



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27th DAY OF SEPTEMBER, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Acting Clerk of the Council; Ben Walters, Deputy City Attorney; and Officer Larry Siewert, Sergeant at Arms.

Items No. 1417 and 1428 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

- 1398** **TIME CERTAIN: 9:30 AM** – Apply for a \$1,711,688 grant from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (Hearing; Ordinance introduced by Mayor Katz)

Disposition: Ordinance No. 174941. (Y-5)

- S-1399** **TIME CERTAIN: 10:00 AM** – Amend Planning and Zoning Code to establish minimum and maximum parking ratios as required by Title 2 of the region's Urban Growth Management Functional Plan (Previous Agenda 1312 introduced by Mayor Katz; amend Title 33)

Disposition: Substitute Continued to October 11, 2000 at 9:30 a.m.

CONSENT AGENDA - NO DISCUSSION

- 1400** Reject all bids for Pittock Mansion roof upgrade (Purchasing Report - Bid No. 100179)

Disposition: Accepted. (Y-5)

- 1401** Accept bid of Waste Management of Oregon, Inc. to furnish refuse hauling and recycling services for Bureau of Parks and Recreation for \$68,315 annually (Purchasing Report - Bid No. 100203)

Disposition: Accepted Prepare Contract. (Y-5)

- 1402** Accept bid of Waste Management of Oregon, Inc. and Trashco Services, Inc. to furnish refuse hauling and recycling services for \$106,964 and \$60,437 annually (Purchasing Report - Bid No. 100204)

Disposition: Accepted Prepare Contract. (Y-5)

SEPTEMBER 27, 2000

- 1403** Accept quotation of Stride Corporation to furnish Tryon Creek wastewater treatment plant laboratory remodel for \$49,975 (Purchasing Report - Bid No. 100207)

Disposition: Accepted Prepare Contract. (Y-5)

- *1404** Amend the Private Lender Participation Agreement between ShoreBank Pacific, the Portland Development Commission and the City to extend the expiration date of the agreement to September 13, 2001 (Ordinance introduced by Mayor Katz and Commissioner Sten)

Disposition: Ordinance No. 174917. (Y-5)

Mayor Vera Katz

- *1405** Agreement with the Federal Bureau of Investigation for overtime reimbursement for Portland Police Officers who participate in the Portland Joint Terrorism Task Force (Ordinance)

Disposition: Ordinance No. 174918. (Y-5)

- *1406** Agreement with the Federal Bureau of Investigation for overtime reimbursement for Portland Police Officers who participate in the Safe Streets Task Force, a subsection of the FBI Violent Criminal/Fugitive Task Force (Ordinance)

Disposition: Ordinance No. 174919. (Y-5)

- *1407** Contract with Cascade Occupation Medicine Physicians to perform medical evaluations for the Police Corps Program (Ordinance)

Disposition: Ordinance No. 174920. (Y-5)

- *1408** Contract with Computer Deductions, Inc. for services to customize and install the Photo Booking Software for the Portland Police Bureau's Identification Division not to exceed \$60,000 (Ordinance)

Disposition: Ordinance No. 174921. (Y-5)

- *1409** Accept donation of 1995 Chevrolet Caprice from the Lake Oswego Police Department (Ordinance)

Disposition: Ordinance No. 174922. (Y-5)

- *1410** Agreement between Multnomah County District Attorney's Office and the City for use of Office of Justice Programs grant funds (Ordinance)

Disposition: Ordinance No. 174923. (Y-5)

SEPTEMBER 27, 2000

- *1411** Amend Ordinance for agreement with Multnomah County District Attorney's Office for three full time officers to work for the DA's office (Ordinance; amend Ordinance No. 174630)

Disposition: Ordinance No. 174924. (Y-5)

- *1412** Authorize contract with Arbitrage Compliance Specialists for arbitrage rebate reporting and compliance services (Ordinance)

Disposition: Ordinance No. 174925. (Y-5)

- *1413** Authorize a contract with Aleuron Systems for annual software maintenance agreement in the amount of \$23,800 (Ordinance)

Disposition: Ordinance No. 174926. (Y-5)

- *1414** Amend contract with Black United Fund of Oregon, Inc. for the 2000 Combined Charitable Services Campaign (Ordinance; amend Contract No. 32944)

Disposition: Ordinance No. 174927. (Y-5)

- *1415** Contract with Joyful Noise, Inc. to provide childcare and development services (Ordinance)

Disposition: Ordinance No. 174928. (Y-5)

Commissioner Jim Francesconi

- 1416** Accept contract with AC/DC Electrical Services, Inc. for Fromel House renovations as substantially complete and release retainage (Report; Contract No. 32915)

Disposition: Accepted. (Y-5)

- *1417** Grant easements to adidas Village Corporation and Northwest Natural for utilities in Madrona Park (Ordinance)

Motion to amend the word public to read private: Moved by Commissioner Francesconi and seconded by Commissioner Hales.

Disposition: Ordinance No. 174940 As Amended. (Y-5)

- *1418** Grant revocable permit to adidas Village Corporation for encroachment into Madrona Park (Ordinance)

Disposition: Ordinance No. 174929. (Y-5)

SEPTEMBER 27, 2000

- *1419** Amend lease agreement with Winkler Development Corporation to change name of lessee to adidas Village Corporation and to change Permissible Use to Parks Use (Ordinance; amend Agreement No. 51110)

Disposition: Ordinance No. 174930. (Y-5)

- *1420** Authorize application to Metro Regional Parks and Greenspaces for a grant in the amount of \$20,000 for revegetation of a 2.5-mile corridor of the OMSI-Springwater Corridor (Ordinance)

Disposition: Ordinance No. 174931. (Y-5)

- *1421** Amend contract with Mitchell Nelson Group, Inc. for the preparation of a master plan update for the Portland International Raceway (Ordinance; amend Contract No. 31695)

Disposition: Ordinance No. 174932. (Y-5)

- *1422** Contract with Parsons Brinckerhoff Quade & Douglas for an amount not to exceed \$800,000 to provide architectural design services for the Heron Lakes Project (Ordinance)

Disposition: Ordinance No. 174933. (Y-5)

- *1423** Accept a \$10,000 amendment to a grant from the Oregon State Police, Office of Emergency Management for the Bureau of Fire, Rescue and Emergency Services (Ordinance)

Disposition: Ordinance No. 174934. (Y-5)

Commissioner Charlie Hales

- 1424** Set hearing date, 9:30 a.m., Wednesday, October 18, 2000, to vacate a certain portion of SE Raymond Court west of SE 72nd Avenue (Report; C-9977)

Disposition: Adopted. (Y-5)

- *1425** Authorize a contract and provide for payment for the North Transit Mall test section (Ordinance)

Disposition: Ordinance No. 174935. (Y-5)

- *1426** Amend Code for Transportation System Development Charges (Ordinance; amend Code Chapter 17.15)

Disposition: Ordinance No. 174936. (Y-5)

Commissioner Dan Saltzman

SEPTEMBER 27, 2000

- 1427** Accept completion of the NW 110th Avenue CSO Control Project, Project No. 6490, and authorize final payment to Bonstan Construction (Report; Contract No. 32696)

Disposition: Accepted. (Y-5)

- 1428** Authorize the Clean River Incentives Program (Previous Agenda 1371)

Amend the resolution to be called an incentive program and a discount program and to remove quality and quantity from the definitions of the program: Adopted by a 5-0 roll call.

Disposition: Resolution No. 35927 As Amended. (Y-5)

- *1429** Authorize an intergovernmental agreement with the Urban Watershed Institute at Clackamas Community College for Stormwater Management Manual training (Ordinance)

Disposition: Ordinance No. 174937. (Y-5)

Commissioner Erik Sten

- *1430** Contract with Cascade AIDS Project for \$362,592 services to persons living with HIV and AIDS in the Portland eligible metropolitan area and provide for payment (Ordinance)

Disposition: Ordinance No. 174938. (Y-5)

- *1431** Contract with Neighborhood Pride Team for \$40,000 for the Entrepreneurial Training Program and provide for payment (Ordinance)

Disposition: Ordinance No. 174939. (Y-5)

REGULAR AGENDA

Mayor Vera Katz

- 1432** Approve dissolution of the City/County Affirmative Action Office (Resolution)

Disposition: Resolution No. 35928. (Y-5)

Commissioner Jim Francesconi

- *1433** Grant a revocable permit to Children's Museum Campaign Executive Committee of the Rotary District 5100 Trust to construct improvements for the relocation of the Portland Children's Museum to the old OMSI site in Washington Park (Ordinance)

Disposition: Ordinance No. 174942. (Y-5)

Commissioner Charlie Hales

SEPTEMBER 27, 2000

- 1434 Consider vacating a portion of SE Platt Avenue north of SE McKinley Road at the request of Ronald Johnston (Hearing; Report; C-9969)

Motion to move the report to second reading and have the City Engineer Prepare an Ordinance: Moved by Commissioner Hales and approved by a 5-0 roll call.

Disposition: Approved City Engineer Prepare Ordinance. (Y-5)

Commissioner Dan Saltzman

- *1435 Contract with Bergent Corporation to develop a timekeeping/work assignment system and continue maintenance and enhancement to the Bureau of Emergency Communications Expense Tracking System and the Incident Research and Inquiry System (Ordinance)

Disposition: Ordinance No. 174943. (Y-5)

At 11:43 a.m., Council recessed.

SEPTEMBER 27, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27th DAY OF SEPTEMBER, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Senior City Attorney; and Officer Larry Siewert, Sergeant at Arms.

WEDNESDAY, 2:00 PM, SEPTEMBER 27, 2000

- 1436** **TIME CERTAIN: 2:00 PM** – Amend the Comprehensive Plan Map and change the zone of property near SE Flavel Street, SE Deardorf and SE 122nd Avenue from OS (Open Space) to R10 (Low Density Single Family Dwelling); and approve amendments to environmental zones as shown on Exhibit H-17 (Previous Agenda 792; LUR 99-00301 CP ZC)

(Mayor Katz passed the gavel to Commissioner Saltzman as she was not present for the previous reading)

Motion to continue: Passed on a Y-4; Katz abstained, roll call.

Disposition: Withdrawn.

At 2:16 p.m., Council recessed.

SEPTEMBER 28, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28th DAY OF SEPTEMBER, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer Larry Siewert, Sergeant at Arms.

THURSDAY, 2:00 PM, SEPTEMBER 28, 2000

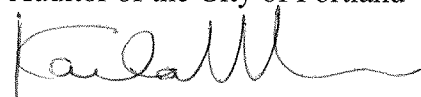
1437 **TIME CERTAIN: 2:00 PM** - Appeal of Barbara Quinn against Hearings Officer's decision to approve the application of Western Properties Trust to remove the buffer zone overlay along the N Princeton/N John frontage and a zoning map amendment from R1 to CN2b located at 8225 N Princeton Street/8336 N Ivanhoe Street (Hearing; 00-00183 ZC)

Motion to deny the appeal and uphold the hearings officer's decision: Moved by Commissioner Hales and seconded by Commissioner Francesconi.

Disposition: Appeal Denied. (Y-3; N-Sten and Katz)

At 3:54 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

For discussion of agenda items, please consult the following Closed Caption Transcript.

SEPTEMBER 27, 2000

Closed Caption Transcript of Portland City Council Meeting

This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

SEPTEMBER 27, 2000 9:30 AM

Katz: Please call the roll.

Francesconi: here. **Hales:** here. **Sten:** here.

Katz: Present. 1417, I understand, is being pulled for an amendment. 1428 is being pulled, and I don't know why. Any other items that the council wants to pull off or any that the public wants to pull off the agenda? If not, roll call on consent.

Francesconi: Aye. **Hales:** Aye. **Sten:** Aye. **Katz:** Mayor votes aye 1417.

Item 1417.

Francesconi: I saw you here, susan. We have to amend this, something that was filed. So if we could amend and I'm sorry to do it this way. Go ahead, susan.

Susan Hathway-Marxer, Portland Parks and Recreation: There is an error in the, in the document where it says the word "public" and it needs to say private. I think that the clerk has given each of you a copy of the page that needs the change. We are giving an easement to adidas village corp. For a private sewer not for a public sewer.

Francesconi: So move.

Katz: Do I hear a second.

Hales: Second.

Katz: Any objections? In hearing none, so ordered. Roll call -- does anybody want to testify on that? If not, roll call.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. 1428 -- before we get to that, Chief do you have to catch a plane? Can you wait a few minutes? Okay. Go ahead. 1428.

Item 1428.

Katz: It has been pulled.

Saltzman: I am sorry, the reason this is before us is we forgot to adopt it last week, the actual language changes to the resolution on the clean rivers incentives plan. As you recall, there were two changes. We basically made the change, so it is now called an incentive program and a discount program, and I am blanking out, what was the second change we made?

Dan Vizzini, Bureau of Environmental Services: The second change was to remove quality and quantity from the, the definitions of the program, actually.

Saltzman: This is what we discussed and -- we forgot to actually take the vote.

Katz: We did it conceptually because we didn't have the language, so it is now before us, the right way, correct?

Saltzman: Right.

Katz: Okay. This discussion, anybody want to testify? Roll call.

Francesconi: I was, originally, I was trying to get -- I was leaning toward having an incentive that does water quantity as well as water quality, so we would get both benefits for the same expenditure but I was convinced from representative merckley's testimony that we were trying to

SEPTEMBER 27, 2000

load too much on this. And that we should focus on the discount for quantity, give some relief to the east Portland citizens. Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. All right. We are now at time certain.

Katz: Let's read item 1398.

Item 1398.

Katz: Okay. Identify yourself for the record.

Mark Kroeker, Chief, Bureau of Police (PPB): Good morning, mayor, members of the city council, I am mark kroeker. I am the chief of police of the city of Portland. And we have before you, the bureau of justice administration's block grant allocations, and these have been worked out with a series of meetings that we have held with partners that have a part of the operation and carrying forward the city of Portland's criminal justice program and specifically, our crime prevention and community policing activities. These require an infrastructure. They require certain equipment items. They require our commitment to the prime -- crime prevention efforts in there in a variety of different ways, and this year, also, our funding for certain equipment items that we have needed and the management of crowds and demonstrations and so forth, that's part of it. But, the -- without going into the details of each line item, it is -- I wanted to assure you that the partners who have participated in this have concluded that this allocation is a good one, and it will help us to move forward in our major objective of making Portland a safer city.

Katz: Thank you, chief. And let me say that I wanted to say thank you and thank you to all of the officers and the command staff. You showed remarkable restraint and did a good job yesterday, and I understand that you will be working at it for the next couple of days, as well.

Kroeker: Thank you, mayor, and I accept that compliment on behalf of the officers who are there last night and tired and deployed but they were dignified and professional and disciplined and under good leadership and command and control, and I can tell you that I was very proud of their actions last night.

Katz: Thank you. Okay.

Mark Paresi, PPB: I am the assistant --

Katz: Why don't you identify a couple of the items, for example, we had heard -- the council had heard during the budget period that -- actually, I can't remember -- I think it was the budget period, a request to fund the stop-program, and I tried to explain to the council that that never even came up at the last round of the grant, but in this particular grant, that program has been funded.

Paresi: That's correct, to the tune of \$250,000, we will once again be supporting the stop program, which is a diversion program run through Multnomah county courts, and the district attorney's office, a very effective program, and as you stated, was not applied for during the last round of the grant process.

Katz: Okay. Questions? Does anybody want to testify? All right. Roll call.

Francesconi: This is a good plan. I support it, two things, one, congratulations to the mayor for figuring out how to fund the stop program, she said that she was going to and she did. Second, I just happened to be there last night, commissioner Hales had been at the earlier one. I didn't see the whole thing but I was there for an hour and a half. I had the privilege of talking to chief kroeker during this thing, and I guess my impressions from what I saw for that hour and a half, was that the police had learned some valuable lessons from may. Some of the anarchists had not. The police were disciplined. There was clear command and control. There was restraint, and there was an incredible amount of patience. On the other hand, I did see some behavior that was attempting to goad the police into action, in my opinion, and you showed restraint in your behavior, so I am not sure where we are going, but I am glad that you are in charge of where we are going.

Kroeker: Thank you, commissioner.

Francesconi: Aye.

Hales: As jim mentioned, I stumbled into the last incident like this, I am glad that I get into that one, I am not going to make a habit of it. I didn't hear a lot about last night, other than news reports, but it sounds like you and your staff have attended to the details of how these incidents are handled and dealt with it with sensitivity and balance, and I appreciate the management oversight that you and your command staff are putting into that matter, so thank you for the good work. Aye.

Kroeker: Thank you, commissioner.

Saltzman: Aye. **Sten:** Aye.

Katz: Aye, thank you. All right. Our favorite topic is, oh, it is too early. All right. It is too early for our favorite topic. [laughter]

Katz: Let's then jump to, do we have everybody here to do the regular agenda?

Francesconi: On the museum, I think -- we have bruce, I think that we have tom kelly, but I don't think that we have everybody.

Katz: City county, affirmative action? She's on her way, commissioner Hales, can we do yours?

Hales: Let's see, I think that we can. Yes, we can.

Katz: We can? Okay. Why don't we take 1434.

Item 1434.

Katz: Is anybody opposed to that?

Hales: I don't think so, is there anybody here to testify other than your presentation? Okay, so we will have a staff presentation.

Heidi Ware, Right-of-Way Acquisition, Office of Transportation: I am heidi, office of transportation. Right-of-way acquisition. The petitioner is requesting to vacate this portion of southeast platt avenue and relocate it to a safer and more desirable location to intersect with mckinley road. This is being done at the direction of the office of transportation, and in order for him to complete his subdivision.

Katz: Okay. Anybody want to testify? All right.

Hales: The report will move to second reading, is that how it works? It has been a while. So I move this report to second reading.

Katz: All right. Roll call.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: File an ordinance to that effect, aye. Thank you. All right, do we have everybody here from -- yes, we do. All right. Let's then jump back to 1432.

Item 1432.

Katz: Yvonne, come on up.

Katz: Bring both of the mikes forward.

Yvonne Decker, Director, Bureau of Human Resources: Good morning.

Katz: Good morning.

Decker: You have before you --

Katz: Identify yourself for the record.

Decker: Oh, sorry. I think this is the first time I have done this.

Katz: Is this the first presentation?

Decker: Yes.

Katz: All right, you know what we do with first-timers. [laughter]

*****: What do we do?

Decker: Is this an initiation? All right. My name is yvonne decker, and I am the bureau director for bureau of human resources.

Madelyn Wessel, City Attorney's Office: City attorney's office.

SEPTEMBER 27, 2000

Katz: Okay. Yvonne, so why are we doing it and what will the effect and the results be?

Decker: Okay. We have put before -- we have before you the resolution approving the dissolution of the city county affirmative action office and the city establishing its own affirmative action diversity program within the bureau of human resources. The bureau of how many resources recommending that council approve the dissolution of the intergovernmental agreement with Multnomah county, which, on July 1st of 1991, established the joint city county affirmative action office, and once again, we are recommending that we create the -- the city creates their own affirmative action office. The affirmative action office was created in '91 to address the needs of each government in the areas of eo compliance reporting, affirmative action outreach and diversity efforts. And in October of 1999, I began talking to Multnomah county and through cooperation and partnership, we assessed that the city/county affirmative action program, we did an assessment of the city/county affirmative action program. There's been a lot of changes in both governments concerning the affirmative action program. There's been growth in the number of employees in various job classifications in -- that each government maintenance. There is a new legal environment for affirmative action. The separate organizational and political structure of the city and the county, how we deal with budgets, decision-making instructions, bargaining unit has impacted the program, also. The different culture of both the city and the county organization requires a unique, tailored approach to meet the needs of each organization. The county is moving across the river and making it very difficult for the affirmative action office in city hall to service the departments. The service to dismantle the program was a joint decision. Establishing an independent programming and incorporating that programming, the core function of the bureau of human resources allows for better utilization of staff and financial resources. Affirmative action diversity efforts will be closely woven into the traditional core of the hr functions of employment, outreach recruit, , and training. We will better be able to identify areas with adverse impact and take corrective action. Centralization of the program will create greater accountability and the ability to insure compliance it will be achieved as a result and results will be more closely linked to the hr staff activities. We will be better able to take a hands-on approach to the bureau and council in diversity efforts, and integrating these efforts into your business strategic plans. We will be better able to position -- we will be better positioned to improve linkages with the local communities and educational institutions and enhance our outreach recruit. Efforts. We will expand our readiness to increase and retain protective class employees through such offerings as diversity training. In 1991, when we consolidated the program, the city had a little over 4,000 full-time employees. Females made up 24.2% of our workforce, and minorities made up 9.4% of our workforce. Today, we employ over 5,000 full-time employees. Females make up 31.27% of the workforce and the ethnic minorities 13.85% of the workforce. Despite the positive trends, additional work needs to be done. The city still falls below for females and all other minority groups and has statistically significant underutilization of african-americans. The 1999 u.s. Census bureau estimates indicate that minority populations in the workforce is growing in Portland. These trends create a greater demand for equal employment opportunities and more inclusive work environment. Challenges will be creating an organization that values diversity and that's why the creation of the city aa office would, with staff dedicated to the efforts is important. We have already taken steps to meet the challenge, and to -- of the affirmative action program. We are in the process of recruiting other affirmative action manager and an eo rep and a data technician. The affirmative action manager is expected to be on board by mid October. The board of Multnomah county commissioners approved the resolution for dissolution of the city/county affirmative action office on September 21st of 2000. A transition program has been collaboratively agreed upon and will prove for the formal split of the office on October 2nd. I think given where the city is and

what's happened with the affirmative action program, last september, council passed a resolution or september of '99, council passed a resolution renewing their commitment to the affirmative action program in efforts for the city -- the change in this program will assist us in helping council, as well as the bureau, to meet their goals. You know, the affirmative action program for the last few years has been fairly stagnant. And I think that that's happened for a number of reasons. We have had a very tight labor market. The city has gone through a lot of transitions as far as, you know, layoffs and budget restraints because of our efforts in the past, some of the gains that we have made we have lost as a result of that. But, what we lack in the program right now is that accountability that really -- allows us to develop or to form a developmental program, and to, in order to assist bureaus in their efforts of meeting their affirmative action goals. I think that --

Katz: Let's hear from madeleine and then we will open it up for questions.

Wessel: Well, yvonne -- I am with the city attorney's office, yvonne laid out the framework for the decision making process that went on. I just want to provide a couple of additional comments. First of all, all of you know how difficult it has become for the city and other public entities to continue to preserve a strong and effective affirmative action program in a legal environment that's been made extremely difficult by the u.s. Supreme court on affirmative action. What I see is a program that absolutely must be intertwined with the core hr functions, as yvonne pointed out. In order to be able to continue to really push for the inclusion of minorities and women in job classifications, which have typically and historically been very difficult. The reason for that is that the civil service systems that we all operate with for other good policy reasons and the collective bargaining environment that we are in make hr the super-point, obviously, for any actions that have to do with recruit. And retention of our workforce. If we can't work within those already very difficult systems, given the constitutional environment, we are not going to have continued success with affirmative action in the city. If we can't figure out ways for example, to insure that the police bureau and the fire bureau and other bureaus of the city that have historically had a recruit. And selection processes that were tough for minorities and women to get through, if we don't make sure those bureaus and others are using systems that really work with the benefit of input from affirmative action inside the organization, we are not going to make continued progress because the city cannot simply hire or recruit based on race. We can't say that we are underutilized for african-americans, and therefore, we want to target and hire only from a particular racial and ethnic group. So, the legal environment, the bureaucratic environment is extremely complicated today. And I am certainly very hopeful that by integrating affirmative action into the core hr functions, that we are going to be able to make more progress. On a personal level, I want to say something about robert phillips, who we are losing as a result of the dissolution of the joint office. Robert is a person who came to the city in the early '90s, when we had a program that was in complete disarray. Robert brought a level of integrity and coherence to the city's program that was absolutely, desperately needed. It has been my partner for nine years. In an effort to work as hard as we could with the city, with the city's bureaus, to achieve some very substantial improvements. As yvonne pointed out under robert's tenure, the city has gone from 9% representation of people of color to 13.8%. That is very close to the city's demography. There are still gaps and places that we need to do more work, but for robert, working with others to achieve that kind of progress in a legal environment that is as difficult as what I outlined before, is really a fairly extraordinary, positive change. I am going to miss him very, very much. He has done very good things for the city. I know that we are going to be able to bring in new staff who are fantastic, but the county is lucky to have ended up with robert as part of the dissolution mix, and I am going to miss him.

Katz: Thank you. Questions of either madelyn or yvonne?

SEPTEMBER 27, 2000

Saltzman: I like all of the, sort of the positive things here, but I am still wondering, is this really -- are we pursuing this for the reasons we stated or is this really sort of worth pursuing this because of sort of a series of events that you alluded to earlier, yvonne, the county is moving across the river? But, maybe the staff of the current operation feels that they can't handle both the city and the county any more? And maybe those factors, you know, whatever, if those are the factors that are driving this, that's fine. I guess what I am trying to get at is it strikes me on the surface as being always sort of a setback when somebody that's been consolidated, maybe you don't consider it consolidated but I considered it to be a city/county consolidated function, and it always sort of strikes me as a setback when we are sort of going back to each doing our own again because I always think that there is probably compelling reasons to have a united operation, particularly sort of in these personnel areas, affirmative action areas where it is so difficult to get good, talented, minorities hired and get them into the city or county. So, I guess that I want some assurance that this is really -- that we are doing this despite all the other factors that are driving this decision, this, on the merits, really makes sense for us. And also concerned, secondarily, about hiring. Do we need -- have we looked at the positions involved and have we decided, you know, given our administrative services review, that the obligation to really search out efficiencies and cuts, are we going to be hiring, how many, how many new people? And what, what are we going to be paying them, I guess? So, that's kind of a lot, but, you know --

Decker: Let me try to answer that in the best way that I can. I've been with the city for a long time, and in various capacities, and the affirmative action program that we have had has never worked. In some ways, we have reached -- it brought us a long ways as far as making sure that we are in compliance, but as far as diversity and really diversifying our workforce, the program really hasn't worked. The affirmative action is a program where if you keep it decentralized, it won't work. It is a program that people don't know how to do. It is not that the bureaus don't want to do it. They don't know how to do it. They don't know how to do outreach recruit. They don't know how to approach that. It is an uncomfortable subject for a lot of bureaus, a lot of work units. So, when you look -- I mean, affirmative action is something, commissioner, that you can look at a piece of paper and say, okay, am I in compliance? You know, and you can look down or you can look at your numbers and say, yeah, I am doing pretty good. Diversity is something that you should be able to just look out and see. We are a long ways from that. And that's where we are. That's where we need to be. I am constantly hearing and have heard for a number of years when we -- when we go out and deliver services to our communities, we are not reflective of those communities. Diversity or parity may mean that in some eo classes, having one and a half persons, you reached parity. You can't hire half a person, so if you hired two, you have exceeded your goals, and those for two people may be buried so far in your organization that when communities come in for services, they don't even see those two people, and that's where we get the complaints, is when people come in, and they do business with the city of Portland, are there people that I can do business with that is reflective of me, that I can relate to, and the answer to that is no. Affirmative action, there is a lot of technical -- technicality in affirmative action and in a diversity program. It is not a program that just anyone can run. And so our efforts here -- it does take dedicated staff. The positions that we have hired or that we are looking at hiring is still a decrease in the cost of what the program is running us today. By folding this into --

Saltzman: How many positions are we hiring?

Decker: We are hiring three positions. Right now in the affirmative action program, before the beginning of this fiscal year and before we start this had restructure, we were budgeted for five positions, I believe, so we've been able to streamline two of those positions. And we have been able to consolidate and centralize the program in such a way that it really gives hr and the city

SEPTEMBER 27, 2000

more accountability as far as the program, itself, is concerned. The bureaus, you passed your resolution back in september of '99, requiring all bureaus to have compliance strategies, all your bureaus still don't have that. We have gone a year -- they were due in december of '99, but hr doesn't have the accountability right now to make those things happen. We are talking about a program here where we will have staff that will be able to go into bureaus. Identify barriers and help bureaus with training and identifying and setting those trainings up to get the work environment ready to receive protective class employees so when we get them, they can be successful in our environment. Those are the things that we lack and those are the things that drove us to this decision. The fact that the county is moving is a side issue. I mean, those make it hard for them, logistically, to manage the program, but for a number of years for the last nine years, we have split the baby, you know, and the city has put more demands on robert. The county has put more demands on the office. The city has put more demands on the office, and neither organization has gotten what it really needs to move this program aggressively and progressively forward in a responsive manner.

Saltzman: Okay. That's, that's a good answer. I just wanted to sort of, ask the question, and that's, these new positions, are we going to be able to go outside to recruit or are they going to be internal hires or do they have to be internal hires.

Decker: We are out recruiting for them now. They are competitive recruitments. The affirmative action manager, we are get something very good applicants. They are coming from all over. Outside of the area, as well as inside of the -- as well as inside the area. The eo position, we interviewed for last week, and made an offer yesterday, and so we are looking at bringing that position or that person on board within the next week.

Saltzman: Okay. Thanks.

Francesconi: So let me ask commissioner Saltzman's question a little differently, I was out last night because I was meeting with some city employees, in the room was mary, and mary was an african-american, and mary said, I don't like working here because I feel isolated. I have no mentors. I have no job career ladder. I have no support. I was going to ask you, are her perceptions, you know, based in reality, given your experience here, but I think that you have just answered yes to commissioner Saltzman. What's going to be different for mary if we go in the direction that you are proposing?

Decker: Well, once again, I think that one of the big problems and gap that is we have had is training. And a dedicated staff that can really go in with bureaus and help them flush out the areas that they have, where there are barriers, identifying those areas and helping them to put into place trainings and policies that address those issues. You know, when I am out in the community, what I hear a lot from employees or potential candidates is, you know, I don't want to work for the city of Portland. You know, it is too cumbersome to get into the system. And it is not a friendly system to me as a person of color. And we have got to change that. You are right, mayor, I know the employee that you are speaking of. A lot of employees that are in protective class employees feel that way. But, what they are asking for is an opportunity. Opportunities for training. And to be able to help the bureaus to really understand their work environment and to have input into that, and I think that this type of a developmental program will allow for that.

Francesconi: To all the bureaus have their compliance plans in now that are supposed to be in?

Decker: No.

Francesconi: And are you working with those bureaus?

Decker: Yes. We are currently working with those bureaus.

Francesconi: Which bureaus, though?

Decker: I didn't bring that, commissioner.

Francesconi: Okay. I hesitated in asking but then I decided heck with it.

Katz: She doesn't remember.

Francesconi: A couple other things, madelyn, is it legally permissible to tie affirmative action goals, not quotas, to job performance evaluations of our bureau directors?

Wessel: If it is done very, very carefully. In other words, dealing with underrepresentation is something that can be monitored and tied to job performance. If it is done in a manner that looks or acts like a quota type of system, it will result in a problem for the city legally. I think that your question points out, though, that something that is important to actually achieve results is something that is very much intertwined with all of the hr functions. Performance management issues are the things that hr does to be able to link that question into the people who are the experts in designing those systems, I think does offer some real hope for some progress.

Francesconi: So what's -- yvonne, what's the status of us doing that, as a matter of city policy?

Decker: Currently, we are working on a new performance management system, and we want to work that system out and implement it with the executive staff or the bureau directors first, and we should have that in place by july 1st of 2001.

Francesconi: Okay. And last question, you singled out, yvonne, in your testimony, african-americans. So, can you tell me, I was unaware that it was so dramatic in african-american category, can you elaborate a little bit on that? Is it males, african-american males? Is it both?

Decker: It is both. Males and females.

Francesconi: And how much more significant is it than other protected groups?

Decker: Well, let me see.

Wessel: I will jump in for just a moment while yvonne is looking. But it really does depend from job classification to job classification and from bureau-to-bureau. The city is not under-represented for african-americans in every bureau or in every job class, but there are some large job classes where there is underrepresentation, which really can and should be addressed.

Francesconi: Okay. We can get into more detail later. Thank you. No other questions.

Katz: Further questions? Thank you. Does anybody want to testify? Roll call.

Francesconi: Robert, thank you for all you did during a very difficult time for us, and in helping set up this action, but this action is correct. I have a strong feeling that employers have to integrate it into their workplace, and you can't do it by having it spread. If some private sector employer, you know, if nike is sharing it with adidas, makes no sense, and it makes no sense for us to do that. I also believe, and by the way, I think that some of those companies are far ahead of us in terms of our efforts. In terms of this issue of centralized versus decentralized, this is a function that we have to be careful not to avoid duplication, and we could save money, but I have strong feelings, it has to be centralized much that's the only way this thing can work. You have great examples, like in the fire bureau, under the leadership of commissioner Hales, and chief wall, but that also takes a lot of money for training, that made that program work. You do have to have a centralized approach for both a fiscal responsibility side, but mainly, it is a tough job that also you need some hammers tied to job performances and that has to be done city-wide. Aye.

Hales: This is a responsible change in how we administer something that's still an ongoing priority. I think your presentation here today, yvonne, and madeleine, really illustrates that, how we organize the effort matters in terms of its effectiveness but how much passion and consistency we put into it matters, as well, so I appreciate your effort, as well as roberts', on this continuing need, it is going to continue until further notice, aye.

Saltzman: I am going to support this change even though I expressed maybe some doubts about the overall direction that we are going in. But I guess I want to say also that I think that the real challenge is how do you take this office and this position and turn it into something more than just

an office that produces very good, very good information on the problem? Sometimes mind-numbing in detail, but nevertheless, very accurate information. Robert phillips did a great job in setting the city on the right track, but we have to go beyond, sort of, understanding the problem. And because we know it is there, and we know that it is large, but we need to sort of -- I am not sure -- you talked about strategies and systems and things like that, and frankly, that's beyond my understanding at this point, but I really hope that there are strategies and systems out there that we are not just simply talking about an office that is simply going to report and chart the problem for us. But really come up with some effective strategies on how do we overcome the problems, and I realize that there are all sorts of legal constraints and other types of things like that, but nevertheless, you know, that's what I am going to be looking for as I assess -- as this -- was this an effective and the right decision to do, if we can get beyond the bean-counting aspects of this job and say, how does this change the composition of our workforce, aye.

Sten: Aye.

Katz: I just want to say that I have enormous faith in yvonne to do it right. She does have passion for it. And it is always -- has always puzzled me why we can't get people to come work for the city with the benefits that we provide and the salaries that we provide. So, we are not doing things as well as we should, and with madeleine's help in prodding and maybe getting to the edge of the law, and yvonne's commitment to this, I think that we hope, hopefully will change the future for us on this issue. Aye. We have a guest with us, and I am going to extend the courtesies, I don't usually do this, but we have the former mayor of atlanta, mayor jackson, who is sitting right here, and it is very appropriate that we have been talking about this issue and that's one of the reasons that -- mr. Jackson, come on in. When governor goldschmidt, they worked very closely together at the u.s. Conference of mayors and on other issues. He has another life here. I am going to allow him to mention it, but not to lobby. [laughter]

Katz: He will lobby us somewhere else, but I wanted to give him the opportunity to say something about how he sees cities and what the challenges are.

Mayor Maynard Jackson: Mayor Katz, I am delighted to be here in Portland, one of america's greatest cities. Has been for a long time and still is, I mean, I mean that sincerely, we brag in atlanta a great deal, we say we are not perfect, just the best and all of that, but the reality is that Portland is one of the greatest cities in the world and I am proud to be here, so I don't come trying to offer advice and counsel. You all know what you are doing. It was really ironic but I came in at the point when the decision was being made about affirmative action, and if I may make a very brief comment, I know that this was an administrative change and I want to applaud the way that it was presented and also the decision that the, the council made. Let me just reflect on a couple of quick things regarding focus. Since '89, the croson case, every single attack on affirmative action has succeeded. But affirmative action is not dead. It is still -- it still can be done, it just has to be done as your council said, very carefully. The real issue here, however, is not affirmative action. The real issue is, equal opportunity. And affirmative action is the methodology of achieving the public policy. So the public policy is equal opportunity. That's a mandate, it is constitutional. It is legislatively mandated. It is morally mandated. Affirmative action is a methodology of achieving that. So what can I do it that one and one is obliged to do it that way, and that's a real challenge of the cities and the corporations and the nation are all facing today. I would also respectfully urge that the focus be not only on the hiring issue. But very, very much so on the contracting issue. Because a competitive advantage that a city has is how effectively it is going to help its corporate base, use diversity as a creative competitive tool. In other words, good for business, doing the right thing. Simultaneously. And for a city gets on top of that, companies will want to be where they are. I know that Portland is not holding its arms open to the world and saying, come, come, come.

But, at least you would have a choice, you would be more selective and be able to choose between companies because they will know that you are on top of how to do it. And more than happy to offer my services. At no charge, whatever. [laughter]

Jackson: I am chairman of jackson securities, we are investment bankers, and municipal bond underwriters, whatever, but of no charge, if I can be of any service, mayor Katz, to you and the council, on any issues, whether it be affirmative action or anything else that I might be able to put my two cents in on, I would be more than happy to do it at no additional charge whatever. Thank you. Any questions?

Katz: Questions?

Francesconi: Let me just, maybe I am going to do this on behalf of charles jordan because he's not here but charles is right here, and if charles were here, he would say that you were a hero of the african-american citizens but also of all our citizens for the stance that you have taken and the example that you have set for equal opportunity for all in our country. So, thank you.

Jackson: You are very kind. I don't deserve that, but I appreciate the rumor and hope you will spread it. [laughter]

Jackson: Thank you very much. Commissioner.

Katz: I just wanted to say that he is chairman of jackson securities and I am sure that you are going to be talking to some of our folks in our bond department.

Jackson: Yes, ma'am.

Katz: Thank you.

Jackson: Thank you so much.

Katz: That was a treat. All right. Commissioner Francesconi has made a request that we take 1433 because one of his people testifying run as business and needs to be back in the shop.

Francesconi: And it will be brief.

Katz: Is that all right with the council? I don't usually do this. Okay. Brief: Wait, wait. Okay, could you read the item, 1433.

Item 1433.

Charles Jordan, Director, Portland Parks and Recreation (PPR): Thank you very much. Mayor, members of the council, tom kelly is with me, immediate past president of the downtown rotary, and mr. Vern is president of the children's museum. Our newly appointed president and a very capable one. Briefly, this ordinance allows us to start construction at the old omsi site that will become the home of the new children's museum. This authorizes us to go in there and get this started. As you know very briefly, this partnership between the public and the private sector, the rotarians took this on as a private fundraiser, and of course, the city of Portland is a major contributor. The first 2.6 million went to acquire the facility, and our commitment somewhere around \$3.3 million. So basically, that's what we are here about today for this approval and entertaining any questions that you may have about the museum and opening date and construction schedule.

Katz: Mr. Kelly? Since you need to go.

Tom Kelly: I am just here to --

Katz: Identify yourself for the record.

Kelly: I am tom kelly. I am with neil kelly company and representing the rotary club of Portland.

Vern Stanford: I am vern stanford, technically now charles's executive director of the new children's museum, cm-2, we are calling it right now, children's museum, second generation.

Katz: Is somebody going to talk about the operation costs that's built into the budget?

Jordan: Yes, we can do that. Gordon is -- okay. Why don't you take this.

Katz: Gordon, were you asleep at the switch? [laughter]

Gordon Wilson, PPR Asleep at the switch when? [laughter]

Wilson: For the record, I am gordon wilson, Portland parks and recreation. The operating and maintenance costs projected for this are the, basically the same numbers that we have had for about the last year and a half or so. The -- we are moving from a very small building to a building of 72,000 square feet, plus, plus additional grounds and maintenance respondent it is, also.

Katz: Did we build it into the budget, gordon?

Wilson: It was the five-year forecast, that was part of the budget submission, but only the first year's amount was funded in the forecast, in the general fund forecast so that right now, this would be an additional commitment because the second-year projects --

Katz: So 2001 was funded?

Wilson: Yeah, 2001 was fully funded. But, the years two through five projects have not, at this point, been funded. This would be the first and of course, the largest of the second-year projects.

Katz: Okay. Questions? All right. Thank you. Anybody want to testify? Roll call.

Francesconi: The forest park for natural areas, Washington park for community parks, the southwest community center, east Portland community center, these are tremendous facilities that are -- that have nation-wide reputations, if not national reputations. The children's museum will fit in that category. It is going to be one of the jewels of the whole park system. And it actually comes at a time when we are losing kids in many parts of our neighborhoods because children with young families are actually moving out according to the population research statistics at Portland state, which is driving funding issues at Portland public schools. So, things that we can do like this that also give a place for kids to play with their parents, you know, in a way that's much more productive and healthy than going to movies and less expensive, is critical to kind of the future of our city. And we appreciate the support that the council has given when we original the came up with the 2.6 million that also allowed us to benefit omsi. The private sector has done many great public private partnerships, sei comes to mind and other things. This is the, probably the most, one of the most significant public-private partnerships in the parks, and the thanks goes to the rotary and it goes to tom and it goes to bruce kerr and it goes to the administrative staff, who have mounted a huge fund raising effort. Of a kind that I have never seen before. We are going to have other opportunities to brief the council. We need to bring in the construction to have this thing happen, so that people's hopes and dreams, they can see, are being fulfilled. We will have other opportunities to thank the rotary, but I wanted to begin the process by thanking them right now again. I also wanted to thank charles jordan for the leadership and he led the way in working with the rotary to very many the fund raising. The mayor's question and concerns are very valid. We did get this into the budget in the beginning. I don't know quite yet what the mechanism is. We know that we are building these things. We know that there is going to be operating costs and how you get them into the forecast, still I am not 100% sure. I do know commissioner Hales' point but, which I really appreciate that when you do these things, you have got to build them into the operating, but I also am sensitive to the council, trying to be part of a process that sets the priorities. I just don't know how else to handle this. Frankly. I will hear from the council, and if I didn't give you enough notice on this, I am sorry. But in terms of whether we are doing the right thing, I am convinced that we are doing the right thing for the benefit of our families. Aye.

Hales: Well, jim, I want to applaud your work and the private sector partners you mentioned and charles and the bureau for bringing this one step further on the line. You know, we get to brag a lot about Portland, but the truth is, we need a much better facility for our children's museum, and this is long overview, and the trouble is with our budget process, is that it assumes that the current service level is adequate. Which is why when you build a new thing, we have to, to have all of this whaling and nashing of teeth about operating costs. Any city of consequence ought to have a good

children's museum, and we ought to have one, as well, and this effort is going to get us one, thanks to your leadership and Charles' work and the rotary's incredible effort in raising the money. So, we ought to figure out the budget problem later, but acknowledge the fact that any city of consequence ought to have a good children's museum, and I repeated that deliberately. Well, I think that we are a city of consequence and this is going to get us something that we should have had a long time ago. One other footnote to the point you made is that we have got a lot of cities in America with good children's museums where it doesn't rain as much as it does here, and having spent a lot of rainy days under the roof of the existing facility with my kids, I am looking for the next generation of kids having space to play, aye.

Saltzman: Well, I am really happy that this is happening and somebody who spent a lot of rainy days as a child in the old omsi building, I am looking forward to seeing this type of a use going back into the Washington park site -- side, aye.

Sten: Aye.

Katz: I want to thank the rotary club, I happened to have been at one of their meetings when this was discussed, and was anxiously waiting for the construction. We will solve the financial problems, but folks, we are over a million dollars of financial problems that you have handed to me. And to yourselves before the next budget period, so we will do the best that we can. But, this is important. This is important for the children. I took my grandson for the third time since he doesn't live in Portland, he would be there every Saturday or Sunday at omsi. And watched the joy of moving around and having so much fun with interactive materials and projects and I am looking forward to taking him to the children's museum for the same stimulation and intellectual challenge and just a little bit of creative play. Aye. All right. If there is no opposition, we will move -- we will take care of 1435 and then we will spend time for our least favorite or more favorite project. 1435.

Item 1435.

Katz: All right. Anybody want to testify on this item? If not, roll call.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. All right, we are at past time certain, but I wanted to leave this as the last issue. Circumstances Hales, before you read it, commissioner Hales, commissioner Francesconi and I have done a battle on this one issue. I don't -- I don't know where we are today, but I am convinced that we were on the right track.

*****: That's a great compromise.

Katz: Yes, and we will show it, so let's read it, 1399.

Item 1399.

Katz: All right. Commissioner Saltzman and commissioner Sten, forgive me, I don't know how many times you were here to hear this. So, I have asked Susan if she could just kind of go over a little bit -- I guess I didn't ask you. I am going to ask you now. Go over why are we doing this and what's the point of it all and -- okay. Go ahead.

Susan Hartnett, Bureau of Planning: Give me just a second. We are having a little technology glitch here. Karla, why don't you turn it off for a second and see if I can get it.

Hartnett: I believe my lap top has gone to sleep and I am trying to wake it up.

Hartnett: I am not getting any response from the computer, so I had a very short power-point presentation, I will basically walk you through it without it.

Katz: Somebody, while you are walking us through, can somebody work on this?

Hartnett: Yeah, they could. This is a lap top, I am not familiar with, I usually bring a different one and I have had problems -- I have had problems already with it this morning, so it is just not responding at all.

SEPTEMBER 27, 2000

Katz: Okay.

Hartnett: To anything. I can't even shut it down.

Katz: All right.

Hartnett: It is doing something weird here.

Katz: Go ahead.

Hartnett: For the record, I am Susan with the bureau of planning. This project is very familiar to you, so I am going to do just a brief presentation to give the viewers, who might be tuning in for the first time, a little bit of an overview of what this project is all about and to help establish the record for this legislative decision. I also wanted to let you know that staff from the office of transportation is here today. They are not planning on making any presentation, but certainly are available to answer any questions that you might have. The city-wide parking ratio's project has two essential purposes. One is to establish effective parking management throughout the city in order to promote economic vitality, livability, and sustainable development practices. It is an important part, important piece of a much larger effort at the regional level to manage urban growth in an efficient manner as possible, and specifically this project is Portland's compliance effort to comply with the urban growth management functional plan, title 2 requirements. The project has a rather long history. We began in the fall of 1998 with our outreach efforts. That continued through May of 1999 when we began planning commission hearings. Planning commission had a couple of hearings in several work sessions before making their decisions and forwarding their recommendation to the council. Council's first hearing on this matter was in December of 1999. At which point council considered the planning commission's recommendations. Council made a number of revisions to the planning commission's recommendations and in May of 2000, staff brought back the, the first revised city council revised draft of the, of the proposal. In July of 2000, council had another hearing to consider amendments to that revised draft, there were about eight of them. And you were able to get through eight of those amendments because there were only three council members at that hearing. One item needed to be put over. That leads to today's hearing. Where we actually have three amendments, and I am going to walk you through those in just a moment to consider, I understand that you will be taking public testimony on those amendments. And then hopefully, consider and vote on the amendments with the second reading to occur in a couple of weeks. And the last thing that I wanted to do was to establish that the full record for this matter is available here today. It is in the boxes in front of the city attorney's desk. If at any time you wanted to look back at any materials or reference that, it is here, available for you. I wouldn't normally read this, but because the power point presentation is not working, I am going to at least hit the highlights of what is contained in the record. The research and materials that were used in the development of the proposed report and recommendation, the research, looking at what was needed in order to comply with title 2, maps and information from metro on that and other jurisdictions, public outreach information, including our mailing lists, notices, fax sheets, and things like that. All the written correspondence, all the written testimony that we received, staffs, correspondence with the planning commission and city council, and then materials related to the development of the recommended report, the city council revised report, and the city council second revised report. Didn't really mean to take that time, but I needed to do that. So, just very briefly, in your packet, you have a two-page matrix that contains the three amendments, and again, just to get it onto the record, I want to quickly go through what they are. The first amendment is an amendment that was originally presented by the central east side industrial council, and was modified by commissioner Francesconi at the July 20th hearing. The amendment, as it stands right now, is to modify the proposal that's contained in the second revised draft to establish parking ratios for office uses in the central east side, subsectors 1, 4, 5, and 6, from what is written in here

as 2.5, to 3.4 per thousand square feet of net building area. Also, in that packet, you have substitute pages that would actually be inserted into the report and implement each of the amendments, so we are ready to move this forward to a second reading on these amendments. Those would be substitute pages 92-1 and 92-2 in that packet. The second amendment was an alternative approach to this issue concerning central east side that staff had put together at the mayor's request. It would modify the boundaries of subsectors 4 and 6 in the central east side, so that those boundaries conform better to the existing transit service that's available, and establish the higher 3.4 per thousand ratios only for the newly drawn subsectors 4 and 6. And keep the 2.5 per thousand for subsectors 1 and 5. The substitute pages for that would be 92-2 and 93-2 and 100, 101, 100-a and 101-a, and that's at the back of the packet. The last item is a fussy little code language consistency thing that I stumbled upon just last week, I wish that I hadn't. But, we do try and keep the code language as clean as possible. This is on substitute pages 80-a and 81-a, this has no policy implications whatever, simply making sure the code language in one section is consistent with the others.

Katz: Let's take that issue first. Any objections from making those changes?

Hartnett: Do you want to allow any testimony on that?

Katz: On the last one?

Hartnett: Yeah. Just because it is the first time before you, you might want to check and see if anybody wants to --

Katz: On the technical?

Hartnett: Yes, just so you allow somebody to testify.

Katz: Does anybody want to testify on the technical aspect on this? Any objections for adopting it? Hearing none, so ordered.

Francesconi: Before we get into the other issue of the parking ratio, itself. There was another issue that was discussed that I want to put on the table, and I bear some responsibility that it is not more formalized, and that's the question of the 60 space ccpr issue, which I think is found in 33.510.267. That's where it is located. Now, there was some discussion --

Hartnett: Actually, it is not in 267 right now, it is in 265261260, and 267 is the one section that doesn't have it right now.

Francesconi: And the question is, do you have to go through a different process if you go over a 60-space parking limit, right? Why don't you explain the issue.

Hartnett: I think what you are asking about, commissioner Francesconi, is we did discuss this at the last hearing. Right now, subsector 267, I am sorry, let me get the full citation, it is 33510267, which is the code section that applies currently to north mcadam, central east side 145 and 6 and river district one and two. That subsector, that section of the code does not currently include a, a trigger for a ccpr review for non-office and mixed use developments that exceed 60 spaces. The code language in front of you, removes the areas where we are now -- let me back up again. That section, 267, also contains no parking maximums for any kinds of uses. We are moving in this proposal, central east side, 1, 4, 5, and 6, river district, 1, and 2, into a different section, 265. 265 does include language that triggers the ccpr review for 60 -- for more than 60 spaces for non-office and mixed use developments. So, that is correct that we are having that effect of creating the review requirement where one does not exist right now.

Hales: What about office? I don't understand that.

Hartnett: I am sorry?

Hales: Why does it not apply to offices?

Hartnett: There are other triggers that apply to office, as well. The 60-space is for non-office -- it is, for example, for retail uses, mcdonalds would be an example that you would -- that what we are

doing, right now, there would be no trigger for a mcdonalds that wanted to build basically a full lot, but less than 40,000 square feet, 4,000 square feet is the only trigger right now for -- 40,000 square feet is the only trigger for the lots.

Hales: So that triggers the ccpr progress regardless.

Hartnett: No, if they are within the allowed maximum and it is within 40,000 square feet of surface space -- of surface parking. I believe that there is no ccpr under those -- under those circumstances, and rich can probably -- maybe headache his head yes? Oregon coastline rich, why don't you come on up.

Katz: Commissioner Francesconi, I think that we disposed of this item, do you want to bring this up again?

Francesconi: Yes. I am not -- here's the point. First of all, let me start out by saying, it wasn't staff, it was the mayor that's tried to reach a compromise on this, and spent a lot of time and effort at getting us to a close result by allowing 3.4 in some of these sections, we are about to discuss that. In the compromise efforts, there was some conversation with planning because I was part of it, at looking at this issue to see, I think, I don't want to overstate, but the concern was an \$8,000 fee, and then the other concern was that the process would create -- was going to be so cumbersome, those were the two -- that it would discourage it. So there was some efforts, I think, planning was asked to look at this issue. And I know that if we could -- is there a way that we could have a less of a fee and then I need to understand if it is cumbersome, or not, so the fact I am bringing it up, it needs to be discussed. I don't know where it is going to end up, mayor. That's -- I am trying to put it on the table.

Katz: Okay.

Hartnett: Can I respond to commissioner Francesconi?

Katz: Sure.

Hartnett: We did provide a memorandum, came from director kelly, to the council that discussed a couple of aspects of what you are talking about, and included a memorandum from susan mckinney from the office of planning and development review, that addressed the frequency with which that 60-space trigger curse.

Katz: I don't have the memorandum in front of me. So what --

Hartnett: It was in your packet for the august hearing so we can probably get copies of it, if you need it, right now.

Francesconi: But, what it says, and this is -- this whole issue, what it says is it has only been applied for once within what period of time?

Hartnett: Since the central city transportation management plan was implemented, five years.

Francesconi: What has been applied for.

Hartnett: The 60-space trigger has only caused a ccpr to occur once. Since cctmp was adopted five years ago.

Francesconi: So your point with that one is, what's the big deal? Why don't we just pass it, okay. I think. I don't want to speak for you. My point, or some other people's point, would be why not leave it the way that it is because it is no big deal either way. You see what I am saying?

Hartnett: Do you want to address that? I think that the issue is that we are moving to a stage now where we are saying, having maximums for office uses is an important element of our parking management throughout the central city. When we have parking ratios for office uses only, we need to have some way of looking at what's happening with parking for nonoffice uses. This is a trigger that only occurs for nonoffice uses, and it is the only -- that and the 40,000 square foot are the only thing to say that are we building parking appropriately in the central city, and given how

little land that we have available and how carefully we want to use that land, these are some issues that I think that we need to take a look at.

Francesconi: Okay. And then can you make the fee less. Let me get right to it so we can move along. Can you make it less than \$8,000, can you make it \$3,000? Where did I get it, I pulled it out of the air.

Hartnett: That is in the memorandum. We had some conversations with the office of planning and development review. I am sorry, I don't think that any staff from that agency is here today. For them, the matter is the nature of the review does not change. So, the amount of staff work that has to occur, the amount of analysis, the amount of public notice and outreach, the amount of report preparation, all of that, doesn't change, whether you are talking about one space or a hundred spaces. So, their perspective is a sliding fee for this kind of review does not make sense. The nature of the staff work does not change. The nature of the review criteria does not change, and therefore, a sliding scale does not make sense. And that is contained in the memorandum which they are trying to get copies of for you right now.

Katz: So, if you have an existing parking lot, which was also part of the discussion, what, what would the impact of this be?

Hartnett: Again, I may ask rich to at least shake his head yes or no because rich is usually the one, when they say come in, he's the one who looks at this stuff.

Katz: And I want to know what the end result could be.

Hartnett: Why don't you go ahead.

Rich Cassidy, Office of Transportation: Rich cassidy, Portland transportation. The parking review would be triggered if they -- they were 59, 60 spaces and they want to do add additional space as soon as they have more than 60 on the site, for the nonoffice uses, it would trigger the parking review. The main approval criteria for the parking review are looking at level of service and whether the parking lot and the use is going to interfere with transit service, pedestrian, bicycle circulation in the area. So the level of difficulty in achieving the approval is not that great, provided that they are not interfering with traffic patterns in the area.

Sten: Rich, I don't mean to -- how long does it take you to do that review?

Cassidy: The main thing that the applicant has to provide the city with is a transportation and traffic analysis so they would have to hire most likely a transportation or traffic engineering firm to, to provide the city with that level of --

Sten: So they have to hire an engineer and pay us 8 grand to look at what the engineer did? It seems a little steep.

Cassidy: If they are over 60 spaces, which, like susan said, we have only seen one in the last -- this is for nonoffice, so the number of retail uses in the, in these other districts, central east side, north mcadam, that would have more than 60 on the site is --

Sten: I know that, but 8 grand sounds like a month's work to me, doesn't sound like --

Hales: Well, this is a new one to me because I missed part of the last discussion, but maybe we ought to separate -- frankly, I have not spent a lot of time since ccmp was enacted, looking at the fee structure, whether or not it is appropriate or inappropriate. 8,000 sounds high to me, too. I don't know why we charge that much, and if we should. But, that's a separate issue from what our parking policy ought to be. So, if you want, commissioner, for my bureau to go look at the fee structure and ask us and we will, and in fact, you won't have to ask because now we will do it, but I think that that's a separate question from what our parking policy ought to be.

Sten: Well, I guess my -- I am not going to request that, I will vote no on the fee because it has only happened one time and I can't see you setting up another administrative review for something that almost never happens that we charge 8 grand for. If you guys want it, then convince me.

Hales: I don't think that we are creating something new here, right?

*****: Correct.

Hales: We are not creating anything new here.

*****: Commissioner Sten, are you talking about creating a new fee?

Hales: Now I am lost.

Sten: On having this whole review for 60 spots, I mean, in this district.

Hales: It already exists in the cct and p, whether it is good policy or not, we have a central --

Sten: Well, if there is an amendment to get rid of it, I am voting for it.

Francesconi: The issue is, do you apply it to this part of town? I am requesting that question -- that you look at the fee schedule, as you said that you would.

Hales: So, are we going to -- we are going to keep the central city transportation management plan. But, we are going to exempt one part of the city from the fees?

Francesconi: If the motion passes.

Hales: Why would we do that?

Francesconi: I am not going to argue it right now. I would prefer not to.

Katz: Wait a minute.

Francesconi: I will when the time comes.

Katz: Go ahead.

Hartnett: I just wanted to interject. We did talk at length with the staff about the fee issue, and the information contained in the memo is opdr staff, including susan's comments and thoughts. I would point out one piece of that that I think is important, and it is towards the end of the paragraph at the top of the page on the second half, and that is that it sets a bad precedence for land use reviews as a whole. If you are going to say that we should have a sliding scale for ccpr review, are we going to then establish a sliding scale for adjustments? If you adjust your side setback by one foot, do you pay less than if you adjust it by 4 feet? It becomes a slippery slope for all of our fees.

Francesconi: So here's -- let me -- I will not repeat myself and I am not going to engage in the behavior that I engaged in. At prior hearings. Let me just state my position on both of these issues for now, for what it is worth, and I won't have to repeat myself and maybe -- okay. It is my view, number one that commissioner Hales was right on the issue of, you have got to look at the vision of what the central east side --

Katz: Are you responding to --

Francesconi: I am. Well, if you want me to not do it now, I can do it later.

Hales: Please.

Francesconi: I am kind of caught here, I think that the parking ratios are very important as a tool to get where we want to go and commissioner Hales has, believe it or not, been educating me through this process. That's number one. Number two, I believe that many portions of the central east side ultimately should be 2.5. Because of the nature of the central city, et cetera, and I believe that. I believe that this issue of the parking fees and the process for the parking fees is not very significant at the moment since there is only one, and it needs to be addressed. By opdr, and I can't really sort out the fee from the barrier that it creates to the parking to the ratio because I need to know where we are going, what the tools are. I believe that we need to know what kind of office development, we need in the central east side. In order to set the parking ratio. I believe that despite the maps that we are about to see that we never saw until a few days ago, that we need a transit study. Once we do these things, I think that parts of the central east side should be 2.5, and we should put this requirement in. I believe that the leadership of the central east side is open to change. And there needs to be some change. I believe that I do not know where this is going and

we need to give them some help. And I then think that we need to bring it back once we have done these things and done the studies, and go down to 2.5 and put in these procedures, rightly or wrongly, that's kind of what I think.

Katz: Okay. Would you -- would you -- I have asked -- the issue of the transit, do you have the map?

Hartnett: I do.

Katz: Would you show it to everybody?

Katz: I want Susan to lay out the alternative that was proposed and the rationale for it. I think that that's important. And the map will help you do it. Susan, why don't you come to the mike and -- betsey, do you want to help? If he needs help. I think that he's all right.

Hartnett: Okay. So, first of all, I do want to correct something commissioner Francesconi.

Francesconi: It won't be the first time that's necessary during this discussion. [laughter]

Hartnett: This map at a different scale has been included in the report since the very beginning, so this map has been there.

Katz: But this is easier.

Hartnett: I took the effort to blow it up so that we could look in more detail at the relationship between the central city sector lines and the availability of transit. So, that --

Francesconi: Maybe I misunderstood, but was that line, that red line and further detailed a analysis about where transit was, where it was going, in the record before the last week? That's my point.

Katz: No, the red line --

Hartnett: Well, it was in the record through the map in the report contained on page 121.

Francesconi: Okay.

Hartnett: So the little white bubble in the central east side area is this bigger white bubble, and my thinking, and actually I am going to give rich credit right now, on the record, rich is actually the one who said, gee, maybe what we could look at is shifting those lines. So that we could better conform --

Katz: And this is new?

Hartnett: Right. The idea -- and that, that was something that we were asked to do by the mayor to see if we could find a compromise that would address the concerns that you've been raising and central east side has been raising, but are consistent with the policy decisions that you have made in other areas of the city and other subsectors or central, throughout the central city. Okay. All right. So, just very briefly, very briefly, in the upper left-hand corner, you can see river district. You made a decision in river district to set a higher ratio for a newly described subsector one. Recognizing that the streetcar, which is the purple lines on there, will provide adequate transit for some portions of the existing subsector one. And subsector one right now is the brown lines, the new subsector is, as you are proposing and hopefully will pass in this document, moves that line to the red line. And it acknowledges then, that the rail line provides a significant pedestrian barrier to accessing the streetcar line. It also, in your discussions, you acknowledged that river district, subsector one, does not have any future for a street plan development, which is different than, say, north mcadam or central east side. You can't develop more streets there. There is also no on-street parking right now because the one street that runs through there is needed in its maximum capacity to move traffic and bicycle and pedestrians, so that was your decision in river district. I also want to point out that in this process, you are not discussing north mcadam, so the other white bubbles down there are north mcadam, and you will be talking about that as part of the broader, north mcadam framework and mention plan, which will be coming to you sometime next year.

*****: The white areas indicate places with poor pedestrian access to transit?

Hartnett: Yes. That's correct. Those areas are the areas within one quarter mile of walking distance of 20-minute service, and I want to point out that this map is based on 1998 data. So it is a couple of years old already.

Sten: Is that 20-minute all-day service?

Hartnett: No, only 20-minute peak service, which is what the metro requirement is. That's the trigger that metro uses to differentiate between good transit and not good enough transit.

Sten: Do you do any policy look on what kind of uses tend to have traffic at peak hours and don't, because I am not sure that the peak hours are the most accurate measuring stick which has been part of my concern for nontraditional work-hour jobs.

Hartnett: What I would say, I know tri-met made efforts to try and run the peak hour buses for those areas at slightly shifted times so that they run earlier, peak hour for, like, the river gate area is, is shifted about an hour earlier. But, what the metro standard is, peak hours, I believe, from 4:00 to 5:00 p.m. Is the one time frame that we are looking at, by and large --

Sten: It is a pretty cookie cutter measure that we use in the central city.

Hartnett: It is a pretty cookie cutter method used by title ii much our analysis looked a little more in depth at what's actually happening in the central city. Clearly, in the central city, you have all of the buses that are coming into downtown affecting these areas, and I don't have the numbers immediately in front of me, but for the central east side, there is something like 11 buses that run through or along -- the mayor can provide you with the schedules if you would like them, that run along or into that district.

Sten: No, but, I mean, I am one of the council members that rides the bus all over town and it is not as easy, if you are not at peak hours, to get through these places, that's what I am getting at. We can throw numbers all we want but if people take the bus, it is not as easy to get to places other than downtown outside of peak as that map would have you agree, and that map makes it look like everywhere in the city you have got consistent 20-minute service and it is frankly, just not true, if you need to get somewhere at 8:00 at night or 6:00 in the morning, which is not unusual with some of these things, so I just want us to not hide with averages what the reality is in each of these districts. They are remotely different.

Hales: I think that that's fair, and as another person who spends a lot of time on the buses, I ride all the time on number 6 to the central east side, we have got to remember that we have got to dispose of this red herring about central east side being poorly served for transit. It is overserved for transit for its current zoning, which is a low intensity industrial zone. Overserved. There is no other industrial district in the city that has this kind of transit city. Nowhere near, not a quarter as much but if it wants to be the central east side wants to be a central city district and asks the city for central city zoning, cx and ex and so on, then we have a transit challenge to meet. But for its current zoning designation, it is overserved, in my opinion, for transit, so the service is pretty good, compared to rivergate or airport way or other industrial districts, it is incredibly good.

Sten: The issue that I am driving towards, in my own mind, I am not driving toward any particular conclusion but to try and figure out, given what it is zoned for, and given when buses run, is there a match, and a, do people ride the bus to what it is zoned for, and b, are the hours in which the bus runs appropriate because if they are not, what it is is well served by transit that goes through it, to get people to other destinations, which is generally what I ride the bus for in that area, is to get through it. I don't, very often being find myself riding the bus there, so, you know, I actually believe that we are in a major transition in this area, and kind of where it is going in the future is probably the real question, but we will see what the voters --

Katz: Could you lift it up and let Susan finish showing, show what they did. And the reason for it.

Hartnett: Okay. So what we have done, then, is made some modifications to the boundaries between subsector five and six and subsector four and six in the lower, I am sorry, in the central east side area, and again, the existing lines are shown in brown and the proposed lines are shown in red. And again, what we have tried to do is to conform those boundaries to better match the existing transit availability. In subsector 4, that curved red line is also the real right-of-way, which clearly provides a pedestrian barrier, and so again, consistent with what you have done in river district, it would be a place acknowledging the existence of that pedestrian barrier. So, that was the, the, the proposal was set, the ratios at 3.4 per thousand for those two.

Katz: Four and six?

Hartnett: That's correct. And I would also, briefly like to --

Katz: Talk a little bit about five because that keeps coming up over and over.

Hartnett: I was just going to point out, one of the things about sector five that concerns me in your discussions about setting a higher ratio there is that it is one of the subsectors that actually has existing zoning that allows a significant amount of office to occur. It allows -- there is ex zoning along the spine of 11th and 12th. The far and height are fairly significant. It is a central city zone. It is a, a -- there are no limitations on office, unlike the ig zone, where any office proposal would have to go through a land use review. Where we could look at the effect of parking and how to help a developer deal with, say, transit demand strategy theories that could help them figure out how to make their parking needs and transit work better together. In subsector five in the ex zone, we don't have that ability. It is -- it is up to the limits of the sites development act, of the site's development standards, so you can see some, something significant happening in there.

Francesconi: Susan, on that point, did you have a chance to calculate the, the difference in number of parking spaces that were actually -- that we are talking about between 3.4 and 2.5 in zone 5?

Hartnett: It is relatively simple thing to do. It is 9/106 a space per thousand square feet, so if you talk about -- 9/10 of a space per thousand dollars square feet, so if you talk about one office, it is one parking space, if you talk about 10,000 square feet, it is ten parking spaces. What I did in my own head was think about a 60,000 square foot office, which is what the ig one zone allows through a conditional use, it was something that council put into place a year ago in april to encourage the industries of the future that are a mixture of office and manufacturing and production, one, 60,000 square foot use would be allowed 154 -- 150 parking places. Under the 3.5 per thousand, 3.4 per thousand, they would be allowed an additional 54 parking places, which is essentially a half of a city block. A half of a city block is typically around 60 spaces. 150 spaces is somewhere over a full block already. And it is very unlikely that in the subsectors, you are going to see the structure of parking being built at this point. That there just isn't the market pressure for that to occur just yet.

Francesconi: Well, and I don't claim -- actually, I don't think that I have done this before but I am about to give credit to another commissioner's staff but I can defer to you, if you want, commissioner Saltzman, it was brendan, he went through and calculated this, and he calculated it based on metro's data of 56,000 square feet of vacant land in subdistrict five. 41,000 of land adjacent to vacant lots and office or industrial use. If all of that adjacent land was used to create parking, it would amount to a difference of 37 spaces.

Hartnett: I haven't seen that analysis. So I can't tell you how -- what my opinion of the accuracy of it is.

Sten: I guess -- I am sorry, go ahead.

Francesconi: Is there anything in the question that just jumps out as you as an incorrect assumption?

Hartnett: About his analysis?

Francesconi: I will withdraw the question because you haven't had a chance to look at it.

Sten: His analysis assumes that the market is not going to mow down existing buildings to create surface parking lots. And --

Hartnett: Which I would say I am not sure, that I think that that's a good assumption.

Sten: Can you give me an example of where that's happening, if it is not a good assumption?

Katz: The issue is not really where it is happening today. What we are doing is we are putting in place plans for, for the future. This is not, not looking at it with a snapshot as of today.

Hales: Actually, you can't do it, which is why it is not happening.

Sten: I think it is not happening because the market -- I mean, my point being, I think, that this is an important discussion that is very much philosophical in my own mind, much more than it is, than if we actually are going to see big office use in this area, you are going to have to have a rezoning. And before you have a rezoning, all of this stuff is going to be back on the table, and I don't see evidence that people are going to start mowing down economic uses to put in surface parking lot, so I think that it is a relevant question in terms of the, the picture that's been painted to me is that if I vote for what is ultimately an interim 3.4, which I see this area as closer to the river districts, undeveloped area than I do to downtown, I will cause havoc by what might happen, and I find the analysis that it is likely to be under 100 spots on the high end, much more compelling than the analysis that the downside that I risk is going to be thousands of parking spots and the death of life as we know it. There are no maximums now.

Hartnett: That's correct.

Sten: So the market could have knocked everything down and created one big surface parking lot. The land is getting more valuable, so what would lead me to believe that it is going to be more likely in the future to knock down land when it is more valuable when it hasn't happened during a time when land has been very inexpensive?

Hartnett: Well, I think the land has become more valuable on the east side and also become more valuable throughout the central city. I think part of the reason why there is a significant interest in allowing intensification of the uses in the central east side is that the market is, is primed for that.

Sten: It is going to have to be structured parking. If the market gets stronger, they will not build more and more parking lots.

Hartnett: Well, commissioner Sten, one of the things that was just pointed out to me is even in places like the river district, we are seeing some surface parking being built. The commitment is to change that over to structured or to buildings in the future, but we don't know what's going to happen with that, and there are many places, just walk around the west end, where we allowed surface parking to be put into place under old regulations and under a different philosophy where we continue to have surface lots and the council will be facing some pretty significant challenges in that project in trying to figure out how to encourage those surface lots that are a gold mine to their owners in many ways, to transition into more productive and higher intensity uses. My concern is setting the stage for the same thing to occur here. I absolutely agree with every member of the council who has said that we need to do a comprehensive look at this, and I think that the planning bureau has agreed with that, as well, but we are not there. My perspective as a planner is to take a, a cautious, conservative approach and become more liberal if you need to in the future, but it is very hard to undo these things. The Lloyd district is a good example of some place where we are trying to undo what we did in the past.

Katz: And it becomes very expensive.

*****: Absolutely. For the developers and for the public sector, as well.

*****: Entitlement --

Katz: Okay.

Sten: The alternate argument, and I don't think that you have made your case in my mind, is that what's happening in places like the blitz weinhard is you are building toward the full buildout that you want. You are simultaneously saying that the market can't afford structured parking so it might knock things down but I want to get more intense uses and at some point you have to come up with a strategy to tab nowhere that's absolutely nothing like downtown, and build it towards what it is that you want it to be. And I think that that's the strategy that I see missing in this is the middle ground, and planning doesn't make it such, it has got to be -- it has got to be something that works on the ground. The problem -- I actually don't see the stakes nearly as high on either side as people are framing this to be.

Hartnett: I did also just want to point out that in the commentary language in those substitute pages for both, for either of those two options that you are looking at, it does acknowledge that it is council's intent, the commentary provides legislative intent to do a comprehensive planning effort in the central east side to look at intensification of land uses, access and availability for transit, appropriate parking regulations, so we have specifically made a point of including that in either option because it is clear to me from all my conversations with all of you that we all, all are in agreement, we need to do some additional planning in the central east side. My problem is, this project isn't the place to do that, and you know, just a decision.

Katz: All right.

Saltzman: I am curious, what's more likely to get planned to do that study, the 2.5 ratio or 3.4 ratio? [laughter]

Katz: No, no, no. Wait a minute, we don't make --

Saltzman: This is part of my concern about --

Katz: We don't make decisions that way.

*****: Can I answer that.

Saltzman: It seems to be the poor-step child in terms of work being done about its future, we don't know what it is going to look like. It doesn't know what it wants to be when it grows up and that's why I am leaning toward supporting the higher parking ratios at this point.

Katz: Let me answer that because I want to take that, we don't make those kinds of decisions. You recall --

Saltzman: But somehow these aren't just on money.

Katz: You recall that central east side came here and themselves, really, for the first time, identified that they were in the process of transition. They came in and shared that with us, and we heard them loud and clear, and we provided them with the resources to begin looking at those corridors for that transition and that visioning. It then went a step further. But, we had not, because we are not quite sure whether there is a collective vision at this point for the entire district to begin that, that same process, and I am committed to doing it, but I want to scope that work out before we say yes because, quite frankly, it is costly and it is time consuming. I feel that this is a very critical part of the central city, that is in transition. And forgive me, I think your nervous in transition, but you are in transition, and the, and we are ready to help that transition at the appropriate time. That's really all that I can say, and I think that the council was, was committed those resources, made that happen, and this information will be coming back to you.

Hales: And I want to react to the step child characterization, too, dan. I mean, it is voluntary, you know, on the central east side's part because until recently they advocated for the maintenance of industrial zoning. In the central city. And I will tell you right now, I mean, let me prestage my vote, if any central city district, whether it is the west end or the central east side, comes before this council and asks for central city zoning, I will support it. If the west end wants cx and ex, I will

vote for it. If the central east side wants cx and ex, I will vote for it. And to put it even maybe a little more harshly, the difference between Portland and everywhere else is in Portland, we take the vision and put it into the zoning map first and then do development deals with property owners. And in dallas, they do the development deals with the property owners and get around to the zoning later. I would like to be more like Portland.

Sten: Okay. One more question.

Katz: One more question.

Sten: You know, and I think that everybody is going to do -- there are no maximums now, so this is the first time in the hundred-year history of the city anybody has talked about what the maximum is, but I asked back in july if somebody could give me an estimate of how many parking spots are downtown and what kind of ratio it looks like because I am always struggling in this heated battle between 2.5 and 3.4 to get a point of reference. In terms of like, you know, how many people park down downtown, comparatively, what's the downtown ratio like if you --

Cassidy: The simple way to answer that question, rich cassidy, Portland transportation, what we have seen coming in with the last few office towers, the blitz project, and last week we had the pre-ap for terminal one, which is not typical of downtown but more typical of east side five, where the developer told us that they wanted to provide only 2 per thousand for their office in retail, at the most, 3 per thousand. And well within the 3.4 that we are proposing in this package.

Sten: That was answered in july and I should have followed up in writing but the reason I ask the question, is my instinct tells me that part of why they can get away with that is you have got tons of garages and surface parking and all kinds of parking downtown that already exists, so I just think that it is not, not, it is not accurate to say, you know, if you come in at the blitz blocks where there is smart park a couple blocks away, you have four, five, six, all-day long cheap parking lots, that the parking available is just what's in that building. So I am trying to get at what --

Katz: In that geographic area.

Cassidy: And not with the blitz, that was one of the ones we worked a great deal with because there is no parking supply in that area, and with pdc and the city, we are working with the developer to see if they would provide additional parking because there is such a lack of parking in the pearl district. Still, there is --

Sten: There is parking within the amount, you can walk to transit, you can walk across burnside and find parking lots.

Cassidy: Not within three blocks of a blitz, no.

Sten: I don't have any idea on a downtown office building how much parking is available nearby. I mean, there is no way of knowing that, I am not being critical, there is --

Cassidy: Right, there is no way of knowing.

Sten: The downtown functions a certain way with a whole bunch of parking spots that are available, most people who drive downtown, like people sitting up at this, and it is not a bad thing if, if this thing here, drive to lots and park their car and walk over, so I am struggling to find what pie point of reference should be on what's a comparable use downtown, that's all.

Cassidy: And the only other way that I would try to respond to that, is it depends on the types of tenants in the buildings. Certain buildings they go out and find a commercial lot, an existing lot and they will secure that for their tenants if they think that they need more in and out traffic for the sales force. Other buildings rely on less than the ratio because their folks can use transit and have more transit depending on the workforce, so it depends on what types of buildings you are talking about and what types of sales force or, or employees are in the building.

Sten: Okay. Thank you.

Hartnett: Would it be of any help for you to know what the existing maximum parking ratios are in the central city? You are actually asking about utilization versus --

Sten: What are they?

Hartnett: For the core area, they range from .7 per thousand to 1.5 per thousand, I believe. They are significantly lower.

Sten: I don't think that anybody disputes the transit downtown, and --

Hartnett: Is excellent.

Sten: Is way better than anywhere else and I don't believe that anybody disputes that downtown runs on the peak hour system. The problem that I run into when I am trying to get around town, if you are trying to get to places that don't run in the peak hour system, how do you get back and forth. That seems to be the hole in the transit system.

Hales: I think that the reason why this has gotten heated. At least on my part, is that what's lurking below the surface here is office building deals. People want to do office building deals. And the place to put office buildings is in the central city, well served by transit. In my opinion, I mean, that's the whole theory behind Portland's central city plan. And you don't put office buildings out some place with poor transit. The property owners naturally want to do office building deals. If they own a piece of real estate. Because they are great deals. So, the question is, are we going to let people have the opportunity to do office building deals in an industrial district with suburban parking ratios in the middle of the city? How many people will afford themselves that opportunity? Don't know. How many deals will go down before they ask for rezoning for the whole district? Don't know. But for me, the reason I get upset about this is I don't want to create a climate in policy where we say that it is okay to do office building deals, here, there, and everywhere, and park them like you park them out in the burbs, and this planning stuff, we are not that serious about it. I have a hard time with that.

Francesconi: And my view is, and Susan really reinforced it with something that she said, if we are planning to do the study anyway, and now we are going to document we are planning, you do the study first. And then you set the parking ratios, in the meantime, that is the way to do this. Meantime, you put it at 3.4 because the central city is in transition, and we want some major employers in the central city, not in the suburbs, and we will error temporarily on a larger parking ratio in order to get people, major employers in there as we do the study, fine tune the areas, and ratchet down the parking ratio, that's the way to proceed.

Katz: As I told you before, I told you -- I won't repeat it because it is not nice language but it is backwards. But that's, that's --

Francesconi: Well, we have a respectful disagreement.

Katz: We don't agree on this, we don't agree on there, and that's fair. I -- quite frankly, I want to get to closure on this. We have spent too much energy on it. But, I do want to make absolutely sure, commissioner Francesconi, that you are including one, which is close to the waterfront and I am not particularly interested in seeing garages and parking lots by the river.

Francesconi: The reason that I am willing to include one is two reasons. You and I don't want the parking garages, and surface parking lots near to the river, on a permanent basis. The problem, number one, and is the transit availability, number one, is not adequate. And I don't care what any maps show. I am more troubled by five, frankly, in my vote, because there is better transit in five. I will be honest about this. And I suspect that the day will come in the not too distant future that 2.5 will be in 5. I want to be clear to the central east side folks. The reason I can't support the mayor's amendment is one because the transit is up on a bridge, on buses that's full. You are not going to get major employers there. Now, we have other reviews in this thing that can handle it.

SEPTEMBER 27, 2000

So, that's, mayor, the reason, one, is one of the reasons I can't support your great effort at a compromise.

Katz: Fine. All right. Does anybody have any more questions? All right. I am going to give you three minutes and three minutes all because I think that we have heard your case over and over again.

Mike Bolliger, President, Cental Eastside Industrial Council: Thank you, mayor, and council. My name is mike and I am the president for central east side industrial council. Peter frye is our planner and ken johnson is with good will. And also, on the board. I do want to make it brief. I assumed that last night we sent out our last written proposal of how we would like to see the code, as well as a couple of supporting documents. Mayor and council, I would like to also extend my thanks and gratitude to the time and effort that I know that you have put into this issue. We feel that it is a very important I know to our district. Mayor, you mentioned that we are in transition. I think that that's correct. I may be a little closer would be the word "evolution" evolving, and the driving force, I believe, and our board believes is the rising property values that are forcing us to look at a different kind of business and a different type of use on the properties within the ccid. It is an issue that we, that we believe needs to be reviewed and what we agreed to do at this point with two or three different provisions of it was to come down from exempt to 3.4. We are hesitant to go down any further because we don't know where the pockets of development are going to occur. And we would like to keep the corridor, which has always been 2.5, at 2.5, but the balance of the district, I think, we believe very firmly needs to be 3.4, and then reviewed as the development begins to occur.

Katz: Sir, go ahead.

*****: From good will industries, the point of view --

Katz: We need your name.

Kenneth Johnson, Goodwill Industries: Kenneth johnson, good will industries. From our point of view, newer receipt of a letter from our president, michael miller, and in that letter, we want to make it clear that we support ccic's position on this. One great fear that we have is that even if we were grand-fathered into the process, that if we were to adjust one or more parking spaces in our already allocated parking, it would throw us into a type 3 process. And then once in the process, I have to go through it every five years, and I ask you to think about what kind of --

Katz: Sir, that -- that's not accurate. We have checked back on that record. That is not accurate. But go ahead, just want to correct that.

Johnson: That is our fear. And I think that it is something that you have to make really clear to businesses that would come into the area, and how much process are you going to put to a new employer that will come into the area. With employment.

Katz: Are you planning to add additional parking at good will?

Johnson: We have no parking to add at this time. We have nothing --

Katz: Are you -- you have no plans?

Johnson: Correct.

Katz: Okay.

Peter Frye: Peter frye, in interest and time, I am going to submit my comments to the bureau of planning, and I would like to point out good will is over 40,000 square feet in terms of surface parking lot. But, I don't see this needing to be argued any more.

Katz: Thank you, peter, I really appreciate it. Let's clarify this five-year issue because it came up. This is the sec time that I heard it. Somebody want to clarify it? Just for the record.

Hartnett: Just for the record, susan, bureau of planning, the five-year review does not apply to the land that is zoned industrial and good will is on land zoned industrial.

SEPTEMBER 27, 2000

Katz: Okay. Thank you everybody. Questions? All right. We have -- well, commissioner Francesconi, I think that you wanted to make a motion. I will take the motion, and I think that, did we not agree to deal with this trigger issue separately?

Francesconi: Separately when?

Katz: Well, because I need to know whether we are going to treat this industrial area any different than any other part of the city. On the trigger.

Francesconi: Is that a question for me?

Katz: I want to get moving on this, so.

Francesconi: Well, I guess I need to hear from the council. I am not comfortable doing this, but I do think that we should treat it differently temporarily. Until the study is done. I want to look at through that process, as well as the sliding fee. I don't know if there is three votes on the council for that.

Katz: What does it mean --

Hartnett: Are you asking about the trigger at this point? Can I add just a little more information? Rich cassidy and I were trying to confer, and pay attention to your discussion at the same time. Rich has clarified for me that the 60-space trigger for a central city parking review would only occur if it was a site that had office parking that was in excess of the maximum, and had more than 60 spaces. Rich, can you? Yeah.

Sten: If it had more than 60 but in conformance with the maximum, there would --

Hartnett: There would be no review, I am sorry, I was not clear on that, myself. Rich is the one person in the city who really knows how to apply these regulations because he does it day in and day out.

Cassidy: Rich cassidy, the 60-space threshold is, that triggers the review is when there is non-office parking only, it is my understanding this site does have some office uses.

Hartnett: We are talking about good will.

Cassidy: So what the code says is when you combine nonoffice, say retail parking with an office, say a headquarters, that there is no review required if all of the uses, all of the parking, is within the ratios, the maximum ratios we are identifying. That's one of the reasons that we have only seen one, is because that's more common, is that you couple office parking and nonoffice parking, and then you're main concern is that you are within the ratio.

Francesconi: What I would like to do, this has been around, not adequately briefed or raised, but if we are getting new information just before we are about to vote, can we go back to your idea of pulling it out, rich, can you sit down with those folks and deal with it separately but not three years from now, deal with it, and then let's either bring it back for another controversial vote in a week or two or whenever, but I want to just -- is that okay to proceed that way?

Sten: I am actually -- I am not the third vote, if you have to go through that, if you meet the maximums, I am a vote to have the marks maximum be higher. That's fine. I generally tend to react what you have very expensive fees on the books that are never used, instinctively say, let's not continue to put them on the books, get rid of them, but if that's what the plan says, my intention was not so much -- I didn't realize this was how we do it central city-wide, but if this is a useless review, no offense, you never do it, let's get it off the books because it is maddening to hear 8,000 thrown around.

Francesconi: He didn't understand that.

Hales: I don't think we made that clear. The only time this trigger has kicked in has been once, but ccpr, I am not going to be, to be apologizing for the target plan and neither will rich --

Sten: I am just talking about whatever it is, the one time, but if, if -- I understood it to be that you had to pay \$8,000 if you had more than 60 units, if you are under the maximum, I don't have an objection to it.

Francesconi: So therefore I will not make --

Katz: That issue is off the table. Let's take the motion that's before us that --

Francesconi: I am going to move that we adopt option one, which is the 3.4.

Katz: You want to adopt -- you want to adopt 3.4 in sections 1, 2, 5, and 6. Okay. All right. Do I hear a second?

Sten: Second.

Katz: Discussion?

Saltzman: I guess I have maybe a question of commissioner Francesconi or the mayor or anybody, but I know that as of up until yesterday, there was discussion that, is it subdistrict one, is that the appropriate terminology? Sector one would stay at 2.5 and 4, 5, and 6 would be 3.4, and I guess that that's kind of what I was anticipating, supporting today and I am, I guess, I am curious why one is back in there under the 3.4.

Francesconi: Well, the mayor and staff, and it may sound like I deserve enormous credit, and especially the mayor, actually because she was trying to figure out a compromise that would bring some healing because frankly, I agree with commissioner Sten that this has become more symbolic than practical. Our efforts to do that fell apart. And what happened, commissioner Sten, in direct response to your question, it turns out that one has less transit than five. So then I was trying to see if there was some way to do a different compromise. They have fallen apart, and I think that the right way to proceed, and the mayor disagrees with me, is you do the study, figure out what kind of office building, figure out what kind of transit before. The mayor and commissioner Hales have a different view, which is a reasonable view, but different from my view, so that's the answer.

Katz: And he's absolutely right. My concern on one, which is one of the reasons that I didn't include it, is that it is so close to the river, and we are beginning to really think about what the future of the east side and the river -- the park and the whole notion of the river renaissance, so we disagree, did I hear a second? Did you second it? Okay. Further discussion? Roll call.

Francesconi: Susan, thank you for your efforts, and thank you, staff, for your efforts. Aye.

Hales: Well, I haven't been very articulate, I guess, and certainly not very persuasive in trying to explain some of my feelings on, on these policy issues, and boy, have we gotten mired into a bunch of meaningless detail, so me, too, but let me try one more time to make some sense on this. All of this in numerical analysis is probably right. Probably, in terms of what will actually happen in the next couple of years, in the central east side, it probably won't matter that much in terms of the number of parking spaces. But, a fundamental problem with the east side, which the leadership there is now going, is that it has not been clear about what kind of urban district it was going to be, and again, something that I feel very passionately about and probably why I got too emotional about stuff like the parking ratios is that Portland is different because we conform the rules and the deals to the plan. Rather than conforming the plan and the rules to the deal. That's how every other city in America is getting developed, or was until recently when new urbanism was going, but it is really hard to get the vision first and then do the rules and the deals. And that's what's going on here. We are making deals with people who haven't even made property decisions yet, that's how it is done and that's why I react so viscerally to it. It is wrong and it is why we are different. The central-southeast side -- east side is on the verge of saying we want to be an urban district and we want it to look like this and these are the services and investments we will need from the city in order for that vision to be achieved, which is what the pearl and river district have done. What the goose hollow did. What the west end was in the process of doing. Hollywood has done t gateway

has done it, it is great, and why we are so livability as a city because we get the vision first and then we do the rules and the deals. And in this case, mayor, you said it, we got it. We are doing it back yards. And that's wrong. And we shouldn't do that. Secondly, the other thing that I feel very strongly about, jim, you painted a paradigm here, maybe it could happen some day, where you develop and you add the transit and get everybody to change their behavior, I don't know of a place like that. Beaverton is trying. Not working real well. But what we have done in Portland is clamped down on parking, actually, deq did it for us 20 years ago. Got the transit right and then started conforming the development to the reality, which couldn't get much parking and there was pretty good transit. I don't know of a place that said, have lots of parking but later, later we are going to get tough and we are going to get serious about this, one day we are actually going to start conforming the rules to the vision so you better be ready. I don't know of a place that's done that. If we are going to do it on the central, east side, okay, it will be another Portland first. Great, but I am skeptical about whether the political will exists on this council or any other to let her buck for a while and then say we are going to reign her in. I don't think that it is going to happen. And then we, we pretend that all of this, you know, all of this numerical stuff really gets, you know, really shapes development, property-owner decisions shape development and the signals that we send about what kind of partner we are, are we capricious, are we easy? We shape those decisions, so let me sort of take one more tack here before I try to close, and that is, look at the recent past. We have had this -- and again, by the way, I am not a fan of the central city transportation management plan. I voted for it, I barely understood it, I will disclose that. I still barely understand it, and if rich gets hit by a beer truck, we are in big trouble because he's the only person in the city that understands it. Maybe gene understands it. But, it is a complicated byzantine goldberg scheme to regulate what the industry would always do too much of, and that's parking. But, you know, let's look at what's happening. You have got people like tom moyer building new office buildings with all the parking underground and what's gotten built in the central east side in the last five years? One project. A full block gas station. Now, that's because it is industrially zoned and the district hasn't had a clear idea about whether or not it wants to be in the district. But look I have mixed use buildings and office buildings and hotels going up in the central city covered by this complex, cct and p, and gas stations and surface parking lots for good will getting built in the central-east side. Which do you want more of? Finally, we have talked a lot here about fish and traffic and neighborhoods and impervious surface and a vote for this amendment is a vote against fish, for more impervious surface and more traffic in the neighborhoods. No.

Saltzman: I am going to support the amendment, and I am going to because I do think that, I think there's valid points to both perspectives on this issue but I am really driven by the fact that this has reached a level of symbolism that far outweighs its ultimate significant and in how the central east side shapes up and I think what's more important to how the central east side shapes up first and foremost is the necessary planning work and sort of the identity process that needs to occur, and it sounds like it is, it is happening, and I just are -- I am not convinced that, I mean, we are complying, this overall parking ratio effort is to demonstrate the compliance and we are doing that at 3.4 and 2.5. We are coming down from no maximums to maximums, and I am not convinced that that incremental difference between 2.5 and 3.4 is really going to tip the scale one way or another into what the central-east side ultimately looks like. There will be many, many more significant factors that will shape that, it is an important -- what the city is prepared to do and what it isn't prepared to do, but it is not going to be the thing that tips the central-east side and I am persuaded that 3.4 is the way to go until we know more what the central east side wants to be when it grows up. Aye.

Sten: I do think that this has been an overrated discussion and commissioner Hales, you started but ended by saying this is going to be a vote against fish but when we bring greenway protections in soon because the real fish issue is, I have spent a lot of time looking at, really what happens in lots of places and I am glad that we are all behind fish, and if we are going to start seeing .9%, .9 parking spaces on allowed buildings is what's going to affect fish, we ought to be strong on what is really going to affect fish, if we are going to throw that around and I am happy that we are there, and I am looking forward to bringing back those types of protections and look forward to everyone's vote on them. What I -- I think that we are throwing a lot of stuff in here that doesn't belong in it. I think if you look at the hard reality over there, if you don't have intense development, this means very few spots. Brandon's numbers are right, if you do surface developments you are talking 50 spots or something like that. So do get the big parking numbers you have got to go up and build a lot of uses. I don't see the market having done that and I don't see it doing it soon, but I hope that it will. Most of the places you can do that, you are going to need special more zone changes anyway, so I strongly resist the notion that 2.5 versus 3.4 defines a vision of any kind. There is no vision right now agreed upon from this district from the city or from the other side, and I think what happens in a district is park planning -- part planning, part economics and part cooperation, and I think the economics of this area show us, based on the fact that there have been absolutely no maximums for the time that all of you have been on the council, and zero of these types of disasters happening, that it is unlikely to happen, as property values go way up. The district, itself, as did the river district, who got this, got this consideration in part of their district, came in and said, this is what we need to make it work through this transition. I respect that, and I would like to cooperate with them, and I would like to believe that they have some idea of what's good for their property and it is not just a matter of us being tough and being their parent and holding them to the right ratio, that we ought to be in cooperation with them. I absolutely, strongly and fundamentally as a person you, as a person for work on fish issues, resist this is a fundamental issue for endangered fish species, we need to get structured parking, which is the only thing that you can build anyway that will actually work, I think so, given the availability of land. I am ready for a study and for the city to come in. I would say that there is one analogy that can be made between what's being built in the river district and what's being built on the east side. There is also the analogy between the east side and west end. We are absolutely, nothing has happened, either, and it has parking ratios so I think that the parking ratio is one piece of it. I don't predict that disaster, if we give in a cooperative fashion with the business owners whose lives are invested in the properties want for a period of time, while we work this out. I don't predict disaster. I don't think that the sky is falling, and I don't think that the stakes are nearly that high, but I do think that we have to have some transition plans that economically work, and frankly, I don't think that people catch the bus to this part of town, as a guy who catches a bus all over town. And so I think that we have got some more work to do to try and make this district work, and I don't think that it is an absolute black and white call. I think that there is some gray in this, but I think when we get too self righteous about planning and property owners resist that, doesn't bring good results but brings stagnation and we need some cooperation to figure this thing out, aye.

Katz: You are probably all right, but I will rather be self-righteous about planning because that's what made Portland the way it is today, and it is something that we take great pride in. I think what you are doing is sending the wrongs message to everybody else, that you are willing to fudge on the issue of parking. One of the things that made this city very special is that we were very tough on cars. And that we build a transportation system to be tough on cars. I think that we have decent transit, and I raise these line schedules in the central-east side. I do, also, think that you are adding additional impervious surface, and we have heard a lot about it, and all of you are, feel so

SEPTEMBER 27, 2000

strongly about not doing that, and to deal with the river and fish, so I am not sure to what extent this is going to impact fish, but it is going to probably provide a large -- a more impervious service. We have heard over and over again the, the citizens in this city talking about traffic, talking about cars. I have heard the central-east side's, commissioner Hales and i, argued with the central-east side many years ago about their desire for water avenue ramp, about what to do with the cars on the street. They can't move the trucks and provide the services with all the cars, and now we are going to put potentially even more cars on their streets. And finally, if you want people to ride the bus, you don't give them parking spaces because people usually make the wrong choice if you have got enough parking spaces, they will take their cars. And our strategy is to get people out of the cars and into public transit. So, it is -- how did you say it. Bass-backwards, and commissioner Sten, you are probably right, it probably won't make a whole world of difference, but it is sending the wrong message, and quite frankly, i, who have committed working with the central-east side on all of their issues, because I think that they are now just beginning or have in the past year beginning to pull themselves together and think about the future, have made a terrible mistake coming to this council, and urging us to, to take this position. I don't know how susan is going to write findings on this, but we are going to give her that task, and we will see what she comes up with. Just want to make sure that everybody understands this is the amendment. This has to come back for a second reading, and I need to flag it that I don't think that we are going to have the votes next week. Because people aren't going to be here, so it will probably have to go on for another week. Okay. No.

Hartnett: Madam mayor, can I get a quick clarification, were there any outstanding issues? I think that everything was put to bed but I want to make sure that you are not expecting any additional information.

Katz: You did a great job. I know how strongly you feel about this and I appreciate it and I am really pleased that you responded to people's questions, and we are very professional, not like maybe some of us, who are using language we probably shouldn't be using.

Francesconi: That question was directed at me, which it should be.

Hartnett: You and commissioner Sten were the ones who said I wanted more information about --

Katz: I need her for something else.

Hartnett: I wanted to double-check that.

Katz: I need her to work on something else. All right. Everybody, we stand adjourned until 2:00. At 11:43 a.m., Council recessed.

SEPTEMBER 27, 2000 2:00 PM

Katz: Council will come to order. Please call the roll.

Francesconi: Here. **Hales:** Here. **Saltzman:** Here. **Sten:** Here. **Katz:** Present. 1436.

Item 1436.

Katz: I am going to pass the gavel over to commissioner Saltzman. I was not here on this issue, and have not read the record, but I will be -- if this is going to continue for another period of time, then I might have the opportunity to read the record. So dan, why don't you take over.

Saltzman: Okay. Who are we going to hear from first? The applicant? Okay.

Jeff Condit, Attorney, Miller Nash: Mayor, members of the council, good afternoon, my name is jeff condit, I am an attorney at miller nash, 111 southwest 5th, Portland, Oregon, here representing the Portland council of campfire. On my right is maggie stone, the executive director, and on my left is lori wall, with miller nash and steve hill is also here. I am here to announce that piece is almost at hand on this -- peace is almost at hand. But we need to beg your indulgence and ask for another continuance. We have, as you know, been in negotiations with metro and the reason it has gone out as long as it has is we were arguing over some of the assumptions in the appraisal. But where we are now is we have an offer letter from metro. We, the staff, are supportive of that, has to go back to the board, and then there is a period of a month or two to do the due diligence that has to be done in order to close the deal, in terms of environmentally. So, with that, we are going to request a continuous, and I think that we are going to do, since we are so close, is ask for an open-ended continuous, in other words, not ask for a continuous to a date certain, but instead, if this deal somehow breaks up, request that it be put back on the calendar. We understand that that will require us to renote and we are willing to do that. But, we think that we are there. We think this is going to be a win-win for everybody, and we are anxious to see the property preserved, and what they believe to be as a fair price for the property, and the neighborhood sees this, this property preserved as open space.

Hales: So in other words, if the deal works, you won't need to be back?

Condit: Right, we will simply withdraw our application.

Hales: Okay.

Francesconi: You know, you brought this up, we are here, as you know, better than maybe me, that this is a land use decision, and these two things are separate. And we need to keep them separate in our minds. It would be great if it turns out to be a win-win, but as judges here, we are trying our -- trying our best to keep this separate, but you brought up this issue, so let me ask you, have you agreed on a price with metro?

Condit: Well, metro has given us a letter offer, and staff agrees on that price, and we will be recommending to the approval the board, and the board meets next week, and unfortunately, this happened this week and not next week, so we can't say for sure that we have a deal, but we do believe that -- we have every expectation that it will close.

Francesconi: What I am really, this has dragged on so long that I am interested in a negotiating strategy. I am not saying that that is your strategy, so it is very important to me to hear that you are recommending this, okay, as opposed to not because frankly, there's been enough time to negotiate. So, what's the likelihood, in your opinion, that the board will accept the staff's recommendation?

*******:** I think that the recommendation -- they will accept it, I believe, I truly believe.

Saltzman: Could you identify yourself?

Maggie Stone, Executive Director, Portland Campfire: Maggie stone, director. The board meeting is next tuesday afternoon. I've been, i've notified two members of the executive committee

SEPTEMBER 27, 2000

of what's going on and kept them abreast of this, and they are behind us, so I have to see the rest of the board next tuesday, and I think that they have agreed, that we want to get rid of the property, we are not in the business of managing property. We are in the business of having programs with kids. So it has been a long time coming and we are as anxious to get this off our agenda as you are off yours.

Francesconi: Okay. Good. So then I am inclined to change my mind on the position as to whether we proceed or not. And i, again, if it falls apart, I would do my best to keep it separate, but it would be hard, campfire. [laughter]

Stone: Thank you.

Hales: Sounds like, I don't know if you want to take a motion for a continuous now, and then if we can take the testimony, if there is anybody desperate to testify, but if we are going to set this over, we might as well give people fair warning, so I would move that we, we grant the request for a continuous and not assign a date for it to return to the council, and have the record show that if the matter were to return to council, that the applicant would have to renote and follow the time-lines in the code. We also have some documents in front of us, and since I assume the record is still open, I will include those -- we should include those in the record, dan, while we are at it.

Saltzman: Okay.

Hales: So I move we add these documents to the record and continue this matter until further notice.

Saltzman: Do I hear a second for that?

Francesconi: Second.

Saltzman: And the documents to go in the record, just for clarification, are --

Hales: A letter from lents. A letter from the mayor's office and clarification of bes's position.

Saltzman: Okay, good. Okay, so we open that, so we have a motion on the table. Now, we can accept public testimony on that motion. Are there people here that wish to testify? Do we have anybody signed up to testify?

*****: If we don't testify now, can we testify when it comes back?

Hales: Oh, yeah.

*****: Okay. Thank you.

Hales: If it comes back, we just open up the whole proceeding again, and you know, these folks, the staff makes the report. These folks make their case, and anybody that wants to argue against it gets to make their case. So, it will be the whole, the whole circus, should you so desire.

Saltzman: Okay.

Hales: If it comes back.

Saltzman: Okay. So we are not --

Hales: So we can take -- I guess my advice, dan, is that if anybody feels a burning desire to testify on the decision to give these folks some more time to negotiate, we ought to let them testify.

Saltzman: I think we have one gentleman here who looks like he has that burning desire. Why don't we allow him to come up here and testify. And if there is nobody else, we will vote on it. Why don't you give us your name for the record here.

William Doring: Occupation, I will give you two. First of all, one occupation, I am pioneer cemetary research investigator for that district. I am william dohring and the director of for kid care, the abduction of children. Okay. Up in that area on the deardorf property, which was been there back in the late 1400s. One of them is on the girl scout camp. It is children that died of diseases back in 1848 and 1849, I want to make you aware. I am not going to scream today. Number two, if they progress to build homes up in that area, the downfall, we have eagles, we have the -- we have deer up there. We have things that we have to protect. And as you keep going

SEPTEMBER 27, 2000

down, the downfall, will be the run-off spot, where what we are investing money in the length area, which is part of my family history. I have to go back here getting a little upset but I want to be advised that there is cemeteries up there, please, please, that's habitat. Let's let them be. Thank you.

Saltzman: Thank you. Anyone else wish to testify? Okay. Please call the roll on the motion to continue this.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Okay. Everybody, thank you, commissioner Saltzman and we stand adjourned until tomorrow morning.

At 2:16 p.m., Council recessed.

SEPTEMBER 28, 2000 2:00 PM

Katz: The council will come to order. Please call the roll. [roll call]

Francesconi: Here. **Hales:** Here. **Sten:** Here.

Katz: Present. Would you read item 1437.

Item 1437.

Kathryn Beaumont, Office of the City Attorney: Thank you. Before we begin the hearing, I have several announcements to make concerning the kind of hearing this is, the order of testimony and the nature of evidence that can be presented. This is an on the record hearing. You have to limit your testimony to material and issues in the record. This means during the hearing you can only talk about the issues, testimony, exhibits and other evidence that were presented at the earlier hearing before the hearings officer. You can't bring up anything new. This hearing is designed only to decide if the hearings officer made the right decision based on the evidence that was presented to him. If you start to talk about new issues or try to present new evidence today, you may be interrupted and reminded that you must limit your testimony to the record. We'll begin the hearing with a staff report by Douglas Hardy of the office of planning and development review for approximately ten minutes, following the staff report the city council will hear from interested persons in the following order. The appellant will go first and will have ten minutes to present her case. Following her, persons who support the appeal will go next. Each person will have three minutes to speak to the council. The applicant will then have 15 minutes to address the city council and rebut the appellant's presentation. After the applicant will -- the council will hear from persons who oppose the appeal. Again, each person will have three minutes. The -- finally the appellant will have five minutes to rebut the presentation of the opponents of the appeal. The council may then close the hearing and deliberate. After the council has concluded its deliberations, the council will take a vote on the appeal. If the vote is a tentative vote, the council will set a future date for the adoption of findings. If the council takes a final vote today, that will conclude the matter before the council. If you wish to speak to the city council on this matter, and have not signed up, please sign up at this time with the council clerk. Turning to the nature of the evidence that can be presented today, again, this is an on the record hearing. It's not an evidentiary or de novo hearing. This must -- means you must limit your remarks based on the record. In presenting your argument you may refer to evidence that was previously submitted to the hearings officer. You may not submit new evidence today that was not submitted to the hearings officer. Staff and I will be listening carefully to your argument and if it strays from the evidence or issues presented at the initial hearing, I may interrupt you and remind you you must limit your argument to issues and evidence in the record. If your argument includes new evidence or issues the council will not consider it and it will be rejected in the council's final decision. If you believe someone who addressed city council today improperly presented new evidence or presented illegal -- a legal argument that relies on evidence not in the record, you may object to that argument. Finally, under state law, only issues raised before the hearings officer may be raised in this appeal to city council. If you believe another person has raised issues today that were not raised before the hearings officer, you may object to the council's consideration of that issue. That concludes my opening statement.

Katz: All right. Declaration of conflicts of interest by any council member? Declaration of ex parte contacts by council members?

Hales: I did make a site visit to the site, so I want to report that. And didn't talk to any of the participants in the discussion. In fact, didn't talk to anyone other than my staff person, who accompanied me on the site visit.

Beaumont: Do you have any observations to disclose?

Hales: The purpose was simply to refresh my memory with the details of the site, particularly how it abutted adjacent property and how the existing development fits into the neighborhood.

Katz: Okay. Good. Thank you. Staff report?

Douglas Hardy, Office of Planning and Development Review: Thank you. My name is douglas hardy with the office of planning and development review. Do you have the proposal on your screens?

Katz: Now.

Hardy: Okay. The applicant has requested a zoning map amendment from r-1 to cn 2 for a 10,000-square-foot parcel that is part of an existing retail center. It is in compliance with the city's comprehensive plan map. The existing r-1 zone is intended to promote medium density multidwelling development. The proposed zone is intended primarily for small-scale retail and uses that provide goods and services to the local residents. Housing is also permitted in this zone. Except for the 10,000 square foot site, the remaining center to the north is already zoned cn2. Basically the retail center would be sort of square area. The applicant also seeks to remove the overlay from the southern part of this site. And this structure overlay exists for a distance of 100 feet and to the southern part of the state. The b overlay is intended to provide a buffer between zones. The standards require a ten-foot-wide landscape buffer with trees and six-foot-high shrubs. Pedestrian access is limited to one six-foot-wood path through that buffer overlay. The overlay was first mapped on the site in 1975 when the site was zoned c-2. The c-2 zone, it was a more intensive commercial zone than the existing cn2 zone that's on the site today. The previous c-2 zone had no limit on total floor area, building coverage, no building set-back requirement, with an allowed 45-foot height limit. Today's cn2 zone on limits on maximum building coverage, floor area, with a minimum building set-back of ten feet and a maximum height of 30 feet. As seen on the slide, zoning in the immediate area includes cn2 zoning along the south side of ivanhoe street, with property on the north of ivanhoe zoned cs, or storefront commercial. Properties to the east and to the south of the property are located in -- at the multidwelling zone. And the entire site is also located within the designated pedestrian district. This is a blow-up of the existing site plan, what development is on the site today. As indicated previously, the zone map amendment affects the southern 100 feet of the retail center. The existing r-1 zone is mapped on two vacant sites in the southeast corner of the property. Fronting north princeton, with the buffer overlay mapped across the entire southern edge. The center is presently developed with four buildings having roughly 59,000 square feet. A portion of the former key knows is built in part within the buffer overlay, as is part of the surface parking area. And there is a masonry wall roughly six to seven feet in height that runs along a portion of that southern property line within the buffer overlay. No new development is proposed as part of this review. And the applicant does not seek any specific approval of a site development plan at this time. However, the applicant is seeking under a separate review to redevelop basically the entire retail center for similar purposes, and at this point in time no redevelopment plan has been approved by the city. This is a view of the site looking into the retail center for north ivanhoe. As seen here, development consists primarily of one-story buildings with surface parking placed between the building. There is a landscape buffer along ivanhoe, roughly ten feet between that parking area and the street. This photo is taken from the southern portion of the site looking north up towards north ivanhoe. And this photo is taken from the southern portion of the site, and towards the center rear of the site -- of the photo you can see

the proposed site going from the r-1 to the cn2. This is a view of the proposed rezoned sighted from the r-1 and cn2 as seen from princeton. And this also is where the buffer overlay is currently mapped, basically beginning at the corner going toward the rear of the slide here. This is a view as I indicated before, there's a masonry wall along the southern edge of the site. This is the view of that wall from the interior of the retail center. Access to and from the abutting multidwelling zone on the other side of the wall is limited to the single pedestrian access scene with a gate here.

****: Louder, please.

Katz: Let's not scream. If you have -- if you're hard of hearing or having difficulty, we're going to up the volume. But so far we can go, we have equipment that will help you. Don't be embarrassed asking for it. So speak up and raise the volume a little bit, but there's only so much we can go.

Hardy: This is a view of the buffer overlay basically from the opposite side from what we just saw. This is viewed from north princeton.

Katz: Speak into the mike a little bit better.

Hardy: As evidenced here, there's a six-foot wall plus landscaping that is probably comparable to what we would call the l-3 landscaping with trees every 30 feet, and shrubs of at least six feet in height.

Katz: This is what's there now?

Hardy: This is what's there now. This is a view of the multidwelling neighborhood, again, to the south on the opposite side of princeton street. These homes are separated from the retail center by the 60-foot wide right of way of princeton street, as seen in the slide. This is another view of princeton street, basically on the other side of richmond. This basically illustrates the different types of housing you have. Multidwelling housing, as well as single-dwelling housing in that neighborhood. The -- basically the appeal was solely based on the removal of the b overlay. The appellant did not appeal the rezone from -- from the r-1 to the cn2. The -- basically the two applicable criteria are number 1, the reason for applying the overlay no longer exists, or has been addressed through other means, and number 2, that removal of the overlay is consistent with the purpose of the regulation, and with other basically applicable goals of the comprehensive plan. The hearings officer approved the amendment from r1 to cn2 and removal of the buffer overlay with the following requirements. Number 1, that a ten-foot-deep landscape buffer be provided along the entire south property line. That the buffer would be required to include trees placed a minimum of 30 feet on center with a solid hedge having a minimum height of three feet. The existing six-foot-high wall would be required to be removed as part of any future building permit activity on the site. And third, motor vehicle access across the buffer would be limited and exterior work activities and signs would be prohibited in that ten-foot-wide landscape buffer. The appeal -- the appeal -- the a -- basically removing the three comments, were removing the overlay, and reducing the height of the required landscape buffer from six feet to the three feet would not adequately mitigate noise impacts associated with the back of the store. Number 2, the applicant has not demonstrated the reason for originally applying the overlay no longer exists. And number 3, that the purpose of the overlay is to provide a pleasant pedestrian environment, and this does not appear to be adequately addressed. Staff notes that removal of the buffer overlay would not allow new development as seen here to occur where the back of the building would be built up to the street. This is because requirements of the cn2 zone require that a minimum amount of window area be placed on any building wall that is within 20 feet of a street lot line. So for this particular facade, if it were new development they would have to have windows along that side. And the intent of the window requirement is to enhance the pedestrian environment.

Katz: Not if they're covered up.

Hardy: Right. Secondly, staff notes that any development on -- proposed development would be required to be set back at least ten feet from the street and landscaped to the minimum of the I2 standard. This photo that you see here is an example of the I2 standard. Again, it consists of trees every 30 feet with shrubs of at least three feet in height. This landscape plan provides both a buffer between developments and the abutting neighborhood while also providing eventual -- visual interest to pedestrians. Allowing the shrubs to be as low as three feet promotes a safer environment where pedestrians can see into the development site and vice versa while also promoting development that is oriented to the street and pedestrians. Retaining the buffer overlay with its limits on pedestrian access and requirements for bushes of at least six feet in height basically guarantees that future development on the site will not orient to the street in a pedestrian manner. And lastly, it's also important to note that the comprehensive plan adopted states that pedestrian districts should be zoned to support lively and intense pedestrian activity. The existing landscape requirements and limits on pedestrian movement that are part of the buffer overlay zone are inconsistent with this important comprehensive planned policy. That concludes staff's presentation, if -- i'm open to questions if you have any.

Katz: Questions for staff by the council? There is no requirement, or is there a requirement that on the windows that you -- that you are able to see through to the -- to view the activity inside? Or can they -- will they be allowed to cover them up with paper, with ads?

Hardy: Well, there are basically two requirements for the windows. One is that they can't be higher than -- the bottom of the window can't be higher than four feet above the grade. And secondly, they either have to allow views into a working space, a lobby, or some similar space. As an alternative to the windows they can put in basically display windows. They can't be merely display cabinets that are fixed to the outside, they have to be literally display windows. But those would also meet the window requirements.

Katz: Maybe we'll get into that with the applicant. Further questions?

Hales: The existing six-foot masonry wall, does that meet the buffer standard and was it built under the buffer standard?

Hardy: Well, I guess two things. Under today's buffer requirements, there is -- there's no requirement to have that wall there.

Hales: Under the old buffer --

Hardy: Well, what I did -- I did look at the previous case in 1975 that mapped the buffer overlay. There was no specific requirement that they put in the wall. To be honest, i'm not quite certain if the old buffer requirement in 1975 would have required that masonry wall.

Hales: It might have allowed it.

Hardy: Right. And technically today it would be allowed, but it's not a requirement.

Hales: Okay. Thanks.

Katz: Okay. Further questions? All right. Let's put up the lights. Let's start with the appellant, who has ten minutes, and then supporters of the appellant have three minutes.

*****: Hello.

Katz: Good afternoon.

*****: Good afternoon, mayor and councilmen. I'm not a neighborhood activist.

Katz: Identify yourself for the record.

Barbara Quinn: Okay. My name is barbara quinn. I have lived in st. Johns for about 15 years, and i've been a homeowner for about four. This is sort of the furthest thing from my mind, but I feel like i'm compelled to come here today and kind of share with you some of my concerns. First i'd like to say that i'm not against this project. I am for development. I think it's -- it could be a really fantastic thing for our neighborhood. I'm concerned about the negative effects that the

development might have on the adjacent areas. I understand the need for better access to -- in our pedestrian district as recommended by staff, and I agree that the buffer zone removal for the safe -- I agree to the buffer zone removal for the sake of better access. However, I do contest the conditions that surround the removal, because they could negatively affect my livability, my neighbors' livability and our community's livability. The approve for criteria for zone designation removal is all important here. Here is the approval criteria 33.855.060. Could you show number 1, please?

Katz: Why don't you go ahead and read it. And we'll give you a little bit more time.

Quinn: I practically have it memorized by now.

Katz: Go ahead and read it.

Quinn: Do you have my bag? Just a second.

Katz: Go ahead.

Quinn: I can read it off that overlay.

Katz: Go ahead. We have it, but for the record you might want to read it.

Quinn: Approval criteria for basic designation removal. Towards -- on a, when a designation is proposed to be removed it must be shown the reason for applying the designation no longer exists or has been addressed through other means, and b, the addition or removal is consistent with the purpose and adoption criteria of the regulation and any applicable goals and policies of the comprehensive plan in any area -- and any area plans. My main concern is over those conditions surrounding that buffer removal, and in that the reason for applying the buffer in the first place I don't feel has been properly addressed. By the conditions surrounding that removal. According to the approval criteria, one must pay attention to the original intent or reason for the buffer overlay. The original reason for applying the buffer in 1973 when the shopping center was created was to maintain the street as a residential in character. In order to achieve this, it was originally recommended that street trees should be planted within the buffer to ensure the -- that development would be compatible with the neighborhood. Also the landscaping required for the buffer is the I3 standard, which is the six-foot hedge or wall with trees. This is a more substantial landscaping than the I2 or three-foot hedge recommended by staff. Staff's report on page 12 states that the buffer zone overlay requirements dealing with landscaping, quote, mandate visual barriers between commercial centers and surrounding neighborhoods. Such requirements inhibit the ability of commercial centers to be part of a larger mixed use community. The concept of mixed use is great. It works in Portland. It worked in places like the pearl district. But this concept does not apply to all development within all neighborhoods. It makes sense when different uses are somewhat compatible. Here is an example of the character of the neighborhood near the proposed development. Show the first picture, please. Actually, it would be the next one.

Karla: Number 3?

Katz: We don't get it on our computers.

Quinn: I'm trying to show the character of the neighborhood in the immediate vicinity of this proposed development. There are lots of street trees, lots of mature trees dotting the neighborhood. The character is mostly kind of I might describe as old Portland, maybe. Here is a picture of the existing buffer zone as seen from my house. Next, please. This area is used a lot by recreational walkers and bicyclers and runners. It's becoming increasingly popular for those purposes. And here is a picture, the next picture I'd like to show is a possible scenario with the new I2 buffer recommended by staff. In fact -- oh, next, please. That has to be flipped. This is the plan favored by the developer, and it's to scale. The developer specializes in large properties according to their website, their acquisition criteria starts at five acres and the average gross square footage of their properties is around 90,000 square feet. They specialize in very large buildings. We know from

looking at architectural drawings and from the developers representative mr. Lipp himself, the building proposed would be 30 feet high. The screen over the entrance would stand higher than that, five feet, according to mr. Leadership, and the generator or condenser would be placed on top of the building. The building is proposed to be set back 22 feet, only 22 feet from princeton, and that's exactly where the masonry wall is now behind the buffer area. This would kill all the existing trees by disturbing their canopies and half of their root systems. We also know the building is 322 feet long. Is 57,000 square feet. When I had a meeting with mr. Lip, he said he would be going with a minimum landscaping required by the city. The recommended l2 or three-foot hedge with a tree every 30 feet. Here is the scenario that I envision six months down the road. Next, please. That would be the next one after that. Flipped. This would be a very uncomfortable situation for me as I am located exactly directly across the street from the proposed back of the building. From my front porch i'll be able to see nothing but wall. I wouldn't be able to see the sky with the porch roof there. It creates a very uncomfortable atmosphere on princeton street for a pedestrian and bicyclist and runners forced to walk and move alongside that 30-foot-tall wall. There are several very large athletic events that use willamette boulevard, which is only one block away. They use willamette boulevard as a scenic route for the bridge pedal, the Portland-to-coast walk, the Portland marathon, and they would have full view of that entire buffer area and the back of that grocery building. What's touted by the city of Portland as a scenic walk. Could I have the next one, please. That's the view today from willamette boulevard, where the walkers -- thousands of walkers, 8500 walkers walk by this scene. Could I see the next one? This is what they might be seeing next year. This would -- we in st. Johns are proud of our community. We have a lot of strengths in our community. We want to put our best face forward. We would like to show our strengths to the world and we like to show the character of the small town atmosphere of our tone to -- town to the world. I'm not sure this is the impression we want to give to the many outsiders that participate in these walks and runs. Because of the sewer line that runs down the middle of the site to be developed, the only other scenario we would be looking at would be to have the building on the other side of the lot facing the commercial district on ivanhoe. This would leave us facing a huge parking lot with the associated off-site impact such as noise, lighting, traffic, congestion, and we would have a site after very large grocery store still across the street from us, or across the lot from us. We would still need buffering, but it would allow better pedestrian access and to my mind be less of a problem for the residential neighborhood on the south. Because of the visual blight and off-site impacts such as noise and lighting associated with either of these scenarios, in this situation, the intent of the original buffer zone should be kept. We need a higher grade of landscaping than the l2 recommended by staff. One of staff's assertions on page 15 of the report is that, quote, removing the l3 landscape barrier encourage the development of buildings that are oriented toward north princeton street. Since when do we plan around something that may happen in the future? If such a compatible business development is proposed in the future, let's look at the landscaping at that time. For now, I would like to ask that the buffer zone standard of l3, the hedge, with liberal street replantings be included in that. In fact, I would recommend that the existing mature street trees already in the buffer be preserved and used in the new landscape standard. That way we will have an instant visual mitigation in the -- of the effect of that huge grocery building back. I would suggest a tree preservation plan be put into effect according to city code 33.248.065, which would ensure the mature trees be protected during construction and the building set back would have to be outside of the tree root systems. I hope some of the folks here today will speak to you about what the trees on that buffer mean to them, especially the rare chestnut tree near the center of the strip. I feel this solution would be -- would better correspond to

the comprehensive plan as stated in the approval criteria for a zone designation removal. Next, please.

Katz: You have about one minute.

Quinn: Okay.

Katz: I'm giving you a little bit of time because of the snafu on the screen.

Quinn: I'm sorry. It would be the next one. I don't know if you can read that, but the first three pertain to a sense of urban design that promotes light and control of mass in residential neighborhoods, and address the idea of character and design that's compatible with residential areas. To wrap up, also the neighbors have an expressing concern about noise from generators and condensers at the back of the building, since at least July 11th. We have gotten nothing but vague answers from the developer. Usually he says he doesn't know how that will be handled. I would like to request that the generators and condensers be located at ground level and be enclosed in cement walls. To address safety issues that staff raise on page 12, I would also like to suggest all the trees be trimmed up, that it might be possible to ask the St. Johns foot patrol to vary their downtown patrol and take a few steps to walk by the buffer area. Finally it would help if local neighborhoods formed a block watch, and I would also advocate getting rid of the shrubs in the buffer zone now and go with the slimmer trunked trees. Portland has a reputation for being one of the best planned cities anywhere. Mayor and councilmen, please let us participate in that process in St. Johns. We have a truly unique and livable community and we want to build on those strengths for the future. And I know we can be a success. Yes to the story development, but no to the negative impact on livability.

Katz: Thank you. Questions?

Hales: First of all, I think -- thank you for putting on a very good presentation. You say you're not a neighborhood activist, I hope you'll become one.

Quinn: Thank you.

Hales: And don't take this as criticism, but your presentation was a little frustrating, at least to me and maybe other members of the council, not because you didn't do a good job, but because our planning philosophy as a city has moved quite a ways from the days in which we applied this buffer overlay. Though our neighborhood plans and our regulations haven't necessarily all over the city caught up with our philosophy. Ten years ago the city approved the last big monster grocery store in a neighborhood when the previous city council approved the Sullivan's Gulch Fred Meyer, and applied this buffering idea there. And again, in the last ten years the philosophies really changed from, one, it was go ahead and build cheap ugly buildings out of cinder block and orient them toward the automobile, and we'll try to control the damage to the neighborhood by requiring lots of landscaping, to buildings -- to build building that's fit into the neighborhood and orient toward the pedestrian. And you don't have to buffer them, because they're good to look at. And that's our philosophical change has happened, but regulations haven't changed. I think there are a few of us that think we should be running not walking to St. Johns with our neighborhood planning process so we can deal with these issues more holistically. And if there was ever a site that demonstrated why we ought to do that, this one does. But I'm building up to a question here, not just a speech. That is, if you could have what you wanted on this site, as opposed to controlling the damage from what you don't want, what would you want to see here as a neighbor? Knowing it's going to be commercial. It's not going to be a park or houses, what would you want to see?

Quinn: What I think would really be wonderful and wonderful -- a wonderful addition to this neighbor would be a more storefront oriented site, one that corresponds with the vast amount of storefront commercial property we have throughout our really nice little downtown district. Something that would be attractive enough to the thousands of recreational people who are going

through our neighborhoods to get to sauvie island to be attractive enough to make them want to stop and get out and walk around. And be a little more pedestrian oriented, less auto oriented. And the scale of the building, the scale of the building is a little bit large for the neighborhood as it is now. But if there could be some mitigating things done to the building, I would like to see something more smaller scale, a little more neighborhood oriented.

Hales: Thank you. That's helpful.

Francesconi: I -- where did you get the information as to what the building was going to look like?

Quinn: There was a development -- you mean the back?

Francesconi: Yeah.

Quinn: I made it up. I knew it was 30 feet high and I know they're putting in 25% windows, but with the renders -- wonders of photo shop I created it to scale.

Francesconi: That's good. Thank you.

Katz: Okay. Further questions? Thank you.

Quinn: You're welcome.

Katz: All right. Supporters of the appeal. Do we have anyone to testify?

Moore: We have people signed up to testify.

Katz: Anybody testify -- anybody to testify? Just come on up. We'll hear from all of you. There's some on both sides, so just check their names off.

Marla Van Beek, 7015 N John Ave.: I live at 7015 north john avenue. I'm marla. About a block from the back of the development. My family has owned the house on john avenue since 1971. So we have seen a lot of changes to that site. We first bought when there were still houses on princeton, so one of the suggestions to barbara was maybe she shouldn't have bought to a commercial property. Well, we didn't, but through the years we have gone with the changes, and I like barbara have not got a problem with living across from a commercial development, as long as it's handled in a way that we feel like it's friendly to us as well. One of the concerns that I have, like barbara, is the scale, or the proposed scales of the buildings. We're all a little confused because while we're just dealing with the buffer zone and the rezoning, we don't oppose the rezoning, we do have grave difficulties with some of the things that are floating around, and we do have plans that we've received of some of the suggested proposed things that the developer wants to do. One of the things we understand that the city is concerned about is making the site more pedestrian friendly. We've lived with a six-foot wall for a long time, and sure, it could be more pedestrian friendly. What has us scratching our head is exactly how this is going to be friendly to us as pedestrians coming from the john avenue area if a store hypothetically, let's say, 322 feet long and 30 feet high. I'm not sure if we're supposed to walk through walls or exactly how that's going to be pedestrian friendly. Maybe further on down towards richmond it might get a little more friendly, but we don't look at that as too friendly to pedestrians having to it is and look at that. So I just want to support barbara. We aren't trying to stop progress. We realize that there are some new ideas, and making things more pedestrian friendly is fine. One of the things we feel needs to be addressed is the l2 standard on the buffer zone. It does have to be l3. We don't feel like l2 is going to be particularly -- it's not going to make our neighborhood feel like a neighborhood. It's going to feel more like a commercial zone. I've been there for a lot of years. I've will no problem. I've never been here before, to make any suggestions or comments, but now I would ask that you really consider her request, because we would like a new development there that would be great, but please take into consideration those of us that live right across the street from it. Thank you.

Katz: Thanks. Anybody else? Come on up. We have two chairs, so somebody else grab another chair if you want to testify.

*****: Good afternoon. This is my first time --

Katz: Identify yourself.

Marion Warfield, 10238 N Leonard, 97203: Marion warfield, I live in st. Johns. We've been there for six years, and we actually live about two houses away from peer park. So we value the greenery very much. In fact, we left one of our southern states to be here, and that's why we are here in the first place. I support barbara's proposal very much, or her -- the -- she is proposing for -- versus the -- what the developer is proposing. Development is a part of life, and we all understand that. We certainly don't want an empty parking lot in our neighborhood. My contention is that removing this buffer zone is in direct contrast to the clean river act that we have established here in Portland. It simply -- it will remove much of the actual -- the bark chips, the ten-foot zone would be narrower. We wouldn't have the trees, the water would not be absorbed, and it would be run off the asphalt. Also I wonder, when did windows replace trees? Aesthetically speaking. There is no comparison to be made. There doesn't -- I don't see why we can't have a development that is in line with the rest of our neighborhood. That is just -- I guess that is mainly what I had to say. This is very much in contrast to our clean river act. These are tree that's are 30 years old. And one more thing. Contending that removing these trees in the name of making it safer, I find insulting. Very much insulting. These are deciduous tree that's lose their leaves. They've never been a problem at all as far as being unsafe. This isn't an area where people hang out, where drunks or homeless people -- at all. In any way, shape or form. And so making that kind of reason, using that is a reason to me is a very shallow excuse for cutting down trees. So please consider it. Thank you.

Rick Sandstrom, 8104 N Ivanhoe, 97203: My name is rick, I live within a block or so of the proposed development. I would like to reiterate everything that's been said in the sense that we -- my wife and I are very for the development. However, based on the plans that are going around -- I know it states in the hearings hearing that there has been no plan submitted, but it sure is order that there are at least two plans floating around out there with only two possibilities. And I think what you're hearing today is reaction to those plans and you're probably going to hear more or less a feud between two neighborhood associations. For the most part, the buffer is there to mitigate the effects of that commercial zone. And it's a wonderful area, it's a prime spot for more city attention in the sense that more plantings could go on there. It could be a really nice arbor boulevard, if you want to call it that. And so just eliminating it for the sake of, say, putting in another sidewalk, or trying to cover up the back of a store doesn't seem to make any sense. I'm a trained forester, biologist, biochemist, and it's hard for me as a biologist to see that type of work going on in the sense of eliminating a nice buffer zone. Something that does complement another city project, and that's the clean rivers work. Otherwise, I think the development would be great. But I think it's a matter of taking into consideration the neighborhood. And what the neighborhood wants. And -- neighborhood wants. And it's the visual impact. Whether bash's pictures are correct or not, it doesn't make any difference. There's still going to be the back of a store there. If it's put on the south part of that property. And I can also contend that it will not do any -- make any difference to the pedestrian access of that property. Because right now that single entrance through that wall is right across the street from charleston. If that building goes there, it's just going to move it down probably 75 feet or so to the middle of that block, and there's still only going to be one entrance to that property. So to say that there's increased pedestrian access I think is misleading. Plus, any transit that goes on goes down richmond. Richard is the -- richmond is the transit street. Why princeton would have to have increased pedestrian access is beyond me. That's all I have to say.

Katz: Thank you.

Mary Bauman, 8519 N Tioga Ave., 97203: My name is mary bauman, i've owned a home in st. Johns for 12 years, and my favorite thing about st. Johns is being able to walk everywhere. I can do all my errands on foot if I want to. I can walk through nice neighborhoods, I can admire people's gardens, there's trees, I see -- but I feel although it would be great to have a new shopping center, I feel this goes against the grain of what I like best about st. Johns. I feel it's not pedestrian friendly, it reminds me just of an industrial building. But I like the idea -- I feel it needs more landscaping, it should be set in further. That's all I have to say.

Katz: Thank you. Further testimony?

*****: Good afternoon. Thanks for the opportunity.

Katz: Your name?

Jim Barnas, 6810 N Baltimore, 97203: Jim barnas, I live at -- on north baltimore avenue. Probably about five or six blocks from the site. I echo a lot of what's been said by barbara and the other folks. I'm also in favor of this site being a commercial spot, and i'm really excited by what it could be. Right now I think it was a mistake, you know, what happened there. It's just a big asphalt parking lot, a suburban lot that was dropped right down in st. Johns, and this is a tremendous opportunity to change that around. The buffer I feel -- I feel that without having a plan to look at, and how it would relate to the removal of this buffer, I can't support it and I don't see how a decision can be made without seeing how the development relates to the removal.

Francesconi: Pretty hard, sir, let me tell you.

*****: That's about all I have to say. Thanks.

Katz: Thank you.

Mary Wheeler, 6833 N Chicago, 97203: My name is mary wheeler, and I live at 6833 north chicago, which is about six blocks away from the site in question. In some ways I think I represent kind of the ideal of what we'd all like to see with these sites. I walk through this area on my way to do my shopping, or go to the st. Johns pub for the music, of course, or the john street cafe, some of the really nice pedestrian friendly development that's gone on and has existed in the mixed use development that exists there. I'm getting nervous. And I too like a lot of people am really excited about the possibilities in this site. It's been something of a blight for a while, and I think really great things could happen. But I guess I too don't understand why the buffer zone, which is part of what I see that makes this area attractive to walk through, is -- seems to me to be a result of the buffer zone. And I don't understand why that's being taken away without seeing a development that's saying we're going to have cute storefronts or something like the belmont dairy or something going in there instead, which would be drawing the residential area, having sort of a smooth transition. And it is confusing, because we are hearing a lot of development plans that aren't really up for question, so you don't -- it does sound like it's just going to be a big wall. But I can't comment on that, because it's not official. I use this route because it's very nice. People have done a really nice job with their gardening, and it's nice, in spite of the fact there's not even a sidewalk there. At this point there are problems with it as a residential -- as a pedestrian route, that walkway is -- that fence, gate is really narrow, there isn't a sidewalk, but what makes it attractive and appealing is the really nice yards, the trees and so on. The fact it's very quiet as opposed to walking on ivanhoe. There's just not that much traffic. If you're walking to the john's street cafe, it's a very nice route. I don't know any of the people who live there, but I appreciate the fact that it's their work and their attention to their homes and to their surroundings that make it a nice place for me to go and to walk through. And I hope we can respect sort of their needs and look towards a development that addresses my needs as a pedestrian. Thank you.

Katz: Thank you.

Rodney Webber, 8406 N Princeton St., 97203: My name is rodney webber. I live at 8406 north princeton street. When -- where the building is now, the proposed building to be, will be right at the corner of johns street. My property comes out to the corner of john. I will be looking at a tagger's paradise. 30 feet high, 300 feet long. When they take out the buffer zone, there won't be anything there that -- there will be a three-foot-high hedge. Now with the existing trees, we're always touting the livability of Portland. We're trying to redevelop -- let me start off by saying I do agree with the building. I think it's great for st. Johns. St. Johns has always been kind of a dumping area. We're over that. We're growing. It's a nice place. Now, if you take the aesthetic view away, all we're going to have is 30-plus feet -- feet, 300-foot long of industrial. This isn't industrial. This is residential. Please consider this. This is -- what we have now existing is very nice. It's aesthetic. It's a nice view, just like the lady was saying. It's nice to walk down. If you take it away, all we're having is one big building with little bitty windows. There's no trees, nothing. Thank you.

Katz: Thank you. Somebody else? There's another chair here.

Mike Vermason, 8016 N Willamette: My name is mike, i'm -- I live at 8016 north willamette, less than a block off from where the site is located. I'm really excited that there is western properties taking over that property for the fact that why I live in st. Johns is it is a nice place for neighborhoods and for me to raise my family. But the one thing I am -- that I don't understand about the buffer zone is that I believe it was represented to keep industry out of neighborhood. And as much as the city of Portland is changing, especially the urban zone and needing to impact the area more in st. Johns, that buffer zone being taken away allows industry to flood into our neighborhood, so i'd ask that there would be a great look at that to find out how it can further establish how the industry is going to keep from flooding our neighborhood, which is just basically in front of my house. And that's my only worry, not so much about stores and what goes in there as much as it is just about keeping the industry away. Thanks.

James Moore, 7325 N Leonard, 97203: I'm james moore, I live at 7325 north leonard. I'm quite a ways from the area, but I do visit it and I do shop there. I'm looking at -- i'm going to talk about support. Supporting this area. We're talking about development because the area is not viable. The stores there are not doing great business right now. We're looking at changing that and bringing someone else in. I may have missed some. I'm wondering, why are we taking away the buffer zone again? Is it so we can have a large -- is there a problem with the area between the sewer easement and the buffer zone? Is that not large enough to accommodate the building size the developer would like? Is that the reason we're removing this? Or is it because of the other standards because we would like to see more pedestrian access? I -- that's a question.

Katz: We haven't heard from the developers yet.

J. Moore: Okay. So what i'm looking at saying -- we're going to have development. We're in favor of that. We'd like to see it be friendly. I don't think we need a big development. I look at this buffer zone and say, you know, it hasn't kept us -- the reason these stores are not viable now is not because we have a buffer zone. It's not because the pedestrians can't get there. We can get there now. It's the development wasn't to our liking. I'm saying we as a community didn't support this site. That's why it's not making money. We're going to support the next site, but we'd like -- we're not going to support the next site. There may be a development that comes in and we don't support it because it doesn't take into account our needs, I think. I'm looking at this from a monetary standpoint saying, we'd like to be heard. We'd like to have this pedestrian friendly family friendly, and if it is, we'll make it economically viable. If it's not, we won't make it economically viable.

Katz: Thank you. Anybody else? All right. Principal opponent of the appeal. You have 15 minutes.

Larry Lipp, Western Properties Trust: Good afternoon. My name is Larry Lipp, I am with Western Properties Trust, I'm the applicant for the proposed zoning map amendment. Accompanying me is Steve Able, our land use attorney with Steel River. Just to provide a little history, I thought it might be beneficial to explain that Western Properties Trust acquired the store in about October of 1998. Since that time, we closed down the Keinows and we have been retenanting, revitalizing through the redevelopment of most of these projects. In fact, there's only two remaining stores we have not completed redeveloping. One we're redeveloping presently, which is Menlo Park Plaza, and the only reason I bring that one up, it is truly a true description of our intent to provide a pedestrian friendly shopping center environment. The -- there are a number of things I was going to say, but I don't think anybody is really opposed to the rezone. So I'm going to move ahead to the removal of the buffer overlay. Because that seems to be the biggest issue. Unless there are concerns that you have on the rezones of the parcels themselves. Okay. For the past six months, I've been working with the St. Johns business boosters, St. Johns neighborhood association in addition to the friends of Cathedral Park. I guess I'm embarrassed, because I thought I'd done a pretty good job up to this point explaining what our intentions are with this site, which includes everything from pedestrian connections and the rezone, but there are some inaccuracies and some misrepresentation that's perhaps I can clear up by telling you that as of right now, we don't have on record any proposed site configuration. We do not have any kind of shopping center development on record at this point. The presentation that was submitted -- don't misunderstand, because I do appreciate these comments. It's important for us to respond to the concerns of the community, as we have been trying to do for some time. The scenario that was presented, it doesn't really incorporate many of the items that we as developers would be required to incorporate as part of new development. Such as street trees every 30 feet on center, such as sidewalks, which would be 12 feet from the toe of the curb. Such as an additional ten feet of landscaping. And within that landscaping we would have an additional -- we'd have additional perimeter trees every 30 feet on center. So essentially we would have one street tree every 15 feet on center, along the perimeter, and specifically on the back of -- specifically on Princeton Avenue, which is the separation between the commercial development and the residences. Further, if -- hypothetically if the back of the shopping center was built to Princeton, then we would also be required to place window displays approximately five or six window displays, 25% of the wall length and 12.5% of the wall area. So what I'm trying to do is provide a visual of the break-up of a blank wall, essentially which was presented previously. The comment with regard to the pedestrian connection is something, again, ultimately that we would factor in at the time the shopping center is developed. But it would include the pedestrian connections. It would include widening the sidewalks. It would include connections to the buildings in addition to the trees and interior landscaping as well. The -- the goals of the developer I think are somewhat synonymous with what the goals are of the community. We want to have a pedestrian friendly environment. I think we're attempting to accomplish that. We would like to see the rezone, we would like to see the removal of the buffer overlay, and I think really what it comes down to in terms of the removal of the buffer overlay is landscaping height between an L3 standard and an L2 standard. The L3 standard is six feet of landscaping, for example, a six-foot hedge as opposed to an L2 standard, which would be a three-foot hedge. As developers, we prefer the L2 standard, which is a three-foot landscaping hedge. The reason is because we do not like to see a visual screen separating the development from the residents and impairing the visibility of pedestrian and customers. Since that six to seven-foot wall was built in 1993, there has been a history of transients sleeping, drinking, and living between the wall and the shrubbery, making it easy for transients to hide behind. This obviously does not promote a pedestrian friendly, safe environment for shopping there center customers, and that's

why we at the suggestion initially of city staff, agreed that the 12 standard with a three-foot high landscaping was a softer look that promoted safety and enhanced the visibility for the communities, pedestrians, and customers. So, again, in addition to the trees that would be required every 15 feet on center, in addition to the windows that would be required, hypothetically if the back of the building was built to princeton, I believe that there is enough of a break, I believe there's enough of a buffer to apiece and adequately address most of the concerns that were raised today. So unless you have other specific questions regarding the removal of the buffer overlay or the development, i'd be more than happy to answer them.

Hales: Maybe just the obvious question, sort of the, why do this question. You don't have a development proposal. Why do this? Why not develop a plan for the redevelopment of the site, approach the city with a consolidated application in which you change the zoning and you do whatever else you need to do? Why do this now?

Lipp: Our approach is methodical in the respect that about a year after we acquired keinows, we acquired two residential parcels. The first step is to make sure to get the ball rolling so we could rezone the parcels that are enveloped to the north, to the west, and to the east, so it's consistent with the add joining center. During that time we've been discussing and negotiating with a number of different grocers who -- we believe we have one now who is interested in coming to the site. But the zoning map amendment does take time, especially if there's concerns raised by the community. That's why we're trying to get this resolved initially and first.

Hales: I guess I don't understand that. Why not do it all at once? You're going to have other issues, possibly, in developing a new grocery store on the site. Maybe you get lucky and not require any adjustment, but steve, can you --

Steve Able, Attorney, Stoel Reives, Representing Applicant: Maybe I can help out a little bit. For the record, steve able, representing the applicant. There's kind of less here than meets the eye in some ways. This is a very simple application. When this applicant obtained the site, to change the zone of 10,000 square feet on this block from an r1 zone, multifamily zone, to a commercial zone, which matches the rest of this particular block, and matches the blocks that are along this particular street edge to create the possibility of a commercial development. That was the simple approach to the city that this applicant wanted to undertake when it acquired the 10,000-foot parcel in order to free up the ability to develop the site. It knew it was going to have to develop the site. In those -- in the process of those conversations with the city, city staff suggested that the buffer be removed. That's not an initial approach that this applicant had. But upon hearing the idea of removing the buffer, because the buffer -- commissioner Hales pointed this out, the buffer comes from an antiquated time. It involves strategies which bar neighborhoods from moving into these commercial areas, and encourage these divisions between commercial areas and residential neighborhoods that many people don't like. Including the commercial community and including most of the residents. Don't like those kinds of walls, if you will. There's safety problems, and they are other types of problems. So this applicant decided the best thing to do is comply with the thought of city staff, and said, let's remove the buffer. What does that mean? Removal of the buffer only means in this particular circumstance that the hedge height goes down from six feet down to three feet.

Hales: Because you're subject to the cn2 --

Abel: The conditions of approval of the removal of the buffer impose the hedge as well. So there's very little here that meets the test.

Katz: One second. Did we run out of time?

Hales: I hope she stopped it, because I asked a question. Let me sort of pose the question that I tried to pose earlier. That is sort of from your point of view, i'm weary of this proposal, others may

be weary of this proposal, and here's where i'm coming from. I agree the buffer idea is a relic. It's a relic of a time in which the city did things like we did here, vacated streets and created super blocks in the middle of neighborhoods. Bad idea. We're not doing that anymore. And then permitted people to build painted cinder block boxes, great big cinder block boxes in bungalow neighborhoods, or in -- oriented towards parking lots instead of stores oriented toward the pedestrian. The buffer is a tool to limit the damage of inappropriate development, even though with one hand we were saying with general commercial zoning and other dumb ideas that we wanted this kind of development. So the city was pretty screwed up, in my opinion, in that area, and we're trying to get better now. But we haven't gotten all the way better. So this site will still be zoned c2 at the end of this hearing, and -- which is probably not the right zoning for the future of this site, in my opinion. That's another discussion for another day -- but we don't have a development proposal from you in front of us that reassures that we don't still need that damage control. That you aren't still going to try to build a minimum building in firms of our standards with the minimum amount of glass, and the minimum amount of attention to the context. That you're still going to build a cinder block box and paint it and have people come to it by cars. So reassure us. Which you could do if you were in here with a development plan.

Abel: Let me tell you how to get reassured in these circumstances. We have a code, and we are asking you to make a zone change in compliance with the comprehensive plan. This site is already zoned -- comp planned commercial. The standard through which you make that change is adequacy of services. The services are there. We're taking a simple 10,000 square feet part of this project and saying let's go to cn2. We've also asked as part of that as a removal of a buffer. It seems to me the buffers do a great degree of nonissue. It's a six-foot hedge or a three-foot hedge. Split the difference, it's going to grow. Right? It seems fairly simple. Where is your assurance? Any time that someone wants to develop a particular site, you're -- your assurance is in your own legislative code. That zone calls for certain development standards which the city has legislatively adopted as the law by which the applicant and the citizens will be governed for development of this parcel. That's where the assurance is. That's the place you look to, and that's what we all rely upon in developing the site. To the extent this applicant wants to vary from the requirements of the cn2 zone, this applicant will need to seek an adjustment, or other processes through which they could obtain those particular changes.

Hales: I appreciate your point. Frankly, the council, me included, are spoiled, because we're accustomed to developers now exceeding that standard voluntarily. Because that standard really haven't very good. That doesn't guaranteed a belmont dairy or the kind of buildings on hawthorn. It allows people to still build boxes, paint them and put some windows in. So we're accustomed to having developers do better than that and we are looking for assurances that you might.

Hardy: If I can respond to that, what's really important here is that there is nothing in this record more -- that says this developer is going to do a poor job. All you have is some speculation by citizens who have admittedly put together a visual that they -- I forget the phrase -- dreamed up or guessed at and paraded that out in front of you to say this is what's going to happen on site. It's not what's going to happen. This particular developer is a very, very important developer on the west coast, and is very important to the city because of the acquisition of all the keinow's sites that could have easily been boarded up and sat vacant. What you heard in the citizens' testimony, they want that development to occur. Is this particular developer motivated to provide the development that would be compatible with the neighborhood and make the neighbors want to use that development? Absolutely, for the same market based reasons that all of us want to be successful, they want to do it in a way so they will get customers. That's one of the reasons they want the pedestrian activity on the backside. They do not want a wall -- to wall off the community, and the removal of the

buffer allows for the lower hedge, for the sidewalk. There's no sidewalk there. It's a wall. It's a fortunate if I indication. It's 100% against what we've been trying to do in the city.

Francesconi: Can you ask staff a question?

Katz: Did you want to --

Sten: Briefly, with all due respect, you contradicted yourself. You said this doesn't make any difference at all, and it's 100 degrees separate from city policy. Which one is it?

Hardy: Well, the removal of the buffer in the sense of what the buffer removal means, in the sense of what the buffer requirements are if they stay in place, doesn't -- isn't that much difference. It's really the difference between a three-foot-high hedge and a six-foot high hedge. What makes the difference is the desire on the part of the applicant to not have a six-foot-high hedge and cut off the community. Or put in a wall that's in there now. With the condition -- the condition of approval says get the wall out of there. That's important. This applicant could leave the wall up. I do hear some of the citizens saying that's what they would prefer. It doesn't seem to me that's the policy the city has been undertaking and I don't think it's the one that makes a very good transition between the opposite properties. One other point, the other properties are zoned r1. It happened to be currently single-family. But they are r1, or multifamily zones. This neighborhood may change its character over time. Residentially as well. And it's to the benefit of the particular applicant to get pedestrian movement on all sides of the facility.

Katz: Okay.

Francesconi: I just wanted to ask staff. Do you agree that practically speaking the argument over the buffer amounts to the difference between a three-foot hedge and a six-foot hedge?

Hardy: I would, given the conditions of the hearings officer did put on the approval to remove the buffer overlay. Basically every other guarantee that is provided through the buffer overlay has been provided through his conditions of approval. So it really does come down to a three-foot-high hedge versus a six-foot-high.

Francesconi: Thank you.

Katz: Let me ask another question following that. If you knew that the wall would be 30 feet tall, would you still make that recommendation?

Hardy: Well, the -- what the zoning code allows through the cn2 standards, again, it tries to direct development to be as pedestrian oriented as possible, so that is the requirement for the window. Regardless of how bad the development is, they will have 25% of the length of the wall in window area. I think the way staff has looked at it is we don't know what's going to happen on that site, and what we do know is with the buffer overlay there's no way any development ever on that site will orient to Princeton street and the pedestrian manner. Pedestrian access will be limited to one six-foot-wide pedestrian path. You will have technically I guess windows on the wall behind that buffer, but you still have a six-foot-high wall, a wall along that street. What staff had intended to do and what the hearings officer had approved was basically a plan that would continue to protect the integrity of the multidwelling neighborhood across the street yet still allow the opportunity for whatever development occurs on the site to be pedestrian oriented.

Francesconi: If we grant -- we're going to --

Katz: We're not finished.

Francesconi: I assume we're going to grant the zone change right away. Is there any way we can argue about the difference between the three and six-foot light, later on when we know what your development is, or why do we need to proceed right now? What -- on what isn't that significant, in my opinion?

Sten: Can I ask staff a question?

Katz: Quickly.

Sten: Is there a judgment that a three-foot landscape is better for pedestrians in the -- than a six-foot landscape when it's up against a wall. That doesn't seem obvious to me. If it's a wall.

Hardy: I think if that six-foot-high landscape buffer is against the back of the building wall, there is no benefit to -- in terms of having -- what staff had heard during the course of us drafting the recommendation -- there are some activities happening on both sides of the wall that weren't -- that were safety related.

Francesconi: The building wall? There's a condition now --

Hales: There's a condition now that requires the wall that's there now to be demolished. The building wall would have to have 25% -- if they build a new building there on that street frontage, I believe cn2 zoning code standards require 25% of the frontage of the wall be windows.

Sten: I guess what i'm trying to get at, if they're not really functional windows, particularly, but they're glass somehow, I prefer to look at a six-foot tree than a window that's there.

Hales: This is the same regulation we apply all over the place. We're pushing retail to the street, and requiring windows. Look at the new safeway, for example, at the corner of 39th and powell. That was a big argument with them about where the store would be and how much glass there would be.

Sten: On the back of it too?

Hales: The parking lot is on the side instead of on the front of the store and there's glass along powell and 39th.

Sten: Isn't this analogous to the backside?

Hales: Right, but we don't -- the code doesn't say there's a front street and a back street.

Sten: But there is.

Hales: But the code says if you're on a street, you got to put glass in. And I think that's appropriate. I don't want to write off -- I don't want a code that writes off some streets as back streets and says, oh, it's okay to put blank walls on those streets.

Sten: That makes sense. I guess we're debating now -- maybe it's too early -- in this situation i'd rather look at a six-foot tree than glass that was put in to claim that's better than a wall. There's nobody coming in and out, it's a back wall with glass. I'd rather look at a tree.

Hardy: I think there's some misinformation.

Katz: Could you bring the mike to you, toward you?

Hardy: About the landscape buffer, regardless of what happens with -- whether the buffer overlay is removed or not, you will have trees 30 feet on center of the private portion of the site. You will still have trees within the -- they would be required to put trees within the public right of way, so effectively you would have a double row of trees along that entire facade. Plus per the hearings officer's decision, a three-foot-high hedge.

Hales: So --

Sten: Okay. I got you.

Hardy: So you'd have both.

Katz: I want to ask a question with regard to the windows, but i'll get to it later on. Let's complete the hearing first. I think you ran out of time.

Lipp: Thank you for your time.

Katz: Was there anything else you wanted to say?

Lipp: I think that's it.

Katz: All right. Supporters of the project, come on up.

Jean Hoops, 6933 N Richmond, 97203: Good afternoon. My name is jean hoops, I live at 6933 north richmond on the corner of willamette and richmond. I support, I personally support the removal of the hearings officer to removal of the buffer overlay. A couple things I want to address.

As it stand now, there are and have been transients who live next to that wall. There is a 31/2 opening now where pedestrians do go through, and I know of at least two women have been mugged. Some were never reported. So there is a problem. By not having visual to a parking lot so you can see there's some activity that you think is not desirable, you can turn around. As you go in now, it is not. And the police do not have easy access to sweep by, see through trees, who is sleeping on the trees and see also into the lot. The community on a whole has written you letters and supported this overlay, not only supported -- given support for the development. I have to ask one question, when you're running the marathon you don't look either way. But there has -- I understand the woman who lives across the street, because that -- as I understand there was not a wall there -- not too many years ago. And those houses were still there. Without the wall. So I think there's some things that we need to support, and that is we get this one out of the way so then we can go on and proceed and have a full set of renderings of what the building is going to look like. But I really support the trees and the greenery. It's much more pleasant be to walk along the wall, which I do walk along the wall. Any questions?

Katz: Let me ask the obvious question. I don't think I heard anybody say they want to maintain the wall, but it was the three feet versus six feet. What --

Hoops: I think -- I understand they wanted the removal of the wall. I propose the removal of the wall and -- in support of trees. The proponents would prefer not to have that wall removed at all. Is that correct?

Katz: That's not what I heard. But I may be wrong. I'm asking you in terms of the shrubbery and the trees, you have opportunities to landscape at I2 or I3.

Hoops: Right. Well, I would prefer the trees and the shrubs and more density. The important thing is they're shaved up from the bottom so people do not hang out in there.

Ray Piltz, Land Use Chair, St. Johns Neighborhood Association: Mayor, commissioners, i'm ray piltz, the land use chair for the st. Johns neighborhood association, which also actually I feel responsible for all the controversy that comes up, because larry lip has been more than cooperative. He's been to three of our neighborhood meetings, explained things in detail, and frankly i'm amazed at the controversy. We've had the police in telling us why that wall should come down. They're constantly in there. In the cathedral park neighborhood association, they have a man who ran that store for -- ever since keino's was there, while bales was there. A 50-year resident of the city, and manages a store, he says constant problem with that wall. Rooting out the transients, drunks, and so forth. And the cops are patrolling it on a regular basis and have to run the people out of there on a regular basis. Three-foot-high trees, no transients, no bums. I am myself have run on -- into bums in that area. We've had three complaints within my neighborhood association on people being accosted in that same area. As far as the wall being there, larry lip and his associates have given us nothing but positives. He's going to put the windows in, trees will be in there every 15 feet, it will look as good if not better than it is now. So i'm really amazed, i'm sorry these people don't come to the st. Johns neighborhood meetings or the cathedral park meetings, because these people have been overly cooperative as far as anything we want to ask them about, and they come up with the right answers. That's why we fully support them. Any questions at all?

Sten: Would it make any sense for you to ground all the people -- round all the people in this room up and call a meeting -- would you guys all it is down and talk -- before we vote --

Piltz: I'm all in favor of that.

Sten: The choice seems to me less than obvious which one is better. I'll vote one way or the other, but it seems we need a design before you can know whether it's good or bad.

Piltz: They have --

Sten: Maybe you could mediate this.

Piltz: They told us they have a basic design.

Sten: I'm trying to pass this over to you.

Piltz: They have a basic design and they have showed it to me. But that's at the neighborhood meetings. If you don't go to the meetings you're not going to find out what's really going on in your neighborhood. I'm sorry to say, but they said there would be a little tweaking here and there, but the basic design will be there and it will be the windows with the wall out of there, which we want. Both neighborhoods want it. I mean enthusiastically. So i'm sorry, but I don't see their gripes. Honestly, I don't.

Sten: That's not a good stance to mediate from.

Piltz: That's right. But you've got the bigger ones, and that's our neighborhood associations, which is much larger.

Sten: I just think this could get worked out.

Katz: Okay. Thank you.

Sten: Now i'm confused whether there is a design or not.

Hales: It's hard to tell.

Sten: I've heard there is a design, i've heard there's not a design.

Katz: We'll ask after we finish. Anybody else want to testify? On behalf of the applicant.

*****: I'm confused, actually.

Katz: You can come up -- come on up and join us. [laughter]

Hales: There are at least five more people in the room that fit that description.

Sharon Ray, N Philadelphia: My name is sharon ray, and I live on north philadelphia and edison, and I go -- I along with several friends are in the cathedral park neighborhood association and I go to my meetings. I am totally confused, because the buffer wall, if it comes down, I don't understand how it's going to be more pedestrian friendly to have a 30-foot wall. Then I don't know

--

Katz: You mean a 30-foot wall of the building.

Ray: Yeah. But I don't know if there's going to be a 30-foot wall of the building.

Sten: I don't either.

Ray: So, you know, and I think there should be a buffer there. I think it should be pedestrian friendly, and I would like to see the storefront on ivanhoe, because I think that would be more in line with what goes on in the neighborhood. And I want a new store. I miss ad mart, even though it wasn't the best of stores, it was very handy. And we need a big grocery outlet there, because there's a lot of people moving into the area, and it will get used. But it needs to be in line with the surrounding development.

Katz: I appreciate that. I think the frustration is here. We don't know what -- its orientation. We don't know its design. And so we're really being asked for a zone change, and a decision on a buffer without knowing what's going --

Ray: How can you make a decision if you --

Francesconi: Here's the problem i'm having it. The problem i'm having is, it would make more sense to do it the way the citizens are requesting. It would make more sense to have the -- but there's nothing in our code that requires it. So we have to change the code, but we can't keep doing this, folks. It's not a fair process to people, because you want your neighborhood developed in a good way, but the law doesn't require this. So we have developers follow a process, and then we change the rules when they get here. We can't do that. We just can't do that. So I don't want to hear any of these, and frankly I don't even want to engage in this discussion until we change the code. So i'm respectful, but if we're talking about the difference of three feet on a hedge, we're wasting city resources until we change the code. This is not the way to proceed.

Katz: Thank you.

Francesconi: Then let's change the code. I'm fine with that.

Katz: Let me see if I understand. I think the issue that you're referencing, commissioner, is the fact that we're doing this piecemeal, but we have the ability to identify a standard for landscape. Yes? No?

Hales: There is one. I'm not sure what you mean by change the code. If you mean require design review for neighborhood commercial districts, i'm a vote for that. If you mean require consolidation of applications, i'm not sure if we can do that, but we could explore that. But the code allows people to piecemeal it, and i'm not sure, jim, under the state land use structure if we could create a piecemeal-proof code.

Katz: No. I think --

Francesconi: This has happened once in -- twice in three weeks. So I want some options from the council --

Katz: Wait a minute. Wait a minute.

Francesconi: What we can do or not do --

Katz: The issue that you raise is an issue between three feet and six feet. And I think we have the ability to place that condition whether we think it ought to be one standard or another standard in terms of the landscape. Is that -- that's correct. Right? You made a determination when they came to you that it would be at 12. We can make a determination that it be at something else, and look like something else.

Francesconi: Can we do that, katherine?

Hales: Which?

Katz: Sure.

Francesconi: Then we're going to engage the council on making decisions on all landscaping, the difference between three feet and six feet?

Hales: That's not what I want to do.

Francesconi: No, we don't want to do that.

Katz: But we have been doing it.

Sten: But we --.

Katz: Go ahead.

Sten: Commissioner Francesconi, I -- I see it much simpler. We have a group of people who have appealed a decision to remove the buffer zone overlay. And I think we have a straight decision whether or not to grant that appeal and not remove the buffer zone overlay, or uphold the hearings officer. I think the zone changes are not in dispute, and what's being argued is whether or not to uphold the hearings officer's decision to get rid of the buffer zone overlay or overturn the decision.

Hales: What we don't get to do, and some of us would like to be able to do is review the design of the project before granting concessions.

Francesconi: Right.

Hales: But what drives this is the two map system. That's why we're in this pickle, is the two-map system. And if the council wanted to do a more aggressive job of neighborhood planning and got the zoning right, then douglas and his colleagues at opdr could review these projects to whatever the code was, whether it required design review of neighborhood commercial or required landscaping at this standard or that standard. But we have this nether world between where the code and the plan ought to be. There are sites all over the city with two zoning designation and they're trying to make the transition from one to the other and it's the only negotiating point we have.

Katz: The question that jim asked was the three feet versus six feet, and you answered my question, you said we have the ability to set a different landscape standard. Correct?

Beaumont: Yes. I believe you do. If you find that by imposing --

Katz: Did you hear that? I want you to hear this. [laughter] go ahead.

Beaumont: I believe you do have the ability to determine that you want to impose the I3 standard if you believe it's necessary to do that in order to satisfy the approval criteria. A restated by imposing that condition the approval criteria for removing the overlay will be satisfied.

Francesconi: Point me to the criteria that I have to decide on, the difference between three and six.

Beaumont: The two criteria for removing the b overlay are, it has to be shown the reason for applying the designation no longer exists or it's been addressed through other means. So you could determine that imposing the I3 standard addresses the reasons for imposing is another means for addressing the reasons for imposing the b overlay. The second approval criteria is that the addition or removal is consistent with the purpose and adoption criteria of the regulation and any applicable goals and policies of the comprehensive plan, and any area plans.

Francesconi: See, I -- to decide on a three-foot hedge or a six-foot hedge is critical to accomplishing those is beyond my ability, folks.

Katz: That's another issue. But I just -- I just wanted -- and I think everything all of you raised are very valid. The point that commissioner Hales raised with regard to how do we package this and change the code, but I was honing in on the very simple thing that we have for many of these hearings placed different conditions on the project that we've seen before us. And that's all I really wanted to get at. We're not completed yet. Anybody else want to speak on behalf of the applicant? You promised you weren't going to speak. Okay. Good. I'm teasing you. Then we have a rebuttal now by the appellants. You have five minutes. You heard all the discussion. You heard the applicant, and now if you come up and talk to us for about five minutes. Barbara?

Quinn: I'd first like to say I totally understand your frustration. I feel frustration too. As far as how to address this whole problem of trying to know how to -- how to make this developer listen to us, the community. That's one of my problems here. I don't feel like I have had an avenue to really negotiate with this particular developer as a neighbor. And this is a way for me to do that and try to protect the livability of my neighbor. And beyond the height of the hedge, I am also -- would also like tree preservation plan, because that would give us mature trees and that would buy us ten more feet of set-back, and that is very important to me, that ten feet. I am willing to work this hard for that ten feet.

Francesconi: Did you understand before today that the real argument was the difference between a three-foot buffer and a six-foot buffer?

Quinn: I did understand that. It took me a long time to understand what a buffer overlay is. I think most people i've talked to have had some difficulty with that too. The buffer -- original overlay, even though it's a hundred feet deep, doesn't necessarily protect you from people building in that area. It does have some -- there's some issues around off-site impacts, I believe, but it a difficult concept to understand. At this point in time I do understand that i'm discussing landscape standard, and i'm doing the best I possibly can to make my street livability -- livable.

Francesconi: I took from your testimony earlier, and i'm taking from your testimony now, correct me if i'm wrong, that this three-foot versus six-foot is an issue, but only one of several.

Quinn: It's one of many.

Francesconi: Even some of the other issues are more important to you than the difference in this height, and that's what you'd like to see what the design is and negotiate with the developer. Right?

Quinn: Yes.

Francesconi: Thank you.

Hales: Maybe we ought to give the applicant a chance to come up.

Katz: Come on up. You've got a neighbor that -- a neighborhood that really cares what it looks like. It is going to -- through transition. The livability of the neighborhood is very important not only to the people who live close by, but to the st. Johns community. And i'm not sure that I hear any great large disagreements. It would be nice if we could package that, but commissioner Hales is right, we -- commissioner Francesconi, we need to change the code. But you heard some concerns with regard to trees, with regard to hedging. Forget the wall. I'm not sure there's anybody here who wants to maintain a wall. You heard -- you heard me talk about the windows and how you want to be able to see through the windows so you can see activity as opposed to a piece of paper with a pretty picture of a model. So talk to us about what design -- somebody has seen a design. Is there a design? Help us out a little bit.

Lipp: Okay. As indicated previously, i've been working with the various neighborhood associations. In that regard, I would submit -- propose site plans. Why? Because I think it's important for them to know what's happening in their community, how a failing shopping center can be regenerated. So in my presentations to the various organizations within the community, I would present a site plan. And that site plan has taken on a number of different shapes and configurations over seven, eight months because of my discussions with not only city staff a how the shopping center should be configured, but also based on the comments from our perspective grocery store. Who would be our anchor tenant. So at this point we have no final configuration. We have no final site plan. Because it hasn't been approved by the city, and it has not been approved ultimately by our grocer. But I share this information because -- there's no hidden agenda on our part. We warn input from our community, and that's why we've been sharing information. The tweaks include coverage of window treatment in the back, it includes the pedestrian connections to the different building, it includes landscaping and different sidewalk areas. So is there a site plan? Yes. Is it a final site plan? No, it's not.

Sten: Have you sat down with these folks and talked with them?

Lipp: Okay. Yes. I have. I have on -- on the neighborhood groups --

Sten: The people who appealed this to the city council.

Lipp: Yes, I have. Theoretically they're part of the neighborhood groups, but independently I have with ms. Quinn I have, as part of a group on two separate occasions independently on two separate occasions. So, yes, I have.

Sten: And you see this -- coming into this hearing you saw this as an irreconcilable difference, that you'd rather roll the dies on the council's decision based on this testimony as to what your standards would be than work it out?

Lipp: I don't think it's irreconcilable. It's a function of just trying to communicate properly so everybody understood what our intentions were.

Sten: I don't understand.

Katz: I didn't understand that.

Sten: I've got to vote whether to give you your buffer overlay or not, and I fear that it's not a choice you want me to make when you haven't --.

Lipp: But --

Abel: I think we do want to you make that choice. We've come here, we came in, we didn't originally ask for the removal of the buffer. The city staff said it would be a good idea. We analyzed it as well and it made sense to us. We believe that public safety reasons say the buffer ought to be removed, and the conditions of approval that the hearings officer gave us makes sense.

We think that good pedestrian friendly environments give us that particular result, and we came down on that side of the balance. There are folks who testified to the contrary today. That they believe that the hedge makes more sense without worrying about potential crime problems, and so we do come here on an appeal, coming out of a staff recommendation out of a hearings officer support and approval of that recommendation in a public hearing process. It's on appeal. There are folks who disagree, and, yes, we do want that decision.

Katz: Okay. Further questions? Thank you. By the way, I have another grocery store for you to take a look at in northwest Portland. Commissioner Hales?

Hales: Okay. I think i'm ready to make a motion. That is --

Katz: Before you make a motion, i'm going to -- is there any other discussion that the council wants to pursue? Okay.

Hales: I'm going to move that we deny the appeal and uphold the hearings officer's decision.

Francesconi: Second.

Katz: Discussion?

Sten: I'm going to vote the opposite way.

Katz: Let's see how --

Sten: I'm comfortable with the zone change. At this point I think i'd rather leave the buffer overlay in place until I know what's going to be built. I'm just having a hard time with, you've got a site plan but you can't show it. I don't think you should have rolled your dice that way.

Katz: Okay. Roll call.

Francesconi: I just think they followed the procedures, and therefore until we change the procedures, we have to do this. We either have these buffer zones or we don't. And we either go to a pedestrian oriented system the way the neighbors have testified they want, or we don't. But here we have a developer who didn't even request this, who may -- I couldn't tell from the remarks of steve -- they may choose to build a different kind of store if that buffer zone is there. I don't think we want to do that. So they made efforts to work with the neighborhood. I'm not sure we have the best process in place. But they followed all the steps, they followed the rules, and therefore i'm voting aye.

Hales: Well, like some of the folks that came here and testified today, this one scares me, because our code and our -- scares me because our code in terms of design review for infill commercial projects and our plan in terms of still having large sites like this in st. Johns zoned for auto oriented commercial, this one scares me because the possibility still exists of mediocre development. But -- and previous cases i've been willing to enforce the applicant to -- force the applicant to show us their design before we would grant the zone change. The difference in this case is that they could still proceed with a redevelopment with this site with this buffer zone in place and frankly i'm convinced we'll get better development with the cn2 standards, particularly the requirement for window penetration on that side of the street, than we will get with that wall in place. And so on balance, although i'm not happy with an environment that allows people to hide the ball, we have to take that chance. I wish, frankly, this applicant and all others in the city would go to neighborhoods with their plans before they come to us for land use actions, but we can't require that. That therefore is not appropriate to push them over that edge in this case. I think the council again needs to sort of learn -- i'm trying to learn from these cases that we need to be getting on with dealing with the zoning and planning in these neighborhood commercial districts and make sure we're not putting people at risk by leaving super block sites with general commercial and cn2 zoning on them any longer. Every day that goes by, the possibility of more mediocre development exists. Hopefully we won't get it in this case, and we're counting on your caliber as a developer and your willingness to work with this neighborhood that we won't get mediocre

development. Under our code, that's the gamble. The gamble of mediocre development versus leaving a wall that causes all kinds of problems which I think have been aptly described here in the hearing on balance it's better to give it a try. Aye.

Saltzman: I'm going to vote aye also. I believe the conditions associated with the removal of buffer zone along with the zone change and I do believe you have to factor in the caliber of the applicant before you and what you think they'll do and if they'll do it right. I believe this -- the concerns raised by the appellant will be more than satisfactorily addressed. Aye.

Sten: Well, I have seen the work you've done. It's first rate and I have a lot of confidence in you. This is a tricky hearing. I'm going to vote the other way, however, not on the zone change. I think the zone change is obvious and I think you -- there's some adjustment, but I think it's clearly something that should be approved the way the code works. But frankly I think the majority is taking a gang russ position in terms of interpreting what we want the code to be on the fly as opposed to what it is. And as I read buffer zones, they are built to protect mainly the people who are right next to it. The bigger neighborhoods point of view is an important concern, but the buffer I think is mostly about people who have to live right next door to it. And they have a right to expect that the code has written -- as written is going to be enforced. I think you could have negotiated them to agreement and you chose not to for probably good reasons because you're not finished yet. But I think on this stage the people who live across the street have a buffer zone that's required, and it is nowhere implied that I can see that you automatically if you grant a zone change, change the buffer conditions to fit what the council might at the moment like the code to say as opposed to what it does say. So I think they had a right too rely on some of these protections, and they're not getting them, even if in my opinion those protections might not be as good as what they might get under a new code. So i'm going to vote no.

Katz: I'm going to vote no but for a different reason. I think that we could have substituted, and I wish the staff would recommend it -- different landscaping. I think the wall has to be removed. I support the zone change. But if you read the difference between l2 and l3, it is a matter of three feet. And I think that what this council could have done is recommend a six -- recommend six feet of shrubs that would give you a six-foot screening and a 95% opaque all year-round. That would have satisfied both the neighborhood and I think would have passed the applicant to do some additional landscaping on a site that we really don't know what it's going to look like, or what orientation is going to provide to the neighborhood. So no. Okay. The motion passes.

Hales: That's a tentative decision -- no it isn't, because its upholding the hearings officer's decision.

Beaumont: You adopted the hearings officer's decision as yours.

Katz: Thank you, everybody. We stand adjourned.

At 3:54 p.m., Council adjourned.