

MOTIONS

10/22/2014

Motion to deny the appeal: Moved by Fritz and seconded by Fish.

COMMISSIONERS VOTED AS FOLLOWS:
YEAS: Fritz, Fish, Saltzman, Novick and Hales

Agenda Disposition:

**TENTATIVELY DENY THE APPEAL AND UPHOLD DESIGN COMMISSION'S DECISION;
PREPARE FINDINGS FOR NOVEMBER 5, 2014, AT 10:30 AM TIME CERTAIN.**

11/5/2014

Motion to deny the appeal and uphold Design Commission's decision and adopt findings:
Moved by Fritz and seconded by Fish.

COMMISSIONERS VOTED AS FOLLOWS:
YEAS: Fritz, Fish, Saltzman, Novick and Hales

Agenda Disposition:
Findings Adopted.

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to City Budget Office. Retain copy.)

| | | |
|---|--|---|
| 1. Name of Initiator Staci Monroe | 2. Telephone No. 503-823-0624 | 3. Bureau/Office/Dept. Bureau of Development Services (BDS) |
| 4a. To be filed (hearing date): October 22, 2014 at 2:00 PM | 4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/> | 5. Date Submitted to Commissioner's office and CBO Budget Analyst: October 7, 2014 |
| 6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed | 6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed | |

1) Legislation Title:

LU 14-117884 DZM – Block 37 South Waterfront

2) Purpose of the Proposed Legislation:

This is an appeal of Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.790.030.F provides Type III Land Use Review decisions may be appealed to City Council.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input checked="" type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

This is not a legislative action. This quasi-judicial action applies to one site. The decision will not solely or substantially impact City revenues.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not

known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)

Generally, Land Use Reviews are fee supported. Fees are charged to file an appeal, however, the appeal fee for this application was waived by the Director of BDS as indicated in Section 33.750.050. There are no additional costs to the City associated with this appeal.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** (If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)
- **Will positions be created or eliminated in future years as a result of this legislation?**

No positions will be created, eliminated, or reclassified in current or future years as a result of this legislation.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)

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

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

YES: Please proceed to Question #9.

NO: Please, explain why below; and proceed to Question #10.

9) If “YES,” please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

Any impacts associated with the current application and appeal procedure are related to the amount of the proposed building that would project into the designated public accessway (Lane Street) at the southern end of the site in the South Waterfront Sub District. A Modification to the 30'-0" building setback from the centerline of Lane Street was approved by the Design Commission to allow the upper 5 floors to project 3'-6" in the setback. The appeal states the criteria for the Modification are not met because the resulting development does not meet the purpose of the standard, specifically, to provide a visual connection to the Greenway and to provide a transition from the natural Greenway to the urban development.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the South Portland Neighborhood Association, South Portland Business Association and Southwest Neighborhoods Inc. (district coalition) all received notice. In addition, all property owners within the 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus, Tri-Met, AIA Urban Design Committee and the Oregon Department of Transportation are also mailed notice.

c) How did public involvement shape the outcome of this Council item?

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. Neighborhood and community comments were received before and at the public hearings before Design Commission on May 15th, July 10th and August 21st, 2014. Public comments regarding various aspects of the proposal were considered by city staff and the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision.

d) Who designed and implemented the public involvement related to this Council item?

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

e) Primary contact for more information on this public involvement process (name, title, phone, email):

Staci Monroe, City Planner II, Bureau of Development Services –Land Use Services
503.823.0624
Staci.monroe@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

Once the City Council has made its decision on this land use appeal, there is no more opportunity for public involvement at the City level, per Zoning Code Section 33.730.040. However, the City Council's decision on this quasi-judicial land use review may be appealed to the Oregon Land Use Board of Appeals (LUBA).

APPROPRIATION UNIT HEAD (Typed name and signature)