

From: [Nielsen, Benjamin](#)
To: [Council Clerk – Testimony](#)
Subject: FW: Concern for the new MAC construction
Date: Wednesday, November 10, 2021 3:16:02 PM
Attachments: [Type III Appeal 110321.pdf](#)

Hi Keelan:

I'm forwarding this testimony that was forwarded to me. This is for the LU 21-038539 DZ appeal, which will be heard by City Council on December 1, 2021 at 2pm.

Thanks!

Benjamin Nielsen – Senior Planner

p: 503.865.6519

From: BDS Customer Success <BDSCustomerSuccess@portlandoregon.gov>
Sent: Thursday, November 4, 2021 4:41 PM
To: Porter, Laudie <Laudie.Porter@portlandoregon.gov>; Nielsen, Benjamin <Benjamin.Nielsen@portlandoregon.gov>
Cc: Guillen-Chapman, Karen <Karen.Guillen-Chapman@portlandoregon.gov>; Poole, Colleen <Colleen.Poole@portlandoregon.gov>
Subject: FW: Concern for the new MAC construction

Hi Laudie and Benjamin,

I am bringing Benjamin Nielsen, Senior Planner into the conversation to see if he has anything else to add. Benjamin is there any way the concerned citizen can have their concerns or statement documented in the case file or do they have any other options?

Here is what I know:

Attached is an approved fee waiver appeal letter that dropped into Karen's mailbox yesterday. What I know is that the Scott Schaffer Planning Chair submitted a fee waiver request to appeal the Type III Design Decision on 10/22 on behalf of the Goose Hollow Foothills League Neighborhood Association. Yesterday their fee waiver request was approved (code mandates us to approve these types of requests). The approval letter was emailed to Scott Schaffer and all listed Cc's.

Here is the Statement of Appeal and State of Remedy from the GHFL:

Statement of Appeal: *In 2015, the Portland City Council rejected a large apartment project planned for a full block in Goose Hollow referred to as "Block 7". This project would have included 260-280 apartment units, ostensibly be about 9-stories tall, and include 225 parking spaces dedicated to the Multnomah Athletic Club located across the street. Now, and after being rejected by City Council 5 years earlier, the same developers have*

proposed an even larger project with these same 225 MAC parking spaces, now including 337 apartment units in 17 floors soaring over adjacent historic homes and much smaller multi-dwelling buildings. City Council must be consistent in rejecting this project as well. The applicant of the proposed project has unlawfully misapplied and misinterpreted the growth parking provisions of PCC 33.510.261 (F4) in order to secure more parking spaces that will be used exclusively for the MAC. All other parking spots will be for use by residents of the building. The dedicated, excessive parking aspect of the project does not fit the operative definitions of the ordinance, violates Design Guidelines A8 and B1, and must be re-evaluated by City Council.

Statement of Remedy: *The applicant's proposed project should be rescoped to eliminate the dedicated excess parking and to allow for shared public parking within the building as the code requires so that the advantage of additional spaces is shared with the community instead of for exclusive use.*

Thank you,
Colleen

Colleen Poole

Customer Success and Executive Assistant | Director's Office
Bureau of Development Services | City of Portland
1900 SW Fourth Ave, Suite 5000
Portland, OR 97201

Connect at: Colleen.Poole@portlandoregon.gov

Teleworking Hours

Monday – Friday
8:00 am — 5:30 pm

From: Porter, Laudie <Laudie.Porter@portlandoregon.gov>
Sent: Thursday, November 4, 2021 11:17 AM
To: BDS Customer Success <BDSCustomerSuccess@portlandoregon.gov>
Cc: Guillen-Chapman, Karen <Karen.Guillen-Chapman@portlandoregon.gov>
Subject: FW: Concern for the new MAC construction

Hi Colleen –

Do you have any context for this project? Both Karen and I are a bit mystified.

LP

From: Commissioner Ryan Office

Sent: Tuesday, November 2, 2021 10:17 AM

To: Guillen-Chapman, Karen <Karen.Guillen-Chapman@portlandoregon.gov>

Subject: FW: Concern for the new MAC construction

FYI

From: Linjia Chang <thereallinjia@gmail.com>

Sent: Monday, November 1, 2021 8:39 PM

To: Commissioner Ryan Office <CommissionerRyanOffice@portlandoregon.gov>

Cc: contact.fogh@gmail.com

Subject: Concern for the new MAC construction

Dear Commissioner Carmen and Dan,

I'm Linjia, a Goose Hollow resident (although not near the MAC). Hope you both are doing well in this lovely weather. I am writing to express concerns on the HUGE construction at the lot next to the MAC.

Being an engineer myself working at a company that promotes improvement in urban living for ALL, I know for a fact that this proposal is not the way to make the community better.

The Portland City council approving it on the premise that this would provide multi-family residential development to ease the housing shortage. But let's face it, this housing built here is likely NOT going to those who cannot afford a housing. These proposed housing are at a premium, different from the real housing shortage demand.

Moreover the amount of parking included in the development will also make the traffic in NOT ONLY the neighborhood BUT ALSO across the city much worse when there are games happening. There are plenty of studies show that the way to reduce congestion is NOT to build more parking, but instead show that there is limited parking and supplement with good public transportation. Portland should be proud of us leading the trend to consider human over car in terms of city planning, so approving this plan would be contradictory to what we've believed in and promoted for. Portland has been the pioneer and leader in US cities to promote walkability and friendliness in residential areas. Don't let this development be the one that stops us.

Plus, the parking at MAC has been mostly empty during the day when there is no game going on. A thorough utilization study should be carried out thoroughly before hastily deciding that we need more parking garages in the lovely neighborhood.

I am not a parent myself, but the recent constructions in the area has made me concerned enough for the safety of the kids at Lincoln High School when they're out on lunch breaks. I have seen MULTIPLE TIMES that a car speed and almost hit a kid. It's just not how we should build our neighborhood.

That being said, I think it's a great idea to build more multi-family business/residential buildings in this area. It would attract more business and residents to move here over all. But I urge you to think

twice with building a structure THAT TALL just to support parking.

I'm happy to discuss more in depth with records of evidence if your time allows. I sincerely hope you would play a key role of making our neighborhood better for **everyone** (children, residents, pedestrians) instead of just for visitors and car owners.

Thank you for reading and considering.

--

Linjia Chang

Sidewalk Labs | radically improve quality of life for all.

From: [Ron Demele](#)
To: [Council Clerk – Testimony](#)
Cc: planning@goosehollow.org
Subject: case file; LU 21-038539 DZ- Moderna Main
Date: Wednesday, November 10, 2021 2:56:35 PM

I live across from this proposal at four seasons condos.

I am opposed to the approval of this project due to lack of mitigation concerning; total disregard for livability impact with the number of units, size of building, traffic flow/parking. The project needs to be smaller because it will completely block out my sun shine. The project needs to mitigate the total loss of any public parking and nearby resident parking. The project needs to have a plan for pedestrian needs and safety and impact on neighbors. The project totally changes the livability of the area with more than 200 new cars, 400 more pedestrians, in a building that does not provide human scale along walkways, sitting atop a hill that pushes this project even higher and well over scale in the neighborhood that surrounds on all sides at a lower elevation.

Many large projects

such as this have been done in areas with already high density buildings or areas of old industrial sites, but this project is proposed to greatly alter an old existing residential neighborhood without enhancing the site, the neighborhood or the city's reputation for greenness ,livability,and thoughtful development.

No!

Sincerely, Ron Demele

From: [Jennings, Gayla](#)
To: [Council Clerk – Testimony](#)
Subject: FW: Website feedback received from Caroline Brenneman
Date: Sunday, November 21, 2021 10:00:23 PM

Forwarding testimony from auditorhullcaballero@portlandoregon.gov relating to Goose Hollow land use appeal on December 1st at 2:00 p.m.

From: Caroline Brenneman <brennemans@gmail.com>
Reply-To: "brennemans@gmail.com" <brennemans@gmail.com>
Date: Monday, November 15, 2021 at 11:50 AM
To: Commissioner Rubio <Comm.Rubio@portlandoregon.gov>, Commissioner Ryan Office <CommissionerRyanOffice@portlandoregon.gov>, Commissioner Mapps <MappsOffice@portlandoregon.gov>, "Wheeler, Mayor" <MayorWheeler@portlandoregon.gov>, "City Auditor, Mary Hull Caballero" <AuditorHullCaballero@portlandoregon.gov>, Commissioner Hardesty <joann@portlandoregon.gov>
Subject: Website feedback received from Caroline Brenneman

What would you like to do?

Provide comment or feedback on a topic to all city elected officials.

Provide a comment or feedback on a topic to all city elected officials

Choose one or more appropriate topics

[Construction and development](#)

What would you like to say?

Dear Mayor Wheeler and City Council Members,

Thank you for your service to our city and your efforts to keep Portland liveable. These past two years have been a challenge, but things are beginning to improve, and we appear to be back on the road towards what we used to know and love.

You have a wonderful opportunity on December 1 to prove your stated commitment to Portland's quality. You also have the chance to improve your standing in the court of public opinion. You all are aware that your leadership reputation among many Portlanders is low. You can significantly alter that December 1st by voting against the Modera Main/Block 7 development.

While the design commission voted 5-1 in favor of the development, every member agreed

the proposed building was large and awkward and way off-scale for the neighborhood. All hid behind the 'it meets code' excuse. In fact, it does not meet code in a number of critical areas.

Under city guidelines for development, section C4 requires new construction be scale appropriate. A building three times the volume of the adjacent Legends is way out of scale with it, and the Legends already is out of scale with the existing low-lying Victorian homes and smaller condominiums and apartments nearby. The new Lincoln High School was limited to four stories. Why in the world would a 17 story building a block away be approved?

Central City guidelines #2 and 9 and Goose Hollow design guidelines both require neighborhood heritage and character to be preserved. Modera Main makes a mockery of Portland's commitment to character and history. Do we really want that?

The height of the building is way beyond Section A5-2 which suggests buildings stay 4-5 stories in height.

In addition, view corridor requirements CCSW 13, 14 and 15 will not be preserved as required.

How many code and city development guideline violations does it take to disqualify a project?

If any one of you has ever driven north or southbound on SW 20th between Jefferson and Salmon almost any time during the day, but certainly during rush hours or Providence Park events, you've experienced an inordinate amount of foot and car traffic. More congestion will make a bad situation much worse.

Please, please, please consider what is good for the neighborhood, the community and the city, do the good and right thing, show real leadership and vote against the Modera Main project.

Thank you for your consideration,
Caroline Brenneman
Goose Hollow resident and MAC member

Your Contact Information

Name

Caroline Brenneman

Email Address

brennemans@gmail.com

Country

United States

Street Address

2020 SW MARKET STREET DR APT 201

Unit Type

none

City

PORTLAND

State

Oregon

ZIP/Postal Code

97201

|

From: [Brennemans](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony concerning Modera Main Project
Date: Monday, November 15, 2021 11:55:15 AM

Dear City Council,

Please add the following to testimony against the Modera Main/ Block 7 proposed development. I will be out of town December 1st when this issue will be voted upon, and I'd like my voice to be heard. Thank you very much.

Caroline Brenneman
2020 SW Market Street Drive
#201
Portland, OR 97201

Dear Mayor Wheeler and City Council Members,

Thank you for your service to our city and your efforts to keep Portland liveable. These past two years have been a challenge, but things are beginning to improve, and we appear to be back on the road towards what we used to know and love.

You have a wonderful opportunity on December 1 to prove your stated commitment to Portland's quality. You also have the chance to improve your standing in the court of public opinion. You all are aware that your leadership reputation among many Portlanders is low. You can significantly alter that December 1st by voting against the Modera Main/Block 7 development.

While the design commission voted 5-1 in favor of the development, every member agreed the proposed building was large and awkward and way off-scale for the neighborhood. All hid behind the 'it meets code' excuse. In fact, it does not meet code in a number of critical areas.

Under city guidelines for development, section C4 requires new construction be scale appropriate. A building three times the volume of the adjacent Legends is way out of scale with it, and the Legends already is out of scale with the existing low-lying Victorian homes and smaller condominiums and apartments nearby. The new Lincoln High School was limited to four stories. Why in the world would a 17 story building a block away be approved?

Central City guidelines #2 and 9 and Goose Hollow design guidelines both require neighborhood heritage and character to be preserved. Modera Main makes a mockery of Portland's commitment to character and history. Do we really want that?

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If any one of you has ever driven north or southbound on SW 20th between Jefferson and Salmon almost any time during the day, but certainly during rush hours or Providence Park events, you've experienced an inordinate amount of foot and car traffic. More congestion will make a bad situation much worse.

Please, please, please consider what is good for the neighborhood, the community and the city, do the good and right thing, show real leadership and vote against the Modera Main project.

Thank you for your consideration,

Caroline Brenneman

Goose Hollow resident and MAC member

From: [Leslie Cagle](#)
To: [Council Clerk – Testimony](#)
Subject: LU 21-038539 DZ
Date: Tuesday, November 16, 2021 4:55:52 PM

Dear Sir or Madam:

I write in support of the Block 7 appeal. Since it built the MAX Light Rail in 1986, Portland has led the way in imagining city infrastructure. It is my strong hope that in the next several years intra-city transport will include more options and fewer cars.

I feel that the Growth Parking associated with Block 7 is a big mistake. The Central City plan calls for pedestrian and bicycle friendly streets. The massive increase in parking associated with Block 7 fly in the face of this.

The New Yorker had an article in the October 18, 2021 edition talking about the recent record setting heat wave in Portland. These were the hottest temperatures ever recorded in Oregon. The article highlighted work by Vivek Shandas at Portland State showing that city temperatures during this heat dome directly correlated with tree cover. Taking down 50 trees on block 7 will have an effect on our neighborhood in terms of it's ability to handle heat. Shandas found that neighborhoods with parking lots have higher temperatures and the MAC already had a parking lot just across the street from Block 7.

Please be as progressive as Portland has been in the past and seriously consider the appeal and denying the application for what is basically another MAC parking garage.

Thank you for the work that you do.

Leslie Cagle

Sent from my iPhone

Nielsen, Benjamin

From: Council Clerk – Testimony
Sent: Wednesday, November 17, 2021 12:12 PM
To: Commissioner Hardesty; Mapps, Mingus; Commissioner Rubio; Ryan, Dan; Wheeler, Ted
Cc: Nielsen, Benjamin; Ashley, Kandel; Bond, Mark; Bradley, Derek; 'Eale, Ocean (Mayor)'; Howell, Will; Jones, Darion; Pahl, Jackson; Perez-Chavez, Yvette; Salazar, Goldann; Torres, Kellie; Washington, Mustafa; Zolan, Ness
Subject: Testimony for December 1, 2021 2:00 p.m. Time Certain LU 21-038539 DZ

-----Original Message-----

From: Leslie Cagle <lacagle@comcast.net>
Sent: Tuesday, November 16, 2021 4:58 PM
To: Nielsen, Benjamin <Benjamin.Nielsen@portlandoregon.gov>
Cc: Friends Of-GooseHollow <contact.fogh@gmail.com>
Subject: Block 7 Moderna appeal

Dear Mr Nielsen:

I write in support of the Block 7 appeal. Since it built the MAX Light Rail in 1986, Portland has led the way in imagining city infrastructure. It is my strong hope that in the next several years intra-city transport will include more options and fewer cars.

I feel that the Growth Parking associated with Block 7 is a big mistake. The Central City plan calls for pedestrian and bicycle friendly streets. The massive increase in parking associated with Block 7 fly in the face of this.

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Please be as progressive as Portland has been in the past and seriously consider the appeal and denying the application for what is basically another MAC parking garage.

Thank you for the work that you do.

Leslie Cagle

Sent from my iPhone

From: [Martin, Chrys](#)
To: [Council Clerk – Testimony](#)
Subject: case LU 21-038539 DZ Modera Main.
Date: Monday, November 22, 2021 4:43:04 PM
Attachments: [Block 7 Project-PLEASE reconsider.msg](#)
[Opposition to Block 7Modera Main Project.msg](#)

Please provide a copy to all the City Council members of my testimony. Thank you.

Dear City Councilors,

Please find my prior communications to the MAC (of which I am a member and still vehemently oppose this plan to provide 225 unneeded MAC parking spaces (and leaving an insufficient number for the 300+ apartment units at Modera) and to the City about the various land use guidelines this project violates. My husband (Jack Pessia) and I (who both in prior careers worked for the City and later the County) submit these comments for your consideration.

Jack chairs our homeowners' association and our residents, many of whom are MAC members, oppose this project.

Please we urge you to stop this project and vote to uphold the appeals being heard by you on Dec 1. It would negatively impact the lovely Goose Hollow neighborhood in many ways detailed in the appeal by violating so many guidelines that could have made for a more acceptable project if they would have been followed.

Thank you for your consideration of these comments.

I'm in the office working and you can reach me at the below contact information.

You can find all of our COVID-19 resources in ONE handy location at: www.dwt.com/COVID-19

Chrys A Martin (she/her) | Davis Wright Tremaine LLP

1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201

Tel: (503) 778-5357 | Fax: (503) 276-5757

Email: chrismartin@dwt.com | Website: www.dwt.com

Assistant: Jen Lehr | Tel: (503) 778-5457 | Email: jenniferlehr@dwt.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Washington, D.C.

From: [Martin, Chrys](#)
To: jsterbis@themac.com
Cc: [Jack Pessia \(martinpessia@comcast.net\)](mailto:Jack.Pessia@comcast.net)
Subject: Block 7 Project-PLEASE reconsider

John,

We are writing to ask MAC to reconsider the proposed Block 7 project. My husband and I are both members of the MAC since we were kids and use it at least 3 days a week. We also live in the neighborhood and chose our most recent location for its unique character and charm-and that we can walk to MAC. We have always lived in NW but previously were just less than two miles away, so we care about the community. We did usually drive to MAC. I work downtown and we attended many large business and social events at MAC over the past 40 years. We've never had a problem parking at any hour of the day! Yes, sometimes it took a few minutes to find a space in the garage, street or overflow parking, but that was rare.

I was shocked and disappointed to learn of the Block 7 project and MAC's involvement. We've read closely all the development history, the rationale and the concerns of the neighborhood, which we share. We were surprised that MAC was proceeding with this plan to obtain more parking by giving away a valuable asset when the future of MAC usage is totally unknown due to the massive change in work, life, movement patterns due to Covid and its aftermath. Over 50% of workers never want to go to the office. They want to work remotely and have freedom over their schedule. Most businesses are expanding remote work and reducing office space and allowing flexible hours. MAC was heavily used before and after usual work hours and at noon. Those usage patterns will likely change drastically (as I've already noticed at MAC) with remote workforces. To proceed with this plan (especially given the significant reduction in MAC membership due to resignations) in this time of uncertainty seems to lack strategy.

Here are our thoughts about why MAC should not proceed with this project:

- the significantly reduced membership due to Covid
- currently no need for extensive extra parking
- future also will likely not involve a need for extensive parking:
 - with remote work, the typical busy times for use will not exist as workers using MAC have flexibility when to use; people have changed their workout habits and have equipment at home and many businesses/buildings have installed free workout facilities.
 - with virtual events becoming the norm, there will be fewer large events at MAC requiring the need for such extensive parking
- MAC has other options for parking overflow
- MAC should be encouraging other means of travel to MAC: bus, bike, walk, other mass transit with the MAX two blocks away and bus running routinely on its street
- being a good neighbor; this project will destroy the neighborhood as it currently exists-we've been moved by the very real concerns of the close neighbors
- living up to its prior commitments made years ago with the neighborhood on parking expansion
- the project doesn't meet city or Goose Hollow codes due to excessive height, loss of sunlight to the area, parking will make more congestion not less as there won't be enough parking for residents as noted above and loss of trees and open space.

We are three blocks away and the project still is problematic to us as we use the neighborhood so frequently. It would be a huge monstrosity in the midst of a relatively dense but low rise area. We walk through the blocks almost daily and appreciate the sunshine, local

businesses, lack of “big box” buildings and street activity. As MAC will be taking up most of the parking, this project will not have sufficient parking for residents which means they will fill up the already full street parking, negatively affecting other nearby residents and their visitors. There will be traffic impacts causing negative livability for the immediate neighbors, but impacting us all who are concerned about reducing carbon emissions.

Please hold on this project and find a better use for the property, rethink the alleged need for more parking and be a good neighbor.

DWT is working remotely for personal and public health safety and continues to provide responsive service to our clients. You can find all of our COVID-19 resources in ONE handy location at: www.dwt.com/COVID-19

Chrys A Martin (she/her) | Davis Wright Tremaine LLP

1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201

Tel: (503) 778-5357 | Fax: (503) 276-5757

Email: chrysmartin@dwt.com | Website: www.dwt.com

Assistant: Jen Lehr | Tel: (503) 778-5457 | Email: jenniferlehr@dwt.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Washington, D.C.

From: [Martin, Chrys](#)
To: [Nielsen, Benjamin](#)
Cc: planning@goosehollow.org; [Jack Pessia \(martinpessia@comcast.net\); jsterbis@themac.com](mailto:Jack.Pessia(martinpessia@comcast.net); jsterbis@themac.com)
Subject: Opposition to Block 7/Modera Main Project

Dear Mr. Nielsen,

We are writing in opposition to the Block 7/Modera Main Project. As members of MAC we have also alerted the board and its staff working on the project of our opposition. Thank you for considering the community's concerns.

MAC has no business trying to get hundreds more parking spaces that aren't needed. The entire usage of MAC has changed with remote work and virtual events not becoming the norm. There will no longer be peak use times and instead Club use is spread out through the day. There will no longer be huge in person gatherings as the past typical large business and charitable events have switched to virtual or smaller in person events. MAC should be promoting bus and MAX use since the bus goes right to its doorstep and MAX is only a block away. Furthermore, with MAC taking up most of the parking spots, most residents will not have a parking space in the building, leading to excessive on street parking in an area already short of on street parking for existing residents and business customers.

That aside, as we live in a nearby neighborhood and shop, walk and eat by walking through these very blocks that will be affected, we have grave concern about the massive size and height of the structure being so out of character with the existing neighborhood. It seems that the City and neighborhood codes do not anticipate a project of this size. I have tried to study these guidelines as it just seemed at the outset that this was an unusual project for that location.

First, the sheer size (height and mass) of the building is inconsistent with the single family homes, two-story Victorian buildings, and smaller apartment buildings in adjacent blocks. Under City Guideline C4, it doesn't appear that this project scale is appropriate. It also doesn't meet goals #2 and 9 of the Central City guidelines or Goose Hollow design guidelines requiring neighborhood heritage and character to be preserved. The height of the project also is not in keeping with Section A5-2 which seems to set a max of 4-5 stories.

As noted above, 400 parking spaces will encourage more car traffic-rather than ease the parking burden and will not promote use of mass transit as is supposedly the goal of having projects near mass transit. Section B of the neighborhood guidelines related to pedestrian safety and the walkability of the neighborhood would be violated.

The City has lost so much open space and trees and under Guideline B5 they should be preserved, not eliminated. The developers concede that the size of the project requires removal of the existing trees.

The height of the building will put much of the neighborhood into the shade, eliminating the sun necessary for health of people and the plants and gardens of existing homes and smaller condos and apartment deck gardens. Goose Hollow Guidelines, section C, is not even addressed in the document as the developers must know their plans do not meet its requirements.

Section C7 suggests that development reduce the impact on pedestrians from car traffic in and out of large parking lots such as this one. Instead, this project will negatively impact the already crowded streets, narrow streets, poor visibility for pedestrians.

The requirements of view corridors CCSW 13,14 and 15 will not be preserved as required. Low rise buildings have lost almost all of their view corridors-please don't allow further negative impact to our views. There are plenty of ways to allow financially successful lower scale buildings that will provide housing near mass transit without approval of a project that violates so many guidelines.

Please, please, please don't allow this building in our neighborhood.

Sincerely,
Chrys Martin and Jack Pessia

DWT is working remotely for personal and public health safety and continues to provide responsive service to our clients. You can find all of our COVID-19 resources in ONE handy location at: www.dwt.com/COVID-19

Chrys A Martin (she/her) | Davis Wright Tremaine LLP
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Tel: (503) 778-5357 | Fax: (503) 276-5757
Email: chrysmartin@dwt.com | Website: www.dwt.com
Assistant: Jen Lehr | Tel: (503) 778-5457 | Email: jenniferlehr@dwt.com

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From: [LESLIE](#)
To: [Council Clerk – Testimony](#)
Subject: Block 7 Moderna Case: LU 21-0385389
Date: Monday, November 22, 2021 4:43:41 PM

Dear Members:

I write in support of the Block 7 appeal. Since it built the MAX Light Rail in 1986, Portland has led the way in imagining city infrastructure. It is my strong hope that in the next several years intra-city transport will include more options and fewer cars.

I feel that the Growth Parking associated with Block 7 is a big mistake. The Central City plan calls for pedestrian and bicycle friendly streets. The massive increase in parking associated with Block 7 fly in the face of this.

The New Yorker had an article in the October 18, 2021 edition talking about the recent record setting heat wave in Portland. These were the hottest temperatures ever recorded in Oregon. The article highlighted work by Vivek Shandas at Portland State showing that city temperatures during this heat dome directly correlated with tree cover. Taking down 50 trees on block 7 will have an effect on our neighborhood in terms of it's ability to handle heat. Shandas found that neighborhoods with parking lots have higher temperatures and the MAC already had a parking lot just across the street from Block 7.

Please be as progressive as Portland has been in the past and seriously consider the appeal and deny the application for what is basically another MAC parking garage.

Leslie Cagle

From: [Dennis Swiercinsky](#)
To: [Council Clerk – Testimony](#)
Subject: Appeal Testimony: Case File LU 21-038539 DZ – Modera Main
Date: Tuesday, November 23, 2021 4:01:52 PM

CCTestimony@portlandoregon.gov

Case File LU 21-038539 DZ – Modera Main

The Modera Main/Block 7 apartments project presents multiple negative impact issues to the Goose Hollow neighborhood. The project will remove dozens of trees from the area. It will increase vehicular presence in and around a highly restricted residential area by at least 400 vehicles. It will likely require MAX to reopen the King's Hill station as the MAX system could potentially become a crush-point as hundreds more people in the neighborhood use mass transit. The behemoth size of the apartment building will present a grossly out-of-proportion scale, dwarfing virtually all other structures in the area, which will have a psychological effect of rendering people in the area, themselves, mentally diminished. The violation of human scale development in the neighborhood will likely produce tremendous psychological stress.

All these issues challenge the Goose Hollow District Design Guidelines, the document created to provide preservation of livability in the Goose Hollow district, and the Portland Comprehensive plan. These critical issues were largely, if not completely, ignored in the design review.

Significantly, an issue I have not seen addressed is a thorough geological impact study. Constructing a building the outsized proportion of the proposed Modera Main apartments will require excavation down great distance (several stories) within a one block square. The vibrations alone from such excavation, pile driving, and massive construction equipment presence could catastrophically damage nearby structures. Wood homes built on brick foundations could be adversely impacted. The reinforced concrete structure of Legends Condominium directly across the street would reasonably be subjected to damaging vibration, even subtle concrete cracking that might not contribute to obvious structural deterioration until years down the road. Goose Hollow residents, especially those living in Legends Condominium, MUST be provided a fully independent, thorough geological impact study.

There are so many negative aspects of the construction of the proposed 17-story Modera Main building, including:

- Risks involved in multi-level subterranean excavation;
- Diminished oxygen-purifying trees, replaced with increased environmental carbon toxicity;
- Disguised apportioned low-cost housing obscured in a few expensive 3-bedroom units that cannot possibly contribute to providing housing for low-income people;
- Diminished, and even complete absence of, ground-level sunlight, diminishing a healthy environment for both people and plants;
- Complete violation of human scale proportions this project would present to the neighborhood.

Most of all, and most urgently, this project portends disaster unless the project is substantially scaled back, and a critical geological survey is completed before any design alterations are considered or any construction approved. Prevention of Portland's own "Champlain Towers" unimaginable catastrophe must be prevented.

Dennis P. Swiercinsky
Owner/Resident, Legends Condominium
1132 SW 19th Avenue, Unit 604
Portland, OR 97205

From: [Greata Beatty](#)
To: [Council Clerk – Testimony](#)
Subject: Case file number (LU 21-038539 DZ - Modera Main)
Date: Tuesday, November 23, 2021 5:40:15 PM

Dear Council Clerk,

Re: Case # LU21-038539 DZ. This email is to express my opposition to the proposed 17 story residential apartment building and parking garage for the MAC on Block 7 based on its failure to meet the Goose Hollow District Design guidelines. I am in support of the Goose Hollow Foothills Appeal to modify the Design Commission's approval of the Modera main Street project.

In addition, as I read the guidelines, their purpose includes strengthening the identity of the Station Areas, provide human scale to buildings, and reduce the impact of residential unit garages.

Regarding strengthening the identity of the Station Area, the guidelines state "the scale and character of new development should respect the mid to high rise scale of existing buildings.....New development adjoining the Kings Hill Historic District should provide a transition to the scale and character of its rich collection of 1890's and turn of the century residences." How could one rationally think that the proposed building even comes close to fulfilling these requirements? It is almost twice the height of any surrounding buildings and has no special charm or historic character. Its only purpose for being 175-184 feet high is that it is the only way that the MAC can get its 225 parking spaces, and that means trying to utilize the new Growth Parking regulation that the city conveniently dreamed up that allows 1 and ½ parking spaces for each unit and leaves the unfortunate 336 building units to fight over the remaining 178 parking spaces. In my opinion, the MAC should be ashamed of this endeavor and especially since they have an alternative. It is hard to believe that our City Council would even consider this project as best use of the largest remaining green space in an important historic area.

As far as providing human scale to buildings, if you have ever strolled around Block 7, you will see that parking spaces are already full, that the streets and sidewalks are narrow for walking and will not accommodate the hundreds of proposed new residents without congestion and a dramatic change to the character of the Goose Hollow neighborhood.

How the building would reduce the impact of residential unit garages, is also a mystery. I think that not only would it bring dangerously increased traffic with its 400-car parking garage, but it would also destroy the walkability of the neighborhood and would add considerable to our air pollution. It is hard to imagine the amount of disruption this proposed building would bring to our rather serene neighborhood.

As a start, the City Council needs to look beyond the Design Commissions approval of this project and to carefully examine the effect on transportation in the area as well as the illegal method of determining a private parking garage for the MAC as outlined by the GHFL. I hope they have the will to do this.

Respectfully submitted,

Greata T. Beatty

1132 SW 19th Ave. #603

Portland, OR. 97205

From: [Ben Whiteley](#)
To: [Council Clerk – Testimony](#)
Subject: Block 7/Modera Main
Date: Tuesday, November 23, 2021 7:18:08 PM

To Whom It May Concern:

I am writing to *strongly* protest the current design and scale of the Block 7/ Modera Main project. I believe that the building is highly out of character with the neighborhood, where I am a property owner. A 17 story behemoth on a high piece of land would certainly seem to be outside of City Guideline C4. Churches, individual houses, small apartment buildings would be completely overshadowed.

Having 403 parking spaces, with many of them not earmarked for residential use, seems to be an invitation to worsening traffic and density. This is a pedestrian area, a neighborhood, with senior citizens and residents whose quality of life and indeed safety would be threatened by such a large increase in traffic (Section B.)

A building of this size, surrounded by existing smaller neighbors, cannot help but negatively affect the sunlight on other buildings and on the street (Goose Hollow guidelines section C). This is not a downtown/business area. I realize that Portland does need additional housing, but make the building 8 or 9 stories like the neighboring Legacy, not an out-of-character 17. It would still be large!

The view from the Vista Bridge and other scenic corridors would be reduced and in some cases ruined by an inappropriate building of this scale.

Thank you for reading this, and I hope that the current plans can be scaled back and a neighborhood preserved.

Ben Whiteley
2020 SW Market Street Drive
Portland OR 97201

From: [Sherry Salomon](#)
To: [Council Clerk – Testimony](#); [GHFL BOARD](#); [Friends Of-GooseHollow](#)
Subject: Block 7/MAC/Moderna/reject project
Date: Tuesday, November 23, 2021 8:16:35 PM

My name is Sherry Salomon and I live in a condo in Goose Hollow. My family chose to relocate here due to the livability of this neighborhood.

The MAC/Moderna/Block7 proposed project will destroy the livability for thousands of people who live and work in Goose Hollow because:

1. Size and scale:

The size and scale of this project is grossly out of proportion to the neighborhood. The city has already rejected a MAC proposal half this size in the past! Goose Hollow is a residential neighborhood with small and large houses and smaller apartment and condo buildings.

2. Destruction of trees and degradation of our environment:

Because of the mammoth size, the bulk alone will destroy all mature trees and all shrubs and greenery. Between the Japanese Garden and the reservoir close by, we have lost 260 plus mature trees. Hundreds more trees have been lost in the area due to the development of the Butler Blocks, renovations at Lincoln High School, etc. There has also been a loss of large trees due natural aging and homeowners tearing down trees for a variety of reasons. Close by, the city plans to refigure the Park Blocks. Experts from the environmental community have been quite critical of this as we stand to lose 150 year old treasures that people in the downtown area need for shade and solace. Block 7 has over 50 mature trees, and one maple hosts nesting woodpeckers every year.

THE PLANET IS IN CRISIS. We have a short window of time to scale down our environmental footprint to live in harmony with our beleaguered planet.

3. Approving this project will set a dangerous precedent for neighborhoods throughout the entire city:

Portland is fortunate to have many distinct and architecturally unique neighborhoods. We have many old trees in our treasured communities. Already, historically significant and unique old homes, and the trees that grew on them, have been destroyed at a rapid clip. If this project is approved, more 17 story monstrosities will be built in residential neighborhoods with the concurrent loss of tree coverage and greenery.

4. Tourists visit Portland because of the unique qualities and vibe we present. They come here and spend valuable money staying in hotels, dining, shopping and touring. They did not visit Portland to see ugly and poorly thought out monstrosities. Our trees, gardens and beautiful neighborhoods are the city's stock and trade. Destroy the uniqueness and you destroy the tourist dollars we enjoy.

5. The reason for this project is to provide parking spaces for the MAC event venues: a.

This isn't an affordable housing project! There are a small number of units that will become available to low income families. The rest of the units are market rate, and the whole project is being driven by the MAC desiring more parking. Thousands of people would lose their livable community for the benefit of a few families getting affordable housing.

b. The MAC already owns other properties that are more suitable to a parking garage, but they choose to not use them because they have made a sweetheart deal with Mill Creek. It should be noted here that Mill Creek is hated throughout the United States, and numerous communities have taken them to court because of their sleazy dealings.

I respectfully request that this project be put into the dust bin of history. Save Goose Hollow's future for the planet and for people living in this desirable neighborhood.

Sincerely,
Sherry Salomon

Sent from my iPad

From: [STEPHEN SALOMON](#)
To: [Council Clerk – Testimony](#)
Cc: danielsalomon@comcast.net; sherrysalomon@comcast.net; planning@goosehollow.org
Subject: Case File Number (LU 21-038539 DZ - Modera Main)
Date: Tuesday, November 23, 2021 8:53:58 PM

Block 7/Modera Main

The Developer of the Modera Main project makes the rather mild and seemingly innocuous statement: “the proposed development will impact the existing tree canopy.” In fact, THE PROJECT WILL REMOVE EACH AND EVERY MATURE TREE IN THE ONE BLOCK PARK-LIKE SITE. The city’s own Urban Forestry Report (link: <http://goosehollow.org/images/Block7-PreAppNotes.pdf#page=19>) that is one year old and is based on a more modest project requires that “[t]he street trees along SW Main St, SW 20th Ave, and SW 19th Ave must be preserved at all phases of construction.” It is vital that the development maintain these street trees to preserve a vital tree canopy of these important species for the neighborhood and the city at large. My more specific objections based on the Goose Hollow District Design Guidelines Framework, especially Enhance the Design of Pocket Parks, are noted below.

I OPPOSE TREE REMOVAL OF THE 2 HORNBEANS ALONG MAIN STREET which meet the loss of open space and trees criteria of retention under Title 11 (Non-nuisance and is 3” diameter at standard height (DBH) which is 4.5’ above grade) that appears to be likely according to Portland Park & Recreation Tree Inspector Casey Clapp. I OPPOSE TREE REMOVAL OF 3 RED OAKS ALONG SW 19th FOR THE SAME REASONS. Clapp’s justification for the likely removal of the above trees is purely economic and does not *also* address the equity and climate/environmental impacts to historically underrepresented vulnerable populations, the city, the region, the planet, and the neighborhood. Nor does this project give a fair chance to B. 5 Make Plazas Parks and Open Spaces Successful (Goose Hollow Design District Design Guidelines).

Portland is still not climate resilient which the recent 2021 Heat Wave has stripped bare. There are still many members of historically underrepresented groups living in Goose Hollow who still do not have air conditioning. Most from historically underrepresented groups in Goose Hollow live in unairconditioned or under-airconditioned high rises and mixed dwellings with unsafe ventilation. Historically underrepresented groups in Goose Hollow include Peoples with Disabilities in the Section 8 program, Low Income Peoples living in Tax Credit Apartments, Renters and Seniors.

I am a Person with Disabilities in the Section 8 Program who is also a Doctorate Student in Urban Studies at Portland State University (PSU) who lives in a mid-rise. Even though, I have an air conditioning unit and my building is air conditioned, both our air condition systems are woefully inadequate to withstand another heat wave, especially if there is more loss of mature trees in Goose Hollow. Already, our air conditioning and ventilation systems are overloaded. This is because of the heat island effect. This makes further tree removal in Goose Hollow into a tree equity issue for Peoples with Disabilities, Low-Income Peoples in Section 8 and Tax-Credit Programs and Seniors. This is not to mention that because of Global Climate

Change, which is already happening, the impending Sixth Extinction and the massive forest fires in the Pacific Northwest in the summer of 2020, we cannot afford to lose more trees, urban forest, and biodiversity, which will have impacts beyond Goose Hollow. Tree loss in Goose Hollow will also have negative environmental impacts on neighborhoods around Portland, the entire Pacific Northwest and ultimately the Earth. This is because of the interconnected nature of our collective life support system which is Nature. Saving standing mature trees is better than mitigating them with seedlings which will take decades for intended equity, livability, climate and ecosystem services to begin to take effect. Historically underrepresented vulnerable populations need immediate climate resilience measures to be able to survive future heat waves and the heat island effect.

Saving the 2 Hornbeams on Main and the 3 Red Oaks along SW 19th versus mitigation them with seedlings will both meet the B5 criteria of “loss of open space and trees” on the Central City and Goose Hollow Plans, as well as the criteria of “rough proportionality” for Dolan versus the City of Tigard, for the neighborhood of Goose Hollow.

Respectively submitted:

Daniel A. Salomon

Collins Circle Apartments, #118

1701 SW Columbia Street

Portland, OR 97201

danielsalomon@comcast.net

From: [STEPHEN SALOMON](#)
To: [Council Clerk – Testimony](#)
Cc: sherrysalomon@comcast.net; danielsalomon@comcast.net; planning@goosehollow.org
Subject: (LU 21-038539 DZ - Modera Main)
Date: Tuesday, November 23, 2021 9:35:34 PM

Dear City Council:

My name is Stephen Salomon, Ph.D., who worked for the U.S. Atomic Energy Commission/U.S. Nuclear Regulatory Commission for over 39 years and first addressed global warming in the early 1970s dealing with "Need for Power," a requirement for licensing a nuclear power reactor and examining its environmental consequences subject to the National Environmental Policy Act of 1969. I also live currently in Goose Hollow. The New Yorker's October 18, 2021, p. 26, Annals of a Warming Planet, Under the Dome, is a chronicle of a climate disaster in slow motion. Vivek Shandas, a professor at Portland State University who studies ambient heat, particularly in urban areas noted that in Nob Hill the temperature was 111 degrees, 13 degrees cooler than Lents. By the time temperatures cooled, at least 96 people would be confirmed dead by Oregon's state medical examiner making it one of the deadliest natural disasters in Oregon's history. NO BLOCK 7 DEVELOPMENT is the answer.

Instead change Block 7 into the Nick Fish Memorial Park leaving all the trees and shrubbery in place for all the people. In addition, seriously consider working with Martin Nicholson, Curator, Hoyt Arboretum, to plant a number of giant sequoias to combat global warming as is being done in Eugene in public places. All this would be fitting for Nick Fish a former City Council member and overseeing Parks and Recreation and the Bureau of Environmental Services because the people and the environment both would benefit.

Also, take into consideration the recommendations of my son, Daniel Salomon, whose submission is reprinted below.

Respectively submitted,
Stephen N. Salomon
2393 SW Park Place, Unite 204
Portland, OR 97205-1050
salomonsteve@comcast.net

Block 7/Modera Main

The Developer of the Modera Main project makes the rather mild and seemingly innocuous statement: "the proposed development will impact the existing tree canopy." In fact, THE PROJECT WILL REMOVE EACH AND EVERY MATURE TREE IN THE ONE BLOCK PARK-LIKE SITE. The city's own Urban Forestry Report (link: <http://goosehollow.org/images/Block7-PreAppNotes.pdf#page=19>) that is one year old and is based on a more modest project requires that "[t]he street trees along SW Main St, SW 20th Ave, and SW 19th Ave must be preserved at all phases of construction." It is vital that the development maintain these street trees to preserve a vital tree canopy of these important species for the neighborhood and the

city at large. My more specific objections based on the Goose Hollow District Design Guidelines Framework, especially Enhance the Design of Pocket Parks, are noted below.

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Goose Hollow.

Respectively submitted:

Daniel A. Salomon

Collins Circle Apartments, #118

1701 SW Columbia Street

Portland, OR 97201

danielsalomon@comcast.net

From: [STEPHEN SALOMON](#)
To: [Council Clerk – Testimony](#)
Subject: (LU 21-038539 DZ - Modera Main)
Date: Tuesday, November 23, 2021 9:41:26 PM

From: Sherry Salomon <sherrysalomon@comcast.net>
Date: November 23, 2021 at 8:17:03 PM PST
To: cctestimony@portlandoregon.gov, GHFL BOARD <board@goosehollow.org>, Friends Of-GooseHollow <contact.fogh@gmail.com>
Subject: **Block 7/MAC/Moderna/reject project**

My name is Sherry Salomon and I live in a condo in Goose Hollow. My family chose to relocate here due to the livability of this neighborhood.

The MAC/Moderna/Block7 proposed project will destroy the livability for thousands of people who live and work in Goose Hollow because:

1. Size and scale:

The size and scale of this project is grossly out of proportion to the neighborhood.

The city has already rejected a MAC proposal half this size in the past! Goose Hollow is a residential neighborhood with small and large houses and smaller apartment and condo buildings.

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Because of the mammoth size, the bulk alone will destroy all mature trees and all shrubs and greenery. Between the Japanese Garden and the reservoir close by, we have lost 260 plus mature trees. Hundreds more trees have been lost in the area due to the development of the Butler Blocks, renovations at Lincoln High School, etc.

There has also been a loss of large trees due natural aging and homeowners tearing down trees for a variety of reasons. Close by, the city plans to refigure the Park Blocks. Experts from the environmental community have been quite critical of this as we stand to lose 150 year old treasures that people in the downtown area need for shade and solace. Block 7 has over 50 mature trees, and one maple hosts nesting woodpeckers every year.

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We have many old trees in our treasured communities. Already, historically significant and unique old homes, and the trees that grew on them, have been destroyed at a rapid clip. If this project is approved, more 17 story monstrosities will be built in residential neighborhoods with the concurrent loss of tree coverage and greenery.

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5. The reason for this project is to provide parking spaces for the MAC event venues:
a.

This isn't an affordable housing project! There are a small number of units that will become available to low income families. The rest of the units are market rate, and the whole project is being driven by the MAC desiring more parking. Thousands of people would lose their livable community for the benefit of a few families getting affordable housing.

b. The MAC already owns other properties that are more suitable to a parking garage, but they choose to not use them because they have made a sweetheart deal with Mill Creek. It should be noted here that Mill Creek is hated throughout the United States, and numerous communities have taken them to court because of their sleazy dealings.

I respectfully request that this project be put into the dust bin of history. Save Goose Hollow's future for the planet and for people living in this desirable neighborhood.

Sincerely,
Sherry Salomon

Sent from my iPad

From: [William Collins](#)
To: [Council Clerk – Testimony](#)
Subject: case LU 21-038539 DZ Modera Main
Date: Wednesday, November 24, 2021 12:17:35 PM

Hello. My name is William Collins. I am the owner of unit 304 in the Vista House Condominiums. I am writing in relation to the above appeal. I want to emphatically voice my opposition to the project as it is currently envisioned. I am in favor of thoughtful, utility-optimizing, development in the city and I understand that not everyone will be / can be happy with such projects. However, in my view it is critical that the wants and needs of various local stakeholders be taken into account in such projects in order achieve the right balance. In my opinion, this project completely fails to do any such balancing act. What this looks like is an overly aggressive, push-the-envelope as far as possible, "land" grab. I strongly urge the City Council to support key provisions of the appeal and ensure that the project, when built, draws our community together instead of dividing it.

Modest reductions in scale, and actually following design review guidelines (and the spirit of them), would go a long way toward meeting the standard of responsible development. Appropriate setback and height restrictions would only marginally affect profitability of the project while preserving view corridors (my view of both Mt. St. Helens and the Freemont Bridge, for example, will be completely obscured) for pre-existing landowners, renters and other stakeholders. Such a modest reduction in scope would also change the balance of parking needs such that far less of the parking for both the MAC Club and Modera residents would overflow into the street - there is very little room to accommodate more on-street parking in our neighborhood.

I urge the City Council to take a pragmatic and stakeholder-based approach here. Let's not stand in the way of development, in our city and our neighborhood, but let's also not blanket-approve this project simply because that is the easy way. Good government acts as a check and balance when necessary. And it is necessary here. Please use your considered judgement to help the developer and owner meet the community in the reasonable middle.

I appreciate all you do and hope you see fit to tweak this. It is needed.

Best regards,

Bill & Nancy Collins
503-704-5118

From: [Alan Willis](#)
To: [Council Clerk – Testimony](#)
Cc: planning@goosehollow.org
Subject: Please reject LU 21-038539 DZ - Modera Main
Date: Wednesday, November 24, 2021 12:53:33 PM

To the Mayor and all Members of the City Council:

As a lifelong Portlander, a longtime homeowner in Goose Hollow, and a member of the Multnomah Athletic Club, I strongly object to the Club's backdoor strategy of obtaining 225 new parking spots for itself, by allowing Mill Creek to propose development of the Club's Block 7 property into a 17-story, full-block behemoth, Modera Main, in order to pretend it is meeting the City's vague definition of "growth parking." I urge the City Council to reverse the Design Review Commission's approval and reject this project.

To me, this proposal is one of those times when the simplest and most obvious reasons will suffice for its rejection: It will forever adversely affect the character of the Goose Hollow neighborhood. It will also rob the City of one block of leafy, cooling "heat island" in a time of global climate change. There can be no denying such a monstrous, sidewalk-to-sidewalk development in our neighborhood will predominate and forever alter its character and livability for the worse. Just imagine the shadow which would be cast by the new development, if it is allowed to be built as proposed. And with 50 or so existing trees on Block 7 slated to be removed, our neighborhood and the City itself will forever lose the temperature-moderating effect of that greenery. All for more parking, which has been shown to increase neighborhood temperatures everywhere.

Those may not be technical nor code-rich reasons for rejecting the MAC/Modera Main proposal, but I believe they fit with and flesh out the arguments made by the Goose Hollow Foothills League in its appeal of the Design Review approval, which I opposed in writing and in person. I emphatically urge you to TURN THIS SPECIFIC PROPOSAL DOWN. There are other, better solutions available for parking, including public parking if needed, and certainly for affordable housing, which is definitely a need. The City, and the City Council, should seek and find better options, including saving more trees, than the out-of-proportion and wrongly purposed Modera Main development.

Alan Willis
1132 SW 19th Ave. Unit 801
Portland, OR 97205

From: [Seth Leavens](#)
To: [Council Clerk – Testimony](#)
Subject: Block 7 LU 21-038539 DZ
Date: Wednesday, November 24, 2021 12:54:05 PM

Dear City Council

I've been a member of Multnomah Athletic club for over 50 years.

I'm apposed to MAC'S Mill Creek development of Block 7.

MAC has a extremely lucrative Event Business. It competes directly with the City of Portland's Convention and Event facilities.

The purpose for MAC to develop block 7 is to create more Parking for its Event Business.

Simple: If the Portland City Counsel approves the development of Block 7, MAC will be able to take away more Event Business from the City.

Seth C Leavens

Sent from my iPad

Sent from my iPad

From: [Marilyn Weber](#)
To: [Council Clerk – Testimony](#)
Subject: LU 21-038539 DZ - Modera Main
Date: Wednesday, November 24, 2021 2:45:38 PM

My name is Marilyn Weber and I live at 1132 SW 19th Avenue.

RE: the parking garage. I have concerns that the developer misinterpreted the Growth Parking provision (33.510.261) in the building plans of Modera Main. According to the Central City plan those 225 parking spaces are open for public use and are NOT for MAC's exclusive use. The proposed garage would be facing Main Street with cars entering and egressing 24/7 onto a heavily trafficked street, 20th Avenue, and only one-half block away is MAC's very busy main garage. This is dangerous for passing pedestrians.

Furthermore, I do not believe the Modera Main's design respects the character of the historic Goose Hollow District. The 17 story building would have boundaries extending to the sidewalk.

Segueing into another concern of mine are the 50 plus mature trees bordering east, west and north sides of Block 7. Trees that took generations to grow to their current height and vast network of roots. They give oxygen and absorb carbon dioxide. They cool and clean the air, absorb rain water and prevent runoff during sudden torrential rains. If they are removed, there would be permanent consequences affecting the livability here. There are no city regulations protecting trees on private property so we rely on citizens and the private sector.

To wrap it up, there were 75 public outcries from Goose Hollow residents and only a couple of affirmations approving this proposed building. I invite you to visit this site and see for ourselves. This area needs to be protected. Thank you for letting me have my say.

Response to Appeal Issues

Appeal Issue 1: Opponents Argue that the City's Inclusionary Housing Program Makes the Building Too Big

The City's IH program applies the same way throughout the entire Central City Plan District. The program is calibrated to grant a 3:1 FAR bonus if a multi-family project includes affordable housing units. (PCC 33.510.205.C.2.a.) The base FAR on this site and all surrounding properties is 4:1. (Map 510-2). If each property built affordable units, each property would reach the same bonus (3:1) and same base (4:1) FAR total of 7:1. Thus, there is nothing unusual about this building or its size based on the IH program or the mapped and expected FAR in this area of the City. In fact, the size of this building is encouraged by the code to incentivize the production of affordable units in the Central City.

No Design Commissioner had any issue with the size or height of this building. The mapped height and FAR in this area of the City also includes greater density than this project. For example, there are properties in the area with a base and bonus FAR of 9:1 and base heights in the area go from 100 feet to 250 feet with bonus heights from 175 feet to 325 feet. The project is at the lowest end of these FAR and bonus height allowances. (See Maps 510-2 through 510-4).

Appeal Issue 2: Parking

The site is located in Parking Sector 3. (See Map 510-10). In this and ALL parking sectors in the CCPD, Growth Parking for the development of a new building is permitted outright at prescribed ratios. PCC 33.510.261.F. In ALL parking sectors in the CCPD, new residential buildings are allowed 1.2 parking spaces per unit. (PCC 33.510.261 (Table 510-1)). This is the ratio that has been applied to every single other residential building in the CCPD that has filed an application after July of 2018.

The proposed building has 337 units. At the 1.2 per unit ratio, the code allows 404 parking spaces. The project will provide 403 parking spaces in strict compliance with the code.

The 2018 code amendments also simplified the rules for how this allowed parking is used. Once the parking is built under the allowed ratio, the parking "may be operated as either accessory or commercial parking at all times." (PCC 33.510.261.F.4.) This means that the parking can be used by the project, by other uses or as fee parking for visitors to the area. The purpose of this provision is to encourage shared use of parking that is otherwise permitted outright for a single use. This shared use maximizes the efficient use of parking.

Again, this project strictly complies with this regulation. The proposed parking could all be used by the residences or can be shared with one or multiple other users. The code does not dictate who uses the allowed parking and certainly does not require that the parking be dedicated public parking as the appellants argue.

The appellants also argue that the parking makes the project bigger. That is not the case. The quantity of parking spaces is allowed outright, regardless of how it is used. Changes to the use of the parking will not change the design or size of the parking area of the building.

The opponents seem to take issue with what the code allows. The time for that contest was in 2018 when the code was amended to permit this parking proposal outright.

Attached as Exhibit 1 is the confirmation from BDS that the parking as proposed is permitted by the code and does not present any basis for altering the Design Commission approval.

Appeal Issue 3: Ground Floor Active Use Along Main Street

The Modera Main Apartments contributes to vibrant streetscapes on all frontages, including NW Main Street. This is achieved by layering of multiple strategies that combine to create a rich environment for pedestrians. These include concentrating the activity at the corners, increased active use programming, minimizing the impact of motor vehicles, façade articulation and enhanced landscaped areas.

The building design includes lobbies with large windows at both the east and west corners, consistent with Goose Hollow Guideline C5 and Central City Guideline C7, DESIGN CORNERS THAT BUILD ACTIVE INTERSECTIONS. At the east corner, there is a 2-story tall lobby for people accessing the lower levels of parking and supporting office space. At the west corner, we located a double height residential lobby and adjoining mail room, providing convenient pedestrian access for the new residents of this neighborhood.

Main Street is not designated in the Zoning code as a ground floor active use street. The code defines active uses to include lobbies, retail, commercial, and office uses. The Zoning Code Designation for this site is RM4 – Residential Multi-Dwelling 4, which limits the amount of retail sales and service use in a multi-dwelling building to 1,000 square feet and prohibits exterior doors and signage for these uses. The project must observe this restriction on Main Street and along all other frontages of the building. So, while active use is provided, it is important to review this project in a residential context that is different than the Pearl District, South Waterfront or many other mixed-use areas of the Central City. Uses such as sidewalk cafes and florist shops are not allowed on this site.

The Design Commission provided specific direction on the Main Street frontage and the design team responded to that specific direction, increasing the glazing by 16% and the active use by 88% so that over 2/3 of the frontage consists of Active Use. As you can see from attached Exhibits 2 and 3, we maximized the 1,000 square foot cap on retail and office use and introduced other active uses on all frontages of the building including lobbies and residences.

The development team met with the Goose Hollow Foothills league five times to keep the organization informed and to listen to constructive input to improve the project. At the second meeting, the design had an additional parking entrance on SW 19th Avenue. At the meeting, participants voiced a strong preference to consolidate the garage entrance points on SW Main Street since there are no existing residences across from the project on Main Street. The development team made considerable effort to accommodate this request, along with locating trash removal and loading spaces internal to the parking garage, so that this site will go from the four existing curb cuts to a single, standard-sized curb cut for this full block project.

The streetscape is further enhanced through articulation of the building facades and landscape design. Three areas of the north elevation, comprising of 29% of the wall area, are recessed from the main façade to reduce scale and provide visual interest. The base of the building is articulated with more rusticated

brick and bay windows that engage the pedestrian level. The entire building has also been set back from the property line to contribute to a planting area that varies between 3' and 5' in depth. This space will be planted with a lush and layered variety of shrubs and small trees consistent with other frontages, further enhancing visual continuity with the proposed landscaping, building and surrounding neighborhood.

The Commission agreed:

"My hat is off to the design team to take our concerns and really roll up their sleeves and find ways to directly address what concerns are and I think, given all of the challenges of this elevation and the topography and everything else, I think they've come to a solution that I can get to approval on, in terms of those guidelines. So again, I appreciate the effort that's gone into this."

Commissioner McCarter

"I did not have any issue, even previously, with this façade, primarily because of the sufficient setback that would allow a lot of landscaping, beautiful landscaping, lush landscaping that would add a lot of interest on the sidewalk and that's something that apparently the neighborhood really cherishes."

Commissioner Santner

Conclusion

We request that the Commission uphold the Design Commission decision and reject the appeal.

Site Plan | Planting Strip







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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

November 6, 2019

Sam Rodriguez, Mill Creek Residential Trust LLC
220 NW 2nd Ave, Suite 900
Portland, OR 97209

RE: 19-240240 GC

Dear Sam:

You requested clarification on the parking requirements in the Central City Plan District chapter of the Zoning Code, Chapter 33.510.

Parking for any proposed new development on the block bound by SW 19th Ave, SW 20th Ave, SW Main St, and SW Madison St would be classified as Growth Parking and subject to the limits in Table 510-1. For new a new residential use in Goose Hollow, parking is limited to a maximum of 1.2 spaces/dwelling unit, per Table 510-1.

Per Zoning Code Section 33.510.261.F.4, Growth Parking may be operated as "accessory" to the primary use on the site or as "commercial parking at all times". This would allow a portion or all of the parking spaces to be rented to other users or shared among different users over the course of a day.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin Nielsen", with a long horizontal flourish extending to the right.

Benjamin Nielsen, Planner
Land Use Services Division

cc: Case File

Nielsen, Benjamin

From: Judith Widen <judith.widen@gmail.com>
Sent: Wednesday, November 24, 2021 5:08 PM
To: Council Clerk – Testimony
Subject: LU 21-038539 DZ - Modera Main

Date: November 24, 2021

To: Portland City Council

From: Judith Widen
1132 SW 19th Ave, Unit 809

Re: LU 21-038539 DZ – Modera Main

In supporting the appeal of the Goose Hollow Foothills League, I submit the following points.

Point 1. Please be aware that **this is primarily an application for a parking garage**, not an application for housing. The Multnomah Athletic Club (MAC) owns the land and wants more parking for its non-member events. This is an age-old battle with the Goose Hollow neighborhood. By city plan and zoning code, parking must be linked to housing. Thus the size of the proposed building is dictated by the MAC's requirement for 225 parking spaces. Exemptions in zoning code and exceptions to the rules are used to meet the size requirements necessary to allow for resident parking as well as the parking to be "shared" with the MAC. The exemption for affordable housing is a good one, however compliance with the rules could result in as few as 10% of the bedrooms or 4% of the available units being set aside for eligible families.

Point 2. The **Design Commission chose not to comment on issues outside its rather narrow purview**, e.g. issues that aren't specifically *design* issues, but relate to the overall effect of the development on the neighborhood such as

- the fact that the size and scale of the building are dictated by the number of parking spaces required by the MAC for the trade of the land, as mentioned above.
- all the parking space and the tunnel connecting Modera Main to the MAC. (These come under permits separate from the design commission and were expedited under exceptions for the need for housing and not under public review).
- the additional traffic invited by the parking garage, its effect on pedestrian safety and its effect on air quality (certainly this warrants a traffic study, especially along the narrow, heavily-travelled 20th Avenue).

Point 3. The Design Commissioners were **not in agreement about whether the Design Guidelines were met**. Specifically the applicant has NOT met the requirements for A8 (Contribute to vibrant streetscape), B1 (Reinforce and enhance the pedestrian system) B1-1 (Provide human scale to buildings along walkways) along a large portion of the property (all of Main Street, and portions of 19th Avenue. Meeting the criteria on *just a part of the property* is not sufficient.

Point 4. The approval of this development which will **destroy over 50 mature trees flies in the face of the 2035 Comprehensive City Plan** which mentions numerous times the need for additional green and open space, *particularly in the Goose Hollow neighborhood*. The Design Guidelines only address the street trees, not the trees that will need to be removed from the property owned by the MAC. Thus the vote by the Bureau of Parks-Urban Forestry Division to deny recommendation

couldn't/didn't address the removal of trees on Block 7 itself, in contradiction to CC2035 Goals for Health and Environment which address the following relevant topics Goal 6.2 Climate change resilience, 6.2b Heat island, 6.4 Green Infrastructure, 6.6 Human Health, 6.6a Tree priorities, 6.6b Tree diversity, and 6.6b/d Tree Canopy

Nielsen, Benjamin

From: pgwyeth <pgwyeth@yahoo.com>
Sent: Wednesday, November 24, 2021 11:46 PM
To: Council Clerk – Testimony
Cc: Friends Of-GooseHollow
Subject: Block 7 11/24/2021

To: Council Clerk

Goose Hollow Letter Of Mac Club/Mill Creek Serious Concerns

Hello,

“There’s a heartbeat “

The Goose Hollow community is more than a place to live and enjoy the peacefulness of a quaint neighborhood. It’s a place with a heart beat that connects every person and household. It brings neighbors together to care for each other. It creates lifelong friendships. Its beauty comes from the historically decorative homes and old growth trees. Its people are mindful of visitors and welcomes everyone.

The Mac Club is one part of the Goose Hollow heartbeat. Yet in one move the city will either allow the heartbeat of a hundred years of history to survive or be destroyed by allowing a greedy developer to build a single oversized building that will destroy every single heartbeat that keeps this community alive. OR it can say “No, we’re sorry.. “Goose Hollow has helped us understand that it’s them that will die at the desire of Mill Creek.. to destroy the simple peace the Goose Hollow name stands for”. The people of Goose Hollow don’t even understand what greed is because it’s not in our vocabulary! The greed of the Mac Club and Mill Creek will be the dismantling of a Portland treasure. It will destroy the historic views, the community and be placed as a memory in the archives.

What the building will create for Goose Hollow:

- People in quant homes around the building area will be shadowed forever with none or very little sunshine
- Experience large noise increases
- Uncontrollable traffic
- Overwhelming population
- Dog waste on surrounding neighborhood lawns because they won’t have any grass. A large amount of pet owners do not clean up after their pets. Where is the green space in Goose Hollow? That’s it. Where are the people that have pets going to run and play and above all, go potty. Washington Park is too far away for the evening or early morning potty break
- Increased pollution
- Elimination of the last neighborhood green space
- The Mac is bypassing the “Increased Parking Agreement” they signed with the city years ago
- A Mill creek representative behind this effort is on the Design Commission. It is a conflict of interest even after recusing himself because he’s in charge and surely has the ear of fellow Design Commissioners
- There has been discussions about several architectural smaller buildings that would fit the neighborhood and reduce population, noise, traffic, allow for green space preservation for a medium sized dog park, reduce shade effect on the neighborhood, save old growth trees, etc.The building design does not match goose hollow look, neighborhood feel of Goose Hollow or the environment

- The building will affect the livelihoods of each person and family that has chosen Goose Hollow as their home. The current serene, quiet village type area of Potland will be interrupted by the Mac Club building.
- Property value destroyed
- Why is it that every time Mill Creek applies to build something it's always approved? Or they are always successful at pushing it through. They don't have to live with it - we do and it's going to affect our valued quiet Goose Hollow life - to a stressful, loud, congested, destroyed neighborhood feel. Forever changed and transformed to look like a deformed skyscraper in the middle of the neighborhood.. Yes neighborhood - this is not the center of the city where it would look normal! Mill Creek has a long history of doing this same thing across the country.. like they did in Austin Texas.
- I was told by Ben, "Some of the ordinances changed since the Mac Club's last application that now makes it ok." Who changed them? And why? He also said that "The city feels they owe the Mac Club because the Mac Club had paid \$1 million to have the Max Stop installed near their club and then the city shut it down". The city claiming that it was not being used enough and took too much time to stop there.. so I believe in hindsight that that was a planned set up / excuse to add reason to allowing the project to proceed. It's a gross negligence from all directions forced upon the Goose Hollow neighborhood and its residents that enjoy a peaceful, relaxing existence.. with sunshine.. not 95% or 100% of permanent shade.
- What is the legal height here?
- What ordinances were changed that allow this?
- Does any member of the Mac Club have influence on change ordinances? Or are they related to anyone involved with the senior operation of the Mac?
- The City of Portland, Mac Club, Mill Creek should rethink this rather than focus on the profits. That's what is driving this entire operation.
- They're literally "dumping this permanent problem directly in the middle of our neighborhood
- What about the wildlife that use and live in the trees. Some of the trees should be labeled "Heritage Trees"
- Should the Mac Club pay Taxes equal to the space they use, the effect on property values, Etc.
- Portland Towers does not affect the neighborhood at all because it does not directly effect any nearby dwellings

It will forever be intimidating to Goose Hollow as it will be visible from "ANYWHERE" in the neighborhood and its effects will be felt "EVERYWHERE" in the neighborhood.

Please let us survive. We are at your mercy. Can't you see we are on life support here.. you're our power and our lifeline.

Thank you for your serious consideration,

Greg Plummer
2024 SW Howards Way #503
Portland, OR 97201
C: 5037010500

Sent from my iPhone

Nielsen, Benjamin

From: David Delaney <luckydave53@gmail.com>
Sent: Thursday, November 25, 2021 11:59 AM
To: Council Clerk – Testimony
Subject: Testimony for Dec 1 2021 meeting, LU 21-038539 DZ , Modera Main
Attachments: Modera Main Testimony, City Council.pdf; ATT00001.htm

Happy Thanksgiving.

Attached is PDF testimony for the City Council. Dec 1 2021 meeting, LU 21-038539 DZ , Modera Main.

I will also contact the council clerk to screen share during the hearing.

Thanks.

-David Delaney

David Delaney, 11/23/2021

Public Testimony, City Council

December 1, 2021

Re: LU 21-038539 DZ , Modera Main



The Modera Main building from the Vista Bridge (6 stories higher)

David Delaney

MAC member

Goose Hollow resident and landlord

Goose Hollow Foothills League board member

**Survey of Large Residential Buildings in Portland Including the Modera Building
Listed in Order of Descending Size**

Building	Floor Area sf*	Land Area sf*	FAR	Zoning	Nearby Homes
Mirabella (31 story) 3550 SW River Pkwy	453,000	50,000	9.0	CX	0
<i>Modera Main Street SW Main & SW 20th</i>	<i>434,720</i>	<i>43,600</i>	<i>10.0</i>	<i>RM4</i>	<i>29</i>
Griffis South Waterfront 650 S Gaines (22 story)	404,000	40,000	10.1	CX	0
Portland Astoria 140 SW Columbia	385,000	40,000	9.6	CX	0
The Collective on 4th 1818 SW 4th	385,000	41,200	9.3	CX	0
Elliot Tower 1221 SW 10th	370,000	46,000	8.0	RX	2
Vista North Pearl 1150 NW Quimby	362,000	40,000	9.1	EX	0
Cosmopolitan Building 1075 NW Northrup	353,000	40,000	8.8	EX	0
Wyatt Apartments 1221 NW Marshall	344,000	40,000	8.6	EX	0
University Pointe 1955 SW 5th	339,000	44,000	7.7	CX	8
Asa Apartments 1200 NW Marshall	330,000	40,000	8.2	EX	0
Ladd 1300 SW Park	325,000	20,000	16.1	CX	1
NV Apartments 1261 NW Overton	309,000	40,000	7.7	EX	0
Broadway Tower 1455 SW Broadway	289,000	40,000	7.2	CX	0
Vista St. Clair 1000 SW Vista	252,000	60,000	4.2	RM4	35
The Vue	245,000	40,000	6.1	CX	0

Nielsen, Benjamin

From: Marilyn Weber <mlwschatzi@gmail.com>
Sent: Friday, November 26, 2021 5:07 PM
To: Council Clerk – Testimony
Subject: LU 21-038539 DZ - Modera Main/Revised

My name is Marilyn Weber and I live at 1132 SW 19th Avenue.

RE: the parking garage. I have concerns that the developer misinterpreted the Growth Parking provision (33.510.261) in the building plans of Modera Main. According to the Central City plan those 225 parking spaces are open for public use and are NOT for MAC's exclusive use. The proposed garage would be facing Main Street with cars flooding onto a heavily trafficked 20th Avenue, only a short block away from both of the existing very busy MAC garage entrances. This significantly exacerbates pedestrians' safety throughout the immediate area.

Furthermore, I do not believe the Modera Main's design respects the character of the historic Goose Hollow District. The 17 story building would have boundaries extending to the sidewalk.

Segueing into another concern of mine are the 50 plus mature trees bordering east, west and north sides of Block 7. Trees that took generations to grow to their current height and vast network of roots. They give oxygen and absorb carbon dioxide. They cool and clean the air, absorb rain water and prevent runoff during sudden torrential rains. If they are removed, there would be permanent consequences affecting the livability here. There are no city regulations protecting trees on private property so we rely on citizens and the private sector.

To wrap it up, there were 75 public outcries from Goose Hollow residents and only a couple of affirmations approving this proposed building. I invite you to visit this site and see for ourselves. This area needs to be protected. Thank you for letting me have my say.

Nielsen, Benjamin

From: Ken Hurst <khurst@gmail.com>
Sent: Saturday, November 27, 2021 11:20 AM
To: Council Clerk – Testimony
Subject: [User Approved] Written testimony for item 853, Wed 01 Dec 2pm

In regards to item 853:

<https://www.portland.gov/council/documents/report/bds-type-iii-land-use-review-appeal-hearing-lu-21-038539-dz>

Good afternoon, Mayor and Commissioners. As a resident of Goose Hollow, I'd like to declare my support for the proposed development and encourage you to reject the appeal.

Our neighborhood is well situated near good transit, is part of a walkable community, and desperately needs additional housing units.

As more people realize how wonderful our city is and move here, we sorely need more housing units, or rental prices will continue their rise unabated. These additional units should put downward pressure on rental prices throughout the neighborhood, helping more working families consider Goose Hollow a viable home, rather than an unattainable aspiration.

The size and scale of this project, while large, are commensurate with the needs of the community, especially given this neighborhood's proximity to good transit and short walking distance to groceries, restaurants, shops and other amenities.

I wish there was less parking (our transit here is amazing!). I wish there were more affordable housing units. But cutting the number of units won't help rental prices in our neighborhood. We need more housing -- as quickly as we can build it.

Respectfully,
Ken Hurst
Goose Hollow

Nielsen, Benjamin

From: Karl Reer <karlreer@gmail.com>
Sent: Sunday, November 28, 2021 11:09 AM
To: Council Clerk – Testimony
Cc: Eva Kutas
Subject: Case File "LU21-038539DZ-Modera Main"

I am writing in SUPPORT of the Appeal of the Design Commission's ruling on this projected development on Block 7 in Goose Hollow. As designed, the project will result in 225 added parking spaces that will be used exclusively for the Multnomah Athletic Club's members and guests, aimed solely at increasing the Club's business income. This exclusive added parking is a perverse, greedy use of the "growth parking" language in the City code. The general Portland citizenry doesn't benefit from this exclusive added parking. Instead, this added exclusive parking results in significantly increased vehicle traffic in an already busy neighborhood; unnecessarily adding significant noxious exhaust fumes that further harms the air quality of the community and school area - in violation of the stated goals of Portland's air quality improvement goals; and increasing the risks to pedestrian safety in the neighborhood. Portland's goals for better air quality and reduced vehicle traffic will have little meaning if this project is permitted to continue.

Karl Reer
Owner of residence in Goose Hollow, Portland, Oregon

Sent from my iPad

Nielsen, Benjamin

From: Eva Kutas <evakutas@gmail.com>
Sent: Sunday, November 28, 2021 12:12 PM
To: Council Clerk – Testimony
Subject: LU 21-038539 DZ - Modera Main

Re: 12/01/2021 Hearing of Appeal – LU-21-038539 DZ – Modera Main

Mr. Mayor and Portland City Council Members:

I am a homeowner at 1132 SW 19th Ave. and am writing in support of the Goose Hollow Neighborhood Association appeal of the Design Commission decision that approved the Block 7 development. To be clear, I am not opposed to building housing on Block 7 but to the current Modera Main plans.

The height and mass of the building are incompatible with the Goose Hollow neighborhood and the added Multnomah Athletic Club (MAC) parking creates a danger zone for pedestrians. Modera Main is easily twice the size of any neighboring building and pedestrians will be put at even greater risk by increased traffic given the 225 MAC sole use parking spaces proposed for the building. Parking spaces, I might add, that are 1 block from a MAX stop.

The obvious reason that the building needs to be 17 stories is so that the MAC gets the number of parking spaces the MAC wants – even though they also have said they are not needed for use by MAC members. When the current MAC parking lot was built, the MAC promised not to build parking on Block 7.

The policy reasons for allowing growth parking under Portland zoning codes and the Central City Plan should not be distorted and circumvented by the MAC's blatant and shameful behavior of using the "growth parking" label to get what they want. i.e. another parking garage. If growth parking is intended, let these spaces be true growth parking and available to the neighborhood.

I urge you to support the appeal of the Design Commission's approval of MAC Modera Main. The Goose Hollow neighborhood and city of Portland deserve better.

--

Eva Kutas, JD
evakutas@gmail.com
503-789-7775

Nielsen, Benjamin

From: Rachel Clark <goosehollowinn@msn.com>
Sent: Monday, November 29, 2021 9:23 AM
To: Council Clerk – Testimony
Subject: LU 21-038539 DZ – Modera Main

My name is Rachel Clark, and I own and manage Goose Hollow Inn.

Although Modera Main Street passed Design Review, with one commissioner voting no, significant design issues and violations of the Central City Plan District 2035 remain, and I object to the approval of LU 21-038539 DZ – Modera Main. I will focus on: Design Guidelines A8, Contribute to a Vibrant Streetscape; B1, Reinforce and Enhance the Pedestrian System; B1-1, Build Human Scale to Buildings along Walkways; Central City 2035 Plan (33.510.210 Height and View Corridor MAP 510-20) regarding building height standards and the view corridor; and 33.510.261 on Parking .

The proposed Modera Main Street development does not fulfill needs for the “vibrant streetscape” and the “pedestrian system”, which are central to the vitality of healthy neighborhoods. Design Commission Chair Livingston, the dissenting commissioner, “cited the building’s relationship to the sidewalk along SW Main Street and lack of “real, occupied, active spaces” as some reasons that the project did not satisfactorily meet Guidelines A8, B1, and B1-1. Preceding her “No” vote, she stated that, “If there were not a really large parking garage across the street that is a burden on the neighborhood I probably wouldn’t be as concerned”, and then points out that this problematic street wall is across the street from one “equally void of pedestrian friendly activity”. The development’s title, “Modera Main Street” calls attention to Main Street, yet the north-facing side is essentially a 17-story rise from a standard sidewalk, and on the other side of the street is a parking garage. So, the parking garage entrance is literally facing a parking garage.

Many pedestrian commuters and visitors walking from Washington Park or Vista take Main Street down to SW 18th and on to work, school, public transportation, and downtown shops. To further complicate the north-facing vertical massing (B1-1) the Main Street side offers a third entrance to the MAC parking garage by connecting this building’s 225 MAC parking spaces to its other parking garage. Between the three entrances, cars will be entering the garage from four streets: on SW Salmon St. and the south side of SW Main St via its public right away; entering on the north side of SW Main via the proposed building; and entering on SW 20th. The city’s design guideline to “Provide opportunities to pause, sit, and interact” is ruined by this plan’s core concept of driving cars to the center of the neighborhood. Additionally, Central City 2035, 33.510.261, states that regulations are intended “to promote the use of alternative modes” and “maintain air quality, and enhance the urban form of the Central City.” In regards to this project, the offering of additional parking to its members alone*, and not to the public, fails to encourage the use of alternate modes of transportation for club visitors, will contribute to poor air quality for the neighborhood, and will negatively impact the pedestrian experience all hours of the day by increasing congestion in the neighborhood.

Finally, the excessive height of this project violates building height standards Central City 2035 **33.510.210 Height** and **MAP 510-20’s** by failing to “protect designated public views” and “Ensuring building height compatibility within historic districts”. The 17-story building is over 400,000 square feet and totally obstructs the view from Vista into downtown. Section C1 of design review standards states to “Size and place new buildings to protect existing views and view corridors”, but unfortunately, the commission overlooked this issue, and therefore that guideline was not met.

Core design guidelines and Central City 2035 standards are violated by Modera Main Street. The pedestrian experience and the vitality of the city are at risk in this proposed building. I ask you, City Council, to please uphold the Appeal of this project.

Additional historical Note:

*Between 1978 and 1980, the city approved the current MAC parking garage, with the caveat that they do not add more parking for the club. Membership wasn't going to grow (is still not growing) and the MAC had been given the parking that it needed. My father, former Mayor Bud Clark, and owner of Goose Hollow Inn, indicates that it is on record that the neighborhood was told in the City Council meeting at the time, by then-Mayor, Neil Goldschmidt, who listened to testimony on the subject at the time, that "It's not going to go beyond this, so don't worry about it." When neighbors make agreements with cities and civic organizations, they shouldn't have to worry that these organizations and leaders will go back on their word in the future.

Thank you for your time and service to our fair city,

Rachel Clark

Goose Hollow Inn

503-310-1756

1927 SW Jefferson St. 97201

www.goosehollowinn.com

Fehrenbacher Hof Coffee House

1225 SW 19th Avenue 97205

www.fehrenbacherhof.com

Nielsen, Benjamin

From: Daniel Kearns <dan@reevekearns.com>
Sent: Monday, November 29, 2021 1:17 PM
To: Council Clerk – Testimony
Cc: Jerry Powell; Scott Schaffer; sodonnell222@gmail.com; Nielsen, Benjamin
Subject: Council Item 853, Dec 1 at 2 p.m. - Testimony on Goose Hollow Appeal
Attachments: GHFL CC Lt1.pdf; scan0126.pdf



The City's email systems have identified this email as potentially suspicious. Please click responsibly and be cautious if asked to provide sensitive information.

Dear Council Clerk. Attached is a memo and supporting information from the CC2035 Plan related to parking from me to the Mayor and Council for the 2 p.m. hearing (Dec 1, 2021) – appeal of the Goose Hollow Foothills League (LU 21-038539 DZ). I represent the appellant, Goose Hollow Foothills League in this appeal and will be providing the appellant's primary argument at the appeal hearing. Thank you.

Daniel Kearns
REEVE KEARNS PC
621 SW Morrison Street
Suite 510
Portland, OR 97205
Telephone: (503) 997-6032
Voice Mail: (503) 225-1127

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Reeve Kearns PC

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Daniel H. Kearns
Direct Dial: 503-997-6032

November 29, 2021

Portland City Council
C/o Council Clerk's Office
1221 SW Fourth Ave., Room 140
Portland, OR 97204

SENT VIA E-MAIL
CCTestimony@portlandoregon.gov

Re: Modera Main appeal – LU 21-038539 DZ
Comments on the Appeal

Dear Mayor Wheeler and City Commissioners:

This firm represents the Goose Hollow Foothills League (GHFL), which appealed the Design Commission's approval of this project. This memo is intended to provide further detail about GHFL's arguments, and by way of background, I have attached the operative sections of the CC2035 Plan, code revisions and commentary (Central City Plan Dist., Ch 33.510, pp 238-255).

This appeal is primarily about parking for this proposed 17-story, 175-foot tall, 336-unit residential project, with a FAR of 9.98:1, but the over-sized amount of parking is commensurate with the over-sized height and bulk of the building, all of which affect its compliance with the design criteria. This will be the largest building on the west side outside of downtown and will substantially dwarf all of the surrounding historic Goose Hollow homes and businesses. The sheer size and bulk of the building makes it impossible to meet several of the Goose Hollow Design Guidelines addressing the pedestrian scale and ground level streetscape, but what is driving the size of the project is the 225 parking spaces proposed to dedicated as accessory parking for a different building – the Multnomah Athletic Club (MAC) located 2 blocks away – that already has its own 3-story parking structure.

The property is owned by the MAC, which attempted to develop the site in 2015 with a 9-story apartment project, 260-280 units, and the same 225 parking spaces accessory to the near-by MAC Club. The 2015 project proposal was denied, however, because it failed to justify a need for the extra parking spaces for the MAC Club that were never intended to serve the apartment project. The developer and MAC have returned with a new idea and an even larger project that still includes 225 parking spaces dedicated (accessory) to the MAC, located 2 blocks away.

A. Too much parking and too much of it dedicated to a different building. The project's 225 "extra" parking spaces dedicated to the MAC Club does not qualify as "Growth Parking," and the application fails to comply with the requirements for "Preservation Parking."

Parking in the Central City Plan District created after July 2018 is regulated in PCC 33.510.261. According to Table 510-1, a 336-unit residential project is entitled to 403 parking spaces (1.2 spaces per unit). This project includes 403 below ground parking spaces, of which 225 will be dedicated for use by a different building – connected by a tunnel under SW Main Street to the MAC's existing parking structure. The rest of the parking spaces (~175) will be used to the 336 condo/apartment units in the Modera Main building. Thus, 225 parking spaces will be surplus beyond this project's needs. To avoid the City's maximum allowed parking and other requirements that should have applied, the applicant characterized the 225 MAC-dedicated spaces as "Growth Parking" under PCC 33.510.261. Staff accepted the application and characterization of the 225 MAC-dedicated parking spaces without question, and the Design Commission declined to address GHFL's arguments about the misapplication of PCC 33.510.261.

The Code simply does not allow a project in the Central City Design District to construct 225 extra parking spaces and dedicate them to a different use or building without a demonstration of compliance with multiple requirements. The City has adopted numerous plan policies, TSP policies,¹ and code provisions² to limit and reduce the amount of parking in the

¹ See e.g. the following Parking Management Policies (TSP p. 31) that this proposal violates:

Parking management: Reduce parking demand and manage supply to improve pedestrian, bicycle and transit mode share, neighborhood livability, safety, business district vitality, vehicle miles traveled (VMT) reduction, and air quality. Implement strategies that reduce demand for new parking and private vehicle ownership, and that help maintain optimal parking occupancy and availability. (COMPREHENSIVE PLAN Policy 9.55)

Off-street parking: Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand. Strive to provide adequate but not excessive off-street parking where needed, consistent with the preceding practices. (COMPREHENSIVE PLAN Policy 9.58)

Share space and resources: Encourage the shared use of parking and vehicles to maximize the efficient use of limited urban space. (COMPREHENSIVE PLAN Policy 9.59)

² This is reflected in the following Purpose for the Central City Plan District parking regulations:

Purpose. The parking and access regulations implement the Central City 2035 Plan and the Transportation System Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.

Central City Plan District as a way to reduce reliance on individual automobiles, conserve limited urban space, reduce congestion and increase alternative modes, such as mass transit and bicycles. Allowing this developer to over-size this project, simply so that it can create a 225-space parking surplus to be dedicated to an existing building 2 blocks away violates all of these policies. To limit the creation of unnecessary parking, the Council adopted several relevant provisions in the CC2035 Plan, which provides for three categories of allowed parking in the Central City Plan District. Each category is exclusive, and if parking is intended to qualify as more than one type, it must meet the requirements for all relevant categories:

Description of types of parking. In the Central City plan district, there are three types of parking. While a proposal may include several types of parking (for example, a garage may include some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.

1. Growth Parking. Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development.

In the case of new development, the land use or building permit for the parking must be requested by the time the foundation of the new building is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.

In the case of additions of net building area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new net building area is issued. If it is requested after the building permit for the new net building area is issued, it will be Preservation Parking.

The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.

2. Preservation Parking. Preservation Parking is created to serve existing buildings. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
3. Visitor Parking. Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with a particular development.

PCC 33.510.261(B).

The 2015 project was denied because MAC and the developer were unable to justify the need for 225 extra parking spaces that would be accessory and dedicated to the MAC, located 2

PCC 33.510.261(A).

blocks away. Today, the applicant is attempting to elude the same requirement under the CC2035 Plan by labeling the parking as Growth Parking, but the new Central City Plan District regulations do not allow Growth Parking to be dedicated or accessory to an off-site building or use. Preservation Parking was intended for that purpose, but it comes with numerous criteria, including a showing of need, which the applicant seeks to avoid. The CC2035 Plan regulations and related commentary make it clear that the primary purpose for Preservation Parking was to replace the parking lost when surface parking lots are redeveloped and where many older existing buildings had dedicated parking. Preservation Parking is intended to replace that dedicated parking that older buildings need and don't otherwise have. MAC has its own dedicated parking structure and wants 225 more dedicated parking spaces from this project.

Growth Parking was added to the CC2035 Plan to provide a form of shared parking where different uses can share the same parking spaces and thereby reduce the total number of off-street parking spaces constructed in the Central City Plan District, which has excellent transit access and bike facilities. The shared parking idea only works if the various uses/buildings that share the parking do not have conflicting or overlapping use schedules. The whole notion of shared parking embodied in Growth Parking, however, is defeated if 225 surplus parking spaces are dedicated/accessory to a single use or building.

Growth Parking. The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of this subsection are prohibited.

1. When Growth Parking is allowed. Growth Parking is allowed when net building area is added to a site either as part of new development or an alteration to existing development.
2. Minimum required parking. There are no minimum parking requirement for Growth Parking.
3. Maximum allowed parking. Growth Parking is limited to the maximum ratios in Table 510-1. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
4. Operation. Growth Parking may be operated as either accessory or commercial parking at all times.

PCC 33.510.261(F).

Growth Parking in the Central City is for buildings that add net building area either as part of new development or by adding floor area to existing development. The following provisions will apply:

- No minimum parking requirements in the Central City to encourage the use of alternative modes and support the mode split goals for the Central City.
- Maximum ratios. Impose maximum parking ratios on all uses in the Central City to limit the growth of the parking supply and encourage the use of alternative modes

to support the mode split goals for the Central City.

- Adjust parking ratios in all Central City districts outside the downtown downward to limit the growth of the parking supply and reflect investments in transit, bicycling, walking and residential infrastructure. For the entire Central City, based on development potential in the different districts, maximum ratios are lowered by about 30 percent for office/employment and residential uses compared to previous ratios.
- Adjust parking ratios for offices in a few downtown parking sectors upward to reflect actual demand for parking in downtown and lower others to maintain an average ratio of 1.0 per 1000 sf of net commercial space in former Downtown Sectors 1 through 6.

Commentary for PCC 33.510.261(F), Central City Plan Dist. at p. 240.

Operation: The code eliminates restrictions on accessory parking as follows: (a) in commercial, employment, mixed use and industrial zones, (b) under a maximum ratio and (c) built in a structure.

The intent of this code change is to simplify the code by eliminating unnecessary restrictions that the City doesn't have the means to enforce. It will also allow greater efficiency in the use of the existing parking supply, to serve multiple trips to the Central City throughout the day and week, rather than exclusively requiring parking to be accessory to a specific use. This will lead to less new parking being built over time, since new development will be able to tap into existing supply before having to add new parking with new development. All new parking approved under this format will be considered Commercial Parking.

Commentary for PCC 33.510.261(F), Central City Plan Dist. at p. 242.

PCC 33.510.261(F) anticipates that Growth Parking will be accessory to the project that builds it, or it will be commercial parking. In this case, however, "accessory" means accessory to uses in the proposed development, not accessory to an older pre-existing building located 2 blocks away that already has its own parking and simply wants more. Nothing in the Growth Parking provisions or the commentary accompanying them indicate that the Council intended Growth Parking to be dedicated or accessory to an older pre-existing building 2 blocks away that already has parking. Rather, parking for older existing buildings is the stated purpose of Preservation Parking:

Preservation Parking is created to serve existing and older buildings that have little or no parking associated with them. The ratios for Preservation Parking are based on the needs of employees, residents and those who come to the building for other reasons, such as customers and clients.

PCC 33.510.261(B)(2).

From this, it is clear that the project is constructing 225 parking spaces more than it needs and dedicating those extra spaces to an existing older building 2 blocks away that already has its own parking structure by calling it “Growth Parking” under PCC 33.510.261. This project’s use of Growth Parking is contrary to the plain language of PCC 33.510.261 and contrary to the express purpose and policy behind it. The apparent purpose of the 225 spaces dedicated and accessory to the MAC Club appear to better fit Preservation Parking, but the application addresses none of the applicable requirements, and the Design Commission declined to address the issue either. As presented, this proposal violates PCC 33.510.261 and is therefore not allowed in the Central City Plan District.

Since this is the only public process for reviewing the project, and this project is not allowed in the Central City Plan District as currently proposed, the Design Commission erred in not addressing the issue, and the City Council now must do so by: (1) denying the project for failing to demonstrate compliance with the requirements of PCC 33.510.261, **OR** (2) approving it with a condition making all 403 parking spaces open and available to all users and prohibiting any spaces being dedicated accessory parking for the MAC Club, **OR** (3) sending the application back to the Design Commission to adopt findings that address the PCC 33.510.261 issue in the first instance. *Glenwood 2006, LLC. v. City of Beaverton*, ___ Or LUBA ___ (Sept 21, 2017, LUBA No. 2021-027).³ Because GHFL raised the issue, the City (now the City Council) is obligated to address it. *Norvell v. Portland Area LGBC*, 43 Or App 849, 852-53, 604 P2d 896 (1979).

The Design Commission declined to address any of these parking arguments, and staff concluded that parking concerns were beyond the scope of a design review proceeding. In fact, this is the only public review process where the public can raise this code-based issue. The parking aspect of this proposal, especially the 225 dedicated/accessory parking spaces for the MAC, is integral to the development proposal and design, and it goes to the question of whether the proposal is even allowed in the Central City Plan District or eligible for Design Review. To the extent that the Design Commission addresses only design criteria, it has authority only to review the designs of development that is allowed in the Plan District and RM4d zone. A development proposal that violates the requirements of the Central City Plan District is not eligible for Design Review, and this is the only forum where the public can challenge that aspect and those elements of the proposal.

The Design Commission’s decision lacks any findings about whether PCC 33.510.261 is satisfied by this proposal’s characterization of its parking, in particular the 225 spaces dedicated and accessory to the MAC Club, as “Growth Parking.” In fact, the parking does not qualify as “Growth Parking” because 225 spaces are dedicated and accessory to the MAC Club. At a minimum, the proposal does not meet the requirements of PCC 33.510.261, and the MAC-dedicated parking more likely fits the description of Preservation Parking, but fails to address or satisfy its requirements. The City Council is obligated to address the issue and adopt findings on

3 “Whether the proposed BCRC use is an allowed use in the CS District is clearly a relevant issue, and the city should have addressed that issue in its design review letter (as the Community Development Director informed petitioner it would do)... We remand so that the city may adopt findings that do so.” *Glenwood 2006, LLC. v. City of Beaverton*, ___ Or LUBA ___ (Sept 21, 2017, LUBA No. 2021-027, slip op at 9-10).

PCC 33.510.261 and decide whether its requirements are met by this proposal. The only way to make this project comply with the requirements for Growth Parking is to open-up all of the spaces – including the 225 MAC-dedicated spaces – to all parking customers (commercial parking) or the residents of the Modera Main apartments. The Council could also remand the question back to the Design Commission with instructions that the Commission address the issue with findings of fact and conclusions of law. In any event, the Council cannot simply ignore the issue as the Design Commission did.

B. The need to create 225 surplus parking spaces drives the Modera Main building to a massive size, scale and bulk, resulting in a diminished street scape that violates Design Guideline A8.

Design Guideline A8 requires this building’s design to contribute to a vibrant street scape,” but instead of doing that, it presents a stark wall 17 stories tall that creates a canyon effect, where none currently exists anywhere in the Goose Hollow neighborhood. Through a series of incentives, the developer has increased the FAR for this building from the standard 4:1 to an eye-popping 9.98:1, solely to justify 225 extra parking spaces to dedicate to a different building 2 blocks away. The price for a 9.98:1 FAR building is the tallest building outside of downtown in a neighborhood dominated by old Portland wood-frame homes and relatively short (4-5 story tall) buildings. The vibrant street scape is particularly lacking along the site’s SW Main Street frontage across the street from the MAC’s parking structure.

CC2035 lists the following means of achieving the A8 guideline:

1. Developing the sidewalk view of the project to encourage the use of adjacent public space;
2. Integrating building setbacks with adjacent public setbacks to create stopping and viewing places;
3. Capitalizing on sidewalk opportunities;
4. Orienting residential development to the sidewalk; and
5. Incorporating flexible seating space at the sidewalk level.

This project, however, does none of these things for its SW Main Street frontage. This project has sacrificed the street-level pedestrian vibrancy to construct a project large enough to generate 225 surplus parking spaces that can be dedicated to the MAC, which already has a significant sized parking structure, adequate for its needs. The extra parking for the MAC’s members will undermine the Central City Plan’s objective to reduce vehicle trips, increase use of alternative modes that support the mode split goals for the Central City. This super-sized building creates a canyon-like streetscape and pedestrian experience.

C. The need to create 225 surplus parking spaces drives the Modera Main building to a massive size, scale and bulk that degrades and diminishes the pedestrian system by encouraging more cars and traffic in violation of Design Guidelines B1 and B1-1. The MAC Club already has sufficient parking and does not need 225 additional dedicated parking spaces in this project.

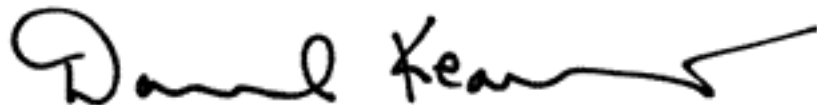
The objective of the B series Guidelines in the Goose Hollow Neighborhood is to “Reinforce and Enhance the Pedestrian System.” These Design Guidelines require a developer to

- 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.

The project plans show that these policies were missed because the project’s primary focus is on developing enough residential units to generate a 225-parking space surplus. Especially along the SW Main Street frontage, this results in an extremely tall (~175 feet) wall that creates a canyon-like pedestrian experience. Pedestrians will have to contend with a large parking garage entrance/exit across the street from the MAC’s existing 3-story parking structure. Nothing about this design encourages pedestrian movement or enhances the pedestrian system. To the contrary, this project will create an extremely car-oriented streetscape that is hostile to pedestrians. Contrary to Design Guidelines B1 & B1-1, none of the sidewalks provide for furnishing zones and they minimize pedestrian activity to promote the parking garage below. The small sidewalk planters offered do nothing to mitigate for the large building massing 17 stories and ~175 feet tall.

In conclusion, this project has sacrificed everything to create 225 surplus parking spaces that will be dedicated/accessory to the MAC Club. Unlike most projects, where the size of the building drives the number of parking spaces, this project has maximized its size to get more parking spaces for the MAC Club. Nothing in the Central City Plan District parking regulations or TSP Parking Management policies, however, allow for this, and the result is an increase in vehicle use in an otherwise pedestrian oriented historic neighborhood with excellent transit access and bicycle facilities. We request the Council either: (1) deny the project for failing to demonstrate compliance with PCC 33.510.261, **OR** (2) approve it with a condition making all 403 parking spaces open and available to all users and prohibiting any spaces from being dedicated/accessory parking for the MAC Club, **OR** (3) send the application back to the Design Commission with instruction that it adopt findings addressing the PCC 33.510.261 issue in the first instance. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Kearns", with a long horizontal flourish extending to the right.

Daniel Kearns

cc: Scott Schaffer, GHFL President
Sean O'Donnell, GHFL Land Use Chair
Jerry Powell

Commentary

The Central City parking code underwent a substantial rewrite. All the previous code sections 33.510.261-33.510.267 are deleted and replaced with Parking and Access sections 33.510-261-33.510.263.

These code provisions better reflect and support current and future market conditions and expected future travel patterns. The Central City Transportation Management Plan (CCTMP) was adopted in 1995 and provides the transportation policies and guidance for the administration of the zoning code regulations for off-street parking within the Central City Plan District. The CCTMP was a key element of the Statewide Implementation Plan to address high levels of carbon monoxide. Since that time much has changed. Improvements in vehicle emissions technology have greatly reduced the impact of carbon monoxide pollution in Portland. Since 1996 substantial changes have taken place in the Central City subdistricts in terms of development growth (and the character of development) and investment in transportation infrastructure (e.g., transit/rail and bike systems). The CCTMP is outdated and not suited to respond to current conditions and new challenges. The Central City 2035 Plan, along with the revisions to the Transportation System Plan (part of the Comprehensive Plan), update and incorporate elements of the CCTMP that are still relevant, and create new policies, zoning code language, and a transportation system project list. Thus, a stand alone long-range transportation plan for the Central City is no longer needed.

33.510.261 - Parking Built After [effective date of code]

Description of types of parking.

Each parking stall in the Central City has an associated parking type: growth (includes residential and hotel parking), preservation, or visitor parking. Residential/Hotel and RX zone parking are being eliminated. Residential/Hotel will be considered growth parking and RX zone parking is going away because it only applied to existing RX parking on surface lots. There will not be any new RX zone parking, but regulations for existing parking will still apply. The same spaces can be more than one type of parking, if the regulations for both types are met.

B.1. Growth Parking is created in conjunction with additions of net building area gained through either new development or adding floor area to existing development. The ratios for Growth Parking are based on the needs of employees, residents and those who come to the building for other reasons, such as customers and clients. Amendments include hotel and resident parking as growth parking.

Parking and Access

33.510.261 Parking Built After [insert effective date]

- A. Purpose.** The parking and access regulations implement the Central City 2035 Plan and the Transportation System Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.
- B. Description of types of parking.** In the Central City plan district, there are three types of parking. While a proposal may include several types of parking (for example, a garage may include some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.
- 1. Growth Parking.** Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development.

In the case of new development, the land use or building permit for the parking must be requested by the time the foundation of the new building is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.

In the case of additions of net building area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new net building area is issued. If it is requested after the building permit for the new net building area is issued, it will be Preservation Parking.

The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
 - 2. Preservation Parking.** Preservation Parking is created to serve existing buildings. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
 - 3. Visitor Parking.** Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with a particular development.

Commentary

Continued: Description of types of parking

33.510.261.B.2. **Preservation Parking** is created to serve existing and older buildings that have little or no parking associated with them. The ratios for Preservation Parking are based on the needs of employees, residents and those who come to the building for other reasons, such as customers and clients.

33.510.261.B.3. **Visitor Parking** is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with particular development.

Deleted: Residential/Hotel Parking, RX zone parking and Undedicated general parking. Residential and hotel parking are changed to Growth Parking. There are maximum ratios for residential and hotel parking in Table 510-1, Maximum Parking Ratios. RX zone parking is eliminated because changes to preservation parking include allowing residential uses to preserve entitlements to build parking in the future. New Undedicated general parking is prohibited.

33.510.261.E. Sites split by parking sector boundaries. The parking sector boundaries have been restructured. If a site is split between two parking sectors, the maximum ratio that applies to the site is based on the use the parking will serve.

33.510.261.F. Growth Parking in the Central City is for buildings that add net building area either as part of new development or by adding floor area to existing development. The following provisions will apply:

- No minimum parking requirements in the Central City to encourage the use of alternative modes and support the mode split goals for the Central City.
- Maximum ratios. Impose maximum parking ratios on all uses in the Central City to limit the growth of the parking supply and encourage the use of alternative modes to support the mode split goals for the Central City.
- Adjust parking ratios in all Central City districts outside the downtown downward to limit the growth of the parking supply and reflect investments in transit, bicycling, walking and residential infrastructure. For the entire Central City, based on development potential in the different districts, maximum ratios are lowered by about 30 percent for office/employment and residential uses compared to previous ratios.
- Adjust parking ratios for offices in a few downtown parking sectors upward to reflect actual demand for parking in downtown and lower others to maintain an average ratio of 1.0 per 1000 sf of net commercial space in former Downtown Sectors 1 through 6.

C. Organization of parking regulations. This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

Generally, Growth Parking and Preservation Parking are allocated based on net building area of buildings or dwelling units. Visitor Parking may be located where demand is shown.

Each type of parking is regulated differently. For some types of parking, there are no limits on who may park there, even though the parking may have been created in conjunction with a particular development.

Map 510-10 shows the Central City plan district parking sectors. There are maximums for parking in all of the parking sectors. In some cases, Central City Parking Review may be required, while other proposals may need adjustments.

D. Where these regulations apply. The regulations of Sections 33.510.261 apply to parking built after [insert effective date]. Where there is more than one type of parking included in a proposal, each type of parking must meet the regulations in the appropriate subsection.

E. Sites split by parking sector boundaries. If the site is split by parking sector boundaries, and the maximum ratio in the two sectors differ, the maximum ratio is based on the regulations that apply to the site of the use the parking will be serving.

F. Growth Parking. The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of this subsection are prohibited.

1. When Growth Parking is allowed. Growth Parking is allowed when net building area is added to a site either as part of new development or an alteration to existing development.
2. Minimum required parking. There are no minimum parking requirement for Growth Parking.
3. Maximum allowed parking. Growth Parking is limited to the maximum ratios in Table 510-1. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
4. Operation. Growth Parking may be operated as either accessory or commercial parking at all times.

Commentary

Continued: 33.510.261.F. Growth Parking

- Standardize parking ratios for residential and hotels throughout the Central City while lowering their average ratios. New maximums are added where there were none.
- Reduce parking sectors from 26 to 6 by combining multiple parking sectors.

33.510.261.F.4. Operation: The code eliminates restrictions on accessory parking as follows: (a) in commercial, employment, mixed use and industrial zones, (b) under a maximum ratio and (c) built in a structure.

The intent of this code change is to simplify the code by eliminating unnecessary restrictions that the City doesn't have the means to enforce. It will also allow greater efficiency in the use of the existing parking supply, to serve multiple trips to the Central City throughout the day and week, rather than exclusively requiring parking to be accessory to a specific use. This will lead to less new parking being built over time, since new development will be able to tap into existing supply before having to add new parking with new development. All new parking approved under this format will be considered Commercial Parking.

	Table 510-1 Maximum Parking Ratios [1]					
Uses	Parking Sectors					
	<u>1</u> <u>North Pearl</u>	<u>2</u> <u>North/</u> <u>Northeast</u>	<u>3</u> <u>Goose</u> <u>Hollow</u>	<u>4</u> <u>Core</u>	<u>5</u> <u>Central</u> <u>Eastside</u>	<u>6</u> <u>South</u> <u>Waterfront</u>
<u>Residential Uses</u>	<u>1.2</u>	<u>1.2</u>	<u>1.2</u>	<u>1.2</u>	<u>1.2</u>	<u>1.2</u>
<u>Office, Retail Sales And</u> <u>Service, Schools, Colleges,</u> <u>Daycare</u>	<u>1.5</u>	<u>1.35</u>	<u>1.5</u>	<u>1.0</u>	<u>2.0</u>	<u>2.0</u>
<u>Grocery Store</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>
<u>Anchor Retail [2]</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
<u>Hotel/motel and</u> <u>meeting or conference</u> <u>rooms</u>	<u>1/room, plus 1/1,000 square feet of meeting/conference rooms.</u>					
<u>Manufacturing and</u> <u>Production, Warehouse</u> <u>and Freight Movement,</u> <u>Wholesale Sales,</u> <u>Industrial Service</u>	<u>1.0</u>	<u>2.0</u>	<u>1.0</u>	<u>1.0</u>	<u>2.0</u>	<u>1.0</u>
<u>Medical Center</u>	<u>1.5</u>	<u>1.35</u>	<u>1.5</u>	<u>1.5</u>	<u>2.0</u>	<u>2.0</u>
<u>Major Event</u> <u>Entertainment,</u> <u>Commercial Outdoor</u> <u>Recreation, Parks And</u> <u>Open Areas</u>	<u>Parking requires Central City Parking Review and must meet the Visitor parking approval criteria in 33.808.100.</u>					
<u>Community Service,</u> <u>Religious Institutions,</u> <u>Theaters, and all other</u> <u>uses</u>	<u>.5</u>	<u>.5</u>	<u>.5</u>	<u>.5</u>	<u>.5</u>	<u>.5</u>

[1] Maximum ratios are per 1,000 square feet of net building area for non-residential/hotel uses; per dwelling unit or hotel room for residential/hotel uses

[2] Anchor retail is a single structure with more than 50,000 square feet of net building area in Retail Sales and Service uses.

Commentary

33.510.261.G. Preservation Parking has been available to existing, older commercial buildings. Generally these buildings rely on surface parking lots, most of which were classified as Undedicated General parking. These parking lots in the Core Area made up the Preservation Parking Pool. Approval of Preservation Parking in the Core has been tied to the redevelopment of the lots in the Preservation Pool. The code referenced an "eligibility list" that was never created, but the CCTMP administration section established 0.7 parking stalls per 1,000 square feet of floor area as the threshold for eligibility. Based on this, the eligibility level is set at 0.7 ratio. Approximately 2,000 parking stalls have been built since 1996 as Preservation Parking, and approximately half of the surface parking lots in the Preservation Pool have been redeveloped during that time. The following changes to Preservation Parking include:

- Eliminate Eligibility List and Preservation Parking Pool and Reserve.
- Eligibility is for any building with:
 1. Less than 0.70 stall/1,000 SF (commercial)
 2. 0.50 per unit (residential/hotel) or less. Previously in the Core Area, residential and hotel uses were not eligible for Preservation Parking.
 3. Medical Centers and Colleges in South Waterfront
- Allow parking entitlements to commercial, residential and hotel uses, capped by the maximum parking ratios when the parking is built, and only if the parking is built in a structure. The one exception will be the parking entitlement for hotel uses, where the maximum entitlement will be half the maximum allowed at the time the parking is built.
- Eligible entitlements can only be transferred within a parking sector, not between parking sectors.

G. Preservation Parking. The regulations of this subsection apply to Preservation Parking. Adjustments to this subsection are prohibited.

1. When Preservation Parking is allowed. Preservation Parking is allowed when approved through Central City Parking Review. Existing buildings with Residential or hotel uses that have 0.5 or fewer parking stalls per unit or room are eligible to apply for Preservation Parking. In the South Waterfront subdistrict, existing buildings with Medical Center or College uses are eligible to apply for Preservation parking. Other existing buildings that have fewer than 0.7 parking stalls per 1,000 square feet of net building area are eligible to apply for Preservation Parking. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking is regulated the same as Growth Parking.
2. Location of Preservation Parking. Preservation Parking must be built within the same parking sector as the building the parking will serve. Parking sectors are shown on Map 510-10.
3. Minimum required parking. There are no minimum parking requirements for Preservation Parking.
4. Maximum allowed parking. The maximum ratio for Preservation Parking is the same as for Growth Parking, except for hotels and motels where the maximum ratio is one half the ratio allowed for new hotels. See Table 510-1. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
5. Required covenants. Preservation Parking requires the following covenants:
 - a. Common ownership. If the parking is based on the net building area of buildings under the same ownership as the parking, the following must be met:
 - (1) The owner must specify which buildings the parking is based on;
 - (2) The owner must execute a covenant with the City that ensures that the parking will be primarily for those buildings for at least 10 years. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property.

Commentary

Continued: 33.510.261.G. Preservation Parking

- All unbuilt "preservation" building entitlements will be recalibrated to the parking maximum ratios shown in Table 510-1. If code maximums are updated in the future (e.g., through periodic review), a recalibration of entitlements would occur.
- A "receiving site" of parking entitlements, would need to meet the Ground Active Floor Uses standard (33.510.225.C) regardless of where in the Central City it is constructed.
- Retain requirement that Preservation Parking must be primarily available to the tenants of the Preservation building for a minimum of 10 years. Otherwise, the parking may be operated as commercial parking.

b. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:

(1) Covenant:

- There must be signed and recorded covenants between the owner of the parking and the owners of buildings for which the parking will be provided. The covenants must specify which buildings the parking is based on, and ensure that the parking will be primarily for those buildings for at least 10 years from the date the garage begins operation. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property; and
- A copy of the covenant must be provided to the Bureau of Development Services as part of the application for a building permit. Written documentation must be provided that shows that the changes comply with the regulations of this Chapter.

(2) Changes to existing covenants. Changes to a covenant between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Bureau of Development Services in writing of any changes to existing covenants.

(3) New covenants. A new covenant between the owner of the parking and the owners of buildings for which the parking will be provided is allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Director of the Bureau of Transportation in writing of any new covenants.

6. Operation. Preservation Parking may be operated as either accessory or commercial parking at all times.

Commentary

33.510.261.H. Visitor Parking:

- Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with a particular development and is operated as commercial parking.
- Visitor parking facilities will be allowed to be built to serve short-term parking needs if approved through the Central City Parking Review process. This process allows demand to be measured in a manner appropriate to the specific visitor demand generator (e.g. event, cultural, retail and/or associated with significant demonstrated losses of on or off-street short-term parking).
- Operating restrictions are necessary to ensure that short-term parking is the primary use. This includes continuing to prohibit "early bird" specials and require that the sale of all day passes have a pricing structure that prioritizes short term parking needs and is consistent with established performance based parking management objectives and targets.
- In April 2016 Council directed PBOT to develop a strategy to manage on- and off-street public parking as one system, under the framework of Performance Based Parking Management (PBPM), where occupancy dictates the pricing of parking and the length of stay. The intent is that short term trips are the priority and that parking is operated consistent with established performance targets. Many of these guidelines and regulations will be housed in Titles 16 and 17. As a result some types of Visitor Parking may in the future be required to operate consistent with PBPM practices.
- Whether the City or the private sector builds and operates visitor parking, they must provide information on how the parking structure is being used to guarantee that commuter uses are not being served.

H. Visitor Parking. The regulations of this subsection apply to Visitor Parking. Adjustments to this subsection are prohibited.

1. When Visitor Parking is allowed. Visitor Parking is allowed when approved through Central City Parking Review.
2. Minimum required parking. There are no minimum parking requirements for Visitor Parking.
3. Maximum allowed parking. There are no maximum parking ratios for Visitor Parking. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria for Central City Parking Review.
4. Operation. Visitor Parking is operated as commercial parking, except as follows:
 - a. "Early Bird" discounts are prohibited on weekdays, and
 - b. The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.

I. All parking built after (insert effective date). The regulations of this subsection apply to all new parking regardless of type.

1. The applicant is required to report the number of constructed parking spaces to the Director of the Bureau of Transportation within 30 days of parking operations beginning.
2. Carpool parking. The carpool regulations of this Paragraph do not apply to Residential uses or hotels.
 - a. Five spaces or five percent of the total number of parking spaces on the site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required;
 - b. The carpool spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking; and
 - c. Signs must be posted indicating that the spaces are reserved for carpool use before 9:00 AM on weekdays.

Commentary

33.510.261.I. All parking

I.3. Surface parking lots with new development

The development of new surface lots is prohibited except in some situations:

3.b. Up to 100 new surface parking spaces for a public school use in the Central City are allowed. Through the redevelopment process at Lincoln High School, the ability to retain some surface parking is important because of the limited amount of commercial parking in the Goose Hollow district and the desire by the school and community to prevent an overflow of school parking onto nearby neighborhood streets. Also, this is intended to help reduce the overall development costs for schools and allow the focus to be on the educational facilities and programs. This exemption would also be applicable to any other public schools in the Central City. In all situations, a school may not exceed the maximum parking ratios in the Central City as shown in Table 510-1.

3.c In the I zones some surface parking (up to the maximum ratio or 20 stalls, whichever is less) will be allowed as accessory to the intended use and is not allowed to operate commercially. This exception is intended to reduce overall development costs for industrial firms wishing to locate or expand in Central City industrial districts, consistent with Policy 6.37 (Industrial land) and Policy 6.38 (Industrial Sanctuaries) in the Comprehensive Plan. Twenty spaces is an appropriate balance between providing parking for industrial employees and supporting high density and pedestrian-oriented urban form. This is consistent with the intent of the Mixed Use Multimodal Area designation and other Central City policies

This restriction of accessory only, is intended to provide the necessary parking for development, but discourage surface parking as a commercial activity that can generate revenue. Instead the code allows commercial parking to operate only if in a structure.

Rehabilitated buildings that maintain their outside walls will be allowed to keep their surface parking.

3.d. South Waterfront surface parking

33.510.267 Parking in South Waterfront is eliminated except for this provision that allows surface parking that is operated by the City on a site that will be developed as a park in the future.

The following provisions were removed because South Waterfront reached its maximum 200,000 square feet and therefore, the provisions were no longer needed:

- No more than 200,000 square feet of new surface parking area may be created in the South Waterfront Subdistrict after January 20, 2003.
- Surface parking is prohibited if it will exceed the district-wide limit. However, the following are exempt from the limitations of this subparagraph and are not counted towards the 200,000 square foot total.

I.4. Parking structures: This paragraph is updated to reflect extensions of the transit mall.

3. Surface parking and structured parking with no gross building area above it are prohibited except as follows:
 - a. Parking on top of a structure is allowed.
 - b. Up to 100 parking spaces may be on a surface parking lot or in structured parking with no gross building area above it if the parking is for a public school use;
 - c. In the Central Eastside and Lower Albina subdistricts up to 20 of the maximum allowed number of parking spaces for a site may be on a surface parking lot if the following are met. Adjustments to these standards are prohibited:
 - (1) The parking is accessory to a Manufacturing and Production, Wholesale Sales, Industrial Service, or Warehouse and Freight Movement use;
 - (2) The parking is located in the IH or IG1 zones; and
 - (3) The surface parking lot is located directly adjacent to the building in which the use exists. In this case, the parking on the surface parking lot must operate as accessory parking only and is prohibited from operating as commercial parking.
 - d. In the South Waterfront subdistrict, surface parking that is operated by the City of Portland on a site that will be developed as a park in the future is allowed. The property owner must execute a covenant with the City reflecting that the future development and use of the site will be a park, and the covenant must be attached to and recorded with the deed of the site. The covenant must meet the requirements of 33.700.060.
4. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure the following must be met. Adjustments to the following standards are prohibited.
 - a. The structure may not be on any block bounded by both Fifth and Sixth Avenues between NW Irving and SW Jackson Streets.
 - b. The structure must be at least 100 feet from Fifth and Sixth Avenues between NW Glisan and SW Jackson Streets.
 - c. The structure may not be on any block bounded by both SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues.
 - d. If the site is within a historic district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

Commentary

33.510.261.I.4.e. The standard requires that buildings are designed and constructed to accommodate active ground floor uses at the time of construction as opposed to allowing the space to be converted at a later time. This is consistent the Ground floor active use standard, 33.510.225. As well as the Central City 2035 goals for a public realm with active uses offering a pedestrian-friendly environment.

e. Street-facing facades.

- (1) Street-facing facades in Parking Sector 6. Within Parking Sector 6, 50 percent of facades that face and are within 50 feet of streets, accessways, or the South Waterfront Greenway Area must be designed to accommodate Retail Sales And Service or Office uses at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses.
- (2) Street facing facades in all other Parking Sectors. In all other parking sectors, 50 percent of the street-facing facade must be designed to accommodate Retail Sales And Service or Office uses. Areas designed to accommodate these uses must be developed at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses. See Map 510-10 for parking sectors.

Commentary

33.510.261.I.5. Operation reports: Eliminate mandatory reporting requirements for all parking approved under a maximum ratio and in a structure. The City Parking Manager will be empowered to request information and/or access to the facility in return for the elimination of reporting requirements.

5. Operation reports. The applicant must provide operation reports to the Director of the Bureau of Transportation upon request. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:
- a. The number of parking spaces and the amount of net building area on the site.
 - b. A description of how the parking spaces were used in the following categories.
Percentage of parking used for:
 - (1) Short-term (less than 4 hours);
 - (2) Long-term daily (four or more hours);
 - (3) Average number of monthly permits issued (other than carpool), and
 - (4) Number of signed monthly Carpool stalls in the facility.
 - c. Rate schedule for:
 - (1) Hourly parking;
 - (2) Daily Maximum Rate;
 - (3) Evening Parking;
 - (4) Weekend Parking;
 - (5) Monthly parking; and
 - (6) Carpool parking
 - d. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
6. Changes from one type of parking to another.
- a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a Central City Parking Review.
 - b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

Nielsen, Benjamin

From: p.gregory wyeth <pgwyeth@yahoo.com>
Sent: Monday, November 29, 2021 5:46 PM
To: Council Clerk – Testimony
Cc: p.gregory wyeth; cfujiwara@hotmail.com
Subject: Goose Hollow Letter Of Mac Club/Mill Creek Serious Concerns
Attachments: Goose Hollow Neighborhood Poster.jpg

I SUPPORT the appeal, which means I disagree with the Design Commission's decision to approve w/ conditions a residential building with 337 units and 403 parking spaces in Goose Hollow Sub-District

Goose Hollow Letter Of Mac Club/Mill Creek Serious Concerns

Hello,

My partner and I have lived in Goose Hollow for over 21 years and have enjoyed the peaceful neighborhood. Now all that's being taken advantage of and is in jeopardy at the hands of a greedy, out of state construction company from Texas that wants to build a monster building in the center of the neighborhood. It will literally destroy the neighborhood and the last remaining green space of Goose Hollow. Above all, they, (Mill Creek) approached the Mac Club to offer to build on their property in exchange for over 400 new/additional parking spaces for the Mac. The Mac signed a "City Agreement" many years ago in which they agreed that they would never build additional parking spaces in Goose Hollow. So Mill Creek took this opportunity to seek approval for building for themselves and basically telling the Mac: "Leave it all up to us - we'll get it built on your property through us and you'll get over 225 spaces in return". Then, Mr. Sam Rodriguez of Mill Creek got himself on the Design Commission, stated that he recused himself, yet everyone is sure he still has/had the Design Commission ear.

Following is the letter I sent to City Council; but I thought the Mayor's Office should know of the many things that have transpired during the approval process of this project and the grief it has caused the neighborhood and the everlasting pain it's forever going to cause the peaceful community. We would like the Mayor and the City Council to step in and investigate what exactly is occurring to enable this to create an assault on this neighborhood. We are hopeful to examine and expose the issues that have transpired in this situation.

NOTE: Below are the suspicious occurrences of the project.

An Appeal is scheduled to be heard on appeal on December 1, 2021.

See Image Attachment: Neighborhood Poster to inform neighbors of the planned construction!

The name "Goose Hollow" will never again "Sound" or "Look" like the quant, serene neighborhood it is/was.

**Thank you,
Greg Plummer**

- PLEASE READ THE FOLLOWING LETTER & APPEAL HEARING STATEMENT -

THE LETTER TO THE CITY COUNCIL THAT DETAILS THE PROBLEMS AND THE SUSPICIOUS ACTIVITIES TO GET IOT APPROVED:

“There’s a heartbeat “

The Goose Hollow community is more than a place to live and enjoy the peacefulness of a quaint neighborhood. It’s a place with a heart beat that connects every person and household. It brings neighbors together to care for each other. It creates lifelong friendships. Its beauty comes from the historically decorative homes and old growth trees. Its people are mindful of visitors and welcomes everyone.

The Mac Club is one part of the Goose Hollow heartbeat. Yet in one move the city will either allow the heartbeat of a hundred years of history to survive or be destroyed by allowing a greedy developer to build a single oversized building that will destroy every single heartbeat that keeps this community alive. OR it can say “No, we’re sorry.. “Goose Hollow has helped us understand that it’s them that will die at the desire of Mill Creek.. to destroy the simple peace the Goose Hollow name stands for”. The people of Goose Hollow don’t even understand what greed is because it’s not in our vocabulary! The greed of the Mac Club and Mill Creek will be the dismantling of a Portland treasure. It will destroy the historic views, the community and be placed as a memory in the archives.

What the building will create for Goose Hollow:

- People in quant homes around the building area will be shadowed forever with none or very little sunshine
- Experience large noise increases
- Uncontrollable traffic
- Overwhelming population
- Dog waste on surrounding neighborhood lawns because they won’t have any grass. A large amount of pet owners do not clean up after their pets. Where is the green space in Goose Hollow? That’s it. Where are the people that have pets going to run and play and above all, go potty. Neighboring homes and businesses lawns and small ares of grass will be littered with dog waste. Washington Park is too far away for the evening or early morning potty break
- High increase in pollution
- Elimination of the last neighborhood green space
- The Mac is bypassing the “Increased Parking Agreement” they signed with the city years ago
- A Mill creek representative behind this effort is on the Design Commission. It is a conflict of interest even after recusing himself because he’s in charge and surely has the ear of fellow Design Commissioners
- There has been discussions about several architectural smaller buildings that would fit the neighborhood and reduce population, noise, traffic, allow for green space preservation for a medium sized dog park, reduce shade effect on the neighborhood, save old growth trees, etc.The building design does not match goose hollow look, neighborhood feel of Goose Hollow or the environment
- The building will affect the livelihoods of each person and family that has chosen Goose Hollow as their home. The current serene, quiet village type area of Portland will be interrupted by the Mac Club building.
- Property value destroyed
- Why is it that every time Mill Creek applies to build something it’s always approved? Or they are always successful at pushing it through. They don’t have to live with it - we do and it’s going to affect our valued quiet Goose Hollow life - to a stressful, loud, congested, destroyed neighborhood feel. Forever changed and transformed to look like a deformed skyscraper in the

middle of the neighborhood.. Yes neighborhood - this is not the center of the city where it would look normal! Mill Creek has a long history of doing this same thing across the country.. like they did in Austin Texas.

- I was told by Ben, "Some of the ordinances changed since the Mac Club's last application that now makes it ok." Who changed them? And why? He also said that " The city feels they owe the Mac Club because the Mac Club had paid \$1 million to have the Max Stop installed near their club and then the city shut it down". The city claiming that it was not being used enough and took too much time to stop there.. so I believe in hindsight that that was a planned set up / excuse to add reason to allowing the project to proceed. It's a gross negligence from all directions forced upon the Goose Hollow neighborhood and its residents that enjoy a peaceful, relaxing existence.. with sunshine.. not 95% or 100% of permanent shade.
- What is the legal height here?
- What ordinances were changed that allow this?
- Does any member of the Mac Club have influence on change ordinances? Or are they related to anyone involved with the senior operation of the Mac?
- The City of Portland, Mac Club, Mill Creek should rethink this rather than focus on the profits. That's what is driving this entire operation.
- They're literally "dumping this permanent problem directly in the middle of our neighborhood
- What about the wildlife that use and live in the trees. Some of the trees should be labeled "Heritage Trees"
- Should the Mac Club pay Taxes equal to the space they use, the effect on property values, Etc.
- Portland Towers does not affect the neighborhood at all because it does not directly effect any nearby dwellings

It will forever be intimidating to Goose Hollow as it will be visible from "ANYWHERE" in the neighborhood and its effects will be felt "EVERYWHERE" in the neighborhood.

Please let us survive. We are at your mercy. Can't you see we are on life support here.. you're our power and our lifeline.

Thank you for your serious consideration,

**Greg Plummer
2024 SW Howards Way #503
Portland, OR 97201
C: 5037010500**

- APPEAL HEARING SCHEDULED FOR DEC 1, 2021 -

PLANNED TESTIMONY FOR APPEAL HEARING:

There are several things that are directly affecting this process that shouldn't be:

- Agreements are agreements and do not expire nor are they effected by any other external change including Ordinances and Zoning may changes.
- Agreements are not adjusted to ordinances and/or zoning changes as the agreements signed by the MAC agreeing with the city that they would not in any way construct additional parking in the Goose Hollow neighborhood.
- Ben Nielsen, who is on the design commission, told me in a call I had with him in the summer of 2021 that the city feels that it owes the MAC because Trimet/The City took out the max stop at the

MAC that the MAC supposedly paid \$1 Million for. I have since learned it is reopening - it was closed because of the Lincoln High School and other construction.

- The citizens of Goose Hollow should have a say in what shape our neighborhood takes - not from a majority who do not reside in the area and will not have to deal with its aftermath.
- There's a direct conflict of interest to even have Sam Rodriguez on the design commission. He said he recused himself but we are sure he still has the ear of the commission!
- Why does the city feel it's okay to get rid of the only green space left in Goose Hollow? Why don't they want to preserve this little pocket in our neighborhood that gives the area some needed character and is home to wildlife and life sustaining greenery.
- Traffic overload and lack of control! It's already hectic enough with the added traffic from the stadium.
- Dog waste will be an issue with the lack of green space.

SOLUTION:

- Several smaller structures lower in height as to not block the sunshine, and preserve most of the trees. A medium sized dog park could be created, which is closer to an image that represents the look and feel of Goose Hollow.
- There needs to be an investigation to break down everything that has led to this decision and make the process transparent so everyone understands how it has reached this crucial point.

This is going to have a devastating effect on the entire image of Goose Hollow!

Thank you,
Greg Plummer
2024 SW Howards Way #503
Portland, OR 97201
C: 5037010500

SEE IMAGE BELOW:
GOOSE HOLLOW NEIGHBORHOOD POSTER IMAGE

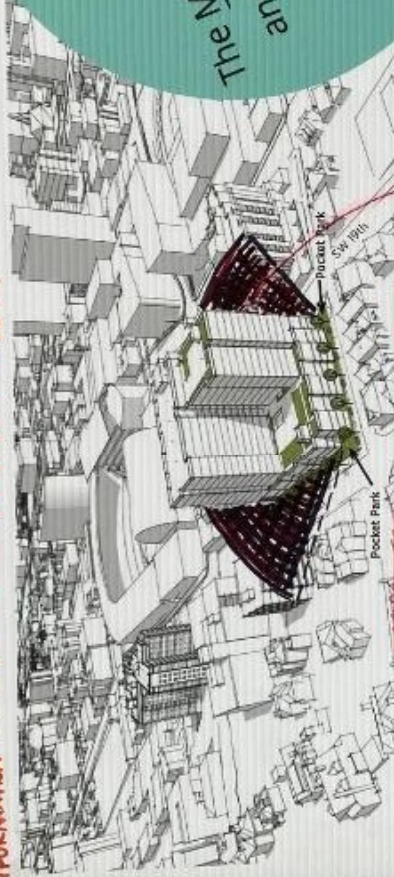
Hi, Neighbor!

Do YOU want a 16 story building next door?

★ NEW HEARING

DATE: 12/01/21 @ 2:00pm

ADDITIONAL INFORMATION: www.portlandoregon.gov/auditor/26997 | View from Southwest



Block Morning light to west side and evening light to east side as well as always on North side.

Source: www.portlandoregon.gov/auditor/26997

Source: www.portlandoregon.gov/auditor/26997

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CITY PLANNER: BENJAMIN NIELSEN
benjamin.nielsen@portlandoregon.gov
CITY COUNCIL: GABRIEL RUIZ & DAN RYAN
dan.ryan@portlandoregon.gov

-INCREASED TRAFFIC CONGESTION -
-INCREASED SMOG -
-HISTORICAL CONTRAST AGAINST PARKING, BROKEN

As you can see, the proposed building towers over existing structures in the neighborhood!

MAC Parking



Source: www.portlandoregon.gov/auditor/26997

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Want to get involved?

Join The Friends of

Goose Hollow!

Get in touch for more info:
contact.fogh@gmail.com

Nielsen, Benjamin

From: Brennemans <brennemans@gmail.com>
Sent: Monday, November 29, 2021 7:01 PM
To: Council Clerk – Testimony
Subject: Modera Main Testimony AGAINST Proposed Block 7 Development

Dear Mayor Wheeler and City Council Members,

Thank you for your service to our city and your efforts to keep Portland liveable. These past two years have been a challenge, but things are beginning to improve, and we appear to be back on the road towards what we used to know and love.

You have a wonderful opportunity on December 1 to prove your stated commitment to Portland's quality. You also have the chance to improve your standing in the court of public opinion. You all are aware that your leadership reputation among many Portlanders is low. You can significantly alter that December 1st by voting against the Modera Main/Block 7 development.

While the design commission voted 5-1 in favor of the development, every member agreed the proposed building was large and awkward and way off-scale for the neighborhood. All hid behind the 'it meets code' excuse. In fact, it does not meet code in a number of critical areas.

Under city guidelines for development, section C4 requires new construction be scale appropriate. A building three times the volume of the adjacent Legends is way out of scale with it, and the Legends already is out of scale with the existing low-lying Victorian homes and smaller condominiums and apartments nearby. The new Lincoln High School was limited to four stories. Why in the world would a 17 story building a block away be approved?

Central City guidelines #2 and 9 and Goose Hollow design guidelines both require neighborhood heritage and character to be preserved. Modera Main makes a mockery of Portland's commitment to character and history. Do we really want that?

The height of the building is way beyond Section A5-2 which suggests buildings stay 4-5 stories in height.

In addition, view corridor requirements CCSW 13, 14 and 15 will not be preserved as required.

How many code and city development guideline violations does it take to disqualify a project?

If any one of you has ever driven north or southbound on SW 20th between Jefferson and Salmon almost any time during the day, but certainly during rush hours or Providence Park events, you've experienced an inordinate amount of foot and car traffic. More congestion will make a bad situation much worse.

Please, please, please consider what is good for the neighborhood, the community and the city, do the good and right thing, show real leadership and vote against the Modera Main project. You will feel good for having done the right and good thing for the city we all love.

Thank you for your consideration,
Caroline Brennehan
Goose Hollow resident and MAC member

Nielsen, Benjamin

From: Melanie Yoo <mellieyoo@gmail.com>
Sent: Tuesday, November 30, 2021 2:41 PM
To: Council Clerk – Testimony
Cc: Melanie Gott; Nielsen, Benjamin; FOGH Board Friends-Of-GooseHollow; GHFL BOARD
Subject: Testimony on Modera Main project -- LU 21-038539 for Hearing Dec 1, 2021

Dear City Council and Mayor Wheeler,

I am respectfully submitting as my testimony, an email I previously sent to the design commission and commissioners Rubio and Ryan, which I find is still critical today in addressing all the reasons why Modera Main poses an existential threat to our city and community with the scale of destruction adding massive environmental pollution, climate and livability degradation. I kindly ask that you read it, though it is long, (and a few of the technical problems such as window quality, have been “fixed” since it was written), because the big factors so important to us all are still relevant for this hearing.

Thank you so much!

Sent from my iPhone

Best regards,
Melanie Yoo-Gott
Goose Hollow

Begin forwarded message:

Subject: Additional Testimony on Modera Main project -- LU 20-193235

To: Ben Nielsen, Planner; Design Commissioners Livingston, Molinar, Robinson, Santer, Vallister, McCarter; City Council Carmen Rubio & Dan Ryan
CC: Mr. Allan Classen/NWExaminer, Mr. Ray Pitz & Kelcie Grega/Portland Tribune; GHFL; FOGH, a few community members.

At the last DC Hearing on August 5, the Straw Poll taken at the end indicated that all but one of Design Commissioners had serious reservations about Modera Main. The public also became aware of some new rules that are of concern and I am herewith copying City Council Ms. Rubio and Mr. Ryan, so they may become properly informed at this time, and perhaps answer the questions put forth at the bottom of my letter.

Why is DC no longer allowed to comment on building height? Shocking - a gag order was put in place Aug 1?! How convenient for Mill Creek - did Sam Rodriguez or Cassidy Bolger draft that rule? **Building Height and Scale are the two most important factors in determining CONTEXT**, that is, if a structure is actually appropriate to its surroundings!! Now the DC can talk about flower boxes and water features but must ignore that a 175 ft tower on a WHOLE city block 200ft x 200ft, which will loom over 1,2,4,9 story neighboring homes isn't relevant? How much more unPublic and crooked can this whole development approval process get? The people that work, live, own, rent, pay taxes, invest in improvements, take care of yards, volunteer for public service, build community - we don't have a *FAIR* say in what's best for our own neighborhoods anymore?

Commissioner Vallister: You had reservations about the quality of windows that was so legitimate - we will hear what you all thought after comparing Alta Peak 8-story building windows, Paul Jeffreys himself

muttered cost was the determining factor in choosing - not quality or permanence. Mill Creek won't care if the windows fail in 15 years - they will be long gone with the cash, leaving investors holding the bag. Comm Vallister also raised a salient argument that if Modera Main were rejected, what would a different developer do? Well. They would NOT build a 17-story, 4 level parking garage that's for sure. It only pencils out for MC because the MAC is giving them the land in exchange for a pathetic 225 parking stalls. Without the land giveaway, why would any developer want to build something that would destroy the very character of the place that made that location of value? They wouldn't. They would want to value-add, not destroy a whole, nationally admired, historically important neighborhood.

Commissioner Molinar: Thank you for your commitment to saying Main St is a HUGE problem! It's "Main Street" not some far off back corner of the City - City Hall is on Main St! They want to stack an entire city block on both sides with cars, adding another PARKING GARAGE in the middle of a residential, historical neighborhood!! No, we must not let them do that to Portland. Please do not bend to their lame designs on that front.

Commissioner Santner: You were the lone unequivocal Yes vote, your reason being that the public sentiment about the Legends was similar when built in late 90's, and that in another 25 years Modera Main will fall into that category - that's sadly flawed - have you been hearing the Climate Change Crisis that's in all news outlets everyday in recent months? Your decision as a public steward, is critical to the call for action now in all localities, it must start here. This will not be ok tomorrow, next year, or in 25 years. The Legends, though 9 stories, is NOT 17 stories amongst 1-2 story homes, it does not block all Sky and Sunlight all afternoon 360 degrees, it does not have a sheer wall a city block long, 175' tall. The Legends' large perimeter patios and cut-ins allow light and air to flow through neighborhood. The 403 car garage, this is 2021, why are we encouraging driving to an entertainment/event facility, where people consume alcohol, then drive home? When Portland goals are to reduce Carbon Emissions in central city. In one of the first meetings, you stated that you often enjoyed walking through these streets- it's doubtful you ever walk this way again with Modera Main there... Please do not let them destroy that Public Realm enjoyment for all.

Commissioner McCarter - you concurred that the quality of the Windows and some materials were subpar. And that design on Main St needs much improvement. Please do not lose focus on this and let some mumbo jumbo Window manufacturer sales pitch deter you from these true facts.

Commissioner Robinson: THANK YOU for pointing out that the stupid mechanicals alongside the garage entry is dangerous to public health safety. Heated Exhaust (IF that's all it really is) blasting onto the sidewalk, car emissions exhausting to sidewalk. That's their idea of good design? Covering it up isn't solving the problem. And it's still not acceptable just because some of it is intermittent - that's like saying it only causes cancer intermittently. Ventilate the heat and car exhaust onto their own building on Salmon - let's see how acceptable that would be for them.

Commissioner Livingston: All I can say is wow, as Chairwoman, you had profound illuminations and sound guidance for the DC, and though you all were clearly worn-out from the 4+hours of discussion, thank you for staying true to the end. You reminded everyone that Guidelines REQUIRE ACTIVATION on SW Main St - and Modera Main's design DEACTIVATES IT COMPLETELY. That design so thoroughly destroys Public Realm on Main street, may as well rename it the Toxic Dead Zone.

The DC (minus Mr. Rodriguez) have been working such long voluntary hours on this project, bringing incredible discussions and recommendations to something that is clearly just bad to begin with, and we, the community totally understand the kind of pressure all of you are under for this particular development. Mr. Rodriguez must have to recuse himself from a lot of DC work with the number of ongoing Mill Creek projects around Portland - why is he allowed to continue "serving" on it???

Ben, I would like to thank you, for the calm, neutral and expert way you guided the proceedings on August 5. Although your recommendation report was disappointing for the neighborhood - we get that you are required to stick to a checklist of sorts, and that's all you can do in your position. Even so, the applicants absolutely failed/ignored so many of the requirements and recommendations from previous hearings. Please provide answers for the following:

1) Why is a Shade Study not required? Block 7 is zoned RM4, not RM!0, so saying this is "not required in this zone" is an outrage. They are cheating the law as intended. With Unlimited FAR transfers, they can build to the moon, but we can't hold them accountable for this environmental disaster waiting to happen...

2) Why is a Traffic Study not required? They want to add 403 cars to their 550 cars on consecutive blocks on 100 year old street infrastructure. Proposing a total 953 private parking across two 4 story structures, which will turnover several times daily doesn't warrant a PBOT study? A ridiculous GIANT CAR TUNNEL dug under PUBLICLY- OWNED, Taxpayer- maintained Main St, doesn't need public scrutiny and approval?

3) Has Mill Creek presented plans that show how they can impossibly set up a construction zone that will not completely destroy that small area? Where are all the giant cranes, trucks, dumpsters, and building material be stored and operated? There are many, small independent businesses that operate in the older buildings that aren't soundproofed. And may people working from home, that need to hear and concentrate. What will happen to street parking around Block 7? Where will residents who don't have the luxury of parking in a private 550 car garage put their vehicles? Will the MAC/Mill Creek relocate all of the immediate businesses and residents for its 3 year construction project or compensate them for this psychological, environmental and economic damage?

PLEASE DENY THIS CRAZY DESTRUCTIVE PROJECT, it's only the right thing to do. Think Globally, act Locally here and now, in a pandemic, fire danger everywhere, carbon emissions off-the-chart world, we must enforce responsibility where we can.

Sincerely,
Melanie Yoo-Gott
Goose Hollow

Nielsen, Benjamin

From: Bob <bobdeph@aim.com>
Sent: Tuesday, November 30, 2021 3:32 PM
To: Council Clerk – Testimony
Cc: Nielsen, Benjamin; contact.fogh@gmail.com
Subject: LU 21-038539 DZ, Testimony for City Council
Attachments: (Hearing; LU 21-038539 DZ) Testimony BJ.docx



The City's email systems have identified this email as potentially suspicious. Please click responsibly and be cautious if asked to provide sensitive information.

Hello,
Please accept the attached testimony for tomorrow's City Council hearing at 2pm on LU 21-038539 DZ.
Thank you,
Bob Joondeph

December 1, 2021

TO: Portland City Commission

RE: Consider appeal of the Goose Hollow Foothills League against the Design Commission's decision to approve with conditions a 17-story, 175-foot tall residential building with 337 dwelling units and 403 structured parking spaces in the Goose Hollow Sub-District of the Central City Plan District (Hearing; LU 21-038539 DZ) (Report) LU 21-038539 DZ – Modera Main

Commissioners:

I am offering this written testimony in support of the appeal to overturn the Design Commission's decision, thereby denying the application to construct Modera Main.

First, I would like to emphasize that I generally support the creation of additional housing opportunities in Portland, especially for low and moderate income people. However, I generally do not support building structures in a neighborhood whose size will overwhelm existing structures and the general character of a neighborhood. Most importantly, I do not support the introduction of yet more motor vehicles and vehicle traffic in residential neighborhoods. Creation of more short-term parking for an exclusive athletic club will attract more cars, more frequently, to the Goose Hollow neighborhood, burden already heavily traveled routes from Jefferson to Burnside and increase the hazards for pedestrians such as myself who walk to stores on Burnside, across often violated traffic controls.

In reviewing the still-vital Goose Hollow District Design Goals, I disagree that Modera Main will:

1. Promote a pedestrian-friendly neighborhood
2. Provide open spaces to accommodate active public life
3. Assure a safe and pleasant bike/pedestrian environment
4. Preserve and enhance the community's history and architectural character.

Specifically, as an active pedestrian and occasional cyclist, negotiating the vehicular traffic created by hundreds of new parking spaces (many of which are slated for use by non-residents) will abandon the neighborhood to the car rather than further the safety and environmental goals of Portland.

Modera Main will eliminate open spaces rather than proving them. By towering over the historic residential homes nearby, the building will cast a shadow over many, thereby denying them natural light and space, and will create something of a canyon on its north and east facing sides. This building will create the opposite of open space for this urban neighborhood.

Whereas the Design Goals mention bikes and pedestrians twice, I will too. Modera Main will flood Goose Hollow with cars.

Comparing Modera Main with The Legends creates a false equivalent. First, it doubles down on a structural style that overwhelms the neighborhood. Secondly, parking for The Legends enters and exits on an arterial road, not in the center of a residential neighborhood. Bringing this type of design and vehicular traffic into residential streets that some motorists already cut through to get to and from the freeway interchange on Jefferson, will further transform the area into a speedy drive-through rather than a "pedestrian-friendly neighborhood."

For these reasons, I respectfully urge you to approve the appeal and stop the plan to create Modera Main.

Bob Joondeph
2024 SW Howards Way, Apt. 402
Portland, OR 97201

Nielsen, Benjamin

From: Brittany M. Spicher <bspicher@radlerwhite.com>
Sent: Tuesday, November 30, 2021 5:05 PM
To: Nielsen, Benjamin
Cc: Christe White
Subject: Written Testimony
Attachments: Response to Appeal Statement Submitted by Dan Kearns Nov. 29, 2021 (01184408xC624A).PDF

Please see the attached written testimony from Christe White.

Thanks,
Brittany



Brittany Spicher
Legal Assistant to Dina E. Alexander, Christe C. White and Zoe L. Powers
Direct Telephone: 971-634-0216
E-Mail: bspicher@radlerwhite.com

Address: 111 SW Columbia Street, Suite 700, Portland, OR 97201
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Christe C. White
cwhite@radlerwhite.com
971-634-0204

November 30, 2021

BY Email: CCTestimony@portlandoregon.gov

Mayor Wheeler
Members of the Portland City Council
Care of Council Clerk's Office
1221 SW Fourth Avenue, Suite 140
Portland, Oregon 97204

Re: Applicant's Response to November 29, 2021 Letter from Dan Kearns: LU 21-038539

Dear Mayor and Council Members,

This letter provides a brief response to the letter submitted by Dan Kearns on behalf of Goose Hollow Foothills League dated November 29, 2021.

Mr. Kearns' argument is both factually and legally incorrect. The parking proposed in the residential tower is governed by PCC 33.510.261. There, the code plainly defines each type of parking, then provides a clear and objective numeric ratio for the amount of allowed parking and then expressly states how you are permitted to use the permitted parking once it is constructed. These clear and objective standards were adopted in 2018 with the Central City Plan District ("CCPD") amendments to avoid just the kind of arguments and confusion presented by Mr. Kearns and to permit exactly the kind of use and development that is proposed in this case.

What Kind of Parking is Proposed?

The proposed parking for the residential tower is unequivocally defined by the plain language of the code as "Growth Parking," not Preservation Parking. The code provides the following definition of Growth Parking:

Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development. PCC 33.510.261.B.1.

We are building a new residential tower, with new net building area that will be added as part of a new development. There is no question therefore that the parking created with this new net building area is Growth Parking.

What is the Allowed Parking Ratio?

The code provides clear and objective standards for the amount of Growth Parking that is permitted with the new residential tower. For new residential towers in the CCPD and within the Goose Hollow Subdistrict of the CCPD, Growth Parking is permitted outright at a ratio of 1.2 parking spaces per residential unit. (PCC 33.510.261, Table 520-1). The residential tower contains 337 units. At a ratio of 1.2 allowed spaces

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per unit, the Growth Parking allowance on this site is 404 parking spaces. The project includes 403 Growth Parking spaces in strict compliance with the code.

What are the Permitted Uses of the Parking Once Allowed?

The code provides clear and objective rules for the use of this permitted Growth Parking. PCC 33.510.261.F.4 plainly provides:

“Operation. Growth Parking may be operated as either accessory or commercial parking at all times.”

This means what it clearly says: that Growth Parking, at an allowed ratio, can be operated as accessory or commercial parking at all times. Mr. Kearns would like the code to state instead that the accessory or commercial use of the parking should be further limited to only uses that are on the same site or only uses that do not yet exist. In other words, the accessory or commercial parking cannot serve an existing use. The code does not include either restriction. And in fact, such a restriction would run directly afoul of the code definitions of accessory and commercial parking.

Accessory Parking Facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 33.920, Descriptions of Use Categories. (Emphasis added).

33.920.210 Commercial Parking A. Characteristics. Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility. (Emphasis added).

These definitions expressly allow parking for uses on or off the development site and do not limit the uses to future uses but include all uses, existing and future. The problem with Mr. Kearns’ argument is that it conflates the type of parking, Growth or Preservation, with how it can be used. The code does not conflate the type and the nature of the ultimate use. Mr. Kearns’ argument would also render PCC 33.510.261.F.4 meaningless. If one cannot use Growth Parking for any commercial or accessory use at any time, then the code language that allows exactly that would mean nothing. Such an interpretation directly contradicts the well-established rules of statutory construction which require that the decisionmaker give meaning to each provision of the code.

Further, Mr. Kearns’ argument would lead to absurd results.

1. Following his logic, any existing garage built after 2018 as Growth Parking would have to identify whether any future shared user originated from an existing building and if so that parking spot, built as allowed Growth Parking, would automatically convert to a Preservation Parking space and be subject to a Central City Parking Review even though the parking was already permitted outright and built to the prescribed ratio. This is exactly the kind of confusion and inefficiency that the 2018 amendments were intended to avoid.

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2. Mr. Kearns' objects to the MAC's use of the shared parking. The MAC may be one of many users of this parking. The code specifically allows any commercial or accessory use of the parking on or off site to maximize the efficient use of the parking and to prevent the overbuilding of parking. These users are destined to change over time and the code recognizes that inevitable change by not restricting the use in the manner Mr. Kearns' would suggest. There will be residential users of this parking, commercial users and accessory users. The site is located one block from Providence Park and one block from Lincoln High School. It is not hard to imagine how one could maximize the efficiency of this parking over time and in that efficiency, reduce overall future demand for new parking in the area.
3. Ironically, Mr. Kearns' offers a code interpretation that would incentivize the overbuild of parking. In this case, his interpretation would lead to an allowed 404 spaces of Growth Parking for the residential users and the ability to apply for Preservation Parking on top of the 404 spaces for other users in the area. The code prefers and incentivizes the opposite result: build only the 404 and allow them to be used by any accessory or commercial use at any time to ensure that the parking is not overbuilt.

PCC 33.700.070 provides the general rules for application of code language. Under Subsection (A), literal readings of the code language will be used. Regulations are no more or less strict than as stated. The City's interpretation of the parking code is correct, it offers a literal reading of the code and it renders the regulation no more or less strict than stated. Conversely, Mr. Kearns interpretation is highly inconsistent with the plain and literal reading of the code and offers an interpretation of the code that would be far stricter than stated (proposing limits on the types of commercial and accessory uses that are allowed to share parking). For these reasons, we ask you to reject his improper interpretation.

Mr. Kearns makes several other unsupported arguments about the proceedings below.

- He argues that the parking strategy makes the building too big. This is factually and legally incorrect. The 403 spaces are permitted outright and will take up the same volume in the project regardless of how they are used. The building would be the same size if the allowed parking was all used by the residential units or shared with other accessory or commercial uses. The building is also within the allowed FAR and height requirements and has earned the 3:1 FAR bonus for Inclusionary Housing.
- He argues that the entrance to the parking creates pedestrian conflicts. A review of the proposal defeats this claim. The project actually closes 3 existing curb cuts and leaves only one curb cut along SW Main, as requested by the Goose Hollow Foothills League. This curb cut is designed according to the Design Commission guidelines and PBOT standards and was approved by both PBOT and the Design Commission. This project makes a significant investment in pedestrian safety and circulation by building an underground street allowing cars to circulate below grade and avoiding the at grade pedestrian circulation system.
- He argues that the Design Commission did not consider the parking. That is incorrect. The Design Commission recognized that the parking type, allowed quantity and operation are permitted outright by the code, just like the residential units themselves. The Design Commission then reviewed the design of the parking, podium and tower and determined that the project as designed, including the parking element, met all the applicable design guidelines. Mr. Kearns

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argument is akin to a claim of procedural error because the Design Commission did not debate whether residential use is permitted outright on the site. It is allowed. It need not be debated.

Size of the Building

Mr. Kearns argues that the building is too big for the neighborhood. The building is located in the Goose Hollow Subdistrict of the CCPD. It is a full block development at a height of 175 feet. The heights that are permitted in this area of the CCPD, on blocks directly adjacent to this site, well exceed the proposed height of this building. For example, the code permits a height of 225 to the north, 325 feet to the northeast and 250 to the east. To suggest that 175 feet, which is the allowed height on this site, exceeds the planned context for this area under the CCPD or to use the term “eye-popping” to describe the size of the building, is misleading and not consistent with the code-allowed density in the area.

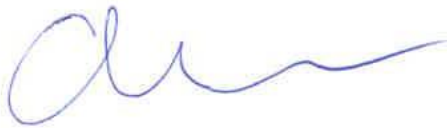
The project also proposes Inclusionary Housing and therefore earns the 3:1 FAR bonus and related height bonus specifically designed by the City to incentivize that housing. The project will include 10% of the units at 60% MFI and in this case provide 14, three-bedroom family units all of which are either 1065 or 1083 square feet and one studio. To argue that the building is too large is to argue that we should not offer a 3:1 FAR bonus for Inclusionary Housing. That is untenable in our current housing crisis and patently inconsistent with the code.

2015 Proceedings

Mr. Kearns claims that the City Council denied a similar project in 2015 based on a claim that the parking in that proposal was excessive. That is a misstatement of the 2015 proceedings. The City Council did not review the prior project; instead, it was withdrawn. The City Council did not make any findings or even consider the parking proposed at that time under the 2015 code and certainly did not make a final decision on a project it did not even review. Further, and most importantly, the code changed in 2018 and did so intentionally to amend the parking regulations which permit just the kind of parking and related proposal that are presented here.

For these reasons, we ask that you reject the appeal and Mr. Kearns’ reinterpretation of the code.

Sincerely,



Christe C. White