

# Appellants' Presentation

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PLANNING ACTION: PA-APPEAL-2018-00005 (PA-T2-2018-00003)

SUBJECT PROPERTY: 188 GARFIELD STREET

“Distances from driveway standards are detailed in AMC section 18.4.3.080.C.3, and developments of three units or more per lot are required to provide a 50-foot separation between driveways on neighborhood streets like Quincy Street.”  
(Findings, Conclusions and Orders at 8)

## CHAPTER 18.4.3 PARKING, ACCESS, AND CIRCULATION

### **18.4.3.020(D). Exceptions and Variances.**

**D. Exceptions and Variances.** Requests to depart from the requirements of this chapter are subject to chapter 18.5.5 Variances, except that deviations from the standards in subsections 18.4.3.080.B.4 and 5 and section 18.4.3.090 Pedestrian Access and Circulation are subject to 18.5.2.050.E Exception to the Site Development and Design Standards.

## CHAPTER 18.4.6 PUBLIC FACILITIES

### **18.4.6.020(B). Exceptions and Variances.**

**B. Exceptions and Variances.** Requests to depart from the requirements of this chapter are subject to chapter 18.5.5 Variances, except that deviations from section 18.4.6.040 Street Design Standards are subject to 18.4.6.020.B.1 Exceptions to the Street Design Standards, below.



# Outdoor Recreation Space

	<b>Applicant</b> (Aug 23 Submission at 7; Oct 16 Supp. at 3)	<b>Commission</b> (Findings, Conclusions, and Orders at 4, 6)	<b>Actual</b>	<b>Basis</b>
Deck + Patio Areas	5,616	5,616	0	<ul style="list-style-type: none"> <li>• Private; not open space</li> <li>• Double-counting (only 2,808 sq ft of site area)</li> <li>• Can't be developed as rec amenity (<i>see below</i>)</li> </ul>
Rec "Amenities" in Purported Rec Facility Area (+ other areas?)	5,754	?	0?	<ul style="list-style-type: none"> <li>• "[T]he purpose of the density bonus for outdoor recreational space is to permit areas that could <b>otherwise be developed as a recreational amenity.</b>" LUO 18.2.5.080(F)(3)(b)</li> <li>• Double-counting</li> </ul>
"Incidental Open Space Areas"	10,273	?	0	<ul style="list-style-type: none"> <li>• "It is <b>not the purpose</b> of this provision to permit density bonuses for <b>incidental open spaces</b>" LUO 18.2.5.080(F)(3)(b)</li> </ul>
Total	21,643	?	0?	
		> 18% (> 16,643)		

# Statements During Oct. 23, 2018 Deliberations From Four Commissioners Who Voted to Approve the Development

"What was intended was a structured play area, whether it was swimming pools, tennis courts, or whatever, but something that was structured...‘other’ being something structured... It’s just not open grass. And that’s the problem I have with it. ... [Structured recreation] was what I think was the original meaning.... **that’s where I fell apart on it.**"

"I’m just having trouble getting my mind around how what they presented meets a really very clear cut requirement in the city about driveway spacing. I’m a little flabbergasted . . ."

**"I just wish there was a way the applicant could have fleshed this out a bit more and qualify for this bonus"**

"I don’t think what has been proposed is something that is similar enough to the archaic code we have – which is a basketball court, a tennis court, or a swimming pool. Something that is a major structured single activity thing. **I don’t think it works in the definition.**"

"I would just like to say that I am sorry about the recreational amenity or whatever it’s called – the developed outdoor recreation piece of this – because I think it’s sort of a **failure of evidence**."

**"But we don't have any evidence to support it as to what it would be.... I don't feel it's quite sufficient. . . . I want it to have more build out – structural features. . . . It's just two big lawn spaces."**

"The thing that bothers me most about the project is the driveway. I’m thinking that **I would probably let that go** [if the Commission were to acknowledge] the value of the recreation facility . . ."

**"I haven't heard any argument that really shows that there's any equality of meeting our standard that we're after"**

**"What we are trying to do is apply the facts to the law"** - Roger Pearce, Planning Commission Chair

(Dec. 4, 2018 City Council Meeting)