


Agenda No.  
**REPORT**  
Title

Appeal of the Garage Group represented by Patricia Gardner against the Design Commission's decision of approval for design review of Major Remodel of the full block SmartPark garage at 730 SW 10<sup>th</sup> Ave (Hearing; LU 17-222650 DZM)

<p style="text-align: center;"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Chloe Eudaly</b></p>	<p>CLERK USE: DATE FILED <u>JAN 30 2018</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance &amp; Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly <i>CDE</i></p>	<div style="text-align: center;">  <p>Mary Hull Caballero Mayor of the City of Portland</p> </div> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau of Development Services Bureau Head: <i>Rebecca Esau</i> Rebecca Esau, Director</p> <p>Prepared by: Leanne Torgerson Date Prepared: 1/24/18</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan</p> <p>Council Meeting Date <b>2/8/18, 2:00 TC</b></p>	<p><b>ACTION TAKEN:</b> <b>FEB 06 2018 APPEAL WITHDRAWN</b></p>

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/> Start time: <b>2:00 TC</b></p> <p><b>Total amount of time needed: 1.5 hours</b> (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	
2. Fish	2. Fish	
3. Saltzman	3. Saltzman	
4. Eudaly	4. Eudaly	
Wheeler	Wheeler	



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

Date: February 6, 2018

To: Kim Knox, Shiels, Oblatz, Johnson  
Owner's Representative  
1140 SW 11<sup>th</sup> Ave, Suite 500  
Portland, OR 97205

From: Rebecca Esau, Director  
Bureau of Development Services

RE: LU 17-222650 DZM, 10<sup>th</sup> & Yamhill Smart Park Garage | Appeal Withdrawn

Dear Ms. Knox:

The Appellant for the above referenced case has withdrawn their appeal to City Council of Design Commission's Type III decision of approval. Accordingly, the Portland Design Commission's decision is retroactively effect as of November 14, 2017. For context, I summarize relevant procedural history and code reference.

On October 19, 2017, the Portland Design Commission rendered a decision of approval for LU 17-222650 DZM (SW 10<sup>th</sup> and Yamhill SmartPark Garage). That decision was appealed to the Portland City Council by Patricia Gardner on behalf of the Garage Group (the Appellant) on November 13, 2017. November 13<sup>th</sup> was the last day to appeal. The appeal hearing was scheduled for January 4, 2018 and a Notice of Appeal was published on November 17, 2017. On December 4, 2017, the Appellant requested via email that the appeal hearing be postponed until February 8, 2018. A revised Notice of Appeal was published on December 8, 2017. On February 2, 2018, the Appellant withdrew the appeal via email request.

Pursuant to Portland Zoning Code Section 33.730.030(G), if no appeals are filed the Design Commission's decision is final and effective on the day after the last day to appeal. The Portland Zoning Code is silent on a procedure for withdrawing an appeal. Therefore, the decision of the Portland Design Commission is retroactively effective as of November 14, 2017 (the day after the last day to appeal.)

Please don't hesitate to contact me if you have questions or seek additional information regarding this determination.

Thank you,

Rebecca Esau  
Director  
Bureau of Development Services



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Office of the Director**  
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner  
Rebecca Esau, Director  
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**MEMORANDUM**

February 8, 2018

To: Mayor Ted Wheeler  
Commissioner Chloe Eudaly  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Dan Saltzman

From: Rebecca Esau, Director  
Bureau of Development Services

Subject: City Council hearing on LU 17-222650 DZM, 10<sup>th</sup> & Yamhill Smart Park Garage

The purpose of this memorandum is to provide a summary and brief description of the land use review decision that has been appealed and will be presented to you in public hearing on February 8, 2018 at 2 PM, time certain.

**Site Address:** 730 SW 10<sup>th</sup> Ave

**BDS Representative:** Jeff Mitchem, City Planner II  
503-823-7011, [jeffrey.mitchem@portlandoregon.gov](mailto:jeffrey.mitchem@portlandoregon.gov)

**1. Land Use Reviews Requested:** Type III Design Review (DZ) with Modification (M) request.

**2. Key Elements of Proposal:**

Applicant: Christine Rumi | FFA Architecture & Interiors

Owner: City of Portland

Owner Rep: Kim Knox | Shiels Oblatz Johnsen, Inc.

Site Location: 730 SW 10<sup>th</sup> Ave

Site Size: 40,000 SF

Proposal: The Portland Bureau of Transportation and Prosper Portland (formerly Portland Development Commission) are proposing a Major Remodel of the full block SmartPark garage bounded by SW 9<sup>th</sup> Ave, SW 10<sup>th</sup> Ave, SW Yamhill St and SW Morrison St. The \$17.5 million remodel consists of the following key components:

- *Stairs & Elevators.* Consolidation of stairs and elevators from the current configuration of one at each corner to one stair and two elevators at the SW and NE corners.

- *Retail Expansion.* Approximately 800 sf of additional retail floor area on the corners of the garage where stairs and elevators will be removed.
  - *Mechanical.* Upgrades to mechanical and lighting to improve energy efficiency.
  - *Accessibility.* ADA improvements including retail access and re-striping of some parking stalls.
  - *Building Infrastructure.* Solar panels integrated into roof-top canopies, new signage, new canopies on corner and mid-block retail entrances.
  - *Bicycle Parking.* The 21,315 sf of retail requires 2 long-term and 5 short-term spaces. 781 parking auto parking spaces requires 40 long-term bike parking spaces. This standard is met within a ground-level bike room at the building's northeast corner. The requirement for 5 short-term spaces is to be met by paying into the bicycle parking fund.
- **Modifications / Adjustments.** The proposal requires the following three (3) Modifications to Portland Zoning Code Standards:  
Because the valuation of the project designates the proposal as a Major Remodel per Portland Zoning Code Chapter 33.910), the following development standards apply – *33.510.220 Ground Floor Windows; 33.510.225 Ground Floor Active Use; 33.510.215 Required Building Lines.* Of those standards, the proposal requires the following Modifications through design review.
    1. **33.510.220, 33.140.230 Ground Floor Windows** – This standard is required for all building frontages if the proposal is a Major Remodeling project. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. *Proposal: SW 9<sup>th</sup> Ave – 46% window length, 36% window area; SW 10<sup>th</sup> Ave – 12% window length, 10% window area.*
    2. **33.510.225, Map 510-7 Ground Floor Active Uses** – Applies to all block frontages if the proposal is a Major Remodeling project. The ground floor height must be at least 12 feet clear, must be at least 25 feet deep measured from the street-facing façade, must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code, and the street-facing facade must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses. *Proposal: SW Yamhill Street façade – existing height, 12'-7" will be reduced to 11'-7" (3% reduction) in a portion of the ground floor active use spaces (insulation installed to improve energy efficiency and noise attenuation).*

Additionally, the proposal requires the following **Modification** related to parking space size due to re-striping:

    3. **33.266.130.F, Table 266-4 Parking Space Dimension** – Parking space dimension for 30 degree angled stalls is required to be 8'-6" wide by 15' long. *Proposal: to allow the 781 re-configured regular*

*parking spaces on Levels 2-7 of the garage to have substandard dimensions of 7'-6" X 13'-3".*

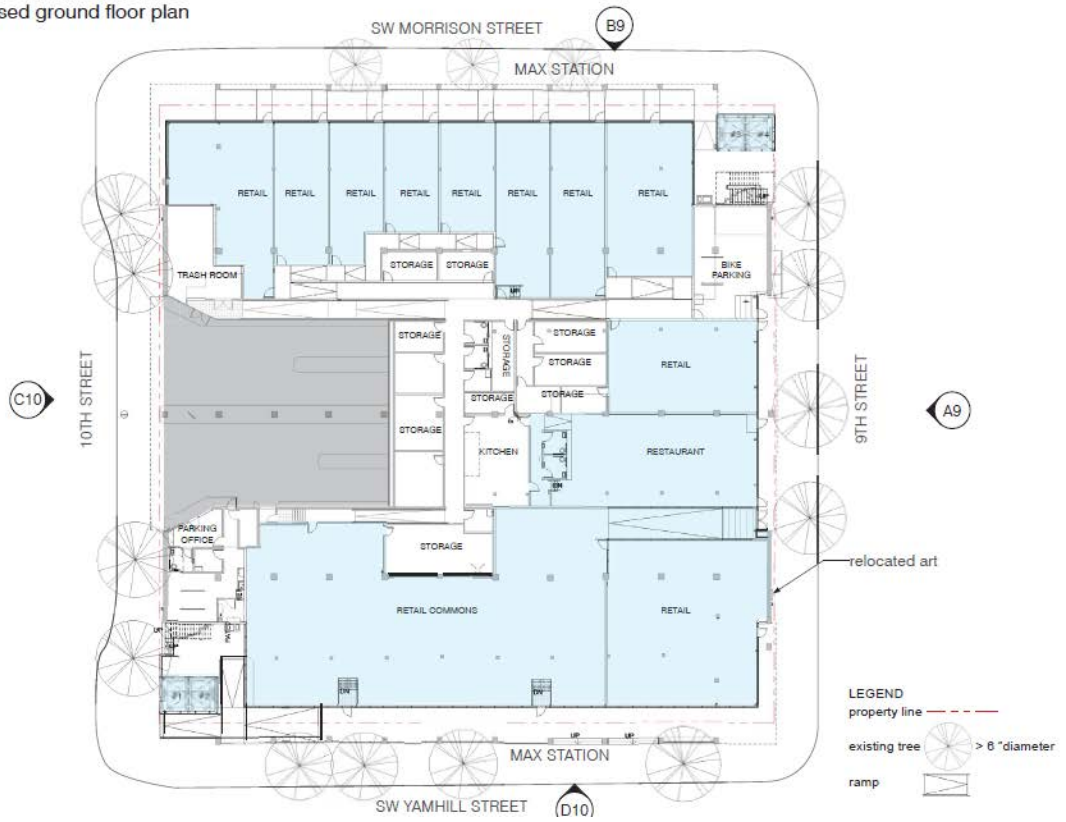
Design Review is necessary because the proposal is for exterior alterations in a Design Overlay Zone.

**3. Final Decision:** The Design Commission found that all applicable approval criteria were met; therefore, they approved the requests.

**4. Alternatives Facing Council:**

- Deny the appeal, and uphold the Design Commission's decision to approve the proposal.
- Grant the appeal, and overturn the Design Commission's decision to approve the request, thereby denying the proposal.
- Grant the appeal, and overturn the Design Commission's decision to approve the request, with conditions of approval and/or design revisions, thereby approving a revised proposal. Because this case is On the Record, no new evidence may be introduced into the record to formulate conditions of approval.

DESIGN proposed ground floor plan



**DESIGN** proposed elevations (rendered)

existing building:



proposed elevations:





**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**NOTICE OF A PUBLIC HEARING BEFORE  
THE CITY COUNCIL ON AN APPEAL OF THE  
PORTLAND DESIGN COMMISSION**

**CASE FILE:** LU 17-222650 DZM (10<sup>th</sup> & Yamhill SmartPark Garage)  
**WHEN:** JANUARY 4, 2018, 2 pm  
**WHERE:** COUNCIL CHAMBERS, 1221 SW FOURTH AVENUE

**Date:** November 17, 2017  
**To:** Interested Person  
**From:** Jeff Mitchem, Land Use Services, 503-823-7011

The Review Body decision of **approval** has been appealed by **Patricia Gardner on behalf of the Garage Group**.

A public hearing will be held to consider an appeal of the Portland Design Commission's decision to approve a three-building development on two parcels on 1.5 blocks in the Central City – Goose Hollow Plan District at 817 SW 17<sup>th</sup> Ave. The Design Commission decision of approval with conditions has been appealed by Goose Hollow Foothills League. At the hearing, City Council will consider the appeal. You are invited to testify at the hearing.

This will be an On-the-Record hearing, one in which new evidence cannot be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

**Applicant:** Christine Rumi | FFA Architecture & Interiors  
520 SW Yamhill St #900  
Portland OR 97204 | 503-327-0328 | [Crumi@Ffadesign.Com](mailto:Crumi@Ffadesign.Com)

**Owner:** Kim Knox | Shiels Oblatz Johnsen, Inc.  
11140 SW 11th Ave, Suite 500  
Portland, OR 97205 | 503-242-0084 | [Knox@Sojpdx.Com](mailto:Knox@Sojpdx.Com)

**Site Address:** 730 SW 10TH AVE

**Legal Description:** BLOCK 218 LOT 1-8 SEE ALSO SUB-ACCT -3301, PORTLAND  
**Tax Account No.:** R667723300  
**State ID No.:** 1N1E34CC 09500  
**Quarter Section:** 3029, 3129

**Neighborhood:** Portland Downtown, contact Rani Boyle at 503-725-9979.  
**Business District:** Downtown Retail Council, contact Sandra McDonough at 503-552-6762.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - West End  
**Zoning:** CXd, Central Employment with a Design Overlay  
**Case Type:** DZM, Design Review with Modifications  
**Procedure:** Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.



**Proposal:**

The Portland Bureau of Transportation and Prosper Portland (formerly Portland Development Commission) are proposing a Major Remodel of the full block SmartPark garage bounded by SW 9<sup>th</sup> Ave, SW 10<sup>th</sup> Ave, SW Yamhill St and SW Morrison St. The \$17.5 million remodel consists of the following key components:

- *Stairs & Elevators.* Consolidation of stairs and elevators from the current configuration of one at each corner to one stair and two elevators at the SW and NE corners.
- *Retail Expansion.* Approximately 800 sf of additional retail floor area on the corners of the garage where stairs and elevators will be removed.
- *Mechanical.* Upgrades to mechanical and lighting to improve energy efficiency.
- *Accessibility.* ADA improvements including retail access and re-striping of some parking stalls.
- *Building Infrastructure.* Solar panels integrated into roof-top canopies, new signage, new canopies on corner and mid-block retail entrances.
- *Bicycle Parking.* The 21,315 sf of retail requires 2 long-term and 5 short-term spaces. 781 parking auto parking spaces requires 40 long-term bike parking spaces. This standard is met within a ground-level bike room at the building's northeast corner. The requirement for 5 short-term spaces is to be met by paying into the bicycle parking fund.

**Modifications.** The proposal requires the following three (3) Modifications to Portland Zoning Code Standards:

Because the valuation of the project designates the proposal as a Major Remodel per Portland Zoning Code Chapter 33.910), the following development standards apply –33.510.220 *Ground Floor Windows*; 33.510.225 *Ground Floor Active Use*; 33.510.215 *Required Building Lines*. Of those standards, the proposal requires the following Modifications through design review.

1. **33.510.220, 33.140.230 Ground Floor Windows** – This standard is required for all building frontages if the proposal is a Major Remodeling project. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. *Proposal: SW 9<sup>th</sup> Ave – 46% window length, 36% window area; SW 10<sup>th</sup> Ave – 12% window length, 10% window area.*
2. **33.510.225, Map 510-7 Ground Floor Active Uses** – Applies to all block frontages if the proposal is a Major Remodeling project. The ground floor height must be at least 12 feet clear, must be at least 25 feet deep measured from the street-facing façade, must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code, and the street-facing facade must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses. *Proposal: SW Yamhill Street façade – existing height, 12'-7" will be reduced to 11'-7" (3% reduction) in a portion of the ground floor active use spaces (insulation installed to improve energy efficiency and noise attenuation).*

Additionally, the proposal requires the following **Modification** related to parking space size due to re-striping:

3. **33.266.130.F, Table 266-4 Parking Space Dimension** – Parking space dimension for 30 degree angled stalls is required to be 8'-6" wide by 15' long. *Proposal: to allow the 781 re-configured regular parking spaces on Levels 2-7 of the garage to have substandard dimensions of 7'-6" X 13'-3".*

Design Review is necessary because the proposal is for exterior alterations in a Design Overlay Zone.

**Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Central City Fundamental Design Guidelines
- 33.825.040 Modifications through Design Review

### **REVIEW BODY DECISION**

It is the decision of the Design Commission to approve Design Review for the full block SmartPark garage (bounded by SW 9<sup>th</sup> Ave, SW 10<sup>th</sup> Ave, SW Yamhill St and SW Morrison St) within the Downtown Subdistrict, West End Subarea of the Central City Plan area.

Approval of the following Modification requests:

1. **Ground Floor Windows (33.140.230).** The proposal features the following non-compliant glazing conditions: SW 9<sup>th</sup> Ave – 46% window length, 36% window area; SW 10<sup>th</sup> Ave – 12% window length, 10% window area.
2. **Ground Floor Active Uses (33.510.225).** The proposal does meet the required 12' of interior clear height on the SW Yamhill Street façade – existing height, 12'-7" will be reduced to 11'-7" (3% reduction) in a portion of the ground floor active use spaces (insulation installed to improve energy efficiency and noise attenuation).
3. **Parking area layouts (33.266.130.F).** The proposal is for 781 re-configured regular parking spaces on Levels 2-7 of the garage to have substandard dimensions of 7'-6" X 13'-3".

Approvals per Exhibits C.1-C-42, signed, stamped, and dated October 23, 2017, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (B – C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 17-222650 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B.** At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C.** No field changes allowed.

### **APPEAL**

The Design Commission's decision of an approval with conditions has been appealed by Patricia Gardner on behalf of the Garage Group. According to the appellants' statement, the appeal of the Design Commission decision is based on arguments that:

*In its current design incarnation, this building will continue to detract from its surroundings. Without a skin, the proposal does not meet the following guidelines:*

- *A5 Enhance, Embellish and Identify Areas. The proposal is not enhancing the surround areas. Painting a building gray does not add to this district. The building has no charm without a skin.*
- *A7 Establish and Maintain a Sense of Urban Enclosure. Painting the building gray to that "it recedes" from view is the opposite of creating an urban enclosure. If the building was skinned, this guideline would be embraced instead of being rejected.*
- *B5 Make Plazas, Parks and Open Space Successful. The design does not enhance Directors Park. It will act as a dark hole in the fabric surround the park.*
- *C1 Enhance View Opportunities. This guideline calls for developing "building facades that create visual connections to adjacent public spaces". Creating a building that "recedes"*

*does not meet this guideline. The façade, especially at Directors Park, should be celebrated, not painted gray.*

- *C2 Promote Quality and Permanence in Development. Painting a building gray is not “using design principles and building materials that promote quality and permanence” especially as this structure is seen from a vantage point across the entire adjacent park.*
- *C4 Complement the Context of the Existing Buildings Painting the building gray does not “complement the context of existing buildings by using and adding to the local design vocabulary”.*
- *C5 Design for Coherency The new additions have no relation to the existing building in its current state. They look tacked on as the existing building is not to be changed except in color.*

**Review of the case file:** The Design Commission decision and all evidence on this case are now available for review at the Bureau of Development Services, 1900 SW 4<sup>th</sup> Avenue, Suite 5000, Portland, OR 97201. Copies of the information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some of the information over the phone.

**We are seeking your comments on this proposal.** The hearing will be held before the City Council. To comment, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

If you choose to provide testimony by electronic mail, please direct it to the Council Clerk at [karla.Moore-Love@portlandoregon.gov](mailto:karla.Moore-Love@portlandoregon.gov). Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

**If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.**

#### Attachments

1. Zoning Map
2. Site plan
3. Elevation
4. Appeal Statement
5. City Council Appeal Process



# City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue - Portland, Oregon 97201 | 503-823-7300 | www.portlandoregon.gov/bds



## Type III Decision Appeal Form

LU Number: LU 17-222650 DZM

### FOR INTAKE, STAFF USE ONLY

Date/Time Received 11-<sup>3</sup>17 1:40 pm  Action Attached \_\_\_\_\_

Received By Bryan / Liz Fee Amount \$5,000

Appeal Deadline Date 11-13-17 4:30 pm   Fee Waived

Entered in Appeal Log \_\_\_\_\_ Bill # 4219411

Notice to Auditor \_\_\_\_\_   Unincorporated MC

Notice to Dev. Review \_\_\_\_\_

### APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS 730 SW 10th Avenue DEADLINE OF APPEAL Nov. 13, 2017

Name Patricia Gardner (on behalf of Garage Group)

Address 2304 N. Flint Ave city Portland State/Zip Code 97227

Day Phone 503.806.4106 Email patricia@2-57.com Fax \_\_\_\_\_

Interest in proposal (applicant, neighbor, etc.) representative of Garage group

### Identify the specific approval criteria at the source of the appeal:

Zoning Code Section 33. 825 .065 Zoning Code Section 33. \_\_\_\_\_ . \_\_\_\_\_

Zoning Code Section X \_\_\_\_\_ . \_\_\_\_\_ Zoning Code Section 33. \_\_\_\_\_ . \_\_\_\_\_

Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:

this project does not meet the central city Design Guidelines.

See attached.

Appellant's Signature \_\_\_\_\_

### FILE THE APPEAL - Submit the following:

- This completed appeal form
- A copy of the Type III Decision being appealed
- An appeal fee as follows:
  - Appeal fee as stated in the Decision, payable to City of Portland
  - Fee waiver for ONI Recognized Organizations approved (see instructions under Appeals Fees A on back)
  - Fee waiver request letter for low income individual is signed and attached
  - Fee waiver request letter for Unincorporated Multnomah County recognized organizations is signed and attached

The City must receive the appeal by 4:30 pm on the deadline listed in the Decision in order for the appeal to be valid. To file the appeal, submit the completed appeal application and fee (or fee waiver request as applicable) at the Reception Desk on the 5th Floor of 1900 SW 4th Ave, Portland, Oregon, between 8:00 am and 4:30 pm Monday through Friday.

The Portland City Council will hold a hearing on this appeal. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

Information about the appeal hearing procedure and fee waivers is on the back of this form.

**Appeal of LU-222650  
10<sup>th</sup> & Yamhill Parking Garage**

This structure is located at a critical part of the downtown as it fronts on Director Park. We would be very happy to retract this appeal if a committee can be officially committed by PBOT, RACC, and the public to create a skin for this structure. A letter of agreement regarding this matter between RACC and PBOT should also be completed. We have repeatedly offered to brainstorm how to pay for this skin.

In its current design incarnation, this building will continue to detract from its surroundings. Without a skin, the proposal does not meet the following guidelines:

**A5 Enhance, Embellish, and Identify Areas:**

The proposal is not enhancing the surrounding areas. Painting a building gray does not add to this district. The building has no charm without a skin.

**A7 Establish and maintain a sense of Urban Enclosure**

Painting the building gray so that "it recedes" from view is the opposite of creating an urban enclosure. If the building was skinned, this guideline would be embraced instead of being rejected.

**B5 Make plazas, parks, and open space successful**

The design does not enhance Director's Park. It will act as a dark hole in the fabric surrounding the park.

**C1 Enhance view opportunities**

This guideline calls for developing "building facades that create visual connections to adjacent public spaces". Creating a building that "recedes" does not meet this guideline. The façade, especially at Director's Park, should be celebrated - not painted gray.

## **C2 Promote Quality and permanence in Development**

Painting a building gray is not "using design principles and building materials that promote quality and permanence" especially as this structure is seen from a vantage point across the entire adjacent park.

## **C4 Complement the context of the existing buildings**

Painting the building gray does not "complement the context of existing buildings by using and adding to the local design vocabulary"

## **C5 Design for Coherency**

The new additions have no relation to the existing building in its current state. They look tacked on as the existing building is not be changed except in color.



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**FINAL FINDINGS AND DECISION BY THE DESIGN  
COMMISSION RENDERED ON October 19, 2017**

**CASE FILE NUMBER: LU 17-222650 DZM**  
**PC # 16-275088**  
**10<sup>th</sup> Yamhill SmartPark Garage**

**BUREAU OF DEVELOPMENT SERVICES STAFF:** Jeffrey Mitchem 503-823-7011 /  
[Jeffrey.Mitchem@portlandoregon.gov](mailto:Jeffrey.Mitchem@portlandoregon.gov)

**GENERAL INFORMATION**

**Applicant:** Christine Rumi | FFA Architecture & Interiors  
520 SW Yamhill St #900  
Portland OR 97204 | 503-327-0328 | [Crumi@Ffadesign.Com](mailto:Crumi@Ffadesign.Com)

**Owner:** Kim Knox | Shiels Oblatz Johnsen, Inc.  
11140 SW 11th Ave, Suite 500  
Portland, OR 97205 | 503-242-0084 | [Knox@Sojpdx.Com](mailto:Knox@Sojpdx.Com)

**Site Address:** 730 SW 10TH AVE

**Legal Description:** BLOCK 218 LOT 1-8 SEE ALSO SUB-ACCT -3301, PORTLAND  
**Tax Account No.:** R667723300  
**State ID No.:** 1N1E34CC 09500  
**Quarter Section:** 3029, 3129

**Neighborhood:** Portland Downtown, contact Rani Boyle at 503-725-9979.  
**Business District:** Downtown Retail Council, contact Sandra McDonough at 503-552-6762.  
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**Plan District:** Central City - West End  
**Zoning:** CXd, Central Employment with a Design Overlay  
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**Procedure:** Type III, with a public hearing before the Design Commission.  
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The Portland Bureau of Transportation and Prosper Portland (formerly Portland Development Commission) are proposing a Major Remodel of the full block SmartPark garage bounded by SW 9<sup>th</sup> Ave, SW 10<sup>th</sup> Ave, SW Yamhill St and SW Morrison St. The \$17.5 million remodel consists of the following key components:

- *Stairs & Elevators.* Consolidation of stairs and elevators from the current configuration of one at each corner to one stair and two elevators at the SW and NE corners.
- *Retail Expansion.* Approximately 800 sf of additional retail floor area on the corners of the garage where stairs and elevators will be removed.
- *Mechanical.* Upgrades to mechanical and lighting to improve energy efficiency.
- *Accessibility.* ADA improvements including retail access and re-striping of some parking stalls.
- *Building Infrastructure.* Solar panels integrated into roof-top canopies, new signage, new canopies on corner and mid-block retail entrances.
- *Bicycle Parking.* The 21,315 sf of retail requires 2 long-term and 5 short-term spaces. 781 parking auto parking spaces requires 40 long-term bike parking spaces. This standard is met within a ground-level bike room at the building's northeast corner. The requirement for 5 short-term spaces is to be met by paying into the bicycle parking fund.

**Modifications.** The proposal requires the following three (3) Modifications to Portland Zoning Code Standards:

Because the valuation of the project designates the proposal as a Major Remodel per Portland Zoning Code Chapter 33.910), the following development standards apply – 33.510.220 *Ground Floor Windows*; 33.510.225 *Ground Floor Active Use*; 33.510.215 *Required Building Lines*. Of those standards, the proposal requires the following Modifications through design review.

1. **33.510.220, 33.140.230 Ground Floor Windows** – This standard is required for all building frontages if the proposal is a Major Remodeling project. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. *Proposal: SW 9<sup>th</sup> Ave – 46% window length, 36% window area; SW 10<sup>th</sup> Ave – 12% window length, 10% window area.*
2. **33.510.225, Map 510-7 Ground Floor Active Uses** – Applies to all block frontages if the proposal is a Major Remodeling project. The ground floor height must be at least 12 feet clear, must be at least 25 feet deep measured from the street-facing façade, must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code, and the street-facing facade must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses. *Proposal: SW Yamhill Street façade – existing height, 12'-7" will be reduced to 11'-7" (3% reduction) in a portion of the ground floor active use spaces (insulation installed to improve energy efficiency and noise attenuation).*

Additionally, the proposal requires the following **Modification** related to parking space size due to re-striping:

3. **33.266.130.F, Table 266-4 Parking Space Dimension** – Parking space dimension for 30 degree angled stalls is required to be 8'-6" wide by 15' long. *Proposal: to allow the 781 re-configured regular parking spaces on Levels 2-7 of the garage to have substandard dimensions of 7'-6" X 13'-3".*

Design Review is necessary because the proposal is for exterior alterations in a Design Overlay Zone.

#### **Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Central City Fundamental Design
- 33.825.040 Modifications through



## Guidelines

## Design Review

**ANALYSIS**

**Site and Vicinity:** The property is a seven-story parking garage occupying a full city block (40,000 sf) in the Central City Plan District. The site is bordered by SW Morrison Street, SW 9<sup>th</sup> Avenue, SW Yamhill Street and SW 10<sup>th</sup> Avenue. Supporting TriMet MAX platforms, both SW Morrison St. and SW Yamhill St. are classified as Regional Transitways and Central City Transit/Pedestrian Streets. Supporting the Portland Streetcar alignment (stop one block north), SW 10<sup>th</sup> Ave is classified as a Transit Access Street and a Central City Transit/Pedestrian Street. Designated as part of the Green Loop, SW 9<sup>th</sup> Ave is classified as a City Walkway. The site lies within the Downtown Pedestrian District.

Part of the city's SmartPark Garage system operated by the Portland Bureau of Transportation (PBOT), the building was constructed in 1978 with two additional parking levels added in 1984. The garage has been approved as a Visitor Parking facility with 795 parking stalls primarily available for first-come-first-served short-term visitor parking to support downtown's retail, office, cultural and tourist uses. The ground floor currently contains 26,100 net square feet (nsf) of retail space with five existing tenants. The average weekday peak-time occupancy is between 85-90%, which suggests how important this SmartPark facility is to providing Visitor Parking in the western portion of downtown Portland.

Because the construction of the garage predates the adoption of the Central City Plan, the use is legally non-conforming some zoning code standards do not apply. Those are:

- **Section 33.510.263 (G)(5)(c)** prohibits the construction of a parking garage as defined in Section 33.808.100(I)(5) on the Westside MAX alignment on sites lying between SW Yamhill and SW Morrison Streets from SW 1st to SW 18th Avenues. However, the garage was built in 1979 before the construction of the Westside MAX line in the 1990s and prior to adoption of this requirement in the Portland Zoning Code. As a result, the use at this site is nonconforming and permitted unless and until the building is demolished.
- **Section 33.510.263(G)(6)(a)** subjects any new parking access on or within 75' of an MAX alignment to a Type III Central City Parking Review (CCPR). This provision also is contained in Section 33.808.100(I)(5), governing CCPR applications. The existing garage access on SW 10th Avenue is within 75' of both the in- and out-bound MAX alignments on SW Yamhill and SW Morrison Streets, respectively, but this provision does not apply as the construction of the garage access predates the construction of the Westside MAX and the proposed remodel does not relocate the existing garage access. Thus, this provision does not apply.
- **Section 33.510.263 (G)(6)(c)** prohibits access to a parking facility from a street designated on Map 510-9, Parking Access-Restricted Streets. SW 10th Avenue is one such street as it accommodates the north-bound leg of the Streetcar in the SW 10th/SW 11th Avenue corridor. The 10th/Yamhill Garage takes its access from SW 10th Avenue and, thus, is not in compliance with this requirement. However, the garage was built 10 years before the Central City Plan was adopted and many years before the SW 10th/SW 11th Avenue Corridor was designated as a Streetcar alignment and the proposed remodel does not relocate the existing garage entrance.

**Zoning:** The Central Commercial Zone (CX) is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings,

and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**Land Use History:** City records indicate that prior land use reviews include

- LU05-121872. Approval of storefront improvements.
- LU06-165357. Approval of light pole and wireless antenna.

**Agency Review:** A *Notice of proposal in Your Neighborhood* was mailed **September 29, 2017**. The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services (Exhibit E.1)
- Portland Bureau of Transportation (Exhibit E.2)
- Bureau of Parks – Urban Forestry (Exhibit E.3)
- Site Development (Exhibit E.4)
- Fire Bureau (Exhibit E.5)
- Life-Safety (Exhibit E.6)
- Regional Arts and Culture Council (Exhibit E.7)

**Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on **September 29, 2017**. One written response was received from either the Neighborhood Association or notified property owners in response to the proposal.

- Email from Colin Yates, September 26, 2017. Comments in support of the proposal with miscellaneous recommendations regarding bicycle parking, lighting, noise, auto parking, safety, etc. (Exhibit F.1)

**Procedural History:** The subject proposal was heard before one Design Advice Request (EA17-116921) on April 17, 2017. Following, are Design Commission comments

- Design Character
  - Design Drivers. Columbia Gorge related design metaphors are not contextually relevant. Explore design expression more responsive to local context – glass, concrete, wood soffits – gracefully resolved.
  - RACC Art. Concentrate art within smaller area – perhaps SE corner facing Director’s Park – instead of treating the entire exterior skin as a canvas.
  - Minimize Intervention. Treat exterior skin as maintenance prospect only (rather than artistic overhaul) – conserve budget for concentrated investment as key locations – high quality, well detailed ground level and stair towers as simple glazed volumes.
- Ground Floor
  - Corners. Commission is supportive of the proposed corners as the most appropriate to re-purpose. SE corner is the most important – great opportunity to address Director’s Park – don’t “patch” components to mitigate original brutalist structure, solution could be as simple as focusing entire art budget there.
  - Pedestrian Emphasis. Prioritize pedestrian experience at retail bays – maximize light exposure (glass canopies) to remedy existing gloom quality. Commission is supportive of demising floor area as proposed. Ensure that flexibility for future changes is maintained – maker spaces, micro-business, incubator, etc.

- Auto Entry. Mitigate somehow – reduction in width, color, lighting, etc.
- Upper Floors
  - Piers and Spandrels. Treat as maintenance / re-painting (light-touch) prospect only, no art.
  - Stair Landings. Protect from rain, while also discouraging lurking/loitering (enhanced safety measures).
- Materials
  - Structure. Respect the original material by focused remodel effort instead of covering with art.
  - Material Interplay. Commission is supportive of the glass/concrete interlock of stair towers appended to simple geometric back-drop.
  - Stair Towers. Commission advises the Applicant provide clarity on stair wall detail – maximize butt glazed glass curtain wall with minimal interplay of solid panel assembly, mounting, flashing, etc.

The proposal was heard before one Land Use Review Hearing on October 19, 2017 and approved without conditions.

## ZONING CODE APPROVAL CRITERIA

### (1) DESIGN REVIEW (33.825)

#### 33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

#### 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

**Findings:** The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

**A1. Integrate the River.** Orient architectural and landscape elements including, but not limited to, lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop accessways for pedestrians that provide connections to the Willamette River and greenway.

**A2. Emphasize Portland Themes.** When provided, integrate Portland-related themes with the development's overall design concept.

**Findings for A1 and A2.** As a Major Remodel of an existing parking structure located nine blocks west of the Willamette River, limited public views of the river from the roof level will be maintained. The proposed glass-clad elevator towers and stairways will allow outward views and facilitate pedestrian network connectivity with the future Green Loop, which integrates with the Willamette River and greenway.

Portland themes of the movement of water and contrasts of light and dark have provided design inspiration for materials and patterns on the elevator towers and arcades. The bulk of improvements improve the garage's functioning and the pedestrian experience of the first-floor retail spaces, which will be programmed as much as possible with small scale retailers featuring Portland themed goods.

*These guidelines are met.*

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

**Findings for A4 and A5:** The proposed Major Remodel of the garage is designed to update this aging facility to improve its functionality, accessibility, and appearance, while respecting its concrete form and detailing. Specific new elements that will better unify and embellish the site and immediate vicinity include:

- more glazing on the ground floor;
- replacement of the existing four seismically-deficient stair/elevator towers with two new, airy and more transparent towers;
- removal of many of the building's conjectural 1970s architectural elements rendering the garage more functionally and aesthetically compatible with contemporary context including the Park Avenue West Tower;
- redesigned arcades to provide better ADA access into the retail spaces
- renovated brickwork integrating arcades with the LRT stops on SW Yamhill and SW Morrison Streets; and,
- expanded retail space oriented to the southeast toward the signature open space of Director's park and northward the Galleria.

*These guidelines are met.*

**A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

**Findings:** The Major Remodel to the 1970's era structure will respect the form and materiality of the garage through sensitive restoration. Providing nearly 800 Visitor Parking spaces supporting the West End retail core is of ongoing value. The proposed restoration is designed to address significant seismic/structural, accessibility, and aesthetic problems with the building.

*This guideline is met.*

**A8. Contribute to a Vibrant Streetscape.**

Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

**B1. Reinforce and Enhance the Pedestrian System.**

Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

**Findings for A8 and B1:** Several features of the existing garage have been determined to have a negative impact upon activity on the adjacent public sidewalks – dark retail bays, constrained visual connectivity, unsafe pedestrian environment, inaccessibility, etc. This Major Remodel proposes many elements designed to address these deficiencies including the following:

- the existing retail storefront with the arcades on SW Yamhill St and SW Morrison St will be updated with increased glazing, lighting and signage;
- provision of expanded storefront oriented to the future Green Loop (SW 9<sup>th</sup> Ave);
- improved signage and lighting within the garage;
- more architecturally transparent stair/elevator towers;
- improved ADA accessibility;
- two of the elevator/stair towers will be replaced with active floor retail providing sidewalk spill-out potential where none previously existed (SW 9<sup>th</sup> Ave); and,
- unification of arcades and LRT stations on the north and south frontages through common paving and design elements.

Collectively, these improvements both develop better visual and physical connections into the building's interior spaces and enliven the adjacent streetscape.

*These guidelines are met.*

**B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian.

Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**B3. Bridge Pedestrian Obstacles.** Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

**Findings for B2 and B3.** The entrance to the garage from SW 10th Avenue is the primary point of conflict for pedestrians as cars need to pass across the sidewalk to enter and exit the ramps that lead to the parking levels. The proposed Major Remodel bridges these obstacles as follows:

- incorporating improved signage, lighting and color queues at the garage entry to increase pedestrian safety and diversity;
- more consistent lighting within the garage entrance will eliminate contrasts and define the access lanes;
- street lighting and a re-graded access apron will comply with ADA standards and will better define the pedestrian through zone of the sidewalk with a colored tactile warning surface; and,
- the facility's mechanical equipment is contained within the building to eliminate any potential for adverse impact on the pedestrian realm.

*These guidelines are met.*

- B4. Provide Stopping and Viewing Places.** Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.
- B5. Make Plazas, Parks and Open Space Successful.** Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.
- C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones, landscape element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

**Findings for B4, B5 and C6:** The improvements to the arcades and storefronts will increase the safety and comfort of these spaces for stopping, window shopping, socializing and resting as follows:

- provision of more spaces contiguous with the LRT platforms for people to wait outside of the primary pedestrian through-zones;
- new retail bays on the east side of the block (fronting the future Green Loop);
- the new stair/elevator towers are positioned to be visually connected with nearby elements such as the plaza in front of the Multnomah County Library across from the southwest corner, and towards the Park Avenue West lobby across from the northeast corner;
- public art located on the buildings southwest façade will be relocated to a more prominent location at the southeast corner visible from Director Park; and,
- new retail spaces will replace two sets of stair/elevator towers will also provide retail entry and views into the new retail space with spill-out potential at the corner closest to Director Park.

*These guidelines are met.*

- B6. Develop Weather Protection.** Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

**Findings:** The structure's basic form, providing a well-integrated pedestrian protection system will be preserved and enhanced as follows:

- the upper floors of the garage extend 7' into the public ROWs on the south (SW Yamhill Street) and north (SW Morrison Street) and retail uses are set back 5' from the property lines, there are 12' arcades along the frontages that provide significant weather protection;
- new canopies of metal or glass and metal are proposed on the west over the garage entry; and,
- new continuous glass/metal canopy on the east frontages at the new corner retail spaces that will replace stair/elevator towers at the southwest and northeast corners.

Collectively, the net impact is a significant increase in the amount of weather protection currently in place on the building.

*This guideline is met.*

**B7. Integrate Barrier-Free Design.** Integrate access systems for all people with the building's overall design concept.

**Findings:** One of the purposes of the Major Remodel is to provide additional ADA accessibility in several ways:

- **Ground Floor.** At SW Morrison Street, where the number of individual retail spaces has been increased, retail finish floor levels are proposed to be increased in 4" increments along the slope of the sidewalk starting with the existing finish floor level of the northeast retail space. This will allow the grading at the sidewalk to be modified to meet accessibility requirements in a regular and predictable way. Floor levels on the SW 9th Avenue side and the adjacent sidewalk grades are also being modified to meet ADA criteria at the building entrances. In addition, a new main entrance to the Market Hall will be added on SW 9th Avenue. This will provide ADA access to the larger of the two SW Yamhill Street retail spaces. The smaller space, at the corner, will have accessible, on-grade access from 9th Avenue.
- **Towers.** The new stair/elevator corners will be also address accessibility. Currently, the southwest corner only can be accessed with stairs. In the proposed design, a ramp that allows access to both the elevator vestibule and the colonnade will be provided on the SW Yamhill Street side of the corner. Access will still be via stairs from the SW 10th Avenue side. The northeast elevator vestibule is currently accessed at grade from both sides, this will remain the case in the proposed design; however, grades will be modified to comply with ADA allowable slopes.
- **Garage.** The proposal will improve disabled-accessible parking on all seven levels of the garage, by reconfiguring ADA parking spaces immediately adjacent to the elevator core and extending the elevators to Level 6 and 7 (roof) in the two replacement stair/elevator towers in the southwest and northeast corners.

*This guideline is met.*

**C2. Promote Quality and Permanence in Development.**

Use design principles and building materials that promote quality and permanence.

**C3. Respect Architectural Integrity.**

Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**C5. Design for Coherency.**

Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings for C2, C3, and C5:** Built in the late 1970s, the Major Remodel of this parking structure is needed to improve its structural integrity, accessibility and appearance, while respecting the integrity of the building and its time. The new exterior systems for the stair/elevator towers and other external detailing will be of high quality materials that improve visual permeability into these public spaces and provide for long-term durability. Specific measures include:

- the proposed Major Remodel will update elevator and stair architectural elements that limit visibility from the street and thus, accommodate unsafe and unsavory activities;
- replacing heavy-looking, seismically-deficient stair/elevator towers with two new towers that are light-filled, and elegant;
- improving lighting within the arcades, which have become dark and unwelcoming, will better highlight the original character of the parking garage;
- upgrades to building structure, mechanical systems, and accessibility will be made while respecting the building's basic design and materiality.
- the structure's primary material – concrete, glass curtain-wall glazing (on the entrances to ground-floor retail uses and in the two new replacement stair/elevator towers at the building's southwest and northeast corners), will be enhanced to make the building more transparent, inviting and lighter in contrast to its primarily concrete construction;
- the wood soffits within the arcades will be maintained but restrained to lighten spaces and new lights will provide a more welcoming environment;
- increased storefront window systems will better highlight the building's base and provide more visual interest for pedestrian traffic.

Combined, these elements – the new stair/elevator tower with glass/concrete panel materiality referencing the primary structure – will be thoughtfully integrated to achieve a coherent composition of restrained materiality and form.

*These guidelines are met.*

#### **C9. Develop Flexible Sidewalk-Level Spaces.**

Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

**Findings:** Though somewhat anomalous to context, the arcades and accommodate a variety of active uses as they function as a medial space between the active LRT platforms and the retail spaces. Their renovation will employ place-making strategies – lighting, signage, increased glazing, wood soffits, etc – designed to maximize the potential for a variety of active use connectivity between interior and exterior. The east façade that faces towards Director Park will be developed with new, flexible spaces, including café seating that can accommodate a variety of active uses.

*This guideline is met.*

### **(2) MODIFICATION REQUESTS (33.825)**

#### **33.825.040 Modifications That Will Better Meet Design Review Requirements:**

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of



the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

The following modifications are requested: (1) 33.510.220, 33.140.230 Ground Floor Windows; (2) 33.510.225, Map 510-7 Ground Floor Active Uses; (3) 33.266.130.F, Table 266-4 Parking Space Dimension.

PLEASE NOTE: Findings for Modifications #1 and #2 are combined below due to the similarity in purpose statements – primarily intending ground level activity, continuity of public access and diversity of pedestrian experience.

**Modification 1. Ground Floor Windows (33.140.230).** Purpose: Blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.
- The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.

In the CX zone, all exterior walls on the ground level which face a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area.

*Proposal. The proposal features the following non-compliant glazing conditions: SW 9<sup>th</sup> Ave – 46% window length, 36% window area; SW 10<sup>th</sup> Ave – 12% window length, 10% window area.*

**Modification 2. Ground Floor Active Uses (33.510.225).** Purpose: The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards also to help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office.

*Proposal. The proposal does meet the required 12' of interior clear height on the SW Yamhill Street façade – existing height, 12'-7" will be reduced to 11'-7" (3% reduction) in a portion of the ground floor active use spaces (insulation installed to improve energy efficiency and noise attenuation).*

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.*

**Findings.** Of the project's four elevations fronting public right-of-way, 2 exceed the ground floor window standards (SW Morrison St and SW Yamhill St). Of the two elevations falling short of the standard, SW 10<sup>th</sup> Ave is the most significant – though being brought further into compliance with the subject proposal, the frontage will remain significantly shy of the standard (approximately 130') due to the presence of the garage entry. The SW 9<sup>th</sup> Ave frontage is falling short by 4% (approximately 3.5') due, in large part, to the presence of the long-term bicycle parking room in the building's northeast corner.

Overall, the proposed remodel will greatly expand glazing on all frontages and extend storefronts to the street on the two corners where the stair/elevator towers are removed. On SW Morrison Street, window length increases from 51%, exceeding the minimum required, to 79% and areas from 23%, which does not comply, to 65%, nearly three times the 25% minimum. On SW 9<sup>th</sup> Avenue, the existing length, 17%, which fall significantly short of the 50% minimum, will increase to 46%, still less than the minimum, but 2-1/2 times the current amount, a significant improvement. Even on SW 10<sup>th</sup> Avenue, where ground-floor windows are not feasible due to the function and structure of this frontage, the length improves from 0% to 12% and area from 0% to 10%, both significant improvements. Considering total project frontage glazing, total glazing length increases from 32% to 54% and total glazing area increases from 16% to 43%.

Regarding clear floor height, the three facades – SW 9<sup>th</sup> Avenue and SW Yamhill and Morrison Streets – meet or exceed the 12' height requirement. However, on the SW Yamhill Street façade, the existing height, 12'-7" will be reduced to 11'-7" in a small portion of the ground floor active use spaces after insulation is installed to improve energy efficiency and provide noise attenuation. These ground-floor improvements are designed to make retail spaces more visible, accessible and attractive, per these guidelines. An incremental decrease in the clear height 12' to 11'-7" will not have a deleterious impact on these guidelines, especially when the benefits of more insulation are taken into consideration.

Therefore, considering the development as a whole – design guidelines better met by the design as proposed for all ground level building faces are described below.

*A8 Contribute to a Vibrant Streetscape:* On balance, all of the building's elevations are the subject of some measure of strategy enhancement as public faces for the development featuring an array urban design and architectural elements that serve to unify project and place – active ground-level floor area, spill-out areas, higher-volume storefront glazing, seating and pedestrian cover, enhanced lighting, storefront detailing, etc.

*B5 Make Plazas, Parks and Open Space Successful:* With the garage entry fixed at the SW 10<sup>th</sup> Ave – away from the MAX platforms on SW Morrison St and SW Yamhill St – enhancing the public space value on all other frontages is critical to the success of this community asset. The proposal clearly achieves this while maintaining safe operations while maximizing spill out potential from three frontages.

*This criterion is met.*

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings.** As mentioned above, the purpose statements for these two standards are similar in that they seek to limit blank walls on the ground level of buildings in order to: provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level; encourage continuity of retail and service uses; encourage surveillance opportunities by restricting fortress-like facades at street level; avoid a monotonous pedestrian environment; and, maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities

On balance, this project meets the purpose of this standard by better visually and physically connecting activities within the structure to adjacent sidewalk areas and public spaces. Clearly, given the multi-modal context of the project's frontages, there is no ideal location for garage entry ramp, mechanical, trash/recycling and long-term bike parking. As presently configured, garage access on SW 10<sup>th</sup> Ave significantly reduces this frontage's glazing and active floor area which, in turn, allows other frontages to meet the purpose of this standard as follows:

- storefront improvements including flexible retail spaces and increase entries;
- glazed views into the active floor area fronting the MAX platforms;
- high quality, well-integrated, pedestrian-friendly arcade improvements; and,
- pervasive activity generated by active floor area and spill-out activity.

Regarding clear floor height, the benefits enhanced retail viability out-weigh the 5" loss of clear height. This will in no way interfere with the purpose of this regulation, that is, "help maintain a healthy urban district through the inter-relationship of the ground-floor occupancy and street-level accessible public uses and activities...."

*This criterion is met.*

*Therefore, this Modification merits approval.*

**Modification 3. Parking area layouts (33.266.130.F).** Purpose Statement for 33.266.130: "The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.
- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.

The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Standard: 33.266.130 Parking space and aisle dimensions. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4. Table 266-4 states that parking spaces oriented at 90° to the drive aisle should have minimum dimensions of 8'-6" x 16'-0".

*Proposal: to allow the 781 re-configured regular parking spaces on Levels 2-7 of the garage to have substandard dimensions of 7'-6" X 13'-3".*

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

**Findings:** Currently, the 10th/Yamhill Garage has 795 spaces, including 16 ADA accessible spaces, the latter inconveniently located and having reduced accessibility. One of the purposes of the garage's Major Remodel on the upper floors is to relocate and improve ADA parking, although the number of spaces will not increase. This will result in an overall loss of 17 parking spaces. In re-stripping the garage to achieve better ADA compliance, the Applicant proposes to re-stripe the remaining spaces to minimize the loss of overall parking, given that this Visitor Parking facility provides a major source of public parking for shoppers, clients, tourists and other visitors. Thus, the reduction of spaces from the current 795 will be modest, just 14 spaces to 781. This has been accomplished with most spaces having less than the minimum dimensions for stalls in a parking garage at a 30 degree angle, 8'-6" X 15'. The smallest of these spaces is 7'-6" X 13'-3". To preserve Visitor Parking, PBOT, which operates the garage, has approved this re-stripping plan. Considering the development as a whole – design guidelines better met by the design as proposed for all ground level building faces are described below.

*A8 Contribute to a Vibrant Streetscape.* Reduction in parking spaces dimension increases parking layout efficiency, preserves visitor parking and maintains off-street parking supply. Increased parking efficiency above grade reduces programmatic pressure to supplant active ground-level uses that contributes to vibrant human-scaled streetscapes.

*B7 Integrate Barrier-Free Design.* As noted above, the purpose of re-stripping the garage is to re-configure and re-locate the 16 ADA spaces to make them more visible and safer for use by the disabled by placing them adjacent to the two new elevator banks on all parking levels (currently the elevators do not reach the upper two floors). This has resulted in the need to re-stripe the remaining garage to minimize the loss of regulation short-term visitor parking needed to support the Downtown retail, cultural and governmental core. To accomplish this PBOT has agreed to allow some of the resulting spaces to be re-stripped below the minimum dimensions in a parking structure with a 300 angle of 8'-6" X 15' to no smaller than 7'-0" X 13'-3".

*This criterion is met.*

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The purpose of this regulation is to, in part, "promote vehicle areas which are safe and attractive for motorists and pedestrians....." PBOT supports the re-stripping plan as sufficiently balancing safe access to parking spaces with the need to preserve as many spaces as possible for short-term visitor use at this location. By allowing a reduced width, the applicant is able to accommodate more vehicles above-grade (away from street-level), which reduces the number of potential

vehicles parked on the street or possibly in an at-grade parking area, thus reducing ground floor activation.

*This criterion is met.*

*Therefore, this Modification merits approval.*

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## **CONCLUSIONS**

The Design Review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed increased glazing height of the storefront window system strengthens the relationship between the subject tenant space and the abutting streetscape. The proposed window system is a high-quality, architecturally respectful major remodel of the subject building. The proposal meets the applicable design guidelines and therefore warrants approval.

## **DESIGN COMMISSION DECISION**

It is the decision of the Design Commission to approve Design Review for the full block SmartPark garage (bounded by SW 9<sup>th</sup> Ave, SW 10<sup>th</sup> Ave, SW Yamhill St and SW Morrison St) within the Downtown Subdistrict, West End Subarea of the Central City Plan area.

Approval of the following Modification requests:

1. **Ground Floor Windows (33.140.230).** The proposal features the following non-compliant glazing conditions: SW 9<sup>th</sup> Ave – 46% window length, 36% window area; SW 10<sup>th</sup> Ave – 12% window length, 10% window area.
2. **Ground Floor Active Uses (33.510.225).** The proposal does meet the required 12' of interior clear height on the SW Yamhill Street façade – existing height, 12'-7" will be reduced to 11'-7" (3% reduction) in a portion of the ground floor active use spaces (insulation installed to improve energy efficiency and noise attenuation).
3. **Parking area layouts (33.266.130.F).** The proposal is for 781 re-configured regular parking spaces on Levels 2-7 of the garage to have substandard dimensions of 7'-6" X 13'-3".

Approvals per Exhibits C.1-C-42, signed, stamped, and dated October 23, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B – C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU

17-222650 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled “REQUIRED.”

- B.** At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C.** No field changes allowed.

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**By:** \_\_\_\_\_  
Julie Livingston, Design Commission Chair

Application Filed: August 14, 2017  
Decision Filed: October 20, 2017

Decision Rendered: October 19, 2017  
Decision Mailed: October 30, 2017

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on August 14, 2017, and was determined to be complete on September 1, 2017.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 14, 2017.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. **The 120 days expire on December 30, 2017.**

**Some of the information contained in this report was provided by the applicant.** As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. This report is the final decision of the Design Commission with input from other City and public agencies.

**Conditions of Approval.** This approval may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appeal of this decision.** This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on November 13, 2017 at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Who can appeal:** You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000 will be charged.**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 14, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Jeffrey Mitchem  
October 26, 2017

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
  - 1. Narrative
  - 2. Cutsheets
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Proposed Site Plan
  - 2. Proposed Ground Floor Plan (attached)
  - 3. Proposed Second Floor Plan
  - 4. Proposed Typical Floor Plan 3-6
  - 5. Proposed Roof Plan
  - 6. Proposed Elevations (attached)
  - 7. Proposed Elevations
  - 8. Proposed Elevations
  - 9. Proposed Elevations
  - 10. Proposed Enlarged Elevations
  - 11. Proposed Enlarged Elevations
  - 12. Proposed Building Sections
  - 13. Proposed Details
  - 14. Proposed Details
  - 15. Proposed Details
  - 16. Proposed Green Roof
  - 17. Proposed Lighting Plan
  - 18. Proposed Civil & Utility Plan
  - 19. Perspective
  - 20. Perspective
  - 21. Perspective
  - 22. Perspective
  - 23. Perspective
  - 24. Perspective
  - 25. Perspective
  - 26. Vicinity Map
  - 27. Vicinity & Context
  - 28. Vicinity & Context
  - 29. Vicinity & Context



30. Vicinity & Context
  31. Existing vs Proposed Plans
  32. Existing vs Proposed Plans
  33. Design Concept
  34. Concept Drivers
  35. Universally Accessible Sidewalk Diagram
  36. Ground Floor Windows
  37. Ground Floor Windows
  38. Ground Floor Active Use
  39. DAR Review
  40. DAR Review
  41. DAR Review
  42. DAR Review
- D. Notification information:
1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant's statement certifying posting
  5. Mailed notice
  6. Mailing list
- E. Agency Responses:
1. Bureau of Environmental Services (Exhibit E.1)
  2. Portland Bureau of Transportation (Exhibit E.2)
  3. Bureau of Parks – Urban Forestry (Exhibit E.3)
  4. Site Development (Exhibit E.4)
  5. Fire Bureau (Exhibit E.5)
  6. Life-Safety (Exhibit E.6)
  7. Regional Arts and Culture Council (Exhibit E.7)
- F. Letters
1. Email from Colin Yates, September 26, 2017. Comments in support of the proposal with miscellaneous recommendations regarding bicycle parking, lighting, noise, auto parking, safety, etc.
  2. Sign in for Oral Testimony, Date of Hearing: 10/19/17
- G. Other
1. Original LUR Application
- H. Post First Hearing
1. Staff Report, October 19, 2017
  2. Staff Memorandum, October 19, 2017
  3. Staff Presentation, October 19, 2017
- cc: Applicants and Representatives  
Neighborhood Associations  
Those who testified, orally or in writing  
City Auditor's Office

## IMPACT STATEMENT

**Title:** Appeal of the Garage Group (Patricia Gardner representing) against the Design Commission's decision of approval for design review of Major Remodel of the full block SmartPark garage bounded by SW 9<sup>th</sup> Ave, SW 10<sup>th</sup> Ave, SW Yamhill St and SW Morrison St in the Central City, at 730 SW 10<sup>th</sup> Ave (Hearing: LU 17-222650 DZM)

**Contact name:** Jeff Mitchem, City Planner II, BDS Land Use Services

**Contact phone:** 503-823-7011

**Presenter name:** Jeff Mitchem

**Purpose of proposal and background information:**

This is a quasi-judicial action. The Garage Group (Patricia Gardner representing) is requesting appeal of a Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.730.030.F provides that Type III Land Use Review decisions may be appealed to City Council.

**Financial and budgetary impacts:**

This is not a legislative action, but rather an appeal of a Type III quasi-judicial land use review. The decision will not solely or substantially impact City revenues.

Generally, Land Use Reviews are fee supported. However, no appeal fees are charged to Recognized Organizations per Portland Zoning Code Chapter 33.910. In this case, because the Garage Group is not such an organization, an appeal fee of \$5,000 was charged. There are no additional costs to the City associated with this appeal.

**Community impacts and community involvement:**

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Portland Downtown Neighborhood Association, the Downtown Retail Council, Central City Concern, Neighbors West/Northwest and Pioneer Courthouse Square all received notice. In addition, all property owners within the 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus, Tri-Met, and the AIA Urban Design Committee are also mailed notice. Interested persons were encouraged to write and/or testify at the first public hearing conducted before the Design Commission.

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. Comments from the public were received by city staff or the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision. Once the City Council has made its decision on this land use appeal, there is no more opportunity for public involvement at the City level, per Zoning Code Section 33.730.030.H.9. However, the City Council's decision on this quasi-judicial land use review may be appealed to the Oregon Land Use Board of Appeals (LUBA).

### 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