



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13th DAY OF DECEMBER, 2000 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Peter Hurley, Sergeant at Arms.

Item No. 1785 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

- 1773 TIME CERTAIN: 9:30 AM** – Amend Code for Landscaping and Screening, Parking and Loading, Nonconforming Situations, Columbia South Shore Plan District and Quasi-Judicial Procedures (Ordinance introduced by Mayor Katz; amend City Code 33.248, 33.266, 33.258, 33.515, 33.730)

Motion to accept amendment regarding water quality shrubs within a 5-foot buffer: Moved by Commissioner Saltzman and seconded by Commissioner Hales.

Motion that parking space allocation gives way to stormwater requirements: Moved by Commissioner Hales and seconded by Commissioner Saltzman.

Disposition: Passed to Second Reading As Amended January 31, 2001 at 2 p.m. Time Certain.

- *1774 TIME CERTAIN: 10:30 AM** – Amend City Code to add gender identity as a protected class, adopt Interpretative Guidelines, authorize a contract amendment to implement gender identity protections and direct Portland Police Bureau to gather data on hate crimes motivated by gender identity, age and disability (Ordinance introduced by Mayor Katz and Commissioner Saltzman; amend Code Chapter 23.01)

Disposition: Ordinance No. 175158 as amended. (Y-5)

CONSENT AGENDA - NO DISCUSSION

- 1775** Cash investment balances October 26 through November 22, 2000 (Report; Treasurer)

Disposition: Placed on File.

- 1776** Accept bid of S-2 Contractors, Inc. to furnish Alder Basin phase 6 mid-basin side sewers project for \$1,026,993 (Purchasing Report - Bid No. 100089)

Disposition: Accepted; Prepare Contract. (Y-5)

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- 1777** Accept bid of Three Dimensional Contracting to furnish N. Missouri and N. Alberta combined sewer relocation and detention project for \$413,766 (Purchasing Report - Bid No. 100264)
- Disposition:** Accepted; Prepare Contract. (Y-5)
- 1778** Accept bid of Silver Mountain Enterprises LLC to furnish annual supply of conifer plants grow out for \$35,600 annually for three years (Purchasing Report - Bid No. 100359)
- Disposition:** Accepted; Prepare Contract. (Y-5)
- 1779** Accept bids of Consolidated Supply Company, H.D. Fowler Co., Inc. and Familian Northwest to furnish clamps, service saddles and couplings for \$65,863 (Purchasing Report - Bid No. 100368)
- Disposition:** Accepted; Prepare Contract. (Y-5)
- 1780** Accept bid of H.D. Fowler Co., Inc. to furnish gate, tapping and butterfly valves for \$206,634 (Purchasing Report - Bid No. 100374)
- Disposition:** Prepare Contract. (Y-5)
- *1781** Contract with Portland Energy Conservation, Inc. for \$30,000 for commissioning services for the Portland Communications Center remodel and addition project and provide for payment (Ordinance introduced by Mayor Katz and Commissioner Saltzman)
- Disposition:** Ordinance No. 175138. (Y-5)
- 1782** Vacate a certain portion of SW Sixth Avenue, under certain conditions (Second Reading 1745; Ordinance by Order of Council; C-9978)
- Disposition:** Ordinance No. 175139. (Y-5)
- Mayor Vera Katz**
- 1783** Authorize a temporary loan from the Sewer System Construction Fund to the Special Finance and Resource Fund to provide interim financing for the City share of the Interstate Max project (Resolution)
- Disposition:** Resolution No. 35947. (Y-5)
- *1784** Authorize contract with Government Finance Officers Association for an assessment of the Integrated Business Information System (Ordinance)
- Disposition:** Ordinance No. 175140. (Y-5)
- *1785** Amend City Code relating to Bureau of General Services, Exclusions from City Parking Garages (Ordinance; amend Code Chapter 3.15)

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Disposition: Referred to Commissioner of Finance and Administration.

- *1786** Amend agreement with Design Edge Services, Inc. for structural engineering services at the Old Town Garage and provide for payment (Ordinance; amend Agreement No. 32239)

Disposition: Ordinance No.175141. (Y-5)

- *1787** Reclassify one Accountant III position from part-time to full-time status in the Office of Sustainable Development (Ordinance)

Disposition: Ordinance No. 175142. (Y-5)

- *1788** Pay claim of Charles Michael Lee (Ordinance)

Disposition: Ordinance No. 175143. (Y-5)

- *1789** Pay claim of Derek Munson (Ordinance)

Disposition: Ordinance No. 175144. (Y-5)

- *1790** Pay claim of Anne Smith (Ordinance)

Disposition: Ordinance No. 175145. (Y-5)

- *1791** Extend legal services agreement with Reeve Kearns PC (Ordinance; amend Agreement No. 31950)

Disposition: Ordinance No. 175146. (Y-5)

- *1792** Extend legal services agreement with Reeve Kearns PC (Ordinance; amend Agreement No. 33030)

Disposition: Ordinance No. 175147. (Y-5)

- *1793** Extend and increase contract with Qwest for centrex telephone and provide for payment (Ordinance; amend Contract No. 51237)

Disposition: Ordinance No. 175148. (Y-5)

- *1794** Authorize Lines of Credit and Bonds or Notes for Light Rail Extension (Ordinance)

Disposition: Ordinance No. 175149. (Y-5)

Commissioner Jim Francesconi

- *1795** Accept a grant from Metro Parks and Greenspaces in the amount of \$20,000 for fiscal year 2001 for OMSI-Springwater Revegetation Project (Ordinance)

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Disposition: Ordinance No. 175150. (Y-5)

Commissioner Charlie Hales

- 1796** Accept completion of the Contract Asphalt Overlay Project 2000, Project No. 8528, and authorize final payment to Brix Paving Company (Report; Contract No. 33044)

Disposition: Accepted. (Y-5)

- *1797** Repeal Ordinance which vacated a certain portion of SW Bertha Court south of SW Capitol Highway, under certain conditions (Ordinance; repeal Ordinance No. 174038)

Disposition: Ordinance No. 175151. (Y-5)

- *1798** Authorize contract and provide for payment for civil works improvements along NE Killingsworth Street from NE Martin Luther King Jr. Blvd. to NE 6th Avenue (Ordinance)

Disposition: Ordinance No. 175152. (Y-5)

- *1799** Authorize contract and provide for payment for single ornamental street lights along NE Martin Luther King Jr. Blvd. between NE Knott St. and NE Monroe St. (Ordinance)

Disposition: Ordinance No. 175153. (Y-5)

- *1800** Authorize contract and provide for payment for planting trees and installing concrete pavers along NE Martin Luther King Jr. Blvd. between NE Knott St. and NE Dekum St. (Ordinance)

Disposition: Ordinance No. 175154. (Y-5)

Commissioner Dan Saltzman

- *1801** Authorize a contract with the lowest responsible bidder for the Tyron Creek Wastewater Treatment Plant aeration basin modifications project and provide for payment, Project No. 6083 (Ordinance)

Disposition: Ordinance No. 175155. (Y-5)

- *1802** Authorize a contract and provide for payment for the design of the Taylor trunk sewer structural repair project, Project No. 6692 (Ordinance)

Disposition: Ordinance No. 175156. (Y-5)

- 1803** Consent to the transfer of Rossman Sanitary Service, Inc. to Rossman Sanitary Service, Inc. as a wholly-owned subsidiary of Allied Waste North America, Inc. (Second Reading Agenda 1755)

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Disposition: Ordinance No. 175157. (Y-5)

Commissioner Erik Sten

- 1804** Accept completion of the concrete batch plant at the Water Bureau Interstate facility and authorize final payment to Platinum Construction, Inc. (Report; Contract No. 32860)

Disposition: Accepted. (Y-5)

- 1805** Authorize an Intergovernmental Agreement, including financial participation, between the Bureau of Water Works and the West Slope Water District to develop an emergency operations plan and provide other technical services (Ordinance)

Disposition: Passed to Second Reading December 20, 2000 at 9:30 a.m.

REGULAR AGENDA

Mayor Vera Katz

- *1806** Agreement with Emmanuel Community General Services, Inc. to address crime prevention with Local Law Enforcement Block grant funds (Ordinance)

Disposition: Ordinance No. 175159. (Y-5)

Commissioner Dan Saltzman

- S-1807** Amend Code to create the Clean River Incentive and Discount Program and correct Sewer User Service Charges and Rates (Second Reading Agenda 1740; amend Code Chapter 17.36)

Disposition: Substitute Ordinance No.175160 as amended. (Y-5)

- 1808** Accept a contract with Multnomah County Division of Community Programs and Partnerships for \$126,000 to provide services for the Block-By-Block Weatherization Program (Second Reading Agenda 1763)

Disposition: Ordinance No.175161. (Y-5)

Commissioner Erik Sten

- 1809** Grant a franchise to Metromedia Fiber Network Services, Inc., for a period of ten years (Second Reading Agenda 1649)

Disposition: Ordinance No. 175162. (Y-5)

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Communications

1810 Request of Pam Allee to address Council regarding the Portland Police Joint Terrorism Task Force (Communication)

Disposition: Continued to December 20, 2000 at 9:30 a.m.

1811 Request of Sheila Goodman Brown to address Council regarding the Portland Police Joint Terrorism Task Force (Communication)

Disposition: Placed on File.

1812 Request of Alan Graf to address Council regarding the Portland Police Joint Terrorism Task Force (Communication)

Disposition: Placed on File.

1813 Request of Les Hopkins to address Council regarding the Portland Police Joint Terrorism Task Force (Communication)

Disposition: Placed on File.

1814 Request of Kathleen Jurgens to address Council regarding the Portland Police Joint Terrorism Task Force (Communication)

Disposition: Continued to December 20, 2000 at 9:30 a.m.

1815 Request of Paul Maresh to address Council regarding the Portland Police Joint Terrorism Task Force (Communication)

Disposition: Continued to December 27, 2000 at 9:30 a.m.

1816 Request of John Maroney to address Council regarding the Portland Police Joint Terrorism Task Force (Communication)

Disposition: Continued to December 20, 2000 at 9:30 a.m.

1817 Request of Patrick W. Norton to address Council regarding the Portland Police Joint Terrorism Task Force (Communication)

Disposition: Continued to December 20, 2000 at 9:30 a.m.

1818 Request of Ken Spice to address Council regarding the Portland Police Joint Terrorism Task Force (Communication)

Disposition: Continued to December 20, 2000 at 9:30 a.m.

At 2:00 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13th DAY OF DECEMBER, 2000 AT 2:15 P.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Ruth Spetter, Senior Deputy City Attorney; and Peter Hurley, Sergeant at Arms.

- *1819** **TIME CERTAIN: 2:00 PM** – Amend the two maps in the Central City plan district chapter of the Zoning Code that establish maximum floor area ratio and maximum building height in a portion of the River District (Ordinance introduced by Mayor Katz)

Disposition: Ordinance No. 175163. (Y-5)

- 1820** Amend River District action chart of the Central City Plan by adopting new action item (Resolution introduced by Mayor Katz)

Disposition: Resolution No. 35948. (Y-5)

Commissioner Charlie Hales

- 1821** Amend Code to change the prohibitions relating to skates and skateboarding (Ordinance; amend Code Section 16.70.410)

Motion to accept amendments: Moved by Commissioner Hales and seconded by Commissioner Sten.

Disposition: Passed to Second Reading As Amended December 20, 2000 at 6:45 p.m. Time Certain.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14th DAY OF DECEMBER, 2000 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Peter Hurley, Sergeant at Arms.

- *1822** **TIME CERTAIN: 2:00 PM** – Amend Planning and Zoning Code to extend the Planning Commission term limit to three terms (Ordinance introduced by Mayor Katz; amend Code Chapter 33.710)

Disposition: Ordinance No. 175164. (Y-5)

- 1823** **TIME CERTAIN: 2:30 PM** – Adopt and implement the Kenton Downtown Plan (Ordinance introduced by Mayor Katz)

Motion to add the bold language additions to Action Item 3: Moved by Commissioner Hales and seconded by Commissioner Saltzman.

Disposition: Passed to Second Reading December 27, 2000 at 2:00 p.m..

- 1824** Adopt and implement the Kenton Downtown Plan (Resolution introduced by Mayor Katz)

Disposition: Continue to December 27, 2000 at 2:00 p.m

- 1825** **TIME CERTAIN: 3:30 PM** - Accept report on proposed strategies for Electronic Equipment Facilities and the Northwest Transition Area (Report introduced by Mayor Katz)

Motion to accept the report: Moved by Commissioner Hales and seconded by Commissioner Francesconi.

Disposition: Accepted. (Y-5)

REGULAR AGENDA

Commissioner Charlie Hales

- *1826** Amend the Comprehensive Plan Map at 936 NW Hoyt from Central Employment to Central Residential and change the zone from EXd, Central Employment Zone with Design Overlay Zone, to RXd, Central Residential with Design Overlay Zone (Ordinance; LUR 00-00301 CP ZC CCMS)

Disposition: Ordinance No. 175165. (Y-5)

At 5:32 p.m., Council adjourned.

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GARY BLACKMER

Auditor of the City of Portland

A handwritten signature in cursive script, appearing to read "Britta Olson" followed by a stylized mark that could be initials or a flourish.

By Britta Olson
Clerk of the Council

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

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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.

DECEMBER 13, 2000 9:30 AM

Katz: We have the amendment. Commissioner Francesconi is caught in traffic, so he should be here any moment. All right. Agenda items to be removed or to discuss. **1785.**

Britta Olson, Council Clerk: That's to be referred back to the commissioner's office.

Katz: All right. I will take it back. Anybody else? Anybody on the council? Anybody in the audience want to remove the consent agenda item for discussion? If not, roll call, and consent agenda. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye. **Katz:** Mayor votes aye. **1785.**

Item 1785.

Katz: I would like to take it back to the office because it needs to be rewritten to comply with our current codes. Any objections? Hearing none, so ordered. All right. **1773.**

Item 1773.

Katz: All right. Let me, come on up and as you come on up, let me open it up and then, perhaps, commissioner Saltzman would like to say a few words. The reason that this project -- the reason that this project is here is to encourage the integration of storm management and parking lot layout and design. Since, what is it, we have argued 75% to 80% of the problem for dealing with stormwater management is the impervious surface, and if you look around the city, between roofs and parking lots, we have a, a large amount of impervious surface. And it is the add-growth of the city's work to implement the stormwater management manual. And the recommended amendments that you are going to hear about is going to allow for additional design, landscaping, and the ability to make the parking spaces a little bit smaller so that businesses and retail outfits don't lose parking spaces, necessarily. So, you will hear all about that. Appreciate the work of, not only des, but the bureau of planning and beginning to implement something that this council has felt very strongly about and now, let me turn it over to commissioner Saltzman.

Saltzman: Thank you, madam mayor, and I just wanted to echo your remarks, it is how we control stormwater in this city is a huge issue. It is the larger issue affecting water quality in the rivers and streams today, and it is no different in Portland than it is in any city. We have to recognize the stormwater is the single largest source of pollution today. It is no longer industrial pipes discharging into rivers. It is the run-off coming off our roofs, our parking lots, and everywhere else, and running into our streams. So, I am very pleased that these amendments to the land use code are before us today, and I think that they have gone -- I think they are going to go a long way towards us helping to reduce the amount of impervious surface in the city to also make sure that run-off from parking lots, from new parking lots and redeveloped parking lots is treated and -- in an environmentally treated manner through resolution, rather than through engineering solutions that pipe the water into our rivers and streams. That will keep the pollutants out of our rivers and streams and keep the water out of our system, and I think that it will also bring other benefits, too, in terms of reducing the affects that happen in urban

environments today from too much pavement and also the addition of trees and the other landscaping requirements will also have substantial benefits to cooling down water to providing more shade. So there is a lot of great things that are before us today, and I think that we have almost got it right. There are a few issues that I do want to explore, but I will wait until after the presentation, but I will just sort of flag one of those issues right now, is I really think that we need to make sure that, that the appropriate language is in the right place, and that means that the stormwater requirements and the stormwater manual and the references to that and the whole discussion, I believe, about stormwater management design has to be in title 33. It has to be, in my mind, a land use decision, and I think that that's the direction that we have been going, or the, that gill kelly has been recommending with respect to our title 34 rewrite on subdivisions, that, in fact, stormwater management facilities become part of a land use process decision, and I think that that's important. Although, it is rather technical, and I am sure that we will get into further discussion on it. The reason it is important, I think, is I just want to say right now is how many times have our offices received calls about development occurring and somebody is cutting down trees that aren't supposed to be cut down. And we get on the phone and we try to get something done about it, but it is usually too late. The trees are down and the subcontractor says I didn't understand the plans right, whatever. But, it is too late. The trees are down. And I want to make sure that we don't have this situation occur when parking lots are redeveloped, or new parking lots are built. I don't want anybody coming in after the fact and saying, we didn't understand fully the stormwater management requirements, the natural vegetation required, the swales, the trees because when they are coming after the fact, when it is paved and done, the tendency is to let it go, whether we give it through an adjustment or grandfather it or whatever, and it is too late. So we need to make sure that the right requirements, the right language, the right labeling on the maps is in the right place where the development community goes to get its marching orders. And that's why I am going to argue very hard when we get to the right point that we need to have the right language in title 3b to make sure that the development committee knows our ground-rules, which is something that always want to know. They want certainty and we want them to know to know our ground rules, too. Again, it is good work and let's go on with the presentation.

Katz: Before we go on, there are two amendments, one from the planning bureau and one that commissioner Hales is going to introduce. I don't think that -- the one that commissioner Hales is going to introduce is a relatively minor one and makes perfectly good sense, and the bureau of planning has looked at it, and then we will need to hear from yours. Just remind me as you make the presentation, and harry, remind me we have two amendments that we have to adopt.

Francesconi: While we are talking about issues to address, the issue, commissioner Saltzman raised the issue of enforcement on trees, et cetera, which is actually the order of urban forestries department's responsibility. They have raised some issues about the kind of trees, and shading, so I would like to hear your presentation, whether the urban forestry has been consulted and whether, that their view is on this. Because it would be nice if we could accomplish multiobjectives through this policy.

Katz: All right. Now -- now that you have got instructions from almost everybody on the council, why don't you go ahead and proceed.

Tom Carter, Planning Bureau: My name is tom carter with the bureau of planning. This is my colleague, tom mcguire. This has been a joint project between bes and the bureau of planning. I have about a 12-minute presentation, and the director would like to make some remarks at the close of my presentation. So, the purposes of the project were to help meet the requirements of our own city's and bes stormwater permit, to support the clean river plan objective of reducing

stormwater run-off and also to bring -- encourage integrated site planning, that is bring the requirements forward, and in the process, make it clear and also more easy to put stormwater facilities on-site and parking lots, and to coordinate between the stormwater management manual and the zoning code requirements. Impervious surfaces are the problem, as the councilman noted, and it creates excess run-off and solutions. That is pavement and roofs. The pavement really is much more than half of the problem. There is over three and a quarter square miles of surface parking lots outside downtown, and this figure comes -- it excludes multifamily units, of course, it excludes the downtown area, so we really have quite a bit more than that devoted to surface parking lots in the city. Bes's stormwater advisory committee has determined that on-site management of stormwater run-off is the favorite method for pollution reduction and control, and I mentioned the need to coordinate between the manual and the zoning codes so the manual isn't asking for things that the code makes difficult. This is a reasonably typical large parking lot. The plantings are primary aesthetic. Curb, there, prevents run-off from entering the landscaping, and in this parking lot a pipe system, perhaps in all, a pipe system collects the run-off. This is the geometry that the code now calls for, 9-foot wide parking spaces and 19-foot long parking spaces, 24-foot wide and two-way aisle. It is smaller than that for one-way aisle. Most cars are considerably shorter than 19 feet, even though people talk about the increase in car size, as you can see, even SUV's and some vans still get quite -- fit easily within the 19-foot depth. This is a 16-foot long -- or these are 16-foot long stalls in the parking lot. Almost all the cars fit pretty easily into the -- into these spaces. You can see a larger car toward the back in the middle that sticks out a little bit. This is the same parking lot where the cars are allowed to overhang the landscaping, and again, the cars fit easily into them, 16 feet. This is buckman heights. This has a narrower aisle between the -- this post here and the, this planter, is 20.5 feet. The stalls are 17 feet deep. The developer says that this function, or this walk works well -- this lot works well. This is a lot with all the landscaping that the code currently requires. And it is well done. As good example of that our current code can produce. But, it still doesn't work very well for stormwater management. The curb separates the pavement from the landscaped area. The landscaped area is elevated. So, run-off can't get into the landscaping. The plantings are really too sparse for stormwater management. There is a lot of dust, there is not an ideal substance for water quality. And then when you have a difficult circumstance, it becomes even worse for water quality management in this parking lot, which also needs to -- meets the current code, the slope is, makes it difficult to manage the stormwater on-site with this configuration. The arrow in the upper right is the high point. The low point is down here in front of the door. It would be difficult to put a store water planter in front of that door. The way that they handled the landscape requirement is they have some extra landscaping back in the corner here and a lot of perimeter trees. And this site would present more difficulties in redesigning parking lot for landscape, or for stormwater management, as well. Just because of the layout. So, this is that we are hoping to achieve more commonly in parking lots around town. It is an example of that the recommendations would produce. Denser plantings, including abundant ground cover. Voids in the curbs allow stormwater to flow into the landscaping. Of course, the landscaped area is depressed below the parking. It provides water quality benefits. It provides air quality benefits and it is aesthetically pleasing. So, the planning commission recommendations asked that interior landscaped areas equal 10% of all parking and living areas on-site. And don't -- don't have to put the landscaping in the living area, and the downtown parking lots and smaller parking lots are excepted. The parking spaces and aisle are reduced to allow sufficient room to allow the landscaping requirements. I saw a questioning look, the downtown lots are excepted because

they are subject to more specific landscaping requirements in the code that would continue to supersede the new, more general requirements.

Hales: So, that do those require, the same kinds of steps?

Carter: Actually, no, and I didn't try to address that. The part -- the landscaping requirements for downtown parking lots are kind of arcane and complex and depend upon the parking rules downtown and the calculations of parking allowed, so we did not try to address that. There would also, also have been considerable concern from those with downtown parking lots about having to redevelop, you know, do different things in their parking lots, add a lot of landscaping, lose their spaces. So, we simply didn't address that..

Hales: We might want to flag that. I don't have any interest in make it go easy to maintain surface parking lots in the central city. So, why we would give them a break for something we don't like --

Carter: Okay. [laughter]

Hales: You are saying they are exempted all together?

Katz: Come back to it.

Hales: Let's flag that one if we can.

Katz: I have got it.

Carter: So, there will be a single, minimum standard size. People could have larger sizes if they believe it is appropriate, or necessary for their use. The landscape planning requirements are changed to match the existing stormwater manual requirements. And the kinds of facilities appropriate to parking lots, and there was a fairly minor, technical conflict, it is recommended to be fixed between the prohibition in the zoning code on certain infiltration systems and that the stormwater manual would encourage that or allow it in the systems in the columbia south shore. So, the recommended amendments would create sufficient areas to manage run-off areas on-site in almost all circumstances, it would at least allow treatment of the quality. It establishes the same landscaping standards in the zoning code and the stormwater manual. And it reduces the need for adjustment, that is to say, these sizes are sizes that p do the routinely supported, and requests for adjustments so, why not make the minimum size one that is acceptable to begin with, and skip the adjustments. And some people will still not be happy with it. This is a compact parking space. There won't be compact parking spaces. And this project is about a trade-off of convenience for environmental benefit. But, it is not that bad. Compact spaces will go away, and they present the worst problems for most people. The recommended spaces and aisle sizes are the minimum where people believe they have a lot of customers coming in with larger vehicles. They are not required to use the smaller spaces. They are required to put in adequate landscaping. So again, this is an example to show that in any many circumstances, there will be no loss of parking spaces. This is a mid-sized, small lot has 22 parking spaces in this idealized design. The landscaping would meet the code. It would have to have a minimum of 360 square feet. The landscaping of two trees, plus one tree some place else. The new requirements, this would be possible. Actually, this, this -- the -- if there were an actual case, the applicant would not even have to use the minimum sizes because there is more landscaping than is required there, but there is still 22 spaces, so you go back. This is the current standard that we wound up with enough landscaping to provide stormwater benefits on that site without losing parking, but the spaces and aisle are tighter. So, the planning economics recommendations are to adopt the planning economics report recommendation, to amend the zoning codes shown in the report. Adopt the commentary as shown in the report, it is the legislative intent. There is a staff recommended amendment and planning commission, the original staff proposal was that the water quality shrubs serve as screening shrubs and the planning commissioner's concern was

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asking that the shrubs be required in addition, but it has been pointed out by a person would come forward and talked to us that it is not possible to fit all of the screening shrubs and the required landscape, water quality shrub, excuse me, plus the other plantings in a 5-foot perimeter, so the proposed amendment would require only screening shrubs in 5-foot perimeters if you have a wider area, with the water quality shrubs, as well, and I think this is -- this can be achieved. Finally, I wanted to say, that actually we have consulted and worked a number of years together, with opdr, forestry, parks planners, and of course, bes and the bureau of planning. And so, many different ideas were advanced. A lot of different approaches were considered, and this was the approach that came to the top, partly for reasons of enforcement, that we are trying to achieve, and I don't think that everybody got exactly that they wanted from the proposed -- from the recommendations of the planning commissioner, but, it is supportable. It is a good approach, I think. I did want to point out the official record is in the room. It includes the correspondence, report graphs, mailing lists, planning commission testimony, and other related materials. It is available through consulting. Mr. Mare I can't tell would also like to make some comments, as well torque follow up on my presentation, and I would be happy to answer any questions.

Katz: Why don't -- go ahead. You didn't want to say anything?

Tom McGuire, Planning Bureau: No.

Katz: Oh, keen, come on up. So, we have the recommendations from staff came from the american society of landscape architects, correct? And that's this attachment, and then we will take commissioner Hales', all right. Dean?

Dean Marriott, Director, Bureau of Environmental Services (BES): Good morning, mayor Katz and members of the council, I am dean mare I can't tell, director of environmental services, and I want to thank you for the opportunity to comment on this package of materials today. I also want to thank the two toms next to me and tom lipton, we have two three toms working on this, tom lipton is with bes. And other staff that had spent a lot of time working on these issues. I think it is informative that I just came from my office where I was going over the latest cost estimates for implementing the city's clean river plan requirements to meet the federal clean water act, and we are talking about, over the next 20 years, spending over \$800 million to come into conformance with the clean water act. One of the things that we have talked about for years about how to do that is to make sure that everything we do as a community has an eye toward how we manage stormwater because as the mayor pointed out, it is the stormwater entering our system which causes this problem for us. I think that this -- the measures you have before you are a good step in the right direction. I have, frankly, been a little bit disappointed that we vice president been able to go further in this package and one of the messages I will leave with you is to ask for your support and direction and encouragement for staff to not rest now but to continue to go further in a few areas, and I just want to mention a couple of those areas. The first is -- I think we really need to address the, the bonus system for providing incentives for people to do eco-roofs. Mayor, you were at the -- you hosted the river renaissance meeting the other night, and the gentleman from the eco-trust got up and talked about how impressed he's been with the benefits that can be provided by eco-roofs. We concur. We would like to see the city's code provide an incentive for people to do eco-roofs, and in my conversations with director kelly, he's indicated that he's not opposed to that, but would like to make that as part of a more comprehensive review of bonuses. We are okay with that, we would just like to make sure that that happens. The second thing that I want to ask for your encouragement and support --

Katz: But you are adding is a work plan. [laughter] That's fine.

Marriott: I appreciate that. But, frankly, mayor, we have a lot of existing bonus provisions for day cares and locker rooms and parking and everything else --

Katz: And I know that and I have talked to gill. I am interested not only in the eco-roofs but also bonuses for design, so that the buildings stand up and have an aesthetic appeal, so we do need to take a comprehensive approach.

Marriott: Yes. I was just -- disappointed that they -- that it was decided that when it came to eco-roofs they were going to stop, and take a comprehensive look at the situation. I was kind of encouraging them to go ahead and eco-roofs to the list and then do their review. And I still think that would be the right thing to go, but I did not win that argument. The second point that I want to make is we, frankly, need to do more about existing surface parking lots in the city. It is great to have these rules apply to new parking facilities, and ones that are substantially reconstructed. We have 2,700 acres of surface parking within the city of Portland, that generates a tremendous amount of polluted run-off. We have got to do more in the area of nonconforming development regulations to get those nonconforming parking lots to abide by these kinds of standards. Now, for many of them, it would not be a dramatic cost. It would be slicing of curbing, lowering of landscaping areas as opposed to the raised landscaping beds. For some, I do recognize it would be more substantial and would involve substantial expense, but for others, it, perhaps, would not. And I would like to see us provide as many incentives as we can and direction as we can to have those nonconforming developments changed. Just a final thought, as commissioner Saltzman mentioned in his introduction, the arguments about whether this is a technical or a land use decision, how much direction should be provided in this part of the code for stormwater management is certainly an interesting one, and I have participated in those discussions. The summary, I think, starting on page 30 of this document, I think, provides an excellent background on those discussions. We continue to believe that it is important to provide clear, unambiguous direction to people that stormwater management matters, and is to be taken seriously, and my concern is that now the code simply refers them to title 17 of the code and sort of leaves it to be to manage stormwater and regulate stormwater and provide guidance for people in stormwater. Again, I think it is an okay start for now. I would certainly encourage us to not leave this issue alone, but to continue to work with it because i, frankly, think that we need to do more. But, with that, I will stop my comments and be happy to respond.

Katz: Okay. Why don't you -- do you want to respond to dean's comments?

Carter: We agree, these are useful goals. We had trouble finding ways to administer everything through the zoning code that would be, perhaps, useful to achieve. And I think that that's, that's why the planning commission recommendation fell kind of in the middle where it did, that the zoning code, it was not believed that the zoning code could provide all the benefits that we seek.

Katz: Let me ask you something, would you respond, then, before, I turn it over to the council for questions on the downtown parking spaces?

Carter: The downtown parking? Yeah. I think one of the main things is that, of course, downtown parking is discouraged in general by the code. And downtown lots, surface lots are -- we believe transitory, we hope, transitory. The requirements for landscaping for parking downtown are contained in the central city planning district so they are fairly specific. They were negotiated, I think, based on aesthetics and the urban aesthetics, downtown ex-thetics so we did not open that. We still want, of course, stormwater management downtown, but it was rather difficult, large question, that's why we didn't go there. So I don't have, other than that, I don't have a definitive answer.

Hales: Can we probe that a little bit more? You said downtown, and I am sorry, for some reason I ended up with the code in front of me but that's probably a good thing -- I didn't end up with the code in front of in front of me. New surface parking lots in the downtown core are prohibited --

Carter: So we are only talking about -- it is only the downtown.

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Hales: But you can't redevelop a surface parking lot in the downtown core. Tom, I think, help me out. If it is a surface parking lot today being it is either going to stay a surface parking lot with no changes and permits and no effect to the regulations, or it is going to get redeveloped into a building, right. So, I am trying to figure out what's left. Are you talking about the rest of the central city here?

Carter: No, only the downtown corridor that has the specific rules so it applies to every place else in the district.

Hales: I withdraw the suggestion because it would be redundant, if I understand the code today, someone from planning needs to affirm or correct that but I think that it is impossible to redevelop a surface parking lot in the downtown into another kinder, gentler, better parking lot. I think that you have to go to a building or leave it as is, is that true?

Carter: That's my understanding.

Hales: So we are covered on the issue of downtown parking lots. You are not talking about the rest of the central city, you haven't given an exception to the river district or --

Carter: No.

Hales: Fine, that's covered.

Katz: Further questions by the council?

Saltzman: Yes. I have a question. I guess I first of all, I guess I want to pursue this amendment that has been submitted by staff, I guess. About the shrubs, so are we saying now that if it is water quality shrubs versus ornamental shrubs and we have to make a tradeoff, ornamental shrubs will win?

Carter: Bureau of planning introduced that, and it is that --

Saltzman: Is that that they are saying?

Carter: That they are saying in a 5-foot planning strip, like this table, if you are planning screening shrubs, which are a minimum of 3 feet or 5 feet tall, they are going to take up so much room, that you no longer have room to add another one shrub for 30 square feet, plus I forget the exact ratio, the trees, ground cover, et cetera, et cetera. But, those shrubs will provide, because it is a limited area, those shrubs will provide adequate stormwater benefit. But once the perimeter area becomes wider than that, then you need to add shrubs in the rest of the area. That's the point

Saltzman: That I want to get at is the technical underpinnings of that. I mean, is that grounded on stormwater management principles or is it grounded on landscape architecting ornamental principles. In which case, I think that we need to discuss this, because we are spending \$800 million of rate pair money to control rainwater and I think that that should take a priority, if it is an ornamental versus a functional tradeoff here.

Carter: The person who pointed out that conflict is here to testify.

Katz: And before they testify on that, any other questions?

Saltzman: Yes.

Katz: All right. Let's get this one answered then. Yes. We have a very, very long morning. And I want to, to kind of flag to the, the, the citizens who are here for communications, we may have to limit those to two minutes as opposed to three, just because of the length of the morning.

*****: I have to leave at, to leave at 12:10.

Katz: Why don't you fife yourself and educate us on the amendment.

Mark Hadley, American Society of Landscape Architects: Good morning, I am mark hadley. I am a landscape architect representing the american society of landscape architects here. The issue of the 5-foot area, it is just a physical ability to plant, basically, to fit two rows of screening shrubs in that 5-foot area, physically won't work. There is just not enough room. So, that we looked at was, was there is two different widths of the, the perimeter landscape, the 10-foot

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buffers, and there is the 5-foot buffers. The combination of screening plants and water quality plants works fine in the 10-foot buffer areas. When the buffers are down to 5 feet, like between different land uses. Physically there isn't enough room to do that, so the amendment brought forward is, is still stay with the intent of the water quality landscape, use those quality water shrubs as screening shrubs, but only require the single row because that's physically all the room that there is. Still the water quality shrubs just moving to the edge.

Saltzman: Okay. I appreciate that clarification. Well, the other two issues, I guess, I want to explore, and if you don't want me to explore them now because of time I will be happy to bring them back next week in terms of amendments. For the second reading but that is, I do very strongly believe that we need to have an amendment that will require applicants, development applicants to label stormwater management areas on the site plans, and which gets back to my earlier statement that certainly it needs to be upfront, and at the right place at the, at the opd and r so, that we don't have mistakes made and we are not in the situation of grandfathering or sanctioning inappropriate development that doesn't recognize a stormwater management function, of redeveloped parking, so that's, that's one of them that I want, and if you need me to, we can direct staff to come back with it, or if you need me to develop the language --

Katz: No, I will not take language now, because that involves another bureau that needs to review that because the council is going to want to hear how -- how it is going to be implemented.

Saltzman: This is consistent with where gill kelly was on the title 34 rewrite. As he said, he believes more and more the stormwater management facilities should become land use decisions. So I think we need to go in that direction and be consistent. The other issue, I don't know if it is an amendment, I guess it is a discussion, on the eco-bonus you know issue. I always find it sounds to me like sort of eco-roofs bonuses is being all allotted. It is a great idea. We all believe t it is an effective stormwater management tool. It is a way to really cut down the amount of \$800 million of rate-payer money we will have to spend to clean up the rivers. But, we will study it more, kind of put it over here, and in meanwhile, let's pursue our bonuses on design. Let's pursue our bonuses on day care, whatever, sort of, you know, guess, again, the ornamental bonuses versus the functional bonuses. We have a potential bonus and incentive that can dramatically impact our environment and subsequently the amount of money we will spend to get combined sewage out of the rivers. So I guess, I want some discussion with you, mayor, since you are the director in charge, commissioner in charge of the planning bureau is, I guess I would love some reassurance that this is not going to be marginalized and continue to be sort of knocking on the door to get inside this discussion about revisiting bonuses. Not being sort of, it is a work plan issue.

Francesconi: Let me come behind this. First of all, I think it is a good idea to study incentives for eco-roofs, in fact it is such a good idea because it would help our stormwater objections, that at bes, I know how stretched planning is for resources. They should consider, actually, coming up with some resources to accomplish that, because I think it is a great idea. I also think that the green building plan that you are presenting to us, commissioner Saltzman, needs -- it is a very good plan. The idea of using incentives, as well as regulation, needs to be explored by the city, in general, and on this issue, as well. Because I think that we need more built-in incentives, and you know, so, you I think that the idea of using the zoning code and I still, maybe it is a question of timing, but eventually, the permitting process to expedite other socially object, you know, goals of the city, we need to explore. So, I think that he's right, and commissioner Saltzman is right to push this one. There needs to be, because it has a great value. Parks was just talk to go me yesterday about how much money these kinds of -- these sustainability practices that you are

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pursuing saves the taxpayers in terms of ongoing operation. So, it is worth it for the taxpayers, it is worth it for the -- for the benefits to the environment. So, that's my comment on that, I have two other concerns. But --

Saltzman: I really don't feel -- A commitment that incentives for eco-roofs is inside --

Katz: It [the camel] is inside the tent and --

Saltzman: And not going to do a work plan issue or funding issue, it is a fundamental policy issue just like basic design standards, which were social engineering, too, in the zoning code became inside the tent and sort of the mantra we all hung onto.

Katz: It is inside the tent. It is my desire to review all the bonuses, maybe jettison some of them so that we can add others in, and that work has not been done yet. So, that -- but, it is inside the tent. Now, the issue of, of opd and r --

*****: Right, well --

Hales: Do you want to discuss that one amendment?

Katz: No, no, the conversation with --

Hales: Well, having the applicants label the plans -- this is the first read and go this is fine, but the mayor pulled the brakes appropriately and we did it before on, on parking, and I don't know if you noticed this thing yet here, where Susan Feldman came up and was whispering to Tom, and that's that there is a point of process here that matters a lot, and that is every commissioner on this council has the right to propose changes to the code and we have got bureaus all over the place with good ideas and bad ideas of the code. I think that these are good ideas. But, we have one bureau that has to administer the damn thing, and we need to have a conversation not today, because of time, but were we consider amendments with Susan Feldman at this table, because that opd and r wants to do is try to steer council policy. But that they have to do is tell us what's administratively or not. The only way that we can make this system work, where we have one bureau running the development approval process, and several bureaus proposing code, is to always have a stop in this process and say, Susan, or whoever, from opdr, can you administer this and have them say, yes or no. So, Dan, it is fine to talk about that. Sounds reasonable to me. But, I want the people that actually review site plans to come back, not today, and tell us, yeah, we can do that or, here's why we can't, or we can do it a little differently so we always have to remember, and you did, Vera, remember that spot in the process. So, when we come back for amendments, let's get opdr up here and do that.

Saltzman: That's something that I want to proceed on.

Katz: Let me recommend that planning and opd and r take -- do you want to --

Hales: When we come back for amendments, they can sit down before that and look at this stuff and come up here.

Katz: We don't vote on this today so take a look at it. See if it is workable. Come back to us and then we will vote on it the following week. Okay.

Hales: Do you want me to move that one amendment now?

Katz: Well, let's move the 5-foot shrub amendment first. Any --

Elizabeth: Is that an amendment? I don't think it is.

Saltzman: Yeah, it is.

Katz: It is an amendment. Okay. I need to have a motion to accept the, the planning amendment recommendations with regard to the water quality shrubs within a 5-foot buffer.

Saltzman: I so move.

Katz: Second? Any objections? Hearing none, so ordered. Commissioner Hales?

Hales: You should have copies but I have extras of this amendment to page 47, that says that there is an exception for existing parking lots and that is if there is a conflict between meeting

this landscape standard and we still have required minimum parking, one of my new year's resolutions is I will bring a proposal to go rid of this, but while we have it, we could get into a situation where there is a conflict between meeting the stormwater requirements and providing enough parking spaces, this says that you automatically get to do less parking spaces and don't have to ask for an adjustment for that. So, that's -- I think that that's the policy that we would want. The parking gives way to stormwater, so that's that this amendment does, so I will move that proposed amendment.

Katz: You don't have any heartburn on that. I didn't think so. Any objections? Hearing none, so ordered. All right. Further questions of staff before we open it for public testimony?

Francesconi: Two quick issues. I saw you looking right at me. When you said not everybody got that they wanted, okay. So, but, I never heard you describe that you presented this to the urban forestry commission or that the parks --

Carter: Yes.

Francesconi: I don't know that you have done that.

Carter: I have not presented it --

Francesconi: We have a group of folks looking at this, who is charged with this, and I think that -- and I will take equal responsibility, that I haven't flagged it, but there is some concern that this isn't the right kind of trees, because it provides no shade or other habitat or other kinds of benefits, I don't know who is right or wrong on this. But, I would like you to look at it because I am not going to offer any amendment now. Because, I don't want to micromanage this, but I want you to look at the concerns raised by parks and then I am going to look more elizabeth, and I guess, I will have to make a judgment as to who is right or wrong, if you can't reach some agreement, and I might introduce an amendment, okay.

Katz: All right. If you --

Francesconi: One other issue, but go ahead, mayor.

Katz: If you need more than one week to meet with forestry and opd and r, let me know and we will just -- we will either bring it back next -- yeah. I think you are going to need more than one week.

Carter: Yeah.

Katz: So, let's aim for two weeks from now.

Francesconi: My other question is, one of our other policies is, you know, good jobs in the city, and the industrial, the issue of industrial lands is a critical one, so today, I just see a letter from the port saying that this is -- I am not saying it is accurate, but the allegation is that because of the, the restrictions on loading and unloading, or the stormwater -- the landscaping requirements, it is going to cost \$625 -- 625 acres of industrial land in the city, I find that a little hard to believe, but that's that this letter says. From the port dated, whatever, dated december 12th. So, and it says because it -- so, it suggests removing the landscape requirement from loading and vehicle maneuvering areas. I think that you said in your testimony that it doesn't apply to loading areas.

Carter: The calculation of the amount of stormwater, landscaping we need, includes the living areas but you don't have to landscape the living areas, so, and I haven't seen this letter.

Francesconi: That I would like you to do, and again, it raises another issue, but the one that I am not raising that now, but the one that I am raising is that issue of industrial lands. So, I would like you to look at that, if it really is going to cost \$6 -- 625 acres of industrial lands, then we have got an issue that we have got to look at, and then I would like you to look at whether that that requirement, that suggestion, you know, how much harm will that do to the environment, because then we have to, to do a balancing act that we have to do. So that issue needs to be explored.

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Katz: Okay. Thank you, gentlemen. Probably two weeks, if you need, two weeks? You want to do it three? Tell me --

*****: I will be out of town in three.

Katz: Two weeks? Tom?

Carter: The holidays and other program items, the metro deadline for the update --

Katz: Give plea a date. A month?

Carter: A month. January?

Katz: January. And meanwhile, see if you can get some responses to commissioner Francesconi's question so that he hears about that before we come back. All right. Public testimony on this item?

Olson: We have two people signed up.

Katz: Okay.

Doug Klotz: 2630 southeast 43rd avenue, Portland, 97206. I have sent you a letter, and I guess you have a copy there today. I think that that is being proposed here is a good thing. And you know, it is well overdue, time to reduce the landscape to parking lot, you know, surface. I have three concerns. One is, has been mentioned, the shading. Right now, you know, this is, this is that you get when you get parking lot trees. By and large, there is no requirement that the trees have any width at all. As long as it is a tree, of a certain height, then that, that passes, and I don't think that you are going to get -- you are not getting the shading in the summer and you are not get -- even with the evergreens in the winter, you won't get the stormwater benefits because you can be sure that someone out there will find the skinniest evergreens that they can find and they will put them in because they don't want to have needles dropping or leaves dropping. So, I think that you really need to look at some of the other, other cities around the country that have a requirement that a certain amount of, of the area be shaded or covered. Sacramento is one, and there are other cities that have that requirement. So, thank that needs to be looked into. The second thing is the requirement that the trees be allowed to grow. I was shocked to discover, I went by 39th and belmont, the walgreens, they chopped off all their trees at about 8 feet. I called the code enforcement and they said there is nothing that we can do. The code says that it has to be 6 foot high when they put them in and they can chop them back to 6 feet. So as far as I understand, that's, that's their -- there is nothing in the code that says you have to let the parking lot trees grow.

Katz: I never heard about that before. I think the first issue he raised is the same issue. Commissioner Francesconi raised.

Klotz: If there is something in there, at least you could say, hey, you have got to let it grow, and the third one is curbing requirements.

Katz: What? Curbing?

Klotz: Curbing. Yeah. Ed picture of the omni is great. I understand that we need to have openings in the curb so that the water can run into the landscaping. The only place that I would differ is around the, the edge of a driveway. As to the pictures I just passed around show, if you don't have curbing right near where the driveway is, people will cut in, you know, the driveway, make a shortcut and the driveway is wider and wider and you have this muddy area with the landscaping destroyed. So I proposed and I have language in here that just, you know, right along the driveway, that there -- there is, you know, the code -- the proposal does say curbing but it has vague enough language like there can be gaps in the curbing and breaks, and an inspector out there will say, that's just a wide gap, you know, instead of, so, I think we need to specify how wide the gap can be. And it needs to be right up to the edge of the driveway, so that the cars aren't driving all over the lot. And you can see that the pictures I just passed around how the end

gets destroyed right near the driveway, and there also needs to be a requirement for the height, because there is one of these pictures, there is one developer out there that puts like a, it is hard to see but 1 inch ridge of asphalt to the curb because there is no code for how high a curb is, so I have that, on my last page, I have a proposal to, to do that language, so that -- it is just -- it is a matter of make it go so that the code inspector can say, okay, it is 6 inches high or it is not, and if it says a curb, they will say, well, it is a curb. So that, that was my thoughts, to just --

Katz: Okay. I am going to pass those amendments, I think I heard the desire of not having curbs, necessarily curbs so the run-off can go --

Klotz: Right, and I am proposing them only right at the driveway where you come in.

Katz: So why don't you pass those on to make sure that we screen them for the right word, and bring it back, when, when we act on it.

Klotz: Right, okay.

Katz: Or back in a month. Thank you, doug. Anybody else?

Mark Hadley, American Society of Landscape Architects: I am mark hadley live at 6327 southeast tagard here in Portland, representing the asl landscape architects society. Here in Oregon. We support whole heartedly stormwater management in landscapes, it is one of the best stewardships and one of the best things that we can do for encouraging sustainable landscapes and sustainable development in our city. I came to point out a couple of things that, in one instance, I feel is a fatal flaw, just in, in the, the actual itch mention of, of, of the difference between planning and bes standards. I thought it was important enough to bring up at this point, there are numerous minor coordination issues that need to be worked out, the city needs to work out between the bureaus, I am not going to get into the detail of all of those. And one thing that I did want to talk about was the tree size requirement. The tree sizes have been increased. The requirement has been increased to a minimum of 3-inch caliper tree in all commercial -- well, actually, every zone that's not a residential zone. First, tree availability in the industry is extremely difficult right now. I started on a project, one of our larger projects in the city out in the, the airport district. We started 18 months ago trying to procure trees and we still have not filled the order to be able to get another trees for the project. We have had to make substitutions in tree varieties based on what was in -- what was available as opposed to what was designed. The increase to 3-inch caliper is, is -- can be a hardship but combining that with the bes requirement that, that all of the plantings in the stormwater areas be native plants, combining those two things is where there may be a fatal flaw. Native plant nurseries do not grow trees, 3-inch calipers. Typically, native plant nurseries supply plants for mitt facing areas, for, you know, more of the natural plantings, usually the trees are inch, inch and a half, inch and three quarters, at the maximum size. So, that I think that we have got now is a code that actually can't be implemented in the field. I think that, that there's been a demand for 3-inch caliper native trees in the industry. This creates a demand. Now, the industry, the native plant industry, you know, may rise to that demand but it will be at least ten years before they will be able to have crops, large enough to supply the demand to fill this need. So, as a suggestion, maybe a compromise, to stay with the intent of the code, is, I would like to suggest that the, the 3-inch caliper tree size be limited to the, the ornamental landscapes that will happen in our developments and in our parking lots, and then look at the, the water quality landscapes and go ahead and stay with the bes size requirement for trees which is an inch and a half. So, it is absolutely consistent with the planting combination that's listed in the bes design manual, for inch and a half trees and so, that's, I would like to make that suggestion. The second thing is the numbers, the number of trees, as you have said, has been increased by 300%. There are required now three times more trees than we currently have in our existing code. Okay. I would like to suggest that that requirement be

placed on the best water quality plantings and not on the ornamental plantings. I think that Dan's suggestion of having areas designated as water quality planting areas in those that aren't would, would assist in, in, in identifying those areas.

Katz: All right. Let me suggest, because we are not going to do it now, and I would like to, to learn -- I would like to understand the industry position on this. And I would like to understand a little bit more, so in your discussion with the foresters in the forestry department to come back and have somebody educate us a little bit more about that, and to get an idea of whether this is truly an industry hardship, the nursery products are supposed to be one of our strongest industries in this region, let alone statewide. So, I don't know why they are not -- they can't provide landscape architects with the kind of trees that they need. Okay.

Saltzman: I want to say that I think that he has, no pun intended, the seeds of a good compromise here because this has been an issue that's been discussed between best and the forestry, about the caliper of the trees, and this could be a good way to cut it, is that an inch and a half for the water quality related trees, 3-inch for ornamental trees so I would like to see that pursued as a potential compromise.

Hadley: I know my time is up --

Katz: No, no, no. Work with the department, and --

Hadley: I will follow the protocol.

Katz: And we will come back. Thank you. Anybody else want to testify? All right. This passes to second and we will be back in a month. You all have your assignments. And come back and educate us on the issue we just heard. 1774.

Item 1774.

Katz: Somebody is leaning on the lights. [laughter] Let me start by saying that, today, commissioner Saltzman and I are bringing forward an amendment to the city's civil rights ordinance to address the inequities and the discrimination that continues in this community against trans-gendered citizens. I want to start by saying that I don't know how many people know this, but prior to 1973, women were not permitted to eat in certain facilities here in the downtown. One, we were not permitted to eat there unless we were accompanied by a male. One, we weren't allowed to eat there during certain hours because since we weren't working citizens of the community, we would be taking up the chairs. And the other one, we weren't allowed in there at all. I won't mention the names because the law has changed. And part of that I probably consider the most significant piece of legislation that I have right was to add gender in the states civil rights act, so prior to 1973, women were not protected. Women or men, but this was primarily directed to women, were not protected. And their civil rights, not protected. We tried to add sexual orientation, and for those of you that I recognized, you know that we lost that by one vote. I think it was in 1975. It may have been in 1973, as well. But, the city, during all of this time, moved quickly to close these gaps. In the one gap that we hadn't closed, and we knew about it and we talked about it two years ago, was to extend the civil rights to trans-gendered citizens in this community, probably the most discriminated segment of our community, and citizens who are victims to hate crimes, which is one of the reasons that we have asked the police department to add the monitoring of those hate crimes, and chief kroeker is going to address that in a few minutes. So, I want to thank the trans-gendered community and supporters for being patient with us, and for supporting this addition to our civil rights ordinance. To say that we are, at the cutting edge would be inaccurate in this area. We are now following Benton County, ladies and gentlemen, Benton County. [laughter]

Katz: As well as other cities across this country, of 25 cities across the United States. So, it is a little later than it should have been, but it is here today, and I hope that we will be enacted today.

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When we extend, and if we -- when we extend, not if, when we extend the civil rights act to cover trans-gendered citizens, then they also will be able to file with boley or have the private right of action that we want in court as, as the citizens covered under the civil rights act today. And as I said, the ordinance also provides the tracking of the, these hate crimes. So, with that, let me turn it over to commissioner Saltzman and then I am going to ask Madelyn -- oh, there she is. Who has worked with my office and commissioner Saltzman's office to put this ordinance together. So, commissioner Saltzman?

Saltzman: Thank you, madam mayor, and I am very pleased to co-sponsor this ordinance today before you. And today, I believe, and hope that Portland will join a growing list of cities and private employers that recognize that those who belong to the trans-gender community are also part of the whole community. We are affirming the fundamental principle that discrimination based on a person's status is not a Portland value. Many members of the trans-gender community are in the audience, and they are outstanding citizens of Portland, and have contributed, just like the rest of us, to make this a great city. And I am also pleased that the new provision relating to hate crimes statistics, will not only cover trans-gender community but also people with hiv, people who have been targeted for hate activity in the past. And other persons with disabilities. So, I believe that this is, this is an excellent parallel move of the police chief to implement it at the at the same time. This is a step in the right direction. This is a community for too long, a struggle, a struggle not only with the confusion and the tremendous oppression that comes with being different. But, it is necessary for us today to state, if for no other reason, it is okay to be who you are, and that's that we are doing, in many respects, with this change to our civil rights ordinance. I also want to add my special thanks to lori buckwalter for persevering on this issue for so long. She has really helped to bring this issue to the closure that I think that we will bring it to today. And also, to our city attorney, Madelyn wessel, for creating the ordinance language, and incorporating feedback from many, many interested citizens, and finally, I want to thank the office of neighborhood involvements, metropolitan human relations center for coordinating much of the testimony that we will hear today. Thank you.

Katz: Thank you, commissioner Saltzman. Madelyn, why don't you come on up. I see one elected official in the audience. Is there somebody else? Yeah. Serena, right after Madelyn, we need to get --

Katz: You are going to be -- are you going to be long?

Wessel: Yes.

Katz: Serena, I changed my mind. Are you all right? Okay.

Wessel: You can tell I am going to be long --

Katz: That's why I asked. [laughter]

Madelyn Wessel, Chief Deputy City Attorney: Good morning. Madelyn russell, city attorney's office. It is really a special honor for me to be here today, again, on this issue. I was here with the original civil rights ordinance. It was a scene not unlike today, in its intensity. And I am really honored to, again, be able to be a part of your decisions to, to embrace and support human rights in our city. I've been asked to be more thorough, which might end up sounding like more long winded, that is typical in the introductory presentation here today. Just so that we have a very clear record of the process that we have gone through, the issues that are being dealt with in the ordinance, so I will have to beg your indulgence just a little bit. You and your staffs have worked through, obviously, a lot of community input. A lot of versions of the ordinance. A lot of different ways of wording the very minor exceptions and the balancing that's going on in the ordinance. And I know that for you, it is going to be a little bit of rehashing some well-traveled turf. Here's that we are going to do. I am going to take us through the enacting ordinance. We

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will then quickly talk about the all-important code amendments, the literal changes to Portland city code that will accomplish your actions today. We are going to talk about exhibit b, which is the questions, answers, and interpretive guidelines document. Then I am going to ask Laurie Buckwalter to come up and present, as someone who has been instrumental all along in working with the city on this ordinance, and then Chief Kroeker, who is going to talk about the police bureau's plans to implement the very important element of enhanced hate crimes reporting that both of you alluded to, Commissioner Saltzman and Mayor Katz. We will then have invited testimony from community organizations, such as Basic Rights Oregon, ACLU, and some individual speakers, and then we will open it up for, what will doubtless be, quite spirited discussion, pro and con, on the code amendment changes. So, let's move in terms of your file straight to the actual enacting ordinance, which has an awful lot of material in it. I won't go through all of the elements there, but it tries to set forth a history of the city's actions with respect to civil rights under the ordinance, and with respect to responding to the, the urgently expressed needs from the trans-gendered community and trans-sexual community to add them to the list of protected categories. The city has gone through a lengthy process here as Mayor Katz pointed out. We had a period of years in which the very authority that the city had to enact a strong ordinance like this, that gave people a right of access to court, which is all important, in the civil rights context, was in doubt. We took our time to make sure that we will have an opportunity to clarify that fundamental question of municipal authority in the state court system before we move forward to make further changes or add new groups to the ordinance. As all of you know, since we were dancing in the halls last year, the Sim Sea case did resolve that question for the city, and we speedily began a process of working to make the changes that you are going to look at to the ordinance. In the interim, though, the city did undertake some actions which, I think, were quite important, as a result of a resolution that this council adopted in 1998. That resolution established the fundamental principle that the city ought to model the kind of corporate behavior that it was probably going to move to ask the private sector to adopt, as well. And that you did say, we should adopt policies within our own employment, within our own affirmative action plan that establishes the protections that we want other employers soon to follow. And that was done by changing the city's own anti-discrimination policy with respect to our own employees in 1999, early in '99. By adding gender identity to our own affirmative action plan. Also, in 1999, the city added gender identity as a group that would have access to the pilot civil rights mediation program, and quite speedily, I will say, we saw some folks taking advantage of that. That program ended up not being continued after its first two years because there wasn't a high level of utilization of the program, but I saw some real meaningful help going from the program towards the trans-gendered, trans-sexual community in a number of cases. The city's contractor, EEO certification program, which asks city contractors to affirm a principle of nondiscrimination is also going to be amended in the coming year's cycle to add gender identity and conformity with the changes to Title 23.01. The record that you will hear today and the record that I will also introduce through some testimony, establishes that the trans-gender and trans-sexual minority community experiences a very profound amount of harassment, of violence, of discrimination in core areas of life. It is simply clear in evidence all around the country that people who are part of this community, part of the groups covered under the definition in the ordinance, experience treatment that is not equal treatment, that is not reasonable or fair treatment, and that needs to be addressed by government action. There is a lot of specific statistics. We don't need to run through them, but they are in different paragraphs of the ordinance. That evidence is very consistent with the kind of anecdotal record that we have assembled through the very hard work of the metropolitan human rights center, and of the earlier

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hrc, which issued a report in 1996, calling for the addition of trans-gendered people to the city's civil rights ordinance. There are a number of things that we need to continue to work on. I need to get to work, assuming you do enact the -- pass the code amendments today. With the Oregon bureau of labor and industries. They have been consistently supportive of working with cities to add enforcement programs on for city creative causes of action. They have indicated a willingness to work with us, and they also submitted very helpful comments to me with respect to earlier versions of the ordinance, which I very much appreciate. It really helped in redrafting. A fiscal budget impact analysis has been completed showing that there is, in all probability, already sufficient funding in the agreement that we have with boley to cover this fiscal year to cover additional claims that might arise based on gender identity. I also want to point out that boley does, in fact, take some cases under the state ada, under the state civil rights law, that provide protections to trans-sexuals. Those protections are more limited than the protections that will be afforded under the code amendments that would be adopted today. But, boley has already begun enforcement to some extent, on these issues, and have been very cordial in saying that they will work with us to come up with an agreement that would add some new substantially new rights and remedies. I want to move quickly then onto another element, covered in paragraph 17,18, and 19 of the enacting ordinance to point out that there are some very significant gaps in the state hate crimes or intimidation law, which the city cannot legislatively change on its own, but that we can do is make sure that our own police bureau covers crimes of violence that are committed on the basis of disability and age, which are not covered under the state hate crimes law today. As well as gender identity. That's important because when violent acts, when acts of harassment that meet that criminal code definition occur against people based on these other protected characteristics, it is important to have a record that documents that and gives us some tools to provide affirmative support and protections to those community members. Let's move on then to paragraphs a, b, c, d, and e, because assuming that you move forward on the code today, you are actually taking five discrete but complimentary actions. First and most critically, you would be changing and amending Portland city code, chapter 23.01. Second, you would be adopting the questions, answers and interpretive guidelines documents as a framework for future implementation and discussion of cases under this code. I will give you a little bit more background on why I ended up thinking that that was an important piece, in a few minutes. You are then also directing or empowering our office, the city attorney's office, to negotiate a contract amendment with boley, within 30 days, if possible, so that we can have code effective date in january and code enforcement options in january, as well. You are also authorizing commissioner citizen, as the commissioner in charge of the bureau of housing and community development to actually sign that code amendment because it is commissioner Sten's bureau that administers that contract today. And finally, you are directing the Portland police bureau to implement as speedily as possible, and chief kroeker will be up here in a few minutes to talk about how quickly that can occur, a program to monitor disability, age, and gender identity, hate crime or intimidation activity and add that on, the bureau already monitors hate crime activity that's committed on the basis of state law protected groups. So, that would be a directive to the police bureau. Let's move on, then, quickly, to exhibit a, which is the actual code amendment. I actually took this home last night and showed it to my husband, and he said, there's just a few words, and for this, you've been gone for the last three months. [laughter] But, actually, you are accomplishing an awful lot of things with word additions that are not that voluminous, which points out that you can do a lot with law, either with lots of words or maybe styles, with not so many. You are adding gender identity to the list of protected groups in the policy and all other relevant sections of the code. We have developed a definition of gender identity. You will hear

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today comments that both support and oppose the particular definition that we have used. You will hear from people who believe that the city definition should have explicitly named trans-sexuals or trans-gendered people and a whole list of other people who fit within there definition, and I certainly hope and expect that you will also hear from people who recognize that by writing the definition the way that we have, we have actually provided protections that are extremely embracing, extremely expansive, and cover not only people who are, perhaps, medically definable as trans-sexuals but also, many others who, because of their fundamental sense of identity, may present in a manner that some people might view as inconsistent with what a normal person's gender presentation might be. But, also, deserve protection and a policy of nondiscrimination based on who and that they are in a very fundamental sense of identity. You will see that we have added a few exceptions on. I will go through them very briefly. Particularly, those which are covered under subsection c on page 3. Obviously, this process has generated an awful lot of input, pro and con. There was a consistent theme expressed with respect to how do we deal with facilities, like health clubs, where there are locker rooms, and shower rooms where people do tend to walk around nude. How do we deal with the sensibilities and sensitivities of others who use those facilities and that we have done here with this particular exception is say, that there are absolutely needs to be protections for people who have some basis for showing that the gender identity that they present and that they would like to use as the basis for going to a facility has some, some start-up basis, in other words, a person who is on the transitional scale is beginning the process of transition from male to female or female to male, has been able to obtain a driver's license or other documentation that shows that they, in fact, have begun that process. Has the right of access to those facilities. But then on the other hand, that those types of facilities also have a right to expect some type of documentation of that. There is more discussion of that that really means in the q and a, and I will get into that in a few minutes. Number two, we had a lot of concerns and a lot of questions about employer dress codes and policies. That the subsection 2 exception says is, is that otherwise valid employer dress codes that have, otherwise, a legal problem, that are okay, are still valid as long as on a case-by-case basis, they provide for a reasonable accommodation that looks to the health and safety needs of persons who are protected under the ordinance. So, people have a right to engage in an interactive, respectful, responsible process with their employers that does respect their needs for health and safety, and on the other hand, employers are not being told through the adoption of this ordinance, that otherwise a valid and legal dress codes are suddenly out the door. It is a balancing act. There is, again, discussion of that we are trying to accomplish there in the guidelines document. And I will get into that a little bit more in a minute. Finally, there is a very, very clear statement in subsection 3 that the two exceptions I just mentioned dealing with locker room and shower rooms and dealing with employer dress codes and policies do not, in any case, excuse a failure to provide reasonable and appropriate accommodations permitting all persons access to rest rooms consistent with their expressed gender. It is very clear when you study the adoption of these ordinances around the country and talk to people who have gone through what is often a terrible ordeal as unprotected persons in our community that simple access to something, like a bathroom, a rest room, is a critical issue, and it becomes an issue of personal safety. It becomes an issue of personal integrity, and number three, sets forth very clearly that people have a right to an accommodation that meets their needs without barriers. That is the core legal language in the code. Let's move then quickly onto exhibit b, which is now called, questions, answers, and interpretive guidelines. Because, always been a little tough for me as the lawyer working on this ordinance, to work around the reality that, unlike most cities that have an independent civil rights code, that we don't have an independent civil rights

enforcement agency that has legal powers and handles cases. Instead, back in 1991 the council made a decision to supplement state enforcement through the Oregon bureau and labor industries but not to set up a free-standing and independent municipal commission that would have had the ability to work through the, the myriad, inevitable case-by-case, what does this mean, kinds of questions through quazi-judicial action, or through the establishment of compliance or regulatory guidelines that often work out a lot of the fine tuning. Well, that do you mean by? What's a reasonable accommodation, and et cetera? Boley has that kind of authority for its own state law based enforcement program. But, we haven't had some of the flexibility that that introduces at a municipal law level. And in my work with community members, both pro and con, and with all of your staffs, it really became clear that it was important to try to set the stage for answering some of those future questions, and it ended up becoming this document ended up becoming a valuable tool. So, the message you are sending is, if this is that we were thinking. This is that we were intending. This is the kind of interactive and responsible process, we would like people to engage in, as they work through these issues, and I guess on a final note that I would say is that if it turns out that a specific iterations of words and in the exceptions or code are not working for people, you have always been flexible and I am always, also, as your servant on this matter, happy to be flexible to make changes if we see that words chosen aren't working, we can change them. So, let me go through some of the key things that we have tried to cover in this particular document. First of all, again, because I suspect that you will hear a lot of comments on, you haven't -- in the code definition, set forth a list, whether short or long, of all of the different people who are specifically covered in the ordinance, question number two, says what is gender identity. It points out that we are including trans-sexual and trans-gendered people and all others who is gender presentation may be viewed as somehow variant. And this response also tries to set forth the policy that this is a broad and encompassing definition that is aimed at protecting lots of people. The q and a talks, as I mentioned a little earlier, there's been an evolution, an understanding the needs of this community, and also, establishing clearly the city's legal options and legal authority to protect more broadly than the state, so this particular group was not added on when the ordinance was initially enacted. But, it is now coming into the sweep of the ordinance today. There is a question that attempts to outline, at least, some initial guidance on this question of dress codes. There was an awful lot of commentary in e-mails and letters on cross-dressing and the issue of that that means and does this mean that employer dress codes simply disappear. We have tried to respond with, no, they don't disappear, but you do have to respect people's rights to a reasonable interactive accommodative process. There is a lot of words in here, like responsible and respectful, and frankly, we have put that burden -- on all sides here. Like any new group coming within the sweep of protection who have been part of a minority group within our community, often misunderstood, often disrespected. There is a need for growth, and there is a need for people to try to work in good faith with one another to respect each other's rights, and those are key words that have been put in here to send a message from the council. there is also somewhat more explicit discussion on that we mean about locker room and shower rooms that we don't mean, but that exception gives anyone a right to harass any people to use the option of expecting some threshold documentation as a tool to keep people out. Or to avoid the sweep and import of the ordinance. There is a discussion of that we mean by reasonable accommodations for restroom use that, again, echoes this theme of open access and, in fact, does reiterate there is no requirement of documentation to use a rest room consistent with the person's expressed gender identity. There is an answer to a question raised about the scope of coverage of medical insurance policies. I would reiterate the council and city has never taken the position that at a local level we have the legal authority to cover the internal content of insurance

policies. Certainly, this ordinance would disallow an employer's action or an entity's action that said, you know, we would not -- I don't want to issue a policy. I won't cover my gay or african-american or trans-gendered employees, per se, as a categorical proposition, but the city has never said that this ordinance determines the content, the internal coverage or sweep of coverage of questions under insurance policies. That power does this give someone who feels that they are facing gender identity discrimination? The same power, the same rights, finally, that all other people have under state law and under existing city law that is the right to go to the bureau of labor and industries, assuming, of course, that we are able to work with them on, on an amendment to the agreement, which I hope and expect will be quite possible. And also, the right to go to court. Any civil rights lawyer and any person who is experienced discrimination will be able to confirm that a right without access ultimately to court as a remedy is not a very strong right, and that's why the similar's case was so important and why leveling the playing field -- the sim's case was so important, and establishing an equal right of protection under law has been so important for you and the city for such a long time.

Francesconi: My only question, I don't mean to interrupt you but some people are saying that we are creating a special right as opposed to just leveling the playing field. So, can you elaborate just a little more as to why we are leveling the playing field and not creating a special right?

Wessel: Certainly, commissioner Francesconi. I guess I would take us back all the way back to 1991 and the initial and very basic decision that the council made at that time, simply to add protections based on sexual orientation and source of income to, essentially, the structural framework of the state of Oregon civil rights law, that the original civil rights ordinance did was say, to the extent that an act would be prohibited under state law, if it were committed against a person who was white or african-american, or asian or to the extent that an act would be prohibited, if committed against a man or a woman on the basis of the gender protection, under state law, or to the extent that an act would be prohibited if it were discriminatory, and vis-a-vis, a christian or a jew or a muslim, under the framework of the religious rights protection under state law, to that extent, there are now protections for gays and lesbians and heterosexuals and for people based on source of income, that was the fundamental legal structural decision that was made in 1991. That is a decision to level the playing field. It is a decision to say that other groups experiencing discrimination have the same rights and remedies, no more, and no less than other people who are protected under existing state law. By adding gender identity today, the council is simply adding another group which, an enormous amount of work has demonstrated to be subject to the same kinds of discriminatory actions to the protected groups covered under the city ordinance. That's the best answer that I can give to that. The final point, and it is a very important point here, is that the police bureau will now add on reporting of hate crime and intimidation incidence that occur on the basis of the new groups. I must tell you that the genesis of this idea came to me when I was speaking last year at a civil rights conference and a gentleman in a wheelchair came up to me. I had been asked to talk about hate crimes reporting among other issues, and a gentleman in a wheelchair came up to me and said, you didn't mention the fact that people with disabilities are not covered under the law you've been talking about. And I took another look at the state hate crimes law and realized that neither age nor disability were actually covered there. As we began to finalize the work on this ordinance, it seemed to me and to others to be quite important to use the kinds of tools that the city has through the police bureau to add reporting on that issue, and in fact, a gentleman who talked with me said when I have gone down to salem to lobby to add this group on to, to add protections for us, I am told well, where is your data showing that there is criminal activity? And when I go to police bureaus around the state and ask for the data, I am told that there is no data because state law doesn't cover it, so my hope is

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this will give people who face those kinds of acts of harassment some new tools to gain some new explicit protections. Okay. At this time, I would like to first distribute some of the homework documents here by introducing them formally into the record, with your permission. That is first, the original mhrc report from 1996. Second, all of the feedback that the city has received, both pro and con, on the ordinance. And third, a letter which came in from bob june-deaf, who heads the Oregon advocacy center, expressing support, in particular, for the addition of the monitoring of intimidation activity based on age, disability, and gender identity. Thank you.

Katz: Madelyn, is this the point that we want to call chief kroeker and then laurie? You are going to lay that -- okay.

Wessel: Mayor Katz, and commission, I would like to now bring up first laurie buckwalter as a presenter and then chief kroeker, who will outline his plans to insure that the police bureau is able to speedily implement this ordinance. I want to say a few words about lori. Lori has been the most tremendous person, human being, advocate, and helper to the city and to the community on this process than I can possibly imagine. It has not always been easy. For any of us to work through the different issues and concerns, opinions, antipathy, and the rest that has come along with making this change in the ordinance. I couldn't have looked for a better partner in this process, a better human being, or just a more glorious person, and it is a real honor to be able to introduce her here today.

Laurie Buckwalter: Good morning. My name is lori buckwalter. I am a trans-sexual woman who lives in Portland, and I am proud to call this city my home. It is very difficult for me to speak in response to that Madelyn just said because I would have said much the same thing about her. Her willingness to be receptive to and understanding of issues that are not well understood by many people in the society, and to take them on as a cause of human rights, not just as a job, but as a real advocate and a real courageous spirit has been an inspiration to me. I wish that I could say a tiny fraction of the things that I have run through my mind in the past two years since last I appeared before you in 1998 when we talked about employees' rights in the city of Portland. But, I would like to start by recounting some of the experiences that brought me to this point and allowed me to have some of the persistence to raise this issue before you. When I came to a full realization of my gender identity and tried to live in a way that was true to that, I experienced employment discrimination to the degree that I was removed from my job, and went without a job for a year. Even though I had 20 years of experience in computer industry. I was uncertain as to whether my family would be able to live in the housing that they had occupied because of my identity and because of what that meant for us. I have experienced exclusion and bias in trying to get access to public facilities in the city of Portland. I've been told that I had to leave businesses because of who I was, or who I was perceived to be. And i've been the victim of bias crimes in the streets of Portland and had no assurance that those crimes would be reported or would be accounted as to their exact nature. And I realize that my experiences have tested me but there is a test that many people go through that is very similar to that, and they are not able to appear before you. Or have not had the opportunity to work in a collaborative fashion towards the resolution of some of these problems, but their experiences are no less painful. They are no less compelling, and it is my great pride to be here before you and know that you are recognizing their aspirations for dignity and for safety and in a city that has opened its arms to all of its other citizens, but has not understood or fully recognized their needs until now. I would like to speak to the issue of gender identity because gender identity is not well understood in the society, and it is a term you may not be familiar with. It is not an illness or a diagnosis. It is not a special condition. Everyone in this room, everyone in this world has a gender identity. And for many of

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us, it is the same, as other people's perceptions of us. But, for some of us, it is different. And I found that when I was finally able to express myself publicly about that my real identity was, it was at variance with that other people thought of me, or my birth documentation and so forth, and that difference, that perceived difference by other people, was the cause for a bias and exclusion and negative comments that go on and on and on, and may for the rest of my life. I have never asked this city or would not come before you to ask that you change people's opinions, or that you change them fundamentally so that they do not have bias. I would only ask for one thing. Remove the fear that I have felt in my life about living true to my identity and being true to the people around me and in my employment and in my professional relationships, remove that fear that I have walking down the street to the extent that it is within your ability to do so. And you will give me, and you will give our community a great gift. So, I would ask you to focus on fear crimes, and some of those crimes are violent and some of them are very, very insidious and very slight, but they hurt, nonetheless, and they rob people of an ability to participate fully in resolving other issues, other concerns, and other, other modes of participation that they could have within the city of Portland. You have given them a great gift to be a full part of the city and you have given the city a gift, as well. Because now you will welcome in the true talents of people who have been afraid to fully participate until now. Gender identity rights are not special rights. They belong to everyone. Certain communities, certain descriptions of people, certain perceptions have a particular vulnerability. There is a special concern for people who are trans-sexual, who go through a process of confirming their inner identity by external change or changes in their life or their physical makeup, this is really a very, very painful issue at times, and for trans-gendered people, or gender variant people who may not go through all of the physical changes or legal changes that trans-sexual people do, but they live their lives consistent with that they need to express to the world about themselves. These are special concerns and special vulnerabilities and these have been recognized by, by pointing out those communities or individuals who are particularly vulnerable, but once again, I would say that I am not asking for a special right. Or, or a special responsibility. But, only that same, full participation, and the full participation of all trans-gendered, trans-sexual gender variant people in this society that many of you take for granted. I have only one other thing to say, and that is that I am -- I feel very honored to appear before you, and recognize that it is our collaboration, the city and the community over time that has made this possible, some very difficult questions and issues may, may remain, but I have full trust that the good will that's been generated in our understanding, in our commitment to each other, will go forward into a future that's made a lot brighter for your courage, your compassion, and your recognition of the full humanity of your citizens. Thank you very much.

Katz: Thank you.

Francesconi: Can I ask you just one --

Wessel: I would like to ask chief kroeker to come forward and he will talk a little about the police bureau and its itch mention. And then mayor Katz, I am going to run around back and give you the list of invited presenters, and then you can open up the floor, as I expect you will.

Katz: We will bring serena right after chief kroeker. There may be questions of lori and we will take those, as well.

Chief Mark Kroeker, Police Bureau: Good morning, mayor, and members of the city council, I am mark kroeker, chief of police of Portland, and I am here to talk about the implementation in the police bureau of the adaptation to this city ordinance. First, I would like to mention that the Portland police bureau has in place, a policy that was articulated and distributed in november of 1998 on the dispatching, responding to the reporting and investigating, care and concern and then

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statistical coalition reporting to the state on a number of victim category status situations much as I looked at the general order, I find that these include race, color, religion, national origin, sexual orientation, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization, or against a labor organization, physical or mental handicap, age, economic or social status or citizenship, and so while the state law may not have the age and handicap or, or age and handicap, it is already in, in the Portland police bureau policy as a protected class under the hate crime policy. The addition of gender identity to this policy will simply be in the process of an amendment to the general order. It will be added and then the adaptations, thereon, will be distributed into the organization. And then along with that, the training of our employees in the, the shift and all of this, will give us an opportunity to reaffirm our commitment to the concern arising out of our values of compassion and respect for members of our community who exist in certain forms of vulnerability and to whom we need to respond in an appropriate way. And so we will implement this change, not only in the policy adaptation but in the training, which is currently ongoing in our in service training, where all our -- the members of the organization are going through a week of training, and this training already includes trans-gender issues and awareness and the policy shift and the addition of gender identity to the city policy, and also now to the Portland police bureau policy will be made a part of that training, and then finally, when it comes to our responsibility to report and to encourage people to report, incidents or acts of, of violence or intimidation as a product of hatred or prejudice, we will incorporate into our community awareness programs the additional factor of gender identity. We will change our literature appropriately. We will move to the various advisory groups and inform them. The various community groups and neighborhood groups with which we speak. We will inform them in order to encourage people who would be in any way, victimized under any one of these protected categories to be sure and report this crime so that we can gather the sentiment of what is happening out there, appropriately investigate and come to the, the appropriate disposition in every investigation. So, the Portland police bureau stands ready to implement this policy and on the emergency clause that is part of that policy, we are ready to do this very quickly. We don't see it as a long need for research or anything of this sort, so if it is implemented by the first of January, we stand ready to implement at that time, also.

Katz: Lori and Madelyn, would you come up just for a second, just in case, and join chief kroeker, in case there is some questions, and then we will open it up to the invited list and then everybody else. Questions?

Francesconi: Thanks, mayor. Lori, I just will one question, and it is not about whether there is discrimination in Portland about trans-sexuals. I believe that given your testimony, given these findings, and et cetera, but my question, actually, there was a, a wonderful, today's article about this, there was a statement, it wasn't in quotes, but there was a statement that, that was attributed to land about citizens in Portland, so I believe that there is discrimination, that's not my point. But, the statement was that people have been uniformly respectful, she said, whether on the job, in stores, or at restaurants, so I guess that I would like to hear is, you know, the respectful side of our citizens, towards you. If it has been, because I suspect that not only are we behind benton and some others, but I suspect that we may be hind many of our own citizens on this issue. And that's why I am asking the question.

Buckwalter: I have often told people that I am close to that, prior to coming out and being a trans-woman. I was not aware of the depth of bias and anger and resentment that existed in other people, and some of, some of the people, but I was also not aware of the nobility and the acceptance and compassion that other people were capable of, and I think that both those capabilities exist in our, in our people. There are instances where I am subject to comments on

the street or somebody drives by and does something or, you know, I am excluded from a business on rare occasions. But, there are many other times where people recognize that, that the willingness to be open and truthful and fully participate in who you are in society is a real -- is something that I respect. I do, I do agree with you that there are many people that have been very warm to me, who have been very respectful. There are some people who are afraid of gender issues. So long as there is a perceived division in this society, and it still exists, between men and women, and as long as those issues are unresolved or between people who are straight or, or gay or lesbian, or whatever the terms you might use, so long as there are those divisions, people will still be uncertain about them, and I think that makes people really have negative responses is they might actually recognize something within themselves that, that is like me, that, that, a question about themselves, a question of, about how they present themselves in the world and they have been judged by others and how they are afraid of it, and I think that removing fear from my life and other people's lives about the noticeably different or, or changing major aspect of our lives, will remove the fear from other people to, to just express themselves more fully. I agree with you. Perhaps in the, perhaps in a long-winded people, there are a lot of supportive people, but, the fear that you will run into the wrong person on the street corner at night or, or a person who will anticipate the judgment of others, you can have a supervisor on the job who would say to you, well, I fully accept you and I understand what's going on with you, lori, but there is other people that I have to answer to, or what about our customers, and these are all the sorts of transmissions, second hand, of bias that hurt just as much but people don't own up to. They perceive that they will be judged by association, and that's just as damaging.

Katz: Thank you. Further questions? Thank you. Serena -- I am sorry, commissioner cruise. Thank you for waiting.

Serena Cruz, Multnomah County Commissioner: Good morning, mayor Katz, commissioners. Thank you for bringing some sunlight into this room on a day that could -- that is cold and dreary and a little depressing given the supreme court decision last night, but nonetheless, the sun is shining in this room today, and in this city. So, I commend you for taking leadership in this action today, and protecting the rights of the most vulnerable in our community. As you said, mayor Katz, the city has been the leader on these kinds of issues in our state for many, many different instances, from the civil rights ordinance to the contracting pieces to the discrimination, to the employee protections that exist in your own ordinances. And I know that there is -- are you ahead of this one or are you behind this one, kind of a thing going on here, and I think that no matter that the real situation is, that you are saying today sets a standard. Sets the basis of value in this community that this kind of discrimination is wrong. Regardless of the few folks that are -- the, the good folks who already know what's wrong, believe it and do it. This sets a standard and an opportunity to educate everyone else, and just a few short years ago, when these discussions started to, to go on, it was fascinating for me to engage, I learned a lot, just in, in those discussions. But, also, in talking with folks in our community and in counsel staff, people felt pretty comfortable saying things about discriminating against trans-gendered folks that they would have never felt comfortable saying about people, color, about women, about sexual orientation issues, so it was, it was an eye opening experience that we do -- have a lot of education. The core values are right in this community, and I know that trans-gendered folks will be embraced broadly in the upcoming years. But, you are setting a standard, and that's why that you are doing today is so critically important. I am pleased that we have had the opportunity as the county to work with the city on setting some other standards, like the domestic partnership registry and I thought you would be interested in knowing since we began in september, just three mort months ago, 182 couples have registered as domestic partners, and again, I want to

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congratulate you on your leadership, on this initiative, mayor Katz, because this was obviously an area where folks desired some, some new protections and new efforts. We are looking forward to following you in these areas, at the county. Tomorrow, the board of county commissioners will vote on an ordinance to amend our own employment policies. We will add familial status, source of income, and gender identity to our employee nondiscrimination policies. We have authored this ordinance and we are confident that our colleagues will unanimously support it. And next week, we will, commissioner nato and myself will propose a resolution that will begin the process of developing a county-wide civil rights ordinance where we anticipate, we will mirror the city's efforts in this area. We will work closely with east county cities, businesses and community members to craft a policy that will encourage diversity and freedom from harassment for all county residents. We also want to build on the work and research compiled by the metropolitan human rights center, Madelyn from the city attorney's office, as well as the leadership of folks in our community, like lori buckwalter and many, many others. We want to thank you, again, for your leadership and there is a quote that always inspires me when I think about these types of decisions, and that's dr. Martin luther king's comment, in justice anywhere is a threat to justice everywhere. Thank you for expanding -- thank for you taking away some of the injustice today in our community.

Katz: Thank you. All right. Kris land, community member. I will call up three of you at a time. Susan goldfill and doug zay from cascade aids project.

Sten: Could I interject an editorial comment? I wanted to point out when commissioner cruise was working in city hall, she helped Madelyn do some of the leg work on this issue so it is a long history.

Cris Land: I am kris land and I am here to talk a little bit about my experiences with transitioning from female to male while, while working at ohsu, and while I can't talk about ohsu's policy and I can't speak for them, I do want to speak about my experience there, and it is one that I hope becomes more common after the passing of this ordinance, about a year ago, I was talking with my boss about a pretty major promotion to a senior management position, and when he offered me the promotion, I said this is sounding good. I think this is a go, and I said, and there is something you probably need to know, and I said, you know, I am a male, or a female to male trans-sexual, I have been diagnosed with gender and blah-blah, and he said, what does that mean? And I said, well, basically, it means that you know me for -- have known me for six years as a girl and now you are going to know me as a guy. He was like, well, huh, and I think that that's a lot of people's response. I think that folks don't really understand, you know, gender identity issues, that it is not a common thing to talk about. And so once we establish what it -- established what it meant, I was able to talk with him. We brought in a human resources. We planned out together how we were going to do that, with me being in a fairly visible position and with hundreds of people up there knowing me, and with the pretty sizable staff, how are we going to communicate to everybody about this? And what are the important things going to be for them to know? And that it came down to, really, for my transition, I am sure that you will hear a lot of different stories, but for me, what it came down to was in the workplace, bathrooms and pronoun. If we could deal with me, communicating that people would be expecting to see me in the men's bathroom and that people were, you know, respectful pronoun to be used with me were male pronoun, then that was pretty much that I needed from my employer. And together, we did that, and we found a way to communicate it to the staff, and it went really well. So I guess that I want to speak to, is a little bit pertains to your question. Which was, what are the kinds of things that people need to do to do the right thing. Aren't there a lot of people in the city of Portland that will do the right thing, and I think that that's absolutely true. I think that they

need to know that to do and then they are better able to do them. And that's been my experience there, and it was a good one. Transition is a difficult thing to go through. The toughest thing that I have ever done. And I can't tell you how important it was for me to have the support of my employer and of my peers in the workplace environment and everybody that works there. So, at least that was stable. I didn't need to worry about getting fired. I didn't need to worry about going and working some place else, and so to me, that was key. So, I want to keep my statements brief, but I want to applaud mayor Katz, you, and commissioner Saltzman and Lori, especially, for your work on this. And I am open to any questions.

Katz: Thank you. The rest of the council has been supportive from day one of everything that we did with regards to the civil rights act. But thank you.

Land: Appreciate it.

Susan Goldfield, Parents Family Friends of Lesbians and Gays (PFLAG): I am Susan Goldfield and I am a co-resident of Portland P-flag. It was started in Portland in 1976 as it was established as a 503-t-3 nonprofit, in 1982, and we are not affiliated with any political or religious organization. Today, the council --

*****: Request don't you tell us that that stands for.

Goldfield: Certainly. P-flag is parents, family, friends of lesbians, gays, bisexuals and transgendered people. Our statement of purpose is to promote the health and well-being of gay, lesbian, bisexual and transgendered persons, their families and friends. Today, the council is considering an important amendment to the city of Portland's civil rights code to influence protections against discrimination based on gender identity or expression. Should the amendment be passed, it would add Portland to a list of cities, such as Madison, Wisconsin. Seattle, San Francisco, New Orleans, Pittsburgh, Atlanta, and many others, which have recognized the need to include specific verbiage in their laws to insure that all people are protected from discrimination and housing employment and public accommodation. Portland P-flag is grateful for the opportunity to testify in support of this amendment. We endorse it for a number of reasons. But, our core belief is that this wording is necessary to provide the safe environment for all people to live, work, play, and contribute to Portland's rich sense of community. It seeks to provide our family members one simple thing. To match their exterior with their interior, to achieve harmony of spirit and shape, body and soul. For many of us that are born with this harmony, this is something that we take for granted. In fact, probably never consider. The people who will benefit from this amendment, the people in this room, here today, the path to align their identities is daunting and deserving of our compassion and support, protection, and inclusion.

Specifically, I would like to point out two ways this amendment supports our sons, daughters, brothers, sisters, and friends in achieving fair treatment. In many cases, those engendered transition are vulnerable to intense harassment, discrimination and even violence. Both state and federal courts have almost uniformly held that transgendered people are outside the legal definitions and protections of the existing anti-discrimination laws. By amending our code to include the broader terminology of gender identity, we extend protection that is sorely needed to a group of people at risk. Second, it is our experience that many of our gay, lesbian, and bisexual family members, also experienced discrimination based on their dress, hair-cut or other less conventional external expression of their identity, rather than direct knowledge of their orientation. This is just as unfair as discrimination based on someone's skin color, age or religion. None of these affect a person's ability to perform a job well, to be a stable renter, to pay the restaurant bill, deserve an education. But today, we may be denied one of these rights. Due to our external expression of ourself identity, is this covered under our current law? No. Do we have anything to lose by insuring fair treatment regardless of gender identity or expression? No.

Do we have anything to gain? Only allowing our neighbors to reach their full potential unhindered by christmas and bias. I have had the pleasure to glimpse first-hand this potential. And can only ask that you make this small investment to insure all of our people.

Katz: Thank you very much.

Doug Zeh, Cascade AIDS Project: I am douglas. I've been working at cascade aids project for over ten years, advocated -- advocating for the critical needs of people living with hiv and aids. Although the face of aids continues to change, the problem of harassment and bias crimes against people living with hiv and aids are those perceived to be living with hiv has not gone away. We know that there is violence and harassment directed at people living with hiv, and I want to tell you a couple of the reasons that we know that. Internationally, this year at the international aids conference in dervin, justice of the south of the high court of south african made some remarks to the conference about the devastation his country was facing as a result of aids -- an aids epidemic. I want to just read a line or two of the remarks that were included in his testimony. "that there has been discrimination and stigma against persons with aids and hiv on an enormous and debilitating scale is certain. The death, by stabbing and stoning of the township -- of a township activist, not 20 kilometers from here in 1998, provides a brutal testament of such hatred and ignorance." We also know that these crimes occur within our own country. Respected scholarly journals, such as the american journal of public health, have reported on surveys in which large groups of people living with hiv are asked about violence. And the results of one study indicated that over 10% of women, 4 1/2% of gay men, and over 3% of heterosexual men reported experiencing hiv related violence since their hiv diagnosis. But, we don't really need the research study to tell us that this is going on. Because anyone who has worked with people living with hiv very much has heard anecdotal stories from their clients about these problems. And I would like to give you just three very brief anecdotes so that you can see a snap-shot of that that looks like. A client in a suburban apartment was threatened and hazard after her hiv status was breached. One morning at 3:00 a.m., She heard knocking at her door and found the word "aids" on the door. She reported it to the police but we were unable to verify that there was any follow-up. The family in east county faced very serious harassment, only days after the mother's hiv status was disclosed to her neighbors. The family apartment was vandalized and one of the children beat up, cursed at, and threatened. The mother experienced attempted violence, as well. This family abandoned their apartment and all of their belongings because they felt their lives were threatened. And finally, a client in st. John's was breached by his land-lady when she found out about his hiv diagnosis, and spread it all through the apartment. Over the course of two months, several residents slashed his truck tires, broke out his truck windows with baseball bats and made repeated verbal threats to the client. Eventually, out of concern for his own safety, the client abandoned his apartment and moved into his truck to live. There are implications of these tragic stories, and there are at least two areas where we see them. One is the effects on the community public health. A big issue here is around individuals' decisions to get tested for hiv. People that have seen this kind of violence and harassment may, therefore, have one more reason not to make the decision to be tested. We know that partner notification, which is a key strategy for tracking people that may have been exposed to hiv, is more difficult to do if the people involved fear that they may face violence and harassment as a result of that investigation. From their partners. And finally, hiv discrimination seems to be often woven into the fabric of discrimination around sexual orientation. Because many community members adopt the mistaken notion that dangerously mistaken notion that hiv is a gay disease. The violence against gay men with aids often takes particularly ugly forms. Such as the mob on a new york subway that, in the course of inflicting violence on someone, or shouting out the slogan, how do you

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stamp out aids, kill the fagots. In fact, hiv is now spreading most rapidly among women, communities of color, and hiv folks. So, it is a dangerous misinformation that has caused many lives. Thank you for this opportunity to share information.

Katz: Thank you, doug.

Zeh: And for your concern.

Katz: I didn't mean to be disrespectful but I think that we have a lot of people here who want to testify and it is 11:30 and I am going to -- I have lost one member and I am going to lose another member and I want to make sure that we hear as much of the testimony. How many people have signed up to testify on this item? Oh, dear. All right. No, oh, dear. That's wonderful, but I am looking at my time. [laughter] All right. Please, try to make your comments -- I am going to -- try to do it in two minutes. These are --

David Fidanque, American Civil Liberties Union (ACLU): Thank you, mayor Katz.

Commissioners, I am david, executive director of the american civil liberties union of Oregon here to testify in support of both actions. The city is moving towards today, adding gender identity to the anti-discrimination provisions and expanding the hate crime reporting statistics. I want to address my comments to the question that came up earlier regarding whether this is, in fact, an extension of special rights. And this is an argument that we hear repeatedly and many of us get tired of, but I think it can't be emphasized enough our anti-discrimination laws protect everyone in our society against discrimination. When the legislature adopted laws in the early '50s, prohibiting discrimination based on race, color, national origin and religion, the targets of discrimination were primarily people we think of as protected classes. But those laws were written in a way to protect anyone from being discriminated against because of their race. To protect anyone from being discriminated against because of their religion. Likewise, this ordinance today will protect all residents and people who work in the city of Portland from discrimination based on gender identity. The most frequent targets of that discrimination in our society today are those who are trans-gender or whose gender identity is questioned by others. Rather than by themselves. And really, all this ordinance is about is a statement by the city saying that fairness and respect are values that should be given to all the citizens of the city of Portland and should not be denied to any of us.

Ron Glanville, Human Rights Campaign: All right. I am ron, and I live at 10405 southwest 4th in Portland. I am here today representing the human rights campaign. I have submitted a couple of documents for you. One was trans-gender quality from the national gay and lesbian task force. The other is the workplace report from the human rights campaign, that documents a great deal of issues about workplace and trans-gendered people. On behalf of the human rights campaign, 4,000 members in Portland, I urge you to adopt the changes to chapter 23.01 of the civil rights ordinance. Introduced here today. The ordinance change would amend the civil rights, the human civil rights ordinance to include trans-gendered or gender identity and expression and thereby, protect trans-gendered and gender variant people from discrimination in employment, housing, and public accommodations. Those individuals whose gender identity or expression does not correspond to conventional expectations of gender and counter pervasive discrimination, and in most jurisdictions, including in Portland, they have no clear legal recourse against such discrimination. Recognizing the problem that individuals who do not conform to narrow gender stereotypes face in securing employment, housing, education, and credit, the state of minnesota and 26 cities and counties, including seattle, Washington, iowa city, iowa, atlanta, georgia, louisville, kentucky, have adopted nondescription -- nondescription laws that include protections for such individuals. According to the report released by the national gay and lesbian task force and the national center of lesbian, for lesbian rights, 9.5 million americans now live in

jurisdictions with trans-gender exclusive nondiscrimination law in place. The human rights campaign, the nation's largest gay and lesbian political organization is proud to endorse the legislation to support the efforts of the trans-gendered community in Portland. The adoption of this legislation will represent an important move toward the realization of the vision of equality and fairness and again, urge the city council to expedite the passage of these revisions and the civil rights ordinance. Your support in this bill will move us closer to the bill when all Portlanders can pursue their goals and dreams without fear of harassment, violence, or discrimination.

Jaime Balboa, Basic Rights Oregon: I am the director for the basic rights of Oregon. Thank you for the opportunity to speak regarding the proposed changes to the civil rights ordinance. Basic rights of Oregon is an organization dedicated to protect and go advancing the basic rights for all Oregonians regardless of sexual orientation or gender identity. We have thousands of supporters and volunteers around the state and in Portland. And I am here today to express our enthusiastic support of the proposed changes to include civil rights protections based on gender identity. I ask that all members of the council vote in favor of the proposed changes by supporting the changes that mayor Katz and commissioner Saltzman have introduced. You will be telling the world that Portland has no second class citizens that everyone is welcome and protected here. By enacting these changes, Portland can join the leadership of the human rights community. Joining local governments around the country and the world that extend human rights protections based on gender identity. Protections for people who are often hazard, stigma advertised, physically assault and had discriminated against because of their gender presentation. Trans-gendered people are an unprotected class in Oregon state law and in federal laws, by voting to include protections based on gender identity, you will be voting to create a more just and compassionate world. I would like to thank mayor Katz and commissioner Saltzman and their staffs for their leadership in putting this proposal forward and the support of the rest of the commission. Because of their leadership on this issue, Portland will be a safer place. Ranking among the world's finest and extending to all citizens basic human rights protections. Finally I would like to reiterate basic rights of Oregon, our support for the proposed changes and thank you for the opportunity to speak this morning.

Katz: Thank you. All right. Thank for you limiting your testimony to two minutes.

Norm Costa, Coalition Against Hate Crimes: I think to me, this is an evolution of culture, as a gay man, I came to Portland and -- in the late '50s and we had a mayor dorothy mccoullough lee on the city council, and they used to take people off the bar, if you are sitting in a gay bar, they would take you out and hassle and you things like that. Now we have a mayor that supports us and a city council that supports us. And we have worked with the police bureau. We have worked with -- we have a human rights coalition. We have the hate crime -- the coalition against hate crimes is actually during a conference in eugene in february where we are talking about issues and working with the police bureaus. Because of Portland and that you have done, and I really want to thank you because you made a difference to a lot of people.

Kritine Burr, Oregon Gay and Lesbian Law Association (OGALLA): Good morning, mayor Katz and members of the city council, representative of the city attorney's office and fellow Portlanders. I am crest ian burr, a co-chair of the Oregon gay and lesbian law association, or more succinctly, ogala. Thank for you inviting us to comment on the gender identity protection. As you may know, the Oregon and gay and lesbian law association is an association of gay, lesbian, bisexual, and trans-gendered lawyers, judges, legal workers, law students, and those who support the association's purposes. We are pleased to speak today in support of the city's proposal to add gender identity as a protective class in the civility rights ordinance. We

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appreciate the many efforts the mayor, city council members and representatives of the city attorney's office have made on behalf of our community and continue here today. Our city is that we make it. And extending the protections of the city civil rights ordinance not only serves those who will newly fall under its protection, it benefits the larger community, as well. Portland will be a better city, as we protect people from discrimination, because of their gender identity in their work, housing, and public accommodation. As we have seen even recently, the, start to go accept those whose way of living is different from our own, confronts and at times, confounds us all. Society all too often, works to relegate people it does not understand, to the margins where they cannot be seen and will not be heard. We are here today as important voices of reason and understanding, against these forces of exclusion. We also have an opportunity to protect the rights of people who face some of the most damaging and pervasive discrimination afoot today. Truly, discrimination against people, because of their gender identity, poses a threat to the health, safety, and general welfare of the citizens of Portland. I would like, however, to speak for a moment about the citizens who specifically face these threats. 2 1/2 years ago I had the sorrowful task of delivering a eulogy for joey. A member and an advocate member for herself and other trans-sexual and trans-gendered persons. She took her life after she felt the struggle that she faced in this world to gain acceptance and love, the most basic of human needs was too difficult for her to continue. I hope to honor in some small way today the far too many people whose accomplishments and styles, like for joanna, whose lives were cut short by the pervasive evidences of discrimination they face because of their gender identity. Today we take a step toward ending this destructive discrimination. As the city noted in their findings, trans-sexual and trans-gendered persons face crimes and often outright danger in the ordinary course of their lives. As further noted, gay, lesbian, bisexual and transgendered people suffer significantly great risk of violent crime than do our brothers and sisters in the general community. The proposed ordinance changes will afford a meaningful, civil remedy for those who face gender identity discrimination in employment, housing, and public accommodation. Monitoring hate crimes by the Portland police will help identify the seriousness of crimes directed at people because of their gender identity and help us to fashion meaningful solutions to prevent these crimes. We also hope that the successful implementation of the provision to the city code will be a useful example to those who live outside our fair city. The city of Portland has long extended its citizens protections from discrimination that are more expansive than those afforded by Oregon or by the united states and Portlanders are better for it. We are all protected when we seek well considered solutions to complex problems. And learn to accommodate, if not celebrate, one another. All Oregonians must see that there is room for many different kinds of people in this state, and then we can fashion something far better than continuous political battles to deal with our differences. We support a broad definition of gender identity, currently included in the december 7, 2000 version of the civil rights ordinance definitions because it will protect the broader segment of our community and best advance the spirit of the ordinance. We are concerned that a narrow definition of gender identity that includes only trans-gendered and trans-sexual persons will exclude many people who will be protected under a more general twinges. We also think that narrow specifically labeled categories of protected class persons does not adequately account for the evolving language of gender identity issues, and will lead to the exclusion of people, the city intended to protect, or require constant revision of the ordinance. We acknowledge that many different constituents are affected by this ordinance change and we believe that the exceptions to gender identity, nondiscrimination adequately balanced the various needs and interests of those affected by the ordinance. We also expect that exhibit b, as well as the other supplemental amendments to the record, to the ordinance, questions, answers and interpretive guidelines will

provide clearer legislative intent, should the ordinance be deemed ambiguous. Nevertheless, circumstances or interpretations may arise that we did not expect or intend. We hope the city stands ready to address additional revisions should they become necessary. This should not take away from what is another example of the fine work of the city attorneys and in particular, Madelyn, in crafting ordinance language that advances the freedom of Portlanders. Our members have assisted the city in drafting the proposed ordinance changes and we will continue to offer whatever assistance the city requests, in crafting the ordinance. Again, thank you for inviting us to speak in support of this proposed change. We look forward to working with the city to implement this addition to the code.

Katz: Thank you for all your help, as well. We will limit the testimony to two minutes and we will have two in support and two in opposition, and for those who signed up for communications, I don't know if we are going to get to you today because we have to come back at 2:00. I hope that I can have at least three members, at least through 1:00, or 1:15. Okay.

Derek Travers, Sexual Minority Youth Recreation Center: I am derrick, and although I recently left my position, I will be addressing my comments, and my experiences there. And I will try and keep them short. When lori first contacted me about this civil rights ordinance, I was sitting at my desk at system merck, which is a drop-in center for people. My mind raced to revisit the many times that I had heard young people talk about discrimination based on genders and sexes. People at the center would mention casually almost off-handedly that they had lost a job, been kicked out of their homes, harassed by police officers, felt unsafe in school, on the street or at home because of their gender expression. I can relate. I've been a trans-gendered person throughout my childhood, and as a young girl, but lucky for me I grew up strong and learned how to fight back but there are still days that are overwhelming. In 1998, I had the honor of working on the sex engendered based ordinance in bend county, Oregon, my home at the time and actually we are wondering when you all were going to get your act together. [laughter] So I am happy to be here today. [laughter] Although it was largely a symbolic gesture this ordinance was created by a coalition of bisexual, lesbian and gay people, trans-folk, straight neighbors and elected official who chose to stretch their boundaries and become allies to a collection of people who, by and large, were strangers to them. We also stood strong in the face of criticism from people speaking out of prejudice and attacks from other trans-people. I am proud to say that the ordinance passed and became the first protective code in the state for trans, inner sex, and trans-gendered people. The people in my community supported my right to exist and was an indescribable relief. Although we know that ordinances do not eliminate prejudice, they can send a strong message it will not be tolerated. My vision of a tolerable community extends beyond my line of sight to where people struggle individually and in groups without fear of attack, bigotry, the strains of injustice. Where we fight oppression whenever it arises, be it against people of color, lesbian, bisexual or gay people, inner sex, trans, and gender career folks, low income, homeless, young, old, and in between, people with disabilities, any religion, all ethnicities, whoever is targeted. I support this as a strong step in the right direction and am proud to live in a city where this can be affirmed and celebrated. Thank you.

Roy Cole, Metropolitan Community Church: Good morning good morning, mayor Katz. I am the senior pastor for the metropolitan community church. We take a long overdue step to insure the safety of all her citizens. A city committed to fairness and a celebration of diversity, Portland can no longer ignore the reality that a segment of our community faces the daily risk of violence and discrimination. By expanding the civil rights code to include gender identity you will establish Portland as a hate-free community, a community that embraces and celebrates the richest of life that comes from the diversity. Others have spoken and others will continue to

speaking far more eloquently than I about why the expansion of civil rights is required. It will move our hearts as they speak from certain experience and inform us of the hate and violence that they have been forced to endure. I leave it to these heroes to speak with their own voice, but I am fully supportive of this, and while I believe in the separation of church and state, I speak with a religious voice on this issue because others in the religious community have called into question the morality of this ordinance. And I was reminded of the dissension around this two nights ago where christian protesters sit outside my church and condemned us for our orientation or gender identity so I am here to speak to the religious question that has been raised. There is some that will use scripture as a platform to condemn this into the civil rights code into the city. Such a use as a clear violence of the text. Throughout the canon scripture, it is said that god has regard for the society and the stranger among us. In the legal codes of hebrew scripture, god time and again calls the religious and political leaders of the nation to make direct and substantive provision for the one who is different. The prophet, isaiah, assures the foreigner and those excluded from society that god has made special provision for them, and the prophet, isaiah, says to them, I will give of my temple and in its walls a memorial and a name better than sons and daughters, I will give them an everlasting name that will not be cut off. And again, referring to the sexually different isaiah says, I will bring them to my holy mountain and give them joy in the house of prayer, offering and sacrifices will be accepted on my altar for my house, we call it the house of prayer for all people. And in the christian scriptures the apostle paul speaks at length about the diversity god created in creation. In his letter to the church, paul instructs them that all flesh is not the same flesh, god celebrates the diversity that god created and we are in error if we tried to erase it in our society and cultures. In another letter the apostle paul is speaking to the church and instructs us that in god's sight there is neither jew, greek, slave free, male or female, for you will all be one and we learn that racial divisions and economic divisions around gender are not existent in his sight. From another passage, we are told that the lord does not look onto things that man looks at. For man looks at the outward appearance with the -- but the lord looks at the heart. Therefore, it is clear that in the appeal to the scripture that seeks to persuade you from passing this ordinance, in this application of sacred text, what is evident is that men and women, look first to outward appearance and with that look, prejudices, racism, homophobia, transphobia, that sexism can result. We, as civic and religious leaders must insure the legislative means the safety of all people. This is a calling of a true and just society. The society that honors the faith held in common, with all the major world religions. Thank you for this commitment.

Katz: Thank you, reverend cole. All right, Britta. For those who have not testified before here, there is a clock on the monitor, and you will hear a little bell ring and I would ask you to finish your thought. I am not going to cut you off in the middle after sentence but finish your thought, and trust me, you can do, that you can do in three minutes, you can do in two. [laughter] Why don't we start from this end. Move the mike a little closer to you.

Suzanne Brownlow: 16019 SE Keller Road, Clackamas, 97015. Mayor Katz, council members, my name is Suzanne Brownlow and I am the state director for Concerned Women for America. We are the largest public policy group in America, with over 500,000 members. We have 8,000 in Oregon. And a majority of our members are in Multnomah County. Let me see. We oppose the amendment to the Portland city code that would add the word "gender identity, because the transgendered and transsexual community does not fit the criteria for a protected class status provided by the courts and civil rights authorities. Number one, as an entire class they have not suffered a history of discrimination evidenced by lack of ability to obtain economic income, adequate education, or cultural opportunity. Two, as an entire class they have not exhibited

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obvious immutable or extinguishing characteristics such as race, gender color, or national origin that define them as a distinct group, not behavior. As an entire class they have not clearly demonstrated political powerlessness. Civil rights laws were originally passed because african-americans were being violently denied their right to life and liberty. This discrimination was pervasive, documented and quantified. There is no proof of that with the transgendered or transsexuals. They do not qualify for protected class. Transgendered or transsexuals are not targeted and they do not suffer a disproportionate percentage of violence than any other group. According to fbi statistics for 1997, of the 18,000 plus murders nation-wide, only 8 were hate crimes. Anecdotal evidence obtained by the metropolitan human rights commission is not quantifiable proof that there is a widespread systemic lack of enforcement of existing laws. The societal intolerance you blame people in the city for does not account for the very real problems that transgendered and transsexuals suffer. The people you are trying to protect are dying and dying earlier. From bacterial infections, sexually transmitted disease says, cancer, depression, suicide, and aids. If you care about them, show it by promoting programs that will truly help them from the real threats to their lives and well-being. Blame the good people of Portland of hatred and violence is a diversionary tactic and will not solve the real problems we face daily. It is incorrect to say that any particular group of people is excluded from laws and violence much every form of violence is already against the law. To say that any group of people are not being protected by the law is to excuse the police and courts of not doing their job. The appropriate laws exist.

Bob Ekstrom: 1935 NW 27th, 97210. I am bob extrum and I run a business called the "door works company. We have worked on many of the city buildings, including this one, I would like you to consider and reconsider this change to city code chapter 23.01, I believe it is. As regards to how it affects businesses. I think it raises the issue of who will run my business. If the city of world runs my business, we will fail. If I run my business, we might fail. We might succeed. In 1973, I started a business. It was my decision. It was not yours. The responsibility for paying our workers, our suppliers, keeping our customers happy, has been mine. The mayor and the city council have never offered to help me with these things. On the other hand, you burdened me with tax checkers and inspectors, bureaucrats of every kind, and through the years, I have hired people who I have felt comfortable working with. Employees who I felt would serve our customers well and be welcomed into their homes. My decisions right or wrong, are that makes the difference between business success and business failure. Now, you are going to tell me who I must hire. You are going too far. I cannot run my business the way that you run the city because you can coerce, at the point of a gun, you can fulfill your wishes. My customers buy from me based on totally free will decision-making. I can't force them. Unless you are going to add to this ordinance, an amendment that requires the public to buy from certain businesses, I think that you are getting into trouble here. I have a question for you, shouldn't there be, at some point, a wall of separation between business and state? Between business and municipality? And better days elected officials with these kinds of ideas would be tired and feathered -- tarred and feathered, and you know it is the truth. But, you can rest easy. Most citizens won't outwardly say the things that I am saying. They will quietly go about their business, ignoring your heavy handed ordinance, finding ways around your utopian turney, the real world mug on and it will, in spite of the mayor and city council but you will have made criminals out of many otherwise honest citizens. And down here at the skid-more fountain it says good citizens are the riches of a city, the city will be poorer if you persist. Thank you have.

Damon Woodcock, Police Bureau: Good afternoon. I am daimon and I am an officer of the police bureau. As a transgendered and bisexual city employee I would like to thank you for

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adding gender identity protection to the city of Portland's 1999-2001 affirmative action plan. I am here before you this morning because several community members requested me to testify. The sexual minority community within the city of Portland continues to suffer from harassment, discrimination, hostility, and violent attacks. I applaud the intent of the proposed ordinance to mandate the police bureau to collect statistics on hate crimes committed based on gender identity, disability, and age. However, my concern is that unless and until the criminal statutes change, it is highly unlikely that the police bureau's actual practices will change. This brochure entitled, that if it happens to you, a guide for sexual minority victims of bias crimes is a product of the police bureau prepared in conjunction with the sexual minorities round table. This brochure has been circulating within the sexual minority community for the past few years. On the cover of the brochure, the bureau defines bias crimes as being, quote, criminal acts against people, property, institutions or businesses, they are targeted because of their race, ethnicity, religion, sex, sexual orientation, or gender identity, end quote. We are the -- the, on the ongoing issues is the unreporting of bias crimes from the sexual minority community. Though there are many reasons why individuals may choose not to file a police report, studies show that lack of trust in the police is one of the main reasons for the underreporting. A recent report documenting violence against the glbt community showed that 40% of police initiated violence occur against transgendered individuals. Having been the victim of a recent hate crime committed within the workplace, and having this go on record stating that that occurred to me was not a crime, I can understand why the sexual minority community has trust issues with the police. The hate crime that came against me was based on my sexual orientation as well as my gender identity and as such, was covered by the current hate crimes statutes. My views regarding piac have changed considerably over the past year and a half and I am now a strong supporter of the civilian review board that has independent investigatory powers. I didn't ask to be victimized. My only desire was to serve the citizens of Portland to the best of my ability. The experiences that I have lived through have come close to destroying me. My life has been completely changed. The proposed civil rights ordinance before you this morning is a major and necessary step towards the quality and justice for all citizens of Portland. In spite of all that I have been through, I remain hopeful my experiences will create positive change within the police bureau. I am urging you to vote for this ordinance and make the city of Portland a place where we can all live and work in peace without fear. Thank you for allowing me to speak this morning. [applause]

Katz: Excuse me. This is a judicial body. Quazi-judicial body. We are not going to have applause. If you want to applaud, you can applaud without saying anything by raising your arms. Thank you.

Don Ross: PO Box 40625, 97204. Mayor Katz and members of the city council, my name is don ross, 23875 northeast holiday in troutdale, Oregon. I have owned a business in Portland for 26 years. 10 or 12 years ago my beliefs my have neared or been in harmony with those of some of the people who are opposed to the gender identity addition to the civil rights ordinance. At that time, even the -- at that time, I felt offended by the mere presence of somebody that was different, and I was wrong. Since then I have gotten to know several transpeople and through discussions with them, learning about the plight that they have gone through. Their problems are not caused by the way they dress or the way that they act or the way that they look. Their problems -- their behavior does not infringe upon others around them. The only problem is the way that an intolerant society reacts to people that are different. This intolerance results in social rejection, verbal abuse, and too often, physical violence. As a civilized society we cannot accept this discrimination. In any part of our community and the action you are considering today is just and right. No one should start their day preparing for the rudeness and abuse that people face every

day. The inclusion of gender identity in the Portland civil rights ordinance makes this a safer and more responsible community. In closing I would like to address family values. I am sorry for those who feel their family values are threatened by this ordinance. Our family, our marriage of 44 years, our three grown children, our four grandchildren are not threatened by this ordinance. Discrimination is not one of our family's values. Thank you.

Curits Rudd: 829 SE 15th, No. 34, 97214. I am curtis rudd, I am identified as transgender but at this point, I am not physically transitioning. My gender is complex. I am here to show my support for the amendment. I feel that there are gender minorities that will be helped and ways in which it may help me. I feel that there is more the ordinance needs to do, however. The protection may not be extended to some and I may say many, gender minorities, because of the acceptance that are included. Exceptions regarding showers and locker rooms and dress code policies are worded in such a way that many of us may not be able to make the decisions we need to make every day. I fear that the way it is worded will force people like me to fit under two diagnosis that may or may not fit us. Either transsexual or transvestite. I hope that c-1 will help us to make arrangements with our employers to make the decisions that we need but I am nervous that the wording will make that difficult. The ability to choose -- we need not only the ability to choose with our employers, with dress code to follow, but the ability to make adjustments for our safety, regarding harassment and our work with clients. It is not just the safety that may be described by the psychological diagnostic manual, it is also safety of our well-being emotionally and our ability to move about the world and work well with our clients. I hope that my fears are not founded on c-1 but I would hope that we can all work as a community and continue to strength, as well as c-2, the locker room exceptions. The locker room exceptions stop gender minorities from being able to make split second decisions, we need to, regarding public nudity and where we are safest and most comfortable. Persons who have changed a letter on their driver's license but do not pass may need the ability to enter the locker room of our, of our assigned at birth sex, and other situations in which we need to make decisions, but do not always reflect the documentation that we have with us. I would strongly suggest that we consider how, how an exception like this could be phrased. Exhibit b needs to be improved to reflect the support. I would ask you pass this amendment but continue to work hard with the community it protects to improve it.

Ruth Hartman: 4108 NE 38th, 97211. I am ruth. We have problems from the time we are born until we die. And we -- life is a choice. We make choices all the time. We have to -- the results of our choices have consequences. We have to learn to live with some of the consequences or change our views, consider things that are, so everybody has a different perspective. Things that I might consider harmful or an insult to me, the person who said them didn't intend them that way, at all. There is a difference between a right and a privilege. I have a rights -- I have rights and you have rights. There is a space between us that is a gray area that's tolerance, but if I get over on your side of the fence, then I am only there because you have granted me a privilege to be there. When it comes to telling a landlord he has to rent to somebody, he pays taxes. Why should he have somebody else making the decision for him as to who he rents to. Or the employer, as to who he hires. People have to realize that their choices make a difference in how they are treated by other people. To me, this ordinance benefits the lawyers and special interests, and that people who pay the bills are the taxpayers, and I feel that the city council is responsible for the taxpayers being protected from special groups or different people who want their choices to be preferenced.

Tom Cropper: PO Box 18025, 97218. I am from Portland Oregon, and I am a democratic. I believe that government should be restrained when it -- get them -- gets into personal lives. I

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believe that this is not a true emergency. This ordinance is a law you call it an emergency, and I wonder that is the emergency that precipitated this ordinance. Was it an emergency when dickie dow, who was beaten to death on north lombard by the Portland police? You are telling me that you want to protect the people that are old, have age problems or people with disabilities, such as myself. I have never seen any protection from your corrupt state. That I am saying is -- you are giving us an ordinance that is proposing platitudes, supposedly, to help minority groups, and you don't protect your own citizens? I am outraged that you call this an emergency. I am outraged that you are giving more power to the Portland police to police our thoughts. This is that I see. I am tom cropper.

Rachel Parker: PO Box 40625, 97240. I am rachael parker and my current name is -- I am here to proclaim my strong support for to amend the ordinance to include protections based on gender identity. This is a pivotal step in protecting the right of all people in the city of Portland to express their gender. A few years ago, I marched in a parade for the first time and marched with my spouse and my son, alongside other members of my employer's -- employer's gay and transgender group. There were two parts of that experience, which were by far the most memorable for me. The first was when we were nearing the end of the parade route. I heard voices ahead proclaiming, it is the mayor. Then I saw, who I believed was the mayor, smile and go waving. I was proud of Portland at that point for the strong symbol that we are not just tolerated, but that we are valued. The other memorable moment came when it was time to leave. As I walked back to the car through downtown Portland, I was amazed at how quickly the feeling of safety evaporated. Going back to my car, I crossed the paths of scores of people going about their daily lives, and I was terrified. Terrified of that might happen or what might be said in front of my family, as a result of my visible gender differences. I remember thinking as I drove home in silence that pride is fleeting. The truth about most of those people that I was concerned about and most of the people that I have met since is that they know almost nothing about me. They know tabloid distortions of my peers, colored jokes, rumors and stigmas. This ignorance is our greatest oppressor because it breeds fear, discrimination and violence. The city of Portland is in a position to provide protections against that discrimination, in a position to act to reduce the violence. And you can do this by sending one simple message, we are all valued, not just once a year, not just on a parade route, but every day and everywhere. I support changing the ordinance to include protections based on gender identity, and urge you to consider any constructive feedback from members of the gender minority community to help make these changes as inclusive as possible. I also thank you from the bottom of my heart for your efforts to make Portland safer for my family, my peers and myself. Please vote if favor of this proposed change.

Markie Acevedo: 130 Melvin Ave., St. Helens, 97051. I am mark and I reside in st. Helens and I have a particular interest in this ordinance because I am an employee of the city contractor, and so this has direct bearing on my life and I wanted to tell you that I very much support the ordinance. I see it as a very brave and necessary action. I won't go into the reasons because many of them have already been reiterated today, but I want to tell you that I also have some concerns about the ordinance. My gender identity is not selected by plea. It is selected by the people that I meet every day. And conclude vary from person-to-person. Some people perceive me as female, some as male. This happened to me all my life. It is not, I am not in any kind of a transition. I don't consider myself transsexual. But because of this, I do consider myself transgender. And I have no choice in this matter. It is not a matter of choosing a lifestyle or anything like that. It is the way that people perceive me because I believe that, that a great deal of gender is cultural construct and within our culture, from person-to-person, my gender various. So, therefore, there is certain parts of this ordinance that, that are going to be difficult for me, and

because of that, I urge you to take a little more time and to hear further from those within the transgender community because when I read the ordinance, I got the impression that there had been a lot of consultation from business and employer, but not a lot of consultation from the transgender community. So please, go forward with this. I feel that it is very important, but please, also, talk more with those of us who have these affections because I do think that there are other changes that are needed. Thank you very much.

David Crowe: PO Box 2225, Lake Oswego, 97035. Mayor Katz, council, I am David Crowe, I am an ordained minister and represent about 60 advantage pastors in the area and before I make my comments I would like to say that I am a student of the scriptures, both Hebrew and Greek and have extensive training in that, and the quotes given to you earlier I can tell you do not reflect the old and new testament positions on homosexual behavior. They were taken out of context because I know those scriptures as well so let me first say that, and all do respect for everyone that is here, I would like to make a contrary statement, and I did write my comments according to the three-minute rule, so I will do as best I can. The proposed ordinance is not about discrimination. It is about homosexual activists and city government and in the state of Oregon who seek to high-jack the moral capital of the civil rights movement in order to force acceptance of and special protection for homosexuals and behavior. That is all this ordinance is about, nothing more and nothing less. While homosexual activists in Portland and within Portland's own city hall find it quite acceptable to viciously and openly discriminate against, undermine and attack Chief Crocker for his personal religious views and not his behavior and seek to have him removed from his employment, they, on the other hand, seek special privileges and protections from naive or supportive city officials for their behaviors, not views. While they seek through this ordinance the right to file state civil rights, complaints and lawsuits against those whose moral and religious training disallow acceptance of their behavior, including so-called cross-dressing, they brazenly and arrogantly violate Chief Crocker's legitimately protected religious views, even seek to remove him from his livelihood. Will they now seek to protect his legitimate rights? The hypocrisy of these activists has become so blatant the public sees it for that it is and organize special interest group determined to force acceptance of their immoral behavior upon those whose moral values are distinctly different. They are not entitled to the proposed special rights or should you subject the people of Portland to their agenda. It is not government's role to push the morals of a special interest group upon the majority -- just the opposite. While you are to protect the rights of legitimate minorities, you are also responsible to protect the rights of the majority. And do not be confused, the homosexuality community needs none of the criteria that characterize through minority groups, economic deprivation, political powerlessness --

Katz: Thank you. I am going to have to -- I think we got the message. Thank you.

Leigh Ann Sparks: 14036 SE Foster Rd., 97236. Mayor Katz, commissioners, I am Leanne Sparks. I am a human being. I am just like everyone here. I have the same wants, hopes, the needs, the desires. Do I want this amendment? No. Is it necessary? Absolutely. I do not have to want to live by a law, bylaws. It is unfortunate that this is the way it is. That we are targets, many of us of discrimination and in one form or another, I have been fortunate. My co-workers. My superiors. That by the vast majority have been tolerant, or accepting. A few, some people I don't communicate with. But, that is not true for all of us. All I want to do is get up in the morning and go to work and do my job. I have done the same job, it is not a job it is a living, this is that I do for a living for 36 years. I am very qualified, and I am very knowledgeable, sometimes that isn't enough. This amendment may not be popular, with a few, but it is right. Please, do what is right. Thank you.

Jordana Sardo: 4320 NE 88th, 97220. I am the -- can you hear me okay? I am the Portland organizer for radical women, a socialist feminist women's rights and leadership training organization. I am here today to express our dissatisfaction with the proposed amendment to Portland's civil rights ordinance. Given the recent wave of homophobic sentiments emanating from the Portland police bureau, and the unconstitutional Portland joint terrorism task force that attacks the right to organize against oppression, we strongly agree that protection from discrimination needs to be extended to our brothers and sisters in the transcommunity. This vibrant sector of the sexual minority community has fought for the right to be treated with respect for decades. Their tenacity launched the modern-day gay rights movement. When it was stonewalled in they fought back against police repression. We are concerned that the population currently excluded from discrimination protection are not explicitly identified in the amendment. The definition of gender identity is too vague, and so does not offer protection from prejudice and brutality. We advocate that the words, "trans-sexuality, transvestite, and cross-dresser" be specifically included in the definition of gender identity. We are greatly disturbed by language in section c of exceptions. While it may not be the city's intent, having to carry around documentation to prove one's gender and allowing employers to dictate dress based on the employer's perception of employee gender, open the door to harassment against not only the transcommunity but everyone of all sexual orientations. This section contradicts the expressed purpose of the amendment. And employers do not need protection from the transcommunity. The transcommunity, many of whom, with their allies today, have expressed the nature and depth of prejudice and scorn that they face, need protection from discrimination. We strongly encourage the mayor and the city council to act on the concerns raised today and make those crucial changes to the amendment so that the members of the community who you are attempting to serve will have a defense against bigotry. Thank you.

Tifnee Smith: 1129 SW Columbia, No. 14, 97201. My name is tiffany and in some parts of my life -- tiffany, and sometimes I go by cole. I want to express my support for the ordinance and basically say that I think that the people who are behind it have their hearts in the right place and I think that it is incredibly important to expose center the rights of transpeople and to allow us all to have a very fluid, gender identity that we feel comfortable with and to have that protected by law. I think that the ordinance doesn't go far enough that the exceptions require transpeople to carry identification on them, which is not a requirement for non-trans people, and to me, that's discrimination. The dress code, it needs to be more clear that the employee is the person that gets to choose that dress code they are going to follow, that the gender is self-identified, and that needs to be true in the first exception, as well, for rest rooms that a transperson needs to be able to go into whatever restroom at any time, no that -- no matter who is running the restroom, at any given point. I also think that I personally like the definition to an extent. I think that it helps me out, since I am not transsexual, I have a female name. I go by female pronoun at work, but I follow the male dress code, and I need that to be a broad definition in order to protect me and my gender identity. But since transsexual and transvestite are statuses that are specifically excluded from other ordinances in the state, or state laws, they need to be specifically mentioned in the definition and just say, including but not limited to, so that it doesn't take away from the broad definition, and I just wanted to say, also, that I wish that that other aspects of my identity were also being protected by the city council, such as being young and also being a radical, and I want to know why there isn't a public forum being scheduled for the Portland joint terrorist task force.

Ryan Walker: 8925 NW Ash, 97229. I am ryan walker and I would like to express conditional support for the ordinance. It certainly has its flaws, but I think that it is an important first step in protecting people from discrimination. It does need further adjustment but I think that if it passes

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it will protect many people in the meantime, and if it didn't pass it might take another five years before it came up again during which time no trans people would be protected instead of some, which is what would happen if it passed now. I have another brief comment to make while on the subject of protecting people's rights. I would like to call for a public hearing about the anti-terrorism task force. This could affect the life of anyone in this room and it alarms me that the democratic process has been ignored with this issue. Thank you.

Margaret O'Hartigan: PO Box 82447, 97282. My name is Margaret, and I am the director of the foundation that's an organization that advocates for civil rights and health care for transsexuals and named for 23-year-old transsexual who committed suicide after being denied health care, I speak not just for the foundation and myself, but for all the trans-victims of bigotry and hate mongering. Not only do we vehemently oppose adoption of the proposed ordinance pertaining to gender identity, we condemn it, as a, as an attack on the trait which distinguishes transsexuals and transgenders from the rest of the society. The fact we wear clothing of the opposite sex. As a civil rights ordinance, the proposal before you today is a sham, a fraud, and an utter disgrace. There's been much reported in the media that is based on other city's ordinance. Many people today have mentioned other cities that have passed ordinances, no one has bothered to mention that none of the exclusions in this ordinance have been adopted by any city that has deliberately protected transpeople's rights. On a lighter note, 23.01.04-z-2 excludes from the prohibition from discrimination quote otherwise valid employer dress code policies as long as the employer provides on a case by case basis with reasonable accommodation, based on gender rights or identity. That's just employment -- employer protection, that's not employee protection. And I have never seen anything like that in ordinance in the country protecting transpeople's rights but I do find language very much like that in the Portland police bureau's appearance and grooming standards regarding, quote, specific male standards, in quote, specific female standards. Issued July 1st of 2000. It goes, quote, "the bureau will consider or may improve accommodations to this on a case-by-case basis. This is a fraud, and a sham. It will hurt transsexuals. It gives total power and total control to the employers to determine whether someone transitions. It is an observation moron to protect -- to pretend to protect a class and provide for case-by-case administration. Thank you.

Sven Bonnichsen: 3830 SE Knight, 97202. I am Sven, I speak on behalf of the Portland bisexual alliance, Oregon's largest most active bisexual organization. We strongly support expanding civil rights protections for transsexual and transgendered persons. However, extraordinary consideration must be given to the community you are working to protect. One month is not enough time to hear the issues of, or even reach a diverse transpopulation. With great sadness, PVA cannot support this ordinance as written. We would support a bottom-up process that begins with strong trans involvement. This ordinance is extensively met to protect against discrimination on the basis of gender identity in the realm of housing, public accommodation and employment. But, after close study, we conclude that the ordinance fails profoundly to provide adequate protection for people in employment. In our opinion, it actually codifies employer's right to discriminate our may concern is with section c-2 under the heading exceptions and the interpretive guidelines presented in exhibit b. The guidelines state that employers may implement policies restricting cross dressing or similar actions. This strikes at the essence of that it means to be transsexual. To protect gender identity but not transpeople's right to express that identity through clothing is like protecting religion but allowing employers to ban Christians from wearing a cross at work. Cross dressing is the most apparent trait distinguishing transpeople from the rest of the population, the ordinance allows employers to prohibit cross dressing is unacceptable. Why does a bisexual organization care about this? In five years, four of

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our board members have been transsexuals. One of our current board members is a transsexual woman. She's being harassed by her employer right now. This ordinance would hurt, not help, her ability to deal with the situation at work. We stand in solidarity with our board member. Pva is the only bisexual, gay, lesbian or transorganization that has hosted open community meetings to discuss this ordinance. On behalf of the Portland bisexual alliance, our own transmembers, and the overwhelming majority of transpeople at our emergency forums, I urge you not to pass this ordinance as it stands. We applaud the goal of expanding civil rights protections for transsexual and transgendered people but it must come out of an open and deliberate process of discussions that the people who experience the discrimination firsthand, thank you.

Katz: Thank you. Britta? How many more are left to testify on this item? Okay. I am sure the council would like to have Madelyn address again the issues that have been raised, and we are going to probably quit about 1:15, so if we have time, we will begin to listen for the communications for two minutes, and we will extend that invitation to those who ask to come to communicate next week. So, you don't have to write or call again. All right.

Mitchell Gore: 1141 NE 15th, No. 212, 97232. The Portland bisexual alliance strongly supports robust civil rights protections for transsexuals, transgendered but it is with great disappointment we cannot support this ordinance as it is written. A major point of conflict is the ability to cross dress, which is a vital need for many people. This ordinance will explicitly grant employers the right to prohibit cross dressing and that trans people, especially those transitioning, will suffer as a result. The male to female transsexual that has not had surgery, is a cross dressing man, there are many reasons a trans-person might not undergo people, it may be too expensive, may be dissatisfied with the results of medical technology or may simply be the wrong decision for them. That matters is that this ordinance would allow employers to require preoperative transsexuals to wear the dress code of the birth sex against their will. I cannot overstate the mental distress this can cause a person, under this ordinance, an employer certainly doesn't have to allow a transperson to transition from one sex to the other on the job. Some might think that this ordinance protects the right to dress. Under the heading of exceptions, section c-2 states a business must impose a dress code, quote, as long as the employer provides, on a case by case basis for reasonable accommodation, unquote. This is not protection. This is an empty promise. The phrase, "reasonable accommodation" sounds nice but has no teeth. For a definition of that reasonable accommodation entails, the ordinance refers us to state law, so when we go to state law, we find that reasonable accommodation has to do with the making of existing facilities usable for disabled persons, modifying work schedules, modification of equipment, and adjusting training materials, and provision of interpreters. None of this helps trans people, with this definition and the exhibit b interpretive guidelines saying that only provisions should be interpreted on a case by case basis, trans people wouldn't have a leg to stand on in court. In conclusion, in the ordinance which provides no enforceable protection for transsexuals' ability to express their gender identity in the workplace is unacceptable. This ordinance mask raids this from transsexuals but through its solutions -- exclusions does more to protect employers. I urge you not to pass this ordinance with the exceptions in place and without the specific language necessary to cover transsexual and transgendered people included in its definition section.

Thank you.

Katz: Thank you.

Gore: I want to add, I handed the written comments --

Katz: Enough copies for everybody? Britta will distribute them.

Allyn Bowers: 11520 SW 45th, 97219. I am elaine, and I am a board member of the Portland bisexual alliance. Bva strongly supports expanding civil rights protections for transsexual and transgendered persons, however extraordinary consideration must be given to the community that you are working to protect, and in other words, you have to talk to the people that you are trying to protect. One month is not enough time to hear the issues of diverse transpopulation. With great sadness, I personally, and pva, cannot support this ordinance as it is written. We would strongly support a process that begins with strong trans involvement. The exception section outlines cases where discrimination is okay. They look reasonable because they are tempered with, with a requirement of reasonable accommodation but that is outside of disability law. The ordinance does not offer any full requirement that employers must allow transsexuals to dress according to a gender identity or use the restroom that matches their gender identity. I will refer you to the exhibit, the interpretive guidelines, the columns left to the employer to decide on a case by case basis. What does this mean in practice? As the board member said, I have experience with reasonable accommodation. It is humiliating, unquote. And her employer's opinion, that's reasonable and appropriate to make her walk to another building and go to the bathroom. Walking to another building can take 30 to 40 minutes just to use the rest. How can this not impact her job performance? Council members, put yourself in the shoes of a transsexual, or transgender person, would you want your employer to have this kind of explicit legal leeway? Would you want your employer to be able to dictate 30-minute trips to a rest room. In state law the concept of reasonable accommodation was only used in relation to one protective category, disability. If it applies to another category, we are forced to use a separate but equal restroom, surely the injustices would be obvious to everyone. People have spoken with transsexuals who have filed complaints in the state of Oregon and one using current legal protections. We have a sense of that -- we have a sense of that this ordinance will mean in a court case if it passes. That we can expect is that when an employer sues for discrimination, they are use every ambiguity written into this ordinance and every caution to protect their client.

Ashley Sinclair: 325 NW 18th. Good morning, my name is ashley sinclair. It is very painful for me to talk publicly like this. But, your proposed sham ordinance is so bad that it is a matter of life and death for me. At the age of 16 when I was in a psychiatric hospital here in Portland, the doctors there identified me as having gender dysphoric body image issues. I lived with documented gender identity disorder for nearly half my life, and as someone who has fought for and won civil rights protections for transsexuals in my childhood home of benton county, I recognize an attack on our civil rights when I see one. Your proposed revision of the Portland city code doesn't offer me any protection from discrimination. It allows employers, not transsexuals, ourselves, to decide that our expressed gender is. And to ban cross dressing or similar actions. Since I have had some of the surgery on my birth certificate still says, male, under your ordinance, any Portland employer could insist that I come to work dressed as a male or not come to work at all. I don't know how to dress as a male. And if I did know, I would sooner die than do so. This ordinance would make it impossible for me to work in Portland. Why are you trying to destroy my life? If you pass this employer protection act, why don't you just personally take me out to a field and shoot me. That would be kinder and less hypocritical. Thank you.

Olivia Jaquay: 10537 SE Fargo St., 97220. Good morning. I am olivia and I live in park rose. I was going to read this but you know, this ordinance is really absurd, until you can all sit down with the transsexuals, themselves, and discuss this issue, to change some of these words, you know, things might be a little better but I oppose this bill. For the fact of being on the Oregon health plan, you have exclusionary clauses against transsexuals, you know, for no, no medical

help, whatever. I fought the people for three years, you know. You all have something to do with it besides, you know, the legislatures, too. I can tell you that the proposed ordinance is absurd, has no protection for transsexuals. You are asking me to show documentation of my private medical history, such as a court order, surgical papers, passport, and every day situations, is a violation of my privacy, which it is. After viewing your version of this ordinance, I see none of you had together whatever on this issue. This ordinance is merely a license for employers or fellow employees to single us out as hazard. This would be like having an -- like having a bounty on our heads, I am respected in my community. I deal with the public on my job. This means that if they do not like me appearance under the ordinance that you could, you know, oppose my boss could tell me that I can lose my job. I don't trust any city or government politicians, if you pass this ordinance, you will be opening up something you won't be able to stop, and believe me, this is not the jerry springer show. This is violence. It is not fake.

Deanna Bryant: 7044 N. Columbia Way, 97203. You don't need to give your address. I am transsexual -- a transsexual woman. I have transitioned on the job. And speaking on the point of reasonable accommodations, my employer has been very reasonable, in allowing me to identify with whom I am and be who I am. They have made no restrictions on my presence there. Everybody is so concerned about the bathroom issue. Oh, well. I mean. I am going to be reasonable. I realize that as a pre-op, it would not be right for me to walk in a place of public unity. I wouldn't do it and I wouldn't subject people to that. I think that the ordinance is a step in the right direction. And I agree with some people here that there should have been, or should be some further dialogue with members of the transcommunity, and the city council and your office has shown willingness to do that. And I think that this will be a working document. This is not -- and by no means, finish. This will be a document that is constantly changing for the good. I want to take you back to about 90 seconds of terror that I had in July. I was boarding on a city bus, and we were going home, broad daylight. And somebody decided that they were going to take exception to me. This gentleman, about age 50, looked at me and said, I know that you are. And you are going to die. Granted I didn't take it very seriously until he pulled out a pair of barber scissors, placed them on his fingers, like this, and pointed them at my person. I can say that that was probably the most helpless that I have ever felt because granted, I am 6'2", about 250 pounds and I figure, nobody is going to bother me. But, I had no options. Luckily, within about a minute or two the bus stopped and this person got off the bus and left me alone. However, for the next couple of months, I was shaken, and I can say that the police bureau was very respectful of me, and did that they could, but I was not able to provide any information for them. This ordinance goes out and states that, will set a pattern that this type of behavior is not acceptable in the state -- in the city of Portland, and I thank you for it.

Leon (Lee) Coleman: Good morning, madam mayor and members of the council. My name is lee coleman. I am president of the Oregon log cabin republicans. And I am also a colleague of mr. Beras on the state republican party central committee. So, I want to bring kind of a unique perception. The issue of conservative is reactionary. A true conservative on -- does not view the question that's before you as a moral issue. It is a medical issue. It is, it is a civil rights issue. The issue about civil rights, civil rights since the inception, the first civil rights law under the 14th amendment, has always been categorical. It is not a matter of special rights, it is a matter of finding categories of people who need protection and granting protection. I hear these calls, calling transsexuals, homosexuals in fact, operations that cause -- usually are designed to convert an individual from a functioning homosexual to a functioning heterosexual, simply by changing the gender. I praise the commission, the city council for attempting to write that -- right this

wrong in civil rights law, and although it may -- the ordinance, as proposed, may need to be tinkered with, it is a step in the right direction, and I thank you for it.

Lindsay Hare: 534 SE Grand, No. 6, 97214. Good morning, mayor. My name is lindsay hair. And I am a concerned businessman here in Portland with this situation that's going on. And I feel that as a believer, the injustice that's going on right now, there's -- well, I don't know how to put it. There is a factor here, some are enforcing their analogy on others that have a belief that's moral or immoral. Or thinking that they are moral and they are not. And I have listened and weighed the situation here, and I feel that it is very deep, as far as somebody that has -- lives with a clear conscience and sees the value of that they believe, as far as morality goes, and I am a little bit nervous right now and I am trying to gain my composure but I feel that this is impacting a lot of people. I hear this gentleman over here talking about his predicament, and I can understand that he's -- where he's coming from. But, there are people that are extremely concerned from the moral aspect of this situation, and how it will impact us, as business people and believers. And I feel that it is real injustice what's going on right now. And there is just an immorality that's being forced on us in a way that's testing us to, to the hilt, and I know that you are trying to keep that in balance and evenness on the situation, but --

Katz: Thanks. Thank you.

Hare: I don't know how to put it. As far as that god would want and that, that we would want --

Katz: Thank you.

Hare: And I feel that, that this is a real serious issue as far as how we believe, morally.

Katz: Thank you.

Lou Beres, Executive Director, Christian Coalition: PO Box 492, Oregon City, 97045. I am lou, executive director of christian coalition and a small businessman for over 30 years in the city of Portland. And a friend of mr. Coleman's here and I have to rebuff, I guess, commissioner cruise, this is a sunny day because the rule of law has ventured and ruled --

Katz: No, no, no.

Beres: So, I kneed to get that in, also. Okay. And I believe that mr. Coleman -- I agree mr. Coleman. But, one could argue that this ordinance would create a special treatment -- I went to the mayor's --

Katz: One second. We will let you start again. Go ahead. Commissioner Sten? [laughter] You are an elector for bush?

Beres: Yes, I am. Hey. [laughter]

Sten: I was going to encourage you to switch. [laughter] I was going to encourage you to start a transition before the 18th.

Beres: Well, we will have, we will have a democrat for you. I am glad that we could work together --

Sten: The 18th is when the electors vote.

Beres: Exactly. One could argue this ordinance could create special treatment for a class of people, okay. Rather than equal treatment, and I believe that we should have equal treatment for people. I like to treat people fair and honest as possible. I know people from all walks of life, and even though I am a born again christian, which is probably, maybe a minority, at this point, and you know, I believe, some of the threat letters I get, maybe I ought to present those to you sometime, but I won't. But, this might be a religion act, whose first amendment rights are being shielded by the ordinance, okay. And I believe you all know that our first amendment rights are. A major issue in this ordinance is the lack of exemption for individual religious employees -- employers, I mean. It allows a religious organization, such as church and is schools, but does not appear to provide the same accommodations for individual christian employers. Let me put it

this way, christian individuals believes he must be, must conduct all his affairs in accordance with the teaching of the bible and god's word. Exactly as the church behaviors, okay, why should he not be allowed to act in accordance with a, his sincere religious beliefs, just like the church? And this ordinance -- why can't we, because the church is not made up of buildings. We believe that the church people, okay. If you exempt the churches, we have, why don't you exempt the christian believer because he is the church. Also, this ordinance ventures in the business of thought crimes. The city of Portland does not believe that it is enough to punish the crime but it must punish the motive, as well. This is tantamount to extra hate crime registration in which the city should be extremely weary.

Katz: Thank you.

Beres: I cut it down.

Katz: I told you there were two issues, you and I were not going to agree on. Two. B.j., You start.

B.J. Seymour: 1405 SW Park Ave., No. 34, 97201. For the record, I am b.j. See more. As some of you may know, I am a social worker in private practice, who has specialized in gender identity counseling since 1987. Outlawing discrimination against transgendered people is an important and needed action. One of my clients was once the victim of a hate crime that put him in the hospital for several days. Another was told by her employer that she would be required to dress in the clothing appropriate to her anatomical gender until after sex reassignment surgery. As much as one of the prerequisites for srs is that the individual live full-time for a year as the gender that he or she hopes to become the employer's demand would have required that person, either to give up her job, which was her means of paying for the surgery, or give up the gender transition. A classic catch 22. Lest you imagine that being transgendered is a rare phenomenon, I have presented with my written testimony a cartoon from a recent new yorker magazine, depicting a transsexual as a fully integrated member of her workplace group. Several films in recent years have included transsexuals, noticeably, the adventures of priscilla, queen of the desert, where the transsexual was played by terrence stamp. In summary, transsexuals come from all walks of life. Once sex reassignment surgery has alleviated their gender dysphoria, most of them are indistinguishable from the resting of the population. Many of us may have met one or more transsexuals without even knowing it. Many go through a great deal of emotional pain before they are diagnosed and treated. Barring discrimination against them by law will not resolve all the problems they face but it is an important step in the right direction. I will be happy to answer any questions.

Bonnie Tinker: 6243 NE 19th, 97211. I am bonnie tinker, and I am the director of the love makes a family. I am here today primarily as a concerned grandmother. Also a christian, just for the record. And for the record, also, a cross dresser. Which leaves me in the unfamiliar position of being clearly undecided of that I think of this ordinance. I am firmly committed for rights for transsexuals, transgendered people and cross dressers and I applaud the work that all of you have done on this. The work that I believe is done in good faith and with the full intention to extend civil rights protections. I am deeply concerned, however at that we have heard today and my own experience around the issue of cross dressing. During the past century, there has been great progress made on the rights of all people to cross dress. Women are less affected by this today than our men because we have fought hard for the legal right to wear the clothing of, quote, the other gender. I would venture a guess that many of the females in this room are cross dressed today, as am i, and many of you probably didn't notice it, because it has become so common. Men have gained the right to wear earrings and necklaces within our lifetime, this would also have been considered cross dressing so I hope that there is some way that you can both pass this

ordinance and also fix those problems. Also, just for the record, I have to say that I have discovered something that I have in common with vera today, I bet, and that is that I hope that december 18th will be the sunny day when the rule of god will transient the rule of men, and the electors will, by some miracle, do the right thing and elect al gore. [laughter]

Crowley: Good morning, mayor Katz, commissioners. I have never been here in your chamber before so it is a little exciting for me to come in and see the process that's ongoing this morning.

Katz: You can watch us on cable every week.

*****: If you are really bored.

*****: He has better things to do. [laughter]

Crowley: I forgot that I am going to say.

Katz: Identify yourself for the record and we will start the clock.

Larry Crowley: 10149 SE Clatsop, 97266. I am larry crowely, living here in Portland, Oregon, right now. The basic tenants of a strong society is the moral foundation. You have heard about morality. You have heard about moral. You have heard about christianity. I am an ambassador of the lord jesus christ and my first tenant in life is to obey his commandments. I am also a servant to all who are in this room. I look at a barometer that goes on through the city here as long as I have been here, and our moral foundation is being slowly ebbed and chipped away by issues that come before this committee today. I am married and I have a family. I am tolerant of everyone. I never knew that diversity supporting diversity meant on the bumper stickers and I have a wide education here this morning. I support morality. We, there is laws in the books right now that support everyone's rights. I see your chief here in the last weeks sitting in front of the people here in front of this commission, and the commissioners. Was his rights protected in that he truly believes? He was attacked by a lot of the folks that are here because of his personal beliefs. We do not want to call evil, good, and good, evil. We have lost a moral compass in this nation, and that's what's going on right now. Every time we bring forth an issue like this, a hundred years ago this would never have been brought up. Maybe we have come a long way in our nation, but for good or bad. I encourage you as the mayor and also the commissioners to look and focus on this issue. Let us not protect the rights of a few people at the expense of many. Thank you very much.

Francesconi: Sir, can I ask you a question because this has come up, the chief situation, as you know, the council protected the chief, the mayor, actually, the mayor did it, with support, I think, from the council. You know, he had a right, he has his personal beliefs, his behavior in the workplace that's makes a difference. He still has his job, okay. So, that I am having trouble with is, is the other side of the coin here. Here, let's -- transgender, doing his or her job correctly, why don't, there is no indication of behavior, why shouldn't they be afforded the same protection that the chief was given? It is behavior, the issue, not belief.

Crowley: The behavior is the issue which I am concerned about. It is the behavior that -- it is the moral compass that we have as a nation that we discuss these issues.

Katz: Let me interrupt. S the, the performance on the job, was the issue.

Francesconi: That's right.

Crowley: Those rights are protected bylaws that we have right now. We do not need to enact any more laws. I am the businessman, also, in the Portland area, and I do not want the mayor's office and commissioners coming up with these rules to protect people. I don't discriminate against anyone. But, I don't want people telling me who I have to hire.

Francesconi: That's a second issue, and actually, I think that Madelyn needs to address the balance that we tried to build in for small employers, and there is an issue, but that's not the question now that we are dealing with. And that wasn't your testimony. The question was, this

issue of, of people have a right to their personal belief, whatever it is, but you have to judge people based on their performance of their jobs. Or their behavior in a housing situation. It is not the role of government to get into belief. But, it is the role on the behavior.

Crowley: I agree with that.

Francesconi: Okay.

Katz: Thank you. Go ahead. Just one second. I have got -- I need to check in with the time of the council. How many more people signed up to testify? Signed up to testify? Signed up to testify. Okay. I said early on, we will not have time on the other issues. You are more than welcome to come back next week with that writing. We have a -- excuse me. We have a 2:00, and I am losing my council members, so please, we will take a break, at about 1:30 all right?

Marshall Million: 225 NW Couch St., 97209. I am marshal, and I was invited here by the christian coalition. I am a born again gay person. I am a member of the presbyterian church in fort lauderdale, florida. Dr. John kennedy is on the local radio. I was molested as a 6-year-old child and spent my teenage years as a male prostitute, both for pleasure and for money. I was ex-- exploited by the gay community before I was wise fluff to choose for myself. Later I asked god to help me become a better person, and began a long struggle to reorient myself sexually. I oppose your promotion of the gay subculture, especially here in Oregon. I was told by the federal government that Oregon is a leading state. Here in the presence of Oregon, well over 50% of the inmates are sex offenders. About 80% of the sex offenders in Oregon's prisons were molested by gay persons when they were children, just like myself. This is called the re-empire syndrome where a sexually abused child grows about a abusing adult, who, with a vampire bite, later becomes a vampire, himself. I wouldn't be surprised if half of my gay neighbors here also game gay -- became gay at children before they knew that they were choosing. The gay subculture is promiscuous. One survey showed the average gay person had over 1,000 sex persons and the average lesbian had over 400 partners in their sexual lifetimes. I think that this amounts to an average of one partner a week, 20 or 30 days, the average american, a decade ago, had an estimated ten sex partners. The high promiscuousness in the subculture is unhealthy physically and emotionally. I've been involved with both communist and capitalist groups of gay persons in Washington, d.c. And in new orleans, louisiana. And I oppose the communist gay movement especially because it has hidden agenda, which is exploiting the gay community to subvert the american governing people.

Katz: Thank you. I know. This -- there are a lot of people here that want to testify. We do need to break by 1:30. We have to go back here by 2:00. So. No. I think we got your message on this one.

Elizabeth Taylor: 7610 N. Brandon. Good morning. My name is beth taylor, and I am a transsexual woman who lives, both lives and works in the city of Portland. I am also a member of the board of directors of the Portland bisexual alliance. I applaud the mayor and the city council for their concern over the rights of trans people. However, I cannot support the current ordinance. It does not protect trans people. It is fundamentally flawed in concept and design. First, it is based upon the premise that gender is equal for per succeed sex. In other words, everybody is perceived to have gender. We have created a protected class that includes everyone. That a nice concept? Very legalitarian, but in order to make it work, or to make this work, we have allowed for exceptions. On a case-by-case basis, who is excluded in the exceptions? The very people this was designed to protect. It allows employers to exclude the very type of behaviors that identify transpeople. Cross dressing, experiencing -- experimenting with their dressing. This ordinance takes away rights from transpeople, and puts them in the hands of hr departments. It specifically allows for employers on a case-by-case basis to make my life a

separate but equal hell. Every time I have to take the elevator down six floors, hike through the cafeteria and search for a handicapped, union sex bathroom that wasn't in use, and didn't have urine all over the seat, I was degraded. After a year after I was legally female, according to the state, my employee benefits have been denied to me because of my transitional status. All this appears okay under the current ordinance. I cannot support it. Thank you for your consideration.

Anna Culley: 7610 N. Brandon. I am anna coley. I oppose this ordinance. I believe this ordinance does away with the benjamin standards that are stet in place for pre-op transsexuals to transition. It does not protect trans people, but protects employers from trans people. It gives power to the employer, not to the individual, to determine gender. So thank you.

[At this point, Commissioner Sten left]

Roni Lang: Mayor, commissioners, I am ronnie lang. I am here to support the amendment. The ordinance, excuse me. And I commend Madelyn and lori for all the work they put into it and I support it for all the reasons stated, all the positive reasons stated. I also wanted to say that I am part of the diversity training program with the Portland police department. We have had three classes of about 40 officers each. There will be about 25 more classes. Once a week, we talk about transgender issues so in support of chief kroeker that he's for this program, and he wants all these officers to be exposed to it. I believe that's a good thing, thank you.

Kathleen Jurgens: 3229 NE 7th, 97212. My name is kathleen, and I came here to testify about something else. I signed up to testify on this ordinance to add my voice to those people who are saying the trans people very much need and deserve this protection but I also want to add my voice to those who have been voicing concerns about the ordinance as it is currently written. So having said that, I want to take the rest of my two minutes to protest the fact that I am not going to be allowed to testify on that I came here to testify on. The mayor has just said that those of us who went through the cumbersome and difficult citizen comment signup process are being dropped from the agenda. I don't see why, whoever is on the agenda at 2:00 can't be bumped or put back so that we can speak. For many of us, this is our second week in a recoming down here. We are using this citizen comment process that's very difficult and cumbersome for working people to use. I am fortunate in that I am able to work part-time. My partner, who is here, this is his second time, taking off half of wednesday, to come on down here and he gets no paid leave time. And even when we do, succeed in, in making our citizen comments on next week's agenda, if any of us are able to take the time and come on down and do that because it is difficult for working people to do, that still is not going to be an adequate substitute for the public hearing that should have happened over the joint terrorism task force before it was adopted in the first place. I have taken a look at the city code. Section 302.040 sub g, sub 2, sub b says emergency ordinances shall specify with distinctness, the facts or reasons constituting the emergency. The joint terrorism task force, which will allow them to spy on me, which was enacted without meaningful public notice or public debate, without a chance for us to testify and without a public hearing because it was enacted as an emergency ordinance. This ordinance did not specify the facts or reasons constituting the emergency. All it said is delay in the enactment of this ordinance would cause delay in the mutual benefits of this project. Mutual benefits to whom? To the people being spied on who have not had a chance to be heard? Mayor Katz, I really don't think that you understand, how difficult the city's public comment procedures are for the average working person to use, and I don't think that you understand how difficult it is for us to jump through these hoops to get on the agenda in the first place. Only to be told that we have to come back next week if we want to be heard, and that was not my two minutes, I still have two minutes that I plan to talk about next week about this, thank you.

Katz: Thank you. Is that it? Madelyn, you need to come up. We need to have a discussion about the points that have been raised. All right.

Kristan Aspen: 1718 SE 42nd, 97215. Good afternoon. My name is kristen aspen, I have been a part-time city employee for 20 years, at the park bureau, and I am currently the program director at the lesbian community project. Lcp is a 15-year-old membership organization serving the lesbian community. Within our organization, and within our whole community, the sexual minority community, awareness of the concept of gender identity has been growing over the past three years, or maybe five years, or some, sometime in the '90s, in any case. During the last year, lcp firmed our acceptance of a woman's right to identify her own gender in terms of her membership within the organization. Rather than to have it imposed on her by any external observations, assumptions or past history. Lcp supports the passage of this ordinance and urges the city to move forward with its, this important step to provide legal protection for all people by prohibiting discrimination based on gender identity. We recognize the diversity of opinions in our community as expressed here today, and we applaud the extensive background work done by ms. Buckwalter and the city attorney's office. We appreciate their efforts to find a way to extend some measure of protection to those in the sexual minority community who are at least able to pass as one gender or another and therefore, are perceived as a threat to society at large. All Portlanders living at law abiding citizens deserve equal protection under the law. Thank you for taking this step to make Portland safer and more welcoming of a richly diverse community by passage of this ordinance.

Eric Wilgus: 2207 NE 12th. Okay. My name is erik and thank you for allowing plea to be here in this meeting and I am just a regular citizen, and I found out about this meeting last night. I heard a little blurb on the news that there would somebody kind of emergency meeting, and the content of it sounded so controversial and important to me, personally, and my family that I decided that I better look into it a little bit more so I got into -- onto the internet and found the agenda, and I noticed that there is a lot of things that have been brought up here today and I am not an expert in all these matters but one of them was the emergency status of this. And you know, not just being a normal citizen, not having heard of this, and -- or being a part of the issues that are going on behind the scenes, with the, the, the people -- the population that's being, you know, would like to have this passed, that, that I think that more discussion for the public is needed or to have it brought out in a wider fashion. And some of the things that, that in general, that I was -- you might have to cut me off at the end because I am not polished at this but I made some notes this morning. And I thought that it was a little odd that the city attorney was almost like, you know, without blatantly stating law, this is that the laws are and this is that we should do is almost pro -- predisposed to that the outcome of this would be, and that bothered me much it was not like it was totally analyzed legally. And the other thing that I thought, I am not convinced this is needed, this kind of ordinance because there is already an ordinance here that you are adding onto and the police chief, himself, already said that for several years now that there's been the ongoing programs to help the police understand this population of people, and also I think that there are existing laws, like somebody testified they got their tires slashed, that that's illegal. You don't beat people up. You don't slash their tires, and there is already discrimination laws, you know, that protect people, and I think this is just -- has gone a little too far, and especially on an emergency basis like that. I think that there is a lot of things that came up much some of it didn't even seem relevant.

Katz: Thank you. Thank you. Thank you. Your time is up. As a matter of fact, if the council checks the agenda, we still have business even before we adjourn, but most of it is on second reading. All right. Madelyn, come on up. You heard, you heard all the fears and concerns, lack

of a process with a group that testified, the issues that were raised, do you want to comment and go through that and comment and we will let the council ask some questions?

Wessel: Thank you, mayor Katz, and I would like to invite lori buckwalter to come up with me here because I know that she will have some good and commentary comments to make. You are going to have to forgive me because there's been a lot of people testifying, and I may not be thoroughly organized because I just jotted down comments and things I thought you might want me to address. Let me talk a little bit about some of the concerns that were expressed by opponents who do not see a role for the city in adding anti-discrimination protections at all. We heard a number of comments about the city's intervention or inappropriate intervention in how people run their business. And people's expressed concerns that they would be suffering on inappropriate intrusiveness in terms of how they choose to make their business decisions by having to comply with the ordinance. A couple of people commented, you know, you are going to make a criminal out of me. I guess I will start with the most simple fact which is that, of course, this is a civil law, like many other civil laws that regulate people's appropriate behavior in areas that are very central to, to people's lives, whether it is housing, employment, or public accommodations. These are civil regulations, and the kinds of arguments and concerns that were expressed today to some extent were, quite frankly, the same arguments and concerns that were expressed when the first civil rights laws were passed 30 and 40 years ago, prohibiting discrimination against people of color on the basis of race, and in particular, with respect to protecting, finally, the rights of african-americans who suffered from explicit discrimination for so many years in our country. Government does have the authority to act thoughtfully in these key areas to make sure that people who are engaged in the commerce of our community and are seeking very fundamental protections with respect to their housing, their jobs, or their right to go into places of public accommodation have basic human rights protections. Government does not have the ability to control people's hearts and minds, and several of you have commented on that much this is not a way to tell people that to think, but it is, as commissioner Francesconi appointed out, a way that government has traditionally acted to impose fundamental requirements of fair treatment in these very key areas of life. I am certain that with public information, with good communication, and with collaboration, that as we have learned, thank goodness, to deal with the requirements of the older civil rights laws passed decades ago, that our community can very well adapt to the requirements of this law -- very well adapt to the requirements of this law. The number of comments were made about the fact that we don't need this ordinance. The police bureau is already taking some actions to protect its own employees and to provide appropriate training. That frankly goes back to the point that I made at the outset, which is that the city has been on a continuum of dealing in an ethical and appropriate way with the needs of transgender people and other sexual minorities. The city banned discrimination in our own employment a number of years ago. The training that chief kroeker talked about is a direct outbirth of that, and of the very wonderful work of lori and others who have taken an enormous amount of personal time to try to help us with our training. The fact, though, is that there has not been monitoring of intimidation, crime activity, by the bureau based on gender identity. That that is a very needed step this ordinance will require the bureau to take. Let me move to some of the concerns that have been expressed here this morning. From people who we are certainly seeking to and I believe, very clearly providing protections to. Let me start a little bit with the documentation requirement. I want to reemphasize that the only place that documentation is permitted under the ordinance is with respect to access to a very limited group of facilities, meaning showers and locker rooms, where nudity is involved. The q and a piece points out this can not be a subterfuge for harassment of any person. I will state for the record, the kinds of

scenarios that would be appropriate for example, a person belongs to a health club, has transitioned, or is not, is not completed with transition, but is on route there and has been able to obtain a change in their driver's license, that person could be asked one time by the club to document that the facility that they would like to use, which is a gender specific facility, is consistent with their now expressed gender identity. That is the only situation in which documentation is even talked about in the ordinance and there is no other place in which that is given any special exemption or leverage for anyone. The -- there has been an awful lot of comment here this morning on the language, not in the ordinance but in the q and a with respect to employer policies that would restrict cross dressing activities. I want to make a couple of things very, very clear. First of all, that paragraph opens up with the explicit requirement and statement -- the accommodation must be provided on the basis of gender identity. The reasonable come dag that does not respect the rights and needs of transitioning people is not reasonable accommodation. The reason that people have not yet experienced adequate protections under a reasonable accommodation framework is because state law does not protect transsexuals and transgender people adequately. In fact it singles them out for nonaccommodation rights. So, requiring reasonable accommodation here I will say this for the record and I am going to make a recommendation about a change in the wording of that answer, to put people's concerns even more to rest. Reasonable accommodation must respect the rights and needs of transitioning individuals to address their psycho-social health and other needs. That is absolutely intended by this action, and we have explained that very consistently. In fact why don't I go ahead and say that I think that one thing that we could do to help people feel more comfortable with this document as an interpretive guideline is to say the following and then ask you to strike a couple of sentences in the answer. The issue that has been -- that was being sought to be addressed with the cross dressing was not anything that relates to the needs of a transitioning person, but the reality that many employers have expressed concerns about the person who occasionally and sporadically seeks to come to work dressed in a, a flamboyant fashion that seems to be inconsistent with their normal, consistent identity, whatever it may be at work. That kind of back and forth, but not consistent expression of a gender. I don't think that we need this particular language in this answer to express the statement that by, by asking employees, as well, to help to work to implement this ordinance in a respectful and reasonable fashion, that respects other co-workers' needs, as well as their own personal needs, that that sends a pretty good message. I would propose that we simply strike the two sentences, except as restricted by this requirement of reasonable accommodation, and employers may implement policies restricting cross dressing or similar actions. And the city has received considerable feedback. I have stated to you that the concern has been. It has been not the issue of accommodating people in transition, but the issue of having people adopt a respectful, posture, vis-a-vis, their co-workers, and their employer, one that does respect a need for some level of reasonable consistency with respect to whatever gender identity a person chooses to be and present at work. I would like to add --

Katz: Before you add, go over the recommended amendments.

Wessel: I am striking the sentence that --

*****: I am sorry, I am lost.

Wessel: In exhibit b on the second page.

*****: Bottom question?

Wessel: On dress codes, and I would propose that we add the statement that would follow the reasonable accommodation on a case-by-case basis as follows -- reasonable accommodation must respect the ability of transitioning individuals to meet their medical, psychological, and social

needs and the ability of all persons to establish and express their own self determined gender identity. I think that, that establishes that a reasonable accommodation is intended to be in the context of this ordinance, not ada or disability-based reasonable accommodation. But a reasonable accommodation based on gender identity.

Katz: Council.

Francesconi: Just the other side of that, though, because you are not expressing it but we have got to be clear on the intent so I am just repeating that you said. So for the employers out there, the idea, it would disallow, going back and forth and dressing? Correct?

Wessel: Well let me point out that this code doesn't disallow or require, does not require any particular employer policy. What it says is if there are otherwise valid policies that, up until now, are valid and viable under the law, that the code does not disrupt them, except to the extent that it must, those policies, must respect and provide reasonable accommodations to gender minorities who are protected here.

Katz: Okay. Let me ask the question because I want to move this along, if there are no problems with the council. Council have, have any problems with this amendment?

*****: No.

Katz: All right, we will accept the amendment. Make sure that you provide that information on the website. There is people that have left and they would be very interested in hearing that -- thank you.

Wessel: Thank you. I really want to point out, by the way, that this is simply, again, working to use language that parallels that has been our consistent message to people in the meetings that we have been having.

Katz: You are fine with that, as well, lori?

Buckwalter: Yes, I am.

Wessel: I want to respond to a couple of comments that express concerns about, about the, the need to have surgery. It is very clear as a legal matter from the, the language of the ordinance that the people are protected under these provisions, whether they have had surgery, whether they will ever have surgery, in fact, that is one of the reasons why we have used such a broad definition of gender identity. There is no need for an individual to be on a medical scale or surgical scale of gender transition to receive protections under the ordinance. The ordinance does not refer, as one speaker mentioned, for state law in the sense of referring that reasonable accommodation means back to the state laws in adequate description of reasonable accommodation under the ada or under the state ada. I think at that we have clarified that point with the amendment to the q and a document. There may be some other issues that came up that I haven't responded to, and I would be happy to answer your questions. But, I would also like lori to have a chance to also comment because she may have picked up on other things that she would like --

Katz: Make it quick, lori.

Buckwalter: I am always gratified to follow Madelyn but daunted because she's so thorough but I would like to respond specifically to the impression that may have been given that somehow the language of this ordinance emerged out of nowhere or recent origin. It has been in the process for a long time and has been the result of a collaboration between the community and the city, for a number of years, and has been enriched by the input of authorities, national authorities on, on gender identity rights over that course of time, as well. Madelyn's exhaustive research into similar itch mentions of gender identity laws in the united states have, have shown these are the same problems that everyone wrestles with, and specifically in instances where there are public accommodations where nudity is involved or employment -- in employment situations,

there is always a balance of interest between people's rights and safeties and we have tried to specifically address those instances, so that there is -- this balance of rights and safety is always maintained. So that this is not a document. This is not a revision that benefits one specific class of people but it is something that incorporates or includes those people who might be seen as different into a context of social and economic life that the rest of the people in the city enjoy.

Katz: Okay. Let me just add that we try to be as inclusive as possible. We have had the big round table and it was filled with people working on this document with Madelyn and lori. If, by any chance, we missed a group, maybe some of our younger members of our community then I think that it was very clear from the testimony that we will continue looking and seeing whether there is a problem and continuing looking at refining it. I don't think that anybody wants to neglect hearing their voices and the issues that have been raised. So, I wanted to say that for the record. Any further questions by the council? We still have a little business left.

Francesconi: I have just one. The police talked about training they will do for their own, and you briefly, you said the words, "public information," but the real issue beyond the regulation, in fact more importantly, the regulation, is the public information. So, you had small business folks testifying here about some perceptions about this, and some realities about it. We don't do a very good job of outreaching and explaining things, especially to small business. What is the specific public information strategy, if any, a, that small business, and if not, if there isn't one, that advice do you have in that regard?

Wessel: Commissioner Francesconi, we have not developed a specific strategy beyond, obviously, all the work and the website and the q and a and the documents that have been up and have been receiving public comment for the last month. However, when the original city civil rights ordinance was implemented with boley's help, we did develop a specific training and sort of guidelines program that boley delivered in conjunction with city staff. It has been a piece of that I was about to begin to work on with them, and it may be that it would be critical for someone, like, for an entity like the mhrc, the human rights center, or the business license office or others to facilitate that. The other piece, I think, in responding to your question, is that the eeo code implementation, championships out of purchasing, is maybe another avenue, as we begin to expect city contractors to agree to a policy of nondiscrimination to develop some more q and a type of guidelines that help small businesses understand that they need to do to comply, so I guess the answer is, that's probably mostly a work in process but we will be happy to do that.

Saltzman: Do we have anything like that for our civil rights ordinance, a q and a similar to that we butt together for this one?

Wessel: We haven't done that historically and it may be that it would be helpful to do that, commissioner.

Katz: I think so, too. I have asked somebody to get commissioner Sten because I am sure that he wanted to vote on it. So, any other questions? I will tell you that -- I will give my presentation, my closing right now, that will save some time. First of all, I want to say that, that our work isn't done here. This is really, in terms of this issue, just the beginning. And as I have always said, we have an obligation to protect the citizens of this community. And make sure that they are -- they can work, they can have housing. And they are respected. And their respect of diversity is one of the strongest values that we hear as a city council and a city have. I have now would ask many of you, and I know that many of have you done it, to take these issues down to the legislature and share with them that benton county and the city of Portland needs to be joined by the rest of the state and get their heads out of dark corners so that they can respect and honor the diversity of our community. To the christian coalition, we have had a lot of discussion on this issue, as it related to chief kroeker. And I have said to them, it goes tolerance goes both

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ways. And I gave this issue in light of what was happening with the police chief, a lot of thought, a lot of consideration, and I want them -- I ask them to be as tolerant of this issue as many of us have been tolerant with the issue of, that was confronting the city and the chief. Now, let me quickly, thank you. Lori, and it is time, Oregon, today is really a tribute to you and your tireless work for this city and for this community. Thank you very, very much. Commissioner dan Saltzman and his staff, frank dixon, my thanks, my appreciation. It is nice to work with colleagues that have and share the same values and are willing to do the hard work and I know that this has been going on for over two years. So, thank you. Our gay and lesbian association, and attorney, ed reeves, I want to thank them, they are very thoughtful. They assist us in identifying some of the legal issues, although Madelyn is one of our best civil rights attorneys, if not the best in the city, it is always nice to know that we can turn to them and continue that discussion about legal issues. The human rights campaign, pflag, parents and friends of lesbians and gays, the transgender community, including the northwest gender alliance and margaret, basic rights of Oregon, mora and the metropolitan human rights commission, members of the bisexual alliance, the hundreds of people who met with my staff and contacted my office on this issue, and my own staff, sam adams, who has been working tirelessly with Madelyn and with lori on this issue, and I know that lori always wanted us to move faster and get it done. But, with that -- without sam, this would, this ordinance would not be in front of us. Sam's assistant, alyssa, my communication's person, and michael, our public advocate or, or, slash, our omnibusman, and last, but not least, our own Madelyn wessel. Who we thank every time a tough issue comes before this council that requires a lot of legal work, a lot of statements on the record so that we can protect our ordinances when they are challenged in court. Goes to court, wins our battles for the city and for this community and for all your work, Madelyn, thank you. All right. We are ready now. I won't say anything. Roll call.

Francesconi: Well, I support this, I guess the simple reason is the it is the right thing to do. I actually, commissioner Saltzman, in addition to thanking you and the mayor for this, I think you actually said it very eloquently at the beginning here, when you said it sends a signal that it is okay to be who you are. I think that it also kind of, we as a city, are modeling the kind of behavior that we want our community to be. And we are also saying that we are one city and we want everybody to contribute to it. Not only share in the benefits but to contribute time and talents to making it a better place. I do believe that this strikes the right balance and it does send the right message. I do think, though, that it is going to take more than regulations or the power of government for us to be one city and to relate to one another. There have been some powerful voices here that took courage for people to talk, the voices, some church people testified here today. The voices of small business people here today. And I do think that we have to set a standard here in government that it is behavior that counts, in fact not just in government but our city and people have a right to believe that they want to believe. Some events over the past few months have surprised me, that we haven't been more tolerant of people's beliefs. Having said that, we do need to draw the line on behavior and you can't fire somebody. You can't discriminate in housing based on transgender or gender identity, and it is just some basic things. But us sitting up here passing this won't make us more of a community. It is a step in the right direction. An important step. A symbolic step. I am more familiar, in my prior life, I have represented on rare occasions, people on this issue, and I have known how difficult it is without a remedy. So, you know, providing remedy is really important. But in my history, I am more familiar on the issue of race discrimination, and we have had good laws on the books, on the issue of race for the last 40 to 50 years, and we still incarcerate more african-americans that are in college, the poverty rates are way out of what can. The justice system, the employment rates, you

can look at every indicator. So, we have got a lot to do beyond the legal side, and I guess that I am hoping that honest discussions about where people are coming and trying to support one another on, on the other side's issues once in a while. Is something that we need to do. And I think that this discussion was a great discussion. And it sends the signal that we are all in this together, and we can learn from one another, and we can set some basic rules of conduct, and we can become a better city because of our relationships. Aye.

Hales: As always I learn a lot from the proceedings in this room and I appreciate the good testimony that we heard today, and that occurred to me is that I could really sum up that I heard here and why this matters in one of those overused words, you know, we had some overused words in this commune, and one is livability, and another that actually, I think, just got used to describe Portland in one of these stories is progressive, and we all think that we are progressive and we all think that we live in a little city and we sometimes forget that those words mean, and I think that the debate we heard here today really illustrates the, that you have to earn that label of being a progressive city. After all, what does it mean to be progressive? It means that you don't think that the good life and the good society is behind us some place. It means that you think that it is in front of us. And that to get there, we have to take step after step and experiment after idea and work our way to a better community, which is why we have to do things like this. We heard in this room the point, well, you don't have to enact anything -- yes, we do. You have to make progress to get to that better society. So, that's why that word has to take on some meaning. If we want to be a progressive city, we have to earn it, by taking progressive action. So, vera, dan, lori, and Madelyn, thank you all for leadership and a good proposal and one more step in progress. Thank you. Aye.

Saltzman: I want to thank the mayor for her leadership in this work and all the people that she appropriately thanked a few minutes ago and I want to say that I think it might be a good idea and I will certainly take the lead as metropolitan human rights commissioner, to work with the business license office and Madelyn to try to put together a good q and a, modeled along appendix b, our civil rights ordinance, because it is very important to us, not only on this issue but on many issues and I think that it is important to do that, particularly to the small business community, and to the press who I have received many calls over the last few days so I think we need to sort of demystify it and at the same time, underscore its importance and I will take the leadership on that. Aye.

Sten: Well, this has been a very powerful hearing and I want too to express my personal admiration to many of the people who have taken great risks to come here today and also the struggle that many of you go through. It is very hard -- heart warming but also pretty sobering to see that all the issues are and it has not been an easy task for Madelyn and lori and the mayor and commissioner Saltzman to write an ordinance that, in some ways, guesses at what will work best and I know that we will go back and look at there because I know some of the things are going to be tricky, tricky but my main thought is how much I admire the folks that have worked on this and all of you who are struggling to be true to yourself and you know, you ought to be able to be you, Saltzman had a great quote and I agree with it and I do think that it is -- one thing from this testimony today and this hearing is that it is, it is obvious to me, and it is interesting how you have to put a human face on it, and perhaps, that was what should have happened sooner, that the struggles that, and discrimination that each person who has testified today faces is unique, and is something very different than that we thought was covered in the, the past versions of the civil rights ordinance. There is quite a debate in the past that lori waded through for a long time about whether other designations covered it legally and all those types of things and I think that whether they did, and it looks to me like they did not, having this kind of

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discussion and really being clear this is a distinct class of people who have their own discrimination to overcome and that you ought to be able to do everything everybody else does without fear of discrimination is clear and I really admire everybody for, for putting yourself in line to get this done, and it is with great pleasure and maybe just a, a notch on humanity on how - humanity to figure out, but I vote aye.

Katz: Thank you, commissioner Saltzman and council. Aye. 1806.

Item 1806.

Katz: This is a program where robert richardson goes into the prisons to contact clients who are ready to leave in the community and works with them. It is a small program. It doesn't get funding from the city with the exception of these block grants. Anybody want to testify on this? Roll call.

Francesconi: Robert richardson is the best, the best youth mentor for high-risk gang kids of all, and it is a credit to you, mayor, that you recognize it and are funding it, aye. **Hales:** Aye.

Saltzman: Aye. **Sten:** Aye. **Katz:** Mayor votes aye. 1807. This is second reading. Roll call.

Francesconi: Thanks for all your work, everyone, dan and commissioner Sten and Saltzman,

[Items 1807-1809 – second readings]

Katz: Mayor votes aye. My apologies to pam alley. Sheila goodman, alan graph, les graphman, paul maresh, patrick morton and ken spice for running out of time. Two of us have to leave for impact, I think, the meeting is still going to be held, and we have a heavy, heavy agenda this afternoon. Council, is 15 minutes enough for lunch? 15? Okay. We will be back at 2:15. We stand adjourned. Test. Test. Test. Test.

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Katz: Here we are.

Item 1819.

Gil Kelley, Director, Planning Bureau: Thank you. Yes, I think that a number of council members have challenged the planning bureau to be nimble and responsive and I think that we have, in this case. The I know here is allowing some additional flexibility for fast-moving development occurring in the pearl district, river district area. Where essentially, a subdistrict within that area has lower building and height and far ratios than other areas of the district presently have. As a consequence of a policy on the books that wanted to preserve a, a view-shed around the union station clock tower. And -- tower, and this proposal, which graham will explain in a couple of minutes, essentially continues that view protection in the view shed stretching from the broadway bridge north past the union station, and for several blocks, west to, to 9th. But, above 9th street, we see no reason not to allow some additional flexibility for these new developments to really create that we think will be a more dynamic and more varied experience within the river district. There are a number of projects poised and ready to take advantage of this change in the regulations, and so we have brought this to you as an urgency ordinance to, to allow those projects to move quickly. Graham will explain the details, as well as the, the planning and design commission and landmark recommendations on this topic.

Katz: My apologies. I am an tomorrow. I almost introduced the wrong ordinance. So, I want -- yes, this is the far issue, and go ahead.

Kelley: We were charged to move quickly on both accounts and we will have the same speech tomorrow.

Katz: Thank you for covering me but I was moving on the wrong ordinance. I cannot tell a lie.

Kelley: It works.

Graham Clark, Planning Bureau: Good afternoon, city counselors, I am graham clark with the bureau of planning. Nicholas and I have an working under the oversight of nicholas harrison on the analysis of river district or a portion of the building heights, and floor area ratio regulations. We have analyzed the building height and maximum floor area regulations, and we have developed a proposal to amend these regulations while preserving the dominance of union station and the clock tower and the record of the prompt is on the right. We have a few technical difficulties in that we had a lap top that was to present a power point presentation, and it didn't work, and it is on its way down a, replacement happen top, so I hope that there is not too much fumbling over here, if we have to go with paper versions, I can do that, but I don't have enough copies for members of the public, so I am hoping for electronic salvation here. We described the proposal to the old town chinatown and pearl district neighborhood association subcommittees that consider planning and transportation issues. We have described the proposal to the Portland historic landmarks commission and the design commissions in a joint briefing where they chose to accept testimony from the public. And to the river district steering committee, and generally, all of these bodies have applauded the proposals, some have had reservations about bits and pieces and small chunks of the proposal. And have asked for more things in some places and fewer things in other places. So, I will speak about that in a second here. The planning commission held a public hearing on november 28th and voted to forward the proposal for your consideration today. The commission made several changes to the bureau of planning proposal and I will describe those toward the end of the presentation. So, it looks like the electronic salvation I was hoping for won't arrive. I am going to distribute paper copies.

Kelley: I would add, while graham is passing those out where's most of that you are seeing in front of is you an upzoning that we ought to get some credit in the measure 7 bank for this one.

*****: Hopefully that bank is closed.

Kelley: Hopefully.

Katz: Okay. Go ahead and try to do it as best you can so that you also notify the public of that we are doing.

Clark: Indeed. And I know that some of the public, as I have turned around, I recognize some of them from the planning commission hearing, the presentation is very similar. Maybe I should hold it up a bit like this, huh? We have several project goals that guided this project. First off we looked to protect the dominant status of the union station clock tower. We looked to enhance the development flexibility in this small portion of the river district and finally there is an adopted river district vision that speaks to development that's highly urban in character so we looked to make that possible, as well. The study area, the map on the next page is bounded by lovejoy and hoyt streets on the north and south and the i-405 freeway and the river on the west and east. And the three different components of the central city plan district regulations that we considered in this project are maximum floor area ratios or the ratio between built square footage and site square footage. These regulations helped to guide the bulk of the building, and to some extent, the height. Maximum building heights in the area, and height bonuses in the area. Height bonuses are awarded in cases where develop -- the developer of a project commits to everything above the maximum height limit being residential, or as they seek for a ratio bonus for things described as public amenities like day care centers or roof-top gardens or, or water features. There are about nine that developers can choose from. We are considering these development regulations now because the place has changed so dramatically in the last 10 or 12 years, the rail yards are gone, the Portland streetcar and the park and the board walk at jamieson square will be opening, both in the near future. This generation's development opportunities are nearly exhausted. There are really only a few parcels left in the area given the frenzied pace of development in the last several years. And finally there have been many questions over a period of about two years about the perceived simulator of the new development that has occurred here, and -- similarity of the new development that has occurred here, and the real question is whether the regulations, the maximum height in the floor ratios that have, to some extent, worked to produce the kind of development that we have seen in the area. Also, there are a couple of projects to refurbish buildings on the western edge of our study area that are in buildings that are larger than the regulations would allow today, and these projects could not move forward without being able to build a bit more height and a little bit more far, one or the other or both, in both cases. So the regulatory history, how did we get to this? The 1972 downtown plan. 1983 downtown design guidelines, the 1987 urban forum report, which helped to inform the central city plan process. There is a graphic on the right of this slide, which is on the bottom of page 3, that shows union station from the east. Roughly the east bank of the willamette valley, and what it shows is buildings behind forming a back-drop to the union station clock tower, and a 100-foot line on the bottom of the two graphics there. Those are the regulations that were in place. As the central city plan was considered. In 1990, after the 1988 adoption of the central city plan the design guidelines were adopted and these design guidelines helped to create a finer grain consideration for any development in the area. So, while in 1988 and in year's before we had height and bulk regulations, the design guidelines go a step further and help to create a process to make sure that buildings in the area are supportive of union station and other elements in the river district. So on the next page the regulatory history continues. There are many individual historic properties in the area. There's a planning process for the river district that was completed

in 1995, and design guidelines for the river district adopted in '96 and the 13th avenue historic cricket, there is two and a quarter blocks in the historic area. So, this is where we get into the meat of the topic. The existing regulations, if you look at the bottom slide on page 4, there is a ratio map on the left and a maximum building height map on the right. You will notice, especially on the building height map, that the whole study area has maximum heights of 75 feet. There are no height bonuses allowed in the study area. This is very different from areas close to union station both on the north and the south. On the north, you will find that the base height is 100 feet, and on the south, and both areas are allowed to have the height bonuses, as I mentioned before, allow buildings to go up to 75 feet higher. So, on the north, you could get a building as high as 175 feet within about -- on the south, the building could go much higher because the regulations are 350 feet, plus the potential for 75, gets you to 425. This is in the area immediately south or about 600 feet from the station clock tower. So, the central question that, that sort of informed our analysis is why is 75 feet chosen as the maximum building height way out about a half a mile all the way out to the west from the clock tower and up to about 17 or 1800 feet to this east, southeast of the clock tower near the steel bridge? The other question with the floor ratio map on the left is most of the areas are 4-1, and there is a small area between 9th avenue and 12th avenue that's 2-1, and that's a relic of the, of the rail yards that were in place as the central city plan was considered. The 2-1 was looked to as a way to, more or less, guarantee residential development because few would want to build a 2-1, they would look to get floor-area ratio bonuses for housing, so I will come back to this. Okay, so the next slide on the top of page 5, we have distance from the clock tower, and as I mentioned, buildings as close as about 500 feet for the clock tower on the north, could go much higher than within the study area, and buildings as close as about 600 feet on the south could go much higher than within the study area. But if you go to the west it is about a half mile and about a third of a mile to the east, southeast. So how do you define dominant landmark? Clearly union station and the clock tower are dominant landmarks, and the tower is an important edifice from any angle, it has an area of architectural feature and is details and it is a terrific way finding marker if you are in the north of downtown area, especially old town, chinatown, but other racer in the river district, to help orient yourself in the area. The top two are different from the bottom three and I would like to describe them as much. Northwest 6th avenue from burnside street all the way to the clock tower you have a dead on view of the tower, it is on the center line of 6th avenue. Northwest johnson street the tower is just off the center line to the north. But it is another very important right-of-way view in the study area. The bottom three, the two bridges, Broadway and steel bridge and the east bank of the willamette valley are different sorts of views. They are not protected by a right-of-way. So, there are things that could be built in front of these views and block the view of union station. And that's the case for all three of those views, Broadway bridge, east bank, willamette, and steel bridge. Under today's regulations, buildings could be built that would block views from those points. So, as the study progressed, we identified four different scenarios through which to analyze the issue. First the existing buildings, what's there to date, second if, if buildings were built out to, to today's limits. To the site edges and as high as the maximum building height allows, third, if we uniformly increased the allowed building heights and fourth, we looked to more measured changes in the regulations. So, on the bottom of page 6, there is a slide that shows the existing buildings from an oblique, southwesterly angle, that's the first of the analyses that we performed, and if you look on the next page, and in color, this is pretty dazzling, but in black and white it also communicates the issue.

Katz: If it is so dazzling, next time, produce it in color.

Clark: I would love to have it. From the south, up 6th avenue and from other areas, you can view the clock tower today and the analysis really looks at from the intermediate line right under the face, from that point that areas of the study area can you see? All areas down 6th avenue and southwest to southeasterly directions you can see the clock tower. Along Johnson Street, from about 1 -- 11th avenue you can see the clock tower. As you get closer than 11th avenue the post office building impedes on that view of the clock tower. On the Broadway and Steel bridges and on the east bank of the Willamette River you can see the clock tower from most places. You can't see it from the river surface but partway up the east bank you can see it and on the bottom of page 7 1 a planned view of that I described above. So at the top of page 8 it describes the computer analysis with what is seen from the ground. Johnson Street from about 11th avenue west you can see the clock tower and in the distance behind the photo, you can see that the, the U.S. Postal Service fight starts to cause you to lose that clock tower view as you move closer. From the east bank of the Willamette River, this is a view that's similar to what was shown from that urban design report, 1987. What you see in the foreground is McCormack Peak and in the background you can see a scattering of buildings framing a back-drop to the clock tower. From the Steel bridge today you can see the clock tower from all areas. And from the Broadway bridge, you can see the clock tower from all areas. So, that's that today's development. If you look at today's regulations, that is produced under 75-foot buildings built side edge to site edge, you lose several of the views that I just described. Most importantly you lose the Johnson Street view through a post office redevelopment so they are building the post office, it would roughly double in size under that scenario and the Johnson Street view would be lost throughout the study area. And I will come back to that one. You retain the right-of-way view down 6th and retain some of the views from the Steel bridge and the Broadway bridge and the east bank of the Willamette valley. -- Willamette River. If we were to look at a change in regulation that is, that is similar throughout the study area, for instance, if we were to increase the height bonuses to the whole study area, buildings could go to 100 feet -- 150 feet throughout the whole study area. Going to 150 feet throughout the whole study area is extremely unlikely for a couple of reasons and I want to discuss those briefly. First off, with relatively low floor area ratio regulations, nobody can build to 150 feet under anything less than about 14-1 floor area ratio which is double that you can actually get in the study area. Developers are either going to choose to build shorter buildings or they are going to choose to build to one side or the other of their property in order to get to that 150 feet. They won't be able to do it across the lot. So when I show you these graphics of 150-foot development throughout the study area, I just have to explain that it is impossible to get there under today's order proposed and recommended regulations. We are almost done here. On the top of page 12, we show the planning commission's recommended regulatory change, so on the left, you see the view sheds under today's 75 feet. On the right, you see view sheds under a recommended change to 75 feet retained east of 9th avenue, increases to height bonus eligibility to the west of the avenue so there is a cross-matched area -- area in there, and Johnson Street views would be lost under this proposal. The Broadway bridge, Steel and east bank of the Willamette River would be similar to that we have under today's regulations because no changes are recommended east of 9th. Okay. If we get to the bottom of page 13, it shows that the planning commission recommended. This is following the public hearing about 2 1/2 weeks ago. The recommendations are to extend height bonuses into the areas western portion, this is the areas west of 9th avenue. So, if you look at the map on the bottom of page 13, it shows 75 feet as the, the retained maximum building height, but what happens there is the height bonuses would allow buildings to go higher than 1 -- than 75 feet. They could go as high as 1a -- 150. I need to just describe to give the full story here. How you can get to 150. The building could go

to 75 feet by right. The building could go higher than 75 feet through two different ways. First off, the building can be divide -- anything over 75 feet must be devoted to residential use. So that's the first way that you get there. The second way you go over 75 feet is to go after floor ratio bonuses, things like day care or water features or roof-top gardens, as you gain floor area ratio bonus for every 1-1, you get a 15-foot additional building height allowance, so you can go only as high as 3-1 in floor area ratio bonuses, that means you go 75, plus the 45 that you would be allowed -- allotted, you would get to 120, tops. So, the change means the buildings would go do 120 one way or 150 through another. Generally the areas west of 9th are the furthest, although in the southeast there is a similar distance. There is also a river district design guideline that protects or that looks to, basically honor union station as an important visual feature in the district. Top of page 14, floor area ratio recommendations, on the western edge of the study area in about 7 blocks of area, the recommendation from planning commission is to go to 5-1, from 4-1, an increase over seven blocks. In sort of a central portion of the study area between 9 and 12th, given the planning commission's recommendation that height bonuses be awarded west of 9th avenue, the idea here is that floor area ratio bonuses should be increased, as well so that if you are getting more height you are also getting more floor area ratio to work with so that applies to eight -- i'm sorry, ten blocks in the study area. So, in conclusion, through this process, and through the planning commission's recommendation the clock tower's dominance is assured with a 75-foot maximum building height nearest union station, the backdrop back of northwest avenue retains clock tower dominance. Development flexibility is increased in the western most portions of the study area. The Portland streetcar and the new park that will be built, and opened may, may function better with more residential development and other development in the area. And finally, the river district vision of development that's highly urban in character, is achieved. Now, very briefly I wanted to explain that planning commission and design commission also recommended as far as changes go, and this was from that meeting two weeks ago and from the briefing of the design commission and historic landmarks commission, almost four weeks ago. First off they recommended that what's called, lot 5, of the station yards development just southeast of the station, itself, be eliminated from the proposal. So, that the bureau of planning staff had proposed was height bonuses be awarded to lot 5 area, and if we go back to the maps, let's say on page 13, at the bottom of page 13 it is a triangular shaped parcel that is just very near the steel bridge off-ramps, and southeast of the clock tower, itself. Planning commission heard a lot of testimony, both from people who would like height bonuses awarded to that area, and from people who thought that it was a bad idea, and decided in balance that lot 5 building heights should remain the way that they are. Design commission and historic landmarks commissions both expressed reservations about increases to building heights on that lot and planning commission clearly listened to those commissions, as well.

Francesconi: Wait. Can you elaborate a little as to why -- the pluses and minuses of that?

Kelley: Of course. The pluses, there is a building proposed, and it is just in sort of an early design scenario at this point, but there is a building proposed that might go as high as 13 or 14 stories, and might go to 150 feet. And the building, as proposed, would, and this is, this is something that I have heard so I can't confirm it, but the testimony went that a building that high would allow a greater proportion of affordable housing, and the way that that works is that the higher units that afford commanding views also afford commanding rents which help to subsidize lower units. It is a model that's been used in other cities pretty well. So, the higher building on that site has been said to allow a greater proportion of affordability in the new building.

Francesconi: Would there be guarantees that actually happens?

*******:** Well, lou a legislative project like ours, we cannot tie --

Kelley: I think that the planning commission wrestled with this one quite a bit and came down on the side that there -- that was not compelling enough reason to change the zoning. They found -- the basic balance was, west of 9th street we ought to increase housing, west -- excuse me, east of 9th ought to remain low to protect the views of the train station and quality of that district. And felt, basically that the developer there in p.d.c. Ought to work a little harder to design something within the current envelope. They actually looked at models, for example, of the site and got into that discussion in some depth and basically felt that they would take a different direction than the original staff proposal and keep that at a low height. Just, just didn't get a sense that the reasoning was compelling enough to essentially change the zoning in that subdistrict for one parcel, only.

Francesconi: So originally the staff had recommended to change the zone?

Kelley: I think that p.d.c. Was interested in seeing that potential occur there. And so it appeared in the original staff recommendation, but it was pretty well seized upon by a number of the speakers at the public hearings and also at the landmarks and design commissions.

Francesconi: Was the planning commission unanimous on this?

*****: I believe --

Clark: There was one dissenting vote on it. One dissenting vote that believed that stated that affordability is very important and there are arguments that a signature or a gateway building, if properly executed, could be quite good from that point. Definitely the building would impact views from the steel bridge ramps, but there is some discussion about whether today's regulations of 75 feet would also remove that view, so it is a matter of do you lose the view a little bit or do you lose it a lot, either way you lose it. The people who advocated against the change spoke to the historic nature of, of Union Station, about its importance in the district as a, as a visually dominant feature, and we are concerned about, about competing buildings of similar height in, in a similar portion of the district. So, I am sure that you will hear from some testifiers on both sides in a minute.

Francesconi: And the view is from the steel bridge, and what's the historic -- I am showing my ignorance here, what's the historic reason for the steel bridge being the view?

Kelley: Well, we don't have any historic reason. It was part of our analysis.

Clark: Sort of one of the gateways so the district, and it is a prominent viewpoint as you look down into the railroad yards in that district, the existing housing that's been there was built in a profile that retains the character of the district and the heights and the views of the station. The tower in the model that the planning commission saw would, would block your view. I don't know if it is a their question but I will ask it anyway because I get to do this. What do you recommend? That are you going to recommend right now having heard all the testimony on this?

Kelley: Well, I think that one of the things I haven't been able to do since the planning commission meeting last week was really talk to p.d.c. and the developer and see if there are other options and to that extent the affordability would be compromised. I just haven't had that conversation. I think that there was very, very compelling case made for keeping the zoning profile low in that district, but I think that we need to spend some time looking at the options to how to get some of that affordable housing back either on that site or elsewhere.

Francesconi: I am jumping ahead so do we have to make this decision today or --

Kelley: We would urge you to move forward with the rest of the planning commission recommendations because there are projects in the wing. If you desired, we can bring back that piece of it for subsequent action.

Francesconi: Thank you.

Katz: We will hear testimony. We will hear testimony on that, I am sure. Are you finished with your presentation?

Clark: Two more points.

Katz: Let him finish the points.

Clark: The planning commission recommended changes all the way across to northwest 9th avenue so the planning bureau recommendation had been a smaller area west of northwest 9th avenue. Planning commission recommended adding 15 blocks to the new height bonus areas and adding 7 blocks in increase of floor area ratio bonus areas. finally, this project is being presented to you today as both an ordinance and a resolution. The ordinance is for increases to floor area ratios and maximum building heights through the height bonuses in that area west of 9th 9th avenue and it is presented to you in an emergency ordinance because it is our understanding that two refurbishing projects on projects at the western edge, for a building called the bits and pieces building and the old fred meyer, right up 405, the larger buildings would be allowed under today's regulations and in order for those refurbishing projects to move forward they need to be able to have some more floor area ratio and height building allowance in the area so it is presented as an emergency ordinance. The resolution that's presented to you today has to do with a new river district action item that looks to preserve that johnson street view. So, as I said earlier, the post office, if it was redeveloped, you would lose the johnson street view, the action looks to, upon post office redevelopment, be that next year or 20 years or further out, when that happens, johnson street, or at least a clear space along the johnson street right-of-way needs to be punched through that property so that the union station clock tower view is preserved. That is all my points and I would be happy to answer any questions.

Saltzman: Well, this is -- I want to raise this with my colleagues and with gill. This morning we discussed stormwater amendments to the zoning code. And one of the issues the mayor and I had some discussion about was the fact, as was presented by the bureau of environmental services, we are spending \$800 million over the next 10,15 years to get stormwater out of the rivers and out of our sewers. And that eco-roofs, we want to see. We, the bureau of environmental services want to see them included as one of the eligible far bonuses. I understand you are doing a larger city-wide look at that issue but what I want to toss out on the table, this area is poised for development. Sounds like there is people just itching to get going. It is in a prime cso area. All this rainwater goes into our river. So I would like to propose for this study area that we add eco-roofs to the list of bonuses for the purposes of this study area. While we wait, your pending larger review and I would like to ask that my colleagues --

Katz: I don't think that I understood. I thought --

Kelley: If we add eco-roofs to the far bonuses for purposes of this study area. Pending the larger city-wide look, which is, you know, the city-wide look will be done but miss the development that's going to occur, sounds like, that's poised to go in this study area.

Clark: We certainly have proposed that in the north mcadam regulations and in fact, there is a building in this district which does actually want to do an eco-roof.

Saltzman: The purposes of the study, we would add eco-roofs as one of the bonuses.

Kelley: We need to huddle about while you are hearing the speakers is whether that's something that could be slotted into this proposal today and still have it adopted or whether we have to come back with something, I think is --

Katz: I need you to think that the impact of that would be in terms of where we are today. And whether you can do it here or come back.

Hales: And let me voice my now, start to become a traditional quibble. Dan, good idea. I want -- it is nice if gill thinks it is a good idea. But the people who enforce the code need to sit here in

front of us and tell us that we can review for that. Do we have a code definition yet of an eco-roof? You know it when you see it you know that you are talking about. I have people up the street at the permit center who have to be able to say sorry, robert, your eco-roof fails because it doesn't meet the code or passes because it does. We have got to have -- if we are going to do this

Saltzman: I believe that we have that definition, as you just said.

Kelley: I think that we are not far away because of the north meadam discussion but I would want to redouble on that.

Katz: Okay. Let's continue.

Hales: It has got to be reviewable, that's my quibble.

Katz: We will get to it. I think that there was a sense from the council, and this is that I said, gill, that I know that was he wanted -- we wanted to review bonuses because we want to do throw some out if they make sense and add new ones in and I am not sure that I understand that that would mean if somebody was going to take all the elements and get bonuses for it. That do we have?

Kelley: There would still be a cap. There would be a maximum so the question is, do you add another one by which you could qualify or do you want to tweak the numbers and move some down a little bit and that kind of thing, I think.

Katz: Are you --

Clark: I am complete.

Katz: Questions? We will get back to it. I promise you. Questions of our presenters? All right. So we will hear some -- so planning commission and the designing commission eliminated that, that element.

Clark: Slot 5.

Katz: We will hear testimony on that and then ask your opinion.

Kelley: Okay.

Katz: Again. Okay. Do we have anybody signed up? Let's go.

Daniel Block: My name is dan block. I live at 821 northwest 11th. No. 203, 97209. In the pearl district. The subject area that's being discussed. I also am I happy tenant of the city. I have an office in union station. I am an agri-business consultant, not a developer but I live and work in this area. And so I have a perm interest in what happens to it. -- a personal interest in what happens to it. My clients come from asia, after, and europe, and they fly in and meet with me. They always remark about the city and the planning that goes into it and the balance that there is between the progressive development and preservation of historical areas and the flavor of the city. I want to say at the outset I support the recommendation of the planning commission as presented to you here because I believe that it reflects that balance that's always been here in Portland. I have followed the progress of this proposal and because it is on fast track, it is required a lot -- it has required a loot of energy. I followed it along from when it was discussed by the design commission and the historic landmark commission. I testified the other day at the planning commission. My initial concerns were, what would be the impact on the original intent of the city to preserve the visual dominance of union station. I think that this, this recommendation from the planning commission addresses that with balance. I take no issue with the, the height change, west of 9t 9th avenue. I live in the heart of it. I have purchased from hoyt street properties and observed what's going on in that area. It is exciting. There is some real visionary work that's been going on by the developers and I don't think that that should be thwarted at all. However, I was concerned about this lot 5 portion of the original proposal, and the reason that I was concerned, I felt a super high building would wreck the design and effect of union station and the role it plays. Both as a world famous historical landmark and as a

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transportation hub that's increasing in its use. So, I felt the planning commission was wise and balanced in deleting that from their recommendation that you have before you, and I therefore, whole heartedly support it as it is being presented today and I think that it offers everybody something in the city that, that maximizing that we want to do in the city in terms of density and development and also preserves what is a world famous area and which will grow in importance over time so with the proviso that lot 5 remains out of this, I support this recommendation.

Guenevere Millius: Pearl district neighborhood association 513 northwest 13th, suite 300, Portland, 97209. I would like to read a letter from the planning design and transportation committee. Pearl neighborhood association. To the mayor and city commissioners, our committee reviewed the planning bureau's recommends to the planning commission regarding the union station clock tower study area, far and height limitations adjustments during our meeting on november 7 of 2000. Our letter in support of the recommendations was read into the record at the planning commission hearing on november 28. The commission made amendments to staff's recommendations at that hearing. Planning bureau staff forwarded the amendments to us on friday, december 8. Our committee has not had an opportunity to review them. The planning commissioners asked the pearl district representatives for their comments, but our representatives could not generate an opinion on the spot. We applaud their rapid response to these issues but the proposed changes to the union station clock tower study area have come about with very little input from our neighborhood. And too quickly for a committee to consider them. We respectfully request that the city council allow us to review the amendments at the next meeting on december 19th prior to making a decision on these changes. In the last few weeks residents, committee members and developers in our area have made comments and suggestions that we wish to explore. They include, but are not limited to, increasing far and height limitations further in certain areas, reviewing the building height and far bonus overlay provisions to determine if there are other values or priorities that warrant the same bonus incentives and addressing far and height limitations north of love joy and east of 9th avenue. We urge you to grant the neighborhood association a small amount of time to generate a unified opinion that may strength the far adjustments and make them a more satisfying and lasting solution and signed steve pinger, the chair of our committee.

Katz: Which neighborhood association, I am sorry.

Millius: Pearl district.

Katz: I will save my remarks for later. Thank you. All right.

Richard Carlson: Miss mayor and commissioner, I am richard carlson, 9110 northwest star court Portland 97229. I am a member of the pacific northwest chapter of the national railway historical society and the regional vice president for the society, which is about 16,000 members nationally. And I cover the state's -- states of Washington, Oregon, and the providence of british columbia. For the last 15 years i've been able to go to choice yearly board meetings of the society, which is probably the city's large and small to see how well they treat their stations or do not treat them. I was pleased this morning to see the story in the Oregonian how citizens are working to connect the park blocks once again, and yet I view this, this particular proposal, I am concerned mainly with lot 5 of the pie-shaped or triangle plot at the southeast corner of the property. How this would impact on the last remaining, best view of Portland union station, which is, as you come off the steel bridge, whether you are driving or going down glisan or on the max light rail, that's the only unobstructed good view, and as I commented before the planning commission airports are lucky. The terminals cannot be built up around. The faa doesn't allow it, but over the years, Portland union station has been encroached upon probably starting 80 years ago when they built the broadway bridge which physically went over part of the

north part of the structure. Back in, that, five years ago, february 14th of 1996, bill naito spoke at the birthday celebrations at the station and said, we have got to work to preserve this gem of a building. It does have the features of being one of the outstanding historical buildings in Portland. It provides a sense of arrival when one comes into the city. When the max, north/south light rail, I don't say if, when it is built, it will come down to irving street to the south of the station and it is important that this area be kept open. Quite frankly, the building is shown in the model, which they do not have here today, is a model of a building that would completely block the entire view of union station as one comes off the steel bridge and it simply should be a case, instead of asking to increase the height, I would like to see it reduced, in other words, the minimum, now is 75 feet, I think maybe 25 or 30 feet would be more appropriate. In any case, I would urge you to, to follow the planning commission's recommendation to, to study this further, not allow this particular proposal, or this, this part of it, to go through. Thank you.

Bob Naito: Mayor, commissioners, bob naito, 123 northeast 2nd. I am here in two capacities, one as the developer of the capital center, which is in the block between 9 and 10 and irving and johnson, so it is right in the middle of the study area, and in another capacity with my partner, jim winkler, we purchased the property north of the broadway bridge from pdc and we are proposing to develop an office building and parking structure, so that area is not directly affected by this proposal, but I think that I would like to do is first of all, support the planning commission proposal to add the 15 blocks west of 9th 9th avenue to, to the area that would be eligible for height bonuses so I am supporting the planning commission study and I would like to use the rest of my time to talk about what I think other people will talk about here, which is the need to do a phase 2 study of this area and the area north of love joy and do something that is not on quite the same fast track. Something in a moderate track that, that lets the neighborhood associations and the property owners have adequate time to react to this. And also, let people get all of their issues on the table and get them thoroughly discussed. But, I think that if you look at the proposal and if you look at the report on page 20 and 21, if you look at the height, limitations north of lovejoy and also, I think most importantly the far of 2-1, you can see that as that area develops and the developers are now moving into that area, what's going to happen is without kind of taking this issue north, you are going to have an area that's going to be substantially developed at a lower level of development than I think that people want to see both the developers and also the neighborhood and the city. Mark and I have a particular issue, which has to do with the, the map on page 19. It is the required residential development area. This is a requirement that basically 15 housing units per acre are built in all of the cross-matched area and put in some time ago before the direction of the river district was really defined. The impact it is having on those of us that are operating in those 12 blocks that were already built out as blocks, is that it imposes a requirement of building 14 units on a block that's zoned, ex, that one could otherwise develop as an office and retail or a mixed use development, and for eco-trust, in particular, it resulted, since we had an existing historic building, in this kind of quirky limitation on us that we could add no more than 9,999 square feet of office space or new development to this project without triggering, having to build 14 housing unions. And I think that really it only affects the 12 blocks built out when you think about hoyt street properties or developing the post office blocks, where you have got a, basically enough area to do a master plan. You can put those 14 units per acre in one or, or two residential buildings and easily meet that standard. And I think that the point is clearly made when you look at the 12 blocks built out, the requirement there is only to build 168 units in the entire area.

Katz: That was yours and mark's issue. Okay. This was not before the planning commission? No. You just want to flag this to us? Okay. All right.

Mark Perniconi, CE John Company: My name is mark, and I am with the ce john company, 1701 southeast columbia river drive in vancouver. However, we own the full block between 9 and 10 and hoyt and irving in the pearl district, and is part of the study area. I would like to elaborate further on his comments on the rrda and why we think it should be studied in the context of this study area. The river district, and this particular study area, it is not hard to make the assumption that it is already developed into a primarily residential area by itself. Without any kind of, of zoning push. The rrda is applicable within the study area to many parcels that are already developed as residential, so it becomes a moot issue as we go forward in the future. It is not hard to imagine the majority of the additional density that's going to result from this planning study, whether it is adopted now or later, is going to become residential density and not anything else, within this study area. The rrda, and we, we approached this differently than bob did, we tried to deal with it by transferring it. Our intent was not to do residential, it was to do commercial, and the rrda hinders any other kind of development significantly. First of all if you try to do a minimal amount of units in something that's predominantly not residential you have a hybrid project that's going to have difficulty competing with pure play residential projects that exist down there. Second of all to add a minimum amount of units is expensive in a predominantly commercial project. And lastly, to transfer the density, I speak from reality here, is extremely expensive and time consuming to do. And for no other reason, the question that we have as to why we should not, why we should not hinder any other types of development, if you go to this area now there is no daytime population. If the area continues developing as primarily residential, it will never have a daytime population. We have a unique problem here, I think. Most cities are trying to bring housing to jobs. Those of us trying to bring jobs to housing are somewhat or quite a bit hindered by the rrda. And in view of the infrastructure being put into this neighborhood, in the form of streetcars and parks, it would be a shame not to be able to use this in a 24-7 basis, like any mixed -- mixed use neighborhood would have so I think that the time is right for consider -- to consider whether this rrda is providing the kind of neighborhood that we want in the primarily district right now and it is really all I have. Thank you.

Katz: Thank you. All right. I was trying to figure out how we accommodate all the other requests that we are getting now once we do something. In a fast pace. People just begin to identify other issues that they want us to address and well, maybe we will talk about it a little toward the end when gill arrives.

Hales: To that end, I assume that graham or somebody is keeping a list of issues that we may want to, if we can't deal with it directly, with this, we might want to find out how soon.

Katz: That's that I was talking to them about. All right. I would like to, to wait, though, until gill comes and you can, and you can tell gill that our conversation was. All right. Next people -- next folks?

Al Stachli, League of Oregon: 317 SE 62nd, 97215. Mayor Katz, commissioners. I am an ash text in the historic division, I am a member of the board of the league of Oregon and active member of the, of the local -- the local and the national ai committee on historic resources. And I want to applaud the planning commission and historic landmarks commission's recommendations. It excludes the, the block five, which was our primary concern from preservation aspects on union station. When I talked before the planning commission, that I emphasized, the importance that I felt of the original plan of the central city plan which provided the, the step down in building heights, adjacent in blocks, adjacent to, to historic land marks, and I think that that's, that's a very essential principle which I hope will not be violated in the future. The question was asked on the council about the relationship of union station to, to the steel bridge. Union station is, is a city landmark on the national register of historic places and been

reviewed by the national committee on resources and in cooperation with the park service for a, a possible national -- it has been approved for consideration as the national historic landmark nomination if we get around to preparing the nomination. I believe that there are seven national historic land marks in Oregon, including timberline lodge, pioneer courthouse, bonneville dam, projects such that, and this would be maybe the second one in the city of Portland. If we get it through. And the steel bridge is both a visual connection to the railroad history of Portland and also to union station, I mean, union station would not exist without the steel bridge and of course, the bridge was put there to bring the, the railroad traffic across to the west side of the river. So that it could go to a station and to the railroad yards, which were on the west side there so really, there is a very intimate historical as well as visual connection between those two, and I think it is very important to maintain the visual part of that connection. That's about all I have to add to that.

Spencer Beebe, Eco Trust: 1200 NW naito parkway, 97209. I am scott, chairman and founder of eco-trust, home of which is currently the mill on naito parkway. As you know, eco-trust is developing the rapid transfer building into the natural capital center, 70,000 square feet of office and retail development. I wanted to speak to a couple of things. One, in favor of releasing the height limitation on that property west of 9th. Because I think that the, the city and that neighborhood wants to encourage diversity. We want heterogeneity. We want to encourage those processes, including the planning process which supports and encouraged diversity. Social diversity, economic diversity, and environmental diversity, and I think that to get density downtown, and make it a lively, active, energetic, adaptive neighborhood. We want to get as much activity and as much opportunity to get to a wonderful architecture and a lot of people living and a lot of people working and a lot of people are visiting and shopping and so forth. So, we were faced with it when we looked at, with potential future development of a half block that we are not doing now. We are doing the original historic building on a half block. We have a half a block of surface parking right there, which we don't right but it was a lot bigger bite that we could handle right now. Already at \$1 million, four-year project but when we think of that half block five or ten or 15 years in the future, trying to get parking and retail and office and housing in six, you know, 75 feet, and doing something really interesting, contemporary, green, architecture sort of low class, you are limited in that you can do, so it is a lot more opportunity not for us, but for others to do more, you know, with a little more density in that part of the neighborhood. Also I wanted to speak to another thing that we have sort of discovered and that is that it may be possible to encourage, to give bonuses for eco-roofs. We found out that eco-roofs, it sounds crazy, but actually Portland people, if we call it green roofs, it might go over better, we are used to moss on our roofs, make it sound less radical but it turns out that to address the problems of the endangered species and the willamette river, the combined sewer overflow, the, one of the big challenges in the urban areas is impermeable surfaces and the oil and gas and break fluid and decomposing roofing materials, they are all going into the water and into the storm overflow system, and with the city's help, we are going to put a, an eco-roof on the old restoration project that we are doing now, and it is relatively cheap, about \$11 a square foot. It will retain or detain about 70% of the abundant water that we get in Portland, and one way or another on that block, we found it practical and realistic and reasonably inexpensive to, in effect, manage all of the, the 750,000 gallons of water if it falls on that block so it may be possible to encourage more of this in the new development and the rehab and the other parts of the neighborhood by, by supporting those far bonuses.

David Bell, GSL Properties: Mayor Katz and members of the council I am david bell with gsl properties, and I am here to talk about lot 5. Upon which all the guns seem to be trained in this

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proceeding. The property is owned by the city right now and it is the last phase of the union station project that we have been working on all this time. And I think that the reason for the city to consider doing this is that we have worked out a configuration that we think can combine a lot of different levels of income in one building, including 20 units of 30% of income housing below, which is very difficult to do, and we think it would be a shame to squander the opportunity to do that on this site. There are basically two objections to doing this. One is that the, the, a taller building on the site would somehow uniquely overshadow union station. But this property is adjacent to property that has a 350-foot height limit. It is further away from the station than many of the properties in the west of the 9th area so even though it is in the rail yards that used to be pertinent to the station, it is further away from the station building than many of the other properties. And it is also further away than the building that's going to be built to the north of the Broadway bridge, which will be approximately this size, so the idea that this site is somehow uniquely close to the station, therefore, a taller building would overshadow the building in a way that some of the other properties wouldn't I think is wrong. The other concern is the view from the, the steel bridge off-ramps, and the question is whether 150 foot high building would block views that would still be available over top of a 75-foot building. We think that they wouldn't. We think that a 75-foot building will block all or almost all of the view that currently is there of the station tower. So, although preserving the views of the tower, I think is a legitimate concern, the question is whether you are preserving anything or not. Someone submitted a photograph in the, the planning commission hearing that purported to show that 75 feet wouldn't block it, but it wasn't shown how that -- the lines that were drawn in that photograph were derived and I think a more scientific study of that would show a different result. The staff has tried to look at that and they found it is inconclusive, but I think that it is at least worth a closer look before we shut the door on it based on that I think is a theoretical concern. That's basically all I have to say.

Sten: How tall was the, the new proposed building?

Bell: 150 feet is the proposed new height limit. 75 now.

Saltzman: How many units total would be in there?

Bell: 200.

Saltzman: 0 of those would be 0 to 30?

Bell: Right. And 40% would be 60% or below.

Katz: You guarantee that?

Bell: Well, the pdc will guarantee it, I think. Yeah. I mean, that's --

Katz: The issue, really, the issue isn't that issue. The issue is, does 75-foot block the tower or not? That's the issue.

*******:** That shouldn't be that hard to figure out. So, but the argument, well, if 75 blocks it, let's do 150, so we will get back to that issue. Okay. Thanks.

Hales: We ought to be able to figure that out. I mean, this graphic in here is great stuff, but it looks like a height of about 500 feet. So I don't want to know what it looks like from a helicopter taking off from a tv news port 200 yards away. I want to know what it looks like from the bridge, how high is the bridge deck, ought to answer this question and settle the argument about whether there is any view to be saved above the 75.

Katz: Or whether the 75 actually -- okay. Thank you, gentlemen. Let's keep moving

Fred Nussbaum: Good afternoon, I am fred nusbomb and I am representing the Oregon and trail advocates, my address is 6510 southwest barnes road, hopefully in Portland one of these days when we get annexed to the city. We are in Washington county, but we want it to go this way rather than beaverton.

*****: You are a minority, fred.

Nussbaum: I live in a co-housing community up there and we all decided we would rather be in Portland than beaverton, so. I would like to say that we haven't had a whole lot of time to review the planning commission's recommendations. We only got it last night. The actual study. And I have had a bunch of other meetings to go to, so usually I would -- I like to come prepared with written testimony. So, basically we are very happy that the planning commission took out lot 5 from consideration at this time. I think that you've been hearing testimony today from a number of people that this is not -- this issue won't be finished with any, the action that you might take on this particular proposal today. Some people want more to be included in the greater heights and in other areas outside the study area. What is being passed out right now is, is testimony, part of the testimony that brought to the planning commission last week. Including a photograph of the view from the glisan street ramp at, at, partly, partway down that ramp, directly over the railroad tracks, just to show you that the view is of the station right now. I think that rich carlson mentioned this is a unique view, one of the last views left of the station from the, the, the, from the south and from the east, that's unobstructed. So, we are very concerned about that parcel. We are glad that it is staying at 75 feet. I think that when we are revisiting some of the ear issues we need to look at different design guidelines. Perhaps, something can be done so that a, a higher development could be put on that site, but have it tilted toward the, the northeast corner of that property so, that it didn't interfere with there view. So, that perhaps the same amount of development can be done on the property, but not, not right along the tracks where we have this premiere view. One of the things that I emphasized to the planning commission, and I would like to emphasize again is union station isn't just a pretty historic building, it is part of a very successful transportation center. The corridor between eugene and vancouver b.c. Has seen incredible growth. It is one of the fastest growing amtrak corridors in the nation. The state of Washington has put in hundreds of millions of dollars. The state of Oregon has put in close to \$100 million now in the, the five years that the state has been involved in it. So, the clock tower isn't something to just show people, isn't that beautiful, but a way of orienting the people to the station to find the transportation they need to get in and out of the city. And that view is very precious and if that gets blocked, we are going to lose something major in this city.

Katz: Thank you.

Nussbaum: So that I am asking here is, is, in terms of the development proposals west of 9th 9th avenue, I think that we are generally in favor of that. We are on record as being in favor of higher densities, of land use that, that compliments transportation investments like the streetcar and so on.

Bill Siggelkow: Mayor, commissioners, I am bill and I live at 1314 northwest irving No. 701, 97209. also known as irving street lofts, I am on the north side of the building and the area that's impacted is directly outside my window. I have watched it for five years. One of the things that drew my wife and I to the area was the nature of it, the peculiarity of having the light industrial in that area and watching trains. As I mentioned, lots changed in the past five years. There is not much left. As far as I would like it to be on record as far as the bits and pieces and the meier & frank building, I think those are great and they should be allowed to do that they need to do. Mainly because it preserves the building. I like that. I also like that has been done with river-tac and the northwest college of art. They preserved the buildings and they are typical of that area. There is a corridor of warehouses down through there that typified that area when we moved in. And the idea that a large residential building with a coffee shop in the corner is not real appealing to me, considering that I was looking for when I moved in there. Like I said, the 150-foot high building would be when I first heard this last week, and I guess that that's one of the hazards of

the emergency fast track, we, we were taken by surprise, and i've been coming up to speed very quickly, and I have learned a lot here today which I am appreciative. I also I would like to say, that the gentlemen gentleman said about getting more commercial there. Like I say, losing the light industrial, I thought was, was bad. But, I would like to see officers and commercial in there, other than just residential, too. And I would like to see buildings preserved. Also, finally I would like to -- I was a little concerned about the nature of this. Living in that zone and not knowing about, or not being advised directly. I tripped across it last week. Made copies of the brief description and circulated it to everybody in my building.

Katz: Are you -- are you a condominium owner?

Sigglekow: Yes.

Katz: I think that there is a little problem in, in distribution based on our gis availability for condominium owners. That's that I picked up. I heard about your plight that you did not receive notification, and your association did not notify you?

Sigglekow: No. I am on the board. I am not representing the board but, you mean the northwest association? That's how I found out about it. I went to a, an open house that they had at the college of art last wednesday, and picked up the information. I brought it back, copied it and sent it to all the owners. Nobody in my building knew about it.

Katz: I heard about that and we will explore that the problem is that the notification doesn't necessarily go, whether it is your particular building or it is the condominium owners in that area. I don't know that it really is but we will look into it.

Sigglekow: I do feel better about learning more about it here today, and I guess that that's part of the issue. When you learn, it helps. But the thought of having a whole wall of 150 foot buildings, you know, I bought -- or I didn't buy, I have copies of the zoning code when I moved in and I felt that I had some confidence that I was protected. Now that's changing.

Katz: But you feel -- reiterate how you feel about the proposal before us?

Sigglekow: I think that it is trying to solve a problem with two particular cases and changing the whole structure of the neighborhood. I think that by going to 150 feet, potentially, is actually going to make projects like river-ton ac and the college of art become less economical because of the big, high buildings can make more money. They will buy the block and tear down whatever is there and build something big. And that isn't going to reflect the history of, and that's one of the objectives of the areas planned is to preserve the character of the buildings in that area. And based on that I have seen, a lot of the architecture that's been done does not reflect that. So I am for making improvements to kind of steer it but I don't like the idea of this one because I think that it is trying to use a sledge hammer to solve a smaller problem right now. I think it would be nice if, if there was more flexibility for staff to address things like the, the meier & frank building problem, and the bits and pieces problem because they are saving the building.

Katz: Thank you. Anybody else want to testify on this issue? All right. Come on up. Because you are a piece of this, too.

Homer Williams, Hoyt St. Properties: Homer williams, hoyt street properties, 1325 northwest flanders. I think that that we are doing here south is important, and especially from our standpoint because we are designing and building at the same time. And I would like to make the point north of lovejoy, the same thing, we have three projects under design, and -- so typing is important, and we have a chance, I think, to probably increase density by 3 to maybe 7 or 800 units, which, which in the overall scheme, I think, a return on the city's investment makes a pretty big improvement. So, I think that the next step of this is going to be pretty important and I know I can't fast-track like this but I do think that it needs, needs to have attention. I think on the other way, on block 5, I think that, that needs to be looked at, it needs to be looked at as far as, is it

really doing anything because if it is not, I think on an odd-shaped piece of land like that, that the ability to do something that's going to be more interesting than I think it ought to be looked at. And as you drive along front, there is the sameness for a while there, and the idea of breaking that up and doing something a little different I don't think should be discarded too quickly. So.

Katz: All right. Anybody else? That I wanted to say, it wasn't directed at you. It was supposed to be broken up at the start of the project. The one that you were just referencing. I will tell you later. All right. Staff, come on up. All right. We have identified the lot 5, and we weren't sure whether 75 feet is doing harm and so the argument is, well, if 75 feet is doing harm, we might as well do harm with 100 feet. Or 150 feet or, 75 feet, about the height that we can tolerate to save the view of, of the towers, so that's one. The other one is, the north of Lovejoy study, and I think that, that that's a real legitimate issue, and I sort of whispered to staff, when can we, or if and when, can we take a look at that without just blowing our entire work plan that worked so hard on (d) that we worked so hard on and the council adopted 789 and Dan's issue on the bonuses on eco-roofs so why don't we start from just the first row down the list.

Kelley: That I can say about the 75-foot height is it is very close to the viewline between the, the pedestrian or, or automobile drivers line of sight from the steel bridge to the bottom of the clock face. This, this sight sort of crosses just into that 75 feet plain, or 75 foot plain would cut into that viewline might be the better way to describe it so it is conceivable at the 75 foot height limit you could work around it and at 150 you couldn't much that's only one aspect of the project here. It is worth noting, discussing with Bruce Alan a mine ago, PDC does own the land so it has some control over the design and the bulk of the structure and so forth, so you should keep that in mind, and also there is a contemplation of including the affordable housing component in this year's round of the housing allocation which was a decision that needs to be made soon because I think that that deadline is coming up in January. All that being said, unless the council feels very clearly one way or the other today, this is probably something that we would want to have some discussion about, and bring back to you again. Let me talk about the implications of that in a moment when I get through the other three items.

Katz: No, I want to go back to that and then maybe Bruce you can answer this question. This was contemplated from the very beginning?

Kelley: The height?

Katz: The design of the last phase of, of the property. Why is this such a new subject right now?

Margaret(?) Portland Development Commission (PDC): Margaret, PDC, Bruce will go back - to go back for a commission meeting today. I think that Gill was referring to is the statewide bond allocation.

Katz: I know that he was referring to, but why are we -- didn't we have a design for this last phase of, of the project?

Margaret(?), PDC: No, no, we just have been working on this recently with GSI properties and actually, we have been spending most of our time discussing the program, PDC owns the land so yes, we can absolutely guarantee the affordability through our sale of the land and the other subsidies on the project, so we've been working on the program, and have been encouraging them to be as aggressive as they can on the density, on this one because as you know, it is really difficult to get land and property in the central city area. The issues going on, it is really hard to get a hold of the land, especially to do a mixed income project. This one, we are very excited about because we have a significant number of zero, 30's, but even more important than that, which is very dear to me, is we have a broad range mix of incomes which we don't get.

Katz: I know but the issue is the affordability, the, the affordability. You were planning to do that anyway. I saw the work plan.

Margaret(?), PDC: Yeah. We have been planning to do the affordability. We most recently have been excited about getting a high number of them, and the number of them where the higher end units, the higher end units help us subsidize the 0 to 60.

Kelley: The print-offs are probably a deeper subsidy to the project, if it held to a lower height.

Margaret(?), PDC: The other thing that we are excited about, which I think that council shared is the number of units in the 80 to 120%, which is the category that doesn't happen. New stuff doesn't happen and there is not much there now. Our surveys in the central city show there is not much for people, and those are the downtown workers keep talking about, wanting to reduce their transit needs and stuff so that piece of it, we have a lot of units that category so we are quite excited about that, as well.

*****: So you have a specific number of units, how many units more?

Margaret(?), PDC: At the 150-foot building we have 200, at the 75, we would have basically half, so 100 units total, and the percentages would, would roughly stay about the same. In each of the income categories.

Katz: So, gill, what is it that you would propose because I agree, they own the land, we are going to have the affordable units, it is the increase of the density as a trade-off for the view.

Margaret(?), PDC: I think that we are thinking, we are talking very --

Sten: Sorry to interrupt, we will have half of the affordable units as proposed in the lower building. You will have the same income mix but half of the units, which is in finding the places for the units is extraordinarily expensive.

Katz: But let me poke at that. Commissioner Sten is right, if we didn't have this issue in front of us today, where would have you been?

Margaret(?), PDC: At the 75-foot building.

Katz: So that's exactly that you had planned because if I remember seeing the outline of the plan for that particular property, you would not have been coming to us asking for this increased density.

Margaret(?), PDC: There hasn't been a specific plan for this lot done yet. It is sort of --

Katz: But you've been talking in numbers.

Margaret(?), PDC: We have been talking about doing some housing and some affordable housing but it has only been over the last several months that we have been talking with gsl on the mix of income, particularly 0 to 30. And the other thing that's important to note, when we don't have a tall building that gets the commanding views, we don't get the high income stuff --

Katz: I understand that.

Kelley: The other pro-forma would be to, to essentially invest more public dollars to try to get the same level. I don't know whether that's within the pdc's realm of possibility but I think that's one reason we are suggesting we need to sort of work this one over a little bit.

Sten: To clarify on what will happen, these are tradeoffs of good public things, you know. More views, more affordable units. These are all good things. It is trying to balance them, that's the difficulty that everybody is right on this one. You get double the affordable units at substantially less than double the cost. Because the land is the same if you put it into 100 as into 200, and the extra money the higher view units brings in, is more than, than they would get comparably in the lower buildings so you get double the units at less than double the cost is the advantage of it. The disadvantage is the building is higher and clearly blocks the view.

*****: Right.

Hales: Well, I guess, I am a little uncomfortable by this discussion, and I guess we will decide this issue -- we won't decide this here today but get the jump on you, vera, and lob the other issue in here, it makes me uncomfortable having a conversation about a pdc project where we are, you

know, maybe we are reducing the regulations a little so that they can get more units and nobody is coming in here saying, boy, do we have a great design for you. Boy do we have a great building. I am glad that we have a historic building in the district, that we all love and respect, but I hope that it is not the only one 100 years from now. I hope that we build some more good buildings in this district. So bring me a building that's, that's, that requires us, increasing the height that makes people stand up and cheer. Again I don't want to get into too much of a diatribe but this is the same organization that brought us the agricultural marketing center. We have got to do a lot better than that.

Sten: I don't want to point out, commissioner Hales, I am similar to your point, i've been working on this issue with pdc housing, and this was a fast track project that the planning bureau initiated to do something with heights and this was piggy-backed on to explore whether if we did something with heights in the building it makes sense. The building hasn't been designed so the question isn't the council could say, raise the design, raise the height and if we don't like the design we won't fund it. But, this is the opportunity, we are not going to do spot zoning to address the height so I think it is -- I mean it is just --

Katz: I have tried that and that argument doesn't work, either.

Sten: That argument works. It is true. There is no way that they can move it in at this point. If you don't like the design --

Hales: If the control is actually used.

Sten: Well, this council funds pdc.

Katz: Let's not get into this conversation because I can tell you project after project with money from pdc fully and partially I have tried. I haven't been successful in most of the projects, things are going to look different very soon about that. But, let's move on. Let's move on. Yes.

Kelley: With regard to north of lovejoy, first, I guess that I am pleased that the, at the back handed compliment from bob naito that we may have moved too quickly on this one and we should slow down. I think that that's, those are comments that we can use any time. The -- I think that he's absolutely right that the far is depressed 2-1, a level where it probably doesn't need to be. Whether that's the only fix in that district north of lovejoy that needs to be examined I am not entirely clear. But that's something that we need to look at in terms of word program implications. I am sympathetic of the need to do it but before tacking it onto this project, I think that we really need to look at that else might be involved there and talk with pdc about potential funding and things like that. I think that it is something that could be done, but I don't want to stand here and promise it can be done within our work program --

Katz: Without jetson of --

Kelley: Something else. And I would like to make that choice clear to you. On the third year, which had to do with the eco-roofs, again, we are sympathetic to that in terms of looking at that as a bonus. There are two or three ways to proceed on this one. One is you could hold this matter over until sometime in january, for example, to a date certain at which time we would come back and we would have the conversation with opdr and look at --

Katz: Are you talking about putting this whole thing over?

Kelley: I will describe the implications of that. That would be one option to do within this hearing. The second option would be to close the -- this hearing today and act on the package as it stands and ask us to come back with an amendment to this, and that would require rennotice. We would have to go back to the planning commission and come back to you so that would probably be in the, the, you know, february, march time frame before it would come back to you. The third route would be to look at it as part of, north of lovejoy package where we could look at a larger subdistrict, still a subdistrict where a lot of activity is occurring within the area that's in

front of you now and within areas surrounding it. So those are three ways. the second two ways would be done with the advantage of adopting the package today and there is some critical reasons that we would recommend that you do adopt something today. The implication is we would have to renote the amendment. And I think that that might make some -- we would want to have the conversation with opdr and with bes. I think that we are pretty close to getting to an agreement there.

Saltzman: Can I interject? There have been conversations going on north mcadam, and we have language that defines that eco-roofs are and my point is, nothing is happening in north mcadam so we would have plenty of time for these conversations. But something is happening here and this is a good opportunity to get the existing language going, and so I guess that I would argue that if we set it over a few weeks, set it over a few weeks but I don't think that we should be letting the need to develop projects proceed the -- precede the environment quality of getting this laboratory for eco-roofs, you know, jump started.

Kelley: I am very sympathetic and I think it is, how in one, when you come back, not whether.

Katz: The option is, because there are timing issues on some of the projects right now, is to adopt this package, renote, come back with the issue, and --

Kelley: You can direct us to come back within a reasonable period of time.

Katz: And I guess the issue is, does the council then want to take a look at the, at the lot five again with a little bit more information or you feel comfortable dealing with that right now? Talk to me.

Francesconi: On issue the critical -- we got to be able to know if it blocks the view or not. That's kind of important information. And that's doable. So I would like to have that information before deciding on lot 5 because it is something that's out there that we can get. In fact, it was testified that that's important information from gsl. My only question is, is there a reason that a couple of months delay will hurt the lot 5 development? Can we wait a couple of months? The answer is no? Well, david, I guess, come on up, david, but it is such an important piece of information and we can't wait, I mean I am getting a little testy, why didn't you paren the information?

Sten: Couldn't we do it as short as a couple months?

Francesconi: If you are saying that we have got to proceeding proceed, and I am being testy with you, but you didn't produce the evidence.

Bell: We've been working on this idea for over a year independently of this effort. And we have been working with people in the planning bureau who thought that we could do this on a single property basis on whatever time line. We found out earlier in the fall that the city was doing this broader project and that this would be included as a proposal in that project. In putting together that in coordination with pdc on how and when to, to propose this, vis-a-vis, the other projects, the city might be proposing and vis-a-vis the other projects that the state might be getting, the deadline for doing it this year is, is in january. So, that's just a real-live deadline. If it goes by and we wait another year it doesn't hurt our feelings that much. I am saying that, that, and frankly, the whole thing doesn't hurt my feelings that much because we will go back and do something else there so don't do this for me. But, I think that, that it just so happens --

Katz: Go back and do that you originally planned to do because this wasn't part of the work plan.

Bell: Yeah but we have been working on this for a year to solve these issues and this is the way we came up to do it if we don't it is not the end of the world for us, just a missed opportunity.

Francesconi: Let me rephrase the question, how long would it take us to get this evidence as to does this block or not?

Kelley: I think that we could do that in a fairly crude fashion in a fairly quick way. We took one stab at that late last night and it is probably a little too crude for us to trust it to the point where we would want to show it to you. It is a close call as to whether the 75 foot height, which exists now, would block the line of sight from the bridge to the clock tower. It appears that one corner of the sight, if it took full advantage, corner-to-corner of the 75 foot would. And at 150, it clearly would. That's -- we can tell you that much with certainty whether you want us to do more sophisticated modeling or not, you know, we can get into levels of that. But if we came back in a week we probably couldn't tell you much more than I just told you.

Francesconi: I would like to vote on this package and bring the other pieces back as fast as you can.

Katz: Let me ask on the eco-roof.

Hales: I am inclined to say let's do dan's amendment, too, because it is sort of a, try something.

Katz: Can you manage that?

Hales: Because the way they set it up is just that bes standards are going to control that qualifies, so the opdr staff doesn't have to worry about that qualifies. If bes says --

Saltzman: We do the technical review.

Hales: So they can do the technical review and I think it is reviewable and we ought to --

Katz: Gale, do you --.

Saltzman: We can take the exact language out of the mcadam --

Katz: Just a minute. Gil? Do you need to confer?

Kelley: We are talking amongst ourselves.

Katz: All right. [laughter] Michael, you had a point about the planning commission's deliberation.

Michael Harrison, Planning Bureau: Yes. At the planning commission, michael harrison representing the bureau of planning. At the planning commission's deliberations on the north mcadam project the bureau of environmental services testified that the current draft of the bonus provision that we had included in the north mcadam proposal needed additional work before it was ready to go forward.

Saltzman: That only dealt with sort of how, you know, that percentage of the bonus gets awarded. I am willing to defer to the planning commission's version of that for purposes of expediency and moving now as opposed to moving later. I will defer to the planning commission's language and it wasn't definitional issues but only how much qualifies for that percentage of a bonus. So we will go with the planning commission's recommendations.

Harrison: The planning commission hasn't recommended anything yet. On this matter, there is also the issue I would like you to consider, and check with the city attorney, it is not, I don't think, binding on you, that there's been no notice to any potentially affected people. You might be considering making this change to eco-roofs today.

Hales: Nobody will sue us forgiving them more rights so I am not worried about that.

Katz: I don't think that that's the issue. I don't know what the issue was that the planning commission was dealing with, with regards to the fact that it needed more work or not. I don't like working this way. I would have liked to have had a little more notice on this but that's not the choice right now. So --

Hales: And this is brought to us as an emergency ordinance. I didn't have any say.

Harrison: In that case that we would like is for you to take action on the proposal before you now, perhaps tentative action on the eco-roof proposal and direct us to bring back an ordinance with code language in it for action in some short amount of time, like 30 days.

Saltzman: For the union station study area?

Harrison: If you want us to, because the, the language that's before the planning commission doesn't readily mesh into the code for the central city plan. We need to do some work with the city attorney's office and opdr to deal with --

Saltzman: I am not trying to do the whole thing, the union station study area, only.

Katz: We might want to go beyond that, if you give them time, we may be able to go beyond that.

Kelley: As I was discussing with the city attorney's representative here a bit earlier, I am concerned if they act today on one proposal whether we are still subject to then renotification. On the amendment.

Katz: Not on the eco-roof.

Hales: It is not like we haven't been talking about far in this district. We are talking about it in this district. And the bonus is another way to tweak far in the district so, I mean, I think we have to lighten up a little bit. [laughter] On this notice glitch that we have.

Ruth Spetter, Senior Deputy City Attorney: You are authorized to modify the recommendation from the planning commission by code. So, so --

Saltzman: Say that again, please.

Spetter: The key is that as an emergency ordinance it only has one hearing. As opposed to other kinds of ordinances. You need to take in action and it will have to be unanimous.

Kelley: So we bring back language that would not be subject to hearing but be subject to your adoption at a subsequent point. So we will try to work out that language.

Saltzman: What is it that we are doing? Saying today that it will be included in the bonus but you will bring back the specific language within 30 days? That's the agreement?

Katz: Let me push it a little further. I will talk to gill to see if it is possible to push the, the bonus points even -- bonus for eco-roofs further if that's doable. Geographically.

Saltzman: I want a minimum.

Katz: You have got it.

*******:** Keep it in the quick cycle, I think we need to contend to this geography.

Katz: Otherwise you need a notice.

Spetter: You need to be clear about that you are adopting today under your emergency ordinance because you will have, only have one hearing on it. I think it says in the charter than an emergency ordinance shall have only one public reading.

Katz: So we are adopting this. He's coming back. Within 30 days with an amendment on eco-roofs at least in this area, and maybe more, but at least in this area.

Spetter: I could add generic language right now to propose if that's that you are worried about.

Kelley: No, I understand the mayor and it sounds fine.

Katz: All right so we took care of that. Lot 5.

Kelley: I think that, again, lot 5, you have a choice to act today or to ask us to return with --

Katz: Let me ask the indulgence, one of the reasons I am cranky on lot 5 is I was not aware of the fact that there was a request by one of nye bureaus to another bureau on this issue. And that was not made known to me. I probably would have been very cranky if I had gotten that as a discreet item, so I ask the indulgence of this council to at least look at it and bring it back if, if the council wants to, within 30 days.

Sten: It is going to come back, I am, in this case we have a planning bureau --

Katz: It will come back.

Sten: I understand why you are cranky about it. You guys have to communicate. But it is -- you have a planning bureau recommendation and a pdc recommendation that I concurred with and a planning commission split so you have a split between staff and citizen advisers, it happens all

the time, and based on the knowledge that I am at I would go for the taller building so if there is not three votes for that, then terrific we should kill it but if there is three votes that want to really take a look at more information, I would like to make the decision in case there are three votes to do it in time for the funding cycle in January.

*****: But 30 days will do that, too, right?

Francesconi: Listen, I would like to have more diversity of incomes there so I am serious when I am looking at this but I want that one piece of information here, too, though.

Katz: I don't think the council today, commissioner Sten, is ready. You are ready and I am ready. I don't know if anybody else --

Sten: I am asking the question.

Katz: Would you prefer --

Saltzman: Do that? 150 feet? Okay. I can do that.

Katz: I need to talk to my bureau but.

Sten: Two readies. You need more information?

Francesconi: I want to do it but I think that we are -- I want to know this view corridor and when we are expediting a procedure I think it is kind of fair to give a little time to folks.

Katz: Okay.

Francesconi: I would like to -- if I had to vote, I would probably vote to do it --

Katz: I will not force a vote. We will bring it back and provide the information to the council. Within 30 days. Okay. Everybody. Does everybody understand that we just have done?

Saltzman: Once again, I want to get clarification on the eco-roof because I don't want to see this slip away.

Katz: If you mention that one more time I will -- [laughter]

Saltzman: Eco-roofs will be included in the union station clark tower study area?

*****: The only question is, how that will be accomplished --

Saltzman: The language will be brought back in 30 days for our adoption. That's the understanding. That's the understanding amongst all of us? Okay. So segues out to the planning commission?

Katz: Do you want my blood? This comes back in 30 days, as well as the lot 5 discussion and we will take a vote.

Kelley: We won't need to renote and we will not have a hearing at that point. That's the other implication we would just bring you the language and you decide.

Katz: Okay.

Harrison: We may need to have a hearing on the language of the code, and we will check with the city attorney's office on that. I think that there is a decision in the state law that there must be one hearing on the exact language that is going into the code.

Katz: All right. All right. Roll call.

Francesconi: I am going to support it, there is just two other points I want to make. It is good you did this quickly. The planning bureau deserves credit for this, we have to be careful when we do one thing quickly, we don't add a bunch of other things or else we are violating process to the public but the other thing that I want to say is there is a recognition in all of this that we do need to be, to build higher. Economically to accomplish all the different goals. The question is where? But, there is a recognition that we need to go higher, and because that will allow more diversity of incomes, it will allow more ecologically appropriate development. We are getting to be a big city and it is more appropriate. But it will also allow us to build parks and other open space by going up higher in between. We didn't hear testimony in that particular development, but it is going to allow a whole lot of better design and better neighborhoods because of the

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ability to go higher. So we can connect a part (d) parks together and so I didn't -- we kind of got off on some things. But there is some fundamental reasons to do this. And you are to be credited for the developers for it, the developers are to be credited for it. The neighborhood knows that by blocking some views potentially they will have more parks through this. So there is some tradeoffs. It is important we do this in a careful way. So that we know how it ends up. We don't throw out the good design and not knowing exactly that the tradeoffs are. But I am comfortable with was we are doing. In fact excited about it. Aye.

Hales: I am obviously going to support this and I appreciate the good work that's been done. I want to pause and just make an observation, dan had to do it by sort of reminding us more times than vera wanted about the eco-roof issue and I had to make everybody uncomfortable and we get back to it tomorrow with the idea of a moratorium about telecos, mike is in the back of the room and folks on the central east side that are saying we are ready to rethink this district. We don't know quite how to do this yet. But, this is the other layer that I want to point out. The pace of change in our community because of technology and the economy and anything else is faster than our usual and customary deliberative process for changing our code and plan. So we are straining against those traces and trying to figure out how to pull this cart faster. And we don't know how to do that yet, and that's a challenge for you and your bureau because your bureau's product is relations and the habit is to take a long time to produce them and there are many benefits to taking a long time to produce them. The problem is in other areas like technology, the economy is running away from us, or the trend is running away from us, and so we have got to figure out how to do this more, maybe more smoothly than we did today, mea culpa, and maybe more smoothly tomorrow, you know, mora culpa. But I think it is more important to note what's going on, and I think that's that that's what's happening to us, some of this is state law and ruth is right to remind us of it, it is state law but we have to figure out as a community how to move more nimbly, than our process has allowed us up to now, and hopefully we keep learning how to do this better and more quickly, so thank you for trying to do that, aye.

Saltzman: And I want to underscore those very same sentiments. We are, as our attorney reminded us, we have the ability and the authority and in fact, I would say the responsibility from time to time to make these policy decisions ourselves. And sometimes it is not, to let not let these issues ossify, at the planning commission, bureau-to-bureau discussion level, well, meantime, the train leaves the station, no pun intended. But, these are issues that demand our attention, sometimes they demand our decision making on the fly. And like I said, one thing that I am very frustrated in the time I spent here is that we seem to be asked too often to sort of rubber stamp everything that's been done underneath us at the expense of us exercising our judgment and the leadership, which we have been vested in by the voters who put us here, to exercise. I don't like being a rubber stamp. I do it about 90% of the time but sometimes we have to step in and say no, this is that we want, and this is why. And if we all agree, then you guys work it out. And bring it back to us. Aye.

*****: May I make one point in relationship to mike's point.

Katz: We are in the middle of roll call.

Sten: Well, thanks to everybody for coming in today. I think this was a good discussion and there is tradeoffs in play that are very important to think through and I think the quality of advocacy from, from the folks who are working with the rail yard and the developers and everybody has been just good and hopefully we can make some reasonable choices that allow us to get more dense and keep the character of the neighborhood and I think that even with a couple of controversial issues we are in the vicinity of being able to do that and I think it is a good piece of work, aye.

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Katz: Yeah, I want to thank everybody. I, sort of the conversation got diverted in several different places. But, as commissioner Hales says, that is going to happen. We are -- this is the neighborhood associations, we are going to move a little faster on some issues. Not because we want to move faster and not notify you about it, but things are happening so quickly in your neighborhoods, especially in northwest and the central east side, that if we don't move fast enough we are going to lose the -- lose part of the neighborhood or part of the character of the neighborhood. I apologize, you didn't get the notification and we will take a look at that but I want to flag there. We will be moving faster on some issues when the council and when our staff tells us that we, we think that we have a problem if we delay action. Having said that, I do think that there are some issues that need to be deliberated and look at that the tradeoffs are, and be thoughtful about it. I don't want to -- you know, we have had issues, we have had to come back and bring back for one amendment, two amendments. And that's because we weren't as thoughtful as we should be. And we are dealing here with -- we are dealing with not only the character of the neighborhood, we are dealing here with the protection of a view of an architectural building, and we are dealing here with design issues. If I was guaranteed that it would be a first a quality design I might vote differently on lot 5. I can't be guaranteed that. And for the same reasons that commissioner Hales raised a few minutes ago. So, thank you forgiving us a little bit of time to deal with both the eco-roof and lot 5 and I am happy to vote aye. **1820. Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Aye. All right. **1821.**

Item 1821.

Hales: We have, thanks to the good work in the police bureau, thank you, mayor, we have an amended ordinance in front of us and vera, you also have some additional amendments that the police bureau proposed and I think that those are, are fine, so how would you like to proceed? We are going to bring this back for the 20th.

Katz: I asked people to come and testify.

Hales: People want to testify today but we can bring the package back on the 20th.

Katz: This is that I am going to do. I tried to satisfy your need a vote on this the following week. We are probably don't even need this amendment -- this ordinance but it is before us. We will have a hearing today. We will see if people want to amend it. And then we will move that over to next week. We will have then two ordinances on the table. You will withdraw one, and we will have one before us for a vote. Okay. All right. Let me -- this is commissioner Hales' ordinance, but let me -- we did a little bit of work because if any of you watched the television and watched us in action two weeks ago, it wasn't pretty. It wasn't -- wasn't our finest hour. Commissioner Hales likes to argue and I decided that day that I would argue with him. Because I feel a little -- I feel very strongly about this. The same way that he feels --

Hales: Debate, not argue.

Katz: Debate. The same way that he feels strongly about this issue, as well. So, we did a little bit of research and let me just share a couple of facts with you. In august of 2000, more than 4,000 americans were injured while riding a scooter. And the center for disease control reports that more than 100,000 people per year are treated in hospital emergency departments for injuries caused bin line skating and more than 4,000 injuries caused by skate boarding. Most of these are patients under the age of 21. And of the 30 36 skating fatalities reported since 1990,31 resulted from collision with a motor vehicle. If you look at the web, you will find that according to the american academy of pediatrician, skate boards must never be ridden near traffic, should be prohibited on streets and highways. The consumer product safety commission offers the same recommendation, do not skate at night because of your difficulty in being seen and your difficulty

seeing obstacles or other skaters and then we identified a host of cities that, that either have a complete or partial ban on skates and skate boards on the street of their city, beaverton, seattle, battleground, austin, charlotte, chicago, and on. So we looked at the ordinance and I have a couple of amendments that I want to share with you, and you need to tell me whether you would like to adopt those amendments. Before I do, though, there is a lady that wrote me a letter and sent me some pictures. I cannot -- she asked me not to show the pictures on the set. But, I want to pass these pictures along to you. This is injury that she had. She lives in clay tower. These are the injuries that had occurred before of skate boarding.

Katz: She doesn't skate board. Somebody ran into her. That I said and I am going to try and say it a little more calmly, than I did a couple of weeks ago, is that we heard for many years citizens living around the safeway, around clay tower, areas where elderly are living now, their concern about the activity of skate boarders on the street and on the sidewalk. We heard about that, as I said, years ago and probably you might even hear about it today in neighborhoods with steep hills and youngsters or adults coming down those streets at night or during the day and the problems that they may cause. So we looked at the ordinance, trying to make it a little stronger though he must tell you I am still not going to vote for it, but at least begin thinking about how we can protect folks who might end up on the street and on the sidewalks late at night and during 24-7. So, the first amendment that you have is an amendment that responds to the fact that in the ordinance there requires head protection when riding in the street. This amendment expands that to include sidewalks and other areas open to the public, including bridges. So, that we have at least protection of all persons under 16 years of age shall wear protective head gear when using roller skates, including inline skates, estacada board or other similar devices upon any street, sidewalk, or other areas open to the public and penalty for failure is -- that's, that's basically the language of commissioner Hales' ordinance.

Hales: I think that I am okay with all these that included but that we may want to take another look at the language. Go ahead and bring -- take the amendments forward but I don't think that we necessarily want to say all other areas open to the public. That would mean that the skate -- that the skate board in the park is open to the public. And would require helmets. I don't know if we want to require helmets in all areas, that's fine. I don't know if we want to go that far. It makes sense to me that the original idea that the police bureau suggests and I think that it is right, that the rules that apply to bicyclists, ie, you have got to wear a helmet if you are under 16 and you have got to have a light on, makes sense but to say other areas may be too vague --

Katz: It was bridges that we were looking at.

Hales: Bridges, I think we -- if we said public right-of-way I think that we cover it. Then that is street walks and bridges -- we might need to check that, but I know that your intent is. And I don't think you intended to say if you are rolling blading in a park you have got to have a helmet on. But if you did, okay, that's fair enough and there may be a public policy basis for that. But that I heard from the police bureau was originally, could we ask them to do the same thing that the bicyclists do which is wear a helmet while you are in the street and my answer would be sure.

Katz: We will come back to that, I think the intent was there to cover the streets, the sidewalks, and the bridges, as well.

Hales: And I want to keep -- I don't want to keep interrupting, the only other one that I thought that I had a problem with, and not a problem but a different suggestion, I think you all get a letter of my request to the police bureau that they come back to us with the issue of scooters and not try to include scooters in this ordinance because that's an evolving technology, to say the least, in which we have these monday motorized scooters and motorized scooters. Did you see this, vera? I think that, that we provided a copy.

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Katz: I saw that.

Hales: And said come back in 60 days on a proposal, police bureau. For how to regulate scooters because we got people with these gas-powered scooters, electric powered scooters and no powered scooters and that's not -- we were not interested in getting to that whole issue when we were talking about the question of skates and skate boards, so I think that that's another whole can of worms that we have got to deal with but we shouldn't try to deal with it, with this thing --

Katz: Put that on the list, and the other amendment is, is --

Saltzman: What about the other similar device --

Katz: We will come back --

Francesconi: Before we leave this issue, and I will not be cranky today. But it brings up the process, question. It was my -- and I am on your first amendment, mayor. It was my understanding that, before, before this new effort got interjected, that we were going the opposite direction of this amendment. That's why I am surprised, commissioner Hales, it is surprising me you are supporting it because I thought that we were going --

Hales: I hate to surprise you, jim. [laughter]

Francesconi: So before -- there is a public policy question as to whether we want kids now to wear helmets on sidewalks. And I need to know, I guess, makes sense to me, is there injuries occurring? Is there a problem? Because now we are increasing the regulation on that. There may be a problem. I would like to have the he did on it, but the more fundamental issue is I thought that the police were going to decriminalize conduct by making it an infraction, not a crime. I am fraction may not be the right word but they were talking about doing this. Now that we are doing is increasing a regulation, having a new fine on top of it, which is contrary to that I thought a direction was.

Hales: You have got an amended ordinance in front of from us, from my office, which is why this is on the council's calendar. The mayor presented us with similar amendments now and I like them and I am inclined to say fine to most of those. These amendments in both cases came from conversations with the marine police bureau. They didn't say anything to me about changing the status of the offense but did say a lot about helmets and that's that both these drafts tried to deal with.

Katz: But --

Francesconi: That's okay. Maybe letter --

Katz: We will have public testimony and conversation.

Francesconi: And I would like to hear because I heard from, from one of the legal participants that they were talking about changing the status.

Hales: News to me.

Francesconi: Well, but we are all the same city and should all have the same approach.

Katz: If we are going to treat them as bicycles, there are lights that need to then be placed in front and in back of both the scooters and the skate boarders, if it is going to be parallel, and that addresses the distance for the visibility of the light, if it goes in the front and back. I would lining like if, this passes, that pdot monitor and maintain a record of injuries so that they can come back to the council on an annual basis. And then I would like to actually -- commissioner Hales did it. Basically spelled out that, that the skate boarders and in-line skates and scooters, we will talk about scooters in a few minutes will fall under the Oregon vehicle code.

Hales: And the one about mailing the copy of the violation.

Katz: Right. Mailing the, the copy to the parents and then there is a request that pdot consult with the bureau of risk management to minimize claims resulting from defects in city streets. This relates to the stormwater brakes that I don't have an answer with regard to, have they been

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adjusted so that we don't -- aren't causing further accidents with skate boarders using it. I raise that as an issue. Now, let me add a little bit of my own frustration. This has been presented to us as an alternative transportation policy. I saw it, and I think that commissioner Francesconi saw it as a public safety issue. And I do appreciate commissioner Hales amending it and identifying some of the public safety issues. I have just made a request that if, if we are going to begin looking, as a public safety issue, we add some additional measures to that. So, we will get to the scooter issue but I would like to now, at least open it up for public testimony, and with --

Hales: We might -- We want to deal with the scooter issue separately, say so up front because there may be people who are here very concerned about scooters and frankly, I have no interest in dealing with the scooters issue right now. I don't know enough about scooters. We know a lot about skates and inline skates, but we don't know much about scooters and my sense would be, unless there is somebody on the council that's desperate to make the streets open to all forms of scooters, and I don't think that there is, that we set that aside, you know. Send off my request to your bureau and ask them to come back with a suggestion. On that issue and not waste people's time testifying about scooters if we are not going to do anything about scooters.

Francesconi: Again, maybe I am confused, and again, scooters have brakes, I think, and don't they?

Hales: But some of them have engines, and skate boards don't, and I don't want to deal with that today. So we have not proposed changing the status of scooters. In fact nobody knows that it is right now. So that's why the police bureau really needs to do this. Another case where technology is changing real fast. We have got electric and gasoline powered mini scooters and these little foldup scooters and we have got to figure out how to deal with those.

Francesconi: But where I am going without sounding too argumentative but why would we disallow motorized scooters with brakes, those that do, in the central city but allow skate boards and other things without brakes?

Hales: For one thing they go a lot faster. Somebody going 25 miles per hour on the street on the scooter can cause more mayhem than somebody going 5 miles per hour on inline skates.

Francesconi: But I think that one of your amendments --

Katz: They have to keep up with the traffic.

Francesconi: So we would have the skate board keeping up with the flow of traffic with no brakes and a scooter who has brakes, we wouldn't allow?

Hales: Again, at some point we have to figure all this out but I think the way to figure out the scooter issue is ask our public safety bureau to give us some recommendations, and I am not ready to act on this issue.

Francesconi: Which is precisely that I said before, we should have one consistent policy here.

Katz: All right.

Hales: I am for that, that's why we are here. But I don't think you necessarily want to go there with scooters, jim. My interest in this is I think the right-of-way ought to be open to anybody who wants to use it safely on any kind of conveyance and that's the whole point of treating inline skates and skate boards like we treat bicycles, including the safety gear, but again, I think that the scooters are a new thing under the sun and ought to be dealt with a little differently and that's why I would recommend pulling that out.

Katz: Let's open it up, testimony, we will come back to that issue, we will come back to the amendments. Let's see, captain? Captain bell? Why don't you start and then, and then we have -- we have our commanders. And then you have an outline of people who want to testify.

Captain Mike Bell, Commander Traffic Division, Police Bureau: Good afternoon. My name is mike bell and I currently serve as a commander of the traffic division. I've been in this

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assignment nearly two years. I've been a police officer in Oregon for over 26 years and i've been with the police bureau for over 19 years. We have some concern that an ordinance that provides such a sweeping change from our present situation -- present situation needs additional time to get input from other members of the community. This ordinance seems to speak to a small segment of the community but we believe its effects will be felt by many. The city has taken a lightened approach to the transportation needs of our citizens by recognizing the number of citizens that use bicycles as an alternate means of transportation. A great deal of thought and planning went into the current network of bike pads -- paths and trails. The goal was to make bicycling safer by separating cyclists from motor vehicles whenever possible. This correctly recognizes the two means of transportation as having distinctly differing roadway needs and the safety value in separating the groups wherever possible. The current ordinance before the council seems to be a regression of this philosophy. In its present form, added safety features notwithstanding, we believe the ordinance as it is currently written, has some legal flaws that affect our ability to regulate any hazardous or dangerous behavior. We would like some additional time to research this.. We have been getting calls from concerned citizens about this, and quite frankly, we don't have answers to their questions. We have 11 pedestrians killed in Portland this year, more than one-third of our total fatalities. I have examined the details of these tragedies. I say this with the deepest respect for the grieving survivors of these victims but I think it is important that we consider the fact that most of these fatalities occurred, not because of some overintentional violation on the part of the motorist but because of some, some risky and not necessarily illegal behavior on the part of the victim. We know that dark clothing, bad lighting, bad weather and perhaps, a false sense of security by being in a crosswalk can be a deadly combination. While most people survive crashes, survivor most crashes, it is a rare occurrence when they are not protected by the safety features of an automobile. We are the ones who respond to these tragedies. It would be irresponsible of us if we did not tell you our experience tells us that these devices simply do not mix well and are not compatible with motor vehicles and the current allowed traffic mix. Historically, this section of, of the city code was originally enacted to, to protect pedestrians and the users of these devices by preventing them from being in these very highly contested areas downtown. We have questions and concerns about the safety features of these devices, such as adequate mechanical brakes, a basic requirement for all bicycles, by the way, and we have concerns about their manufacturing quality and the varying skills of their operators while traveling in and around 3,000 pound automobiles. With all due respect to the various individuals who use these devices, we think that they are more correctly classify as recreational or personal fitness devices and in some cases, mere toys. We support in any way that the city can find space for these devices, where they can be used safely in the manner for which they were designed, but we do not see these devices as serious transportation vehicles. We believe that alternative transportation, such as tri-met, makes more sense. We believe that many people will be put at risk unnecessarily if they are used there way. This is not an outright opposition to this proposal. It is a request for more study and more input from all of the citizens to resolve many concerns and issues that we have with this proposal. Thank you.

Derrick Foxworth, Commander Northeast Precinct, Police Bureau: Good afternoon mayor. City council members. My name is derrick foxworthy and I serve as the northeast precinct commander and i've been in that position for over three years and been employed by the Portland police bureau for over 19 years. I am here this afternoon to provide some information to you that I think that you should consider as you ponder that action you will take regarding this ordinance. As part of this process, I would like to remind you that there has been [the captioners

computer froze up. Due to having to reboot, approximately 2 minutes of captions were missed here.]

Commander Stan Grubbs, Police Bureau: I think that commissioner Francesconi made an important point. I would like to get right to that issue. And the issue is one of process. I think when we start looking at potentially having to look at these juveniles operating skate board scooters, whatever the devices may be, we have to look at how is that going to, to, perhaps, create another bureaucracy, another process that we are not dealing with the issue of, of really, you know, working with the youth, of maybe making it more of a negative, you know, type of encounter. Than that we need to. I think that we need to look at process issues, we need to slow it down. Look at the long-term issues, as far as how we can maybe permit this type of behavior in areas. I am concerned also with east side developed, particularly in the east side industrial area, along the hawthorne development area, as well as burnside area, as far as how we would impact the increasing number of pedestrians and would this create more of a danger, again, the public safety issue. I would ask that the council consider this that we look at issues of process and how we can, perhaps, make this best for the entire community. Particularly that I am looking at on the east side.

Katz: Questions?

Hales: Just one. If the council is inclined to go ahead with ordinance, regarding skate boards and roller blades, would you prefer that we include scooters in, in, in decriminalizing that behavior or would you prefer it to act on, on my request that you come back to us on the subject of scooters, in other words, if we are going to proceed with something, do you want us to make the streets open to scooters or would you like to deal with that issue later?

Bell: That kind of touches on several issues, commissioner. First of all, I think that there is no distinction in terms of these being defined as a vehicle. Whether it is a scooter, a skate, or a skate board. They are all equally, at least under state law, they are all the same. There is -- the gap is between whether they are powered or nonpowered and it doesn't make any difference whether they have a battery power or an engine on them. That puts them into the class of motor vehicles. We have had extensive conversations with the Oregon state police and we are in agreement that existing laws, without going into that very deeply, that existing laws cover those devices and in fact, they are, I guess the simplest way to put it, they are pretty much equal to a go-cart.

Hales: The motorized ones?

Bell: Motorized. They are simply motor vehicles that cannot be made street legal so therefore, they cannot operate on any public thoroughfare. They are confined to operate property. Period. Now the other devices, presents a unique problem when I talked about that we believe we have some legal flaws that would prevent us from dealing with these, number one, the vehicle code specifically exempts these vehicles from regulation under the vehicle code.

Hales: Scooters?

Bell: Yes. Any, any, give me a second, commissioner. 801026 section 6. Devices that are powered exclusively by human power, and this is why I say these, these devices are all the same. It doesn't make any difference. Are not subject to those provisions of the vehicle code that relate to vehicles. Notwithstanding this subsection, bicycles are provided under the code 8-400. So, there is another statute, so, so we think that, that the city is, and our, our legal advisor, believes that we think that the city can not preempt state law by requiring the police to enforce infractions on these devices, as if they were bicycles. So I am telling you that, I don't think that we have -- we would have any regulatory authority over these vehicles at all, should you pass this

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ordinance. I don't think that we would be able to deal with any sort of, of hazardous or dangerous behavior if you were to permit these to go on the streets. And another --

Hales: I am lost. If they are not covered by state law, what are they covered by?

Bell: They are not.

Hales: So adopt the language you suggested, and say, or similar devices, they are covered by our code, right? Which is it?

Bell: But you can't -- I am just basically that the lawyers tell me. You cannot take the state law that applies to bicycles and say it applies to these devices in the city of Portland.

Katz: But we could echo, could we not echo the same regulations that are applied in state law, the bicycles, to our own city code for, for skates and scooters and --

Bell: Not according to the city attorney, your honor. The state law is pretty -- is pretty --

Hales: Wait a minute.

Bell: You are saying rewrite the bicycle code for the city of Portland?

Katz: Echo the, echo the restrictions and the rules and the responsibilities for bicycles under state law, echo them for the city code.

Hales: I think you have already done that and answered the question, if we are going to be consistent and say, all vehicles operate in the right-of-way and they have to, to abide by the rules of the road and be safe and wear head gear, your language that says, or other similar device is the right language. We can find out later where the state cramps our style and we don't have the opportunity to regulate them or not. But, you have taken your best shot, I take it, at the language that you have got in front of us here, in saying, or similar devices. So --

Bell: I didn't -- I am not sure where we are getting the similar devices from.

Hales: That's the language --

Katz: No --

Bell: I am reading the state statute, which specifically exempts these, these devices from any, any part of the vehicle.

Hales: The vehicle code but not from our code. Right? This is our code.

*****: Okay.

Bell: As a road authority the city has the ability to restrict the use of highways in the city to certain vehicles, pedestrians, et cetera. But, if you do that, according to 810030, subsection 3, any restrictions or limitations imposed, under this section must be imposed by proper order. The restrictions or limitations are effective when appropriate signs, giving notice of the restrictions or limitations are erected. A sign giving notice of a restriction or limitation in an order shall be maintained in a conspicuous manner and placed at each end of the highway or section of highway affected by the order and at such other places as is necessary to inform the public. This means we possibly would have to put signs all over the place basically telling that these regulations are.

Hales: Well, we are looking for clarity, not this. I just saw an officer cite a bicyclist in front of this building, for operate it go recklessly. And I applaud that. Are you saying that we have to put up signs for that?

Bell: No, bicycles have a specific chapter of the vehicle code that allows the officers to do that. And again, I think that I need to point out, enforcing the rules of the Oregon vehicle code and under the color of the Oregon vehicle code puts us in a whole different arena than enforcing city ordinances.

Katz: I want to move on from that point. And I appreciate, that was flagged to me as well. And my response was, that if, if this, if the council wants to pass this ordinance, and they want to treat

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all these nonmotorized toys or recreational modes of transportation, as bicycles, they can -- we can write the code and reflect that in our code as well.

Hales: Which is that you have done right in front of us.

Bell: Yeah. I don't -- I don't know, your honor.

Hales: Ruth, what do you think?

Katz: Let her look at it.

Bell: That presents another problem for us when we are acting -- when we are not acting under the color the authority of the Oregon vehicle code.

Hales: We are not trying to.

Bell: Well, the problem would be, let me see if I can think of a good example, if we stopped a person and they didn't have any identification and the officer wished to give them a citation, and they -- we have no way to deal with anyone who will like to us about who they are.

Hales: So how do you handle that now, you stop a skater under the current code for using their inline skates after dark. Under that authority can you do that? We are proposing to relax that requirement and say, no, if you are wearing protective head gear and a light, you can skate down your neighborhood street after dark. That authority are you relying on today to give that skater a \$297 ticket?

Bell: The authority that it is prohibited to be in that particular area.

Hales: Under city code?

Bell: Under city code.

Hales: That's that we are going to change when we adopt this ordinance?

Bell: But in order to cite somebody I think it is important that the officer have a lot of confidence that the information that they are getting is correct and accurate. Under state law we have lots of authority and power to insure that that happens.

Katz: Let me just -- I want to reflect when we use the word, "or other devices," that doesn't cover the rules and responsibilities of the road that bicycles are covered under.

Hales: But we spelled out that they are supposed to do.

Katz: You spell out the gear.

Hales: And you spelled out the behavior.

Katz: And the behavior is spelled out.

Hales: Persons using roll skates or other similar device shall be subject to the provisions applicable and shall have the same rights and duties as the driver --

Katz: We are referring to it as the guide. That's as good as it gets according to that you said about the exclusiveness of the vehicle code. That's that we have got now to regulate bicycles.

Katz: Captain, I think that he may be right. I know this was an area that was a big question mark, whether we -- whether the code preempts local jurisdictions but if we echo the vehicle code and we are doing it here, I personally would like to see it all spelled out, but I think that we can -- I think that we can do that. Did you have anything else that you wanted to share with us?

Bell: I think that it puts us -- well, first of all, you have to understand that the officers are the ones that have to prosecute these cases. It is not the city attorney. It is not the district attorney. When we write a traffic ticket the officer is the one at that has to go into court before the judge and prove the case. It is my honest opinion that putting the officers in a situation where they are not going to feel very comfortable in their ability to do that. They are not going to feel comfortable in issuing a citation when they can't get -- they can't have an assurance and they don't have the authority to get correct identification. And they don't have a way to check that, necessarily, and if they issue a citation, with bad information on it, under a city code, there is no real redress. There is no way to come back and fix that. And I think that that goes to the very

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integrity of our performance system. We know that, the terrible things that happen to people now when they -- when we are lied to out on the street and we put the wrong information on a traffic ticket and then six months later an innocent person gets arrested because they have got a ticket that they didn't know about, a warrant was issued for their arrest or whatever or their license got suspended and their car gets towed and then they sue the city. I can see this proliferating tremendously if the officers try to enforce this. And if they are not given a lot of cooperation and if people lie to them.

Hales: Of course. And I sympathize with that plight but you issue citations today to pedestrians who operate recklessly as you should in the right-of-way and they don't -- you don't have any requirement that they carry any more identification than a bicyclist, so we have an equal challenge of people who are doing anything other than driving a car when they do something reckless, and that's a problem and I acknowledge that.

Bell: We always have the ability to arrest them if we think that they are not telling us the truth. We don't have that ability here and that's the real key.

Hales: If I cross the street on foot, illegally, you have the opportunity to arrest me but if I cross it on a skate board illegally, you don't?

Bell: Could you repeat that, please?

Hales: If I go out here and jaywalk recklessly across Broadway you can arrest me, if I don't tell you who I am?

Bell: Jaywalking is a city violation, and no, we cannot, but if you walked against the signal, that would be a violation of the state motor vehicle code and I could reasonably detain you until I was convinced that I had the right person.

Hales: And if I did that on a skate board, you couldn't?

Bell: No, I don't believe so. No, because you would be -- because state law says that these vehicles are specifically exempt from all of the vehicle code. You would not be a pedestrian. A pedestrian is defined as a person --

Katz: Were we -- can we write a local vehicle code?

Bell: Well, that's a legal question that I can't answer, your honor.

Katz: Ruth, can we write --

Bell: That's why I am saying we have these --

Katz: I know, you raised that issue and it is a legitimate issue but reading the same chapters, I think --

Spetter: With all due respect, on this matter, attorney David Lesh has been working on it and it would be appropriate for David to come forward.

Katz: He's not sure, either. Give it a try.

Francesconi: Before you do that and the police leave, did I get incorrect information or am I wrong about the idea that you were thinking of actually decriminalizing some of this and switching it to title 14 in the neighborhoods? Taking it out of 16 and switching it to 14? Isn't that that a work group is looking at including the police or am I off base here?

Spetter: I don't remember that, commissioner. I don't know anything about that.

Francesconi: Were any of you in Madelyn's work group?

*****: No.

Francesconi: They weren't changing it -- so you were not part of Madelyn's work group?

Spetter: That was strictly title 14 and my understanding was they were going to get to title 16 and we are very interested in that they do with that since that's the traffic code but I had nothing to do with title 14.

Katz: David?

David Lesh, Deputy City Attorney: In answer to your question, commissioner Francesconi, Madelyn wessel was working on that and there are representatives from northeast precinct and southeast precinct on her work group and that is one component that she was exploring, that you are correct. But --

Francesconi: Thank you for, for telling me that I wasn't imagining it, so thanks. [laughter]

Lesh: I think that there are significant preemption issues which is beyond my area of expertise. Madelyn wessel is who I turn to in our office on preemption issues, and understandably she's been busy this week. I discussed this issue with her briefly yesterday, and flagged it for her, and I would -- I think it is in the best interest of council to, to, to maybe seek her opinion on whether paragraph e, which is the, the paragraph that applies the Oregon vehicle code to these devices, whether it is preempted and if not, whether captain bell is correct that we would have to put up a series of signs on highways throughout the city.

Hales: Linda, who is on your staff, wrote that ordinance. So, perhaps you might want to confer with her.

Lesh: And I would be happy to do that.

Hales: Could you get her on the phone? I think that she knows a little bit about preemption.

Katz: Anything else? Did you have a question?

Saltzman: A couple of questions. We have had 11 fatalities this year, were those all pedestrian?

Grubbs: Those were all pedestrians, we have had 30 all together.

Saltzman: And then commander foxworthy and grubs, I assume that you are speaking to is the curfew issue because right now, during the daytime, people can be on the streets in both your geographic areas, of your precincts. Now, I am curious, do you have any statistics on that kind of enforcement actions has been taken to date in your precincts against skate boarders or inline skaters? For skating at night? Do we have that information or not?

Grubbs: I do not have that information, commissioner. I just know that allowing the citizens to speak as far as their exposure and that they have experienced as far as within their neighborhoods but I do not have anything to provide you.

Foxworth: Neither do i. I don't have any statistics really to that, and I guess my purpose and concern was that I think that it is extremely important to have those businesses and those other groups that, that has a potential if we are going to have the skate boarders or inline skates or scooters, I think it is important for them to be here and I think that those concerns that they may have need to be heard as well, and that's why I am concerned about the process of slowing there down and making sure that we address the concerns that captain bell raised and that commissioner Hales has raised and I think that also there is a lot of concerns, a lot of questions that folks in the lloyd business and convention center area may have about this, as well.

Hales: I want to invite you and them to the hearing next week because that's why it is here.

Bell: Commissioner Saltzman I think right now we are not doing any enforcement because state law specifically exempts these vehicles from the vehicle code. So, there really is nothing to enforce. As commissioner Hales said if he wrote a skate board across the street in front of a car, unless he was in the downtown corridor where it is presently prohibited, I can't think of any statute -- well, yeah, criminal statute, disorderly conduct. And we have charged skate boarders with recklessly endangering where they have injured people.

Saltzman: We have a code about a curfew.

Hales: This is surreal, we will have people testifying next week who got tickets because they road their skate board down the sidewalk in their neighborhood after dark. You must have some basis, other than caprice for the tickets being issued by your officers.

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Bell: I guess I have to see the ticket and the charge, commissioner. I really don't know how to comment on that. And I don't know that statutes they used. I am operating on the best information that I have been able to research and get from legal counsel and so I just have to see the particulars to know. I don't think that traffic officers are issuing those citations.

Sten: Can I ask an administrative question of you and commissioner Hales, both of you? It sounds like the police have organized people to come in and testify today. I think most of the notice in the paper, whether it was official or not official, was there's a big hearing scheduled for next week. And I kind of feel like the citizens have been misled a little bit here and I am kind of wondering what's going on today, that it is --

Katz: Oh, no. This is --

Hales: That we did was put --

Sten: Wait. Citizens here and citizens here next week and I heard this a couple of weeks ago, what's the process here?

Hales: Since I put it on the calendar, let me explain. I put this here because we need to bring a substitute ordinance forward to complete the safety recommendations into the ordinance, and that's why it is on the calendar. So, then it will come back for second --

Sten: But the police asked citizens to testify. You said, you asked people from --

Katz: These are the citizens -- there are other citizens here, too.

Sten: But I think --

Katz: Let me explain this.

Sten: I am not enjoying this, folks.

Katz: Commissioner Hales introduced another ordinance. The other ordinance -- this ordinance before you did not need to be introduced. He has an ordinance. That ordinance would have been voted on next week. However, it probably, if there were amendments to that ordinance, it would probably have been voted on the following week. He wanted to have the vote next week, and I said that's fine. Let's work through how we do that. So, a new ordinance was introduced today. I, then, asked people who were concerned about this to please come and testify today because I didn't want them sitting all night next week, with, with counsel packed with skate boarders. Since this is the first reading, people have the opportunity to come and testify, and I asked these people to testify and make their statements heard. See if you concur with any of, of their concerns, and then move on, move this over to, to the following week where you will have two, two ordinances to work with, and we will move one back and you will end up with one ordinance.

Sten: With all due respect to everybody, we have battling organizing going on between the factions on the council and I would respectfully request that we, I can hear from the citizens, soon, so they are not here all night in the snowstorm and then whoever needs to talk with city staff does that in, in the upcoming week, that's my respectful request to everyone. I would like to marry the citizens. I don't want to keep hearing this debate about, about this.

Katz: Thank you.

Hales: But the problem, there is another problem, and I guess --

Francesconi: There is another problem, and that is that we have two different approaches from the same city on, we have one process of people looking at it over here and another process over here. So, I guess that at the next hearing, I would like to hear from Madelyn wessel's group as to that they were actually looking at because it is also my understanding that they were looking at the lloyd center, as, as banning it there, so we have a group that was going to decriminalize something that we are now making harder. We are going -- we will have them look at the lloyd

center so that's one process and we have superimposed another process, and I was hoping that these two processes would get together.

Katz: Okay. Let's open it up for public testimony.

Katz: Thank you, captain and commanders.

Irwin Mandel: Good afternoon, mayor Katz. Good evening, mayor Katz, members of the council. And ms. Olson. Earl mandel, 1511, southwest park avenue. My concern is that as a citizen of downtown with what happens to downtown as a result of this ordinance, and I would like to take up, first I would agree with the commissioner Hales, this shouldn't be a criminal activity. A misdemeanor. There must be some way among all of the brilliant people in the city government to find a way to make this into some sort of infraction, traffic infraction or whatever you have simply without having a misdemeanor charge.

Francesconi: Yeah, I think it is a criminal fraction. Not a misdemeanor.

Irwin Mandel: That's interesting. I was told by someone on commissioner Hales staff it was a misdemeanor.

Francesconi: Maybe I am wrong.

Irwin Mandel: Maybe I am wrong, I don't know. Let me start with the very beginning, there are problems I see in the beginning of this. Portland citizens regularly use nonmotorized devices, including roller skates, inline skates, skate boards and scooters as transportation to various activities in the city of Portland. And this sounds very good. Where is the data to back this up? Has anyone provided data showing that people really do do this, use these devices to get to city meetings? Or meetings anywhere in the city? How many people who have attended city counselor meetings came in with a skate board or roller skates? I have attended one or two of these city council meetings and I have never seen anyone bring it in here. So, where is the data to back up this statement? I don't know of any. The use of these monday motorized -- two. Use of the nonmotorized devices in a safe and legal manner meets established city transportation goals, including maintenance of clean air, reduction of vehicle miles traveled, and promotion of alternative means of transaction. Are we now to believe that people are going to give up their cars in order to drive downtown or come downtown on a skate board or with roller skates or with the latest wonderful devices, a scooter. This, somehow, boggles my mind. If anyone really believes this, there is a bridge over the willamette, I will love to sell them. This is not going to happen. Go on to, now therefore, council directs, and you banned in this audience, in this ordinance skate boards and other devices along the, the transit mall. What happened to yamhill and morrison? The max lines? Why were these left out? After all, you have only one line of traffic along yamhill and morrison going through the central city, and as I walk around, since I am in downtown pedestrian, not a driver, these single lanes of traffic and single lanes because the max is running in one lane and you can't drive on that, are already fully occupied even in nonholiday periods, by all the other motorized devices, the trucks, cars, motorcycles. The suv's, the sport utility vehicles, fall somewhere in there, too. You are going to add to this mix single people exposed on skate boards, on skates and who knows? Perhaps motor scooters, also? This seems the height of folly, absolutely. Now, you took about -- you talk about using all the other ordinances, the other sections of this they will be subject to the same codes, the same penalties, going to invoked if they violate the other sections of this ordinance. Questions?

Lili Mandel: Hi, willy mandel. 1511 southwest park avenue. A Portland pedestrian. Perhaps, soon to be an endangered species. This ordinance is not only a transportation issue but also a serious pedestrian safety issue. This ordinance further endangers the downtown pedestrian. Being able to cross streets safely is a major pedestrian concern. If this ordinance passes to include skates, skate boards, and scooters as transportation modes, we will need new traffic

violation categories. Well, I have come up with some of them. One, ssui. Skate boarding, scoot erring, and skating under the influence. Two, triple s studded wheels or chains during winter weather. I mean, today is a perfect example. Three, triple s rings, skate board, scooter and skating. Four, triple s -- five, triple s speeding. How do skaters, scooters, and skate boarders keep track of their speed? You know that? I think that I have bent a speedometer for triple s's, and get very wealthy -- invent one. Six, unsured triple s. That, if you are injured by one of the unsured triple s's? Once more. The pedestrian is not protected. That finds a proposed -- what fines are imposed for these traffic infractions? If this ordinance passes as written, Portland will no longer be known as a pedestrian paradise, but as a pedestrian purgatory. Thank you.

Katz: That's pretty good. [laughter]

Jerry Norhman: I reside at 1414 southwest 3rd in the fountain plaza condominiums. Let me assure you that I am not here at the, at the, at the request of either the police or anybody else. I am here because I have to, I happened to find out this hearing was going on. I speak not only as a private citizen, but also I am on the board of directors of the fountain plaza condominium association, to be elected the delegate of the Portland plaza and ambassador condominiums. I agree with commissioner Hales that skate boarding and roller blades are the thing of the day. But while they are politically correct, they are cool and they are hip and the latest expression of agility and look at me I am young enough, they have little to do with transportation of the movement of mostly working people getting from point a to b, in pursuit of their effort to make a living. Those of us who a few years beyond the 15 and 20-year age who live downtown, already are reluctant to walk along the river front, because in large measure, that area has been allowed to be taken over by roller blades and skate boards who come at you from all directions with little regard for right or left and they are just expecting people to get out of their way. We find skate boarders in front of our building, jumping up and riding the marble finish and destroying it, we have some pictures to show you. And if one dares to remind them this is undesirable, if not unlawful behavior, you get the universal finger or you are told to have a neurotic experience with yourself. It is interesting to note that yesterday, at the clean and safe board meeting, there was a lengthy presentation about, about can you, can the community, the new community court that's going to be put into effect. It deal with the offenses, such as skate board and roller blade violations. And that you are now proposing to do is to further legalize them and give them more legal status so that they can is, so that they can -- the bicyclists -- I am trying to think of the chaos when we encourage them to be joined by skate boarders and roller blades and probably scooters, when the reports of injuries and fatalities are coming in, I can imagine the explanations of surprise. I am shocked. There is gambling going on. If pollution is really the genuine concern, I respectfully submit that facilitating the movement of traffic rather than further impeding it would be the proper solution. Far more could be achieved by synchronizing lights and setting them at a realistic speed than by creating more gridlock than is already done. I saw a uni-cycle in downtown Portland, and if you think the traffic stopped it, did. So turning the streets into a circus midway, might make the national tv news, but then so did eugene's decision to outlaw christmas.

Joan Montague: I really wasn't -- oh, my name. I am joan and I live at 1414 southwest 3rd avenue, and my neighbor, also, jerry, and I am also the chairman of the board of directors at fountain plaza. I have had the experience of, of going out in the front of my building, which is the coin building, we are located on the top 10 floors, and shoeing away skate boarders who, who had recently just damaged the front of our building. You can see the big hole there, and to me, that's a criminal offense when I see that kind of thing happening. I've been impressed sitting here, how patient the police are to, to, to explain their side of the story, and how they feel about,

about skate boarders as a citizen, and when I heard about this, ordinance wanting to be changed, I wanted to come up and just say, are you crazy? Because as a resident and a pedestrian, and living downtown, I can see lots of things. It seems to me that, that commissioner, a commissioner must have had on his or her brain wouldn't it be fun to be able to roller blade to work? Think again? It doesn't make sense, and I also heard a commissioner say that, well, let's keep track of how many are injured after a year, if this ordinance has changed. I would like to, to remind you of one fatality, would be one too many, and I don't think that it is a smart thing to do for our city. We have a very livable city, and I love the city, and that's why I moved downtown. But, I also see lots of ordinances broken, and making it very difficult for, for citizens who live here.

Robert Fredericks: Mayor, commissioners, I am robert fredericks, I live at 301 southwest lincoln, apartment 1316. And I am here to say that I am opposed to the practice of utilizing this, this skate boarding, roller blades, scooters, in the downtown area, from a pedestrian point of view. I certainly concur with the police that have testified with the, the lady next to me testify, the damage that, that has been done, and the, the fair that many people, older people have of walking along the waterfront, walking along the sidewalk, one of the things when you get as old as I am, you begin to realize your ankles aren't that they used to be, and one loose skate board can take out your ankle and you are not going to be walking any more. I think that it is a neat, charming, quaint, wonderful idea to roller blade to work from a hypothetical point of view, and skate board and alleviate the transportation problem of pollution. But, if you maim, kill, hurt, pedestrians, then reality sets in. I could go on and on, but I am going to stop now and say, I am here testifying. I am opposed to a new ordinance. Thank you.

Michael Bolliger, President, Central Eastside Industrial Council: Mayor, commissioners, I live on the central east side. My name is michael. Monday I was faxed this proposed amendment. And subsequently I reviewed this with, with several of our board members. The consensus of opinion was that, that it is, it is a safety issue with us in the central east side. As you know sometime back, we co-sponsored a skate board park, championships to be under burnside bridge, and a big part of that strategy was frankly, to separate the skate boarders who did like to participate in the district and keep them away from our trucking traffic and pedestrians, and I think that it has been very successful. The areas of concern that we have with this proposal are centered around the 24-hour use, to me, it just doesn't make good common sense to do it at night. Possibly certainly during the daytime. But not at night. The age of the operator, and the lack of insurance, the lack of their skill. The area of operations is an issue. We have truckloading zones in our areas. If it is at night, we have big, big truck tractor trailers backing up and loading and unloading and we have these people going through. You are sure to have a problem. Not to mention the speed and the, the volume of traffic that we have on grand mlk, martin luther king, jr., Burnside, the brings, going back and forth across the river. I just agree with the police. I think it is going to be a very bad mix if we start putting these kinds of vehicles and devices in with, with the general traffic, as, as also the pedestrians on the sidewalk.

Francesconi: Michael, this is an appropriate point for me to make a comment, to thank commissioner Hales and pdot for working to build another skate board park. And the reason I am bringing this up now is because you deserve credit and your district deserves credit for building that skate board park and parks that -- and we are going to build two more parks but I just wanted to -- so the intent of trying to provide safe places for our kids to skate board, I wanted to thank both of you for that.

Katz: Thank you. Let's continue. Go ahead.

Hales: Since you have the skate board park and it is heavily used, probably 24 hours a day is my guess. You talk about the fears of, of lifting this curfew but, that part is used 24 hours a day, and

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I am sure the kids get there on skate boards. Do you have any, I mean, we heard from commander grubs and foxworthy but they didn't have any statistics really. Do you have any anecdotal?

Bolliger: We have a peaceful co-existence and a lot of that has been you take care of your park and work with the public in terms --

Saltzman: Are they getting there on foot?

Bolliger: A lot of it is on foot. Not all. But, I don't think that we have seen any of it on mlk, when you talk about on the big streets, man, that sounds real dangerous.

Anne Gardner, Association for Portland Progress (APP): 3200 NW Yeon. I am here as the chairperson of the transportation committee. In the interest of brevity I will not recite the record on mobile transportation. You know this is an organization in which we walk our talk. We support alternative modes such as buses, rails and bicycles as well as adequate access and parking for the automobile. Our support is expressed politically and financially. To cut to the core of the issue from our perspective, we have serious questions about, about whether skate boards and inline skates can safely add to the mix of vehicles using the travel lanes and the downtown. We also have questions as to whether they can be safely operated in compliance with the rules of the road as required by this ordinance. This proposal is counter intuitive. I am afraid all the logic about these conveyances as alternative modes of transportation does not overcome our sense, this is unsafe. And this will not be an insignificant issue downtown. In the last 12 months, roughly, 1800 people have been asked by the clean and safe program to not skate board on our sidewalks. We are concerned for the safety of the skaters. We are also concerned for the stress level of the drivers who may fear hitting these people. We are your partners in creating a vibrant downtown. We have worked with you for decades to make downtown that it is today. As your partner, we request you think very carefully about putting skate boards and inline skates on downtown streets. Our specific request is that you delay action on this idea until we have had productive, face-to-face conversations with various downtown interests who will be impacted by this decision.

Brian Wilson, APP: Good afternoon, I am brian wilson. And I reside at 2958 dash road and I am an associate member of the association for Portland progress and really just here to give anne moral support. I would like to add a personal comment that's probably not really reflective of the association's point of view, but it does seem to me to defy logic that the city would even consider inline skates or skate boards as a form of transportation that, an alternative form of transportation, ie, a bus or a max. I used to skate board and still inline skate but I can be quite certain I would not be taking one of those to work as an alternative transportation mode, I would rather take the bus, it is faster and air-conditioned. But beyond that, I do think that it is important to study this a lot deeper. There are a lot of issues. The safety issues, predominantly, are very much a concern to me. And I think that it is interesting to note that the current proposal bans it on the transit mall, which seems to me is sort of not in the favor of buses not being able to stop fast enough or potentially causing injury to a skate boarder or an inline skater. And yet, traffic moves a whole lot faster on Broadway and sometimes, bigger trucks are on Broadway than buses on the busline. Thank you.

John Hood, : I am john hood. I live at 208 southeast 39th avenue. I am also the president of the southeast precinct citizen advisory council. While I don't necessarily speak for the whole council, there are a lot of, of those members that were, were unable to come today because of the weather, and they share my views on this. The ordinance, of course, I have changed my entire speech, your honor, on account of everybody has said, has stolen my thunder. [laughter] However, I drive around downtown and the, the idea of having additional motorized pedestrians

or, or moving pedestrians in the street is just, just ludicrous to me. I swerved around bicycles around had, had accidents just with bicycles, no bicycle lanes in most of the downtown areas. And adding skates and skate boards to that is, is, is asking for, for disaster. I learned something today, though, that apparently, the rest of the city, it is perfectly legal for skates and skate boarders to be on the sidewalks. Which, I have a friend who is, who is recovering after, after a year of pain and suffering from being hit by a skate board. You know, it is -- I can still dodge. He wasn't as young as I am. Hawthorne boulevard, belmont street, the lloyd center area. They are too highly congested with pedestrians. To even allow, to be, to begin to allow skate boards on the sidewalks, bicycles are not allowed on the sidewalks. It is referred here that, that, that these would have the same duties as, as, and responsibilities of bicycles and I heard all about the, the vehicle codes. I think that, if this ordinance is to be amended, it should be amended the other way to disallow the skate boards on all sidewalks, period. I feel very strongly over that, if you have ever wandered along, well, 23 avenue, you know, try to dodge a skate board on 23rd. You have heard my mantra before. I testified on other things here, that I believe in, in, you know, the quality of life, when I am dodging skate boards, it doesn't improve my quality of life. It improves -- it improves very few people's quality of life, of your constituents. So, I wish you would consider revising it the other way, thank you very much.

Saltzman: Before you leave. You have asked for, on behalf of app, for the opportunity to study this issue further. And way back when, I used to be -- I used to work for ron wyden when he was a baby congressman, the first four years that he was there, and we had a lot of ideas about things that we wanted to do. And sort of the thing that all of the senior congressional people used to tell us when, when they didn't really like our idea was well, let's do a study about it, when was the way of saying, a basically a way of killing our idea. Is that that this is about? Or are you making a genuine commitment to say, let's study this idea and perhaps look at, perhaps maybe there are some, some interesting ideas that we could somehow maybe there is some accommodation here and one I am thinking about is we designate, as we have done for bike lanes or bicyclists, certain streets that are designed for bicycle traffic, as well as auto traffic? Southeast lincoln, southeast carruthers, I believe, are streets like that, and are those ideas that are within the realm of something that app would seriously consider looking at? Sort of designated corridors where this type of traffic might be allowed? Or other, maybe there is other, even, middle grounds that I am not even thinking of, but, you know, so I guess what I am trying to say is, are you saying that, you know, be candid with us.

*****: Be candid with me, because --

Hales: That are you prepared to support?

Saltzman: Are you prepared to engage in a constructive discussion or say, study, in essence, as a way of killing any, any --

Gardner: I will be honest with you. We are very concerned about the safety issues. And we had a long conversation about the, at the transportation committee just last week. And it will take some work to convince us that there is a way that, that skate boards and inline skates can actually function within the downtown and keep traffic flowing at the speeds that are posted to minimize congestion. But, I would like to think that we are also an open group and we -- we have worked very hard with city council and with tri-met and commissioner Hales to really be supportive of alternative forms of transit. And transportation, and we are committed to that, and we know that we cannot build our way out of congestion. And I have had my own kitchen cabinet discussions. I talked with my mother about it and to commissioner Hales about it and my own daughter last night. And she is 28 years old and said, this really is a form of transportation. For a lot of people. And I raised a bunch of questions with her, and she said it sounds to me like it is just too

soon to make a decision. But maybe there is something. So it is an honest request. But my gut instinct is this is just not safe. But, you know, so I am being honest with you.

Saltzman: On behalf of app, you are expressing a gesture of willingness to be instructively engaged in this, as opposed to --

Gardner: Just delay for process? Commissioner? I am the last person that wants more process. [laughter] After having been at the table --

Saltzman: Well, you were at the mcadam --

Gardner: More meetings, yes. It is sincere.

Saltzman: Okay.

Theresa Flowers, Elders in Action: I am theresa flowers, and I am with elders in action and I also am with -- pilot. I know erik quite well. I am very concerned and sitting here listening to everybody talk, I would like to have charles Hales define for me scooter. I've been in a scooter for 20 years, over 20 years. You have seen me down here many times, this is the first time I have walked into this chambers, and I feel as if i've been reborn. And I want to know that he means by scooters. I have a motorized scooter. Now, we are talking -- he has to decline -- define that he means by it. Is it just one that you put your foot on and scoot down the street or are you talking about my motorized scooter that I go all over with? There is many people that have scooters, that are handicapped, so I have to have this defined of that, that he's trying to accomplish.

Hales: My ordinance doesn't say anything at all about scooters.

Flowers: Okay. But I am very concerned that something is going to be happening so that people that are disabled are going to be, being in trouble with the city over their scooters as we call it. They are not a wheelchair. They are a scooter.

Katz: It is the words, other similar --

Flowers: Yes. I am really concerned about it, and as far as your skate boards and as I was coming out of my building today, I was walked down to the bus, and a skate board came down and I had to get out of the way very fast for the skate board, and i, being, being injured and in a scooter for, for 25 years, I do not feel as if I would like to go back into one because the skate board came down and hit me. And I am really concerned about that. They come -- they come down the hill from the safeway very, very fast. They go across the street without even checking to see if they can go across. I am surprised that more haven't been hit. By, by the, a car going through the green light, which they can do. And, and because, because we do have, have the curb cuts, so they just go down a curb cut and cross the street and down the next one, and once you start going down from safeway, you can, you might as well go all the way down to, to burnside or to, to the river because there is just no, no stopping. And just pick up speed. So I really am very concerned about that.

Bill Markwart: I am mark live at 3850 northeast wisteria drive, and I am not opposed to skate board recreation, and I also realize that a lot of people use skate boards and inline skates to get to work, or as transportation. I clocked one inline skater at 22 miles per hour during the speed watch in front of my own house. He did have a little trouble getting between the two crossing cars, and I see quite a few people going by late at night on skate boards and roller blades in the dark with dark clothing. And I have seen a number of problems. I am more concerned about the, the human safety aspect of mixing skate boards, inline skates, and I don't think that most of them have very good brake systems, and crossing cars who can't see them or don't recognize them. And when it comes to night time and dark clothes, it is a serious question about the judgment of the people using skate boards and using inline skates. I still don't have a reading on, on the razor type of scooter. Seems a little different issue but I am very concerned about after

hours and if we, as a city, don't look seriously at how we allow or control the, the use of, of these mixed things on the same street, especially at night and with, with dark clothing, which seems to come about from bad judgment, I think that we need to be careful and I am very opposed to opening up the rules after hours from a safety standpoint.

Mike Morrison, RN: I am mike morrison, a trauma nurse at emanual city hospital and I was asked to come and share some light on the types of injuries or frequency of injury. And from a presentation on recreational activities I did last year, skating, inline skating is one of the lowest percentage of injuries or per capita of injuries compared to other sports. And so it seems from a safety standpoint, a reasonably safe sporting activity. That I see in terms of injuries are, preventable injuries, that can be prevented with safety equipment, and that's something that I would certainly is like to see applied in the, the ordinances is safety equipment and to beyond those just under the age of 16. The most devastating injuries, of course, is to the head, and that, would account for about 25% of the skating injuries or skate board type of injuries that we see at emanual hospital. I don't have good numbers in terms of the number that are injured that come in through the trauma system because it was only just last month that, that they actually made a code that would separate out skate board injuries. For the inline skating injuries, we classify that under roller skates, and again, just this year, inline skating has been separated out. In terms of being able to identify numbers. And I don't have those numbers available, as too short of notice. But if there is any questions in terms of injuries, I would be happy to share that.

Hales: Well, yeah, just one, so this is the first testimony that we have had on that first amendment, which is protective head gear on sidewalks. For kids under 16, so, I take it you are testifying supporting that?

Morrison: Most definitely. The types of injuries that are most common, are falls so it doesn't involve a motor vehicle, simply falling from the, the skate board or skates, and about 25% of the time it involves a head injury, and that can be devastating type of injury. So falls are the most -- falls account for about 80% of the injuries.

Francesconi: Are there age groups? Is it broken out by age group?

Morrison: Well, let's see. It is not broken out well. Mostly the five to 16-year-old, age group, accounts for the, about half of them, and then over 16 is the other half.

Francesconi: Okay. How about street versus sidewalk? You probably --

Morrison: I don't have data on that.

Katz: Do you have scooters at all?

Morrison: No, in fact scooters, that type of data is going to be very hard to retrieve at all because, you know, for the information that's come out from the consumer product safety, the, the hospitals keep that type of data and there is only one in Oregon and that's in redmond. So, we don't have good data and they won't regionalize at that because then it would not be statistically significant. Just informally I talked to physicians at university and emanual and either place could not identify more than a half a dozen security related injuries in the last year. -- scooter related injuries in the last year.

Tony Mendoza: Good evening. Let my apologize for my flippant response to you back there. I wasn't planning to come on up and testify. I happened to walk in on this hearing and thought I would take the opportunity. Since, I am tony mendoza and I live at 2538 northeast 18th avenue, and I am a skate boarder, and I do think that skate boarding is a valid alternative transportation mode. I learned to skate board when I was very young, and continued doing that all the way until now. I use it as a transportation mode when, from my house to my bus stop. And then my two bus lines that need to connect to each other, it is a way for me to, to carry my skate board on the bus and get between the two bus lines. Sometimes this can, this can shave a good 15 minutes

off my commute because it does enable me to get to the two bus lines in a timely manner. The -- my alternative is to run, sometimes. Because of the way that the buses are timed with each other. I just read through the ordinance, and I would agree with some of the items that are in here, like the safety measures there are put in about protective head gear for children, that are 16 years or under. But, other than that, I think that there is a room for skate boarding. Might need some discussion with app, I am not sure that the process is that that needs to happen. But, I just wanted to be here to emphasize that it is a valid alternative transportation mode. There are lots of different people who use it. And whatever we can do to encourage people not to be in cars, I think that that's a much less safe transportation road for the pedestrian. And poses a bigger risk to them.

Katz: Thank you. All right. Folks, we have -- I drafted five amendments. For those of you who are interested in voting on this, I want you to take a look at it and make a decision whether you want to pass any of them.

Hales: So you want me to move those amendments so they all come forward next week?

Katz: I would like for you to discuss, discuss them, yes, I don't think that there is any problem with, with one, there is no problem with two. There is no problem with, with three.

Hales: No problem with four.

Katz: Let me just see. Well, four is the issue and we don't have an answer today, which is the issue of whether the state law preempts us or not, so --

Hales: Let's assume it doesn't and if we get -- if we get, you know, quashed by the state we will deal with that. So I guess that I will just move your amendments, mayor.

Francesconi: What about the scooter issue?

Hales: I think at this point if it says or other devices, my request to the police bureau, stands. If they want to come back with additional recommendations about scooters later on, fine. But, I think that we ought to keep this clean and just say, you know, if you are operating a vehicle or in conveyance of the right-of-way, you have got to wear head gear and do it safely.

Katz: Five, you need to probably define that you want as other similar devices because --

Hales: I don't know. I kind of like it the way it is. I don't, I guess don't adopt number five. I would say or other similar device, and leave it at that for now, and again, if the police bureau wants do come back with very particular stuff about scooters later on, okay. But I guess that I am inclined to give them some judgment and common sense and say, or other similar device, and there will probably be something else invented next month we haven't thought about.

Katz: And then there is amendment 6.

Hales: I will move those amendments.

Katz: Is there a second?

Sten: Second.

Katz: Discussion? Any opposed? No opposition, then those are adopted.

Francesconi: Just explain two things because I raised two issues as to why I am in favor of the amendments. That the last testimony is very powerful, I don't know if you are still here, you are the first one that explained this. I assumed that you said was right but you had some data and some new information. I am still a little weary about criminalizing it. With the fine part but since we have another group that hasn't gotten back to us on that, I am fine with that. On the issue of scooters I was trying to make another point, not the scooters but I think not including them, you know, is the right thing.

Katz: Let me, and I said this at the beginning, we worked on this, these amendments because I truly believe this is a public safety issue. And if the council feels that they want to adopt this ordinance, at next week's hearing, I wanted to at least make absolutely sure that we did as much

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as possible to parallel skate boarders and inline skaters with the code that we have for bicycles and that's the reason for the amendments. I just wanted to let everybody know that I will not support the ordinance. Now, I don't know whether the council wants to take app up on this. This is not a decision that you need to make today. I told commissioner Hales' office we will move this over for action next week, assuming that there are no further amendments.

Hales: I met with app about this and I appreciate their candor but my impression, to be a little flippant after that discussion, was I am glad that we invented the bicycle before the automobile because it would have been a big fight. [laughter] To have her get up onto the streets. So, I think that we should proceed.

Francesconi: I am going --

Saltzman: I am going to vote to proceed to next week, but I do want to say that I want some time to think about this, and you know, I do have safety concerns, too. I think that I was, and I support the concerns, I mean, I supported that commissioner Hales provided last week, and thought at that time that those were sufficient. I liked the further amendments that have been brought forward but I continue to be concerned about sort of the overall dynamic here. And it is clearly, there is an intergenerational split on this issue. That would be safe to say. So, I want to go ahead and move forward but I also guess I want to let it be known that I need to mull this over, and part of that I am thinking is, is, you know, the gesture that app made, but I am just listening to that commissioner Hales said, too, so I will vote to forward this on for next week's deliberations, but have to confess that I am still, you know, keeping an open mind.

Katz: Fair enough, and I asked the city attorney's office to really review this again. My recommendation would be to take the language from the state statute. You don't have to reference the state code, but the language, so that there are rules and regulations and responsibilities that have to be followed so that people know that they have to stop at a red light. And hand signal or whatever else it is, so that, that they follow the, the traffic laws that apply to bicycles. All right, everybody. I want to thank the council. It has been a long, long day for all of us, and I hope you all get home safe. And just remind you we will be back at 2:00 tomorrow and it is a, a, it is a long session tomorrow, as well. Thank you, and we stand adjourned. At 5:38 p.m., Council recessed.

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2:00 PM

Katz: Good afternoon. The council will come to order. Britta, please call the roll. [roll call]

Francesconi: We're talking about our children, of whom we're very proud.

Katz: You're both here. [laughter]

Francesconi: More important places right at the moment. [roll call]

Item 1822.

Katz: We've got several items on the agenda today. Let's try to move quickly. 1822. Let me start by saying I asked the planning commission to review this, and the reason I did it is because it's become obvious that some of the projects that are plan -- our planning commission citizens especially, the chair and the vice chair have been working on for a long time, I felt very strongly I needed some continuity in having that history translate for another term. There may be other opportunities to add some commercial members to the commission, and my hope is we can begin to diversify the membership on the commission and have it reflect the community a little bit better than it does today, but for now this is before you.

Debbie Bischoff, Planning Bureau: Good afternoon. Debbie bischoff, bureau of planning. Before you is a simple zoning code amendment, extending the term limits. Staff realized an outdated reference in that chapter related to the Multnomah arts commission, which is now called the regional arts and culture council. The zoning code -- this zoning code amendment also reflects that change. That is also the reason for your between dumb sheet today, is that I left out the last change from the Multnomah arts commission to the regional arts and culture council. The purpose as the mayor has said of this zoning code change is to insure there is continuity of accumulated knowledge and leadership by planning commission members through multiyear projects that transcend a member's two-year term limit horizon that come positively effect good planning decisions. As you're more than well aware, the bureau of planning has engaged in complex multiyear planning projects from the central city plan to the land division code rewrite and numerous prongs in between. -- projects in between. Many projects require a sure understanding of the regulatory framework, policies and relevant issues that have been discussed at planning commission meetings over time. The -- this proposal has been through a legislative process whereby the public was notified in a -- and a public hearing was held with the planning commission on november 28th. The planning commission heard and discussed this proposal. They voted to recommend the term limit expansion from two to three terms, but added -- but felt very strongly about adding a sentence to chapter 33710 that related to the composition of the planning commission. Subsection includes the planning commission's recommended language, which is, the membership of the planning commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. The term limit expansion does not mean that every planning commission member will be reappointed to the maximum of three terms. And since the 1980s, the average planning commission member tenure is actually three years. Therefore, there may be more of a problem in securing and keeping planning commission members through terms than there is to be concerned about the potential for this long tenure of many planning commissioners. This amendment is recommended by the planning commission for your consideration and decision. It is put forth to you in an emergency ordinance because there is one planning commission member position which is about to expire. That is if end of my presentation. I'd be glad to answer any questions.

Katz: It's good to see you doing something else.

Bischoff: My pleasure.

Saltzman: Is it a lifetime limit or consecutive term limit?

Bischoff: I believe it's written --

Katz: A consecutive term limit. We may be able to dig somebody up after service, though I looked -- interestingly I looked at the past membership, and in fact I asked somebody whether they would like to consider coming back and the answer was absolutely not. They work very hard, long hours.

Francesconi: When the commission wanted to add this language about broad represent face of -- what did they think was missing? That's kind of a broad term.

Bischoff: I think they were looking at -- at the time in were -- they -- there were vacancies, the mayor and council should consider what strengths and what areas are currently represented on the commission, but also consider what gaps might be and try to, you know, fulfill that with somebody who would represent a different angle or, you know, interest.

Gil Kelley, Director, Planning Bureau: I think they identified three aspects in which they would like to be a diverse commission. One is diverse in terms of the kinds of knowledge or expertise that commissioners would bring. Another was having a gee graphic spread of commissions in terms of the part of the city that they come from. And -- or live in. And the third was a diverse if I in socioeconomic background.

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

Francesconi: The only thing I wanted to say, I wanted to thank the mayor for her commitment that the next option would include making the planning commission more diverse in terms of socioeconomic, but also ethnic and racial diverse if i. I any at a time when city policies have an impact on market forces, it's important that the planning commission be as diverse as she has made pdc diverse, to the mayor's credit. Aye.

Hales: This is probably the most demanding volunteer job in the state. More demanding than being on the Oregon transportation commission or the Oregon economic development commission. And requires a level of technical knowledge and political sense that most people in public office don't have. So finding people that are willing to do this for four years or eight years is something of a minor miracle. Finding anybody mass kiss tick enough to do it for 12 years is something to be celebrated. If you can find a few people to stick it out that long, a new motto, it feels so good when you stop, that's great. We're never going to have two or three people who would ever get to this point at any given time. Not just in this current term, but at any time. So this is a flexibility we ought to have. Aye.

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

Katz: I'm going to vote aye. It is a very demanding job, and at times i'm sure they feel they're unappreciated, especially when we play our role and our role correctly, to even change their recommendations after they've heard testimony for hours and hours up to midnight. But that's the way we govern in this community, and they provide that kind of service to us. What I would like, and i've asked them to come and talk to us on topics that make -- may be divisive in the community to explain to us who they heard from and why they voted the way they voted. They said they would do that. You notice they aren't here on every item, but on those items that will come before us, that might be a little bit more difficult than some, they said they would like at least the chair and the vice chair would like to be here. I thank them for that. Aye. All right. We have 15 minutes.

Saltzman: Do you want to just take a break?

Katz: Yes, let's take a break. I want to make sure we've got everybody from kenton here. Recess.

Katz: Britta, please note the attendance. Item 1823.

Items 1823 and 1824

Gil Kelley, Director, Planning Bureau: Good afternoon, mayor and council. Gil kelly, planning director, and to my right is julie geesler, the manager of this project. This is a fun one. This project, one which was accomplished in a relatively short period of time and with great participation -- [laughter]

Katz: He's going to say that every opportunity.

Kelley: You just have to follow our instructions and adopt these things.

Katz: Fair enough.

Kelley: The project here really has I think much like the hollywood and sandy plan, wide community support and very little controversy attached to it. That's due in part to julie's and michael harrison's fine leadership in this project, but also really in great part due to the citizen involvement from the very beginning. In fact the planning bureau's effort was preceded by community activity and visions and -- visioning and so forth. I would just make a couple of points before turning the project over to julie. This is one in where I think the community and the planning bureau are out in front of the light rail development. This is a plan that calls for really intensifying and shaping development around a future light rail station at denver and entity avenue. In a very constructive way that I think helps build the neighborhood's identity and will contribute to its vie facility. So we're very happy about this project. And glad -- very glad it's received such strong community support.

Katz: Britta, why don't you read 1824 and we'll move both of those after we hear them to second reading.

Julia Gisler, Planning Bureau: Good afternoon. My name is julie, and i'm the -- with the Portland planning bureau. I want to inform you that the complete record is here by my side if you need to consult it. In the past few years, the kenton neighborhood has been very successful securing grants do help them facilitate neighborhood planning. The kenton down town plan updates the kenton neighborhood plan to ensure the neighborhood policies and zoning are in place to implement the ideas generated in these studies. The most relevant studies have been included as exhibits with the ordinance to adopt the kenton downtown plan and they include an economic analysis and preliminary market strategy for the denver avenue development plan that was funded by bhcd, they received a fgm grant from odot to complete a kenton business district revitalization plan, which included a traffic study and a lot of visioning with community workshops. They also -- there is also a kenton stationary framework plan that was funded by pdc to look around the area for possible development ideas. And the fourth is a psu graduate study that looked at connections from the downtown area to the 40-mile loop north. I began working on this project last february and together with the subcommittee of the kenton neighborhood association, we published a public review draft in may and then we proceeded to spend the entire summer discussing, debating and revising the proposals. At this point we invited everyone who was interested to participate on the subcommittee. And we had a total of 19 people participate in meetings throughout the summer, some of them went to all of them, some went to just one. But there was a total of 19 people. And at these meetings we talked a lot about change. With the light rail station planned for denver and entity, this part of kenton is in a position to see a lot of change in the next few years. And in are different reactions to the ideas of this change. Some people are really really excited. They see this as an opportunity for possible five change, the light rail can create a catalyst for more housing opportunities that can really give the neighborhood a shot at supporting a vital retail corridor along denver avenue. And some people are really scared about the change and threatened about the changes that could come to their neighborhood and they don't want to lose the qualities they have that quiet neighborhood. It's really secluded right now, way up there. These issues can't be resolved by the plan, but what the plan can do is help the neighborhood practically plan for the changes so the new development is respectful of the character of the area and promotes the neighborhood's goals. I think the people in kenton should be commended for the way they have worked together. It hasn't been easy, but they have through this process come together to create a plan that as it has evolved over time, reflects the many per speck fives of the neighborhood. Now i'd like to show you a power point presentation. The goals of the kenton downtown plan are to revitalize the denver avenue business district as a neighborhood serving retail corridor and maximize the benefits light rail can bring to the neighborhood by guiding the placement and character of the new development. The guiding -- there are some guiding principles of the kenton downtown plan, and these were developed as part of the community and subcommittee meetings. New development should respect the unique and historic characteristics of the area. One of the most prominent characteristics was a main street. It has characteristics of the streetcar era, commercial character and these are some

of the buildings you see here. This is a picture of the kenton downtown -- the kenton hotel, which was renovated during the albina community plan. It was fully slated for demolition and it's quite a success story in terms of renovation. The kenton downtown area also has a lot of really nice pedestrian amenities, nice sidewalks and awnings. And you can't really talk about the unique character of kenton without a picture of paul bunyan. This is at the intersection of denver and infer state, and it was erected in 1959 for the world's fair. The second principle is that throughout the kenton downtown, the environment should be safe, convenient, and pleasant for pedestrians. This is in front of the kenton hotel. The third one is that foster good relationships with existing businesses, even if they are not consistent with the vision of denver avenue as a retail corridor. This is a recommended policy that we'd like to add to the kenton neighborhood plan, and this came about from -- because of concerns that the plan was moving too fast, that there were a lot of businesses along denver avenue that were not retail, but had done a really great job in helping the neighborhood revitalize, and that we didn't just want them to go away. This isn't a clean slate. From there we had a lot of discussion on what nonconforming uses were, that if the plan made use nonconforming, it could be -- it was -- would be allowed to stay there as long as it wanted to. This is the land use inventory, denver avenue. This is denver avenue, and along denver avenue, there's a mixture of some retail sales and service, the purple over here and down here is vehicle repair. The red would be retail. A lot of the red, particularly on this side, is accessory parking. Then you've got this whole area north is industrial, and this large space is kenton park. This is looking at it -- looking south at -- where interstate and denver come together. The interstate, one of the arrows points to where the light rail station is planned, and then you can see the close proximity to the denver avenue business district. The planning commission voted unanimously to recommend this plan to you on october 17th, and it's broken down into three sections. The first one is recommended changes to the kenton neighborhood plan. The second is recommended changes to the zoning maps, and the third is recommended regulations in a kenton plan district. Recommended changes to the kenton neighborhood plan, the kenton neighborhood plan was adopted as part of the albina community plan in 1993. And as part of the kenton downtown plan we're going to propose to add a land use concept plan for this area in the neighborhood plan, and as you can see, this is denver avenue. The red. And this if potential light rail station. And around the light rail station the plan calls for mixed use and commercial housing. And then further around, there's -- in are some key sites that have been identified for high density housing. These sites are appropriate for high density housing by the light rail station. Some of the nice things about them are that they are far enough removed from single family existing single family neighborhoods that there's not the immediate impacts of higher buildings. They also have -- the topography is very nice, it slopes down, so you can have a larger building and have legislation than an impact on the area. And there's also wonderful amenities. Great views to mt. St. Helens, kenton park, there's the 40-mile loop and all the recreational activities along the slough. Then from this higher density housing, we've also identified some areas where there would be medium and low density housing as a frame it's from this higher density as it meets the neighborhood. So in these blue areas we talk about row houses and garden apartments.

Katz: I haven't heard the term "garden apartments" for a long time.

Gisler: We also made some additions to -- and modifications to the policy objectives of the kenton neighborhood plan, and I want to remind you what i'm talking about are only the additions we made. There are lots of -- the existing policies of the kenton neighborhood plan are very strong. The first one that we probably worked with the most was policy two, which calls for revitalization of denver avenue business district. We worked on strengthening the language so it would be a -- to foster a retail corridor and we also talked about establishing retail anchors on either side, north and south side of the corridor and one of the issues that came up a lot in the -- our community meetings was the issue of parking and loading. This is a common sight along denver avenue. The loading going on in the front of the buildings. Here it's in the middle of the street. There's no alley behind the commercial

buildings, so everything has to be done from the street. And one of the action items that we added to the neighborhood plan was to look at ways of opening access in the back, and they have -- p dot and pdc have agreed to implement that. As part of their odot study they did a traffic study that looked at ways to maximize the on-street parking, and they explored the idea of angle parking, which is something -- something they have in their plan they'd like to pursue. The third policy -- policy three was the parks and recreation. We added an action -- we added language that says develop a greenway bike and pedestrian path that connects the kenton downtown area to the 40-mile loop north, and I think you'll hear testimony today about how important that amenity is for the neighborhood. Policy five, the transportation, we just beefed up the language in firms of the pedestrian and the bicycle orientation. Policy six, historic and natural resources, this is where we talked about paul bunyan, and as a historic resource, some of the original plans called for moving paul farther away than people felt comfortable. They really wanted to be sure that in the construction that goes on with tri-met, that paul stays in the vicinity of interstate and denver, and he doesn't move to the park or some other place. And tri-met is on board with that also. We also have a completed action item already in the plan that calls for tracking the commercial area along denver avenue and nominating it for a national historic register district, and that has been submitted and is now being reviewed by the state and the feds. And we've been working with -- this was reviewed by the landmarks commission, and this state's historic preservation office so -- to make sure we aren't doing anything that would compromise the historic integrity. We also added a new policy to policy six, which is housing, that talks about how we want to create opportunities for mixed use and high density around the light rail station. Something that could look something like this. And then more as you go towards the transition to the existing neighborhoods, you could have more of a garden apartment and row house development. We also added an objective that talked about encouraging a mix of rental and owner occupied housing as part of the new housing that comes as part of the kenton downtown plan. This is the proposed action items. Of course I don't expect you to read them, I just wanted to go through how an action chart works. We've identified projects and regulations that will implement the plan so that they're identified here, and then there's a time frame that you assign each project. Some of them like the rezoning to allow more housing would be completed with the plan. Some of them have already been completed, like the nomination for the historic district, and then there's an ongoing column, or in the next five years. So this gives the neighborhood a chance to prioritize when they any they can get things accomplished. And then the last column is very important, it's the implementers column. All of the agencies and groups that have committed to helping the neighborhood get these projects done are listed here. And to be an implementer you have to agree to work on the project. It's not a binding commitment, but it is an agreement that most people take pretty seriously. And those are the changes that we're making to the neighborhood plan. Section 2 are the recommended changes to the zoning map. We'll start with the commercial. There's some areas we wanted to add a little more cs zone right down on watt street. This is the southern gate with, we want informed bring the zoning down so we'd have more potential for gateway type of development on that site. This area here we added to commercial to give us a little more space behind the buildings when we talk about opening up the commercial buildings behind denver avenue, and then this is a site that is right by the planned light rail station to allow more mixed use and housing here, and then these two sites are key high density sites, which we're rezoning to rx. These sites, the lighter blue, are being proposed to be zoned r1 with the exception of this triangle space, which is fully being proposed to be zoned r2. And right now the comprehensive plan calls for most of this area fob rh. We haven't gone with rh anywhere in this -- in this proposal. We've increased the density near the light rail station and then we've had -- we have less of a dense if I as the transition. And as we balance it out with the no net housing loss, conclusions we had to do, we actually would increase the potential, about 80 units. So we're not losing any housing potential there. Number 3 -- section 3 is the recommended regulations in a kenton plan district. We wanted to do a planned district so we could have special use and development regulations in this area. This if boundary. If the light

rail station is right here, all of this area is within a quarter mile of the planned light rail station. And the recommended use restrictions. This actually ended up being the most controversial part of the plan. In the original public review, we -- based on past studies, there was a proposal to only allow retail on the ground floor. So you'd prohibit all uses except retail on the ground floor on buildings facing denver avenue. And the concept, the idea, the logic was that retail is difficult to get and to maintain, and that the retail would -- in order to get retail to invest in the area, retail supports retail uses, and that if you -- if you gave people the insurance that retail was going to be next to them, instead of, say, vehicle repair, that would help the market and help it turn to retail. When we presented this in the public review draft, there was a lot of opposition, especially along with the business people along denver avenue, and when opdr and the planning bureau sat down to look at it, we decided that we also felt it was pretty restrictive for this time, and we looked at the things that would be the worst offenses to retail. To having successful retail corridor. This is the list we came up with. Prohibit vehicle repair, vehicle sales and leasing, prohibit wholesale sales, and limit manufacturing and production to 3,000 square feet. And the planning bureau -- the planning commission approved these use restrictions, but they also added an action chart that asked that we look at this -- at this area in three years and see if these use restrictions real letter are working, and maybe revisit the idea of retail only on ground floor. But they didn't feel comfortable applying it at this time. So let's just -- in is --

Saltzman: So rather than go retail only, they decided to just restrict certain uses?

Gisler: Right.

Saltzman: Okay.

Gisler: So this is a vehicle repair business on kenton, this is fully the southern gateway into the district. And -- district. And this business has also -- in the cs zone, vehicle repair is allowed, so this is an allowed use. But development standards say it should be done inside the building. So it's an allowed use with nonconforming development. This building -- this particular business has also gone across the street into in building here, and the good news is that they've -- they're maintaining the building, they've just painted it, but because it's being used for vehicle repair, and because this part of kenton and the historic resources here to have retail are really quite limited, what it means is it's a missed opportunity for this to be retail to support other retail uses. And, again, with the nonconforming status, no one wants to see in business go away. In fact this is a very supported business in the neighborhood. But the next way of development, when the market's right, if in became retail, that would be moving more in compliance with the desires of the plan. This is another --

Francesconi: What would happen to that business? I'm not saying that's the right location, but is there a strategy to kind of help them go somewhere else? What's the --

Gisler: Because it would be a nonconforming use, there's no reason for them to move. So it's not like -- and that was what the neighborhood really feels strongly about, is that people be able to stay as long as they want. It's not like we want to relocate businesses at this time.

Francesconi: Okay.

Gisler: So niece are some industrial uses. This is wholesale sales and service, which in the cs zone, which is all along denver avenue, these uses are allowed to be -- they're limited but they're allowed to be 10,000 square feet. So what happens in such a small area, this commercial area is only about 3 1/2 or four blocks long, so what happens is these uses, if you get a number of them, they start to dominate the character. And that's what's happening in denver -- on denver right now. This is the wholesale sales, and we've limited the manufacturing and production. This is a printing production use, to 3,000 square feet. There's some examples of manufacturing and production that's 3,000 square feet that allows manufacturing or the production area in the back and then in the front you can still have a show room or a display area. And that seems to be really compatible with the retail character. And some of the things that are happening that we didn't address in the plan have to do with the boarded up windows. There's so many wonderful buildings with boarded up windows, the more I talk to people, the more I realize people would say, I boarded up my windows because they kept getting broken. As

soon as the area -- I feel like I electoral college take the windows off and it's not a safety issue, then I will. So we really felt like this is something that in the future people will be taking off these windows. But at this point it's hard to regulate something like that. And the other thing that's hard to regulate is this building here, which again has had a nice new paint job, it's being maintained. It's technically retail, but if you look at the sign, you'll see that it's hardly open at all. So it's really even though it's technically retail, it's really being used as storage. And the more the values in the area go up, the more in kind of use will not be feasible. Recommended standards. The first one is to prohibit drive-through facilities. This is consistent with what we've done along a lot of the light rail stations. And then the next five have to do with going back to the guiding principles of making the area pedestrian friendly, and also being compatible with the existing neighborhood. The first one is -- maximum height, the maximum height, in this area up here, this is one of the parcels that we zoned rx, and it was important that we limit the height along denver to 55 feet so it was more compatible with the bulk and size of the area. And the other one we've increased the height to 65 feet. It's zone ys, so it's a 45-foot height. This is the site that the neighborhood would like to see a grocery store here, maybe parking with housing above, kind of the belmont dairy theme. In order to do that, we wanted to increase the height here 25 feet, to 65 feet. And in this site here they also -- in this site too they also wanted to increase the maximum far to 4-1 to be able to be more flexible. And they also wanted to increase the f.a.r. In the rx zones from four to one to six to one, again to have these sites be more flexible and allow more intensity. And they wanted a minimum f.a.r. Along denver avenue to ensure that a one-1, to ensure there was a minimum level of activity in -- and density along that. That is compatible. And the required building line standard, what that -- there's two of them, and what they do, there's the first one is in along denver avenue and the historic area, and that's to main feign the line -- maintain the building line along denver avenue, which has the buildings coming right up to the street. And then in the areas where we think in might be new redevelopment, then we've -- there's an allowance for setting the building back a little bit to have more pedestrian amenities. The active building use area standard is up here in this -- in the area around the light rail station that we could see potential new development in the future. This is the dancing bear site, and this is the wells fargo back. And this is just to ensure that these areas are -- have windows and doors that face the street and that are pedestrian friendly. And frontages where parking access is restricted are all the way up and down denver avenue and around the light rail station. This is a restriction, it's not a -- it's not prohibited, so these could be adjusted. But the idea is to maintain the pattern where you don't have mid-lock curb cuts. We've also added a little over here by kenton park to ensure an active edge by the bark. -- park. And the last thing the plan district does is it adds design review to the areas that are outside the kenton conservation district. Kenton conservation district line is right here, and these areas here are very important. They're the key areas around the light rail station, and the neighborhood would like to see design review on it. It would also like to see a design review on this parcel because of the way it slopes up. It's very important -- it's a very significant for the views out of kenton park. And the planning commission also added an action item they would like to see this area have their own special design guidelines.

Katz: Which area?

Gisler: The kenton downtown plan in general.

Katz: Did they identify what special design guidelines they wanted?

Gisler: No, they haven't at this point. So I wanted to end with this picture, because this is the kenton fire house, and it's right -- it's a block off of denver avenue. Where the kenton neighborhood association has flair meetings and the top is where the north Portland office recently moved in. I think the renovation they've done, the office moving in is really positive things for the area. Thank you.

Gisler: One other comment, this project was jointly funded by the bureau of planning and the bureau of housing and community development, and we wanted to thank in advance the citizens who've come out today for a daytime hearing, our only other option was to schedule an evening hearing close to the

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holiday, so we opted for today, and we want to thank people for taking time out during the day to come down and testify.

Katz: We're going to open it up to public testimony. Somewhere somebody needs to help me with the special design guidelines. What are we going to do about it? You don't seem to want to answer that question.

Gisler: What we did is we added an action item that says, develop specific guidelines for the kenton plan district.

Katz: Would you tell me -- it's not in the work plan, right?

Gisler: That's probably correct.

*******:** Not at the moment.

Gisler: At this point is what happens -- it's the two-track system where they --

Katz: I know what it is.

Gisler: We've looked through, we've made a few changes to them to make it appropriate for this area. Some of the planning commissioners were not convinced that was enough, that there needed to be some more specific standards. And the neighborhood agreed, and so we added this.

Katz: But we need to --

Kelley: It's one of the things we need to work on in terms of our budget and work program for next year.

Francesconi: You need to be more assertive like commissioner Saltzman.

Saltzman: This is not -- i'm curious, maybe the people -- i'm curious how 3,000 square feet was chosen as the threshold for manufacturing or production uses. It seems -- i'm curious where that number came from as opposed to 5,000 square feet.

Gisler: It was introduced by opdr at one of our meetings. It was -- first we looked at it in terms of, it is consistent with the limitations of commercial and industrial. So we have that number. And then we applied it to the kenton downtown area, and there was one manufacturing business in particular, all seasons shutters, that has -- that is 2,500 square feet, or thereabouts, and has their manufacturing in the back and then necessarily have this nice -- they have this nice display in the front with plantings and awnings. That was really the model for, yes, you can do industrial, if it's small enough. It can still blend into the character. And then we also had some concerns that if you totally prohibited manufacturing and production, then you wouldn't allow a small artist or something to come in and do something that would be really interesting to the area, and so that was how we got to 3,000.

Saltzman: Okay.

Katz: Okay. Further questions? Let's open it up for public testimony.

Olson: Come up three at a time, please.

Katz: If you want to address how you envision the special design guidelines, please feel free to do that. I really would like to -- like to hear about what you're thinking of.

Rust: It's not my expertise.

Katz: If there is somebody in the audience with that expertise, that would be nice. Who wants to go first?

Rust: Did you get my pass-out?

Olson: It's coming.

Rust: I wanted to refer to one of the exhibits.

Katz: It's coming. Hold on.

Jerry Rust, Kenton NA: Mayor Katz and commissioners, good to see you. Thank you for this opportunity. My name is jerry rust, i'm at 3417 north russ it in the kenton neighborhood and I serve on the board and also the columbia river slough watershed council. I want to propose an amendment that I think will strengthen the plan here, and it has to do with public access to the columbia slough. If you just indulge me for a second and open up that watershed council brochure, take a look at the slough and look at the far right-hand corner and you can see canoe launch existing, and canoe launch possible

future. And if you go along the breads of the slough, you'll find there's one by fairview lake, and three down at the confluence, or down by kelly point park, but the whole rest of the slough is unserved as far as public access is concerned. And that's what members of the kenton board and the clue, I think a lot of interested parties would like to open this up and make this the amenity that the earlier plans had contemplated, the adopted kenton plan neighborhood plan had actually had a suggestion for a boat house with canoe rentals. That was probably a little ambitious given the difficulty of siting it right there as the light rail would go across the slough on interstate. But I would like to see you put this action item in there. The slough water quality is getting better. You just spent \$165 million that virtually eliminates the overflow of sewer into the slough. I actually believe that putting more people on the water will actually improve the water quality, because people will have more ownership and will push for more aggressive actions that will help restore water quality. It's a powerful recreational and economic amenity. I think it dove tails really well with the interstate urban renewal goals and objectives. I have a letter -- because i'm coming at this in the 11th hour and I apologize for that, I perhaps am a little asleep at the switch, I have a number of agencies down there, most of them have given their verbal commitments as far as being implementers, and want to see this happen. I would be -- here's my hope. That you would make knows -- that implementers subject to getting a letter into the record before the plan document goes to print. And I think the planning staff would support that kind of an opportunity. The letter here is from the b.e.s., Kenton neighborhood association is on board, columbia slough watershed council is on board, b.e.s. Is on board, pdot is on board, I believe parks, I have a verbal from the peninsula, and we --

Francesconi: Parks is now on board.

Rust: We hope parks will be on board.

Francesconi: They are. I'm telling you they are.

Rust: They are?

Francesconi: Yeah.

Katz: So you have the amendment that you distributed on page 20-21.

Rust: Right. It just says to seek funding as soon as possible, to promote multiagency cooperation, public-private partnerships in order to open up some of the public access points in the kenton neighborhood. And I think this whole policy should extend for the entire length of the slough, but we're here on the kenton today and so we'd like to start the -- to start it there.

Katz: I just want to ask a question. Has the community that work order this discussed this at all? Or have they just given an okay to you at this time?

Rust: I took this before the kenton neighborhood board two weeks ago, last week, and we passed a motion in favor of opening access and -- so that's in. We have at the columbia slough watershed council we discussed it and actually got up a subcommittee and we have begun touring the sites to fry to do an analysis, some of them are going to be relatively ease and I inexpensive, some will be very hard, and if it was real easy, it would probably be done already.

Katz: Okay. We'll take up the amendment after the hearing. Thank you.

Sten: I think it would be a good timing to team up with b.e.s. And parks and find a way to launch one of these new canoe sites, because it's just this year that the -- probably the last month or so that the valve was turned off and there is no more sewage going into the slough. An extraordinary way to celebrate that --

Katz: I agree with that.

Sten: It would be tough to support this while they were spewing sewage, but that's done. That's not something you want to do often.

Prem Singh: My name is prem sing. I live at 1815 north willis boulevard. 97217. We live just around the dancing bear area. Let's start with good things first. The planning commission and the neighborhood people are doing a good job in preparing everyone for the coming of the light rail and -- so they can enjoy the benefits of the light rail. The second thing, it's about recreational facilities which

will be -- which my friend is proposing that we should implement along the columbia slough. That will be good for the community, good for business, also. And someplace for skids to hang out, because there's the park, there's not too many places around there, the new sidewalk facilities the city build on the west side of argyle road. And the third thing of interest to me, which eye might have -- I did mention to the planning commission, is a closure of the part of willis boulevard between fenwick on the east and north interstate on the west. We're getting a lot of problems there. We have been faced with in problem for the last ten years, since we were living there. I'm sure the people at dispatch, the police department may know our phone number and voices by heart. For the number of complaints we're making there because the folks of the night frequent that place often. The people who have vehicles that are unwanted dump them there, and the garbage that goes along with these activities. I think if we close that street, which we are working on right now, it will be helpful for us and those who are coming into the light rail stations. We need council support on this, and we're going to do what we have to do.

Katz: I'm sorry, which park did you say?

Prem Singh: The light rail station would be coming in just near to where we live. That is near to the dancing bear area.

Saltzman: You're proposing to close willis between fenwick and interstate?

Prem Singh: Yes. All together I any the light rail will be an asset to the people in that community, because you're going to encourage more people to go there to live, more business activities, and so I feel if you make the provision to closing that street, we'll keep the other side of our community out of the area and make it a little bit more livable and attractive. Thank you.

Mindy Correll: 3820 SE Tibbetts, 97202. Is that better? Good afternoon. My name is mindy, i'm a recent graduate of the urban and regional planning program at Portland state university. I'm here to testify in support of a trail connection between kenton and the 40-mile loop. While I was in the program at psu, I worked on a student -- with a student group who did a study of connecting kenton to the 40-mile loop. We were assisted by an advisory committee that was made up from the Portland development commission, Portland parks and rec, kenton neighborhood association, 40-mile loop land trust and the Portland department of transportation. One of the main thrusts of our study was to use the residents of kenton to tell us where the best location for a trail is. We gathered our community input at a number of events, community events that happened throughout kenton, and we did an analysis of the trail alternatives where we actually went out and watched -- walked each of the trailers alternatives and identified the opportunities and constraints, and then made a recommendation. Our plan was adopted by planning commission as a reference to this document the kenton downtown plan that you're hopefully going to adopt today. And we recommended a two-phased trail connection between kenton and the 40-mile loop. Phase one is a straight trail from the proposed light rail station down denver and then connecting with the 40-mile loop. To make this phase happen, it's important that we work with tri-met in a timely fashion to improve the pedestrian and bicycle environment of denver avenue. Currently it isn't a very safe environment. Phase ii is a connection from the light rail station via argyle and peninsula avenues, linking to the other recreational opportunities in kenton, which if kenton park and the peninsula cove proposed boat launch that was discussed earlier. The concept of a trail has been endorsed by the community for almost a decade and has been included in other planning documents. And with all the action that's taking place in kenton right now with the urban renewal and the light rail and big pipe and so forth, right now is the best time to make this connection happen. Thank you.

Saltzman: That's in the proposed plan?

Correll: Yes.

Katz: The recommendation to close the block is not in the action items. Was that not discussed? It is? I'm looking for it. What am I missing?

Saltzman: It's under transportation.

Katz: I looked under transportation. Okay. I'll look again.

Correll: Action item 2. One of the possibilities of vacating willis between fenwick and interstate in order to create a larger site for redevelopment.

Katz: Okay. Thank you.

Peter Teneau: My name is peter, i'm a kenton resident. I live at 2715 north terry street. As I was sitting down in this room, I made -- kenton a sleeping beauty, ready to be awakened. I think of that as being the absolute truth. In plan goes a long way toward that awakening. It's been long and coming. Those of us who worked on the various aspects of it, I myself who have been involved in light rail ever since the beginning of knows first investigations along interstate avenue with alternatives and so forth, and all of those in the neighborhood, like larry mills and all the people involved in this, it's been a long, arduous process, and it's come together. And I think that it's a very exciting plan. So I recommend it wholly without reservation. I do have a comment, one specific comment i'll get to. I think it's a perfect example of how the city and neighborhoods can work together in a positive way. This has happened. It's been reviewed by everybody, there's been open process. There's been professional advice coming in from all sides. And of how light rail development can work together with light rail can work together with development and do what we and -- supporting light rail thought should happen. That the light rail is exciting for the benefits that it offered us in firms of transportation, but also the potential that it raised with respect to development. This is a perfect example, and this project can truly be an example -- it may take a while to happen, but we've got the framework. That's -- that shows vision. And in time, it will be realized. There's too much potential there. I would like to make it -- I would like to underscore what jerry russ said with regard to that canoe launch. The city has already committed to the canoe launch to the extent that b.e.s. As an amenity for the big pipe, I served on that committee, is contributing \$10 now to that canoe launch. And this -- \$10,000. In isn't just any location. It's the best location because there's so little access on both sides. But it's a perfect location because of the sheltered water where you can put a boat in the water, and the slough at that point is just about going west, is just about as straight and as wide as it gets. It could be good for skull rowing. Anybody who has been in a canoe on the willamette river, knows that's really not a good place to canoe or rowing boats. So it's a perfect location for that. I underscore everything that jerry russ said about that, and having served on the watershed council, I feel the same way. It will benefit the slough by simply getting more people down in, more advocates of preservation and restoration of the slough. Thank you.

Garland H. Horner: 8124 N. Denver, 97217. Commissioners. My name is garland, I have a company called insulated window corporation on denver avenue. We've been in since 1976. When we bat that property, there were nine taverns and bars on denver avenue. So I have gone through this process with larry, with pam, with the neighborhood association. I'm the past president of the business association for a lot of change. Julia talked to us about change and, yes, there was people fearful of change with everything that was being proposed. We do light manufacturing. We own a company that installs primary windows. We're not using all of our space as we used to. We've never been threatened by any of the suggested changes. Right now we don't confirm -- conform to what is going to be coming down the pike. At all of the meetings I have attended, and there were 20-some, everyone had an opportunity to voice their opinion. Every side was represented. Pro and con. Some people were very enthusiastic and very supportive, and others of neighbors in the area were afraid of change. And I think those people need to be commended, because they were very stead fast and really felt committed to what they felt. What they felt possibly was good or not good. I think change is going to be hard for part of the kenton district to handle, but I think down the line it has to. And i'm certainly in support of this. At that meeting that julia talked about, the Portland planning commission, I told the city planners that if they moved paul bunyan, that they need to take care of paul. And I have been known to be called the mayor of kenton, or the mother of kenton, and --

Katz: It's the same thing. [laughter]

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Horner: I want to tell you that if paul bunion -- bunyan -- please fake care of him, because he has 14 tons of cement in his shoes.

Katz: Thank you. I was curious, are we insured for paul bunyan? We better double-check. I'm worried about that.

Saltzman: We're insured for everything. [laughter]

Larry Mills: 1406 N. Winchell, 97217. Good afternoon, mayor, thank you for letting me come here. My name is larry mills, I reside on north winchel. I just had a brief statement. A few years ago a -- a process began in the kenton neighborhood. Our neighborhood was in pretty bad shape. A number of citizens recognized where we were at, where we had to go. We have worked very hard. Along the way we've asked for and received help from many different people in -- and organizations. The city of Portland and specifically city council have responded favorably in many of our requests. And in the early 1990s. Action plan and neighborhood plan were adopted by council. Today again with your help we can take this process a step further. The kenton downtown plan provides an opportunity for controlled and responsible growth. This plan establishes a template, a road map for the future. This plan outlines to potential developers as well as my fellow neighbors, a predictable expectation of what our neighborhood should look like as we enter the 21st century. No doubt light rail and urban renewal have raised the stakes. What appear to be modest, paced growth has changed with these new opportunities. Ironically that's what makes adoption of the kenton downtown plan more urgent. We in kenton have a lot on our plate. Food is a time for inner city neighborhoods to have their place in the sun. I should say it's about time. As kenton neighbors and city residents, we look forward to working with all local and regional governments as well as tri-met in developing a community we can all be proud of. When we work in this process for a long time, you develop relationships. People like michael harry son taught me a lot. I'm not referring to statutes, zoning, or city codes. What I learned was I realized bureaucrats aren't always robotic, but recognized that flexibility is essential to success. In simple terms, they listened. So it's time to move forward. I strongly urge you to support the down - - the kenton downtown plan in its entirety. One set of curves, we can -- once that occurs, we can get to work. I want to make one comment about the design guidelines. I don't know all the specifics about that, but I would be safe to say I think we have nearly 100-year-old community, and there's a real sense 50 on the part of a lot of the people in favor of what we're doing as well as knows that are fearful about maintaining that character. We're really lucky we have donna as a resident in our neighborhood. I want to defer all that to -- all that to don, because he's an urban planner. But I think that's the real key need we brought up.

Horner: I forgot two points. I think diagonal parking and access to the back of the buildings, opening up the alleyways that are there I think should almost be mandatory. Because if we work on the avenue, we try not to park on the avenue. So the stores that do have retail space have places to park. Eliminate the big beer trucks on the avenue unloading, and open up the alleys. They could be open from scoffield all the way down to mclullen. The alleys are just closed up.

Katz: I'm fully in support of it, but I wanted to hear from the community what was it that you thought you were -- you could overlay on the current standards for the special designs. Hopefully somebody will address it. If not, it will be part of the work plan. Thank you.

Joseph Annett, Kenton NA: My name is joseph, i'm the chair of the kenton neighborhood association. I live at 1849 north kill patrick street. First of allied like to thank julia. She's done an absolutely wonderful job with in thing. She spent I couldn't tell you how many hours on it and sat through tons of meetings and pampered I can't tell you how many people, which has made a big difference in how this is -- has turned out. There's also a group of psu students that have put in countless hours on this. We'd like to thank them. And last, there's a group of neighbors here, people I live with that worked extremely hard on this. And i'm just the current chair. These people have worked on it for years. I'm just lucky enough to be here now as it's being passed through. With that, i'd like to give 100% support from the neighborhood association board. It has been brought to our

attention that one item was left out. That is access to the slough. There's a lot of ideas of how that can be pulled off, we're going to leave that up to the psu students and julia and some other people to present that to us in a way. But just as a suggestion, pir is under a master plan right now as parks bureau. I did bring that up to them, so there's some possibilities there. As far as the guidelines, you asked for suggestions, we are a historic district, and there is guidelines within that historic district, and matching those in my opinion would be the best way to do that. Because it is a hundred-year-old community, and having those guidelines brought forward would match exactly what's there already. Thank you very much.

Pam Arden, 40-Mile Loop Land Trust: I have some documents. I'm pam arden, I live on north winchel, and i'm representing the 40-mile loop land trust. As a resident and a land trust board member, I have trails as the main topic today and the connections we have from the community. In the document that i've given you today, at the bottom of the first page is a discussion about the interstate max. When we came here supporting interstate max several months ago, almost a year ago, I guess, it was about the connections of how could we use the interstate max as an impetus to get better trail and pedestrian bike connections down to the p.i.r., Down to east and west delta park, how could we get those amenities linked to the community better than what we have right now on denver avenue? It's my understanding that the design work has gone forward with tri-met, and that the max line is going to be on a separate bridge, will not be connected to denver avenue at all, and so the idea that we could link pedestrian bike facilities with that is gone. And so right now i'm requesting that we have city support to advocate with p dot and o dot to go ahead and get a better connection along that denver avenue viaduct and the slough bridge there. So on your page 20, the action items, your number 4 is to ensure that this happens. So we really need the advocacy role of the city to help us get this done. The bridge there is a little like an orphan bridge we have a problem getting at any -- getting any work done on it at all. On page 2 on -- on page 3 you have the map that is in the document talking about the loop connections. What we're requesting is that we have a prioritization of the items that are listed on this page. Number 1 is the one that goes down denver avenue, number 2, the one that goes down argyle and connects to columbia boulevard, 3 the one on brandon, and four is the one in the plan that is on fenwick avenue. You would earned up with fenwick being a connection. The route that goes on denver is I think the most -- we've discussed it with not only the group from Portland state, but the 40-mile loop as to what is the most immediate chance of us having some connections, and along denver seems to be the best chance we have. Along argyle we have amenities that have already been taken care of as far as the b.e.s. Big pipe project with the brand-new sidewalks that are going in right now. Then you have along brandon would be the new improvement that has yet to be figured out, and the fenwick has a lot of problems. If you go down on fenwick you end up trying to climb an embankment or go through an embankment for the railroad, which can be a big problem. Then when you get on the other side you'd have to fry to figure out how to go through a swampy area. So that I think is a real long shot, and that is the one that's in the plan as kind of the premier piece. And in bold print on the bottom here on the last half of my page 2 is talking about how we could change the action items that are on page 20 in the document. Number 3 has two bullet items there. We're suggesting that you have four bullet items that you are prioritizing those routes, and so the bold is where you are changing some of the things and adding some language. And the third bullet is changing one of the bullets that's already in number 3. Hopefully to make it work a little better for us. Did I go too fast?

Saltzman: I don't any you went too fast.

Hales: Let me give you a copy of this. Pdot was looking at that issue too. I think you've done a better job. I was going to suggest in as an amendment, but I think yours is better. They suggested just language dealing with the connection west of kenton along argyle, continuing on either peninsula or delaware. I think what you've suggested is more complete, or do we need to do both?

Arden: Probably if we can try to do both of them. One of the concepts is how do you do small loops within the neighborhood and connecting in a variety of ways. So we don't want to preclude, saying this is the only way we can do things. Obviously just getting --

Hales: If you would, take a look at this and when we get to amendments i'll talk to you first and see if we want to do that and yours, or rather you've covered it. But the points without controversy that we ought to make sure that network is complete. Just how do we say that in the action chart if question.

Arden: The piece that -- the one that is going down on argyle way and crossing columbia boulevard, there's going to have to be considerable work to get through the industrial area there and come along the slough in a greenway pipe set-up. How do we make a bridge crossing, then, over the slough to where you have kind of that little peninsula sticking out that's the simpson timber property where the rowing facility could be. That's right next to -- north -- south of p.i.r. Bridges we have found are very difficult, especially in e-zones. That is not a done deal by any stretch of the imagination. But these are concepts. But by linking to the peninsula crossing trail, by going down columbia and coming around, you have a possibility that is really very concrete at this time. The other day I was going to try to walk down denver avenue and go to office depot. When you get to the end of the slough bridge, there's no sidewalk. There's no pathway. You can almost kind of figure it out, but you're in the traffic lanes. So even if I wanted to walk down there right now, to get to east delta park or p.i.r., It's almost take your life in your own hand routine, because it's not an easy concept at all. Some work has to be done there to make it a good connection for kids and anybody who wants to go down there.

Victor Nelson: My name is victor nelson. 2024 north argyle. That's my business address. I'm here to urge the mayor and the commissioners to adopt the kenton plan. My family and I have been property owners and in business in kenton since 1922. I was born and raised in kenton, went to kenton school. I've seen the ride and fall of kenton. I'm -- the rise and fall of kenton. I really feel good about what is happening now. I can remember the days when I could go to the movies in kenton, and we had a dry good stores, and bakeries, and three grocery stores, and it was a viable community in itself. Utilizing the same buildings that are there now. Then I can remember a period when kenton had a bad name for itself, and I think garland was referring to the nine taverns in kenton. It was known as the place to go to have a drink in the after hours. We had a tremendous amount of crime. Our facilities, our buildings that were broken into every weekend, all the neighbors, broken windows, in there stealing cars and tools, and so forth. It was a despicable place to be kenton -- kenton got the name it probably deserved. In the last few years it's changed considerably. I any it's between the neighbors and the -- certainly the police department has worked well in kenton. So I can report we have not had any break-ins at all in probably the last five or six years. It's been very good. So I think that kenton deserves the cooperation of the city and the city council to develop this area. One of the reasons because the light rail coming out there, kenton is the only area on the entire light rail, interstate light rail, that has a community that can be developed and take advantage. In other words, it's already got an infrastructure in that can be developed very modestly if we get the support of the city. In other words, it's a community. There's nowhere else on the interstate light rail that has that fall silts. And so therefore I hope that the city does support this.

Katz: Thank you. Anybody else want to testify? Okay. Our design expert, come on up.

Don Rambo (?): Don, 8224 north fenwick. We did the work for odot, and also did the work for pdc. I guess a couple things I want to point out. I support the recommendations by psu students and pam about connections to the river. I think it's premature to prioritize those. I think a full study developed by parks or pdot, whoever that might be, in combination, to look at the opportunities of constraints and look at alternatives and at this time leave it open, leave all those options with one exception, I support strengthening the connection on denver avenue as a highest priority at this time. As far as the design guidelines, it's the intent that the community talked about is strengthening what's there today and providing certainty for investors. The area right now has a d overlay, and if you go into denver avenue, you can look at some of the development that's occurred since the overlay. It's been less than

spectacular. The design overlay hasn't been terribly effective. The intent is to provide those people who are going to come in and invest in the neighborhood some certainty if i. For example, if I were to pick a building like a couple people have recently, and invest half million dollars in improvements, I would like to know -- and provide good awnings and pedestrian environment and a lot of wonderful storefronts, i'd like to have a little certainty that the next door neighborhood who owns the next building to me isn't going to paint it pink, for example, come back in with vinyl windows, block them out, and provide nondurable materials. And that's the intent, is not to try to limit creativity, but provide certainty for those who are going to invest in it. The same reasoning goes for the intent for required ground floor retail. As we look at main streets around the region and also around the country, we find very few examples where retail works. Where we find it works, it works where retail is continuous. Those areas where it isn't continuous tend not to be main streets. And we're not trying to say that people should not have businesses, successful businesses such as garland's, but over time the certainty of having ground floor retail along that street will ensure that we have an active safe retail environment. The commercial uses there are far outnumbered by manufacturing uses which have limbed hours. At nighttime this is a dead area. While we may provide uses for an artist here and there, which is a nice idea, reality is this neighborhood needs goods and services at a grand floor continuous retail environment -- we can only look at two examples where retail works in our region. Northwest 23rd, which has got its pluses and minuses, it's continuous retail along the entire street frontages. Go to 21st street, where you have office investment in between it, you don't have the life and activity. Simply having that continuous retail is a vital component of maintaining a retail street. Don't feel it's terribly onerous continuing we have a four-block segment. We're not talking about the entire length of martin luther king. Losing a full block to an office development, a major use, for example, say would be an employment use such as labor ready, temporary office use, which we have right now, taken up one of the historic buildings, renders that whole block inactive and takes it out of the play for many years, because investment in an office use, for example, is something that you're not going to go back on in a short term. There's a suggestion we may be better off leaving it as warehousing and let time go over rather than restrict it to -- and allow office use. Those -- that was the reasoning for having retail along the entire street.

Katz: Let me ask you the question with regard to the historic design guidelines. Why didn't you recommend an overlay of the historic design guidelines, or substitute knows?

Rambo (?): Actually, it was recommended. Those were through the discussions with planning bureau. Those were a recommendation that there was a small group of neighborhood activists and others who recommended that that did not make it to the discussion draft. A cereus of -- through a series of meetings, it was removed.

Katz: Help me out. Removed because --

Rambo (?): Because of some general comments, a few comments, not a majority, during public meetings. There was a strong desire I think from the community, to see certainty tied in with increasing densities of housing. The examples of the -- the community had given for good or bad in saying, go up and down mlk and that's not the character of the environment we'd like to see for housing. We'd like to see housing that has long lasting durable materials that are in character and compatible with the historic neighborhood. The feeling was that developing specific guidelines for this plan district would ensure that.

Katz: So you wanted it very specific for the character of this --

Rambo (?): Absolutely. The discussion was maybe it isn't even specific for kenton itself, but it may be for the interstate corridor, for the areas from overlook to kenton, for example. So, knowing the difficulty of administrating these things, it may be a bigger picture rather than a small one.

Katz: Okay. Fair enough. Thank you. Questions? Thanks. Nobody else? Come on up, staff. Let's have the council members look at the two -- I don't think there's any problem with the one on the columbia slough. The public access points.

*****: We fully support that addition.

Katz: Any objections to that amendment? Hearing none, so ordered. Let's talk about the other.

Saltzman: I'm not sure if it's redundant or not.

Hales: I asked yule gentleman to figure this out. I heard this concern about the connection along argyle and park to the slough are -- or across the slough was going to come up, so pdot staff suggested some additional language to the action chart. And then pam's recommendations are more extensive. I think I agree with them in part and disagree in part. I disagree with prioritizing them, but I agree with including her suggestions about how to make the network complete. Because the truth is I think we'll end up being opportunistic about how we get to build this stuff rather than being as orderly as the priority list would make it appear we would be. So I wanted her -- I wanted julia --

Saltzman: With respect to denver avenue being the number 1 priority?

Hales: I don't disagree with that as a concept, i'm just not sure if putting it in the action chart is going to mean anything. The way these charts get implemented, if somebody finds money or means, or there's another project, they say, oh, yeah, we're supposed to do this and people end up doing it. These have ended up being pretty effective in firms of getting carried out over the several years after they get adopted. But to say what order it's going to happen in, I think it just flies in the face of the practical reality of how this stuff gets done, which is more chaotically than pam or any of us would like to admit. So that's why I agreed with her in part and disagreed in part. But I wanted julia to get a chance to look at that and get her suggestions.

Gisler: When we were at the planning commission, pam also talked about adding the additional connections which we did, and she also suggested that we prioritize them. And the planning commission felt as did some of the testimony from the neighborhood, that these are all ideas and there needs to be a study, and that these things will come along when the opportunity presents itself. And that it didn't make sense to prioritize. So I don't think we would support the prioritization of the -- I guess it's on the land use concept map.

Hales: Right. What about the action item 3 additions?

Gisler: Basically they're saying the same things. I always feel uncomfortable on the 11th hour to change wording that people have agreed on. I talked to art pierce with pdot, and he seemed to think that he didn't have any problem and odot is the implementer, one of the implementers on this of changing the language -- p dot -- of changing the language to what pam has suggested.

Hales: Sow that extending an improving along denver -- What about art's own suggestion? That's a different segment of the network, right?

Gisler: Is it? I think it's all included.

Hales: It is? Okay. Good. So one way or another we've got it covered.

Kelley: So we would say no to the prioritization but yes to the suggested bold changes.

Katz: Bold language. Is that what you want to move?

Hales: I'll move the bold language additions to action item 3.

Katz: I do hear a second?

Saltzman: Second.

Katz: Hearing no objections, so ordered. All right, folks. If there's nothing else, we'll move 1823

Francesconi: Before we do that, if it's okay, i'm a little -- i'm more concerned about next steps now. We've done a terrific job as a community organizers in addition to being a planning bureau staff. So what happens next? We've gotten citizens that have done a great job. On the kenton connection, i'm going to address that in a minute when we accepted this. But can you give me an idea of what happens, what's the city's role in implementing some of these things?

Kelley: I guess i'd ask julia to highlight a few of the things. That's one of the reasons for having an action chart and having some actions happen sooner than later. You may want to highlight a couple of those, julia.

Gisler: One of the things that -- it's we the city, we the planning bureau, but one of the things that's going to be happening when the light rail construction happens, the resale is going to be affected. One of the action items calls for protecting that retail and we're -- we have pdc on board for that, tri-met, and the Oregon department of economic development. That was one thing. The -- because this area is in the urban renewal district, the entire thing is in the urban renewal district, the kenton neighborhood is very involved in that process. And prioritizing what projects they want through the eventual funding that they'll be able to see. So I think that's probably where we will be focusing --.

Francesconi: You're done with them. Your role is over.

Kelley: I think we're going to have an ongoing role, and julia in particular, in making sure the action charts get accomplished and having a very active role with pdc in figuring out what the next round of projects is.

Francesconi: It's just on the -- something the council has to address. There's in disconnect. Do you in good work, we come up with these plans. Here there's an urban renewal district. Hollywood there isn't. So we had a great process. And we can address this piecemeal. On the business district side, it's the same -- i've seen the studies in other business districts that point out a need. You have it addressed. Part of it is if we had a business recruitment strategy and a way to fund that it would help you get certain businesses here, but we don't -- so i'm really not talking to you, i'm talking to us as a council. We've got to figure out how to address some of these things. Here with you have an advantage because there is a tax district, but you're not going to have financing from that for a significant period of time. So there's going to be a gap. It's just -- it is so good that I want to make sure it happens. And I guess it's an editorial comment.

Kelley: Part of it is that I think the -- we're fighting the opportunity for mixed use and denser housing means there's a possibility of doing a little marketing on that side as well. For housing investment.

Francesconi: Okay.

Katz: Thank you. Let me just -- you will -- you will continue to be the conduit for the light rail and the funding priorities that are coming out of that discussion, will you not, for kenton, or -- is that what you said?

Kelley: I am involved.

Katz: Okay. All right. Thank you. Everybody, 1823 and 1824 passes to second. So because you might not be here next week when we actually vote on it, I think we can reassure you that there will be a unanimous vote and this will pass. [applause] you're out of order. And let me just say that I go through kenton quite often. It is -- and i've been there, and i've taken the tours, and you've educated me and talked to me about the community. It is a very special place. And I wanted it -- I want it to change too. Because I didn't like the boarded up win doses. But this change has to come slowly. And so in a way, because of limited resources and everything else that's happening, it will happen. Change will occur. But it will come a little slower than usual. I think for this area that's good. Because you have a lot of neighbors who are very nervous, and the infrastructure is somewhat fragile. And so I hope it's done with tender loving care. And I know with you active it will. So thank you.

Francesconi: I guess I want to make one other comment. One way we're trying to do it is commissioners if we can see things in these action plans, if -- and if we can help advance, on hollywood, which I haven't forgotten, we need an -- an urban plaza is something I need to work on as the parks commissioner. What -- when i'm looking at this, the kenton commission and the access to the slough are important priorities for parks. John has been a real big advocate of saying, let's not just look at access to the willamette river, which we haven't yet cleaned up, but let's look at the columbia river and the columbia slough access. I'm hoping we can actually have canoes along the willamette river too, despite testimony I heard here. But the idea of the columbia slough and this trail connection is something that's really important. So before when commissioner Sten had b.e.s., We were talking about how to work between parks and b.e.s. And commissioner Saltzman and I are continuing that. So with that discussion combined with pdc and the mayor, this is going to be a high priority. So we'll

convenient a group with parks to look at this, and i'll try to get back to you on it. Because it is a priority. The other thing is, the small business strategy, it's something the mayor is looking at at pdc, i'm looking at with her through licensing. I can't promise anything. On this, though, we have a little more influence.

Katz: Before we go on to the next topic, I forgot, I wanted to add something. Next year we're celebrating Portland's birthday, 155th birthday. Commissioner Sten said something earlier on with the -- that the outflow of the columbia slough will come to an end. I remember when I -- has come to an end. I remember when I came toll the council and I asked, when can we celebrate the columbia slough and the end of the outfalls, and somebody mentioned a date and it was so far away I couldn't eastbound envision it. It's here. We ought to celebrate it. You're the neighborhood, you all have the connections, and with b.e.s. And the city, and figure out what you want to do, and we ought to have a big, big party.

Sten: If I -- I don't want to go too long, but I think we should. We should figure out how to do it. I think there's a very important message that isn't getting out. As we talk about what's the plan for the willamette combined sewer overflow, and how do we make ate green project instead of just a pipes project, there's a general sense in the public that the sewer project ends at whatever the final date is, and that's when sewage stops flowing. What's happened is we're making lots of progress, and 60% of the sewage has already stopped, and this is a big, big piece. We need to use this kind -- aside from that, we need to have a party, we need to let people know there's progress being made.

Katz: Keep that in mind, and start planning with the appropriate council members and with the appropriate community members, and have a plan outlined for spring or summer. You pick the date. And we ought to celebrate. And commissioner Sten is right, as we celebrate it's part of the education as well. Good. All right. Item 1825.

Item 1825.

Katz: This is the one I thought we had yesterday. If you recall, we had a report from planning on electronic equipment facilities, eef, teleco hotels. I'll wait. You asked the staff to meet with industry representatives and community members to kind of hone in a little bit on the issues identified to a greater detail some of the problems even spell out what kind of eefs are we talking about, how do they differ, and then to begin to look at new comprehensive plan designations, rezoning, and development of design issues to allow the hotels, but make sure that they fit -- not allow them everywhere, but where you do allow them, make sure they fit within the character of the neighborhood and what we want to achieve both in the river district and in the pearl district. And you came back to us with a three-pronged strategy, don't worry, I won't steal your thunder, and I want -- this is for commissioner Hales, they did it in three weeks. So don't push them too hard anymore. It's all yours.

Gil Kelley, Director, Planning Bureau: Thanks. I'll just add a couple words to that and then turn it over to barry. Stings since the last time we were here we convened a meeting with a fairly sizable meeting with industry representatives and providers as well as with neighborhood leaders, and very informative meeting and very -- barry and I and others took a walking tour last week along the light rail -- the streetcar line through the northwest district with some industry consultants and neighborhood representatives. And that too was a very informative session. And we've learned something from that and we have added a few features to the basic outline we gave you last time. So barry's going to sort of focus on what those knew features are to the outline we gave you last time. Finally I would just comment that the proposal you're seeing today would -- is neutral on the question of the moratorium. You'll be hearing that issue on january 3rd. This proposal could work with or without that measure. Finally I would just say that to keep this going on the fast track, we're going to need to continue to be very vigilant with the representatives from the northwest neighborhoods to sort of keep in on track, knowing there's a second round. There -- where we'll be getting more detail on northwest neighborhood planning issues in the next round of that planning effort. So we need to accelerate a part of that to accomplish the basic protections here that people want for the eef facilities. But that doesn't mean that's the end of the northwest district planning process. Barry?

Katz: I hope everybody heard that. That's a very important issue. If we're going to get this done quickly, it means we can't satisfy everybody's desires, but we will come back and we -- that's part of our work plan. Go ahead.

Barry manning, Planning Bureau: Barry manning. I'm going to present to you today as you've discussed, a report that describes the proposed strategy for immediate action to address the electronic equipment facilities and really to serve multiple objectives, and also talk about future telecom strategies too. The report i'm going to give to you will go through briefly background, a little bit about what we learned from our meetings with the industry and i'll walk you through the strategy for the electronic equipment facilities, which is really this three-pronged approach we talked about. I'll walk through the future measures and we'll end up with recommendations. Just briefly, this is a little bit of the background we learned last time. Nothing new here. Once again I highlighted at the bottom we presented options for you on november 14th at the work session. And our understanding was you directed us to go back and come back in about three weeks with a recommendation for action, and that's why we're here today. What is an electronic equipment facility? Here are photographs of four different ones in place currently or in development in Portland. A couple of them along the streetcar, a couple of them not along the streetcar, all have different forms. What we learned is that we thought originally they may have come in three different flavors, there's really a broad array of different types of telecom facilities out there. Once again, a review of some of those characteristics, many of these you've seen before. Now to what we've learned. In our meeting with the industry folks, we found out more about how they operated. We found out they need access to fiber optics, but proximity to the at&t facilities downtown are very important. And the suitable buildings were very important. Knows conditions are coming together in the pearl district and northwest, and that's why we're seeing a proliferation of these in those areas. You've got fiber, suitable buildings and you've got approximate i'm to those at&t quest facilities. The situation there is that a lot of the transmission of communications outside of the region and within the region occurs through those facilities. So the closer they can be to those the better the switching arrangements are. We did a little inventory of space out there. We're estimating in is a staff estimate that's probably about 750,000 or more square feet of eef space. Either now in place or soon to be available. Some of that space is leased, but the two meier & frank former meier & frank warehouses that are coming online in the next six months or so are 500,000 square feet of new space that's part of that total. Our conversations with industry folks indicated that might be adequate for 54-month supply of new space. -- 24-month supply. We also learned that financial trends have cooled off the eef market. There's not that much capital out there to do that development currently. So that may slow down things. We also learned other locations in the city have been considered for eef development. This could include the central eastside, we've heard information about hollywood and gateway. I wanted to review with you the strategy options we showed you last time. Of course there was some immediate options whether to do a moratorium or fake a more proactive community approach with developers. We talked about three short-term options which was to maintain the ig 1 zoning, but adds new standards, rezone to urban zone with new development standards, or create a new use category with the processes, and then we had a few long-term strategies. What we're presenting today is kind of the direction we heard from council based on what we presented last time. Which we heard clearly was to try to promote mixed use and -- in the northwest area, do a fast track project to make this happen, address the eef facilities, and also work at some long-term alternative. So our proposed eef strategy includes the three-pronged approach, the first is what we're calling the northwest track project, which is a very strategic comprehensive plan and rezoning project. We'll talk more about that in detail. Voluntary adherence to design guidelines to really promote better design in this interim period. And adoption of some citywide eef regulations, because as we've heard, development is currently -- occurring in other areas in the city and we want to make sure we're addressing concerns citywide. I'll also touch on a couple of future measures. Economic and development strategy and a telecom update project. The fast track project consists of a

strategy rezone of land that is currently zoned ig 1 and -- in what's called the northwest transition area. The proposal is to resign that to exd or a similar urban zone in order to facilitate transit sport of -- support of mixed use and friendly development. It would also include adoption of additional regulation that's could take the form of a plan district to address design issues, foster an active mixed use environment with special emphasis along the industry car and major pedestrian streets. We feel this project is doable in the six-month time frame, possibly sooner if things fall in place. Once again as you mentioned, mayor, this is not a substitute for the planning we would do in the transition area. It really lays the foundation for what we can do in the future. We would fry to get this in place as soon as possible, and then we would revisit that area and refine this proposal in a longer time frame, maybe 18 to 24 months, something of that nature. The project by the way would include very streamlined public participation component. We plan to put together a small working group to get feedback on our proposal. We're hoping that working group could be made up of some representatives from the northwest transition plan, citizen advisory committee, potentially some other interested parties, get those folks together to meet on an occasional basis to get feedback on this project.

Kelley: We also have -- of course would have public hearings.

Manning: Some of the regulations we're thinking about in addition to the rezoning we talked about, we're talking about potentially looking to -- limitations on retail square footages to prevent very large footprint retailers from developing in the area. We're looking to provide streets on super blocks where we can -- we would look to include regulations that would encourage glazing in stores above the ground floors so we have buildings with character in the area. Recognize some of the other provision that's have been discussed in previous planning efforts, such as limiting residential in the area between thurman and vaughn. We're looking at along the streetcar and major pedestrian streets looking to have a ground floor active use requirement to promote the pedestrian environment along the streetcar specifically, considering requirement for percentage of the building area to be in an active use such as office, commercial, or residential. And potentially limiting auto access along the streetcar route itself, where that's possible, where they can fake access from another location. I just want to show you the next four or five slides. It shows you the exact area we're talking about. The green area is the study area we would be looking at. In the context of the larger northwest transition plan area which goes all the way out to lynn ton to the north. You can see the streetcar in pink. The transition area by the way is highlighted in the dark blue line. The next slide will show the existing zoning in the area. Without having all the zoning legend, which would probably be extremely confusing, let me indicate the transition area is demarked in that darker blue line, and the gray area is the ig 1 industrial zone. The purple areas are the ex mixed employment zone, blue areas fend to be multifamily residential, and red are commercial. The gray areas, the area would be concentrating for the zoning changes. And here the next slide shows where that zoning change would occur. You can see it in transition from ig 1 to exd in that scenario. I'd also mention that we would have some special regulatory areas. This slide here shows some of those areas that we would focus on. The one at the top of the slide is the industrial buffer area between thurman and vaughn. The one -- the l-shaped one with the slashes is the streetcar area that we would look at focusing additional regulations on. And then in some -- in meetings with the community we heard concerns about their desire to have more pedestrian friendly streets in certain areas, so we added the potential to include regulations along 21st avenue to enhance that pedestrian realm.

Katz: 21st -- from where to where?

Manning: Currently the commercial zoning extends from -- i'm not sure how far it goes to the south. It extends from burnside to about overton. It's right there. Then we would potentially be extending some kind of a pedestrian or regulation is that would encourage a -- a ground level active use space, financing on up to thurman.

Katz: Good.

Manning: Some of the issues, the community's concerned the fast track project may preempt the ability to look at the area in more detail, so we'd like to assure them we're coming back, but there's that concern out there. Exd may not be the zoning that was envisioned for the area by the community. Once again, if we went back and revisited it, we're not sure what the effects of that would be, particularly the measure 7 effects of that. And do to the time frame, we've got to keep the proposal really free of controversy and fairly streamlined. We'd like to include any element that's are feasible, but elements that are infeasible may have fob dropped from this proposal and then taken up again. In the next front we're talking about encouraging better design. This is a voluntary cooperate irv interim approach. Potentially seen as an -- the idea is to work proactively with the developers of these facilities and our understanding is there currently are a handful of them so we do know many of the major players to encourage the inclusion of desired design features. This would be ongoing until the new regulations are adopted. Some of the issues surrounding that are the mechanism for the contact and negotiation and the process is somewhat unclear. It's not something we would normally do in our course of work. We figured the initial contact could occur in the development services center, where people may make inquiries about locations or zoning. But that follow-up might best be handled flew the commissioners' offices. And with follow-up advice on design issues and maybe orientation and some of the issues in the neighborhood. A can you remember other issues, voluntary approach doesn't have any mechanism for enforcement, and in some cases existing development regulations may not permit certain desired features, like ground floor retail, where we'd want it to happen. So we'd have to be sensitive to that. The third component was developing citywide eef regulation. We would address that citywide amendment of title 33. It would likely result in a new use classification with possible development standards and/or processes in different zones. And we're thinking that would probably be doable in a six- to 12-month time frame. We talked about shorter time frames earlier, but that was as a standalone project with full staff dedicated to doing that, so this would probably be done in a similar fact with the northwest fast track project, but wouldn't be able to pay as much attention, so it's a little bit longer time frame.

Katz: But you would be doing it in parallel --

Manning: As closely as possible, yes.

Katz: Deborah is nodding yes. [laughter]

Manning: I'm glad she is.

Katz: I didn't want to embarrass you.

Manning: The issue surrounding that is the eef is developed -- development is occurring in areas beyond northwest where fiber optic cable exists or is -- and we assume where it's planned to be laid it will occur too. Some of the unchecked development may have same type of design concerns that we're hearing about in northwest. Streetscape and land use issues. One of the other reasons to address it citywide, these facilities are looked upon as a utility use. They're allowed outright in the base zone, and it's not a good fit for this type of facility, that the basic use facility was crafted at a time whether we had many fewer of these types of facilities. And one of the problems with that zone is that the category has no parking maximum. So we could see potentially an eef facility developed with quite a bit of parking associated with it and no way to regulate it. Toll the future measures, i'll talk briefly about them. They're not part of our three-pronged approach right now, but they're something we would like you to consider. We think that this is a trend that will continue in the future. We think there is more to come. Our conversations with the industry folks indicated the whole data center segment of the market is something we really haven't seen much of here in Portland, but what was an area that probably a lot of -- a lot more development would occur in. We probably ought to anticipate that and figure out where these things should go, and ought to look at ways to make them work to our benefit by locating them in places where we can use development and where they quarterback a positive impact on the community. So we suggest we look at a long-term economic development and location strategy. As I mentioned last time, the telecom issue is just a small component of a larger

telecommunications change-driven said of issues that have also caused other code concerns in other areas. I showed you this graphic last time. We're asking that you consider a telecom code update project as part of the fiscal year 2001-2002 program. We'll leave you with these recommendations. We recommend you accept the report and direct staff to initiate the fast track project, encouraging better design, and developing the citywide eef regulations and we also recommend that you consider future strategies in the next fiscal year's work program to develop an economic development and location strategy and initiate the telecom code updates. By the way, I should mention we've discussed the first of the future strategies, the economic development location strategies with pdc staff and they're available here to comment on how that might be achieved.

Katz: Good. Thank you.

Kelley: I wanted to emphasize the importance of that last point, being proactive on the location strategy. I think the real job generation potential for doing it right in Portland I think there are also things to watch out for in terms of not tearing up streets excessively and repeatedly, and there are also even potentials there for city revenues being enhanced by getting these coordinated and really being a facilitator of that. So I would urge us all collectively to work with the cable office, pdot, planning, at a minimum and potentially some other bureaus as well to do that right.

Francesconi: The one you left out, in addition to all those, is the old bgs and nancy. And the ernie project. So you might --

*****: That's right. Absolutely.

Saltzman: On the point of being encouraging voluntary adherence with design guidelines, and the whole question of who does it, it seems to me that pdc would be the logical place for this outreach to occur. We already do have the create five service initial fives. It seems like that same person responsible for cultivating that industry, would also be the same person with contact about our voluntary design. It seems to be a good fit with pdc. I thought some people -- maybe contrary to economic development, but I wouldn't -- i'd say it's very consistent, rather than leaving it in some sort of either where it's between commissioners offices, or whatever. Somebody has to step forward and fill this gap. I would say that would be the person. I think she's here.

Sten: A comment on that point. I think it probably takes a team. If we take this approach, and it certainly is the one that I recommend, i'll talk more about that, I think I did a great job in laying this all out, I any we'll need the development services folks to be alert so that when permit issues come in and somebody's doing something we need to know what's happening in order to be able to talk to them about design issues. That's got to be a key place. But I think at this point at least there needs to be a little bit of how we form all eyes it, commissioner office level discussions. For good or bad, some of it is for good, we definitely sent pretty confusing message to the telecom industry. I happen to be a speaker at a telecom conference this week, and people weren't sure what -- did the city want them or not want them? I actually think at this stage in time good conversation seems to work pretty well. The williams communications company is a big player, and I think we very much want them putting down their facilities in this town. I think they're critical was nervous after the last council hearing about what about their building, and what I found is they were interested in trying to talk to us about what should - - what could they do to make things work better. I think without knowing all the details, it won't be that much work, and I think nell be interested in making sure their building actually complies with the spirit and you can't be the exact letter because they don't exist yet, of what we're proposing. So I think there's got to be some political level sort of talking this through, because it's the political system that's sort of I think at this point all know we're a lot closer to having a message, some what scattered on this.

Hales: A comment and a couple of questions. I'm trying to not be too derisive about this suggestion about volume fare compliance, but frankly, one way to examine the validity is to say, how are we doing so far. The answer is not very well. If you look at the gender machine building, I can't majesty agencies weren't aware that was happening, so -- I can't imagine. I would have very low expectations for the efficacy of this -- i'm always willing to try something new, but I think if the council thinks

that's going to keep bad things from happening in industrially zoned land in the central city, we'll probably be disappointed. By the time people show up at the permit counter, they've already bought land and drawn plans and we can't stop them from buying land and drawing plans before talking to us. We -- we shouldn't have too many expectations for that. I guess that leads to the first of my questions, and that is fundamental problem here is that this land is zoned industrial, and everybody's consent of what ought to happen is urban, or virtually everybody's conception. Will the industrial regulations still apply, so if we want people voluntarily to do the right thing, aren't we going to be running into the code here and there, like retail restrictions in the ig zone. In other words, we're going to be saying we want you to do these things, but they're currently illegal in the zone, and you'll need to get adjustments and take extra time in the permit process in order to do what we're asking you please to do. Aren't we going to get into a catch-22 there?

Sten: Let me -- we may be batting zero or 100, depending on how you talk about it. I thought the answer was pretty clear when I asked the question at the last council discussion, that of all the other buildings, no one had approached any of the providers to talk about anything. They just issued the permits for that's the strategy, then terrific. They weren't expecting what they were going to do is put their design on tv. When I talked to their executive who flew from Oklahoma yesterday, they were interested in working with us. I think we've got to reach out a bit before we come to the conclusion that that won't work.

Hales: My point is if we had how about putting a couple of floors of housing on top of that, the answer is house assisting prohibited in ig one. You can't build housing there. So what's our upside, our regulatory upside? Even if you're right, of all this goodwill will produce more -- we'll produce more positive result in this interim, than trying to scare them away from bad projects, what upside opportunity do we have in the ig zone to even permit -- the code still after all applies. Help me out here.

Kelley: I think the real answer is you're pointing out the quicker we do what we're suggesting, the better this will happen. The conversion to ex will solve those problems.

Hales: I'm not sure what we can say --

Kelley: I think what we would be doing is perhaps -- it's fact specific, something some people to make design changes that would accommodate later uses, and in some ways asking them to perhaps wait on some facet of a project until it's permissible. In other ways there may be adjustment that's could get made. It's not a comfortable fit in the six-month interim, you're right.

Hales: My other question was, I am sure you've done great work here, and you've queued us up quickly for a decision that we need to make quickly. We haven't made the decision yet. So far so good. And I love your specific suggestions about limiting retail square footage and all the rest. There's one that I don't understand, and just a little bit of a preface, the great thing about cx and ex zoning is that it actually tells people to do more, to make it urban. Most zoning -- most zoning is, thou shall nots. One of the reasons Portland is such a great place is we have cx and ex, and cm. We tell people to do more and to make the urban. So there's in one recommendation that seems to be contrary to that really good idea, and that is saying, we're going to limit residential uses in ex zoning and -- in the area between Thurman and Vaughn. I think the market will probably limit residential uses pretty effectively in that district. So why are you recommending that we have to have regulations saying don't build housing there, even though it's on the ex side of the line between Nina and NWDA?

Kelley: I think there's a philosophical reason for doing it, because of the transition between the industrial area where Nina comes up to that border. There's also a practical reason that if we want to get in done quickly we need to provide kind of an explicit buffer there just for the neighborhood acceptability at this point. You're probably right the market wouldn't -- gravitate in that direction anyway. We've seen cases where we've got conflicting land uses in closer proximity than we'd want to see. This is just a safety precaution against that.

Hales: Maybe some of the neighborhood folks can talk about that too. I thought one of the reasons why it is possible for the council to proceed quickly is that nina and nwda have agreed the line is vaughn and on one side is industrial and shall be forevermore, and the other side is urban neighborhood. And if that's the agreement, I think that's -- that makes good sense, I would be prepared to let the market figure out whether lofts facing steele are a good idea or no not with the understanding that esco steel is in as long as they want to be, and -- so I want to hear more about that issue now and when we actually consider the proposal.

Katz: Let's -- anybody else -- did you want to add anything?

*****: No. I think that's it. I'm glad to hear those comments, though.

Saltzman: Maybe i'm -- maybe I don't understand in well enough. One of the short-term measures is to require glazing in windows above ground floors? To me that sounds contrary to where we want to go. I thought we wanted to encourage more daylight.

Katz: Glazing is windows.

Saltzman: Glazing is a fancy term for windows?

Katz: Next time use the term --

Saltzman: Now I got it.

Kelley: To have buildings that reflect neighborhood concerns and the contact to the neighborhood.

Francesconi: Before the testimony, we can talk about the issue of moratorium versus voluntary in a minute. I don't want to address that right now, but maybe today we need to. But on the issue of the response to the industry, I think we need both a staff level of response coordinated response, then a political level. I think we actually need both. I'd like to hear from pdc if they think in is their job. Still we load a lot on pdc. I kind of don't think it is. I think I disagree with commissioner Saltzman. I think we need -- they need to be involved, but I any -- I would be more comfortable if long-range planning took the lead. And in terms of the political level, we should take advantage -- if it is planning or pdc, and if the mayor's okay with this, I think we should take advantage of commissioner Sten's relationships and I think on this thing we should proceed at both levels.

Katz: Let me answer that. I think -- i'm going to use a term I use all the time, we ought to have a s.w.a.t. Team on something like this. And you hear about it all -- at all different levels. Hopefully pdc hears about it before anybody else, maybe commissioner Sten's office hears about it before anybody else does. It's important that you have the tentacles out everywhere. But in terms of sitting down with the design, if that's the issue, that ought to be in the planning bureau. But that ought to be part of the team and part of the discussion. And it's a new concept for us. We've not done this in this manner, and we're probably going to change it three or four times before we feel comfortable. But I would rather broaden it rather than narrow it.

Kelley: I think the opdr needs to be involved in that piece too with the design.

Katz: Okay. Let's hear some public testimony. I'd also -- somewhere commissioner Sten, if you could tell news terms of what you see the potential of using the franchise agreement for some of this. Okay, who wants to start?

John Bradley, Planning Commission: Thanks for the opportunity to talk. My name is john bradley, I reside at 2315 northwest johnson. I'm chair of the planning commission planning committee for the nwda. After much careful thought, the planning committee for the nwda request that the present zone for our part of the transition area be left intact. In other words, we wish that the ig zoning stay in place until a thoughtful well-done master plan can be developed for this area. To trade the transition zone for a set of short-term ground-floor pedestrian standards with voluntary design guidelines makes no sense. We do not know for sure what the area will look like after a few more eefs go in. But it will finance to be industrial, as it is now. Ex zoning called out for in the report in front of you was the specific zone our policy planners singled out as not wanted for the area. It was an anathema to them because it opened the door to poorly planned, wholesale development. The question is, if money and the need there for a large number of teleco developments? If money there for larger retail, no minimum

lot size housing, drive-throughs, and the type of unplanned development that ex allows there? The answer is yes. We are unable and unwilling to cast aside the years of citizen input that our policy plan represents just to assure ourselves that over the short term a few more industrial buildings that don't need parking and don't pollute don't go in. The damage done by these new tell cos will probably be taken care of in a few years, as market force and following change. The damage done by an across the board open-ended rezoning ex will be on the ground for decades. In short, better the devil you know. Something said -- having said all that, the -- a moratorium as suggested by commissioner Hales is the best approach to this whole situation. It prevents any potential damage from being done to the transition area, gives city planners breathing space to develop a rational plan for eefs, and allows the time to develop a plan for the transition area which encompasses design guidelines, building heights and allowable uses.

Hales: What are --

Saltzman: What are the borders?

Bradley: I-405.

Hales: One of the other folks --

Bradley: It is the major portion.

Hales: One of the other folks at the witness table might talk more about this in a minute, but there's 11 acres of your neighborhood zoned industrial for sale right now. What do you want to see happen there? The choice is not nothing. We thought leaving this in industrial zoning meant we got to choose nothing for a while. We were wrong. And the time to make a decision is upon us. So what do you personally, even if you haven't had a chance to talk about this as a committee, what do you personally want to see happen on that 11 acres three blocks from the streetcar?

Bradley: Carefully planned, well developed mixed use area with a plaster -- master plan.

Hales: And will we get that with industrial zone something.

Bradley: Not right now, but i'm going back to the fact, as I said, better the devil you know. Did I -- I don't think we're going to get 11 acres of telecos there. What i'm suggesting is this short-term ex zone assisting going to open the window for whole scale mass development, and in an unplanned way that we're not going to like. And so it's a faustian decision. We've taken our pick here.

Hales: We've also made a big bargain, too. Even with the restrictions that we have in front of you from the planning bureau in terms of limiting retail square footage and all the rest, you still don't think the so-called devil of urban zoning as opposed to suburban industrial zoning is not better for that 11 acres?

Bradley: It's already industrial zoning. And what i'm suggesting is that a few more industrial buildings in that area -- industrial buildings are not going to do a significant amount of damage to it. What I am suggesting is that 18 to 24-months of little regulation and ex zoning in that area will do a significant amount of damage, which will be on the ground for decades.

Hales: Last question. You understand, I hope, please answer me, I think you do, that if the council were to approve a moratorium, that we only get to do that for a maximum of eight months, and it has to be for the purpose of changing our regulations, not for the purpose of preserve the status quo.

Bradley: I understand that fully.

Francesconi: Let me -- so it's your concern that you need an -- enough time for adequate citizen involvement, that you're willing to run the risk with leaving the zoning? Is that the issue, or you don't like the zoning itself?

Bradley: We don't like the zoning itself. We don't feel that there's enough time to adequately -- we have been told there's not enough time to adequately address all of the issues and have what we see as something we've been espousing for several years, and that is a master plan developed for this area, to transition it slow and -- slowly and carefully out of ig zoning, protect as much of the industry that is there already, and much of it is going away already, and get something that fully fits in with the fabric of the surrounding areas.

Francesconi: How much time do you think is needed for that?

Katz: We're going to be doing it.

Francesconi: What's the shortest amount of time?

Bradley: What is the shortest? I defer to the planners. I have been told that there is not enough time to do what we have laid out in our policy plan. That's what I was told point blank.

Katz: There's not enough time to do everything we had planned to do in the northwest district plan. You're correct. Within the six-month period. But we are -- we're not going to leave you hanging. We're coming back.

Bradley: But i'm suggesting a window of opportunity there is -- will be a large one, and that there will be a lot of unregulated development. What we see as unregulated development going in. What are the benefits we gain from that? And as I said in my speech, we're getting some ground floor window standards, some pedestrian standards, and some volume fare design guidelines. And that's just not enough.

Jim Winkler, Windler Development Corp.: I'm jim, president of winkler development corporation. Unlike the gentleman to my right, I wish to speak in strong support of the rezoning. I any this is an enormous opportunity for the city to development appropriate zoning that will encourage nonteleco uses. I see it as a tremendous opportunity to encourage urban uses. I wish to suggest that as a developer who is likely to fake a sort of thoughtful approach to -- as commissioner Hales indicated, looking at one of the major parcels, 12-acre parcel, that we see this as a unique opportunity for housing, office, retail, live/work, pedestrian friendly, missed -- misuse, the exact formula the planning department endorses. I see a distinct opportunity to move quickly. The only thing that I might suggest that was of concern to me is the notion we would have regulation that's we would tweak later. I think that's very encouraging in that I strongly respond favorably to flexibility, but by the same token we're contemplating making a very significant investment, and certainty has a significant advantage in that confection. The opportunity to build a neighborhood is what we're talking about. It's an irreplaceable opportunity, and I would encourage us to move with appropriate speed to recognize that time is of the essence, and that the next six months could be a very productive one for the city and for this community.

Sten: Jim, john, gil, barry, whomever, is this a mutually exclusive proposition you're talking about? It seems to me like there's an issue with this parcel, and it seems to me that there's the bigger context, and that we're using a lot of broad stages to try and solve the immediate problem that commissioner Hales is correct -- has correctly identified with this parcel, and the fear is what are the unintended consequences. I have a huge resistance to a moratorium. I think this is not a year that you want to stop telecom development in the corps of the city. And even fits a eight-month moratorium, in the last 12 months telecom investment in Portland went from 98 million to 616 million in the last 12 months. That's a big moratorium you're asking for. The numbers are staggering in terms of what it means in this town. John seems to be squared that trying to do the right thing on this parcel is going to cause all kinds of other problems for the neighborhood. Is there some way to get the right thing done more surgically on the property that there is a median opportunity on, or is that too much spot zone something does that make sense?

Katz: It does.

Winkler: Certainly to me it would. Bear in mind, when we have exd, that d is a very powerful small letter. And it does provide an enormous amount of input. Or for everyone who becomes involved in a project that has this kind of critical mass is going to engage in a thoughtful I hope dialogue with the surrounding property owners in the neighborhood associations that might be impacted. I think it is possible to find an appropriate compromise between our respective positions and -- in which the city winning. -- wins.

Hales: We'll have fm here, in are other parcels at risk too. Not just -- this is a big one, no doubt. Physically and in terms of its effect on the district. But there are others.

Sten: My point is I think if you take moratorium, leave it as it is, rezone everything, all three of knows propositions have extraordinary risk. As you can tell from the council mechanics, some of those rankles one more than the other. There isn't one of those three things that isn't without substantial risk to the community as I counter. Is there a way to meld those three strategies in a way that minimizes the risk in the best fashion on each of these three issues? All three of those I think bring with them risk to the neighborhood, risk to not having inadequate telecom infrastructure, risk to losing a critical parcel that clearly is the hub of what happens in that neighborhood.

Francesconi: I guess I want to say, maybe I wasn't paying attention. When we first brought all this, I understand -- I to the it was to protect the streetcar line. You can describe what you mean by the streetcar line. Now I find out we're really talking -- at the last meeting, we're talking about a parcel that we want to utilize. We can't design a whole strategy around this parcel. This is too important. So I think commissioner Sten is on the right track. So I was willing to consider a very narrow moratorium just along the streetcar line, but now I find out that's not what we're really talking about. I think this idea of a moratorium we should forget about. And I -- we're going to have to deal, for the reasons commissioner Sten listed, deal with this separate parcel by you folks getting together and seeing if you can work it through.

Katz: They did get together, and i'll need to come back and talk about that. Go ahead.

Neilson Abeel, Chair, Pearl District NA: My name is nelson, I was -- reside at 1325 northwest flanders and i'm here as the president of the pearl district neighborhood association. The pearl district neighborhood association first of all wants to commend the council for taking up this and working so quickly and also the planning bureau, and also having the planning bureau get out on the ground. I was part of the tour with gil last friday and it was quite illuminating to get everybody out there. The telecommunications industry is totally necessary to the future of Portland, and the pearl district is not standing here saying that we do not want these facilities to be located within our borders. I think they should not dominate any -- they should not dominate any one development in what we are now creating as part of the river district as a transitional neighborhood. I think commissioner Francesconi's illusion to the protection of the streetcar line is something that the city and the council cannot ignore. There is a tremendous investment in this streetcar, and its idea is to promote high-density human use development. And I want to just clear up one -- the pearl district also is -- has been perfectly behind the transition of our 18 blocks of ig-1 zoning from northwest 12th to the freeway from lovejoy north to the river. We have been expecting this, we've been part of various plans and ad hoc committees to get those 18 blocks zoned into exd. They're sitting next to a committed high density mixed use residential and commercial neighborhood which is being built out. I want to say one thing about exd zoning, and i'm not sure how the planning bureau can fix this problem with conversion of warehouses within exd to telecommunication facilities. We have one major property, the former meier & frank warehouse property, which is a property that has 360-odd feet on northwest 14th and runs from 14th to 15th. The idea, and the only thing the pearl district takes exception to in the -- in gil kelly's report, planning bureau's report, is we think it is ridiculous to think you're going to have voluntary compliance with regulations that these -- that these redevelopments are not required to have. We've got this meier & frank warehouse, they are not subject to design review, they are simply upgrading a warehouse from one kind of warehouse to the next. They have been into our planning committee three times. They're going in front -- the only reason they're going in front of any kind of review at all is because the building is a designated landmark, and they're going in front of landmarks commission on monday and one of the things the land marks commission is going to be looking at is the fact they may be landmarking a generator farm on a vacant piece of land that's part of this property that's expected to have as many as 1855,000-pound generators -- 18 55,000-pound generators. This is not transitioning northwest 14th avenue to a mixed use area. There are already projects already in the pipeline which will make northwest 14th avenue as one example, a much, much livelier place for humans.

Francesconi: Just one question. So to protect the streetcar line and the investment in the streetcar line, how broad an area do you need a moratorium on? How many blocks off --?

Abeel: I think you need -- in my opinion you need at least one full block to the block face of the lovejoy, the next block south is kearney, at least to the south face of kearney, maybe to johnson. And consequently the same on the north.

Al Solheim: I thought i'd bring a picture. I'm al, a property owner and developer in the pearl district.

Katz: Do you want to lift that up, please?

Solheim: Existing facilities in the pearl district. This is the project -- [no audio]

Hales: What's the pink?

Solheim: These are properties for sale in the area. [no audio] i'll keep my comments brief. I'm somebody who's actually dealt with telecocompanies. We put a facility in our new receiver effect building, we put in a facility on the backside of it in the worst part of the building. I can tell you in dealing with them, I think williams company probably is one -- on one extreme, the people we dealt with, building 20 facilities at one time, had hired project managers, hired construction people, they didn't have no really guess continuing involvement with the project. There were people continuing to be replaced both at the company itself and certainly on the ground. So I think there's a real problem in thinking we're necessarily going to have an ongoing consistent meaningful relationship with a teleco developer or in this case they were an actual teleco company. I think there's a big problem think you're a -- there's going to be a voluntary design review. On the moratorium, I think you can make the case that by not having one you're sending the wrong message to the city, to the streetcar people, to hsp, other people involved in the liver district. You can see we've -- I think you're part of the problem, and I think you should be go farther to be part of the solution. The problem is we've had a streetcar under investment for eight years, and we have no zoning in place that will both protect, support, a streetcar and encourage the jobs in housing that was meant to bring. So I think not having a moratorium sends the wrong message. I think we're lucky the telecom industries collapsed. I think it's probably unlikely a lot of things will be happening in the next six months that are threatening these new properties. In fact some of these properties that are slated for facilities may not become them. So I think we're all sort of lucky. I would argue a month ago that you should put a moratorium on to be part of the solution. I think we're all collectively, I take some responsibility, for not insisting that we have zoning in place to support the streetcar. So i'm going to illuminate anything, but these are my thoughts. I think we have problems of voluntary design review and the moratorium a month ago would have been monday tore. I'm not sure fits maybe necessary. You can put date certain times on the planning, six months, four months, get that done, make sure you have the funding to get it done, maybe there's a window that we all can work with.

Katz: The many -- we're shifting money from the study that we're planning to do. The money is there. That's not a problem. Six months, maybe sooner. The issue now that both of you raise was the voluntary design guidelines.

Solheim: And I think -- i've dealt with it. I've dealt with these people. They put stuff in our facility without proper sound mitigation. Now we're dealing with them, because they just did it. And so now we're dealing with people in cedar rapids, iowa, to try to deal with that. That's a no-brainer that should have been done. We'll get it done. Our lease requires -- but I think the not of dealing with maybe some -- williams I think is on the other extreme. But there are other people in the middle and on the other side that are probably --

Francesconi: Sow a block on each side of the streetcar line is enough to protect it?

Solheim: I think a block -- the moratorium is probably okay, but in the zoning redo, I any you need to be looking at an impact of three blocks. If we're putting \$55 million in a hard fixed streetcar line, I think ultimately planning has to be looking at a three-block area, and maybe sort of scale back down from that. That could be sifted out in the six-month period. Maybe two blocks on each side of the streetcar, that would be from northrup, petty grove, and maybe to johnson.

Katz: Okay.

Sten: I have a question. Al, a couple of devil's advocate questions. I agree a lot of what you're saying. We may disagree a bit. I think we need to move quickly to rezone it. Is the meier & frank building that becomes up against the freeway really that bad after place to get some of this infrastructure? It seems like you got to put it somewhere.

Solheim: I think that's a terrific place to have it. But I agree with nelson, I think the issue of the street level and -- on 14th -- I think we want to take advantage of the properties that are compromised by the freeway. So that makes --

Sten: That's a big chunk of the purple that's on your map.

Solheim: And the Oregon historical society, you think -- I think you can maybe the case that's a good place. It's up against the freeway, and I a -- all along the freeway. John carroll's project, if he didn't want to put parking on the backside, you could put a telecould facility on the backside. The brewery blocks are -- could potentially have a facility there. It's a good thing, it generates good revenue, it doesn't have a parking demand, it creates some jobs. We put them in our building, put them in because -- for those reasons. Good revenue, support of the city, and didn't have a big parking requirement. I think you can look at the neighborhood and use those same --

Sten: What i'm pushing at, I think we're in agreement on what I think ought to happen on the streetcar line, but take the two on the freeway and say, that's probably not a bad place for this, we've got two buildings on the street caroline that's driving a moratorium. And that's what makes me nervous. Is there -- who owns the two blocks in play that are in pink?

Solheim: Three different owners.

Sten: So those could go at any time is your sense?

Solheim: It's potential. I'm not saying they're in place for teleco people right now, but they're on the market right now for sale.

Sten: Do we know if anybody's permitting -- i'm not trying -- I just don't know. Do we know if anybody's trying to permit --

Solheim: On to -- to my knowledge they're you're not. I think there's a window in here where maybe if we're lucky because we don't have the heat turned up and the -- in the teleco world that we can maybe get some of this stuff in place.

Sten: I'm arguing explicitly, and I think -- I appreciate how you've gotten this in front of people. A lot of people are responsible, but I think you're the catalyst in getting this discussion where it s the devil's advocate argument i'm maybe assisting we've got two buildings people dislike on streetcars, no permits being asked for, a couple of blocks in play that don't look like there's any evidence that telecos are coming, I don't think that's justification to put a moratorium down. But I do see why people are worried about it and I think we ought to change the zoning. I want to be clear, i'm not naive. I don't think voluntary zoning requirement resist going to do the job. That's one extraordinary that political offices to cake in the interim to try and mitigate some of the down side. That's all i'm saying. I wouldn't say to the pearl district or anybody else knows are anything more than what they are. All know my experience so far has been that the telecom community itself maybe is opposed to the developers they've been hiring to do their products is clueless on this stuff, and as they begin to engage in discussions with us, seems to be more open than I expected them to be. That's all i'm saying. But maybe the people that are hiring may be a completely different story.

Solheim: All they care about is getting them built and -- because it was competition. I think the heat is on.

Sten: I understand.

Katz: You any what?

Solheim: The heat is off right now. The capital markets for facilities have collapsed in the last two months. I think people -- i've heard some of the people are supposedly developing teleco facilities in

Portland, now may feel it was a mistake, some of the things they've done. So I think maybe we've got a breather here.

Sten: Our next -- my understanding is meier & frank building still has empty space, but I don't know if that's true.

Solheim: I believe it has a half million square feet of empty space. The centric building has empty space. I'm not -- I don't have a problem with some of the things happening in the centric building, but via problem it has no responsiveness to the streetcar in the neighborhood and the hoyt street properties.

Sten: I think you're right. Thanks.

Jere Retzer: Chair of the Portland research and education network. I'd like to thank the council for your interest involvement in this issue. It's obviously a very important one in the community, and for the future of high technology in our region as far as -- especially for network-type stuff for internet-type concerns. I think this is a pretty credible job, especially given the very short time that your staff's had to work on it. I think they made a real good start. The question of volume fare standards in Portland is always a difficult one. There may be some very strong validity as far as the collapse of the market in the last couple months. I think we've clearly seen in this last week, sessions we've had, to commemorate our internet to kick-off on tuesday gay, that this is an area of extremely high interest and potentially extremely high payoff. We had by one estimate 180 people show up tuesday afternoon at the session that commissioner Sten supported us in, and the discussion directly on how do we take the internet to the next lay -- level in the city. So it's clearly an issue that's important to a lot of people. A lot of the people that showed up were -- showed up specifically because of this particular issue. It definitely gets their attention. A couple of observations. I unfortunately don't have any real silver bullets for you. As an engineer in this perspective, we sure would be happy to try to work with you in -- and help you out and give you some advice. A couple of comments. Doug has tuesday morning of this week, one of the real brains behind the internet, the president of internet 2, commented that one of the things we have going wrong right now is the different companies aren't working together. And we have an opportunity here, and I think what we've seen here is a bit of an impetus to get them to work together, and it's something we need to capitalize on. The long-range aspect of this is very important. I think it is important to keep the discussion open, to extend the discussion, because you are working with very smart and very positive people who want to do the right thing. So anything we can do to help you on that we'd be happy to do so. That's about all i've got.

Francesconi: They're talking about something else. Thanks.

Katz: Sorry. Okay. Anybody else want to testify? Gil? Larry?

*****: I wanted to clarify one thing right off the top. This is the voluntary design review, or design compliance. The thrust of our proposal is to get new zoning exd, and the d signifying design review in place quickly. So it's not an option at that point. The voluntary notion, it was a signal for how do we negotiate with people in the interim.

Katz: Right now.

Kelley: That would be an alternative to moratorium. So you still need to decide about the moratorium issue. I don't want to weigh in too heavily on that. That could be done -- the negotiating can be done at the bureau level or at the commissioners level. That's up to you to decide. I just want to clarify we're not relying on our proposal in the future on voluntary design compliance. The second thing is with regard to john bradley's concerns. I understand those, and I think we have some limited ability to look at the basic issues of height and so forth. What i'd say about time frame is for us to keep on track to do the fast solution here and really have this delivered and active and in place in law within six months. We have about two months from now to harden our proposal. Which allows very short window of time to have some dialog with the community. Obviously there could be intersections made in the public hearing process, but we need to stay on track. We need to publish the required state notice, 45-day notice to get to you, the planning commission, and to you by about mid-february. So that's about 60 days from now. So what I would suggest in the meantime is we continue our dialogue

with the neighborhood during that period of time, but at the moment I think the exd provides in general the kind of district the people are looking for. I think what we can look at is whether there are height and far bonuses applied throughout the district in the infer up or whether those come along later, for example -- the basic exd height limit I think is 65 feet, and the maximum f.a.r. is 3-1. Those are both fairly low, and we could even look at doing some tweaks to that in specific places. I think we want to avoid getting too fine-grained or we're not going to make our deadline there. With regard to the cf site, we can certainly discuss the ups and downs of just leaving that particular area in the ig zoning, but that certainly wouldn't preclude a sale of that to a teleco provider. I think al's correct, our perception also is that the market is not super heated for that right now. But we don't know. How long that will last. So that's kind of a calculated risk to take in that case. We were aware there was an active teleco bidder for that site a month or two ago. Whether that's disappeared, I don't know.

Katz: Questions of gil? Go ahead. I'll hold my questions until you finish.

Sten: I'd like to get some -- I think the council needs to have some discussion on this moratorium proposal. I don't think we've ever even heard what the proposal is.

Hales: I think we ought to october on the -- act on the planning bureau's recommendation, which doesn't include proceeding with the moratorium. I have some thoughts about that based on the discussion i've learned here. Which is that I plan to withdraw, unless I hear strongly from at least a couple council members otherwise, this is -- this isn't something I can do unilaterally. I can't tell margaret to stop issuing permits for what we don't want. So unless I hear strong indications from the rest of the council that they still want to proceed with a hearing on a moratorium, i'm going to withdraw it.

Katz: It's coming before the council when?

Hales: If I put it on the calendar, and i'm not planning to do that right now. But it would be january 10th. But I don't hear -- I hear considerable concern and I respect that from members of the council that clearly don't want to do this. And I hear at least not strong indications, and i'm not just fishing for votes here, but this has got -- it's really something we shouldn't do with a 3-2 votes, but we're certainly not going to did do it with a 1-4 vote.

Katz: We haven't even had a discussion on it yet.

Francesconi: One question i'd like gil -- you'd have to do it as a historian, but I am concerned about what al said, we have known about the streetcar line for a while, so I guess i'd like to hear about how come we haven't dealt with the zoning. But because --

Hales: It's not gil's fault.

Francesconi: I know. I'm not blaming him. But i'd like to know. Which leads to my second point. If your moratorium as I read it, commissioner Hales, is pretty broad in terms of the whole area. And I thought we were just trying to protect the streetcar line. So i'm open to considering a moratorium, but i'm thinking -- and I need help from planning on this, because I don't know exactly -- I was thinking just a block on either side. I'm not willing to entertain a broad moratorium. That's my answer to your question.

Hales: Let me explain the theory behind the moratorium proposal as I intended it. There may not be interest in that, but I think this hearing has illustrated that very clearly, and the contrast, john, I like you a lot, but I think you're dead wrong on this one. The contrast with kenton couldn't be clearer. Cities have shaped by a combination of serendipity and decisions. And to decide to do knock is a decision. And this council, me included, has decided to do nothing with industrial zoning in an area that we all go walk around in on first thursday and know is going fob urban for a long time. And the strategy was, and we were dead wrong and nwda is too invested in that strategy, if we stick with in zoning, nothing will happen. We were wrong. Something will happen. I was worried about this district based on what I heard from al, but not specifically so much about telecos. That's why I think it's unfortunate we got into a, are we for them or against them. The telecos are just a canary. Two died on the streetcar line. They're just the canary. The problem is, the zoning is wrong. And the telecos are just the latest thing

that we wince at. But as I said when we looked at the Williams building, it doesn't matter to me as a believer in good urban places whether they're moving data around in that building or sides of beef. It's still an industrial box.

Katz: It's a nice --.

Hales: And we will get surprised by an industrial box that we haven't not of every now and then for as long as we fail to make this decision. So that's why I wrote the moratorium proposal the way I did. Take all that industrial zoning and say, stop: We're going to get our act together, finally, after all these years thinking industrial zoning was a holding zone, yes wrong and we're going to fix it. There's a subset, which is we were -- not only were we wrong, but we're shooting ourselves in the financial foot by building a \$55 million streetcar through industrial zoning, and letting people build industrial buildings that happen to house teleco stuff on the streetcar line. I'm on the streetcar board. So if there's anybody who's been dilatory in bringing that issue here, it's me. Sorry. You're right. We should have done it a long time ago. Well, the question is, how much of that damage do we dare to risk in the -- damage to we want to risk in the six months or less -- please, less -- that these guys will come back and say, we're here with a proposal, NWDA still doesn't propose -- support it -- I'm making a prediction -- and we get to make a decision. How much do we want to risk? That's a question for the whole council. I think there's permits out there that we're going to wince at in the next six months. How many? I don't know. Some of them will be telecos.

Kelley: One other thought. In response to John Bradley's notion about doing a master plan, that I think may have some merit to it that's not something we could do within this time frame. Even on a parallel track. I want to be realistic if I can about that. On the other hand, in this two-month window, I'm always open to talk to the community about solutions that can be made better within that period of time. And --

Katz: But you need -- in all fairness, you need direction. You've worked hard, the community -- you had met with Nina and WDA --

Kelley: Our basic format is to do. ExD with a -- in combination with a plan district for this geography that would incorporate some design and use measures, like the ones we talked about, including the street option, the active use on 21st, the other basic design guidelines that Barry mentioned. We will probably not get down to the level of landscape standards, driveways, those things, unless there's a magic agreement real quick on those things. There are probably many opinions about how those could work. Probably not at that level of detail. We would be looking at height if we don't get into hundreds of variations on height and bonuses, we could certainly look at that as well.

Katz: I would like the council to accept this report and give Gil the green light to go ahead and rezone or work at least with the community, moving to rezoning of ExD.

Hales: Six months or less.

Katz: Six months or less. And John, you're my neighborhood association, and I walk through that area. I think you're wrong. But we'll have a little bit of time to work through some of these issues with NWDA. I really think that we need to move on in right now. I don't know how -- what the rest of the council feels. Okay. Jim?

Francesconi: I think so too. My only caveat is if you get into the process and you see it's going to take longer because you don't have adequate citizen involvement, I think you need to come back to us and say that. The goal is six months, but the price we're paying now is we're going to cut off some involvement.

Kelley: An option to that would be to define what is in the second part of the northwest planning process. How much can we do now and how much do we come back at? Because this is not our total strategy for northwest.

Katz: Right. Why don't you explain to the council what the work plan is for northwest.

Kelley: We fully have a three-part exercise there, and we're working right now in Nina, for example, to do some protections and different measures in that neighborhood, and that's kind of on a fast track as

well. We would advance this piece on a fast track covering the ig-1 area, and -- which encompasses a big chunk of the so-called transition area around the streetcar line so we'd come back with a fine grained effort there, and then there's other issues in the larger northwest district.

Katz: On the voluntary design, if we can really --

Kelley: I'd rather use the term "negotiated development standard."

Katz: Use whatever you want. We do need a team of -- a team approach, an aggressive team approach.

Kelley: I don't think anybody is going to volunteer to go through the formal design process. [laughter]

Katz: I know that. And maybe in is a good lesson for everybody here. But if -- if we're going to give it a try, we've got to give it a good try. We're going to have to be very aggressive on it. Michael, if you -- you have to pull them in if you hear about it. Commissioner Hales, the next -- I think there's agreement on that. The next question, I don't know if the council wants to have a very brief discussion on the moratorium. I am ready today at least to look at the moratorium within the boundaries of the streetcar and the streetcar design area. I might even go further. But I any you're absolutely right on the investment that we've made and we need to begin to seriously protect that area. Beyond that I need to have some further conversation.

Hales: Jim, do you still feel that way?

Francesconi: Yes, but i'm saying narrow.

Hales: I will bring back a moratorium proposal for our hearing on january 10th to go a block or two on either side of the streetcar line and we will notify those property owners, the planning bureau will need to notify the property owners. [no audio]

Sten: This is where I don't know the technicalities. I know commissioner, you move quickly, because of notice requirements already.

Hales: We're noted identifying ldc, not the property owners.

Sten: Can you notify -- you don't have to hear any details, or just a notice that you have a moratorium?

Hales: We've done, that started the clock, so we know -- they know we're going to consider one in january. Any time after january 3rd. So --

Sten: Is the council of the mind-set that 20 days is ample time for everybody to owns property on the streetcar line to get in their permits or desist until time is up?

Hales: Good question.

Sten: I'm asking the question of the folks ready to vote for a moratorium. I'm sure there's a lot of projects planned.

Hales: Not on all developments, just teleco.

Sten: Can you get it that tight?

Hales: Yes. We've drafted language that deals with that particular use. Not all uses, so if somebody wants to build a housing project or office building in that strip, if it's otherwise permitted in the zone, it would be allowed.

Katz: I think --

Sten: How are we able to do that legally?

Hales: By describing what teleco facilities are in the language of the ordinance and saying that's what's prohibited. You don't have to prohibit all development, it quarterback finally tuned --

Sten: And code distinguishes between a teleco facility and an industrial use?

Hales: I think probably what's been done is looked at language from Washington, d.c. Or other jurisdictions so it would define --

Sten: Do we have that language?

Hales: Right now I don't think so.

Sten: You're talking about putting a -- we don't even know what the language --

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Hales: I don't have it with me because we're not voting on that today.

Katz: We're not voting on it today. The day -- the issue of the time is a legitimate one, but I think the sense was, can we get a unanimous decision on the council for at least a narrow consideration around the streetcar. That's really all --

Francesconi: For teleco. Not any other development.

Sten: I'm a little startled that we're proposing moratoriums on thing we don't know -- it's very important how you define what a teleco is, because you could easily knock out al's buildings that are things that they like. You could easily knock out the brewery blocks. 97 already got leases to put telecos in. If you say any development that includes any teleco facility or all development exclusively teleco, you've got -- this is 20 days you're talking about.

Katz: I know. Forget --

Hales: Can I suggest we not try to do this now?

Katz: I wanted to get a sense --

Hales: There's valid issues here, but there needs to be work done on it.

Katz: Absolutely. You're not --

Hales: I can't commit to saying we'll vote --

Katz: I understand. I understand.

Hales: I don't want to put this on the council calendar if nobody wants to do it.

Katz: And I wanted to get a sense of, is this something you would like to consider rather than a very broad one, a narrower one to deal with the streetcar? And if we need more time to get the details and the notification, so be it. But just get a sense --

Sten: I'm trying to understand what the basics -- this is a fairly -- it's a limitation on people's property values, and rights. And what you can do with something. I think I would probably support a one-block around the streetcar limitation on exclusive teleco buildings. That seems reasonable to me. But i'm worried how we define that --

Hales:

Francesconi: Those are all legitimate.

Hales: Let's assume hypothetically in the next few days we can show the council language that does describe that with some accuracy. And without a lot of side effects in terms of prohibiting development that we would otherwise want to see. Does the council want to consider that?

Katz: That was the question. That was the question. All right.

Sten: I think that's reasonable.

Katz: I would like to have a unanimous vote on that. And everybody feel comfortable about what they're doing. Moratoriums are serious business.

Francesconi: I trust your legal interpretation, but I would also like to get a lawyer -- I want to make sure a lawyer is involved in this. We need a brief from you. You -- we need you to weigh in on this.

Katz: So it's limitations, it's the timing, it's notification, it's everything that commissioner Sten and others have raised. But I think there is a sense from the council --

Saltzman: I'm -- I will say i'm much more predisposed to vote for a limbed will be -- limited moratorium, but i'm not saying --

Katz: There's interest enough on the council to get some work done on this and for commissioner Hales to bring something to us. I think -- hope maybe there's conversations during the rest of the month of december so everybody is in -- isn't surprised and feels comfortable.

Kelley: I didn't understand until today that the bureau would be doing the noticing, so I would like to have a little -- we'll have discussions with mr. Hales and just make sure that --

Hales: It's what you do --

*****: Everything gets lined up. If it's january 10th we need to move quickly.

Hales: If not now, when?

Katz: Okay. Any other issues anybody want to raise?

Saltzman: Let's accept the report.

Katz: I'll take a motion to accept the record.

Hales: So moved.

Katz: Roll call.

Francesconi: The bureau of planning as -- is becoming as efficient as the fire bureau. This is amazing:

*****: We've put out a lot of fires.

Francesconi:

Hales: You know, i've -- I remember this person over and over again, we get to issues like n. Because it was one of those moments when you learn something. Early -- long before gil kelley got here, early in my service on the council, in neighborhood president sat in front of us talking about her neighborhood plan, and she said, when you look around -- she said, did we do a neighborhood plan? Because they did it voluntarily. She said, look around and we see all the forces of growth and change, and we're scared by that. And we think as a neighborhood, what do we do? Do we battle every inappropriate development that we don't want to see? Or do we rye to -- try to shape that change to our vision and make our neighborhood a better place? And we chose that route. And john, my friend, john, the time is now. Nwda has to figure out what it wants this area to be. Not what -- not what it wants it not to be. Because otherwise the change will run away from us in ways we don't like. Please go back to your membership and talk about using planning and regulations to get the neighborhood we want, that you want, rather than trying to stamp out all the little things we don't want. That's the way to what will be -- we'll be proud of 20 years in now in this area. If we try to run around, as we are now, belatedly ineffectively running around after the fact, wincing at this bad development or that bad design, this area will never be what it -- we would want it to be. If we say, okay, we're going to take a deep breath and describe what we want, we might get it. So please, let's talk more but I think that's what we've got to do. I'm really -- I really appreciate your good work. Aye.

Saltzman: Good work. I'm very impressed. Aye.

Sten: I want to join in and say good work. This is -- we should have done it sooner. But we're moving on it now. I think this is reasonable. Good or bad, I believe from my research with al that this stuff isn't going to pop real quick, but who knows when it will. This is a good proposal, and barry, you've really earned whatever the taxpayers pay you these last couple months. [laughter] I want to thank commissioner Hales for being thoughtful on this issue, and I don't think it's wrong to push hard and the whole point of having us up here is to argue these things out. I think the revamped idea makes a lot more sense from my point of view. Hopefully all these -- all of these strategies have to come together. We have to build a better working relationship with the telecom industry, we have to get the city wired. It's a waste of a lot of money to not have active streetcar lines -- I think we can get all these things done. There's going fob a big issue in northwest and hopefully we can have a few more conversations with john and company in the first parts of the six months to see maybe if there's some strategies that come a little close tore getting the two sides together. I think there might be, but I think -- can't any of them off the top of my head. Aye.

Katz: You are earning your pay. I really appreciate it. It not over. There are more things coming down the pike. So I thank you for that. I wanted to get a sense, I didn't mean to put anybody on the spot, I wanted to get a sense from the council whether we unanimously can send a message on a narrow moratorium to protect the streetcar in the blocks surrounding it. The answer is yes. The timing issue needs to be questioned. Maybe yes. The timing issue needs to be really reviewed. As far as nwda, I agree with commissioner Sten. I hope within the next couple of months that you might want to tweak the work done and make them feel a little bit more comfort that they aren't going to get schlock development that would be worse than what we have today. So I hope that occurs, but I think we're making the right decision. It's risky, but I think we need to move quickly. So thank you. Aye. All right. We've got one more quick item. 1826.

Item 1826.

Katz: This is not going to take very long?

Stokes: This can take about as short as you would like it to be.

Katz: I really do apologize. I screwed up. I should have brought you before, earlier.

Stokes: Myself and the applicant's attorney are the only ones here. This is uncontested. I have spoken to her and we would both be willing to waive the slide presentation if you so wish. I can very briefly explain the proposal. I'll tell you what the criteria is and how it is met.

Katz: I need to have the city attorney -- not on in?

Stokes: : No. I don't --

Katz: All right. Go ahead.

Kathleen Stokes, Planner, Office of Planning and Development Review (OPDR): I'm kathleen stokes, staff planner for this review from the office of planning and development review. I'm here to present the hearings officer's recommendation for approval of the review, which it's lur 00301. This is a ask for approval for the central 70 master plan with a concurrent comprehensive plan map amendment and zoning map amendment from exd to rxd. The reason that the applicant has requested this is because their site, which is at 9th and hoyt, the block between 9th and 10th, hoyt and irving, is to be developed with an office building known as the pearl stone. The received approval through design review earlier this year. This block is within the required residential development area of the river district of the central city plan district. And the central city plan district provides a mechanism for development to occur without building the required residential units on that site if they're transferred to another site outside of the required area, and at the same time in order to ensure that the housing will be built, that site is to be rezoned from either ex or cx to rx. That's the purpose of this review, is to transfer 14 required housing units from the pearl stone office site across the street, to a quarter block site, 10 now square foot site, which is currently a surface parking lot. The --

Francesconi: That's what we need to hear.

Stokes: The code says the receiving site has to be vacant or a parking lot.

Katz: It meets all the criteria.

Stokes: It does. We love it. It's completely in keeping with the character of the river district and the emerging residential area.

Katz: Wait, wait. Does anybody want to testify? Nobody wants to testify? I'll take a motion.

Saltzman: I move for the recommendation. **Katz:** Second. Roll call. **Francesconi:** That was a 45 presentation. Aye. **Katz:** I apologize. **Hales:** Thanks, kathleen. Aye. **Sten:** Aye.

Katz: Mayor votes aye. Thank you, everybody. We stand adjourned.

At 5:32 p.m., Council adjourned.