

IMPACT STATEMENT

Legislation title: Amend Ordinance No.127882 in order to replace certain conditions and add conditions applicable to the vacated portion of SW Madison St between SW 10th Ave and SW Park Ave (Ordinance; amend Ordinance No. 127882)

Contact name: Matthew Grumm

Contact phone: (503) 823 - 4151

Presenter name: Matthew Grumm

Purpose of proposed legislation and background information:

This is the third Ordinance regarding street vacation of SW Madison Street between SW 10th Avenue and SW Park Avenue. This legislation is being proposed because the Portland Art Museum has expanded offerings and programming and the current lower level connection between the Main Building and the Mark Building is not sufficient. To address these issues, the Museum has proposed development of the Rothko Pavilion.

The Rothko Pavilion will enclose the vacated portion of SW Madison and use this space to create a “cultural commons” between the buildings. The Rothko Pavilion proposal includes:

- Direct access to a new Museum café and shop
- Free admission
- Connectivity to the Museum’s 10th Ave. Streetcar frontage
- Increased access to galleries and Museum library
- Improved ADA access to the Main Building and Mark Building
- Enhanced visitor experience by making the Museum buildings more transparent with improved wayfinding.

Financial and budgetary impacts:

Ordinance No. 127882, passed by the Council on August 8, 1968 authorizing the street vacation required the Portland Art Museum included conditions to require the 8-foot wide pedestrian easement be provided and maintained at the expense of the Portland Art Association. The Rothko Pavilion would be developed and maintained at the expense of the Portland Art Museum and they will bare insurance responsibility for the public passageway. This proposed legislation does not create a financial or budgetary impact.

Community impacts and community involvement:

Because the Rothko Pavilion will be structurally integrated into the Museum, there are community impacts related to public access. The proposed Rothko Pavilion would:

- Potentially exclude users of the space that are not utilizing it as pedestrian access between SW 10th Avenue and SW Park Avenue, patronizing Museum offerings (e.g., gift shop, café, etc.), or attending the Museum.
- Pedestrian access could be impacted by the potential of unclear wayfinding to enter Museum as a means to connect from SW 10th Ave. and SW Park Ave. Current

- pedestrian count data for the space during regular daytime hours as well as nighttime hours has not been provided.
- Bicycles will not be excluded from the space, but it is likely that a bicycle would need to be walked through the enclosed space. Reducing bicycle access between SW 10th Ave. and SW Park Ave to connect with SW Madison Ave could have negative impacts. Those who are heading to destinations on SW Madison or using it as a direct link to the Hawthorne Bridge find Madison a bicycle-friendly route. The Hawthorne Bridge is the most heavily used bicycle route across the Willamette River in the City of Portland. In 2014, the Hawthorne Bridge had a total of 1,714,207 trips with a summer season daily average of 6,073 trips. Data has not been provided to demonstrate bicycle use of the vacated portion of SW Madison or quantify potential impact to cyclists traveling East/West and accessing the Hawthorne Bridge

Budgetary Impact Worksheet

Does this action change appropriations?

- ☐ YES: Please complete the information below
- ☒ NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount



188721

Commissioner Chloe Eudaly
City of Portland

**Commissioner Eudaly Statement
Portland Art Museum Street Vacation
December 7, 2017**

I apologize that I could not attend the hearing today, I am in Washington DC on City business. I will listen to the entire hearing before voting on this issue next week.

I supported introducing this measure because it provides a pathway forward for the Portland Art Museum's proposed addition. To be clear, the City Council is not considering a specific development proposal today. It is simply amending the terms of a previously granted street vacation.

The alterations to the terms of the vacation that are being considered today will preserve public access through the vacated area during the hours that a previous City Council set, 7am-11pm.

Bike riding is not allowed on sidewalks downtown so the amendment will not affect access currently allowed by cyclists. If the amendment is approved, people with bicycles and pets will still be welcome to travel through the area.

If this amendment to the vacation is approved, it will enable the Portland Art Museum to submit a formal development proposal. The proposal will be subject to detailed technical analysis and will offer opportunities for public consideration and input. In addition to that process, I have asked the Portland Art Museum to consult with the Commission on Disability about its proposal to make the buildings as welcoming and accessible as possible.

I'm a strong believer in the principals of Universal Design. Designing buildings to be accessible and inclusive to the full spectrum of abilities benefits all users. If the City Council approves this amendment to the street vacation, I'll commit to working with city staff, the Portland Art Museum, the Portland Commission on Disability and the public to ensure that the needs of our entire community are thoroughly considered during the development review process.



As amended 12-7-2017 to state days and hours of public access year round. The amendment adds the underlined words to findings #7 and directive a (a).

188721

ORDINANCE No.

Amend street vacation ordinance to replace certain conditions and add conditions applicable to the vacated portion of SW Madison St between SW 10th Ave and SW Park Ave for the Rothko Pavilion at Portland Art Museum (Ordinance; amend Ordinance No. 127882)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 127882, passed by the City Council (the "Council") on August 8, 1968, vacated a portion of SW Madison Street between the east line of SW 10th Avenue and west line of SW Park Avenue, under certain conditions.
2. The purpose of Ordinance 127882 was to create an open pedestrian sculpture mall for display of outdoor art sculptures from the Portland Art Museum (the "Museum"). The street vacation allowed the Portland Art Association to create an attractive outdoor area as a benefit to the public.
3. One of the conditions required an 8-foot wide pedestrian easement be provided and maintained and remain open to the public at all times.
4. Ordinance No. 156895 passed by the Council on December 27, 1984 amended conditions (b) and (c) of Ordinance 127882 to allow closure of the pedestrian connection during night hours, from 11:00 pm to 7:00 am and provide security during the hours of closure. The reason for limiting public access during night time hours was due to vandalism. It was determined that night time closures would not adversely affect the public interest.
5. The Museum operates two historic buildings – the Main Building and the Mark Building, formerly the Masonic Temple. The two buildings are separated by a courtyard and the 8-foot pedestrian connection. For the Museum patrons, there is an internal lower level connector between buildings.
6. Because of limited access between the two buildings as well as a desire to increase educational and programmatic offerings, the Museum is proposing to develop the Rothko Pavilion (the "Pavilion"), which includes a structure that will enclose the 8-foot wide pedestrian connection between SW Park and SW 10th Avenues.
7. The Pavilion will continue to provide ground level public access and connectivity between SW Park and SW 10th Avenues between the weekday hours of 5:30 AM to 12:00 AM, Saturday hours of 7:00 AM to 12:00 AM and Sunday hours of 7:00 AM and 11:00 PM year-round. Access will not be blocked in any manner and will be adequately illuminated for use in hours of darkness.

8. Enclosure of this area will allow the Museum to enhance the visitor experience, expand access to museum programming, provide additional connectivity between the Main Building and Mark Building, and create an engaging walkway integrating works of art.
9. Condition (d) of Ordinance No. 127882 reserves a blanket easement for any utilities that may be present within the vacated area. The City has no present or future need to locate public facilities in the area, and is willing to release the reserved utility easement.
10. To reflect these changes to the pedestrian connection, the Museum will grant to the City and record the public access easement for the pedestrian connection required by Ordinance No. 127882 between SW Park and SW 10th Avenues and assume responsibility for maintenance and indemnity for this connection.
11. To enable the Museum to move forward with planning for the Pavilion, the Council is willing to amend Ordinance No. 127882, as amended by Ordinance No. 156895 so long as the Museum fulfills the requirement of Ordinance no. 127882 by conveying and recording the pedestrian access easement consistent with that ordinance

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 127882, as amended by Ordinance No. 156895, is hereby further amended to replace conditions (b) and (c) and add new conditions, and delete condition (d), as follows:
 - a) The Museum will grant to the City and record a minimum 8-foot wide public pedestrian access easement (the "Easement") between SW 10th and Park Avenues as required by condition (a) of Ordinance No. 127882. The Easement will be in substantially the same form as attached Exhibit A and incorporated by reference and must be recorded prior to the release of the Museum's Pavilion building permit. The Pavilion will continue to provide ground level public access and connectivity between SW Park and SW 10th Avenues between the weekday hours of 5:30 AM to 12:00 AM, Saturday hours of 7:00 AM to 12:00 AM and Sunday hours of 7:00 AM and 11:00 PM year-round. Access will not be blocked in any manner and will be adequately illuminated for use in hours of darkness.
 - b) The Easement area must be hard surfaced, unobstructed, and a minimum of 8-feet wide.
 - c) The Easement area must include clear wayfinding with no visual obstruction.
 - d) The Easement area must be accessible to all people and all improvements to it must comply with the Americans with Disabilities Act of 1990.

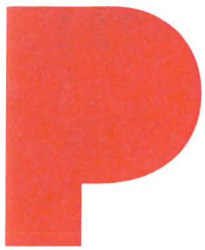
- e) The Pavilion design shall be subject to a Historic Resource Review by the Historic Landmarks Commission as provided by Title 33 (Planning and Zoning) of the City Code.
 - f) The Portland Art Museum will (A) be responsible for maintaining the public connection through the Rothko Pavilion, continuously and without interruption; (B) hold harmless and indemnify the City and its officers, agents and employees from any and all claims, demands, actions and suits related to maintenance, operation, property damage or personal injury arising out of the use of the public connection; and (C) continuously obtain and maintain in full force, at its expense, public liability and property damage insurance coverage in the amounts provided by Oregon statute or law as to maximum liability that may be imposed on Oregon cities. The insurance must name the City, its officers, agents and employees as additional insureds. Coverage must be primary and non-contributory with any other insurance and self-insurance; and (D) provide to the City proof of insurance, specifying all additional insureds (or loss payees), through certificates of insurance, along with applicable endorsements, subject to approval as to form by the City Attorney as to the requirements specified in (C).
 - g) The Museum will comply fully with the conditions of this Ordinance within two years of the date this Ordinance is adopted or request an extension from the Commissioner-in-Charge. If the Museum fails to do so, the Council may repeal this Ordinance at its sole discretion.
- b. Except as amended herein, all other provisions of Ordinance No. 127882 shall remain in full force and effect.

Passed by the Council:

Commissioner: Dan Saltzman
 Prepared by: Matt Grumm/Caitlin Reff: SP
 Date Prepared: 11/21/17

Mary Hull Caballero
 Auditor of the City of Portland
 By

Deputy



188721

Portland Art Museum and the community it serves

The Portland Art Museum serves 300,000 visitors annually, with nearly 100,000 of those attending at free or reduced prices. The Museum's membership base comprises 19,000 households. Known for innovation, excellence, and engaged partnerships, the Museum serves a diverse cross section of ages and community members.

Philosophy and Core Values

The Portland Art Museum strives to be an inclusive institution that facilitates respectful dialogue, debate, and the free exchange of ideas. With a strong commitment to artists—past and present—and freedom of expression, the Museum and Northwest Film Center's collections, programs and staff aspire to reveal the beauty and complexities of the world, and create a deeper understanding of our shared humanity. We are a museum for all, inviting everyone to connect with art through their own experiences, voices, and personal journeys. We regularly offer free admission days; free school trips; and free admission to kids, veterans, and active-duty military. In addition to discounted admission for seniors, college students, and SNAP/Oregon Trail Card holders.

History

Founded in 1892, the Portland Art Museum is the oldest art museum in the Pacific Northwest, and the seventh oldest in the country. The Museum's collection of more than 40,000 objects reflects the history of art from ancient times to today. The collection is distinguished for Native American art, modern and contemporary art, Asian and American art, photographs, prints and drawings, and English silver.

The Northwest Film Center, established in 1978, is a regional media arts organization founded to encourage the study and appreciation of the moving image arts. The Center offers a variety of exhibitions serving more than 70,000 patrons, including nearly 3,000 students, as well as a robust film school program providing instruction to more than 1,300 youth and adults.

Education and Public Programs

Last Year:

- 60,000 adults, children, and families attended more than 150 programs
- 30,000 students visited the Museum
- 600 teachers participated in arts education programs
- The Museum partnered with 450 schools and community organizations

Outreach programs and partnership Highlights:

- heART of Portland showcase of Portland Public Schools student work
- Middle East Partnership Initiative (a PSU program)
- Adelante Chicas (a program of Adelante Mujeres)
- ArtNOW for people for living with dementia and their care partners
- Picture This, a monthly tour for blind or partially-sighted visitors
- Wordstock (Literary Arts)
- Museum of Impact, a mobile social justice museum

Admission Access

Nearly 100,000 visitors visited the Museum for free or at a reduced rate thanks to these admission access programs:

- Children under 17 are free every day
- Free school field trips and tours
- Quarterly Miller Family Free Days
- Participation in the Smithsonian's Museum Day Live program
- Free admission after 5 p.m. on the first Thursday of each month
- Free admission for veterans and active-duty Military all year, plus free admission for active-duty military and their families from Memorial Day to Labor Day.
- Multnomah County Library free pass checkout participation

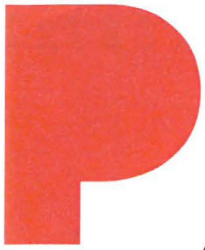
- \$5 admission after 5 p.m. every Friday
- Discounted admission for college students and seniors
- \$5 admission for SNAP/Oregon Trail Card holders as part of the Arts for All Program
- \$20 annual college student membership pass

Finances and Operations (fiscal year 2016)

- More than 1,000 volunteers and docents give nearly 70,000 hours of their time
- 223 employees (164 full time equivalent)
- \$17 million revenue broken down as follows:
 - \$7.5 million in grants and individual contributions (44%)
 - \$3.3 million in membership (19%)
 - \$1.9 million in admissions (11%)
 - \$4.3 million in earned income (shop, events, NWFC tuition, other) (26%)

Economic Impact

- Based on data provided by the Regional Arts and Culture Council, direct spending by the Museum, combined with spending by visitors generates:
 - 912 FTE jobs
 - \$1,000,075 in tax revenue to the City of Portland

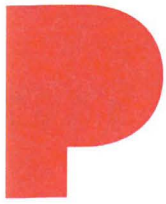


Accessibility Initiatives at the Portland Art Museum

- **Accessibility Working Group:** At the beginning of 2015, the Museum established its internal Accessibility Working Group to address compliance with ADA and Section 504 requirements and best practices in terms of policies, facilities, and programming. This group includes staff from every department across the Museum and Film Center and meets every two months to address concerns and questions as well as ensure that staff have the resources they need to promote accessibility and inclusion across our work.
- **ADA Coordinator:** Earlier this year, the Museum selected Sarah Lampen (Manager of Docent and Access Programs) to serve as the institution's official ADA Coordinator. This full-time position provides additional oversight and coordination of the Museum's compliance with ADA requirements and best practices.
- **Staff and Volunteer Training:** The Museum has continued to implement professional development and training for staff related to accessibility and inclusion. In 2016, the Museum began working with Georgia Krantz, an expert on accessibility and museums, to lead training for volunteer docents as well as staff across our visitor-serving departments (Guest Services, Security, Membership, and Education). We continue to plan additional staff and volunteer training with Krantz and other experts. The Museum has also sent staff to attend the 2016 and 2017 Leadership Exchange in Arts & Disability (LEAD) conferences, and the Museum has one staff member involved in the Oregon Arts Leaders for Inclusion Coalition facilitated by PHAME.
- **Disability Rights Oregon / Oregon's Office of Aging & People with Disabilities:** In June of this year, the Museum's Executive Director, Director of Education & Public Programs, and Manager of Interpretive Media met with Bob Joondeph and Matthew Denney of Disability

Rights Oregon and Joseph Lowe from the State of Oregon's Office of Aging & People with Disabilities. The discussion centered on the Museum's proposed Pavilion project as well as our accessibility initiatives. There was an additional meeting in August to follow-up on these conversations, when it was advised that the Museum form a community-based Accessibility Advisory Group.

- **Accessibility Advisory Group:** The Museum is currently in the process of forming an Accessibility Advisory Group made up of community members (including individuals living with disabilities), representatives from selected partner organizations serving people with disabilities, and Museum staff and volunteers.
- **Equity and Inclusion:** The Museum has contracted Grant Miller, a community organizer with expertise in disability arts, culture, and inclusive practices to support the museum's ongoing Equity and Inclusion work.
- **ADA Audit:** In January 2018 the Northwest ADA Center will conduct a full-campus ADA audit of the Museum. This audit will, among other things, help inform the Museum's plans to ensure that the Pavilion and Museum campus are going beyond basic compliance to achieve best practices for accessibility and inclusive design.



SW Madison Street Changes FAQ

In order to better serve the community, connect the two Museum buildings on several levels, and improve accessibility for people of all ages and abilities, the Portland Art Museum is requesting a change to the ordinance governing the vacated section of SW Madison Street between SW Park Avenue and SW 10th Avenue to allow for the construction of a ground-level glass pavilion. This section of Madison Street was vacated in 1968, subject to an 8-foot wide pedestrian passageway. A subsequent amendment in 1984 provided for the closure of the pedestrian passageway from 11 p.m. to 7 a.m.

What are the benefits of enclosing the passageway?

The benefits of the enclosed passageway are as follows. It makes it possible to have two museum entrances (east and west) that are accessible to people who use wheelchairs or have limited mobility. It allows for renovations throughout both existing buildings that will create three, barrier-free floors—allowing visitors to travel north and south, through the pavilion on elevated walkways. It also creates 30,000 square feet of new public, community space.

What about other options like a sky bridge?

A sky bridge will not work because ground-level accessibility is the goal of the project.

How do the proposed changes affect access to and from SW 10th Avenue and SW Park Avenue?

The Pavilion will remain a free and public space to individuals using the passageway to and from SW 10th Avenue and SW Park Avenue, patronizing Museum offerings (e.g., gift shop, café, etc.), or attending the Museum during Pavilion hours (7 a.m. to 11 p.m.). Including individuals with bicycles or pets.

Do the proposed changes affect public safety and/or walking distances?

Walking distances will remain unchanged from 7 a.m. to 11 p.m. Between 11 p.m. and 7 a.m., when the Pavilion is closed, the walking distance between the streetcar stop on Tenth Avenue to popular destinations such as the Oregon Historical Society, Hatfield Hall, and the Arlene Schnitzer Concert Hall via Jefferson or Main Street are the same as the walking distance using the Madison Street passageway. Safety is a focus now and in the future. All sides of the Main Building and Mark Building are well-lit and monitored 24 hours a day, 365 days a year, by security cameras and on-site security staff.

Is the City giving land to the Museum with this ordinance change?

No. The land became the property of the Museum when the street was vacated in 1968. That status does not change.

Who will be responsible for maintaining the Pavilion and passageway?

The Museum will assume maintenance responsibility and will provide liability insurance covering the passageway. Additionally, Museum security staff will monitor the Pavilion during all open hours.

What will happen to the existing, outdoor sculpture in between the two buildings?

Like the art inside the buildings, outdoor sculptures are rotated regularly. Outdoor sculptures will be displayed in the new East and West Plazas, as well other locations around the buildings.

Contact Laura Bartroff with questions. laura.bartroff@pam.org, 503-276-4207.