

DESIGN REVIEW COMMISSION

Astoria City Hall

August 1, 2019

CALL TO ORDER:

Vice President Sisson called the meeting to order at 5:30 p.m.

ROLL CALL – ITEM 2:

Commissioners Present: Vice President Ian Sisson, Bob Levine, Hilarie Phelps and Sarah Jane Bardy.

Commissioners Excused: President Jared Rickenbach.

Staff Present: City Manager Brett Estes, Contract Planner Rosemary Johnson, City Attorney Blair Henningsgaard and Secretary Tiffany Taylor. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES – ITEM 3:

No new minutes to approve.

PUBLIC HEARINGS:

Vice President Sisson explained the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria were available from Staff.

ITEM 4(a):

DR19-03 Design Review DR19-03 by MMCG GOI Astoria LLC to construct a 16,000 square foot grocery outlet structure at 2190 Marine Drive in the LS (Local Service) Zone, GOZ (Gateway Overlay Zone), and CGO (Civic Greenway Overlay Zone).

Vice President Sisson asked if anyone objected to the jurisdiction of the Design Review Commission to hear this matter at this time. There were no objections. He asked if any member of the Design Review Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Levine declared that he visited the site.

Vice President Sisson called for a presentation of the Staff report.

Planner Johnson stated the City had received a lot of correspondence, all of which was forwarded to Commissioners as it was received. Many of the comments expressed concerns that a chain store could put local businesses out of business. However, the City has not adopted any regulations prohibiting a chain store in the area. Therefore, the DRC cannot consider these comments. Another concern was that this store would compete with existing businesses such as the Astoria Co-op Grocery and Safeway, which are both in close proximity to the proposed site. Astoria does not have any Codes prohibiting competition. However, in the Gateway Area, the Code states that new businesses should complement and not compete with downtown. Neither the Co-op nor the Safeway are located downtown, so that a criterion does not apply to this request. One last concern identified by much of the correspondence regards traffic. Traffic is reviewed by the Oregon Department of Transportation (ODOT) and Staff, but not by the DRC. However, Marine Drive access should be addressed by the DRC. She reviewed the Findings and Conditions contained in the Staff report. Staff recommended approval with conditions.

Commissioner Levine said this was his third meeting since he was appointed to the DRC and every application he had seen had been incomplete. This application lacked a landscaping plan, lighting plan, and other information. However, Staff added conditions that would be subject to Staff's review. As a Commissioner, he would like to review those conditions as well. Page 7 of the Staff report refers to the characteristic of Astoria, which he had not been able to figure out. He asked if the characteristics were from the 1900s or newer. Page 8

of the Staff report indicates the DRC should encourage new construction to reflect historic building types found in Uppertown. There was not much historic about the proposed building. The Staff report also says other designs would come closer to or meet more of the design standards required for this site. He asked why the proposed design was being considered if there were better options. He was concerned that if the proposed grocery store closed, a different type of use would not meet the guidelines.

Commissioner Phelps asked why the DRC was reviewing the application before the traffic study had been reviewed by ODOT. A lot of changes could occur that would affect the DRC's review.

Planner Johnson stated the DRC does not review traffic impacts other than the access to Marine Drive. If the design must change, the project would come back to the DRC. The project is presented to the DRC at this point in the process so that the Commission can decide if the project should proceed to the next phase. She confirmed that ODOT could require that the existing Marine Drive access remain in place and be used to access the site. This would affect the landscaping, and Staff reviews landscaping plans.

Commissioner Phelps asked if it were possible that ODOT might remove a corner of the property to make a T intersection.

Planner Johnson explained that the City does not have any details about what ODOT has planned for that intersection. ODOT is mandated to have ADA accessibility at intersections and the City's Transportation System Plan (TSP) has identified Commercial and Marine as a problem intersection.

Commissioner Phelps said this was her fifth year on the Commission and she had never seen windows that were not real windows. She asked if these false windows had been approved elsewhere since the Riverfront Vision Plan and the Gateway zoning were approved.

Planner Johnson stated the City has required that false windows look like real windows. The Safeway store, which is just outside the Gateway area, has false windows on its façade facing Leif Erickson Drive. The windows are inset with backlighting to make them look real.

Vice President Sisson noted that Oregon Land Use laws prevent previous decisions from setting a precedent.

Commissioner Phelps said she believed the pedestrian orientation of the lot would be difficult to lay out. She did not believe there was any way to make the site pedestrian friendly with access from Marine Drive.

Vice President Sisson asked if the siding would be smooth as proposed. The material pallet shows textured CMU (concrete masonry unit). He also wanted to know if guidelines discouraged smooth CMU. The gooseneck light fixtures shown on Page 5 have a bulb that sits about halfway below the bottom of the shield. He wanted to know if that met the no glare criteria in the lighting standards and guidelines. Planner Johnson said that would depend on the type of bulb used. Bulbs can be frosted or provide a low level of light that does not glare. However, the Commission could declare that bulbs should be fully covered due to the proximity to Mill Pond.

Vice President Sisson confirmed with Planner Johnson that TP Freight established the driveway on Marine Drive before the Gateway Overlay Master Plan was adopted in 1997.

Commissioner Phelps confirmed with Planner Johnson that the proposed sign would be 10 feet tall. Planner Johnson added that the square footage of both signs met City Code.

Commissioner Levine said he was concerned about environmental impacts and economic impacts on other businesses. He asked if this project would be reviewed by any other Commission or City Council where environmental and economic issues would be discussed.

Planner Johnson explained that environmental impacts are reviewed by Staff and economic impacts were not part of any criteria. However, the DRC can consider how this business would compete with downtown businesses.

Commissioner Levine asked if this project created a traffic bottleneck and the City views that as impactful to downtown businesses, could the DRC then consider traffic. Planner Johnson stated this grocery store would not be in competition with any downtown businesses because there are no grocery stores in downtown.

City Attorney Henningsgaard added that traffic impacts on downtown business are not part of this hearing. Traffic could not be reasonably considered competition and he did not believe Findings could be written to make that case.

Vice President Sisson noted that the DRC did not have any Findings related to traffic impacts on downtown.

Planner Johnson said the Gateway Overlay was to implement the concepts and guidelines of the Gateway Plan and the Gateway Overlay was intended to be an intensively developed, mixed-use area that complements downtown and the community as a whole.

City Attorney Henningsgaard [inaudible-not on microphone 40:30] He explained that the purpose sections of the Code did not provide review criteria.

After discussion with City Attorney Henningsgaard, and City Manager Estes, Planner Johnson stated that the traffic would not be part of DRC's review.

Vice President Sisson opened the public hearing at 6:12 pm and called for testimony from the Applicant.

Michael Robinson, Schwabe Williamson and Wyatt, Land Use Attorney, 1211 SW 5th Avenue, Suite 1900, Portland, handed out copies of additional documents from the Applicant.

City Attorney Henningsgaard read into the record a land use/procedural statement detailing that testimony, arguments, and evidence must be directed to the criteria previously described or the criteria in the plan and land use regulations, which a person believes to apply to the decision. Additionally, failure to raise an issue accompanied by statements or evidence sufficient to afford a decision-maker and parties an opportunity to respond to that issue will preclude an appeal to the City Council or potentially Land Use Board of Appeals (LUBA) on that issue.

Mr. Robinson requested a continuance to the next meeting, scheduled for September 5, 2019. The DRC had already asked some very good questions and about 60 pages of testimony came in earlier today. He understood it was his legal burden of proof to meet the approval criteria and he wanted a fair chance to respond and answer questions. He would extend the 120-day deadline to September 5th. The Applicants agreed with the Staff report and appreciated the recommendation for approval. Additionally, they agreed with all of the conditions of approval listed in the Staff report. He believed the potential new conditions just mentioned would also be acceptable to the Applicants. He noted that the DRC was required to grant the request for a continuance since the request had been made at the first evidentiary hearing. He explained that the use was not an issue. While he respected those who take the time to participate in civic affairs, as stated on Pages 7 and 25 of the Staff report, the proposed use is permitted outright at the site. This hearing is purely for the DRC to decide if design guidelines of the overlay zone have been met. If the DRC decides the guidelines have been met, they have an obligation to approve the request. He agreed with City Attorney Henningsgaard that the purpose statement was not an approval criterion and that the review criteria were contained in Chapter 14 of the Code. He believed the evidence contained in the public record demonstrates that the approval criteria were satisfied. In order to assist the DRC in making that determination, additional exhibits had been provided on the table, including a materials board, a site plan, a colored landscaping plan, and building elevations. The access on Marine Drive is an ODOT decision. Astoria Public Works and ODOT have tentatively said the access will be allowed. However, the Applicants still need to get a formal permit from ODOT. If a different location is approved, the project would come back for another DRC review. However, he expected ODOT to approve the existing driveway. General traffic issues are not being reviewed as part of this hearing. He encouraged the Commissioners to ask him and the rest of the Applicant's team questions. If those questions could not be answered tonight, they would come back with full and fair answers.

Dan Dover, Main and Main Real Estate, 6600 Paige Road, The Colony, TX, said this project started in October or November of 2018. The Applicants met with the City to find out what criteria needed to be met and they have been working for the last six months to do that. They tried to match some of the materials used by the Co-op by

incorporating a lot of metal and wood elements. Additionally, the neighborhood behind the site has a lot of lap siding, so they tried to incorporate the lap siding into their design as well. If the CMU is an issue for the DRC, he would have no problem removing the CMU and using the materials above it all the way down to the finished floor elevation. He liked the maintenance and durability of CMU when shopping carts bumped up against the building; metal bends and wood cracks. Additionally, if the DRC prefers lighting other than the proposed gooseneck fixtures, he would be happy to find an alternative that matched the DRC's specifications. He displayed the site plan on the screen and explained how the proposed plan gave vehicles the best safety situation as vehicles come in and out of the site. Moving the approach even just 20 feet would create a dead end where vehicles would have to quickly make a left or right turn. The shape of the lot is unique, but it is the safest of all the iterations they considered. They have not applied for the ODOT permit yet because the fully engineered plans are still not complete. If ODOT requires a material change, they would come back for the DRC to review and approve those changes. In August 2018, ODOT said the access point was not controlled. And because of the change in use on the property, a new driveway application permit from ODOT is required. He noted that the Applicants had no preference on the siding's finish. If the smooth siding proposed was not appropriate, they would provide the DRC with more samples and use the one that the DRC chooses.

Commissioner Levine asked if the Applicants would be willing to install fully matured landscaping instead of waiting five or ten years for the landscaping to fill in. He also wanted to know if the Applicants would consider a carved wooden sign with exterior lighting instead of the proposed monument sign because he had a personal objection to those types of signs.

Vice President Sisson asked where window casings would be installed.

Mr. Dover said full design drawings were not yet complete, but he would include that detail in their response at the next meeting.

Vice President Sisson asked how the site layout would change if ODOT denied the request to use the existing access to Marine Drive.

Mr. Dover said that would put 100 percent of the traffic on Commercial St. and through the neighborhood, but the layout would not change.

Commissioner Phelps confirmed the trash enclosure would be in front of the loading bay and that there would be enough room between the trash enclosure and the side of the building for a truck to back in.

Mr. Dover stated he would provide their truck study at the next hearing.

Commissioner Phelps asked if the Applicants would be willing to put landscaping between the loading bay and the property line.

Mr. Dover explained there was not enough room for landscaping in that area. He displayed the site layout on the screen and said the walkway was the only way to get products into the building from the loading bay. However, the walkway is located behind existing businesses.

Vice President Sisson asked if the Applicants could provide renderings of the building as it would be seen from the east and west approaches.

Mr. Dover responded in the affirmative.

Vice President Sisson called for testimony in favor of the application.

Paul Davis, 33 Auburn Street, Astoria, said he was not an owner of the Co-op or any other competing business. He believed the design looked great. Currently, the site has a hideous ugly building and the current driveway is super wide because tractors and trailers used to go in and out all the time. The Applicant's willingness to make the design elements fit Astoria is great. If they wanted to make the building look like old historic Astoria, the building would need boarded up windows, not fake windows. The fake windows are not an issue. The existing TP building does not have any windows that can be seen through. He was excited to see the ugly piece of land be developed. The safety of the access on Marine Drive is his primary concern. Currently, the area is not pedestrian

friendly and developing the area will improve safety. The gooseneck lighting would be great and very attractive compared to the 1980s City of Astoria streetlights. He supported the application and he was excited that the homeless community would have an inexpensive place to buy toiletries.

Paxton Hoag, 1772 Jerome, Astoria, said he appreciated the Applicant's ability to work with the City on the design. He shops at Grocery Outlets and has wanted one in this area for a long time. This will be a great asset to Astoria. He also shops at the Co-op and did not believe the outlet would be competition because they are totally different markets. He supported the application.

Vice President Sisson called for any testimony impartial to the application.

Don Patterson, 1635 SW 14th, Warrenton, said he owned the Mini Mart and had been in business in Astoria for 30 years. He could not believe all the criteria now required to build something. He had spoken at the hearings for the Co-Op and believed the Grocery Outlet would have the same problems with left turns out of the parking lot. He did not have a problem with the Grocery Outlet. However, Page 19 of the Staff report shows a driveway into his lot that has not been approved.

Planner Johnson clarified that the Staff report did not show a driveway into Mr. Patterson's property. However, the Staff report did show landscaping between his property and the Grocery Outlet.

Vice President Sisson added that the site plan differed from what was shown on Page 19 of the Staff report.

Mr. Patterson believed turning left and pedestrians crossing the road would be a problem in that area. The traffic will affect City Lumber. However, the exit shown is probably the safest spot and is better than an exit on 23rd Street.

Vice President Sisson called for any testimony opposed to the application.

Matt Stanley, 463 Jerome Ave., Astoria, said he had been the general manager of the Co-Op for 11 years and in that time a lot of his family have come to join him in Astoria. Astoria has become his home and is a special place for he and his family. He represented the Co-Op's interest. He had serious concerns about the grocery outlet at the proposed location. He asked that the DRC reject the proposal. The Co-Op was not opposed to competition and their expansion plan has always assumed more competition would come. Grocery is a highly competitive business and their expansion strategy allows for increased space for the departments in their building that differentiate the Co-Op's meat, deli, and local food. The Co-Op looked at the TP Freight site, which is a really awkward site, and could not find a way to make a high intensity use like a grocery store work on the triangle shaped site. The Co-Op has been through the design review process and their building was scrutinized by the community. The end result was something the Co-Op was proud of and he was glad they went through the process. However, through that process, they added a pedestrian access point from 23rd Street with an ADA ramp and stair way down into a nice outdoor eating area that connects to an indoor eating area. They designed a drive aisle that avoided the use of Steam Whistle Way and reduced the impact on local residents. He noted that there is an existing grocery store downtown and this Grocery Outlet would compete. The Co-Op would remain its downtown location for another five or six months. They added real windows on all sides of the building, allowing people to walk by and look into the deli kitchen, see staff making food, see him working in his office, and see into the warehouse. The Co-Op was told real windows were required. They did a lot of other stuff trying to make the building more accessible to pedestrians, including adding a sidewalk on Steam Whistle Way and a lot of landscaping. The Co-Op invested a lot into the space to ensure the building integrated with its surroundings and reflected the community. When the project is done, \$2 million will have been invested by local residents. Additionally, a non-profit lender has invested. He wanted to protect that investment. The Grocery Outlet threatens the Co-Op's hard work because of serious concerns about access on Marine Drive, pedestrian safety, traffic backups, and the negative influence of the design on the look and feel of the gateway into the community. The Co-Op hired a land use attorney and traffic expert to review this proposal because it will be located right across the street. Our attorney and traffic engineer have uncovered serious issues and he hoped the DRC would take them seriously and use them to reject the proposal.

Rick Nys, Traffic Engineer, Greenlight Engineering, 13554 Rogers Road, Lake Oswego, said he had been hired by Astoria Co-Op to review the transportation impacts of this project. He found it troubling that this was the first he was hearing the proposed access to Marine Drive did not exist. City Staff and ODOT have not reviewed the

location of the driveway, so he did not have a technical review of the location of the driveway other than what was contained in the traffic impact study. The proposed access is worse than the existing location. The Marine Drive access is under the DRC's purview. Even if ODOT thinks the access is okay, the DRC does not have to approve it. Multiple standards lead the DRC to deny the access point, which will get the City closer to meeting the goals of the Gateway Plan. Earlier in the day, he had submitted a report, in which Exhibit A illustrated the location of the existing Marine Drive access along with the proposed access location. Based on Google Earth measurements, the driveway would move approximately 85 feet to the southeast, which is not a minor change. The first issue this creates is visibility at the driveway. Appendix D of his report illustrated the sight line necessary for drivers to make a turn and the area that needed to remain clear for adequate visibility. The proposal includes several things that restrict that visibility, including four parking stalls on the gas station property, street trees, and the fueling positions at the gas station. The traffic study submitted by the Applicant was not based on ODOT standards, the design speed of the roadway was not determined correctly, and the required visibility is actually 415 feet, not the stated 335 feet. Another aspect of the access that does not meet standards is ODOT's spacing standards, which is 500 feet between driveways. There are numerous accesses within that influence area of the proposed driveway. By moving the driveway to the south and east, the site issues are being made worse. Vehicles leaving the site will have to look across private property into the horizontal curve of Marine Drive.

Carrie Richter, Land Use Attorney, Bateman Seidel, 888 SW 5th Ave. Suite 1100, Portland, said she represented the Astoria Co-Op. She had submitted a letter along with Mr. Nys' materials. She said development in the Gateway is to maintain a visually continuous pedestrian-oriented storefront with no vehicle use area between building faces and the street. The pedestrian oriented concept drives all of the design standards set in the Gateway. Regardless of the use or the company running the use, the development must be pedestrian oriented. This development has too much program and too many requirements for this use to satisfy the pedestrian orientation the guidelines require as a threshold. There is flexibility in the Code, but if the DRC cannot say the design is pedestrian oriented, the request cannot be approved. No one has stated the proposed design is pedestrian oriented. There is no front entryway for a pedestrian to see. The tower that directs traffic to the entrance faces the parking lot and does not face a single sidewalk. The examples of comparable designs submitted by the Applicant show towers in corners that capitalize on both the pedestrian and parking components. In the elevation from Commercial Street, it looks like the entrance way was an afterthought. It is set back and one can hardly tell that is the front of the building. Pedestrians from Marine Drive must cross the parking lot and the truck loading area to reach the entrance. Without an access point on Marine Drive, the pedestrian situation of this property will improve immensely. There is no pedestrian orientation or amenities along Commercial Street or Marine Drive. The Co-Op has a patio, walkway, ADA access, and access to the store in multiple places. This proposal is for a single pedestrian access. Astoria Development Code Section 14-25(d) encourages the use of clear glass storefront windows. What is the point of clear glass if one cannot see into the store? Clear glass and visibility into the store increases the activity on the street and the pedestrian elements of the design. By not requiring glass that allows visibility into the building, the pedestrian elements are undermined. Clear glass might not be mandatory, but it should be made up for in mitigation. The Applicant says they cannot plant trees on the south elevation because there is no room for loading. However, that elevation is visible and there is nothing to break up the blank wall design. Additionally, there is no assurance that the Mini Mart that blocks the view of that wall will always be there. The Applicant must provide an outdoor lighting plan to show how glare will be reduced; that plan cannot be deferred to a later time. She believed the DRC had discretion about whether to allow the Marine Drive access point. However, such access should only be allowed when it could be safely provided. The Applicants have failed to adequately consider and resolve the transportation conflicts and the pedestrian oriented objectives critical to protecting the Gateway Overlay. The grocery store could be located outside of the Gateway and not have these onerous burdens. However, the Applicants have chosen this site and must comply with the design requirements. For these reasons, the DRC has no choice but to deny the application.

Andrea Larson Perez, President, Astoria Co-Op Board, 115 Skyline Avenue, Astoria, said her comments would not specifically address the design review criteria. Prior to breaking ground in January 2019, the Co-Op engaged the community during a five-year process when considering its expansion. After the announcement, the Co-Op owners invested over \$2 million in the project. She asked that the DRC carefully and thoroughly review the application for its potential negative impacts on the Co-Op's expansion and direct investment by local citizens. She requested that the DRC deny the application.

John Ryan, 2495 Mill Pond Lane, Astoria, said he believed it was wrong for the DRC to accept the mitigations the Applicants have and will submit for discouraged items. The project is not good and the proposed site is the

wrong place. Astoria has three grocery stores within a short walking distance from this site. Astoria did not need the impact of this project on the neighborhood.

Jan Faber, 3015 Harrison, Astoria, said he was an owner of the Co-Op but was not contacted by them or encouraged by them to speak. He had not seen such cooperative and willing Applicants to the DRC or to City Council. He complimented the Applicant's willingness to make changes and mitigate their proposals in order to accommodate the community. However, he did not believe the Applicants could mitigate the traffic. He urged the DRC to explore its power to make a determination on the Marine Drive access. The access had been addressed on Pages 22 and 23 of the Staff report, which indicates it would allow easy ingress and egress from Marine Drive. Anyone who lives in Astoria knows there is no such thing. City Lumber does not have a massive traffic flow, yet he cannot merge onto Marine Drive. Marine Drive is a curve from 23rd Street with limited visibility of oncoming traffic. This time of year, traffic is backed up. He was concerned about the Co-Op being located there because he cannot get out of 23rd Street, so he must drive through Mill Pond or go around the Maritime Museum to get back to his home. Additionally, grocery stores receive a heavy flow of traffic at certain times. When school gets out, parents pick up their kids and go to the grocery store.

Jan Mitchell, 362 Duane, Astoria, stated she was a Co-Op member but was only representing herself. She spent 25 years as a planner working with traffic engineers. She had nothing against Grocery Outlets and believed they were probably needed, but at Smith Point or on the south side where there are no grocery stores. It does not take a traffic engineer to know what is wrong with this situation. Anyone who lives and shops in Astoria knows what the problems are; however, the Applicants have blinders because of their job. The only reason businesses have worked on this site is because they did not cause much traffic. The site is an odd shape located next to a planned residential development and heavy highway traffic on a curve. The site is across from the oldest lumber yard and hardware store in the state. She believed the DRC could state that traffic impacts needed to be minimized on Marine Drive and address pedestrian safety. ODOT used to have heavier requirements and be much more active before they were muzzled by the State in around 2008. She believed the DRC could reasonably require a completed design between ODOT and Public Works before making a decision to approve the project. She wished the Grocery Outlet had looked farther than this site because it is miserable in the summertime. Drivers take their lives in their hands trying to get in and out of City Lumber and they deserve to have their parking spaces.

Alice Kienberger-Iverson, 285 23rd Street, Astoria, said she did not need any more traffic through the area. Astoria does not need another grocery store or the traffic impacts to Mill Pond. Most of the streets in Mill Pond are not standard city streets, so the impacts are huge.

Kris Haefeker, 687 12th Street, Astoria, confirmed with Planner Johnson that the mock windows would be located on the north and east sides of the building. He had personal problems going into modern day grocery stores because one cannot see what is going on inside. Additionally, he was opposed to fake windows. He was in favor of encouraging pedestrian friendliness, which could be accomplished by having visible windows. Windows with displays in them are historic to the community, but mock windows are not good window dressings.

Vicki Baker, 3015 Harrison, Astoria, said this store should be in a different location. There are many problems with the proposed site, access from Marine Drive, not being pedestrian friendly, not having real windows, and the signs are not historic. If this business is going to be located in the Gateway representing Astoria, the proposal is not what the community wants to look at. She believed the DRC had a right to deny the application.

Venus Fromwiller, 239 Kensington, Astoria, said she was a Co-Op member and board member. The Co-op is not opposed to competition. The proposed site was not the right location for the store. The Co-op sat through these same hearings and their project was delayed. The Co-op worked hard to address the concerns. The Co-op is a member of the community and wants to be good neighbors. She felt like the Co-op came out with outcomes that their neighbors are happy with. She was not sure that was the case with a chain store. The site is in two overlay zones and the criteria for building in Astoria have become really difficult for a good reason. The area is the gateway to the community. Maybe other locations would suite a Grocery Outlet better. She had looked through a list of 15 major necessary changes, like lighting, parking, the building exterior materials, pedestrian friendliness, windows, vehicle access, landscaping, and compatibility with the size of the lot, and the application is not approval ready. The community deserves better. The application cannot be approved with so many unknowns. Maybe corners have been cut to do the project cheaply and maybe other areas are okay with that, but

not in the gateway to the city. She hoped the DRC would not approve the application as it stood. A lot more due diligence was needed on the part of the Applicant.

Brad Kobielus, 235 23rd Street, Astoria, said he believed traffic was being grossly underestimated. Cars are bumper to bumper in front of his house this time of year. Google Maps states the Riverwalk access is 23rd Street. He has encouraged Google to stop saying this, but they will not. At 5:00 pm on Fridays, people back up on 23rd Street. He was a licensed architect. The floor plan is stock and it is not pedestrian friendly. The Maritime Museum next door is building a park and people will want to come through the parking lot. This project needs a lot more work and the DRC should ask the Applicants to check on a few things. A left turn lane on to Marine would result in people waiting for a parking spot in front of the front door. Traffic will stack in the parking lot.

Tom Owen, 714 Kensington, Astoria, asked why the Applicants would not choose a different location. He understood that in early 2018, the City and the Astoria Downtown Historic District Association (ADHDA) started seeking a Grocery Outlet downtown. However, this behemoth seemed unmanageable. The building would tower over the Co-Op, which seemed ambitious and unwarranted.

Zetty Nemlowill, 478 Kensington, Astoria, Astoria Co-Op Marketing Director, stated the jobs at the Co-Op were good jobs and she was thankful to have such a wonderful job in Astoria. The new store will showcase the Co-Op's unique offerings in a bigger way and make the store more competitive. If competition did not exist, she would be out of a job. She realized a lot of people liked Grocery Outlets, but the proposed location was not the right fit. She was confident the Co-Op would have great support and success in their new location. However, the proposed development across the street could have a negative impact on traffic circulation and safety in the area. She hoped the City would do everything possible to support the Co-Op's investment in Astoria. All City ordinances, policies, and actions must be consistent with the Comprehensive Plan. Astoria's number one economic goal in the Comprehensive Plan states, "Encourage, support, and assist existing businesses." In the City's economic development strategy, Advance Astoria, which was adopted into the Comprehensive Plan, CP210.8 aims to spur jobs at \$17.00 per hour, which is in line with the Co-Op's average wage. The economic element of the Comprehensive Plan also cites the importance of the Gateway Overlay design review to guide redevelopment in a way that would attract visitors and new industry. Allowing a design like the one proposed that questionably adheres to elements in the Gateway Overlay could have far reaching detrimental impacts to the Co-Op and on future economic development in Astoria. Her personal view was that the proposal did not fit Astoria's character. The criteria that the DRC must interpret were written to protect Astoria's character and the DRC does not have to say yes or continue the meeting. Continuing the meeting is timely and expensive. The Co-Op has outlined many ways the DRC could say no. The DRC only needs to cite one finding to disagree with to support denial of the application. She asked the DRC to deny the application tonight. This would not be the first time Staff revised the findings of fact during a meeting to support the denial of an application.

Vice President Sisson called for the Applicant's rebuttal.

Mr. Robinson stated continuing the hearing would be the best way to get information to the DRC and to the public. The Applicants would not be waiving final written arguments, so no decision could be made tonight. The DRC must either continue the hearing or keep the written record open. To address the business access, city staff and ODOT was aware of the plan to move the driveway. Page 25 of the Staff report states, "An email from Assistant City Engineer dated June 24, 2019 states, 'Access to site from Marine Drive. The Public Works Department is willing to approve a driveway off Marine Drive as proposed...'" The same page of the Staff report indicates that an email dated January 30, 2019 from Dave Smith in ODOT Region 2 states, "There is an existing approach at or near the proposed Grocery Outlet's 30-foot approach on Marine Drive." City Staff and ODOT knew the driveway was being moved. In Oregon, developers cannot apply for the approach road permit until the use is approved because if the DRC changed the design, the permit to ODOT would no longer be valid. After final comments from the Applicant, he would like to discuss the continuance request.

Mr. Dover stated ODOT had attended every meeting the Applicants have had with the City and have been fully involved in this process. They cannot apply for the permit until the use is approved. They had been looking at other locations for three or four years and would present those in writing.

Michael Ard, Transportation Engineer, Ard Engineering, said he prepared the traffic analysis for the grocery site. The speed limit on the roadway is 30 miles an hour and his design was based on that speed. He stood at the side of the road for an hour and measured the actual speeds of vehicles approaching the driveway location and

found the 85 percentile of the design speed to be 30 miles per hour. It was not necessary to go into that level of detail because the speed limit is already posted on a sign. However, the curve limits the speeds of vehicles and 30 miles per hour is the appropriate design speed per ODOT policies. The site distance triangle shown by Greenlight Engineering was significantly larger than necessary in reality. Approval of the access would be by ODOT, not the DRC. ODOT would have to be satisfied that the safety criteria are met. The driveway could be shifted farther to the north if necessary, but the Applicants are trying to locate the driveway as far to the south as possible because that would maximize the amount of storage space in between the existing intersection at Commercial and the site access. Vehicles could pull into the center turn lane and wait for an opportunity to turn without blocking Marine Drive. The data supporting the need for access on Marine Drive is largely common sense. When a site has more than one access, people will use both accesses. About two-thirds will use the first access and one-third will use the second access. However, in this case, drivers would have to turn on to Commercial before arriving at the Grocery Outlet in order to take the first driveway. If the store does not have access directly on Marine Drive, all of those vehicles would go down to 23rd and make a left turn where there is no left turn refuge. He did not want to compound the existing congestion in the area, but make access easy. The center left turn lane allows people to turn in and out from the site in two stages, crossing one line of traffic at a time. He did not understand the Co-op's position with respect to traffic because in order to build their site, the Co-op had to get a zone change for their property, which required them to prove the transportation system was adequate for the next 20 years. The Co-op had to account for the fact that other properties would be redeveloped and growth would occur throughout the city over time. Their 20-year analysis concluded that the zone change was supportable, yet now just a couple of years into the future the zone is suddenly problematic. This is awkward and the Applicants are trying to do the best they can with it. However, commercial uses are allowed and the Applicants were trying to do that in a way that made sense for the community. They were willing to work with the City and ODOT to come to the best possible conclusion for access. He hoped that process would not be obstructed by the DRC.

Vice President Sisson called for closing remarks from Staff.

Planner Johnson requested that the DRC make decisions point by point, depending on how they want the Staff report to look. Staff needed clear direction from the DRC on what changes would need to be made.

City Attorney Henningsgaard stated both the Applicant and an opponent have requested a continuance. City Code requires at least a seven-day continuance with the record to remain open. The Applicant has the right to final rebuttal after the record closes. Generally, the record is kept open for 10 to 14 days. Deliberation and decision-making should not begin until after the record has been closed and the DRC has received the final rebuttal.

Mr. Robinson clarified that he had not asked for the record to remain open. He asked for the hearing to be continued, which is consistent with State law. ORS 197.763(6)(a) states, "Prior to the conclusion of the initial evidentiary hearing, the local hearings authority shall grant such requests by continuing the public hearing or leaving the written record open." The Applicants have requested a continuance and would agree to the 120-day continuance. They want to engage in discussions with the DRC and the neighbors. If the DRC prefers to leave the written record open instead, the Applicants would prefer it be left open for three periods, a 14-day period from today for additional evidence, a 7-day period for rebuttal, and a 7-day period for the Applicants to submit written arguments. A continuance would be better in this case because closing the hearing and leaving the record open means no back and forth discussion can take place.

City Attorney Henningsgaard agreed that continuing the hearing had merit and would be easier for the DRC to manage.

City Manager Estes explained the difference between continuing the hearing and leaving the record open, noting that either way, the DRC could not deliberate until September 5th.

Commissioner Phelps said she did not understand why the Applicants would want to change their plans or provide more information. The DRC had not given them any information about what the Commission wanted to see.

City Manager Estes explained that the DRC could offer final thoughts on the application tonight.

Commissioner Phelps said the DRC needed information on the Marine Drive access. She was concerned about pedestrian access and wanted to know how adequate pedestrian access would be provided. She was also concerned about the fake windows and the signage.

Commissioner Levine stated the DRC had purview over the proposed driveway location on Marine Drive. The traffic in that area is really bad regardless of what the traffic reports show. He was concerned about getting out of the Co-Op. If the project is approved, getting on to Marine Drive will be a nightmare. A traffic signal on 23rd will be required for safe access to and from Marine Drive.

Commissioner Phelps said ODOT has already said no to a signal at 23rd Street.

Commissioner Levine responded that was for the Co-Op. This is a different project. Now, with the potential for two commercial establishments with more traffic, maybe ODOT's view would change.

Commissioner Phelps asked if it was possible for ODOT to say no left turn exiting the parking lot at the Marine Drive entrance.

Vice President Sisson reiterated that they are only to give some final thoughts at this point, and not to deliberate.

Commissioner Levine suggested the building be completely reoriented so the building faced Commercial Street with parking on the 23rd Street side and a small park in the triangle portion of the lot.

Commissioner Bardy said she did not believe it was possible to reorient the building. Additionally, she had issues that she did not believe could be resolved. She thanked the Applicants for being willing to make concessions and compromises but added that she was not sure the design criteria could be met on this site. She believed Grocery Outlet was a great store and would not be in competition with the Co-Op but would compete with Deals Only in downtown. The design issues relate directly to the shape and location of the site. Good design is purposeful and aesthetically pleasing but the nature of this site forbids both of those things to happen at the same time. A store of this size cannot have good design on this site.

Vice President Sisson noted Page 3 of the Staff report: strict compliance with the requirements of the design review areas is warranted and included an excerpt from the Gateway Master Plan. He understood the broad purpose statements were not design review criteria. However, the purpose statements are an appropriate place to look for how to make a decision about the guidelines. On Page 24 the excerpt says pedestrian travel should be prioritized over all other modes of transportation and the pedestrian environment should not be compromised. It also indicated that there would be no curb cuts to Marine Drive except from 23rd to 32nd Street and in all other instances parking would be accessed from the side streets. He did not support a curb opening on Marine Drive and saying there was tentative approval from Staff and ODOT was not a strong argument. ODOT has issued conditional approvals for access prior to land use approvals. The City has a couple of long-range visioning plans going on concurrently, and the community has been very actively involved in those processes. It would be a failure for the DRC to ignore the strong language that came out of a similar planning process. He did not fully agree that the design criteria would be impossible to meet. He wanted to see how the Applicants could address the DRC's concerns. The building meets most of the design criteria, but he did not approve of the false windows. The smooth CMU was okay and would look fine. Running bond textured CMU looks cheap and unattractive. He wanted to see perspective drawings of the windowless south side of the building. His biggest issues were the lack of pedestrian access, the location of vehicular access and parking. He could be flexible with the location of the parking if the Marine Drive frontage was redesigned with landscaping and appropriate pedestrian access. The odd shaped site constrains the Applicant's ability to come up with a good site plan. The City's master plans require developers to come before the DRC and establish architectural character. The urban design characteristics were the most important to him. This plan was not up to the level it needed to be at this point.

Commissioner Phelps moved the Astoria Design Review Commission continue the hearing on Design Review DR19-03 by MMCG GOI Astoria LLC to September 5, 2019 at 5:30 pm; seconded by Commissioner Levine. Motion passed unanimously. Ayes: Vice President Sisson, Commissioners Phelps, Bardy, and Levine. Nays: None.

REPORTS OF OFFICERS/COMMISSIONERS – ITEM 5:

Contract Planner Johnson reminded the Commissioners that DR19-03 remains an open, public hearing; therefore, Commissioners should not discuss it with anyone within the community or with one another. Commissioners may contact staff with questions.

Commissioner Levine asked if he raised something with staff, if they could then raise it with the applicant.

City Manager Estes explained that if Commissioners had questions for staff, there would be a dialogue.

Contract Planner Johnson added that staff could clarify topics with the applicant, if necessary.

Vice President Sisson reported that he received an email from someone wanting to see Commissioners involved in the Uniontown Reborn discussion by attending the Planning Commission meetings on that topic. He asked staff for an update on the discussion and meeting dates.

City Manager Estes said the project would be discussed at the Planning Commission meeting on August 6, 2019. He noted that Jared Rickenbach was on the stakeholder advisory committee for Uniontown Reborn as the DRC's representative. Other Commissioners are welcome to attend the meetings.

STAFF UPDATES/STATUS REPORTS – ITEM 6:

[Audio ends here at 2:25:34]

Item 6(a): Save the Date

- Next DRC meeting – Thursday, September 5, 2019 at 5:30 pm

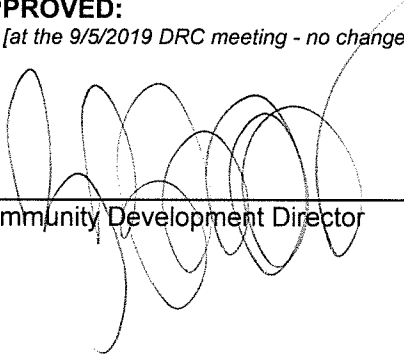
PUBLIC COMMENTS – ITEM 7:

ADJOURNMENT:

There being no further business, the meeting was adjourned at ~8:00 p.m.

APPROVED:

[at the 9/5/2019 DRC meeting - no changes]



Community Development Director