

A special meeting of the Astoria Common Council was held at the above place at the hour of 6:00 pm.

Councilors Present: Jones, Price, Brownson, and Mayor LaMear.

Councilors Excused: Nemlowill

Staff Present: City Manager Estes, City Engineer Crater, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

#### CHANGES TO AGENDA

There were none.

#### REGULAR AGENDA ITEMS

**Item 4(a): Re-Open Public Hearing: Appeal 18-02 by Barbara Bower, Cheryl Storey, and John Ryan of Design Review Request 17-03 at 2350 Marine Drive**

On May 3, 2018 the Design Review Committee (DRC) opened a public hearing and reviewed a request to construct a commercial facility for the Astoria Co-Op Grocery at 2350 Marine Drive. The application was approved on June 7, 2018. The location is within both the Civic Greenway and Gateway overlay zones, requiring review by DRC. The goal of Design Review is to carry out design objectives of the Gateway Overlay Zone in an effort to unify the Gateway area and encourage building styles characteristic of Uppertown's historic building types. Guidelines the DRC must follow appear in Article 14.020 through 14.030 of the City's Development Code.

An appeal of the Design Review Committee's decision was subsequently filed. A public hearing on the DRC Appeal was advertised and held at the July 30, 2018, City Council meeting. Oregon's "120-Day Rule" requires that this land use decision be completed by August 31, 2018. The appeal was tentatively denied at the July 30, 2018 meeting (upholding the DRC's decision). The City Council was scheduled to review and consider updated findings of fact at subsequent meetings through continuances of deliberation. The applicant has since submitted waivers to extend the 120 Day Rule to October 15, 2018.

Since the Council meeting on July 30th, the applicant and appellants have engaged in discussions to review an alternative vehicular access point to the site. Both the applicant and appellants requested the City Council reopen the public record to accept additional public testimony related to the site layout and northern building elevation. At the September 4, 2018 City Council meeting, the Council determined to re-open the hearing at a Special Meeting to be held on September 24, 2018. Testimony would be limited to the revised site design elements and the revised northern building elevation. The alternative layout is included with this memo for review, as well as a narrative from the applicant outlining the proposed changes.

Should Council approve the revised design, supplemental findings of fact would need to be prepared and adopted to address the applicable criteria raised in the appeal and the changes to the proposal design.

It is recommended that the City Council re-open the public hearing on the appeal to review the alternative site layout and northern building elevation; review new testimony; and consider the Design Review Committee decision to approve the construction request. Regardless of the direction, the City Council will need to adopt applicable Findings of Fact which have the basis of their decision.

Mayor LaMear reopened the public hearing at 6:01 pm and asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. She asked if any member of the Council had a conflict of interest or ex parte contact to declare. There were none. She read the rules of conduct for the public hearing and advised that the Staff report was available at the Staff table. She called for the Staff report and recommendation.

City Manager Estes reviewed the written Staff report and noted that correspondence had been received since the last public hearing. He read a letter from Appellant Barbara Bower into the record.

Mayor LaMear called for the Appellant's testimony.

John Ryan, 2495 Mill Pond Ln, Astoria, said he met with Don Vallaster and Matt Stanley several weeks after the first appeal hearing with City Council and they came to a conclusion that everyone could agree on, including Barbara Bower, as stated in her testimony. He did not know if he and the other Appellants would be withdrawing or amending their appeal, but they have agreed with the design drawings being proposed by Mr. Vallaster. He read aloud a letter from Cheryl Storey, the other Appellant, as follows:

"As I was quoted in the *Daily Astorian* article by Katie Frankowitz, we are thrilled to arrive at a resolution where the revised co-op plan moves access to their parking lot from Steam Whistle Way to 23<sup>rd</sup> Street. This change takes pressure off those who use Steam Whistle Way to access their living quarters, whether it is the residents in the senior retired apartments, low income apartments, of those with homes along the narrow alley way. It also means those residents in motorized scooters using Steam Whistle are more protected from the traffic coming from outside the Mill Pond neighborhood to shop at the co-op. Therefore, we ask the Council to approve the new plan as proposed by Don Vallaster of Astor Ventures."

- He stated he agreed with the letter, adding their appeal was just based on using Steam Whistle Way. They have come to an agreement with Astor Ventures that they would enter off of 23<sup>rd</sup> Street into the parking lot.

Mayor LaMear called for testimony in favor of the appeal. There was none. She called for testimony opposed to the appeal.

Don Vallaster, 711 SW Alder, Portland, presented the approved plan from the June 7<sup>th</sup> meeting with the Design Review Committee, the revised site plan with the entrance on Steam Whistle Way, and the final plan with the entrance and exit on 23<sup>rd</sup> Street. His key comments were as follows:

- He pointed out the location of a small garbage enclosure and noted the building had been reconfigured by lengthening it by six and half feet on one side and shortening it by five and half feet on another side. This required the layout of the interior to be changed, but the co-op believed they could make it work.
- The revised landscape plan for Steam Whistle Way included a six-foot planting strip adjacent to the garbage enclosure. All of the other landscaping was per the approved landscape plan of June 7<sup>th</sup>. He displayed the environmental water control feature that would collect, filter, and divert water from the sidewalk.
- He displayed changes to the north end of the building. The large fence enclosing the loading bay had been removed and arbors with vines growing up them would be installed. Several windows would be added and the door would remain.
- On the west side of the building, the loading bay with the fence would be moved back six feet so the building could be extended six and a half feet. A notch in the building would accommodate the view corridor. The east elevation would be about five and half feet shorter. The big overhead door for shipments would be moved closer to the building and there would be a smaller door for a pedestrian exit out of the building. The shrubs would have to be kept low for safety because traffic would only be 12 feet away. [as stated 13:15]

City Manager Estes advised the Council on necessary procedures depending on their decision.

Mayor LaMear called the Appellant's rebuttal. There was none. She closed the public hearing at 6:16 pm and called for Council discussion and deliberation.

Councilor Jones asked which City Code required the notch in this building. City Manager Estes explained that the City requires visual clearance for traffic safety. This driveway would be a 20-foot wide travel lane and when exiting the co-op parking lot, drivers must be able to see traffic on 23<sup>rd</sup> Street.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Brownson, to tentatively deny Appeal 18-02 by Cheryl Storey, Barbara Bower, and John Ryan, and direct Staff to present Findings of Fact in support of denial at the next City Council meeting.

Councilor Price stated she was impressed with the landscaping plan and the co-op had done a marvelous job with the small space that they have at their current building. She confirmed that the swale would be natural and would absorb water.

Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear thanked everyone who was involved, adding this was a wonderful example of how democracy should work.


**NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)**

There was none.


**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:19 pm.

**ATTEST:**

  
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Finance Director

**APPROVED:**

  
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City Manager

