



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF JANUARY, 2013 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

Commissioner Fish arrived at 9:31 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Tracy Reeve, Chief Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

Item No. 25 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
16 Request of Braydon Fuller to address Council regarding overlap of software and governments; public versus private ownership (Communication)	PLACED ON FILE
17 Request of Berna D. Plummer to address Council regarding Santa commercial organization operating on Pioneer Square (Communication)	PLACED ON FILE
18 Request of Evelyn Bross to address Council regarding more restrictions on fireworks (Communication)	PLACED ON FILE
19 Request of Charles B. Ormsby to address Council regarding Bureau of Environmental Services projects that impact area of the Birdshill CPO / NA (Communication)	PLACED ON FILE
20 Request of Kimberly Kaminski to address Council regarding lack of process by which the City Commission determined to add fluoride chemicals to our water supply (Communication)	PLACED ON FILE
TIMES CERTAIN	
*21 TIME CERTAIN: 9:30 AM – Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the SW Boones Ferry Rd – SW Stephenson St Project, through the exercise of the City’s Eminent Domain Authority (Ordinance introduced by Mayor Hales) 15 minutes requested (Y-5)	185854

CONSENT AGENDA – NO DISCUSSION	
Mayor Charlie Hales	
Bureau of Planning & Sustainability	
*22	Adopt a Waste Reduction Program and accept and authorize an Intergovernmental Agreement with Metro to receive Metro Waste Reduction Challenge Funds of \$272,505 and \$282,500 for the Recycle at Work Program in FY 12-13 (Ordinance) (Y-5)
	185848
*23	Authorize the Bureau of Planning and Sustainability to apply for grant funding of up to \$250,000 from Oregon Community Foundation's Penstemon Fund to make renewable energy accessible to a broader segment of Portland's community (Ordinance) (Y-5)
	185849
Office of Management and Finance	
24	Authorize a price agreement with Trashco Services, Inc. to provide recycling, composting and garbage hauling services for a not-to-exceed yearly value of \$600,000 and a 5-year contractual total not to exceed \$3,000,000 (Procurement Report - RFP No. 114864) (Y-5)
	ACCEPTED PREPARE CONTRACT
Commissioner Amanda Fritz Position No. 1	
Bureau of Emergency Communications	
*25	Extend contract with Online Business Systems to provide 24/7 maintenance support to the Enterprise Service Bus and increase the not-to-exceed value by \$250,000 (Ordinance; amend Contract No. 41158)
	REFERRED TO COMMISSIONER OF PUBLIC UTILITIES
Office of Neighborhood Involvement	
26	Authorize grant agreement of \$13,000 for East Portland Neighbors, Inc to administer the newsletter production of East Portland Neighborhood Association News (Ordinance)
	PASSED TO SECOND READING JANUARY 16, 2013 AT 9:30 AM
Commissioner Nick Fish Position No. 2	
Portland Housing Bureau	

January 9, 2013

<p>*27 Authorize application to U.S. Department of Housing and Urban Development for administration of the regional Homeless Management Information System, the OTIS supportive housing program, a Continuum of Care Planning grant, and submission of the Consolidated Continuum of Care application on behalf of the Portland/Gresham/Multnomah County Continuum of Care (Ordinance)</p> <p>(Y-5)</p>	<p>185850</p>
<p>Portland Parks & Recreation</p>	
<p>*28 Authorize grant application to the Institute of Museum and Library Services in the amount of \$102,632 to support collections management at Hoyt Arboretum (Ordinance)</p> <p>(Y-5)</p>	<p>185851</p>
<p>Commissioner Dan Saltzman Position No. 3</p>	
<p>Bureau of Environmental Services</p>	
<p>*29 Amend Intergovernmental Agreement with TriMet and the Oregon Department of Transportation for stormwater retrofits at the Barbur Boulevard Transit Center (Ordinance; amend Contract No. 30001999)</p> <p>(Y-5)</p>	<p>185852</p>
<p>Commissioner Steve Novick Position No. 4</p>	
<p>Portland Fire & Rescue</p>	
<p>*30 Accept donation of 3G Modems from Legacy Health (Ordinance)</p> <p>(Y-5)</p>	<p>185853</p>

At 10:42 a.m., Council recessed.

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

January 9, 2013

WEDNESDAY, 2:00 PM, JANUARY 9, 2013

**DUE TO LACK OF AN AGENDA
THERE WAS NO MEETING**

January 10, 2013

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF JANUARY, 2013 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Kathryn Beaumont, Chief Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

The meeting recessed at 3:43 p.m. and reconvened at 3:48 p.m.

	Disposition:
<p>31 TIME CERTAIN: 2:00 PM – Accept the minimum parking requirements for multifamily buildings memo referencing three pieces of research related to parking for multifamily buildings (Previous Agenda 1522; Report introduced by Mayor Hales) 2 hours requested</p> <p>Motion to accept report: Moved by Fritz and seconded by Fish.</p> <p>(Y-5)</p>	<p style="text-align: center;">ACCEPTED</p>

At 4:08 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By Susan Parsons
Acting Clerk of the Council

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

January 9, 2013

Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

JANUARY 9, 2013 9:30 AM

Hales: Council will come to order, karla, please call the roll.

Fritz: Here. **Saltzman:** Here. **Novick:** Here.

Hales: Here. We have some communications items, so let's read those first, please, karla, no. 16.

Item 16.

Hales: Good morning, mr. Fuller, as may know it's three-minute period, state your name for the record and if you are representing an organization, let us know.

*****: Thank you.

Hales: Thanks.

Braydon Fuller: Hello, my name is braydon fuller, aka braydon.com. I am here as a representative of post software.org to talk about the intersection between software and government.

The internet, video of these communications, to which there are two possible futures for our society. In one direction, we, the society, are respecting personal compute computing privacy and civil liberties, and of equal economic opportunity. All kinds of our competing devices would cooperate, compete, and innovate. From apple to lonovo, laptops and desktops, and televisions and mobile devices, phones, tablets, super computers, and more. This society would support video formats such as web-m, w-e-b-m. And ogg, o-g-g. They have patent licenses, granted to the public.

According to this communication from city hall, as video, would be as public and civil as our laws.

In the other direction, we, as a society of secret laws of software, to which the owners of the software of our devices fight to control, rule, and divide us. When this communication here in city hall is recorded, and goes out to the internet, it would lead to conflicts between people, based upon their technology, that leaves many without the means to access critical information to function in society. There is support for video and the mp4, and format, and the h.264 kodak. And the secret flash plugin. With the multi-decade, interactive process, of developing software, much like revising our laws. This society would become dominated and monopolized by computational idea patents indefinitely. Thank you for your time.

Hales: Thanks very much. No. 17.

Item 17.

Hales: She's not here, we'll have to move on then. Read the next one. She has had to reschedule.

Item 18.

Moore: She has had to reschedule.

Hales: Ok.

Item 19.

Hales: Are you here?

Moore: He was having transportation problems this morning.

Hales: All right. No. 20.

Item 20.

Hales: Good morning, miss kaminski, same procedure, you have three minutes unless you are representing an organization, give us your name and let us know if you are representing an organization.

January 9, 2013

Kimberly Kaminski: I am kimberly kaminski, and I am here as a concerned citizen. But, in the interest of full disclosure, I am the director of clean water Portland. And the executive director of Oregon citizens for safe drinking water. I want to begin by welcoming our new mayor, mr. Hales, and our new commissioner, mr. Novick, and with regards to the rest of the commission, thank you for hearing my testimony this morning. As know you know I am opposed to the addition of fluoride chemicals in the water. But, i'm not here to talk about the issue of fluoridation, but here to talk about the lack of public process by which the decision was made by this city council with the last, city panel with mr. Leonard and, and mayor adams. One needs to question why this decision was made, and what i'm here too to say today, is that, as city council members, we expect accountability, and we expect transparency in the decision-making process. This was decision that was made behind closed doors, and it is made without public process. It was made by interest groups, and we were not informed of what was happening behind closed doors. The decision was made by mr. Fish and mr. Adams and mr. Leonard before any public hearings took place. The decision was made before any notice to the public or opportunity for the public to be heard on the issue. I want to commend commissioner fritz and Saltzman for standing up about the process that needs to take place as a panel of citizens of council members representing the citizens of Portland to not go behind closed doors to make decisions that affect hundreds of thousands of people. We expect transparency, and accountability, and i'm here today to welcome you to the council, and I am also here to say, that as a citizen of Portland, we expect you to be held to very high standards. We want accountability, we want transparency and I want to thank you for running for public office. It's not something to be taken lightly, and welcome to the city council.

Hales: Thank you very much. So, I think we're ready for the time certain item. And I don't -- sorry? Oh, sorry, consent first, I will eventually remember all the rules. I think that there is one item that, that's been requested to pull from consent, is that correct?

Moore: Item 25. The commissioners asked that to be referred back.

Hales: No objection, we'll --

Item 25.

Hales: So you requested to pull this back to your office for further work, I believe. Any objection? That is ordered and the rest of the consent agenda is ready to be voted on, unless there are any further items to take off. Please call the roll.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Novick:** Aye.

Hales: Aye. Now I think that we have a time certain item, no. 21.

Item 21.

Hales: Good morning.

*******:** Good morning, mayor and commissioners.

Fritz: You need to push the button on the microphone.

Elizabeth Mahon: Ok. Good morning, mayor and commissioners. I am elizabeth mahon with the bureau of transportation. I am the project manager for the southwest stephenson and boones ferry road project. With me here today is michelle dellinger, p-bot traffic engineer, and martin maloney, p-bot right-of-way agent working on the project. I would like to briefly talk about the purpose today's ordinance, and provide background information on the project. Before calling up four stakeholders that have come here today to testify on the project. Following that, we would be glad to address any questions or concerns that you may have. Ok. So, the reason for filing today will serve to demonstrate that there is a public need for the project, and will authorize p-bot staff to acquire certain permanent and temporary property rights for two parcels adjacent to the intersection in order to construct the necessary safety improvements. This ordinance, excuse me, also stipulates that p-bot will follow the right-of-way acquisition proceeds outlined in chapter 35 of the Oregon revised statutes. So the intent of the project is to address safety issues at this intersection such as inadequate stopping and site distances. We want to make it safer for drivers turning onto southwest

January 9, 2013

boones ferry, and for pedestrians wishing to cross boones ferry at this location. The project was initiated by city council in 2006, and in response to concerns raised by the community regarding the intersection. At that time, city council directed p-bot to develop design alternatives and preliminary cost estimates for the project. P-bot did that, and in 2008, allocated funding for the project, and we were able to move forward at that time. We developed three alternatives and determined one was feasible to move forward with. Once we determined the feasible solution, we worked with the arnold creek neighborhood association, property owners, and stakeholders to address their concerns and refine the design where possible. In fall of 2001, we formed stakeholder advisory committee to help resolve any outstanding issues or concerns regarding the realignment. The advisory committee submitted their recommendation to the arnold creek neighborhood association last spring, and in may of 2012, the Arnold creek neighborhood association held a neighborhood-wide vote on the project. 99 community members attended that meeting, and 92 voted in support of the project. Six were against and one was undecided. And I briefly wanted to touch upon the design alternatives that we're considered, but determined to have fatal flaws. The first was a round about. P-bot determined that it would be difficult to construct, and was cost prohibited. Approximately a million over what we have allocated for the project. And it would involve six parcels, so we would need to take right-of-way from all six properties at the intersection. And it really only addresses speed at the intersection, itself. Not comprehensively along boones ferry. And it's also at the existing alignment so there still would be the site distance issues and cars coming around blind corner and potentially, running into vehicles slowed at the round-about. The other option was signaling the existing intersection, and p-bot had concerns about this alternative, as well. We feared that it would cause accidents. Rear-end collisions, because there would be the blind curve. It did not meet the state's signal warrants for an intersection. So, this is the proposed intersection realignment, and there have been several alliterations, and this is the alignment that resolves the site distance issues and minimizes the right-of-way take to the extent possible. Is just, just moving it as far south as needed to the crest of that curve, so drivers see oncoming vehicles. The one thing, this design does not do is address speeding on boones ferry, and this is concern of the neighborhood. Unfortunately, p-bot does not have the tools to do anything additional than what's been, been done to date, which is putting in permanent speed reader board in the northbound direction. We think this project we may be able to wire another speed reader board in the southbound direction to help conditions. But, other than that --

Fish: Is that a sign that says this is the speed that you are traveling?

Mahon: Yes, and it will flash when you are going over the posted speed, yes. Yeah. So, we might be able to do another one in the southbound direction, but other than that, boones ferry, is a district collector and emergency response route, transit route, and so we don't have the additional tools to do that, but we can make it safer for vehicles and drivers turning onto the street. The other thing, it's not perfect solution, it requires right-of-way acquisition. But, we feel it's, it will improve conditions out there today, and we can construct it within budget. So, next steps for the project, would be to start the right-of-way acquisition phase. And start the negotiations with the property owners. Then also move forward with the final design on the project. And then the plan would be to, to go to bid lake spring and start construction in the summer. So, that concludes my presentation at this time. I would like to call up the community members unless there are any questions at this point.

Hales: I can't quite tell from the drawing, is there a pedestrian crosswalk included? I see the ramps there.

Mahon: There are sidewalks and the ada accessible ramps, but no marked crosswalk at this time. Not -- we're not precluding. We could add it --

Hales: Design would allow that? Would allow flashing light if that was needed?

Mahon: Correct and could be signaled in the future if it does meet warrants.

January 9, 2013

Hales: Other questions? So.

Saltzman: So stephenson court would no longer enter into boones ferry?

Mahon: No, it would go into stephenson street, and it would be, would stop control, and then vehicles coming from stephenson court would turn onto Stephenson street.

Saltzman: And the property that is desired to be acquired is -- is it the south corner of, of --

Mahon: There is two right-of-ways --

Saltzman: Where is the right-of-way?

Mahon: The most significant one is, is on the south side, and that is owned by patrick and cynthia moore, and they are here to testify today. We are also taking a sliver of the property on the north, jean and michael walker, and that is for the alignment of stephenson court coming into stephenson street. So, that is about approximately 500 square feet for that north parcel for the shifting of the road.

Hales: Just the clip off the corner, and larger amount of property there.

Mahon: Correct.

Hales: The black dotted line is the property line, right?

Mahon: Yeah, it will be the new right-of-way line.

Fritz: And you are proposing to acquire the whole of that, including the east side corner that's going to be vegetative, that will be city property?

Mahon: I'm sorry? Which area, commissioner Fritz?

Fritz: The middle piece here that's not --

Mahon: Yes, that would be -- yeah. All the green is a new curb line so that will be city right-of-way, and we plan on landscaping and planting trees to provide a queue that vehicles no longer go through, and yeah, and then it will be landscaped, and may even, maybe even swale depending on bes' stormwater requirements. And we will, finalize the details during the next phase of design.

Fritz: And tell me about how you value the cost of that property that will be acquired?

Mahon: Would you like to address that?

Marty Maloney: Yes, we have an appraiser complete our report to value the area, including the, the property damages to the property. Anything, basically, value the property rights, and from there, we'll, -- if this, if this, when the ordinance is complete, it will have the authority to offer on the properties, both the walkers and the moores.

Fritz: Do they get fair market value?

Maloney: Correct.

Hales: Any other questions?

Fish: We lost the screen here.

Hales: Unless we have questions for staff, let's have the community members up. Thank you very much.

Mahon: Thank you.

Moore: We have three people signed up. The first three come up.

Hales: Good morning and welcome. State your name for the record when you speak.

Cynthia Moore: I am cynthia moore. And I am a long-term resident of the arnold creek neighborhood. And over the 55 years, I have heard a lot of complaints from users stephenson about the intersection at boones ferry road, and those complaints, I believe, have come up to city council, or the city, many times. Over those 55 years, probably longer, and Multnomah county, before then. The complaints were always the same. You have limited line of sight. Traffic goes too fast. People don't respect their recommended speed limit of 25 miles per hour, and people are always asking, why cant they not slow down? Or excuse me, why can they not slow down there? And pedestrians really have to scurry across the road wherever they can. The neighborhood wants improvements to the intersection. The plan before city council today is designed to improve the stretch, a small stretch of roadway along the boones ferry road. To meet state standards. And the

January 9, 2013

idea of design, the, the design would keep the post-speed at 40 miles per hour, and create a, a, and create a stretch of roadway that will make it safe for drivers who travel at 49 miles per hour. The problem before city council today will improve the roadway for boones ferry commuters, who I believe are primarily non neighborhood and non Multnomah county residents. There will be some limited benefits to drivers on stephenson, and virtually, no benefits to pedestrians. The plan before city council today does add, a certain line of sight but it will not slow traffic down. I think that you may have heard testimony before from the punch and pray driver, and as scary as they sound when they describe their driving style, I don't think that they are going to gain any comfort by being able to stop and see the, the traffic buzzing by. Pedestrians will still need to scurry across the road wherever they can, as noted. There are no plans for crosswalks. And the underlying reason for the no crosswalks is that the topography of the intersection itself remains very challenging. And where they want to put in crosswalk, drivers can't see those, that crosswalk at all. So, pedestrians may gain a false sense of security that drivers would behave with the crosswalk, and with the signal, when they actually can't see it at all, and that's the underlying reason there is no crosswalks in the plan. In addition, I believe a plan introduces a new risk to that very dangerous intersection. Drivers coming south along boones ferry road currently just, it's large intersection, so they move right up into the, onto stephenson. In the new proposed plan they will need to slow down, and take a sharper curve. So, now, the new risk would be the potential for rear-end collisions with drivers coming up around the blind corner. And facing, slowing down traffic. You don't want them to move into traffic and go around because again, it limits the ability to see those oncoming drivers, so it remains very, very dangerous. The only way to improve the intersection is to slow traffic down, and I know that that's something that you hear from residents all over the city of Portland. But it's true. The intersection needs remediation by slowing traffic down. This plan does not address that at all. At best we can hope that the traffic speed will remain the same except increase slightly through the intersection itself. Worse case scenario is that traffic is going to increase at that intersection. I don't believe that the goal of what the neighborhood wanted to achieve has been met, and I want to know is this the best use of those public moneys? You have limited mitigation to the intersection by line of sight only. You have no real gain for pedestrians. They still have to scurry across the best that they can. And probably with increased speed of traffic. And you have improvements that benefit mostly non neighborhood and non Multnomah county commuters. So, I would like the city council to consider what is the best use of the funds. I'm asking the city council to vote no on this proposal, and I am asking the city council to return this plan back to the transportation bureau, and the design team, and ask them to find solution that will, indeed, meet the needs of the neighborhood and make this intersection safer for all users. Thank you for the opportunity to testify.

Fish: Thank you for your testimony. I think this is the only matter for us so we have the luxury of going a little deeper. So, you asked us to send this back, and you've been very clear about what you think are the deficiencies but I would be remiss if I did not ask you to offer us some guidance about how you think that we could address the traffic calming.

C. Moore: That's something that nancy brought before, before the, because we're all members of the subcommittee, she asked the design team to consider and we really didn't get a good resolution. And one of the things that's happened in the past, is the, the -- the -- the trees, the bushes, they trim down significantly to the south of the intersection itself. And we have created -- there is a lot of trees, a berm, ways to reduce noise onto our property. We're suggesting that the -- that the vegetation be removed to increase that line of sight, and we have also, we also asked the city to consider putting in some kind of a remediation so it forces people to, to -- it reduces the size of the intersection, itself, but not necessarily to point that it will slow down and, and force drivers to, to stop before they turn, and the idea was that we can increase the line of sight. We can improve the intersection without necessarily improving, making substantial improvements to boones ferry on that short stretch of road that will increase, what I believe will increase the speed of traffic.

January 9, 2013

Fish: Just one follow-up question, if the council were to adopt this approach as sort of a phase one, do you believe that, is it possible within there framework that we could come back at some point, gauge our experience with these changes, and potentially, make further changes?

C. Moore: By adopting this proposal, one of the things that I found interesting in the whole exchange over the past couple of years, is that one of the things that we have always wanted is a streetlight. The neighborhood is not large enough, the traffic does not warrant a streetlight, it's the goal not to add streetlights, so I don't know that, that will, necessarily -- I don't think that that's a real proposal. That's a real outcome for here. The -- we'll increase the, the line of sight, but not to the degree that it would add necessarily a lot of safety, if you added in a light, which is the problem today, too. We asked for -- one of the things that we were watching was what's happening on, jeez, I can't remember the name of the road, where they put in speed bumps, to ask if maybe that was a solution to put the bumps through, not only through stephenson but down and help those people at tryon creek that struggle so much. A bit to the south. And I guess that's not, not realistic for the traffic, for the road, itself, either because of the road it is. So, I don't know if there is remediation that's really -- I don't know if there is another plan. If we put this plan together that will add any more benefits.

Fish: Thank you very much.

Hales: Thanks, I will press you further on that same point. So, the design of this intersection is not your critic so much as other elements you think should have been included, if i'm paraphrasing you correctly? The architecture of how this intersection is being realigned, that's not the problem. You are suggesting other elements like the vegetation or the sight distance or the light to improve this situation by spending money differently rather than making these physical changes to the intersection? Did I get that correct?

C. Moore: To certain degree. One of the things that was interesting in the first meeting that we had with the city, or the second meeting of the city, was the -- Michele and Liz came back and said, that one of the things that they understood from the neighborhood was they want, they wanted roadway improvements. So they took away that information, and made improvements to boones ferry road. The intersection, itself, was sort of secondary. In the neighborhood's mind, that's a primary issue. Rather than secondary issue, so, I believe that the design, itself, was a design to improve boones ferry road, that stretch of boones ferry road, to meet state standards but not necessarily make it safer for stephenson drivers and pedestrians.

Hales: Ok, all right, great. Thank you. Please.

Jean Walker: I am jean walker.

Hales: Push the button there. That's right. I guess Karla does that. Or that one. Are you on?

Walker: Thank you very much. I am jean walker. My husband and I are here today. We own the property which is lot no. 10. The small sliver that will be taken, which in our eyes is more than a small sliver. But, I have owned the property since 1988, and in the first year that I moved there, I made a lot of attempts to try to get this solution or to have some improvements on this intersection. I have witnessed many many accidents on this intersection along with a fatality accident a few years back. I have a lot of concern for the intersection, and plan as it states right now, the proposal that is currently the city has for us, is an extremely costly one. Which, to me, doesn't have any solution into the actual problem of safety. They are looking at about 1.5 million to reconstruct this intersection. Currently, there is sign at that curve, which is a dangerous curve, because you go up a hill and around the corner, north, and there is a sign that does say 25 miles per hour. As the reader board that they put up a while back, that helps people understand how fast they are going, we know that they are going an average of 35 to 47 miles per hour around that curve, and that's where people are having a hard time getting out from, onto boones ferry from the court or the street. Extremely, extremely dangerous situation due to speeding. The sign, the 25 miles per hour sign there is a yellow sign, so it's, it's -- suggested driving speed but people don't do it. It's just so ridiculously

January 9, 2013

dangerous. If you were to try to cross the street to take the bus, you are putting your life in your hands. And when they say punch and pray, the term that people use in the neighborhood, you literally are punching your, your car into that boones ferry area to get onto boones ferry. There is currently a flashing light at that intersection. We really do want to see a stoplight put at the existing intersection, with a prelight before that that warns people that there is a light coming up, but the city said that that's not what they want to do, even though it's been done other places. The stopping distance in the plan that they have proposed, to me, we have gone out there with our cars, slowed down, at the area where they propose to put the new intersection, cars were ready to ram me and, from behind. You have to stop almost to turn right onto stephenson street, on the, in the proposal that's, that's the existing proposal. So, there are new risks. The other thing, too, basically, on our property, we have -- we're zoned r10, so we have the ability to put two more houses on that. We do have concern about the acquisition about some of our property, and how that will work out with, with, you know, the taking of the land. Also, not shown on the map very easily, because it's not three dimensional, is on that sliver of property, on our corner, there is a berm, it's about ten feet high, along with full growth trees. Lots of plantings that people have put in to buffer the sound, and then noise pollution, and the dirt, the dust pollution. The current plan that they have is not going to address that situation, they want to put less growth. Trees that you can still see boones ferry on. It's a huge concern for noise. And we would like to see definitely the berm kept for, or a huge berm put in there. There is so many more aspects to this whole thing. Our neighbors across the street have stated that they are going to be moving, so the acquisition of their property on stephenson and boones ferry, the sliver that's not addressed right there, could be an option to make the line of sight better. Is from where the property was taken. In the past since i've been here for over 20 some years, 30 years now, it is known that in the springtime, when there is full growth on boones ferry, on the moore's property and the mackey's property, which is just north of ours on the corner, when the blackberries get trimmed down and trimmed back about ten feet, it is much easier to get out of that intersection. Like, it's like night and day, and my concern with the city is that they are not addressing the speeding issue. Which they have said, and i, "it's not a perfect solution so why are we spending \$1.5 million on something that's not going to reduce the speed, not going to make it safe, and not going to let pedestrians cross the road safely, and we know that in the future, they are going to have to have pedestrian crossing. They are going to have to have a stoplight, which is going to be a whole push for money in addition to what they have already proposed. So, with that, I hope that you take into consideration, issue it's a tricky intersection to understand. If you have questions, I would love to hear what they are because we know that this is probably your first time understanding what this piece of property is like, and the intersection. So, I thank you for my time and your time.

Hales: Thank you very much. Questions?

Saltzman: I'll wait.

Mike Walker: Good morning, I am mike walker. Of course, jean walker's husband. I do believe that these ladies here have outlined it quite clearly for you. The issue is the speed. During the time that i've been there, my first letters to the city went out in 1995, and then I sent a videotape in 1999. I never got a reply for either one of them. I've been to countless accidents at this intersection. In fact, it made me first responder for Oregon, the state of Oregon, and I have a, medical pack, flares, I probably -- I can't tell you how many accidents there are at this intersection. And the problem flat out is speed. According to your paperwork there, and you will see there is the flashing light telling you the speed. My, all I have noticed is people trying to see how high that they can make that digit go. That is what they have been doing. And the thing is people come flying around this corner and you cannot tell, but this grade goes up and then all of sudden, there is a corner with a guardrail. And just the other night, somebody slammed into that. And I don't know if the last accident that, a week ago, they blocked off the road because somebody did it again. Flat out, the problem is speed.

January 9, 2013

During the night-time, even, there is tractor trailer trucks that come down that road, engine brakes going if they know that corner is there. I have heard heart-breaking, 2:00, 3:00 in the morning, you get kids that are flying through the roads because they are curvy, and once you get past the moore's property heading south, it's a flat outgo, and people gun it down that road. I have contacted the state about making it safety corridor. We have a deer problem there. We have a deer family in our yard. The state says that it's a city road. I contacted the city, the city says it's a state road. And nobody wants to take any further action as long as that goes. I think that spending \$1.5 million for all we can simply do for starters is just try some steps first. Cut down the vegetation on the corner of mackey's property. That will open up a line of sight that would be incredible. The moore's property to the south, cutting down whole area there will make another line of sight that is critical for allowing my wife and I to get out of, of stephenson court. And that's where, where we literally, if you do look at that piece of paper, stephenson court up here, we have to drive into the middle of the intersection and stop. And we are sitting ducks here in the middle of the intersection while people are flying around this corner, and if you notice how this road is here, during the summertime, the sunlight comes, as soon as people come around this corner they are blinded. And anybody who is stuck left in the middle of this intersection, fair game. And that's one of the biggest problems that we have to come out into the middle of the intersection, and wait for whoever going to come flying around the corner while, will fly in from down here, and it's, it's -- it's an issue of speed. Flat out. And that is the biggest safety concern that we have, and I really do compliment liz and her team working with us. I mean, it's a real toughy, and it's something that I think we need to take in step and try to come to better, much better solution. And I thank you for your time. Or any questions that you might have.

Hales: Any other questions?

Saltzman: I'm looking at a two dimensional thing. The existing intersection, the main, i'm looking at the existing intersection saying that seems like it has more of line of sight than the proposed intersection.

M. Walker: Correct. And not only that, but, what would be --

Saltzman: What would be wrong with the current intersection.

M. Walker: Well, a big problem that you have, that you don't have on yours, and I am not too sure, you don't get the curve. I don't know which, which -- they have given us several different pictures to look at, but you are not seeing this curve that's right around the corner here. If we open up the line of sight on either side, it will dramatically change the visibility along that line, and slowing it down. Somehow, it has to be slowed down. I don't believe --

Saltzman: Let's assume we're not going to do speed bumps.

M. Walker: No, speed bumps that's not the answer to that at all.

Saltzman: Improving the line of sight could make this intersection safe, in your opinion?

M. Walker: Greatly improve it.

Saltzman: Do you have any thoughts on that, miss moore?

M. Walker: I address the curve?

Saltzman: We have the curve.

C. Moore: Increasing the line of sight will help the intersection a lot. One of the members of our team was from the southwest -- is a member of the transportation bureau, and his name is roger, and I am blanking out on his last name, totally. His proposal, or one of the proposals that he brought to us, was to cut down the vegetation on the mackey property, and cut down the vegetation, and the trees, which is, would be expensive for us to do at \$10,000 a tree or whatever. Cut that down, and cut down the berm, and put in some remediation so people don't swing so quickly onto stephenson. Just narrow the intersection, give it more definition, but not as defined as the, the future proposal is. And, and thought that that was a reasonable solution, and for the whole intersection.

Saltzman: Ok, thank you.

January 9, 2013

J. Walker: The other solution put forth were to close off stephenson court and make it a oneway, so that when you are coming around this very tight curve, and it is -- you are going uphill to make all entry going in here, and up on stephenson road, so it's one way. Stephenson court is an actual court, which wraps around onto stephenson much further up here. So, having traffic flow go in the same direction, going either onto the court or onto stephenson, and then all the people on the court, which they are about 20 homes or so, would come off stephenson and get on safely this way. Through this sight, was a proposal that I had made, but there were issues with, we don't want to close out the street because of emergency, but if you make it oneway, you can still have emergency crews get in through, through the whole loop. I think that there is more, more discussions that needs to be had, but I think that speeding is definitely the, the whole issue, and like the city has said, this is not perfect solution. It's extremely costly, not quite a solution to the problem. It's a lot of money.

Hales: Thank you all. Thanks very much.

*****: Thank you for your time.

Moore: The last two who signed up or michael dexter and marianne fitzgerald.

Hales: Good morning.

*****: Good morning.

Hales: Are you on first?

*****: I can.

Michael Dexter: Michael dexter, arnold creek neighborhood association chair, and former transportation representative. And living near that intersection for 15 years, briefly I want to stand by the previous speaker about using open formats in government. I was pleased to hear that. We can discuss that separate. This is flawed intersection. It would never be permitted today, as it stands. It's a country road that is currently being pushed to serve as an you are alternative for west linn and lake oswego and tualatin traffic, based on the traffic studies. It's not our traffic. I hope that's clear. It's a shame that the city of Portland is paying for any improvement, but, that's the balance of it. It's legally a district collector, which is very key term, and it's a source of one bus, the entire neighborhood has one bus, one school in it, and they are very far are apart with no sidewalks, it's a challenging neighborhood, there is no question there. And I am in the property closest to the blind curve, and I have borne the worst of the challenges of this intersection, that means an average of one car every two years. Statistically, although I miss quite a few that happened late at night. There's been one fatality, and there has been fatality within a quarter mile. Of, to the north towards Portland. And there is no question, it's a challenge. Nonetheless, we chose to live there. They now have, have houses on side streets that go to district collectors as opposed to driveways into the worst brunt of the stream of traffic. And our unique neighborhood has its qualities and drawbacks. Now, it's a neglected corner of Portland. It's right on the border, so, as I mentioned, it's either lake oswego's problem, and lake oswego says no, it's Portland's problem, and the state says it's the city's problem, and that goes around, and above all in speeding, those speed limits are set in salem. Not, not by say the, through the input of our police officers who come to our meetings, and have to deal with those speeding issues first hand. I am very grateful that the city and p-bot have approached the neighborhood and engaged us and set up the committee. They did exhaust a lot of options, and we trust p-bot every day for every mile that we travel. Let's see. I have got a lot of points. And I see the clock ticking. I do believe that they have made their best effort with the challenging situation provided. This plan will narrow the road, which will provide traffic calming, as roger, the judge she's referring to, did point out. It does not, inn any way preclude having future -- may I continue?

Hales: Yes.

Dexter: It will not preclude a change of signs for probably a few thousand to reduce the speed but that's a political decision, not a mechanical one. And it will not preclude future stop lights, as we discussed. It will -- there was recently a lot of talk about the brush and such. It is up to the

January 9, 2013

neighborhoods to maintain their public right-of-way in front of their homes, and i've been, last summer, and winter clearing the brush directly across my property, where it is at ryan corner. So we all have to participate on the, you know, the state level and individual level. Those are my key points. I am happy to answer questions based on other points that have been brought up. But, I was not able to attend the meeting where the neighborhood association voted 92 had favor, six against and one abstention, but I do accept that vote. It's been a pleasure to work with the city, and I respect its engagement of the neighborhood. We don't see that very often as the neighbors have pointed out.

Hales: Thank you.

Fritz: The neighborhood association as a whole strongly supports this solution?

Dexter: According to that vote, yes. It does impact neighbors, and I absolutely respect that. I do want to fault the city and p-bot for approaching neighbors as if they are businesses, and showing up one morning and putting out stakes and saying, we are surveying for the project, like what do you mean? That upsets neighbors. It's their home. I hope you respect that. I must trust that the city and p-bot will fairly compensate the neighbors. If their property gets smaller. I hope the property taxes go down to reflect that. And I trust that, if this project does in any way increase speed, that p-bot will continue to be responsive and address those issues. This is an ongoing challenge. We would also like to see sidewalks and, and also like to see countless improvements that others take for granted.

Hales: Marianne, good morning.

Marianne Fitzgerald: I am marianne fitzgerald and I am the president of southwest neighborhoods coalition, but i'm not here representing swni, I am here representing roger. Roger overbeck could not be here today, and he really wanted to, and he shared with me an april 30th letter that the stakeholder advisory committee prepared, and I don't think that that was in your packet. But, I just wanted to say that, that from the southwest neighborhood's perspective, this is high priority intersection. You have already heard stories about all the accidents that happened at this intersection. And we were happy to receive some sdc funds a few years ago because of the infill in the neighborhood. Between the growth in lake oswego, the growth in traffic, and the infill within the community, it really warrants some improvements. And in the stakeholder advisory committee letter, it recognizes that this is not the perfect solution. But, it says, you know, it's a lot better than doing nothing. So, I just wanted to say that the proposal in that map you've been studying is consistent with the stakeholder advisory committee recommendations. I think it makes it easier to signalize the intersection of the future date rather than the current intersection because there is proposed new development on the, I guess the east side that, that -- the south side that would be also serviced by future signal when warrants are met. But I wanted to note, as you said, the strong support from the arnold creek neighborhood association. We want to move forward and construct it. These changes are needed to make it safer, and it may not be perfect, but, we think it will be better in terms of safety for motor vehicles, for pedestrians, and bicyclists, that live in and travel through our neighborhoods.

Hales: Maybe I should have asked this question of staff and will, but on our map, we show at least the right way for southwest 8th drive to the south. It does not look like it's improved. You mentioned --

Fitzgerald: Right. That's the one that I was referring to, yes.

Hales: So there is the potential of future development to the south. Is it too much to hope for that this would align the intersection that we would not have an offset like that, ultimately?

Dexter: I can speak to that. The property that the new, shall we say, the new crossing, which would be more of t, is in the development stages for eight homes. And that developer is, has pledged money towards the project. 8th drive, is virtual and ends in the park, so it does not provide any substantial trail access or otherwise. And one point on the sharp corner there. Clearly, it will

January 9, 2013

be good to, to shave that whole corner off. If you drive it, you will see the boulders there, it is solid rock and that would be a monumental engineering project, and it was considered, no question. P-bot has been thrilled, and I respect them for that.

Hales: Any other questions. Ok. Thank you both very much. Any further questions for staff? Maybe you want to respond to couple things like this intersection design question that I just raised? And the vegetation issue, as well.

Mahon: Absolutely. I will respond to that. Just listening to the testimony, I think that, I realize one of the things that we did not highlight in our presentation was the topography out there. And the vertical curves. And then how that factors into what solutions are feasible for this site, and our ultimate location for the realignment, and michelle can talk about that further. That was one of the things that we discovered in our analysis was the sight line issues being tied to the curbs in the road.

Michelle Dellinger: There is, vertical curve, a hill, and located right where we're realigning the road. That's where we chose that, so what you could see on the map that we handed out are the horizontal curves and the sight lines are for those curves, but what you cannot see is where we placed the road was far enough east that we get close to the top of that curve so that you could see down, and it's not -- it's a 6% grade towards lake oswego, and it's a little flatter coming up through the intersection, but that's very near the crest of that critical curve, and that's why we chose that location.

Mahon: So even cutting into the bank, as michael mentioned, it would -- there would be challenges to that. It's a steep bank and in terms of the --

Dellinger: If we couldn't come this far east, we would be closer to like a 30 miles per hour design speed for the site distance, and by coming up to the curb, we can get closer to what people are traveling, like 50 miles per hour, sight distance. Not as much, we're at 40 miles per hour sight distance coming down from the north around that curve because cars cannot travel that was around that curve. Although they do, and that's why they go off the road on occasion.

Mahon: One of the other things we realized working on this project was the, the substandard pavement designs. When you are going northbound on boones ferry, you cannot see that crest, and that's why we most likely have number of the run-off the road accidents. People are speeding, and then they react. And so, this project will address that issue, as well. Shift the center line over.

Dellinger: Do you want me to clarify that a little further?

Mahon: Sure.

Dellinger: We were talking about bringing this up to state standards, it's not really state standard. What we found, the primary objective was to improve the sight lines for the vehicles turning to and from the intersection because of the crash history, with some rear end collisions, and some angle collisions with people turning out of stephenson and getting hit by someone on boones ferry. So, after we achieve the, the sight distance, we realize that the county, when they designed this road, it was only designed the horizontal curve, for 35 miles per hour. Or about 37 miles per hour and the speed limits 40. What we decided we could flatten out that curve just bit. I think we're shifting six feet, and that brings us up to a 45 miles per hour design speed, which will keep, help to keep people on the road, and help to prevent the run-off collisions. So, it was really a secondary. It was -- not that we were trying to make things faster, per se, but it was more of a secondary. We're out here, and we're taking property. We should try to improve the curve, if we can.

Mahon: And address as many safety issues as possible.

Fish: Could I ask, this is listed as an emergency, is there a reason why you ask us to adopt it now and not after second reading? Is there a timing issue?

Mahon: Well, we would like to go to construction this summer. And so, the goal is to be able to start negotiations as soon as possible and make the offer to the property owners, and stay on schedule so we can get it out to bid and go to construction as planned. That's the only real emergency, per se.

January 9, 2013

Fish: One of the folks who testified, noted that they went it was fair price for the land. And I think that it's worth, if you could just give us a quick primer on how we get there. We negotiate but there is backstop process to make sure that people get fair value, if you could tell us what that is.

Maloney: Yeah, definitely. Basically, when we have our, when we start negotiation processes, we, actually, have it completed by contract, and appraisers that fill in partial acquisition, and these folks will, actually, come through, we give them the, the proposed right-of-way acquisitions, and they come up with the values from that. These guys had a lot of experience working with different bureaus. Odot, us, Counties, everything. So, the guys that we have are very experienced in parcel acquisition. So, from this, they will assign value to the property. Then it's our duty to assign just compensation, and from there we offer it to the property owners. So, basically, there is also, you know, appraisers are not infallible, so there is also a process of going through and speaking to the property owners. If there is anything that we missed whatsoever, we will consider that, as well. Kind of the process.

Hales: Could you touch on the future intersection question, that is, if there is further development, if this is four-way instead of a three-way intersection, walk us through that?

Dellinger: Right. We, actually, have placed the top of the, of the vertical curve happens to line up with where that access point would be on the property to the south. You could see on your map it's adjacent from the new intersection. You could see the two property lines. It won't be as wide because it will be subdivision street. So it won't have three-lane section like the one we're building, but it will line up. We accommodated left turn lanes on boones ferry. Primarily, we wanted one for access northbound on stephenson street to prevent some of those rear end collisions, although we are providing sight distance now so that you would be able to see a vehicle waiting there. But, we're also able to have a left turn lane for the southbound into a future, or we have talked about doing a pedestrian refuge median there in the future.

Hales: Not a bad idea. So there is not sufficient traffic volume now to allow us to install a stoplight even if the funds were available?

Dellinger: There aren't sufficient volumes now. It does not mean the current one -- we looked at the analysis based on the metro growth model, the existing model, we're getting a new model very soon, that might show different growth rates. But, there are high growth rates for stephenson street, so we are looking at maybe in 2027, if the aggressive growth rates occurred, it could need it at that date.

Hales: Wow, ok. All right, further questions for staff?

Novick: I would like to hear direct response to what I think ms. Moore and the walkers were saying, what I heard the walkers saying is that they feel if you were moved, if removed vegetation and took some steps to reduce speeding, then that would have comparable or greater impact on safety. And so, I would like to hear your reaction to that. How do you think that your proposal compares to theirs, in terms of removing vegetation and improving sight lines and what do you think is really feasible and infeasible in terms of reducing speeding?

Mahon: Yeah. I think michelle can answer that question. Since the project started, and we heard this concern, we have asked the bureau of maintenance to go back and, and cut back the vegetation that's in the right-of-way. And that still hasn't resolved the safety issues, so I think what we need to do is then cut back vegetation on private property. Which we looked at was feasible, and michelle talked about that.

Dellinger: Yeah, that goes back to the vertical curve issue, so you can, you can fix the horizontal site distance by cutting back the vegetation. To the, I guess, going to the north where you have the quarry, and the speeds from that direction are not as high as the other direction. And so, the northbound direction is really the, the direction that, is I guess, we're concerned with because of the vertical curve. So, if we don't realign to be closer to the top of that curve, we cannot achieve anything more than a 30 miles per hour sight distance so any vehicle traveling faster than that

January 9, 2013

would not be viewed in time for that vehicle to stop, for both vehicles to stop and not hit each other.

Novick: What's your response to the argument that the real problem is speeding and can't you figure out way to stop people from speeding?

Dellinger: Even if people were traveling 40 miles per hour, the existing intersection, like I mentioned, you would not have adequate sight distance for someone traveling at 40 miles per hour.

As someone mentioned the state does control speed. There is our road, the state does control speed, and we can send them proposals to reduce the speed. But, the nature of the boones ferry and people are more, traveling about, over 45 miles per hour. 48 was the last count that we got. So, with that change to the character to boones ferry, the state would be unlikely to adopt lower speed limit than 40 because people are traveling much faster than that today. In the future, if we were to install, you know, sidewalks and make it feel more urban then, it would have to an more comprehensive project to get that speed limit lowered.

Novick: Is safety is your priority here, and you have looked at other options, and this is the best option that you think that we have in terms of improving safety?

Dellinger: Right, we think this improves the issues that were brought up originally through council during that subdivision review that people couldn't see to make turns out of the, of the stephenson street, court con fusing intersection. We think we addressed those sightline issues with this project.

Hales: Further questions? If not, thanks very much. Karla, please call the roll.

Fritz: I have lived in this area for the last 21 years, and I think the discussions have been going on for the last 21 years about what to do with this intersection. I strongly support the current proposal. It's a good first step. I recognize the concerns of the neighbors, and more will need to be done. I think that people like me will look add to the traffic count because I will start using this intersection which I avoid like the plague at this point in time because of the issues raised, like the sight distance and lack of safety. So, there has been a lot of process to get to this point, and I appreciate the staff work and the neighbor's involvement, and particularly southwest neighborhoods. A lot of folks are coming in from all over this area of deep southwest to try to address this problem. Thank you very much. Aye.

Fish: First, with marianne here, this is our first time certain of the new year, and I am struck by the fact that I believe this is the first time in the history of the council that we have three commissioners all from southwest. And once upon time, that was not the case. So, I sense a power shift. We'll be hearing from north Portland soon. Second, I want to thank all the folks who took time to testify today and come out and educate us about your concerns. I live from the grant park neighborhood, and we have now achieved a perfect symmetry. Cars and bikes, no longer view a stop sign as anything but a flashing yellow. And it really is extraordinary, and it is a place, my neighborhood is a place near grant park with lots of children and families. And the way that people drive is just astonishing to me, and I have an, now a nine-year-old at home so I appreciate very much this question of safety. What tips the scales for me is that I hear people say that there's been a long process, a chance for a lot of people to be heard, strong support for the neighborhood association, and if this approach does not preclude us from making refinements as we go along. So on that basis I want to compliment our staff. It's not every time that city staff comes forward and the public says we trust what they are doing and we appreciate their process. That is our goal. So, congratulations, and I am pleased to vote aye.

Saltzman: I appreciate the work of the city staff and the neighbors for all their work. I think this will be on balance an improvement, whether 1.5 million of improvement, I guess things are expensive. But, this does seem like an intersection right now that has a lot of problems, and this seems to be something that, that has gained the consensus, the overwhelming consensus of the neighborhood so I will also support this, aye.

January 9, 2013

Novick: First of all, I would like to thank the Moore's and walkers' for coming here. I appreciate that taking people's property, even with just compensation is one of the most serious decisions a government make. And I thank p-bot to being here and explaining their rational, and the issue here it seems is safety. And there are competing views on what is the most appropriate thing to do to assure public safety. And I am putting my trust in p-bot staff and the advisory groups that have looked at this. I realize these are hard issues. I appreciate everybody's hard work. I vote aye.

Hales: There is a local oil change place that used to have slogan, you know, we're not going to change the world. We are just to change your oil, and that's to some extent the spirit of this, that is country road evolving, and we're trying to make it humane and urban and safer, over time, this won't be the last improvement that we have to make in this part of the city. In order to achieve any of those goals of people being able to walk safely, people being able to get to and from their home by car safely. And to have choices about how people travel around this part of the community. So, to me, it seems that, this step of getting the architecture of the intersection right or the least quite a bit better, is a responsible step, even if we have not achieved perfect consensus and even if there is still question marks about what we can do next. But, I do think that the process, has worked well so far. And I hope, expect, and assume the staff will work with everyone affected by this project, including the walkers and miss moore, and to make it success in the next stages as it has been so far. I vote aye. Thank you. [gavel pounded]

Hales: Thank you very much, this item is approved. And we have one remaining item, I believe, mr. Ormsby has arrived. So, we'll take his public comment. Thanks very much, staff.

*****: Thank you.

Item 19.

Hales: Good morning, and welcome.

*****: Good morning, mayor, honorable council. Thank you for taking your new position, and I hope you will for the next two-year session and somebody else gets elected.

Hales: Please put your name into the record and if you are representing an organization let us know that, please.

Charles B. Ormsby: I am charles ormsby. And my nick name is skip. I live in clackamas county. At 170 southwest birds hill road, Portland, Oregon, 97219. I am representing, and I am chair of the birds hill cpona, and I am representing our neighborhood in regards to these issues that I gave you a rather lengthy packet. Primary concern, right now, is -- disappeared. There it is. I give you eight topics that are of concern, and at the top of the list is lack of a voting creek on the tryon creek plant advisory committee. The packet illustrates that our neighborhood abuts that facility on the north side of tryon creek. There are political considerations with the former administration in the city of lake oswego, which preclude my assignment to that committee. I suggest if you contact the newly sworn in mayor, ken studabaker, those considerations have changed. Furthermore, clackamas county also has changed, substantially in the last election. And I assume, presume commissioner john ludlow would also support my appointment to that committee immediately. It's unfortunate that, I was treated in the manner and our neighborhood has been treated in the manner it has been under the hoffman administration, but they are in the history books now. I will leave it at that. As part of that, things that have not occurred in the last year, is I request a map of the, of the second item was I requested a map of the tryon creek wastewater treatment plant service area. Be updated from the 1984 status to, you know, bring it up to speed to 2013, gis standards. Because there is issues there about, about planning for it, and the capacity of that plant, and notably in the stafford area, I think that would, a great concern to good many people in the lake oswego area. There also is a tech memo about decommissioning that plant circuit, I would like that one in pdf file format, and it should have been part of the, frankly materials for the tryon creek wastewater treatment plant citizens advisory committee. I have requested it, and I know it exist and is I know it can be done. And just make a phone call and get it done, thank you. And during the foothills planning process,

January 9, 2013

we request a berm, I don't know the hydrology details of it. I've been running ragged for the last 12 months, literally, 20 hours week on my neighborhood stuff. And that sort of thing. And maintaining within, came to us, is the request for project initiative list. What's what happening in our area? You abut us, you do the planning for Multnomah county. And we would like to know what's going on. Item 6, ascertain the stability of the tunnel. This is one that's evolved from -- I have been aware of it for 10, 15 years, and really came home from the fukushima earthquake, in 2011, and I wish that, -- find out if that thing, can withstand an earthquake event.

Hales: Thank you very much, appreciate you being here. I believe we have nothing else on the calendar and that we are adjourned until tomorrow afternoon at 2:00 p.m. Thank you. [gavel pounded]

At 10:42 a.m., Council recessed.

January 10, 2013
Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

JANUARY 10, 2013 2:00 PM

[roll call]

Hales: We have a single time certain item on this afternoon, and sue, if you would read that item.
Item 31.

Hales: So we're going to hear some presentations from the bureau on this subject, but I think before we do that I think commissioner Fritz in particular who's done some work on this issue has some comments.

Fritz: Thank you all for being here today, and thank you mayor hales. Delayed from december of last year. The council shares some of the community concerns about apartments being built with no parking, and over the summer the council and I directed the bureau of planning and sustainability under mayor adams to ask the planning commission, the planning sustainability commission to hold a forum to review the issue. So they did that on november 16th, and we asked them to bring a report back to us by the end of the year, which planning and sustainability was ready to do. However, the council had a lot of things on the agenda, so we put it to this session, welcoming my two new colleagues on the council, and the purpose of this hearing is to review the report and what happened at the planning commission, and then my expectation is that we will be asking the planning and sustainability commission in partnership with the bureau of planning and sustainability and the community to do some more work, hold a hearing, and come back to us in short order. So that's the framework of what we're discussing today, and mayor hales, I appreciate your support bringing this issue forward.

Hales: Any other council comments before we get started? If not, joe.

Joe Zehnder, Bureau of Planning and Sustainability: Good afternoon, mayor and commissioners, i'm joe zehnder, i'm going to give you a brief overview of the study that we've done related to the issue of new apartments and the parking requirement. You have full copies of all of the different research provided already. So the issue that we're focused on is the recent sort of spike in development of apartment buildings where no parking is being provided with the new apartments. It's triggered issues in the neighborhood that you'll hear about today. Issues of concerns about neighborhood impact. But the impacts go beyond parking. What we've heard from a lot of the discussions we've had, it's about sort of neighborhood leverage over projects like this, but also the design of the buildings. Comprehensive plan issues that we're dealing with as part of the comprehensive plan update. Secondly I just wanted to point out that the policies that We're going to be talking about today date from the '80s. Their origins are in the current comprehensive plan, which was focused on promoting transit oriented development and reducing what people were worried about with the proliferation of surface lots and dead space in neighborhoods. So it was a different world then, where the idea that you would build apartment with no parking wasn't what the banks were doing and we weren't seeing. So the comprehensive plan had a vision to try to get out of the way. And that's been followed up with the climate action plan, the Portland plan and the transportation system plan that have all led us in a direction of trying to reduce the oversupply of parking. So specifically the provisions that are in the code related to this, there's one set, this set dates from the '80s, this is in the current zoning code, which is that in commercial zones, the ones highlighted here in red, a lot of these are your neighborhood commercial zones. There's no

January 10, 2013

minimum parking requirement. The thinking in the '80s was the market will take care of this because we weren't able to talk banks and developers into developing that much of this kind of housing. The second provision came in the '90s, which was much more targeted towards advancing this idea of transit oriented development, where you have frequent transit, we wanted to get more residential units, we wanted to lessen dependency on the automobile, promote the strength of those local commercial districts, and create the alternative out there for more of these units without parking. So within 500 feet of a frequent transit service line, also the minimum requirement for parking apartment unit was eliminated. So there's two provisions that are at play here. You can see in this the red highlighted areas are your commercial zones, so this applies to residential and other zones as well. Just to get a sense of the order of magnitude. There's 199,000 parcels in the city, so this zoning applies to about 38% of the parcels. So it's a large number of lots that are affected by this. That's all I was trying to show with this. So the changes that we would do would be far reaching like that if we do changes. To get a handle sort of an objective basis to respond to the community concerns, we conducted some research with David Evans and Associates on the issue. One part of this was looking at the last six years of permit data. What we found out by that is that over the last six years, most of the apartments, apartments have been built with parking and without parking, but the predominance of both building and units have included parking, and they've included the ones that have included parking having included almost one space per unit. But at the same time there have been buildings built without parking and the average size of those tended to be on the 20-unit size, though they range. When you look at the number of -- the size of buildings, which is one of the things the planning and sustainability commission was trying to trigger on, is there a size, a threshold where not requiring parking has more neighborhood impact. Over half of the units without parking were in these 40 units and above buildings. A second piece of data is that there's an argument out there, and I think it's sound, that in the past as I said, most -- you saw buildings with parking and without but you can recall with the mortgage prices and the real estate finance crisis what was getting built dramatically changed. And in that period you're looking at 2008-2011 here, you can see the total number of projects dropped dramatically, and when it starts to recover we're seeing more of these buildings without parking. The other thing that happened in this period is you have to remember that Portland over the last year has a nationally low vacancy rate. So there is a pent-up demand for increasing the supply of apartments, there's a market niche now that argues that we need to also keep in mind, is this a bubble or is this the new normal where you're seeing more buildings without parking or with? And typically you see both types being built. And when you look at the total supply, it's even including all the buildings with parking and without, you're still overall providing a parking supply that's one for every two units. On average across the city. Second part of the research, in addition to looking at permits, was to specifically look at eight new buildings with and without parking that are typical of representative of the kind of buildings that people are having concerns about. What we did is we looked at the utilization of on-street parking, we did surveys of the tenants to see what their behaviors were, vis-a-vis owning automobiles and travel, and the like. In the report you're going to see the conclusions are that we found that in this sample, buildings, some buildings had parking, most did not, but 72% of the respondents, of the occupants of these buildings owned cars. That's less than you see citywide, so these buildings are performing, you know, lower in terms of vehicle ownership than your typical household unit in the city, but it's still -- they do own vehicles, they outperform the rest of the city in terms of choosing to commute by transit, not by driving. It goes a good deal to the location of these buildings, 64% use the car to commute. But still when you look at the noncommute trips, especially -- you're seeing a lot of automobile uses. So the conclusion from this is that even though we are achieving some sort of transit benefit from the location of these buildings, it's not answering all the needs for trips and people still feel the need to own a vehicle.

January 10, 2013

Fish: On the question of commute trips, do you happen to know what percentage of the respondents were actively employed and commuting?

Zehnder: We do not know that. This is -- we asked how do you commute. And do you commute by transit or commute by using your car. So the respondents we got back that would say they commute we assumed were employed, but we don't know the full demographic profile of all of the buildings. In terms of parking supply, i'm going to show you some graphics. We look the at on-street parking around these buildings, and that we found that there is indeed congestion on some of the block faces and actually this is an interesting part in the study to look at more closely in your copy. But we also found that there were always within a few block radius available parking, and that is sure to give you a sense of the magnitude. 71% of the residents find that the confined parking -- they can find parking within two minutes of their apartment and 80% took less than five minutes to find parking. While there is congestion and that can have a very significant local impact if you take a bigger look there seems to be the use of the public parking seems to have some capacity. The way we did this was looked at each individual buildings of our eight samples. And I wanted to show you a few to illustrate the way this works. This one is irvington garden, at 15th and hancock. This is 50 units, no parking. You can see -- and this is a very active -- this is 15th and broadway, very active commercial area. The veterans day where during our sample period which is a weekend evening, 80% of the street is occupied, and that's considered by the standard to be occupied. But you can see it grades off into yellow and green when you get a few blocks away so that there is available parking supply, it's just farther from the unit. This was the most congested of the samples we did. An interesting case in this too is that, I don't know if I can highlight this, but there's a major church parking lot that is kitty corner from the apartment building. One of the options we can explore is can you use those surface lots for commercial parking as well. There's lots of issues with that, but that's what was illustrated by this. Here's a project on division. You can see there's some congested park spaces, this is 23 units with no parking within a few block radius there is a supply of on-street parking. This is not in the really heavily redeveloping part of division, I don't want to misrepresent the condition here. Here's another example that was illustrative because this is a busy intersection in a commercial area. This is at hawthorne by ladd's addition. This is 51 units but they provide 34 spaces and again, you can see the pattern of congestion that -- especially on the commercial frontages there's congestion on the neighborhood streets there's available parking. The last one I wanted to show is the hopworks -- the ecoflats project at williams and shaver. Interesting because this is 16 units, no parking, so it's a nice -- 18 units, no parking and it also has a parking lot that it uses for its commercial uses and includes a couple of car share spaces with the whole intent of providing an alternative for its residents to use. The last piece of our research was to try to take a look at the cost impacts of providing parking. We looked at your typical kind of quarter acre lot in the city, which is where a lot of these buildings are being built. And we looked at what it would take in terms of the cost of providing the parking and those costs are shown on this slide. And then we also took a look at when you provide parking, you're getting fewer units, because they're -- you've got to use up the space for parking. What does that do to the overall rate of return on the unit, and what's the rent premium that one might expect? What we discovered is that for this tuck-under parking where You're providing, you know, maybe one per every four units, .25 kind of ratio, the rent premium was about 6%. So you provide the parking and if you -- the rent could go up by 6%. Podium parking, the first floor, you can get more parking, fewer units. You have this issue where you might get dead space on the street, but put that aside, rent premium was around 16%. For the more mechanical, the underground, the bigger cost parking, the rent premium got up to over 30%. On november 13th, we had the planning and sustainability commission had a public forum where we presented the results of this. And at that forum the planning commission and sustainability commission instructed us to follow up on these steps. It said it wants to take a look at this threshold idea. It wants to -- to us come back with

January 10, 2013

options to improve disabled accessibility when you don't have parking, the ability to provide parking for people with disabilities is limited, so what do we do with that. They wanted us to make sure that our regulations were working so that the frequent transit routes in the code are really the frequent transit routes. And then in a longer term kind of way, they asked us to explore what if our parking requirements were linked to things that we know more directly have the chance to lower vehicle dependency, and what if you reduced your parking ratios if you did some of those things? For instance, subsidized bus passes. Provide for car share. That kind of thing that they call transportation demand management, what if those provisions -- it takes more to figure that out, it's a longer range solution but we were asked to explore that as well. And that concludes my comments.

Hales: Thank you.

Fish: Joe, I think -- i've been curious, you talked about the rent premium. Which assumes that if you get beyond -- if you get the parking on site, that the cost of that gets passed through per unit. So it begs the question, some of the new development that doesn't have parking, are the units priced at a discount to the market to reflect the fact that you don't have parking? Or are we seeing as some people suggested to me, that the market is now reached a point where people who don't have parking are being priced, the units are priced at roughly the same cost to the consumer as units that do have parking?

Zehnder: That's a good point, commissioner. We don't know. We didn't get that information. At -- I don't know what it is today, but in the three to 4% vacancy rate, the rent premium that you get from just having that low vacancy rate probably looks like the cost of parking is passed -- the savings are not being passed on. I would not be surprised if when people are telling you is the result today. When the market is back more in balance with supply, and some of the market forecasts suggest this is a year away, it's 1200, 2,000 units added to the supply, you got to compete. So the principles of the past that are sort of the market fundamentals would say, if you got parking, and that's an amenity, you're going to be able to charge more for it, or some people are actually separating the cost of the parking from the unit. You rent the space separately, which is not a bad thing. So with the market more in balance, I would expect the rent premium not to be passed on. Right now the vacancy rate is so high I wouldn't be surprised if you're not seeing the differential.

Hales: Other questions for joe? So before we -- thank you, joe. Before we proceed, it's my intention, obviously we've got people signed up to comment on the work that's been done so far. We want to try to get a sense of the council for going forward as commissioner Fritz suggested, one of the options is to direct the bureau to fairly swiftly move forward with potential code changes. The options are do nothing, wait for the comp plan, or do something now, I guess. Maybe there are other options. And then if that's the case, that will circle back to us via the planning and sustainability Commission. That is what we do direct today. The commission held a fairly extensive forum on the same subject matter as was mentioned not long ago. I don't know if he's signed up to testify, but I see we have the chair here, mr. Baugh. I don't know if you signed up, but if you'd like to comment, we'll extend you the courtesy or you can sit in and listen once again.

*****: [inaudible]

Hales: Ok. So with that, thank you, joe, and let's take the public testimony that we have and we'll go from there.

Parsons: We have 21 testifiers.

Hales: Thank you all for coming. You know the procedures, it's a three-minute limit and if you're representing an organization, state your name, and please let us know what organization that is. Thank you very much.

Hales: Let's just hang on a minute. Hopefully it was someone pushing the button in their office that didn't know it was there. Which happened in my office this week.

Fish: That's what happened as we were all rushing to come to your defense?

January 10, 2013

Hales: We thought it was something to do with the air conditioning. Ok, I think we're probably fine.

Gary Davenport: Thank you. My name is Gary Davenport, I represent Overlook neighborhood, neighbors, neighbors for responsible growth, and I appreciate the opportunity to testify today. The parking exception and type two design combo will soon cause irreparable harm to our neighborhoods. It ignores the uniqueness of our neighborhoods and uses an administrative checklist to remove guesswork from the permitting process. According to the parking essential potentially affects over 70,000 of our city's lots. Developers of these 30 to 50,000-square-foot structures avoid a design review because after footnote in a table that lets them opt out if any residential units are planned. The contact with neighborhood requirement is a disaster. Immediately following a presentation by the developer, residents often hearing this for the first time are expected to immediately set aside their shock and rage to come up with meaningful requests that the developer can legally ignore. Developers unwilling or afraid to face residents frequently sue their architects for the presentations instead. It's no surprise that a few unscrupulous developers have jumped in to erect cheap, no-parking apartments for the sole purpose of maximizing profit all in the name of urban renewal. In preparation for our meeting with the architect on November 1st, we set aside our anger and frustration and drafted a Positive vision of a no-parking apartment that might integrate into our neighborhood. We hope the document might serve as a blueprint to help the city and other neighbors explore new solutions. We sent it to our developers, the city council, BPS and BDCs as we feared our developer responded with minor adjustments none of which addressed our concerns. In November BPS released its parking study. It confirmed three-quarters of the tenants would own cars. BPS proposed no solutions and failed to address the impact on homeowners and businesses. The study spoke of how far a tenant might have to walk to get to their cars, but made no attempt to quantify the impact these buildings and extra cars have had on our safety, traffic, character and livability. Despite testimony in opposition to the study, the meeting closed with the planning commission saying that a moratorium was off the table and assurances that no significant changes would be made. "The Oregonian" got it right the next day responding to the commission with their lead editorial damaging Portland's livability. Meanwhile, our clock is ticking. Our developer submitted permit applications on December 2nd, and is pushing ahead for approval. Neighbors continue to push forward. Richmond and Kerns have pressed Luba lawsuits, Luba is reviewing both cases. Beaumont and Overlook have each met with a land use attorney and are willing to see a permit will be granted -- waiting to see if permits will be granted. Overlook has requested site visits from each of you, and has been conducting site visits and interviews with the press. All said we remain hopeful the new city council will work with us and move into the solution space. We ask you to immediately stop issuing permits to projects seeking the parking exception and work with us to find a responsible interim solution. Thank you.

Hales: Thank you. [applause]

Terry Parker: Terry Parker, northeast Portland. I'm speaking for myself today, but I was also part of the citywide land use parking -- apartments without parking task force. I was on the citywide land use task force, studying this issue. The results of that will be -- and the recommendations will be presented by somebody else. I support those recommendations. It -- I'm going to deviate a little bit from what I'm handing out. It's fundamentally wrong for a developer to make a profit on multiunit apartment complexes with no off-street parking which in turn creates a neighborhood impact whereby existing households and businesses in the same neighborhood are required to pay on-street parking permit fee. The family car represents the true meaning of freedom and mobility. History demonstrates higher rates of personal mobility significantly contribute to greater economic productivity which in turn generates higher income jobs. Metro's latest study revealed 80 plus percent of trips in Portland are made by car, clearly signifying automobiles are the preferred mode of transit by the citizens of Portland. The Metro survey also found that children are a major travel

January 10, 2013

generator. While a two-person household makes about twice as many trips as one-person household, a household with two children makes more than three times as many trips as a two-person household with no children. And I -- anticar -- which also can include longer commutes. Correspondingly the city's own study found residents of apartment with no off-street parking are not less likely to own a car. Among the residents that responded, the survey found 72% owned cars and two-thirds parked on the street. Moreover the survey found 36% use the car for daily commute which means that many of the other cars are stored on the street all day in front of nearby businesses and homes and neighborhoods that previously had adequate parking. The result is a decrease in the value of these properties there by creating a transfer of wealth from existing taxpayers to the developer. Add a fee-based parking permit system, are inform are for existing residents and the developer wins while existing businesses and residents lose. The streets should not be the primary parking place for a car when not in use. Existing residents and businesses should be grandfathered in and not required to pay on-street -- should not be required to park on neighborhood streets when available basically what i'm saying, i'm sorry I screwed up here. They shouldn't have to pay to park in front of their house when the deficiency is created due to the construction of a new multiunit complex with no off-street parking. The issue is where the car is stored. Even though the property level in Portland -- the poverty level in Portland is close to 20%, only about 18% of households are without a car. For some people, owning a car is a choice, but for others it is often related to the lack of income. The implication here is that owning a car is an important priority including for renters and households of low-income. Minimal off-street parking enough to handle all tenant owned vehicles needs to be required for all new multiunit apartment developments, even on frequent so-called transit service routes. The parking mess -- the parking -- Social engineering created in northwest Portland must not be duplicated elsewhere in Portland. Thank you. [applause]

Hales: Thank you very much. Folks, let's raise your hand if you like what you hear, but let's try to keep it calm. Please proceed. Three minutes. State your name for the record.

Kathy Lambert: Kathy Lambert. Thank you Mr. Mayor and city council members and bps members for allowing me to speak today. I am the owner of division hardware located at 37th and Division Street just across the street from where the proposed 82-unit apartment complex is being built. With no provision for off-street parking. We have been in this location since 1987 and have established a large local clientele that enjoy coming to our store for their projects rather than going to the big boxes. Because they know they can get the help they need and usually find product they can use to complete the project. We have people coming in for pipe, conduit, bumper, concrete, potting soil, paint, things that aren't practical to transport by tri-met, bicycle, or being carried walking. Our customers need a place to park and it is already getting difficult for them to find parking as it is with all the contractors taking up all the parking spaces around our store and the building isn't even completed yet. Once the residents of the 82-unit apartment building move in there, there will be absolutely no place to park within a reasonable distance of trying to purchase for my customers or my employees. I am in the process of trying to purchase a vacant lot next door to our store on the east side in order to put parking there. I had seen the owner of that lot actually tie a rope to the wall of the house that was used -- that used to be there and pull it down. This was several years ago. He passed away in 2010, and his wife just passed away this past May in 2012. Their son is interested -- has an interest in real estate in Los Angeles, and I have sent him an email and just today I have also negotiated -- i'm in contact with Cushman and Wakefield to make a proposal on purchasing that lot. When we first moved to this location, we were required to have off-street parking which we did. We had a parking garage, however, we could only have like four or five parking units, spots in that location. Then the city changed the ruling so we closed up the garage and it is currently our cash register area, our paint department, and our lawn and garden department, so we are able to expand the selection for our customers. I am all for growth in the city of Portland,

January 10, 2013

but it must be responsible growth and so far the city has not been responsible to the neighbors in our neighborhoods. Thank you. [applause]

Sandy Polishuk: I'm sandy, here as an individual. I live two blocks from that first building that was shown today, Irvington Garden. I find it interesting that the report didn't include the fact that 19% of the -- those surveyed said only 19% said that it was never hard to find parking. Obviously means 80%, 81% did have a hard time finding parking. He acknowledged that our parking is congested now. And this is from one building. I find it really interesting that the study only looked at areas where one building had been added to the area. Yes, maybe you can absorb that, you have more congested. What happens when the second building is built? Or the third? Or more? I think you're going to hear from some people, for instance, in the Division area, where that has happened, and they didn't choose to study one of those areas. They chose one that only had one building. So I don't think my area can absorb another building, and we're zoned apartments obviously, so I'm just holding my breath, waiting for that day to come when I'm not going to be able to park. There are always unanticipated and unintended consequences with these moves. None of us have the perfect crystal ball. We all know what China's one child policy did. Those certainly were not intended consequences. I worry that those things are going to show up too late, the buildings will be there and then it will be really expensive to fix it. There's acknowledgment that we have a shortage of rentals right now, and that's what's driven up prices. It's scarcity, and old buildings that can't blame it on current building costs, their rents are up too. So I think if you're really concerned about high rents, the city needs to look at rent control. I'll just close by saying I don't think wishful thinking makes it. So I understand the city would like to change our car culture. I don't think it's by impacting our livability in a negative manner. It would be much more helpful if you would see that TriMet's budget was restored so that we would have more frequent and later running buses and trains. I think that would be a much more fruitful path. Thank you very much for listening.

Hales: Thank you. [applause]

Hales: Welcome. Alan, I think you're first.

Allen Field: Good afternoon Mayor Hales, Commissioners. My name is Alan Field, I live in the Richmond neighborhood. I live three blocks of Division which is the eye of the storm, and I say storm because it's been referred to as a perfect storm. We have a lot of intense development. On Division and elsewhere, where you have developers taking advantage of a code which was not intended or envisioned to lead to this result. You all see what's going on on Division, but quickly, there are nine new buildings going in on a seven-block stretch. Six of those are going in after this parking study. Three buildings alone are going in at 33rd and Division. By my count, there are about 32 -- 320 new units going in on a seven-block stretch. According to the .9 average parking ratio, that's about 290 cars. Almost 300 cars. Then you add in the impact that each of these buildings will have one to three destination restaurant or bar. The study doesn't go into that. They're going to have likes of Pok Pok, Salt and Straw, there's going to be up to nine to 30 new destination places. I actually like that. Division was voted the hottest restaurant district in the city at this point. I like that aspect. But I really feel for the residents who live within two blocks whose driveways are being blocked. All of this is foreshadowing even bigger changes. 75% of the property between 19th and 50th is zoned to allow for four-story building with no parking. I think we all agree we need to do a better job to balance livability with the need to accommodate density. I'm in the neighborhood peg center, for the comp plan, the policy expert group. At the last meeting we focused on parking and there was a consensus that the current policy and implementation of off-street parking for these buildings need to be modified. The neighborhood association presented one idea of a minimum parking requirement and I passed that around. But I understand that may not translate to citywide application. So I came up with my own personal alternative plan, which is now in front of you to have developers first do a parking demand study. Let's not wait every 10 years to do a study like the city did. Every building assess what parking demand is, and second,

January 10, 2013

have perhaps a low minimum parking requirement for buildings 40 and over, but let's look at the cumulative effect. If there's already three buildings, there are already so many units, let's up the minimum requirement of units. Also, other there could be a waiver option. Developers could be allowed to do away with the requirement if they put in so much money to really attract car-free tenants. It's not good enough for developers to put in a few bike hooks and bike lockers and have a picture of a bicycle on their advertising and that's the end of it. They need to be incentivized with rent rebates, creative ways to really attract car-free people with car share membership. Thank you.

Hales: Thanks, alan. Linda?

Linda Nettekoven: Good afternoon mayor hales and city councilors. My name is linda, I live in the hosford abernethy neighborhood and our neighborhood has had many respectful discussions on this topic. However today i'm speaking for myself. Other folks are raising a lot of the issues and concerns that I have, and i'm going to hit three ideas quickly. One I want to reemphasize this notion of the cumulative impacts and the need to create a system in whatever strategies we use going forward that assures those cumulative impacts are understood and studied regularly. We're still struggling with the zoning approach that we used in the '80s where we rezoned everything r1 on the -- that has never been fully rectified, and it's 2012 -- 13. So we need to find ways to be looking at the cumulative changes that happen in neighborhoods over time. One size won't fit all, the kind and sequence of change that will be happening in different neighborhoods will vary, and the code needs to consider both the cultural history and the caring capacity of neighborhoods as we think about cumulative impacts. What built infrastructure can absorb and what makes a place special and creates its identity that we don't want to strip away as we try to accommodate more growth. In terms of infrastructure in particular, besides the usual streets and sidewalks and sewers, what's happening with parks, open space, community gardens, where are those 300 folks living in those new units going to go in the division street area when we are already park deficient and are consistently told there's no money for land acquisition for property on the east side because it's too expensive? If we do wonder where the sdc's are going as these buildings are being cranked out but we need to figure out how to accommodate those needs. It doesn't sound like the right approach to creating vibrant neighborhood centers or an elder friendly city if we don't find a way to build in open space and parks. And the final thing is, one other follow-up issue that joe has mentioned, the comprehensive parking assessment and loading zone assessment I would say, asking the city to play its role as convener and bring together the developers, neighbors, property owners, tenants, business owners, to look at available parking and loading zone needs in a given area, whether it's to create a parking demand management committee over time, or at least make the meetings happen. So we look at how we optimize whether it's surface parking lots or the use of private driveways in neighborhoods at times they're not being used by the owners. Thank you for your time.

William Gregg: My name is william gregg, representing the buckman neighborhood. I live in an area greatly affected by these relaxed building regulations. I'm also a small housing developer. Whenever I develop a property i'm faced with a myriad set of zoning and building codes. Codes on setback, height, green spaces, etc. And yes, parking. All are very strict codes I have to follow. Yet i'm now seeing when it comes to these larger apartment projects, the parking requirements are being thrown out the window. 70-unit buildings being built on small lots with no parking. Yet up to 72% of these tenants like joe said, still possess cars. Creating an overly dense parking property on accompanying streets. Often times these cars are using the street to store their cars, maybe using them once or twice a week sometimes hardly at all. Streets build for x number of cars are being asked to carry twice or three times that number. We also face parking from patrons of nearby businesses which compounds the problem. Higher density has already been achieved through the rental of individual rooms and houses, to target southeast Portland for the thousands of people who will be coming to the city will cause a huge blow to our standard of living if the city continues to allow this exemption. I do not want our neighborhoods turned into new york city. My own house

January 10, 2013

was built with a carriage garage unsuitable for the cars of today so we park on the street or try to in the spaces in front of the house. Now competing with an apartment house that has zero off-street parking and only six on-street spaces. Ask yourself if you would want to park two or three blocks away from your house, lugging groceries back to your home, not to woman a woman late at night doing the same. By parking blocks away i'm taking the spots in front of somebody else's house, which is unfair to them. For those of you who live in the suburbs, you can only imagine this lack of parking problem, but trust me, it is real. I urge you to require an adequate amount of bundled parking for these building projects. I once not they're going to get this parking exemption, they should only be allowed to rent to people without cars. I guess that's not legal, but I still think this would be a viable requirement, especially since these -- this whole exemption has been brought on by being posted -- close to mass transit anyway. Or we be allowed to set up parking zones and exclude the people with cars who frequent these buildings. And as far as comment to joe, i'd like him to stay in my Neighborhood for a couple days and tell us what he thinks then. Thank you.

Jeff Sakamoto: My name is jeff, I hadn't plan order speaking so forgive me if i'm not as articulate as these folks. I wanted to bring a different perspective. I'll admit when I first heard of a development without parking I thought it was ludicrous. Over the last several years as a lender, as an investor, as a consultant, and now as a property owner, i've researched this over the last few years and actually visited other cities, other metropolitans where this is actually quite frequent. And my opinions have changed. Especially looking at a city like seattle. I'm from seattle, we've funded a lot of developments in seattle, and the similarities to Portland are much more close than what you'd find in new york or l.a. Or what have you. What we found is, in these developments in these densely populated areas that have provided parking, many times they're not used. In fact, in some of these car ownership is below 30%. And so what has happened, these developers have started to provide no parking, and what's happened, those residents have made choices with their pocketbook. They've chosen to pay for storage on the outskirts of the city to store their cars, they've chosen to sell their cars in many cases. Where it hits close to home is our daughter who is attending the university of Washington, And owned a car, and chose to sell her car shortly upon arriving because the cost of storage and parking in seattle was too high. So in my opinion, the problem can best be solved not by mandating requirements for parking on -- by developers and passing on those rent increases, which you can do all the studies you want, to but the reality is the rents increase because parking is one of the largest costs in development. Opportunity cost and direct costs. Those are passed on. But in reality, in my opinion the best way to solve this problem, and I know it might not be pop, is to -- popular s. To raise the cost of parking on street, whether permits, metered systems, that have been proven to reduce car ownership. And again, the way to change behavior is through folks' pocketbooks. And the reality is, we're going through some growing pains and I understand the frustration these folks have, but it's -- two of the buzz words every city and the issues they phrase sustainability and affordable housing. And in my opinion, these projects without parking are the most sustainable ways to prepare this city for the future, and a way to provide affordable housing for these gen y folks, these folks from different areas across the country.

Hales: Thank you very much. Thank you all.

Hales: Good afternoon.

Joe Meyer: good afternoon. Nice to meet you, mayor. I'm joe meyer, from my perspective, the combination of city policy from the '80s regarding apartments without parking, and the demand, market demand for such housing is like a pile of gold in the street. This council has something to say about that. Something to say about how it will be hauled away. The first someone might have is to see a pile of gold, how much gold did you say? It's hard to know citywide, but from throwing some rough numbers together, from 32nd to 39th on division, over 300 units are planned. According to the bps, requiring parking, it takes \$700 to rent, \$1200 rent. We know where that \$500 is going. Roughly that's \$200,000 every month. Every month that the goose keeps laying. To

January 10, 2013

put that in perspective, overnight parking pass is \$5 a month. We have to think of how much gold is in the street, what's at stake here. That's enough to have a well qualified teaching assistant for every teacher at my elementary school. There's a lot on the table. The second question is about about the pile of gold is how did it get there? And in the first approximation you might think it's the small business owners and the neighbors of these very areas of the city being affected. Because they're so desirable. As mr. Zender pointed out, the city policies of the '80s allowed these developments without parking and with really nothing for the surrounding neighbors, I guess i'm calling on the city to readdress that. In light of the demand, in light of the -- let's reassess that, piles of gold can drive men mad, as we know. I believe this council that is jurisdiction in responsibility to see everyone's interest is maintained, so i'm asking you to consider a moratorium on this kind of development until we can assess needs. There's old people affected, there's lots of money to do it with, lots of things to do. Let's take a time-out with so much gold in the street, i'm sure Portland can find an equitable solution. Thanks for listening to me.

Gerri Sue Lent: My name is gerri sue lent, i'm not here to speak to the city, but my neighborhood. I live in the sellwood moreland area. This is a very pleasant place to live. And i've been troubled because after 35 years of occupancy in my residence, suddenly large apartment buildings with no on-site parking are going in. This is very interesting. About 30 years ago I was involved in discussions of infill as we called it. And the concept of infill is a very rational one, and one that I really appreciated. But that's not what's happening here. I know there are many buses that run on division, and in that Part of town, but in my part of town, there are no buses. I live in what I call a transit desert. And yet i'm being asked to accept building on 17th and tacoma, of 46 units, which there is no transit there. And the whole concept is there will be transit. That's why there's no on-site parking required. Another building is going in at 23rd and tacoma, which will have 68 units. I asked the builder how could he put this in when there wasn't any transit? He said there's transit. I said what transit are you speaking of? And he said, the tacoma light rail station is going in. I said, but that's not near your building. And he said, it is in a straight line. A straight line across mclaughlin, and up tacoma, and down to the station. I just couldn't even take that seriously. There is no reason to sacrifice the quality of life in my neighborhood so that some people can have housing. It's really important that we have housing. People shouldn't have to live on the street. But preceding that is transit. We must have bus service. Now, i'm going to tell you, my other car is a bicycle. And my real car is a bicycle. And I resent not having a bus to ride from downtown Portland to my house. If I ride my bicycle it takes 20 minutes. If I take the bus it takes 45 minutes. What i'm asking you to do is look at the issues of livability. When joe talks about the supply of on-street parking, and the effect on the cost of apartment units by having on-street, on-site parking, where is the discussion of congestion? Where is the discussion of safety? We're very concerned about the building on 17th and tacoma because there's no place for fire trucks, police trucks, ambulances, there's nothing there. So please, when you are looking at the code, look at -- incorporate issues of humanity. Please.

Hales: Thank you.

Michael Hayes: Thank you, i'm michael hayes. I'm surprised to see gerri here, she's a neighbor. As long as we're not ganging up on anybody, we've been motivated by the circumstances. And I would like to share one -- a few comments that relate in the way to part of what gerri has said. I strongly support well-designed and appropriately sited multifamily housing, it's a good long-term investment for its owners and a place each of us would be proud to call home. I don't think we're really consistently getting to that objective under current policy. And I have great hopes for the comprehensive plan review. I'm involved in that process. But there's something that I would like you to consider, perhaps as an interim measure. I think it probably is a good Long-term measure as well. I recommend that the design review process be applied to multifamily projects more broadly. Set a threshold, say 10 units, and make it mandatory. Because under current optional guidelines,

January 10, 2013

well, under design review, there's at least the hope enough for an opportunity to address design failures. Which won't be addressed by code compliance checks. And let me cite one project that gerry already cited as an example, the one at 17th and tacoma. Westbound traffic on tacoma at that location is funneled into a narrow corridor. There's a traffic lane that runs along the curb, and there's a left turn lane. There's absolutely no on-street parking. We have in the approval process perhaps it's already been approved, a 46-unit property, which is going to be built to the front property line. There is no space for pull-off out of traffic to let out a passenger, to park your u-haul trailer to unload your furniture. It doesn't exist. There is no service bay, there's no on-site parking, it's 100% -- zero parking on the property. I don't necessarily oppose to zero parking. I used to underwrite projects for hud, I was -- i'm retired now, but I was the director of the multifamily housing program there. And I approved 100-year -- hopefully, 100-unit project in the pearl with zero parking. I got a lot of raised eyebrows from my associates but I thought it made sense. And we entertained other proposals. I'm rather skeptical that lenders and underwriters for mortgage insurance on an ongoing basis will look very kindly at projects that don't provide basic amenities for their tenants, and I think those projects may if they're poorly sited be poor long-term investment and they could potentially be blights on the neighborhood. This one at tacoma and 17th, when we asked the architect representative or the owner, how do you expect to attract tenants? He said, well, I think people with bicycles are going to live here. They won't be bothered with no parking. Well, this bicycle oriented four-story building doesn't have an elevator, the storage for bicycles in each individual unit, so you carry your bicycle up to the second floor, the third floor, and the fourth floor. I think that is -- that's not going to work. I think I better wrap it up now. I left some comments with the clerk and you might want to look at those. Thank you.

Hales: Thank you very much.

Richard Melo: My name is richard melo, I want to thank you for allowing us to come and present today. I'm a member of the richmond neighbors who are -- for responsible growth. I live pretty near the site, I Live one block from the site of 37th and division which is going to include 81 units. And I just wanted to point out when joe was making his presentation about the parking study, he was showing buildings that have 50 units. This one has 81. This is going to just change the complexion of where I live. I live along a short dead-end street. All day and all night long people zip up and down the street thinking it's a through street. The one block over, they don't have -- one block over there's another dead-end street, same thing, cars go up and down all day looking for -- fully they're looking for an outlet. We're going to combine that with people looking for parking now. I have in front of my house, on a corner, there are six parking spaces along the street. Often I can't find a park and that building isn't even built yet. This is a serious concern of mine. In addition there's the traffic consideration. I use -- I run, I use my bicycle all the time. Clinton street and lincoln streets, which are designated bike lanes are now filled with cars because division, which has 11 new buildings going in and seven without parking, division street is so congested now, as is hawthorne, and powell, for that matter. There's so much congested cars Are using clinton and lincoln more than ever. And making it very difficult to use those for bicycle commuting and running. And walking dogs, and all that matter. As far as our group is very pro growth. We don't want vacant lots, we don't want the old egyptian room building, i'm glad it's gone, i'm glad something is going on at 37th and division, but we just want responsible growth. We want the type of buildings that will have design features that invite the community in and provide some level of parking, or small enough number of units that were able to -- people are able to find parking along the street. So just to clarify exactly what we're asking for, we'd like some kind of change that would say no apartment buildings over a certain size, or any new building over a certain size should include some kind of parking. I'm not sure what the ratio is, other people have probably studied that more than I have. Something that's reasonable. If you're having 81 units, you can be so irresponsible to provide zero on-site parking. Second, we'd like a building -- any new building over

January 10, 2013

a certain size to automatically have some kind of public hearing where citizens in the neighborhood are able to give input on the design of the building. I think this is not asking too much, I think this is something that will help increase livability of our city. Thank you.

Hales: Thank you all. Thanks very much.

Hales: Good afternoon. I think some handouts there for us. Sue will get those to us. Was Mary Ann the first? I don't remember.

Mary Ann Schwab: Good afternoon mayor and commissioners. My name is Mary Ann Schwab, I live in the inner southeast sunnyside neighborhood, I've been a resident for well over 40 years. 1978 I did speak in opposition to this very issue. I'm here again. I can't guarantee I'll be here in 2035. To challenge it again. Ultimately infill, and this is a buzz word, condo sites within 500 feet frequently operating transit service were exempt from providing on-street parking. These no on-site parking zone designations associated parking exemptions were applied in the early 1990s, they've been reviewed again in the 2000s, here we are 2013 reviewing again. Lots of paper in between. Currently are generally applied to streets with access to daily services with high walkability. Please note I have given you copies attached the frequently asked questions for new apartments and parking attached. Number six is relevant to this. As a senior citizen who may be downsizing I see broader issues. Such as immediate impacts on classroom sizes, inner southeast neighborhood lack of public parks, a need for safe crosswalks for pedestrians young and old. We must address tenants' needs for reserved on-street parking for tri-met lift bus services, postal deliveries, meals on wheels, drop-off for children for music lessons, scouting program, FedEx, grocery deliveries, etc., in hopefully multigenerational condos. I for one do not want to live in assisted living. I'm not growing old. I'm going to fight every day of it. I remain hopeful developers first -- Kurt Schultz -- blueprints for 73 condos on Hawthorne. He calls the style streetcar apartments based on the apartments built in the early part of the century along the old trolley line. We have one on Belmont, the number 15, Mount Tabor. Did I fail to mention this developer first met with the neighbors to review footprint, report add number of on-street spaces nature to space for on-street lockable bike storage, workshop for bike repairs as well as activity room to schedule after-school activities. As for the next step returning facing us, there's no -- this no parking issue will be reviewed by the commissioners, trust me, I'll be in attendance. Late spring it goes back to city council for review, trying to be put into the comp plan. Prior to voting I trust the new city council will continue to ask who really benefits the investors or the tenants? I am requesting broader consideration where and how extensions to minimum parking requirements are applied and remain hopeful the planning staff be up front these issues for tenants that choose not to own a car. That's my testimony. I've been in -- this is almost comical when somebody close to the bridge says, oh, we have mass transit, a good mile away. Somebody is not doing their job. Somebody is saying, hey, I don't want to tip the boat. I don't know who the developers are, I don't -- there's a lot of time we've had bumpy roads in city council here, with new faces here, and the guide by trust, I certainly am pleased with Amanda Fritz, that I am positive we're going to move forward. Thank you.

Hales: Thanks very much.

Doug Klotz: Doug Klotz, I cofounded the Willamette Pedestrian Coalition 20 years ago, it's now America Walks. I've been on the pedestrian advisory committee that time also. And I am in agreement with the letters that you received from those two groups, from the Portland Neighbors for Sustainable Development, and from the AIA ASLA group. Well, yesterday we learned 2012 was the warmest year on record in the United States. And I think most Portlanders realize that the plan set warming and human actions are the cause. Just to set the stage here. Building a compact city with higher density corridors and centers where activity is concentrated second degree known to reduce energy use and carbon emissions. And economic forces have now aligned to produce a bloom of apartments in these corridors. We need these apartments along transit streets. We need them to meet state and local regulations, the transportation planning rule, climate action plan, we need high

January 10, 2013

density and transit streets to reduce auto travel and to save everybody money. Save the city money, the residents, and tri-met. You get more people there to use the bus, you get more people there to shop at the buildings and you get lower rents. And now right now in this economy, which is not a good economy, with these regulations banks are lending and developers are building. Because they don't have to build parking these buildings pencil out so they're getting built. Folks living here drive west to the nearby homeowners. They commute in single family -- single vehicle, only 36% of them do that versus 53% for the inner city neighborhoods or 57% citywide. So even with parking or not, these buildings are having an effect on lowering auto use and -- in the inner city, which where most of them are being built. At the same time, many of these residents own cars. And park them on the street. And there's a lot of concern about that. Donald Shoop had an op ed in "the Oregonian" on Saturday that Laid out a parking permit system that could be implemented block by block, could work on just the blocks where this is really necessary and the residents are in favor of it, and would go a long way toward making this work. Getting to the heart of the matter, though, while additional cars at the curb are an inconvenience, and in front my house too, it does seem like a very small price to pay for slowing global warming. I can't stress enough that's really what this policy is about. It's about reducing auto travel to save the planet. And it's disconcerting that Portlanders who are renowned for their environmental awareness some of them don't seem to be making that connection. It's simple, to slow global warming you have to put up with cars in front of your house. Or maybe buy a permit. That's what it comes down to. On some other issues, especially this issue Amanda Fritz has been working on this, advocates for -- advocates for the disabled are worried about access for that group, and it seems reasonable to designate some spots on street and perhaps off street for those uses, but keeping in mind the more spots you require on the site, the more it raises the price of the building, rents, and the opportunity to -- the lost opportunity to have more density on the transit street. Thank you.

Hales: I think you're next.

John Urbanowski: All right. My name is John Urbanowski, I'm a member of the Kerns neighbors for rational growth. On January 24th, land use board of appeals will be hearing petitions from the Richmond and from the Kerns neighborhood regarding this issue. This circumstance represents a failure. A failure of either policy, in--

Hales: I just want to get you a possible. I have a nervous looking city attorney over there. Just need to not argue the substance of the Luba case, but you can certainly refer to it.

Urbanowski: Ok. That's the only discussion I'm having.

Kathryn Beaumont, Chief Deputy City Attorney: None of us are sophisticated when it comes to Luba.

Hales: That's why I rely on her. I'm sorry. We haven't used your time for that.

Urbanowski: So why is this happening? Why are these neighborhoods seeking redress elsewhere? And that's really what I want to talk to a little bit. And it seems to me, I've been involved in this, I live one block from a 50-unit development going up at 30th and Burnside. And it seems to me the city is being put in a defensive mode, and they're defending a policy despite a great amount of neighborhood resistance. They're kind of stuck in this mode of defensiveness, and it's this defensiveness that I sort of approached a small critique of the study that was recently done, because I think its weakness comes from trying to create a sales pitch rather than to create a conversation. So I praise the city for doing this study, but there are three problems with the study. One is the lack of objectivity. It seems like the language of the study, it's only a two-minute walk, you know, statements are made to kind of confirm the city's initial position on these policies and ideas. The consultant did the study is highly dependent on the city for many other consultant services. And it's hard not to try to please your customer. It's only natural. There's an overinterpretation of small database. Very -- fairly small response to the survey, the study areas which I have a slide that I'd like to bring up, is oversized, and the characterization of the literature is really exaggerated. And

January 10, 2013

then there's a -- the study has an inference to the stakeholder input. There's very little input actually none at all from neighborhood households. What they call stakeholder input is basically developers. So the study claims that the unbundling of parking and rent lowers rental costs, and I think there's already been a discussion about that. And it's not necessarily so. As a matter of fact the study, if you were to look at it and see the rents in the various building, you'd see ones without parking cost as much or more than the ones without. Density reduces personal motorized vehicle ownership. If you look at the literature, cause or effect is undetermined. If I live in New York City, certainly I'm going to have a smaller degree of car ownership. I've got a great subway system. If I live in suburbs, there's going to be more cars. Which is the cause which is the effect? In this study, we really see that the car ownership is pretty close to the same, even though more dense. The methodology is a little bit skewed. If you can see that slide up there, you'll see that in this one Irvington Gardens, this two-block radius turns into half a mile. Almost a half mile. It's 2200 feet. So you're looking at a pretty fair 10-minute walk, maybe to get to your house. So it's merely underestimating the problem.

Hales: I want you to wrap up soon. You've used your allocation of time, but complete your thought, please.

Urbanowski: I guess the other point is, why aren't the stakeholders, the neighboring property owners and families asked about their reaction to these buildings? So in conclusion, this is what I'd like to see. This conversation among all the parties involved in this.

Hales: Thank you very much.

Chris Smith: Mayor, members of council, Chris Smith, member of the planning and sustainability commission. This is my first opportunity to testify in front of the new council. It's a great to see old friends in new places. I want to provide some feedback from our hearing on this. The tenor of the testimony is a little different, the split was about 50/50 between the folks eloquently arguing the neighborhood livability issues and the other folks arguing our climate and energy and active transportation goals. So the split is a little different than it is here today. I have great empathy for the folks being impacted by this. The change has happened very suddenly. It's interesting to reflect on that, as the mayor knows when the current version of this policy was enacted this was intended to be a signal to the market that you don't have to build one-to-one. But the lenders kept insisting on one-to-one right up until the recession, and then a little ways afterwards. Suddenly the lenders have had mind shift. The economy has forced a mind shift on them and we're seeing a big change very quickly. And that is obviously unsettling. And the policy that was intended as kind of a signal flare to the market is a blunt instrument. And we need to refine it. The commission has recognized that, we gave direction to staff to come back and look at some issues, we didn't ignore it as "the Oregonian" said. We did say, it does not appear to us that the current situation meets the state law requirements for a moratorium, so we did not endorse a moratorium, we don't believe it's legal, but there is work to be done here. I think some people have observed that this is a bit of a windfall for the developers and I think there are a couple of developers who have figured out that if I build these units in neighborhoods that have relatively available on-street parking, I can externalize my parking costs. And we should not allow that. We should exact other things from the developer in exchange for that ability, commissioner Fritz has mentioned to me the idea of requiring first floor retail, so we have actually the services of the use of the people can walk to as opposed to having to drive to help reduce the impact. We can consider requiring a greater diversity of units so we get some of those three and four-family apartments, three or four-bedroom family sized apartments rather than studios and one bedrooms as we're seeing. This is -- now that the market has caught on, this is an opportunity to do a lot of policy and we need look at that in the comp plan, some perhaps more quickly. But I do want to reflect on what livability means. This is not just about parking. We heard about height, and density, and design guidelines that go hand in hand with this parking is certainly a part of it, but if the idea is that livability is free in abundant parking and we're going to

January 10, 2013

require people to build to provide that, that's not going to happen. We can't afford that as a society, and we wouldn't like what our city looked like if we did that. So I think we need to change the idea that livability means parking is available, it may be made available by either regulation or pricing, but free and abundant is not going to happen. I live where the model is free and saturated. That is not livable. I think ultimately i'm sympathetic to the idea that local conditions need to be taken to account. I believe that the right way to do that is transportation management associations. That is, the reason after 10 years of walking away from the northwest parking wars, I put my name back in the hat for the tma because I think we need to show how that can be done successfully. So while I do hope you will endorse our request to staff that we do look at these issues, I also would ask that you not be prescriptive about what we should do and let us work through the process in figuring out how to best fit the policies to match what we're seeing on the ground now. Thank you.

Hales: I just want to thank you and the other volunteers who put in all those countless hours on this commission and others. So thank you for that.

Smith: Thank you.

Dena Marshall: Good afternoon. My name is deena marshall, i'm sitting in for my husband judah, who is a member of the richmond Neighbors for responsible growth. I'd like to say as a total -- i'm a consultant with solid ground consulting. We do have a contract with bps, i'm a facilitator, they're doing a great job on the comp plan and I have done work for the city in the past. I am first and foremost our -- particularly appreciative of all of the work that all of you as individuals have done to respond as quickly as you have to the questions, the issues that this group and other groups in the city are bringing up around these issues. What i'd like to do is to very quickly run down some of what i've heard so far. Yes, just like joe said, this is about neighborhood leverage, design, and parking. Leverage number one, and this is what is getting traction here. Some of the options I think the mayor brought up are one, you could either do nothing, you could wait for the comp plan process, or you could do something now. I think rnrng would appreciate and encourage you to take door number three, do something now. I think there are ways you could do that that would not be insignificant. Gary davenport mentioned the luba appeal. Yes, that has been coming up but I want to highlight the point the luba appeals that are right now on the table are about the zoning issue, not about the parking issue in particular. One interesting note is that they all have to do with one Particular developer. And we very much appreciate that you have been very responsive to engaging, trying to engage with this one particular developer. Neighbors in the neighborhood have been very disappointed with their inability to engage, that's where the neighborhood leverage comes in. Cathy lambert, I think cathy is the face of exactly what linda was talking about. Division hardware, that's cathy's store. That is the anchor for our division neighborhood. That's what makes our neighborhood so special and so independent. I can tell you my own family we live about spitting distance from division hardware we had to buy a wheelbarrow one day in order to bring home a rain barrel. That's how close we see them every day. If division hardware were to no longer be there, we would lose much of who we are as a neighborhood. Yes, I think you as the city are perfectly situated and positioned to play this role. Especially in relation to bringing in diverse interests and bringing people to the table. You've done that in the past, you can do that again, you're doing it very well and we appreciate it. Jeff mentioned something about on-street parking permits. I think that is a good idea that came up in "the Oregonian." doug mentioned it and it's certainly a possibility. That is something that can happen now. Richard suggested the citizen design review committee that. Is something that can happen, and would be nice to see. I think that goes to our neighborhood leverage and also the design. Finally, the emphasis on the dea report from contracted by bps, it's a good report, it's a good read, it's a good report, but I don't think it's all inclusive. I very much encourage you to look beyond the four corners of that report to bring in more information. And finally chris smith suggested having buildings dedicated to first floor retail. Idles like to see second floor office spaces especially in inner southeast. We don't have as much

January 10, 2013

office space as we could use. We know one big building is being dedicated to office and retail, we'd like to see more. And also to have multiple bedrooms. It would be great to have more families in the neighborhood. We don't want to see just dormitories, i'd hate to see delta delta on the first floor and tk on the third floor that. Would be difficult for us with families. So those are all of the comments I have. Thanks very much.

Hales: Thank you.

Tamara DeRidder: My name is tamara deridder, I am the chairperson for the apartment parking task force. And that group was created out of the citywide land use group who actually represent a number of people, including land use and transportation chair people, And other interested citizens.

As a response to this issue, we ended up being formed and asking the various groups that were fighting apartments with no parking what the issues were. And from that, we created a neighborhood parking study with that over a 12-year -- a 12-day period, we received 1188 respondents. And with -- and that material is now available to everyone including the city staff as resource material so they can understand how folks gauged those issues. Whether they agreed, disagreed, and how much. There's also three sections that have commentary. So there's a wealth of 200 pages of commentary from the community on this topic. So I am not going to go through that. That's for you to research. It's in this memo i've given to you. What i'd like to do is cap the top issues and then talk about the systemic issues. One is -- well, the majority of the respondents clearly support earlier and more inclusive public involvement. System development charges directed to promote alternative modes of travel, 24-hour transit service, commercial uses in the commercial zones, I think office is also -- offices also, and architectural standards that minimize architectural mapping of these units where they -- where they abut lower density properties. The aptf applauds the planning And sustainability commission direction to bring forward interim code revisions to address most egregious problems being raised. But care needs to be taken the short-term fixes do not -- does not -- which do not always address the systemic issues that are apparent, one is equity, and I think we've talked about that with affordable housing to some extent as well as mobility, and access, but there's also services. How can people get to these services? In a timely way? For disabled and aging population? Many wish to age in place. Off-street and on-street parking, coordination. The city is not taking the lead in that, and they need to. And that will -- that affects families and those that are health challenged who depend on vehicles. As well as those who are skilled laborers that need their vehicles to get to and from jobs. Transit maintained service as well as increased 24-hour hours. Facilities for the promotion and single occupancy vehicle alternatives. So there needs to be not only larger storage space for hoveround and cargo bikes, but also promotion of these and things like get around service and parking spaces on the street. So shared parking can be promoted. And there needs active promotion by the city as well as owners and Developers and owners. Right now none of that is being done, and I wish the city would get in front of this issue instead of having to react to it at this point. Thank you.

Hales: Thank you. I think commissioner Fish had a question for you.

Fish: I should say to the former parks commissioner that tamara is the first recipient of the leslie paul gaspard award for her work around community gardens. Congratulations. I have -- we have your memo and you raise two issues. I want to give you a chance to go over it a little bit just to clarify.

DeRidder: Ok.

Fish: The first is equity. We've heard from other folks who said, have a preference for larger units that are family friendly. The concern I have is the housing commissioner is we can't get the market to produce affordable family friendly housing. It has to be heavily subsidized. We know how to do it the affordable side, but that's by using public investment, tax exemptions, other tools. The issue we're looking at mostly is market rate housing. And yet people have said they want to see family friendly units. I wonder how do you see that equity issue cutting when we're talking about market

January 10, 2013

rate housing? I'd like nothing more than there to be family friendly housing That's affordable. But my fear is that if you mandate larger units, you're just going to price those -- those will be priced accordingly and you're not getting at the equity -- food for thought. I would welcome your comments. The other thing you raised that I think is actually profound, and maybe I should know the answer to this, but under your transit point, you challenge us to coordinate with tri-met and other agencies to make sure we have service. And we heard from other people testifying that in their neighborhoods transit oriented development is not actually linked to available transit.

DeRidder: Right.

Fish: And I hadn't actually thought about that before, but we go to great lengths to identify areas eligible for the tod program, for example, the tax abatement program. We've identified major transit corridors, but i'm not aware we've doubled back to make sure there's available transit on the areas we think are transit corridors. And so there may be a coordination issue there that you're raising where we've identified it as a high traffic -- high transit corridor area, but tri-met decides in its judgment with budget cuts that they're not going to run a bus through it anymore.

DeRidder: Actually fremont was cut. One of the 22 units complexes is not located on a frequent transit street.

Fish: I appreciate that Point, because I think we have to keep an eye on both sides of the ledger.

Hales: I think fremont used to have weekend service, now it doesn't at all.

DeRidder: And those that work at night, there's no shifts -- actually run to the industrial parks either.

Fish: The premise of either the subsidy that we're approving, or the abatement, or whatever, is that we're encouraging people to be places where they can take the max, or some point light rail, or a bus.

DeRidder: And they assume they can get --

Fish: That there's that service. I appreciate that comment.

Fritz: And I believe that's one of the short-term fixes the bureau of planning and sustainability is proposing to look into to make sure the language prevails so that when tri-met changes their service level, even if it's on the map as a frequent service route, that it can be done. The other thing I believe the bureau has been looking into in terms of families and other issues is the issue of incentives. So you could perhaps if there were minimum parking requirement, you might be able to buy back or buy down some of that requirement by offering to do two and three-bedroom units which is currently in the zoning code a menu for places where there is required parking, there are a number of different options that developers can choose that are in line with our goals as a sustainability community.

Fish: If I may, when you say when you refer that incentive system, is there a mechanism to get family friendly units that are affordable? Or are we just talking about family friendly at the market?

Fritz: As you remember, that was the premise that I initially raised a question when you and I worked on the big look and the tax abatements. For the most part these are not affordable units. But to the extent that they are desirable units in desirable locations such as division, fremont, sellwood and other places, at least there should be the option in my opinion for families to live in those apartments as well as single folks and couples, which then gets to opportunity for all and choices for all.

Fish: And I would agree, except again, we have to look at this as if the developer is not seeking tax abatement.

Fritz: Correct.

Fish: Tax abatement would get us 20% of the units that could be accessible, but that's the trade-off if it's surely driven by the market, we don't have the same incentive tool.

January 10, 2013

DeRidder: Just to answer your first question, nick, one way that you can get inclusionary type housing --

Fish: I --

DeRidder: It's a bad word, I know.

Fish: We're preempted.

DeRidder: You're not if you give people a break on parking.

Fish: If it's voluntary.

DeRidder: In the hollywood district the one right next to the hollywood theater, that one has units in It that are being allowed because they have reduced parking.

Fish: As long as it's a voluntary program with a discretionary thing -- where someone can choose to participate rather than mandate --

DeRidder: Right, but if they're not forced to have parking you lose that chip.

Fish: Thank you for your thoughtful testimony.

Richard Lishner: My name is Richard Lishner. I live at se 37th ave. Congratulations on your elections, your re-elections and your continuing public service. Thank you for allowing me to speak today. Enough of the chit-chat. I'm really angry. I'm an architect and a photographer and I have happily lived by version of the American dream with my wife and our son for the past 19 years in a 102 year old bungalow, halfway between division and Clinton in se Portland on 37th ave. I'm here to argue, shout, plead and even beg you to do something about this development. The time for listening, studying, planning and ignoring the parking issue is over. You must act to protect neighborhoods. There are no more excuses. You can't keep walking into rick's and loudly proclaiming you are shocked, shocked that developers are taking advantage of our city in which something could be done. Disabuse yourselves of the notion there are two sides to this argument. Plus or minus short range hardships vs long range goals, blah, blah, blah. This is not complex. I live half a block from a ticking time bomb. A new apartment building with 81 units and no parking. There is no one on this panel, in this room, in this city who would allow this to happen without compromise, respect, justice, at least sanity on this issue. Most observers rightfully remark that this situation is so stupid, it defies belief it is even possible. Much less the result of your refusal to stop this in its tracks. What do you want us to do? Be greedy, irresponsible, and they helpful to meet with the neighborhood. I testified before the planning commission who said that they were powerless to comment, and you had 8 units, is probably bit much, and we should look at this in the future, and blah-blah-blah, and isn't it nice about the restaurants? Etc., etc. Two of the commissioners had the nerve to make sure that none of these developments were planned near their homes in northwest, thank god. My neighbors know development is coming. The change is coming, and we are going to have many neighbors and departments on the quacks. I believe the compromise i'm seeking is right there. Your own planning commission, 25%, here's the answer. No, no -- no, it's just rent, it's the answer. The answer is a moratorium on all parking, on all the construction without achieving 25% parking ratio. Most of the projects could be finished before the new plan is in place. Developers are laughing at us and at you. Whose side are you on? We cannot stop them. Why not? You are our leaders. You have the lawyers. Just stop them. Put something in place. Delay, delay, delay. Until they are willing to talk with us. Come up with, with new proposal. Oh, we're considering this. And any building with less than 25% parking ratio, will be hit with so many spaces of development. We'll put in the plan, and no parking along that. We have two stickers the \$50 year, no sticker to any resident in building with less than 25% parking ratio. That will get their attention. This developer is laughing at you. He's taking advantage of your refusal to play hardball to protect the livability of our neighborhood. My friends wonder why I bother coming. I tell them, while it was difficult to change your mind, I have seen that sometimes you are searching for public support to get some backbone to do what you know is right. This is your first test of the new year. You know that i'm right. This my compromise is reasonable, that I

January 10, 2013

fight for equity, is just. You know that my neighborhood is being raped. What are you going to do about it?

Hales: Time is up. [applause]

Mike Schwarzenberger: I live from the richmond area three blocks off division where the three apartment condos are going to go in. We converted our garage to living space, and I am required right now, with the commission to provide a parking spot in my garage, which unless I buy a smart car, is not going to fit in my garage prior or, I mean, it was built in 1941, so I don't know, so you need to go through the zoning commission to spend 1800 non refundable, no guarantee, that I will not be allowed to have that parking spot in my garage. To switch it to my driveway, which will fit my truck, car, I have no problem. But I have to spend another 1800 to get that rezoned. My parking spot because it's nine feet, 17 feet, ten inches. The requirement is nine feet by 18 feet. So, I have now spent 3,600 non refundable, no guarantee, and I am just wondering, does the developer have to put in any spots with -- we have 300 units going in within three blocks of my house. I live on the corner. I have seven parking spots in front of my house, I can make it eight, if you want to do smart cars I can put 12 on the front of my house. I need to pay the money and go down, we have one income for my 11-month-old child. Why is anybody doing studies for me, and I still have to spend 3,600, and I am wondering when the developer has to deal with that. He does not live in my neighborhood or deal with the cars. We don't even drive, so basically, reply car is parked on the street unless I go to the mountain or unless we do something way out of town with our dogs. We have a cargo light for our ten-month-old, he's in front of there, we have a trailer for the bike and we ride everywhere from, from all the way to vancouver, all the way down -- we'll ride to salem. We have done 100 miles with him in a day, I don't see this developer, or this development focusing on, on making our neighborhood more livable, where I have to provide parking spot. Why do they not have to? My answer was, that they are on transit line. We all know they are not all going to take the bus. We can do study and pay somebody thousands of dollars to do the study to figure out how many people are going to take the bus or just ask them. Not every one of those people take the bus. I would like task force that they do. Maybe in the future but I don't understand is why does the zoning commission penalized me 3,600. We have one income. And i'm trying to feed our kid off of it. And this developer, I guarantee you, could pay for an underground parking spot. An underground parking structure or building where there is shared parking for all the structures going up. We got thwarted through this whole thing, and it really wasn't bugging me until I had to go down to the zoning commission and sit there with the zoning people to tell me that I need to pay 1800 for this, 1800 for a permit and 1800, you know, at the end of the day I am paying 7200 to the city of Portland and I have no guarantee.

Fish: Can I follow up on that?

Hales: Please.

Fish: Last year we waived the waiver, and I take it, what you are doing, am I right, that what you are building in your, above your, your garage is an accessory dwelling unit?

Schwarzenberger: No, we have -- it's not subterranean but it's in our garage. We turned it into clinic, we do acupuncture, and we have bicycle-parking.

Fish: So it's business?

Schwarzenberger: It is now, yes.

Fish: The reason I am asking is, because, as you were describing that, I was thinking about an accessory dwelling unit, with parking issue, that we have not addressed so much the parking piece, but we waved all the fees. Sdc fees to encourage people to, to create, to convert to accessory dwelling units without the regulatory burden. And I think your situation is different. If it's a commercial space but I think that it's something that we ought to look at brought we're not -- if we are waiving fees I want to make sure we're not making up the fees on a zoning issue that is related

January 10, 2013

to, to what we're trying to encourage with the adu. So, perhaps we could take a look at that and learn more about the facts.

Schwarzenberger: And can I give you my name and number?

Fish: Give your information to Joe. He's at the top of the food chain.

Hales: That does not mean he's a predator, however. Thank you very much.

Schwarzenberger: Thank you.

Jeff Deiss: I'm jeff, and i'm resident of the, of the hawthorne area, 2600 southeast clay street just one block south of hawthorn. And thank you for your efforts to relocate successfully the montgomery house. It's being affected by the development of a 7 unit apartment with 22 units of space as a parking three blocks away, and another 50 units going in with no parking whatsoever. So, thinking about the finding that, that what came out of the study, all the facts, to me, the key one is the one that is truly meaningful is that 70% plus of the renters in these no parking apartments do own cars, and instead, they park out on the streets. That is the fact that I think should drive our thinking approximate all of this. So, this is not really about reducing car ownership, or about global warming. In fact, renters are the least likely people that I can think of who are going to make decision about owning car based on what pollard's apartment parking zoning requirements are. They are going to own car or not own car, regardless of the zoning rules relating to these inner apartments. And it's not so much about what's happening right now. There are number of these projects, obviously, way out of scale, and they are going to have terrible immediate impacts on those locations that they are at. We should be thinking about what's going to be happening over time. Our streetcar neighborhoods are going to be degraded by these congested streets, and initial, yes, the neighborhoods are robust. They can absorb some of these cars for while, but this is not a sustainable approach to development, and that's what we, in Portland, are supposed to be all about. It's not about a communication process. It would be nice, if there was more communication, everybody likes that, processes are great, but, ultimately, those meetings and processes are not going to trump the economic forces that are very logical to drive developers to maximize their returns. And I don't believe that this is an issue about affordable housing, eliminating a basic amenity like parking. Yes, it will create cheaper housing, less attractive housing that it remains to be seen. The market will accept over the long-term. But, it is, ultimately, going to deny the tenants a basic service that's part of the bundle of, of housing for low income tenants. And it's not about small apartments. I don't think anyone can sender about 10 or 15-unit apartments going in without parking. That's the way the streetcar neighborhoods were developed in the 1920s and 1930s. Those are as we attractive, exciting models for the density we have in the communities. The neighborhood is handle that. This is not about neighbors saying we don't want these things in our neighborhood. Streetcar neighborhoods tend to be there because they like the density, the energy, the excitement it's created by this. We love these neighbors and all the activity that's there. It's not about good planning. Good planning we take pride in. We have heard that, that, from the author of this, of these rules, this was never intended, wasn't even part of the good planning, so, it's an unforeseen consequence that we need to solve. It's not about creating an abundant parking. Anybody knows that certainly it's not abundant and it's quickly not becoming free. And it's not a crisis. It is a crisis in a few neighborhoods in their immediate areas, but, it's not a crisis immediately, but this is going to become worse and worse as time goes on. And, and a simple solution is possible by requiring parking at certain ratios, and I would really urge a short-term, something like, issue, it's a nuclear option, moratorium but it can be fixed, and if a moratorium is off the table, why not take this on a fastrack outside the comprehensive plan revision and get this fixed now before more and more of our neighborhoods start getting lost. Thank you for your time.

Hales: Thank you very much. I want to just thank everyone for excellent testimony. I appreciate the thoughtful views that have been brought here. We're going to take a five-minute mercy break

January 10, 2013

on the council, and then return for some discussion about next steps, so bear with us and we'll resume -- recess for five minutes.

[Meeting recessed at 3:43 p.m. and reconvened at 3:48 p.m.]

Hales: Let's have the council come back to order. And joe, we might bring you up here for this phase of this afternoon's work. The formal action before the council today is just to accept this report. But, I think the most important thing we can do is, is give some direction about where we would like this to go next. As I said, at the outset it, seems to me on the, on the code and, and plans side of things, there might be three options, do nothing, wait for the comp plan or do something now. Obviously, we could do something now and in the comp plan. There are also, it got mentioned, and commissioner, I don't know if you were interested in talking about this, there are also non code or at least non zoning code options that, that could be stirred into the mix, as well. One of which was in the editorial this, that you noted. So, we got to talk about, I think, all those subjects here while we're together.

Novick: And yeah, and just elaborate on that, I think mr klotz reference the donald shupp op ed on parking management concepts where we could possibly create overnight permit districts in these neighborhoods. And what he suggested is that it's possible to do that, and give permits to existing homeowners, and not give permits to people coming in these new buildings. And I thought that was at least an interesting option to explore, to ask people's opinion on, partly because my understanding is, and I know just enough to be dangerous, that I don't think that that would raise the same kind of legal concerns that folks have raised like chris smith did about doing a moratorium or, in effect, trying to change the requirements on the developers, particularly if you are building has already been permitted. I think it's conceivable that we could do these little parking permit districts quickly, and that they were not subject to the same legal concerns. I'm interested for the people here who testified on this issue what their feedback is on that concept.

Hales: Ok. Other comments? Other thoughts? Nick?

Fish: Yeah. I think it's settled, but joe, we had some testimony from people that seemed to imply that we could take some action that impacts permitted projects. Projects that have already gone through the permitting process and are moving forward. Could you just, once again, draw the distinction between projects at the front end and those which are, which are in mid stream and our authority?

Zehnder: And i'm going to depend on kathyn to keep me straight, but, once the project is, is in a permit, and the permit has been accepted for the project, the rules, according to the entitlements that we have, the code. So, our ability to go in there and undo that, or to, to -- once it's, it's vested its entitlements in that way, it's not something that's allowed. A couple of these are going to luba. They are appealing it. That's the course of appeal that the public has, so we'll wait for that to play out as they said it's on the zoning matter. Not necessarily the parking matter. Parking permits, tmnas, all that thing that's not entitle 33, the zoning code, yes, we can sort of go back and do that. It is complicated and there is administration costs, and they prove to be controversial but that does not, have from my understanding, and i'm not a lawyer, that barrier, but once the permit is in the process, we cannot change the rules.

Fish: The other thing is that linda, and one or two other people, at least, mentioned sdc's and how we allocate the system development charge moneys, and I guess, the sense was, that, that this was part of a mitigation plan. As long as we're going to get density and these negative impacts, let's make sure we spend some of the money in these areas, and I just want to observe that, that as linda knows, because her, her organization recently requested and obtained a briefing from the sdc coordinator on how the program works and the rules are. To the extent that people are interested in that issue, parks is currently in mid stream, and in an sdc review process, which we are required to do by law on periodic basis. If people have questions or concerns about sdc, that's not strictly part what we're talking about today, but there are opportunities for people to weigh in about how we set

January 10, 2013

the rates. How we allocate the moneys. Where we invest. And that's fair game for people to comment on. And I appreciate linda raising it. It's not directly related to the parking point, but there are ways for people to be heard on that issue, too, mayor.

Fritz: I have question for joe, and that's the issue was raised about design review. And I seem to remember that state regulations preclude us from allowing or requiring design review in all but a certain area. Could you remind me about that?

Zehnder: Commissioner, under state law, when people talk about the design review, there is an assumption that it goes to the design commission or to the staff, and you have discretionary design review. Under Oregon law, you can have design review outside of the central city in the central city, and I believe in gateway, you can have the non discretionary design review. But everywhere else you need to provide a two-track system. Which means that you define the standards, and if the developer can meet those, they don't have to go through design review. And so, that's sort of the system that's out there, and there is a lot of dissatisfaction now with the standards, and that's something that we're working on in the comp plan. The second big issue with design review in terms of expanding its application, is just the cost of administration. Because you are on fee recovery or cost recovery kind of fee basis. So, so fees related to design review, once we broaden the, and the staffing of the bureau of development services, related to that, has always been a hurdle that has kept us pretty conservative in our use of the design review.

Fritz: There is already two-track system so that on division, if a developer doesn't want to use the standards, they could ask for design review.

Zehnder: Currently there is not design review required, but if there was, it would be a two-track system.

Fritz: There isn't?

Zehnder: No.

Fritz: Do we have the required design review?

Hales: There is standards.

Fritz: Would that require a state law change to have any kind of design standards?

Zehnder: I believe that you could apply design review under a two-track system on division, but -- there is -- the barriers have been -- the adequacy of the standards track, the extra cost and time to development, the ability of the city to administer this because division is not the only division in the city, and you are going to want to see this. There's a concern about proliferation and treating everyone equally. It's a tool that potentially could be effective. It's a tool that we, in our more recent discussions with bds, don't really feel like we have the fiscal means to successfully administer.

Fritz: That would be a long-term discussion about are there particular places that are on the comprehensive map when we do the plan update, we may want to strategically budget for design standards, and review elsewhere?

Zehnder: Absolutely. One of the projects that we know that we need to do and want to do as a follow-up to the comprehensive plan is to update those design standards for two purposes. One is where we do, do that design review, they will be more effective. The second is when we update them, we could find things in the standards that we could just put into the base code. So, then you need the design review to get better results, but it's just band width, making a, making it a priority and getting it done. But that's a track we are interested in.

Fritz: I know you've been thinking about doing some interim changes that we could do until the comprehensive plan comes back to council in a couple of years or so. And those are not quite final. Could you describe some of the points that you are thinking about that you could get done and how quickly could this go to the planning commission and come back to council?

Zehnder: Sure. I say that the, the kind of measures that are well suited for interim kind of approaches, because we can get them done quickly, and they are clear and simple, and hopefully

January 10, 2013

address the problem. This notion of thresholds. Set of certain thresholds for number of units or size of a project, establish minimum parking requirement that seems reasonable given the tradeoffs we'll have to look at, that goes into effect while we are trying to figure out longer term solution, that's one approach. And loading this whole sort of taking a look at when loading is required and what kind of loading is required is something that I think that, that we may be able to do in a short-term thing it, may prove to be more complicated, but that --

Saltzman: Loading zone?

Zehnder: Yes, when they are required and not, that could have taken care of the tacoma issue, that you heard, on tacoma and 17th, although we are scratching our heads about it. The disability, ada accessibility providing for visibility and on-site, that's something that we would like to conceivably be part an interim effects. And alignment between, between the frequent transit service routes, and what the zoning code, is making sure that that is in sync. So the situations like tacoma and fremont where the routes change but the zoning is still there. We have got a means to keep that from happening.

Fish: You left out one on alan's wish list, and I am curious what's your thinking of the cumulative impact is?

Zehnder: We're going to -- the cumulative impact --

Fish: As I read it gets at this question. Like in division where at some point, one building may not be an enormous problem but three or four in close proximity just becomes a problem.

Zehnder: And you know, actually, with the, the beginning of this study, we have got to work with the bureau of transportation and the bureau of development services that's been hashing through these options, so, we have talked about that, we can push on it more, and it strikes me as probably a longer range than the interim fix because, because of the administerability of it. Like what's your radius to say, that's your parking area. Is it first come, first serve? And once you used up that capacity, whoever comes in next, can't participate? So, there is a challenge -- we did, we have things to think through about how that's workable.

Fish: As opposed for a standard.

Zehnder: Correct. And p-dot, who would administer something like that, and have to do the analysis, is thinking about it, but finds the ability to really have a workable, cumulative traffic impact, or parking impact study like that, challenging, but we have not given up. I think it's longer range.

Fritz: I'm very pleased with your proposals and wondering how quickly those could get to the planning commission and get back to the city council.

Zehnder: Well, our hope is that we can put a proposal out there for public discussion within a month. And then, you know, we'll have 30 days plus to review and comment, and conceivably, we could be in front of the planning and sustainability commission in march.

Hales: I assume the commission could clear its decks successfully to hear this quickly?

Zehnder: We will squeeze it in somehow.

Fritz: I think, mayor, one of the things on the list is what, is hayden island so if you give them permission to do this first, it would be helpful.

Hales: I will. So, it sounds like there may be -- I don't want to put words in everybody's mouth, but we want you to -- it's time to move from general discussion about these issues, which we have had at both very lengthy and comprehensive forum at the commission, and also, this good discussion this afternoon to move to the specifics, we rely on the professionals in our bureaus to come with those policy proposals. So I want to ask you to do this. And to get those drafted and available for public review, and in front of the planning commission, and planning and sustainability commission in early february. And then we'll, at the same time, ask p-bot to look at some of the ideas that have been raised both, both here and in the editorial, and in the community about, about what might we do in transportation, sort of a separate track. Those proposals don't have to go to the planning and

January 10, 2013

sustainability commission, they can be considered here for what we might do in terms of measures that affect both the projects that have been built already, and going forward. That's, again, a separate track but there is some ideas on the table here about parking regulations and, and to look for innovative ways to manage the problem that we have, even while we're trying to do some adjustment to avoid having bigger one in the future.

Fish: Can I just one additional issue that perhaps either legal or p-bot or both could look at to give us a little primer? And that is on the question of access, what are the state and local and federal laws that govern the access question. We're a city of young people and older people. And we want to be an age-friendly city. And frankly, I think that we would benefit from knowing a little more about the architecture of federal law, state law, and local law. That are, that applies to accessible units for older adults. And that includes whether any of the applicable law looks at proximity to your housing in terms of available parking.

Hales: So whether there are any accessible spaces required because of ada anyway?

Fish: Correct, and what occurred to me in the course of this excellent forum today is that if the law requires that everyone be treated the same and have the same choice and access, buildings that don't provide parking and that you have to walk five, ten minutes to get to, when you park, de facto disqualify an older adult or someone with mobility issues from living there, and does that trigger -- does that trigger a civil rights issue or a legal issue that we need to know about?

Zehnder: We have not looked at the legal issue but talked about it with p-bot. So they are already generating some ideas.

Fish: Just to give us over the next month, if someone could give us 2-page document identifying the law that applies.

Hales: A combination of your office and the city attorney's office, it sounds like -- ok.

Zehnder: We'll figure out how to get it done.

Hales: Other direction or requests? If not, I believe we need to act on adopting -- or accepting the report.

Fritz: So moved.

Fish: Second.

Hales: Moved and seconded, any further discussion? All those in favor, say aye. Oh, oh, we have to do that by roll call.

Fish: You can do anything by suspending the rules.

Hales: Let's save that for when we really need it.

Fritz: Thank you to everybody who took time out of their day today, and off work or with the busy schedule, thank you to the bureau of planning and sustainability staff and the planning of sustainability commission who have looked into this over the last six months or more. It brought together two of my passions, community engagement and planning and zoning. So i'm very grateful to mayor hales for holding this hearing today, and for the report. We are talking about choices, and we are not talking, in my mind, about social engineering. We're talking about ways that everybody has the choice to live in a wonderful place like division or fremont or sellwood. So that means not only people with mobility challenges, older adults. It also means families with small children whose daycare is not on the same bus line and they need to be able to get out to their car close to get the children to daycare, and in order to get to work on time. It means shift workers, such as I was at ohsu for 22 years. And it was not practical for me to take a bus home at midnight on sunday evening. It would have taken a very long time, and it would not have been safe to walk or bike. Especially by bike, since I'm not very good at it. So that's what we're talking about here. We're not -- something like, like .25 parking spaces per unit. You know. 25% of the units, have a parking space. That's not going against what we believe in, in terms of our climate action plan. And in terms of the way that we want to develop it, it's about choices. And so, i'm very excited that we can get this back in short order to have this interim fix, and at the same time, as we continue the good

January 10, 2013

work with the policy expert groups and the other work that's happening with the comprehensive plan. And particularly I thank the neighbors for responsible growth and others, and neighborhood folks who have come in today. If you don't care about the neighborhood, it's like nobody else is going to understand their challenges to it. And I got involved in 1991 when it was not the parking spaces going away in my neighborhood, but all the trees going to be cut down in the subdivision. And so, it's important -- what I'm impressed with, with a lot of the neighborhood folks who are here today and participating, you know that we have the goalpost rule. You know we cannot affect the projects that have been permitted. What you are looking at is, is the next one, and the next neighborhood who is going to be impacted. And asking the council to do something quickly to make sure that we right size our zoning and parking requirements. I very much appreciate that. Aye.

Fish: Thank you, commissioner Fritz, and Mayor Hales for bringing this matter forward on an expedited basis, and Joe for teeing it up for us and giving us the lay of the land, and special thanks to everyone who took time to spend the afternoon educating us about the, on the ground concerns, and I feel like we have now pretty clear set of, a clear understanding of the range of options, and I think that we have a preliminary understanding some of the tradeoffs, and I think the timeline, the Mayor had outlined is, is good one. It's a fast track but good one to get us to put in place an interim measure until we do more comprehensive look, and I support that. Thank you. Aye.

Saltzman: Well, this has been an informative hearing, and I appreciate everybody's testimony and I will ask the commission to take a look at the interim measures, and more than willing to take a look at what they come back with in terms of the recommendations, and to further address this issue in our plan. So thank you all. Aye.

Novick: Aye.

Hales: I want to thank the council for good discussion. This is important stuff, difficult tradeoffs that we have to do in this room on land use and planning issues, and on a lot of others. And I want to thank the, the staff who have moved quickly to evaluate the situation, analyze it, and come to us with, and we're prepared to move on both an interim and a longer term basis, and then again, I just want to commend the great and thoughtful work that's been done by neighborhood activists to raise this issue, pose it in a larger context of the kind of city that we're trying to become, but also, urge us to do something about current problems. So, we're building the future city, but we also live here now. So, we're going to try to strike that balance. I appreciate the good work that's been done and look forward to swift action on the proposals the bureau will bring forward, and other parallel work on transportation option that is might compliment that work. Aye. [gavel pounded]

Hales: Thank you very much, we're adjourned.

At 4:08 p.m., Council adjourned.