

MINUTES SEASIDE PLANNING COMMISSION

November 20, 2018

CALL TO ORDER: Chair Chris Hoth called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chair Chris Hoth, Vice Chair David Posalski, and Bill Carpenter. Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent: Lou Neubecker and Teri Carpenter

INTRODUCTORY STATEMENTS

This is the time duly advertised for the Seaside Planning Commission to hold its monthly meeting. Agenda items can be initiated by the general public, any legal property owner, Seaside City Council, City staff, and the Seaside Planning Commission.

Chair Hoth asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda?

PUBLIC HEARING PROCEDURES, EX PARTE CONTACTS & CONFLICTS OF INTEREST:

Chair Hoth stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. He then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. There was no response.

APPROVAL OF MINUTES:

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Hoth:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, followed by anyone else in favor, then any opposition will testify, and then the applicant will be given time for rebuttal.

PUBLIC HEARING:

Continuance:

- A. 18-068HOZ is a Highway Overlay Zone request by Main & Main Capital Group to build an 18,000 sq. ft. retail building at 825 Avenue N (T6-R10-S21DD-TL200, 500 and 10316). The subject property is zoned General Commercial (C-3). Although the primary access will be from Avenue N, the applicant plans to utilize the undeveloped portions of S Irvine and Avenue O in conjunction with the proposed development of the surrounding property.

Kevin Cupples, City Planning Director, presented a staff report reviewing the request, decision criteria findings, conditions and conclusions. Mr. Chairman, this is a continuance from a prior meeting. The traffic engineer has completed a traffic impact analysis. I have passed along to you a letter from ODOT regarding that traffic impact analysis. Unfortunately ODOT has cut back on what they were going to put into a proposal that we were hoping would be timed at the same time Grocery Outlet could be online. That would be putting a center turn lane down in the area fronting Avenue N which this project is accessed from. What I want to pass along to you is basically the same information that ODOT had said. They were saying, any decision to approve it should be conditioned upon that being done. There are some issues with court cases in Oregon that deal with not having people required to do a particular

thing that would, say well, it's a matter of a nexus test. It's a matter of rough proportionality to the project. If you're in favor of approving the request, I would ask that you direct staff to put together a final decision to be heard at your next meeting that would include something on how we go about it. If you're going to approve it, how we go about approving it, and still recognize the fact that the turn lane is an integral part of getting in and out of that property. The traffic engineer did a presentation at the transportation advisory committee and he's got some rather interesting graphics that I actually asked him about when he did his presentation. I asked if he could pass that along so you can take a look at it because I thought it was very interesting. I know the applicants provided a landscape plan which they had promised at the last meeting and I've told them to let them fill you in on any other additional information.

Chair Hoth stated to the applicants that they can begin their presentation when they are ready. Just give your name and address. First, please be aware, since we only have three people, the Commission won't be making a decision tonight so maybe they might want to consider that they may have to go over some of this again when the Commission has more people here so they can be as brief or as in depth as you wish.

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Dan Dover with Main and Main, the developer for the project, a purchaser and landlord to Grocery Outlet. Address 6600 Page Road, The Colony, Texas 75056. Since we're here in early October, Mike, our traffic engineer for Ard Engineering completed the traffic study as requested, met with the traffic committee in October, and sought their input. We're here tonight to get some kind of decision. One thing that the Commission had asked us last time is if we would waive the 120 day requirement for decision from time of application. Here we are tonight and my concern is that there's no quorum or ability to make a decision. I guess we need to ask, are we just going to be coming back month after month? We're under contract on the property. We're bound to close on the property by a certain date and we do need some sort of direction from the City. Chair Hoth stated that he thinks the Commission still feels the project has merit and appreciates the traffic impact study. It's kind of a formality. It looks fine. He doesn't have a problem with that. He thinks the one issue we're dealing with is the transportation issue. Even if we had a quorum and we were able to make a decision tonight, the Commission would probably still follow the Planning Director's recommendation that the Commission provide him a way of providing them with a way of approving this without that traffic problem. That's the key issue for the Commission. So even if they had a quorum, he doesn't think they would be making the decision tonight in any case, but once we have that information then the Commission will try to come up with a solution. Right now the transportation is the issue. Dan Dover asked what the situation with the Planning Commission was right now. Will there be a quorum next time they come back? Chair Hoth stated that he can't guarantee that, but they will do everything they can to make sure that happens; to have a quorum on the December 4th meeting. Dan Dover stated it sounds like potentially there's not enough Commission members to make a decision.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Mark Ard stated this feels a little bit more like an exercise in futility because we don't have the ability to make a decision tonight, but he thinks it's a good opportunity to talk through some of the issues associated with this and let the Commission see where the applicants heads are and have a discussion about how to approach this. The first thing that he wants to start with is that his job as a professional transportation engineer. He is licensed by the state of Oregon and is bound by the Engineering Code of Ethics and the number one responsibility he has as an engineer is to hold paramount the safety and protection of the public. He takes that responsibility seriously. This project is within the highway overlay district and that means that under the city code it is also required that as they develop the site they look at safety and preserving capacity for the highway on the streets in the vicinity. The last time they attended the hearing, the assurance of ODOT was that they have a funded project that was going to extend across the site frontage and include a center turn lane. And basically it was the magical and easy solution to all of their problems. It also turned out that that's a \$10M project and now they're saying they have three and a half million dollars that they've identified and they're trying to scrambling to get \$6 - \$7M available by the time of construction. As he understands it currently, ODOT is planning on making some improvements to the pedestrian system at the north end as far north as Avenue B. Then extending the improvements down to Avenue I from which point it would narrow and be back to its existing cross section by the time you hit Avenue J. In preparing his analysis, he did do an operational and safety analysis that looked at the safety and the safety history of this corridor in the wake of the ODOT decision. He's done some more investigation on safety that he'll share with the Commission

tonight. He also wanted to talk a little about the operational analysis and also the warrant analysis that he did. As they looked at the intersection of Avenue N and Highway 101 this is the site access intersection and this is where you can see the three lane cross section. The taper exists here and there's actually a tiny bit of taper at the north end that he couldn't get visually into the model, but, it doesn't have that full width for a turn lane at this point. There is a right of way on the east and limited right away in this area because of the presence of a restaurant and some associated parking. When he looked at it, he looked at the volume warrants for a left turn lane and the idea behind a major street left turn lane. In other words, the turn lane that's on Highway 101 is used when people are making turning movements, it's better if you can move them out of the through travel lanes so that when they stop, they're not stopping all of the traffic behind them. That works from both a safety and an operational perspective. Safety issues come up when you have unexpected stops on the highway. You can have some rear end collisions associated with those, particularly when it's not at a signalized location. So it's a little bit unexpected. Then there's also delays associated with queues of vehicles that can accumulate behind the stopped vehicle. As he looked at the operational analysis that he prepared, it was based off of this model right here that was being displayed on the screen behind him. You can see that this model does not have that turn lane. That's because at the time that we were doing the operational analysis, we had not yet done the safety analysis to determine that the left turn lane was warranted. Nor had he gotten the assurance by then from ODOT that they were going to build it, but he wanted to show what it was going to operate like in the meantime. Because the timing of this improvement versus ODOT's improvement, it looks like that's going to come together perfectly. If it didn't, he wanted to know what it was like and he was sure that the Commission would want to know what it's like too. So ODOT operational standards are based off of the average conditions over the course of the year and that's what's being represented on the screen. They do try to model all of the factors that go into the operation of the intersection and the results of that analysis are shown in page 17 of the Traffic Impact Study. What he wanted to draw the Commission's attention to was the volume-to-capacity ratios because ODOT's standards in terms of preserving capacity for the highway are based off of meeting these Oregon Highway Plan Standards of ABC ratio of .85 or better, but, he has since been corrected as it was apparently not considered a state freight route. So it's .9 or better. This means that you're allowed to use up to 90 percent of the intersection capacity. In this case, what we're using at Avenue N under the background plus site trip conditions is about eight percent of the capacity. That's a pretty low number and that's associated with the southbound left turn movement trying to get into the site. Vehicles are flowing through there and there are occasional interruptions that are associated with turning vehicles. The other portion of that though is safety. And like he said, we had looked at the safety performance of the intersection in the past and found that it hasn't been problematic. But he wondered, obviously conditions will be changing with a new development here and there'd be more traffic at this intersection that would mean more turning movements. He wanted to look at how the entire corridor, that's currently a two lane cross section in between approximately the south end of Avenue D and Holladay Drive to see how is that operating. He pulled up a 10 year history of crashes and what he found there were 45 crashes during that 10 year period and that works out to about four and a half crashes per year even over the entire corridor, which is just shy of a half mile, he thinks somewhere around 2,150 feet, if he's recalling correctly. The highest crash locations along that corridor are probably not a big surprise to you. They're going to be at Avenue F and Avenue I. They are also the locations that I've heard anecdotally from city staff that are the biggest concerns in terms of existing turning movements in conflicts, but the number of crashes that are occurring at those intersections works out to maybe one a year. The other thing that he noticed in the crash history is that most of the crashes, or almost all the crashes here, fall into the category of either PDO or Injury C. They classify crashes based on their severity. Starting with fatalities, the worst severity, followed by Injury A which is an incapacitating injury which involves bleeding or broken bones. Then we have the non-incapacitating injuries, Injury B category, and then the lowest category of injury, which is Injury C, which is a quoted and possible injury or complaint of pain. If a responding police officer came up to the car and asked the person, "Are you injured?" and they said, "I don't know," that's going to get an Injury C report, but generally it's not associated with significant severity and that is the majority of the crashes that we're seeing here, which isn't particularly surprising because it's a 35 mile an hour zone or relatively low speed and visibility is good up and down the corridor. So by the time we do have collisions, for instance, a rear end collision, usually it's not happening at 35 miles an hour. It's somebody who's completely oblivious and slamming into the back of a car instead. It's somebody who slowed down but they didn't start slowing down soon enough. So they're running into somebody at 10 miles an hour instead of 35. He did want to look at that performance because he wanted to know and he wanted the Commission to have a sense of what it would mean if we don't have the turn lane in place and it's one of the reasons that he wanted that simulation to be in place for the Commission tonight. So you can see visually what

that looks like, what the delays look like, because ultimately we're no longer in a situation where it's a super easy magical choice and ODOT is going to provide this center turn lane. Instead we're in a situation where constructing that turn lane would be disproportionate in its costs to the impact of this development and therefore wouldn't be permissible under federal law. It also puts them in a bit of a bind because the City has this vision of what their community looks like. That includes the zoning code and it includes the idea that people should be able to develop their properties according to what the zoning says. And as a Planning Commission, your job is to weigh the balance and decide how important the project is.

You're tasked with making a decision and weighing what are the pros and what are the cons; what the costs are and what the benefits are. He wanted the Commission to understand much more specifically because of the situation they are in, what are the costs that are associated with not being able to construct that? What does it mean to your community in terms of expectations of future crashes and what does it mean in terms of expectations of delays? While the model provides the opinion of a visual indication of what it means in terms of delays, in terms of crashes, what he would be expecting is something on the order of a very limited severity crash on an approximately once a year basis at this location. In terms of turning that into dollars or the delay into dollars he hasn't gone through a detailed evaluation of that, but there is a benefit to the community that's occurring associated with having a site operate as well. As a traffic engineer he oftentimes gets bogged down in the details and he thinks that's the nature of engineering. They focus on what are the approval criteria and what do we need to do. There was a recent project in the city of Portland that expanded his perspective significantly and he thinks changes the way that he will practice engineering. What it came down to was a project where the federal government was awarding a smart cities grant. It was multiple millions of dollars for gadgets to be given out to a city to create smart transportation infrastructure. The city of Portland went after that project aggressively and came up with ideas and partnerships. They had high tech companies in the vicinity, ways that they could leverage those dollars and really make Portland a great example of what a smart city could look like. They competed with other cities throughout the country. Many of which were trying to do the same thing. All of us that took that approach lost miserably, because one city went to the federal government with a different idea and a different approach. And what they said is we have a public health crisis. Our infant mortality rate in this city is three times what it is anywhere else in the nation. And as we look at the area that's affected, we find that people are unable to get to a doctor's office to get to a grocery store. Feeding, nutrition and medical care is lacking and it's causing people to actually die. What we want to do is create a system where you can have a card that's issued by the city and you can charge your Uber or your taxi ride to that. You can get to the doctor's office and you can go to the grocery store and you can get the things that you need. And we want to save lives in that process. We need a smart system to be able to track that and we want to be able to see when somebody misses an appointment that they didn't swipe that card so we can call them and contact them and get them there. Imagine that you're one of the decision makers at the federal government and somebody wants a toy and somebody else wants to save babies. It's pretty easy choice, but it blew his mind because he always focus on the gadgets. He's an engineer and that wider perspective was really enlightening to him. In this case, he finds himself shifting back to that wider perspective again and saying what are the things that are good about this project to the community? Grocery Outlet in particular is a store that he likes working together with them on projects because he knows that people can at least afford their groceries. Those are the people that want this. They're also the people that can least afford to make a long trip to other communities. So he thinks there are some substantial benefits that are entirely non-transportation related. He thinks the city has zoned this property appropriately for this use and the applicant has responded to that as he looks at the approval criteria in terms of safety and capacity. The number of crashes that we could expect associated with not having this turn lane has to weigh against what is the benefit to the community and then also in the back of his mind is the rights of the property owner to be able to develop and do something on their property at this point. Absent that turn lane they are essentially being held hostage and saying your property is currently valueless. That leads back to the constitutional requirement that Kevin talked about previously where he said that the federal law requires that there be a nexus of meaningful connection between a project requirement and the project itself and that there'll be proportionality. That the impact of the project be reflected in any requirements. And as we're talking about the \$10,000,000 improvement on the corridor, it's very hard to say the Grocery Outlet can bear the brunt of making that improvement. So we are in the unfortunate situation where we haven't got the easy solution. He will say that he's been trying to think outside the box and he's been trying to scramble behind the scenes even before coming here, he talked to Kevin the other day and told him ODOT's expressed interest in scaling this thing back so that they just do the

north side of the corridor, but what if we just did the south side of the corridor or instead what if we started at Holladay and went as far north as we could?

He explored that with ODOT and they said we have a pedestrian grant where we can only use the money at the north end of the corridor for a portion of this project. And the city has concerns about Avenue F and Avenue I, we don't know if we're going to make it all the way down to Avenue I, but we're trying to find those dollars. We really can't move it to the other end. He still hasn't completely given up on that idea, nor has he given up on an idea that might be a hybrid of that where we might start with the pedestrian improvements on the north side, go down to Avenue F and then start again at Holladay and continued north from there rather than trying to pick it up, at Avenue I. Avenue N is a little bit unique in that it's trapped. There aren't many ways to get in and out of that area. It's not well connected to other streets and to particularly not so to the south. There are no other connecting streets that can lead into this area, so there are definitely challenges associated with this project. His job as an engineer is to try and come up with the best possible solutions. You guys have made that exceedingly difficult on me. He is trying his best. He is a strong supporter of this project and would like to see it go forward. He thinks that you could find that this project could go forward without the turn lane, as uncomfortable as it is, but you would have to weigh those costs and benefits and make that determination.

Commissioner Bill Carpenter stated, "If you (Mr. Ard) work with ODOT or if we worked with ODOT to make that left turn or no left turn into Avenue N from the southbound lanes forcing people who wish to find an alternate way to make a right hand turn going North, would that be a viable solution from a traffic engineer's stand point?"

Mr. Ard stated that there's really two parts to that. There are two left turning movements that occur at the intersection. One is the left turn in and one is the left turn out and there are different concerns associated with those two left turn movements. The southbound left turn into the site -- there's actually a relatively simple work-around to get into the site in lieu of the southbound left turn. That is to turn early, come over on Holladay, make a left turn out of Holladay and then turn right onto Avenue N. The difficulty with that is that people don't know about it. It's essentially pretending that the triangular wedge that the gas station is in is a roundabout and making the intersection function that way as people who are unfamiliar with the site are trying to head southbound instead, they're going to find themselves, saying, "Oh, I can't make the turn here".

And most likely, the turning movement that they would make, in all honesty, is into the restaurant parking lot immediately to the south. So if you had that restricted right at Avenue N and then they make the turn, the same thing is happening and they turn out of the restaurant and into Avenue N. There are concerns associated with diverting traffic in that way. Most of the time ODOT's perspective on this is that you would need a raised median in order to enforce that. Commissioner Bill Carpenter stated there would be an expense in enforcing a left hand turn lane. Mr. Ard stated that the other piece that's associated with that is that the tenant in this case, Grocery Outlet, also needs to be comfortable moving forward with the turning movement restriction in place. I've talked to Dan about that on our team. The indication that he got was that typically they will not move forward with a project unless they have two points of access. In this case, they've made an exception to drop to a single point of access, but having these single points that are right in and right out only; they're going to walk away. He wishes there were easy answers, and has explored a lot of ideas.

Vice Chair Posalski stated the he hasn't had a chance to look through the traffic impact study. When you are modeling the effect on a calendar it is a huge issue as it relates to this site. It's like having a city during the summer with an interstate going right through the middle of it.

Mr. Ard stated that's an interesting thing that you raised according to ODOT data. The volumes in the city go up by 21 percent in the summer months as compared to what he showed here. He's incredulous about that. In his experience, it feels like it's more than that, but it may be that you're hitting capacity at 21 percent more traffic and so suddenly you've got a wall of traffic and people aren't moving. Vice Chair Posalski stated that getting in and out would be a problem anyway. That's what you end up running into as a business -- if people can't come in and out of it easily, they're not going to go there. Mr. Ard stated when the conditions get too congested, that's entirely possible. One thing that's not included in that model is any of the signals to the north or the south. He doesn't know whether those are creating bottlenecks, particularly during the summer. He suspects that you do have a signal to the north of this

that's acting as a bottleneck and causing queues for northbound traffic. He did witness tonight as he was watching queues that were three, four blocks long at times during the evening peak hour approaching the signal and I know if you had more traffic there, that line is going to do nothing but get longer. Vice Chair Posalskie stated this is the middle of the week during the quiet time. Mr. Ard asked if the queues extend as far south as Holladay? Vice Chair Posalski stated the backup is all the way to the junction. Mr. Ard stated that's actually what he was expecting you to say. It creates kind of a unique problem, there was this project in Texas that was a freeway widening project. It's got to be over 10 years ago now, but including the lanes on the freeway and the associated frontage roads that are designed to get the local traffic off of the freeway, they have 26 lanes in each direction. That makes it the largest freeway facility in the United States for sure and very likely in the world. They built this knowing that it was going to cure their transportation problems and they've got congestion on it today. It doesn't matter how many lanes you build in traffic engineering. We've discovered over time that trying to solve congestion by building additional lanes is a bit like trying to solve your weight problem by buying a larger belt. You grow to into it. There's a part of him that wonders whether even after you build this center turn lane, whether you're going to have congestion again because the demand is there, but it's latent. People want to go to Seaside and are avoiding it because of congestion in the summer. Vice Chair Posalski stated that even if you put a left turn lane in it doesn't mean you're going to be able to turn. Chair Hoth stated in some ways it becomes easier with the traffic because nobody's going anywhere, so nobody is really going to have that much heartburn about stopping. Mr. Ard stated, which he assumes is happening in the two lanes section under existing conditions, that when you get to the stop and go traffic that people are letting people make those terms because it's not hurting them at all. They're going to arrive at their destination at exactly the same time when they're courteous and allow that gap and allow people to turn so things do operate substantially differently from what was shown in that model under summer peak conditions, because I don't have the signal in there that shows the throttling. I don't show the massive queue that goes all the way back through. Instead, it shows a system that is flowing and it's a little bit more congested than what you saw there, but it's still fundamentally works. I'm not sure that it accurately reflects reality. My expectation is that it'll work under typical conditions for most of the year and when it gets to saturated conditions, same as it is now, it's going to be dependent on people creating gaps in that traffic stream and it may continue to operate that way regardless of what you do with a left turn in the center of the highway.

Chair Hoth stated maybe we can move this along and make it a little easier. He's not really concerned about crashes and not that he's not concerned about safety, but the issue that comes up for him is just gridlock is just constantly stopping traffic. Not even dealing with the summer stuff because that does it all by itself, but it's an overloaded system. It should have been fixed years ago people didn't want it and now we're paying for it. It's not cheerful, but that's the issue, so for him it's more like how much does this backing up and with people coming on at Holliday you have to watch now for another group and they think they can turn. It's this congestion that concerns him and now we have permitted additional development in the city knowing that this is a problem. We've all sat here and said yeah, we know it's a problem. We know that it is going to cause more problems, but we can't stop development in the city until it's fixed because it isn't getting fixed anytime soon. So the question for him is when we deal with these issues, where's the tipping point in the sense, where does it just become too much and you have located one more and one more and one more and one more. So that's what we're wrestling with here. One more is the tipping point and is that going to be too much. He thinks there are ways to deal with it. What Kevin is suggesting is that we listened to what you've got to say. We know now that we're not dealing with this left turn lane. It may happen. It may not happen. Can he come up with something that's going to give us the kind of assurances or modalities that we can say, all right, we can allow this because it's going to do this or do this or not do that. It's going to hopefully ease our heartburn at what it's going to do, which has caused some more traffic stuff. Now, the rest of the stuff that we've discussed here, the landscaping thing again. That's good. It's fine. We all agree the project has merit as far as the trucks backing in. He went for a walk one morning and he was watching a truck backing into Safeway. This was not 4:00 in the morning. The driver was in the road and in the backup parking stall within 30 seconds. So he really doesn't have a lot of heartburn about that congestion. It's just this traffic thing that we constantly deal with every single time there's in development, so it's not unique. It's also not so unique that we're going to say, well this one is just out in the question, you know? Yes, you have a piece of property and you should be able to develop it. It's going to cause problems. We know that. Can we come to some kind of arrangement or can we make this work in some way. Like perhaps maybe we could have some kind of redirection traffic. The people that live on that street may not like it. I'm going to like that it parallels the highway there instead of coming out and necessarily using Avenue N. Maybe go down to the next street and maybe make their left turn there or right turn there possibly,

and I don't know if there are some ways of redirecting traffic a little bit. So right now as far as he's concerned, the project's good. He'd like to see it happen. He'd like to have somebody give him some information that would make him feel better about dealing with the traffic issue, which is what Kevin has already agreed to do. We know what your issues are we know what our issues are. We weren't going to do anything to in terms of the decision tonight because Kevin would have to prepare that. In any case that would be for the December 4th meeting. That is the issue. If we can deal with that issue somewhere. Then he can make a decision.

Mr. Ard stated two things that he'd like to say in response to that. The first was that if we end up with a condition of approval that says that we're allowed to proceed forward if and when ODOT gets off their duff and builds this turn lane, his fear is that we're going to end up with project that extends down possibly as far as Avenue I. It may fix the major problem intersections in the city and there's going to be no impetus to get \$7,000,000 of additional funding to wrap up the widening improvement. He's just speaking in terms of, if things proceed the way that he's heard the expectation currently is that his level of optimism is pretty low. xxxHe has expressed ideas that would potentially shift dollars and maybe reprioritize the corridor if that's something that the city is interested in, then he thinks you should talk to ODOT about that and see if there are ways or if this is within the realm of possibility, that ability to explore it, and to look at the idea of maybe saying that Avenue I, it has other robust connections that are through it. And while we'd like to be able to, to fix that, it's not the highest population area. It's connecting too narrow streets on both sides that have other connections that lead to them. They have alternative transportation choices available and Avenue N is not in that same position. So we really are dependent and much more so on having access to this area than they are. And if we can reprioritize and have something that can work there, he thinks that can have great benefit to the city and to the development too. But he's talking to ODOT as the applicant's third party consultant, you can imagine how much stock ODOT puts in his ideas in terms of yes, so we'll go ahead and scrap our current plans. In trying to do something that's wildly different, if the city's behind that idea and if the city's vision for the community includes that idea, then he thinks that puts them in a different situation. The other thing that he would say is that they want to be a productive and proactive part of this community, not just existing as a store. So if there are things that that we could do to make this project a go he wished that there were great options available. Honestly, the only thing that he can think of in terms of the context that you guys have talked about is the fact that under summer conditions things are very congested and I know you have pedestrians and bicycles that are crossing the street. In the crash history, he did see two collisions that involved bicycles in one that involved a pedestrian. These people are most vulnerable. Road users are the ones that tend to be subject to the most significant injury. One of the things about widening to a three lane cross section is that it can actually be detrimental to pedestrians in two ways. One, it means the traffic is going to flow a little bit faster because it's less interrupted, which means there's a higher chance of a higher speed collision with the vulnerable road user and two, they've got a longer crossing distance.

Vice Chair Posalski stated that part of it where it's going to happen farther North is crosswalks. Mr. Ard stated Yes, right now you've got a lack of pedestrian infrastructure, particularly in the area of Avenue N. One of the things that I mentioned to ODOT about the project is if we reverse this and did the south end instead of the north end, the north end of this corridor has sidewalks in place already. The south doesn't. We could complete a pedestrian network by approaching things this way and honestly I find myself rolling my eyes a bit at the idea that they've got these improvement dollars that are going to be spent on fixing an existing pedestrian infrastructure that's not ADA compliant because they're required to by law and yet there's an adjacent area that's got nothing for anybody. We could have spent the money there instead and had a more complete transportation system as a result, but the priority is to bring everything up to the same standards, so it kind of puts us into a box and feels like it takes a tool out of the tool chest. If there's something that we could do in terms of a pedestrian crossing in the vicinity of Avenue N and Holladay, I don't imagine that would be a budget breaker, which is to enhance pedestrian safety or safety for another mode. And it also could be by virtue of having people crossing at a crosswalk, provide some opportunities for people to make turning movements if we design it so that it's cutting off the flow of traffic in another direction and allowing that to occur.

Vice Chair Posalski noted to Commissioner Bill Carpenter and Kevin Cupples that the Commission has been talking about this, a left hand turn lane, for a couple years as well as the rollercoaster out there on Hwy 26. That's something that has been planned years in advance. Do we know when they go to their next planning session to determine whether or not this extension of the left turn lane is going to be? In

other words we've started this project, we couldn't finish it, but in the next budgetary cycle that's going to be a priority to finish that. Mr. Cupples stated that it is in 2024 for the next budget. Commissioner Bill Carpenter stated that he forgot what the range is out there but Dale would certainly know that. So everything they planned so far is through 2024. Commissioner Bill Carpenter stated that there is an organization called the Northwest Act or a series of Acts throughout the state that report to the Oregon Preservation Commission. We prioritize all of the projects in a three county area which is Clatsop, Columbia and Tillamook and we say these have value and we'd like to see them put on the top of the list and we put out a 150 percent list that gets forwarded up to the board of Transportation Commission who then takes all of the Acts and shuffles them together and comes up with the priorities. The last set of priorities gave Portland \$5B plus to the I-5 corridor or Portland area. The rest of the less than \$6B transportation budget was divided among the rest of the state.

Mr. Ard stated that he thinks the bottom line that we're getting to tonight is that this project ultimately needs certainty and there are a lot of contingencies and vagaries and plans and ideas, but when it comes to the end of the day, an approval that says you do this subject to this thing happening, maybe 5 or 10 years out is really effectively a denial of the project. Chair Hoth stated that goes back to what he was saying. He feels that's what it is. We need to make a decision on what exists now. We need to hear what Kevin has to say, his perspective with your input. If there are some things where we haven't thought about that might say somebody's taking pedestrian accessible, easy to read, be adjusting which way they go. Something that would relieve some of the pressures. Mr. Ard thinks we could be comfortable with the condition of approval that goes as far as telling us to earnestly work toward a solution. But, if we can't find one then a condition of approval that says that we have to do something in particular suddenly becomes an impossible condition. Chair Hoth stated that he doesn't want to say how he's going to vote here now but he doesn't think he's going to vote with a bunch of open ended conditions. For him, this is kind of up and down. Can we live with it or can't we live with it? Commissioner Bill Carpenter asked Mr. Cupples if we were to vote, say, or put in conditions that they can proceed with this project without following the guidelines laid out in the transportation Commission from ODOT what would happen?

Mr. Cupples stated that he would imagine we would not be very popular with ODOT regional. They've said very clearly in the letter that the turn lane warrants are necessary and they're saying that should be done in order to develop the project, and he doesn't know how we can step beyond that. Commissioner Bill Carpenter stated that we could take a stand and say, look, this is very important to us. Mr. Cupples stated he didn't say you couldn't take a stand. Mr. Ard stated that ODOT's decisions are made without consideration of other factors that may affect our city. From a purely transportation perspective, he can totally understand why they would say yes, the warrants are met. He will say that warrants are not something where, when a warrant is satisfied, it means that you must do the improvement, rather warrants are thresholds at which you should consider the improvements because you've met the warrant. Particularly that's true with traffic signal warrants where routinely they'll meet a one or more traffic signal warrant and approach ODOT and they'll say, no, we don't want to signalize this intersection at this time for the following reasons. So typically satisfying a warrant means that you've hit a threshold at which there could be a benefit when you do a cost-benefit ratio analysis. The warrants, that ODOT is currently using come from the Texas Transportation Institute and it's a relatively recent study that basically was looking at when there's an inflection point in the crash data that shows that there would be a safety benefit to providing the turn lane. He thinks that's why he focused so much on what the crashes that have occurred over the last 10 years in this community. He wanted to know what that looks like for the city. What does it mean in the real world and to have the best predictor of future crashes? Is this going to be a similar environment with similar volumes. It's basically looking at the past. Chair Hoth asked if there is some data on the increase of head on collisions or different types of collisions with the installation of the left turn lanes when people use that as a refuge to turn left off of the side street or pull into the lane when people are coming into the refuge to make the legal left turn and they've got somebody cruising along halfway looking back, trying to merge into the traffic. Is that something that occurs? Are there some studies on that? Mr. Ard stated this is a relatively recent development in the transportation and development in the transportation engineering community. They've come out with a manual that is called the Highway Safety Manual, and it's a companion to the Highway Capacity Manual and is essentially intended to be a predictive methodology to be able to show what do we expect crashes are going to look like in the future, given a particular change in configuration. It looks at crashes by type and by frequency. It considers factors associated with roadway geometry and associated with a number of approaches and the geometry of the approaches, lane width, and the presence or absence of a center turn lane. The problem with it is that it's in its infancy and to this day, every time he's referred to

the Highway Safety Manual because he has a situation that he would want to know what's going to happen to the crashes. He usually is doing that in unusual situations. He had a project come up in the City of Tigard where they had three through lanes in each direction and they were talking about maybe we should be restricting the turn movements there to cut off the left turn because crossing three lanes of traffic could be dangerous and intuitively that felt right. He thought, oh, I'm going to look to the Highway Safety Manual and see what it says about this and it has nothing -- there is no data for that situation. So we are at the point where, there is the beginnings of some data. The analysis methodologies that are recommended there. They have some predictive processes that you go through and then you use calibration based off of local conditions because that is a really the best predictor that we currently have. Again, you're looking at a low speed environment.

The volumes of traffic certainly are at the level where the T.T.I. show there's a benefit. The question is, are there other problems that installing the center turn lane could create. If so, are there those that could be associated with right of way and costs and new pedestrian conflicts? He had not heard of or has he specifically raised the idea of an increase in the number of head on collisions that occur in the median. His sense is that people pull into the median and the collision occurs while they're slowing. If those are occurring at all, they're probably occurring at low speed and far more often than you would see head on collisions. You would see people that come to a screeching halt 10 feet or 5 feet or 2 feet away from each other and then go, "What just happened?" They learn their lesson that maybe they need to slow down a bit more before they get into the center turn lane.

Chair Hoth stated that by just discussing the left turn lane doesn't alleviate problems for him. These left turn center lanes seem to have their own set of problems. Mr. Ard stated that they used to have something back in the seventies called the suicide lane and occasionally people still use the term suicide lane to refer to a center two way left turn lane. The original suicide lanes were a center passing lane and it was used by traffic in both directions. And it turned out not to be so great, not ideal for reasons that are probably immediately obvious to you. There are definitely designs that are good and designs that are bad and context matters a lot. The bottom line is ODOT is using the T.T.I. warrant curves. They do dictate that the turn lane should be considered based on the volumes that are out there. And that warrant threshold is very easily met. The basis of that recommendation is the expectation of crashes. What he's shared with the Commission tonight is that based on the historical record, he's not sure that that's a huge problem at this location.

Chair Hoth asked Mr. Cupples if they moved to have you prepare something for the Commission did he know kind of what they were looking for? Mr. Cupples stated that don't get him wrong, he liked the idea of Grocery Outlet going in, but when you've got a whole review process that's set up to say, "Hey, get your T.I.A. done". You have a T.I.A. done. A T.I.A. has a recommendation in it. You have the T.I.A. reviewed by the local highway authority, and they say, yeah, this is what you need and everything would be great. Unfortunately we're not going to build that facility. That facility still is something that needs to be done for the project to be successful. And so as a city planner, that's where he's stuck. And he knows they are stuck and wished they weren't stuck, but up until last week, he didn't think they were, they were stuck.

And that's what he thinks they're facing. You go through a review process with something in mind to hang your hat on to say, yeah, this isn't going to cause a problem and if this is done then it will be okay. And he can't compel them to do it because that's going to create a legal problem with what he'd be asking. So he's kind of stuck. Unfortunately, the way Mike said it I'm leaning towards saying yes. I think you can say we'll approve the project and the approval comes with the understanding that the turn lane is going to be completed. That's, where he thinks you're at now. It's not where he wants to be, it's not where they want to be, but he thinks that's where, they're at. Vice Chair Posalski stated the Urban Renewal Project covers that area as well. Commissioner Bill Carpenter stated it certainly does. Vice Chair Posalski stated that he knows that one of the primary pieces that everybody has been talking about is the Avenue S interchange, which we all know. Have there been any other prioritizations done by that organization? Commissioner Bill Carpenter stated the Avenue S bridge going east is the priority on Urban Renewal agency and the bridge that's associated with it, that whole section. And then there is a section that is to the south of Seaside where they are wanting to provide money for improvement of that area of the city. Mr. Cupples stated that are utility improvements associated with annexation.

Commissioner Bill Carpenter stated they want to put some money out there. There's no reason why going before the Transportation and Improvement Commission in December, we could bring that up as something very important because it's a last minute thing that has been dropped on us by ODOT. Mr. Cupples stated that unfortunately the money for urban renewal is not going to be available for a very long time and again it's another one of those timing items. Chair Hoth stated since when has ODOT been so freely willing to allow somebody else to work on the highway. That seems unusual to him. Mr. Cupples stated they actually did that when Starbucks put a little pocket turn lane in. That was done within the existing right of way by Starbucks. Chair Hoth stated that was in the right of way. Now they're saying, "Gee, yet go ahead and redo the highway and put in a center turn lane." They get up in arms when we want to put in a crosswalk.

Mr. Ard stated that's the other thing that happens. As he looked at it, he was trying to figure out ways that we can shift around lane lines and how much road width do we have to work with? The problem with doing that is, as much as he might be able to come up with a cool solution that could greatly improve the situation versus what's out there now, it's not going to meet the Oregon Highway plan or the design standards of ODOT. Mr. Ard stated that if he suggested something that doesn't meet Highway Design standards and he's asking for permission from the state traffic engineer to do the improvement on their state highway system, he'll say no. And then if he asked to do it without doing the pedestrian ramps to current ADA standards and the sidewalk improvements, it quickly spirals into something that's just astronomically out of control as opposed to just something that's mind boggling for the scale of this project. Vice Chair Posalski stated that he would also add in there the city's history with ODOT he doesn't know that this project is one that we want to put our neck on the guillotine.

Commissioner Bill Carpenter stated that one of the reasons why the history with ODOT is improving between the City of Seaside and ODOT is that the people who were here during the fiasco have since been promoted or have gone to other places. This means all of that memory is going away. Vice Chair Posalski stated we don't want to repeat the past. Mr. Ard asked if there were problems in the past with ODOT. Mr. Cupples stated there was a whole "No ODOT" campaign prior to the last TSP adoption. Mr. Ard stated in his home community of Sherwood they faced some similar problems. Sherwood has been a rapidly growing city and it's adjacent to Highway 99 W and an ODOT facility and ODOT had constrained them on multiple occasions and said they are not allowed to develop. Mr. Ard's response to that has been the traffic volumes are going to go up whether we're developing or not and then we still want to be able to grow. We don't want to be the dead fruit along the vine that is ODOT's through corridor. We want to be a vibrant and fully functioning community and to be able to make some decisions that allow us to proceed with our projects. Mr. Cupples stated the city had funding to upgrade the highway and that was rejected by voters. Commissioner Bill Carpenter stated there were lawsuits involved and a lot of hard feelings on both sides. Mr. Cupples stated that it wasn't a very happy time. Mr. Ard stated the bigger a transportation project gets the more likely there is to be that sort of thing. Mr. Cupples stated that a lot of other people around the state were very thankful when they were told them to do other projects. That's what happened; the money got distributed to other projects.

Chair Hoth stated that one of the things that you can discuss in your evaluation are the yes or no options for you. If we say yes -- on what basis could say yes? If we have to say no, why do you think we have to say no? You talked about it earlier. It is in ODOT's queue for a potential project and we could say that ODOT is going to do it, so we will do it on the basis that they're going to do it. Mr. Cupples stated that he would try to find a narrative to go with the decision. Chair stated he wanted to be able to compare the two options. Just give us some idea what can or cannot say. Mr. Cupples stated that he feels like he's been painted into a corner. Chair Hoth stated that he think we're pretty clear what we need to do. I'm going to provide us where we're going to try and go as you know, is as expeditiously as possible. Mr. Cupples stated that the 4th is going to come up to really quickly. Mr. Ard asked Mr. Cupples if he thought that the idea of the proceeding from the north and the south simultaneously is even within the realm of possibility. Is there a fatal flaw that he's not aware of? Mr. Cupples stated that he doesn't know. Mr. Ard asked how critical is Avenue I? Mr. Cupples stated the last word he heard from Dale was no. Even the Transportation Advisory Committee said they're going to kind of stick to the plan, nothing has happened with that short of his discussion with Dale. He even mentioned it during staff meeting this morning. He doesn't think the city's in a position to say, yeah, they're willing to do that. Mr. Ard stated if the city's making the request as opposed to him, it's going to carry a lot more weight. Mr. Cupples stated he doesn't know if the city is going to make that request. He knows avenue F is one of the places where they see an existing bottleneck. And if we say, well, okay, yeah, we want to fix that

one and then create one downward Grocery Outlet. He doesn't know if that's going to play out very well. Mr. Ard stated that's what he was thinking, that they try to solve that and solve the future problem at the same.

Mr. Cupples stated that he already told Mr. Ard about the comment on the pedestrian stuff. He thought that that was straight out of the box thinking and he thinks what Mr. Ard pointed out is that ODOT is in a position of saying, well we need to fix the things that are broken right now. They have to use the transportation money for pedestrian on the ones that they're getting sued over. Mr. Ard stated even at the end of the day if ODOT came back to us and said, we're amenable to the idea of going down to Avenue F and then working up from there and we think we can do Avenue N and he knows they don't have the dollars still at this point to get to Avenue I and those are the dollars that we would need to reallocate, it might just make it easier for them to say, okay, well we're going to cut it off at avenue F and that's it.

At the end of the Commissioners discussion, Mr. Cupples stated that this agenda item will be continued on the December 4 meeting here in the council chambers.

ORDINANCE ADMINISTRATION: Mr. Cupples stated that Shilo is looking at having Mo's basically start their restaurant in the Shilo's restaurant space. Shilo Inn currently has a set of stairs that access to the front of the building. They go down towards the Prom. The Prom and Seaside has a special section under article 5 that talks about setbacks that are different. The Shilo Inn is in a commercial zone. Normally there's no setbacks and in commercial zones short of clear visionaries and what have you. The setback along the prom in that area is 15 feet, but the setback provision talks about it being set to establish a consistent building line along the front of the Prom. The Prom's front edge has a special set back that says, here's where your consistent building line is. The applicant is looking at trying to put an access in near the intersection of Broadway and the Prom in order to put that access they're not talking to you about extending the building line. They're looking at putting basically a platform and then running stairs down from that platform. That platform would come out approximately as far as the stairs on the northern access now. Under ordinance interpretation, you could say, well, we're not really altering the building line because this is really an access into the building. When I first spoke to them about this yesterday, I thought we were just talking about stairs that were going to come off the building. Today they said no, what we'd really like to have is actually a landing outside of that and then run the stairs down. I could say yes, that's not altering the building line because you're really just bringing out a platform rather than following out with the building. I don't think they could ever enclose that in any way. I mentioned that to them today. You wouldn't even be able to glass it off, I think the Planning Commission could say yes, you can bring that out because that's not really bringing out the building. I think you could say no, just because that's a platform we're going to consider that, they're not meeting the setbacks. You could tell them they need a variance and under the variance you could wind up saying no, or if that was done by just the Planning Director, Planning Director could say no, but that takes notification and review time period. So what I'm checking with the Planning Commission on is under Ordinance Administration. Do you think it's acceptable to say we're not going to recognize that as an extension of the building itself. It's a platform entrance rather than an actual extension of the front of the building. Looking at that, at that first drawing, so where the set of stairs are basically instead of putting stairs down, they'd be putting the landing on the building and bringing that up and then running the stairs off the sides of it rather than running it straight down towards the Prom. Commissioner Bill Carpenter asked if they owned the grass in front of the building. Mr. Cupples stated they do own the area where the grass is. Commissioner Bill Carpenter, but that's part of their setback. Mr. Cupples stated right, that's part of their setback and I mean in, in other zones, you're not dealing with that special Prom frontage in other zones we've got provisions for, they're all called yards and your yards are really your setbacks and the yards begin when you basically get 30 inches off the ground. Well this is a different section of the ordinance that talks about establishing a building line along the Prom. And to me this isn't it, I mean they're, they're not doing a building addition as far as bringing walls out to cover new space. What they're doing is they're extending a landing that will allow for a set of stairs for an entryway into the

building. So should you allow an entryway into the building, or is that something that's going to take a variance? That's really the issue. Chair Hoth asked if that is going to be over the current stairway going down. Mr. Cupples stated yes. Val Perry stated that's because that has to be turned into the base of the other direction. The current stairs that you see have to be dug out and turned the opposite direction for it to function correctly. Chair Hoth stated, so for it still to be there on the drawing it looks like it's not over. Actually, the stairs are going to come off the ocean side to that platform or the street sign so it'll come out on Broadway. So the stairway right now comes off of Broadway.

Mr. Perry stated in other words, we propose the platform and then the stairs down to the south. Chair Hoth asked if the Commission is just being asked does that platform constituted building extension or is it just part of the entrance? Mr. Cupples stated are you willing to accept an interpretation from the Planning Director under Ordinance Administration to say the ordinance is written in such a way that it can be allowed and not be considered a full extension of the building. Chair Hoth asked what happens in the rainy season and you want to put an overhang over that platform? Val Perry stated it will not be enclosed it's just the platform extension.

Commissioner Bill Carpenter stated he has another question just for clarification. There are seven people assigned to the Planning Commission, so that in itself, say that the quorum is four or because there were only five active members is the quorum three. Mr. Cupples stated a quorum is four because it's got to be a majority of the Planning Commission. Commissioner Bill Carpenter asked if this was so even though there are two unfilled at this time? Commissioner Bill Carpenter stated no that means we need to fill more seats or we need to get everybody to show up.

ORDINANCE ADMINISTRATION:

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:20 pm.

Chris Hoth, Chairperson

Debbie Kenyon, Admin. Assistant