



CITY OF ASTORIA

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MEMORANDUM

DATE: OCTOBER 18, 2021

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER

SUBJECT: APPEAL (AP21-06) BY VINCE TADEI, ETAL., OF ASTORIA PLANNING COMMISSION APPROVAL OF CONDITIONAL USE (CU20-10) BY RDA PROJECT MANAGEMENT LLC., FOR BETHANY LUTHERAN CHURCH TO CONSTRUCT A SEMI-PUBLIC USE ACCESSORY BUILDING AT 420 34TH STREET

DISCUSSION / ANALYSIS:

In 2020 the project manager for Bethany Lutheran Church submitted an application for a Conditional Use (CU20-10). The proposal is to construct a 5,032 square foot accessory building with 1,845 square foot covered patio, as an annex to the adjacent existing Bethany Lutheran Church facility located across the 34th Street right-of-way. The use would be classified as a semi-public use. The site is in the R-3 Zone (High Density Residential). The Astoria Planning Commission (APC) approved the Conditional Use application on August 24, 2021. An Appeal (AP21-06) of the decision was filed by: Vince Tadei, Peter Tadei, Susan Tadei, Paul Tadei, Riley Pitts, Jason Hall, and Jude Matulich-Hall. The APC Findings of Fact are included as part of the Record. In addition to the Conditional Use permit, the applicant will need to obtain a new New Construction permit (NC20-08) which was approved on February 9, 2021 by the Historic Landmark Commission (HLC), and on April 5, 2021 by the City Council on Appeal (AP21-02). The prior approved location has changed. That decision was appealed to LUBA (2021-048) and is pending a decision by LUBA.

The applicable conditional use criteria are reviewed by the APC with design criteria reviewed by the HLC. Other zoning code requirements are reviewed administratively by the Planner. Traffic, driveway design, utilities, Public Works standards, and other site design issues are reviewed by the City Engineering Division. Those additional reviews would be completed after the HLC and APC decisions are finalized and when the appropriate applications have been submitted to the respective departments. Building Code issues would be addressed by the Building Official at the time of a building permit application. City Council review of the APC's decision on this Conditional Use Permit (CU20-10) does not involve these other permits or issues.

The City Council will first need to determine if the hearing will be held de novo (where new testimony can be received) or on the record (allowing only re-argument of testimony already in the record). The Council has several options: 1) Uphold the APC decision to approve the request, possibly with revised Findings of Fact; 2) Reverse the APC decision and deny the request pending adoption of revised Findings of Fact; or 3) Remand the issue back to the APC for reconsideration. It should be noted that a remand to the APC would be heard by the APC tentatively on November 23, 2021 (should the City Council decision be made at the October 18, 2021 meeting) and if this decision was appealed, it would not be heard by the City Council until tentatively December 20, 2021, which is after the end of the extended 120 Days (December 8, 2021). The applicant is not required to extend the 120 Day period.

RECOMMENDATION:

It would be in order for the City Council to first determine whether to hold an on the record or de novo hearing; hold the public hearing on the appeal; consider whether to uphold or reverse the Astoria Planning Commission decision to approve the Request with conditions, and adopt Findings of Fact to support the Council decision.

BY: MEG LEATHERMAN, COMMUNITY DEVELOPMENT DIRECTOR

ATTACHMENTS:

[AP21-06. CC memo 10-18-21.Final.pdf](#)

[AP21-06 Appeal Packet_FINAL.pdf](#)

[APC 8-24-2021 Video.pdf](#)