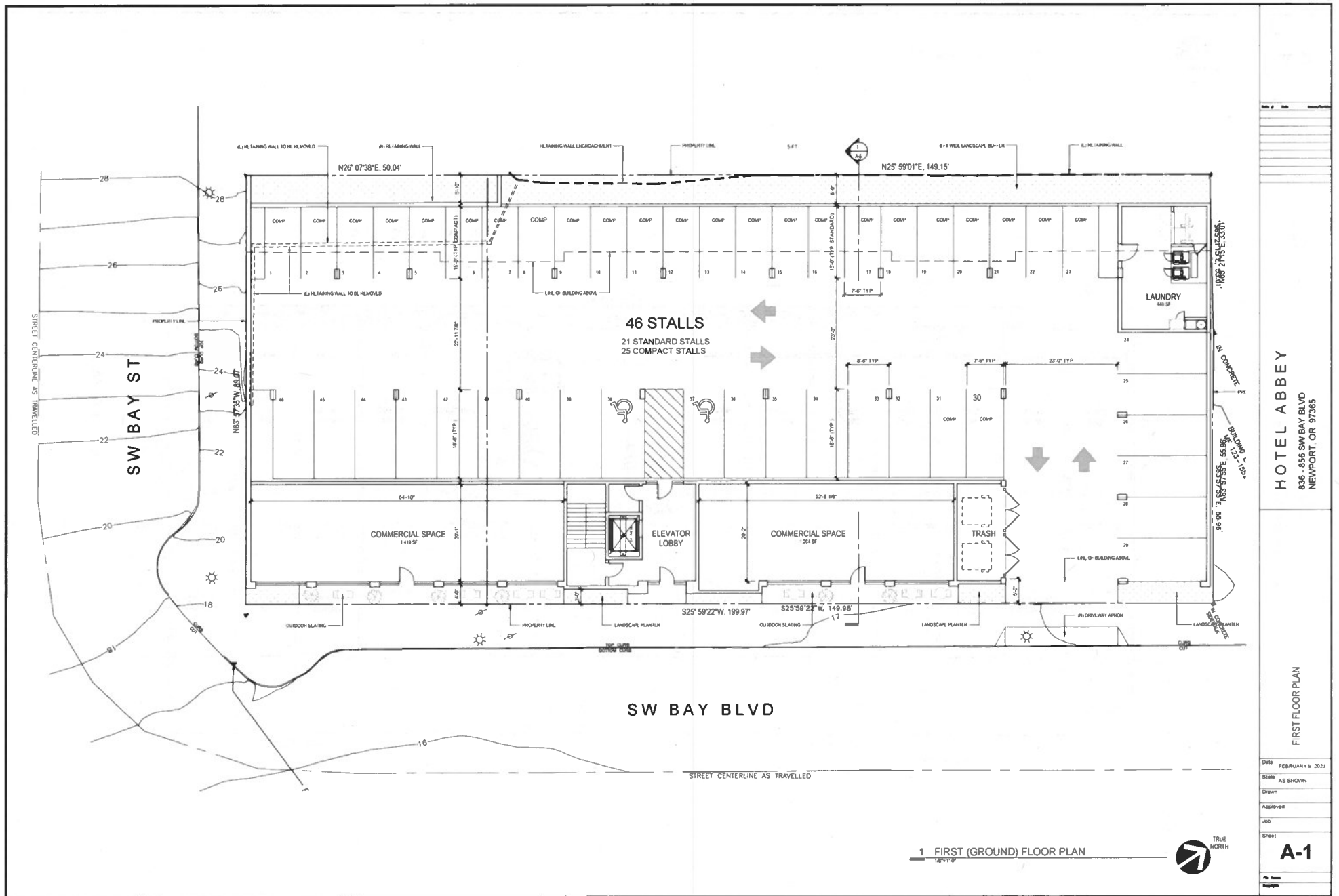
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North Arrow



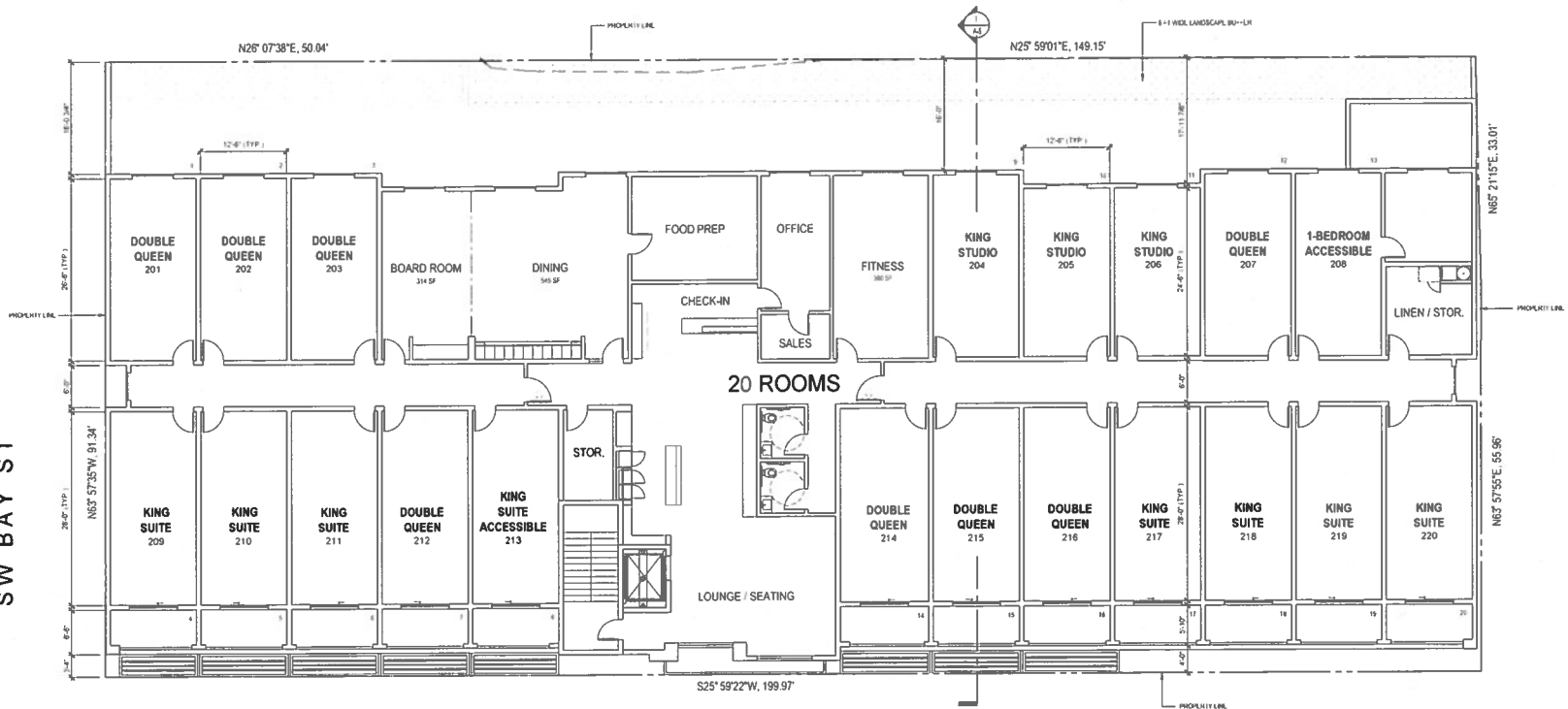
HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT OR 97385

SURVEY

Date FEBRUARY 9, 2013  
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By Name  
Checked  
Engineer



SW BAY ST



SW BAY BLVD

1 SECOND FLOOR PLAN  
1/8" = 1'-0"



HOTEL ABBEY

836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

SECOND FLOOR PLAN

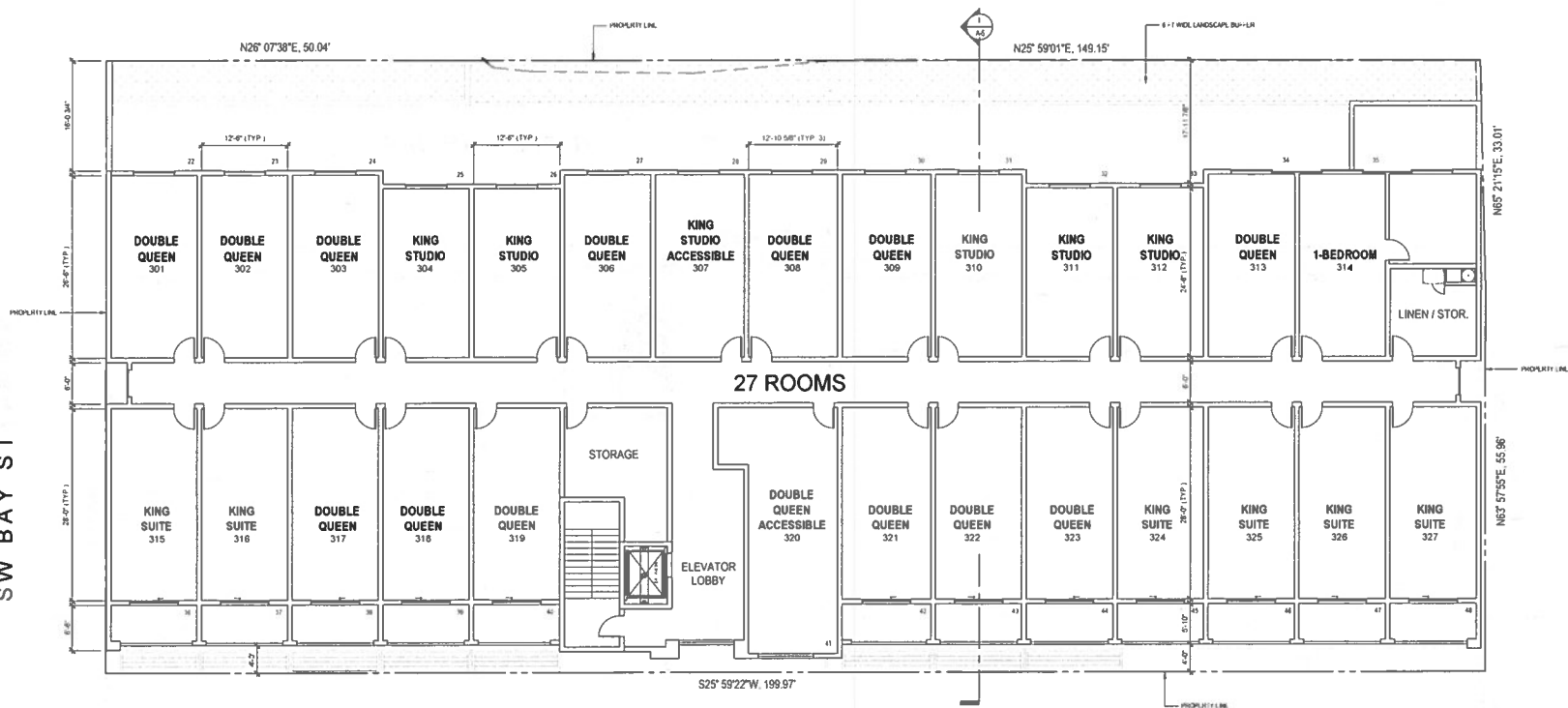
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A-2

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G: [Signature]



SW BAY ST



SW BAY BLVD

HOTEL ABBEY

836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

THIRD FLOOR PLAN

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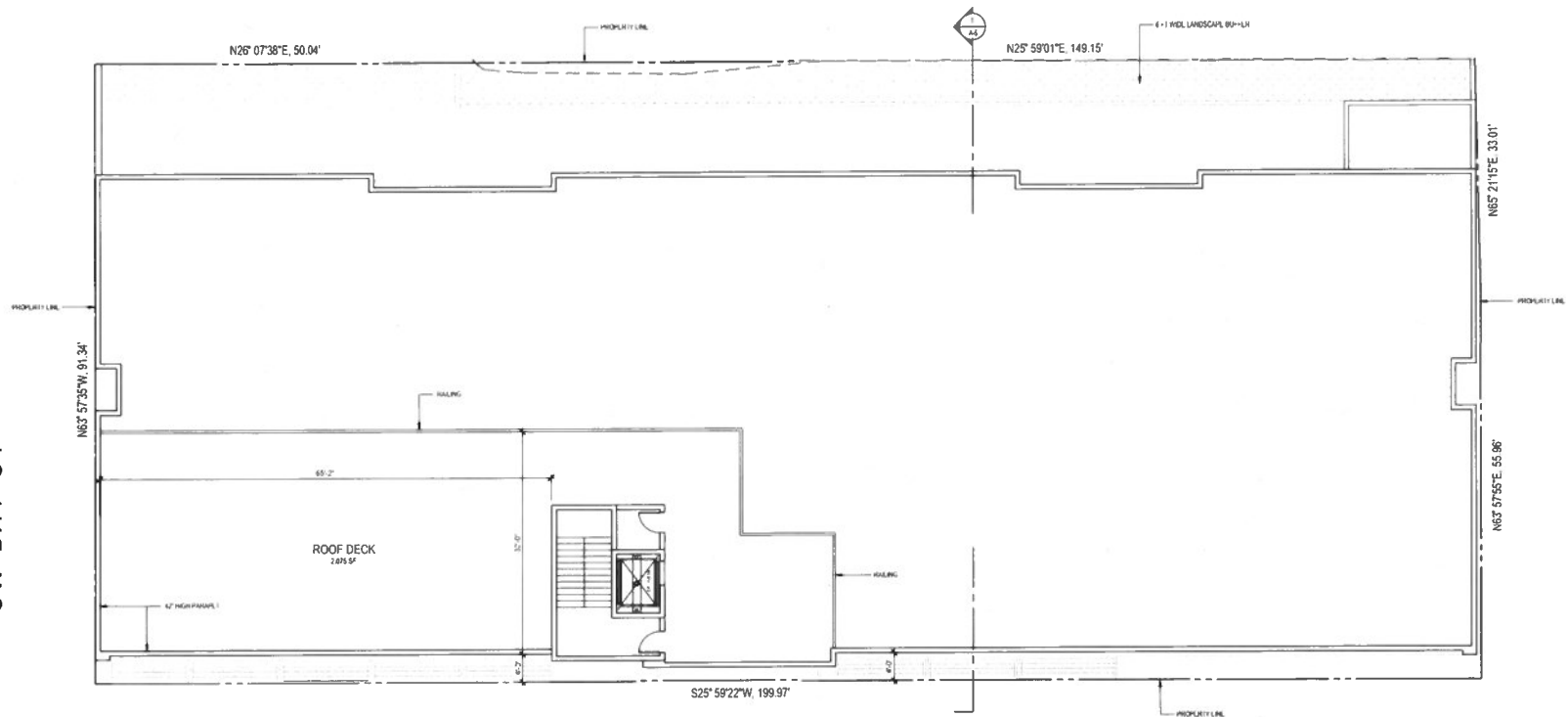
1 THIRD FLOOR PLAN



A-3

SW BAY ST

SW BAY BLVD



1 ROOF PLAN  
1/8" = 1'-0"



HOTEL ABBEY

836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

FOURTH FLOOR PLAN

Date	FEBRUARY 9, 2011
By me	AS SHOWN
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Approved	
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File Name	
Copyright	

Rev. # Date Description

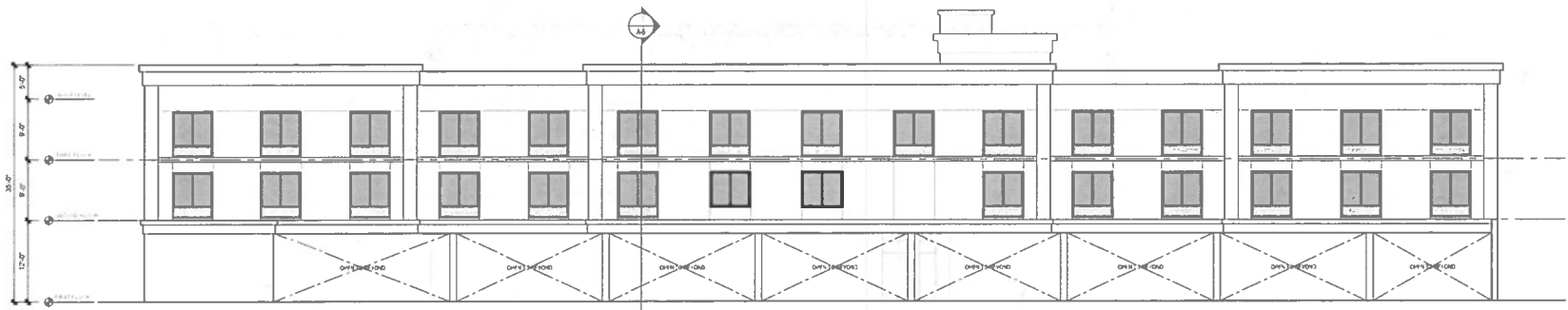
HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

BUILDING ELEVATIONS

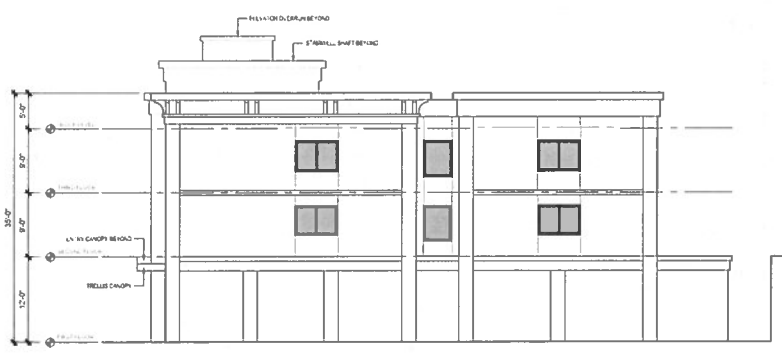
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Rev. #  
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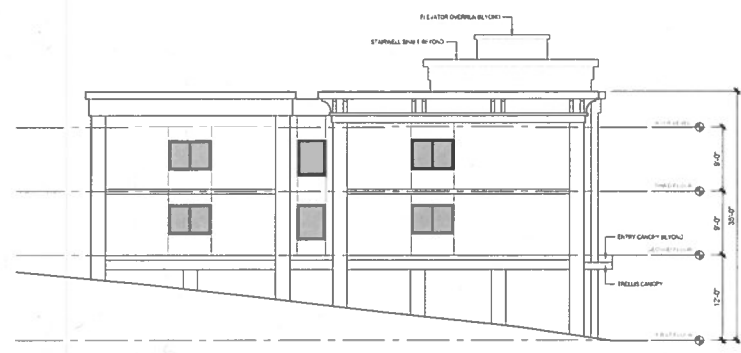
EAST BUILDING ELEVATION (BAY BLVD. FRONTAGE)  
3/32"=1'-0"



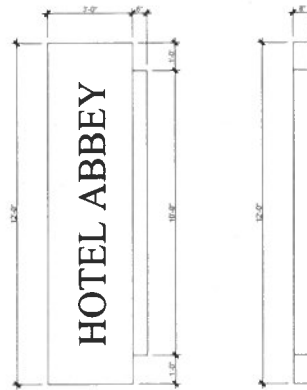
WEST BUILDING ELEVATION  
3/32"=1'-0"



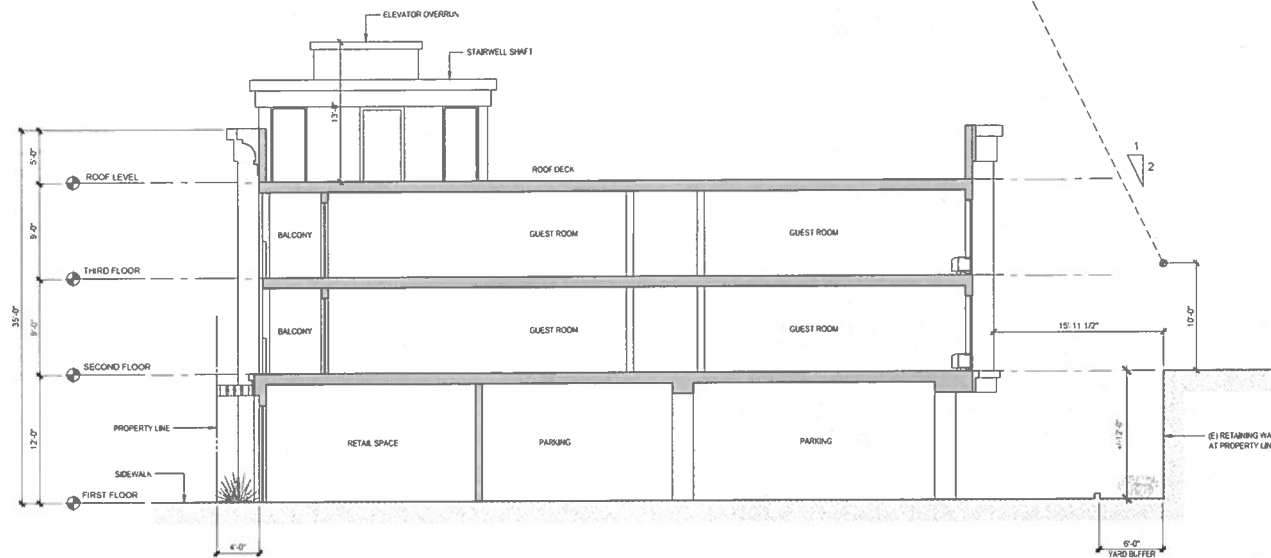
NORTH BUILDING ELEVATION  
3/32"=1'-0"



SOUTH BUILDING ELEVATION (BAY ST. FRONTAGE)  
3/32"=1'-0"



**2 SIGNAGE**  
1/2"=1'-0"



**BUILDING SECTION**  
3/16"=1'-0"

**HOTEL ABBEY**  
836 - 856 SW/BAY BLVD  
NEWPORT, OR 97365

BUILDING SECTION AND SIGNAGE

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By: [Signature]  
Date: [Signature]

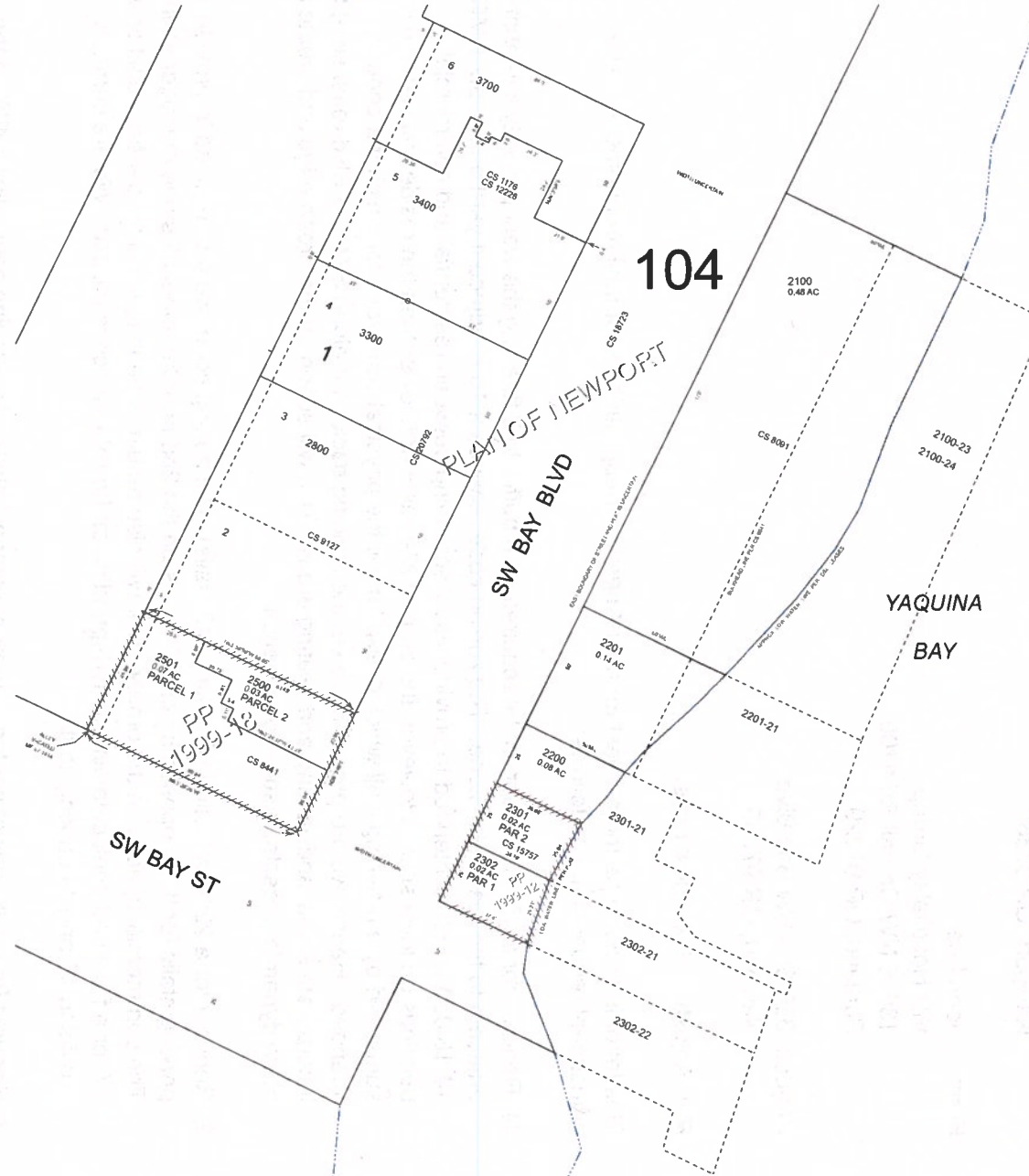
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

0 10 20 30 40 Feet

DETAIL MAP NO. 1  
N.E. 1/4 S.W. 1/4 SEC. 8 T. 11 S. R. 11 W. W.M.  
LINCOLN COUNTY  
1" = 30'

Exhibit  
H-4

11 11 08 CA  
DETAIL MAP NO 1  
NEWPORT



Revised SEB  
06/01/2021

NEWPORT  
DETAIL MAP NO 1  
11 11 08 CA

February 13, 2023

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: John Lee  
VIP Hospitality Group  
13635 NW Cornell Rd #100  
Portland, OR 97229

Project: 836-856 SW Bay Blvd.  
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Re: Adjustment Request Letter

This letter is to describe the request for adjustments per application submittal requirements. The adjustment requests are as follows:

- 1) Request for a 40% reduction in the required yard buffer to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft 'adjacent yard buffer' per NMC 14.18.020 which is intended to provide visual screening between residential and commercial buildings on level sites. However, the current site sits +12 ft lower than the residential site and is supported by a retaining wall which doesn't meet the physical conditions for which the code is intended. Hence, we are proposing to set the building back 4 ft along SW Bay Blvd (east side) to incorporate some landscaping and seating areas. This will soften up the urban edge and create a more dynamic pedestrian/street experience.
- 2) Request for a 22% reduction in parking (13 stalls). Per zoning code, we are required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. We are currently providing 46 on-site parking stalls.
- 3) Request for a 13% adjustment in maximum compact stalls. The zoning code allows 40% of the parking to be compact stalls which is 18 stalls. We are requesting to allow for 6 more compact stalls.

If approved, the request for adjustments stated above will allow for a mixed-use project that incorporates ground floor commercial space that will increase retail business activity and enhance the pedestrian and street experience. The adjustments will mitigate any impacts to the extent practical such as adequate lighting and privacy to adjoining properties, adequate access, topography, site drainage, significant vegetation, and drainage. The adjustments will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.

February 13, 2023

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: John Lee  
VIP Hospitality Group  
13635 NW Cornell Rd #100  
Portland, OR 97229

Project: 836-856 SW Bay Blvd.  
Newport, OR 97365

Re: Written findings of fact addressing the following criteria:

- 1) That the public facilities can adequately accommodate the proposed use.

The site currently consists of two separate building structures that are in poor condition. One building was used as a restaurant and the other building was used as an art gallery. There was also a third building used as a nightclub, restaurant, retail space and office building that was recently demolished. Due to the large occupancies of these uses there has historically been a considerable impact to the public facilities along Bay Blvd.

- 2) That the request complies with the requirements of the underlying zone or overlay zone.

The proposed boutique hotel building will enhance and serve as an anchor to the Southern portion of the Bayfront by replacing old existing buildings that are in disrepair and providing a new facility that will promote local retail businesses and increase tourism. Nearby is the site of the historic 'Hotel Abbey' which was built in 1911. The Hotel Abbey was known to be one of Newport's most prestigious hotels for honeymooners and visitors alike before it was burned down in 1964. This hotel building, which will be called "Hotel Abbey" will serve as a reflection of the rich history found in Newport and aligns with the spirit of the W-2 zoning provision that states, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."

- 3) That the proposed use does not have an adverse impact greater than the existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust or loss of air quality.)

The proposed building has no adverse impacts on the nearby properties. The use of the building will be consistent with the current retail businesses and restaurants that have historically occupied the

site as well as the other nearby establishments along Bay Blvd. The appearance and design of the building will not only enhance the overall quality of the area but also encourage higher quality for future developments. There will be no unreasonable noise, dust or loss of air quality from the proposed building. The current buildings and uses represent an occupancy and parking demand of 49 spaces and the proposed hotel use represents a slightly lower parking demand of 48 spaces (see breakdown below). The new facility will provide 46 off-street parking spaces.

**Existing Buildings / Uses (Parking Credit – 49 spaces)**

Forinash Gallery (NMC General Retail - 1 space / 300sf) - 1,224sf = 4.1 Spaces  
Shark Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 878sf = 5.9 Spaces  
Shark's Restaurant Kitchen / Support (NMC Industrial - 1.5 spaces / 1,000sf) - 100sf = 0.2 space  
Apollo's Level 1 Restaurant and Nightclub (9-CUP-03) (NMC Eating and Drinking Establishments - 1 space / 150sf) - 5,338sf = 35.6 Spaces  
Apollo's Level 1 Kitchen / Support (4-CUP-07) (NMC Industrial - 1.5 spaces / 1,000sf) - 625sf = 0.9 space  
Apollo's Level 1 Retail Gift Shop (4-CUP-06) (NMC General Retail - 1 space / 600sf) - 600sf = 1.0 Space  
Apollo's Level 2 Offices (9-CUP-03) (NMC General Office - 1 Space / 600sf) - 400sf = 0.7 space  
Apollo's Level 2 Storage (9-CUP-03) (NMC Warehouse - 1 Space / 2,000sf) - 1,293sf = 0.6 space

**Proposed Building / Uses (Parking Demand New Building - 29 Spaces)**

Industrial Food Production Level 1 (NMC Industrial - 1.5 spaces / 1,000sf) - 6,859sf = 10.3 spaces  
General Retail Market Level 1 (NMC General Retail - 1 space / 600sf) - 3,000sf = 5 Spaces  
Food Court / Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 2,000sf = 13.3 Spaces

- 4) If the application is for a proposed building or building modification, that is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

The proposed building will comply with allowable heights permitted outright per zoning code. The design shall not only be consistent with the overall character of the area but improve it through the level of detail and quality of materials used. The boutique design character will add to the unique character of the area that also includes very tall seafood processing buildings on the bay front. The hotel building has been designed to create variation both in the horizontal and vertical planes of the front façade facing Bay Blvd. In addition, the building has been set back 4 ft from the front property line to create pockets of landscaping and outdoor seating areas for a more pedestrian friendly and dynamic street experience. Commercial storefronts with low hanging trellis canopies on the front facade also help to create more human scale.

- 5) A written statement describing the nature of the request:

The proposed 3-story building shall be comprised of approximately 22,656 sf for the hotel portion of the project. The main hotel services will be on the second and third floors. General retail / food and drink establishment shall comprise approximately 2,623 sf of space on the first floor. 46 parking spaces will be provided on the first floor behind the retail storefronts. The roof deck shall be 2,075 sf.



Bradden & Sally Wishoff  
18886 Lafayette Ave  
Oregon City OR 97405

Janine Lafranchise  
833 SW 13th St  
Newport OR 97365

Lawrence & Rebecca Dugas  
5800 SE 4th Ave  
New Plymouth ID 83655

Beverly Smith  
2455 S Fifth St  
Lebanon OR 97355

United States Of America Us Coast  
Guard District 13  
915 2nd Ave  
Seattle WA 98104

William Drager Jr & Raebeth Drager  
2823 Goldfinch Lp SE  
Albany OR 97322

Jon & Lynn Baker  
38695 River Dr  
Lebanon OR 97355

Veal Connection Corporation  
2250 Lynne Dr  
North Bend OR 97459

Wilma Roles  
834 SW 13th St  
Newport OR 97365

Taylor, Bryce R Trust  
PO Box 12247  
Salem OR 97309

Mark Erlander  
1211 SW Bay St  
Newport OR 97365

King Equity LLC  
1669 Flannigan Dr  
San Jose CA 95121

Dulcich Realty Acquisition LLC  
PO Box 1230  
Newport OR 97365

795 SW Bay Blvd LLC  
113 SE Bay Blvd  
Newport OR 97365

Starlight One LLC  
PO Box 188  
Bellingham WA 98227

Newport Real Estate LLC  
3 E Ramona Ave  
Colorado Springs CO 80905

Newport Real Estate LLC  
3 E Ramona Ave  
Colorado Springs CO 80905

Elsinore Investments LLC  
18555 SW Teton Ave  
Tualatin OR 97062

Nye Beach Holdings LLC  
449 SE Scenic Loop  
Newport OR 97365

Charles Eggert  
18555 SW Teton Ave  
Tualatin OR 97062

Bay Blvd LLC  
606 N Tomahawk Island Dr  
Portland OR 97217

Nye Beach Holdings LLC  
449 SE Scenic Loop  
Newport OR 97365

Gabrielle McEntee  
PO Box 717  
Newport OR 97365

Oceanview Fisheries LLC  
PO Box 507  
Waldport OR 97394

Dustin & Amanda Capri  
747 SW 13th St  
Newport OR 97365

Hann Cheng & Lillie Fey  
818 SW 13th St  
Newport OR 97365

Bay View Condominium  
833 13th St SW  
Newport OR 97365

Starlight One LLC  
PO Box 188  
Bellingham WA 98227

Newport Real Estate LLC  
3 E Ramona Ave  
Colorado Springs CO 80905

Yost Properties LLC  
939 SW Bay View Ln  
Newport OR 97365

Yeltrab Family LLC  
845 SW 12th St  
Newport OR 97365

Elsinore Investments LLC  
18555 SW Teton Ave  
Tualatin OR 97062



**Transaction Receipt**  
**Record ID: 625-23-000010-PLNG**  
**IVR Number: 625008676516**

City of Newport Planning Department

**Exhibit  
H-7**

169 SW Coast Hwy  
Newport, OR 97365  
541-574-0629  
Fax: 541-574-0644  
permits@newportoregon.gov

**Receipt Number: 6660**

**Receipt Date: 2/14/23**

www.newportoregon.gov

Worksite address: 852 SW BAY BLVD, NEWPORT, OR

Parcel: 11-11-08-CA-02500-00

**Fees Paid**

Transaction date	Units	Description	Account code	Fee amount	Paid amount
2/14/23	1.00 Ea	Conditional use permit - planning commission	101-1900-46003	\$907.00	\$907.00
2/14/23	1.00 Ea	Variances/adjustments - planning commission	101-1900-46003	\$699.00	\$699.00

Payment Method:	Credit card authorization: 00977G	Payer: John Lee	Payment Amount:	\$1,606.00
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Paid through ePermitting website

**Receipt Total: \$1,606.00**

CITY OF NEWPORT  
PUBLIC NOTICE<sup>1</sup>

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing to consider the following Conditional Use Permit and Adjustment Permit request:

**File No. 1-CUP-23 / 1-ADJ-23**

**Applicant & Owner:** John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner)

**Request:** Consideration by the Planning Commission of a request for a conditional use permit and adjustment permit per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24.

**Location/Subject Property:** 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501).

**Applicable Criteria:** NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

**Testimony:** Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

**Reports/Application Material:** The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon,

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<sup>1</sup> Notice of this action is being sent to the following: (1) Affected property owners within 200 feet of the subject property according to Lincoln County tax records; (2) affected public utilities within Lincoln County; and (3) affected city departments.

97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address.

**Contact:** Derrick Tokos, Community Development Director, (541) 574-0626 (address above in "Reports/Application Material").

**Time/Place of Hearing:** Monday, March 13, 2023; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

**MAILED:** February 22, 2023.

**PUBLISHED:** March 3, 2023 /News-Times.

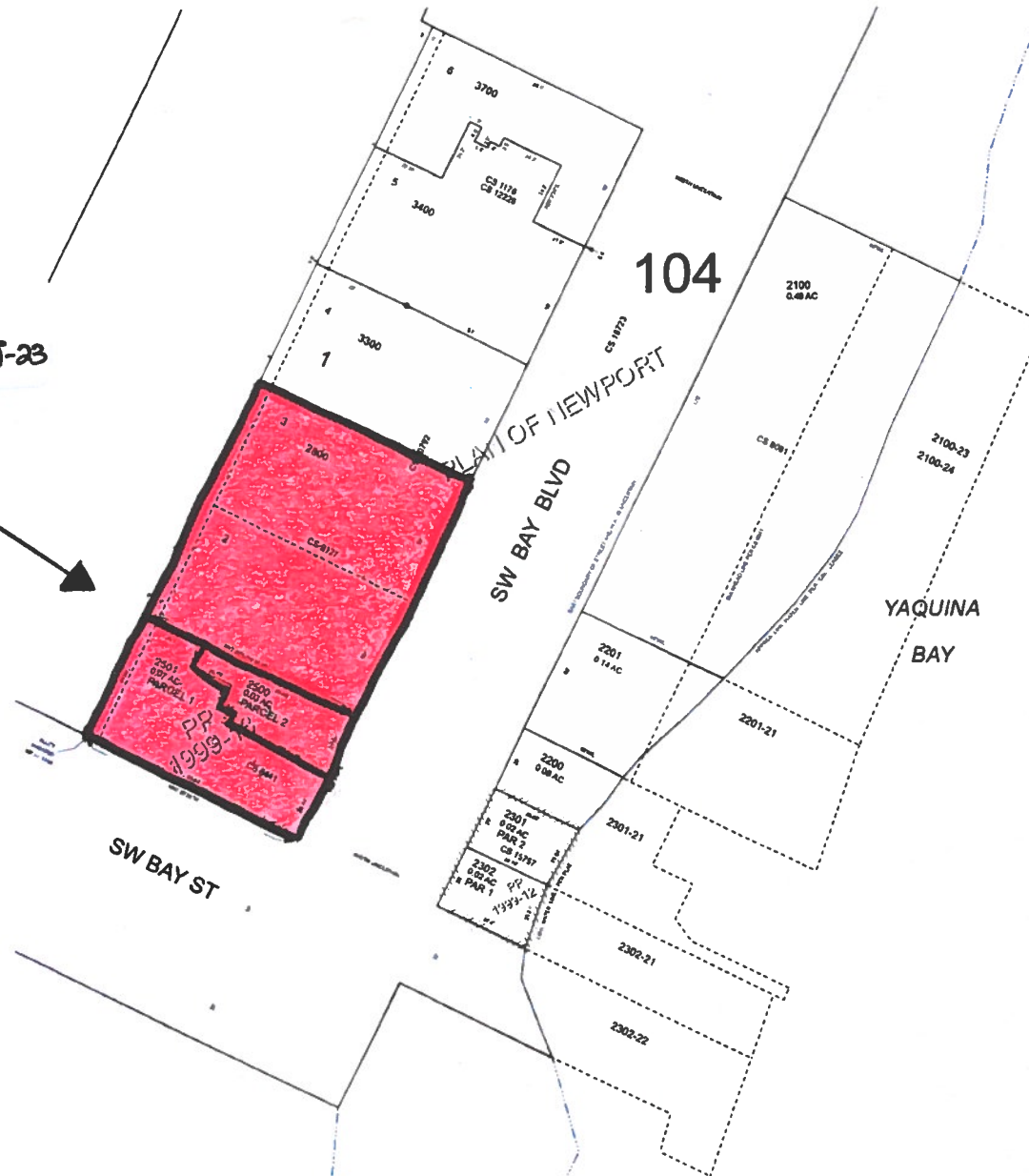
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

0 10 20 30 40 Feet

DETAIL MAP NO. 1  
N.E.1/4 S.W.1/4 SEC.8 T.11S. R.11W. W.M.  
LINCOLN COUNTY  
1" = 30'

11 11 08 CA  
DETAIL MAP NO 1  
NEWPORT

Subject Properties  
File No. 1-CUP-23/1-ADJ-23



Revised: SEB  
06/01/2021

NEWPORT  
DETAIL MAP NO 1  
11 11 08 CA

**NW Natural**  
**ATTN: Dave Sanders**  
**1405 SW Hwy 101**  
**Lincoln City, OR 97367**

**Email: Bret Estes**  
**DLCD Coastal Services Center**  
**brett.estes@dlcd.oregon.gov**

**CenturyLink**  
**ATTN: Corky Fallin**  
**740 State St**  
**Salem OR 97301**

**Central Lincoln PUD**  
**ATTN: Ty Hillebrand**  
**PO Box 1126**  
**Newport OR 97365**

**Charter Communications**  
**ATTN: Keith Kaminski**  
**355 NE 1<sup>st</sup> St**  
**Newport OR 97365**

**\*\*EMAIL\*\***  
**odotr2planmgr@odot.state.or.us**

**Lincoln County Human  
Services Dept**  
**ATTN: Sanitarian**  
**36 SW Nye St**  
**Newport OR 97365**

**Joseph Lease**  
**Building Official**

**Rob Murphy**  
**Fire Chief**

**Aaron Collett**  
**Public Works**

**Beth Young**  
**Associate Planner**

**Jason Malloy**  
**Police Chief**

**Steve Baugher**  
**Finance Director**

**Laura Kimberly**  
**Library**

**Michael Cavanaugh**  
**Parks & Rec**

**Spencer Nebel**  
**City Manager**

**Clare Paul**  
**Public Works**

**Derrick Tokos**  
**Community Development**

**David Powell**  
**Public Works**

**Lance Vanderbeck**  
**Airport**

**EXHIBIT 'A'**  
**(Affected Agencies)**

**(1-CUP-23/1-ADJ-23)**



795 SW BAY BLVD LLC  
113 SE BAY BLVD  
NEWPORT, OR 97365

BAKER JON P & BAKER LYNN D J  
38695 RIVER DR  
LEBANON, OR 97355

BAY BLVD LLC  
606 N TOMAHAWK ISLAND DR  
PORTLAND, OR 97217

BAY VIEW CONDOMINIUM  
ASSOCIATION OF UNIT OWNERS  
833 13TH ST SW  
NEWPORT, OR 97365

CAPRI DUSTIN J TSTEE & CAPRI  
AMANDA J TSTEE  
747 SW 13TH ST  
NEWPORT, OR 97365

CHENG HANN S & FEY LILLIE C  
818 SW 13TH ST  
NEWPORT, OR 97365

DRAGER WILLIAM G JR COTTEE &  
DRAGER RAEBETH C COTTEE  
2823 GOLDFINCH LP SE  
ALBANY, OR 97322

DUGAS LAWRENCE & DUGAS  
REBECCA  
5800 SE 4TH AVE  
NEW PLYMOUTH, ID 83655

DULCICH REALTY ACQUISITION LLC  
PO BOX 1230  
NEWPORT, OR 97365

EL SINORE INVESTMENTS LLC  
EGGERT CHARLES W  
18555 SW TETON AVE  
TUALATIN, OR 97062

ERLANDER J MARK  
1211 SW BAY ST  
APT A  
NEWPORT, OR 97365

KING EQUITY LLC  
1669 FLANNIGAN DR  
SAN JOSE, CA 95121

LA FRANCHISE JANINE  
833 SW 13TH ST  
APT #2  
NEWPORT, OR 97365

MCENTEE GABRIELLE  
PO BOX 717  
NEWPORT, OR 97365

NEWPORT REAL ESTATE LLC  
3 E RAMONA AVE  
COLORADO SPRINGS, CO 80905

NYE BEACH HOLDINGS LLC  
449 SE SCENIC LOOP  
NEWPORT, OR 97365

OCEANVIEW FISHERIES LLC  
PO BOX 507  
WALDPORT, OR 97394

ROLES WILMA E (TOD)  
834 SW 13TH ST  
NEWPORT, OR 97365

SMITH BEVERLY M TSTEE  
2455 S FIFTH ST  
LEBANON, OR 97355

STARLIGHT ONE LLC  
PO BOX 188  
BELLINGHAM, WA 98227

TAYLOR BRYCE R TRUSTEE & TAYLOR  
CARLY S TRUSTEE  
PO BOX 12247  
SALEM, OR 97309

UNITED STATES OF AMERICA US  
COAST GUARD DISTRICT 13  
915 2ND AVE  
SEATTLE, WA 98104

VEAL CONNECTION CORPORATION  
2250 LYNNE DR  
NORTH BEND, OR 97459

WISHOFF BRADDEN J & WISHOFF  
SALLY A  
18886 LAFAYETTE AVE  
OREGON CITY, OR 97405

YELTRAB FAMILY LLC  
845 SW 12TH ST  
NEWPORT, OR 97365

YOST PROPERTIES LLC  
939 SW BAY VIEW LN  
NEWPORT, OR 97365

JOHN LEE  
VIP HOSPITALITY GROUP  
13635 NW CORNELL RD, SUITE 100  
PORTLAND, OR 97229

File 1-CUP-23 / 1-ADJ-23

Adjacent Property Owners Within 200 Ft



**Sherri Marineau**

---

**From:** Sherri Marineau  
**Sent:** Wednesday, February 22, 2023 8:54 AM  
**To:** 'odotr2planmgr@odot.state.or.us'; Brett Estes  
**Subject:** Conditional Use Permit and Adjustment Permit File 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23 Notice.pdf

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any comments. We must receive comments prior to the last day of the comment period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



**PUBLIC RECORDS LAW DISCLOSURE.** This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

## **Sherri Marineau**

---

**From:** Sherri Marineau  
**Sent:** Wednesday, February 22, 2023 8:54 AM  
**To:** Derrick Tokos; Spencer Nebel; Robert Murphy; Joseph Lease; Jason Malloy; Laura Kimberly; Michael Cavanaugh; Beth Young; Clare Paul; David Powell; Aaron Collett; Lance Vanderbeck; Steve Baugher  
**Subject:** Conditional Use Permit and Adjustment Permit File 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23 Notice.pdf

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**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## Sherri Marineau

---

**From:** Aaron Collett  
**Sent:** Wednesday, February 22, 2023 9:49 AM  
**To:** Sherri Marineau  
**Cc:** Derrick Tokos; David Powell; Clare Paul  
**Subject:** RE: Conditional Use Permit and Adjustment Permit File 1-CUP-23/1-ADJ-23

Hi Sherri,

I'll leave parking comments to Derrick as he is in the middle of the bayfront parking planning. (although given the issue, reduction in parking seems like a charged proposal) My concern is the reduction in buffer on the west. Given the retaining wall, I have some concern how that will be maintained/accessed with such a tight space. I have not seen any building plans, but would that mean the distance between building and those walls could be 6-feet or less? If the wall ever failed, how would equipment get in? Or how can it be accessed for maintenance over time?

Thanks

Aaron

---

**From:** Sherri Marineau <S.Marineau@NewportOregon.gov>  
**Sent:** Wednesday, February 22, 2023 8:54 AM  
**To:** Derrick Tokos <D.Tokos@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>; Robert Murphy <R.Murphy@NewportOregon.gov>; Joseph Lease <J.Lease@NewportOregon.gov>; Jason Malloy <J.Malloy@newportpolice.net>; Laura Kimberly <L.Kimberly@NewportLibrary.org>; Michael Cavanaugh <M.Cavanaugh@NewportOregon.gov>; Beth Young <B.Young@NewportOregon.gov>; Clare Paul <C.Paul@NewportOregon.gov>; David Powell <D.Powell@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>; Lance Vanderbeck <L.Vanderbeck@NewportOregon.gov>; Steve Baugher <S.Baugher@NewportOregon.gov>  
**Subject:** Conditional Use Permit and Adjustment Permit File 1-CUP-23/1-ADJ-23

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**Sherri Marineau**  
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ph: 541.574.0629, option 2  
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**CITY OF NEWPORT**  
**NOTICE OF A PUBLIC HEARING**

The City of Newport Planning Commission will hold a public hearing on Monday, March 13, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-23 / 1-ADJ-23, a request submitted by John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner), for a conditional use permit filed pursuant to Newport Municipal Code (NMC) Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24. The property is located at 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501). The applicable criteria per NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

***FOR PUBLICATION ONCE ON FRIDAY, March 3, 2023.***



**CITY OF NEWPORT  
NOTICE OF A PUBLIC  
HEARING**

The City of Newport Planning Commission will hold a public hearing on Monday, March 13, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-23 / 1-ADJ-23, a request submitted by John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner), for a conditional use permit filed pursuant to Newport Municipal Code (NMC) Section 14.03.080 "Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2 "Water-Related" zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24. The property is located at 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501). The applicable criteria per NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district. Testimony and evidence must be

**AFFIDAVIT OF PUBLICATION  
News-Times, Newport, Oregon**

COUNTY OF LINCOLN

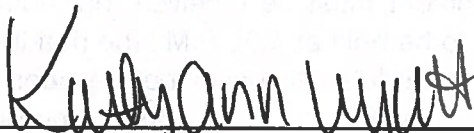
SS.

STATE OF OREGON

I, Nicole Orr, being duly sworn, depose and say that I am the legal clerk of The News Times, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at 831 NE Avery Street, Newport in the aforesaid county and state and that **PUBLIC HEARING 91-03**; a printed copy of which is hereto annexed was published in the entire issue(s) of said newspaper for 1 week(s) in the following issue(s): **3/3/2023**



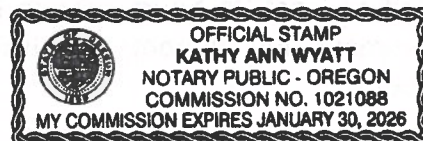
Subscribed and sworn before me this **March 3, 2023**.



Kathy Ann Wyatt, Notary Public of Oregon  
(My commission expires January 30, 2026).

directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and

those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above). M3 91-03





**PLANNING COMMISSION REGULAR SESSION AGENDA**

**Monday, March 13, 2023 - 7:00 PM**

**City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365**

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All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or [e.glover@newportoregon.gov](mailto:e.glover@newportoregon.gov).

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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**1. CALL TO ORDER AND ROLL CALL**

*Commission Members: Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.*

**2. APPROVAL OF MINUTES**

**2.A Approval of the Planning Commission Regular Session Meeting Minutes of February 27, 2023.**

Draft PC Reg Session Minutes 02-27-2023

**3. CITIZENS/PUBLIC COMMENT**

*A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.*

**4. ACTION ITEMS**

**5. PUBLIC HEARINGS**

**5.A File No. 1-CUP-23 / 1-ADJ-23: Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.**

Staff Report

Attachment A - Application Form

Attachment B - Lincoln County Assessor Property Reports

Attachment C - Lincoln County Assessor Map

Attachment D - Application Narrative

Attachment E - Site Plan and Elevations, Received March 2, 2023

Attachment F - Survey of the Existing Property

Attachment G - Zoning Map of the Area

Attachment H - Aerial and Topographic Map of the Area

Attachment I - Images of Abbey Hotel

Attachment J - Public Hearing Notice

Attachment K - Letter from Janine LaFranchise, Received March 6, 2023

Attachment L - Apollo's Nightclub, Attachment A-I, File #4-CUP-06

Attachment M - Resolution No. 3864

Charlotte Boxer Public Testimony, March 10, 2023

John Baker, Bay View Condo Owners Assoc. Public Testimony 3-13-23

Adriana Buer Public Testimony 3-13-23

Charlotte Boxer Public Testimony-Additional Signatures 3-13-23

Elizabeth Reyes, Family Promise of Lincoln County Public Testimony 3-13-23

Gervacio Castillo Public Testimony 3-13-23

Charlotte Boxer Additional Public Testimony 3-13-23

Mary Young, Latta's Fused Glass Public Testimony 3-13-23

Tom Briggs Public Testimony 3-13-23

Karla Clem, Pacific Communities Health District Foundation Public Testimony 3-13-23

Beverly Smith Public Testimony & Additional Signatures-Rcvd at Hearing 3-13-23

**6. NEW BUSINESS**

**7. UNFINISHED BUSINESS**

**7.A Planning Commission Work Program Update.**

[PC Work Program - 03-06-23](#)

**8. DIRECTOR COMMENTS**

**9. ADJOURNMENT**



Case File: #1-CUP-23 1-ADJ-23  
Date Filed: February 9, 2023 (Complete March 2, 2023)  
Hearing Date: March 13, 2023 Planning Commission

## PLANNING STAFF REPORT

### Case File No. 1-CUP-23 / 1-ADJ-23

- A. **APPLICANT:** John Lee, 13635 NW Cornell Road, Suite 100, Portland, OR 97229 (applicant). Elsinore Investments, LLC, 1855 SW Teton Ave, Tualatin, OR 97062 (owner).
- B. **REQUEST:** Approval per Chapter 14.03.080(18)/"Water-Dependent and Water-Related Uses" of the Newport Municipal Code (NMC) for a conditional use permit to replace the former location of Forinash Gallery, Shark's Restaurant, M&P Thai Restaurant and Apollo's Night Club with a new 47 room, 26,656 sq. ft. three-story hotel, with 2,626 sq. ft. of street level commercial space. Adjustments are also being requested to adjacent yard buffer, off-street parking, and compact parking dimensional standards.
- C. **LOCATION:** 836, 838, 844, 846, 848, 852, & 856 SW Bay Blvd.
- D. **LEGAL DESCRIPTION:** Lots 2, 3, & 4, Block 1, Plan of Newport, including a portion of a vacated alley, together with Parcels 1 and 2 of Partition Plat 1999-18 (Assessor's Map 11-11-08-CA, Tax Lots 2500, 2501, 2800, and 3300).
- E. **LOT SIZE:** Approximately 17,424 sq. ft. per Lincoln County Tax Assessor records.
- F. **STAFF REPORT**
1. **REPORT OF FACT**
- a. **Plan Designation:** Yaquina Bay Shoreland.
- b. **Zone Designation:** W-2/"Water-Related."
- c. **Surrounding Land Uses:** Tourist-oriented retail (north), tourist-oriented retail and fish processing (east), condominiums (west), and Coast Guard operations (south).
- d. **Topography and Vegetation:** The property is relatively level having been cleared for development in the past. A large retaining wall exists near the west property boundary, with the finished grade of the condominiums to the west being 20-25 feet above that of the subject site. A small amount of landscaping exists at the southwest corner of the property. Otherwise, the property is largely devoid of vegetation.
- e. **Existing Structures:** Forinash Gallery (1,224 sq. ft.) and Shark's Restaurant (978 sq. ft.). Apollo's Night Club/M&P Thai Restaurant (8,256 sq. ft.) was demolished in 2020.
- f. **Utilities:** All are available to the site.

g. **Development Constraints:** Geologic hazards area.

h. **Past Land Use Actions:**

File No. 1-CUP-20 – Approval of Basics Public Market, a new 11,859 square foot mixed-retail, light industrial building. The facility was to include 3,000 sq. ft. of retail market space, 2,000 sq. ft. of restaurant space, and 6,859 sq. ft. of industrial space for food production. Project did not move forward.

File No. 1-TSP-11 – Approval of a temporary structures permit for a 20-ft x 30-ft tent and fenced area to expand Apollo's footprint during the Seafood and Wine Festival. Approved 2/7/11.

File No. 4-CUP-07. Permitted a 335 sq. ft. portion of the Apollo's Nightclub building for use of a real estate office. Approved 6/4/07.

File No. 4-CUP-06. Permitted 600 sq. ft. of the Apollo's Night Club building for use as a retail gift shop. Approved 4/24/06.

File No. 9-CUP-03. Approved use of the building at 836-848 SW Bay Blvd as a restaurant and bar (i.e. Apollo's Night Club).

File No. 6-PAR-99. Approved a partition creating the parcels upon which Forinash Gallery and Shark's Restaurant are situated. Affects 852, & 856 SW Bay Blvd. Approved 8/4/99.

File No. 2-CUP-91. Permitted the remodeling and retail use of buildings located at 852 & 856 SW Bay Blvd. Approved 3/11/91.

i. **Notification:** Notification to surrounding property owners and to city departments/public agencies announcing the new public hearing date was mailed on February 22, 2023; and notice was published in the Newport News-Times on March 3, 2023.

j. **Attachments:**

Attachment "A" – Application Form

Attachment "B" – Lincoln County Assessor Property Reports

Attachment "C" – Lincoln County Assessor Map

Attachment "D" – Application Narrative

Attachment "E" – Site Plan and Elevations, Received March 2, 2023

Attachment "F" – Survey of the Existing Property

Attachment "G" – Zoning Map of the Area

Attachment "H" – Aerial and Topographic Map of the Area

Attachment "I" – Images of Abbey Hotel

Attachment "J" – Public Hearing Notice

Attachment "K" – Letter from Janine LaFranchise, Received March 6, 2023

Attachment "L" – Apollo's Nightclub, Attachment A-1, File #4-CUP-06

Attachment "M" – Resolution No. 3864

2. **Explanation of the Request:** Pursuant to Chapter 14.03.080(18)/“Water-dependent and Water-related Uses” of the Newport Municipal Code (NMC), uses that are permitted outright in a C-2/“Tourist Commercial” zoning district require a conditional use permit to be located in a W-2/“Water-Related” zoning district.

The applicant is requesting a conditional use permit to construct a three-story, 26,656 sq. ft. hotel. The main hotel services will be on the second and third floors. General retail / food and drinking establishment uses will be provided on the first floor behind the retail storefronts. A roof deck will be incorporated into the design and it will be 2,075 sq. ft. in size. Sales oriented general retail, hotels/motels, and eating and drinking establishments are permitted outright in a C-2 zone district (NMC 14.03.070(2)(a) and (2)(d)).

The applicant is further seeking adjustments to certain dimensional standards applicable to their project, more particularly described as follows:

- Approval of a 40% adjustment to the adjacent yard buffer, reducing it to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft. adjacent yard buffer per NMC 14.18.020.
- Approval of a 30% reduction in parking (17 stalls). The applicant notes that City parking standards in NMC 14.14.030 require that they provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. The applicant notes that they are providing 46 on-site parking stalls.
- Approval of a 13% adjustment to the maximum percentage of allowable compact stalls. NMC 14.14.060 allows 40% of the parking to be compact stalls (7.5 ft. wide by 15-ft long) which is 18 stalls. With this application, the applicant is requesting 6 additional stalls.

3. **Evaluation of the Request:**

- a. **Comments:** A letter was received from Janine LaFranchise on March 6, 2023, opposing the project out of a concern that traffic attributed to the project will lead to excessive congestion and adverse working conditions for the neighboring fish plants. She is also concerned that the 6-ft. buffer from the west property line will not leave sufficient room for the adjacent condominium development to maintain/repair the retaining wall that the condominium developer built on the property line (Attachment "K").

b. **Adjustment Approval Criteria (NMC 14.33.050):**

- (1) That granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

- (2) That any impacts resulting from the adjustment are mitigated to the extent practical; and
- (3) That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and
- (4) That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

c. **Conditional Use Approval Criteria (NMC 14.34.050):**

- (1) The public facilities can adequately accommodate the proposed use.
- (2) The request complies with the requirements of the underlying zone or overlay zone.
- (3) The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.
- (4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

d. **Planning Commission Review Required:**

- (1) *NMC Section 14.33.030(B), requires that a development request seeking to deviate more than 10%, but less than or equal to 40%, from a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.*

The applicant is seeking a 40% reduction to the 10 ft. adjacent yard buffer required per NMC 14.18.020, a 30% reduction in the number of required off-street parking spaces, and a 13% increase in the maximum percentage of allowed compact spaces. Each of the requested adjustments is within the range that requires Planning Commission approval.

- (2) *Per NMC 14.34.030, an application for a Conditional Use Permit shall be processed and authorized using a Type II decision making procedure where specifically identified as eligible for Type II review elsewhere in this Code or when characterized by the following:*
  - (i) *The proposed use generates less than 50 additional trips per day as determined in the document entitled Trip Generation, an informational report prepared by the Institute of Traffic Engineers; and*

(ii) *Involves a piece(s) of property that is less than one (1) acre in size. For an application involving a condominium unit, the determination of the size of the property is based on the condominium common property and not the individual unit.*

*All other applications for Conditional Uses shall be processed and authorized as a Type III decision making procedure.*

A 47 room hotel/motel (ITE Code 320) will typically generate 265 daily trips. Specialty Retail Centers (ITE 814) cover retail uses that account for a range of tourist-oriented activities. For a 2,626 sq. ft. commercial space, this amounts to 116 daily trips. In total, the proposed development is anticipated to generate 381 daily trips. Presently the property is not generating any vehicle trips, as the Forinash Gallery and Shark's Restaurant buildings are vacant, and the M&P Thai Restaurant and Apollo's Nightclub were demolished in 2020. Consequently, the proposal exceeds the 50 vehicle trip per day limit for a Type II staff level review.

Previous development on the property included a combination of 1,824 sq. ft. of Specialty Retail Center use (ITE 814), 878 sq. ft. of Sit-Down Restaurant space (ITE 932), 5,338 sq. ft. of a Drinking Establishment (ITE 925), 400 sq. ft. of General Office (ITE 710), 725 sq. ft. of Light Industrial (ITE 110) and 1,293 sq. ft. of Warehouse space (ITE 150). Collectively these activities were expected to generate 268 daily trips, resulting in a difference of 113 trips. Therefore, even considering prior development on the subject property, this proposal will generate more than 50 additional trips per day.

The property is less than 1 acre in size per Lincoln County assessment Records (Attachment "B"). Planning Commission review under a Type III decision making procedure is required given the number of anticipated vehicle trips attributed to the proposed development.

**e. Compliance with Adjustment Approval Criteria (NMC 14.33.050):**

To grant the permit, the Planning Commission must find that the applicant's proposal meets the following criteria.

*(1) Granting the adjustment will equally or better meet the purpose of the regulation to be modified:*

In regard to this criterion, the Planning Commission must consider whether the applicant has sufficiently demonstrated that granting the adjustments will equally or better meet the purpose of the regulation to be modified.

- i. NMC 14.18.020, Adjacent Yard Buffer, stipulates that *“on any portion of a site in a non-residential zone that abuts a residential zone, a minimum interior yard of 10 feet planted and maintained as a landscaped screen shall be required.”* A zoning map of the property shows that the west property line of the subject property serves as a boundary between the W-2/“Water Related” non-residential zone and the R-3/“Medium Density Multi-Family” residential zone (Attachment “G”). This is the only portion of the property that borders a residential zone, and is the only property line from which the applicant is subject to a building setback since the W-2 zone does not otherwise have required setbacks (Table “A,” NMC 14.13.020).
- ii. In their narrative, the applicant indicates that the adjacent yard buffer is intended to provide visual screening between residential and commercial buildings, which can be effective on level sites. They point out; however, that the current site sits approximately 12 feet lower than the residential site that is supported by a retaining wall, which doesn't meet the physical conditions for which the code is intended. The applicant notes that they are not opposed to providing landscaping, but that they would prefer to provide it in an area where it would be more effective. A 6 foot setback from the west property line allows the applicant to shift their building footprint back 4 feet along SW Bay Blvd (east side) to incorporate some landscaping and seating areas on the front side of the building. They note that it will soften up the urban edge and create a more dynamic pedestrian/street experience.
- iii. In addition, the applicant notes that they are proposing to build a 6 to 8 foot high wall along the 6 foot west yard buffer line to address concerns of potential future failure of the existing retaining wall that belongs to the condo owners to the west. They point out that visual observation shows deterioration of wood lagging and parts of the wall, including steel piles, that are leaning towards the subject property. The proposed wall will serve as protection in the case of future failure of any portions of the existing wall and will be built according to the recommendations of a soils engineer and structural engineer.
- iv. The enclosed utility and terrain map supports the applicant's point that there is significant grade separation between the two properties (Attachment “H”), and it would be reasonable for the Commission to find that such terrain warrants a reduced setback because it provides comparable visual relief. Further, it is relevant for the Commission to consider whether or not it is practical to attempt to establish screening vegetation along the west property line because the area is constrained between a retaining wall on the west and any kind of building that would

be constructed on the property, depriving the space of sunlight for significant portions of the day. This is evident on the zoning map, which shows the shadow pattern from the previous development (Attachment "G"). The previous development was a two-story building that was setback roughly 25 feet from the west property line to provide room for paved parking between the retaining wall and building. Lastly, the Commission can consider the existing development pattern along the Bayfront, much of which is similarly situated with R-3 zoned land being situated upslope, and adjacent to W-2 zoned properties. There is no visible evidence of a landscape buffer existing in these areas. Many of the W-2 properties, such as the one immediately north of the applicant's property (on the zoning map) are built to the property line given the constrained amount of land available for development along the Bayfront. Terrain provides visual relief for upslope residential properties that face the bay for the view (and would likely object to screening that could obstruct their views). Thus, it would be reasonable for the Commission to conclude that authorizing the adjustment would not create conditions on the ground that are inconsistent with the existing development pattern.

- v. A comment was received that a 6 foot setback on the west side of the property will impede any maintenance or repair of the existing wall. This is not a factor that the Commission can consider when determining whether or not an adjustment should be granted as it is not relevant to the purpose behind the adjacent yard buffer. The wall was constructed as part of the condominium development, and the condominium association appears to be the party responsible for its maintenance. A survey of the applicant's property shows that, for the most part, the wall is on the common property line; however, a portion of it encroaches a few feet onto the applicant's property (Attachment "F"). A maintenance easement is typically acquired when one wants to use another's property to maintain their own. In this case it does not appear that an easement was ever obtained. The applicant is proposing to construct a new wall six feet from the existing retaining wall because they are concerned that the existing wall may fail and damage their property. While six feet of separation between walls may not be an ideal width, it does provide a means of meaningful access for both parties to maintain their improvements. If the Commission is inclined to approve the application, staff suggests it provide the applicant the option of reconstructing or reinforcing the existing retaining wall in partnership with the condominium association, as that would provide a more desirable outcome (i.e. a single wall that can be more readily maintained, and would avoid the need for two walls with unusable space between them).

- vi. With respect to the applicant's request for a 30% reduction in parking (17 stalls), they note that when applying the off-street parking ratios in NMC 14.14.030, they would be required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). They further note that the commercial spaces on the ground floor will require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. They are currently providing 46 on-site parking stalls.
- vii. The purpose section of the City's off-street parking requirements is set out in NMC 14.14.010, which reads as follows:

*"The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport."*

The Bayfront is a special parking area, the boundary of which is set in NMC 14.14.100, and graphically depicted with Council Resolution No. 3864 (Attachment "M"). Section 4 of Resolution No. 3864 provides:

*"NMC 14.14.100 provides that off-street parking within a Parking District shall be provided as specified by the Parking District. For that purpose, the business license annual fee established herein shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces, just as it did when the economic improvement districts were effective. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance (NMC Chapter 14)."*

The lead language in NMC 14.14.030, provides context for how the City should apply ratios for calculating required off-street parking. It reads in relevant part:

*"For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of Section 14.14.050, Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the*



required parking shall be based on the increase of the new use."

The Commission should consider these provisions in aggregate when weighing whether or not *"Granting the adjustment will equally or better meet the purpose of the regulation to be modified."*

- viii. If the prior use of the property, which consisted of the former Forinash Gallery, Shark's Restaurant, M&P Thai Restaurant and Apollo's Nightclub had not been discontinued in 2020, with the nightclub being demolished that same year, then the amount of off-street parking provided by the applicant would satisfy the requirements of NMC Chapter 14.14 and there would be no cause for them to seek an adjustment.

The applicant's narrative pulled parking analysis from File No. 1-CUP-20, where the Commission approved a conditional use permit for Basics Market. That analysis showed that the existing use at the time had a parking credit of 49 spaces, which was broken down as follows:

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Existing Buildings / Uses (Parking Credit - 49 spaces)	
Forinash Gallery (NMC General Retail - 1 space / 300sf)	- 1,224sf = 4.1 Spaces
Shark Restaurant (NMC Eating and Drinking Establishments - 1 space/ 150sf)	- 878sf = 5.9 Spaces
Shark's Restaurant Kitchen / Support (NMC Industrial - 1.5 spaces/ 1,000sf)	- 100sf = 0.2 space
Apollo's Level 1 Restaurant and Nightclub (9-CUP-03) (NMC Eating and Drinking Establishments - 1 space / 150sf)	- 5,338sf = 35.6 Spaces
Apollo's Level 1 Kitchen / Support (4-CUP-07) (NMC Industrial - 1.5 spaces/ 1,000sf)	- 625sf = 0.9 space
Apollo's Level 1 Retail Gift Shop (4-CUP-06) (NMC General Retail - 1 space/ 600sf)	- 600sf = 1.0 Space
Apollo's Level 2 Offices (9-CUP-03) (NMC General Office - 1 Space/ 600sf)	- 400sf = 0.7 space
Apollo's Level 2 Storage (9-CUP-03) (NMC Warehouse - 1 Space / 2,000sf)	- 1,293sf = 0.6 space

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Those uses, like most on the Bayfront, relied heavily on on-street parking to meet its needs. A conditional use permit approved in 2006 indicated that there were 20 off-street parking spaces (Attachment "L"). This was generous, considering that parking to the rear of the building was never striped as depicted with that approval (as evidenced with the 2018 Aerial Image, Attachment "G") and was difficult to access. That said, assuming 20 off-street spaces were available, that accounted for approximately 40% of the parking need with the remaining 60% being met with available on-street spaces.

- ix. The hotel and commercial uses included with the applicant's proposal generate a need for up to 63 off-street spaces, 48 being attributed to the hotel at a ratio of one off-street space per unit, plus one for a manager. The balance is associated with retail (at a ratio of 1 space, per 300 sq. ft. of floor area) or eating and drinking establishments (at 1 space, per 150 sq. ft. of floor area). With a 49 space credit, the applicant would be required to provide 16 off-street spaces, in addition to the 20 that had been

previously provided (36 total). The 46 that they are providing is well above that requirement. It is relevant to note that this does not account for the five (5) spaces they would be able to deduct per Resolution No. 3864. Applicant's 46 off-street spaces account for roughly 70% of their parking demand with the remaining 17 parking spaces, or 30% of their demand, being met with available on-street spaces. Quantifiably, applicant's proposal will have a lower impact on demand for available on street spaces than the previous uses.

- x. As noted, the previous uses were discontinued in 2020 when the owner of the property was positioning it for redevelopment as Basics Market, and the Planning Commission can reasonably conclude that credit for the previous uses is no longer available. The applicant's request for an adjustment assumes that to be the case. When factoring in the 5 parking spaces the applicant is exempt from having to provide per Resolution No. 3864, the actual request is a 20.7% adjustment to off-street parking requirements, from 58 to 46 spaces.
- xi. The Bayfront special parking area was setup so that uses would not have to provide off-street parking to meet 100% of their parking demand. The fish plants that Ms. Lafranchise Attachment "K") notes would be adversely impacted by congestion attributed to this proposal provide no off-street parking for their employees or guests. They rely entirely on available public parking. Evidence in the record, and noted above, establishes that the applicant's proposal would have less of an impact on the availability of on-street parking, and associated congestion, relative to the previous mix of uses that existed on the property just a few years ago. This would be a reasonable approach that the Commission could take when determining whether or not *"Granting the adjustment will equally or better meet the purpose of the regulation to be modified."* The former Forinash Gallery, Shark's Restaurant, and M&P Thai Restaurant faced Bay Boulevard and guests/employees relied upon public parking. The Apollo's Night Club provided 20 off-street, which met a portion of its need, and the aggregate impact of these uses on available on-street public parking was a demand for 29 spaces. The applicant is situating their new commercial space in a similar manner as the prior use, with parking for the second and third story hotel being met on-site. The spill over, or demand, on available on-street spaces is 17 stalls, which is significantly less than the previous use and is a reasonable basis upon which the Commission could conclude that the adjustment is warranted.

- xii. The applicant is seeking a 13% increase in the maximum percentage of allowable compact stalls. NMC 14.14.060 provides:

*"For parking lots of five vehicles or more, 40% of the spaces may be compact spaces measuring 7.5 feet wide by 15 feet long. Each compact space must be marked with the word "Compact" in letters that are at least six inches high.*

The mix of standard to compact spaces for a particular use, should be tailored to an applicant's clientele and the vehicles they are likely to drive. Structured parking, such as this, is easier for an owner to control, in terms of who is utilizing the spaces and they can advise guests of the limitations of their parking arrangements. The applicant's site plan shows that they are providing a full width drive isle (at 23-ft) which mitigates concerns about adequate area for vehicle turn movements. Considering that the off-street parking is largely concealed and confined to areas behind and under the building, it is likely that use of the space would be limited to hotel guests, and it would be reasonable for the Commission to require the owner advise guests of their parking limitations. The Commission could also ask the applicant for additional information as to why a larger percentage of compact spaces is appropriate. Alternatively, the Commission could encourage the applicant to reconfigure the lot with fewer compact spaces, and less spaces total, meaning that more of their parking demand would be met with available on-street spaces. This would be justifiable given that the applicant is accommodating a larger number and percentage of their parking need off-street than the previous use of the property.

- xiii. Considering the above, it is reasonable for the Planning Commission to conclude that granting the adjustments will equally or better meet the purpose of the regulation to be modified.

**(2) That any impacts resulting from the adjustment are mitigated to the extent practical:**

- i. It would be reasonable for the Commission to find that the terrain difference between the condominium development to the west and applicant's property mitigates impacts associated with setback reduction from 10-feet to 6-feet. The attached aerial and topographic map illustrate that the applicant's property is 10-12 feet below the lowest elevation of the residential property to the west (Attachment "H"). The condominium building is a further 5-feet higher in elevation and its first floor is dedicated to parking (another 10-feet +/-). This equates to roughly a 25-foot difference in vertical elevation between condominium living

areas and the finished grade of the property. That is the equivalent of a significant amount, and age, of landscape screening were the properties at similar elevations. The same principal applies to other residential properties to the west, which are even further away from applicant's property.

- ii. Mitigation is not needed relative to the applicant's request for an adjustment to the required amount of off-street parking since the Bayfront parking area has on-street parking that is provided for the purpose of meeting the additional parking demand from businesses in the area.
- iii. A condition of approval requiring the applicant advise guests of the parking limitations attributed to their off-street parking is a reasonable step to mitigate limitations associated with the lot having a higher percentage of compact spaces than the City's parking code would typically allow.

xiv. Considering the above, it is reasonable for the Planning Commission to conclude that the applicant's project adequately mitigates impacts to neighboring properties, as conditioned.

(3) *That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access:*

- i. The subject property borders SW Bay Street and SW Bay Boulevard and a hydrant is in place at the intersection of those streets, adjacent to the applicant's property (Attachment "H"). The applicant's elevation drawings (Sheet A-6, Attachment "E") shows that the new building will be setback almost 16-feet from the existing retaining wall and 9-feet from the wall that the applicant intends to construct. Chief Murphy, with the Newport Fire Department, confirmed that the applicant's plans, with the adjacent yard buffer adjustment, provide for adequate fire access. There are no utilities in place where the adjacent yard buffer is to be reduced. The requested adjustments to the amount of required parking and the percentage of permissible compact parking spaces do not impact access to the property for fire suppression or the installation and maintenance of utilities.
- ii. Given the above, it is reasonable for the Planning Commission to conclude that granting the adjustment will not interfere with utility or fire access.

(4) *That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.*

- i. The analysis above considers the effect of the requested adjustments and, when taken in aggregate, is sufficient to establish that the cumulative effect of the adjustments is consistent with the overall purpose of the zoning district, which is to support water-related uses and, with conditional use approval, uses that are retail/entertainment oriented in nature.

f. **Compliance with Conditional Use Approval Criteria (NMC 14.34.050):**

To grant the permit, the Planning Commission must find that the applicant's proposal meets the following criteria.

(1) **The public facilities can adequately accommodate the proposed use.**

- i. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets and electricity. All public facilities are available and serve the property.

The applicant notes that the site currently consists of two separate building structures that are in poor condition. One building was used as a restaurant and the other building was used as an art gallery. They note that there was also a third building used as a nightclub, restaurant, retail space and office building that was recently demolished. Consequently, the applicant asserts that due to the large occupancies of these uses there has historically been a considerable impact to the public facilities along Bay Blvd.

- ii. As shown on the applicant's site plan (Attachment "E") and the aerial and topographic Map (Attachment "H"), street and sidewalk access to this developed site is available off SW Bay Boulevard. This public street is a fully improved, paved collector roadway. The Planning Commission may accept this information as sufficient evidence that street and sidewalk access to the property is adequate. The City provides water service to the site via a 12-inch main in SW Bay Boulevard. Sewer service is provided by a 10-inch gravity line in SW Bay Boulevard. Storm drainage is collected in catch basins and directed under SW Bay Boulevard to the bay. The existing facility utilizes these services. The services have been sized to accommodate regional development in the area, including industrial users such as the fish plants along SW Bay Boulevard and the Commission can rely upon the presence of these utilities to establish that the water, sewer, and storm drainage services are adequate to support the proposed uses. Electric service is available to the existing building.
- iii. Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate the retail use.

(2) The request complies with the requirements of the underlying zone or overlay zone.

- i. This criterion addresses requirements of the underlying or overlay zone. Each zoning district includes "intent" language. For the W-2 district, it includes the following:

*"All conditional uses in a W-2 district shall also comply with the following standard: In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality." (NMC 14.03.040)*

- ii. The applicant has provided architectural renderings, elevation drawings, and signage details (Attachment "E"). This gives Planning Commission members a clear sense of how the new building will look when it is completed.
- iii. The applicant acknowledges that the Bayfront area falls into this category, as it is historic, unique, and scenic. They note that the proposed boutique hotel building will enhance and serve as an anchor to the Southern portion of the Bayfront by replacing old existing buildings that are in disrepair and providing a new facility that will promote local retail businesses and increase tourism.
- iv. The applicant points out that nearby is the site of the historic "Hotel Abbey" which was built in 1911. The Hotel Abbey was known to be one of Newport's most prestigious hotels for honeymooners and visitors alike before it was burned down in 1964. The applicant proposes to name the new building "Hotel Abbey" and has designed the structure in a similar manner to reflect the rich history found in Newport and aligns with the spirit of the W-2 zoning provision that states, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."
- v. Applicant's site plan and exterior elevations (Attachments "E") illustrate that the building will be three stories high with a 35-foot peak height, which is the maximum building height allowed in the W-2 zone district (Table "A," NMC 14.13.020). Elevator shafts and other mechanical enclosures are permitted to extend above 35-feet per NMC 14.10.020(A) provided they do not exceed 5% of the main building footprint or 200 sq. ft., whichever is less. The applicant's site plan does not include dimensions for the elevator shaft and related appurtenances, so

it would be reasonable for the Commission to include a condition that stipulates the enclosures must adhere to these requirements.

vi. The orientation and mass of the proposed building, its exterior appearance, roof line, and the placement of the elevator shaft give the building a look that is similar to the original "Hotel Abbey." Images of the Hotel Abbey are included with Attachment "I." The building was constructed in 1911 and lost as a result of a fire in 1964. Like the current proposal, the Hotel Abbey included commercial on the ground floor, with hotel rooms on the second and third floors. As the photos show the Bayfront then, like it is now, was a mix of one, two, and three-story structures, and it is reasonable for the Commission to rely upon historic imagery such as this to conclude that the applicant's proposal to construct a three story mixed use building, with main floor commercial and hotel uses on the upper floors, is consistent with the historic, unique, or scenic quality of the area. This includes the fact that hotel lodging has historically been a type of use on the bayfront.

vii. This is a subjective approval standard, and if Commission members feel that there are aspects of the design that are out of place, then it would be appropriate to point them out so that the applicant may respond.

**(3) The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.**

i. This criterion relates to the issue of whether the proposed use has potential "adverse impacts" greater than existing uses and whether conditions may be attached to ameliorate those "adverse impacts." Impacts are defined in the Zoning Ordinance as including, but not being limited to, the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood. Adequate off-street parking, or the lack thereof, may also be considered by the Commission under this criterion.

ii. The applicant indicates that they believe the proposed replacement building will not adversely impact nearby properties. They point out that the use of the building will be consistent with the current retail businesses and restaurants that have historically occupied the site as well as the other nearby establishments along Bay Blvd. They further note that the appearance and design of the building will not only enhance the overall quality of the area but also encourage higher quality for future developments. The applicant asserts that there will be no unreasonable noise, dust or loss of air

quality from the proposed building and they point out that the proposed use will have a lower parking demand than the previous use of the property (an assertion that is confirmed with analysis earlier in this report).

iii. The proposed mass and height of the building is consistent with what exists on other W-2 zoned properties. This zone allows lot coverage of up to 90% with no setbacks other than the adjacent yard buffer previously discussed and a 35-foot maximum building height (Table "A, NMC 14.13.020). The applicant is adhering to these requirements. The Commission might receive testimony that the proposed building could obstruct the view of the bay from nearby properties, and that this constitutes an "adverse impact." This would be a potential adverse impact only if the applicant were seeking to exceed the permissible building height, which is not the case with this application.

iv. Given the above, it is reasonable for the Planning Commission to find that this criterion has been satisfied.

(4) *A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.*

i. The applicant notes that, the proposed building will comply with allowable heights permitted outright per zoning code. They further assert that the design shall not only be consistent with the overall character of the area but improve it through the level of detail and quality of materials used. The boutique design character will add to the unique character of the area that also includes very tall seafood processing buildings on the bay front. The applicant points out that the hotel building has been designed to create variation both in the horizontal and vertical planes of the front facade facing Bay Blvd. In addition, the building has been set back 4 ft from the front property line to create pockets of landscaping and outdoor seating areas for a more pedestrian friendly and dynamic street experience. Lastly, the applicant notes that commercial storefronts with low hanging trellis canopies on the front facade also help to create more human scale.

ii. The applicant may need to adjust aspects of the exterior design to comply with building codes, fire codes, and other public health and safety regulations, including accessibility requirements. It is unlikely though that such changes would materially impact size or height of the building. If that does happen, then it would be appropriate for the Commission to require a new conditional use permit, and a condition to that effect is included below.

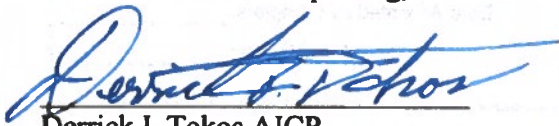


iii. Given the above, it is reasonable for the Planning Commission to find that the use will be consistent with the overall development character of the neighborhood regarding building size and height.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Zoning Ordinance for granting a conditional use permit, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the Zoning Ordinance and the Comprehensive Plan. If the Commission finds that the request does not comply with the criteria, and cannot comply with the imposition of reasonable conditions, then it should deny the application.

G. **STAFF RECOMMENDATION:** As outlined in this report, this application to replace the former Forinash Gallery, Shark's Restaurant, M&P Thai Restaurant and Apollo's Night Club with a new a new 47 room, 26,656 sq. ft. three-story hotel, with 2,626 sq. ft. of street level commercial space, can satisfy the approval criteria for a conditional use provided conditions are imposed as outlined below.

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.
2. The applicant shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use. If the applicant must materially modify the size or height of the building to comply with these codes, then a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.
3. The square footage of the elevator enclosure and related appurtenances shall not exceed 5% of the area of the main building footprint or 200 sq. ft., whichever is less.
4. Applicant may construct a 6 to 8-ft. wall parallel to the existing retaining wall in the location shown on the site plan and exterior elevations (Attachment "E") or they may elect to reconstruct or reinforce the existing retaining wall in partnership with the neighboring condominium association.
5. The hotel shall inform guests via their website or other similar means of the limitations of the on-site parking, and restrict vehicles that are too large to be accommodated.



Derrick I. Tokos AICP  
Community Development Director  
City of Newport

March 10, 2023

City of Newport  
Land Use Application

PLEASE PRINT OR TYPE • COMPLETE ALL BOXES • USE ADDITIONAL PAPER IF NEEDED

Applicant Name(s): John Lee	Property Owner Name(s): Elsinore Investments LLC
Applicant Mailing Address:  13635 NW Cornell Rd, Suite 100 Portland, OR 97225	Property Owner Mailing Address: 18555 SW Teton Avenue Tualitan, OR 97062
Applicant Telephone No.: 503-765-5556; jlee@vipgroup.com	Property Owner Telephone No.: (503) 805-7805
E-mail: jlee@vipgroup.com	E-mail: Charlie.eggert@keystone-pacific.com
Authorized Representative(s):	
Authorized Representative Mailing Address:	
Authorized Representative Telephone No.:	E-Mail:

## Project Information

Property Location:	836 - 856 SW Bay Blvd., Newport, OR
Tax Assessor's Map No.: 11-11-08-CA-02800-00, -02500, -02501	Tax Lot(s): R394965, R392623, R510871
Zone Designation: W-2/C-2	Legal Description:
Comp Plan Designation:	
Brief Description of Land Use Request(s):	1. Demolish existing 1-story buildings 2. Construction of new 3-story hotel with 47 rooms (26,656 SF) with commercial space on street level (2,626 SF) 3. Add landscape planting and seating along Bay Blvd street frontage.
Existing Structures:	1-story buildings
Topography and Vegetation:	

## APPLICATION TYPE (please check all that apply)

<input type="checkbox"/> Annexation	<input type="checkbox"/> Interpretation	<input type="checkbox"/> UGB Amendment
<input type="checkbox"/> Appeal	<input type="checkbox"/> Minor Replat	<input type="checkbox"/> Vacation
<input type="checkbox"/> Comp Plan/Map Amendment	<input type="checkbox"/> Partition	<input checked="" type="checkbox"/> Variance/Adjustment
<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Planned Development	<input checked="" type="checkbox"/> PC
<input checked="" type="checkbox"/> PC	<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> Staff
<input type="checkbox"/> Staff	<input type="checkbox"/> Shoreland Impact	<input type="checkbox"/> Zone Ord/Map Amendment
<input type="checkbox"/> Design Review	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Other _____
<input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Temporary Use Permit	

## FOR OFFICE USE ONLY

File No. Assigned: _____		
Date Received: _____	Fee Amount: _____	Date Accepted as Complete: _____
Received By: _____	Receipt No.: _____	Accepted By: _____

(SEE REVERSE SIDE)

Community Development &amp; Planning Department • 169 SW Coast Hwy, Newport, OR 97365 • Derrick I. Tokos, AICP, Director

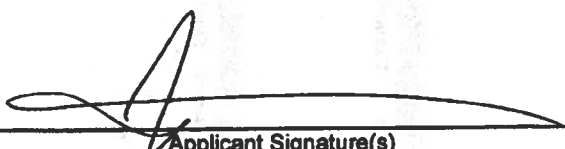
CITY OF NEWPORT

MAR 02 2023

RECEIVED

**I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development & Planning Department Staff Report concerning the applicable criteria.**

**I certify that, to the best of my knowledge, all information provided in this application is accurate.**

  
\_\_\_\_\_  
Applicant Signature(s)

Digitally signed by  
  
\_\_\_\_\_  
Property Owner Signature(s)

\_\_\_\_\_  
Authorized Representative Signature(s)

2/6/23  
\_\_\_\_\_  
Date Signed

2/9/2023 | 11:41 AM PST  
\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

***Please note application will not be accepted without all applicable signatures.***

***Please ask staff for a list of application submittal requirements for your specific type of request.***

## LINCOLNPROD PROPERTY RECORD CARD

Attachment "B"

1-CUP-23 / 1-ADJ-23

Property ID: R510871

Map and Taxlot: 11-11-08-CA-02501-00

Tax Year: 2023

Run Date: 3/8/2023 1:32:07 PM

## PROPERTY SITUS ADDRESS

56 SW BAY BLVD  
Maintenance Area: 5-09

## OWNER NAME AND MAILING ADDRESS

LSINORE INVESTMENTS LLC  
3555 SW TETON AVE  
UALATIN, OR 97062

## LEGAL DESCRIPTION

P. 1999-18, PARCEL 1, ACRES 0.07,  
OC201812362Acres: 0.07 Sqft: 3245  
Effective Acres: 0.07

## GENERAL PROPERTY INFORMATION

Prop Class: 201  
 NBH Code: N216  
 Prop Type Code: COM  
 Prop Code: Z5: COMMERCIAL NEWPORT & LINC  
 Next Appr Date:  
 Next Appr Reason:  
 Last Appr Date: 03/30/2010  
 Appraiser: PAB, PAB  
 Zoning: W-2  
 Code Area: 104  
 Related Accts: P357500

## VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	135,180	206,310	341,490	233,290	
2021	130,430	135,860	266,290	226,500	
2020	118,580	120,770	239,350	219,910	
2019	118,580	120,770	239,350	213,510	
2018	118,580	95,610	214,190	207,300	
2017	118,580	95,610	214,190	201,270	

## ASSESSMENT INFORMATION

Land Non-LSU:	135,180	Prior MAV:	233,290	Except RMV:	
Improvement:	206,310	Prior MAV Adj:		CPR:	
Non-LSU RMV Total:	341,490	Prior AV:	233,290	EX. MAV:	
Land LSU:		Prior AV Adj:		LSU:	
RMV Total:	341,490	AV +3%:	240,289	New M50 AV:	240,289

## SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
12/11/2018	27			SALE	WD WARRANTY DEE	201812362
09/09/1999	18			SALE	WD WARRANTY DEE	MF389-0895

## BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment

## PARCEL COMMENTS

enFlag- M\_09C,M\_10C  
 enCom- JV#025 INPUT 8-29-00.  
 rop-Note- 10NO,FORNASH GALLERY

## EXEMPTIONS

Code	Exempt RMV

## Exceptions

Code	Year	Amount	Metho
NI	2010	23,980	
DV	2000	161,040	

## MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %
S: COMMERCIAL DEV SITE	5BSF	SFT	0.070	35	
SD: COMMERCIAL SITE DEV	NOSC	LT		5,000	
Total Acres:			0.070		

NBHD %	Total Adj %	Final Value
1.140	1.140	129,480
1.140	1.140	5,700
Total Market Land Value:		135,180

## LAND SPECIAL USE

Code	SAV Unt Pr	MSAV Unt Pr	LSU
Total LSU:			



## LINCOLNPROD PROPERTY RECORD CARD

roperity ID: R392623

Map and Taxlot: 11-11-08-CA-02500-00

Tax Year: 2023

Run Date: 3/8/2023 1:34:00 PM

## PROPERTY SITUS ADDRESS

52 SW BAY BLVD  
Maintenance Area: 5-09

## OWNER NAME AND MAILING ADDRESS

LSINORE INVESTMENTS LLC  
3555 SW TETON AVE  
UALATIN, OR 97062

## LEGAL DESCRIPTION

P. 1999-18, PARCEL 2, ACRES 0.03,  
OC201812701

## GENERAL PROPERTY INFORMATION

Prop Class: 201  
 NBH Code: N216  
 Prop Type Code: COM  
 Prop Code: Z5: COMMERCIAL NEWPORT & LINC  
 Next Appr Date:  
 Next Appr Reason:  
 Last Appr Date: 10/02/2008  
 Appraiser: PAB, BD  
 Zoning: W-2  
 Code Area: 104  
 Related Accts: P511261

## VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	53,780	112,050	165,830	107,550	
2021	51,890	73,790	125,680	104,420	
2020	47,180	65,590	112,770	101,380	
2019	47,180	65,590	112,770	98,430	
2018	47,180	51,930	99,110	95,570	
2017	47,180	51,930	99,110	92,790	

## ASSESSMENT INFORMATION

Land Non-LSU:	53,780	Prior MAV:	107,550	Except RMV:
Improvement:	112,050	Prior MAV Adj:		CPR:
Non-LSU RMV Total:	165,830	Prior AV:	107,550	EX. MAV:
Land LSU:		Prior AV Adj:		LSU:
RMV Total:	165,830	AV +3%:	110,777	New M50 AV:
				110,77

## SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
12/11/2018	13			SALE	CWD CORRECTION	201812701/2
02/15/2012	27			SALE	WD WARRANTY DEE	201201690
04/10/1991	33			SALE	MISC MISCELLANE	MF228-1270

## BUILDING PERMITS AND INSPECTIONS

ype	Appraiser	Issue Date	Date Checked	% Comp	Comment
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## PARCEL COMMENTS

enFlag- M\_09C  
 enCom- JV#025 INPUT 8-29-00.  
 rop-Note- SHARK'S SEAFOOD

## EXEMPTIONS

Code	Exempt RMV
------	------------

## Exceptions

Code	Year	Amount	Metho
DV	2000	79,950	

## MARKET LAND INFORMATION

ype	Table	Method	Acres	Base Value	Adjustment Code - %
S: COMMERCIAL DEV SITE	5BSF	SFT	0.030	35	
SD: COMMERCIAL SITE DEVI NOSC		LT		5,000	
Total Acres:			0.030		

NBHD %	Total Adj %	Final Value
1.140	1.140	48,080
1.140	1.140	5,700
Total Market Land Value:		53,780

## LAND SPECIAL USE

Code	SAV Unt Pr	MSAV Unt Pr	LSU
Total LSU:			

**LINCOLNPROD PROPERTY RECORD CARD**

Property ID: R392623

Map and Taxlot: 11-11-08-CA-02500-00

Tax Year: 2023

Run Date: 3/8/2023 1:34:00 PM

**COMMERCIAL IMPROVEMENTS**

o.	Inst. ID	OAA Seg	Business Name	Occupancy	Class	Occ %	Stories	Hgt	Rank	Yr Blt	Eff Yr	Area	Perim	Adjustment	Code-%	NBHD %	Total Adj %	RCNLD	MS Depr %	RMV
.1	2577670	MA		350-Restaur		100	1		2.0	1962		978				4.100	4.100	27,330		112.05
<b>Total RMV:</b>																				112.05

**COMMERCIAL ADDITIONS**

o.	Instance ID	Type	Desc	Value
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**COMMERCIAL BASEMENTS**

No.	Instance ID	Bsmt Type	Area	Depth
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**COMMERCIAL COMMENTS**

## LINCOLNPROD PROPERTY RECORD CARD

roperity ID: R394965

Map and Taxlot: 11-11-08-CA-02800-00

Tax Year: 2023

Run Date: 3/8/2023 1:34:18 PM

## PROPERTY SITUS ADDRESS

36 SW BAY BLVD  
Maintenance Area: 5-90

## OWNER NAME AND MAILING ADDRESS

GGERT CHARLES W  
3555 SW TETON AVE  
UALATIN, OR 97062

## LEGAL DESCRIPTION

EWPORT, BLOCK 1, LOT 2,3 & PTN VAC  
LLEY, DOC201805535

## GENERAL PROPERTY INFORMATION

Prop Class: 201  
 NBH Code: N212  
 Prop Type Code: COM  
 Prop Code: Z5: COMMERCIAL NEWPORT & LINC  
 Next Appr Date:  
 Next Appr Reason:  
 Last Appr Date: 01/13/2021  
 Appraiser: PAB, KL  
 Zoning: W-2  
 Code Area: 104  
 Related Accts: P440497, P520361, P523631,  
 P524936, P524964, P525989,

## VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	331,000		331,000	331,000	
2021	319,390	0	319,390	319,390	
2020	290,350	327,630	617,980	617,980	
2019	290,350	327,630	617,980	617,980	
2018	290,350	259,380	549,730	549,730	
2017	321,500	286,840	608,340	608,340	

## ASSESSMENT INFORMATION

Land Non-LSU:	331,000	Prior MAV:	387,560	Except RMV:	
Improvement:		Prior MAV Adj:		CPR:	
Non-LSU RMV Total:	331,000	Prior AV:	331,000	EX. MAV:	
Land LSU:		Prior AV Adj:		LSU:	
RMV Total:	331,000	AV +3%:	340,930	New M50 AV:	331,000

## SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
06/06/2018	34			SALE	WD WARRANTY DEE	201805535
04/30/2007	18			SALE	WD WARRANTY DEE	200706317
12/26/2003	29			SALE	WD WARRANTY DEE	200321923

cres: 0 Sqt:

Effective Acres: 0

## BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment
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## PARCEL COMMENTS

enFlag- M\_04C,M\_05C,M\_09C,M\_12C,M\_18C  
 enCom- FOR 2006-07 BOPTA ORDER #R06-056 REDUCED THE RMV IMPS BY -\$105,200 TO \$273,010 FOR A NEW RMV TOTAL O  
 rop-Note- APOLLO'S RESTAURANT /DEMOLISHED 1/15/2021  
 and- PTO TL 3300

## EXEMPTIONS

Code	Exempt RMV
------	------------

## Exceptions

Code	Year	Amount	Metho
ADJ	2021	-437,320	
NI	2005	264,870	

## MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %
S: COMMERCIAL DEV SITE	5BSF	SFT	0.200	35	S-90
SD: COMMERCIAL SITE DEVI NOSC		LT		5,000	EFF-200
Total Acres:			0.200		

NBHD %	Total Adj %	Final Value
1.140	1.026	319,600
1.140	2.280	11,400
Total Market Land Value:		331,000

## LAND SPECIAL USE

Code	SAV	Unt	Pr	MSAV	Unt	Pr	LSU
Total LSU:							



## LINCOLNPROD PROPERTY RECORD CARD

Property ID: R399663

Map and Taxlot: 11-11-08-CA-03300-00

Tax Year: 2023

Run Date: 3/8/2023 1:34:42 PM

## PROPERTY SITUS ADDRESS

Maintenance Area: 5-09

## OWNER NAME AND MAILING ADDRESS

GGERT CHARLES W  
3555 SW TETON AVE  
UALATIN, OR 97062

## LEGAL DESCRIPTION

EWPORT, BLOCK 1, LOT 4, PTN OF & VAC  
LLEY, DOC201805535

## GENERAL PROPERTY INFORMATION

Prop Class: 200  
 NBH Code: N212  
 Prop Type Code: COM  
 Prop Code: Z5: COMMERCIAL NEWPORT & LINC  
 Next Appr Date:  
 Next Appr Reason:  
 Last Appr Date: 03/09/2018  
 Appraiser: KL  
 Zoning: W-2  
 Code Area: 104  
 Related Accts:

## VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	159,260		159,260	138,540	
2021	153,670	0	153,670	134,510	
2020	139,700	0	139,700	130,600	
2019	139,700	0	139,700	126,800	
2018	139,700	0	139,700	123,110	
2017	155,230	0	155,230	119,530	

## ASSESSMENT INFORMATION

Land Non-LSU:	159,260	Prior MAV:	138,540	Except RMV:
Improvement:		Prior MAV Adj:		CPR:
Non-LSU RMV Total:	159,260	Prior AV:	138,540	EX. MAV:
Land LSU:		Prior AV Adj:		LSU:
RMV Total:	159,260	AV +3%:	142,696	New M50 AV:

## SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
06/06/2018	34			SALE	WD WARRANTY DEE	201805535
04/30/2007	18			SALE	WD WARRANTY DEE	200706317
12/26/2003	29			SALE	WD WARRANTY DEE	200321923

## BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment
------	-----------	------------	--------------	--------	---------

## PARCEL COMMENTS

enFlag- M\_04C,M\_09C,M\_18C  
 enCom- 2003-04 VALUES REDUCED BY BOPTA ORDER #R03-298 & R03-356 RMV LAND ONLY -\$20,280 TO \$114,880 NO CHG T  
 rop-Note- 18YES,PTO APOLLO'S RESTAURANT  
 and- PTO 2800

## EXEMPTIONS

Code	Exempt RMV
------	------------

## Exceptions

Code	Year	Amount	Metho
------	------	--------	-------

## MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %
SU: COM UNDEV SITE	5BSF	SFT	0.100	35	S-90
Total Acres:			0.100		

NBHD %	Total Adj %	Final Value
1.140	1.026	159,260
Total Market Land Value:		159,260

## LAND SPECIAL USE

Code	SAV	Unt	Pr	MSAV	Unt	Pr	LSU
Total LSU:							



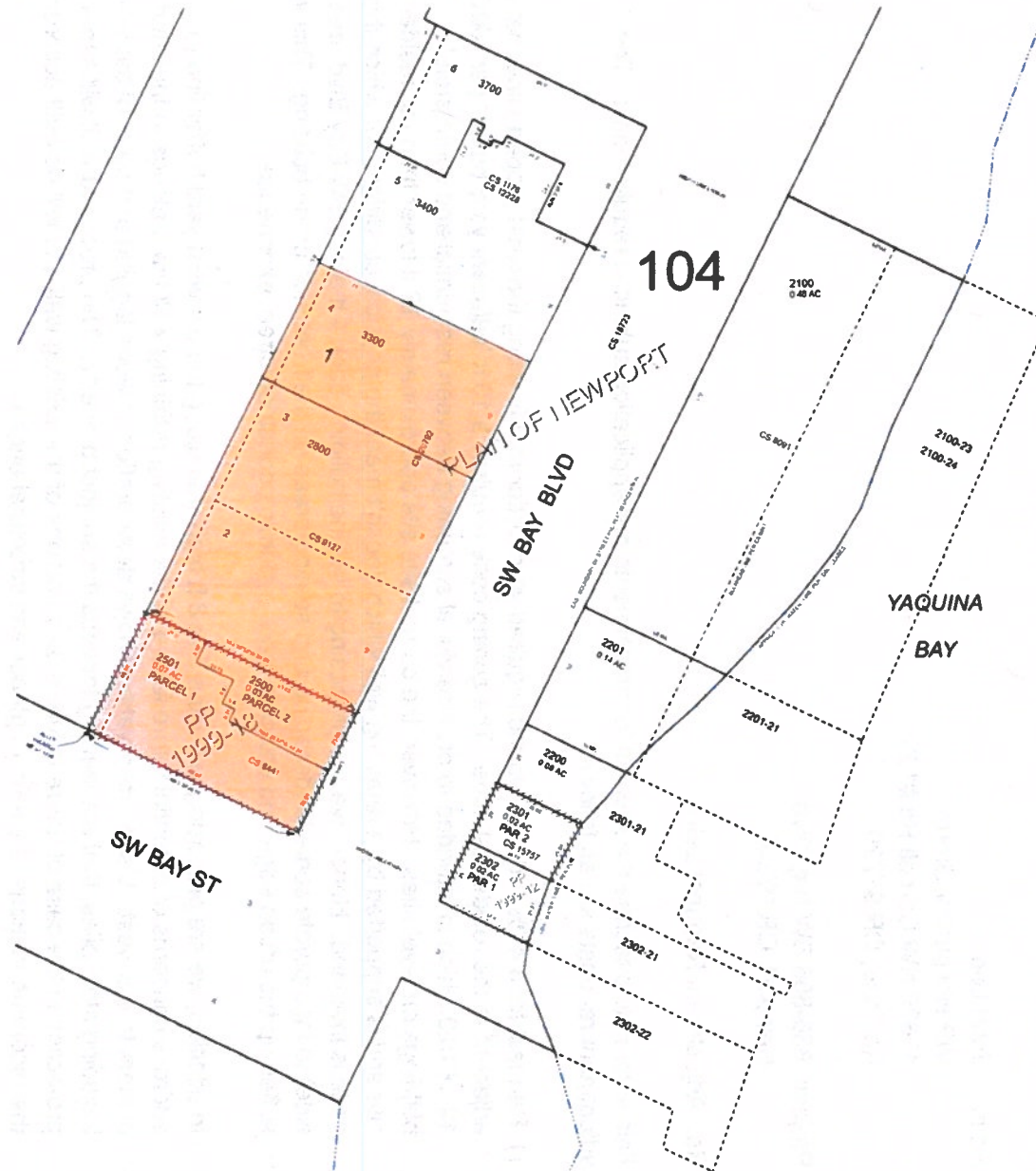
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

0 10 20 30 40 Feet

DETAIL MAP NO. 1  
N.E.1/4 S.W.1/4 SEC.8 T.11S. R.11W. W.M.  
LINCOLN COUNTY  
1" = 30'

**Attachment "C"**  
1-CUP-23 / 1-ADJ-23

11 11 08 CA  
DETAIL MAP NO 1  
NEWPORT



Revised SEB  
06/01/2021

NEWPORT  
DETAIL MAP NO 1  
11 11 08 CA

February 9, 2023

Attachment "D"  
1-CUP-23 / 1-ADJ-23

CITY OF NEWPORT

MAR 02 2023

RECEIVED

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: John Lee  
VIP Hospitality Group  
13635 NW Cornell Rd #100  
Portland, OR 97229

Project: 836-856 SW Bay Blvd.  
Newport, OR 97365

Re: Adjustment Request Letter

This letter is to describe the request for adjustments per application submittal requirements. The adjustment requests are as follows:

- 1) Request for a 40% reduction in the required yard buffer to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft 'adjacent yard buffer' per NMC 14.18.020 which is intended to provide visual screening between residential and commercial buildings on level sites. However, the current site sits approximately 12 ft lower than the residential site and is supported by a retaining wall which doesn't meet the physical conditions for which the code is intended. Hence, we are proposing to set the building back 4 ft along SW Bay Blvd (east side) to incorporate some landscaping and seating areas on the front side of the building. This will soften up the urban edge and create a more dynamic pedestrian/street experience.

In addition, we are proposing to build a 6 to 8 ft high wall along the 6 ft west yard buffer line to address concerns of potential future failure of the existing retaining wall that belongs to the condo owners to the west. Visual observation shows deterioration of wood lagging and parts of the wall, including steel piles, that are leaning towards the subject property. The proposed wall will serve as protection in the case of future failure of any portions of the existing wall and will be built according to the recommendations of a soils engineer and structural engineer.

- 2) Request for a 30% reduction in parking (17 stalls). Per zoning code, we are required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. We are currently providing 46 on-site parking stalls.
- 3) Request for a 13% adjustment in maximum compact stalls. The zoning code allows 40% of the parking to be compact stalls which is 18 stalls. We are requesting to allow for 6 more compact stalls.

If approved, the request for adjustments stated above will allow for a mixed-use project that incorporates ground floor commercial space that will increase retail business activity and enhance the pedestrian and street experience. The adjustments will mitigate any impacts to the extent practical such as adequate lighting and privacy to adjoining properties, adequate access, topography, site drainage, significant vegetation, and drainage. The adjustments will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.

February 9, 2023

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: John Lee  
VIP Hospitality Group  
13635 NW Cornell Rd #100  
Portland, OR 97229

Project: 836-856 SW Bay Blvd.  
Newport, OR 97365

Re: Written findings of fact addressing the following criteria:

- 1) That the public facilities can adequately accommodate the proposed use.

The site currently consists of two separate building structures that are in poor condition. One building was used as a restaurant and the other building was used as an art gallery. There was also a third building used as a nightclub, restaurant, retail space and office building that was recently demolished. Due to the large occupancies of these uses there has historically been a considerable impact to the public facilities along Bay Blvd.

- 2) That the request complies with the requirements of the underlying zone or overlay zone.

The proposed boutique hotel building will enhance and serve as an anchor to the Southern portion of the Bayfront by replacing old existing buildings that are in disrepair and providing a new facility that will promote local retail businesses and increase tourism. Nearby is the site of the historic 'Hotel Abbey' which was built in 1911. The Hotel Abbey was known to be one of Newport's most prestigious hotels for honeymooners and visitors alike before it was burned down in 1964. This hotel building, which will be called "Hotel Abbey" will serve as a reflection of the rich history found in Newport and aligns with the spirit of the W-2 zoning provision that states, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."

- 3) That the proposed use does not have an adverse impact greater than the existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust or loss of air quality.)

The proposed building has no adverse impacts on the nearby properties. The use of the building will be consistent with the current retail businesses and restaurants that have historically occupied the

site as well as the other nearby establishments along Bay Blvd. The appearance and design of the building will not only enhance the overall quality of the area but also encourage higher quality for future developments. There will be no unreasonable noise, dust or loss of air quality from the proposed building. The current buildings and uses represent an occupancy and parking demand of 49 spaces and the proposed hotel use represents a slightly lower parking demand of 48 spaces (see breakdown below). The new facility will provide 46 off-street parking spaces.

**Existing Buildings / Uses (Parking Credit – 49 spaces)**

Forinash Gallery (NMC General Retail - 1 space / 300sf) - 1,224sf = 4.1 Spaces

Shark Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 878sf = 5.9 Spaces

Shark's Restaurant Kitchen / Support (NMC Industrial - 1.5 spaces / 1,000sf) - 100sf = 0.2 space

Apollo's Level 1 Restaurant and Nightclub (9-CUP-03) (NMC Eating and Drinking Establishments - 1 space / 150sf) - 5,338sf = 35.6 Spaces

Apollo's Level 1 Kitchen / Support (4-CUP-07) (NMC Industrial - 1.5 spaces / 1,000sf) - 625sf = 0.9 space

Apollo's Level 1 Retail Gift Shop (4-CUP-06) (NMC General Retail - 1 space / 600sf) - 600sf = 1.0 Space

Apollo's Level 2 Offices (9-CUP-03) (NMC General Office - 1 Space / 600sf) - 400sf = 0.7 space

Apollo's Level 2 Storage (9-CUP-03) (NMC Warehouse - 1 Space / 2,000sf) - 1,293sf = 0.6 space

**Proposed Building / Uses (Parking Demand New Building - 29 Spaces)**

Industrial Food Production Level 1 (NMC Industrial - 1.5 spaces / 1,000sf) - 6,859sf = 10.3 spaces

General Retail Market Level 1 (NMC General Retail - 1 space / 600sf) - 3,000sf = 5 Spaces

Food Court / Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 2,000sf = 13.3 Spaces

- 4) If the application is for a proposed building or building modification, that is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

The proposed building will comply with allowable heights permitted outright per zoning code. The design shall not only be consistent with the overall character of the area but improve it through the level of detail and quality of materials used. The boutique design character will add to the unique character of the area that also includes very tall seafood processing buildings on the bay front. The hotel building has been designed to create variation both in the horizontal and vertical planes of the front façade facing Bay Blvd. In addition, the building has been set back 4 ft from the front property line to create pockets of landscaping and outdoor seating areas for a more pedestrian friendly and dynamic street experience. Commercial storefronts with low hanging trellis canopies on the front facade also help to create more human scale.

- 5) A written statement describing the nature of the request:

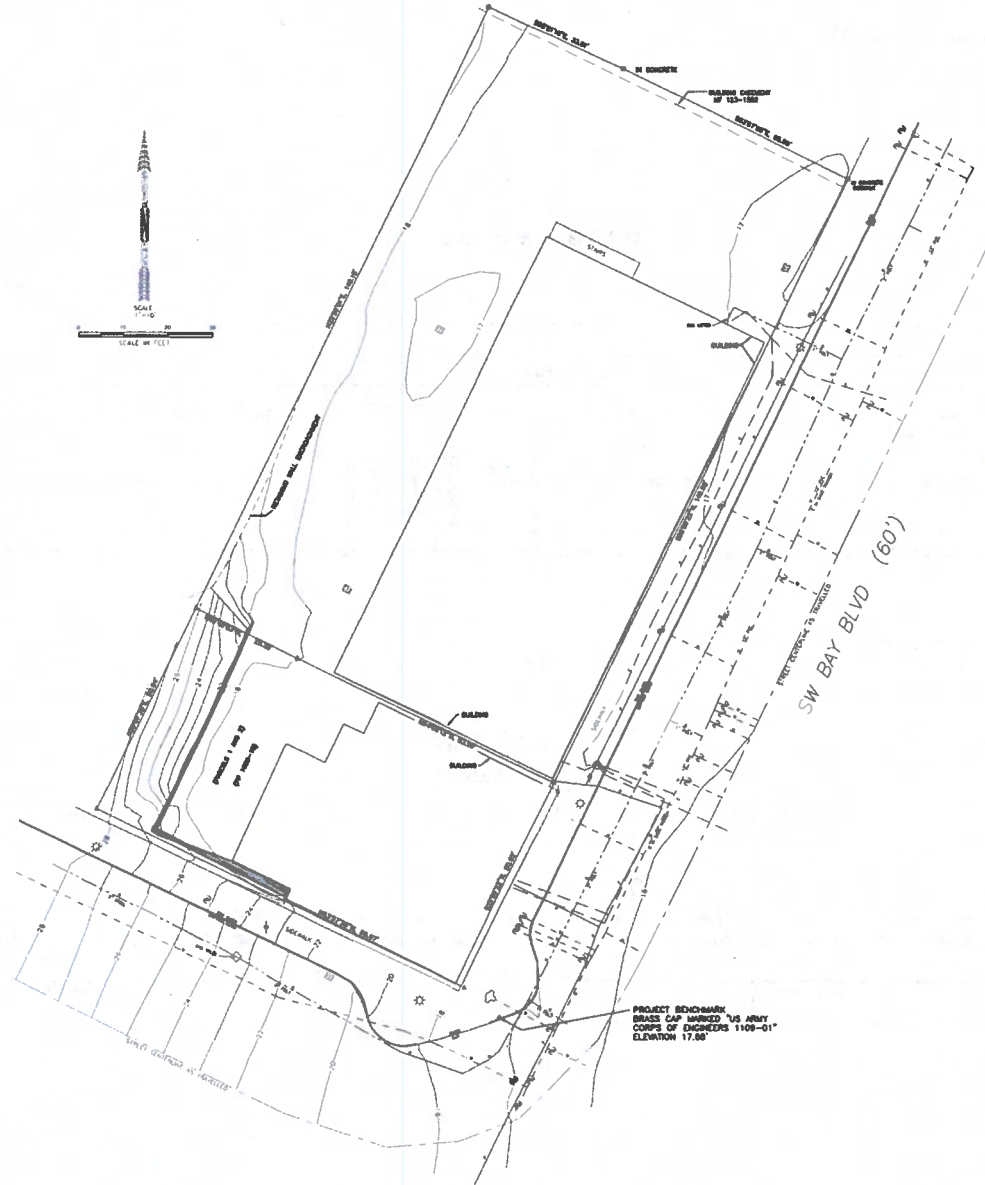
The proposed 3-story building shall be comprised of approximately 22,656 sf for the hotel portion of the project. The main hotel services will be on the second and third floors. General retail / food and drink establishment shall comprise approximately 2,623 sf of space on the first floor. 46 parking spaces will be provided on the first floor behind the retail storefronts. The roof deck shall be 2,075 sf.

836 - 856 SW BAY BLVD  
NEWPORT, OREGON 97365

HOTEL ABBEY  
3336 - 856 SW BAY BLVD  
NEWPORT, OR 97365[illegible]

COVER SHEET

Date FEBRUARY 8 2023  
 Scale AS 5MCMHRT  
 Crown  
 Approved  
 Job  
 Sheet  
**T-1**  
 The Office

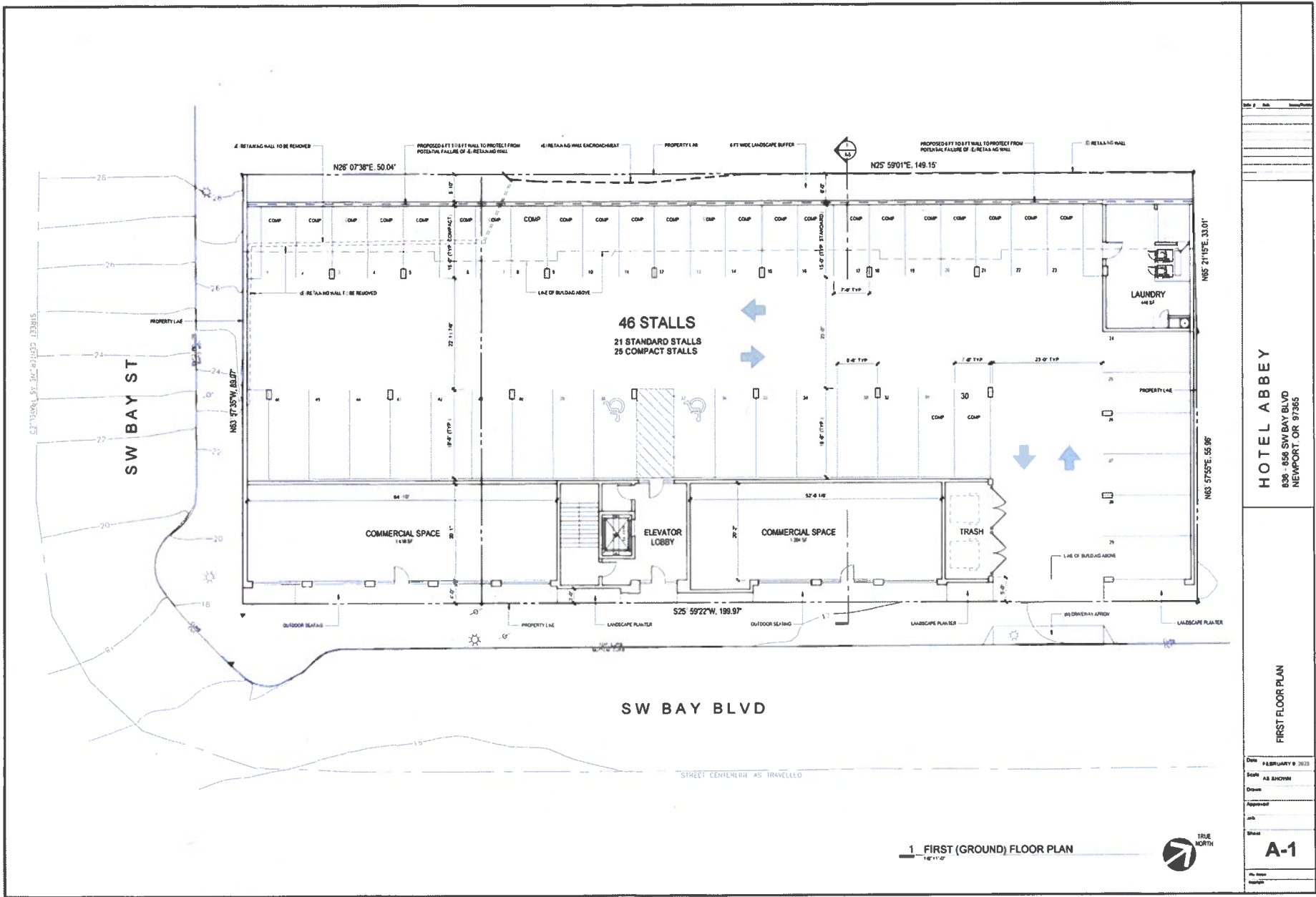


**HOTEL ABBEY**  
 838 - 858 SW BAY BLVD  
 NEWPORT OR 97365

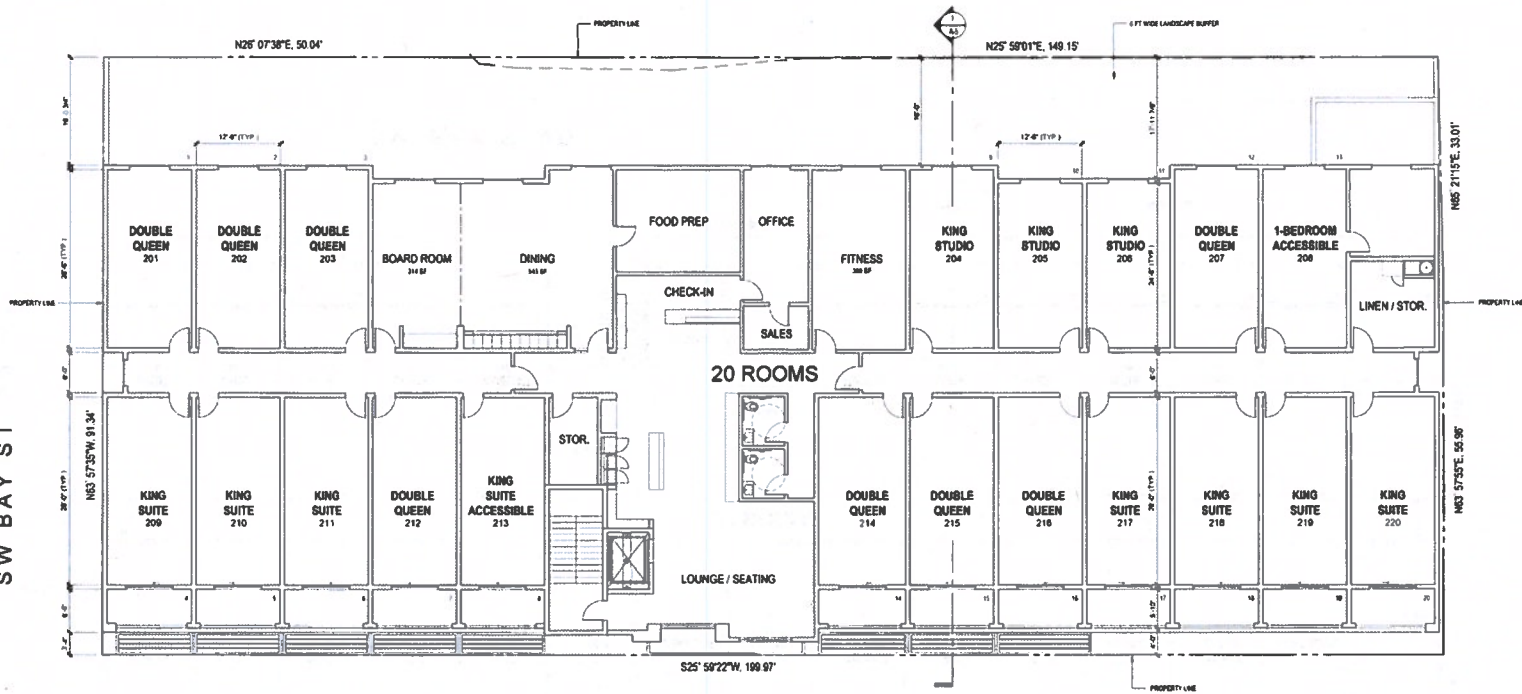
**SURVEY**

Date	FEBRUARY 8, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	<b>A-0</b>
No. Items	
Changes	





SW BAY ST



SW BAY BLVD

1 SECOND FLOOR PLAN



HOTEL ABBEY

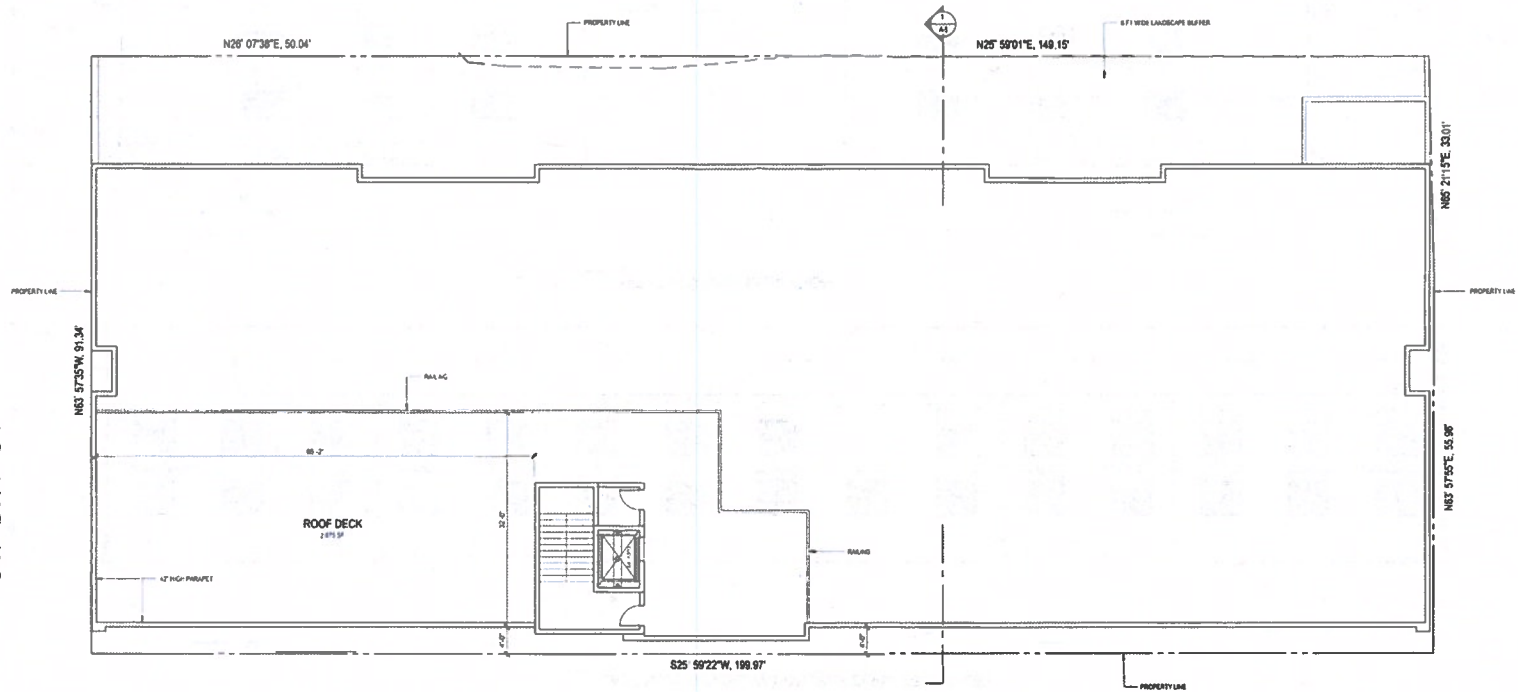
835 - 855 SW BAY BLVD  
NEWPORT, OR 97365

SECOND FLOOR PLAN

Date	FEBRUARY 8, 2019
Scale	AS SHOWN
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Approved	
Job	
Sheet	A-2
File Name	
Revision	



SW BAY ST



SW BAY BLVD

1 ROOF PLAN  
1/8" = 1'-0"



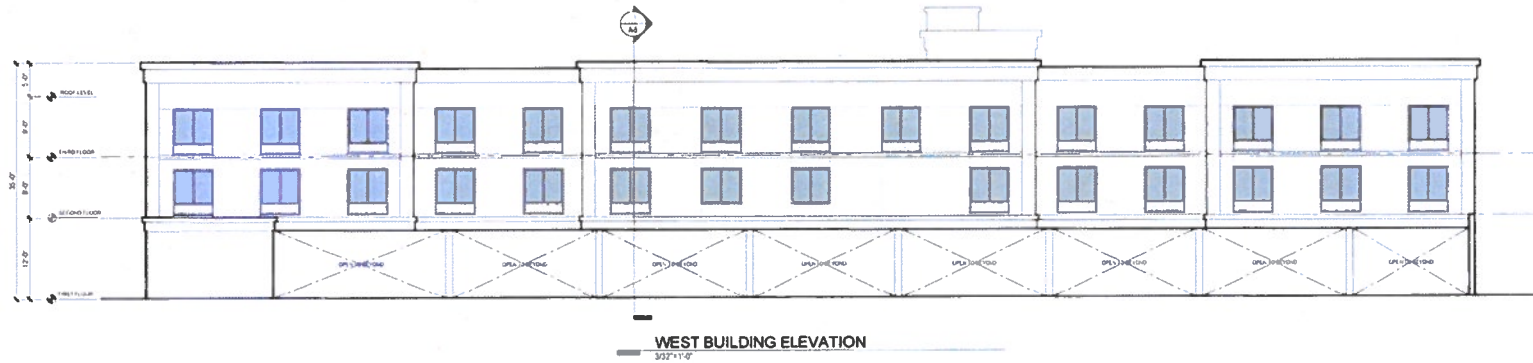
HOTEL ABBEY  
838 SW BAY BLVD  
NEWPORT, OR 97365

FOURTH FLOOR PLAN

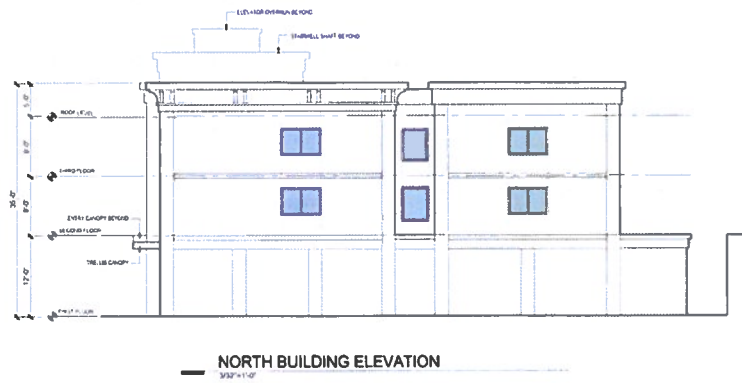
Date	FEBRUARY 8 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-4
By Name	
Signature	



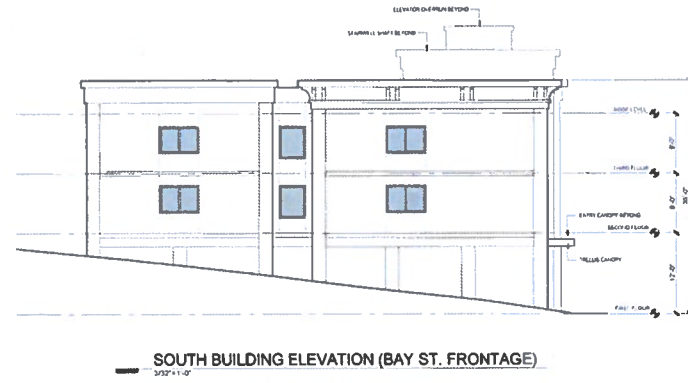
**EAST BUILDING ELEVATION (BAY BLVD. FRONTAGE)**  
3/32" = 1'-0"



**WEST BUILDING ELEVATION**  
3/32" = 1'-0"



**NORTH BUILDING ELEVATION**  
3/32" = 1'-0"



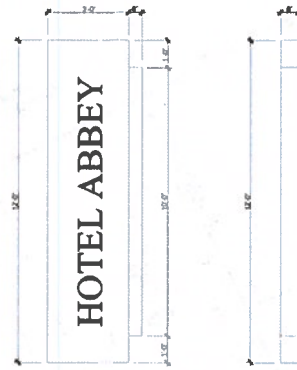
**SOUTH BUILDING ELEVATION (BAY ST. FRONTAGE)**  
3/32" = 1'-0"

**HOTEL ABBEY**  
836 - 856 SW BAY BLVD  
NEWPORT OR 97365

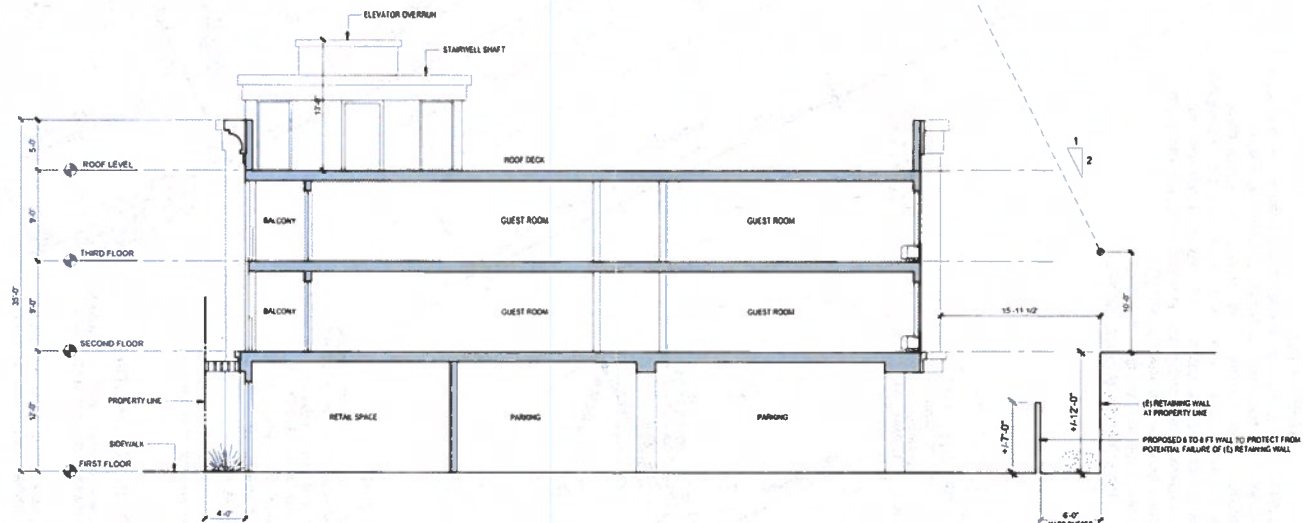
**BUILDING ELEVATIONS**

Drawn	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	
	<b>A-5</b>
Revised	





**2 SIGNAGE**  
1/2"=1'-0"



**BUILDING SECTION**  
3/16"=1'-0"

**HOTEL ABBEY**  
838 - 858 SW BAY BLVD  
NEWPORT OR 97365

**BUILDING SECTION AND SIGNAGE**

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	<b>A-6</b>
Rev. Name	
Revisions	

**SURVEY PREPARED FOR CHARLES EGGERT  
IN LOTS 2, 3 AND 4, BLOCK 1 AND PORTION OF VACATED ALLEY  
PLAN OF "NEWPORT"  
LOCATED IN THE SW 1/4 OF SECTION 8, T11S, R11W, W.M.  
CITY OF NEWPORT, LINCOLN COUNTY, OREGON**

111-11-08-CA TAX LOTS 2800 AND 33001  
MAY 24, 2018

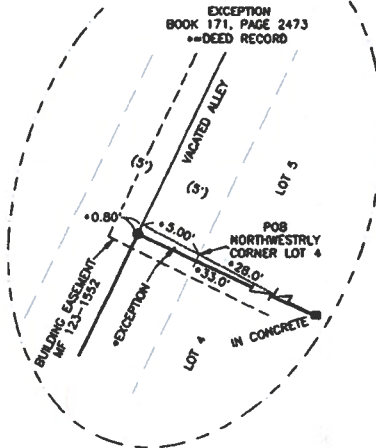
C.S. 20792

FILED 26 June 2018  
LINCOLN COUNTY SURVEYOR**NARRATIVE**

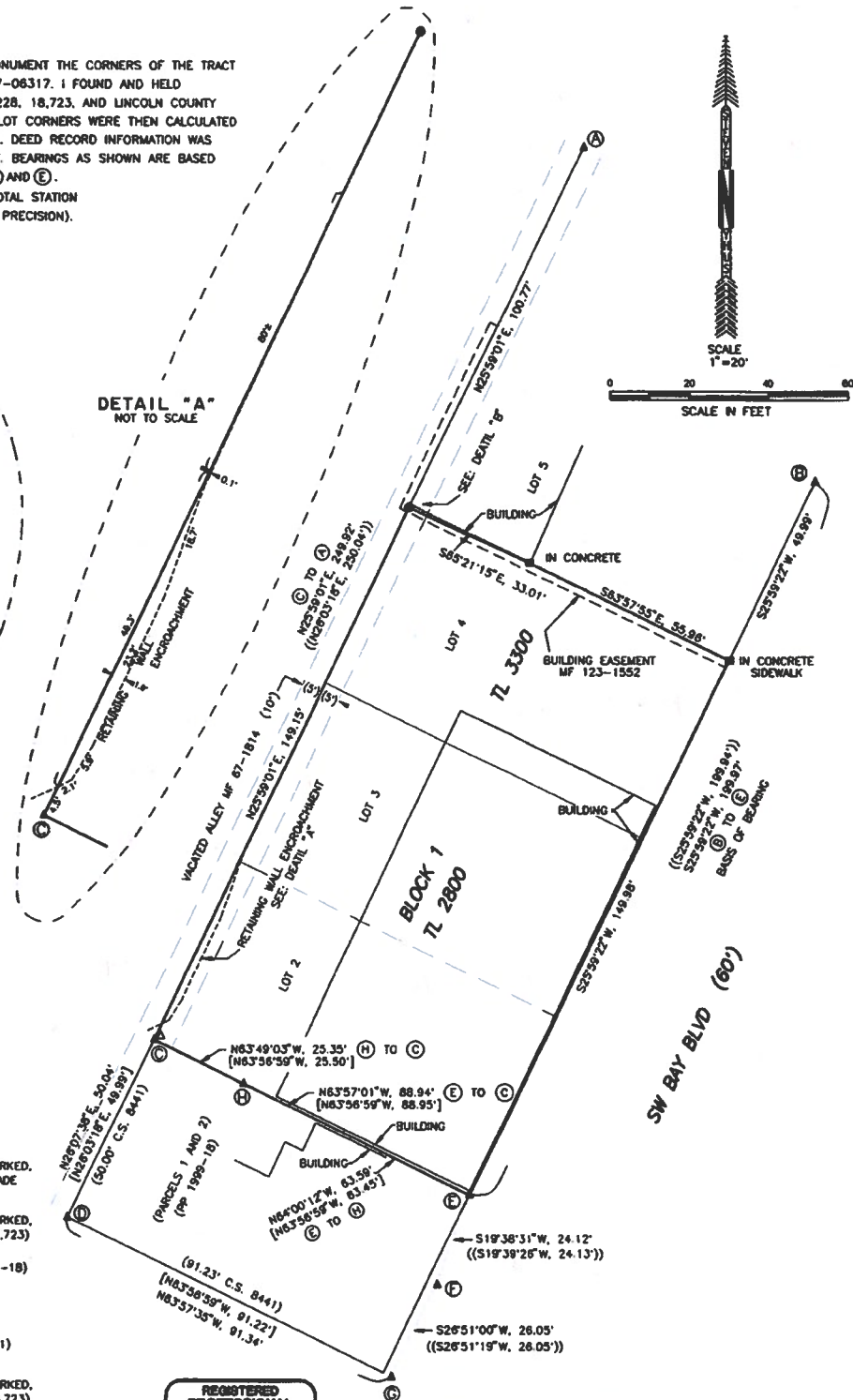
THE PURPOSE OF THIS SURVEY IS TO LOCATE AND MONUMENT THE CORNERS OF THE TRACT DESCRIBED IN LINCOLN COUNTY DEED DOCUMENT 2007-06317. I FOUND AND HELD MONUMENTATION FROM LINCOLN COUNTY SURVEYS 12,228, 18,723, AND LINCOLN COUNTY PARTITION PLAT 1999-18 TO CONTROL THIS SURVEY. LOT CORNERS WERE THEN CALCULATED BASED UPON PROPORTION BETWEEN HELD MONUMENTS. DEED RECORD INFORMATION WAS USED TO CALCULATE THE EXEMPTION FROM THE TRACT. BEARINGS AS SHOWN ARE BASED ON THE C.S. 18,723 RECORD BETWEEN MONUMENTS (B) AND (C). THIS SURVEY WAS PERFORMED USING A LEICA TS11 TOTAL STATION (3" ANGULAR PRECISION, 1 MM ± 1.5 PPM DISTANCE PRECISION).

**DETAIL "B"**

NOT TO SCALE

EXCEPTION  
BOOK 171, PAGE 2473  
==DEED RECORD**DETAIL "A"**

NOT TO SCALE

**LEGEND**

- MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
- MONUMENT SET: NAIL WITH BRASS WASHER MARKED "NYHUS SURVEY"
- ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
- △ MONUMENT FOUND: AS NOTED
- ( ) RECORD INFORMATION, AS NOTED
- (( )) RECORD INFORMATION: C.S. 18,723
- [ ] RECORD INFORMATION: PARTITION PLAT 1999-18

**MONUMENT DESCRIPTIONS**

- (A) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", 0.1' BELOW GRADE (C.S. 12,228)
- (B) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)
- (C) FOUND: 5/8" IRON ROD, 0.2' BELOW GRADE (PP 1999-18) FROM WHICH:  
FOUND: LEANING 1/2" IRON ROD, FLUSH  
BEARS N84°12'E, 2.21 FEET (C.S. 8441)
- (D) FOUND: 1/2" IRON ROD, 0.4' BELOW GRADE (C.S. 8441)
- (E) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)
- (F) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)
- (G) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)
- (H) FOUND: 5/8" IRON ROD WITH ILEGIBLE YELLOW PLASTIC CAP, FLUSH (PP 1999-18)

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Sh. Nyhus*  
CREATED  
BY NYHUS  
STEVEN E. NYHUS  
RENEWAL DATE:  
DEC. 31, 2018

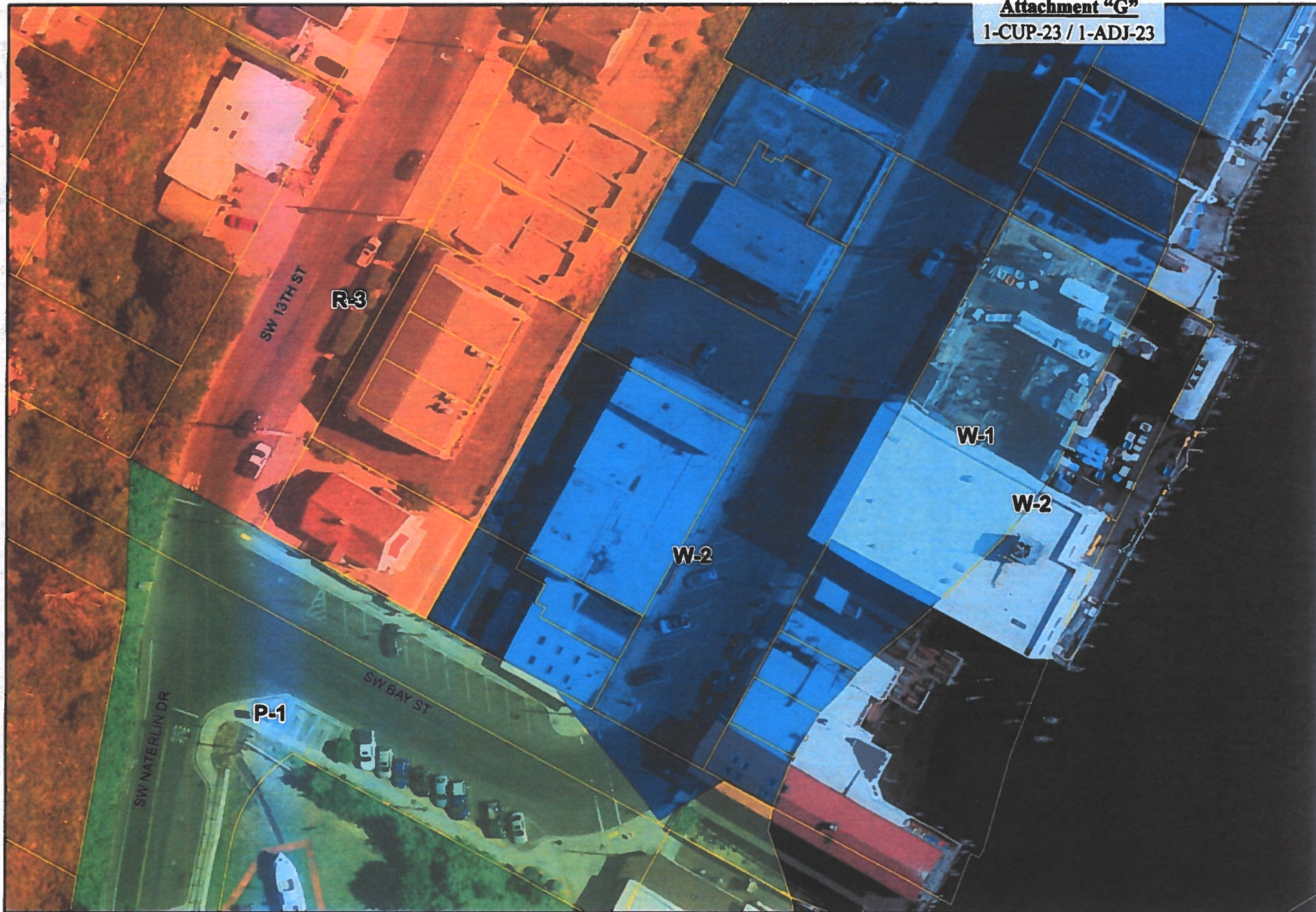
**NYHUS SURVEYING INC.**

GARY NYHUS / STEVEN NYHUS  
PROFESSIONAL LAND SURVEYOR  
P.O. BOX 206  
740 E. THISSELL RD. TIDEWATER, ORE 97390  
(541) 528-3234

CHECK BY: SEN
DRAWN BY: GAM
DATE: 5-24-2018
SCALE: 1" = 20'
PROJECT: 18090

DRAWN BY: GM MAPPING -GREG MURRY- (541) 528-7062 / 422SRV





City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
Phone: 1.541.674.0629  
Fax: 1.541.674.0644

This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

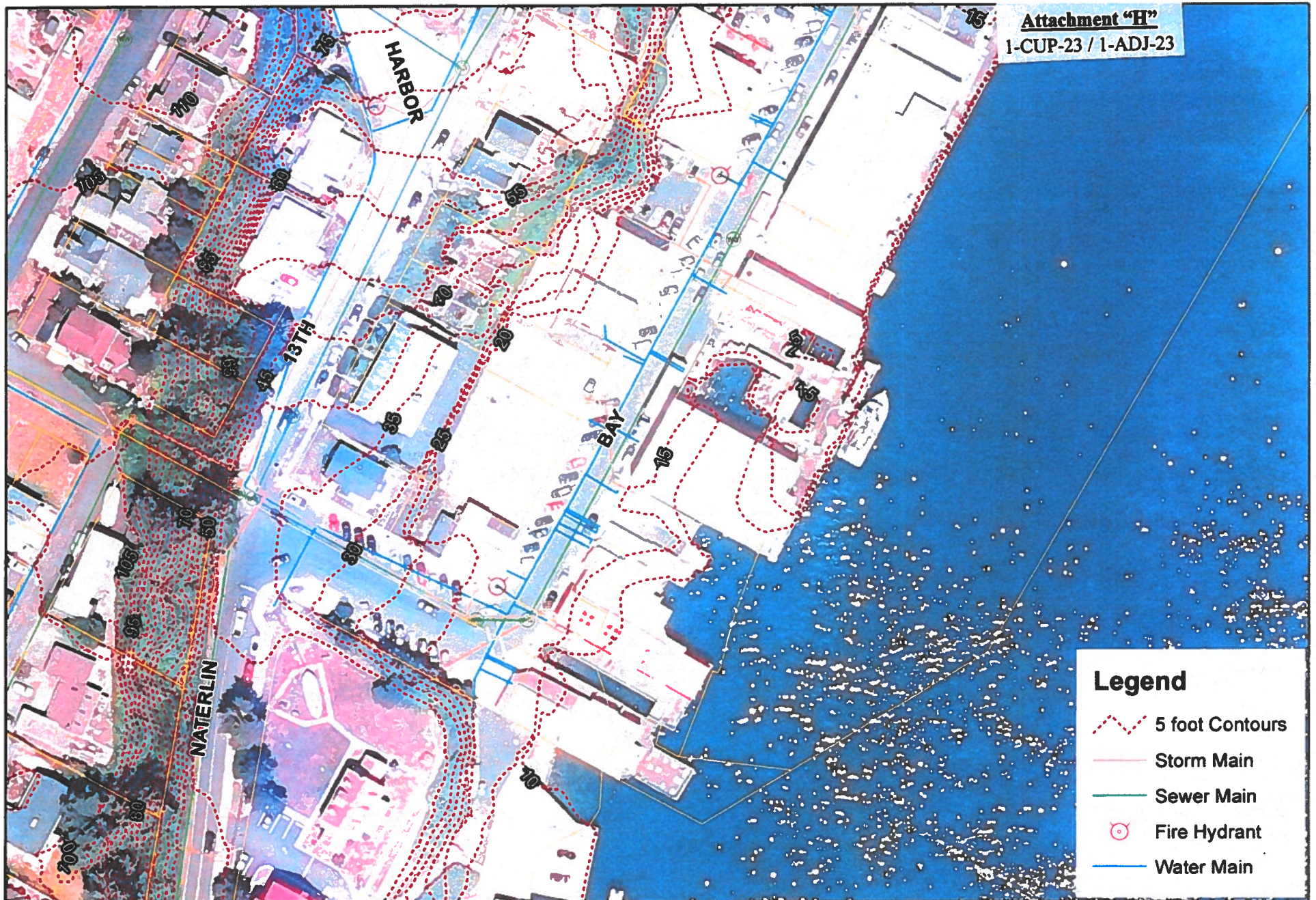
### Zoning Map 836 to 856 SW Bay Blvd

Image Taken July 2018  
4-inch, 4-band Digital Orthophotos  
Quantum Spatial, Inc. Corvallis, OR

0 30 60 120 Feet







### Legend

- 5 foot Contours
- Storm Main
- Sewer Main
- Fire Hydrant
- Water Main



City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
Phone: 1.541.574.0629  
Fax: 1.541.574.0644

### Utility and Terrain Map 836 to 856 SW Bay Blvd

Image Taken July 2021  
4-inch, 4-band Digital Orthophotos  
Source: Lincoln County

This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its completion or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

0 50 100 200 Feet





Images of the Abbey Hotel (Constructed in 1911 and lost to fire in 1964)

Abbey Hotel, Newport Bayfront (1935)



Source: Lincoln County Historical Society Archive, Oregon State University. (08 Mar 2023). 1275 Abbey Hotel, Bay Blvd., Newport, OR Retrieved from <https://oregondigital.org/concern/images/df65vv83v>

Abbey Hotel, Newport Bayfront (1941)

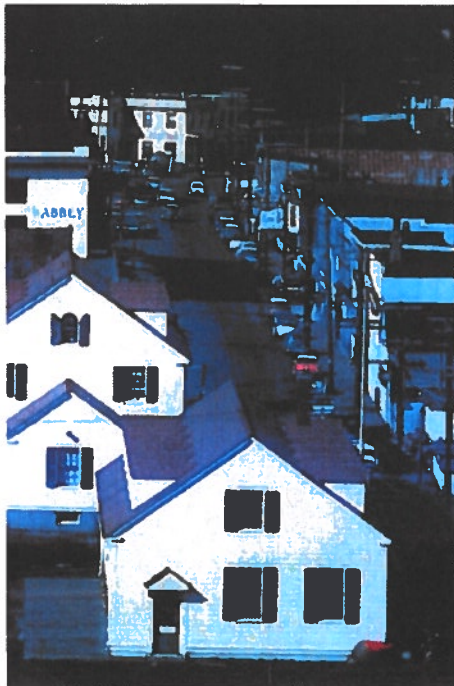


Source: Salem Public Library Historic Photograph Collections, Salem Public Library, Salem, Oregon.

Abbey Hotel Postcard (circa 1950's)



Bay Blvd., 1947, Newport, OR (Abbey Hotel in Background)



Source: Lincoln County Historical Society Archive, Oregon State University. (08 Mar 2023). *Bay Blvd., 1947, Newport, OR* Retrieved from <https://oregondigital.org/concern/images/df65vv86p>



**CITY OF NEWPORT  
PUBLIC NOTICE<sup>1</sup>**

**Attachment "J"**  
**1-CUP-23 / 1-ADJ-23**

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Newport, Oregon, will hold a public hearing to consider the following Conditional Use Permit and Adjustment Permit request:

**File No. 1-CUP-23 / 1-ADJ-23**

**Applicant & Owner:** John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner)

**Request:** Consideration by the Planning Commission of a request for a conditional use permit and adjustment permit per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24.

**Location/Subject Property:** 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501).

**Applicable Criteria:** NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

**Testimony:** Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

**Reports/Application Material:** The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon,

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<sup>1</sup> Notice of this action is being sent to the following: (1) Affected property owners within 200 feet of the subject property according to Lincoln County tax records; (2) affected public utilities within Lincoln County; and (3) affected city departments.

97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address.

**Contact:** Derrick Tokos, Community Development Director, (541) 574-0626 (address above in "Reports/Application Material").

**Time/Place of Hearing:** Monday, March 13, 2023; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

**MAILED:** February 22, 2023.

**PUBLISHED:** March 3, 2023 /News-Times.

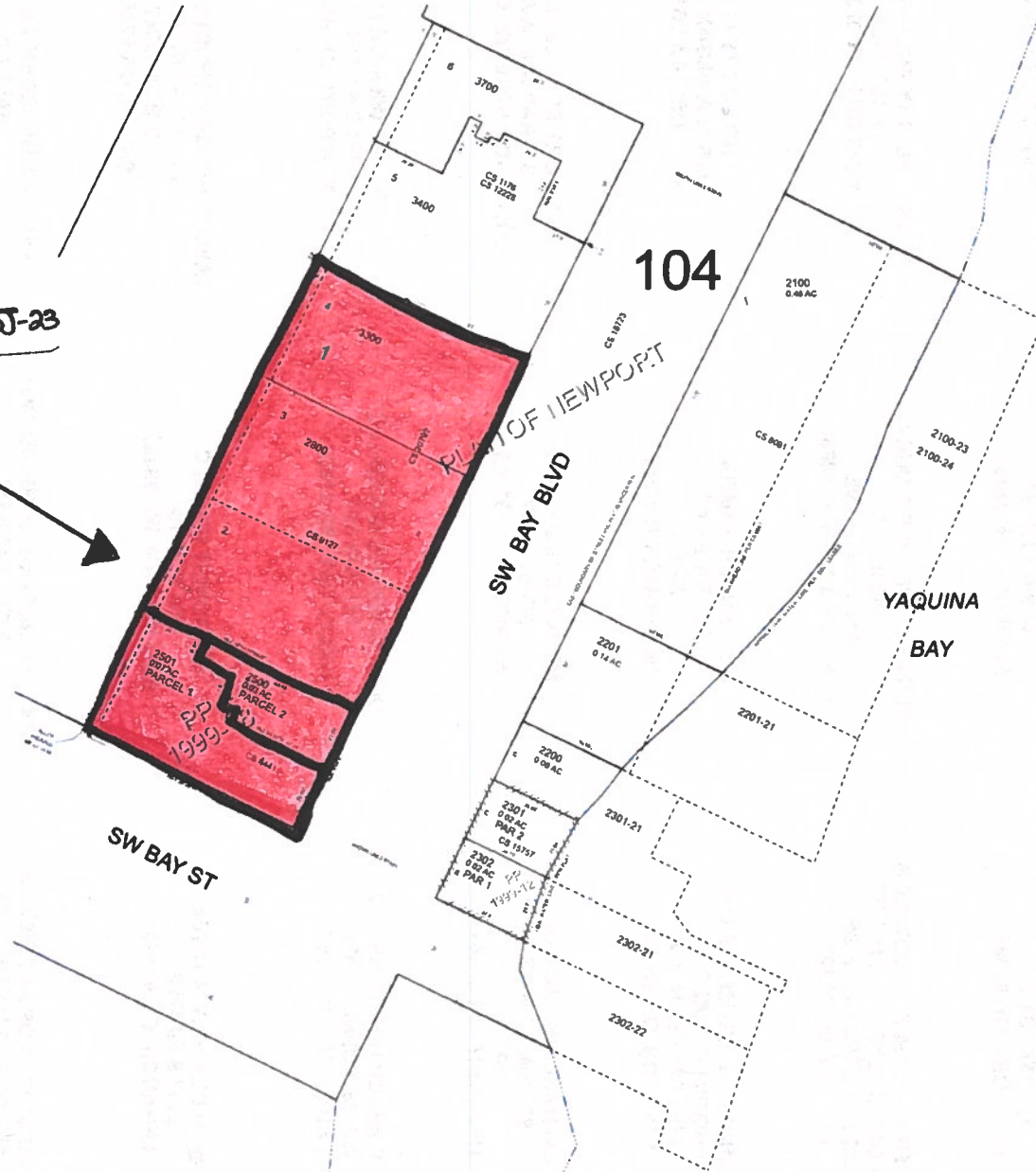
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

0 10 20 30 40 Feet

DETAIL MAP NO. 1  
N.E.1/4 S.W.1/4 SEC.8 T.11S. R.11W. W.M.  
LINCOLN COUNTY  
1" = 30'

11 11 08 CA  
DETAIL MAP NO 1  
NEWPORT

Subject Properties  
File No. 1-CUP-23/1-AOT-23



Revised SEB  
06/01/2021

NEWPORT  
DETAIL MAP NO 1  
11 11 08 CA

**795 SW BAY BLVD LLC  
113 SE BAY BLVD  
NEWPORT, OR 97365**

**BAKER JON P & BAKER LYNN D J  
38695 RIVER DR  
LEBANON, OR 97355**

**BAY BLVD LLC  
606 N TOMAHAWK ISLAND DR  
PORTLAND, OR 97217**

**BAY VIEW CONDOMINIUM  
ASSOCIATION OF UNIT OWNERS  
833 13TH ST SW  
NEWPORT, OR 97365**

**CAPRI DUSTIN J TSTEE & CAPRI  
AMANDA J TSTEE  
747 SW 13TH ST  
NEWPORT, OR 97365**

**CHENG HANN S & FEY LILLIE C  
818 SW 13TH ST  
NEWPORT, OR 97365**

**DRAGER WILLIAM G JR COTTEE &  
DRAGER RAEBETH C COTTEE  
2823 GOLDFINCH LP SE  
ALBANY, OR 97322**

**DUGAS LAWRENCE & DUGAS  
REBECCA  
5800 SE 4TH AVE  
NEW PLYMOUTH, ID 83655**

**DULCICH REALTY ACQUISITION LLC  
PO BOX 1230  
NEWPORT, OR 97365**

**ELSNORE INVESTMENTS LLC  
EGGERT CHARLES W  
18555 SW TETON AVE  
TUALATIN, OR 97062**

**ERLANDER J MARK  
1211 SW BAY ST  
APT A  
NEWPORT, OR 97365**

**KING EQUITY LLC  
1669 FLANNIGAN DR  
SAN JOSE, CA 95121**

**LAFRANCHISE JANINE  
833 SW 13TH ST  
APT #2  
NEWPORT, OR 97365**

**MCENTEE GABRIELLE  
PO BOX 717  
NEWPORT, OR 97365**

**NEWPORT REAL ESTATE LLC  
3 E RAMONA AVE  
COLORADO SPRINGS, CO 80905**

**NYE BEACH HOLDINGS LLC  
449 SE SCENIC LOOP  
NEWPORT, OR 97365**

**OCEANVIEW FISHERIES LLC  
PO BOX 507  
WALDPORT, OR 97394**

**ROLES WILMA E (TOD)  
834 SW 13TH ST  
NEWPORT, OR 97365**

**SMITH BEVERLY M TSTEE  
2455 S FIFTH ST  
LEBANON, OR 97355**

**STARLIGHT ONE LLC  
PO BOX 188  
BELLINGHAM, WA 98227**

**TAYLOR BRYCE R TRUSTEE & TAYLOR  
CARLY S TRUSTEE  
PO BOX 12247  
SALEM, OR 97309**

**UNITED STATES OF AMERICA US  
COAST GUARD DISTRICT 13  
915 2ND AVE  
SEATTLE, WA 98104**

**VEAL CONNECTION CORPORATION  
2250 LYNNE DR  
NORTH BEND, OR 97459**

**WISHOFF BRADDEN J & WISHOFF  
SALLY A  
18886 LAFAYETTE AVE  
OREGON CITY, OR 97405**

**YELTRAB FAMILY LLC  
845 SW 12TH ST  
NEWPORT, OR 97365**

**YOST PROPERTIES LLC  
939 SW BAY VIEW LN  
NEWPORT, OR 97365**

**JOHN LEE  
VIP HOSPITALITY GROUP  
13635 NW CORNELL RD, SUITE 100  
PORTLAND, OR 97229**

**File 1-CUP-23 / 1-ADJ-23**

**Adjacent Property Owners Within 200 Ft**

**NW Natural**  
**ATTN: Dave Sanders**  
**1405 SW Hwy 101**  
**Lincoln City, OR 97367**

**Email: Bret Estes**  
**DLCD Coastal Services Center**  
**brett.estes@dlcd.oregon.gov**

**CenturyLink**  
**ATTN: Corky Fallin**  
**740 State St**  
**Salem OR 97301**

**Central Lincoln PUD**  
**ATTN: Ty Hillebrand**  
**PO Box 1126**  
**Newport OR 97365**

**Charter Communications**  
**ATTN: Keith Kaminski**  
**355 NE 1<sup>st</sup> St**  
**Newport OR 97365**

**\*\*EMAIL\*\***  
**odotr2planmgr@odot.state.or.us**

**Lincoln County Human**  
**Services Dept**  
**ATTN: Sanitarian**  
**36 SW Nye St**  
**Newport OR 97365**

---

**Joseph Lease**  
**Building Official**

**Rob Murphy**  
**Fire Chief**

**Aaron Collett**  
**Public Works**

**Beth Young**  
**Associate Planner**

**Jason Malloy**  
**Police Chief**

**Steve Baugher**  
**Finance Director**

**Laura Kimberly**  
**Library**

**Michael Cavanaugh**  
**Parks & Rec**

**Spencer Nebel**  
**City Manager**

**Clare Paul**  
**Public Works**

**Derrick Tokos**  
**Community Development**

**David Powell**  
**Public Works**

**Lance Vanderbeck**  
**Airport**

**EXHIBIT 'A'**  
**(Affected Agencies)**

**(1-CUP-23/1-ADJ-23)**



## **CITY OF NEWPORT**

### **NOTICE OF A PUBLIC HEARING**

The City of Newport Planning Commission will hold a public hearing on Monday, March 13, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-23 / 1-ADJ-23, a request submitted by John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner), for a conditional use permit filed pursuant to Newport Municipal Code (NMC) Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24. The property is located at 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501). The applicable criteria per NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

***FOR PUBLICATION ONCE ON FRIDAY, March 3, 2023.***







to the City of Newport Planning Department,

I Janine LaFranchise strongly object to the proposed hotel being built, file #1-CUP/1-ADJ-23 for these reasons.

1. Parking is already way past overload on the waterfront. The 47 rooms plus staff will only congest the area further.

2. A 6 foot setback on the west side of the property will impede any maintenance or repairs to the existing retaining wall.

3. Fish plants, with their traffic and trucks trying to navigate this area is almost impossible now. Do we want to

drive that industry out of this  
area?

Thank you for considering  
these points carefully.

Janine LaFranchise  
833 SW 13<sup>th</sup> ST #2  
Newport, Or. 97365  
541-974-0591

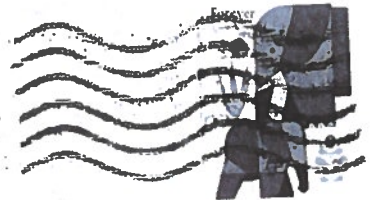
CITY OF NEWPORT

MAR 06 2023

RECEIVED

Jarvis LaFranchise  
833 SW 12th St. Apt. 2  
Newport, OR 97365-4873

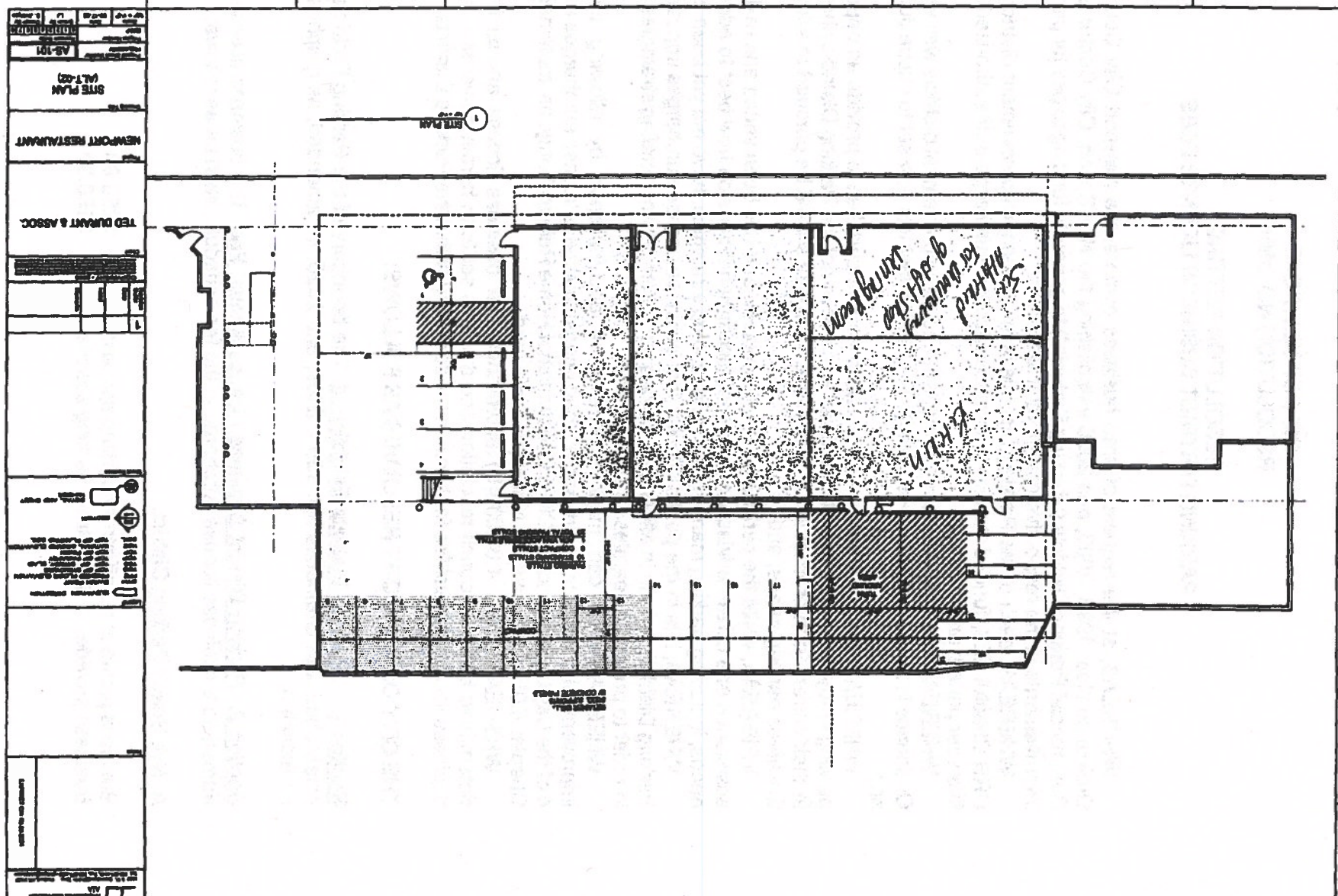
PORTLAND OR 972  
3 MAR 2023 PM 6 L



Newport Community Development Dept.  
169 SW Coast Hwy.  
Newport, Or. 97365

~~adm. Patrick Tokas~~ Tokas Community Dev. Dept.

**Attachment "L"**  
**1-CUP-23 / 1-ADJ-23**



**CITY OF NEWPORT  
RESOLUTION NO. 3864**

**RESOLUTION SETTING  
PARKING DISTRICT BUSINESS LICENSE FEES**

**WHEREAS**, at the request of area business owners, the Newport City Council adopted Ordinance Nos. 1993, 2009, and 2020 establishing the Nye Beach, City Center and Bayfront Commercial Parking Districts ("Parking Districts") to generate funding to pay for parking system improvements in the respective commercial areas; and

**WHEREAS**, each of the Parking Districts is an economic improvement district pursuant to ORS Chapter 223, funded through a business license surcharge and authorized for an initial five year period; and

**WHEREAS**, the effective period of these economic improvement districts was extended with Ordinance Nos 1993, 2078, 2098, and 2134, with the districts now set to expire June 30, 2019; and

**WHEREAS**, the latest round of extensions were undertaken to provide an opportunity for a parking study to be performed to establish whether or not the Parking Districts should continue in their current form or whether an alternative approach should be pursued to address each of the areas parking needs; and

**WHEREAS**, while the parking study is complete, and has been vetted and revised with the assistance of a citizen advisory committee, recommendations on how best to address parking needs, including parking management and funding strategies, have not yet been finalized; and

**WHEREAS**, it is in the public interest that business license surcharges imposed within the Parking Districts remain in effect until parking management and funding strategies are finalized in order to provide a seamless transition; and

**WHEREAS**, this can most effectively be accomplished by allowing the economic improvement districts to expire and instead impose business license surcharges under Section 4 of the City Charter and the City's Constitutional Home Rule authority, as implemented through Chapter 4.05 of the Newport Municipal Code; and

**WHEREAS**, NMC 4.05.030(C) establishes that business license annual fees shall be determined by City Council resolution and the fees set forth herein serve as a portion of the business license annual fee for businesses operating within the Parking Districts.

**THE CITY OF NEWPORT RESOLVES AS FOLLOWS:**

**Section 1. Parking Districts Established.** The boundary of the Parking Districts shall be as established with Ordinance No. 1993, 2009, and 2020, as amended, as graphically depicted on Exhibit A.

**Section 2. Parking District Business License Annual Fee.** The business license annual fee, framed as a business license surcharge in the fee schedule, shall be as follows:

**A. Nye Beach Parking District.**

Business provides no off-street parking spaces:	\$250.00
Business provides 1-3 off-street parking spaces:	\$150.00



All other businesses: \$100.00

B. City Center Parking District. \$35.00

C. Bay Front Parking District.

Fewer than 5 employees: \$150.00

5 to 20 employees: \$300.00

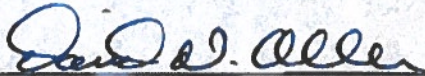
More than 20 employees: \$600.00

**Section 3. Relationship to Other Business License Fees.** Fees set forth in Section 2, are in addition to other business license fees collected pursuant to NMC Chapter 4.05.

**Section 4. Special Parking Area Requirements.** NMC 14.14.100 provides that off-street parking within a Parking District shall be provided as specified by the Parking District. For that purpose, the business license annual fee established herein shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces, just as it did when the economic improvement districts were effective. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance (NMC Chapter 14).

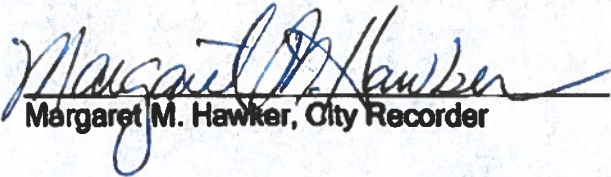
**Section 5. Effective Date.** This resolution is effective immediately upon adoption.

Adopted by the Newport City Council on June 17, 2019



David N. Allen, Council President

ATTEST:



Margaret M. Hawker, City Recorder







MAR 10 2023

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Exhibit  
H-14**LETTER IN RESPONSE TO THE CITY OF NEWPORT PUBLIC NOTICE FILE NO.1-CUP-23.1-ADJ-23****DATE: March 7, 2023**

VIP Hospitality and applicant (Charles Eggert, Elsinore Investments, LLC – who is the current owner of the site, have asked the City of Newport for a Conditional Use Permit (CUP) and Adjustment Permit for the proposed 47-unit hotel. The comments contained in this letter are the collective concerns of all the people who have signed the letter.

**APPLICABLE CRITERIA:****(A) The public facilities can adequately accommodate the proposed use.**

Newport faces water shortages every summer, and it is not going to get better, it will likely get worse. The fish processing plants use a tremendous amount of water for their seafood facilities. How will adding a 47-room hotel impact the availability of the water supply and sewage capacity for the existing business on the bay front?

**(C) The proposed use does not have an adverse impact greater than existing uses on nearby properties.**

- **PARKING:** Parking and increased traffic gridlock will indeed have an adverse impact on nearby properties and businesses. Typically, hotels have a 1:1 parking ratio; meaning there is one stall for each room. The initial plans submitted to the City of Newport reflected 46 parking stalls, comprised of 2 handicap, 19 standard, and 25 compact. The CUP application is asking for a reduction to 39 stalls. In conjunction with the decrease in the number of stalls, the applicants are asking for a **22% reduction** in the number of **standard sized** parking stalls to 13 and a **13% increase** in the percentage of **compact** parking stalls to 24. Have the developers ever spent one day on the bayfront to observe the makeup of vehicles parked on Bay Blvd? Most vehicles visiting the bay front, are large SUV's, trucks, extended cab trucks, and vans, and a small percentage are compact cars. During the summer and busy weekends, it is often difficult to drive either direction because these large vehicles block the path of oncoming vehicles. Gridlock happens on a very regular basis when a vehicle extends beyond the "cutoff" line of the street parking stall and blocks the ability of any vehicle to keep driving. The result is traffic backs up, sometimes for blocks, waiting for a gap in the oncoming so that the car can enter the oncoming lane to be able to go around the vehicle and continue driving. The request for 24 compact stalls is not a feasible configuration when you understand that people come to the coast with their families, dogs, and luggage packed in a SUV, truck or van.
- Where will the balance of vehicles park when the parking stalls are full? Right now, when parking is full on the bay front, overflow parking ends up on the residential streets above the bay front. SW 13<sup>th</sup> takes the brunt of it; cars are sandwiched in and block driveways while eliminating parking for owners and/or guests. Is a hotel patron going to carry their luggage up and down the hill to be able to stay in the hotel? There is talk that the Parking Committee is

discussing parking vouchers for the hotel in lieu of parking. If that is the case, it will take away parking from the customers of the small businesses located on the west end (and beyond) of the bay front. This is indeed an adverse impact for existing commercial and residential properties.

- If 39 vehicles are entering and exiting the parking garage *daily*, it will constitute literally a hundred “events” (per vehicle, one event is going into the garage, one event is leaving the garage and then another event to return to the hotel at the end of the day). That is 3 “events” per vehicle, per day, for 39 vehicles if parking is full. How can the bay front possibly accommodate this number of vehicles entering and exiting the parking garage?
- The seafood processing plants, particularly Bornstein Seafoods, will likely see an adverse impact from the additional traffic gridlock. Some of their employees currently use the parking stalls on Bay Blvd. during the night when working the nighttime shifts. While this is not a formal arrangement, it has been allowed for a long time. Also, the large, refrigerated trucks very often take up part of the east bound lane, which they need to do in order to load the seafood for transport. Many people overlook the fact that the bay front is a “working commercial bayfront” and is not just a tourist destination. The seafood processing plants are an extremely important aspect of the bay front and consideration should be given to the impact on their businesses due to the considerable addition of more traffic and more parking constraints. The City of Newport Comprehensive Plan: Neighborhood Plans address the parking issue on page 438. It states, “the fish plants need loading areas, both long and short term, and parking for their employees that work eight-to-twelve-hour shifts”.

In summary, the proposed parking configuration is not a feasible mix of standard and compact spaces, and the lack of a 1:1 parking ratio will add a tremendous amount of traffic gridlock to an already untenable approach to the parking problem on the bay front. More vehicles related to hotel guests will likely need to park on Bay Blvd and on the residential streets above the bay front because the majority of vehicles are larger than compact cars.

- **ROOM CONFIGURATION:** The proposal shows that on the 2<sup>nd</sup> floor, the room size is 201 square feet to 220 square feet in size. The 3<sup>rd</sup> floor room size is 300 square feet or more and is adequate for a family. The industry standard average for a hotel room is 300 square feet (or more); hotels with room sizes in the 200 square feet range are called “Micro-Hotels” and cater to singles and couples who mainly want a place to sleep at night. Micro-hotels, many with limited or no parking, have found a degree of success in the big cities like Portland, Seattle and San Francisco, because they have various forms of efficient mass transportation available outside their doors and the hotels are typically located in the downtown core or in dense neighborhoods centered around retail and restaurants.
- The maximum occupancy for a 200 square foot hotel room with a bathroom is 2 (two) occupants. As proposed, 43% of the rooms will only accommodate 1-2 occupants. The busy bay front is a not necessarily a draw for singles or couples seeking a peaceful place to stay. Families with kids are a large proportion of the tourists visiting the bayfront. (200 square feet is

equivalent to a 10 X 20 storage area, how many people want to stay in a room that small when at the beach?) People do like to have enough room to move around and linger. The only way to know if this configuration will work is through a Feasibility Study.

- **SITE LAYOUT:** The developers are asking for a 40% reduction of the required yard buffer to 6' along the west of the property line that is adjacent to the residential zone. A 6' buffer is NOT adequate if there is an issue with the retaining wall that separates the site from the residential properties. If repairs are needed, then how could anyone possibly have room to repair a retaining wall? This could constitute a very serious situation. It is also not enough of a buffer for the residential properties; a 6' distance from the residential property line impacts the residents of the adjoining properties adversely. This reduction should not be granted in consideration of these factors. Also, while the east side of the proposed building is shown abutting the property line, it leaves no room for the existing building (previously known as The Wood Gallery building) for any repairs or maintenance to the west side of the building for any reason. A portion of the existing Wood Gallery building is located on the property line; however the building has existed for decades. Cutting off all access to that section of the building has a substantial detrimental impact to the building repairs or siding replacement be needed in the future. In summary, it can be said that the development plans DO have an adverse impact on existing properties. (As a matter of reference, The Inn at Nye Beach, which is owned by one of the developers, sits on a larger site and has 38 rooms, 9 rooms *less* than this proposal.) The 47-room hotel project is simply too big for the footprint of the site.
- The design of the project does not contain one single historic element. It looks like a design that belongs in the downtown of a big city. Given that the site is located on the "Historic Bay Front" and as noted in the criteria of the City of Newport Comprehensive Plan, any new development must contain some element of historic design. The design was prepared by a California firm, and the proposed building looks exactly like a chain hotel (such as a Marriott Hotel) with absolutely no historic elements (except the name). The design of the building is clearly an urban design with and is absent any element of a coastal or historic design.
- The "City of Newport Comprehensive Plan: Neighborhood Plans, Bay Front plan, addresses historical design (and parking constraints) in several sections within the plan. I am referring to pages 424, 430, 438, 443, and 444 (see exhibits). Page 430 also discusses the importance of preserving the existing views related to the hillside above the bay front. It states, "the hillside above the Bay Front has been identified as very picturesque and worthy of preservation".
- The Newport Peninsula Urban Design Plan addresses automobile dependent development and states "will negatively affect the quality of life and lifestyle, as well as the physical character of the historic core of the city".
- Page 234, Waterfront District, also elaborates on the importance of the Waterfront District continuing to reflect the working class and historic character.

The City of Newport Community Development Department and the Planning Commission must require the developers (on any hospitality project on the bay front) to provide studies as to the parking impact

and feasibility of the parking and room configuration. Any lender who would consider financing a hospitality project would require these studies, which would include:

1. **A FEASIBILITY STUDY.** A Feasibility study is the only way to understand if the project is feasible as designed. This study would be performed by a 3<sup>rd</sup>-party independent consultant who is well versed in analyzing hospitality projects. The study will include analyzing the room configuration, the occupancy rate related to all of all the hotels in Newport, the ADR (average daily rate) related to the existing hotels, which is a key performance indicator of the industry. The study will come conclude whether the projects' room size configuration is feasible for a hotel in a location where tourists drive with the coast, and there is no public transportation. The developers would need to submit their budget proforma for occupancy and room rates and the study will compare them with the existing hospitality businesses in Newport.
2. **PARKING STUDY.** The current parking and traffic congestion is so significant that this proposal would warrant a 3<sup>rd</sup> party independent consultant parking study. The parking study will measure the existing traffic constraints and factor in the new traffic impact of a 47-room hotel and 39 parking stalls. The ingress and egress of that many vehicles will have a significant negative impact and considerably exacerbate the existing parking and traffic gridlock.

Has a Feasibility and Parking Study been submitted to the City of Newport (Planning Commission and Community Development Department)? This project would dramatically change the west end of the bay front and the residential area above the bay front, forever.

The developers have failed to meet the applicable criteria of new development as set forth under the Newport Comprehensive Plan and the Newport Peninsula Urban Plan. Newport has a need for more revenue, but that should not be the determining factor whether a project gets approved. The adverse impact this project would have on the bay front could not be undone. The fact that there was once a hotel on the bay front (where the parking lot is now across from the Abby Pier) doesn't justify adding a hotel now. The original Abby Hotel burned down in 1964 and traffic, parking and congestion issues have multiplied exponentially in the past 60 years. The application should be denied.

Charlotta Baker  
NEWPORT

Michelle Holtz

Jon Baker  
President Bay View  
Condo Owners Assc.

12 Lindgren

Monica S. Lefatis

Dynna J Baker  
Newport

Janine LaFranchise  
newport

*James A. Rogers*  
Bayview, N.J.

*Barry Dugan*

**Exhibits:**

**Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan**

**Picture of refrigerated truck parked on Bay Blvd in front of Bornstein Seafood**



Cynthia K

🏠 0 ...



**WE COULDN'T PARK!!!!!!**

Aug 2021

We drove through trying to find a parking place. This is around 3pm on a Thursday.

We passed the restaurant where we wanted to eat & kept going BECAUSE WE COULDN'T PARK!!!

There were some places to buy seafood & some shops. I can't tell you how much I liked them BECAUSE

WE COULDN'T PARK!!!!

**Get it together Newport. geez**



# Bay Front Plan\*

July 1, 1998

Prepared by

Department of Planning & Community Development  
City of Newport  
810 S.W. Alder St.  
Newport, Oregon 97365

\*Added by Ordinance No. 1811 (7-6-99)

Page 421. CITY OF NEWPORT COMPREHENSIVE PLAN: Neighborhood Plans.

## Introduction

### The Bay Front Plan

Located on the banks of the Yaquina Bay, the Bay Front offers a number of different environments for residents and visitors. Fishing, fish processing, retail, residential and tourist related uses all call the Bay Front home. A mixture of uses therefore typifies the development of the properties along Bay Boulevard.

The Bay Front was also one of the first areas on the Oregon Coast settled by Europeans. Much of that historic character still exists and has been enhanced by some new development. However, some development has not added to the attractiveness and historical nature of the Bay Front and detracts from the overall cohesiveness.

The Bay Front also experiences periods of intense activity (usually during the summer months) and periods of relative inactivity. During the active times, parking becomes a premium with many people and users competing for the limited number of spaces. Conversely, the inactive season experiences few problems with parking so people have little trouble parking relatively close to where they want to go but businesses struggle for lack of customers.

The Bay Front, a subarea of the City of Newport, lays on the north side of Yaquina Bay roughly between the Yaquina Bay Bridge and up to and including the Embarcadero Resort. It is an area that has historically been an active and integral part of the City and Lincoln County. Home to one of the largest fishing and fish processing industries on the West Coast, the Bay Front is also characterized by a strong tourist and residential sector. To provide a framework for the management of change and the promotion of growth, the City is preparing the Bay Front neighborhood plan to guide future development and redevelopment.

### Purpose

The Bay Front is an exciting and important area with many opportunities and challenges. As such, the Bay Front Plan will provide a framework in which development and redevelopment will be guided so as to achieve the objectives outlined in the plan. The Plan's main concerns are with land use changes, the physical, economic, social and cultural integration of the multiple uses and the preservation of the historic character.

of Marne. The house was built on the foundation of Dr. James R. Bayley's mansion and has been partially rehabilitated.

### Scenic Views

Although many scenic views exist on the Bay Front, at this time there are no officially designated scenic views. However, through discussions with various committees, the hillside above the Bay Front has been identified as very picturesque and worthy of preservation. This can be accomplished in a couple of different ways. One is to preserve the many street rights-of-way on the hillside in public ownership. Another is to require a geologic investigation into ramifications of any significant vegetation removal. Another is to require that, if removed, private owners should replace the vegetation removed to the greatest extent possible. It is recognized that there is private property that may be developed and nothing should prevent that from happening as long as health and safety issues can be addressed and mitigated. But, care should be taken to preserve the scenic vista that is now present.

### Open Space

The Bay Front has some lots that are currently vacant or underutilized and therefore may be considered open space at this time. However, open space does not refer to any parcel that is vacant. Open space means those areas that are targeted to remain open. There is no property on the Bay Front that is designated as truly open space. It is, however, important that the bluff above Bay Boulevard remain vegetated or have proper engineering to ensure stability of the slope.

### Mineral and Aggregate Resources

There are no known mineral and aggregate resources in the study area.

### Energy Sources

There are no known energy sources within the study area.

### Fish and Wildlife Areas and Habitats

There are no significant fish or wildlife habitats within the study area.

### Coastal Shorelands

Ocean Shorelands are defined as those areas:

1. Subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or a coastal lake;

## Future Development

### Introduction

As an area develops, certain physical, economic, and community issues arise and must be considered in the planning stage so that the new development has a positive impact on the neighborhood and the City. Haphazard or ill-conceived development can and often does detract from the quality of life cherished by residents, property owners and tourists. This does not mean that development will not occur. On the contrary, it is the intent of the land use program set up by the state and the City that development will take place within the established Urban Growth Boundary (UGB). So it is not a matter of whether development and change will occur but how. This section addresses how development will occur so that neighborhood and community goals can be maintained.

Basically, there are three types of development on the Bay Front. One is the fishing industry which includes fishing boats, fish processing plants and support industries. The second is the tourist commercial types of uses such as restaurants, gift shops, short term rentals and art galleries. Finally, there are residents primarily at the Embarcadero.

Of course to serve all those various uses the infrastructure must be in place to serve them. Streets, sewerage, water line and storm drainage are the common systems provided by the City but other utilities such as telephone, electricity, cable TV and natural gas are also needed to function in a modern society. All those facilities are available to the Bay Front.

### Transportation

Moving people and goods are an essential part of everyday life of any city. People need to reach places of work, education, health care, shopping, and recreation, and goods must be moved between the producer and the consumer. An efficient transportation system can widen access to opportunities for local people and assist the local economy. However, the growing demand for mobility is taking its toll on the community and environment. Traffic congestion is increasing, especially in popular places like the Bay Front. A sustainable transport system must be developed, balancing the needs of the neighborhood as well as meeting the travel needs of the whole community.

The City of Newport has developed a general Transportation System Plan (TSP) for the entire community and that document is by reference incorporated into this plan. The TSP however is relatively general and only addresses the major transportation systems citywide. The purpose of this section is to fine tune and supplement the TSP and deal with issues specific to the Bay Front neighborhood.



portion of Lee Street near 12<sup>th</sup> Street. In addition, minor changes and additions to crosswalks can help direct people to cross at safe locations. Two possible crosswalk improvements are at the Abbey Street Pier and the western end of the boardwalk. Those two crossings should be well marked to increase safety and direct pedestrians.

### Bicycle Facilities

There are currently no bicycle routes on the Bay Front and the width of the street and the development that is in place make it difficult if not impossible to provide a separate bicycle path or lane. However, the traffic on Bay Boulevard, especially during the summer months, moves slow enough that bicycles can easily share travel lanes with car and truck traffic. A shared lane is therefore the option from the Embarcadero to the Coast Guard station.

East of John Moore Road however the right-of-way is there to provide a bike lane especially if no parking is allowed along the street. This would also connect a bike land in the City to one that is outside the City along Yaquina Bay Road. That land goes all the way to Toledo (about 12 miles) and is very flat. The City's TSP shows that connection.

### Parking

Probably the biggest single issue for the Bay Front is parking. In fact, the meetings of the Steering Committee invariably lead to a discussion, sometimes lengthy ones, on parking. And it is not an issue of simple numbers. There are a number of users that have different needs for the parking that is available. The fish plants need loading areas, both long and short term, and parking for their employees that work eight to twelve hour shifts. The fishing industry needs parking that may be needed for four or five days while they are out on the ocean. The charter fishing industry needs parking that is up to 12 hours long and the tourist businesses need eight hour or longer parking for the owners and employees but a quicker turnaround on the two to four nature for customers. The tourist industry also needs loading and delivery space usually on a short term basis. And, in recent years, more buses of tourists are visiting the Bay Front to take advantage of the attractions in the burgeoning whale watching industry. All together it makes for an interesting mix of needs and users that often compete for the limited amount of parking available, especially during the summer months.

Table 1 shows the available parking and the type of that parking on the Bay Front between Bay Street and the Embarcadero. The parking inventory also includes some parking on Bay Street from Naterlin Drive to Bay Boulevard and on Fall Street from Canyon Way to Bay Boulevard. Those two streets provide a number of parking spots for people visiting the Bay Front. There is also a public parking lot on Canyon Way next to the Canyon Way Bookstore that has 47 spaces. There are plans to make that lot more efficient and do some minor expansion that may raise the total to 60 spaces. In addition, there are about 45-50 spaces along Canyon Way. The problem with those spaces is that they are up quite a steep hill from the Bay Front so access is limited.



Most of the development in the past years has been in the tourist industry. This means that those uses must go through a conditional use permit process in order to receive permission to operate. The disadvantage of that process is that it takes time for the applicant to go through it. The big advantage of the process is that the project can be reviewed for compliance with the goals and policies of the Bay Front. One of the major concerns when reviewing for compliance is the preservation of the historic character of the Bay Front. Without the conditional use process, there is no other mechanism to assure compliance. Because that issue is very important to the Bay Front the conditional use process should be retained (which means keeping the current zoning) or another mechanism, such as design review, should be instigated (which means developing another zoning tool). In any rate, the historic character of the Bay Front should be considered whenever a new project is being proposed. The character includes the physical appearance of the building, signing, lighting, the location of parking, and other design considerations.

There are three other areas, however, that should be considered for different zoning. One is the Port property between the Embarcadero and Douglas Street. The Port has a general plan that indicates that the property should be developed to a higher and better use. In conjunction, the plan contains a model site plan on how the property could be physically developed. The plan also calls for a mixed use type of development where some limited tourist facilities could be incorporated. This, however, would require that the property be rezoned to W-2. As long as the types of tourist uses is limited by the Port to be those that compliment rather than detract from the fishing industry, the idea is a good one. (There is also the added protection of the conditional use process and review by the Planning Commission for any tourist type of use.)

The second area is the Embarcadero property. It is currently zoned W-2 which means that the entire facility is a conditional use. This means that any expansion or change in use, regardless on how minor, requires a conditional use permit. That process seems unnecessary because the Embarcadero is a tourist facility and is likely to remain so for the foreseeable future. It makes sense to rezone that property to C-2, a zoning designation that fits the use. However, consultation with the Embarcadero ownership should proceed such a change.

The final possibility is to rezone the water side of Bay Boulevard from the Coast Guard Station to about Douglas Street from W-2 to W-1. The land side would remain W-2. This would afford greater protection of water dependent uses from encroachment of non-water related uses. A major disadvantage of this proposal is that many existing businesses would become nonconforming and subject to regulations contained in the Zoning Ordinance. This proposal therefore must be looked at very carefully before enactment.

### **Public Art**

Public art can greatly enhance the appearance of an area. It can also provide a focal point for other public activities such as concerts, art displays and other entertainment and socializing. On the other hand, if done wrong or with a particular self interest, public "art" can add to the visual clutter and detract from community goals. This is especially true with murals. Murals can

# **NEWPORT PENINSULA URBAN DESIGN PLAN<sup>1</sup>**

## **Findings:**

Newport's historic peninsula district is the heart of the city. The City of Newport anticipates that population, employment growth, and increased tourism on the peninsula, combined with automobile-dependent development, will negatively affect the quality of life and lifestyle, as well as the physical character of the historic core of the city. The peninsula's ability to accommodate change requires careful attention to urban design in order to preserve and strengthen the inherent qualities which have guided Newport's development to date. These summary findings are more fully developed in the Newport Peninsula Urban Design Study, which is incorporated herein as a background reference document and provides substantial evidence for these findings, policies, and implementation strategies. It is our key finding that is necessary to both stimulate and guide development in order to graciously incorporate change and preserve the peninsula as a wonderful place to live. Consequently, the following policies are adopted for the peninsula.

## **Policies:**

1. Preserve the beautiful natural setting and the orientation of development and public improvements in order to strengthen their relationship to that setting.
2. Enhance new and redeveloping architectural and landscape resources to preserve and strengthen the historic and scenic character and function of each setting.
3. Improve the vehicular and pedestrian networks in order to improve safety, efficiency, continuity, and relationships connecting the peninsula neighborhoods.
4. Coordinate with the Oregon Department of Transportation (ODOT) highway projects which are compatible with and responsive to these policy objectives and design districts implementing said policies.
5. Improve cohesion of each neighborhood subject to design district overlay by enhancing its function, character, and relationship to its natural setting and orientation.
6. Preserve and strengthen the ability of peninsula institutions to continue as centers

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<sup>1</sup> Chapter added by Ordinance No. 1677 (July 6, 1993).



characterized by land efficient parking and views of the Pacific Ocean and Yaquina Bay.

B. City Center North

City Center North shall be characterized by concentrating government buildings into a government center both east and west of U.S. Highway 101. It will serve as a gateway to the peninsula while linking with the Center in both function and character.

C. City Center South

City Center South shall focus on the Pacific Communities Hospital development. Development in this area shall be pedestrian and bicycle oriented, with effective linkages to the City Center and the U.S. Highway 101 Corridor.

2.) Waterfront District.

Historically, this area was the original development site with the City of Newport. Marine dependent industries--timber transport, fishing, etc.--were the first source of livelihood for early settlers and inhabitants and shall continue to be referenced in the design of the area. The Waterfront District shall continue to reflect the working class character of the commercial fishing industry. Appropriately, existing commercial buildings line both sides of Bay Boulevard and are of wood frame construction, clad with stucco, masonry and tin, covered with flat and gable roofs, 1 - 3 stories in height, with zero building setbacks. Many buildings have awnings, and some are built on pilings above the water. Piers project beyond the buildings. The historic character of the area is strong due to numerous intact, original buildings which date from the 1870's through the 1940's, and preservation of these historic buildings should continue to the extent possible. (At the intersection of Hatfield Drive and Bay Boulevard, the addition of contemporary buildings and lack of intact historic buildings has changed the character of the area to the east.) The U.S. Coast Guard Station/Ocean House Hotel Site is noteworthy architecturally as a unique building of the Colonial Revival style within the City of Newport. The location of this building on a bluff above the Waterfront District is an important aspect of its significance and shall be preserved.

3.) Nye Beach District.

The Nye Beach District is significant for the collection of cohesive architectural resources and landscape elements which reflect a working-class neighborhood. The area consists of wood frame buildings, 1 to 2½ stories in height, covered with gable and hip roofs, and clad with clapboard, shingle and/or fire retardant siding. The landscape character of the area is defined by rock walls, terraces, sidewalks, and small front lawns. There are some small scale commercial





**LETTER IN RESPONSE TO THE CITY OF NEWPORT PUBLIC NOTICE FILE NO.1-CUP-23.1-ADJ-23**

**DATE: March 7, 2023**

VIP Hospitality and applicant (Charles Eggert, Elsinore Investments, LLC – who is the current owner of the site, have asked the City of Newport for a Conditional Use Permit (CUP) and Adjustment Permit for the proposed 47-unit hotel. The comments contained in this letter are the collective concerns of all the people who have signed the letter.

**APPLICABLE CRITERIA:**

**(A) The public facilities can adequately accommodate the proposed use.**

Newport faces water shortages every summer, and it is not going to get better, it will likely get worse. The fish processing plants use a tremendous amount of water for their seafood facilities. How will adding a 47-room hotel impact the availability of the water supply and sewage capacity for the existing business on the bay front?

**(C) The proposed use does not have an adverse impact greater than existing uses on nearby properties.**

- **PARKING:** Parking and increased traffic gridlock will indeed have an adverse impact on nearby properties and businesses. Typically, hotels have a 1:1 parking ratio; meaning there is one stall for each room. The initial plans submitted to the City of Newport reflected 46 parking stalls, comprised of 2 handicap, 19 standard, and 25 compact. The CUP application is asking for a reduction to 39 stalls. In conjunction with the decrease in the number of stalls, the applicants are asking for a **22% reduction** in the number of standard sized parking stalls to 13 and a **13% increase** in the percentage of compact parking stalls to 24. Have the developers ever spent one day on the bayfront to observe the makeup of vehicles parked on Bay Blvd? Most vehicles visiting the bay front, are large SUV's, trucks, extended cab trucks, and vans, and a small percentage are compact cars. During the summer and busy weekends, it is often difficult to drive either direction because these large vehicles block the path of oncoming vehicles. Gridlock happens on a very regular basis when a vehicle extends beyond the "cutoff" line of the street parking stall and blocks the ability of any vehicle to keep driving. The result is traffic backs up, sometimes for blocks, waiting for a gap in the oncoming so that the car can enter the oncoming lane to be able to go around the vehicle and continue driving. The request for 24 compact stalls is not a feasible configuration when you understand that people come to the coast with their families, dogs, and luggage packed in a SUV, truck or van.
- Where will the balance of vehicles park when the parking stalls are full? Right now, when parking is full on the bay front, overflow parking ends up on the residential streets above the bay front. SW 13<sup>th</sup> takes the brunt of it; cars are sandwiched in and block



driveways while eliminating parking for owners and/or guests. Is a hotel patron going to carry their luggage up and down the hill to be able to stay in the hotel? There is talk that the Parking Committee is discussing parking vouchers for the hotel in lieu of parking. If that is the case, it will take away parking from the customers of the small businesses located on the west end (and beyond) of the bay front. This is indeed an adverse impact for existing commercial and residential properties.

- If 39 vehicles are entering and exiting the parking garage *daily*, it will constitute literally a hundred "events" (per vehicle, one event is going into the garage, one event is leaving the garage and then another event to return to the hotel at the end of the day). That is 3 "events" per vehicle, per day, for 39 vehicles if parking is full. How can the bay front possibly accommodate this number of vehicles entering and exiting the parking garage?
- The seafood processing plants, particularly Bornstein Seafoods, will likely see an adverse impact from the additional traffic gridlock. Some of their employees currently use the parking stalls on Bay Blvd. during the night when working the nighttime shifts. While this is not a formal arrangement, it has been allowed for a long time. Also, the large, refrigerated trucks very often take up part of the east bound lane, which they need to do in order to load the seafood for transport. Many people overlook the fact that the bay front is a "working commercial bayfront" and is not just a tourist destination. The seafood processing plants are an extremely important aspect of the bay front and consideration should be given to the impact on their businesses due to the considerable addition of more traffic and more parking constraints. The City of Newport Comprehensive Plan: Neighborhood Plans address the parking issue on page 438. It states, "the fish plants need loading areas, both long and short term, and parking for their employees that work eight to twelve hour shifts".

In summary, the proposed parking configuration is not a feasible mix of standard and compact spaces, and the lack of a 1:1 parking ratio will add a tremendous amount of traffic gridlock to an already untenable approach to the parking problem on the bay front. More vehicles related to hotel guests will likely need to park on Bay Blvd and on the residential streets above the bay front because the majority of vehicles are larger than compact cars.

- **ROOM CONFIGURATION:** The proposal shows that on the 2<sup>nd</sup> floor, the room size is 201 square feet to 220 square feet in size. The 3<sup>rd</sup> floor room size is 300 square feet or more and is adequate for a family. The industry standard average for a hotel room is 300 square feet (or more); hotels with room sizes in the 200 square feet range are called "Micro-Hotels" and cater to singles and couples who mainly want a place to sleep at night. Micro-hotels, many with limited or no parking, have found a degree of success in the big cities like Portland, Seattle and San Francisco, because they have various forms of efficient mass transportation available outside their doors and the hotels are typically located in the downtown core or in dense neighborhoods centered around retail and restaurants.

- The maximum occupancy for a 200 square foot hotel room with a bathroom is 2 (two) occupants. As proposed, 43% of the rooms will only accommodate 1-2 occupants. The busy bay front is a not necessarily a draw for singles or couples seeking a peaceful place to stay. Families with kids are a large proportion of the tourists visiting the bayfront. (200 square feet is equivalent to a 10 X 20 storage area, how many people want to stay in a room that small when at the beach?) The only way to know is through a Feasibility Study.
- **SITE LAYOUT:** The developers are asking for a 40% reduction of the required yard buffer to 6' along the west of the property line that is adjacent to the residential zone. A 6' buffer is NOT adequate if there is an issue with the retaining wall that separates the site from the residential properties. If repairs are needed, then how could anyone possibly have room to repair a retaining wall? This could constitute a very serious situation. It is also not enough of a buffer for the residential properties; a 6' distance from the residential property line impacts the residents of the adjoining properties adversely. This reduction should not be granted in consideration of these factors. Also, while the east side of the proposed building is shown abutting the property line, it leaves no room for the existing building (previously known as The Wood Gallery building) for any repairs or maintenance to that side of the building for any reason. Granted a small section of the existing Wood Gallery building is located on the property line, but the building has existed for decades. Cutting off all access to that section of the building has a detrimental impact to the building. In summary, it can be said that the development plans do have an adverse impact on existing properties. (As a matter of reference, The Inn at Nye Beach, which is owned by one of the developers, sits on a larger site and has 38 rooms, 9 rooms less than this proposal.) The 47-room project is simply too big for the footprint of the site.
- The design of the project does not contain one single historic element. It looks like a design that belongs in the downtown of a big city. Given that the site is located on the "Historic Bay Front" and as noted in the criteria of the City of Newport Comprehensive Plan, any new development must contain some element of historic design. The design was prepared by a California firm and looks exactly like a chain hotel (such as a Marriott Hotel) with no historic elements. The design of the building is clearly an urban design and with no iota of a coastal or historic design.
- The "City of Newport Comprehensive Plan: Neighborhood Plans, Bay Front plan, addresses historical design (and parking constraints) in several sections within the plan. I am referring to pages 424, 430, 438, 443, and 444 (see exhibits). Page 430 also discusses the importance of preserving the existing views related to the hillside above the bay front. It states, "the hillside above the Bay Front has been identified as very picturesque and worthy of preservation".

- The Newport Peninsula Urban Design Plan addresses automobile dependent development and states "will negatively affect the quality of life and lifestyle, as well as the physical character of the historic core of the city".
- Page 234, Waterfront District, also elaborates on the importance of the Waterfront District continuing to reflect the working class and historic character.

The City of Newport Community Development Department and the Planning Commission must require the developers (on any hospitality project on the bay front) to provide studies as to the parking impact and feasibility of the parking and room configuration. Any lender who would consider financing a hospitality project would require these studies, which would include:

1. **A FEASIBILITY STUDY.** A Feasibility study is the only way to understand if the project is feasible as designed. This study should be obtained by a 3<sup>rd</sup>-party consultant who is well versed in analyzing hospitality projects. The study will include analyzing the room configuration, the occupancy rate related to all of all the hotels in Newport, the ADR (average daily rate) related to the existing hotels, which is a key performance indicator of the industry. The study will come conclude whether the projects' room size configuration is feasible for a hotel in a location where tourists drive with the coast, and there is no public transportation. The developers will need to submit their budget proforma for occupancy and room rates and the study will compare them with the existing hospitality businesses in Newport.
2. **PARKING STUDY.** The current parking and traffic congestion is so significant that this proposal warrants a 3<sup>rd</sup> party consultant parking study. The parking study will measure the existing traffic constraints and factor in the new traffic impact of a 47-room hotel and 39 parking stalls. The ingress and egress of that many vehicles will have a significant impact on the existing parking and traffic gridlock.

Has a Feasibility and Parking Study been submitted to the City of Newport (Planning Commission and Community Development Department)? This project would dramatically change the west end of the bay front and the residential area above the bay front, forever.

The developers have failed to meet the applicable criteria of new development and the application should be denied.

Charlotte Boxer  
NEWPORT

[Signature]  
NEWPORT

Robert Bentran

U. Bentner

Keenan Bishop

George Bishop

Brian Callahan

Lisa Callahan

Sydney Callahan

Patricia A. Page

NEWPORT

Seal Rock

NEWPORT

NEWPORT

Debra Pauls

NEWPORT

Seal Rock

Seal Rock

Seal Rock

NEWPORT

#### Exhibits:

Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan

Picture of refrigerated truck parked on Bay Blvd in front of Bornstein Seafood

Cynthia K.

WE COULDN'T PARK!!!!

Aug 2021

We drove through trying to find a parking place. This is around 3pm on a Thursday.

We passed the restaurant where we wanted to eat & kept going BECAUSE WE COULDN'T PARK!!!

There were some places to buy seafood & some shops. I can't tell you how much I liked them BECAUS

WE COULDN'T PARK!!!!

Get it together Newport; geez.

*Pharm Spring*

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**Exhibits:**

**Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan**

**Picture of refrigerated truck parked on Bay Blvd in front of Bornstein Seafood**

**WE COULDN'T PARK!!!!!!**

**Aug 2021**

When we arrived at the site, we found a refrigerated truck parked on the street in front of Bornstein Seafood. The truck was blocking the entrance to the site and was causing a traffic jam. We tried to park our car, but we couldn't find a spot. We had to wait for the truck to move. The truck driver said that he was waiting for a customer. We had to wait for about 15 minutes before the truck moved. We were very frustrated because we had to wait so long. We had to wait for the truck to move before we could enter the site. We had to wait for the truck to move before we could enter the site. We had to wait for the truck to move before we could enter the site.



- The Newport Peninsula Urban Design Plan addresses automobile dependent development and states "will negatively affect the quality of life and lifestyle, as well as the physical character of the historic core of the city".
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The developers have failed to meet the applicable criteria of new development and the application should be denied.

Charlotte Boxer  
NEWPORT

Valerie Borst

[Signature]

Lisley Sweetser

Darla Sweetser

Racheth C. L. Prager  
Newport

Bruce Dyer

John Dyer

Rebecca Luthers

New Street

Albany/Newport

Mary Hood

Ann Lynn

Exhibits:

Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan

Picture of refrigerated truck parked on Bay Blvd in front of Bornstein Seafood

Cynthia K  
Bornstein Seafood

●●○○○

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**WE COULDN'T PARK!!!!**

Get it together Newport, geez.

**CITY OF NEWPORT**

**MAR 13 2023**

**RECEIVED**

**March 9<sup>th</sup>, 2023**

**To: City of Newport Planning Dept.**

We the owners of Bayview Condominiums, the property adjoining the planned hotel construction on SW Bay Blvd, do hereby express our resolve to disallow any variances being granted for this project. Our wooden retaining wall located between the proposed hotel and our parking area is over 50 years old. We need room to access it for maintenance and repairs or replacement when needed. There would also need to be reasonable access to it for the fire department in case of fire.

There are also other issues including traffic and parking on our highly prized historic bay front. The fish processing there that supports our local economy has refrigerated semi trucks that park there for the night leave there refrigerated trailers running all night long. You can't imagine the complaints from the guests that will come immediately to the city. There is no historic value of any type that this project will add to our bay front. They need to provide more parking spaces than rooms to allow for guests, employees, and shoppers coming to their retail space.

Before any chance of this project being approved we would like copies of the traffic and parking impact studies that need to be presented to the entire local community and businesses impacted on the bay front. Then we would need a continuance prior to approval so we have time to consult with attorneys, Lincoln County Historic Committee, and land use specialists about filing a lawsuit.

In closing what we're hoping for is a chance for the tax payers to voice their concerns in a manner that is fair to all parties involved. That only seems fair to this town and tourists that support our local economy.



**Jon Baker (President)**  
**Bay View Condos Owners Association**

**Sherri Marineau**

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**From:** Adriana Buer  
**Sent:** Monday, March 13, 2023 1:16 PM  
**To:** Public comment  
**Subject:** Bayfront hotel

[WARNING] This message comes from an external organization. Be careful of embedded links.

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Newport Planning Commission:

As a concerned citizen, I am vehemently opposed to the proposal to build a hotel along the historic bayfront. The only ones benefiting from this proposal will be the owners and the builders. I don't see how this will be of any benefit to Newport residents or to the bayfront itself. The planning commission needs to address the needs and concerns of its residents prior to acquiescing to the desires of an owner that doesn't even live in Newport. Let's not put profit over people.

Sincerely,

Adriana Buer

Sent from my iPhone

March 13, 2023

Re: Project 836-856, SW Bay Blvd.

To: The City of Newport Planning Commission,

I have read the report by the Planning Staff report recommending approval of this project, including approval of a 30% reduction in the parking requirements from 63 parking spaces to 46 spaces.

I recommend that the Planning Commission decline to approve the Conditional Use Permit until the project meets all existing requirements, in particular the parking requirements. The primary reason the parking issue is so important is that this Permit will result in exacerbating the well-known traffic and parking problems on the Bayfront, which will immediately adversely affect the workers at the fish processing plants, the tourists on the Bayfront and therefore the processing plants and retailers themselves. The fishing industry's economic health is essential to virtually every aspect of Newport's economy: the processors, the tourists, the NOAA ships, the Hatfield Marine Science Center, etc.

The staff recommendation that the hotel advise guests of the limitations of on-site parking, and/or that the hotel restrict vehicles that are too large to be accommodated is unlikely to change the hotel guests' behavior. Instead the proposed hotel will be further exacerbating the parking problems on the Bayfront. It is not just reasonable but necessary that the Council avoid allowing any disruption to the workers, the processors, and the tourists.

The developers have the option of designing a hotel project that complies with the parking requirements of the development code.

Sincerely,

Tom Briggs,

118 SW High St., Newport

CITY OF NEWPORT

MAR 13 2023

RECEIVED

2:28pm





P.O. Box 1146  
Glendon Beach, OR 97388  
541-614-0964

[www.familypromiseoflincolncounty.org](http://www.familypromiseoflincolncounty.org)

Dear Derrick Tokos,

I am writing this letter in support of the development of property located on the Bayfront by VIP Hospitality. Family Promise of Lincoln County has been providing emergency shelter and supportive service programs since 2014 and work with families throughout Lincoln County. VIP Hospitality has been consistently a great partner to our nonprofit and to families within the community. From providing shelter at their hotels during the pandemic shutdown to investing in smart TV's for our hybrid parenting classes to donations of hygiene products, they are very committed to the communities that they operate in and it shows in ways small and large. Many of our families are able to find employment at one of their hotels with living wages and a family friendly environment in addition to the compassion and ability to have flexible schedules to continue working on their housing situation. Living wage employment with opportunity to grow in the hospitality industry is difficult to find and I sincerely wish more hotels would follow the lead of VIP Hospitality. The Bayfront property that VIP Hospitality is developing will only strengthen the community and Family Promise is very supportive of their continued investment in Lincoln County. Please don't hesitate to ask any questions or follow up on this email.

Many Thanks ~ Elizabeth Reyes

Elizabeth Reyes  
Executive Director

Your gift to FPLC is tax deductible as allowable by law, Federal Tax ID #46-0650800. We did not provide any goods or services for your contribution. See your tax advisor for advice regarding your donation.

Thank you for your support!

Building community, strengthening lives.

## **Sherri Marineau**

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**From:** Derrick Tokos  
**Sent:** Monday, March 13, 2023 1:58 PM  
**To:** Sherri Marineau  
**Subject:** FW: Inn at Nye Beach Proposal

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**From:** Gervacio Galicia  
**Sent:** Monday, March 13, 2023 12:59 PM  
**To:** Derrick Tokos  
**Subject:** Inn at Nye Beach Proposal

**[WARNING]** This message comes from an external organization. Be careful of embedded links.

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You don't often get email from

**ASIATICO WATERFRONT SUSHI**  
**875 SW BAY BLVD**  
**NEWPORT OR 97365**  
**03-13-2023**

**GERVACIO CASTILLO**

**OWNER/OPERATOR**

**Dear DERRICK TOKOS:**

**I am writing to express my support to the inn at nye beach  
proposal.  
bayfront**

**I think it will be nice to have more business on the SW**

**Sincerely,  
Castillo**

**Gervacio**

**ADDITIONAL RESPONSE TO LETTER IN RESPONSE TO THE CITY OF NEWPORT PUBLIC NOTICE FILE NO.1-CUP-23.1-ADJ-23**

**MARCH 13, 2023**

**Re: Developer Response dated February 9, 2023**

The developer has submitted two letters with two different narratives, both dated February 9, 2023.

- The first letter addresses the request for a 40% reduction in the back yard buffer to 6'. The developer states they are installing a new retaining wall so all worries should be cast aside. While on the surface it might seem a logical statement, what happens if there is an earthquake or a landslide? Bridges fail, levees fail and retaining walls fail (just look at what California is experiencing with the historic rainfall). How do the developers plan on maintaining the back side of their building? There also needs to be consideration for the adjoining property owner to be able to repair and maintain the 33' of building that abuts the west property line. If the developers are granted permission to a 6' buffer of the west (back) side and no setback on the west side, then there is indeed an adverse impact to existing properties.
- Additionally, **6' is absolutely not enough** of a buffer for the residential zone (the Bayview Condos located directly above the proposed hotel). The value of the real estate related to the condominiums in that building will be impacted so negatively that it may be almost impossible to sell the units. The hotel would only be 6' from the property line and literally 12' from their decks.
- The first and second letter appears to **erroneously states they will be providing 46 parking stalls**. The CUP is asking for a reduction in standard size stall to 13 + an increase to +24 in the compact stalls, +2 handicap stalls; the total is **39 stalls and not 46**. 39 stalls for 47 rooms is not considered adequate parking, particularly in light of the number of the compact stalls. In a tourist town which is an auto dependent means of transportation should maintain a 1:1 parking ratio in locations where most travel is auto dependent, and in light of the fact there is NO mass transit readily available. This project will likely increase the traffic issues to an unsustainable level where tourists will decide to avoid the bay front because of the parking and traffic congestion.
- In the second letter the developers state that the project design meets the criteria for the historic design. If you compare the design of the proposed hotel to the design of the former Abby Hotel, it would be difficult to state that there are

similarities in design other than both would be 3-stories. The developer states “the appearance and design of the building will enhance the overall quality of the area. How? It looks like a chain hotel in an urban location. As presented it represents “overbuilding” of the site based on the footprint and the number of rooms. To say it will encourage higher quality developments is a big stretch. This is an urban design that belongs in an urban setting and not on the Historic Bay front.

- The developer states the building conforms with the 35’ height limitation, which the building itself does, but the stairwell shaft extends 4 ½ feet and the elevator overrun extends another 8 feet above the building. Building codes may allow this because the actual building is 35’, but the addition of the stairwell shaft and elevator overrun additionally impact the residential zoning for the properties above the proposed project.
- While the seafood processing plants are 35’ in height, they are a waterfront industrial use of the buildings. The seafood processing plants are an integral part of the bay front and the commercial fishing industry.

**The project is simply too big for the site and too big for the bay front, and as such, does have an adverse impact on the surrounding properties.**

(As just an FYI, I lived in the upstairs apartment next door for 2 years when I relocated from Lincoln City to Newport. The bayfront is a noisy location day and night from the seafood processing plants, the refrigerated trucks that sit out front and run their refrigeration all day and all night (which is very loud), add in the traffic congestion all day long, horn honking and engines starting up and it equates to a noisy environment. Many of the Trip Advisor and Yelp reviews state there is a fishy smell (those reviews considered it a negative) in the air, and of course there is because of the fish processing plants. Most tourists come to the beach to linger in their rooms after a day of sightseeing or being at the beach, watch the sunset and enjoy a peaceful night’s sleep. This hotel will not afford the same ambiance to its guests. It is worth noting.)

Charlotte Boxer  
Newport

## Sherri Marineau

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**From:** Derrick Tokos  
**Sent:** Monday, March 13, 2023 2:46 PM  
**To:** Sherri Marineau  
**Subject:** FW: Proposal for retail space and hotel on Newport Bayfront

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**From:** Latta Glass  
**Sent:** Monday, March 13, 2023 2:24 PM  
**To:** Derrick Tokos  
**Subject:** Proposal for retail space and hotel on Newport Bayfront

**[WARNING]** This message comes from an external organization. Be careful of embedded links.

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You don't often get email from

Dear Sir,

I am writing to support the VIP Hospitality Group in their proposal for retail space and a small hotel on the Newport Bayfront at the site where the Apollo Night Club, a gallery, and a restaurant used to be.

I think it is a refreshing idea. Yes, we have a working seaport, but it is undeniable that the Newport Bayfront is also a tourist area. This tourist area brings a lot of revenue and visitors to the City of Newport.

I support another business that would be a draw for visitors to the Newport Bayfront and offer accommodations. Historically, there has been a hotel here and would be a great addition.

Thank you for your work on addressing the parking situation. It is my observation that most of the parking is taken by employees of businesses on the Bayfront. Businesses that could easily provide shuttle services to their employees.

Thank you for your consideration,

Mary Young  
Manager of Latta's Fused Glass  
541-265-9685





**Pacific Communities  
Health District Foundation**

930 SW Abbey Street  
Newport, OR 97365  
541-574-4745 (office)  
[samhealth.org/Giving](https://samhealth.org/Giving)

March 13, 2023

Derrick Tokos  
City of Newport, Planning Commission  
169 SW Coast Highway  
Newport, OR 97365

Dear Derrick and Commission,

We'd like to express our appreciation and support for VIP Hospitality Group. We have come to know VIP Hospitality Group and their management teams to be engaged, responsible, and charitable community members.

Through their properties in Lincoln County, including Inn at Nye Beach and The Ocean House in Newport, and Inn at Wecoma, Surfland Hotel, and The Coho Oceanfront Lodge in Lincoln City, VIP Hospitality Group has supported projects and programs which are critical to the health and well-being of our community members. For example, they have generously donated to the Pacific Communities Health District Foundation's Patient Support Funds which help provide financial assistance to our most vulnerable populations for necessities like stop-gap prescriptions, transportation to medical appointments, nutrition, and more. They are also strong supporters of the Samaritan Treatment and Recovery Services center, a residential and intensive outpatient center for adults with substance use disorder, which is currently being created in the north Agate Beach area.

We are pleased to partner with companies in Newport that reflect values similar to our values of Passion, Respect, Integrity, Dedication and Excellence. We are both grateful and wholeheartedly supportive of their organization.

Please don't hesitate to contact me if you have any questions.

Warm regards,

Karla Clem  
Senior Development Specialist

March 13, 2023

Community Development (Planning) Dept  
City Hall  
169 SW Coast Hwy  
Newport OR 97365

Greetings:

This is regarding the conditional use permit for a new 3-story hotel on Bay Blvd in Old Town. I was at City Hall to pick up a copy of the staff report on Monday, March 6th, *when the public notice said it would be available- 7 days before the hearing.* However, it was not ready and wasn't emailed to me until Friday, March 10, at 2:29 pm. I have a very full life and was involved with family weekend plans by then, so unfortunately did not see it until this morning, March 13th, the day of the hearing. I have not had time to process it all and just feel angry and frustrated.

Please, look at what is happening. Please consider how not only, yes, maybe you *could* approve this, but **SHOULD** you approve this?!! On page 15 of the staff report it states:

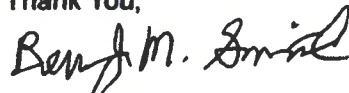
***"It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety and welfare of citizens of the City of Newport."***

Approving this plan is going to destroy several people's property values, therefore damaging the welfare of some of your citizens of Newport. We must also protect the fishermen.

I have been a property owner and tax payer of Newport for 17 years. I have loved my time in Newport, and value the working harbor and the true asset the fishermen of the community are to our economy. I believe the Bayfront is very important, not just to Newport but to Oregon as it is- a working harbor. And people come to see a working harbor. Adding a 47 room hotel directly across from a fishing facility is not good planning. I think reasons why are obvious: Noise, smell, 24 hr activity blocking the road... Very important stuff, not hotel friendly. The original Abby was down the street.

I loved the "Basics Market" plan, any way we could bring that idea back? It is a much better fit for the location. This 3-story, 47 room box, property line to property line is *not* a good fit. Please save us and protect our Bayfront. I am counting on our Community Development Dept. to preserve Newport's Old Town and protect our working harbor.

Thank You,

  
Beverly Smith

Bayview Condo Owners Association  
Secretary/Treasurer

- vi. With respect to the applicant's request for a 30% reduction in parking (17 stalls), they note that when applying the off-street parking ratios in NMC 14.14.030, they would be required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). They further note that the commercial spaces on the ground floor will require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. They are currently providing 46 on-site parking stalls.
- vii. The purpose section of the City's off-street parking requirements is set out in NMC 14.14.010, which reads as follows:

*"The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport."*

The Bayfront is a special parking area, the boundary of which is set in NMC 14.14.100, and graphically depicted with Council Resolution No. 3864 (Attachment "M"). Section 4 of Resolution No. 3864 provides:

*"NMC 14.14.100 provides that off-street parking within a Parking District shall be provided as specified by the Parking District. For that purpose, the business license annual fee established herein shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces, just as it did when the economic improvement districts were effective. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance (NMC Chapter 14)."*

The lead language in NMC 14.14.030, provides context for how the City should apply ratios for calculating required off-street parking. It reads in relevant part:

*"For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of Section 14.14.050, Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the*

This page of signatures is supposed to be attached to the previously sent letter-

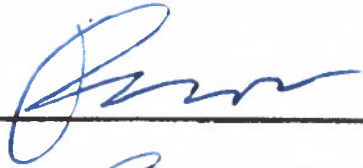
"LETTER IN RESPONSE TO THE CITY OF NEWPORT PUBLIC NOTICE FILE  
NO.1-CUP-23.1- ADJ-23

DATE: March 7, 2023

Would be Page 67- 68 in the Staff Report, page 67 of signatures (attached)

would be page 69

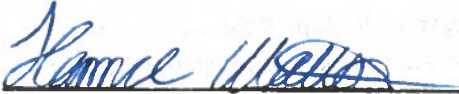




Bennett H. Mohlen



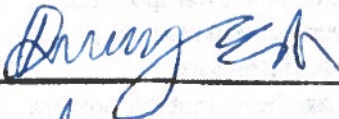
Brett Smith



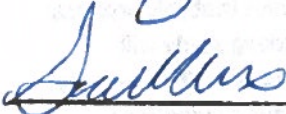
Hannah Mattson



David Alvarado



Delaney Smith



Sarai Wilcox

Beverly M. Smith

Beverly M. Smith  
833 SW 13<sup>th</sup> St #4  
Newport OR 97365

**Exhibits:**

**Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan**

**Picture of refrigerated truck parked on Bay Blvd in front of Bornstein Seafood**



**WE COULDN'T PARK!!!!**

**Aug 2021**

We drove through trying to find a parking place. This is around 3pm on a Thursday.

We passed the restaurant where we wanted to eat & kept going **BECAUSE WE COULDN'T PARK!!**

There were some places to buy seafood & some shops **I can't tell you how much I loved them BECAUSE**

**WE COULDN'T PARK!!!!**

**Get it together Newport. geez.**



and feasibility of the parking and room configuration. Any lender who would consider financing a hospitality project would require these studies, which would include:

1. **A FEASIBILITY STUDY.** A Feasibility study is the only way to understand if the project is feasible as designed. This study would be performed by a 3<sup>rd</sup>-party independent consultant who is well versed in analyzing hospitality projects. The study will include analyzing the room configuration, the occupancy rate related to all of all the hotels in Newport, the ADR (average daily rate) related to the existing hotels, which is a key performance indicator of the industry. The study will come conclude whether the projects' room size configuration is feasible for a hotel in a location where tourists drive with the coast, and there is no public transportation. The developers would need to submit their budget proforma for occupancy and room rates and the study will compare them with the existing hospitality businesses in Newport.
2. **PARKING STUDY.** The current parking and traffic congestion is so significant that this proposal would warrant a 3<sup>rd</sup> party independent consultant parking study. The parking study will measure the existing traffic constraints and factor in the new traffic impact of a 47-room hotel and 39 parking stalls. The ingress and egress of that many vehicles will have a significant negative impact and considerably exacerbate the existing parking and traffic gridlock.

Has a Feasibility and Parking Study been submitted to the City of Newport (Planning Commission and Community Development Department)? This project would dramatically change the west end of the bay front and the residential area above the bay front, forever.

The developers have failed to meet the applicable criteria of new development as set forth under the Newport Comprehensive Plan and the Newport Peninsula Urban Plan. Newport has a need for more revenue, but that should not be the determining factor whether a project gets approved. The adverse impact this project would have on the bay front could not be undone. The fact that there was once a hotel on the bay front (where the parking lot is now across from the Abby Pier) doesn't justify adding a hotel now. The original Abby Hotel burned down in 1964 and traffic, parking and congestion issues have multiplied exponentially in the past 60 years. The application should be denied.

Charlotte Baker  
NEWPORT

Marianne Holtz

Jon Baker  
President Bay View  
Condo Owners Assoc.

W. Lindgren

Monica L. Lefebvre

Dynasty Baker  
Newport

Janine LaFranchise  
newport

**VERBATIM MINUTES EXCERPT**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**March 13, 2023**

**Planning Commissioners Present:** Bill Branigan (*by video*), Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike (*by video*), and Marjorie Blom.

**City Staff Present:** Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Vice Chair Berman called the meeting to order in the City Hall Council Chambers at 7:00 pm On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.
2. **Approval of Minutes.**
  - A. **Approval of the Planning Commission Regular Session Meeting Minutes of February 27, 2023.**
3. **Action Items.** None were heard.
4. **Public Comment.** None were heard.
5. **Public Hearings.**

[Verbatim Excerpt begins at: 1:49]

**Vice Chair Berman:** Not seeing anyone. We'll move on to Action Items here.

**Derrick Tokos:** There are no Action Items this evening.

**Vice Chair Berman:** Okay. We're going to – now getting into the Public Hearings section of the agenda, and I have a rather lengthy script to read, so please bear with me. This Public Hearing is being conducted utilizing the Zoom video conference platform. Before we get started, I'd like to provide Staff a moment to identify individuals that are participating virtually.

**Sherri Marineau:** Virtually we have Chair Branigan, Commissioner Updike, and Denny Han who is with the Applicant for tonight's hearing item.

**Vice Chair Berman:** Thank you. I'd like also to cover a few ground rules. Individuals wishing to speak may raise their hand proper, or use the raise hand feature which can be found – this is for people on the Zoom – which can be found by clicking on the participants button on the bottom of the computer spa – screen, the raise hand button on the bottom of a smartphone, or by dialing 9 on a landline. I will call out the order of testimony in cases where multiple hands are raised. Please keep your microphone muted unless you are speaking. Press 6 to mute and

unmute a landline. For persons participating by a video or phone the City can make shared screen feature available for those that wish to make a presentation. Information shared with the Planning Commission in this manner is part of the record, and a copy of the materials will need to be provided to Staff. For those people who have elected to attend the hearing in person a computer has been set up so that may – they may provide testimony using the video conference platform. This is a quasi-judicial or legislative land use public hearing considering File Number 1-CUP-23 and 1-ADJ-23. This statement applies to quasi-judicial and legislative land use hearings on the agenda. All testimony and evidence presented toward the request being heard must be directed toward the applicable criteria in the Newport Comprehensive Plan, Newport Municipal Code, or other land use regulations or standards which the speakers – speaker believes to apply to the decision. The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and the parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals, LUBA, based on that issue. An issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record at or following this evidentiary hearing. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the City decision makers and the parties an adequate opportunity to respond to each issue. The failure of an Applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court. Prior to the conclusion of any evi – hearing any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the Application. If such a request is made then the hearing will be continued to a date certain, and schedule set for submittal of additional testimony. A period for the parties to respond to the new testimony and a period whereby the Applicant can provide final argument. At this time, I would ask any Planning Commissioners to disclose any actual or potential conflicts of interest, bias, ex-parte contacts, or site visits.

**Commissioner Hanselman:** Site visit.

**Chair Branigan:** I also had a site visit.

**Commissioner East:** Site visit. Yeah.

**Vice Chair Berman:** If anyone present has an objection to the participation of any Planning Commission Member or the Commission as a whole, please raise that objection now. None heard. The Planning Commission may, at the request of the participant, or on its own accord, continue the hearing to a date certain to provide an opportunity for persons to present and rebut new evidence, arguments, or testimony related to the applicable criteria. The hearing will proceed in the following order: Staff report, Applicant's testimony, persons in favor, persons opposed, Applicant's rebuttal, record closes for public testimony, Planning Commission deliberation, questions, and verbal decision. Final order and findings will be prepared for consideration at the next meeting should the hearing not be continued. If due to time – well, we don't – we're not going to have any time constraints. We're going to get through this. Okay. So, getting started with the File 1-CUP-23/1-ADJ-23 Conditional Use Permit and Adjustment to Build a Three-Story 47-Room Hotel and 2,626 Square Feet of Ground Floor Commercial on Bay Boulevard. Staff Report.

**A. File No. 1-CUP-23 / 1-ADJ-23: Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.**

**Derrick Tokos:** Thank you. Derrick Tokos, Community Development Director. I'm going to first acknowledge, just for the records, testimony that came in today in the event folks were looking online. Previously this stuff was all uploaded at the end of the day. The submittal deadline was 3 pm. So, I'm going to go ahead and acknowledge these comments. I trust the Commission Members have had a chance to look at these comments as well, so –

**Chair Branigan:** Derrick? Is your microphone on?

**Derrick Tokos:** Yeah, it's on.

**Chair Branigan:** Okay I was just – I just wasn't hearing it.

**Derrick Tokos:** Yep. We're good. I'll try to speak up.

**Chair Branigan:** Thank you.

**Derrick Tokos:** So, first I've got a letter from John Baker, Bayview Condos Association, opposed project. A letter from Karla Clem, Senior Development Specialist with Samaritan Foundation in support of the Applicant. A letter from Tom Briggs in opposition to the project. An email from Mary Young, manager of Latta's Fused Glass in support of the project. Additional testimony – supplemental testimony from Charlotte Boxer, who owns a business adjacent – immediately adjacent to the north. And an email from Castillo with Asiatico Waterfront Sushi in support of the project. A letter from Family Promise of Lincoln County, Elizabeth Reyes, Director, in support of the project. Email from Adriana Buer – and I – hopefully I didn't butcher her last name B-U-E-R – in opposition to the project. And then some updated information with additional signatures on a petition that had been included in the packet, but it was updated with additional pet – signatures in opposition to the project. So, that's what we had come in today. I'm going to briefly – I'm going to put some information on – on the screen to just kind of provide some context in terms of where the property is located, zoning, things of that nature. Then I'm going to walk through the requests. I'm not going to read the Staff Report verbatim. I trust you've had an opportunity to review it, but there are some key points I want to touch on as we go along. So, let me just bring some stuff on the screen real quick. Okay. So, but – before I – I turn to – and bring up the Applicant's site plan and information I wanted to first touch on the – kind of – the zoning in the area. What you're looking at is a zoning map, and that zoning map included a 2018 aerial image of that area, so it shows what the prior development was. The site that we're talking about would be these three – four tax lots right here. Used to be developed with Apollo's Nightclub, a Thai restaurant in that building as well, you have the Shark's Restaurant, and Forinash Gallery, okay? The Apollo's Nightclub was demolished by the current owner, Charles Eggert, in 2020. That was a time when they were planning to construct a Basics Market which the Planning Commission approved through a Conditional Use process, essentially the same kind of process as this is here. Your adjacent residential would be the R-3, upslope areas here you have condo development here, an unfinished condo development here, and then additional residential as you go up 13<sup>th</sup> Street. So –

**Vice Chair Berman:** Derrick?

**Derrick Tokos:** Yeah?

**Vice Chair Berman:** What – what was the farthest – well looks on – this map looks south – property there just behind the subject property?

**Derrick Tokos:** This?

**Vice Chair Berman:** Well, yeah.

**Derrick Tokos:** Where my hand – the little hand cursor is?

**Vice Chair Berman:** Yeah.

**Commissioner Hanselman:** That's the old Coast Guard Building.

**Derrick Tokos:** That was the old Coast Guard Building which was purchased and is now used for residential purposes.

**Vice Chair Berman:** So, it's a residence? Okay.

**Derrick Tokos:** So, this is – this is also an aerial. This actually shows utilities. This is a 2021 I believe from the, yeah, from the Lincoln County, so it shows the Apollo's building, which is gone. Shark's and Forinash still exist here. It did show the contour information. There's this as – as you know if you've done your site visit on that, and this is common along the entire Bayfront. The residences overlook the Bayfront. You have a significant terrain change from development along Bay Boulevard proper up the slope. And so, you've got 20-foot elevation here. You got a retaining wall that runs along this – this back end of the property line here, but it climbs up to 35-foot elevation when you get up to the condominium, and the first floor of the condominium developments, they park down below, so you're looking at about 20-25-foot grade separation in that – in that particular location. Your utilities, we have water, waste water, storm water systems are all in place along Bay Boulevard, and they are sized to support, you know, the commercial fish processing, so they're large mains. There's more than sufficient capacity there. So, public services in terms of water, waste water, storm water, that's – that's not an issue at this particular location fortunately. But you have your fish processors on this side over here, Bornstein, and then as you move down Pacific. Stop sharing that document; I'm going to bring up a different one now. So, plans that the Applicant submitted first include a survey. It does show that, you know, the retaining wall while it's on the property line for part it's alignment it encroaches onto the Applicant's property in this location here, and then that encroachment is shown on other documents as well. You see it right here as well. So, if I can. Did that do it? Okay. Well, I did what I could there. So, you've – you've got ground floor commercial facing Bay Boulevard.

That's your 2,600 feet between here. The building envelope is right here on the back side, and you'll see it – you'll see it better on the cross section so much, but not all of the parking area would be underneath the building. They have 46 spaces depicted here. Second floor, hotel. Third floor, hotel. And then there would be a roof deck. You have your – your elevator shaft and other – the enclosure here which you'll see in the cross section, and then there's a roof deck here. And you've got your parapet with your safety railing around the perimeter there, so there would be a public, you know where people could go up to the top of the roof and view the Bay, that kind of thing. This is a cross section showing all three floors. Peak height at 35 feet, which is the permissible height within that zone. Tapers back as you head



toward the condominium development, so it's not quite as high as you get closer to – to the residential development. That shows you the el – the elevator shaft right there. And then, let me see here. Here we go. This is a section that shows – this – the Applicant is proposing a 6-to-8-foot wall here. They're proposing that at 6 feet from the property line, and their concern is the condition of the retaining wall and, should that wall fail, they're proposing this wall as a measure to kind of protect their property, and that's – that's why they would like to do that. The building itself is set back 15 feet, and almost 6 – almost 16 feet right here, and so then this would be parking right down there.

**Gary East:** Parking other than the 46 spaces underneath?

**Derrick Tokos:** Par – it's part of them. I'll share that. That parking that I was just showing you right there is – is this – is this part of the parking right here.

**Gary East:** Oh, I see the line for the –

**Derrick Tokos:** Because the buil – yeah, the line right here would be the edge of the building. The dotted line. That's why I said the – most of the parking area is concealed under the building, but not entirely in terms of these elevations. So, I'm going to go ahead and stop the share. I'm going to start working through the Staff Report a little bit, but I just wanted to provide some context first. That was the purpose of that. So, briefly I just want to talk about what the actual request is, then through the approval criteria, and then some of the highlights on some of the approval criteria. So, the – the request that's in front of the Planning Commission includes a Conditional Use Permit, and then Adjustments. Adjustments, as you – as you know, the way the city has its – its rules set up for deviation to dimensional standards. Up to 40 percent can be handled as an Adjustment, which has a little bit easier set of criteria than a Variance. If it's over 40 percent it's a Variance, and it has to be a hardship. They're not asking for a Variance here. They're asking for an Adjustment. They're asking for an Adjustment relative to three things. They're asking for an Adjustment relative to the required amount of off-street parking, seeking a reduction in that – 30 percent reduction, or a re – or I don't know, a request that they not have to provide 17 stalls, and we'll be talking a little bit about each of these things. They're asking for –

**Vice Chair Berman:** Derrick? Could you repeat those three qualifications? You have parking –

**Derrick Tokos:** You have an adjacent yard buffer –

**Vice Chair Berman:** Got it.

**Derrick Tokos:** Which is a requirement that there be landscape buffer between residential and non-residential zones, typically ten feet – it's ten feet in width. They're asking you reduce that to 6 feet. They're asking for a 30 percent reduction to the required amount of off-street parking, and they're asking for a 13 percent adjustment to the percentage of compact stalls that are permitted. We have a 40 percent maximum set in our Parking Code. They'd like to do something more – can do a fifty/fifty. And we'll hit all of those. And then you have the Conditional Use Permit itself, so... The approval criteria for an Adjustment are set forth in Newport Municipal Code chapter 14 section 14.33050. They read as follows: first the granting the Adjustment will equally or better meet the purpose of the regulation to be modified. So, that's – that's a very important piece of this is what is the purpose of the regulation that they're seeking an Adjustment to.

The other is that any impacts resulting from the Adjustment are mitigated to the extent practical, that the Adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access, and then if more than one Adjustment is being requested the cumulative effect of the Adjustments is considered by the decision-making body as it relates to the overall objectives. The Conditional Use criteria are under – also in chapter 14 of the Municipal Code section 14.34050 that public facilities can adequately accommodate the proposed use, that the request complies with the requirements of the underlying zone, or overlay zone, that the proposed use does not have an adverse impact greater than existing uses on nearby properties, or those impacts can be ameliorated through the imposition of Conditions of Approval, and that the proposed building or building modification is consistent with the overall development character of the neighborhood with regard to it's size and height, considering both existing buildings and potential buildings allowable, as use is permitted outright. So, when it comes to a proposed building or building modification being consistent with the overall development character of the neighborhood, that standard is specific to building size and height relative to what else can happen out there in that particular zone.

So, I'm going to first speak to the Adjustments. I'm going to take them in turn. The adjacent yard buffer, the purpose of that is pretty clearly spelled out in the standards, it's for screening. It's to provide some visual buffer between residents and commercial areas. In this case, you have a very significant terrain differential between the adjacent residential and the W-2, and that in of itself really does serve the same kind of purpose as the visual screening does. This type of arrangement would be very difficult to even get screening vegetation to establish. If you recall taking a look at the zoning map you saw when the Apollo's building was there it never had that kind of buffer, likely because it predated this particular requirement, but if you look to the rear of that – and that was a two-story building it's – and it's shadow pattern basically covered that entire area, so when you have that – that kind of shadow pattern in there it would be pretty tough to get screening vegetation to establish. The – and that bears itself out that the terrain in the Bayfront largely has served this purpose. If you go down the Bayfront, you don't see these established screening areas. What you see is the residential properties being developed well upslope of the Bayfront, and that terrain provides that kind of buffer. And frankly many of those residential properties probably not want to see vegetation screening and blocking their view of the bay. So, you don't really have that existing pattern out there either. So, I think – I think you would be – it would be a reasonable thing for the Commission to conclude that the terrain separation there really does serve that purpose, and that the – and that – that therefore there's really not a need for a full ten feet of separation. Now, you did have some testimony relative to maintenance of the wall. Maintenance of the wall has nothing to do with that setback requirement. That setback requirement is about screening vegetation, not that a setback is needed so that neighboring properties can maintain their improvements. The way you – if you choose to build on a common property line then it really is your responsibility then to get a maintenance easement over the neighboring property so that you can maintain it, or you maintain it from your property. So, that's really not a factor relative to that Adjustment standard. The – if the Commission were to approve this Application and our recommendation in – included a condition that would allow the Applicant to either construct this wall that they want to 6-feet back, wh – you know, wh – you know, or in collaboration with the Condominium Association basically either reconstruct that existing retaining wall or buttress it with a wall

of their own that works properly with proper engineering. Frankly, that would be the more aesthetic solution, and you know, and I think there would be a – there could – there's a possible win-win there. I mean because that wall has deteriorated over time, and if the Applicant is prepared to step up and, you know, construct a new wall at that location that reinforces that then they can work out respective maintenance and other obligations, I think that would be a good solution. So, my – my recommendation is that if – if you authorize this, that you allow that wall to be in one of those two locations.

With respect to parking, I think there are a few things, and I'm pointing them out in the Staff Report, one this is in the Bayfront. The Bayfront is a special parking area. It's – it's clearly articulated in the Code. In the Bayfront new development is not expected to provide 100 percent of its parking off-street. And in fact, when you look at the pre-existing development, which was the Apollo's, it generously provided 20 off-street parking spaces, and if you looked at that, some of those were supposed to be between the building and the Condo Association with 90-degree angle parking that was never striped in. So, they probably had about 14 – 12 to 14 – excuse me, realistically. But the balance of that was in the public space. So, the Thai restaurant on-street parking, Shark's on-street parking, Forinash on-street parking. You look across the street, fish processing plants, all of it on-street parking. They are on the water. They don't have an opportunity to provide off-street parking. So, the special parking area rules were set up with that in mind, and the way that the – the standards were set up, they put in place a requirement that said look, if you are replacing an existing use you get to take the credit for the existing use, and you only have to address your additional impact. Now if that Apollo's building was still there along with Shark's and Forinash there wouldn't be a need for an Adjustment request, because this project only generates a demand for 14 additional off-street spaces, and they're providing, well, more than that at 46. And in fact their impact, and this gets to the – to the – to the Adjustment standards is – is this going to lead to additional congestion or issues down on the Bayfront, their impact is less than what was there previously. The Apollo's, with the Thai restaurant and the Shark's and Forinash, they had a credit 49 parking spaces, 20 of which were off-street, 29 were on-street. So, you're looking at 40 percent of your parking demand being handled off-street, 60 percent within your public space. You look at the hotel, that break is – is 46 off-street, 17 on-street, or 70 percent of the parking need being met off-street, 30 percent in the public space, or 17 if you want to take it to specific numbers versus 29 with the prior development. So, when weighing whether or not an Adjustment is warranted in the purpose of the regulations then it gets relevant for the Commission to consider what was the prior development, and how does this relate in terms of the overall parking impact, and in this case the parking impact is less than what was there previously before Apollo's was removed, and basically those businesses were vacated in the 2019-2020 timeframe.

Now when it comes to compact parking, and the Commission might want – you've got a 40 percent maximum in the Parking Code, and the Applicant here is looking for 50/50 more or less. You know, this is a situation where, you know, as a hotel they have a capacity to manage their parking, and – and this is not an open public surface lot. This is going to be parking that you can see is by design is concealed behind street level commercial, and so it's basically almost – almost underground parking arrangement. So, it's all concealed underneath and behind that commercial. The – you know, the hotel can, and I think if you can communicate with guests, and I suspect they'll be telling you, you know, this is

something that they do already with The Inn at Nye Beach, that they can say "Hey, look. We don't want anybody coming here with vehicles over certain sizes." And they could try that arrangement out. If that doesn't work, they can also do valet parking. They can do some things to manage that. I think you want to hear what they have to say relative to their business model and why they think a 50/50 split compact to standard makes sense at this location. If you're uncomfortable with it, frankly they could actually provide a plan that provides less off-street parking, and still be at a smaller impact on the public space than that prior development, because again remember they are – they're loading 17 spaces, if you re – want to think of it that way, into the public space. The prior development loaded 29 required spaces into the public space. So, they could drop a few parking spaces and – and probably reduce that – that compact ratio down. But they believe they can make it work as they proposed, which would basically meet their entire hotel need, and their commercial would rely on the public space. When it comes to the other Adjustment criteria like fire access and utilities, our fire department took a look at this. Their concern focuses on being able to respond to a fire in the building, and they were satisfied that they have sufficient access to do that. As you may recall looking at the cross-section drawing, they've got almost 16 feet of clearance. You know – so – so they've got – they've got more – they have 16 feet from the property line but if – if they construct that wall 6-feet, they've still got 9 10 feet of separation. So, they were satisfied that they have enough room to get to the rear of the building to deal with something on the rear of the building if they need to. They also have the capacity to fight any kind of fire from Bay Street or Bay Boulevard, and we have a hydrant right there at the intersection adjacent to their property, and we have pretty strong flows in those hydrants because again we have pretty robust utilities down in that area. I'm not aware of any utilities on-site that would be impacted at all, so all of our utilities are within the public right-of-way. They wouldn't be impacted by the Adjustment whatsoever.

When it comes to the Conditional Use Permit, you know, I've spoken a little bit about the public facilities, water, wastewater, stormwater, street system, is – is all designed to handle rather intense development down in this area. Now, one of the reasons the Applicant was asking for the Adjustment too was so that they could push the – their preferred building footprint back a little bit away from – from Bay Boulevard, and introduce some – a wider sidewalk, so you could get some sidewalk seating in there, and some landscaping that faces Bay Boulevard, and would be one get a little bit better solar exposure, and two would be in a location where more – more people could actually see it, and appreciate it. The – see this here – with respect to compliance with the underlying zone district, the W-2, one of the things that – that all developments in the – in the Bayfront area need to do is be cognizant of the fact that it's the historic Bayfront, and so the development needs to – to be something that's consistent with the character of – of the Bayfront historically. Now, we don't have design standards in play, and as you may recall from other Conditional Use Permits that you've considered, such as Ripley's and others, you know, there's a lot of leeway in terms of what fits within the – it's – it's more of a judgement call on your part than it is applying specific design standards saying that this building has to have very specific architectural elements for it to – to be approved. A little different than – than what we have in place in Nye Beach where you've seen like The Whaler Hotel, or The Inn at Nye Beach when it expanded had to provide much more detailed architectural renderings, because there's very specific design standards in that area that have to be met. That's not the case here. You have a lot more flexibility in terms of what you – you construe to be consistent or not consistent

with the historic character of the area. Now, one thing is clear, you know, you do have buildings on the Bayfront that, you know, run from single-story to three-stories, and – and you also and – and I included it in here – you have had hotels down there. The Abbey Hotel was down there from 1911 to 1964; I included photographs of what that looked like. In terms of its mass and orientation, in terms of that overall box of the structure, not all that dissimilar from what the Applicant's proposing.

First floor commercial, with two floors hotel above it, and you know, you – you can understand why there was hotels down on the Bayfront in the past, just like we have hotels in Nye Beach. I mean, you have a lot of tourist activity, you'll have business activity. There's value in being proximate to that. You don't have to drive down there and park there, which is already an existing challenge. You can walk from that location to restaurants, or retail shops, or if you're doing business with somebody down there, that too. In – in terms of its overall mass and scale it's not inconsistent with what you have down there. This is a very permissive district, W-2. It allows for 85 to 90 percent building coverage. I mean, it's pretty – pretty substantial, and as you can see when you look at the fish plants it's – I mean, you got some pretty large structures down there in terms of their mass, and so height and mass, it's – it's – it's on the higher end, but it's within what you expect to see down there. We just talked about the 1886 building, which unfortunately had to be removed, three stories. You look at Pacific Seafood. A couple of their pieces, three stories, and a larger mass. So, you have a mix down there. This is – falls within that – that range.

**Commissioner Blom:** I have a quick question.

**Derrick Tokos:** Yes.

**Commissioner Blom:** Is The Landing considered part of the Bayfront? Those cotton – condo hotels, or is that – it's down farther, but I was just, it's three – three levels.

**Derrick Tokos:** Right. Yeah, and it's in the W-2 as well.

**Commissioner Blom:** Okay. I just – in my mind trying to get a – thank you.

**Derrick Tokos:** I'm going to speak just briefly to – to some of the comments, some of the requests for additional information. Traffic impact analysis I want to touch on because the City of Newport actually has some very specific threshold that has to be hit before traffic impact analysis is required, and that's – in this case it – you know, it would be 500 ADT or average daily vehicle trips, and they're well under that so they're not required to provide that type of analysis.

**Vice Chair Berman:** Is – isn't there parameters associated with the max?

**Derrick Tokos:** 50 pm peak hour trips? Yeah, they're under that as well. So – so, they're below both in terms of the – of the hotel. The –

**Vice Chair Berman:** Can you explain that, how they're under 50 since the total number of parking spaces required is in the 60s?

**Derrick Tokos:** Well as you – when you're dealing with the pm peak hour, again that's a one-hour window so it's not surprising that they would be under that. So, 500 ADT or 50 pm peak hour, and what we do is we use the Institute of Traffic Engineer's trip generation ratios



for different uses, and I included a breakdown of that actually in the Staff Report in terms of the vehicle trips that are generated, and that they fall underneath that – that threshold. Yeah, page 5 of 17.

**Vice Chair Berman:** Yes. Got it.

**Derrick Tokos:** There was also a request for a parking study. Again, that's not something that – that's required under the City's Code. Business feasibility study, again not required under the Code. I mean, there's certainly things you can ask of them about their business, and ask about, you know, why you want to pursue a mixed-use development, but a feasibility study, like that demonstrate the business is feasible, is not required under the Conditional Use rules. So, lastly, I think I'm going to just touch on the, again, the Planning Commission's charge here is to determine whether or not the proposal satisfies the criteria or not. The approval criteria – that we've talked about. If you don't believe it satisfies the criteria as it's structured then you need to turn your attention to, well, could it satisfy with the imposition of conditions. If you don't think it gets there, then you would deny it, because it doesn't meet the approval criteria, and in your mind can't meet the criteria through the imposition of reasonable conditions. If you approve the Application, our recommendation would be to include a few conditions. One, and this is common with Conditional Use Applications, that your approval is based on the information they provided. This does not provide them the ability to go out and do something very different, you know, they have to work within what was presented, that when they move forward, they would need to comply with applicable Code, Building Codes, Fire Codes, those things. These are not construction plans.

When they – if this is approved, I mean, the Applicant is in a due diligence period, there would be some significant refinements to meet those types of Safety Codes. They would have to work within the box that was presented, but there would be some minor modifications within that box to comply with these Codes, and that's what discussed under recommended Condition 2. The third has to do with the elevator enclosure, and other pertinences that extend above 35 feet. There's an allowance in the City's Code for that, but it's limited to 200 square feet. The plans that I had were not clear enough for me to be able to verify that what they have up there doesn't exceed 200 square feet. They need to demonstrate that it falls within that box. And then four has to do with the discussion we had about the 6-to-8-foot wall parallel to the existing retaining wall that – that if you approve this that they be given the leeway, or to reconstruct or reinforce the existing retaining wall in partnership with the Condominium Association in lieu of building this protective wall 6 feet back. And then lastly that the hotel inform guests via their website or other similar means the limitations of the on-site parking, and restrict vehicles that are too large to be accommodated. So, that's the Staff Report. If you have any questions, I'd be happy to answer them.

**Vice Chair Berman:** Yeah. Could you discuss the relationship between the allowed – allowance for off-street – or for on-street parking that they're getting credit for, and the upcoming metering of both of those streets on both sides.

**Derrick Tokos:** I'd be happy to. Thank you. Yes. As you point out the City is moving forward with a project to meter the Bayfront. Metering would be specific to public parking areas, and it's a combination of meter only, meter permit, and timed permit limitations depending upon where you're at. In this particular area, you would have the street itself would be meter only.

The time frame that's been looked at would be 11 a.m. to 7 pm from May to October. When you go to the off-season October – or basically November through April it would be weekends only. You do have Abbey Street parking lot which isn't that far away. That would be a metered permit, so people could get a permit, buy a monthly permit and go there, or they pay the meter. We're working – we've just selected a preferred contractor and we're working on getting the contract wrack – wrapped up. We're working with the Parking Advisory Committee and we're looking to try to get these changes implemented late spring, be early summer. It's a change from trying to build your way out by trying to force parking in where you can't practically build it to more of a demand management approach, so if people don't want to pay for a permit or feed a meter they won't park that close, and they'll be, you know, there are options a little bit further up the slope. It's not always convenient for everybody, but there are. Now, those limitations generally do not apply to folks with disabilities, so where we have 88 spaces in the public lots, you know, folks with mobility issues they wouldn't have to, they would have that – that option to use those 88 spaces. These changes would not apply again to private parking, so you do have some private parking areas down there already, like over there at Ripley's, that are managed with AirGarage, which is, you know, that's paid parking on a private lot. There's nothing in our rules that would preclude the owner of this property from charging guests, and it's common that hotels charge guests a certain fee for using their parking areas. So, that kind of get at what you're looking at?

**Vice Chair Berman:** Yeah. Thank you.

**Commissioner Blom:** Speaking of the ADA, the – the Applicant would have to provide ADA parking?

**Derrick Tokos:** Correct, and they depicted two stalls that are probab –

**Commissioner Blom:** As part of the 46?

**Derrick Tokos:** Yeah. And it's – and they've placed them in an appropriate location, which you want it close to your elevator, you know, so they put them as close as they could to that.

**Commissioner Blom:** Okay. Thank you.

**Commissioner East:** Now, Derrick, if they – rather than going with that 6-foot wall out 6 foot from the current retaining wall, that does get basically the existing one gets rebuilt, increases that space 6 feet, and that of course we use the existing landscape to offset that requirement, would that allow them to expand some of that compact parking?

**Derrick Tokos:** Well, it's a good question. The depth of the stalls isn't so much the issue here. They actually even have a full-size two-way interior drive aisle at 23 feet, so depth isn't so much issue. It's more width on some of those stalls.

**Commissioner East:** And the fire department has no problem with access even if that wall is built 6-foot out from the existing retaining wall?

**Derrick Tokos:** Correct, because they'd still have about nine feet of clearance between that wall and the building proper.

**Commissioner East:** Okay. Alright. So, they can get a fire truck and clear the corner of that building without any issues.

**Derrick Tokos:** And generally, to the rear of that building they're looking to be able to get their people in there with a hose, ladders, that kind of thing.

**Commissioner Hanselman:** Is it true that most businesses on the Bayfront do not have off-street parking?

**Derrick Tokos:** I can't think of one that provides all of their parking off-street, and there a number of businesses that provide no off-street parking, particularly those that are stacked up along the bay side of Bay Boulevard.

**Commissioner Hanselman:** The processors.

**Derrick Tokos:** Processors, and some re – you know, some – you know, some retail. There's some shops.

**Commissioner Hanselman:** There's shops. And then there's Mo's and Clearwater shops.

**Vice Chair Berman:** Clearwater has as lot, but as you say that doesn't – that's not satisfactory for –

**Derrick Tokos:** It wouldn't be – big enough probably to meet their entire demand, but it's an odd one in that their lot, which is across the street, they purchased – was never installed for the purpose of serving Clearwater. The prior restaurant where Clearwater is located never provided off-street parking, didn't have to, and then Clearwater picked up this other lot, which was just a private lot.

**Commissioner Escobar:** Excuse me. I disagree. In my prior life I was involved in the sale of what used to be CI – it was something else Port Dock something –

**Derrick Tokos:** Port Dock One.

**Commissioner Escobar:** Port Dock One. And that lot or that – that – that parcel, which was right there over the Bayfront, together with the lot across the street which was for parking was all part and parcel. The same transaction.

**Derrick Tokos:** Okay. Let me – let me – let me clarify something on this. It – it – it may have – not have been purchased by Clearwater. I – I have looked at the history of that parking lot. That parking lot was not required to serve the restaurant. That's my point. It was acquired, and compiled, and used in that purpose, but it wasn't something that the City said, "you have to build a parking lot here to serve this restaurant."

**Commissioner Escobar:** Okay. I concur. I'm simply stating that when – I think the woman's name was – I forget her last name – Sherry purchased it, she purchased the parking lot, and the restaurant, and the parking lot was going to serve the restaurant whether or not it was a governmental requirement.

**Derrick Tokos:** Right. That's fair.

**Commissioner Escobar:** Thank you.

**Commissioner Hanselman:** Now, are some of these parking numbers that are being tossed around – it sounds to me though it seems a little cloudy also. This new development is required to have some off-street parking?

**Derrick Tokos:** Yes.

**Commissioner Hanselman:** If – if this hotel was – now, if – it's required to have off-street parking, is that correct?

**Derrick Tokos:** Yes.

**Commissioner Hanselman:** And how many would that be? Is that that 63 number, or 65 number, or – it – it changes through here whether we have 46 underneath, 48 that they're supposed to have, or there are 17 whether there's nine?

**Derrick Tokos:** That's – that's – no, it's a fair question. And – and part of it has to do with – with interpreting the Parking Code.

**Commissioner Hanselman:** Yes.

**Derrick Tokos:** The Parking Code says that where you have an existing use, whatever that parking arrangement was for that existing use, is what it is, and you only have to provide off-street parking for whatever your additional impact or demand is.

**Commissioner Hanselman:** We have no existing use there.

**Derrick Tokos:** I'm getting there. I'm getting there, okay? So, the existing use was removed in the case of the Apollo's –

**Commissioner Hanselman:** Gone.

**Derrick Tokos:** It was torn down. In the case of Shark's and Forinash –

**Commissioner Hanselman:** Okay. So, they're gone.

**Derrick Tokos:** The buildings are there, but the businesses have ceased for over two years. These aren't non-conforming uses. We don't have any Code language that says the use is discontinued at a certain point. If you view that there's no use on the property, and this is how the Applicant approached this, this will look – we're not in a position to provide all of our off-street parking need, you know, on our own property. We need some use of the public space, thus we're asking for an Adjustment –

**Commissioner Hanselman;** Yes.

**Derrick Tokos:** So, we don't have to provide 100 percent of our parking on private property. Some of that can be in the public space, and what they're proposing is that they address the needs of the hotel with their off-street parking at 46 spaces, which then still leaves an additional 17, which would be accommodated in the public space if you approve the adjustment. Or you can say they got to provide 100 percent, less five spaces because of the parking district, on their property.

**Commissioner Hanselman:** So –

**Derrick Tokos:** But I would say that's not consistent with the parking arrangements you would see elsewhere along the Bayfront for the most part.

**Commissioner Blom:** In the – in the existing Bayfront businesses and the other Apollo's, and the other one that are – the buildings are still there. Is that – is that what you mean? You're counting – I see it that the Applicant has pretended like there wasn't anything there.

**Derrick Tokos:** I think they have to. They have to assume that you're not going to say that – that Apollo's, and the Thai restaurant, and Sharks, and Forinash, are an existing use anymore. They went away, several – you know, in 2020. And so, they're coming in then with a blank slate. And they're – and – and that's why they're asking for the Adjustment, because they are saying, "Okay, if we're coming in with a blank slate, it's not practical for us to try to provide all of our parking off-street. And so, we're proposing to provide 46 spaces off-street, and the additional 17 would be accommodated in the public space."

**Commissioner Blom:** That gets to the 63.

**Derrick Tokos:** Which is a 70/30 split, which is less – and – and – and which is less of an impact than what was there previously. I do believe this is very directly related to concerns about congestion, that it's going to make things worse down there. Well, we've already experienced it with the nightclub, Sharks, Thai restaurant, Forinash, they operated in the past. We had a sense of what the congestion was down there. So, I think – I think it's reasonable for the Commission to consider it, those older prior uses, when you're thinking about relative congestion on the Bayfront.

**Commissioner Hanselman:** Is it fair to say that most businesses on the Bayfront may provide some off-street parking, but most businesses rely on public parking on the street?

**Derrick Tokos:** Yes.

**Commissioner Hanselman:** –or on surface lots. So, in essence, this new project isn't asking for anything that isn't already being given to existing businesses. We provide some of our off-street parking, and then we rely on public parking for the rest.

**Derrick Tokos:** Right.

**Commissioner Hanselman:** –and in the case of the fish processors, they probably provide literally no off-street parking, and demand on-street public parking for all of their employees.

**Derrick Tokos:** Correct.

**Commissioner Hanselman:** That would be their business model.

**Derrick Tokos:** Right. They don't have any room to provide the off-street parking. They don't provide it.

**Commissioner Hanselman:** Whether they have room or not –

**Derrick Tokos:** Right.

**Commissioner Hanselman:** –they don't provide any off-street parking. So, we've got businesses that provide no off-street parking. And – and still – and they pay – do they still pay like a parking permit fee like they do on Nye Beach? At one time they had a parking –

**Derrick Tokos:** They do, and that's a good – good question. That would – that – we call them parking districts, and – and that parking – it's a business license surcharge. And that – that



still exists in the Bayfront, Nye Beach, and City Center area, and it's intended to go away once the metering gets installed. It's value to a business, you know, I mean, they contribute a f – you know, depending on how many employees they have, you know, a few hundred dollars a year. Their – their benefit is that if they want to do a minor modification, they're good as long as they don't create a demand for more than 5 additional off-street spaces. I mean, that's how it's structured. I did mention that in the report, but I don't know if that's really pertinent here, because we're talking about a new development, you know.

**Commissioner Hanselman:** Okay. Then my last question about the parking, at least at the moment is that the 30 percent reduction that they asked for, that is within their right? That's a figure that is acceptable to our ordinances? To our Newport Municipal Code?

**Derrick Tokos:** Yeah. They have a right to submit an application. That doesn't mean you're going to approve it. But they have a right to –

**Commissioner Hanselman:** I know, but is there a standard by which, I mean, is that 30 percent beyond the pale? Is that beyond what they should be asking? Is there a restriction that we, the City have to say, "No, no, no. We could maybe let you have 15, but 30 would be out of the question." Or does the City say, "Oh no. Ask for whatever you want, and then we'll have the Commission deal with it."

**Derrick Tokos:** They have – they have a right to – for an adjustment to ask for an adjustment up to 40 percent. If you go over 40 percent, that's what they can ask for.

**Commissioner Hanselman:** Good. That – that changes the process.

**Derrick Tokos:** To a Variance, and they wouldn't need that. A Variance has a higher bar. It's a hardship that you couldn't otherwise develop the property without that deviation. So – so, that's a higher, higher bar. And Adjustment's lower. And so, that's why I tried to provide some analysis here. I think one way to look at an Adjustment, and get at 15 percent, 25 percent, what's the right percent; is to look at well what – what's the impact relative to prior use on that property. It wasn't that long ago. I mean, we're not talking about 40 years ago. I mean, they took out the nightclub and the restaurants 2019, 2020 right when we went into that pandemic, and so looking at how that arrangement operated, and how much pressure that put on the public space relative to the amount of off-street parking, and comparing it to the current proposal, I think is a reasonable way for you to go. You don't have to, but I think it's a reasonable way for you to view, okay, is this proposal kind of consistent with, as you said, kind of that mix of public/private parking that you see throughout the Bayfront. And – and I think it is, when you compare it to what the prior use on the property was. They're – they're providing more off-street parking relative to their impact on the public space than the prior one did.

**Commissioner Blom:** The impact. Yeah.

**Commissioner Escobar:** Derrick, I want to clarify the prior use before the buildings were all leveled, okay? Because I knew Mr. Forinash. I was a patron of Shark's. I was a patron of the Thai restaurant, and I never went into Apollo's, but I used to go into the Pip Tide which predated the Apollo. So, it – they were different businesses. Mr. Forinash's business was daytime. Folks would stop by, get their – their, you know, artwork framed, buy a trinket, and go home. Shark's was a relatively small establishment. I don't think Shark's had more than 8

tables. It was kind of a unique place. The Thai restaurant they were open for lunch, during the daytime. They were open for dinner, but generally by the time the Thai restaurant was closing, was when the bar and the dance hall at the Apollo's – so, it was almost a continuum of time. They weren't all operating at – at major capacity at the same time, because you had daytime use from Mr. Forinash at one end, nighttime use of the Apollo's at the other end. The restaurants there kind of overlapping between the lunch and the dinner time, but just think that's – that's a factor to consider if we're going to be looking at the history of the lot.

**Derrick Tokos:** Sure. I think that's fair, and I think that's something that parking ratios don't really account for terribly well. And you know, the big traffic generator out of that bunch was the restaurant and nightclub at Apollo's at – at almost 36 parking spaces per the ratios. So, that was the biggest part of the 49, not Shark's, not Forinash.

**Commissioner Blom:** And then you said Apollo's had 20 off-street parking spaces. Oh.

**Derrick Tokos:** Generously. I included a copy of the site plan –

**Commissioner Blom:** Yeah.

**Derrick Tokos:** In your packet –

**Commissioner Blom:** Yes.

**Derrick Tokos:** And the aerial, and you can see the stuff that was wrapped to the south – behind it was never, from what I could tell, ever properly striped in there.

**Commissioner Escobar:** I don't think folks ever parked in the back.

**Derrick Tokos:** Right.

**Commissioner Escobar:** You know, they used the lot between what used to be the good gallery – the Wood Gallery, and that lot was used, and then it was mostly off-street parking. I know of very few patrons who would ever slide on into the back because it was difficult to get out once you got in because it was – it was diagonal.

**Derrick Tokos:** Correct.

**Vice Chair Berman:** Especially after drinking.

**Derrick Tokos:** That – that's why I – I tried to emphasize functionally you had maybe 12 or 14 or something. You didn't have 20.

**Commissioner Escobar:** I think that's a fair way. Functional.

**Derrick Tokos:** But, you know, I would point out, if you're going to look at it that way, I think you want to take a look at what do you deal with when hotels? Well, hotels, you know, that's lodging. That's a little bit different than – we do have other lodging but not – not a hotel of this size currently. And like – as you pointed out you've had it in the past, like The Abbey Hotel. Now, we have Anchor – Anchor Pier Lodge over by the Marine Discovery Ce – but that's only four units. But what – what you have with a hotel though is you have what, most guests are gone by what, 10? 11? 11ish?

**Commissioner Escobar:** 11ish, 10ish.

**Derrick Tokos:** Remember, metered –

**Commissioner Hanselman:** Yeah, depends on whether or not the hotel serves you buffet breakfast.

**Derrick Tokos:** Right. Right. So, they're probably leaving before the metering kicks, because that's going to be 11 to 7.

**Commissioner Hanselman:** And then you have check-in at 3 or 4 o'clock.

**Derrick Tokos:** So, it's a different – little different dynamic as well.

**Commissioner Escobar:** But I have a question. You talked about the – the full-size parking spaces, and the compact parking spaces, and you said it was the width of the compact versus the width of the – what I'll call the full-size parking space? Is that how you differentiated the two?

**Commissioner Blom:** Size.

**Derrick Tokos:** Yeah, your – well – well your parking stalls for compact would allow width at seven and a half feet at the narrowest, and it does actually allow for a reduced depth. They're really not proposing reduced depth. They don't have a de – issue with depth, just given the orientation of the property. Their issue has to do with width.

**Commissioner Escobar:** So, it's width they're concerned with?

**Commissioner Blom:** This is depth.

**Commissioner Escobar:** So, they can squeeze in more lots – more stalls?

**Commissioner Hanselman:** More cars, yeah.

**Derrick Tokos:** To get a few additional parking stalls.

**Commissioner Blom:** I squeeze my car in compact. Yeah.

**Derrick Tokos:** And they – and they – and you know I think that's one where you want to hear what they have to say well – relative to why they think that's workable at this location, because I – I don't know that there's a magic ratio out there of what's appropriate compact to standard. I think that can vary based on your business, and level of control of the parking lot, and – and, you know, I think that's a fair thing to ask them.

**Vice Chair Berman:** If the compact stall Variance – Adjustment was not granted, how many spaces would they lose? Have you done that calculation?

**Derrick Tokos:** I – you know that would really be upon them to provide you with a revised plan. If you want to go that route then – then you'd need to direct that they provide that plan, and it be a continuance so you could see what that looks like.

**Vice Chair Berman:** Okay, and ADA. Their plan shows four ADA rooms, but two ADA parking spaces, and I dove into the wormhole. I spent as much time as I was willing to, got to the specialty Building Code, and did find a note that basically said for every ADA room, you've got to have an ADA parking space. Is that your understanding?

**Derrick Tokos:** Well no. The specialty Code typically is –keys your number of ADA spaces off of the number of parking spaces that are required, but that’s my familiarity with it, but I’d have to take a look and see.

**Vice Chair Berman:** There is – there is another section, I mean, that’s –

**Derrick Tokos:** If there’s another section, they’ll have to address it Bob.

**Vice Chair Berman:** Yeah. Okay.

**Commissioner Hanselman:** There is one for street parking, because we’ve dealt with that here previously.

**Derrick Tokos:** Typically, it’s 1 – 1 – 188 for 25.

**Vice Chair Berman:** No, this is just – it just says parking spaces provided for each dwelling unit, or sleeping unit, at least one accessible parking space shall be provided for each accessible unit.

**Commissioner Blom:** Is that for hotels, or just – yeah.

**Vice Chair Berman:** Well, that’s what I – that’s where I got lost.

**Derrick Tokos:** Yeah.

**Vice Chair Berman:** Because you couldn’t follow the whole tree down. So, I’m not sure exactly what section I was in, but it was in the specialty code, and it looked like dwelling unit, or sleeping unit, so they were probably talking about hotels.

**Commissioner Blom:** Yeah.

**Vice Chair Berman:** So, that’s something I’d like, you know, probably needs some clarification.

**Commissioner Blom:** I think you mentioned in – earlier in discussions or Staff Report about 13 percent adjustment for the compact stalls, but I guess we’ll just wait to see what the Applicant has to say ready. I could ask later when it’s time for some more questions.

**Derrick Tokos:** Okay.

**Vice Chair Berman:** Any other questions for Staff?

**Commissioner Blom:** I’m going to wait.

**Commissioner Hanselman:** Sat down.

**Vice Chair Berman:** Okay. We’ll move on to –

**Commissioner Updike:** I – I have – I have a question.

**Vice Chair Berman:** Okay.

**Commissioner Updike:** If I can?

**Vice Chair Berman:** Go.

**Commissioner Updike:** Thank you. Derrick, my question is about height.

**Derrick Tokos:** Right.

**Commissioner Updike:** So, you mentioned that there's a restriction of the square footage of the ancillary portion above the 35-foot level. Is there also a restriction on the height of that ancillary? I mean, is the 8-foot that I saw in the plans – and that's proposed for the enclosure, is that within our guidelines? That's one question, and my second question is do we have screening requirements for HVAC and other miscellaneous things that go on a roof that might be visible from other locations?

**Derrick Tokos:** I believe the way the code reads on – on that relative to the height of that it cannot exceed your maximum building height allowance by more than 25 percent. They're within that. The – there are no screening requirements of the enclosures. I'm not seeing any provision of that nature in the City's Codes, I mean, so it's really just focusing on limitation of its size which is 200 square feet, or I think it was no more than five percent of the overall size of the footprint, whichever is smaller.

**Commissioner Blom:** And that is one of the conditions that you mentioned.

**Commissioner Updike:** Thank you.

**Vice Chair Berman:** I remember a screening requirement from the hospital, but was that something they were choosing to do?

**Commissioner Blom:** That for garbage cans or just mechanical stuff?

**Vice Chair Berman:** It's up on the roof.

**Derrick Tokos:** Well, you – you gave them a deviation. That was part of their deviation proposal, I believe to go with a much larger enclosure than would – would have otherwise been permitted. They asked for –

**Vice Chair Berman:** They wanted to be over 200.

**Derrick Tokos:** Oh yeah. They had – their argument was they had to be because of the nature of the facility.

**Commissioner Hanselman:** This didn't suggest that, you know –

**Derrick Tokos:** No, they're not asking –

**Commissioner Hanselman:** Air conditioners and stuff like that would be up on the roof. Nothing was in these drawings, suggested that beyond the elevator shaft there's nothing about what – and I would imagine there's going to be things sitting up on top of that building.

**Commissioner Escobar:** HVAC –

**Commissioner Hanselman:** Yeah. I would think so.

**Derrick Tokos:** Ask them. That's something you'll need to ask the Applicant.

**Commissioner Hanselman:** I mean, that's a question we ask them. Okay. That's a conflict. Alright, then I would then go to the other Adjustment, the 40 percent yard buffer. You say



Murphy's fine with this, and that's cool, but you're creating, I believe, it doesn't matter whether it's a 6-foot-high wall or a 8-foot high wall. You're still producing a 6-foot alley.

**Derrick Tokos:** Yeah. I – I don't really care for that, but –

**Commissioner Hanselman:** And, I mean, I'm wondering about –

**Vice Chair Berman:** – it's got to be landscaped.

**Commissioner Hanselman:** –well, it will end up being a crack receptacle is what it's going to be, and a wind tunnel, and I was –

**Derrick Tokos:** –probably end up being gated. They – they'd have to put gates on it.

**Commissioner Hanselman:** I was not going to go there, but I can. I'm inappropriate. I apologize.

**Commissioner Blom:** But it – but that's on site, so wouldn't they, the owners, need to monitor that?

**Commissioner Hanselman:** Well, who's going to – yeah. Who's going to deal with that, and all the trash. All it's going to take is one little fire to go down through that alley, rip-roaring down through there, and it's going to be hard for Mr. Murphy to deal with that fire, I think. It's going to be a challenge to deal with that. I'm not sure that putting a wall like that is the way to deal with his moving property error so he can adjust his building on the lot. I would not like to – I do not really want to see a 6-foot alley back there. That just leads to all kinds of – I would say that it will lead to rat infestation, and I'm sorry but I'm a biologist, and I know this stuff really well. So, you put a 6-foot alley back there, people are either going to use it for homeless events, shooting up drugs, or the rats are going to move in. And that may be acceptable to everybody, but I think it's something that most people would want the Commission to think about, so I'm thinking about it.

**Derrick Tokos:** Yeah, I – it – it – it's not my – I don't find that to be a particularly desirable outcome either in – in terms of that. I – I really don't.

**Commissioner Hanselman:** –Yeah.

**Derrick Tokos:** I – I think you're – you've got a situation here where you have an old retaining wall that's showing signs of – of – of need for repair.

**Commissioner Hanselman:** Yes. Tear the wall –

**Derrick Tokos:** And you – and it's not their wall –

**Commissioner Hanselman:** No. That's right.

**Commissioner Blom:** No. It's next to it. Okay.

**Derrick Tokos:** It's the Condominium Association's wall. Which – which – you know, and I'm – I'm not – which whoever developed that project elected to put the wall on a property line and, you know, didn't get a maintenance easement to my knowledge that – that would – that would secure their right to maintain the wall at that location, assume that they could use somebody else's property for that purpose, which they can't do.

**Commissioner Hanselman:** There you go.

**Derrick Tokos:** I think the, you know, and so you have a buyer who – who is looking who's going well, if I make this kind of substantial investment, how do I protect the building from a wall that I have no control over? And so – and that's what's driving their desire to put this – this smaller wall in there just so it could protect their larger investment. I think the right way to do it would be to basically rebuild the wall, or –

**Commissioner Hanselman:** – cooperatively with the condo folks.

**Derrick Tokos:** Correct. And – or reinforce the existing wall, and that can be done, you can – without having to tear the existing wall out, but it has to be properly engineered. You have to deal with drainage, and all that kind of stuff. That's not something they can ferret out entirely as part of a due diligence period when they're looking at whether or not they're going to buy a property. But there certainly would be time for them to work with the Condo Association if they were moving forward with the project, and that's – that was a genesis behind my recommendation that if you – if you choose to approve this that a condition giving them a leeway to work with the Condo Association and alleviate this 6-foot separation between walls.

**Commissioner Hanselman:** Yeah.

**Commissioner Blom:** And that could be –

**Commissioner Hanselman:** Well, both parties have raised that issue, both the condo owners and these people have raised the issue of that retaining wall. So, maybe the action can be taken there, but certainly something needs to be done before a 6-foot, 8-foot wall goes up, yeah, and create an alley – are you, but I'm sorry I'm just –

**Vice Chair Berman:** –Speaking of that configuration, you do mention in your Staff Report that this property is in geological hazard area.

**Derrick Tokos:** Right. So, geological permit would be required. Engineering geologists would have to provide recommendations on – on any kind of solution that goes in.

**Commissioner Blom:** Is that part of your comply with City Codes?

**Derrick Tokos:** Yeah, they would have to comply with the geo stuff.

**Commissioner Blom:** Geo. Okay.

**Vice Chair Berman:** Okay. Any more questions for Staff? Okay. The next section is Applicant's testimony. And who is representing the Applicant tonight? If you would state your name and address for the record. Either – either one.

**Commissioner Hanselman:** Either – either – either?

**Commissioner Blom:** Either – either.

**Commissioner Escobar:** Name or address?

**Commissioner Hanselman:** Neither?

**Commissioner Blom:** Salmon or salmon?

**Applicant:**

**John Lee:** Hi Commissioners. I appreciate your time and opportunity for me to present our project. My name is John Lee with VIP Hospitality Group. I'm the managing director of VIP Hospitality Group. We're a hotel management company with 8 lodging properties in our portfolio, mostly along central Oregon coast, north Washington Coast, as well as Eugene, Oregon. In the City of Newport, we currently manage and own two properties, The Inn at Nye Beach and Ocean House, and are currently in due diligence period to acquire the site on 836 SW Bay Boulevard to hopefully develop a 47-room boutique upscale hotel and retail space. We're local. We established our base in Lincoln City approximately 40 years ago through The Coho Oceanfront Lodge and have been working to grow our footprint ever since. We love hospitality. It allows us to live out our values, and through serving our guests, and our employees, and our communities. Having two lodging facilities already established in Newport we know this market, and what our customers are looking for in a hotel, and there's a need for premium lodging product on the Newport Bayfront similar to The Inn at Nye Beach. There's a shortage of lodging facilities, we believe, in Newport in general, and they'll support it by, it was supported by a recent article in the Newport News Times. At The Inn at Nye Beach we currently cater our services and product to customers who are travelling as couples, with average size of party at 2.3 guests per stay, with approximately 80 percent of that mix staying one to two nights. As a small boutique hotel, we anticipate our clientele will be similar here. Of course, we'll accommodate larger parties, families traveling with children and so forth. All of our hotels, we have tools and systems in place to communicate our guests – to – to our guests well before their arrival through emails and other tools, and given our tight – this site's tight footprint and limited parking space we will manage expectations and – expectations and travel party size. That will work for us, and that's what we're currently doing at Inn at Nye Beach. The last thing we want is to have unhappy customer who walks away with negative re – experience at our hotel, and blasts us on social media. Thousands of overnight travelers to this region currently drive to the Bayfront to experience many quality restaurants and shops but are not staying nearby with lack of lodging facilities. Having this boutique hotel will allow our customers to experience the – this location parked on our site without having to drive around looking for parking spaces and take up parking spots along Bay Boulevard. We're thrilled about this opportunity to develop a unique mixed-use facility that will blend in seamlessly and enhance the neighborhood, and also strengthen our involvement and investment in this local tourist economy and community. With that I'd like to turn it over to Denny Han, who is our project architect, and my business partner who will go into a little more detail about the proposed hotel.

**Denny Han:** Yeah. Thank you very much Planning Commission and Staff to just join online. We appreciate that. And we'd really like to take this opportunity to talk about the planning and designs for this site in the Bayfront area of Newport. I didn't really plan to go over anything that's been covered in the Staff Report or the previous discussions, but we will definitely be open to answer to any questions. So, as mentioned this is a mixed-use project with two floors of hotel over general retail space, and parking stalls will be on the ground level. As we began the planning and design phase, we discovered that there was a hotel once very close to this site called The Abbey Hotel which as mentioned burned down in 1964.

This was considered Newport's most prestigious hotel for honeymooners according to pdxhistory.com, and had it not burned down it would currently be a part of the urban fabric there. So, this not only gave us the name for the hotel that we would like to call it, which is Hotel Abbey, but it also helps us to consider how we can preserve the local fabric of existing businesses and the flow of tourism, and guests who visit the area, or the restaurants, the unique shops, and the whole Bayfront experience. So, we decided to incorporate general retail space, as mentioned, about 2,600 square feet on the ground level, and we're hoping that this would augment the local business activity in lieu of adding possibly eight more guest rooms that we would be able to get without this retail component possibly. And we placed all the parking behind this retail space just to minimize the view of parked cars, you know, where lights would flash toward the sidewalk, and the placement of the retail along the street will enhance the street experience with the additional shops. As Derrick Tokos mentioned we would like to set the building edge four feet from the front property line, and this was really – became an important aspect of the design as well because we do show that that would help soften that urban edge with additional landscaping and potential soft seating depending on who the tenants would be. And then above the retail store fronts we plan to incorporate a trellis canopy that would help bring the scale down. All of the public spaces for the hotel would be on the second floor, so that would include the check-in desk, the lobby seating, breakfast areas, the exercise room. And the hotel would be comprised of four room types, with the king studio being the smallest at about six to eight feet. The king suites and the double queens would comprise about 80 percent of the rooms, which would be about 350 square feet, and we plan to have a couple of one-bedroom units with a king at 500 square feet. And the number of ADA rooms, I know that was mentioned or brought up in the conversation, the ADA rooms do depend on the room types, so ADA Code typically requires that every room type has an ADA for that room type. So, that's a number that can shift depending on the room types that we do finally end up with. And – and we can also assist with some of the research as well for that ADA question. The rooms that face east toward the bay will have balconies that open up to the – to the great views of Yaquina Bay, much like the original Abbey Hotel. And we would believe that this front elevation with the side design that is broken up both horizontally and vertically with all the features, it does really create a dynamic street elevation. This is the elevation that would be most visible to the public. We did – we did try to take as much consideration for the rear of the hotel. There are portions of the building that have been recessed in order to break up that horizontal plain and add some relief. We did – decided not to add balconies in the rear just to help preserve the privacy of the condo owners to the west. We didn't want guests to spend that, you know, time out on the balcony looking towards the – any residential areas. The north and south sides of the building also have a recessed portion to provide horizontal relief just to break up the sun. And then lastly, we are proposing to have a vertical signage feature jet out at the corner – southeast corner of the building. And the reason for that is also to bring down the scale with – with that architectural feature. And so, it was really just being able to present the design, in – in case that was of any part of the discussion or determination, so with that we'd like to open up with any questions or comments that you may have pertaining to the architecture and planning of the building. Thank you.

**Vice Chair Berman:** Questions for the Applicant?

**Commissioner Hanselman:** Yes.

**Vice Chair Berman:** Jim.

**Commissioner Hanselman:** I'll address this to both of you, and either of you are welcome to jump in, and I know we were only given very preliminary drawings, but one thing I always look for in looking out for people who come to our community to visit are electrical vehicle charging stations. We think that our hospitality industry will make our guests, our city, feel comfortable, and provide those for their clients as well to make them feel welcome. And my other question is you've done some market research here, and I'm wondering what you see as occupancy projections for the months of like, May through October. Are you looking at 50 percent occupancy? 60? I mean, what's your market research suggest.

**John Lee:** You want me to address him now.

**Commissioner Hanselman:** Yeah, you can answer it. Sure.

**John Lee:** Okay. So, your first comment about EV stalls, that is a great idea, and we did not have time to incorporate it into our plan, but that is definitely something that we will look into. It makes total sense, because it takes two hours, two and a half hours from Portland, and that's where most of our customers are coming from, and then when they arrive they will need to charge up, so I think it would be a very smart idea for us to do that, look into that.

**Commissioner Hanselman:** Yeah. I'd appreciate that. We – this is a resort town. This is a tourist town. It's also a water challenged community, which I will stand strongly to defend, because me, as a resident, I'm the one that gets the first restrictions, not you, the hospitality, and not the fish companies here either, so when shortages occur it's the residents, the year around folks here who pay the price with less water to use. So, these numbers are important, how much we can afford to entertain people from out of state, which brings big dollars to us, we recognize that, but we also have to keep our residents satisfied so –

**John Lee:** Sure.

**Commissioner Hanselman:** Information along those lines, how many – how many people that would actually be in your hotel on a nightly basis?

**John Lee:** Yeah, so in terms of occupancy I can't answer monthly stats at this time. I don't have those figures in my head, but annual occupancy would be somewhere between 60-75 in that range, and our peak months are June through September, and those are months that we would run the highest occupancy.

**Commissioner Hanselman:** Any higher than that. Okay. Thank you.

**Commissioner Escobar:** Mr. Lee, I have a couple of questions. I'll try and break them on down, one at a time.

**Vice Chair Berman:** Take – put your microphone –

**Commissioner Escobar:** Mr. Lee, excuse me. I have a couple of questions. I'll try to break them down, let other folks participate, and I don't know whether you or Mr. Han should – should speak to them. One is – I was reading that there is a trend when people are traveling, they take their pets with them. We can be talking about service animals, or just our regular pets, and a lot of hotels they charge a modest premium to have extra cleaning so the folks that are not pet friendly could use the room afterwards, but I noticed even in airports they have



facilities, we'll call them pet facilities, press – pet restrooms. Do you have any plans for that? I mean, if you're going to have a hotel, wouldn't there be guests with pets?

**John Lee:** Yeah. We currently allow pets in most of our hotels. Inn at Nye Beach in particular we have a pet area as well, pet packages, pet dedicated rooms, we have all that there. In fact, most of our hotels have planned to accommodate travelers with pets, and we would most likely do the same here.

**Vice Chair Berman:** Well – what – where specifically, if I checked into your hotel with my two dogs, would I take them for a walk?

**John Lee:** Denny? Can you answer that question? It's a tight site, so I'm not sure exactly when – where we can put – fit in a pet relief area.

**Vice Chair Berman:** Maybe if you don't have to use that 6 feet?

**John Lee:** Yeah.

**Denny Han:** Yeah. That would make for a perfect dog run.

**Commissioner Escobar:** Don't forget the alley in the back.

**Commissioner Blom:** That'll clear out the rats and people.

**Vice Chair Berman:** Just something to think about. And the other thing I didn't see on your plans is exactly where the trash enclosure was going to be. I know we're about to talk about that here in a few weeks for some standards. How were you planning on handling trash?

**John Lee:** I believe it's on site, but Denny, maybe you can speak to that.

**Commissioner East:** It's actually on one of these plans.

**Commissioner Blom:** Yeah. I saw.

**Denny Han:** Yeah, the – the driveway on the north side of the property on the – on the actual floorplan it's the right – the bottom right side is the driveway into that parking, but just as you enter on the left side, we're showing two trash containers so it's a fairly – shows two trash containers.

**Vice Chair Berman:** Oh. There they are. Okay. I'm sorry. I just missed it. Thank you. Yeah. I missed it.

**Denny Han:** But we will work with the waste management company. We will work with the waste management company to ensure that the size is adequate.

**Vice Chair Berman:** Bill, did you have a question?

**Chair Branigan:** Yeah. Are you looking at the wall, since we have our hands raised?

**Vice Chair Berman:** We are.

**Chair Branigan:** Yeah. Question that I actually – how many employees are we looking to have for the hotel?

**John Lee:** Great question, and really, we would have to break it down full-time, and part-time, and I can't give you an answer at this minute, but we can get that for you.

**Chair Branigan:** Yeah, because these would be new jobs, both full – full and part time. And the other question I have is the retail establishments, we're going to have how many of them? One, two, three, four?

**Denny Han:** Well right now they are separated into two because of the hotel lobby, elevator lobby. Depending on the tenant's requirement it probably can be broken up into more than – multiple tenants. Currently I'm showing two store front entrances, so that would be two tenants. And square footages are fairly equal, somewhat.

**Chair Branigan:** Either one of the tenants would be an eating establishment, or be straight retail shops?

**Denny Han:** Yeah, so it's my understanding that the parking requirement for a general retail is less than for a – a drinking or food establishment. So, we are requesting a little more parking reduction in the case it does lend itself to a food/drink establishment, like a café or small restaurant. If we end up with just general retail shops our actual parking requirement would be much less, and that's where we were requesting, you know, either 9 or 17.

**Chair Branigan:** Okay. I would be interested to know the breakdown between how many full and part-time restaurant – employees we would have at the hotel, because that becomes an important factor because we are creating jobs.

**Commissioner Blom:** What is the average that you have at your existing hotel at Nye Beach?

**John Lee:** Yeah. So, I think it will be a very similar staffing model. Two front-desk, one maintenance, one management level staff there, one or two, four to – four to six housekeeping, so somewhere between eight to twelve or so.

**Commissioner Blom:** Would they perhaps work at both places? The employees? Or are you – are you expecting –

**John Lee:** Yeah. Only person that could potentially play a dual role would be general manager, but they'd be – all the other line-level staff would be separate.

**Commissioner Blom:** And the maintenance. Okay. Thank you.

**Vice Chair Berman:** And – oh. Go ahead.

**Commissioner Escobar:** I – I recognize that your business model is hospitality. Did you ever give any thought to rather than having a hotel on floors two and three to perhaps having larger units and make them apartments so that they'd be housing. You know, there's a housing shortage in our community, and if they were larger units you wouldn't – you'd be able to meet the parking requirements without having to ask for a reduction. Did you ever give any thought to that?

**John Lee:** Yeah. You know, it's really – how do I answer this? It's a qu – it's something that we're exploring at other sites where the site cost is much less. This is not a site where we can acquire at the given price, at the current price, and make it a workable affordable housing, or

low-income housing, or any type of housing product. So, the economics really drive the business model.

**Commissioner Escobar:** It didn't pencil.

**John Lee:** It does not pencil. No, at that – something like that.

**Vice Chair Berman:** To get back to Bill's two questions and tie them together, eight to ten employees, they weren't counted in the calculations for parking spaces. Where are they going to park?

**John Lee:** Well, we're not 100 percent occupied every day. Rarely are we –

**Vice Chair Berman:** But you will be on occasion?

**John Lee:** Occasion, yes. But most cases we're again – year round we're 60-75 percent, and when customers check-in versus when our staff's working, those are not all at the same – simuta – simultaneous time period either. So, – and we – we – we manage it. We have a very site – tight site footprint at Inn at Nye Beach. Actually, it's – it's even more compact than at this site, and we work it out.

**Vice Chair Berman:** Okay. Any other questions for the Applicant?

**Commissioner Updike:** I have a question.

**Vice Chair Berman:** Yep.

**Commissioner Updike:** I think this is for Denny, so it's a follow up to my question to Derrick. What's going on the area above the 35-foot roofline, so just address – is it just elevator related, or is it other HVAC et cetera? And a question about the roof deck, what – what will that look like? What – what is there an experience there that you're trying to create, and how do you do that?

**Denny Han:** Yeah. To address your first question, for a roof deck you would have to provide an elevator access. Because you are providing an amenity that has to be accessible. The 13 feet that I'm showing in this section that's typically what is required for the overrun of an elevator, and so that's driving the height. We want to keep it as minimal as possible, but it will likely end up being about 13 feet. We, you know, have a little bit of storage that, you know, if – if we're over the 200 we can remove that, and it may be reconfigured a little bit to meet that – that requirement. But, yeah. We would like to be able to apply stairs as well. The rooftop itself, it – it's not meant to have, you know, it – it's – we didn't request to use the entire roof, but we just wanted to carve out a portion because it – it is such an amazing sight, and – and just allowing the guests to be able to go up there. We're imagining just some soft seating, some fire-pits and what not, for the guests to really capitalize on the views. So, it wasn't the idea of putting anything fixed up there that would block anymore views from adjacent owners, but yeah. We just imagine it as – as being more like an extension of the lounge kind of experience, the soft seating.

**Vice Chair Berman:** You just mentioned 13 feet. The diagram had an 8-foot above the 35. Can you – what's the – what's going on there?

**Denny Han:** In the sheet A6.0 that has the cross section there is a – a dimension there, and it – it's just that one portion that's just the elevator cab. So, you can see it more clearly on – on that building section. And that would just be to serve the overrun of the elevator. Every elevator need – needs an overrun in order for the hydraulics to work.

**Derrick Tokos:** Bob, I think I can clarify this, and I can even show it on the – up on the screen real quick if it would be helpful. The 8-foot dimension is off the top of the parapet, it's not at the – the roof-level. Okay?

**Vice Chair Berman:** Parapets. Okay. Alright. I see that now on the A6. Yeah.

**Derrick Tokos:** Does that – does that help?

**Vice Chair Berman:** I was looking at A4.

**Derrick Tokos:** So, so when he's talking 13 feet he's talking roof level

**Vice Chair Berman:** Right.

**Derrick Tokos:** Your parapet around the perimeter is protective at 5 feet in height.

**Vice Chair Berman:** Okay. Okay.

**Commissioner Blom:** And – and your question about HVAC. Is that going to go up on the top, or is it – is there like an engineering room somewhere else? Was that your question, where the HVAC is?

**Denny Han:** Yeah, that was the question. Yeah. Yeah. Most of the HVAC will be on the roof. That's the way it's done for most hotels. We do have a laundry facility on the ground level, but we – we will probably – based on a recommendation of chemical NAP consultant, most of it will be on the roof. And if screening is a concern, we can provide visual screening. So, that – that's something that we will consider as well.

**Vice Chair Berman:** And you think you can do that within the 200 square foot limitation? The HVAC and the elevator, and associated structure?

**Commissioner Hanselman:** 10 by 20. Ooh, that's tight.

**Denny Han:** No, the HVAC is, you know, it's the – the main one that would – would feed the majority of the rooms of the requirement. That's usually the bigger one, so screening, that would visually block that equipment are typically about 5 or 6 feet, but – but often we see in a lot of cities that those screening devices or barriers, visual barriers, are part of the screening allowances. So, it – it may be something that we can maybe clarify, you know, as far as the zoning language.

**Vice Chair Berman:** Okay. It – it looks like it may very well fit below the parapet level, so –

**Derrick Tokos:** Right, and that's – that's a point, I think, is the parapets are 35 feet. Your roof is actually below that. I mean, you can have some – some mechanical. Okay.

**Commissioner Hanselman:** –So, it will be covered.

**Commissioner Blom:** Okay.

**Vice Chair Berman:** Okay. Any more questions for the Applicant? Thank you very much.

**John Lee:** Thank you.

**Proponents:**

**Vice Chair Berman:** You'll have another opportunity. Don't go away. Now we would like to ask any persons in favor, and I do have some sheets here. I'm going to read the names, and if you're in favor come on up, and if you're not then we'll go around again in a minute. So, Beverly Smith? Are you in favor? No. Okay. John Baker?

**John Baker:** No.

**Vice Chair Berman:** Okay. Jon Tesar?

**Jon Tesar:** Yes.

**Vice Chair Berman:** Would you like to come up and testify? You're in favor of the Applicant's proposal?

**Jon Tesar:** Yes, I am.

**Vice Chair Berman:** Okay.

**Jon Tesar:** My name is Jon Tesar. I have two homes within three blocks above – everything is above –

**Vice Chair Berman:** Your address, please?

**Jon Tesar:** 120 – it's on the form, but 1201 SW Case Street, so it overlooks Harbor View and that whole – I see the bridge. They would probably not be within my visual sight, maybe. I also have another home on SW 13<sup>th</sup> at the end of 13<sup>th</sup>. 726 SW 13<sup>th</sup>. I – you know, there's a lot of congestion. A lot of tall buildings in the area. I think this is a good use though. I would rather had an upscale grocery store, but, you know, to me this seems like it's a good use for the – that section of the Bayfront. I don't see it as being too destructive. I do like the question about the dog walking. That's a really good question. I formerly owned a couple of veterinary hospitals, and it doesn't take much, but I think the animals should have a green patch. The – I – my main question though, the reason I'm here is to find out if their business plan is for 24-hour a day staffing. And of course, you think about a hotel, although their business plan is for an upscale hotel, which is probably not a bunch of college kids, so hopefully it's not going to be a lot of partying. If there's staff then I think that resolves all the problems, all the potential problems. If it's not staffed 24 hours a day it's probably still not going to be a problem, but it would be better if – if it was fully staffed. And I – and just in speaking with my other neighbors, I don't think there is, you know, my close proximity neighbors, I don't – I mean, there's so much else going on in the Bayfront that I don't think the view is really an issue, and what the congestion is. I think ultimately the bigger concern is parking when, when meters are installed. But anyway, that's my perspective.

**Vice Chair Berman:** Thank you very much.

**Jon Tesar:** Welcome.



**Vice Chair Berman:** Darlene Sweeter, pro or con? Okay. Any other persons wishing to speak in favor of the proposal? Please come up and state your name and address.

**Steven Webster:** Greetings, Staff and Commissioners. I'm Steven Webster. I work and reside on the Bayfront. My address is 113 SE Bay Boulevard. I have two properties that are within 100 yards of this site that you're – what the word – talking about on the water side of the street. I look at this forum as an opportunity to express my personal opinions, and they are that, and that only. Personal, and they are affected by anybody else, and I don't represent anybody else but myself. And I don't have any chapter and verse that I want to recite or relate – relate any of my comments to. But as I say, I consider this a forum for the whole general subject that you're addressing here. And I liked the – I came up here with some thoughts arranged, and after listening to Derrick's presentation some of the – a lot of those drifted away because he really was very thorough and touched on all the points I felt. It doesn't mean I agree completely, but I – I thought it was very comprehensive. Relative to parking, you know, to me it seems to all just rhetoric. We've got statutes. We've got a plan, but really for the last two or three years it's de – it's finally devolved down to anarchy. You can park anywhere you want, any time you want, any how you want, all the time. And so, all of this conjecture and talking about management, and rules, and so on is just – it's an entire fiction despite – and parking management has been something that's been under discussion recently for 15 years, and that's aside from the decades of prior use and talk. I – before I came up here I was – recited a quote by – from Mo Niemi the famous restaurateur of the Bayfront, and the quote was that, "If you can park down here, if there is parking available, that means my business is suffering." And some of the – just sitting here listening to some of it, some of the comments already, if it's all parked up nobody else can park, so you're going to have to park somewhere else. And that means you're at 100 percent parking, and figure something else out. As far as the Municipality looking at some creative or alternative ideas, they're missing in action. They're completely bankrupt. There are other places like this where they do it, and they actually handle it. We're – we're – we're at zero. And – and I think it's fair to express once again that what we have currently is anarchy. I'm very much in support of this development. I think it – I – I submitted written testimony relative to the Application for the Basics Commissary, which would have been a fabulous development. I think this, in itself, a hotel, should be – I think if the Municipality were to take the time, and update the Municipal Code and zoning, the entire land side of the street should be a tourist commercial zone. There is only one remaining outright W-2 use on the landward side of the street currently to my knowledge. You have a bank at the eastern end of the street, a hotel at the western end adjacent where the original first development in the city, meaning The Ocean House, is just so logical. A hotel should be an outright use, and a tourist commercial zone. And I think it's an embarrassment that it's not. Trying to think what else I can say that is pertinent without drabbling on too long. So, I am in support of it. One thing I think Derrick touched on and I think very few people realize is that the Structural Code, the Seismic Code, the Geological Zoning, the – all of the development requirements including this Conditional Use, the engineering, the plan review, and actual construction are more rigorous than people actually realize. The current Structural Code is extremely demanding, and I speak from experience. Beyond that, I think I can just leave it at that. I hope that you approve this outright. I think – and if the – and really if there's any shame in this Municipality you would grant this outright, look at changing the other side of the street to a commercial – an outright C-2 zone, and give the Applicants a key to the City, close the street, and hold a parade. Thank you.

**Vice Chair Berman:** Thank you.

**Commissioner Escobar:** Excuse me.

**Vice Chair Berman:** Oh, yeah. And you can ask questions. I'm sorry. Go ahead.

**Commissioner Escobar:** You indicated that you live on the Bayfront. You also own a business on the Bayfront.

**Steven Webster:** I gue – yes. Yes, I do.

**Commissioner Escobar:** Whereabout on the Bayfront do you live?

**Steven Webster:** I have – I've since '98 I started living on the Bayfront, and I've redeveloped and developed five properties. And so, I'm – I guess one business would be construction and – and development, and some business incubation through that development.

**Commissioner Escobar:** Could you help me locate whereabouts on the Bayfront you're at?

**Steven Webster:** I live next to – between Chewy's Marine Supply and Local Ocean Seafoods, and I built the Local Ocean Seafood building in – starting in 2004.

**Commissioner Escobar:** Okay. Thank you.

**Steven Webster:** Welcome.

**Vice Chair Berman:** You're in favor? Come on up.

**Janet Webster:** Thank you, Commissioners. Same address. I would say we own two other – three other properties on the Bayfront besides where Local Ocean was. We no longer own that property. I'm in favor of this. I think the western end of the Bayfront needs an anchor. It's been drifting for several years. No pedestrian traffic is problematic down there. As a working waterfront that relies as well on tourism it's that hard mix, but you need to have pedestrian traffic to get the whole length of the Bayfront, so those businesses that are at the far end next to the Coast Guard station get flow, and right now it's pretty blocked. Pacific's remodel, which was needed, leads us to a long blank blue wall. So, having – I appreciated the hotel is thinking about how to soften their streetscape. I think that's really important. It's been mentioned that it's called the historic Bayfront, but we have to remember that that whole part of the Bayfront burned down in the late part of the last of two centuries ago, around 1900 so that was kind of a clean slate, but if you look at the old insurance maps, the Sanborn maps from 1890, 1919, there were a lot of lodging and mixed-use all along there besides The Abbey Hotel, and Ocean – Ocean House. So, it's always been a mixed-use. It was Newport's main street, so it had everything on it. So, again having a hotel down there I think would be great. There's not much housing. I was involved with parking on the Bayfront for a long time, and I would say that I think that there are only maybe five commercial establishments that have any type of customer parking. That would be Clearwater, Local Ocean wasn't built with parking, but they bought property next-door, The Sail Inn has some, Ripley's has some, and the small market. That's about – that's it. So, any parking that is provided is an addition, at which I think – and that's an amenity to people who drive. I would also say that there are only two ADA public spaces on the street. So, again, any additional ADA spaces would be, again, appreciated. So, I think it's – I think it'd be a good anchor, and a good addition to the Bayfront. Thank you.

**Commissioner Hanselman:** Question.

**Vice Chair Berman:** Janet?

**Janet Webster:** Thanks. Oh, and we n – we have – we’ve lost two hotels due to fires over the last 15 years, and we need new hotels, because we need that room tax, as Bob knows, being a former budget committee member, we need room tax.

**Vice Chair Berman:** Thank you, Janet. Anyone else that speak in favor? Okay. We’re going to move on to the Opponents, and we’ll start with the ones that turned in forms. Beverly Smith?

**Opponents:**

**Beverly Smith:** Hi. I’m Beverly Smith.

**Vice Chair Berman:** Your address, please?

**Beverly Smith:** Oh.

**Commissioner Escobar:** Well, Ms. Smith could use the microphone.

**Beverly Smith:** I kind of am, but I’m a librarian so it’s a little scary. Alright, I’ll try and speak up. 833 SW 13<sup>th</sup> Street, right up above this place. And, I really just kind of wanted to – my issue right now is I – I also live out of town. I’ve been a property owner and a tax payer in Newport for 17 years, which probably doesn’t seem very long, but I’ve loved my time here in Newport, but I also am a little bit stressed out because I came over to the City Hall on Monday, which was seven days before this meeting to get a copy of the report of this committee because it said it was going to be available, but it wasn’t available, and then I was going to get it emailed to me, and I checked every day during the week, and I checked Friday morning, and I still didn’t have it, and it came Friday afternoon, but I’m very lucky to have a very full life and I was all involved in family stuff for the weekend, and so I didn’t get it until this morning. So, I’m a little stressed out because I didn’t get to soak it all up, but I wrote something that I would like to submit for my, you know, comments on this, and I’m hoping that you will accept it, but I will read my little letter I guess. But my issue is I – I’m sure that you can, you could approve this, but my big thing is should you approve this, because it’s – I don’t think it’s a very good fit for that part of the Bayfront. It’s right across the street from one of our fishing facilities, and I believe that the best part of Newport is the fact that it’s a working harbor. That’s one of the things I love about Newport. It’s a working harbor. I have great respect for the fishermen. They’re a big asset to us, and our economy, and Oregon’s economy, and so I – I’m very – I don’t think a hotel right across from a fishing facility is a good fit, because we all kn – it’s obvious. The noise, the smell, and 24 hour activity blocking the road right there in front of the hotel I don’t think is a good fit, and besides the fact that it is right – going to be right in front of me, which I know doesn’t matter to you, but part of your – in your report on page 15 of your Staff Report it says it is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of the citizens of the City of Newport. Well, approving this plan is going to destroy several people’s property values, therefore damaging the welfare of some of your citizens of Newport. And we also need to respect the fishermen, so I – I don’t see this as – the original Abbey was down the street, and I just don’t think this – I was all for the Basics Market. That was a really good fit, and I was really disappointed when that didn’t go

through, so I wish we could go back to that. But I just want to put in that I don't approve of this, and I hope you don't approve it. I think it's just going to be a big square box on the corner. So, I'm hoping that I could submit my stuff, if that's okay.

**Vice Chair Berman:** Please do. Sherri can accept that –

**Beverly Smith:** Okay. Thank you very much and thank you for letting me try to speak very nervously.

**Vice Chair Berman:** Any questions?

**Commissioner Escobar:** Is your document so long you couldn't read it to us?

**Beverly Smith:** No, it's just a very short letter, I just said. But I also have some more signatures that were supposed to be submitted with Sheryl's document that I wanted to submit also. And I did really appreciate Derrick's presentation. That was very well done, Derrick. I learned a lot. Thank you.

**Vice Chair Berman:** John Baker?

**John Baker:** Hi, I'm John. I live also – or have a condo also where Beverly does. 833 SW 13<sup>th</sup>. The main problem I think – I mean, the hotel is a great idea and everything, but the traffic congestion is like – it's not even just the parking. They are adding more parking, but the problem is at 10 o'clock in the morning when 40 cars want to come out of the parking lot, how are they going to get onto that street? It's going to take hours. I mean, the traffic. The egress and the ingress is unbelievable there. We set right up above it. Sometimes the fire trucks, the ambulances can't get down the street. How are those cars? And then like Beverly said with the fish processing plant there a semi-truck comes in almost every night, leaves their refrigerated trailer running all night long right across the street from where that hotel is going to be. You think people are going to like that? I think you're going to get a lot of complaints. Or they are going to get a lot of complaints, maybe you won't, but it's very noisy. It's just not really a good fit, and then what they were talking about. I didn't really realize this. I knew the elevator shaft was going to be higher, and now they are talking about a deck on the roof. So, who's going to keep people from throwing stuff off the roof down to the people on the street? Or – what – who knows what's going to happen up there. I mean, you know what happens at a bar if it's on a roof. I don't know, I just see a lot of problems with it. I think it needs more research. I, like Beverly, didn't get read that thing until Friday, and so I didn't – in my statement I asked for a continuance so I can talk to my attorney about it, see what we need to do to prevent this from moving forward. So, that's my two cents worth.

**Vice Chair Berman:** So, is that a formal request to keep the hearing record open?

**John Baker:** Yes, it is. Yes, it is.

**Vice Chair Berman:** Okay.

**John Baker:** Thank you for your time, and you got – Derrick you did a good job. Everything is good.

**Vice Chair Berman:** Darla Sweeter?

**Darla Sweeter:** I'm Darla Sweeter. I'm actually representing my parents who cannot be here who also have a condo behind the property. I guess I have a couple questions more than statements to begin with. Just clarification. So, is there still going to be parking spots along Bay Boulevard in front of the proposed hotel?

**Derrick Tokos:** Yes.

**Darla Sweeter:** Okay, and then that – that will be for hotel guests and for the public as well or is that specified only for hotel guests.

**Derrick Tokos:** No. The parking with – the public parking is available to anybody. So, angled parking that would be in front of that building would be available to anybody, not specific to hotel folks.

**Darla Sweeter:** Okay, perfect. So, I guess one other concern is the amount of people that already do park in front of the condos. Is this going to move more people up there, taking away parking places for the actual residents or guests or families that are wanting to come and stay? Is that what kind of impact do you believe would be on that issue?

**Commissioner Hanselman:** Just saying.

**Commissioner Blom:** And off-street parking? Does it –

**Commissioner Escobar:** Maybe that would be a question that the proponents might –

**Vice Chair Berman:** The Applicant can respond to that when they come back here in a couple minutes.

**Darla Sweeter:** Okay. Perfect. Great. Thank you very much. And then the other question is the space between the existing retaining wall for the condos, and whatever design comes up. Is that – did that need to be landscaped or is that just going to be an open area? Because I know there needs to be some portion of landscape percentage I believe in a new build, if I'm correct on that. Is that – is anything planned for that area?

**Vice Chair Berman:** Well, I think again the Applicant can probably respond specifically to that when they come back up.

**Darla Sweeter:** Okay. Okay, perfect. Alright. Okay. I believe that's all that I have. I am opposed. I too think that a market or some other place would probably be a better fit for that area as well. Something not as large of scaled, and maybe servicing more of the community and the tourists, and not just kind of limiting it to just being a hotel of just what – just servicing one population. So, I think that's it. Thank you.

**Vice Chair Berman:** Any questions? Thank you.

**Darla Sweeter:** Thanks.

**Vice Chair Berman:** Anyone else would like to speak in opposition to the proposal? Come on up.

**Charlotte Boxer:** My name is Charlotte Boxer, and I live at 1150 SW Mark Street, but I also own the adjoining property right next door that was formerly the Wood Gallery Building. And I do want to just make a few comments that the Apollo's, as far as the parking situation



was, and I can speak to this because I lived in the apartment upstairs for three years, Apollo's was open Friday and Saturday night. They were not open every day of the week, so their parking was not utilized every day. The gallery, Shark's, and the Thai restaurant had a minimal use of parking because people walk to that end of the Bayfront. That site is a key to the west end of the Bayfront, and parking is absolutely, our traffic is absolutely horrendous down there. And I don't know how many of you have spent any time on the Bayfront to know what it's like in the summertime, but it's – Bay Boulevard becomes a parking lot a good majority of the time. And when I lived in that apartment the refrigerated trucks across the street, they run day and night, all day long, and I don't know if the Applicants are aware how noisy the Bayfront is. It – engines starting and stopping, cars coming and going, horns honking. I remodeled the upstairs and put in sound reducing windows. It didn't really help. It is a very noisy location, and my question for the Applicants are what is the smallest size room that you have at The Inn at Nye Beach?

**Vice Chair Berman:** Well, they – they can respond to that when they come back to testify. We can't – we can't do that kind of dialogue.

**Charlotte Boxer:** Oh. Okay. I'd like to know what the smallest size room is. The Inn at Nye Beach is 38 units. It faces the oceanfront, which is a highly desirable destination for tourists. The – 20 of the rooms on the second floor of this building are between 200 and 220 square feet, which is a extremely small room. It can accommodate one to two people. And what – what did you do for market research to justify that there's a demand for rooms that small? And I do think the west end of the Bayfront on that site needs an anchor tenant. And hotels were on the Bayfront before, but we're talking about 2000 – alright 1920, 30, 40, 50, 60s, burned down in '64. The Bayfront has changed dramatically in 60 years. There was not the traffic issues. There wasn't a congestion. I – I would suggest that you read some of the TripAdvisor Yelp reviews on regarding the historic Bayfront, and the frustration of the tourists that come down to the Bayfront because there's no parking because of the traffic congestion. Some of them mention the stink from the fish plant in a negative way. It's a working Bayfront, and I think that it's an overbuild for the site. 47 rooms on that corner is too many. The hotel, in my opinion only, looks like a chain hotel, and it's a big box that basically takes up the entire site, and it's not to say that a hotel wouldn't work there, but this is a huge 47-room hotel on a what, 18,000 square foot site? And the compact car issue, you know, I've owned a business down there for a long time, and the frustration, I mean, there are people who get in arguments and fights over parking spots down there. And they're trucks. They're trucks with extended cabs. They're vans. They're SUVs, because families bring their kids, and their dogs, and their luggage in larger vehicles. It's not to say that some people don't come in compact cars, you know, it is, but just as people have gotten bigger, cars have gotten bigger. And it is an issue, because you know how you're – you've striped the parking on the Bayfront so there's a cut-off, nobody pays attention to that. And these extended cab trucks extend beyond that, and it makes it impossible for a car to travel in that direction, so then you've got to wait until there's a gap in the traffic so that the oncoming traffic isn't there so you can pull around and go around it, and the traffic congestion is extremely bad. And SW 13<sup>th</sup> takes the brunt of the overflow. In the summertime if you live up there you don't get a parking spot on the street because the tourists park up there, and it's just an overbuild for that site. That's my opinion, and I'm opposed.

**Vice Chair Berman:** Thank you. Any questions for Charlotte? Come on back.

**Commissioner Escobar:** Charlotte. Come back. Ms. Boxer, you had submitted a written letter of opposition together with some signatures, some other folks.

**Charlotte Boxer:** Yes.

**Commissioner Escobar:** And you recall having submitted that, I'm talking about your letter of March 7.

**Charlotte Boxer:** Certainly, I recall.

**Commissioner Escobar:** Okay. Going on over to page 3 at the bottom of page 3 you're talking about the City of Newport's Comprehensive Plan, and you say on page 430 there's a discussion about the importance of preserving existing views related to the hillside above the Bayfront, and it says you state that the Comprehensive Plan says the hillside above the Bayfront has been identified as very picturesque, and worthy of presentation. Could you amplify that comment?

**Charlotte Boxer:** I attached a copy of that section of the Comprehensive Review to my statement, and it's part of the Urban Plan, and the Comprehensive Plan, and those – that is verbatim what it says in there, and there is just a copy attached to it. That isn't me making it up. That's me stating verbatim out of the plan, and I think it's – should be noted, because a Comprehensive Plan does address adverse conditions that affect the surrounding buildings and the surrounding neighborhood. Now, the Wood Gallery building has 33 feet that is just inside the property line. How – how will I get to that side of the building to repair and maintain my building? I don't know, because they're proposing that the property that they're building be up to the property line. The people that live in the condominiums behind there, in fairness, I know it's not part of the Conditional Use Permit, but their properties will be pretty much worthless. Are you going to buy a property that – where your deck looks at the backside of a hotel, or where the HVAC system on the roof is running, day and night, and is noisy, or you're looking down at it? I mean, it – there – there are repercussions to the existing residential neighborhoods associated with this development. The Basic Market proposal was two stories high. It was much more compatible to that site. It's my understanding the developer abandoned that because he realized it's not a financially viable model to have one grocery store at the – at the coast. They've got five Basic Markets in Portland. The cost of bringing fresh food, fresh vegetables, fresh everything to one single store, it doesn't make financial sense. It never did, but it was something they pursued. So, when they figured out it wasn't financially viable, the project was – it was disbanded, and it – so, now we've got this hotel. And I believe that the majority of the properties that are owned by VIP investments it – maybe not The Inn at Nye Beach, but a good majority of them have surface parking lots. The Wacoma, The Coho, don't some of the – aren't most of those surface parking? And I – I would also like the – to ask, and you can probably address this now, how many parking spots does The Inn at Nye Beach have in relation to the 38 rooms? I mean, typical hospitality. And I spent my 45-year career financing commercial real estate, and I financed a lot of the bigger hotels in downtown Portland over the years, and parking ratios are typically one to one. In recent years they've changed because of the growth of urban neighborhoods, and urban spots, and there are some micro-hotels with rooms that are 160 to 200 square foot in size, but they've got mass transportation out front. They've got efficient transportation methods out

front. And it's – I just don't know if the developers have ever spent any time on the Bayfront to know the degree of noise, the degree of traffic congestion, and then again – well, it doesn't factor into anything, the loss of value for people above them. It's just – it – it's going to be substantial. And I, you know, I know you can't consider that, but there is – there is a point where should this development be this large? That's all.

**Vice Chair Berman:** Yes.

**Darla Sweeter:** May I speak?

**Vice Chair Berman:** Yes. Repeat your name, please, for the record.

**Darla Sweeter:** Alright. Darla Sweeter. After listening to a few more comments, it kind of came to my mind that this hotel is supposed to be for people to experience the Bayfront. There will be half a floor in the back on the top and half a floor in the back in the middle that their experience of the Bayfront will be us. Their experience will be the Bornstein, sorry if I said that wrong, building. They won't have a view. They'll have the back of this building. Who knows what the three buildings that have been condemned, what might go in there. So, now we're talking the Bayfront experience could possibly be them being blocked off, their view being gone too. So, if this supposed to be a high-end place, is that the view that they're going to pay for? Is that the view they want to see? Backs of other houses, or backs and fronts of buildings. Is that going to be something that they're going to be wanting to stay at? And that's their coastal view, bay view experience.

**Vice Chair Berman:** Thank you. Come on up.

**Amber Wishoff:** Hello. My name is Amber Wishoff, and I'm at the same condos, so – it's been a long day, 833 SW 13<sup>th</sup> Street. I live just directly underneath – oh, did you?

**Commissioner Escobar:** If you could use the microphone, it might be helpful.

**Amber Wishoff:** It sounds like I am from my side so, just correct me if I go off course. So, I live directly under Beverly who spoke first in opposition, and while we kind of dealt with this before with having – when we were looking at the market, everyone was excited about a market, but it directly blocked my entire view, and the view of people on my level, because we're on the street level, and then we've got one condo ahead of us. There's just a couple of things, kind of going to go in order of which we heard them tonight. As far as Apollo's being, you know there was a lot of talk in the beginning about how it was before and how – how things, like they should just carry forward because it was loud there, and what's the difference now? The difference is – and it was addressed a little bit later, that the hours and use were complimentary, and it worked for the environment that it was, and this will mean something completely different for our – our environment, our tiny little ecosystem that's right there on the Bayfront, because as it currently is, the people who do work on the Bayfront they're often parking, and this is not during peak time, they're parking up on 13<sup>th</sup> Street, so we're already seeing parking there. And I – I get that there has been a lot of weighing in about how they're going to be absorbing some of the parking within their structure. That's lovely, but I don't believe that that counts for the employment on top of what we're looking at. And if I'm already seeing that happen right now, then what is that going to do if we're having increased tourists, or having increased jobs, which I'm a big supporter of that. And really, I love the intention and energy that's going into creating and

being thoughtful around what they're trying to do, but I just – I don't believe that it's the best fit for the bigger picture of where they're trying to put it, because it does greatly impact the safety of our environment. If we're already seeing this level of congestion, it's not just about adding more parking spots. What we're looking at is adding the time of day. I often leave very early in the morning, and I come home very late at night, and if – if it's during the summer I know I'm probably not going to get to park until a little bit later in the evening when the bars and the stores on our side of the street are – are winding down, and, you know, there might still be people open further down, but I'll get a spot eventually. If this is a hotel, I have no shot at that, and we only have so much parking under our condo, and so I'm basically going to have to be walking pretty far up the hill just, you know, to get back and forth to my own home, and so that's my personal safety that, you know, it's – it's typically dark when I leave, and dark when I get home, so that – that's a concern for me.

But – but I'm – what I'm also thinking about is we hear that noise that's been talked about. That in addition to those refrigeration trucks we, we hear there's one set of cars that goes up and down, like really late at night, and kind of sounds like it's the drag race. So, we're already seeing so many different types of congestion at different times of the day. This is just going to increase that and make everybody's life a little bit more complicated just to try to come and go in their daily operations. I thought I was going to follow my points, and I completely went off here. One second. The other thing about Apollo's being a lot different than a hotel is that Apollo's was a building that didn't have windows on the back side. No one was trying to get some fresh air. No one – like this is going to be an entire wall of windows. And I do appreciate the consideration of the architect and not putting balconies – I liked it kind of sounded like it was made for us. I – I also believe it was really for the – the residents or the patrons of the hotel, but I get that. I appreciate that, but it's still, all of those, we're – we're now going to be, especially in my – the couple of condos by – on my level, we're not going to have a view, and –and we're going to have a view of just people, and a hotel, like a wall of windows. And – and that doesn't just like – block our view, okay. It's inevitable I might need to deal with that at some point, but also making my deck space my oasis, no longer an option because I'm going to have people like, even if a couple people had windows closed, there's no way that I can comfortably sit on my patio and see – not be looked at, not having to see other people. I'm, you know, that's just for us right now, but that – if we ever try to sell that condo, no one's going to want to buy that. Like it was said earlier, it will make our property worthless as far as that's concerned. There's just too many limitations, and too much of an impact that it would be a hardship to continue in the way that's been presented right now. Just wanted to – oh. As far as the animals are concerned, our condos as it is don't allow dogs, and so that idea – we are going to be the closest grass. Like, there isn't a patch of land that someone can go and walk their dog to and being that the Oregon coast is so pet friendly, there's no way at a boutique hotel that there isn't going to be a significant amount of pet traffic, and then that means – there – there is nowhere else. They're going to be not only parking up our road, but they're going to be walking their dogs, and I say this lovingly because it's an ongoing debate about whether or not we can have dogs at our condo, but if I can't have one, I certainly don't want to watch a bunch of other people parade them up and down my road. Like, that's just – I know that that's not a decision that you guys need to care about, but it's just a point of frustration. It's just another way that we're going to be impacted by – by this situation.

And – and really that’s what this comes down to. I don’t envy your position. I – I appreciate how much work goes into the analysis that has been done here, and the work that went into presenting, and putting together something like this proposal, but it really does come down to point by point. These are minor things. Does it matter if I’m – I don’t want to see other people’s dogs walking up and down my street? Absolutely not. Not in the grand scheme of this. But it is about the quality of life of our community, and our ecosystem, and going point by point and seeing what are the safety concerns? What are the – the impact of the residents who do live here? The impact of the water, that was something that I hadn’t even thought about. So, that – you know, thanks for that. But it’s something that we do need to take thoughtfully, and if it means delaying this decision, I would rather take a delayed decision than a hasty one when this isn’t even a representation of everyone who’s going to be impacted, the people in this room, and that have submitted. So, I just hope that you can consider those aspects of it, and then the concept of it blending seamlessly, I – I get the concept. I appreciate the effort, but I do not think it hits the mark on that, because that – especially after hearing more details about what the roof is going to look like, not only that elevator shaft, I just have this sneaking feeling that that elevator shaft is going to be right in front of my house just from what I’m seeing on the map, so seamless is maybe not there, and even if it was a beautiful oasis that we did get to look at, that oasis for us we first have to look at all that machinery that’s on top. We – we understood what we were getting into when Apollo’s was there, but it was low enough that it was like, yeah, no, I see that, but if I position myself on my balcony that, you know, the bar closes it up. There’s no way to avoid what we’re going to be seeing. This is drastically going to impact what – what our environment is. And, you know, they had said – I had – the architect had said it is an amazing site. We agree with you. It’s why we bought land. That’s why we have the condos that we have there. And I know there is the noise aspect, and just trying to think critically, hearing on one hand complaints that this would bring more noise, and then on the other hand trying to say well, it’s so noisy no one’s – they’re not going to want to be here. know, that’s – I find it endearing. But the thing is it’s our noise. We’re used to that noise. That refrigerator sound, that’s a comfort now. We don’t necessarily – the – the type of noise that’s going to be introduced after this, the traffic noise alone by having this much in and out traffic at different times of day when people are checking in, I believe that that will be more impactful than it’s worth for the grand scheme of it, and we just – I know you have a hard decision. I don’t envy you, but I do appreciate you’ve held this space for us, and I hope, hope you take a stroll along the waterfront, or the Bayfront to – at different times of day to really kind of see what the impact is. If – if we’re as congested and sometimes so unsafe as the traffic can already be then adding pedestrian, adding people – it’s been a very long day. I can’t even say words anymore, but adding people walking around on top of how hard it is to get through some points of the day, it can be just gridlock. You’re just sitting, sitting there waiting. I can’t even imagine what it would be like when we add this many bodies to that very, very small space. And just to give a little of context around sound, for a little bit we had some people experiencing houselessness that were camped right behind the – the – where the gallery was, and the first time I realized they were there I actually was taking a nap on our couch, and I heard people talking. I thought it was a dream because it sounded like it was in my living room. And that’s where they are talking about building it. So, like the sound just off of that more open space, that echoed that it sounded like they were sitting in the same room that I was. So, I can’t even imagine what it – what it will do to have that wall right there, to have



the sound echoing through, and impacting sound – it's sound pollution on top of all the other aspects. I will leave at this time, but I just – I really appreciate taking thoughtful consideration in how this is going to be impacting people who have lived here a heck of a lot longer than I have. But like my family, we plan on this being a – a long time family investment, and I just would hate to pass down to the next generation of my family something that isn't why we bought it in the first place. Like, we'll – that's just – that makes me sad to think about the legacy that we've built here as an HOA, as a community, to have that completely eroded because of commerce. So, thank you so much for your time.

**Vice Chair Berman:** Thank you. Any questions? Thank you. Anyone else in opposition would like to speak? Come right up.

**Lynn Baker:** I will be short, I hope. Just to kind of reiterate I do know –

**Vice Chair Berman:** Name and a – name and address.

**Lynn Baker:** Sorry. 833 SW 13<sup>th</sup> Street. I do know we are a relatively small condominium, but as we've all said it will devastate us. The parking is the huge issue. I do understand it is being provided. I know it's going to get gone over. We've accepted the fact on weekends in summer we pretty much don't have company because we don't have place to park any of our guests. The parking meters, yes it will clear up the Bayfront, but where will the first place that they go to? Our street. And, you know, when Apollo's was there, of course, yes, we got to listen to their music all night, or most of the night, and then all the drunks coming from there throughout half the night. So, I think we've endured a lot over the years, and we've accepted it, but now this has come and it kind of feels like the nail in our coffin, so just kind of wanted to share that. And then the dog issue also. Obviously, they need a place to go. They may provide some place, but people like to walk their dogs. As we all know when we walk down the Bayfront, you have to watch where you step. So, those are some of my main concerns.

**Vice Chair Berman:** Thank you. I don't believe we got your name.

**Lynn Baker:** Lynn Baker.

**Commissioner Escobar:** I have a question Ms. Baker. A lot of the folks who have been speaking over the last few minutes are residents of your Condominium Association. And there was a discussion during the Applicant's presentation that perhaps the retaining wall might need some repair, and so that might be something you want to take to the HOA to consider. But my real question is, if I recall your condominiums, on the bottom floor there's parking, and then there's one floor of – of units, and then a second floor of units. Will the folks on the first floor of units over the parking stalls, will they lose their view?

**Lynn Baker:** I would say 100 percent.

**Commissioner Escobar:** And how about the folks on the top floor?

**Lynn Baker:** Probably 90 percent.

**Commissioner Escobar:** Okay. I don't have any other questions. I was just kind of concerned about the – the impact upon your community.

**Lynn Baker:** Yes. Thank you.

**Vice Chair Berman:** Thank you. Anyone else would like to speak in opposition? Okay. Would the Applicant like to come up and respond to some of the questions and comments that were made?

**Rebuttal:**

**John Lee:** I tried to write down as much as I can, but I don't think I have all of the questions. I don't know if there's a way to get the questions read over? But I – I'll go into the ones that I can remember and wrote down. Small room size. We do not have any rooms planned at Hotel Abbey smaller than 300 square feet, so the 200 is inaccurate. How many parking stalls – spots at Inn at Nye Beach we currently have 29 and we have 38 rooms there. And again, that site Inn at Nye Beach is even more compact because there's lot to maneuver for cars to park under the parking garage, whereas this is more of an open space that we are planning at The Hotel Abbey. Non-view rooms. Yes, we are aware that non-view rooms are going to command less of rate, and we are planning accordingly, and there's a de – definitely demand for lower price product, room product in Newport, and that's what we would be targeting for those rooms.

**Commissioner Escobar:** There were some questions about a 6-foot corridor. Denny, I don't know if you got that question, but perhaps you can address?

**Denny Han:** I'm sorry, the 6-foot corridor? Or the 6-foot –

**John Lee:** Alley way in the back. I'm – I'm not sure if the question was regarding the landscaping or –

**Lynn Baker:** Yah – jus – with that being used so that there's blocking and nothing can go down there.

**Denny Han:** Yeah. That – that are – is not visible from the level of the condo parking. The condo would be – the retaining wall is about 12 feet high. Our proposed wall would be about 6-to-8-feet, and again it's – it's really to protect visitors, to protect property of guest cars in that parking area. What we've, you know, would propose is that we would have access to that, because I trust any issues with you know, waste or trash, just maintaining that area so that it's clean. We can consider utilizing it in a different way, if there is a collaboration to address the existing wall. It is based on our investigation and due diligence having a specialist out there to look at that wall. We also dug up some old permits on that wall, and it appears there may be some deficiency in the actual construction of it. So, with provisions that we definitely want to address, and we want to, you know, make sure that it's in concert with communication with the HOA to address any concerns. That would be the – the really optimum for us. That way that area can be used in a more effective way. Landscaping again is going to be hard for any landscaping because of the sunlight issue. The only other option is to plant, you know, shade – shade loving type of plants which we can look into. We can hire a landscape architect to see if that is a – a good option. But again, that's not an area that's going to be visible to any of the hotel or any of the condo owners. I did want to just, you know, also clarify that, you know, the property, the zoning board does allow the developer to build up to the property line. I was doing just a rough calculation. Our lot coverage is about 80 percent, so it's not 100 percent coverage of the entire lot, but with the building set back in the rear, and the four foot in the front we have about 80 percent lot coverage.

**John Lee:** In addition to what Denny just shared, you –

**Vice Chair Berman:** Go ahead.

**John Lee:** Maybe I could cover just a bigger topic of this retaining wall. Like Derrick mentioned, it's our wish that we would be able to work out the issue with our neighbors and try to fix it before we develop our project, if we are given authority to move forward with this project. However, it's a very complicated process, and it's going to take time. There's legal issues, there's financial issues, and when we looked into it this is – repairing that wall is not going to be easy. It was, in our opinion, constructed incorrectly, and there is significant issues that needs to be addressed. We can't answer what it's going to cost. There's going to be – have to be major studies done to figure that out, unless there is already a study done. We can't do this work within our due diligence period. We have 30 days, and that clock's already started ticking, so if we can't figure out what the financial impact is, we cannot move forward with this site. Nobody would. No commercial developer would. So, that's why we're proposing this 6-foot wall. At least that gives us something that we can control, so if – in case we can't work out a solution with our neighbor at least we can fall back to this 6-foot wall solution, within our right. But without the certainty that we can move forward, no business then would take this – this project on. So, it's something that I hope that you would consider.

**Vice Chair Berman:** Anything else from the Applicant at this point? We have had a request to keep the record open.

**Commissioner Escobar:** Might I? Would you entertain a motion to perhaps keep the record open? There were some folks who said they didn't get their packet until –

**Vice Chair Berman:** Right, well we are – we are keeping the record open. We don't – we have a motion.

**Derrick Tokos:** Yeah. We have to.

**Commissioner Escobar:** Maybe continue the hearing until our next meeting and adjourn because maybe a little fatigue is setting in?

**Vice Chair Berman:** Yeah, that's what will happen. Yeah.

**Commissioner Escobar:** Great.

**Commissioner Blom:** We haven't voted yet, but I have a question. The re – current wall is on the property line of – but it was built by the condo property owners.

**Lyn Baker:** Long before any of us were –

**John Baker:** It was built by the developers of the condos.

**Derrick Tokos:** The developer of the condos.

**Commissioner Blom:** Okay. Okay, thank you.

**Vice Chair Berman:** Can I ask, Derrick? Do you know there is a concrete cinder block portion of that wall also, and that's not part of the condo property, that's on the next property over.

**John Baker:** Ours is all steel I-beams with

**Vice Chair Berman:** Right. Yeah. I've seen it, and yeah, it needs some work but the cinder block also has some nasty –

**John Baker:** It's been there over 50 years so, you know, it probably needs some work.

**Commissioner Blom:** But that's not the Applicant's – not on the Applicant's side.

**Vice Chair Berman:** Wouldn't that require coordination with the other property owner? The residential property that I asked about a long time ago?

**Derrick Tokos:** If you're talking about – about trying to replace the wall, or reinforce a wall –

**Vice Chair Berman:** The cinder block portion.

**Derrick Tokos:** Well, then they would need to coordinate with whoever's responsible for that wall.

**Vice Chair Berman:** Okay. So, it's a little more complicated coordination than just the Condo Association. Okay, well I guess at this point, Derrick, we schedule a continuation of the hearing in two weeks?

**Derrick Tokos:** Yeah, let me just if I – if I may –

**Commissioner Blom:** We haven't voted yet.

**Derrick Tokos:** Oh no, no, no, no. We can't. Can't.

**Vice Chair Berman:** We can't vote.

**Derrick Tokos:** Anybody has a right to request a continuance before the close of an initial evidentiary hearing. And so, the question for the Commission is how do you respond to that? You can either just continue the hearing to your next regular scheduled meeting. You have to do it for at least seven days, but you meet twice a month, so your next meeting would be the 27<sup>th</sup> of March, same time, 7 pm. Or you could leave – make – do an open record period where you say you've got seven days to submit additional testimony, seven days to rebut, my – and – and set that schedule out that way, but my sense is, and my – and my recommendation would be to simply continue it to your – to your March 27 meeting day. Now one thing I would suggest is since you are doing a continuance you have an opportunity to ask the Applicant to provide information that's not currently in the Application materials. I–

**Commissioner Blom:** I have a question. But who asked for the continue? Just somebody from the public?

**Derrick Tokos:** Yes. A member of the public asked for the continuance.

**Commissioner Blom:** Okay. Okay.

**Derrick Tokos:** I mean, I heard pet accommodations, how might those be dealt with? I kind a wonder what an alternative parking layout would look like, without the compact allowance. I heard ADA requirements, can – can we get some additional information on that. I heard a desire for some clarification in terms of what their roof top pertinences are. And the – and so, those are a few things that you could ask the Applicant to provide some additional

information before the next hearing so that you have that in front of you, and decide, you know, whether that's pertinent.

**Commissioner Escobar:** Mr. Lee, did you hear those questions?

**John Lee:** Ask one about that –

**Derrick Tokos:** It'd be some additional clarification of what the – the full scope of the rooftop equipment and the pertinences would be. There may be other things you guys have in mind. Those are ones I jotted down that I heard you guys talking about, and thought I'd just put out there if you want additional information on it.

**John Baker:** I have one thing I might ask, and you might want to ask them. I don't know. But we talked about the fire truck being able to get behind the building because there is going to be so much space.

**Commissioner Blom:** He was finished talking. They can just talk to –

**John Baker:** Oh, I'm sorry. I apologize.

**Vice Chair Berman:** Can't they?

**Derrick Tokos:** Did you close the hearing yet? Or –

**Vice Chair Berman:** No. We can't close the hearing. The record is still open.

**Derrick Tokos:** No. So, this is just –

**John Baker:** We've kind of got to discuss for a little bit that the fire truck can get around the back of the building because they are leaving enough room between the retaining wall that they're going to build and the back of the building, but also during the discussion it was shown that that part between the retaining wall actually will sometimes have parked cars parked in it, so if the cars are parked in it and the fire truck comes to go around behind the building, how are they going to get in there?

**Vice Chair Berman:** I – It was my impression that the fire chief said that they don't need to get a truck back there, they need to get people, and hoses, and ladders.

**John Baker:** Oh. Oh, okay. Well, somebody said that the truck – that they could get back in there. So, I thought they meant the truck.

**Vice Chair Berman:** I don't – I don't think the truck could ever get in.

**John Baker:** Okay. Alright. We're on the same page. Thank you. Sorry.

**Vice Chair Berman:** No, it's fine.

**Derrick Tokos:** Anyway, if there is other – if there is anything else that you guys had in mind that you would want from the Applicant it'd be – this is the time to ask before, you know, we set the continuance so that they have a chance to provide that information to you.

**Commissioner Blom:** I think there were some questions about the sizes of the units themselves, is that – or that's already in the record. Is that for Nye Beach? Yes.



**Charlotte Boxer:** That was my question. And for – I’m accustomed to looking at construction drawings that – for hotels and apartments that show the actual square footage of the room, so when I looked at the second floor and it said 208, 211, my assumption was that was the size of the room.

**Commissioner Blom:** So, let it be a clarification.

**Charlotte Boxer:** So, a clarification of the room sizes.

**Commissioner Blom:** Okay. That’s what I thought. Thank you.

**Commissioner Hanselman:** There were also questions asked about staffing, 24-hour staffing, if that would be something involved. They – we’ve talked – sure. We’d like to be as –

**John Lee:** Yes. The hotel would be staffed 24 hours.

**Commissioner Hanselman:** We talked about a dog area, or wondered about a exercise area for pets, and I asked for – about EV charging stations. A lot of this stuff isn’t – I mean, the drawings are preliminary, and I understand that. And there’s no need to do real detailed until you get approved and stuff, but those are questions that I heard during the hearing that would help us all I think.

**John Lee:** Okay.

**Commissioner Hanselman:** Thank you.

**Vice Chair Berman:** Yes.

**Commissioner Updike:** I had –

**Derrick Tokos:** You had one question that I realized I didn’t fully answer, and it had to do with pm peak hour trips. I had the 80 total – total average daily trips in there, but I didn’t have the pm peak hour. The pm peak hour for this would be 29.

**Vice Chair Berman:** I’m sorry, say again?

**Derrick Tokos:** 29 on a pm peak hour, 39 on an a.m. peak hour, and then 381 is your av – ADT. And you ask wh – why wouldn’t that number be higher? Hotels and motels distribute their – their traffic over a longer period of time than some other uses, like, you know, your typical office use you’re going to have a higher pm peak because everybody’s leaving at 5 pm You don’t have that with a hotel. Trip distribution is a little bit different, and that’s why your pm peak is a little bit lower.

**Vice Chair Berman:** Sure.

**Commissioner Hanselman:** Makes – I see. I see.

**Commissioner Blom:** Another Commissioner has a question.

**Derrick Tokos:** I think –

**Commissioner Updike:** Yes. On the wall?

**Vice Chair Berman:** Oh yeah. Just speak up. I’m sorry, I don’t tend to look up there that often.

**Commissioner Updike:** No problem. Why I'm still awake here in Houston where it's just a tad later. The question I have for the Applicant, and I would love to hear when we reconvene this discussion, is did you look at an option of a one-way route of the parking area, an access lane, instead of doing two-way, that with one entrance that leads into a wall, which creates then interesting dynamic of how a car then exits if the parking is full, but they find out the hard way when they get to the wall, and then they have to make a 52 point turn to get out. Or is it feasible to do a one way through, and another exit onto Bay, reducing the commercial size on that side, and if you did that, and then reduce it to a one-way width, if that was permissible, and you work things out on the back side and were able to move that wall closer to the existing retaining wall, then perhaps you'd have enough room for a couple of tandem spaces where say the employees could park. I know you can't do tandem spaces and arrange it with – with guest parking. I'm just trying to find a way to eek out another space or two in there. I just wondered if you even looked at that option, so that would be something I'd like to hear about when we're back at this in two weeks. Thanks.

**Derrick Tokos:** It's been motioned to continue.

**Vice Chair Berman:** We do a motion for that?

**Commissioner Escobar:** I move to continue the hearing until the 27<sup>th</sup> of March at 7 o'clock.

**Commissioner Blom:** Second.

**Vice Chair Berman:** Okay. Moved and seconded. All in favor:

**All Commissioners:** Aye.

**Vice Chair Berman:** All opposed? Motion passes. We'll continue this hearing.

[Verbatim Excerpt Ends: 2:45:56]

Respectfully submitted,

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Sherri Marineau  
Executive Assistant

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**March 13, 2023**

**Planning Commissioners Present:** Bill Branigan (*by video*), Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike (*by video*), and Marjorie Blom.

**City Staff Present:** Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Vice Chair Berman called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Regular Session Meeting Minutes of February 27, 2023.**

**MOTION** was made by Chair Branigan, seconded by Commissioner East to approve the Planning Commission Regular Session meeting minutes of February 27, 2023 with minor corrections. The motion carried unanimously in a voice vote.

3. **Action Items.** None were heard.

4. **Public Comment.** None were heard.

5. **Public Hearings.** At 7:02 p.m. Vice Chair Berman opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Commissioners Hanselman, East, and Berman reported site visits. Berman called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File No. 1-CUP-23 / 1-ADJ-23: Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.**

Tokos acknowledged the public testimony received after the hearing packet was published from Charlotte Boxer, Jon Baker of the Bay View Condo Association, Adirana Buer, Elizabeth Reyes with Family Promise of Lincoln County, Gervacio Castillo, Mary Young with Latta's Fused Glass, Tom Briggs, and Karla Clem with the Pacific Community Health District Foundation. Tokos shared a zoning map of the Bayfront from 2018 noting that the Apollos building had be demolished in 2020. He then shared an image from 2021 of the terrain elevations, and the water and wastewater lines to the property. Tokos reviewed the images of the plans for the new development that included commercial spaces and parking areas on the first floor, and hotel space on the second and third floors. He then shared an illustration of the proposed retaining wall location.

Tokos reviewed the staff report with the Commission and explained what the request was and what the approval criteria would be. He covered the setbacks, retaining wall, and parking district

considerations. Tokos then went over the compact parking considerations. He reported that the fire access had been approved by the Fire Department. Tokos reviewed the conditional use permit criteria, the considerations for the characteristics of the historic Bayfront, and the overall mass and scale of the hotel. Blom asked if the Landing hotel was located on the Bayfront. Tokos confirmed it was and reported that it was in the W-2 zone as well.

Tokos reported they received public comment requesting a traffic impact analysis be done. This project didn't hit the specific threshold of 500 average daily trips (ADTs) needed before a traffic impact analysis was required. They were also below the 50 PM peak hour trips as well. Berman asked for an explanation of how this project fell under the 50 PM peak hours. Tokos explained that they used the Institute of Traffic Engineers trip generation ratios for different uses which included a breakdown of the vehicle trips that were generated and how this use fell under the threshold for the 500 ADTs and 50 pm peak hours.

Tokos noted the public comment request for a parking study and a business feasibility study wasn't required by the code. Tokos thought that if the Commission approved the request they should include the conditions listed on the staff report. Tokos noted the plans that were submitted weren't construction plans and they would have to meet all the building and fire codes for permitting. They would also need to address the retaining wall and the parking for guests.

Berman asked Tokos to discuss the relationship between the allowed allowances the on street parking that they were getting credit for, and the upcoming metering of both of the streets there. Tokos reported the city was moving forward with metering in the Bayfront which was a combination of meter only, meter permit, and timed permit limitations, depending upon the location of where you were at. The area by the hotel would be meter only from 11 am to 7 pm, from May to October. The off season would be metered only on the weekends from November to April. Tokos noted that the Abbey St parking would be a metered permit area. The city was working on wrapping up the contract with the chosen vendor and the Advisory Committee to get these changes implemented this in late spring or early summer. These changes did not apply to private parking areas such as at Ripley's, and there was nothing in the rules to require that the hotel charge guests a fee to use their parking areas. Blom asked if the applicant would have to provide ADA parking. Tokos confirmed they did and were providing two that were close to the elevator.

East asked if they didn't do the six foot retaining wall and just rebuilt the existing one, would it increase the space by six feet allowing them to use the existing landscape to offset that requirement, and allow them to expand some of the compact parking. Tokos noted the depth of the stalls wasn't the issue here, it was more about the width of the stalls. East asked if the Fire Department had any problems with access if they built the six foot retaining wall. Tokos confirmed this was correct because they would have nine feet clearance between the wall and the building proper.

Hanselman asked if most of the businesses on the Bayfront didn't have off street parking on their properties. Tokos couldn't think of any that provided all the required parking. He explained there were a number of businesses that had no off street parking, particularly those that were on the bay side of Bay Boulevard. Tokos noted that he thought that Clearwater Restaurant bought a lot to use for additional parking as a private lot. Escobar didn't think that was correct and questioned if Clearwater purchased the property. Tokos clarified that he didn't know for certain if it was purchased by Clearwater, but knew that the property was acquired to use for parking. He noted they weren't required to have the lot for parking.

Hanselman asked if this development was required to have off street parking. Tokos confirmed they were. Hanselman asked how many spaces were required. Tokos noted that the parking code stated that where there was an existing use, whatever the existing parking arrangement was for that existing use was what it was set as. They would then need to provide off street parking for whatever the additional impact or demand was. Tokos noted the existing use was assessed for the Apollos building that was torn down two years earlier, and for the restaurant and gallery building that was still there, but the businesses that had ceased over two years prior. The applicants were asking for an adjustment so they didn't have to have all of the parking on private property and count some on the public space. They were proposing that the needs of the hotel be addressed with their 46 off street parking spaces, which would then still leave them with an additional 17 spaces that would be accommodated in the public space if the adjustment was approved. Or, the Commission could say they had to provide 100 percent of the parking, less five spaces, because they were in the parking district. Blom asked if they were looking at this as if there wasn't any parking there. Tokos noted the applicant had to come in assuming that the Apollos, the restaurant and the gallery were no longer existing uses, and to have all of their parking off-street and treat it as a blank slate. What they were proposing was to provide 46 spaces off street spaces, and have 17 spaces that were accommodated on the street. This would get them a 70/30 split on parking, which was less of an impact to what was there before. Tokos noted that they had a sense of the congestion in the area because of the past use. He thought the Commission should consider the prior uses when they were thinking about the relative congestion on the Bayfront.

Hanselman thought it was fair to say that most businesses on the Bayfront provided some off street parking, but most rely on public parking on the street. He pointed out that this project wasn't asking for something that wasn't already being given to existing businesses. Hanselman noted there were businesses that didn't have off street parking spaces but paid the parking district fees. Tokos confirmed that businesses had to pay a business licenses surcharge for the parking district which was intended to go away once the meters were implemented. The fees were based on the number of employees they had and were a few hundred dollars a year. Hanselman asked if the 30 percent reduction was within their right and was acceptable to the city's ordinances. Tokos explained they had a right to ask for an adjustment up to 40 percent before it became a variance. He thought they needed to look at what the impact was versus what was there before. Tokos thought this was a reasonable way to look at it to say that it was consistent with the mix of public/private parking they saw on the Bayfront. He pointed out the developer would be providing more parking than the prior use.

Escobar noted that the businesses that were there prior were different types of businesses. These were restaurants, galleries, and dance halls which didn't operate at the same time of the day. Tokos thought that was fair and pointed out that Apollo's was almost 36 parking spaces per the ratios and was the biggest part of the 49 trips for the existing use. Escobar pointed out the parking behind Apollo's wasn't used. Tokos acknowledged this and pointed out they needed to look at hotels being lodging. Most guests were gone by 11 am before the meters kicked in and then the checked in between 3 to 4 pm.

Escobar asked if compact spaces widths were different from regular spaces. Tokos reported the compact stalls would be 7.5 feet at the narrowest width. The applicant wasn't proposing a depth reduction, only a width reduction. Berman asked how many stalls there would be if the compact stall variance wasn't granted. Tokos explained that this would be on the applicant to provide a revised plan for the parking. If they went that route the Commission should direct the applicant to provide details and do a continuation of the hearing.



Berman noticed that they had four ADA rooms and only two ADA parking spaces. He asked if each room was required to have an ADA parking space. Tokos understood that the Specialty Code keyed the number of ADA spaces off of the number of parking spaces that were required. He would have to take a look at this, and if there was another requirement they would have to address it. Berman reported that he found in the Specialty Code where it said that there needed to be one ADA parking space provided for every sleeping unit. He thought this needed clarification.

Urdike noted there was a restriction of the square footage of the ancillary enclosure above the 35 foot level and asked if there was a restriction on the height of it. He also wanted to know if there was a screening requirement for HVAC and other equipment on roof. Tokos reported the relative height of this couldn't exceed the height allowance by more than 20 percent and they were within this. There was also no screening requirements for the enclosure. Berman pointed out that the hospital had a screening requirement. Tokos explained that was a deviation approval for the hospital to go with a larger enclosure than what they would otherwise be permitted to do because of the nature of their facility. Hanselman asked if the applicant was asking for this because there would be things other than the elevator shaft on the roof. Tokos suggested asking the applicant what would be on the roof.

Hanselman pointed out that building the six foot wall would create a six foot alley. He asked who would deal with this area and how this would affect the Fire Department dealing with a fire. Hanselman didn't think adding a wall was the best way to deal with the area, and thought that a six foot alley would lead to a rat infestation or become an area for homeless events or people to do drugs. Tokos explained that this was a situation where there was an old retaining wall, that wasn't on the applicants property, and needed to be repaired. Whomever originally built the condo development decided to build a retaining wall on the property line. They didn't get a maintenance easement to secure their right to maintain it and assumed that they could use somebody else's property for that purpose. The buyer was looking at making a substantial investment and asking how they could protect the building from a wall that they had no control over. Tokos thought they should reinforce or rebuild the retaining wall, and it needed to be properly engineered. This wasn't something a buyer could ferret out when purchasing a property. Tokos thought if the Commission chose to approve the request they should give a condition saying the applicants had leeway to work with the condo association to alleviate the six foot separation between the walls. Hanselman thought something needed to be done before a wall was constructed and an alley was created.

Berman noted that the staff report stated that this was in a geologic hazard area. Tokos confirmed that they would have to go through a geologic permit and get an engineering geologist to provide recommendations to build on the property that they would have to comply with it.

**Applicant:** John Lee, Managing Director of VIP Hospitality addressed the Commission. He reported they were a hotel management group that managed eight properties on the coast. They had two properties in Newport, one at the Inn at Nye Beach and the other at the Ocean House. Their company had been based in Lincoln City over 40 years and they had been looking to grow their footprint ever since. Lee stated they understood the market and what their customers were looking for. They determined that there was a need for and lack of premium lodging products on the Bayfront. The Inn at Nye Beach was for couples with average size of parties around 2.3 guests per stay with approximately 80 percent of them staying one to two nights. All their hotels had tools in place to communicate to guests before their arrivals. Given their tight footprint and limited parking space, they would manage these expectations for the new hotel. Lee said that the last thing they wanted was for their customers to walk away unhappy about their stay. The boutique hotel

will allow their guests to park at their site without having to look for parking and take up parking on the Bayfront. Lee stated they were looking to invest in the community.

Denny Han, architect for the applicant addressed the Commission. He noted this was a mixed use project with commercial on the first level. Han reminded that the Abbey Hotel used to be very close to the site but had burned down. They got their name from their hotel from this and it would be how they would preserve the local fabric of the existing businesses and the flow of tourism. Han reported that they decided to implement ground floor commercial in lieu of another eight guest rooms. They placed all the parking behind the retail spaces to limit the view of parked cars. The placement of the retail along the street would enhance the street experience with additional shops. Han explained they wanted to set the building back four feet to soften the urban edge to add landscaping and outdoor seating. There would be a trellis canopy above the commercial spaces. The check in, lobby, and breakfast areas would be on the second floor. Han reported that the ADA code typically required an ADA space for those types of room types. The number they had could shift depending on the number of room types they finally ended up with. Han explained that the rooms that faced the bay would have balconies the same way the Abbey Hotel had. There were portions of the building that were recessed to create a dynamic street elevation. There also wouldn't be any balconies at the rear of the building. The north and south sides of the building had recessed areas as well. There would be a vertical sign feature at the southeast corner of the building to take down the scale of that feature.

Hanselman asked if they would provide electrical vehicle (EV) charging stations. He also asked what they thought the occupancy projections would be from May to October. Lee thought the EV stations was a great idea and something they would look into. Hanselman noted this community was also water challenged. It was important to recognize how many people they could accommodate with this in mind. Lee didn't know the monthly occupancy stats. Annually it would be around 65 to 75, and the peak months would be from June to September.

Escobar asked if they would allow pets and have facilities for pet restrooms. Lee explained they allowed pets in most of their hotels. He wasn't sure where they would place the restroom areas.

Berman said that he didn't see where the trash enclosure would be and asked how they would handle this. Han reported the driveway on the north side of the property would have two trash containers.

Branigan asked how many employees there would be. Lee didn't have an answer at this time but he could get that information. Branigan asked how many commercial establishments would be there. Han reported it would be two at that time, but it could be broken up for multiple tenants. Branigan asked if one of the tenants would be an eating establishment. Han explained they requested the parking reduction in the case that it lent itself to a cafe or small restaurant. If it was small retail the parking requirement would be much less. Branigan wanted to know how many employees there would be at the hotel because it was an important factor. Blom asked what the average number of employees there were at the Nye Hotel. Lee reported it was somewhere between eight to twelve. Blom asked if these employees would work in both places. Lee reported only the general manger would do this.

Escobar asked if they gave any thought to building larger units for housing instead of a hotel. Lee reported it was something they were exploring at other sites where the costs were less. This site wasn't viable to make affording housing or workforce housing work there. The economics drove the business model and this didn't pencil in for them.

Berman asked what times the eight to twelve employees would park. Lee noted the hotel wouldn't be 100 percent occupied. Guests weren't checked in typically at the same time that the staff was working.

Urdike asked what was being placed in the area above the 35 foot roofline. He also asked what the roof deck would look like and if it would be an experience for guests. Han reported that a roof deck would need an elevator. The 13 feet in this section was for the overrun for the elevator. There might be some storage on the roof and they would like to apply stairs as well. The entire rooftop wasn't meant to be used. A portion of it would be used to allow guests to capitalize on the views. There wouldn't be anything fixed on the roof that would block views of the adjacent owners. This area would be an extension of the lounge experience.

Berman noted that Han stated 13 feet but the diagram noted 8 feet. He asked for clarification on this. Han explained that on page A6.0 on plan drawings the cross section showed the one portion that was the elevator cap. Tokos noted the eight feet were off of the parapet not the roof level. Blom asked if the HVAC would be on the rooftop or somewhere else. Han reported most of the HVAC equipment would be on the roof and the laundry would be on the ground level. They could provide visual screening if it was required. Berman asked if they could do the screening within the 200 foot limitations. Han reported that screening for the HVAC was usually bigger and typically blocked by screens that were about five feet tall. He thought this might be something they could clarify in the zoning language.

**Proponents:** Jon Tesar addressed the Commission and reported he had two properties above the location of this property. He noted there was a lot of tall buildings and congestion in the area. Tesar thought it was a good use for this section of the Bayfront and didn't see it being disruptive. He thought the pets would need to have a green patch. Tesar also wanted to see if their plan was to have 24 hour staffing. He hoped there wouldn't be a lot of partying at the hotel. Having it fully staffed would alleviate some of these problems. Tesar didn't think the view as an issue. The bigger issue would be parking when the meters were implemented.

Steven Webster addressed the Commission. He reported that he worked and resided on the Bayfront. Webster had two properties within 100 yards of the property on the water side of the street. After hearing the staff's explanation he felt better about this. Webster felt that parking in the Bayfront had become anarchy, meaning anyone could park anywhere and at any time they wanted. He thought a hotel should be an outright use for a tourist commercial zone. Webster noted that the structural, seismic, and geologic zoning codes, and the development requirements were more rigorous than people realized. He hoped they approved this outright. Webster also thought they should change the zoning on the other side of the street from the water on the Bayfront to a C-2 zone. Escobar asked if Webster lived and owned a business on the bayfront. Webster said he lived there since 1998 and has done multiple developments.

Janet Webster addressed the Commission. She reported that she owned three properties on the Bayfront. She was in favor of this proposal and thought the western part of the Bayfront needed an anchor. They needed to have pedestrian traffic so businesses by the Coast Guard station had traffic. Webster appreciated how the hotel wanted to soften the street space. She reminded this part of the Bayfront burned down years before and there was a lot of lodging and mixed use there at that time. It had always been mixed use and having a hotel there would be great. Webster had been involved in the parking discussion for a long time. There were only around five commercial establishments that had off street parking on the Bayfront. Any parking that was provided would

be good addition for the Bayfront. Webster also reported there were only two ADA public parking spaces on the street and any additions to that would be appreciated. She thought the hotel would be a good anchor and addition to the Bayfront because Newport needed new hotels and room taxes.

**Opponents:** Beverly Smith addressed the Commission. She reported that she lived right in a condo above the property. She submitted a letter she wrote to the Commission to be entered into the record this hearing. Smith questioned if they should approve this request because she didn't think it was a good fit and believed the best part of Newport was that it was a working harbor. She didn't think a hotel across from a fishing facility would be good because the noise, smell and traffic blockage wasn't a good fit for it. Smith also didn't like that it would be right across from her home. The Comprehensive Plan stated that this should enhance property values and preserve the health, safety and welfare of citizens of the city of Newport. Smith thought approving the plans would destroy property values in Newport and damage the welfare of its citizens. She also thought they needed to respect the fishermen. She noted that the old Abbey Hotel had been located down the street. She was more in favor of having the Basic's Market at that location instead of a hotel. Smith thought the Commission shouldn't approve this. She also reported that she submitted additional signatures for the petition with her written testimony.

Jon Baker addressed the Commission and reported he had a condo next to Beverly Smith. The traffic congestion on the Bayfront was a concern for him. Baker questioned how multiple cars would be able to get out of the hotel when checkout happened. He also pointed out that there was a refrigeration truck that parked all night across the street from this property and it would cause a lot of complaints due to noise. Baker also questioned who would keep people from throwing things off of the roof deck. He stated he would like to submit a request to keep the public hearing open.

Darla Sweeter addressed the Commission. She stated she represented her parents that owned a condo behind the property. She asked if there would still be parking spots on Bay Boulevard in front of the hotel if this request was approved, and if the spaces would only be for guests. Tokos explained the angled parking in front would stay and it would be public parking. Sweeter was concerned that the new hotel would mean that more people would move up to their condos to park. She asked what kind of impact this would have. Tokos asked that the applicant respond to this question during their rebuttal. Sweeter asked if the space between the retaining wall and condos would be landscaped or just an open area. Tokos noted the applicant could respond to this as well. Sweeter was opposed to this proposal and thought a market would be a better fit for that area.

Charlotte Boxer addressed the Commission. She reported that she owned the property next door to this property, and she had lived upstairs from the Apollo's when it was there. Boxer noted that Apollo's was only open on Friday and Saturday nights and their parking wasn't utilized every day. The restaurants and gallery also had minimal use. Boxer felt this site was key to the west end of the Bayfront. She reported that traffic and parking was horrendous there and when she had lived there the refrigeration trucks would run all night and were loud. Boxer wondered if the applicant was aware of the noise in the area. She wanted to know what the smallest size room in the Inn at Nye Beach was. She said that 20 of the rooms on the second floor of this building were between 200 and 220 square feet. Boxer asked what the applicant had done for market research to justify rooms that were this small. She agreed that the west side of the Bayfront needed an anchor. The Bayfront had changed dramatically in the last 50 years. Boxer suggested they read the Yelp reviews about the Bayfront that talked about the lack of parking in the area and the smell of the fish plants. She thought this looked like a chain hotel and a big box that took up the whole site. Boxer pointed out that people got into fights over parking in the area and that the compact spaces would be an issue. Cars had gotten bigger over the years and would be an issue. Boxer also noted that southwest



13th Street took the brunt of the traffic overflow. She felt this was an overbuild of the site and was opposed to it.

Escobar pointed out that Boxer had submitted a testimony letter with signatures. He asked her to clarify her comments that stated the Comprehensive Plan said the hillside above the Bayfront had been identified as very picturesque and worthy of preservation. Boxer explained she submitted a copy of the Comprehensive Plan to state verbatim what was in the plan. She thought it should be noted that the Comprehensive Plan addressed adverse conditions that affected the surrounding buildings and their surrounding neighborhood. Boxer questioned how she would have access to the sides of the building she owned when this was built. She thought people's property value would be affected by an approval. Boxer reminded that the Basics Market proposal was only two stories high. This project was abandoned because it didn't make financial sense for them to do one grocery store in one market. Boxer thought a good majority of the VIP properties had surface parking. She wanted to know how many parking spots there were at the Inn at Nye Beach in relation to their 30 rooms. Boxer questioned if the developers spent any time on the Bayfront to understand the noise or congestion there would be. She felt the loss of value would be substantial if this was approved.

Darla Sweeter readdressed the Commission. She noted that the hotel was for people to experience the Bayfront, but their experience will actually be the condos and the Bornstein fish plant. Sweeter questioned if that would be the view that the hotel would want.

Amber Wishoff addressed the Commission. She stated she lived in the condos above the property. Wishoff knew that when they were talking about building the Basics Market she knew it would block the view of her condo. She felt that Apollo's had the hours and use that were complementary for the area and the hotel would be different. Currently, people who worked on the Bayfront would park on 13th Street. Wishoff didn't think the hotel's parking addressed the employees. She didn't think this was the best fit for a hotel. This wasn't just about adding more parking spots, it was more about the time of day. If they added a hotel it would become harder to park in the area. This would become a safety issue for her because it would force her to park far away from her house at night because parking spaces were being taken up in front of her condo. Wishoff heard a lot of noise and saw a lot of congestion in the area. The hotel would increase this and make things more complicated. She noted that Apollo's was a different use than a hotel. It was also a building that didn't have windows on the back side. Wishoff noted that the hotel would have a wall of windows on the back side. She liked that they weren't going to do balconies, but didn't like that she would now just have a view of hotel windows. This would block their views and made the use of her deck space no longer an option because she would be on view for the hotel guests. Wishoff thought that if they ever tried to sell their condo this would affect their property value. She noted her condos don't allow pets, and worried about there not being a patch of land that dogs could be walked to from the hotel. This would create a significant amount of pet traffic. Wishoff thought this came down to the quality of life in the community and they needed to look at the safety and impact to the community. She would rather the Commission do a delayed decision. Wishoff thought the concept of blending the hotel seamlessly in the area didn't make sense. She hoped the Commission would take a stroll through the area at different times of the day to see what the impact would be. Wishoff noted there were homeless persons around the gallery and the sound from the open space from them was very loud at her condo.

Lyn Baker addressed the Commission and noted that the condominium was relatively small. The parking was a problem for them and they accepted that in the summer they wouldn't have a place to park. Baker thought the meters would help with parking but people would still come up to their street to park. She noted that the condo owners had endured this for years and thought the hotel



would be the nail in the coffin for them. Baker also noted that the pets would be an issue because the hotel wouldn't have a designated place for them. Escobar asked if the repair of the retaining wall should be brought to the Home Owner's Association (HOA) to consider. He also asked if the people on the second level of the condos would lose their views. Baker reported they would all lose their views and 90 percent of the top floor condos would as well.

**Rebuttal:** John Lee reported that there would be no rooms smaller than 300 square feet in the new hotel. The Inn at Nye Beach had 29 parking spaces and 38 rooms. Those parking spaces were more compact than the ones that are being proposed here. Lee noted that VIP Hospitality was aware that non view rooms would be priced at a lower rate and they were planning accordingly. There was demand for lower priced room products in Newport. Denny Han reported the six foot alleyway wouldn't be visible from the condos. The wall would be six to eight feet tall and there to protect visitors who are parked in the area. There would be access to this area to address issues of waste and trash, and the hotel would maintain the area. Han noted they had a specialist look at the existing retaining wall who found that it had deficiencies. They wanted to address these issues and make sure it was done in communication with the condo HOA to address any concerns. Doing this would allow the area to be used in a useful way, to add things like landscaping. Han explained that the property zoning ordinance allowed them to build up to the property line. Their lot coverage would be about 80 percent and not cover the entire lot. Lee stated they wanted to work out the retaining wall issue and try to fix it before they developed. This process was complicated. There were legal issues that needed to be addressed before this could be done and they didn't know what that would cost. Lee reported that they couldn't do this within the 30 days of due diligence. They were proposing the addition of the wall so they at least had a solution to the retaining wall. Lee stated that he hoped the Commission would consider approving the request.

Blom asked if the current wall was built by the condo association. Tokos reported it was built by the developer. Berman asked if the concrete cinder block wall was part of the condo property. Tokos explained this was on another adjoining property and any work on that would need to be coordinated with whomever was responsible for this wall.

Tokos explained that anybody could ask for a continuation of the hearing. The Commission could continue it to the next meeting on March 27th or they could do an open record period for additional testimony for seven days for rebuttal. Tokos recommended they continue it to March 27th date. If they did a continuation, they could ask the applicant to provide information on items that weren't included, such as what the pet accommodations would be, what an alternative parking layout would look like, clarification on the ADA requirements, and clarification on what the rooftop equipment and appurtenances would be. Boxer noted there were questions on the clarification of the room sizes. Hanselman also noted there were questions concerning the staffing involved. Lee reported they would be staffed 24 hours. Hanselman also wanted to know about pet areas and EV charging stations. Tokos noted there was a question on the peak hours trips. The PM peak hours would be 29, the AM peak hours would be 39, with an average daily trip count of 381 for the hotel. The question on why these numbers wouldn't be higher for a hotel than other uses was because hotels and motels distributed traffic over a longer period of time. The trip distribution was different and why it was lower.

Urdike wanted to know if they looked at an option of a one way route for the parking area access instead of a two way configuration. He asked if it was feasible to do a one way through with a second exit by reducing the commercial retail area on one side. This might allow them to move the wall closer to the existing retaining wall and add room for tandem spaces for staff.

**MOTION** was made by Commissioner Escobar, seconded by Commissioner Blom to continue the hearing to the March 27, 2023 regular session meeting. The motion carried unanimously in a voice vote.

6. **New Business.** None were heard.

7. **Unfinished Business.**

A. **Planning Commission Work Program Update.**

Tokos would update the program to add the continued hearing to March 27th. There would be two other hearings on that date as well. This included a nonconforming use permit for NW Natural, and the Fisherman's Wharf subdivision that was coming back from 2018 that they never see through. Tokos noted the hearing for the Conditional Use Permit for the South Beach Church would happen on April 10th. Then another Conditional Use Permit would be coming for a Samaritan drug and alcohol rehabilitation office in Agate Beach in late April or May.

Hanselman asked if they should set time limits for public testimony. Berman thought they should set it to four to five minutes. Escobar noted that the people who were heard at this meeting were impacted by the decision and should be given time so they were heard.

8. **Director Comments.** None were heard.

9. **Adjournment.** Having no further business, the meeting adjourned at 9:52 p.m.

Respectfully submitted,



Sherri Marineau  
Executive Assistant



**PLANNING COMMISSION REGULAR SESSION AGENDA**

**Monday, March 27, 2023 - 7:00 PM**

**City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365**

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All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or [e.glover@newportoregon.gov](mailto:e.glover@newportoregon.gov).

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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**1. CALL TO ORDER AND ROLL CALL**

*Commission Members: Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.*

**2. APPROVAL OF MINUTES**

**2.A Approval of the Planning Commission Regular Session Meeting Minutes of March 13, 2023.**

[Draft PC Reg Session Minutes 03-13-2023](#)

**3. CITIZENS/PUBLIC COMMENT**

*A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.*

**4. ACTION ITEMS**

**5. PUBLIC HEARINGS**

**5.A File No. 1-CUP-23 / 1-ADJ-23 (Continuation): Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.**

[Staff Memorandum](#)

[Letter from Applicant's Representative Denny Han, dated 3/20/23](#)

[Applicant's Revised Plan Site Plan and Elevation Drawings, received 3/21/23](#)

[Additional Public Testimony \(various dates\)](#)

[Record File From March 13, 2023 Public Hearing](#)

[Lynn Baker Public Testimony 3-24-2023](#)

[Cristi Farrell Public Testimony 3-27-2023](#)

[David Malone Public Testimony 3-27-2023](#)

[Margo Stark and Gerald Best Public Testimony 3-27-2023](#)

[Janine LaFranchise Public Testimony 3-27-2023](#)

[Wendy Engler Public Testimony 3-27-2023](#)

[Beverly Smith Public Testimony 3-20-2023](#)

**5.B File No. 1-NCU-23: Nonconforming Use Permit to Build a 9-ft Diameter 40-ft Tall Enclosed Flare at the NW Natural LNG Plant.**

[Staff Report](#)

[Attachment A - Application Form](#)

[Attachment A-1 - Applicant's Narrative](#)

[Attachment A-2 - County Assessor Information](#)

[Attachment A-3 - Location and Site Plan, Norwest Engineering, dated 2/14/23](#)

[Attachment A-4 - Site Plan & Aerial, Norwest Engineering, dated 2/9/23](#)

[Attachment A-5 - Plan View Drawing, Norwest Engineering, dated 2/9/23](#)

Attachment A-6 - Elevation Drawing, Norwest Engineering, dated 2/9/23  
Attachment A-7 - Model View of Flare, Norwest Engineering, dated 2/9/23  
Attachment B - Zoning Map of the Area  
Attachment C - Public Hearing Notice and Map

**5.C File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23: Fisherman's Wharf Tentative Subdivision Plan, Variance, and Geologic Permit.**

Staff Report

Attachment A - Application by AKS Engineering & Forestry, dated February 2023

Exhibit A - Application Forms and Checklists

Exhibit B - 11x17 Copy of Subdivision Plans, Civil Construction Set, received 9/23/19

Exhibit C - Lincoln County Assessor's Maps

Exhibit D - 200-Foot Notification List

Exhibit E - Service Provider Letters

Exhibit F - Subdivision Guarantee Report

Exhibit G - Geotechnical Investigation, by Foundation Engineering, dated 2/14/23

Attachment B - Zoning Map

Attachment C - Utility and Existing Terrain Map

Attachment D - Notice of Public Hearing and Map

Attachment E - Letter from Scott and Mary Rogers, dated 3/9/23

Attachment F - Email from Clare Paul, Asst. City Engineer, dated 3/16/23 with attached letter of 6/4/18 Confirming the Adequacy of Public Services

William Chadwick Public Testimony - 03-24-23

Teresa Atwill Public Testimony - 03-27-23

**6. NEW BUSINESS**

**7. UNFINISHED BUSINESS**

**7.A Planning Commission Work Program Update.**

PC Work Program 03-24-23

**8. DIRECTOR COMMENTS**

**9. ADJOURNMENT**



# City of Newport

## Community Development Department

### Memorandum

To: Planning Commission

From: Derrick I. Tokos, AICP, Community Development Director

Date: March 24, 2023

Re: Continued Hearing for Abbey Hotel Conditional Use Permit (File #1-CUP-23/1-ADJ-23)

Attached is a letter from the applicant responding to questions that Planning Commission members raised at the close of the March 13, 2023 hearing. They have also provided an updated site plan that includes three options for configuring the off-street parking. Option #1 maintains the adjustment request to exceed the Municipal Code's 40% maximum allowance for compact stalls, whereas Option #2 satisfies the 40% limit. Both options include a dedicated space for vehicles to turn around. Option #3 shows a one-way circulation pattern, which significantly reduces the amount of available parking (down to 30) and orients the ADA spaces in a less convenient location. With respect to the relative mix of off-street versus on-street parking, analysis contained in the March 10, 2023 staff report would support the approval of either of the first two off-street options, but not the third option.

Additional public testimony has been received as well, both in favor and in opposition to the project (enclosed). The issues raised are in line with testimony the Commission received at the March 13<sup>th</sup> hearing.

Staff's recommendation is that the application, with parking Option #1 or #2, can satisfy the approval criteria outlined in the staff report with the imposition of five (5) conditions of approval. The conditions are attached to this memo. If the Commission concurs, then a motion would be needed to approve the application, citing the preferred parking option, and that the approval is subject to the listed conditions. Alternatively, if the Commission does not believe that the approval standards have been met, it should cite its reasoning and move to deny the application. In either case, staff would bring forward a final order and findings reflecting the Commission's action for its review and approval at the April 10, 2023 meeting.

#### Attachments

Letter from Applicant's Representative Denny Han, dated 3/20/23

Applicant's Revised Plan Site Plan and Elevation Drawings, received 3/21/23

Additional Public Testimony (various dates)

## **Staff Report Conditions**

- 1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.**
- 2. The applicant shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use. If the applicant must materially modify the size or height of the building to comply with these codes, then a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.**
- 3. The square footage of the elevator enclosure and related appurtenances shall not exceed 5% of the area of the main building footprint or 200 sq. ft., whichever is less.**
- 4. Applicant may construct a 6 to 8-ft. wall parallel to the existing retaining wall in the location shown on the site plan and exterior elevations received March 21, 2023, or they may elect to reconstruct or reinforce the existing retaining wall in partnership with the neighboring condominium association.**
- 5. The hotel shall inform guests via their website or other similar means of the limitations of the on-site parking, and restrict vehicles that are too large to be accommodated.**

March 20, 2023

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: Denny Han  
ARLA design  
2057 Hilldale Drive  
La Canada Flintridge, CA 91011

Project: 836-856 SW Bay Blvd.  
Newport, OR 97365

Re: Response and follow up to Planning Commission public hearing on March 13, 2023.

The responses below address the concerns and issues brought up during the planning commission public hearing.

- 1) Verify that roof appurtenances exceeding 35 ft do not exceed 200 SF - The roof plan has been updated to reflect a maximum of 200 SF of roof appurtenances exceeding 35 ft. In addition, we have included approximate locations of the main mechanical equipment that will serve the retail spaces on the first floor and the hotel public spaces on the second floor. The individual guest rooms will have their own PTACs and will not be located on the roof.
- 2) Pet accommodations - A dedicated dog relief area with a dog run has been located on the west end of the property. Access shall be through a gate located on the garage level. Future considerations will be taken to minimize the extent of the proposed 6 ft to 8 ft wall that is intended at the moment to protect the property and ensure safety of guests in case of failure of the existing retaining wall.
- 3) Verify ADA parking requirements that may be specific to Oregon Specialty Code – There is nothing we could find in the OSSC that requires an ADA parking stall for each ADA guest room. We have provided on ADA parking stall per every 25 cars per [www. ADA.gov](http://www.ADA.gov).
- 4) Clarification of room sizes – room sizes have been added to the floor plans.
- 5) EV stations – EV stations have been added to the parking plan.
- 6) Staffing - at any given day we anticipate 6 to 12 staff on site during peak periods, but after 4pm, # of employees is reduced to 2 to 4. After 10pm, there's 1 employee, a night auditor who stays overnight. At Inn at Nye Beach, 30-40% of employees currently take public transportation and lives in Newport. We would assume the same % using public transportation at the Hotel Abbey, and during days when we are sold out, if needed we will shuttle employees as needed from all 3 of our hotels.

- 7) Alternate parking layout showing compliance with the 40% compact requirement – An alternative floor plan has been provided showing the impact of complying with the 40% compact requirement. The parking count reduces from 46 stalls to 43 stalls. The retail space gets notched to accommodate the standard stalls and is reduced by 55 SF. The drive aisle is not ideal as it must be offset to accommodate the change from compact stalls to standard stalls. Furthermore, our records from Inn at Nye Beach show that approximately 50% guests are couples. We would assume the same guest mix at the Hotel Abbey. In terms of vehicle types traveling to the hotel, although this is difficult to tell, a recent statewide survey on vehicle types would be a good indicator on what we can anticipate: <https://www.koin.com/news/suv-pickup-sedan-which-vehicle-type-is-the-most-popular-in-each-state/> In this study, SUVs made up 41% of all vehicles owned by Oregonians, the largest room demand source for our hotel. Given there are small SUVs that are compact mixed in with large ones, coupled with the anticipated party size that is 2.0 or less for 50% of our customers, we can safely assume no more than 50% of vehicles will be compact.

Lastly, a dedicated turnaround stall has been added to address the concern of having to reverse out of the parking area in case all the stalls are occupied.

- 8) Alternate parking layout showing one way loop – We have provided an alternate plan showing the impact of incorporating a one way loop. This is not ideal as the impacts are significant. The city engineering has informed us that they will not allow a secondary exit drive near the corner of the Bay Blvd and Bay St which will require us to loop back to the drive entrance. This reduces the parking count from 46 stalls to 29 stalls and the retail area reduces from 2,623 SF to 2,123 SF. The only benefit appears to be better parking circulation. As mentioned in item 7, a dedicated turnaround stall can be added to the previous parking layout options to address the concerns of having to reverse out of the parking area in case all the stalls are occupied.

February 9, 2023

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: Denny Han  
ARLA design  
2057 Hilldale Drive  
La Canada Flintridge, CA 91011

Project: 836-856 SW Bay Blvd.  
Newport, OR 97365

Re: Adjustment Request Letter

This letter is to describe the request for adjustments per application submittal requirements. The adjustment requests are as follows:

- 1) Request for a 40% reduction in the required yard buffer to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft 'adjacent yard buffer' per NMC 14.18.020 which is intended to provide visual screening between residential and commercial buildings on level sites. However, the current site sits approximately 12 ft lower than the residential site and is supported by a retaining wall which doesn't meet the physical conditions for which the code is intended. Hence, we are proposing to set the building back 4 ft along SW Bay Blvd (east side) to incorporate some landscaping and seating areas on the front side of the building. This will soften up the urban edge and create a more dynamic pedestrian/street experience.

In addition, we are proposing to build a 6 to 8 ft high wall along the 6 ft west yard buffer line to address concerns of potential future failure of the existing retaining wall that belongs to the condo owners to the west. Visual observation shows deterioration of wood lagging and parts of the wall, including steel piles, that are leaning towards the subject property. The proposed wall will serve as protection in the case of future failure of any portions of the existing wall and will be built according to the recommendations of a soils engineer and structural engineer.

- 2) Request for a 30% reduction in parking (17 stalls). Per zoning code, we are required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. We are currently providing 46 on-site parking stalls.



- 3) Request for a 13% adjustment in maximum compact stalls. The zoning code allows 40% of the parking to be compact stalls which is 18 stalls. We are requesting to allow for 6 more compact stalls.

If approved, the request for adjustments stated above will allow for a mixed-use project that incorporates ground floor commercial space that will increase retail business activity and enhance the pedestrian and street experience. The adjustments will mitigate any impacts to the extent practical such as adequate lighting and privacy to adjoining properties, adequate access, topography, site drainage, significant vegetation, and drainage. The adjustments will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.

February 9, 2023

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: Denny Han  
ARLA design  
2057 Hilldale Drive  
La Canada Flintridge, CA 91011

Project: 836-856 SW Bay Blvd.  
Newport, OR 97365

Re: Written findings of fact addressing the following criteria:

- 1) That the public facilities can adequately accommodate the proposed use.

The site currently consists of two separate building structures that are in poor condition. One building was used as a restaurant and the other building was used as an art gallery. There was also a third building used as a nightclub, restaurant, retail space and office building that was recently demolished. Due to the large occupancies of these uses there has historically been a considerable impact to the public facilities along Bay Blvd.

- 2) That the request complies with the requirements of the underlying zone or overlay zone.

The proposed boutique hotel building will enhance and serve as an anchor to the Southern portion of the Bayfront by replacing old existing buildings that are in disrepair and providing a new facility that will promote local retail businesses and increase tourism. Nearby is the site of the historic 'Hotel Abbey' which was built in 1911. The Hotel Abbey was known to be one of Newport's most prestigious hotels for honeymooners and visitors alike before it was burned down in 1964. This hotel building, which will be called "Hotel Abbey" will serve as a reflection of the rich history found in Newport and aligns with the spirit of the W-2 zoning provision that states, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."

- 3) That the proposed use does not have an adverse impact greater than the existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust or loss of air quality.)

The proposed building has no adverse impacts on the nearby properties. The use of the building will be consistent with the current retail businesses and restaurants that have historically occupied the site as well as the other nearby establishments along Bay Blvd. The appearance and design of the building will not only enhance the overall quality of the area but also encourage higher quality for future developments. There will be no unreasonable noise, dust or loss of air quality from the proposed building. The current buildings and uses represent an occupancy and parking demand of 49 spaces and the proposed hotel use represents a slightly lower parking demand of 48 spaces (see breakdown below). The new facility will provide 46 off-street parking spaces.

**Existing Buildings / Uses (Parking Credit – 49 spaces)**

Forinash Gallery (NMC General Retail - 1 space / 300sf) - 1,224sf = 4.1 Spaces

Shark Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 878sf = 5.9 Spaces

Shark's Restaurant Kitchen / Support (NMC Industrial - 1.5 spaces / 1,000sf) - 100sf = 0.2 space

Apollo's Level 1 Restaurant and Nightclub (9-CUP-03) (NMC Eating and Drinking Establishments - 1 space / 150sf) - 5,338sf = 35.6 Spaces

Apollo's Level 1 Kitchen / Support (4-CUP-07) (NMC Industrial - 1.5 spaces / 1,000sf) - 625sf = 0.9 space

Apollo's Level 1 Retail Gift Shop (4-CUP-06) (NMC General Retail - 1 space / 600sf) - 600sf = 1.0 Space

Apollo's Level 2 Offices (9-CUP-03) (NMC General Office - 1 Space / 600sf) - 400sf = 0.7 space

Apollo's Level 2 Storage (9-CUP-03) (NMC Warehouse - 1 Space / 2,000sf) - 1,293sf = 0.6 space

**Proposed Building / Uses (Parking Demand New Building - 29 Spaces)**

Industrial Food Production Level 1 (NMC Industrial - 1.5 spaces / 1,000sf) - 6,859sf = 10.3 spaces

General Retail Market Level 1 (NMC General Retail - 1 space / 600sf) - 3,000sf = 5 Spaces

Food Court / Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 2,000sf = 13.3 Spaces

- 4) If the application is for a proposed building or building modification, that is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

The proposed building will comply with allowable heights permitted outright per zoning code. The design shall not only be consistent with the overall character of the area but improve it through the level of detail and quality of materials used. The boutique design character will add to the unique character of the area that also includes very tall seafood processing buildings on the bay front. The hotel building has been designed to create variation both in the horizontal and vertical planes of the front façade facing Bay Blvd. In addition, the building has been set back 4 ft from the front property line to create pockets of landscaping and outdoor seating areas for a more pedestrian friendly and dynamic street experience. Commercial storefronts with low hanging trellis canopies on the front facade also help to create more human scale.

- 5) A written statement describing the nature of the request:

The proposed 3-story building shall be comprised of approximately 22,656 sf for the hotel portion of the project. The main hotel services will be on the second and third floors. General retail / food and drink establishment shall comprise approximately 2,623 sf of space on the first floor. 46 parking spaces will be provided on the first floor behind the retail storefronts. The roof deck shall be 2,075 sf.

# HOTEL ABBEY

MIXED-USE HOTEL & RETAIL


836 - 856 SW BAY BLVD  
NEWPORT, OREGON 97365

CITY OF NEWPORT

MAR 21 2023

RECEIVED

HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

PROJECT DIRECTORY	PARKING ANALYSIS	PROJECT DESCRIPTION	PROJECT INFORMATION	SHEET INDEX
<b>Owner</b> LC HOTEL LLC 1303 NW CORNWALL RD SUITE 100 PORTLAND OR 97201 TEL: 503 463 8400 CONTACT: JONHILLER	<b>PARKING REQUIRED</b> HOTEL 147 GUEST ROOMS = 31 48 GENERAL RETAIL (1 PER 350 SF) 6 OR FOOD & ESTABLISHMENT (1 PER 150 SF) 16 PARKING REDUCTION 5 TOTAL REQUIRED 51 OR 69 STALLS  <b>PARKING PROVIDED</b> HANDICAP - 2 STANDARD - 19 COMPACT (50%) 25 TOTAL PROVIDED - 46 STALLS	<b>SCOPE OF WORK INCLUDES</b> 1 DEMOLISH EXISTING 1-STORY BUILDING 2 CONSTRUCTION OF NEW 3-STORY BUILDING WITH 47 GUEST ROOMS & ROOF DECK (8,875 SF) 3 ADD LANDSCAPE PLANTING & SEATING ALONG BAY BLVD FRONTAGE  <b>PROPOSED BUILDING AREA</b> 1ST FLOOR PLAN HOTEL - 5,800 SF COMMERCIAL RETAIL - 2,825 SF PARKING GARAGE - 13,860 SF 2ND FLOOR PLAN - 12,767 SF 3RD FLOOR PLAN - 17,767 SF TOTAL - 41,362 SF	<b>ZONING</b> W 2 (C-2 OVERLAY) <b>LOT AREA</b> 48 ACRES <b>TOTAL GUEST ROOMS</b> 47	T-1 TITLE SHEET, PROJECT INFORMATION & SITE PLAN A-1 FIRST FLOOR PLAN A-1 FIRST FLOOR PLAN - SPREAD 'T' A-1 FIRST FLOOR PLAN - SPREAD 'T' A-1 SECOND FLOOR PLAN A-2 THIRD FLOOR PLAN A-4 ROOF PLAN A-4 BUILDING ELEVATIONS A-6 BUILDING SECTION  <b>VICINITY MAP</b> 

COVER SHEET

Date: FEBRUARY 9, 2023

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Approved:

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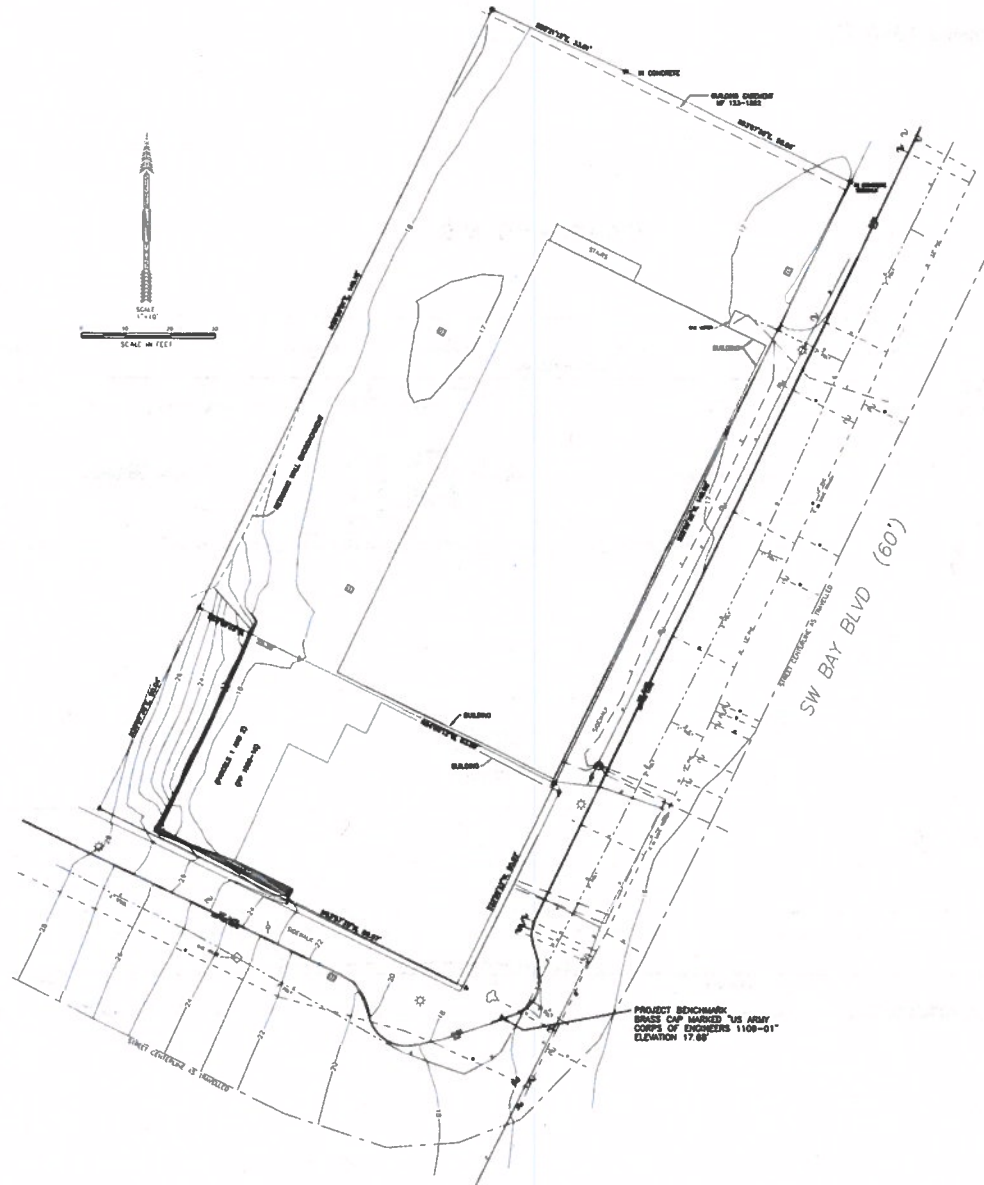
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By Name:

Title:





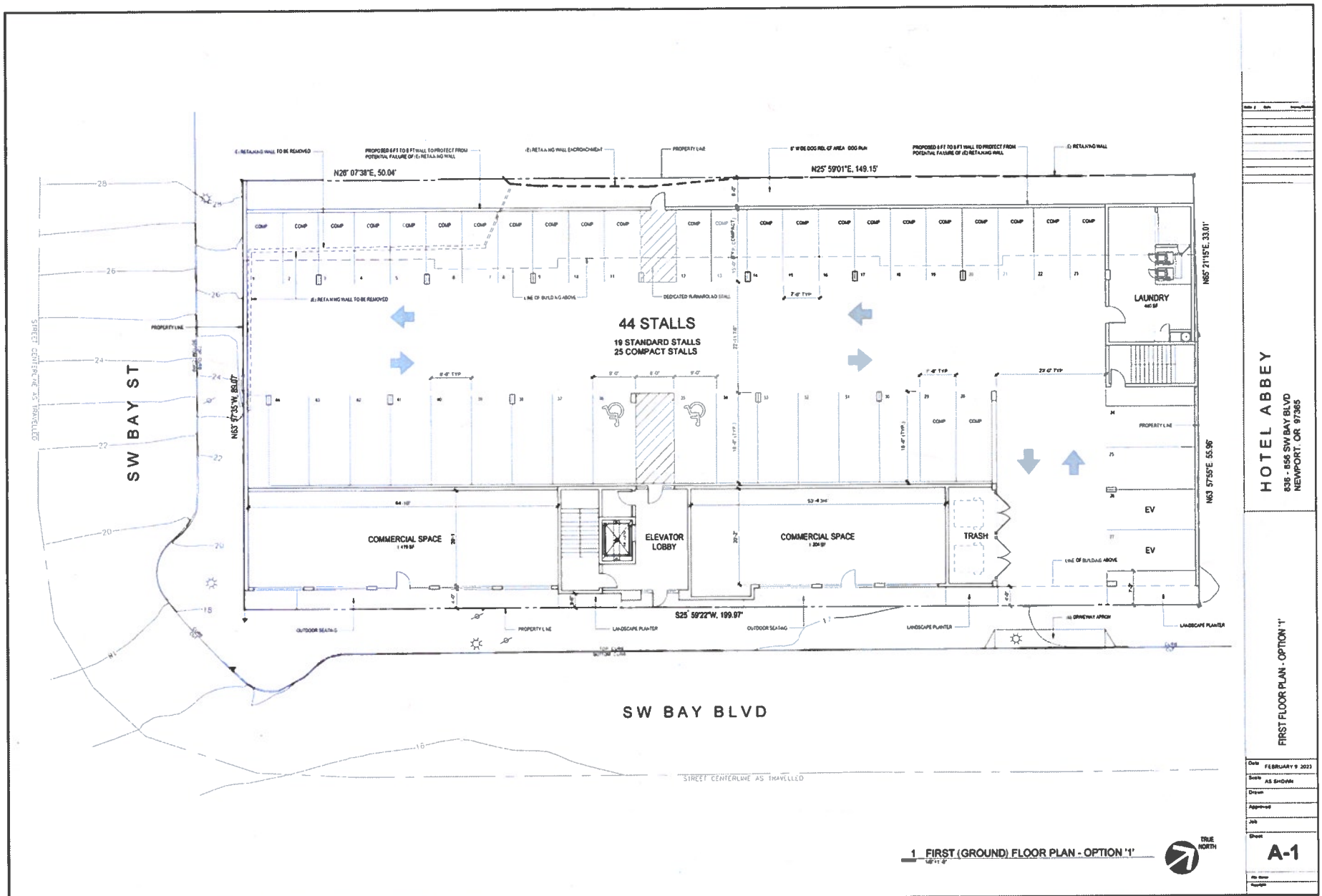
DATE	BY	REVISION

**HOTEL ABBEY**  
 836 - 455 SW BAY BLVD  
 NEWPORT, OR 97365

**SURVEY**

DATE	FEBRUARY 9 2023
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APPROVED	
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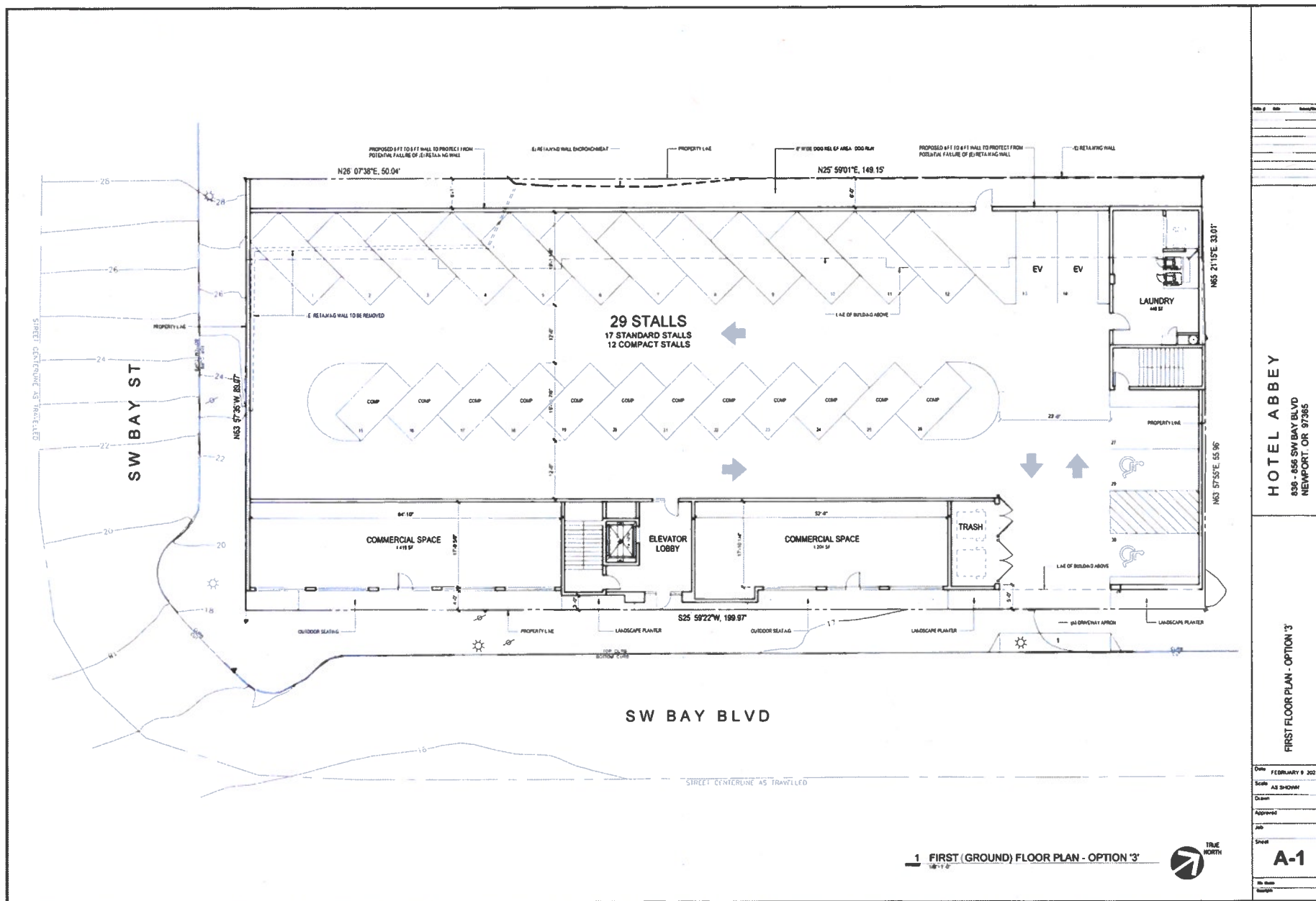
**HOTEL ABBEY**

836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

**FIRST FLOOR PLAN - OPTION '1'**

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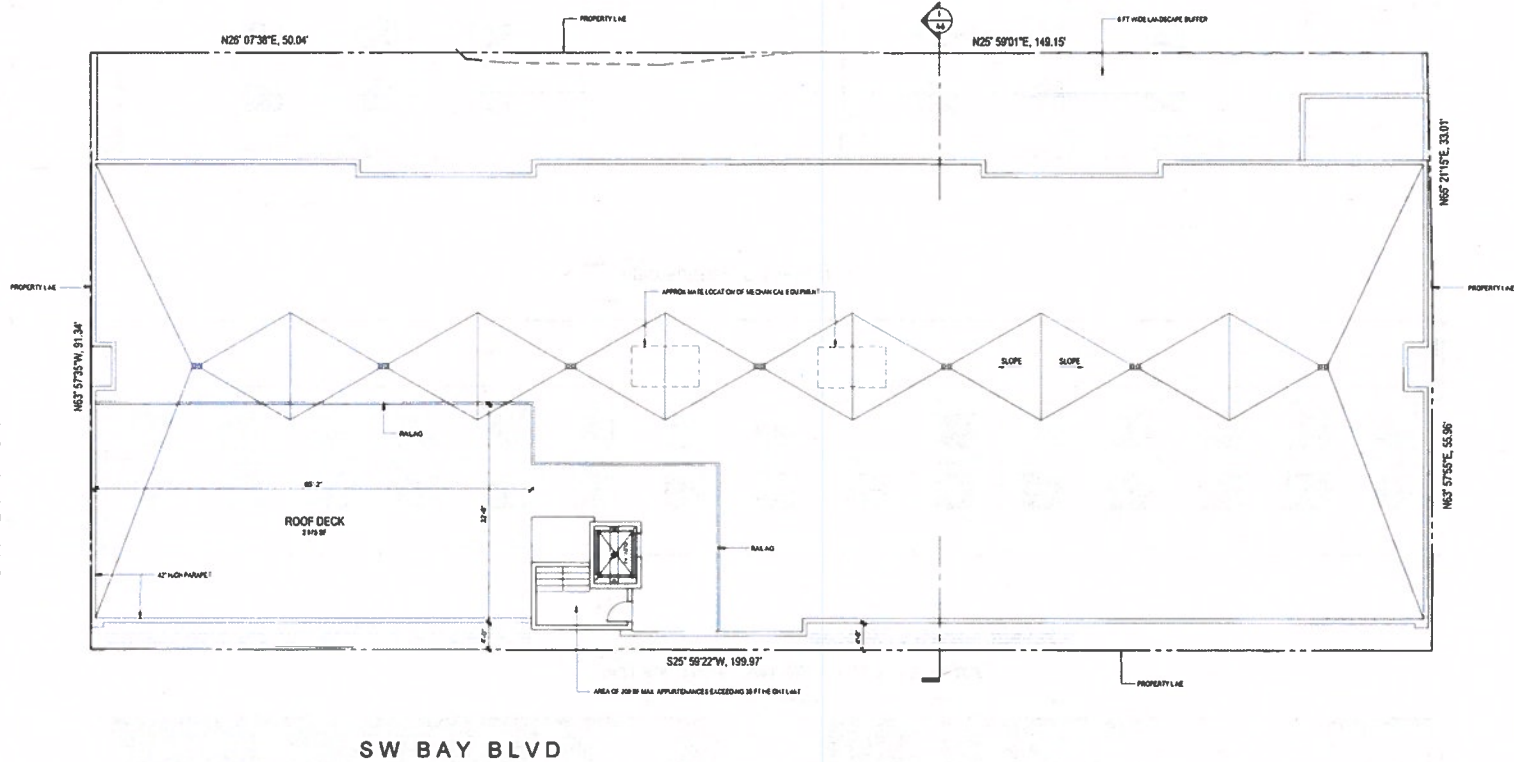








SW BAY ST



SW BAY BLVD

1 ROOF PLAN  
1/8" = 1'-0"



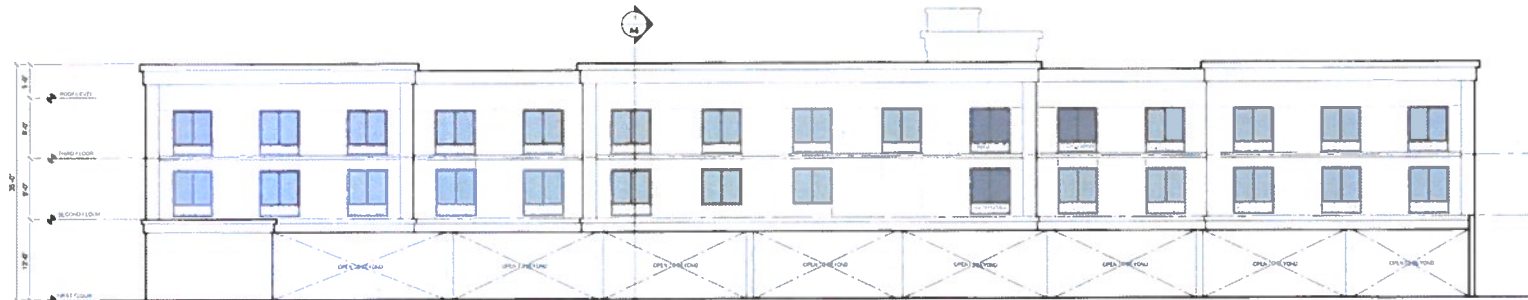
HOTEL ABBEY  
835-855 SW BAY BLVD  
NEWPORT, OR 97365

FOURTH FLOOR PLAN

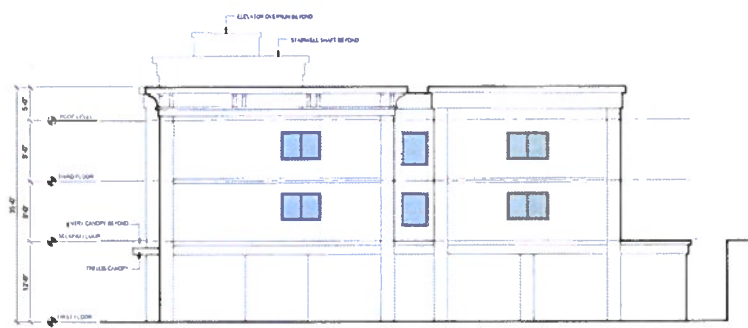
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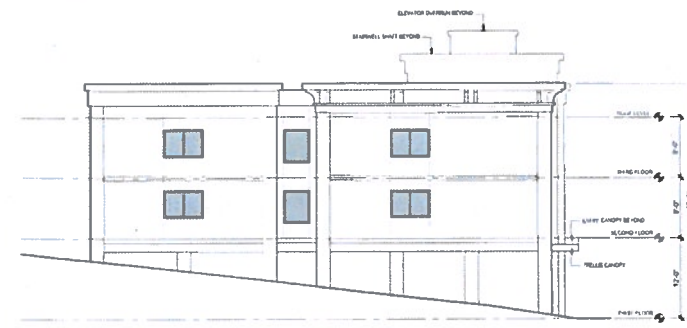
**EAST BUILDING ELEVATION (BAY BLVD. FRONTAGE)**  
302'7 1/2" W



**WEST BUILDING ELEVATION**  
302'7 1/2" W



**NORTH BUILDING ELEVATION**  
50'2" W

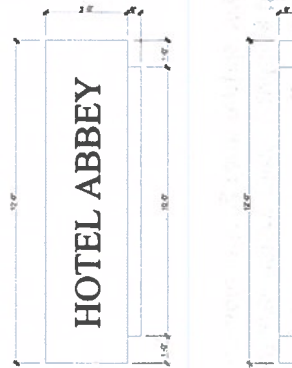


**SOUTH BUILDING ELEVATION (BAY ST. FRONTAGE)**  
302'7 1/2" W

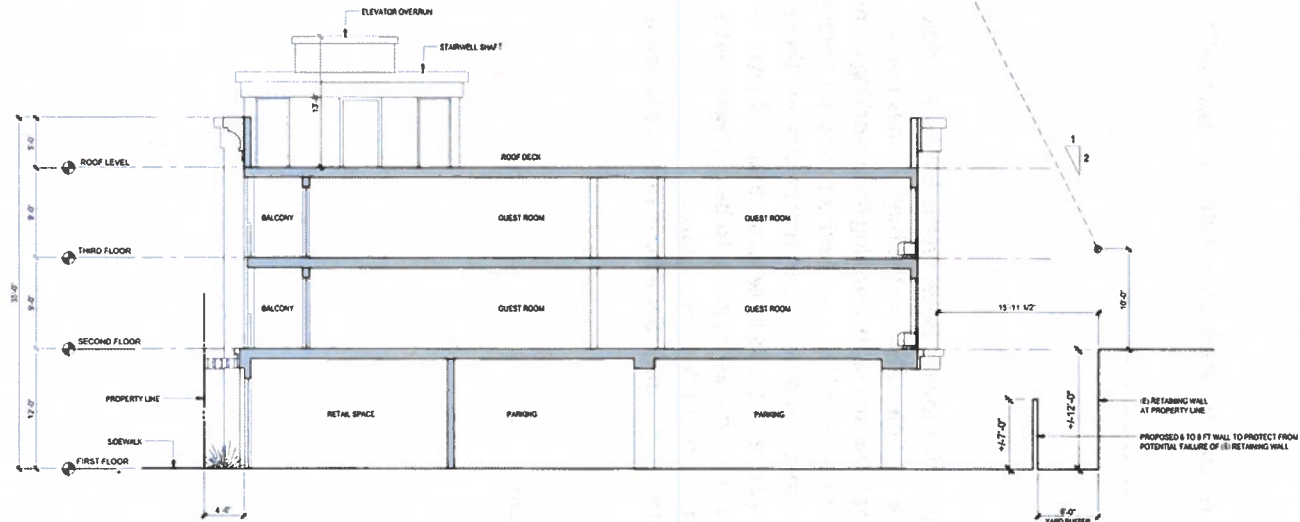
**HOTEL ABBEY**  
636 - 656 SW BAY BLVD  
NEWPORT, OR 97365

**BUILDING ELEVATIONS**

Date	FEBRUARY 8, 2023
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Revised	



2 SIGNAGE  
12'-0" x 1'-0"



BUILDING SECTION  
3'-0" x 1'-0"

HOTEL ABBEY  
836 - 655 SW BAY BLVD  
NEWPORT, OR 97365

BUILDING SECTION AND SIGNAGE

Date	FEBRUARY 9, 2023
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Sheet	A-6
By Name	
Equipment	

## **Derrick Tokos**

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**From:** Colleen Martin  
**Sent:** Monday, March 20, 2023 4:36 PM  
**To:** Derrick Tokos  
**Subject:** Hotel on Bayfront?

[WARNING] This message comes from an external organization. Be careful of embedded links.

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What is happening to this town? Hotel on the bayfront is ridiculous. It is so crowded right now you can hardly drive-through and it's winter time. Just like the huge homes that are being built in Nye beach how can any working family afford those let's get real and start planning for a working community right now we don't have enough employees for all the restaurants and hotels as it is, they have a hard time finding employees because there's no housing.

Mayor Sawyer said that that area where they're building those three-story homes right now we're going to be cottages that we're going to be rentable as long-term rentals. Mayor Sawyer said that that area where they're building those three-story homes right now we're going to be cottages that we're going to be rentable as long term rentals. We're turning into something that I don't recognize.

Definitely not for the community. Somebody must be in somebody's pocket.

Colleen Martin

Sent from my iPhone

## **Sherri Marineau**

---

**From:** Derrick Tokos  
**Sent:** Monday, March 20, 2023 1:09 PM  
**To:** Sherri Marineau  
**Subject:** FW: Mo's Support

---

**From:** John L  
**Sent:** Tuesday, March 14, 2023 1:03 PM  
**To:** Derrick Tokos  
**Subject:** Fwd: Mo's Support

**[WARNING]** This message comes from an external organization. Be careful of embedded links.

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FYI.....I know this is past 3pm yesterday's deadline but sending just in case....

----- Forwarded message -----

**From:** Stephen Davis  
**Date:** Mon, Mar 13, 2023 at 7:08 PM  
**Subject:** Fwd: Mo's Support  
**To:** John L

Best regards,

Stephen Davis  
Regional Director  
VIP Hospitality Group

----- Forwarded message -----

**From:** Dylan McEntee  
**Date:** Mon, Mar 13, 2023, 6:47 PM  
**Subject:** Re: Mo's Support  
**To:** Stephen Davis

Stephen,  
I apologize for the late response, but I have been traveling from Mexico today and just received your email. I think you have the right idea with that property. I have most certainly missed the deadline for comment, but I support your



concept and look forward to watching the progress. As you may know we also have a big project that we are undertaking next to Original MO's which may take several stages and a couple years to complete. My wife and I also currently own the adjacent undeveloped condominium property behind your property on 13th street. Let me know if you would want to meet or talk on the phone.

Thank you,  
Dylan McEntee

On Mar 13, 2023, at 1:07 PM, Stephen Davis

wrote:

Good afternoon Dylan,

I'm reaching out this afternoon to ask for the Mo's Restaurant's support. We are purchasing property on the Newport Bayfront (where Apollo's used to be) that we plan to develop into a new beautiful boutique hotel with ground floor retail space. We were just notified that there will be a hearing at City Hall this evening at 7pm to consider our proposal, and as long time members of the community with Inn at Nye Beach and Ocean House, we are hoping that you could send a letter of support to Derrick Tokos at the City of Newport for us (his email is [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov)). There is a 3pm deadline today to send these letters in to the City so I apologize for the short notice, we just found out ourselves! We feel that this development would be a wonderful addition to the amazing Historic Newport Bayfront that would truly benefit the community, especially along the Bayfront. We appreciate your consideration!

Best regards,

**Stephen Davis**  
**Regional Director**  
***VIP Hospitality Group***

--  
John Lee  
Managing Director  
***VIP Hospitality Group***

## Sherri Marineau

---

**From:** Derrick Tokos  
**Sent:** Monday, March 20, 2023 1:09 PM  
**To:** Sherri Marineau  
**Subject:** FW: Contact Us - Web Form

-----Original Message-----

**From:** freddy@advantagerealestate.com  
**Sent:** Monday, March 20, 2023 12:58 PM  
**To:** Derrick Tokos  
**Subject:** Contact Us - Web Form

[WARNING] This message comes from an external organization. Be careful of embedded links.

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City of Newport, OR :: Contact Us - Web Form

The following information was submitted on 3/20/2023 at 12:57:45 PM

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**To:** Derrick Tokos  
**Name:** Freddy Saxton

**Subject:** Testimony in support of Abbey Hotel Project

---

Message: A month or so ago, the Newport News-Times ran an article based on an interview with Mayor Dean Sawyer who relayed that Newport has "run out of room for visitors". In an economy so reliant on tourism, this was particularly concerning to me. We wouldn't have all of the wonderful restaurants and local amenities we enjoy if not for the fact that our out of town visitors frequent these establishments and contribute to their livelihood. If you want to see how amenities compare in a similarly sized city without the infusion of tourism dollars, look at Lebanon, for example. It has around the same number of permanent residents yet no tourism to speak of and a fraction of the amenities for its citizens to enjoy.

The Hotel Abbey project will not only help to beautify and revitalize our Bayfront but it will create local jobs and help to support our other local businesses. As it has been established, Bayfront congestion arising from the new hotel will be less than was the case when the 4 other businesses on the hotel site were operating, and there will be 46 more parking spaces than currently exist on the Bayfront.

The only real opposition to the project comes from residents of the condo complex behind the proposed hotel, who would rather the lot between them and the Bayfront remain vacant indefinitely. Obviously this is a self serving point of

view which is not remotely based on legitimate criteria in terms of whether or not the project will be beneficial for our town and local community.

I hope the Planning Commission will help to reinforce the concept that Newport is open for business and is supportive of new ventures like this one. We have greatly reduced the city's revenue stream by scaling back on the number of VRD licenses issued, and what better way to help mitigate those cuts by adding wonderful new lodging options like the proposed Abbey Hotel project.

I hope that the city will support and approve the recently submitted conditional use permit without further ado.

Sincerely,  
Freddy Saxton

## **Sherri Marineau**

---

**From:** Derrick Tokos  
**Sent:** Thursday, March 23, 2023 2:03 PM  
**To:** Sherri Marineau  
**Subject:** FW: File Number 1-CUP-23/1-ADJ-23

Please include with the PC agenda item.

---

**From:** Phyllis Johnson  
**Sent:** Thursday, March 23, 2023 12:38 PM  
**To:** Derrick Tokos  
**Cc:** Janine LaFranchise  
**Subject:** File Number 1-CUP-23/1-ADJ-23

**[WARNING]** This message comes from an external organization. Be careful of embedded links.

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Dear Mr. Tokos,

We are concerned Newport Citizens who are reaching out to you in order to draw some attention to the Proposed Hotel that Newport is planning on the Historic Bayfront. There are many reasons as to why we are not in favor of this project:

1. A modern hotel detracts from the Historical architecture and one of the most outstanding positive aspects that Tourism thrives upon.
2. There is insufficient parking. We locals already feel that there is enough traffic on the Bayfront as it is.
3. This will ruin the "quiet enjoyment" of the Local Residents, some who are located right behind the proposed Building site. Many are concerned that their views of Yaquina Bay will be completely destroyed by a multi-level Hotel Structure.
4. There are MANY of us who are not in favor of MORE hotel rooms because occupancy rates are already inconsistent.

"Don't it always seem to go that you don't know what you got 'til it's gone?"

Your planning department may be venturing toward paving paradise and putting up a parking lot!

Sincerely,

Phyllis and David Johnson  
Newport, Or

## Sherri Marineau

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**From:** Derrick Tokos  
**Sent:** Monday, March 20, 2023 8:03 PM  
**To:** Sherri Marineau  
**Subject:** Fwd: New Hotel proposal on the Newport Oregon Historic Bayfront

Sent from my iPhone

Begin forwarded message:

**From:** Rebecca Noble  
**Date:** March 20, 2023 at 5:49:24 PM PDT  
**To:** Derrick Tokos, Dean Sawyer  
**Subject:** New Hotel proposal on the Newport Oregon Historic Bayfront

**[WARNING]** This message comes from an external organization. Be careful of embedded links.

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You don't often get email from

**TO:** Derrick Tokos, Director of Community Development, City of Newport Oregon  
Dean Sawyer, Mayor, City of Newport Oregon

**re:** File No. 1-CUP-23/1-ADJ-23  
Hotel on the Bayfront

Dear Sirs:

I write in regards to the proposal of an out of town developer, to build an oversize hotel on Newport's Historic Bayfront. As a Bayfront resident, I'm concerned about the size and lack of parking to support such a large venture on the small lots. The traffic and parking situation is bad enough on this narrow road, without this oversized project lacking enough parking to support it.

I don't have a problem with mixed use retail and lodging, but the scale of this is too large for the space. The hotel portion needs scaled back to support the parking it needs for FULL size vehicles for EACH hotel room, along with enough parking for the retail portion. The front needs more setback for pedestrians. How about more of a historic look to blend with the area?

Thank you for your consideration.

Rebecca Noble,  
Resident, of the Newport Oregon Historic Bayfront



## **PUBLIC TESTIMONY FOR MARCH 27 PUBLIC NOTICE FILE NO.1-CUP-23.1-ADJ-23**

Date: March 24, 2023

From: Charlotte Boxer, Adjacent Property owner 818 SW Bay Blvd

I attended the March 13, 2023 Planning Commission Meeting and provided both written and oral public testimony. My opinion continues to be that the proposed project is too large for the site.

**Request: 40% adjustment to the adjacent yard buffer, reducing it to 6' to allow for construction of a 6-8' retaining wall.**

As noted by one of the Planning Commissioners, creating a 6'-8' retaining wall in front of the existing retaining wall would create an "alley" that would be subject to collection of garbage. It would create a wind tunnel and would allow flying garbage to collect in the created alleyway. The crows and seagulls regularly raid the garbage containers and carry off food that is thrown away. Creating this alley would allow rats, raccoons and other creatures to proliferate in that area. I know, I deal with raccoons all the time as they leave food droppings on the steps to the apartment. Who and how will someone clean out this area when trash accumulates behind the 6'-8' wall? This request should be denied on the premise that it creates a health and nuisance hazard. They should work with the condo owners on a resolution to the retaining wall. **The retaining wall extends past the condo owners' property and also includes part of the adjacent property to the north of the condo project, so two owners are impacted.** The owner of that property will also need to be involved.

**Request: 13% adjustment to the maximum percentage of allowable compact stalls.**

This would result in even more congestion on the street parking because so many people drive vehicles larger than a compact car. To allow 24 compact stalls will be difficult to manage and accommodate. Also, it was brought up that there are 4-ADA compliant rooms; is there a requirement for 4-ADA parking spaces? Assuming there are, the 46 parking spaces would be allocated with 4-ADA parking spaces, and 1-manager space, which leaves 39 spaces of which 24 would be compact (62% would be compact spaces).

While there is no provision in the zoning code for an existing adjoining building to be given adequate access to maintain their buildings, I want to again express that given my building was built in the 1970's and sits only an inch or two inside the property line, the developers proposal to build right up to the property line completely negates any way for me to maintain 33' of my existing building that will abut the proposed project. My building façade is cedar lap siding and the only option I will have is to let that side of the building façade rot because I will have no access to it. How will they maintain their building that abuts the property line and is

enclosed between our two buildings? What do they propose for the building façade? Is it going to be a concrete building? The conceptual drawings do not give any indication of the materials they intend to for the exterior façade.

We all are very aware that views are not protected, but there is a significant “livability” issue to the condominium units above the proposed project. They will lose most of their market value from the construction of the hotel. Who would possibly want to buy a unit that stares directly into the back side of the hotel/guest room windows, and looks down on the HVAC (significant noise and visual negatives) and into the elevator tower? All 6 of the condo owners should petition the Lincoln County Assessor for a substantial reduction in the market and assessed value of the building improvements related to their units and ask for a reduction in the associated taxable value. The “livability” issue is completely ignored by the proposed development. After the last meeting while standing by the front exit, one of the owners asked the developer John Lee “couldn’t you build a smaller hotel”? His reply was “we cannot because we are paying so much for the land”. The residential properties on SW 13<sup>th</sup> Street will be even more impacted by the traffic congestion, and parking obstructions, all of which are livability issues. This wasn’t as significant with the proposed grocery store as it was a 2-story building.

One of the Planning Commissioners also noted that when the water shortage becomes critical in the summer, it is the residents that are asked to cut back, the hotels keep using the water as if no shortage exists. Pre-pandemic, what was the overall occupancy of the all the hotels in Newport? Without any feasibility study, how does the developer know that this proposed hotel will meet their projected occupancy criteria? I continue to stress, this area of the bay front is extremely noisy, I lived in the apartment next door for 2 ½ years while my home was being built and couldn’t wait to move out so I could get a restful night of sleep.

The proposed project is simply too big for the site and that section of the bay front. Here’s an idea: maybe the City of Newport should consider a “land swap” and trade a portion of the site where the original Abby Hotel burned down in 1964 for this site. The site of the long-ago Abby Hotel is a now parking lot across from the Abby Pier building. The hillside is considerably higher, enough that no residential homes would be impacted by the 35’ height (43’ total height with the stair tower and elevator tower) and the retaining wall situation would not be an issue. Commensurate parking spaces could be transferred to the proposed site and the city could negotiate with the developers for the asphalt improvement cost. Yes, it would entail some legal negotiations, but the hotel would be in the same location as the original Abby hotel and would acknowledge that the livability of Newport residents matters.

City of Newport,

File No. 1-CUP-23 / 1-ADJ-23

I do not think the W-2 zone should be changed to allow a hotel in this area. Locals do not deserve to be put on water restrictions because a company wants to put in a business that adds to the problem instead of helping.

There is also a significant amount of compact parking and if anyone has walked or driven the bay front you will see a large majority of big SUV's & long bed pickup trucks. Compact spots will not be able accommodate these vehicles, pushing them to street parking. With the parking meter's coming, this will push them & bay front workers & tourists on to the closest residential street parking, impacting the residents negatively.

The traffic: The west end of the bay front is horrible now. Adding the extra 47 vehicles coming and going and coming and going how many times a day? As we know people don't stay in their hotel rooms the entire time. Once entering the parking lot of the hotel and finding no where to park are they going to have to back completely out and on to the street where there is so much traffic already. Trying to back out on to an extremely busy street where cars are trying to navigate around semi trucks, fork lifts and extra long vehicles parked along the road, causing the traffic to back up and become more unsafe.

Hotel on the bay front for the "bay view" when 1/2 the rooms are on the back side with a "wonderful" view of our condo's deck, living room & dining room directly behind. This is not what I would want to see out my hotel window. What happens when the next person buys the old Seadogs location and builds a 3 story building there. Then this hotel has zero view and this historic bay front becomes less and less desirable for locals and tourists.

Asking for a reduction in buffer space to build an additional retaining wall with a 6 foot "alley" for lack of another word. Is not a good idea with the fact this will be an area for who knows what? Trash, vagrants, drugs, rats, raccoons or who knows what? The existing retaining wall looks to be in good condition. The condos are not in a position to build a new retaining wall at this time.

I heard someone from the last meeting say that the only people who don't want this hotel are the people in our condos, because we were the only ones to show up in opposition last time. So many people have no idea this hotel plan has even been proposed. I have yet to hear from someone face to face that is excited about this idea. I've shared the info on Facebook and the only person who is excited about it is the realtor who represents the seller and will be making a huge profit at the expense of the historic bay front.

Pets: They mentioned wanting to be a pet friendly hotel. When people take out their pets to walk they will want to take to closest grass patch. Of course that happens to be right by our homes.

This hotel will adversely impact the market value and enjoyment of our homes. We will not be able to sell for a decent price as who wants to set on your deck looking into a bunch of hotel rooms and listening to the hotel HVAC unit running nonstop. This definitely impacts our livability and market value of our homes. This negatively impacts us directly.

I am very opposed to bring this type of business to the bay front. I understand things do change as time goes on but we have the opportunity to make sure the changes that happen have a positive impact on the future growth of our town. This hotel doesn't fit into the "Historic Bay Front". This hotel will not be a draw for locals or tourists (except the few that will stay there. In my opinion we need to encourage businesses that positively impact the tourism and locals the same.

Lynn Baker  
833 SW 13th Street  
Newport, OR 97365

## Sherri Marineau

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**From:** Derrick Tokos  
**Sent:** Monday, March 27, 2023 8:19 AM  
**To:** Sherri Marineau  
**Subject:** FW: File No. 1-CUP-23 / 1-ADJ-23

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**From:** Cristi Farrell  
**Sent:** Monday, March 27, 2023 6:46 AM  
**To:** Derrick Tokos <D.Tokos@NewportOregon.gov>  
**Subject:** File No. 1-CUP-23 / 1-ADJ-23

**[WARNING]** This message comes from an external organization. Be careful of embedded links.

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 I oppose this development.

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## Sherri Marineau

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**From:** Derrick Tokos  
**Sent:** Monday, March 27, 2023 8:24 AM  
**To:** Sherri Marineau  
**Subject:** FW: File No. 1-CUP-23/1-ADJ-23

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**From:** David Malone  
**Sent:** Saturday, March 25, 2023 5:05 PM  
**To:** Derrick Tokos  
**Subject:** File No. 1-CUP-23/1-ADJ-23

**[WARNING]** This message comes from an external organization. Be careful of embedded links.

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Mr. Tokos,

I am writing to express my support for the proposed Hotel Abbey construction project on Newport's Bayfront.

The proposed project is located at the West entrance of Newport's Bayfront and presents a very positive and professional first impression of this Newport community cornerstone. The size and scope of this hotel also fits the Newport Bayfront area instead of overpowering it as has been allowed in other historic bayfront areas along the West Coast such as San Francisco's Fisherman's Wharf/Union Square, the Monterey Bay area and so many smaller waterfront communities.

As you must know, there is a need for additional hotel visitor space here in Newport as detailed in the Newport News Times article published on January 27, 2023. Newport is indeed a "Prime" destination as stated in the article yet there has not been any new hotel construction for over a decade and short term rental housing is as well becoming limited. What was not mentioned in the News Times article is the number of local residents employed in the hotel/hospitality sector with starting wages well above Oregon's minimum wage nor the large amount of both primary visitor spending and the subsequent secondary re-spending of Newport's travel generated revenue.

After reading public testimony submitted about this project, I understand there are a few concerns regarding parking, noise, trash and nuisance creatures. Unlike many short term rental housing or storefront businesses, hotels of this size and quality employ trained professional management and 24 hour staff who are required to respond to such concerns quickly and efficiently.

The owner proposing this project also has a multi decade history of hotel leadership in Lincoln County, the properties he is associated with are highly rated by visitors and staff and many of his associates working and managing these properties are long term local residents who have worked their way up to their current positions under his leadership. This proposed project shows his understanding of the area and what is required of a successful community based hospitality business.

I thank the Newport community for the attention and thorough review of this project and I am asking the Newport Planning Commission to support and approve it.

David Malone  
Toledo, Oregon

## Sherri Marineau

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**From:** Derrick Tokos  
**Sent:** Monday, March 27, 2023 8:26 AM  
**To:** Sherri Marineau  
**Subject:** FW: Contact Us - Web Form

-----Original Message-----

Sent: Saturday, March 25, 2023 3:51 PM  
To: Derrick Tokos  
Subject: Contact Us - Web Form

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City of Newport, OR :: Contact Us - Web Form

The following information was submitted on 3/25/2023 at 3:51:25 PM

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To: Derrick Tokos  
Name: Margo Stark and Gerald Best

Subject: Hotel Abbey  
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Message: We are writing in support of the proposed Hotel Abbey.

When we first heard about this project, we had serious concerns regarding traffic and congestion. For some reason, we weren't notified of the hearing, like we were when the Basics Market notices went out.

However, after reading everything that has been submitted, and attending the March 13 Planning Committee meeting online, our concerns have been addressed. Parking directly on the bay front, and also on SW 13th street, is difficult, but let's not conflate that issue with parking for the proposed hotel. Overall bay front parking is being addressed by a separate project. In reviewing the parking analysis for the hotel, the hotel will provide enough parking for the guests. I assume staff will park elsewhere, like they do for most other businesses on the bay front.

We heard testimony that hotel guests won't like being near the fish processors. For some of us that live here, that's part of the charm. We can't imagine booking a hotel without investigating the area using Google Earth or a similar tool; we think some guests will enjoy the energy of the working bay front.

We also heard testimony that this looked like a big city, franchise hotel. The drawings don't support that idea.

Change is hard, and sometimes we react emotionally. Let's look at the facts, and embrace the idea of a fresh new building on the west end of the bay front. The hotel rooms will bring more traffic to retail establishments on the bay front, as well as the rest of the town.

Sincerely,  
Margo Stark  
Jerry Best

Newport OR 97365

## Sherri Marineau

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**From:** Derrick Tokos  
**Sent:** Monday, March 27, 2023 1:23 PM  
**To:** Sherri Marineau  
**Subject:** FW: Proposed Hotel

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**From:** Janine LaFranchise  
**Sent:** Monday, March 27, 2023 12:56 PM  
**To:** Derrick Tokos  
**Subject:** Proposed Hotel

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I believe that it is not possible to repair or maintain the existing retaining wall if the city allows the setback change for this hotel. It will require large equipment and a 6 foot setback would not allow room for that. It perhaps is illegal to allow the hotel to block access and should be carefully studied.

I feel also that this hotel is going to be a bad neighbor with an attitude that they don't need to put in sufficient parking or a pet relief area for their dog friendly customers.

Reviews on Google, of their Nye Beach location, are good mostly by clients except for several who say parking spots are to small...don't bring a large vehicle and there aren't enough of them.

Do we really want to crowd out our fishing industry with their semis trying to navigate that corner? The first thing that will happen is guests will complain about all the noise and activity at night from Bornsteins. They will have to provide ear plugs for guests at night. The reviews for the short term rental above Thai Port report to much noise.

I live in this neighborhood full time and it is very noisy at night. Hotels in an industrial area are a bad mix.

Janine LaFranchise

[Sent from Yahoo Mail on Android](#)



## Sherri Marineau

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**From:** Wendy Engler  
**Sent:** Monday, March 27, 2023 3:00 PM  
**To:** Sherri Marineau  
**Subject:** Public Comment for 3/27/23 - Case File No. I-CUP-23 / 1-ADJ-23

[WARNING] This message comes from an external organization. Be careful of embedded links.

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To: City of Newport Planning Commissioners

The proposed hotel has many positive aspects to it. If the Adjustments requested for parking and compact spaces are withdrawn, I would be in favor of granting the CUP. This would be accomplished by reducing the number of rooms in the hotel. As is, the building is too big for the site. The increased traffic and parking demand of the building as proposed will have have negatives impacts on neighboring properties.

For example, the Applicant's proposal would designate over half the spaces as compact, yet compact cars are only 8.2% of the market nationally last year. This means a significant number of larger vehicles will be using on-street spaces in a high-demand area that is currently transitioning to metered parking.

Our Bayfront with its fishing fleet and associated industries is a treasure. Yes, a hotel where guests can experience a working waterfront will be an attraction. But building a hotel that needs parking forgiveness and places many rooms in the back with no view is trying to squeeze too much on a small lot and will negatively impact the neighboring properties.

- Wendy Engler

March 20, 2023

Newport Community Development (Planning) Department  
City Hall  
169 SW Coast Highway  
Newport OR 97365

I hope you do not ruin our neighborhood by allowing The Hotel Abbey to be built in the Bay Front where requested, somewhere else would be much better for this kind of business.

- The lot is not big enough for the plan.
- This project pushes all the ordinance requirements, requesting adjustments. The building is 35 feet high but with a facade a little higher and stuff on top of the building: besides large hvac equipment, an elevator shaft for access to what sounds like another floor... tables? Open tables then will want to be enclosed... Big buildings are big cities, small communities have smaller buildings. There are enough big buildings on the harbor. A new one in this location would destroy the "Old Town" character.
- The water use is scary. It's been awhile but I have had my water turned off and was hoping that was all in the past. Having a 47 room hotel- if full, 94 people showering, their toilets and tubs cleaned, their linens washed- this takes water away from local restaurants and fish processors.
- We already have heavy traffic and noise in the area. This hotel is not the best use of this property/location. Please do not ruin the opportunity for the best use to happen, something to really improve the neighborhood, something people could enjoy at this end of the Bay Front, like the cheese/deli/market...

You are our Planning Commission. Please consider the neighborhood's future and do not approve this project.

Thank You,

  
Beverly Smith

Newport OR 97365

## **Sherri Marineau**

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**From:** Derrick Tokos  
**Sent:** Monday, March 27, 2023 5:31 PM  
**To:** Sherri Marineau  
**Subject:** FW: Contact Us - Web Form

-----Original Message-----

**From:** terry@agatebeachgolf.net  
**Sent:** Monday, March 27, 2023 5:26 PM  
**To:** Derrick Tokos  
**Subject:** Contact Us - Web Form

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City of Newport, OR :: Contact Us - Web Form

The following information was submitted on 3/27/2023 at 5:26:25 PM

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**To:** Derrick Tokos  
**Name:** Terry Martin  
**Email:** terry@agatebeachgolf.net

**Subject:** Hotel abbey

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**Message:** Looking over the proposed hotel on Newport bay front I believe will be a great asset to Newport. Understand concerns from adjoining property owners, but this is a good use of this property. Newport is fortunate to have a working bay front and this hotel will add to the commercial growth of our community

**VERBATIM MINUTES EXCERPT**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**March 27, 2023**

**Planning Commissioners Present:** Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.

**City Staff Present:** Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Branigan called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Regular Session Meeting Minutes of March 13, 2023.**

3. **Action Items.** None were heard.

4. **Public Comment.** None were heard.

5. **Public Hearings.**

[Verbatim Excerpt begins at: 1:53]

**Chair Branigan:** Action items?

**Derrick Tokos:** We don't have any action items.

**Chair Branigan:** No action items. Okay. Public Hearings? We do have some people on Zoom.

This public hearing is being conducted utilizing the Zoom Video Conference platform.

Before we get started, I would like to provide staff a moment to identify individuals that are participating virtually. I would also like to cover a few ground rules.

**Sherri Marineau:** Thank you Chair Branigan. Currently we have Denny Han. He is with ARLA Design and the representative for Agenda Item 5A.

**Chair Branigan:** Okay. Denny is the only one. Okay. Individuals wishing to speak may raise their hand proper or use the raised hand feature which can be found by clicking on the participants button on the bottom of a computer screen, the raise hand button the bottom of a smartphone, or by dialing 9 on a landline. I will call out the order of testimony in cases where multiple hands are raised. Please keep your microphone muted unless you are speaking. Press \*6 to mute and unmute a landline. For persons participating by video or phone the City can make the shared screen feature available for those that wish to make a presentation. Information shared with the Planning Commission in this matter is part of the record, and a copy of the materials will need to be provided to Staff. For those persons who have elected to

attend the hearing in person a computer has been set up so they can provide testimony using the video conference platform. Quasi-judicial and legislative land use public hearings – the public hearings to be heard is a – the first one is a continuation File Number 1-CUP-23 / 1-ADJ-23 Conditional Use Permit and Adjustment to Build a Three-Story 47-Room Hotel and a 2,626 square foot of Ground Floor Commercial on Bay Boulevard. We also have two others on the agenda tonight. File Number 1-NCU-23 Non-conforming Use Permit to Build a Nine-Foot-Diameter Forty-Foot-Tall Enclosed Flare at the NW Natural LNG Plant. The third one is File Number 1-SUB-23/1-VAR-23/2-GP-23 Fisherman's Wharf Tentative Subdivision Plan Variant and Geologic Permit. The statement applies to quasi-judicial and legislative land use hearings on the agenda. All testimony and evidence presented toward the request being heard must be directed toward the applicable criteria in the Newport Comprehensive Plan, Newport Municipal Code, or other land use regulations or standards which the speaker believes to apply to the decision. The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and the parties an opportunity to respond to the issue will preclude appeal to the Land Use Board of Appeals known as LUBA based on that issue. An issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record at or following this evidentiary hearing. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the dec – City decision makers and the parties an adequate opportunity to respond to each issue. The failure of the Applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court. Prior to the conclusion of a hearing any participant may request an opportunity to provide additional evidence, arguments, or testimony regarding the application. If such a request is made, then the hearing may be continued to a date certain, and the schedule set for submittal of additional testimony, the period for the parties to respond to the new testimony and a period whereby the applicant can provide final argument. At this time, I would ask Planning Commissioners to disclose any actual or potential conflicts of interest, bias, and ex-parte contacts, or site visits regarding our first agenda item.

**Commissioner Blom:** I went and looked at the site last Sunday; drove around.

**Commissioner Escobar:** I did a site drive by.

**Chair Branigan:** Anybody else?

**Commissioner Berman:** Site visit.

**Commissioner East:** Site visit.

**Chair Branigan:** What?

**Commissioner Updike:** Site visits this weekend for me as well.

**Commissioner Hanselman:** Me as well.

**Chair Branigan:** Okay. As well. As well. So, everybody has done a site visit. Okay. If anyone present has an objection to the participation of any Planning Commission Member, or the

Commission as a whole, please raise that objection now. Hearing none, the Planning Commission may at the request of a participant, or on its own accord, continue the hearing to a date certain to provide an opportunity for persons to present and rebut new evidence, arguments, or testimony related to the applicable criteria. The hearing will proceed in the following order: Staff report, the Applicant's testimony, persons in favor, persons opposed, Applicant's rebuttal. The record will then close for public testimony. The Planning Commission will deliberate, have questions, and make a verbal decision. A final order in findings will be prepared for consideration at the next meeting.

**A. File No. 1-CUP-23 / 1-ADJ-23 (Continuation): Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.**

**Chair Branigan:** Okay. So, the first one up is the continued Conditional Use Permit and Adjustment to Build a Three-Story Hotel. Staff Report.

**Derrick Tokos:** Thank you. Derrick Tokos, Community Development. I'm going to first just acknowledge comments that have come in since the last hearing. All but one of these comments were forwarded to you electronically. The last you received in hard copy because it came in shortly before the start of the hearing. You received some supplemental information from the Applicant, from Denny Han. We're touching on that part of a Staff Report. You also received a letter from Colleen Martin in opposition to the application, correspondence from Dylan McEntee in support of the application, correspondence from Freddy Saxton in support of the application, correspondence from Phyllis and David Johnson in opposition of the application, correspondence from Rebecca Noble in opposition to the application, correspondence from Charlotte Boxer in opposition to the application, correspondence from Lin Baker in opposition to the application, correspondence from Kristy Ferrell in opposition to the application, correspondence from David Malone in support of the application, correspondence from Margo Stark and Gerald Best in support of the application, correspondence from Janine LaFranchise in opposition to the application, correspondence from Wendy Engler in opposition to the application, correspondence from Beverly Smith in opposition to the application, and correspondence from Terry Martin in support of the application.

The information that Denny Han provided was there, you know, best effort to respond to some of the open questions that the Planning Commission had at the close of the last March 13th. The first has to do with verifying that the roof of pertinences do not exceed 200 square feet where they are above the 35-foot height limitation. You know, I would recommend that condition, if you choose to approve this application, the condition in the staff report be retained. It's something we would reverify at time of Building Permit Application. They did provide response with respect to pet accommodations, proposing to provide those basically in that area between the six-to-eight-foot wall, and the retaining wall. They verified that ADA, and this is in the Oregon structural specialty code, ADA requires – required spaces are triggered on the amount of off-street parking that you are providing, so it is one space per each 25 spaces you are providing. They did add room sizes to the floor plans. They did show how EV stations can be accommodated. They spoke a little bit about staffing, which I'll not dive into, but you are welcome to ask, Mr. Han is online. And then they provided three



separate parking layouts, Options 1, 2, and 3 as they are included in your plan. I'm going to go ahead and bring those up briefly. Okay, so this is – this is Option 1 at 44 stalls off street. Significant change here was adding vehicle turn-around space here, so vehicles come in, they can't find a space, they back up not the entire distance, but a portion of it back to turn around. As you can see the commercial layout is the same, and so this particular approach does rely upon the request for adjustment to the 40 percent limit on compact spaces in terms of your total number of off-street spaces. The second here actually adds in enough compliant spaces so they would not exceed the 40 percent compact. What you can see is they ended up notching down their commercial space here. They did not adjust the square footage figures, so that's probably a little bit lower than what's depicted there in terms of its square footage. You do have a slight offset here. I don't think it's material. Vehicles are coming into this covered parking area at a very slow speed and, you know, that accommodates that turn movement anyway with that little bit of adjustment there, so that's option 2. So, this would – if this option is approved there is no need for them to have an adjustment to the compact provision. We still have the adjustment to the 10-foot screening buffer which we will talk a little bit about, but that particular one would go away, and you would still have the adjustment to parking in terms of the total number of spaces. We will talk briefly about that. Lastly, they did show a loop arrangement here, a one-way loop arrangement. This dramatically reduces the amount of parking spaces down to about I think it is 30 stalls and, you know, one of the things that Mr. Han noted – and this is correct. We verified this with him. We talked to our engineering staff about that. They are not going to authorize the second approach on the southwest Bay Boulevard. It's too close to the intersection with Bay Street and the amount of traffic, both vehicle and pedestrian. That's just another turn movement conflict, and they didn't feel that that's a safe thing to do. So those are the three options.

From our perspective you could support the approval of Option 1 or 2. Either one would be consistent with the findings that we put together previously. Again, I think it is important to note that had the Apollos building not been demo'd, the parking credit that they would be entitled to they would meet, and they would not need to seek an adjustment to the parking standards. The only reason they need to seek that is because that building was removed, and those uses have ceased, so they no longer exist on that property. And we had an extended discussion at the last hearing about what the objectives of the Bayfront parking are, and they are not to require that all of your off-street parking demand is met, or all of your parking demand is met off-street. Some portion of your parking demand is expected to be addressed in the on-street area, and we have ample – significant amount of public parking to meet that need for a variety of different users down there, and we had discussed there are a number of other uses that provide no off-street parking, and they rely entirely on the on-street supply, so you have that mix and dynamic on the Bayfront, and I think a reasonable way to approach this is really comparing it to previous use of the property, and is this going to exacerbate parking conditions relative to what that last development was, and if you look at it in that way, it doesn't. You know, the previous use had a demand of 49 spaces, generously they provided 20 off-street spaces, and 29 were basically, you know, in the on-street arena. I mean that's addressing 40 percent of your parking demand off-street, 60 percent loading it into the public space. This particular request is the opposite. You are looking at between those options 44 – 43 off-street spaces, which then throws in – based on the anticipated parking demand of this project they would be relying on 19 or 20 on-street spaces, so you've got 70

percent of demand being met off-street, about 30 percent on-street. With respect to the adjustment, I think this certainly is a positive with respect to the amount of additional landscaping and sidewalk space for seating and things of that nature that you can get along Bay Boulevard, which is where it's going to be of more benefit than tucked in the back. We had an extended discussion at the last hearing how that 10-foot separated yard buffer landscaping doesn't really exist on the Bayfront. There is no real example of that because the slope and the terrain provide that kind of relief that vegetation would otherwise provide. I think the biggest issue really had to do with that six-to-eight-foot wall which they would like. You have received testimony from everybody including the applicant that the six-to-eight-foot-tall wall is not ideal. The challenge they are presented with is you have an old retaining wall that is not their responsibility. It's responsibility of the adjacent Condominium Association. It's showing signs of wear. Their concern is if it fails the extent of damage it would incur on their property, and that's why they are asking for the six-to-eight-foot-tall wall. The condition we had drafted up as part of a staff report would authorize that, or an alternative where they work with the Condo Association to come up with a solution that reinforces the existing wall and doesn't create that narrow corridor between two walls. I think that's a regional approach – a reasonable approach on that. I think it certainly would be defensible for the Commission to say we don't want to see a six-to-eight-foot wall in that configuration, but I don't believe it would be reasonable for the Commission, if you were inclined, to try to require that there be some form of cooperation between the parties. I think it is something you can encourage, but it's not something that really falls within the scope of the Conditional Use Review. I think that's about the extent of what I had in terms of my supplemental Staff report on this. Do you have any questions?

**Chair Branigan:** Hearing none we have – we'll get Mr. Han back on.

**Commissioner Escobar:** Question there. In the original packet we received two weeks ago there was a letter from the Applicant Mr. Lee, and it was dated and received by the City on March 2, and outlined the adjustment request. Has that scope of the adjustment been minimized, expanded, or remaining the same? I have a letter here.

**Derrick Tokos:** Remember there are three adjustments. So, with respect to the adjustment to the 10-foot separated yard buffer it's the same. There's really no difference between the sets of plans. With respect to the 40 percent threshold for compact versus standard for off-street parking, they've provided you an option that would negate the need for that adjustment. That's Option 2 in the plan. Option 1 was actually slightly more in terms of its request because they put in this additional patched area, and as you can see, you're looking at 44 stalls, not 46-47 stalls, so it's a slight increase in the request on the adjustment for the percentage ratio compact to standard, and that's Option 1. And then with respect to your parking and the amount of an adjustment that they are asking for, again it's very similar to the compact situation because they have added in a couple of elements here, it's nominally more in terms of its request, you know, 43 or 44 stalls as opposed to 46 47 but it's well above, as I pointed out in my staff analysis what was, you know, provided basically what was the demand from the previous development.

**Chair Branigan:** Braulio, Braulio turn your microphone a little so we can – thank you. Any other questions of Derrick? Okay Mr. Han. Applicant's testimony. We would like to add.

**Applicant:**

**Denny Han:** Yes. Thank you very much. We've really considered all of the Planning Commissioner's concerns, and tried to address them in the options that Derrick has just mentioned. Not going to go over any of that. I think it speaks for itself. I just wanted to add one more comment. It's based on Line Item 7. You know, we tried to put more thought to this idea of compact versus standard, and kind of do our own research that we feel, you know, have pieces flow, what the ratios that we're originally requesting, and just based on some studies that we were able to gather, and based on the Nye Beach Hotel at VIP - International - Hospitality - I'm sorry. Already owns and operates. They basically according to their records have identified 50 guests - 50 percent of the guests are couples, and that the mix of the guests that they are anticipating at Hotel Abbey are very likely the same guest type. And then, in addition to that, based on a study that was surveyed for Oregon, there appears to be studies that show that SUVs make up 41 percent of all vehicles owned by Oregonians, so the large room demand spaces will be safe for the hotel is the anticipation as well. And obviously given that SUVs are, you know, made from smaller types to larger types, that the compact mix with the larger ones. We feel confident that that will work with the hotel, and as mentioned earlier we look at measures to have communication with the guests. That is something they already do, and they also will continue to have that type of communication with guests before they do arrive. I think it was mentioned also previously in the public hearing the concern about the back area. Again, I have spoken to John Lee, and his desire to work with the adjacent condo owners to come up with a solution that everyone's going to be happy with. We do plan to have cameras that will monitor that back area, so that's going to be part of the security that is already available at all of their hotel establishments, so we don't really see that that's going to be any concern whatsoever. And I think that's it for me. Thank you very much.

**Chair Branigan:** Does anyone have any questions for Mr. Han? Bob.

**Commissioner Berman:** Yeah, a couple of things. You just mentioned that 50 percent of - historically 50 percent are couples. Are you saying that the other 50 percent are singles, or are larger groups, or some combination?

**Denny Han:** Yeah, I believe it's a combination of singles, and families, but 50 percent are couples who are typically a man and a woman. That is what I'm told.

**Commissioner Berman:** Okay, and it's true that you now plan to use that area between your new wall and your old wall as the pet area?

**Denny Han:** Yes. That is our desired option. I think some of the things that will be considered is - as more conversations are had, would be condo ownership. If we are to say repair or build a new retaining wall right up against the existing retaining wall, then we will consider a different option for the fencing of that dog relief area so that it's going to be more inviting. Maybe a fence that is more visible, and obviously we can create a much more visually, aesthetically pleasing. So, that's what we're hoping to do.

**Commissioner Berman:** And that area would be then lighted, and there would be trash cans and dog bags available?

**Denny Han:** Yes, yes. Everything that would come with pet accommodations. Yes.

**Commissioner Urdike:** So regarding the HVAC units, so you had a revised rooftop plan I saw. It looked like two units that provide to a common area. Explain to us what those would look like. How far would they project? Because I didn't really see like an elevation drawing, I just saw like a top-down look at where they would be. So, help us envision what that looks like, and how that is intended to be screened, or baffled too because of noise.

**Denny Han:** Yeah. Those equipments, because they will probably be split, one for the hotel and one for the commercial spaces, they will probably be two smaller units, and that will reduce the size. We don't have any concern about the visual because they are not going to be that tall. So, with the current height of 5 feet it will be a sloping roof, and then a portion of the roof's deck obviously will be flat, but the area that's not the roof's deck will be sloped. So, those units are positioned in the center of the hotel where the corridors would be, and that those are ideal locations so that it can go down through shafts and what not. So those are also the lowest points of the roof, and so we feel that the majority of it, most likely all of it, will be covered just by the parapet wall itself. If there are concerns with noise, you know, we can put an extra measure of – some sort of a wall panel or sound baffling. In the day they really don't do all that much because the tops are open, but we can do studies if that is a concern.

**Chair Branigan:** I have a question. Are we – are you still planning on allowing guests to visit the roof?

**Denny Han:** Yeah. That hasn't changed. We are still looking at the area that we have previously shown. It's also shown on the new package. That is our desire to have a rooftop deck. Yes.

**Chair Branigan:** So, with a rooftop deck you obviously have to put up some kind of fencing to keep people from falling off as they wander about.

**Denny Han:** Yeah. Right now, I'm showing railing. That would limit that railing could be a fence. Often, we have used planters as well, rooftop planters that offer more pleasant visual screening than rooftop appliances or elements. So, it will likely be a combination of both. We want to make it very aesthetically pleasing for everyone, not just our guests, but just for the neighbors around that can possibly even see the roof.

**Chair Branigan:** And that meets all of the safety standards that the state or federal government has?

**Denny Han:** Yes. Yes. I believe the – even the parapets. We're not going to allow people to go right up to the edge of the building. Often there is a planter at the edges. So, that will meet all the building fire and life safety codes and guidelines.

**Chair Branigan:** Is there some way you are going to limit the number of people that go up there so that we don't have a big giant party going on?

**Denny Han:** Yeah. You know, we will look at measures of monitoring the amount of guests that could go up there. You know, like any other building there is an occupant load, and so we will look at what that occupant load is and make sure that it's treated the same as any other room in the hotel.

**Chair Branigan:** Okay. Thank you. Any other questions? No other questions. Okay, at this point in time do we have any people that are in favor that would like to testify? Come on up. If you

could sit down. Yes, down. And give us your name and address, and because there are so many of you and we've got a very full calendar we're going to limit you to four minutes.

**Proponents:**

**Diana Steinman:** So, my name is Diana Steinman, and I actually represent VIP Hospitality Group. I'm the Senior Director of Operations for the Oregon coast. Address 4920 NW Woody Way. So, yes. I am in support of this project. I just wasn't sure. I didn't speak up earlier when you said there was only one representative. I didn't want to interrupt you, so I don't know if there is any other questions I can answer regarding operations, or guests. I noticed that you guys had some questions about guests, guest service, employees. But I have worked for VIP Hospitality Group for almost seven years, and I just wanted to express that, you know, our goal is always to be a positive community member, and I have witnessed that at all of our other properties at the Oregon coast, how we work with the community, community involvement, and then also the work that we do to support our employees. All of our employees are local. We like to purchase products locally. So, yeah.

**Chair Branigan:** Go ahead.

**Diana Steinman:** Yeah, I just wanted to offer up if you had any specific questions about operations. I actually oversee our two properties here in Newport, Ocean House and The Inn at Nye Beach.

**Commissioner Berman:** Yeah. I – There was some discussion about staffing at the last hearing. Tell us about the staffing. The hours, the numbers of the people, and in the middle of the summer on a weekend where do they park.

**Diana Steinman:** So, it's a 24-hour operation. I think the good news with that is you know, as Danny – Denny mentioned 24-hour employees to be able to address any issues that come up. Security is obviously something that's very important to us, the safety and security of our employees and our guests. So, I would say, of course this is just guessing, that during the busy season we would probably see seven to ten employees working. Currently at the Inn at Nye Beach 20-30 percent of our employees take public transportation to work, and so, I don't know if that answers your question.

**Commissioner Berman:** Well, it –

**Diana Steinman:** 20-30 percent we would imagine would also take public transportation.

**Commissioner Berman:** Okay. So specifically with respect to this property –

**Diana Steinman:** Correct.

**Commissioner Berman:** What are you – after the meters go in what are you going to tell people? Where are you going to tell them to park?

**Diana Steinman:** After the what goes in?

**Commissioner Berman:** Meters

**Diana Steinman:** Oh, the meters. So, in the off-season then, the employees would park in the lot as they do at our other properties. When we're full capacity the majority of the – or not the majority but 20-30 percent either carpool or take public transportation. We have talked about

other ideas. Having a shuttle service to drop them off in the busy season from one hotel to the other since we do have a couple of other properties here.

**Commissioner Berman:** Okay. Thank you.

**Diana Steinman:** My pleasure.

**Commissioner East:** What is your average occupancy rate during peak season?

**Diana Steinman:** Well, I mean I know our average annual occupancy rate. On the weekends over 90 percent typically. Sunday through Thursday, you know, it just depends on – July, August, September closer to 80-100 percent.

**Commissioner East:** Thank you.

**Diana Steinman:** Of course.

**Chair Branigan:** Okay. Thank you very much.

**Diana Steinman:** My pleasure.

**Commissioner Berman:** Before you, before you step back would you repeat your address for me?

**Diana Steinman:** Yes. 4920 NW Woody Way.

**Commissioner Berman:** Alright, thank you. I live at the – off Wade Way.

**Diana Steinman:** Oh.

**Commissioner Berman:** But there are two Wade Ways.

**Diana Steinman:** Woody Way?

**Commissioner Berman:** I was spelling it or heard it as W-A-D-E.

**Diana Steinman:** W-O-O-D-Y

**Commissioner Berman:** Ah, Woody. Okay.

**Diana Steinman:** Woody Way.

**Commissioner Berman:** Oh, so you're up by Ocean?

**Diana Steinman:** Yes.

**Commissioner Berman:** Ocean House.

**Diana Steinman:** Yep, I live on site.

**Commissioner Berman:** On site.

**Diana Steinman:** Yes, sir.

**Commissioner Berman:** Okay. Alright. Thank you.

**Diana Steinman:** My pleasure.

**Opponents:**



**Chair Branigan:** Okay. Thank you – thank you again. Okay now we have testimony from people who are opposed, and first person I would like to have come up is Darla Sweeter, if you would like to come up and say something. And you live –

**Darla Sweeter:** I'm representing my parents who are condo owners at 833 SW 13<sup>th</sup> Street Bayview Condos. I was just kind of wanting to ask just a few questions as well as a few comments on what we've heard. I want to thank you for your concern of the rooftop deck for one thing. Our concern at the condo was that as well, large crowds up there, added noise. Our loss of course, as you all know, is our view, but our loss is not so much what's being taken away, but what is being added as our view. The 22 rooms of people who will be having our homes as their view hopefully they will – the publicized rooms description will be 22 rooms plus the dining room and the fitness room and the board room will have a neighbor view as opposed to city view. It will be us. So, we share our concerns and with the added of the rooftop another part of our privacy, part of our livelihood will be taken away as well. I have – was concerned about the parking. I got on the website of the Inn at Nye Beach, which is a beautiful building with a beautiful ocean view, beautiful pool that overlooks the ocean as well as other rooms in the hotel, and it's not really comparable to the location that is being asked to be at – on Bay Street. It's hard for me to realize how you can make comparisons of that setting to the setting that they are being asked to build in now. And – I'm sorry. So as far as the parking there were comments, negative comments, on – at The Inn at Nye Beach about the parking, that the parking spots were too close and it made it very hard to get in and out of their vehicles in the parking, and that was definitely a negative for their stay. Everything else they loved, which I understand. It's a beautiful location, a beautiful spot, just not compared to where we are talking about building this. As far as couples, just because you are a couple doesn't mean you have a large vehicle. Several, just, couples have large vehicles, so we can't go by that as saying well, they're not going to have a large vehicle because there is only two people there. I also noticed at The Inn at Nye Beach as far as staffing goes they did have a sign out front saying they were looking for staffing as well there, so they are having issues to staff their own building, let alone build another one that will need staffing as well. And then one more thing as far as an emergency plan. In the area that it's at is a tsunami zone. We're in the tsunami zone. We're a little higher. We'll get out faster. But what – is there a plan, an emergency plan for a tsunami zone for that amount of people in that bottlenecked area where really there is only one way up the hill. It is too far to go down the rest of the way to be able to get out safely is there – if there is a tsunami or some other kind of emergency. So, I'm just not sure what the codes and the zones are for that, but curious to see what a plan would be if something like that did happen to get all of those guests up the one-way hill which is already a bottlenecked corner and area. And I believe –

**Chair Branigan:** Okay. Thank you.

**Darla Sweeter:** I had commented right now. Thank you.

**Chair Branigan:** Okay. Thank you. Somebody else – would somebody else like to come up?  
Any other – yes.

**Charlotte Boxer:** I'm sorry I didn't get the form filled out but –

**Chair Branigan:** That's okay.

**Charlotte Boxer:** My name is Charlotte Boxer, and I live at 1150 SW Park Street, and I'm not so much opposed to the hotel as I am to the size of the hotel, and the fact that it takes up the whole entire site. And I do have to comment that I own the adjacent building, and that building was built in the 70s. It was the old Wood Gallery building, and it's an L shaped like this, and 33 feet of it is built right an inch into the – away from the property line. So, my question is to the developer, what do I do to maintain my building? That 33 feet, it's a cedar lap siding, and they are going to build right up to the property line, so do I just let my building rot from now on because I can't get to it to repair it? And my question to the developer is what is the façade of the building proposed to be? You can't tell from the – is that cement block? Is it cedar shingle? Is it lap siding? What is the proposed siding? Because you won't be able to get to that side of your building either. And it just feels to me that because the developers are paying a lot for the site that they have to maximize the number of rooms, the size of the building, the footprint of the building, that it – that corner is so congested. And as I mentioned at the last testimony, I lived in that apartment for two and a half years after I moved to Newport. It's extremely noisy. Extremely noisy with the refrigerated trucks across the street, with the traffic, and we are blessed to have the fishing industry here, and they already have a difficult time maneuvering their big trucks to get in and out with the traffic. And so, it's – I want to see something to anchor that side. It's been a homeless camp. It's been a blight of the west end. But just because you can doesn't mean you should when it comes to size, and what you're building, and I think the lady that gave the previous testimony did a very good job of saying that this site is not the site of The Inn at the Nye Beach Hotel. They have firepits, and a pool, and a beautiful ocean view, and someday when somebody buys the old Sea Dog property they are going to build up and this site won't have a view either. And I'm struggling to identify what the profile of the guest is that wants the – of the back rooms that wants to look out into a retaining wall, or into the decks, or the living areas of the adjacent condominium building. I don't know what the profile of that guest is, and I assume they have done their due diligence to see that there is, but I don't know who it would be, and that's all I have to say.

**Chair Branigan:** Bob? Charlotte.

**Commissioner Berman:** I noticed on the site visit that that retaining wall that's old and deteriorating also goes behind your building.

**Charlotte Boxer:** It does. So, you're dealing with two different owners. Condominium building doesn't own the whole retaining wall. The vacant site that's above my building is where they put in those foundations for the town homes. And it sounds like I could be wrong, but from reading the packet today that somebody that – one of the Mo's family bought that side because they said that they owned it, and yes, it goes behind my building too. And I've – I had to remove the whole inner wall of my building last year because of mold, and I had to have it all redone, and taken care of, and new drywall put on. I mean, I've put a large share of my life savings into that building and now, you know, I am worried about how I'm gonna maintain that part of the building that abuts the property line.

**Chair Branigan:** Thank you.

**Commissioner Escobar:** Ms. Boxer, could I ask you a question?

**Charlotte Boxer:** Sure.

**Commissioner Escobar:** If I recall correctly the old Wood Gallery building, that's what you own now?

**Charlotte Boxer:** Yes.

**Commissioner Escobar:** And if I recall on the west end, it was parking. Is the proposed hotel going to take out that parking space?

**Charlotte Boxer:** Well, I'd – I'll be left with the two small spaces on my property is all.

**Commissioner Escobar:** Okay.

**Charlotte Boxer:** And I knew at some point I would lose that parking. I'm not complaining about that or anything. I'm more worried about maintaining my building, the size of the footprint of that building, the additional congestion from the cars going in and out and in and out, and it's – it's in my opinion just too big of a project for the footprint of the site.

**Commissioner Escobar:** Thank you.

**Chair Branigan.** Okay. Thank you, Ms. Boxer. Other opponents?

**Wendy Engler:** I'm not opposed or –

**Chair Branigan:** Well come on up. This is a learning --

**Commissioner Berman:** Come on down.

**Wendy Engler:** Give me what I want, and then I'll be –

**Commissioner Berman:** Yeah, not another. You're Wendy, not another.

**Wendy Engler:** Yeah. Okay. Greetings Planning Commissioners. My name is Wendy Engler, 255 NW Coast Street, Newport. I – I have a request that when big projects like this come along with Conditional Use requests that there be some narrative about how this furthers our Comprehensive Plan, and in this case the documents related to the Bayfront like the Peninsula Urban Design Plan and also the Bayfront Plan, and also our Vision 2040, and that helps put it in a long-range perspective. As I said in my written comment our Bayfront is like – it's like the only place like this in the world, and I think we should give some lip service to how we're going to maintain the heart and soul of that. So, I would appreciate that, if that could be part of even this application, or future ones. And I think I would be in favor of this project if it had reduced parking demands. This project puts too much demand on an already overburdened parking system and having sat through with Bill Branigan three years of combined parking meetings, but previous to that I've been on Nye Beach Parking Committee since about 2000, and I really think it – the project is too big for this site. I have a request, and that is I've – perhaps you've already addressed or that – the lighting has been addressed, the exterior lighting, but I would like all exterior lighting should be downward facing, or what's sometimes called dark sky lighting, or something that's shielded so it doesn't shine in people's eyes in adjacent properties. And I've been told the sign is an exterior illuminated sign, not interior illuminated. I request that too, that it not be an interior illuminated sign. So, that's all I have to say unless you have any questions.

**Chair Branigan:** Any questions of Ms. Engler?

**Commissioner Berman:** Have a comment.

**Chair Branigan:** Want to make a comment?

**Commissioner Berman:** Thank you for coming to the dark side.

**Wendy Engler:** Oh. Thank you. I hope you come too.

**Chair Branigan.** Thank – thank you, Wendy. Other opponents? Yes, ma'am.

**Beverly Smith:** My name is Beverly Smith, and I just want to reiterate what she just said about how our harbor is a very unique, special place and I don't want to see it ruined by a huge thing that shouldn't be where you want to put it. Not that I have anything against a hotel or anything, but that's not a good spot for it down in our Newport Old Town because there's too many – there's big tall buildings down there already, too many big buildings. It looks like the city. It kinda junks it up. We have a special little character going down there, and I want to keep it special because it's a working harbor, and the fisherman are the best part of it. So, I want to keep that what we emphasize, not the tourist industry and big buildings. So, focus on the fishermen. They're great. Thank you.

**Chair Branigan:** Any questions of Beverly? Okay. Thank you so much. Other – yes, ma'am.

**Lynn Baker:** My name is Lynn Baker. I live at 833 SW 13<sup>th</sup> Street. I would also like to reiterate, as the others have said, it is a working bayfront. That area is extremely congested. Not only the big trucks, all the cars, forklifts, Bornstein's has forklifts non-stop going in and out. They're moving equipment at times. They – with the hotel there would have to be a new ingress/egress. So, some of those parking spots that are already there will go away, if I'm not correct. If I'm, you know, because right now the ingress/egress for the building that – where Charlotte owns, that will not accommodate the hotel. So, that will change that, and that will be putting more traffic coming in and out of the congested area. Also, kind of curious of the other hotel they are saying they take public transportation. I mean, is that what – a taxi? I'm not really familiar that there's that much other public transportation. So, kind of concerned about that, and then the fact that there won't be enough parking for everybody in the hotel with employees and guests so when they do have their 100 percent occupancy met, where will they be parking? They will be taking over our street which is already a concern that we have and deal with on a regular basis. I think that's all I have.

**Chair Branigan:** Any questions of Ms. Baker? There are none, thank you.

**Lynn Baker:** Thank you.

**Chair Branigan:** Other opponents? Okay, going once. Okay. No other opponents. So, Applicant's rebuttal, so Mr. Han and, you guys would like to comment on what's been brought up so far?

**Rebuttal:**

**Diana Steinman:** One of the comments was about the view from our property at The Inn at Nye Beach. Half of the rooms there face east. Half of them face west. So, there's definitely a market for all types of views in travelers. That was the only rebuttal.

**Chair Branigan:** Mr. Han, do you have anything to add? Or rebuttal to –

**Commissioner Escobar:** I just had a comment, you know. I have referred, you know, my out-of-town visitors to The Inn at Nye Beach, and I can't recall whether they were on the west facing rooms, or the east facing rooms, but they appreciated the staff and the ambience. So, factor that into the whole conversation.

**Diana Steinman:** Thank you so much. I appreciate that. We pride ourselves on hiring conscientious employees.

**Commissioner Escobar:** I think – I think the record is complete with a lot of folks that have, you know, positive thoughts about the Applicant, and the type of property the Applicant supports.

**Commissioner Berman:** Are you going – Are you going to at the new hotel, if approved, have Portland coffee?

**Diana Steinman:** If approved it would be – I would be over –

**Commissioner Berman:** Portland coffee roasting?

**Diana Steinman:** I would be overseeing that property. Yes, sir.

**Chair Branigan:** Okay, Mr. Han do you have anything you would like to add?

**Denny Han:** Yeah. With the questions related to the building we will likely have something that is very consistent with the local architecture in terms of finishes. It will likely be a combination of stucco and siding. So, that is our anticipated design. We will not put in a concrete block wall. I can guarantee you that. We really take every effort to, yeah, consider the local architectural vernacular, so even the detailing lends itself to some of that as well. Really appreciate the comment about the lighting. We don't want this building to stick out like a sore thumb. That's not our desire. We want it to blend as much as possible. We know that it is large, but we do – we are not occupying 100 percent of the lot, as I know some of the concerns were. It is only 80 percent lot coverage, so we've taken that into consideration as well, and that's why we wanted to push the building back in the front. Offer as much, yeah, just comfort level for those that will be experiencing the hotel, not just in the rooms but outside, even those that are not guests but just walking by the hotel. So, we really want to design a building that's going to be attractive, that's going to really create value to the street experience. We anticipate that many of the guests will just walk down the street to the many shops and restaurants, and just enjoy what many of the – the speakers have been saying. It is a working area for some fishermen and locals, and I think that's going to be part of the draw, is for those outside the city to experience that as well. It is a beautiful area, but also experiencing that that local environment is also, I think, going to draw many tourists to that particular area for them to enjoy as well. So, the screened lighting we will incorporate lighting that is indirect, that's not going to be glaring. Everything will be screened whether it is lighting, the finish itself, the building itself. The signage lighting as well, that will not be illuminated, but we will look at up-lights so that it – there's no glare whatsoever to – to the public. And that's all I have.

**Chair Branigan:** Braulio.

**Commissioner Escobar:** Did you hear the concern of Ms. Boxer on access to her building and maintenance of her siding?

**Denny Han:** Yeah, you know there – there are many areas in – when we have these commercial zones that you can build a building literally up to the property line, so often you see that it in the downtown areas. We know that this is not the same type of urban environment, but when we have a building that is close up next to another building we do consider how to make that as much weather-proof as possible, and so even if we build it back, or even set it back, we do plan to have not – not say an access to maintain it, but measures to keep it water proof so it doesn't collect debris, or there's going to be water damages.

**Commissioner Updike:** Follow up question on that. So, on Page 1 of your plans, the survey document, there is a reference to a building easement. Do you know what – who – who benefits from that easement, and is it an impediment to development? It looks like it's an easement against the subject property for development, but you're doing a lot line development. So, can you explain what that building easement references? There's no dimension unfortunately. It's just a dashed line, and a reference to building easement.

**Denny Han:** I will have to look at what the actual reference is. Usually when it's – when there is a building easement of that sort there's a record of what that exact easement is, but we can – we can look into that and identify whether that is an active easement or not?

**Commissioner Updike:** Okay.

**Denny Han:** But yeah. Our – our buildings when – when we do apply for Building Code, we will comply with all the requirements. So, the Building and Safety when they review it, they will look at all these particular details, and we will have to comply with that as well. Whether – whether it's now or later, we will address this.

**Chair Branigan:** I have a question. Have you decided where and how many EV charging stations you're going to put in?

**Denny Han:** Yes. Depending on the plan that gets approved we – we have two spots for each three options. I believe in Options 1 and 2 they would be immediately to the right as you enter the driveway.

**Chair Branigan:** Alright. Thank you. Bob?

**Commissioner Berman:** Yeah, just a comment. In the testimony from the previous hearing, and again we have seen several letters complimenting you on your dedication to the community of Newport, and contributions to non-profits, and I would just like to thank you for that and note that it is very important to have corporations like that participate in our little community here. So, thank you.

**Diana Steinman:** And I would just correct you. We're actually not a corporation. We're a family-owned business.

**Commissioner Berman:** Sorry.

**Diana Steinman:** It's something I'm actually very proud of.

**Chair Branigan:** Okay, any other questions for the commission? Any other things from the audience? Okay. At this point the record is closed for public testimony, and the Planning Commission will move into deliberation, questions they have, and then we'll kind of come back with a verbal decision. So, we'll start with Mr. Updike.



**Commissioner Urdike:** I do have a concern that it's too much for the site. I also have a concern that that's not necessarily what's in front of us. Relative to the departures from Code, I – I think they've addressed the issues and I'm still concerned about if a deal cannot be worked out with the HOA and we have these two separate walls what is that area going to look like? Not great. Not attractive. Extremely difficult to maintain. So, that's the one that really probably bothers me the most. Still not sure that I'm satisfied that if we could perhaps add another condition relative to screening, I think the Applicant's thinking of screening from the street. So, you've got rooftop equipment, and that rooftop equipment is going to be viewed from above, looking down on it, or in some cases looking straight at it. So, that still might require some screening. So, I think that should perhaps be part of our narrative if indeed this gets approved, but right now I'd like to hear from my colleagues, but I'm not totally convinced this is the right thing.

**Chair Branigan:** Okay. Marjorie?

**Commissioner Blom:** Oh, thank you. I concur with my fellow Commissioner about the concerns. I agree about that third – with staff saying about the third proposal about the parking. Option 1 or 2. I like Option 2 better, because it's the less of the compact – compacts parking. People park usually however – however they want to park. The buffer, and the wall, and the neighbors, I mean, it sounds like the Applicants are willing to work with the neighboring property. I think – I consider what is this going to be, except for the, you know, the view of the neighbors, and that's a big concern, but is this going to enhance the Bayfront with commercial downstairs? Is it going to enhance what's there now, which is probably nothing. The views are a big concern. You know, I understand the neighborhood about that. I also used to go down to Cannery Row on Monterey and they're gone now, which is sad. Also, in Eureka we used to have a working Bayfront there. I just – I wouldn't want to see the development hindering on the fishermen. They pretty much drive however they feel like driving, and you've got to watch out for them, but I can see the attractiveness of the Bayfront no matter what goes there. So, that's my long and winded comment.

**Chair Branigan:** Mr. Braulio?

**Commissioner Escobar:** You know, we've heard some comments about, you know, we have a working Bayfront, and I guess personally anytime if it was a conflict between the tourist side and the commercial fishermen and the fish processors, personally I would lean towards the economic growth that we have from our fishing community, and the boats, and the plants, and things like that. That's my first comment. And my second comment is all you folks that came down from the condo, you know, I can feel your pain, you know, but we're here to consider three specific requests that the Applicant has, and I – I know that you're going to – if this building is built you're gonna – you're gonna suffer from it. I – I can't say anything other than we're looking – to look at three particular requests from these Applicants.

Now having said that, if you've lived here long enough you don't go to the Bayfront during the summer. It's too crowded. It's too congested. You wait. I went down there like I said this weekend, beginning of spring break as the semi-truck in front of the fish up backed up by the Coast Guard station, and you snake on down through there. And so, as I look at this Application I kind of lean toward what Ms. Engler said. You know, if the Applicant came forward and wasn't asking for reduction in the size, or the number of parking spaces, and

asking for the reduction of making them narrower, which seems to set up conflict, I think the testimony was 44 percent are SUVs, most SUVs are maybe they're not Suburban size, but they're Forerunner size. They're pretty good size vehicles. If this – if this proposal did not require a reduction in the parking spaces and did not require making the – the parking spaces smaller than what would otherwise be required, you know, I wouldn't have any problem with it. That's progress, three stories in the Bayfront. But we have a problem with congestion. We have a problem with parking. And to – we can't kick the can down the road any further. We can't ex – rather than curing this problem, this unfortunate development would tend toward exacerbating it, and so I'm sharing with you right now as long as this request to reduce the number of parking spaces, and to reduce the width of the parking spaces, I can't support it.

**Chair Branigan:** Mr. Hanselman?

**Commissioner Hanselman:** Extremely mixed feelings on this project. I myself think that it's too big for the space, and although I couldn't think anything about down the road, you put a big building in that size, that shape, and that continuity from one end to the other, if it fails now, you have an interesting structure to deal with. Not that I'm wishing failure on anyone, but this is Planning. So, that bothers me a little bit, but that's not really in my decision making. I also had wished that it was apartments, and not short-term rentals. I am very – I am 180 degrees away from the Mayor. We do not need more vacation rentals, or resort rooms. We have 20,000 visitors here in town according to the Chamber of Commerce, and the City. We have 20,000 people in town that we – that don't live here. That's twice as many as do live here. And so, as Braulio suggests, you don't go anywhere in the summer in Newport if you live here. You can't get into your restaurants. You can't make reservations at your restaurants. It's crowds everywhere. Parking problems everywhere. And merchants can make money that way, but if you're a resident that's not necessarily, or if you're not in that line of work, then there's a lot of downside to tourism, and we don't handle it very well. We've heard – we've talked about room tax. Well, room tax mostly has to be spent on tourism. It doesn't get – it doesn't get spent on the infrastructure, and problems, and the wear and tear on this city that we really want. Most of it has to be spent on tourism. That's unfortunate. I mean we could use those dollars for lots of other things in the city, but it is income that the city relies on, but I don't like the fact that we always look for more room taxes to get ourselves further down the line.

One of the real sticking points on this blasted thing is the six-to-eight-foot wall. If it gets built to protect a landslide from behind, I don't know how efficient it will be, but it will create a dead zone, a six-foot dead zone that will beg people to ignore it. Once it becomes ignored it becomes a receptacle area for all kinds of unwanted things and activities. I do hold hope from the speaking of Mr. Han that they and the condo people will get it together and get that retaining wall fixed. That would eliminate the six-to-eight-foot-fence. That means that area would be open to eye – line of eyesight. They're going to maintain it better. It would be a nicer place for the dogs to exercise, instead of just six feet they'd have much more. So, I'm having trouble with that little six-to-eight-foot wall.

I don't have the parking issue that many people here have. Even if they can only park 44 cars underneath, and we can argue about the mix and size of vehicles, they are doing more to park people for their business than most anybody down on the bayfront. Fish processors. How many parking places do they actually have off-site? I'll take that as not many. They've been

there forever, and they need to be there, but the hotel has solved the parking problem for the most part. They'll have to work with their clients, but I tell you, I am terribly mixed on this project. I even looked at the pictures of the original Abbey Hotel. That's monolithic as well, and it was down there for a good long time, and everybody liked it – seemed to like it. This building would be larger than it, but it would be similar in size, and it's hard to say that a hotel this large is too large when you turn and face south and see nothing but 35- and 40-foot metal buildings that we call processing plants. So, size-wise it does blend with the other side of the street, okay? So, I don't know where to go with this. I'm flummoxed. That's what I am. Flummoxed. And I'll shut up now.

**Chair Branigan:** Bob?

**Commissioner Berman:** Yeah. I too have been considering a lot of arguments on both sides, but to net it out is – I believe John said it's too big a project, and I don't believe that the Applicant has done all of the steps that were really necessary before submitting the Application. No coordination with Ms. Boxer. No – the geo report which Derrick says will be coming, but in other instances where we are considering in public hearings the geo report has already been done, and so that becomes a factor that we can consider. The discussions with the condo owner should have happened long ago. One look at that lot, and it's pretty obvious that something had to be done, and a secondary retaining wall, without knowing the geological status there and how much that first retaining wall, if that first retaining wall goes it's a pretty good chance that a six-to-eight-foot, not going to be cinder block, I don't know what it's going to be but we've been told that's not, that's not going to hold up either, but my main problem is the parking.

Jim says he – Commissioner Hanselman says the parking has been taken care of, but it really hasn't. There are 44 spots, but the requirement is 43 or 44, I get 17 short without counting staff. And we already have, as everybody knows that's tried to go down there, a huge parking problem. The people up on 13<sup>th</sup> probably already can't find a spot on their house, and this is going to make it that much worse. So, I'm inclined to vote against that, but I would encourage the Applicant to possibly scale down the entire project, do their due diligence with the neighbors, and come back with a plan that doesn't require all the compromises they are asking.

**Commissioner East:** I would kind of agree with Bob. I mean, there is a few things that we need to adjust for the people down on the Bayfront, and that one thing is they definitely need to work with the hotel and the Condo Association on the retaining wall. If you drive up into their parking lot, the parking lot's failing. The retaining wall is going to fail at some point, especially under small seismic. I don't think it would hold up, and the parking lot is already, you know, 10 feet into the parking area is already sinking behind that wall. So, I think it would be a good opportunity for the Condo Association if the project goes forward for them to maybe address some of the issues with that retaining wall, because if that fails a six-foot wall in front of that is not going to do any good. The other thing is to property line separations to make sure they are not interfering with another building as far as maintenance and upkeep. So, a couple of things I would like to see addressed. I would like to see some kind of a plan for possibly privacy screens up on the front, up on the deck so you don't have groups up there that are making them nervous, you know, that make the neighbors a little bit uncomfortable because of that group. You know, it has a chance for them to have a little bit

of privacy without, you know, viewing other people on those decks. And I think, you know, parking if they changed it to the Plan 2 I think that helps. Parking is always an issue – gonna be an issue on the Bayfront whether this building is there or not. So, I think as far as parking goes I think they do a pretty good job of accommodating for what they've designed, but again they still need to address those few issues where I'd be comfortable with going forward with it.

**Chair Branigan:** Okay. Thank you, Gary. Okay, my take. I'll start with the parking. I've spent a better part of my life worrying about the parking on the Bayfront, and Nye Beach together with Ms. Engler. We've been five or six years now I think I've been involved with parking mainly on the Bayfront, involving – and just so people know I'm on the – we have a Parking Commission of which I am a member of the Parking Commission also. We are – the City back in I want to say 2019, the City Council, we went through long several-year studies of parking to the extent of well, let's build parking garages. Let's build out into the Bay for parking. You know, none of it really works. Because of the geo – the geology of the Bayfront, there is no magic bullet for parking.

We are, as everybody knows, we are going to be installing a metering type system down on the Bayfront to encourage people to visit, pay a small amount, but not spend ten hours. If they want to spend the money, they can spend ten hours. Also, as part of that, employees that work down there do have valid concerns, and everything that there is going to be areas that will be permitted. So, the various, the details have been worked out, but various businesses will be able to, and the employees be able to buy some permits, and be able to park in the permitted areas. So, I mean, nothing is perfect. The metering system we're going to go to the Bayfront first. We're going to give it a try, and if we need to we will be making adjustments thereon.

As far as some of the other concerns, I think that Gary was the last one that commented, and the other Commissioners have too, the retaining wall back there seems to be an issue, and we really haven't addressed necessarily the homeowners, and the proposed hotel as to fixing that. We also have some concern with Ms. Boxer being able to repair her building if the hotel builds right up to that. Otherwise, we are really here for, as Braulio said, for three – whatever they are called, I don't know if they are variances...

**Commissioner Berman:** Adjustments

**Commissioner Escobar:** Issues. Three issues

**Chair Branigan:** And for the most part, I mean, I think that the hotel company has done a pretty dad-gone good job about addressing those biggest issue. One of the issues when I was writing notes here, parking seems to be a big issue. Point of fact, they are doing more for parking of their guests than anybody else on the Bayfront. Nobody else is doing as well as they are doing, so that is really – it would be nice if they could accommodate all their employees, and I'd be more than happy since I'm on the Parking Commission, show me somebody that provides employee parking. There's one right there. So, in a – so that's a concern, but I think, you know, the hotel company, you know, The Inn at Nye Beach, I mean if you go out and you take a look at it, and you take a look at their other properties, this is a very responsible company that does – that has very good marks. You know, TripAdvisor, Google, Quest, all of them. So, you know, I think that they are probably a very responsible

citizen who will work diligently to resolve the various problems that they have. So, those are my general comments. At this point in time we need to kind of come up with a decision as to what we would like to do. So, would somebody on the Commission here like to propose – well, pardon.

**Derrick Tokos:** If I may, I just –

**Chair Branigan:** Yes.

**Derrick Tokos:** Because there's a few things that came up in the discussion I want to clarify because it relates to where your ultimate decision can or can't go, and there are parameters on what your action has to be. It has to be related to approval criteria. If it's not related to approval criteria it cannot be a basis for denial. If you're going to deny it, which you can, you need to tie it to the approval criteria. If it's an issue that they can address with the condition, then that would not be a basis for denial. So, for example, the ratio of compact to standard, they provided you an option that meets the city's 40 percent max, therefore you could condition that they go with Option 2. That can't be a basis for denial.

Screening of the mechanical equipment, that's fair game. You could impose a condition. Not allowing the six-to-eight-foot wall, you can go there too. The – I think it's a little tricky when you talk about building coverage because you're in a W2 zone that allows outright 85 percent of the lot to be covered with a building. So, that's the zone you're in. It has no setbacks. You happen to have a retaining wall on one side that was built to the property line. You have a portion of a building on another that was built to the property line. You can build two structures together – you know, right next to each other under Building Code. To impose on this property or on a setback that's not required in the zone I think is problematic, and I think you'd need to reflect upon that one. If you go down the denial and your concern is too big, and I heard that from a couple of you, then I don't think you are going on the variances. I think you're looking at the Conditional Use, and you need to tell – explain how that size is inconsistent with other development in the area, and that's what the Conditional Use criteria get at. It's going to have a greater adverse impact relative to what other uses are doing, fish plant, or other retail establishment and so – so on and so forth. That's where you would need to go with that with the Conditional Use. I don't think building mass comes into play under the adjustments, frankly.

Parking, you know, I think we've – we've covered that one. I mean, this is a situation where, had the Apollos building not been torn down and those uses gone for – for a couple years they wouldn't even be asking for an adjustment. They would have a right to go with this. If you're saying they're still loading too much into the public space I think you really need to – to kind of articulate what then would be acceptable, because anybody who wants to develop this property is going to be coming in with an adjustment given the way the rules are set up right now, because you have to provide almost all your parking demand off-street. You get five spaces comped because you are in the district. So, they are going to be coming and asking for if it wasn't a hotel development, somebody else is coming in there, the market – you know, if that Basics Market was coming in today with the Apollos building out, they'd be asking for an adjustment. They didn't have to then because they could take advantage of the credit that the Apollos property carried. So, when you're thinking about the tar – par – you know, we're not comfortable with the parking adjustment, well, why? What's the

specific aspect that's problematic? And I need that information so I can craft findings for you. So, that's, you know, what I would encourage you guys to consider as you frame, you know, a motion. If – if you feel this project can get to an approval with some further adjustment, you can certainly pose that question to the Applicant. Are they up for another continuance? Express what those adjusted changes are. Give them an opportunity to make those changes, bring it back at another hearing. So, that's still an option on the table, but you need to consult with them. We have to review these with an 120 day clock, by state law, unless they are prepared to set that aside for a period of time, and that's not just your decision. It's an appeal of your decision to the Council, so that's something that we have to keep in mind.

**Commissioner Escobar:** Well, Derrick, I thought – I thought that – that Commissioner Berman's comment was – was well taken. The last time there was a hotel before this Commission, it was there in the Nye Beach area, and they did outreach. They met with the folks that were going to be directly affected, and they came through here, and their request sailed through. So, that – that's again I thought your comment in that regard was very well taken.

**Derrick Tokos:** No, I appreciate that. I think it is important to keep in mind in Nye Beach you have a very specific set of architecture design standards have to be met that don't exist here. So, there is – but the engagement –

**Commissioner Escobar:** It was the engagement.

**Derrick Tokos:** It's not a city requirement. It's something that we recommended they do, and they elected to do in the Nye Beach. You know, I think you've got a little of different situation. This – this – they are in a due diligence period, so they've got a clock running. The folks in Nye Beach, they owned the property, so they had a little more flexibility there. I mean it's, it's a reasonable point.

**Chair Branigan:** Okay. Derrick? If somebody, if one of the Commission Members makes a motion, and puts a – I want to say a condition to that – can some – do we have to rule on that motion, or can somebody kind of come back and say besides the condition you put on can – should we – can we also put on another condition?

**Derrick Tokos:** Yeah. So – so if you go that route, you go the condition route, then additional things other than what was in the Staff Report then the motion would be made by whoever's asking for the additional motion to approve with the Staff conditions plus – and then you articulate what that is. Then the group then has a chance to discuss that motion with additional conditions that are on the table. If somebody would like to add a further one, they can pose that to the person who – who made that motion, and they can amend the motion to add an additional condition if they're so inclined.

**Chair Branigan:** Okay.

**Commissioner Blom:** I'm going to try it.

**Chair Branigan:** Okay. Go for it, Marjorie.

**Commissioner Berman:** But I have one more question.



**Commissioner Blom:** Oh. Not going to try it.

**Commissioner Berman:** Have we required a vote on each of the adjustments individually or is that all part of one big vote?

**Derrick Tokos:** It's part of one packet – package, but if – if you go the route where you're making a motion to deny I think it's very important you just point to the provisions of the Application – the criteria that you believe haven't been met. That gives me an understanding of where your concerns lie relative to the approval criteria so that I can frame the appropriate findings.

**Chair Branigan:** Go ahead.

**Commissioner Blom:** No. You go ahead. I'm not going to do it now. I thought I had it all here.

**Chair Branigan:** Oh.

**Derrick Tokos:** Oh.

**Commissioner Blom:** I only have two – two so, I – from what I understand the judgement there's three things, right? There's –

**Derrick Tokos:** There's an – There's three components to the adjustment, and then there's also the Conditional Use Application. It's –

**Commissioner Blom:** Right. I don't know about how you would vote. It's too big. I mean – so, that – that to me – that isn't – that isn't on the table as – as I see it, but I see that the three adjustments was one, the off-street parking. Does it meet the city requirements for off-street parking? Does the ratio of compact versus regular parking spot meet the requirement, and that's why I thought Option 2 did that. About the wall on the neighbor's property, is that an adjustment? That's not an adjustment. That's just a concern. Okay, so what – what was – what – I see that the hotel has 47 rooms, and I know there's parking for the staff, but has 44 – I'll just say that I think the parking Option 2 covers two of the adjustments, one the amount of parking, and then the ratio of 70 percent – No, I would take the 70 percent out, but the compact versus regular parking. Is that – and now, what's the third one then?

**Chair Branigan:** Hey Marjorie? Being the newest member what you want to do is say "I make a motion to approve –"

**Commissioner Blom:** Right, but I –

**Chair Branigan:** "With the following –"

**Commissioner Blom:** Right. I wasn't ready for the following because I didn't –

**Chair Branigan:** Or a denial because of the

**Commissioner Blom:** Right.

**Chair Branigan:** Oh. Okay. Okay.

**Commissioner Blom:** I wasn't making a motion. I was just wondering what the third one was that doesn't –

**Derrick Tokos:** The third – the third adjustment had to do with the ten-foot landscape separated yard requirement.

**Chair Branigan:** It's the position of that wall.

**Commissioner Blom:** Okay.

**Chair Branigan:** Being at six feet from the property line versus 10 as required.

**Commissioner Blom:** Oh. Okay. That was the other –

**Derrick Tokos:** Right, and –

**Chair Branigan:** Well, it's not a wall that's required but a 10-foot –

**Derrick Tokos:** Yeah.

**Commissioner Blom:** I put – I said – I had screening your buffer as the third one. Okay. Still haven't made any motion. I just wanted to clarify in my mind.

**Chair Branigan:** Oh. Okay. Okay.

**Commissioner Blom:** Besides the use permit.

**Chair Branigan:** Do you want to make a motion or what?

**Commissioner Blom:** You want me to throw it out there?

**Chair Branigan:** Well, if you want to. Otherwise, one of the other Members can make a motion.

**Commissioner Blom:** Just – well, just – just based on what we are to look at this point –

**Chair Branigan:** That's correct.

**Commissioner Blom:** And the – and the use permit, and the adjustments, so I'm – I don't know. I'm not really ready for –

**Chair Branigan:** Okay.

**Commissioner Berman:** I – I want to make a motion that we deny the Conditional Use Permit based on the inability of the Applicant to satisfy the parking requirements as specified in the Code.

**Commissioner Escobar:** I'll second.

**Commissioner Blom:** That's it?

**Chair Branigan:** Okay. All in favor say "Aye."

**Commissioner Berman:** Aye.

**Commissioner Escobar:** Aye.

**Chair Branigan:** All opposed say "Nay."

**Commissioner Blom:** Nay.

**Chair Branigan:** Nay.

**Derrick Tokos:** What was the – I’m sorry, what was the?

**Chair Branigan:** Rick, we clarified that the motion is to –

**Commissioner Berman:** The motion is to deny based on –

**Chair Branigan:** Deny, yes.

**Derrick Tokos:** And what was the vote?

**Chair Branigan:** And a positive vote is a denial.

**Derrick Tokos:** Oh. Okay.

**Chair Branigan:** Okay.

**Chair Branigan:** By show of hands?

**Commissioner Blom:** I – I didn’t hear you.

**Commissioner Updike:** I – I honestly didn’t understand how to even structured that vote because “Aye” and “Nay” seemed to be reversed in how you presented it so that’s why I abstained.

**Chair Branigan:** Oh. Okay.

**Commissioner Blom:** Oh. Okay.

**Commissioner Updike:** So, could we try that again?

**Chair Branigan:** The motion is to deny the permit based on the fact that the Applicant cannot meet the parking requirements as specified in the Code.

**Commissioner Blom:** Okay, that makes sense.

**Chair Branigan:** So, an “Aye” vote is a vote for denial.

**Commissioner Updike:** Right.

**Chair Branigan:** Okay. So all those voting for a den – an Aye vote, which is voting for denial, say “Aye.”

**Commissioner Escobar:** Aye

**Commissioner Berman:** Aye

**Commissioner East:** Aye

**Commissioner Updike:** Aye

**Chair Branigan:** All those opposed say “Nay.”

**Commissioner Blom:** Nay

**Commissioner Hanselman:** Nay

**Chair Branigan:** Nay

**Derrick Tokos:** The motion carries with 4-3 if I got it right. Right?

**Commissioner Escobar:** Did you vote Gary?

**Commissioner East:** I did.

**Chair Branigan:** Yeah. He said deny. Okay. So, the – the Conditional Use Permit of File Number 1-CUP-23 Conditional Use Permit and Adjustment to Build a Three-Story 47-Room Hotel has been denied.

**Derrick Tokos:** And since the Opt – I'm – I'm going with the amount of parking spaces, not the ratio, because they gave you the Option 2 for the ratio. Am I correct?

**Chair Branigan:** Yes. Okay. That's it. Okay.

[Verbatim Excerpt Ends: 1:38:44]

Respectfully submitted,

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Sherri Marineau  
Executive Assistant

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**March 27, 2023**

**Planning Commissioners Present:** Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.

**City Staff Present:** Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Branigan called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Regular Session Meeting Minutes of March 13, 2023.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner East to approve the Planning Commission Regular Session meeting minutes of March 13, 2023 with minor corrections. The motion carried unanimously in a voice vote.

3. **Action Items.** None were heard.

4. **Public Comment.** None were heard.

5. **Public Hearings.** At 7:02 p.m. Chair Branigan opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Commissioners Blom, Escobar, Branigan, Updike, Hanselman, East, and Berman reported site visits. Branigan called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File No. 1-CUP-23 / 1-ADJ-23 (Continuation): Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.**

Tokos acknowledged the additional public testimony received. He noted that the applicant's representative, Denny Han provided answers to questions the Commission had from the last meeting. This included confirming that the roof appurtenances didn't exceed the 200 square feet or were above the 30 foot height limitation; the location of the pet accommodations would be in the area between the 6-foot wall and retaining wall; the Oregon Structural Specialty Code triggered the number of ADA required spaces to be based on the amount of off-street parking they were providing; the room sizes were added to floor plans; areas where the EV charging stations could be accommodated; confirming the staffing; and provided three parking layouts. Tokos reviewed images of each of the three parking layout options. He thought it was important to note that if the Apollo's building had not been demolished, they would meet the parking credit that they were entitled to, meaning they wouldn't need to seek an adjustment to the parking standards. The only reason they were seeking the adjustment was because the building had been removed and the use

had ceased. Tokos explained that in the Bayfront area, some portion of their parking could be addressed through on-street parking areas. There were a number of commercial uses in the Bayfront area that didn't provided off-street parking and relied on the on-street parking supply. Tokos thought a reasonable way to approach this was to compare it to the previous use of the property and ask if it further exacerbated parking conditions relative to what that last development was. The previous use had a demand for 49 spaces. They provided 20 off-street parking spaces and 29 were on-street. This meant the previous use addressed 40 percent of the their parking off-street and 60 percent on-street. Tokos pointed out this request was different because they were relying on 19-20 on-street spaces which meant that 70 percent of their demand would be met off-street, and 30 percent on-street.

Tokos thought the adjustment was positive because it gave additional landscaping and sidewalk space for seating along Bay Boulevard. He thought the biggest issue was the six to eight foot tall wall. There were concerns that this wasn't ideal and it would be challenging to address the existing retaining wall, which was the responsibility of the Condo Association. The condition on the staff report would authorize the construction of the wall or give an alternative to say they would work with the Condo Association to reinforce the existing wall so they wouldn't create a narrow corridor between two walls. Tokos thought this was a reasonable approach. It would be defensible to say they wanted to see a six to eight foot tall wall in the configuration, but it wasn't reasonable to try to require cooperation between the parties.

Escobar noted there was a letter they received from the applicant that outlined an adjustment to the request. He asked if this meant the scope of the adjustment had been minimized or if it was the same. Tokos noted the adjustment to the 10 feet yard buffer was the same. They provided option to negate the need for the 40 percent adjustment for compact versus standard parking spaces. The parking adjustment was similar to the compact situation and would now be 44 stalls, which was well above what was provided and what the demand was from the previous development.

**Applicant:** Denny Han addressed the Commission. He noted that on line item 7 they had put more thought and research into compact versus standard parking. Based on the studies they gathered from the Nye Beach Hotel, they identified that 50 percent of their guests were couples and the mix of guests at the new Hotel Abbey would very likely be the same. Han also noted that a statewide survey for Oregon showed that SUVs made up 41 percent of all vehicles in Oregon. Given that SUVs were a range of smaller to larger types of vehicles, the mix of compact and larger stalls they were providing would work for these vehicle at the new hotel. Han reminded that the hotel would communicate with the guests to tell them about parking before they arrived. He also reported that they had a desire to work with the Condo Association to come up with a plan for the concerns about the back area. They would add cameras in the back area for security and didn't see it being a concern.

Berman noted that Han had said that 50 percent of guests were couples and asked what the other groups were made up of. Han explained they were a combination of singles or families. Berman asked if it was true they were going to use the area between the wall and old retaining wall as the pet area. Han reported this was the desired area. They would have more considerations for this after they talked with the Condo Association. If they repaired the retaining wall they would have to come up with a different area. Berman asked if this area would be lighted and have trash cans and dog bags. Han explained it would have everything needed for pet accommodations.

Urdike pointed out there weren't elevation drawings for the revised roof top plan for HVAC equipment. He asked what the equipment would look like and how it would be screened for view and noise. Han reported this equipment would be split for the hotel and commercial spaces. There



would be two smaller sized units. There shouldn't be any concerns for the visuals because the units wouldn't be too tall. The area that wasn't the roof deck would be sloped and the units would be positioned in the center of the hotel where the corridors were. This would be ideal locations for them because it would be the lowest points of the roof. Han explained most of this would be covered by the parapet wall. Han thought they could put up extra measures for panels to help with the sound. The units didn't make too much noise because their tops were open. Han noted they could do studies on this as well.

Branigan asked if they would allow guests to visit the roof. Han explained this hadn't changed and they wanted to have a roof top deck. Branigan asked about the fencing for the roof top deck for safety. Han explained they would have railings. Sometimes this would be a fence and other times it would landscaping. He thought it would likely be a combination of both. Branigan asked if this met the safety standards. Han believed the parapet would meet the safety standards and pointed out they wouldn't allow people to go right up to the edge of the building. Branigan asked if they would limit the number of people on the roof deck. Han reported they would look at measures to limit guests. There would be an occupancy load and it would be treated the same as any other hotel.

**Proponents:** Diana Steinman addressed the Commission and reported that she represented VIP Hospitality Group. She was in support of the project and was in attendance to answer questions concerning guests and services. Their goal was to be a positive community member. Steinman noted that all of their employees were local and they liked to purchase products locally.

Berman asked what the number of staff would be, what their hours would be, and where they would park. Steinman reported it would be a 24 hour establishment with employees on staff at all times. She guessed that during the busy season there would be 7 to 10 employees. Steinman explained that 20 to 30 percent of the employees took public transportation to work. During the off season the staff would park in the hotel lot. When they were at full occupancy the majority of staff would either carpool or take public transportation. Steinman noted that VIP Hospitality talked about a shuttle service between hotels for staff. East asked what their average occupancy was in the peak season. Steinman reported that weekends had over a 90 percent occupancy. In July, August and September it was closer to 80 to 100 percent occupancy.

**Opponents:** Darla Sweeter addressed the Commission. She stated she represented her parents who owned a condo above the subject property. Sweeter shared comments that she had heard since the first hearing which included concerns about crowds, added noise, loss of view, and the addition to condo owners views. She didn't think the Inn at Nye Beach was comparable to this location. Sweeter also noted that there had been negative comments on the Inn at Nye Beach's website about the parking being too close and how it was hard for vehicles to get in and out of the parking area. She pointed out that being a couple didn't mean that they wouldn't have a large vehicle. Sweeter also noted that the Inn at Nye Beach had a sign posted saying they were looking for staff and having staffing issues. She also wanted to know if they had an emergency plan because the hotel would be in a tsunami zone. She questioned what their plan was to move a large amount of people out of that area in an emergency.

Charlotte Boxer addressed the Commission. She stated she wasn't opposed to the hotel, she was opposed to the size of the hotel taking up the entire site. Boxer owned the adjacent property and 33 feet of her building was built an inch from the property line. She wanted to know how she would be able to maintain her building when they built up to the property line. Boxer asked if the facade of the building would be cinder block, cedar shingle, or lap siding. She noted that she had lived in the area and it was noisy. The fishing industry also had problems moving trucks in the

area. Boxer wanted to see something anchor that area of the Bayfront because it had been a homeless camp and a blight on the west end. She didn't think this site was the same as the Inn at Nye Beach. Boxer couldn't figure out who would want to rent the rooms that looked at the condo buildings. Berman asked if the old retaining wall went behind her building as well. Boxer explained that the Condo Association didn't own the entire retaining wall and it extended behind her building. She noted that she had put a large share of her life savings into her building and was concerned about how she would be able to maintain her building. Escobar asked if the new hotel would take out parking spaces for her building. Boxer explained she would be left with two small spaces on her end. She wasn't concerned about spaces but for the maintenance of her building and the traffic congestion.

Wendy Engler addressed the Commission. She requested that when big projects came along with conditional use permits that there be narrative included on how they furthered the city's Comprehensive Plan. In this case she wanted to see the documents related to the Bayfront such as the Peninsula Urban Design Plan, the Bayfront Plan, and the Vision 2040 be included to put this into a long range perspective. Engler stated she would have been in favor of this project if it had reduced parking demands. She was on the Nye Beach Parking Committee and thought the project was too big for the site. Engler requested that the lighting be addressed. She wanted all exterior lighting to be shielded and downward facing. Engler also asked that the sign not be an interior illuminated sign.

Beverly Smith addressed the Commission. She thought that the harbor was a special place and didn't want to see it ruined by something huge. Smith felt this wasn't a good spot for the hotel. She wanted to have the fishing industry emphasized and focused on instead.

Lynn Baker addressed the Commission. She reiterated that the area was a working bayfront. The area was congested and the fishing industry was moving equipment at all times. The hotel would need a new ingress/egress which meant that some of the parking spaces in front of the hotel would go away. Baker thought this would put more traffic in congested area. She wasn't sure what the public transportation option for staff would be. Baker was concerned there wouldn't be enough parking for staff and guests. The only parking would be on the condo's street.

**Rebuttal:** Steinman pointed out that half of the rooms at the Inn at Nye Beach faced east without views. There was a market for all types of views for travelers. Escobar reported that he often referred people to Inn at Nye Beach who appreciated the staff and ambiance. Han explained that in terms of finishes, they would likely have something consistent with the local architecture. This would likely be a combination of stucco and siding, not a concrete block wall. Han noted they took every effort to consider the local architectural vernacular. They appreciated the comment on lighting. They also didn't want the building to stick out like a sore thumb. Han noted the building would only have an 80 percent lot coverage and why they wanted to push the building back. They wanted the building to be attractive and create value to the overall experience of the Bayfront. The working harbor would be part of the draw for people to experience the local environment. Han reported that screened lighting would be incorporated and would be indirect and screened. The signage would not be illuminated and they would look at using up lights so there was no glare to the public.

Escobar asked for thoughts on the concerns about maintenance of the building. Han reported there were often areas that were built up to property lines, next to buildings. They would consider how to make this area as weather proof as possible. They also planned to have measures in place to keep it from collecting debris.

Udike noted the survey document referenced a building easement. He asked who benefitted from this easement and if it would be an impediment to the development. Han explained he would have to look at what the reference was. Typically when there was a building easement there was a record of what it was. Han stated they would look into it and identify if it was an active easement. They would make sure to comply with all the easement requirements when applying for their building permits.

Branigan asked what the number of EV charging stations would be and where their locations were. Han reported there would be two spots in all three of the parking options. Berman noted that previous public testimony had complimented the applicant on their contributions to the community, and he wanted to thanked them for that.

Chair Branigan closed the hearing at 8:05 p.m.

Udike was concerned that the development would be too much for the site. Relative to the departure from the codes, he thought they had addressed the issues. Udike was concerned that a deal couldn't be worked out with the Condo Association on the two separate walls and what the area was going to look like. He thought the applicant was talking about screening from the street. What he was concerned about was screening from the view from above. Udike thought this needed to be a part of the narrative when considering conditions. He wasn't convinced this was the right thing.

Blom agreed with Udike's concerns. She liked the option 2 parking best. She thought it sounded like the applicants would be willing to work with the neighboring property, except for the view of the neighbors. She questioned if the hotel would enhance the Bayfront. Blom noted she witnessed how both the Cannery Row in Monterey, and Eureka, California had once had working bayfronts that were now no longer there because of development. She didn't wanted to see development be a hindrance for fishermen.

Escobar acknowledged the comments that were heard about this area being a working bayfront. If there was a conflict between commercial uses and fishermen, he would tend to lean toward the growth of the fishing industry. Escobar stated he felt the pain for all of the people in the condos, but noted the Commission had to consider what the applicants were requesting. If someone lived here long enough they would know they didn't go to the Bayfront in the summer because it was so busy. Escobar thought that if the applicant wasn't asking for a reduction in size of parking, and making it narrower, he wouldn't have any problems with the request. There was a problem with congestion and parking in the area. Escobar thought that as long as they were asking to reduce the number of parking spaces and the widths of each, he couldn't support this.

Hanselman had mixed feelings on project. He thought it was too big for the space. If the structure was built and the business failed you would be left with an interesting structure to deal with. This bothered him but noted it wasn't part of his decision making. Hanselman wished it was going to be built as apartments, not short-term rentals. He didn't think they needed more vacation rentals or resort rooms. Hanselman thought room taxes had to mostly be spent on tourism and not on the wear and tear on city. He acknowledged the comments received about generating more room taxes, but noted these funds were not spent on infrastructure, but on tourism. Hanselman questioned how efficient the six to eight foot wall would be if it was built. This would create a dead zone that would beg people to ignore it. Hanselman hoped they would work with the Condo Association to fix the retaining wall instead of building another wall. He stated he didn't have the same issue with the parking as the other Commissioners. The applicants would be doing more to park people for their business than any other business on the Bayfront. Hanselman had mixed feelings on this

project. The old Abby Hotel was monolithic and there for a long time. It was hard to say this hotel would be too large when there were large metal fish processing buildings next to it. Hanselman wasn't convinced how to vote on this.

Berman thought this was too big of a project and didn't believe the applicant had done all the steps necessary before submitting their application. There was no coordination with adjacent property owner, Charlotte Boxer, and there was no geologic report done. Berman thought the discussion with the Condo Association should have happened long ago. He thought without knowing the geologic status, there would be a good chance that the new wall wouldn't hold up. Berman's main problem was the parking. He thought the parking requirement was 43-44 and he counted 17 parking spaces short without counting parking for staff. There was a huge parking problem and people on 13th Street already couldn't find a spot to park in front of their houses. Berman thought this would make it worse. He encouraged the applicant to scale the project, do their due diligence, and come back with a plan that didn't require all the compromises they were asking for.

East agreed with Berman. They needed to work with the Condo Association because the retaining wall was failing and part of the area there was sinking. If the retaining wall failed the six foot wall wouldn't do any good. East thought they also needed to look at the property line separations to make sure they weren't interfering with another building as far maintenance and upkeep. He wanted to see a plan for a privacy screen on the deck so there wouldn't be groups on it that were making neighbors uncomfortable with privacy. East thought if they changed it to the parking plan 2 it would help. He thought that parking would be an issue whether they built this or not. They needed to address these issues before he would be comfortable with it.

Branigan had been worried about the parking on the Bayfront and Nye Beach over the years. In 2019 they went through long parking studies and found that nothing worked because of the geology for the Bayfront. Branigan noted they would be installing a meter system this year on the Bayfront. As part of this, employees would be able to get permits for parking. Branigan thought that nothing would be perfect. As far as the other concerns, he thought the retaining wall was an issue that really hadn't been addressed for repair. Branigan noted that there were also concerns with Charlotte Boxer repairing her building. He thought that for the most part the hotel addressed the parking issues. They were doing more for parking than anyone else on the Bayfront. Branigan thought the hotel company was a responsible company who would work diligently to resolve the various problems they had.

Tokos reminded there were parameters for what the Commission's actions had to be and they would need to relate to the approval criteria. If there was an issue they could address it with a condition, it couldn't be a basis for denial. For example, the applicant provided an option for the ratio of compact to standard that met the city's 40 percent maximum, therefore this could be a condition that they go with option 2. This couldn't be a denial. Tokos noted that building coverage was tricky because the zone allowed 85 percent outright coverage without separation. To impose a setback on this would be problematic. If the Commission denied the request based on this, they needed to explain how the development would have a greater impact on the area relative to other uses in the area. Tokos didn't think that building mass came into play under the adjustments. He noted that for parking, had the Apollo's not been torn down and was still standing the applicants wouldn't be asking for an adjustment. If the Commission was saying they were leaning more to the public space, they needed to articulate what would then be acceptable because anyone coming in on this property would be asking for an adjustment. Tokos requested that they give a reason why they weren't comfortable with the parking adjustment so he could draft a final order for it. He reminded that if they thought they could get to an approval with further adjustments, they could propose a question to applicant, do another continuance to express what the those adjustment

changes would be, give the applicant an opportunity to make the changes, then bring it back for another hearing. They needed to do this within the 120 day mark, which included time for an appeal to the City Council. Escobar noted the last time there was a hotel being built in Newport was in the Nye Beach area. These applicants met with the people who were in the area and they worked through issues with them. Tokos noted that Nye Beach had a specific design guides, but the Bayfront did not. These were two different situations. The hotel in Nye Beach had more time to do outreach because they already owned the property.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to deny File 1-CUP-23 / 1-ADJ-23 conditional use permit based on the inability of the applicant to satisfy the parking requirements as specified in the code. Escobar, Berman, East and Updike were an aye. Branigan, Hanselman and Blom were a nay. The motion carried in a voice vote.

Tokos noted he would reference that the basis of the denial was based on the amount of parking on the final order.

**B. File No. 1-NCU-23: Nonconforming Use Permit to Build a 9-ft Diameter 40-ft Tall Enclosed Flare at the NW Natural LNG Plant.**

Tokos reviewed the staff report.

**Applicant:** Michael Smith with Norwest Engineering addressed the Commission. He explained this request was for a new flare to continue to provide clean natural gas to Newport.

Berman asked what the other cylinder that was shown near it on the drawings was. He also asked if the new cylinder would be larger or smaller than the current one. Smith explained the new one would be similar in height but smaller in diameter. Berman asked if anything would be emitted from the cylinder and if the CO<sup>2</sup> counts met EPA standards. Smith reported that NW Natural had updated their air permit through the DEQ as part of this process. There wouldn't be visible smoke or steam.

Branigan asked if the flare would be on at all the times or just occasional. Smith reported it would be occasional. Branigan asked why the canopy couldn't be 20 or 30 feet. Smith explained the point source has to be a certain elevation. They wanted to be sure that it was high enough so that the emissions didn't come back down and also so the heat didn't come too close to where people were. Branigan asked what they did to dissipate the hydrocarbons. Smith explained they would bring in a rental flare similar to a water tank to sit onsite while they burned off the hydrocarbons. Hanselman asked what they had been doing with the contaminants currently. Smith reported they had a tank they keep them in, and then when they needed to be oxidized they would bring in a temporary flare to burn them. Escobar asked how tall the existing LNG tank was. Smith thought it was around 122 feet.

Updike asked what color the tank would be. The existing tank was blue and Updike thought they should consider going to a green color or camouflage. Smith would pass this along to NW Natural. He noted that he wasn't sure it would be coated because it could possibly just be stainless steel.

**Proponents:** None were heard.

**Opponents:** None were heard.

Chair Branigan closed the hearing at 8:49 p.m.



Blom concurred with the staff report. Escobar thought NW Natural Gas was a good neighbor and he didn't have a problem with the request. Hanselman agreed.. Berman repeated that he appreciated the area outside of the fence of the LNG Plant was for recreation. He had no problems with the request. East, Updike, and Branigan agreed.

**MOTION** was made by Commissioner Blom, seconded by Commissioner Berman to approve File No. 1-NCU-23 with conditions. The motion carried unanimously in a voice vote.

**C. File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23: Fisherman's Wharf Tentative Subdivision Plan, Variance, and Geologic Permit.**

Tokos reviewed the staff report. Berman noted that one of the suggestions from the comments received was that every lot undergo analysis by a geologist. Tokos noted the geologic permit was for the subdivision and the installation of the street and infrastructure, not for the development of the homes. A geologic permit will be required to construct each of the homes as well. This could be done lot by lot or as a group of lots depending on what they were doing. Escobar asked if the homes could be included in this decision. Tokos explained this application was to create the 11 lot subdivision, not the homes.

Updike pointed out the recommendation in the geotechnical report used the word "should" several times and asked if this was enforceable. Tokos explained the developer must obtain the certification from the engineering geologist and geotechnical engineer that the work was performed consistent with the rest of the recommendations. It wasn't uncommon to not see hard language in a geotechnical report. They needed a little bit of wiggle room to be able to make adjustments through the course of construction. The city's job was to make sure any project in a geologic hazard area had oversight from the engineering geologist, or geotechnical engineer, when there was an engineered solution such as it was in this case.

**Applicant:** Zach Pelz and Lyle Misbach addressed the Commission. Pelz gave a PowerPoint presentation on the application. They felt that the comments that came in were good and felt their materials in the application, particularly the geotechnical report, spoke to these issues. Pelz thought the comments from Commissioner Updike concerning the word "should" in the report was addressed nicely by staff. He explained that before the city signed off on the final plat, which certified that all of the public improvements and the grading and site requirements had been installed per specifications, the certified engineering geologist would have to sign off on it as well. This behooved the contractors to do it in the right way or they wouldn't be able to sell the lots. The geotechnical engineer would be onsite monitoring construction to make sure that was being done the right way.

Pelz pointed out this was an application that had already been approved in 2018. Due to health reasons of the applicant, the application expired. They had previously received approved construction plans but they ran out of time to do them. Pelz reviewed the map of the configuration of the 11 lots in the subdivision, and the street improvements. Berman asked what the dotted lines on the drawing in the area above the section that wouldn't have sidewalks was. Pelz reported it was a public utility easement. He noted the parking on the hammer head would have two parking spaces per residential lot. They would have parking in a garage and on the driveway. There would also be sufficient room for fire trucks, ambulances, and trash disposal trucks. Hanselman asked if they were suggesting that multiple fire vehicles could turn around on the street. Pelz explained that at least one truck at a time would be able to turn around and they would have to take turns, which was standard.



Pelz showed illustrations for the limits to the grading and the contours of the slopes close to Harbor Crescent Drive. He explained that the slope would occur between the homes and would be graded to 1.8 to 1 to stabilize any erosion concerns. Where they excavated for a garage and the first floor of the dwellings, there would be a foundation wall to support the soil behind it to make sure it didn't wash out. Pelz explained that this was all a part of the geotechnical recommendation to deal with grading on the site. He noted the retaining walls weren't necessary. Through a combination of grading the site at less than a two to one slope and building the homes into the wall using foundation walls, they could sufficiently stabilize the adjacent slope next to the neighboring property.

Misbach noted that concerning the question on storm drainage and how it would impact the park below, lots one through eight all drained back to the new street and lots nine through 11 had a private storm drainage system on the west side of the lots to accommodate storm drainage out to Bay Boulevard. Blom asked if the storm drainage would all be onsite. Misbach confirmed this was correct and noted they would be directed into the storm drain system, not other properties.

Berman asked if they had decided how many of the new dwellings would be duplexes. Pelz reported there was no decision at that time. Berman asked if duplexes would affect the whole parking scenario. Tokos explained it wouldn't because the parking standard for a duplex unit was one off street space. If you had two duplex units they would still be required to have two off street parking spaces. Escobar asked if they would be single family dwellings or duplexes. Pelz reported they didn't know yet but the code allowed both types. They weren't sure what the mix would be. Escobar asked if they saw the letter from Bill Chadwick and if his concerns were in the existing code. Tokos explained that his concern that the final grading plan be reviewed and approved by the geotechnical engineer had been addressed and something that had to happen. They couldn't create the lots until they have the signoff from the geotechnical engineer. Tokos noted that Chadwick's concern on the potential slope stability was addressed by the applicants relative to the east side next to Harbor Crescent Drive.

**Proponents:** None were heard.

**Opponents:** Bill Chadwick addressed the Commission. He asked if a site grading plan had to be approved by a geotechnical engineer before the grading started or if would be after it was done. Tokos explained the geotechnical engineer observed through the whole course of the project. They had to be comfortable with the plan upfront and observe the work, otherwise they wouldn't sign off on it. Chadwick reported that he was the Chair of the Harbor Crescent Homeowners Association and their main concern was the slope stability along the boundary. There was already a steep slope there and they were concerned about the need for excavation to accommodate the lots on the east side of the hammer head road.

Teresa Atwill addressed the Commission. She appreciated the quality of the geotechnical report this time around. Atwill was concerned about how this development to plat the subdivision would put in a hammer head road and then the lots would be sold. The individual lot owners would have to get their own geotechnical reports. Atwill asked what the requirement was from the city for the people who wanted to build on the sites. Tokos explained that when they came in to construct a home on a lot there would be details on exactly what the recommendations were in terms of foundation construction and shoring through the course of building the house. Atwill noted that if they put in the hammerhead road and graded it, some of the lots could sit there for decades without being built on and would erode. She asked what kind of protections would they would be providing to the neighboring properties. Neighbors wouldn't want the land sitting around in a way that would

put their properties at risk. Atwill thought the staff recommendation language was vague. She didn't think it was clear that all the lots had to have engineered designed foundations. Tokos clarified that the development of the homes on the lots were going to be required to have their own geologic reports. The certified engineering geologist who prepares the report typically paired up with a geotechnical engineer or structural engineer. They would have to pair up in that manner when there was an engineered remediation that was proposed to as part of the build, such as retaining walls or things of that nature. In this case they would both be signing off. The geotechnical engineer or the structural engineer would get engaged only if there was an engineering solution. If there wasn't an engineering solution, a certified engineering geologist certification was sufficient. Atwill noted the geotechnical report wasn't written with the assumption that the hammerhead road was going in or all of the lots would sit around for a while. She asked if this was addressed or if it could be. Tokos explained that as part of the erosion control plan there would be a post grading stabilization with vegetation so that they didn't have exposed soil. It was typical to get vegetation established so erosion was reduced. There wasn't anything in the code that required they build on a lot in a particular timeframe. The expectation should then be that some of the lots would be there for a number of years. Berman asked if one of the lots ended up suffering erosion in the next five years, what would be the recourse for someone that wanted it to be mitigated. Tokos reported that if there was a property that had erosion to the point where they were causing stability issues, the city could enforce and require them to take steps to shore it up. This would have to be more than minor erosion.

**Rebuttal:** Pelz explained the geotechnical report included in the packet looked specifically at Chadwick's questions about stability issues for Harbor Crescent Drive. They designed a grading and erosion control plan that was specifically tailored to that situation in an attempt to make sure that there was no structural damage to the road. They were confident that with the proper excavation of the geotechnical recommendation that this property would be preserved. Pelz noted that for Atwill's comments on the preservation and maintenance of the erosion control plan, there was an erosion control plan that was a component of their approved construction plans. The geotechnical report recommended that for however long the lots had no finished homes on them, the geotechnical erosion control measures must be maintained in perpetuity. This needed to be done through some type of matting or hydroseeding. Sometime hydro seeding didn't take and it was the responsibility of the developer to maintain this. The city had the ability to enforce on this and make them revegetate the soils if needed. Hanselman asked if it specified it be noninvasive grasses. Pelz confirmed it did. Misbach mentioned this site had a DEQ permit which meant that not only did the city have authority over erosion control, but the DEQ would also be watching. Misbach reported they had already received a call from the DEQ about scotch broom on the site getting out of control that they remedied. Blom asked how the people who bought the properties would know what these requirements were. Pelz explained that once the city signed off on the final plat to create the lots, the city was essentially certifying that all of the conditions of approval have been met. The city had the ability to require certification from an engineering geologist and a geotechnical engineer to make sure that the slopes were suitable and had been maintained. Once the city issued the final occupancy for a home, it meant that the Building Official had inspected everything to confirm it meet all the state and local requirements for the home. This was the city's last opportunity to make sure everything had been checked. Once the occupancy was given, any issues would become a civil matter.

Chair Branigan closed the hearing at 9:29 p.m.

Berman didn't have a problem with the request because it was the same thing the Commission approved before. There were enough safeguards in place to make sure there weren't any adverse impacts. Berman was in favor of it. East agreed and was in favor. Updike didn't have any problems

with it because his questions had been answered. Hanselman was okay with the application. Escobar noted the subdivision had been approved back in 2018 but the progress didn't go forward at that time. He pointed out that the geologic requirements were stiffer now than back then. Escobar was in favor of the application. Blom noted she had questions about the fire access and how the future requirement would be addressed. She was in favor of the application. Branigan didn't have problems with the application.

**MOTION** was made by Commissioner Escobar, seconded by Commissioner Hanselman to approve File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23 with the 14 conditions included in the staff report. The motion carried unanimously in a voice vote.

6. **New Business.** None were heard.

7. **Unfinished Business.**

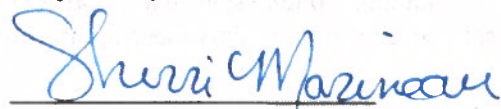
A. **Planning Commission Work Program Update.**

Berman noted that during the League of Oregon Cities training the Commissioners had attended they recommended that they refer to each other as commissioners for the decorum of public hearings. He liked this idea and requested the Commissioners to do this. Berman noted that one of the comments concerning the hotel requested that the conditions of approval be in conformance to the Comprehensive Plan. He wondered how they could do this potentially. Tokos explained they generally shouldn't be applying the Comprehensive Plan policies directly. They should be putting standards in place through code that implemented the Comprehensive Plan, not applying the policies directly. When applying the policies directly it could be exceedingly difficult for any applicant to figure out how they met the bar. Typically, when they did Comprehensive Plan policies they followed these up with a package of amendments to implement the policies.

8. **Director Comments.** None were heard.

9. **Adjournment.** Having no further business, the meeting adjourned at 9:52 p.m.

Respectfully submitted,



Sherri Marineau  
Executive Assistant

**BEFORE THE PLANNING COMMISSION  
OF THE CITY OF NEWPORT,  
COUNTY OF LINCOLN, STATE OF OREGON**

**IN THE MATTER OF PLANNING FILE NO. 1-CUP-23 / )  
1-ADJ-23 APPLICATION FOR A CONDITIONAL USE )  
PERMIT AND ADJUSTMENTS TO PARKING AND ) **FINAL**  
SETBACK REQUIREMENTS, AS SUBMITTED BY ) **ORDER**  
JOHN LEE (ELSINORE INVESTMENTS, LLC, OWNER) )**

**ORDER DENYING A REQUEST** for approval of a conditional use permit, and adjustments to City off-street parking and setback standards, to allow a three-story, 26,656 sq. ft. hotel with 2,623 sq. ft. of general retail / food and drinking establishment uses, and a 2,075 sq. ft. roof deck. The property address is 836 - 856 SW Bay Blvd, and it is identified as Lots 2, 3, & 4, Block 1, Plan of Newport, including a portion of a vacated alley, together with Parcels 1 and 2 of Partition Plat 1999-18 (Assessor's Map 11-11-08-CA, Tax Lots 2500, 2501, 2800, and 3300).

**WHEREAS:**

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Municipal Code (NMC); and
- 2.) The Planning Commission has duly reviewed the request and has given proper and timely notice to affected property owners; and
- 3.) At public hearings on March 13, 2023 and March 27, 2023, the Planning Commission received testimony and evidence on said application; and
- 4.) At the conclusion of said public hearings, after consideration and discussion, the Planning Commission denied the request for a conditional use permit and adjustments.

**THEREFORE, LET IT BE RESOLVED** by the City of Newport Planning Commission that the attached findings of fact, Exhibit "A," support the denial of the conditional use permit and adjustment application involving the above referenced property.

**BASED UPON THE ABOVE**, the Planning Commission determines that the application does not comply with the adjustment criteria with respect to the requested reduction in the required amount of off-street parking and; therefore, concludes that it does not comply with applicable provisions of the City of Newport Municipal Code, and cannot be made to comply through the imposition of reasonable conditions.

Dated this 10<sup>th</sup> day of April 2023.



Bob Berman, Vice-Chair  
Newport Planning Commission

Attest:



Derrick I. Tokos, AICP  
Community Development Director

## **EXHIBIT "A"**

Case File No. 1-CUP-23/1-ADJ-23

### **FINDINGS OF FACT**

1. On February 9, 2023, the applicant John Lee, on behalf of property owner Elsinore Investments, LLC, applied for a Conditional Use Permit and Adjustment to construct a three-story, 26,656 sq. ft. hotel. The main hotel services will be on the second and third floors. Approximately 2,623 sq. ft. of general retail / food and drinking establishment uses will be provided on the first floor behind the retail storefronts. A roof deck will; be incorporated into the design and it will be 2,075 sq. ft. in size.
2. The property address is 836 - 856 SW Bay Blvd, and it is identified as Lots 2, 3, & 4, Block 1, Plan of Newport, including a portion of a vacated alley, together with Parcels 1 and 2 of Partition Plat 1999-18 (Assessor's Map 11-11-08-CA, Tax Lots 2500, 2501, 2800, and 3300). The site is approximately 17,424 sq. ft. in size per Lincoln County Tax Assessor records
3. Staff reports the following facts in connection with the application:
  - a. Plan Designation: Yaquina Bay Shoreland.
  - b. Zone Designation: W-2/"Water-Related."
  - c. Surrounding Land Uses: Tourist-oriented retail (north), tourist-oriented retail and fish processing (east), condominiums (west), and Coast Guard operations (south).
  - d. Topography and Vegetation: The property is relatively level having been cleared for development in the past. A large retaining wall exists near the west property boundary, with the finished grade of the condominiums to the west being 20-25 feet above that of the subject site. A small amount of landscaping exists at the southwest corner of the property. Otherwise, the property is largely devoid of vegetation.
  - e. Existing Structures: Forinash Gallery (1,224 sq. ft.) and Shark's Restaurant (978 sq. ft.). Apollo's Night Club/M&P Thai Restaurant (8,256 sq. ft.) was demolished in 2020.
  - f. Utilities: All are available to the site.
  - g. Development Constraints: Geologic hazards area.
  - h. Past Land Use Actions:

File No. 1-CUP-20 – Approval of Basics Public Market, a new 11,859 square foot mixed-retail, light industrial building. The facility was to include 3,000 sq. ft. of retail market space, 2,000 sq. ft. of restaurant space, and 6,859 sq. ft. of industrial space for food production. Approved 6/8/2020. Project did not move forward.



File No. 1-TSP-11 – Approval of a temporary structures permit for a 20-ft x 30-ft tent and fenced area to expand Apollo's footprint during the Seafood and Wine Festival. Approved 2/7/11.

File No. 4-CUP-07. Permitted a 335 sq. ft. portion of the Apollo's Nightclub building for use of a real estate office. Approved 6/4/07.

File No. 4-CUP-06. Permitted 600 sq. ft. of the Apollo's Night Club building for use as a retail gift shop. Approved 4/24/06.

File No. 9-CUP-03. Approved use of the building at 836-848 SW Bay Blvd as a restaurant and bar (i.e. Apollo's Night Club).

File No. 6-PAR-99. Approved a partition creating the parcels upon which Forinash Gallery and Shark's Restaurant are situated. Affects 852, & 856 SW Bay Blvd. Approved 8/4/99.

File No. 2-CUP-91. Permitted the remodeling and retail use of buildings located at 852 & 856 SW Bay Blvd. Approved 3/11/91.

4. A conditional use permit is required for hotel and commercial uses per Newport Municipal Code (NMC) Section 14.03.080(18), which stipulates that uses that are permitted outright in a C-2/"Tourist Commercial" zoning district require a conditional use permit to be located in a W-2/"Water-Related" zoning district. Sales oriented general retail, hotels/motels, and eating and drinking establishments are permitted outright in a C-2 zone district (NMC Section 14.03.070(2)(a) and (2)(d)).
5. Additionally, applicant is seeking adjustments to certain dimensional standards applicable to their project, more particularly described as follows:
  - A. Approval of a 40% adjustment to the adjacent yard buffer, reducing it to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft. adjacent yard buffer per NMC Section 14.18.020.
  - B. Approval of a 30% reduction to the required number of off-street parking spaces. The applicant notes that City parking standards in NMC Section 14.14.030 require that they provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. This amounts to a maximum of 65 spaces. The applicant notes that they are providing 46 on-site parking stalls. The Bayfront Parking District, per Resolution No. 3864, reduces the number of required off-street parking spaces by up to five (5). This makes the maximum number of required off-street spaces 60, with a percent reduction to 46 spaces being 26.4%.
  - C. Approval of a 13% adjustment to the maximum percentage of allowable compact stalls. NMC Section 14.14.060 allows 40% of the parking to be compact stalls (7.5 ft. wide by 15-ft long) which is 18 stalls. With this application, the applicant is requesting 6 additional stalls.



6. Pursuant to NMC Section 14.33.030(B), a deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision making procedure.
7. Criteria for approval of a conditional use are found in NMC Section 14.34.050, and read as follows:
  - A. The public facilities can adequately accommodate the proposed use.
  - B. The request complies with the requirements of the underlying zone or overlay zone.
  - C. The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.
  - D. A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.
8. Criteria for approval of an adjustment are found in NMC Section 14.33.050, and read as follows:
  - A. That granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
  - B. That any impacts resulting from the adjustment are mitigated to the extent practical; and
  - C. That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and
  - D. That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.
9. Upon acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed action on February 22, 2023 to property owners within 200 feet required to receive such notice by the Newport Zoning Ordinance, and to various City departments and other agencies. The notice referenced the criteria by which the application was to be assessed. The notice required that written comments on the application be submitted by 3:00 p.m., March 13, 2023. Comments could also be submitted during the course of the public hearing. The notice was also published in the Newport News-Times on March 3, 2023. The applicant supplemented their application and made it complete on March 2, 2023.
10. A public hearing was held on March 13, 2023. A statement of rights and relevance and applicable criteria was read by the Chair and the Planning Commission members disclosed any ex-parte contact, conflicts of interest, and/or bias related to the application. No objections were

made to any of the Planning Commissioners hearing the matter. The Commission received the staff report and the applicant John Lee, and his representative Denny Han, presented the application and fielded questions from Commission members. Several members of the public were in attendance, to provide testimony in support and in opposition to the application. Those testifying in support of the application included Elizabeth Reyes, Gervacio Castillo, Mary Young, Karla Clem, John Tesar, Steven Webster, and Janet Webster. Persons testifying in opposition to the application included Janine LaFranchise, Charlotte Boxer, Jon Baker, Lyn Baker, Adriana Buer, Tom Briggs, Beverly Smith, Darla Sweeter, and Amber Wishoff. After the Commission accepted public testimony, the applicant provided rebuttal testimony. Following rebuttal, the Commission requested the applicant address several questions they had about the project and continued the public hearing to March 27, 2023.

11. Questions the Commission asked of the applicant are summarized as follows: (a) verify that the roof appurtenances exceeding 35 feet do not exceed the 200-sq. ft. allowed by city code; (b) identify how pet accommodations will be handled on the premises; (c) confirm that ADA parking requirements will be satisfied; (d) indicate room sizes on the floor plans; (e) confirm that building code EV charging requirements can be met; (f) identify how hotel staffing will be handled; (g) provide an alternate parking layout that alleviates the need for an adjustment to the 40% maximum percentage of off-street parking stalls that can be compact; and (h) explore a one-way looped off-street parking option.
12. On March 20, 2023, the applicant's representative, Denny Han, submitted a letter and revised site plan, floorplan, and elevation drawings responding to the Planning Commission's questions. Additional written testimony was also received from individuals in support of, and in opposition to, the application. A staff memo, dated March 24, 2023, summarized the new information that had been received. The memo also noted that parking Options #1 or #2 could satisfy the approval criteria outlined in the original staff report with imposition of the listed conditions of approval.
13. On March 27, 2023, the Planning Commission opened the continued public hearing, received a report from staff, considered testimony from the applicant's representatives Denny Han and Diana Steinman. Proponents and opponents of the application were afforded an opportunity to testify. Persons who testified in support of the application included Terry Martin, David Malone, Christi Farrell, Margo Stark & Jerry Best, Dylan McEntee and Freddy Saxton. Individuals opposed to the application included Beverly Smith, Wendy Engler, Janine LaFranchise, Lynn Baker, Colleen Martin, Charlotte Boxer, Phyllis and David Johnson, and Rebecca Noble. The applicant was afforded an opportunity for rebuttal and the hearing was closed.
14. The minutes of the March 13, 2023 and March 27, 2023 hearings are hereby incorporated by reference into the findings. The Planning Staff Report with Attachments, and materials submitted by opponents, are incorporated by reference into the findings. The Planning Staff Report Attachments and opposition testimony are identified as follows:

Attachment "A" – Application Form

Attachment "B" – Lincoln County Assessor Property Reports

Attachment "C" – Lincoln County Assessor Map

Attachment "D" – Application Narrative  
Attachment "E" – Site Plan and Elevations, Received March 2, 2023  
Attachment "F" – Survey of the Existing Property  
Attachment "G" – Zoning Map of the Area  
Attachment "H" – Aerial and Topographic Map of the Area  
Attachment "I" – Images of Abbey Hotel  
Attachment "J" – Public Hearing Notice  
Attachment "K" – Letter from Janine LaFranchise, Received March 6, 2023  
Attachment "L" – Attachment A-1, File No. 4-CUP-06

After the staff report was prepared but prior to the March 13, 2023 hearing:

Letter from Jon Baker, received 3/13/23  
Letter from Adriana Buer, dated 3/13/23  
Petition from Charlotte Boxer (various signatories), received 3/13/23  
Letter from Elizabeth Reyes, Family Promise of Lincoln County, received 3/13/23  
Email from Gervacio Castillo, Asiatico Waterfront Sushi, 3/13/23  
Letter from Charlotte Boxer, dated 3/13/23  
Email from Mary Young, Manager of Latta's Fused Glass, dated 3/13/23  
Letter from Tom Briggs, dated 3/13/23  
Letter from Karla Clem, Pacific Communities Health District Foundation, dated 3/13/23  
Letter from Beverly Smith, dated 3/13/23

After the March 13, 20223 hearing and prior to the March 27, 2023 continued hearing:

Letter from Denny Han, ARLA Design, on behalf of the applicant, dated 3/20/23  
Letter from Beverly Smith, dated 3/20/23  
Email from Colleen Martin, dated 3/20/23  
Email from Rebecca Noble, dated 3/20/23  
Email from Dylan McEntee, Mo's Restaurant, received 3/20/23  
Email from Freddy Saxton, dated 3/20/23  
Applicant's revised site plan, floor plans, and exterior elevations, received, 3/21/23  
Email from Phyllis and David Johnson, dated 3/23/23  
Staff Memorandum, dated 3/24/23  
Letter from Charlotte Boxer, dated 3/24/23  
Letter from Lynn Baker, received 3/24/23  
Email from David Malone, dated 3/25/23  
Email from Margo Stark and Gerald Best, dated 3/25/23  
Email from Cristi Farrell, dated 3/27/23  
Email from Janine LaFranchise, dated 3/27/23  
Email from Wendy Engler, dated 3/27/23  
Email from Terry Martin, dated 3/27/23

15. Upon closing the March 27, 2023 hearing, the Planning Commission entered its deliberations and, after considering the testimony and evidence in the record, a motion was made and duly seconded to deny the application. In rendering this decision, the Commission concluded the following:

## CONCLUSION

The applicant's revised site plan, floor plan, and exterior elevations, received 3/21/23, depict 44 or 43 off-street parking spaces depending upon whether or not Parking Option #1 or Parking Option #2 is selected. Parking Option #2 includes a modest reduction to the commercial area. The cover page on this set of plans notes that the required off-street parking for the project, assuming the commercial space is used for general retail, is 51 spaces. If the commercial space is developed with restaurant uses, a total of 59 off-street parking spaces would be required. The applicant's requested adjustment to the required number of off-street parking spaces for Parking Options #1 and #2, assuming general retail in the commercial spaces is 14.7% and 17.0% respectively. Or put another way, they are asking for a reduction of 7 or 8 spaces. When factoring in potential restaurant use of the commercial space, the percentage adjustment for Parking Options #1 and #2 is 29.1% or 31.4%, respectively, a difference of 14 or 15 parking spaces. Parking Option #3, providing only 30 off-street parking spaces, exceeds the 40% maximum deviation that can be authorized as an adjustment.

Considering that the range of the off-street parking adjustments is between 14.7% and 31.4%, Planning Commission approval is required per NMC Section 14.33.030(B). In order to grant the adjustment, the Planning Commission must review the application to determine whether it meets the four (4) criteria listed in NMC Section 14.33.050. With regard to those criteria, the Commission, at the close of the hearing, concluded that Criterion Nos. 1 and 2 had not been met.

The first criterion states "*That granting the adjustment will equally or better meet the purpose of the regulation to be modified.*" In the context of parking, the purpose of the regulations is to ensure that there is a sufficient amount of vehicle parking to meet demand. The Bayfront is a "special parking area" per NMC Section 14.14.100, where alternative parking standards can be adopted in lieu of the ratios in NMC 14.14.030 that are used to calculate the required amount of off-street parking. Like the other "special parking areas" in Nye Beach and City Center, the Bayfront possesses a significant amount of public parking. That said, at this time, the alternative Bayfront parking standards amount to a reduction of up to five (5) off-street parking spaces that would otherwise be required (Resolution No. 3864). The Commission concludes that this five (5) space reduction was put in place because of the presence of on-street parking, and in consideration of the existing development pattern in the area. The applicant's proposal takes advantage of the five (5) off-street parking space reduction and still falls short of the required amount of off-street parking by 7 to 15 spaces. While the Commission appreciates the staff analysis comparing the applicant's parking demand to the parking demand generated by the previous use, it is relevant to point out that the previous use no longer exists on the property. Accordingly, the clause in NMC 14.14.030, which states "*for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based upon the increase of the new use*" does not apply. While the Commission may be able to find that this provision of the code need not be interpreted so literally, given that the prior uses were terminated only three (3) years ago, it concludes that to do so would be inappropriate given testimony in the record pointing to the severe vehicle congestion that exists along the Bayfront. Comment was made that the City will be installing meters in the Bayfront to manage parking demand and congestion. That has not occurred yet, and it would be speculative of the Commission to rely upon an as yet unimplemented metering program as a way of ensuring that parking in the area will be sufficient.

The second criterion states *"that any impacts resulting from the adjustment are mitigated to the extent practical."* The staff analysis notes that mitigation is not needed because the Bayfront area has on-street parking that is provided for the purpose of meeting the additional parking demand from area businesses. For the reasons noted above, the Commission concludes that to the extent on-street parking can be relied upon to meet the needs of this project, that reliance is limited to five (5) parking spaces. Since the project seeks to rely upon more than five (5) on-street spaces, mitigation is needed to off-set the additional impact. Since the applicant has not provided any evidence indicating how they might mitigate the on-street parking impact, the Commission must conclude that this standard has not been satisfied.

For these reasons, this application for an adjustment to the required number of off-street parking spaces for a three-story, 26,656 sq. ft. hotel with 2,623 sq. ft. of general retail / food and drinking establishment uses, and a 2,075 sq. ft. roof deck must be **DENIED**. Since the application for a conditional use permit, and adjustments to the adjacent yard buffer and maximum percentage of allowable compact stalls, rely upon a site layout that provides fewer than the required number of off-street parking spaces, they must similarly be denied.

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**April 10, 2023**

**Planning Commissioners Present:** Bill Branigan (*by video*), Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.

**City Staff Present:** Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Vice Chair Berman called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Regular Session Meeting Minutes of March 27, 2023.**

**MOTION** was made by Commissioner Blom, seconded by Commissioner Updike to approve the Planning Commission Regular Session meeting minutes of March 27, 2023 with minor corrections. The motion carried unanimously in a voice vote.

3. **Action Items.**

A. **File No. 1-CUP-23 / 1-ADJ-23 Final Order and Findings of Fact: Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.**

Tokos reviewed the final order and findings for File No. 1-CUP-23/1ADJ-23. He noted there was a minor change to the final paragraph in the findings of fact to add language that said by denying the conditional use, the adjustment in turn was denied because it relied upon the parking arrangement to tie the pieces together.

**MOTION** was made by Commissioner Blom, seconded by Commissioner Updike to approve the Final Order and Findings of Facts for File No. 1-CUP-23/1-ADJ-23 with the additional paragraph stated by the Community Development Director. Escobar, Berman, East, Blom and Updike were in approval. Branigan, and Hanselman were in opposition. The motion carried in a voice vote.

B. **File No. 1-NCU-23 Final Order and Findings of Fact: Nonconforming Use Permit to Build a 9-ft Diameter 40-ft Tall Enclosed Flare at the NW Natural LNG Plant.**

**MOTION** was made by Commissioner Hanselman, seconded by Commissioner Escobar to approve the Final Order and Findings of Facts for File No. 1-NCU-23 with the conditions. The motion carried unanimously in a voice vote.

C. **File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23 Final Order and Findings of Fact: Fisherman's Wharf Tentative 11 Lot Subdivision Plat, Variance, and Geologic Permit.**



**MOTION** was made by Commissioner Hanselman, seconded by Commissioner Branigan to approve the Final Order and Findings of Facts for File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23 with the conditions. The motion carried unanimously in a voice vote.

4. **Public Comment.** None were heard.

5. **Public Hearings.** At 7:07 p.m. Vice Chair Berman opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Commissioners Hanselman, and Berman reported site visits. Berman called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

**A. File No. 2-CUP-23: Application by South Beach Church for a Conditional Use Permit to Build a 19,895 Sq. Ft. Church and 50 Student Private School.**

Tokos reviewed the staff report and acknowledged additional public comments that were received. He reported that Bonnie Serkin submitted testimony and requested a continuance of the hearing. Tokos noted the applicant submitted revised imaging for the sign plan. They also submitted updated renderings that were shared with the Commission before the hearing. Tokos noted that written comments were submitted by Al and Jill O' Bright at the hearing.

Tokos reviewed the staff report and criteria for approval of the conditional use permit. Berman asked if Public Works had a chance to review the application and asked if they submitted a letter. Tokos noted they reviewed it and their principal point of focus had to do with the access point and making sure that they were comfortable with how the driveway approach was going to be working. They did not submit a letter. Tokos reviewed the revised site plan. He explained the proposed access wouldn't be over a 10 percent grade and the Fire Department was okay with this. He reviewed the new overflow parking area the applicant proposed that would be built with a reinforced turf surface. Tokos acknowledged the revised sign plans and explained the applicant would have to follow up to make sure the design met the sign code. He noted that there was a threshold for when a traffic analysis would be required. The threshold for an analysis was when 500 average daily vehicle trips or 50 pm peak hour trips were being generated. Tokos explained how the trips were counted based on the Institute of Traffic Engineers trip generator. Based on this manual, the application wasn't required to do a traffic study.

Tokos pointed out the applicant's plans showed a proposed conservation and trail easement, a trail on the north end, and a trail connection. The City's Park System Master Plan called for a trail connection from Chestnut Drive to the north that extended up towards the Wilder subdivision. The applicants were showing how this could be done with potential connections. The church wanted to be a good partner with the community and see that some of this happened. There would be specific standards for the trails that would apply. Berman asked if the easement was a part of the conditions. Tokos explained it was something the city would acquire down the road from the church. They weren't obligated to grant the easement, the city would have to acquire it. Hanselman asked if the easement would be in perpetuity. Tokos confirmed that was correct. Escobar asked if the area north of this property was owned by the city. Tokos confirmed it was owned by the city and was in a wetland. Escobar asked if the property located next to it which was owned by RJ LLC property would be for housing. Tokos explained it was residentially zoned and could be used for housing.

Tokos noted that as far as the concerns about noise, the church engaged noise consultant, Team Wilson Media. They were looking to deal with some of the acoustic issues so there wouldn't be a lot of sound outside of the building. Tokos pointed out that the building the church was currently in wasn't built for church use and had some issues in respect to noise. Escobar asked if the recommendation in Attachment F was drafted by the media consultants and if the consultants were affiliated with the church. Tokos thought they were independent from the church. There would be a housing complex coming in next to it. Tokos thought that with the conditions listed, particularly with respect to addressing their parking needs onsite and following the acoustic consultants recommendations, there wouldn't be any adverse impacts to neighboring properties. He thought the application met the approval criteria.

Hanselman noted under 2.A they submitted a new parking plan that put them up to 250 parking spaces. He didn't think this was designated as required off-street parking and asked if they needed to have one parking space for every four people. The applicant had stated they would have up to 1,000 people which meant they would need 250 parking spaces. Hanselman thought this meant they were now required to have the parking and asked if it needed to be paved. Tokos explained the parking code required one space for every four seats. They met the requirement for paved parking spaces. The Building occupancy under the Fire Code was different and would allow for more people in the building, which would happen only occasionally. Tokos noted that what the city was asking was that they provide overflow parking for this because the church didn't need all the parking on a day to day basis. Berman asked about ADA parking spaces and if what they were providing was sufficient. Tokos confirmed the numbers were sufficient and were based on the Oregon Building Code. Hanselman expressed concerns about what the overflow parking area would be like in heavily rained days.

**Applicants:** Dustin Capri with Capri Architecture, Tim Gross with Civil West Engineering, and Luke Frechette, with South Beach Church (*by video*) addressed the Commission. Frechette stated he wasn't able to attend in person and expressed how excited the church was for the project. He noted the church shared the same concerns about traffic, parking, light pollution, and sound mitigation. They intended to steward the property well and they were onboard to do anything that needed to be done to make the project happen.

Capri reported he had worked with South Beach Church to find this property since 2014. This property had 12 acres and it was quite large. This made it possible for them to add 91 overflow parking spaces to make sure they were addressing potential concerns with parking. They were looking to have 588 seats in the church. The sanctuary was sized for a full size basketball court and the chairs would be moveable for the school to use. Capri noted that there have been concerns on the acoustics. He explained that acoustics drove the design from the beginning because of the past complaints they had about noise. They designed this building to try to include the sanctuary in the center of the space to help isolate the noise. Capri reported that Team Wilson Media was not associated with the church and was hired to help with the process. They had addressed the noise with a lot of treatments. Capri thought having this be a part of the conditions of approval made sense.

Capri explained that in December of 2022 they submitted an application to annex this property into the city and it received unanimous approval from the Planning Commission to go forward. During the City Council meeting they heard complaints about noise and cutting down trees. Capri explained that they weren't going to cut down the trees. The City Council gave their approval for the annexation at that time. Capri reported they had worked through the jurisdiction process since December and were excited to get this moving forward. He noted the conditional use permit required a notification to property owners within 300 feet. They used the same notification radius

they used for the annexation process to make sure the same people who were a part of this process. Capri noted that the church cared about the Wilder development. He was concerned about the statements about the acoustics. The description they had in their report was very accurate to what was surrounding this piece of property currently. Capri reported that the closest home was over 1,000 feet from the entry of the new entry. This was about five blocks away and a significant distance from the property.

Gross talked about how the site was lower in elevation than the Wilder development. It was 80 to 100 feet lower than Wilder and would help with the sound. Gross reported that they had just thought of doing the overflow parking area that day. The giant overflow parking lot would have reinforced turf to support heavy vehicles, including fire trucks. It will be constructed over a filtration bed and drain to the side so the surface would remain dry all the time and vehicles could drive over it at any time. Gross reported the parking would only be used for overflow and blocked off during normal church operations which was primarily during the weekends. The school would also have drop off times set up so it wouldn't affect traffic. The utilities were already stubbed in off of Chestnut Street. None of the water off the site would go down to 40th Street because it was already draining to the north and they didn't expect that to change. The trail would likely have a storm swale that ran parallel to capture the bulk of the driveway water coming off of it. Gross noted there was also a good amount of distance between the parking lot and the wetlands to the east.

Capri explained they had added 91 parking spaces to the 140 they showed previously. This gave them 238 spaces. Capri reported that the church counted the number of cars that parked during Easter Sunday service, which was an average 140 cars. Capri thought this showed that the adequacy of parking had been demonstrated. The entry to the new church was 250 feet from Harborton Drive which meant that people wouldn't be walking over Harborton to get to the property. Capri noted that they didn't see congestion on Highway 101 during their Sunday services at their current location.

Blom asked if the swales would be a part of the landscaping and allow for water draining onsite. Gross confirmed that was correct.

Berman asked if this development would reduce the trip budget for future development. Tokos explained it would reduce the budget but there were some accommodations already for certain properties such as the industrial property, the Wilder development, and the Community College. There was an ample number of PM peak hours. The trip budget applied to specific geographic area, and the system could handle vehicle trips from these areas within the trip budget. Berman asked if the housing across the street from this property had already been counted. Tokos reported that this property was in a different trip budget zone than the church. Berman asked if they would be short circuiting any future options for other development. Tokos said they wouldn't. Eventually they would have to make updates to the transportation system which would mean they would be running up to the trip cap and would warrant changes to the system. This wasn't an issue currently.

Escobar asked if Team Wilson Media was independent and not church members. Capri confirmed they weren't. Escobar asked if it would be difficult for the church to incorporate the recommendations into the final design. Capri said it wouldn't be difficult but it would be costly for them. Escobar noted that there had been complaints about decibel levels and bass sounds at the existing location that disturbed the neighbors. He asked if Team Wilson Media would try to mitigate this. Capri said they would. Escobar noted in the drawings it showed areas where future offices would be built. He asked if the future offices would have walls already built. Capri explained that the exterior walls would be built, along with a partition wall which would be a sound

wall separating the offices from the sanctuary space. The area would be one big open long space where they could put up additional partition walls and hallways for offices. Escobar asked if the cost for the recommendations from Team Wilson Media would be a deal breaker for the church. Capri said it wouldn't. Escobar asked if the church was committed to incorporate Team Wilson Media's recommendations into the final design. Capri confirmed they were committed to them as long as they were a part of the conditions. Escobar pointed out the stage faced the east and asked if the sound would be projected toward the east or if it would be from all sides. Capri reported that ideally it wouldn't leak at all or would be very minimal from all sides.

Hanselman asked if the Team Wilson Media acoustic rate would be the best sound absorbing materials. Capri noted the combination of the rock wall and soundboard, along with the insulation, had the best impact. Hanselman thought the south wall would be the most likely wall to cause issues with the neighbors. He wondered what they expected the specific decibel reduction to be from the exterior. Hanselman reminded that although the evergreen trees created a buffer, you could still hear the sea lions from the community college. Sound traveled and the trees didn't block as much as someone might think. Hanselman suggested the church ask their congregation to not park on the street and use the parking spaces that would be provided.

Branigan asked if they would have dark sky lighting. Capri confirmed they would. Branigan asked if the large parking lot would have lights on all night or if there would be a break in occurrence. Gross explained that it would be set up with lighting sensors. There would be security lighting on at all times but the parking lot light would be on for special events. Branigan asked if the overflow parking material would be designed so it had gravel sand with turf on top, and a drain pipe. Gross explained it wouldn't be different from designing an agriculture field. It would have a granular level underneath the planting soil, and have a designed surface with pavers that could be planted. Branigan asked if there would be a grade on the overflow or pipes underneath. Gross thought they would have drain tiles. Branigan asked if the structure of the building would be metal, cedar shake, stucco, or cinderblock. Capri reported it would be a steel frame structure with a standing seam metal roof.

Escobar asked if there was a berm in the topography to the north of the building. Capri explained that it was actually a depression. Escobar asked if it was the same on the east. Gross noted that the property went uphill from the west to the east.

Berman asked if they had made adequate measures for security for the school and church. Frechette reported they had a safety team that attended church services and the school.

Hanselman asked what the upper level grades would be at the school. Frechette reported it was sixth to ninth grades. Their goal was to go up to twelfth grade at some point.

Paul Schams addressed the Commission. He was the president of the board for the church. Schams noted that he had lived in Newport since he was one. Through the last 20 years the church had done community outreach and embraced the community to make it better. They intended to continue to serve the community. Schams requested that the Commission not continue the hearing to another date. He thought that Serkin's request for a continuance based on the fact that the people weren't informed wasn't true. The notification was sent out to the community and one of the homes was 1,000 feet away. Berman asked if the Commission was required to do a continuation. Tokos reported that was correct. Schams thought this was an opportunity for a discussion to work through the issues. Escobar asked if the church did their own outreach to Wilder before the hearing. Capri noted Bonnie Serkin was included in the required notifications. Hanselman asked if the church did their own noticing the neighbors. Carpi explained anyone who owned within the 300 feet noticing

area received the notice. Hanselman encouraged the church to sit down with the Wilder community to discuss this. Capri pointed out that the purpose of the hearing was to hear from the neighbors and then be able to respond to their concerns.

Frechette thought that the issues had been addressed and wanted to correct anything that had been a concern with at their current location. He stressed that their current location was on a small parcel and they had been successful with traffic and complaints. The new location was a win for everyone because it got them out of their current building, gave them a place to breath, and addressed some of the concerns.

**Proponents:** Austin Mentor addressed the Commission. He wanted to see the request approved because the church helped him with sobriety.

Edward Townsend addressed the Commission. He noted the church had a tract record of positively impacting the lives of their members. The new location was the perfect place to continue serving Newport. Townsend thought the school was a high value to the community. They were committed to being environmentally sustainable and they planned to host community events which would have a positive effect on the economy. Townsend thought the acoustical concerns were being taken seriously. They were investing in high quality soundproofing materials and would do regular testing to ensure compliance.

Katie Townsend addressed the Commission. Her children attended the South Beach Christian School and she was the principal. Townsend reported that they made neighborly accommodations at the current school to delay the pickup time and drop off times to help with traffic. They wanted to be great neighbors and hadn't received any complaints at their currently property.

Domingo Gonzalez addressed the Commission. He thought the church wanted to unify and create a benefit for the community. Gonzalez reported that they built a hay wall to try to mitigate the sound concerns at their current location. This showed the church wanted to be a better neighbor to the community.

Amy Gonzalez addressed the Commission. She stated she had been a part of the church for over 20 years. Whenever there were concerns the church always looked to fix them. Gonzalez thought that any concerns from the neighbors would be addressed and taken seriously.

Adam Durkin addressed the Commission and reported he was the pastor at South Beach Church. He was in charge of the mission and recovery programs. During the Otis fires of 2020 they were asked to host families that lost their homes, but couldn't because of the zoning of the property. Durkin noted that they wanted to partner with Wilder and the community college.

Neal Rai addressed the Commission. He was impressed with the good neighbor approach the church took to hire the right people to do the project, even if they weren't involved with the church.

Ted Wilson addressed the Commission. He asked the Commission to give their approval for the request. Wilson was a physician who saw how the church helped people who had addictions. He asked the Commission to take this into account.

Mark Watkins addressed the Commission. He thought the current sound issue was warranted. The church became involved with the Police Chief because of the noise concerns. The police did checks occasionally and the church had been completely proactive by building the hay wall to address the concerns. Watkins reported that there was never a violation of the sound codes. What mattered



was that the neighbors complained and the church always wanted to address it. Watkins reported that everything in the project would be done to code and he was in favor of the project.

**Opponents:** Dan McLaughlin addressed the Commission. He reported that he was the closest owner to the proposed church. McLaughlin noted that there was only one two lane road up the hills. New dorms would be built across the street, the Wilder community continued to be built, and the community college wanted to put in another building. He asked that the trip numbers be recalculated assuming all these developments went through to get a fuller picture of what would happen. McLaughlin thought the noise proposals sounded good. He requested that a sound requirement be added on the conditional use permit that prohibited the outdoor amplification of sound. He recommended the city have the developers pay for another access road there.

Scotty Fairchild addressed the Commission. He stated that he was a retired landscape ecologist and botanist who was there to represent nature. Fairchild noted the wetlands at this location were one of the most unique bodies of waters in Lincoln County. It went from freshwater springs, transitioned to brackish water, then drained into Yaquina Bay which was salt water. There was an incredible species diversion in the area. Some species were rare and endangered. Fairchild thought a lot of care had been put into the design. He was concerned about the site's drainage, sound, and light mitigation. Fairchild reported that wildlife wouldn't deal with sound and light like people did. He was concerned about the drainage into the wetlands. Fairchild thought the impacts in this case could actually change the diversification of the ecological community in such a way that it would impact it and almost destroy it. Hanselman asked if any environmental impact studies were required. Fairchild didn't know if it needed to be done in this area, but he wanted the church to be aware of this. Tokos confirmed that an environmental impact assessment wasn't required. This would go through the Department of State Lands because it was in the wetland areas. Tokos noted that this project didn't directly impact the wetland physically. He also noted that this project didn't generate enough traffic to warrant construction of an alternative route. The city had an easement from 50th Street that provided secondary access to the entire neighborhood. The system development charges would be used for further road improvements and the church would be paying into this. There were also urban renewal funds available to pay for a stop light at 40th Street. In order to get this signal they needed more vehicle trips on 40th Street to warrant the state approval to implement one. Tokos noted that the church didn't need to do a traffic impact analysis as part of their development.

**Rebuttal:** Capri reported he talked to Bonnie Serkin and asked her to share the entire staff report with the Wilder neighborhood. He didn't think anybody from the Wilder neighborhood attended the hearing. There were also wasn't anybody in attendance that asked for a hearing continuation. The notice was mailed to Bonnie Serkin 30 days prior to the hearing and the report and plans had been available to them since then. Capri noted the discussion he had with Serkin was that nobody was able to review or comment on the documents. He noted that they received a couple of comments and they responded to them over the previous weekend. The applicant and church members were in attendance at the hearing to answer questions, but nobody from Wilder showed up. Capri was disappointed that they had to continue the hearing without anyone being in attendance. Escobar noted that democracy compelled them to grant a continuation.

Updike asked where the trash enclosure would be located. Capri reported it was on the northwest side against the building and parking lot. Updike asked if there would be night play on the field. Gross reported they didn't know this yet. He didn't think the field would have lights. Frechette didn't see them doing things in the evenings and it wasn't a part of their plans.



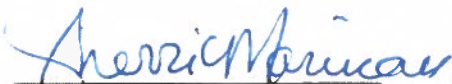
Gross noted 40th and Harborton streets had been identified in the Transportation System Plan (TSP). The TSP looked at the overall build out of the transportation systems in Newport and was recently updated. Gross noted that traffic might have to get worse before they could get transportation improvements in the area. He reported that the church wasn't likely to do a phase one environment assessment. Their responsibility as a developer was to be aware of the requirements and restrictions to protect the environment. Gross explained they would identify what those would be and make sure they complied with the law. He also noted that the lighting would be dark sky and would go through a lighting analysis.

Capri asked what the process was if the request for a continuance was granted, and if they applicant had to do another formal presentation. Tokos explained there would be an additional public hearing and they wouldn't have to go through a formal presentation a second time. They would need to make themselves available for responses.

**MOTION** was made by Commissioner Escobar, seconded by Commissioner Blom to continue the hearing for File No. 2-CUP-23 to the April 24, 2023 meeting. The motion carried unanimously in a voice vote.

6. **New Business.** None were heard.
7. **Unfinished Business.** None were heard.
8. **Director Comments.** None were heard.
9. **Adjournment.** Having no further business, the meeting adjourned at 9:13 p.m.

Respectfully submitted,



Sherri Marineau  
Executive Assistant

169 SW COAST HWY  
NEWPORT, OREGON 97365

COAST GUARD CITY, USA

**COMMUNITY DEVELOPMENT DEPARTMENT**  
(541) 574-0629  
FAX: (541) 574-0644



Exhibit  
H-23

[www.newportoregon.gov](http://www.newportoregon.gov)

MOMBETSU, JAPAN, SISTER CITY

## NOTICE OF DECISION

April 13, 2023

The Newport Planning Commission, by final order signed April 10, 2023, has denied a request for a Conditional Use Permit and Adjustment Permit as described herein:

**FILE NO:** # 1-CUP-23/1-ADJ-23

**APPLICANT/OWNER:** John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner).

**REQUEST:** Request for a conditional use permit and adjustment permit per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24.

**Location/Subject Property:** 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501).

**THIS DECISION MAY BE APPEALED TO THE NEWPORT CITY COUNCIL WITHIN 15 CALENDAR DAYS (5:00 p.m. April 28, 2023), OF THE MAILING DATE OF THIS NOTICE.** Contact the Community Development (Planning) Department, Newport City Hall, 169 SW Coast Hwy, Newport, Oregon 97365 (541-574-0629) for information on appeal procedures. A person may appeal a decision of the Planning Commission to the City Council if the person appeared before the Planning Commission either orally or in writing.

Sincerely,

Sherri Marineau  
Executive Assistant

**Enclosures**

cc: Charles Eggert, Elsinore Investments, LLC, owner  
John Lee, VIP Hospitality Group, applicant  
Janine LaFranchise, opponent  
Charlotte Boxer, opponent (by email)  
Jon Baker, Bay View Condos Owners Association, opponent  
Adriana Buer, opponent (by email)

Tom Briggs, opponent  
Elizabeth Reyes, Family Promise of Lincoln County, proponent  
Gervacio Galicia, Asiatico Waterfront Sushi, proponent (*by email*)  
Mary Young, Latta's Fused Glass, proponent (*by email*)  
Karla Clem, Samaritan Foundations, proponent  
Beverly Smith, opponent  
Lynn & Jon Baker, opponents  
Colleen Martin, opponent (*by email*)  
Dylan McEntee, proponent (*by email*)  
Freddy Saxton, proponent (*by email*)  
Phyllis & David Johnson, opponents (*by email*)  
Rebecca Noble, opponent (*by email*)  
Cristi Farrell, opponent (*by email*)  
David Malone, proponent (*by email*)  
Margo Stark & Gerald Best, proponents (*by email*)  
Wendy Engler, opponent (*by email*)  
Terry Martin, proponent (*by email*)  
Jon Tesar, proponent  
Janet & Steven Webster, proponents  
Steven Webster, proponent  
Darla Sweeter, opponent  
Amber Wishoff, opponent  
Joseph Lease, Building Official (*letter only via email*)  
Derrick Tokos, Director (*letter only via email*)  
Beth Young, Associate Planner (*letter only via email*)

**Sherri Marineau**

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:00 AM  
**To:** 'charboxer2@comcast.net'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Charlotte,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## **Sherri Marineau**

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:00 AM  
**To:** 'Adriana Buer'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Adriana,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## Sherri Marineau

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**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:00 AM  
**To:** 'asiaticowaterfrontsushi@gmail.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Gervacio,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards,

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Executive Assistant  
City of Newport  
Community Development Department  
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Newport, OR 97365  
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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:01 AM  
**To:** 'lattasfusedglass@yahoo.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Mary,

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## **Sherri Marineau**

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**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:01 AM  
**To:** 'nobakers@gmail.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
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**Importance:** High

Lynn,

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Regards,

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Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
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## **Sherri Marineau**

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**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:01 AM  
**To:** 'mgcolleen@gmail.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Colleen,

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Regards,

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Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
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## **Sherri Marineau**

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:01 AM  
**To:** 'dylan@moschowder.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Dylan,

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Regards,

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## **Sherri Marineau**

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:01 AM  
**To:** 'freddy@advantagerealestate.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Freddy,

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Regards,

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City of Newport  
Community Development Department  
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fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## **Sherri Marineau**

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**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:01 AM  
**To:** 'pjdj1111@gmail.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Phyllis,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:01 AM  
**To:** 'shine\_rn@yahoo.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Rebecca,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## Sherri Marineau

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**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:01 AM  
**To:** 'cristi.farrell@gmail.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Cristi,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:02 AM  
**To:** 'roneils@earthlink.net'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

David,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## **Sherri Marineau**

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**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:02 AM  
**To:** 'margo.e.stark@gmail.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Margo & Jerry,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:02 AM  
**To:** 'wendy.engler@yahoo.com'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Wendy,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:02 AM  
**To:** 'terry@agatebeachgolf.net'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Terry,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:02 AM  
**To:** 'JONTESAR@MSN.COM'  
**Subject:** Notice of Final Decision for Conditional Use Permit and Adjustment for File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision and Final Order and Findings.pdf  
**Importance:** High

Jon,

Please be advised that a Final Order Decision has been made for the Conditional Use Permit and Adjustment, File No. 1-CUP-23/1-ADJ-23. Because you submitted testimony for the public hearing, you are being emailed the attached notice of decision along with the final order and findings that pertain to this decision. If you have any questions, please contact Director, Derrick Tokos at 541-574-0626 or email him at [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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## **Sherri Marineau**

---

**From:** Sherri Marineau  
**Sent:** Thursday, April 13, 2023 11:50 AM  
**To:** Joseph Lease; Beth Young  
**Cc:** Derrick Tokos  
**Subject:** Final Order Decision for Conditional Use Permit and Adjustment Permit File # File 1-CUP-23 - 1-ADJ-23  
**Attachments:** File 1-CUP-23 - 1-ADJ-23 Notice of Decision.pdf

Please be advised that a Final Order Decision has been made for Conditional Use Permit and Adjustment Permit File # File 1-CUP-23 - 1-ADJ-23. See attached document for further information.

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0629, option 2  
fax: 541.574.0644  
[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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# City of Newport Land Use Application

**PLEASE PRINT OR TYPE - COMPLETE ALL BOXES - USE ADDITIONAL PAPER IF NEEDED**

Applicant Name(s): John Lee	Property Owner Name(s): <i>If other than applicant</i> Elsinore Investments, Inc.
Applicant Mailing Address:  13635 NW Cornell Rd Suite 100	Property Owner Mailing Address: <i>If other than applicant</i>  18555 SW Teton Ave, Tualitan, OR 97062
Applicant Telephone No.:  jlee@viphgroup.com; 503-786-5556	Property Owner Telephone No.: <i>If other than applicant</i>  E-mail: Charlie.eggert@keystone-pacific.com
E-mail: Portland, OR 97229	E-mail:
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Authorized Representative Mailing Address:	
Authorized Representative Telephone No.:	E-Mail:

## Project Information


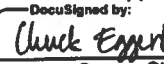
<b>Project Information:</b> <b>Property Location:</b> <i>Street name if address is not assigned</i>		<b>836-856 SW Bay Blvd, Newport, OR 97365</b>	
<b>Tax Assessor's Map No.:</b> 11-11-08-CA-02800-00, 02500, 0261		<b>Tax Lot(s):</b> R394965, R392623, R510871	
<b>Zone Designation:</b> W-2/C-2	<b>Legal Description:</b> <i>Add additional sheets if necessary</i>		
<b>Comp Plan Designation:</b>			
<b>Brief Description of Land Use Request(s):</b>		1. Demolish existing 1-story building 2. Construct new 3-story hotel with 47 rooms (26,656 SF) with commercial space on street level (2,626 SF) 3. Add landscape planting and seating along Bay Blvd. frontage	
		<b>Request is to Appeal the CUP</b>	
<b>Existing Structures:</b> <i>if any</i> 1-story building			
<b>Topography and Vegetation:</b>			
<b>APPLICATION TYPE (please check all that apply)</b>			
<input type="checkbox"/> Annexation <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Comp Plan/Map Amendment <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Design Review <input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Interpretation <input type="checkbox"/> Minor Replat <input type="checkbox"/> Partition <input type="checkbox"/> Planned Development <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Shoreland Impact <input type="checkbox"/> Subdivision <input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> UGB Amendment <input type="checkbox"/> Vacation <input type="checkbox"/> Variance/Adjustment <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Zone Ord/Map Amendment <input type="checkbox"/> Other _____	
<b>FOR OFFICE USE ONLY</b>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> <b>Date Received:</b> <u>4/13/23</u>  <b>Received By:</b> <u>sm</u> </div> <div style="width: 40%;"> <b>File No. Assigned:</b> <u>1-CUP-23/1-ADJ-23-A</u>  <b>Fee Amount:</b> <u>\$750</u>  <b>Receipt No.:</b> <u>6865</u> </div> <div style="width: 40%;"> <b>Date Accepted as Complete:</b> _____  <b>Accepted By:</b> _____         </div> </div>			

**(SEE REVERSE SIDE)**

Community Development & Planning Department • 169 SW Coast Hwy, Newport, OR 97365 • Derrick I. Tokos, AICP, Director

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development & Planning Department Staff Report concerning the applicable criteria.

I certify that, to the best of my knowledge, all information provided in this application is accurate.

  
\_\_\_\_\_  
Applicant Signature(s)  
DocuSigned by:  
  
\_\_\_\_\_  
Property Owner Signature(s) (if other than applicant)  
\_\_\_\_\_  
Authorized Representative Signature(s) (if other than applicant)

4/11/23  
\_\_\_\_\_  
Date Signed  
4/13/2023 | 10:24 AM PDT  
\_\_\_\_\_  
Date Signed  
\_\_\_\_\_  
Date Signed

**Please note application will not be accepted without all applicable signatures.**

**Please ask staff for a list of application submittal requirements for your specific type of request.**



13635 NW Cornell Rd, Suite 100 | Portland, Oregon | Ph. (503) 765-5552

April 11, 2023

Mr. Derrick Tokos  
Community Development Director  
City of Newport

**Re: Appeal of Planning Commission decision on File No. 1-CUP-23 / 1-ADJ-23 (April 10, 2023 meeting)**

Derrick:

This letter is to request and start the appeal process on the final decision by the Newport Planning Commission on the above mentioned CUP application. It is our belief that the Planning Commission's decision to deny the request for a conditional use permit largely based on the project's parking requirement was unfounded, and the information provided by us to address the parking issue sufficiently justified an approval.

We are currently working with a land use attorney to present our case formally, and will allow our attorney to respond with a more detailed rationale for the appeal over the next few weeks.

Please feel free to call or email me with any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "John Lee", written over a horizontal line.

John Lee  
Managing Director  
VIP Hospitality Group



**Transaction Receipt**  
**Record ID: 625-23-000010-PLNG-01**  
**IVR Number: 625063420762**

City of Newport Planning Department

**Exhibit  
H-27**

169 SW Coast Hwy  
Newport, OR 97365  
541-574-0629  
Fax: 541-574-0644  
permits@newportoregon.gov

**Receipt Number: 6865**

**Receipt Date: 4/13/23**

www.newportoregon.gov

Worksite address: 852 SW BAY BLVD, NEWPORT, OR

Parcel: 11-11-08-CA-02500-00

**Fees Paid**

Transaction date	Units	Description	Account code	Fee amount	Paid amount
4/13/23	1.00 Ea	Appeal - first hearing	101-1900-46003	\$250.00	\$250.00
4/13/23	500.00 Amount	Preparation of verbatim written transcript, as required	101-1900-46003	\$500.00	\$500.00

Payment Method:	Credit card authorization: 03443G	Payer: John Lee	Payment Amount:	\$750.00
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Paid through ePermitting website	Receipt Total:	\$750.00
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CITY OF NEWPORT  
NOTICE OF A PUBLIC HEARING<sup>1</sup>

**NOTICE IS HEREBY GIVEN** that the Newport City Council will hold an on the record public hearing to consider an appeal of the Planning Commission decision denying a Conditional Use Permit and Adjustment Permit Application (#1-CUP-23 / 1-ADJ-23).

**File No:** # 1-CUP-23 / 1-ADJ-23

**Appellant:** John Lee, VIP Hospitality Group.

**Applicant & Property Owner:** John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner)

**Request:** Appeal challenging the Planning Commission's denial of a request per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 31.4% reduction in the number of off-street parking stalls from 59 to 43; and an increase in the maximum percentage of allowed compact parking stalls from 40% to approximately 50%.

**Location:** 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501); and Tax Map 11-11-08-CA, Tax Lot 3300.

**Applicable Criteria:** NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

**Testimony:** At this appeal hearing, the City Council will accept arguments from the appellant, applicant (if different from appellant), and comment from city staff. All arguments must be directed toward evidence in the record that is relevant to the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision.<sup>2</sup> Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to the issue precludes an appeal based on that issue. Council members may ask questions of the participants and, after accepting testimony, will

<sup>1</sup>This notice is being sent to the applicant, applicant's authorized agent, and everyone that made an appearance before the Planning Commission.

<sup>2</sup> Per ORS 197.797, the term "evidence" is defined as facts, documents, data or other information offered to demonstrate compliance or noncompliance with the approval standards believed relevant to a decision. For an on the record hearing, the "evidence" is the record that was before the Planning Commission. The Council can receive "argument," which is defined as assertions and analysis regarding the satisfaction or violation of approval standards believed relevant to a decision. "Argument" does not include facts.

deliberate and render a decision. Other interested persons may attend and observe the proceedings, and provide comment after the City Council renders its decision.

**Reports:** A copy of the case record, including the Planning Commission's decision and appeal will be available on the Community Development Department page of the city website: <https://www.newportoregon.gov/dept/cdd/default.asp> no later than April 28, 2023. Copies may be purchased at the Newport Community Development Department, City Hall, 169 SW Coast Hwy, Newport, Oregon, 97365. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address.

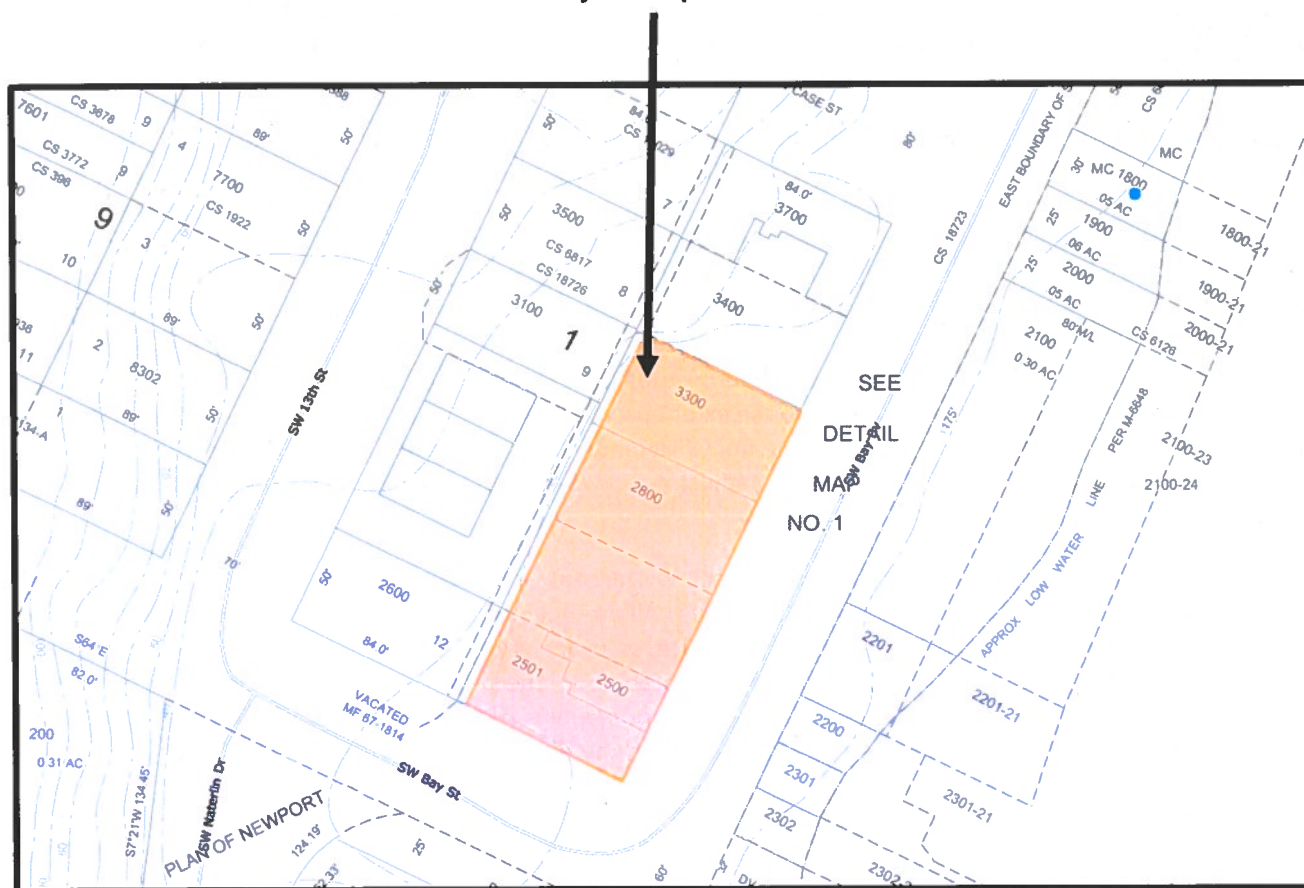
**Contact:** Derrick Tokos, Planning Director, Community Development Department, (541-574-0629) (address above).

**Time/Place of Hearing:** Monday, May 15, 2023; 6:00 p.m.; City Hall Council Chambers (address above).

**MAILED:** April 19, 2023.

**PUBLISHED:** May 5, 2023/News-Times.

### Subject Properties



**Exhibit  
H-29**

**JOHN LEE  
VIP HOSPITALITY GROUP  
13635 NW CORNELL RD, SUITE 100  
PORTLAND, OR 97229**

**ELSINORE INVESTMENTS LLC  
EGGERT CHARLES W  
18555 SW TETON AVE  
TUALATIN, OR 97062**

**DENNY HAN  
ARLA DESIGN  
2057 HILLDALE DRIVE  
LA CANADA FLINTRIDGE, CA 91011**

**JANINE LAFRANCHISE  
833 SW 13TH ST #2  
NEWPORT, OR 97365**

**818 SW BAY BLVD  
ATTN: CHARLOTTE BOXER  
606 N TOMAHAWK ISLAND DR  
PORTLAND, OR 97217**

**BAY VIEW CONDOMINIUM  
ASSOCIATION OF UNIT OWNERS  
833 13TH ST SW  
NEWPORT, OR 97365**

**TOM BRIGGS  
118 SW HIGH ST  
NEWPORT, OR 97365**

**ELIZABETH REYES  
FAMILY PROMISE OF LINCOLN COUNTY  
PO BOX 1146  
GLENEDEN BEACH, OR 97388**

**KARLA CLEM  
PACIFIC COMMUNITIES HEALTH  
DISTRICT FOUNDATION  
930 SW ABBEY STREET  
NEWPORT, OR 97365**

**SMITH BEVERLY M TSTEE  
2455 S FIFTH ST  
LEBANON, OR 97355**

**BAKER JON P & BAKER LYNN D J  
38695 RIVER DR  
LEBANON, OR 97355**

**JON TESAR  
2902 S MORAIN PL  
KENNEWICK, WA 99337**

**795 SW BAY BLVD LLC  
ATTN: JANET & STEVE WEBSTER  
113 SE BAY BLVD  
NEWPORT, OR 97365**

**WISHOFF BRADDEN J & WISHOFF  
SALLY A  
18886 LAFAYETTE AVE  
OREGON CITY, OR 97405**

**DARLA SWEETER  
3015 26TH AVE SE  
ALBANY, OR 97322**

**Charlotte Boxer: charboxer2@comcast.net**

**Adriana Buer: adrianabuer@gmail.com**

**Gervacio Castillo:  
asiaticowaterfrontsushi@gmail.com**

**Rebecca Noble: shine\_rn@yahoo.com**

**Cristi Farrell: cristi.farrell@gmail.com**

**David Malone: roneils@earthlink.net**

**Mary Young: lattasfusedglass@yahoo.com**

**Lyn Baker: nobakers@gmail.com**

**Jon Baker: jonpbaker317@gmail.com**

**Colleen Martin: mgcolleen@gmail.com**

**Wendy Engler: wendy.engler@yahoo.com**

**Terry Martin: terry@agatebeachgolf.net**

**Dylan McEntee: dylan@moschowder.com**

**Freddy Saxton:  
freddy@advantagerealestate.com**

**Margo Stark & Gerald Best:  
margo.e.stark@gmail.com**

**Phyllis & David Johnson:  
pjdj1111@gmail.com**

**Jon Tesar: jontesar@msn.com**

**Beverly Smith: bevgetsmail@gmail.com**

**File 1-CUP-23 / 1-ADJ-23-A**

**Parties in Standing Mailing Labels**

**Sherri Marineau**

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:39 AM  
**To:** 'charboxer2@comcast.net'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf

Charlotte,

Please be advised that a public hearing has been scheduled with the City Council for an appeal of the Planning Commission's denial of the Conditional Use Permit and Adjustment Permit for the new Abbey Hotel on Bay Blvd (File No. 1-CUP-23/1-ADJ-23). You are being emailed the attached notice because you submitted testimony for the Planning Commission public hearing.

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:39 AM  
**To:** 'Adriana Buer'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Adriana,

Please be advised that a public hearing has been scheduled with the City Council for an appeal of the Planning Commission's denial of the Conditional Use Permit and Adjustment Permit for the new Abbey Hotel on Bay Blvd (File No. 1-CUP-23/1-ADJ-23). You are being emailed the attached notice because you submitted testimony for the Planning Commission public hearing.

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## Sherri Marineau

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**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'asiaticowaterfrontsushi@gmail.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Gervacio,

Please be advised that a public hearing has been scheduled with the City Council for an appeal of the Planning Commission's denial of the Conditional Use Permit and Adjustment Permit for the new Abbey Hotel on Bay Blvd (File No. 1-CUP-23/1-ADJ-23). You are being emailed the attached notice because you submitted testimony for the Planning Commission public hearing.

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:39 AM  
**To:** 'lattasfusedglass@yahoo.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Mary,

Please be advised that a public hearing has been scheduled with the City Council for an appeal of the Planning Commission's denial of the Conditional Use Permit and Adjustment Permit for the new Abbey Hotel on Bay Blvd (File No. 1-CUP-23/1-ADJ-23). You are being emailed the attached notice because you submitted testimony for the Planning Commission public hearing.

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:39 AM  
**To:** 'nobakers@gmail.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Lyn,

Please be advised that a public hearing has been scheduled with the City Council for an appeal of the Planning Commission's denial of the Conditional Use Permit and Adjustment Permit for the new Abbey Hotel on Bay Blvd (File No. 1-CUP-23/1-ADJ-23). You are being emailed the attached notice because you submitted testimony for the Planning Commission public hearing.

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'jonpbaker317@gmail.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Jon,

Please be advised that a public hearing has been scheduled with the City Council for an appeal of the Planning Commission's denial of the Conditional Use Permit and Adjustment Permit for the new Abbey Hotel on Bay Blvd (File No. 1-CUP-23/1-ADJ-23). You are being emailed the attached notice because you submitted testimony for the Planning Commission public hearing.

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## **Sherri Marineau**

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'mgcolleen@gmail.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Colleen,

Please be advised that a public hearing has been scheduled with the City Council for an appeal of the Planning Commission's denial of the Conditional Use Permit and Adjustment Permit for the new Abbey Hotel on Bay Blvd (File No. 1-CUP-23/1-ADJ-23). You are being emailed the attached notice because you submitted testimony for the Planning Commission public hearing.

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## **Sherri Marineau**

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**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'dylan@moschowder.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Dylan,

Please be advised that a public hearing has been scheduled with the City Council for an appeal of the Planning Commission's denial of the Conditional Use Permit and Adjustment Permit for the new Abbey Hotel on Bay Blvd (File No. 1-CUP-23/1-ADJ-23). You are being emailed the attached notice because you submitted testimony for the Planning Commission public hearing.

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## Sherri Marineau

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**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'freddy@advantagerealestate.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Freddy,

Please be advised that a public hearing has been scheduled with the City Council for an appeal of the Planning Commission's denial of the Conditional Use Permit and Adjustment Permit for the new Abbey Hotel on Bay Blvd (File No. 1-CUP-23/1-ADJ-23). You are being emailed the attached notice because you submitted testimony for the Planning Commission public hearing.

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Regards,

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Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'pjdj1111@gmail.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Phyllis & David,

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Regards,

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Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'shine\_rn@yahoo.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Rebecca,

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'cristi.farrell@gmail.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Cristi,

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'roneils@earthlink.net'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

David,

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Regards,

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Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'margo.e.stark@gmail.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Margo & Jerry,

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Regards,

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Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365



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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'wendy.engler@yahoo.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Wendy,

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Regards,

**Sherri Marineau**  
Executive Assistant  
City of Newport  
Community Development Department  
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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:39 AM  
**To:** 'terry@agatebeachgolf.net'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Terry,

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Regards,

**Sherri Marineau**  
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## Sherri Marineau

---

**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:40 AM  
**To:** 'jontesar@msn.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Jon,

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Regards,

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Executive Assistant  
City of Newport  
Community Development Department  
169 SW Coast Highway  
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## Sherri Marineau

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**From:** Sherri Marineau  
**Sent:** Wednesday, April 19, 2023 11:41 AM  
**To:** 'bevgetsmail@gmail.com'  
**Subject:** Notice of Public Hearing: Appeal of a Conditional Use Permit and Adjustment Permit - File No. 1-CUP-23/1-ADJ-23  
**Attachments:** File 1-CUP-23 -- 1-ADJ-23-A Notice.pdf  
**Importance:** High

Beverly,

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Regards,

**Sherri Marineau**  
Executive Assistant  
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**CITY OF NEWPORT  
NOTICE OF A PUBLIC HEARING**

The Newport City Council will hold an on the record public hearing on Monday, May 15, 2023, at 6:00 p.m. in the City Hall Council Chambers to consider an appeal of the Planning Commission decision denying a Conditional Use Permit and Adjustment Permit Application (File No. 1-CUP-23 / 1-ADJ-23). The appeal challenges the Planning Commission's denial of a request per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 31.4% reduction in the number of off-street parking stalls from 59 to 43; and an increase in the maximum percentage of allowed compact parking stalls from 40% to approximately 50%. The properties are located at 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501); and Tax Map 11-11-08-CA, Tax Lot 3300. The applicable criteria per NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. The applicable criteria per NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district. At this appeal hearing, the City Council will accept arguments from the appellant, applicant (if different from appellant), and comment from city staff. All arguments must be directed toward evidence in the record that is relevant to the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to the issue precludes an appeal based on that issue. Council members may ask questions of the participants and, after accepting testimony, will deliberate and render a decision. Other interested persons may attend and observe the proceedings, and provide comment after the City Council renders its decision. A copy of the case record, including the Planning Commission's decision and appeal will be available on the Community Development Department page of the city website: <https://www.newportoregon.gov/dept/cdd/default.asp> no later than April 28, 2023. Copies may be purchased at the Newport Community Development Department, City Hall, 169 SW Coast Hwy, Newport, Oregon, 97365. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

***FOR PUBLICATION ONCE ON FRIDAY, May 5, 2023.***