



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF MAY, 2000 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Ben Walters, Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Item Nos. 646 and 656 were pulled for discussion and on a Y-5 call, the balance of the Consent Agenda was adopted.

624 **TIME CERTAIN: 9:30 AM** – Hearings Officer's annual report – 1999 (Report introduced by Auditor Gary Blackmer)

Motion to accept the report: Commissioner Hales moved. Commissioner Francesconi seconded.

Disposition: Accepted. (Y-5)

625 **TIME CERTAIN: 10:00 AM** – Accept report of the Fire and Police Disability and Retirement Charter Review Committee (Report introduced by Mayor Katz)

Motion to accept the report: Commissioner Hales moved. Commissioner Francesconi seconded.

Disposition: Accepted. (Y-5)

***626** **TIME CERTAIN: 10:30 AM** - Authorize commercial food waste collection pilot program and contract with USA Waste of Oregon, Inc. for an amount not to exceed \$100,000 (Ordinance introduced by Commissioner Saltzman)

Disposition: Continued to May 17, 2000 at 9:30 a.m.

CONSENT AGENDA - NO DISCUSSION

627 Accept bid of Consolidated Supply Company to furnish brass service fittings for \$83,107 annually for one year (Purchasing Report - Bid No. 99770)

Disposition: Accepted Prepare Contract. (Y-5)

MAY 10, 2000

628 Reject all bids to furnish an annual supply of sodium hypochlorite for the Water Bureau (Purchasing Report - Bid No. 99773)

Disposition: Accepted. (Y-5)

629 Accept bid of Brattain International to furnish 18,000 gvw cab and chassis for \$107,267 (Amended Purchasing Report - Bid No. 99795)

Disposition: Accepted Prepare Contract. (Y-5)

630 Accept bid of JVC Contractors, Inc. to furnish the child care development center for \$510,214 (Purchasing Report - Bid No. 99807)

Disposition: Accepted Prepare Contract. (Y-5)

631 Accept bid of Clyde West, Inc. to furnish two 54,000 gvw cab and chassis with flusher for a total of \$291,580 (Purchasing Report - Bid No. 99836)

Disposition: Accepted Prepare Contract. (Y-5)

632 Accept bid of Platinum Construction Services, Inc. to furnish NE 162nd Ave. pollution reduction facility fencing project for \$72,324, as amended (Amended Purchasing Report - Bid No. 99853 SMP)

Disposition: Accepted Prepare Contract. (Y-5)

633 Accept bid of Manual Q. Franco Reforestation to furnish annual manual vegetation maintenance services for \$107,600 annually for two years (Purchasing Report - Bid No. 99871)

Disposition: Accepted Prepare Contract. (Y-5)

634 Accept bid of Werbin West Contracting, Inc. to furnish construction of 16", 12" and 8" Terwilliger water mains for \$906,510 (Purchasing Report - Bid No. 99929)

Disposition: Accepted Prepare Contract. (Y-5)

Mayor Vera Katz

635 Accept contract with Pacific Coast Construction, Inc. for the ticket booth and revenue control upgrade project at six parking garages as complete and release retainage (Report; Contract No. 32201)

Disposition: Accepted. (Y-5)

MAY 10, 2000

636 Accept contract with Design Construction Northwest for remodel of The Portland Building 4th floor for the Bureau of Information Technology project as complete, authorize final payment and release retainage (Report; Contract No. 32601)

Disposition: Accepted. (Y-5)

637 Establish \$150,150 as the maximum price for a newly constructed single family house eligible for limited property tax exemption in a distressed area (Resolution)

Disposition: Resolution No. 35885. (Y-5)

*638 Authorize intergovernmental agreement to provide the city of Richmond, Virginia with expert technical services relating to constitutional law and affirmative action (Ordinance)

Disposition: Ordinance No. 174415. (Y-5)

*639 Contract with Group Mackenzie to provide architectural services for locating the Portland Police Mounted Patrol Unit at the Centennial Mills site and provide for payment (Ordinance)

Disposition: Ordinance No. 174416. (Y-5)

*640 Pay claim of Jason McRobbie (Ordinance)

Disposition: Ordinance No. 174417. (Y-5)

Commissioner Jim Francesconi

*641 Authorize contract amendment with Fishman Environmental Services for environmental analysis and documentation related to Portland International Raceway Master Plan (Ordinance; amend Contract No. 32043)

Disposition: Ordinance No. 174418. (Y-5)

*642 Authorize acceptance to Oregon Department of Forestry Urban and Community Forestry Program for a grant in the amount of \$20,000 for the American Elms Protection Program (Ordinance)

Disposition: Ordinance No. 1774419. (Y-5)

*643 Authorize acceptance of the Oregon Department of Forestry Urban and Community Forestry grant in the amount of \$4,200 for a Neighborhood Tree Liaison Display (Ordinance)

Disposition: Ordinance No. 174420. (Y-5)

MAY 10, 2000

*644 Authorize the Purchasing Agent to call for bids for the Bureau of Parks and Recreation Multnomah Art Center re-roofing project (Ordinance)

Disposition: Ordinance No. 174421. (Y-5)

Commissioner Charlie Hales

645 Accept contract with Nutter Corporation for street improvements on NE Martin Luther King Jr. Blvd., Russell to Knott, as complete, release retainage and make final payment (Report; Contract No. 32654)

Disposition: Accepted. (Y-5)

646 Accept contract with Coffman Excavation, Inc. for street improvements on NE 158th LID as complete, release retainage and make final payment (Report; Contract No. 51190)

Disposition: Referred to Commissioner of Public Safety.

647 Support and endorse the second year application for the Job Access and Reverse Commute Grant Program submitted by Tri-Met to the Federal Transit Administration (Resolution)

Disposition: Resolution No. 35886. (Y-5)

*648 Agreements with the United States Postal Service for an overhead ramp easement, sewer easement and permit of entry related to the Lovejoy ramp construction project (Ordinance)

Disposition: Ordinance No. 174422. (Y-5)

*649 Authorize the continuance of negotiations for the purchase of a public walkway easement and a temporary construction easement required for the NW Naito Parkway project and authorize the City Attorney to commence condemnation proceedings, if necessary, and obtain early possession (Ordinance)

Disposition: Ordinance No. 174423. (Y-5)

*650 Grant an easement to the Bureau of Environmental Services for the Beebe pump station facilities (Ordinance)

Disposition: Ordinance No. 174424. (Y-5)

*651 Apply to the Oregon Climate Trust for \$120,000 to implement a carbon offset project (Ordinance)

Disposition: Ordinance No. 174425. (Y-5)

MAY 10, 2000

Commissioner Dan Saltzman

*652 Authorize agreements for the conveyance of one property from Adam Uhl to the Bureau of Environmental Services, subject to certain conditions being fulfilled, and authorize acceptance of deeds and payments of expenses (Ordinance)

Disposition: Ordinance No. 174426. (Y-5)

*653 Authorize agreement with Stop Oregon Litter and Vandalism and provide for grant payment to support stream restoration efforts (Ordinance)

Disposition: Ordinance No. 174427. (Y-5)

*654 Authorize a contract and provide for payment for the construction of NW Germantown Road - Mile Post 1.1 culvert replacement project, Project No. 6278 (Ordinance)

Disposition: Ordinance No. 174428. (Y-5)

*655 Authorize the director of the Bureau of Environmental Services to enter into an agreement with the Department of Environmental Quality for oversight of the investigation of potential Willamette River sediment contamination from city outfalls (Ordinance)

Disposition: Ordinance No. 174429. (Y-5)

*656 Authorize a one-time payment by Office of Neighborhood Involvement to Steven L. Young, Bureau of Environmental Services employee, for services in preparation of the FY 2000-01 requested/target budget (Ordinance)

Disposition: Referred to Commissioner of Public Affairs.

*657 Amend contracts with five neighborhood association district coalitions to increase compensation for each as specified (Ordinance; amend Contract Nos. 32391, 32392, 32393, 32394 and 32395)

Disposition: Ordinance No. 174430. (Y-5)

Commissioner Erik Sten

*658 Contract with Central City Concern for \$55,000 to support its community development activities and provide for payment (Ordinance)

Disposition: Ordinance No. 174431. (Y-5)

*659 Authorize application to the Department of Housing and Urban Development for a grant in the amount of \$2,500,000 for the implementation of lead-based paint hazard control activities and administration (Ordinance)

Disposition: Ordinance No. 174432. (Y-5)

MAY 10, 2000

***660** Amend contract with Integrated Utilities Group, Inc. to increase scope of work, extend completion date and increase cost by \$17,500 (Ordinance; amend Contract No. 32372)

Disposition: Ordinance No. 174433. (Y-5)

***661** Amend contract with Platinum Construction, Inc. for construction of a concrete batch plant at the Water Bureau Interstate facility (Ordinance; amend Contract No. 32860)

Disposition: Ordinance No. 174434. (Y-5)

City Auditor Gary Blackmer

***662** Contract with LNS Captioning to provide closed captioning services for City Council sessions (Ordinance)

Disposition: Ordinance No. 174435. (Y-5)

REGULAR AGENDA

663 Designate the Executive Director of the Portland Development Commission to be an authorized representative of the City for purposes of the Indenture of Trust and Custodial Agreement between the City and The Chase Manhattan Bank (Resolution introduced by Mayor Katz and Commissioner Sten)

Disposition: Resolution No. 35887. (Y-5)

***664** Authorize the Mayor to execute an Indenture of Trust and Custodial Agreement with The Chase Manhattan Bank for the Portland Saturday Market, Inc. (Ordinance introduced by Mayor Katz and Commissioner Sten)

Disposition: Ordinance No. 174436. (Y-5)

Mayor Vera Katz

665 Hear appeal of Edward Warmack (PIIAC #00-03/IAD #00-019) to the Police Internal Investigations Auditing Committee, per City Code 3.21.085(4)(d) (Report)

Disposition: Deny allegations two and three. Refer allegation one to Police Bureau Internal Affairs Division. (Y-5)

MAY 10, 2000

Commissioner Jim Francesconi

666 Liquor license application for Minh Huy Thai Pham dba Isis, 6940 NE Sandy Blvd., New Outlet Restaurant liquor licenses; Favorable recommendation (Report)

Motion to support recommendation with four conditions listed in Commissioner Francesconi's May 16, 2000 memorandum: Commissioner Francesconi moved and Commissioner Hales seconded.

Disposition: Favorably Recommended with Conditions. (Y-5)

Commissioner Charlie Hales

667 Consider vacating a portion of NE 123rd Avenue and NE Hoyt Street, at the request of Western Properties Trust (Hearing; Report; C-9975)

Motion to vacate: Commissioner Hales moved and Commissioner Francesconi seconded.

Disposition: Adopted. (Y-5)

*668 Amend the Comprehensive Plan Map and change the zone of property at 12301 and 12435 NE Glisan Street from CO1 (Office Commercial 1) to CG (General Commercial) and from R7 (Medium Density Single-dwelling Residential) to CG (General Commercial) with a Buffer Zone overlay on the current Single-dwelling Residential parcel and on the CG (General Commercial) parcel to the immediate west thereof (Previous Agenda 574; LUR 99-00875 CP ZC)

Motion to accept the map amendment and zone change as requested: Commissioner Hales moved and Commissioner Sten seconded.

Disposition: Ordinance No. 174439. (Y-5)

Commissioner Dan Saltzman

669 Contract with US West Communications, Inc. for the upgrade of the Enhanced 9-1-1 telephone system at the Bureau of Emergency Communications (Previous Agenda 575)

Disposition: Referred back to Commissioner of Public Affairs.

Commissioner Erik Sten

*670 Authorize loan guarantee assistance agreement with the U.S. Department of Housing and Urban Development in the amount of \$3,300,000 for the Skidmore Fountain Building (Ordinance)

Disposition: Ordinance No. 174437. (Y-5)

MAY 10, 2000

***671** Contract with Portland Development Commission to administer the Section 108 loan guarantee to Saturday Market (Ordinance)

Disposition: Ordinance No. 174438. (Y-5)

Communications

672 Request of Dave Frankunas and Laurie King to address Council regarding Police action during the May 1, 2000 May Day Parade (Communication)

Disposition: Placed on File.

At 12:59 p.m., Council recessed.

MAY 10, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 10TH DAY OF MAY, 2000 AT 2:00 P.M.

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

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

673 TIME CERTAIN: 2:00 PM – Amend Planning and Zoning Code to establish minimum and
maximum parking ratios as required by Title 2 of the region's Urban Growth Management
Functional Plan (Previous Agenda 1810 introduced by Mayor Katz; amend Title 33)

Motion to put the word “proposed” before the word “use” in “accessory to use:”
Moved by Commissioner Hales and seconded by Commissioner Sten.

Disposition: Continued to June 22, 2000 at 2:00 p.m.

At 4:22 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland



By Britta Olson
Clerk of the Council

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

MAY 10, 2000

Closed Caption Transcript of Portland City Council Meeting

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

Key: == means unidentified speaker.

May 10, 2000 **9:30 AM**

[roll call]

Katz: All right. Consent agenda items. Items to be pulled?

Olson: We have a request to pull two.

Katz: 646, 656. All right. Any other agenda items to be pulled? Anybody in the audience want to pull an item off the agenda for discussion? If not, a roll call on the consent agenda item.

Francesconi: Aye.

Hales: Aye.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. Let's take **Item No. 646**. I have a note here that the commissioner wants back in the—to his office?

Hales: return to my office, please.

Katz: Hearing no objections, fine. **Item No. 656**

Olson: A one-time payment by office of neighborhood involvement for services in preparation of the fiscal year 2000-2001, requested target budget.

Saltzman: i'd like to hold this.

Katz: Okay. I assume there's nobody that wants to testify on these particular items that we're pulling. Okay. I'm going to assume, because you haven't nodded, that that's okay. All right. Any objections? Hearing none, so ordered. 669.

Olson: That's on regular.

Katz: You're right. All right. Time certain.

Olson: Hearings officer's annual report, 1999.

Katz: All right.

Item No. 624

Elizabeth Normand, Hearings Officer, Auditors Office, good morning, mayor Katz, commissioners.

For the record, i'm elizabeth norman, land use hearings officer for the city. I'm assuming that you've all received my annual report and one of the things i'm here for today is to give you a chance to ask me questions about that, or about the hearings office in general. What i'd also like to do is introduce Gregory Frank, here is here on my left. He is the person who will be replacing me after june 9th, as i'm leaving as hearings officer, as i'm sure you know. Greg has—he did hearings for us last summer. We were very pleased with the work that he did, and he brings a lot of experience in real estate and land use to the hearings office, and I know he's going to do a wonderful job. And—anything—if you have questions for him, or—

Katz: I don't know if we're going to have questions for him, but we probably have questions for you. okay.

Katz: Council? Go ahead. Did you want to make any points to us in terms of your long history with us and what you've learned, what you want to share with us?

Ms. Normand: I don't have a whole lot prepared to say. But I think one of the main thing that—in terms of the history is that I feel like all the participants in the quasi judicial land use process, the applicants, the citizens, the negotiations, the city staff, have all, over the 14 years i've been involved, become incredibly more sophisticated about the process, and the participation and the way things happen is more efficient and smoother and—more sophisticated. I think that's just a

MAY 10, 2000

nice tribute to how the process has developed over time. I want to thank council for this court that you've provided to the hearings office over the time that i've been here. It's really allowed the hearings office to do its job by the respect and support for our decisions and the process that you provide. So I want you to know that that's been appreciated, and I assume that it will be—that it will continue and that it will continue to be appreciated.

Katz: Any lessons, elizabeth, for us?

Ms. Normand: I don't have anything right off the top of my head. We've talked over the years, and i've probably said my peaces over time. Maybe that's one reason why it's time for me to go. I don't have a lot to say anymore. [laughter]

Hales: I have some comments. I think this is a characteristically professional and modest presentation by beth, and I just want to say that I think that we've talked a lot about this during her annual reports, and council consideration of land use cases, that there has to be a dynamic balance between the work that the hearings officers do and the council. There outb to be an 80% agreement rate. These are judgment calls as we know, I think jim particularly scratched his head and said, where's the guidance in the code? There are very vague and general things in the code that say do the right thing, and different people will interpret those different ways. I think we've maintained that balance very well during your tenure. In fact, I think if you look at beth's decisions in particular, it's probably higher than 80% correlation between your philosophy and the council's philosophy, even though sometimes we disagree, we do that publicly, sometimes it's more of an in-house disagreement. But 90% of the time I suspect you've agreed with us. I just want to say on behalf of not just the council but the office of plan and development review, because their staff ends up processing a lot of decisions through the hearings officer, that you've saved all of us untold grief. I don't think we'll ever know how many nasty unpleasant hearings the city council has avoided because of her good work. So I know you're not leaving yet but I just want to say on behalf of the office of planning and development, we appreciate your professionalism, good work, and we're going to miss you. Greg, you have a hard act to follow.

thank you.

well done.

Katz: Gary?

Gary Blackmer, City Auditor: the hearings officer and the offices in my office, my rule is to get the best people possible, and let them make the judgments that are—that they see and hear in terms of the information that's presented to them. And I think beth has been a great standard, and I think greg will do a great job as well. To that degree, I think it's a critical and difficult job to make the balance and to do the interpretation, and I think we've got a great track record, and we'll continue. Thanks.

Katz: Okay. Thank you. Greg, welcome. Do you want to say anything?

Gregory Frank: no, thank you, ms. Mayor.

Katz: Wise man.

Mr. Frank: have a feeling eventually i'll have something to say that may be more appropriate.

Katz: Okay.

Saltzman: I also want to thank you for your many years of dedicated service. I know your job is not an easy one. I do want to ask you, you do flag your overview of your report, issues about e-mail. I guess—maybe I should have—maybe I should look to gary and say, what is going to be our policy about e-mails, can we look at them, do they constitute expose contacts? It's a new technology, it presents a new host of issues we have to think about. It's a way for people to communicate with us. Obviously there's been some gray areas raised about what e-mails cost in terms of eximportant ta contacts.

Blackmer: we should probably get the city attorney to look at that whole issue, since they have the best—their role is to interpret the law and apply it. That would be the place where we may need to get some information. My sense is that is a common problem in other jurisdictions as well, and the

MAY 10, 2000

state attorney general may have started coming out with some guidelines on that as well. The city attorney office may be aware of those.

Saltzman: Will you be asking them to review this and provide us with guidance?
I could.

Saltzman: We all need this guidance. The hearings officers need it as well.

Ms. Normand: right. It is simpler for the hearings office to establish a clear rule and maintain it than I think it is for you to do that. I simply have a policy at this point that if an e-mail comes in to me that is connected to a quasi judicial case without— as soon as I figure that out, usually I can do that within a sentence or two, I send a reply back telling the person that i'm not going to read it, and they need to submit it to me in hard copy if they want it to be considered, and then I delete it from my mailbox. I've had some people not real happy about that, and—because they—everybody—this is how business is done. But it's not how business is done in a judicial or quasi judicial context. So I think it is worth spending some time looking into how you're going to manage that.

Saltzman: I think we need some guidance.
yes, that's a good point.

Katz: Further questions? Elizabeth, thank you for all your years of service and for all the hard work that you've done for the city and for the citizens of this community. We appreciate it. As commissioner Hales said, we didn't know—i wish you much luck in your new journeys, you're too young to retire. What are you planning to do?

Normand: well, i've been going to the Oregon school of massage, and this summer and fall i'll be taking the licensing boards and be a licensed massage therapist.

Katz: There is another world beyond a hearings officer's job. Good luck. Thank you. Anybody want to—

Francesconi: I was just checking the report, I was holding off—

Katz: Do you want to do it now?

Francesconi: I can do it now.

Katz: We'll accept the report. Anybody else want to say anything? If not, we'll—there will be a motion to accept the report.

Hales: so moved.

Katz: Second?

Francesconi: second.

Francesconi: I am familiar with the judicial process, and you're like one of our appellate judges in the judicial world. And there never are such terrific statistics from as good a supreme court and appellate court as we have as you've demonstrated here, when you look at these numbers. So in 1999, there were 178 reviews. Only nine were appealed. Out of 178. And during those 178, you approved with conditions the office did, 148 of those, which means that not only did you analyze the case and decide them but then you added additional conditions to try to help the parties. So you really gotten gauged in the process of trying to do the right thing. And only nine of those were ever appealed. That's phenomenal. When you look at the approval rates too, out of the total cases over a six-year period, the numbers are over 1,000 cases it looks like, and the total number of appeals is only like 40 or 50, and the total number of reverseals are very small. So those are staggeringly effective numbers. And so you do—you are—the applicants and those who use the system, you do them a tremendous service, as well as the city council. Those appellate judges in the legal world are not engaged in the political process. So the judges who review the work of court of appeals judges, for example, they base things strictly on the law, and no politics enters into it. In this proceedings, when we look at your work, there's also sometimes a political element as much as we try to keep it out. I realize that this last case or one of these cases was very controversial and very painful for you, but in looking—and you were not treated fairly. In looking at the record, it was clear that you just put into a decision something that the parties had agreed upon, and that staff had recommended. And that wasn't really the central element in the case. And yet you took some heat on this, as I see it, on the sunnyside case. And that wasn't the issue in

MAY 10, 2000

the case at all that you were dealing with. So—but you are very professional, you understand that it was part of the job. You handled it, and we appreciate it very much. You're very professional, and you've done a terrific job for the city, and we appreciate it. Thank you. Aye.

Hales: Aside from the smooth functioning of this decision-making process, that big list of cases that jim just described is real change in the community. Every single one of those represents some change. I think, beth, one of the things you've accomplished in so effectively translating the code into cases and doing so in a way where a huge percentage of the time people got the yes, is we've built a more liveable city as a result. Case after case, project after project, you've applied that code in a way that people have been able to go forward with some development or some remodeling or some other project and neighborhoods have been satisfied with the result. And we've created a better community as a result of your work. And I appreciate it very much. Thank you. Aye.

Saltzman: Thanks for your good work. Aye.

Sten: I also want to give my personal thanks. I think you've done a terrific job. I know it's a hard one. I was trying to think of something cute about massaging land use cases and your new profession, but I don't think it's that easy. I really—there's lots of people that have contributed dramatically to the city of Portland that the citizens don't know about, and I think you're at the top of that list. Aye.

Katz: If you're going to be doing massages as well as you've done land use cases, make sure when you get your license you distribute your cards to all of us. Because we'll be more than happy to give you a call and get your new profession off the ground. Thank you, elizabeth, for good work. Aye. All right. It is not 10 o'clock yet, and I don't want to do a time certain until 10 o'clock. So if there's no objections, we'll move right along on the regular agenda. Are most of the people here on the liquor license? Raise your hands so I can tell. And the applicant is here as well? And we have everybody from the bureaus? Okay. Is there any objections, since we are sort of out of our normal time line, to take that? Is it going to—how many of you want to testify? Oh, that may be a problem. Let's—hold off, then. Do you want to start—

I think so. The other one is at 10:30.

Katz: We have a 10 o'clock, who just came in. I don't particularly like to stop and start. Is pdc here on 663?

Sten: I don't think we need them.

Katz: All right. Let's do 663.

Katz: Commissioner Sten?

Sten: I would suggest reading 663, 664, 670, and 671. They're all the same package.

Katz: All right. Britta, why don't you do that.

Katz: Okay. Commissioner Sten?

Sten: All four of these are the technical package to complete the loan the council had a session on a few months back. The section 108 loan program is housing and urban development program from the federal government by which hud helps the city borrow private dollars and makes it possible by allowing us to use our federal dollars that come in for community development purposes as a guarantee on these projects. So the long and the short of it is, we're going to help facilitate a below-market rate interest loan to Saturday market of 3.3 million dollars that will allow Saturday market to buy the old Skidmore fountain building, and I think take away—all of us think of it as a permanent institution, but they are a renter and could lose their place, and this will guarantee they're there forever and also start to build equity. It should be done—really doing a financial transaction, but there won't be any cost to the city unless something goes completely—there's no such thing as a completely safe deal, but I think this looks pretty safe from me. They have a guarantee from U.S. Bank that says that the bank will step in if something goes wrong as opposed to the city.

Katz: Anybody want to testify on this? All right. Let's do roll call on 663.

MAY 10, 2000

Francesconi: This is just a very creative deal. It keeps a really important institution in our town, which keeps our central city vital and fun. And very active as soon as the weather gets better.
Aye.

Hales: Aye.

Saltzman: Aye.

Sten: Aye. And I want to thank mayor Katz and the pdc for putting this together. Aye.

Katz: Mayor votes aye. Thank you, commissioner Sten. Thank you for working on this as well. 664.

Francesconi: Aye.

Hales: Aye.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. 670.

Francesconi: Aye.

Hales: Aye.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. 671.

Francesconi: Aye.

Hales: Aye.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. Thank you. I think we have our 10 o'clock contingency here. Did you expect anybody else? Why don't you bring them in. Okay. Why don't you go ahead and read it, **625**.

Katz: Welcome, everybody. Let me open it up by just starting—you can repeat yourself, because I know that most of you have some prepared remarks. But I just wanted to say that for many, many years, probably 50 years, there was a realization that our disability system for—and pension system for police and firefighters was something that we needed to repair. That, today, is in a potential financial crisis. It has an unfunded liability of \$937 million, and has been increasing at an annual growth rate at 3.2%. It is a pay-as-you-go system as opposed to a fully funded system. This is what the community accepted. We've been watching it with actuarial studies, very concerned about if the tax structure should change, whether through the initiative, or state law, that the general fund would be liable for making sure that our police and firefighters have a retirement system that is paid for. That creates—if that happens, an enormous problem for other our other services, including fire and police as well as parks. If you recall, about a year ago I tried to bring this forward and probably a little too late, and made it—and you all made a decision that this needed a little bit more work. So I pointed a task force that was headed by vern riles, and made sure that we had representations from the two unions that would be impacted, as well as from other citizens. Before vern starts, let me read the names of the other citizens that worked very hard. They've been working since february 17 of last year. Judy rice, tom chamberlain, who you're going to hear is the president of the Portland firefighters, mark dotson, stewart hall, president of liberty mutual insurance, mr. Payton, past president of the Portland police officers association, charley rosenthal, and vern riles, committee chair, president of pauper supply, and soon to be married. That was just a personal thing I threw in. Why don't you pull the mike closer to you, vern, and why don't you start and then leo and tom, jump in on this.

Vern Ryles, Fire and Police Disability Retirement Fund, okay. As mayor Katz has indicated, the police, fire pension liability fund has been in crisis for some years. When I was president of the Portland chamber of commerce, I attempted at that time to devote a system—develop a system that would take away the liability for police and fire at that time, which was about \$600 million. Today it's almost a billion dollars, and we feel that it's mandatory for us as citizens of Portland to address the issue and at least if not possible to do it in a large strategy, to do it in a small incremental strategy. A strategy when I say large strategy, that would be something to take to the citizens for a

MAY 10, 2000

vote, and to clear it up in one fell swoop. That would take probably a couple of years of preparation, maybe more, to educate the citizens of Portland to understand what the issues are. I believe that most of the members of the committee felt that an incremental approach would be more likely successful if we planned it well and we educated the community. So we started about as mayor Katz has said, we started about a year ago, and the committee's charge was to undertake the full review of the fd & r system and gain an understanding of the actuarial assumptions that underpin and underfund pension liability. Review all available funding options and develop a report and recommend recommendations for the city council. And the committee's work in process was monthly over the past year, as the mayor has mentioned, and we used experts and act wares. We also accepted public opinion and developed models to reduce or eliminate the actuarial liability. The recommendations we have are six. The first is that the city council begin moving towards full funding of the fire police disability and retirement pension and benefits costs for the new hires by including these costs into the city's general fund budget and financial plan. The second was that the city council seek legislative changes that would enable the city to invest the money, set aside for the fd & r pension and the equities. Legislative authority should also be sought to expand the use of the levy to include new entrants and pension costs. We also felt that the city should not refer a charter change to the voters at this time, but we feel that a charter change for the public vote, if we could establish an education process for the community, might be very successful and several of the committee members would like to take that task. The city—the committee discussed changes in the composition of the fd & r board of trustees to include public representatives and finally, the committee discussed a deferred retirement option program and took no action on the recommendation. And i'd like to have my two colleagues make comments as well.

Katz: Mark dotson is here, so he—why don't you come up and pull up a chair. Did I miss anybody else? I don't think so. Okay. We have staff here and their questions.

Leo Painton, Portland Police Association, first of allied like to thank you for allowing us to participate on the committee from the association's behalf. My name is leo. I don't have very much to add. I think the sit sense on the committee were surprised to see the extent of the liability to the city regarding the pension system, and its unfunded capacity right now. I think i've said this to many of you personally, but i've been a police officer here for over 22 years in the city of Portland and i've been hearing about this liability for those 22-plus years. It's been discussed in the past, yet it continually seems to get ignored. I think it's a serious problem facing the city and it looks like it's only going to get worse, and somebody has to step up and decide it's time to start doing something about it, and I hope the mayor and this council make the decision to do that in the near future.

Katz: Thank you, leo.

Mark Dodson, NW Natural Gas, morning, mayor, members of council. I have two comments to make quickly. I'm mark dotson, with northwest natural. I've worked on complex political issues before, i've got to stay the staff you provided us is as good as i've worked with, maybe better than some. We were hoping there would be a simple probably long-term, but simple solution to this. The second point I want to make, I guess i've learned that in politics there's a sudden overreaction to the event that immediately preceded it, so I want to make sure you understand that we ask for this to be tested with a focus group. I attended the toe cuss groups. They were—it was very informative for me. These were all taken before any of the issues with respect to disability or the may day—it was all way before that. This is just the ambient background noise that is out there. It is a very complex issue, and I think to a certain extent we wanted to deceive ourselves into thinking it was a silver bullet out there somewhere. I'm convinced there isn't, and that's the reason we came up with six recommendations. We would have preferred to have come up with one.

Katz: Thank you, mark. Tom?

Tom Chamberlain, Portland Firefighters Association, good morning. I'm tom chamberlain, president of Portland firefighters association. I concur with my committee members. What i'd like to add is,

MAY 10, 2000

we did not get into the situation overnight. We're not going to get out of it overnight. One of the strategies is a legislative option. I would suggest to the council that we, together, firefighters, police officers, business and the city, work together and coordinate a plan of attack to pass legislation that isn't a total fix, but can get us on the road to funding this system. I think that is essential for success, and we need to work together to accomplish that. Thank you.

Katz: Thank you. Let me add that I will—let me back up and share this with you, because I didn't have a chance to share that with the task force. I took your report very seriously. I was prepared to try—to do the fix a year ago, and realized mark, the same thing you did. It is very complex. It's basically asking this generation to pay for the next generation, then would have their property taxes lowered dramatically. And there are other issues. And so as we put the budget together, I asked for the cost to do just what you said, begin to put hires on a fully funded system. And just for the council's understanding, that's about \$700,000 a year, and it keeps growing. And we looked at that, and I will be making, as I do the budget message, or later on, making a recommendation as to how and when we ought to start doing that. It won't be right away. But I think we can begin doing that in the next couple of years. But going down to the legislature and looking at all the other options which still is an increase in property taxes, some more, some less, is something the council—I'd like to check in with the council members after they really review this report and see if that's a route they would be even willing to consider. But there's some easier routes and some more difficult routes. And we can identify the easier ones, the more difficult ones are something that council would have to decide whether they would want to do that. And we still need to change the charter on this issue as well. I've also asked vern to continue the task force with any members that want to stay with the task force to address the issues of charter changes with regard to disability. And the member of the board. And they'll get a charge from me on that very shortly. So if that's all right, we would need the representatives from both of the unions as well as the private citizens. Charlie rosenthal is already ready to go, and there's some easy issues, but there are some that probably might take a little longer to discuss and analyze.

Ryles: I think after all of us have spent a little more than a year on this issue, we felt that we were just educated in the first year. I don't know that we can identify the solutions as quickly as we thought we might, but certainly if we take this strategy and—we can incrementally improve the system and find our way to a solution.

Katz: Okay. I also know commissioner Saltzman also wanted the task force to take a look at some recommendations, and I committed to him that that would be part of the issues you would review, and the auditor and I will be members of the task force on those issues.

Ryles: in closing, mayor, I do want to give accolades to the staff that helped us, helped the committee. They were outstanding.

Katz: Thank you. Yes, we know that. But it's nice to say thank you every once in a while. All right. I'm sorry, does anybody on the council have any questions before this group leaves?

Francesconi: I just have one. And I know there's some things that both we as the city council and maybe the unions and maybe others need to do to help set the stage for a public education campaign, but my question is regarding the public education campaign. Here at a time when the school district has had trouble over a ten-year period convincing voters that there was an education crisis, at least the majority of registered voters, and there really is a crisis, at a time when some transportation infrastructure needs, we're having trouble convincing folks, so in a sense we're deferring to the next generation things we're consuming now. What kind of education campaign can reverse that, and educate voters that there's a potential crisis that would eliminate police, fire, parks, and everything else, that we want to provide to them? What kind of campaign are we talking about here?

we're talking about an education campaign.

Francesconi: I know, but what kind?

Ryles: it has to be grass-roots. And I think most of the meem I think most of them have the ethic that they don't want to pass their liabilities on to future. And I think once that's understood by the

MAY 10, 2000

public at large and we do have the forums across the city to demonstrate the significance of this issue, that we can work out a strategy. And I believe the recommendation for the—to start with the—this legislative process is going to help us I think get off on the right foot.

Katz: Does anybody else want to add to that?

Saltzman: Without responding to where I come down on the merits of your recommendations, I think we would all agree the recommendations are relatively modest, and as a result of their being modest, they're relatively off the radar screen. They're barely on our radar screen, let alone the public's. It's my hope this council will truly step up to the plate and be the council that takes on these issues, because they're not glamorous, they're not sexy, but has everybody—as everybody has just owned up to, they're very important. It seems we've got to be more bold in our approach to get the public engaged. I know this long-term public education campaign sounds good, but in the context of 50, 60 ballot measures coming across the transom every election, I have to open the question of the effectiveness of that strategy. I guess my strategy, and where I hope we will go, we will take this issue up, we agree this has to happen on our watch, the changes to write this system both from a governance point of view, as well as from a funding point of view. Some of the decisions—we may just have to get stuff out there to the voters, and that's how they'll educate themselves, when they have actual charter changes to look at. That's when you get the newspaper, start doing pros and cons, when something is on the ballot measure. This sort of below the horizon incremental step—I do appreciate your work nevertheless, and this is a good solid step. I really think the work now shifts to the five people sitting up here, if we're really going to take your recommendations, take the larger problem we're looking at, and really resolve them on our watch as opposed to what the city councils in the past 50 years have done, which is simply say, pass it on to the next council, pass it on to the next generation. We'll all skate through this, but I hope we will really tackle this issue.

Ryles: if we are aggressive with the legislature and get off on that start, I do believe that we can raise the consciousness to the community of this issue and we can get something done with it if we stand up and do our due diligence and follow it through.

Painton: I would just make one more comment. My original comment was meant to have this council and mayor be the example to step up to the plate and fix this problem. And I think if you lead by example, you'll find there's a lot of grandparents and parents who are willing to back you up and fix this for upcoming generations. If they understand what the issue is.

Katz: Let me be very clear. If this council is ready to do it, I was there a year ago. I do need your help. All of your help. To get this done. But I think what I'd like to do is have a discussion with the council in terms of which route they would want to go, and certainly to see what our resources would be from both the fire and the police unions to do the education with the public.

thank you.

Katz: Thank you, everybody. You're not—you still have work to do. Not today, but we'll call you back together again after vern comes back. All right?

okay.

Katz: Does anybody else want to testify? So the question is, is everybody willing to pay higher taxes so that your children pay lower taxes? That's to solve a major problem. That's the generation issue. Okay. I'll take a motion to accept the report. Roll call.

Francesconi: The council needs to provide a leadership role, but it's going to take a team effort to do this. My first involvement in a big public issue, political issue, was workers' compensation reform in 1990. It did take a group effort, but it was something that was done. We can argue about the merits of some of the compromises. But—so mayor, the consideration of us using precious general fund or finding some resources is something we need to consider. That was one recommendation. We clearly do need some legislative changes. And then at the state level to assist us. And the third thing is, we need some changes in our pd & r system in order to help retain and enhance public credibility. As part of that, as in workers' comp reform, you need to have the parties engaged, including the unions. Because they have a lot at stake in this. Because police and

MAY 10, 2000

fire consume so much of the general fund that would be eliminated if there is some restructuring of the tax. So the issues that they need to be engaged in, but clearly we need to change the composition of the fpd & r board to include more public membership. We need to look at stress-related disabilities, including the issue which I believe at least one of the unions supports, that the processing of disability claims should wait while a member is subject to criminal or disciplinary investigation. In other words, that should happen first before any claims are allowed. And then I think there may be also some other creative options like encouraging disabled folks with light-duty jobs, which is actually one of the strategies that we employed at state to reduce costs. So I think it's going to take money, but it's also going to take some specific actions on a collective part to set the stage for that education campaign. And we all need to be part of doing that. Aye.

Hales: Aye.

Saltzman: Aye.

Sten: Yeah, I think there's still—the task force, they left, but they did a nice job of putting the analysis together. But there are a couple political packages in the general sense of political that these are going to have to go to the ballots, and I think that was missing before, and that's why I didn't support going to the ballot, because I think it would have lost. I think we've got to put those together. It's just money and just changes to the system, but they've got to tomorrow kocht in a message that people can understand. And I think that's the piece that's going to take some political leadership. And hopefully that's the next step. Aye.

Katz: I really do appreciate the task force's work, and if we're all serious, i'm prepared to do something about it. But I need your help, commissioner Francesconi is right, this is a team effort. We will look at changing the composition of the board. We'll take a look at the stress-related issues, the disability for those that are incarcerated, and there are other issues that have been raised during the know terror it on one of the expolice officers who was terminated and then received discipline, and then later was incarcerated. So all these issues will be looked at, and we'll be looking at it vis-a-vis the workers' comp laws, the state laws, there's some things we can't do under state law, there are some things we can do. And we'll bring that forward to you certainly the changes in the charter will come to you before august, because that's the deadline for us putting it on the ballot, which is in november. And i'd like to put those on the ballot in november. And then as we do—as we do this kind of work, I will be looking at the possibility—the funding strategies and checking in with you to see which ones—we may even have a work session and talk about it, which ones you feel comfortable with that we think we can proceed. And then we will have to do the education campaign and we'll have to go to the public and explain something that really is very, very difficult to explain, difficult for us to understand immediately, and i'm sure very difficult for us to explain to the public. And the public to understand. But it's something that's hanging over our head, and it's been hanging over our head for 50 years, and it's getting worse every year. So thank you everybody. Aye. All right. Commissioner Saltzman, do you have folks coming in for the 10:30?

Saltzman: Yes.

Katz: They're not here. Let's go back to our regular agenda and hear the PIIAC appeal. Are they here? They're not here yet. All right. Let's get to the liquor license. You're ready? You've been ready early this morning. Okay. Read Item 666.

Katz: Lift the microphones up closer, folks. Okay.

Mike Sanderson, License Bureau, your honor, members of the crown criminal. This is an application for a new outlet restaurant liquor license which allows the sale of beer and wine for on-premises consumption. The applicant, mr. Minh Huy Thai Pham, doing business as isis, is proposing a 5,000 square foot facility which will offer asian food and french style dancing. The outlet is located—

Katz: Let me interrupt. Maybe it's just a generation issue, what's french-style dancing?

Sanderson: I asked that question, and I was told it's tango dancing. Is that correct?

Katz: Okay, thank you.

MAY 10, 2000

Sanderson: I don't explain them, I report them. The outlet is located at northeast 70th and sandy boulevard and will accommodate 120 patrons. There is no off-street parking but the property is properly zoned. There is a map of the outlet vis-a-vis the surrounding properties on page 7 of your council packet. The operating hours of the club will be 9:00 p.m. To 2:00 a.m. On thursday through saturday, and while the staff report is incorrect, the actual hours on sunday will be 9:00 p.m. To 1:00 a.m., Not 9:00 a.m. To 1:00 a.m. The outlet will feature live and d.j. Music and will have a cover charge. The applicant is proposing to have six security guards on duty whenever the club is open, and also plans to install sound inu laion to ensure the club's music does not emanate into the neighborhood and impact the nearby residents. Objections have been raced by the neighborhood association, nearby property owners, residents and businesses as well as rose city church of the nazarene, which is located directly across the street. The church in—and its members are concerned the club's patrons will be forced to use the church parking lot because the club itself has no parking. And that there is only limited parking in the nearby residential streets. The church currently allows its lot to be used by tri-met as a park and ride, but if the club is allowed to open, the church is determined it will have to discontinue the park and ride and barricade off the lot to ensure against illegal activities occurring on the lot at night. Half of their lot is currently chained off because of problems they had in the past late at night. So they chained half the lot to put a stop to that. Additionally, the church does have youth activities, some of which occur after 9:00 p.m. At night, which the club will be open. Nearby residents and neighborhood association are also concerned about the outlet's lack of adequate parking that will force patrons to park in the nearby residential areas. There are also concerns that the club's operating proposal will emphasize the sale of alcohol and video poker over food service, and that if approved, the club will result in a significant increase in vehicular traffic as well as delivery truck activity. Neighbors foresee an increase in late-night noise and disturbances if this club opens. The bureau has received letters of opposition and a petition with 52 signatures that those folks are opposed. We received no letters in support. The investigation revealed no information that would preclude the issue answer of the liquor license at this location. Because neither the location nor the nearby area was determined to be a problem and because there are no problems with the applicant himself, the Portland police bureau has made a favorable recommendation. However, under the public interest and convenience criteria, the proposed location's proximity to rose city church of the nazarene and the likely negative impacts to the church do provide a legal basis for license refusal. Staff is convinced it's reasonable to predict the patrons of the establishment will to some extent negatively impact the church and nearby neighbors. However, under the olcc rule, 8450050026, the applicant must and can show good cause to overcome that criteria. You can do that, show good cause that is, by—the criteria includes showing by the applicant that the operation is consiStent with the zoning of the proposed location. That is consiStent with the general character of the area, and that the adverse impact will not unreasonably affect the facility. In staff's opinion, the outlet's location on a busy thoroughfare and its commercial zoning argues in favor of the applicant. Further good cause is provided by the applicant's plan to have six security guards working both inside and outside the establishment to prevent the types of problems that the church and nearby neighbors are concerned about. That would include the illegal use of the church parking lot. These facts combined with the favorable police bureau recommendation form the basis for the license bureau's recommendation that the council forward a favorable endorsement to the olcc. Because licenses are issued on an annual basis, the city will have an opportunity to review this outlet in december to determine if indeed the problems do in fact result. I have someone from the Portland police bureau, if you have any questions, and a lot of neighbors, as well as the applicant.

Francesconi: I have one question. In their letter to you, which you refer in your report, they say the proposed—the applicant says it will be arestaurant—a restaurant operation and not a nightclub?

Sanderson: the applicant has indicated it will be a dance club that will also have food. The restaurant liquor license is a definitional problem. There are only three types of on-premises licenses available in the state of Oregon. And that's effectively a restaurant, an—a tavern, and the

MAY 10, 2000

other is a da, which is a hard liquor license on premise. There is no nightclub license, cabaret license or another license available in the state of Oregon.

Hales: the typical tavern gets retail beverage license and serves hard liquor as well as wine and beer.

Sanderson: that would be a dispenser class a. The only frernion between the retail malt beverage license and the restaurant license is restaurants have to have food equipment. None is required for a tavern.

Francesconi: In your report it says it's not going to be a night club. I was trying to understand why if the applicant explained why they need six security guards.

Sanderson: well, I will let the applicant describe in detail the reason for requiring in their mind those six. It caused concern for staff also but in the final determination we have that concern, our belief was, effectively deployed it would provide good cause under the statute. Council has more discretion under the statutes than staff in making its recommendation under our city code, so that will be the crux of the issue for council.

Francesconi: Thank you.

Bryan Steed, Police Bureau. The recommendation is favorable in this applicant. There are no problems in their background, and under the current city code no problems in the area. The police bureau made a favorable recommendation.

Katz: Thank you. Okay. Would the applicant prefer to go first, or liSten to some of the testimony from the citizens?

we're prepared to go first.

Katz: Okay.

Bud Morrison, 3633 SE 3th Place, Suite 101, 97202, madam mayor, commissioners, ladies and gentlemen. I'm bud morrison. I represent the applicant. He's got so many different vietnamese names, we'll call him mr. "t." He enjoys that. I have been working with the southeast asians and other my grants for 25 years. I was the glue for all the organizations to put them together to form an umbrella to provide services, which was financed by the state of Oregon, the ford foundation, the city of Portland, the Portland development commissioner, fred meyer trust, and I know the asian community well. I know all—it was easy for me to represent mr. T. He's a good, serious businessman with a good background, and has a good, good recommendation for the entire community. I just wanted to say before we started here, and before I introduced mr. T, that there was a little misunderstanding about our lack of meeting with the rose city neighborhood association. There was a change in the chair at the time, and I was trying to pin down when they would meet, and we got a different date. The other thing is I was unexpectedly hospitalized at the time, that left mr. T in a bad situation. But we did go to the same meeting, but we were late. Later on we did meet with them, and i—early on, the first thing did I was contact the church and tell them we'd like to meet with the church too, even before the neighborhood association. So—on page 3, I just wanted to give that explanation what happened there. I think page 4, in the bureau license, is kind of—it answers all the questions that we would like to address. First is it says in the report we will not be using the neighborhood parking lot or anyone else's parking lot illegally. The answer to why so many security guards, if we don't expect any trouble, was asked at the neighborhood meeting, and we answered, do you want less? We felt there was so much concern, the church had some problems with vandalizing, using their church parking lot, we wanted to ensure to have enough security outside that those problems wouldn't happen. The second thing is, is the patrons themselves that he targets. He's a dancer, and—french style, many of them, which is tango and other types of appropriate dancing, and we thought that with that and the hours, it would not be in conflict with the church's main hours, being 9:00 p.m. To 2:00 a.m. We will—we have already—it's a building that has very thick concrete walls, and we tested the noise factor, and we don't believe there will be any, but we're prepared to further insulate the building from any possible noise. The—i think here is a case, an old saying, we have fear of fear itself. The fears that are raised by the church and the neighbors pretty much are not realistic. These are—these will be middle-aged folks that come there, they're parents themselves, and we don't think there will be

MAY 10, 2000

any problem from—for the outside community. The traffic is a problem on sandy boulevard, has been, will be, for some time, I guess. But if we're going to do anything about it, the only way to do it would be to stop more terror yums, any more occupancies on that busy street. I don't think that's practical or possible. We pretty much agree with everything the bureau licensees is saying. We met with them, we've answered I believe all the questions, and so—I'm speaking for mr. T here today because he had—he was a victim of an automobile accident in which broke his jaw, and it's very hard for him to talk. His first language is not english, but he would be certainly willing to answer any questions as best he could. I think he can do that. With that, I think i'll close and let the neighbors and those in opposition go ahead and speak their minds. Which we appreciate the church's position, but I understand the church of nazarene has mounted this opposition, and it just frankly they oppose alcohol and dancing. Always has been, probably always will be. I think that is the only real issue here. The real—is the alcohol. We find to deemphasize it, we don't want to push it so much, but have it available for those who wish to drink with their dinners. Mr. T is here now, and maybe—

Katz: Mr. T, would you prefer to be called mr. Pham?

Pham: pham or t, whichever is easy for you.

Katz: Identify yourself for the record. Just your name.

Ming Huy Thai Pham, applicant, my name is minh huy thai pham. I came from vietnam, I came over here around 1992. Almost eight years. And my english is not very good, but—

Katz: It's better than our vietnamese.

Pham: so I try to respond all the answers from the mayor and council. I'll answer as much as I can.

Hales: have you run other restaurant businesses?

Pham: yes. You run for my uncle one over canyon road, and then my uncle opened another one in lincoln city. I do both of them for like almost five years.

Saltzman: Do—

Hales: Do necessity have a good record as far as the olcc is concerned?

Pham: yes.

Hales: Thank you.

Francesconi: I still am confused as to what's going to happen. Is it a restaurant, is it a dance club? Tell me more about—

Pham: it's hard to explain, but the things like—we serve the food to—and when people are coming dancing, and they order dinner and enjoy music, and if they feel like going out to dance, they go out to dance. And then that's all. And then the fast dance, like—I don't know if you heard about tango and rumba, cha-cha, it's hard to explain, but that's the kind of dance.

Francesconi: How many people do you expect on weekends?

Pham: 120 around.

Francesconi: 120? What age group?

Pham: around like 25, up to 45.

Francesconi: What time do you expect people to start coming?

Pham: they'll start coming usually like—they start coming—we'll open the door around 9 o'clock, but they'll start coming around 9:50 and 10 o'clock, and stop coming—

Francesconi: How long will you continue to serve food?

Pham: until 2 o'clock.

Francesconi: Okay. You want hard liquor, not just beer and wine?

Pham: I did not apply for hard liquor.

Francesconi: Video poker?

Pham: no.

Francesconi: Okay. What—there's been some confusion about the name. What does it mean? In french? What's the name? What's the name in english?

Pham: it means like—actually, that's—my cousin give it to me. The thing is like—he just told me, and—wonderful lady in the world, and—yeah.

MAY 10, 2000

no more perfect lady.

Francesconi: Is there a restaurant that you've patterned or a dance club you've patterned your business on that you've seen that you would like to be like?

Pham: actually, I have a couple of—in california, when I went down there, and saw what they do in business there, and on top of that, my experience with my uncle, he do business until '82 until now. Before over the canyon road, he has a business that's just coming, you get a ticket, and just go order the food, and sit at a table and enjoy music, and then if they like—like go out to dance, and it's just like— go out to dance with friends or wife, whatever.

Saltzman: Canyon road is the same format you hope to be?

Pham: yes. It shut down because my uncle move to lincoln city.

Francesconi: I think some neighbors are concerned. I'm not saying it's true, but given the way our constitution is interpreted, given some of the concerns of the snakes, there—they're worried there's going to be women who are not fully—who are not dressed.

Pham: they won't have that. Because, like, I have a security to check out the door, make sure—and before—before they're let into the door.

Francesconi: Are you going to have any performers there?

Pham: actually, I don't.

Francesconi: So it's just going to be the patrons dancing? You're not going to have performers?

Pham: no.

Francesconi: Do you understand my question?

Pham: yes.

Francesconi: You're not going to have performers?

Pham: no.

Katz: You're not going to have nude dancing?

Pham: no.

Pham: no. Definitely not.

Sten: You'll have bands performing?

Pham: like on holidays, and a singer coming from california, that's—i'll have a band to produce the music for the singer. Most of the time it will be d.j. Music.

Francesconi: Why do you think you need security guards?

Pham: because I need a security guard to take care of the parking, and then tolittering of the street, and if, like, to check them out before they go into the door, and if they bring any violence inside, to protect myself and my business.

Francesconi: Do you think you're going to be able to afford six security guards?

Pham: yes, but with the person of the security guard, and—like my business plan, he told me around like one hour they charge \$15. And my cover can—my cover charge can cover for the security. And then—yeah. I think I can make it.

Francesconi: Do you have your business plan with you? Do you have it?

Pham: yes.

Francesconi: You don't have to show it to me if you don't want to. You don't have to. I'd like to see it if you don't mind. If you don't want to show it to me, that's all right.

Pham: I have it right here.

Francesconi: I don't have anymore questions.

Morrison: one thing about the dancing, the latins in beaverton at the canyon road, they do this. They still do it. It's somewhat similar to what mr. T is planning to do, and they dance latin style and—but we have a second segment where—which mr. T is a dancer and he plans to teach dancing, french style, to those who need that type of help.

Francesconi: Thank you. I'll give it right back to you.

Saltzman: In the application it talks about the restaurant will—the clientele will consist of asian adults, and then it says with children and families. Is that a mistake? You're not anticipating children and families to be on your premises, right?

MAY 10, 2000

Pham: no.

Saltzman: This is really adults.

Pham: I don't know where that came from.

Saltzman: Okay. Then related to that, I want to make sure factually the cover charge—
yes.

Saltzman: You're proposing to charge a \$35 cover charge?

Pham: that's—no. That will depend on the singer. How much I spend for that singer. If the singer is famous, that's why I raise up the cover charge. Otherwise, it's like I charge 8 to \$10.

Saltzman: And your rules will specifically say if patrons leave they have to pay the cover charge to reenter?

yes.

Saltzman: And then finally, -- actually, that was it. Thanks.

Katz: Further questions? Do you plan to be on the premises yourself during the evening hours?

yes.

Katz: You're going to spend full-time on the premises?

yes.

Katz: And you're not planning to apply for video poker games?

Pham: i'm not.

Katz: You will be eligible to apply.

Pham: I don't know anything about that.

Morrison: we have no plans at this time. We didn't apply for it, and I don't know how that got in. Someone asked the question, would you, and well, we don't know. Maybe someday. It's not in our immediate plans, though. We don't need it as a part to finance the business.

Katz: Okay. All right. No further questions. Thank you, gentlemen.

Pham: thank you for the opportunity to talk to you.

Katz: We may call you back. We'll see. Let's open up the public testimony.

Olson: Come up 3 at a time, please.

Katz: I would like to at least have one more member on here with us. So let's hold off. I think i'm going to change the code to sergeant of arms to go into the ladies room or men's room. They used to do it to us. No, you've been very good about it.

Francesconi: Sorry.

Katz: That's all right. I wanted at least one of you back. Who wants to start? Go ahead.

Dave Bernhard, 2426 NE Halsey, 97232, my name is dave burnhard. I am a member of the rose city church of the nazarene, and also i've been involved in the children's ministries here. I was in charge of the children's ministries, the overseer of them for about six, seven years. In detail of that responsibility a lot of times I was out with the children's ministry workers and we use our parking lot a lot whenever the weather clears up, when it's clear weather, we use that parking lot just adjacent as—I've been out there with our workers playing kick ball and, you know, sidewalk games and that sort of thing. And I noticed the children, when they wait around, there's— they see what's in the parking lot, they're aware of their surroundings, and sometimes we don't get through until it's dark, and in the summertime, 9:30, 10 o'clock, we're still in the parking lot. Also our teens use that as a staging area. They have a fireworks stand in during 4th of july, they use it for their activities, and they're hanging out there right in the parking lot during good weather, and even in bad weather we're coming and going. That's our main entrance from that parking lot just faces on the proposed site of the dance club. And so I just wanted to put a face on this. Another—my main concern is that liquor serving establishment and the activities surrounding it will be just coming 40s-to-face with the patrons and the comings and goings, even though they're proposing a late hour, our activities go that late, and later. A lot of our council meetings and stuff run late in the evening, and we're using that parking lot. The other face i'd like to put on it, I owned a business in northeast Portland, a bakery on 17th and Broadway, for about 15 years. There was a liquor serving establishment, beer and wine across the street, and they had the identical situation.

MAY 10, 2000

They didn't have any off-street parking, and they only had the curbside, which is as far as I can see, this case too. And we had our parking lot directly across Broadway street. And so every night I'd come to work to the bakery at 2 o'clock in the morning, 1:30, when everybody was getting out of the establishment across the street, and our parking lot was always full of their cars, and I can personally testify that the party doesn't stop at the doors of the establishment. It goes on out to wherever the cars are, and people hang out, they talk, they—there are other activities, and we found evidence of that in the morning. We'd have to clean up our parking lot. And all kinds of stuff. We've had that—those things going on, despite what the police bureau said, no record of our church being the center of activity, we've had experience with a lot of activity in our parking lot off street in the past. And so just putting those two together, picturing our kids and our teens and our adults and everything coming and going, even into the late hours of the evening, and then also our custodian and our people having to be aware of what's in the parking lot, and my experience with human nature and off-street parking, and the liquor establishment, I just see a conflict there.

Katz: Your time—for those—since many of you, this is your first time here, there's a little clock. Do you all see it on the monitor? That's your three-minute clock, and then you'll hear that noise.

Hales: I have to preface this question with a little information. I think many of you are here for your first liquor license hearing. So excuse the long preface, but I think it's important to have that. All the city council gets to do in these cases is make a recommendation to the Oregon liquor control commission about whether or not to issue a liquor license. It's not a zoning hearing. In fact, they've been very harsh with us and said, if you give us recommendations based on the code, and the code says the—is the applicant a bad guy, is the place a bad joint, or there are so many bars in the neighborhood it's chaos—that's the sense of the three provisions of the code. Then we get to make a negative recommendation. But the olc chairman looked me in the face and said, if you start using your liquor license hearings as a substitute for zoning, we're not going to take you seriously. So it seems to me frankly that your concerns are about zoning.

Bernhard: my concern is about parking and that they will use our parking lot against our wishes, and there's a conflict there.

Francesconi: That's my—

Hales: That's my point. This is a commercially zoned building. Without coming to the city council, the property owner could lease it to a family adult video or a juice bar with nude dancing. And they wouldn't have a thing to say about it. My question is, have you considered leasing your parking lot to Mr. Pham with a requirement for clean-up as part of the lease so he can solve his parking problem and you can solve your clean-up problem? Because the city council does not have the power to deny a commercial business that may have side effects from being there. All we get to do is make a recommendation to the Oregon liquor control commission about whether he's a bad guy, this is a bad joint or there are just too many bars in the neighborhood. I'm being a little harsh, but it seems there's an opportunity for you to get to yes rather than gamble that some less responsible business owner who doesn't need a liquor license might just go ahead and lease that building without us having anything to say about it. So have you had that conversation with him about possibly working this out on the parking lot?

Bernhard: I haven't personally been involved in that.

Francesconi: Has the church?

Bernhard: I'm not on that part of the dialogue.

Hales: Maybe somebody else from the church can answer that. That's a dilemma for us too. If we make these recommendations they have to be based on the code. What we like to see is people getting to yes with that understanding, that we don't—we have to stick with the law here.

Francesconi: I just wanted to thank commissioner Hales for doing that, and reaffirming his point. He had the bureau of licensing, which makes a recommendation in this case, for four years, and I've tried to follow in his footsteps. The point he's trying to make to you is that we have a set of rules that we have to make recommendations to another body who actually makes the decision. If we deviate from the rules, or—for political reasons or any other reasons, even sometimes when we

MAY 10, 2000

would like to, it not only opens a danger of some other type of establishment coming in there that would create more problems, but it upsets our relationship with this other body when we actually can make a difference. Having said that, we still need to hear the testimony, but I think—and we're—we're looking at our role on these cases, because we raise citizens' expectations and at least when I was on your side, I liked to go in front of the people who actually make the decisions, not the recommendations. So we're looking at that.

okay.

Katz: Go ahead.

mayor, council, commissioners pardon my nervousness. This is the first time i've been in front of you guys. It's different, watching you on tv. [laughter]

Francesconi: You don't really watch us:

yes, I do:

Katz: The whole thing?

no, I get bored. [laughter] so—

Katz: Identify yourself just for the record.

Curry Moore: 2122 NW 16th St., Gresham, 97030, my name is curry moore. I am also a member of rose city church of the nazarene. I am the church board secretary, and i'm also chairman of the finance committee at this church. I've been going to this church for 13 years. I would urng you guys to vote no on this. And i've wrote down a lot of reasons why, but—and with what your remarks are, it boils down—i'm not going to read this, but it boils down to this—we don't desire another bar in our neighborhood. There's already enough bars in the neighborhood along this section of town. Some of the issues I have come up with is this. If there's going to be on-street parking, that street on 70th is very narrow. If we start parking cars down both sides of it, it's going to be a very narrow street, a difficult street to negotiate from a variety of stand points. In the event an emergency vehicle needed to get down that street for an emergency, if that was a situation at that time of night, it mate be—may be difficult for that to transition down that street. As dave said, this is a little bit of a personal issue, that we have activities in the evening, and my fear is that the—our activities that we do with our youth group, with our young children, whatnot like that, is going to conflict, there's going to be a time frame that both activities are going to be going at the same time. Our activities with our youth grape, and the coming and going of participants of this dance hall. It's just not going to be a good mix of time, at that point in time. I have nothing against these people personally. I just don't think we need another liquor license establishment on sandy boulevard. We've already got a lot of them. If you go—i did not go up and down sandy to count how many there are within a ten-block radius, but there is a gob of them. And that's my opinion. And i'm here to voice it, and I don't desire another establishment that serves alcohol in rose city.

Katz: Thank you. Let me just, staff, nod yes or no, is this—i don't recall reading this was a problem area. Okay. Let me just explain that. We have sections of the city where that is a problem area, and we tend then to take a much stricter approach. That's why I asked the question.

okay.

Pearl Robideau: 3323 NE 70th, 97213, good morning. I'm pearl robidoux, and I live right behind this building. And there's just a very narrow alleyway between my house and this building. And i'm very much concerned about what's going to happen if this goes into effect, because of all the noise of the banging of the car doors, the people talking, and I know this building isn't sound proof. And the reason why I know this is because my dining room, my kitchen and my living room all face that alleyway. And about two years ago, they were doing some remodeling in this building, and I could hear the saw, I could hear the hammering and the carrying on in there. And if this goes into effect, what's going to happen when this music starts in? It's going to vibrate my house. What about all the sleeping people? All the working people that's in our neighborhood? You know, to me, we don't need anymore alcohol in there. I'm very, very much concerned about this. And i'm just praying that you will not let this happen. That's all i've got to say.

MAY 10, 2000

Katz: Commissioner Hales, when you asked the question, did you—did you answer—get an answer on the zoning? What else would be allowed in that particular building?

Hales: I think it's commercial general, cg zoning. That basically allows the whole gamut of commercial activities.

oh, dear.

Katz: That is the issue. It is zoned for a variety of uses, and most of them or all of them that fit the zoning we wouldn't have the ability to place any conditions or say anything about it. That's one of the problems. Thank you. Okay. Who wants to start?

Leslie Waygren, 3210 NE 70th, 97213, my name is leslie, I live at 3210 northeast 70th. I made the map you're looking at. What's interesting about this neighborhood, first of all, the map is a result of a very careful scientific study that I did about the availability of liquor in the neighborhood. That is to say, I waked unand down the street and said, oh, do they sell? Do they serve? And I noted all the places. There's quite a few of them. Taverns, restaurants that serve beer and wine, bars. There's a club not a full block away from where they're proposing to do this that has music and is vietnamese. So it's not even, oh, they're different from what they're proposing. If you look at the map, look at what sandy does around the corner from the bar. I live where that curve is. I didn't put that cross street in before that. That street is very narrow. It has a curve, and it only allows parking on one side of the street chlgts there's no place to put cars for 120 people. If they even showed up to go to this thing. When they had parking on both sides of the street, people's cars on the street used to get side-swiped. The way it is now, for instance, our driveway is at a funny angle. We can't get out of our driveway if someone is parked on the— they allow parking on one side of the street, our driveway is on the other. If people mispark, park illegally on the wrong side, we can't even get out of our driveway. There's just not a lot of room there. We did have an incident this past week, there was a fire truck and an emt vehicle. Cars could not get past them. The consideration about emergency parking, that's a serious consideration. The other thing about the nature—it's not our fault that land use thing says general means everything. We would love to have a nice restaurant there. We would die, kill to have a good coffee shop. The neighborhood would use it. My objection is, I don't want people setting off their car alarms at 2 o'clock in the morning. I like to be asleep then. The houses are pretty close. We have enough room for driveways, but the houses are very close. Most have more than one car. They use their driveways, but there are times when there is not enough parking for the people who live there. They're on the street, the street is pretty full at night when people are home. It's the same time when these folks would be trying to park to use this bar and restaurant. Just a couple of points, where did it come from the video poker? It came from their application. For heavens sake—

Katz: We spotted that. We'll ask that question. Actually, commissioner Saltzman spotted that.

Waygren: good job. This was a represent—this represents a significant change of use. It used to be a janitorial supply use. No impact at 2 o'clock in the morning. That's our big objection. The parking is a pain, but the parking it—people setting off their alarms at 2 o'clock in the morning, that's a gigantic pain. Okay. The other thing i'll say is that if you look at how there's this big gap in where there's a cluster of stuff here, a big gap and a inclusion ter here, to prove this license, you might as well offer a tax abatement so you can have something between 72nd and 73rd, because you shouldn't have no Portlander should have to stumble more than a block to get their next drink. Cover the whole area. [laughter]

Katz: Let me ask you a question. The safeway is across the street. Is it open 24 hours? I don't think it is anymore.

Katz: All right.

Waygren: also, traffic is ridiculous trying to get into that parking lot. I've seen people cut in front of buses to get into the safeway parking lot. That crosswalk is not enough time to walk across the street, particularly if you were older.

Katz: Mr. Morrison, or anybody did anybody work with safeway in terms of dealing—we'll get back—okay, we'll get back to you. Go ahead.

MAY 10, 2000

Jeff Hook, 3313 NE 70th, 97213, i'm jeff hook and I live at 3313 northeast 70th. I'm the second house south of sandy boulevard, so I would be the second house in from the proposed establishment. I would just like to say that i've lived there for ten years, and the neighbors and I have worked hard to build a sense of community, and relations among the neighbors, and we have really tight neighborhood. And neighbors that live on the fringe of neighborhoods know the pros and cons. There's noise, drug activity, prostitution, and I guess that's part of living on the edge of a neighborhood close to a busy street. But you're close to safeway, close to a lots of mass transit, good things too. So personally I understand the need for a new business at that location. Nobody wants a vacant building. However, I feel we need one that works more in concert with the neighborhood, and to build more of a—something that fits in with the neighborhood, and that everybody would like and use. The proposed business I feel would degrade the quality of life in this neighborhood. Just mainly because of the hours noise, and not just noise from the establishment, but residual noise. I don't know if they're going to be able to do anything to address that, and then the parking, the narrow streets and emergency services, it's a problem. My house, for instance, I don't have any air conditioning at night, I have my windows open to keep cool in the summertime, and i'm just afraid i'll never get any sleep. So on behalf of myself and the surrounding neighbors, i'd like to ask the council to please don't recommend this permit. I guess it's partly my fault for not understanding, you know, the—your role as what—what your limitations are as far as recommending, but I would also say there are many, many liquor establishments and probably not enough parking to support all these establishments within a close proximity to our neighborhood. Thank you.

Katz: Questions? Let's keep going.

Rev. Michael Morrison, 7016 NE Sandy, 97213, mayor Katz, commissioners, my name is mike morrison, i'm the new pastor at the church. I've been there about eight weeks, almost nine. I'm enjoying the city of Portland.

Katz: Are you not from Portland?

we are from california. I've moved up from the san francisco-sacramento area.

Katz: Welcome to the city.

Rev. Michael Morrison: thank you. We were enjoying our stay here and looking forward to a lot of years of ministry and participation in the community. First of all, i'd wlik to applaud the efforts of this gentleman to establish a business, and to organize— make himself a part of our community. And i'm strongly in favor of anything that can be done to assist in the organization of a business and to help him. However, as a church, we are opposed to the use of alcohol and in the establishments that are directly related to us. I was out to measuring some of the distances, and our property lines are only 35 feet apart. Across 70th. And our buildings are approximately 100 feet apart from building to building. If I understand correctly, we were looking at the license can criteria that's used for granting this type of a license here in Portland, and we pulled this information from the internet that says on the basis to deny or restrict a license would include the following issues related to probable conflicts between the community and the exercise of a licensing privilege. Part c says, the applicant proposes to locate near a licensed child care facility, element or secondary school, church, hospital, nursing care facility or convalescent care facility, park, or children-oriented recreational facility, and rehabilitation facility. We certainly are within the stipulations also included in those criteria. We are certainly within the 500-foot limit that is established by your licensing criteria. Again, we're opposed to it, its closeness and proximity to the church. We have many children activities very impression I can't believe children and teens who are involved in programming that go in multiple hours. Many days of the week, and we would just encourage you to help us in this area. I've heard it said that the church is spearheading this opposition. That's not true. The church has been without a pastor for the last 15 months. We've had—and i'm the first new pastor we've had, and i've only been here eight weeks. The opposition has come from the community itself. And they have approached us and asked us to be involved in it as well. And we certainly are sympathetic to the cause, and are part of it. We would

MAY 10, 2000

also oppose this on the basis that there is insufficient parking, and that would add to the congestion on the street. There are maybe four or five parking places available in front, and possibly down the side, and how in the world is he going to park 120 patrons? I understand they have contacted Safeway and Safeway has not agreed to allow them to use their parking lot. It was asked if we could make an agreement to allow them to use ours. I'm sorry, but we can't. In the statutes that—and the organizational by laws of our church, because of our stand on alcohol, it would prohibit us from entering into this type of an agreement. So we cannot enter into this type of an agreement to help. I would also contend that the problems that we've experienced are not problems of the past, they are current problems. We're experiencing—we've had vandalism in our church. Every week we're picking up drug and alcohol paraphernalia in our parking lot, and there has been damage to our parking lot.

Francesconi: I appreciate your willingness to try to help an emerging business, and I also appreciate your reference to the code about the 500 feet. And it is kind of technical, but you left out a couple parts. It says 500 feet of worship, and then it says, and will it adversely impact the facility. If the applicant shows it won't adversely impact, that's one way he could go. But the other way he could go is to say that if it meets—he can show good cause if it's consistent with the zoning. So Commissioner Hales has pointed out it is consistent with the zoning. And therefore parking is really not an issue. And it also gives good cause. I just wanted to clarify for folks. I know it's technical, but it was a little confusing from your testimony.

Rev. Michael Morrison: what then would be adversely affect?

Francesconi: I guess you could argue parking, but the problem with that is you have a parking lot there. So I do have—how would parking be an issue for your people after 9 o'clock? If you've got a parking lot?

Rev. Michael Morrison: simply because of the bylaws of our church—

Francesconi: For your members.

Rev. Michael Morrison: that's what I'm getting to. Because of the bylaws of our church, we're not at liberty to support or engage with any businesses that would be involved in the sale or consumption of alcoholic beverages.

Francesconi: I understand.

Rev. Michael Morrison: which would then say that is a conflict with us.

Francesconi: I wasn't suggesting—although it would be nice—I understand you can't allow that. I'm saying if members want to go to church after 9 o'clock, they can park in your parking lot. So therefore there's not an adverse impact. Maybe I'm being too technical here. On your church, you have a parking lot. Do you see what I'm saying?

Rev. Michael Morrison: yes. I understand. However, because of problems that are currently occurring in our parking areas, we are at a place where we've had to chain off and post no parking areas in our church. So every night we have to chain up the parking lot to keep people out. In fact, just two weeks ago we had someone drive through the posted areas, break down the barriers, break the chain, break the lock, pull down two four-inch steel pipes that guarded the entrance to our parking lot. So they could access our parking lot. We're receiving that damage on a continuing basis. For us to maintain the integrity of our parking lot and of our facilities, we may have to extend that protection even out into the very front of our parking area, which would then preclude its accessibility to the tri-met park and ride area that we're currently providing.

Francesconi: Okay. Are there other—what particularly are the other adverse impacts that you are not already experiencing? That you're concerned about from this establishment?

Rev. Michael Morrison: those are the two primary ones we're experiencing.

Francesconi: Parking, and what was the other?

Rev. Michael Morrison: parking and the adverse effect on our impressionable children and teens.

Francesconi: Okay. Thank you, sir.

Katz: Thank you. Okay.

MAY 10, 2000

Waygren: I have one question. If it's—if it all goes by the book about how it's coded, why do we even have a hearing?

Hales: We've been asking that question for quite a while. This hearing may not make this very clear, at least in terms of my questions in jim's, but this council has been very tough on liquor licenses over the last eight years.

Waygren: I encourage you continue to do so.

Hales: If somebody's run a bad establishment or where there's been a saturation problem of so many establishments in the area that the noise and disruption has gotten to a point where it's measurable in terms of police reports, not just imagined in terms of what might be, we've got to have a record. That's why jim is asking these questions about what are the adverse impacts. Whenever we've had something as—to hook a negative decision to—we've made very strong recommendations to deny this renewal of a liquor license deny this new application, and most of the time they've backed our play.

or—

Katz: Or put conditions.

Hales: But they've also said, if you try to use this, Portland as a substitute for zoning, and that's why I wince every time one of you says something about parking. We have liquor establishments with no parking whatsoever. We can't do this based on parking, frankly. And park assisting an issue, I understand it, it's a legitimate issue, but it has nothing to do in our code with the liquor license renewal. We get to make a recommendation to olcc. That's it. We don't get to say, you get to have a business, you don't, and olcc can look at our recommendation and say, oh, they were just playing politics with the neighborhood. They don't have any basis for this. We're going to issue a license anyway. So we have a very weak effect on the ultimate decision to— whether or not mr. Pham gets a liquor license. And we're not sure it's worth our time and yours to do this. Which is why jim and his bureau are considering this question. That's the problem. Our recommendations are a very weak force on the ultimate decision that the olcc makes.

Katz: But—

Waygren: In the six years i've been here, we have had significant police interruption. We have hookers all the time. We found a condom in our driveway two days ago. It wasn't mine:

Katz: That's why they do prostitution stings on sandy. But let me just add to what commissioner Hales said. It's a good question, why are we doing this. But again, in some cases we're able to work with the establishment to create a good neighbor plan, with the neighborhood association or the neighbors, some cases we're able to look at the hours, in some casings we're able to set conditions. So we have a little bit of control rather than none at all, and only leave it to olcc, which makes us a little bit nervous.

Hales: One more comment from me. Ironically, we the city council have more control over establishments that have a liquor license than we do over the ones that don't. If somebody wanted to come in and put in an adult video store and have—and be open all night, 24 hours a day, we wouldn't have anything much to say about it.

Katz: Which they could do.

Hales: Was very a—we have a liquor license recommendation authority, we at least have the ability to impose conditions.

Francesconi: I want to give the council heads-up. After the applicant testified, he's said some things as to how he wants to operate his business. I don't like putting conditions on liquor indications, but in this case where the applicant has specifically said some things, i'm going to guess— suggest to the council if we proceed this way to put some conditions on the approval. So i've asked them to draft it, which I hope you're doing over this. Over there. I just want to give a heads-up to this.

Katz: One last question.

Rev. Michael Morrison: just a statement. We would not be opposed to a restaurant. Not in the slight eggs. However, if it were an alcohol-free restaurant, we would not have a problem whatsoever.

MAY 10, 2000

Katz: I realize that.

Rev. Michael Morrison: and we would be very strongly supportive of that.

Katz: Thank you. Let's continue.

Olson: Please come up three at a time.

Katz: Go ahead.

Tammy Mehner, 3228 NE 70th, 97213, okay. I'm nervous. I'm tammy, I live at 3228 northeast 70th. I'm a single mom, raising three children. My oldest will be 14 on saturday. We can see the back door of this business. Not only—i know parking has been mentioned, but also many of the houses on 70th share driveways. So therefore, question resort to the street. We resort to the street. My problem—dinner, okay, 9:00 p.m.? Who eats dinner at 9:00 p.m.? That bothers me a lot. Alcohol, problems come with alcohol. We have a big enough drug and alcohol problem in this town, and for it to be right on the corner, it just—i'm trying to raise kids, and what kind of message are we giving our children when we can—they can walk out the door and see what's going on? That's my issue, i'm trying to raise my children not to go into the drug and alcohol world, and when it's faced with them, it kind of gives them the message that it's okay. And it's not okay. And I just pray that I know you guys say your hand resist kind of tied with the laws, but god has his hand in this too. And that's what we're leaning on. So it's just real hard with the kids. And i'm not the only single mom, the only one who has kids on that road. There's many children. Thank you.

Katz: Sir, go ahead.

James Montgomery, 11847 NE Argave (?), 97220, i'm jim montgomery. I haven't appeared in front of this group. Eric certainly doesn't look like bill bowes.

Katz: It's been a long time:

Montgomery, the mayor was never that good-looking. And you can tell it's election year when you hand out flowers at the beginning of the session. [laughter]

Katz: Could you—did you introduce yourself? I missed it.
i'm jim montgomery.

Katz: Thank you.

I live in northeast Portland.

Francesconi: We all know it takes more than flowers nowadays let me tell you.

Montgomery: i've seen some signs around, and i've—a lot of pictures and so forth. I want to thank you for the privilege of coming here. I thank god for america, that we have the privilege as a—the freedom for—to us and for you people to liSten to us. I'm a member of the church and have been for more than most of you are old. I was a policeman, reserve, for eight years. I had the keys to the jail, I worked with terry castaway for the county. One of my favorite judges was tony cashado. My favorite was dick eunice. Some of these guys have already retired. I guess I have too. Anyway, i've been involved in this sort of thing—i had an office out in parkrose. They wanted to put a building similar to this out there. Everybody was against it. All of the neighbors and businesses were against putting this business in. But—but it went in. It was a bad situation. One business owner had his property there where he didn't want the patron toss park on his property, because he needed it for his business. And we were on at all—town hall, and one of the patrons of the unwanted business tried to run him down with a car. He was protected by his son-in-law, or he would have been killed. But he did get to town hall to testify. That was on live television on town hall. This sort of situation is like a beautiful pool of water. You drop a rock in it, and it ripples out to the neighborhood, decreases the property values. The more or less of the area. History shows us down through history. I am a member of the church. We have youth coming sometimes we have youth come from other churches, and because our church is conveniently located, they—15 or 20 or 30, I think we have some coming—don't we have some coming from one of the colleges soon. They use the church as a safe haven for the—where they can bed down and stay for a night or two. All right. And this thing goes on until 2:00 in the morning. There's one door of the building opens on the side where all of the church does. The traffic in the area is already real bad.

MAY 10, 2000

Katz: Your time is up. Why don't you just finish.

Montgomery: my time is up? Oh, it can't be: The traffic is real bad. It took running over a woman to get a traffic light put in there. We have the traffic light now, so the traffic is already bad.

Katz: Thank you.

Montgomery: we can't use—we can't let them use our parking lot. Park and ride will have to go.

Katz: Thank you.

Montgomery: thank you. I appreciate—I appreciate what you're doing. I've never been a mayor.

But I know that it's not easy. And it disbushes me when I see the newspaper tearing you apart.

Katz: It happens all the time. It's all right. It's part of the job. Thank you.

Montgomery: it's a hard job. Thank you kindly.

Katz: It is a very difficult job. Go ahead.

i'm peter, the land use chair of the—

Katz: They can't hear you. So speak up.

Peter Meijer, Land Use Chair, Roseway Neighborhood Association, 2936 NE 66th, land use chair of the roseway neighborhood association. I'd like to perhaps talk directly to commissioner Hales' opportunity to get to yes, and at the same time refer back to perhaps a different definition of good cause. It's understandable that the applicant and the neighborhood might have misconnected on the first couple of times of trying to get together. Regardless, we did get together. And I think what has occurred, or what precisely has not occurred is that the applicant has made no further contact with the neighborhood. I really don't think the burden of communication, although it's a two-way street, is on the neighborhood to demonstrate neighborliness. It's really up to the applicant to listen to our concerns and come back to us and address those concerns. So from that standpoint, I don't think good cause has been demonstrated from the applicant and—in addressing neighborhood concerns. There hasn't been an opportunity to get to yes or further community with the applicant. Second, we can only judge the application based on the paperwork. The actual application. So that I think is clear that it's not a restaurant, it will be a nightclub of sorts. And so it is in the definition, as I understand it, being able to call—where in fact this is a nightclub. And I think it needs to be known for a nightclub, and that entertainment will happen, and there is no control over what type of entertainment that is. Also, the applicant says—application says that video poker is pending. So they may not have their application in for video poker now, but that's not to preclude that it won't come in at a later date. Finally, why is it that six security guards are needed at this establishment? There are no other establishments with security guards in our neighborhood. So why all of a sudden do we need one establishment with six security guards? Is it because of the upcoming video poker because of the entertainment that's likely to come? Is it because of the type of patrons that will show up? Also, i'd like to address—put a different spin on perhaps all the parking issues that you've heard. When the kant was up here, there were a number of questions that I would classify as just trying to get an understanding of the applicant's operating procedures, how much forethought has gone into this application, and what type of establishment, when commissioner Francesconi asked for the business plan. One would think that the applicant would have done his general zoning code as well as building code to understand what the implications of putting the establishment in are. And there are zoning repercussions, and there are code repercussions. The kant, to my understanding, probably does not realize that this is a change of use. And although you have clearly stated you can't rule on this, this change of use will involve a complete seismic upgrade. So has the applicant really given that type of forethought into his liquor license, and the business establishment going from mercantile to general assembly? I don't think so. Is that demonstrative to the lack of forethought into the noise issues, the change in livability that will accompany this? Are we just getting—seeing the broad brush stroke, give us our liquor license and let us move forward? Thank you.

Katz: Thank you.

Katz: Go ahead.

MAY 10, 2000

George Bach, 3129 NE 71st Ave., 97213, my name is george, I live at 3129 71st, just around the corner. I appreciate your comments, commissioner Hales, and mr. Francesconi, on what you can and cannot recommend. So let's go back to—and I would imagine that you can recommend a refusal if you're getting false or incorrect information, which was the last gentleman's point, if the business plan is not sound. Let's look at the math. I've changed the comments I wrote to speak to those points. Number 1, middle-aged people on the latin dancing or the french-style dancing, latin dancing is the biggest craze in Portland. Look in the a & e, and all the places have latin dance nights, lessons. It's extremely popular. I've taken latin dancing at one of the clubs, and the music, it's young people, it's the bar crowd that is shifting because it's something new and exciting. So those are the people that will be there. It is a nightclub. We're all certain of that. Six security guards, \$15 an hour that's \$450 a day. With 100 customers, that's a \$5 cover just to cover the security. If we're planning on having the bands and famous people, and he's talking about the 8 to \$10 cover charge, I go out somewhat frequently in Portland, very few people charge the 8 to \$10 cover charge. Generally any dance club, 4 or \$5 cover charge. The crystal ballroom, one of the big dance halls in Portland, \$10 major act. And so to get that draw in this small no-name place, unknown place that people are going to be shelling out this \$10, I don't think the mads is going to work with the upgrades to that building. I'm a restaurant supply—i'm in the restaurant supply business, it's my business. These are my customers. I understand the restaurant business, I understand the nightclub business. I know what it costs, I know why fully more than half of them fail in their first year of operation. And another 30% fail within five years. It's a tough business. The math doesn't work. I look at that location, looking for a nightclub/dance hall, quote unquote food service, the overhead that goes into food service, incredible. Again, it's my industry, it's my business. I look at that business, I don't see success with the math that's down. The parking on the streets, it's very narrow. We are going to change the use of that. This isn't a zoning meeting, but having this nightclub will limit emergency vehicle response. Those streets are narrow. I would—next time you're going to the airport, when you go to the stop light at sandy, take a right. The business is right there. Drive down that street and envision it—the owner needs that—to have a successful business. He wants the business to grow. Well, to grow that business and have 100 people a night is 50 or 60 cars, or 70 cars with maybe ten of them able to park on sandy. The other 40 or 50 cars do need to park and block those streets. I don't see the math working. The—and the crowd that he's talking about coming there are not the crowd that is going out to all the other latin dancing places in Portland. It's the young crowd, it's the drinking crowd, and that's who's going to be in that establishment.

Katz: Thank you.

Art Gould, 1616 NW Angeline Ct., Gresham, 97030, my name is art gould, and when I kim, I wasn't really expecting to say anything, but I put my name down just in case, and I was here for support. I'm a pleb of the church, and— member of the church, and I recognize and sympathize with the frustrations that it seems like you're dealing with with what you can't do, and what you're telling us you can't do, and I understand that. I also have heard that you have token about adverse affects on the church. as I think about the church i'm not thinking about the building, but about the people. That's who really makes up the church, is the people. Or are the people. And i'm a parent of four teenagers, and my youngest is a daughter who's—she's almost a teenager, she's still 12. But adverse to me is having her down at the church late at night if something is going on down there that i'm uncomfortable with. And that's a major concern on my part. My other three are boys, and I haven't been too concerned about them just because nothing's been going on down there, but with my daughter, if this is going on down there, it's definitely going to be add adverse affect on the church. Because the church is the people and i'm not the only one with the young daughter that goes to that church. So that's basically what I wanted to say.

== I appreciate your slip of the young about your 12-year-old going—being a teenager. My 12-year-old act like a teenager too.

MAY 10, 2000

Karin Sandwick, 3210 NE 70th, 97213, my name is karen, I live at 3210 northeast 70th. There's a line of sight from my porch to both the church parking lot and the proposed business site. I know that often enough I see young people in the lot of that church late, 9 o'clock, 10 o'clock, sometimes 11 o'clock. And they're doing things. They're not being noisy, but they're being active. When I 91st moved in it made me nervous, but—because kids hanging out on the street. But they seem to be well behaved. I can see that—well behaved. I can see there would be interactions between the clientele of the business and the church activities. I have a concern about maintaining free flow on the street. Again, in reference to emergency vehicles. Those are two of my major personal concerns, but I have also a letter here written by one of the neighbors who was most active in organizing people not the church. I did not see any church organization whatsoever on this issue. But I did see my neighbors getting together. And I'd like to read in the letter from my neighbor and her husband, who live at 3110 northeast 70th. Just three houses down from my own.

Katz: You've got about two minutes, so go ahead.

Sandwick thank you. This letter is regard to mr. Minh huy thai pham's application for liquor license at—you know the address. I'm going to summarize the first paragraph. You've heard it all. We oppose it. We went to a neighborhood association, they didn't show up then they did. What their plan is—we remain opposed to the application because it would serve the business owner, but ignore the needs of the meem who live in the neighborhood. The application is misleading in nature. Any business operating between the hours of 9:00 p.m. To 2:00 a.m. With loud music and video poker machines should no way be considered a restaurant, but a nightclub. Residents are building a community of responsible supportive neighbors. We have struggled to reduce the presence of prostitution and drug sales in our neighborhood to create a place where people wish to raise families. The patrons of isis could propose a threat perceived or actual, to these families and this community. In addition, problems commonly associated with nightclubs, loud and object noxious behavior, excessive noise, drunkenness, public urination, litter, would erode the quality of our lives. Parking is completely inadequate for 120 patrons. The church of the nazarene, located across 70th avenue, does not want bar patrons using the parking lot. The church remains opposed to this business and would like to close the parking lot to tri-met riders should the license be granted. Parking for noncustomers at the safeway lot is not allowed either. Therefore, patrons would be parking in residential streets. Our neighborhood has narrow streets and few off-street parking spaces. Parking is only allowed on one side of 70th avenue. For—the likely result would be extremely crowded parking conditions with many homeowners unable to park in front of their own homes. Patrons walking and driving through our streets would not be welcome during late-night hours because of the noise concerns.

Katz: Thank you.

Sandwick the next paragraph says he's unsatisfactorily addressed our concerns, and thank you for listening to us.

Katz: Thank you.

Bach: I have one question. Is there going to be a vote at the end, or will we take this under advisement?

Katz: We'll have to see.

Sandwick if you finish today, will this be taken under advisement and voted, or will you talk about it amongst your sefion—

Katz: Usually we take a vote, but there are some tims we ask the applicant and the community to do something before and then come back. But usually there is a vote.

Bach: I would suggest you ask both we and them to address these needs back to you at a later time, and as well now that we understand I think for the most part, for the first time all of us, we've all come in talking about parking and other issues that have nothing to do with this, and I have several other points of—that I believe do address exactly your issues and perhaps they could address those and could we at a later time make a decision.

Francesconi: I assume you've told us your points.

MAY 10, 2000

in three minutes? I have—

Francesconi: What additional points do you wish to make?

I think—

Francesconi: Briefly.

Bach: I think my additional points go to the math of the business plan and though you're not authorized to—

Francesconi: You told us about that. I'm confused about it, which I can talk about that later. Other than the business plan?

Bach: yes. Now that we understand the— the business plan as stated and as applied for does have I believe some flaws in it to your two points, that—especially your third point regarding there are too many maces—places in the neighborhood. We are saturated. Sandy, because of the investment this committee has done, sandy is growing very rapidly. All of the fantastic improvements to that street, adding a high density late-night establishment does take us to overflow to too many. If in fact that is a cause for rejek shun, then—rejection, an incorrect statement on the math, the math of this place doesn't work, and we are saturated already with this type of location, and at this kilo indication for a successful late-night nightclub puts us far past overflow in that area.

Katz: Thank you. We'll see as we continue. Go ahead. Do you want to talk on this? Come on. Did you want to talk on the liquor license on this item?

oh, of course:

Katz: Okay. Go ahead.

Lisa Chiba, 4141 NE 63rd Ave., 97213, my name is lisa, i'm a board member of the neighborhood association. The neighborhood association joins a broad spectrum of concerned neighbors, a nearby church and local businesses and opposing the application. I won't go over the whole thing, that it—we now consider ate nightclub, not a restaurant. 72nd and sandy boulevard is the heart of our neighborhood. It's our central district. We're trying to make it a viable neighborhood. We have a grant pending to— pernding to produce a vision plan, so we're hoping to— because we know we're on the 20/20 plan. We also have a long list of things we've done for the community and as a community— and as a community. What we don't need is a nightclub. When we have real strong livability issues with adult businesses that are within blocks of that business. In closing, the neighborhood association wishes—as the neighborhood association wishes to be clear, we're not against having a restaurant with a liquor license. But we ask your support in helping us to retain and build a strong community. Thank you.

Katz: Thank you.

Jada Mae, PO Box 3346, 97208, I fear a society that fears dancers over texas ranger, over tv, where all the children are allowed to watch so many gunshots that if this actually happened in Portland, three episodes would wipe out everybody. So we wouldn't have anybody to complain. I just came in, I didn't realize what the issue was today, but I always show up on these sorts of things. And talk about noise pollution, the worse noise pollution in Portland is fire trucks, ambulance, and the police cars that lift the place right off your bones. I think even half the noise that they make, it's still noise pollution. I happen fob a night person. I love the smell of the air when the cars are asleep. My chances of getting across the street without getting killed by a pollute mobile is much better if it's at night. I am a night person. I am here during the day because it's wednesday, and I like to have you have some compassion on the night people. Night people are just as important as the day people. Without the night people, you wouldn't have clean streets, you wouldn't have anything. There's nowhere to go to the bathroom for night people. That's another issue. Vera, i'd sure like to get ahold of you about saving the Portland police. I think we should be punishing prime polluters and not drug users. We've got pollution that is rampant. Thanks to all the cars that everybody wants to love more than issues and people. Anyway. Hope I can meet them cheap soon. Thanks.

Katz: I got that on my list.
thank you very much.

MAY 10, 2000

Katz: Anybody else? Questions of the applicant, or of staff? Do you want to come up just in case?

Francesconi: Council, here's the conditions that mike and jim came up with.
i've got some questions.

Katz: Let's get to questions first.

Hales: Could we get the applicant and his representative to come up too? I'm not sure if there's any connection at all between parking and our criteria. We've still got to think that through. What are your plans with respect to parking? Somebody said you had approached safeway and were rejected in an effort to use their lot.

Bud Morrison: yes. I approached them, and found out after detailed investigation, the corporate policy of safeway is not to lease anymore space. They've—they just have an outright policy, no.

Hales: They own the whole lot across the street?

Bud Morrison: they do. I specifically was inquiring about that particular safeway. We looked at other major places that have parking, and it's the same problem. They don't want to be responsible or the liability factors. We are—would be most willing to be generous in leasing space from the church, but I appreciate the church's position and in that regard I contacted the church early,ery—I remember, because I know the church pastor has the same last name. And I was told he would get back to us so we could set up a meeting. That never happened, but I understood the church didn't necessarily want to get involved in our operation, and so there was kind of a solid wall there. Or there's a bad communication problem. But we did make an attempt, and also at the rose city neighborhood meeting, we did offer to meet with anyone at any time, answer any questions. We don't care what those questions are. I made an open policy that we would do anything. And again, we're willing to work with the city if there's conditions that the city would like to impose as far as, you know, the appropriate dancing or inappropriate dancing, whatever. We would be most happy to work with the city in all regards.

Hales: Thanks.

Katz: Further questions?

Bud Morrison: one thing further. We did go through extensive plan review of the code. If anybody is familiar with this process, which I do as a living, that's my business, residential and commercial development, we went flew the entire process, looked at the code over and over and mr. T was with me on several occasions, and saw no problem there. As far as our math, or the business problem, i'm a professional business consultant have been for many years. And I also know that the refugees and the southeast asians, especially vietnamese on san dpi boulevard, have been successful in many forms of business. There are so many businesses, vietnamese, we call it—they have business interests active in leasing. It's a good cause, I covered that. We did make every attempt to follow up and try to meet with everybody concerned. Because we have nothing to hide. We'll answer any question. I assured them that. I guess—oh. The other factor is, how about like an all-night supermarket with packaged beer? What would be—or without packaged beer and wine? It would generate far more traffic problems. I don't think we would get any opposition at all. It's the qlol. It's the alcohol.

Katz: Thank you.

Saltzman: Why did you tell us earlier today that you had no plans to put in video poker, and on your application it says video poker application is pending?

Bud Morrison: don't know why that got on there. I believe we answered the question. We had no immediate plans to apply for video poker. I can even say—

Saltzman: On the application it says pending.

Bud Morrison: I don't know where the pending came from. I know it says that.

Saltzman: But there isn't?

Bud Morrison: we do not have any immediate plans, i'll say in the next few years, to apply for video poker. As a matter of fact, mr. T is not favorable to video poker because of the problems that result.

Francesconi: Would you agree to a condition of no video poker?

MAY 10, 2000

Bud Morrison: yes.

Katz: Before we get to a condition, I need to ask a question. On your first page, mike, you have the hours of operation will be 9:00 p.m. To 2:00 a.m. Thursday through saturday, and sunday 9:00 a.m.—it's p.m.? That's what I thought. Okay.

Francesconi: On the issue of the business, here's what the conditions were that were suggested. Just, six security guards with three of them being outside. Serve food during all the hours of operation. Install adequate sound insulation. And no video poker. Can you live with those?

Bud Morrison: yes.

Francesconi: On the issue of the—do you understand, sir?

Bud Morrison: yes.

Francesconi: Can you live with those?

yes.

Francesconi: On the issue of the business plan, some of this is expensive. If you can't, then your business doesn't make it. Then the neighbors don't have a problem. So I guess i'm not sure of the relevance of the whole business plan discussion. It's certainly not relevant at olcc. I guess I would propose that, but i'm open to hearing a discussion from the council first.

Hales: Maybe just a question, or possible refinement. I think I understand why the applicant proposed security guards. I guess i'm not very comfortable with specifying the number of security guards, and one of the reasons for my line of questioning about the parking, even though I don't know if it's directly tied to our authority to make a recommendation or not, one of the things I wish we'd seen in this application, sounds like they tried with safeway, sounds like it wasn't feasible for the church because of their policy, because they had valet parking with somebody else's parking lot. I would rather they had less security guards and more people on the payroll to do valet parking in terms of impact on the neighborhood. If there's going to be a restaurant there. But I don't know if they have the opportunity to do that now. They may not have the opportunity to do that a year from now. But saddling with them—them with the requirement that they always have six security guards, it might mean they don't have enough payroll to—for valet parking. We've had experiences with that with other restaurants and other neighbors. In one case it does happen terror a church—to be a church n. One case it's a hospital, where we're using valet parking to alleviate the parking impact on the neighborhood. I guess telling them they have to always have six security guards, i'm not sure if that's the right number, and secondly, I don't know if it prevents them from doing something that might be more helpful to the neighborhood in the long run than security guards.

Francesconi: What i'm thinking about, folks this, isn't the first case we've had like this. I'm thinking back on the paragon where we required security guards. And we required security guards outside, and the reason we did is because of noise that was happening outside. As well as disorderly behavior. So I am not comfortable with proceeding with no security guards. Nor am I comfortable proceeding with no security guards outside. Because I think that's critical here to making this thing work. On the other hand, a—locking them in to six is something i—I don't necessarily have to do either. I'd like to have at least a minimum of four with two outside. But i'd like to hear from the rest of the council.

Katz: I have a technical question on the video poker. It was a long time ago since I dealt with this issue, but can we actually put a condition on that, since this is a state program? And the only condition, a very minor condition on the state level.

Sanderson: in this case, I thought it probably would not become a license restriction, but at least for the record we have established that there is an agreement between the city and the applicant that they voluntarily agree to no video poker. As far as it being made a—and it can be stipulated in our recommendation. It's unlikely it will be made a license restriction at the olcc level.

Katz: Because of the state statutes.

Sanderson: exactly.

MAY 10, 2000

Sten: I have a question for the council. What's the public policy we're achieving by adding video—banning video poker? What's being achieved by that?

Francesconi: I guess that's for me, since I suggested it. I have to put aside my own personal views. I guess it would be twofold. One is impact. If—I don't know if you'll buy this commissioner Sten, but in terms of people coming in terms of outside impacts in the neighborhood, that's one. Two, from a social—maybe this is my own personal thing, from a social stand—impact standpoint, I just think that it unduly promotes gambling upon which our—we become too addicted. So that's my reason.

Katz: You could say the same thing for alcohol too.

Francesconi: I wouldn't do it without a voluntary agreement. In other words, we don't have the power to do it without a voluntary agreement. That's why we can't do it with liquor. It has to be a voluntary agreement.

Katz: Further discussion? There was no motion. I just—anything else?

Francesconi: Well, I guess it brings up the issue of nude dancing. I didn't forget about it. I didn't put it in, because for us to require it as a restriction is unconstitutional. We can't do that. That's why I left it out. I guess this would be in the category like video poker of a voluntary agreement. Not a restriction. If I'm being clear. Okay? It wouldn't be a restriction. I'm looking at the applicant. This would not be any restriction. We can't require it. Because that's unconstitutional.

Bud Morrison: we would agree to it.

Francesconi: Thank you. I didn't have any others. So unless I hear more discussion—

Katz: How does the council feel on the conditions that were presented? Before I ask for a formal motion. Why don't you run them by me again.

Francesconi: I'm deferring to commissioner Hales. I think four security guards is a minimum. We'd like you to do six, and have a voluntary agreement. But two in and two out, serve food during all hours of operation, install adequate sound insulation, and then voluntary agreements on no video poker and no nude dancing. With those conditions and voluntary—two voluntary agreements, I would move that we accept the bureau's recommendation and grant the liquor license.

i'll second that.

Katz: Further discussion?

Sten: I think it's—if it's—it's a good compromise. My uncomfotableness is, what we're doing is arbitrarily putting conditions on him that I suspect some of them will make no difference to you as neighbors. And, for example, video poker. I just—I think gambling is close to immoral, if the state depends on it. It probably will be the difference if they can provide valet parking and security guards in terms of the profits. So we're going to limit his profit on a condition that I don't think is going to affect—I don't think people will pay the cover charge to get in and play video poker when it's available in the neighborhood. I'm not sure what we're gaining by putting that condition on him. So my uncomfotableness is, we're negotiating something that's going to limit him and I'm not sure it's getting any of the benefit from limiting him into your hand. I understand you'd like to not see it happen, and he'd like no restrictions, but throwing restrictions out there that cap the business's income, I think—I fear could hurt both sides when this is all done. It makes his operation tighter and tighter, and that's what's going to—I don't know. The video poker one makes me just uncomfortable that we're banning a legal activity that—you say they don't want to do it i—so I guess that's fine.

Francesconi: Do you have any other concerns about any of the other concerns?

Sten: I think the nude dancing fundamentally changes the type of establishment it is. And I think that the neighbors have a right to understand what it is. I don't believe four or five video poker machines or whatever he's going to get is going to fundamentally change it.

Francesconi: So my—are they going to liSten to us anyway on this question of video poker? They being the olcc?

Bud Morrison: my honest answer is I don't believe so.

Francesconi: I—okay.

I don't believe they can.

Francesconi: With that honest answer, I would like to amend my motion to—and just withdraw it.

Lits not mislead anybody here.

Katz: There's a desire—

Francesconi: In deference to commissioner Sten's valid point.

Katz: And I don't think that is going to fly at olcc. Is that all right with you, commissioner Hales?

Hales: Yes.

Katz: Let me just comment that I think commissioner Hales issue of valet park assisting probably one that if you have the ability to do that, will eliminate some negative impact on the neighborhood. I live in an area where there are a lot of bars, restaurants, no—hardly any available parking, and the use of valet parking at least keeps the noise away from where people live and sleep. So I don't want to naught as a restriction, but you're going to have to live—if this goes through, you're going to have to live with this community, and you may even want to have some of the neighbors come to your establishment. So that would be just my kind of personal recommendation to you. Because there is noise. People—I know automatically when 2 o'clock occurs. I don't have to look at the clock. But it's been minimized by valet parking.

Saltzman: I wanted to try a twist on one of the conditions. That deals with the security versus the valet parking. The applicant has already made a commitment have six security people on site. I'm wondering if we might modify our condition to say that we want six people on site, a minimum of four have to be security, and that allows for two to be valet parking. Two need to be outside, too. Keeping that part of the condition too. I think the applicant has already committed to vix. We should hold him to that commitment of employees. People working on the job. Either valet or security.

Francesconi: I'm fine with that. Do you understand?

Katz: So it is a total of six, but—

Saltzman: At least four security. Could be six, but it also could allow for two valet parking.

Katz: So you have an option of six security or four security and two valet. Okay?

Bud Morrison: fine.

Katz: Go ahead.

Sten: I'm not sure this is a good idea, but i'm going to throw it out anyway. I was considering a condition that if the neighborhood comes to you, he be required to try and negotiate a good neighborhood agreement. My sense is that it's been a yes or no debate so far, and I don't get the sense that a good neighborhood agreement has been attempted to be negotiated. I'd like to make sure— encourage both sides to take another stab at it. I don't know if that needs to be a condition or not.

Bud Morrison: yes, we would be most willing.

Francesconi: I think it's a good idea too.

Sten: I'd like both sides to try again.

I think there's one point we missed here, sort of. Crime occurs.

Katz: No, no. We're not going to talk about that. it talks to the security thing.

Katz: Please. The issue of a good neighbor agreement I think that's something that you ought to pursue. And work with the neighborhood and the church to understand their issues. Okay. Roll call. With the conditions as amended.

Francesconi: I'd just like to first thank the council for making the conditions better, and for the bureau for trying to stick to the law, and I hope this works. I am concerned about activities outside afterwards, so that's why the security guards are really important. And the neighbors have a right to sleep, they have a right to not be exposed to alcohol-related issues. So by agreeing to these conditions, you're going to be held to this, and we hope you'll deliver. The other concern I do have, and in fact my next door neighbor owns a business right nearby, and the issue of parking is a very serious issue. I've heard all about it. But because parking is not something we can base our

MAY 10, 2000

decision on, that's why i'm voting for this motion. But you have to do all you can to address that issue. I am—we have such a wonderful church here with so much—so many wonderful citizens, i'm still a little confused about your right to close off the parking—park and ride. I don't quite understand that. But I leave that to you. If that's your decision to make. But that seems like that's— that could exacerbate parking for your neighbors. I guess i'd like you to think about that if you really want to do that. And if you can keep working on this issue, I think commissioner Hales' suggestion with commissioner Sten, about the idea of valet parking, would really be something to work on very seriously. The last thing is, that part of town is changing much more rapidly than our city is changing. But the vietnamese community is the most rapidly growing group in our city, and i'm hoping through the vehicle of the good neighbor agreement that we can create more relationships where they do not exist now. And they don't exist not only right here, but they really don't exist throughout our city. So it's going to be tough, but we're stuck with one another here on some difficult issues. Not only between ethic groups, but between business and residents. But we're all in this together, folks. Aye.

Hales: Let me briefly go back to the heart of the matter from my viewpoint and my view of our role here. That is, we wouldn't do the neighborhood any favor if we just said, you 57a, we're with you, not one more liquor establishment on sandy boulevard and ignored the legal restrictions on our decision, and made a political decision, because olcc would have every reason and every excuse to overrule our recommendation, and you'd end up with a lick yr establishment maybe with no conditions. So our authority is weak. We have to use it intelligently. You made a good effort to connection the saturation criteria into our criteria, but it says there's a history of so much trouble in the neighborhood from all these restaurants and bars, that one more is the straw that breaks the camel's back. And we don't have the history in this case. You tried, and I appreciate the good effort. I think there's enough goodwill here on both sides that we can probably do better than this hearing might appear. I think jim, those conditions make sense. And I go hope that a good neighbor agreement, peter and roseway's leadership are sophisticated people, are able to work well with citizens and businesses and hope you can help pursue that. I have a suggestion by the way, which is that I will volunteer if you're interested in pursuing the valet parking issue, to talk to safeway's management and ask them to consider an exception in this case. Because i've worked a lot with safeway on their remodeling of their store and the construction of their new store, so we've spent a loft time together on code and parking issues. And I would be happy to volunteer to talk to them if you're interested in a valet parking arraignment, because it seems to 93 lot, after 9 o'clock has plenty of room. So i'll—if you're interested in doing, that i'll be happy to participate on that. I think one point that got raised is very valid, which is the new technology of car alarms are—is a plague on our neighborhoods, because the damn things go off at all hours. Somebody walks by singing a song or a bus guys ever goes by, and they go off. That's much more disruptive than a thought of tlor problems caused buyer vehicles. Having a valet parking operation as opposed to having them scattered out over the neighborhood streets could be very helpful. So if you want to pursue that, i'm a volunteer to try to help make it happen. Again, I think with a responsible kant and a concerned neighborhood and the limited authority we have focused through a good neighbor agreement, we might be able to make this work. I'll certainly give it a try. Aye.

Saltzman: Aye.

Sten: Well, some of the most vehiclesing things that come before us have always been when night life intersects with residential areas. It's very difficult to make that work. But it is an urban area and intersects all the time. By the tire year—criteria he does qualify for a liquor license, and I think you have a responsible owner who meets the criteria. So you have to vote that way in my judgment. I do hope that some of these conditions can help, and I do hope that maybe we can take some steps forward to mitigate some of the most vexing problems. I have to believe there's an answer to the parking, but it's going to take the applicant really working at it. I think your continued success is going to have some connection to how the neighborhood issues you and I think trying to 1068 is that parking problem would go a long way. So hopefully you can. Aye.

MAY 10, 2000

Katz: Just want to remind the applicant and the neighborhood as well that this application will come up again within one year. And so everybody has the opportunity to keep an eye on the applicant and the activities in the community, and note them, and if there are serious concerns and we have police reports on those concerns, this council will not look favorably at renewal. So this is an issue also with regard to renewal within the one year. Aye. Thank you. Let's go back to time certain. 626.

Saltzman: I'd like to set this over for one week. Given that we weren't able to do the time certain at 10:30. I can't really want to have staff hanging around.

Katz: Any objections? Hearing none. It is 12 o'clock. We'll continue for a while. We have to come back at 2:00. We do need to have a little bit of food. So let's try to work through this.

Our next item is 665.

this is our first PIIAC appeal with musical accompaniment.

Dr. Michael Hess, PIIAC Advisor, I like it. I'm dr. Michael hess. The piiac examiner for the city of Portland. With me is our citizen advisor from the northeast coalition, rick alexander, who will be presenting the case. And for those in the audience who were expecting to have two cases today, since our e-mail was down, I didn't have a chance to let them know publicly, but one of the cases has been postponed. So we're only having one case today.

Rick Alexander, Citizen Advisor i'm rick alexander.

Katz: Move the microphone closer to you.

Rick Alexander: Citizen Advisor, NE Coalition, sure. I'm a citizen advisor from the northeast coalition. To give a brief summary of what happened, the rose—the incident happened september 8, 1999. Appellant was driving home from work on i-5. He alleges a Portland police officer was tailgating him. When he changed lanes, he flashed his high beams at the officer. The officer cited him for the improper use of high beam headlights. The allegation were the officer provoked and insometime dated him by tailgating him. One of the officer displayed unprofessional behavior. And that the officer lied in court by claiming the appellant's high beams could have been a danger to oncoming traffic. Briefly the determination from the—i will uphold the police internal investigation's decision not to pursue this case because there was no evidence to show that it rose to the standards of violation of bureau policy. It—if piiac is not the venue to determine whether the officer was tailgating, the individual or not, suggestions were made that that could be done by talking to the attorney, citizen's arrest, something along those lines there. Was no indication the officer behaved in an ufer professional manner. The appellant admits he was argumentative, and disobeyed the officer, and argued the point about the following closely behind him during the traffic stop. And then finally, an independent—the traffic court judge already heard these argument and found the appellant guilty of improper use of high beams.

Katz: So when you—i'm sorry.

Alexander: and then on march 9th, 2000, the piiac citizens advisors voted 12-0 to affirm the decision to deny the appellant's complaint due to lack of merit.

Katz: So when you made the decision, the judge, the traffic judge had already found—

Alexander: already found—

Katz: The appellant guilty?

Alexander: that's correct. And had already made that decision prior to that.

Katz: Okay. Questions?

Francesconi: You said that—the issue of whether the officer tailgated or didn't tailgate has—as provoking the incident. The—did the traffic judge specifically decide that?

Alexander: he had heard that argument, was my understanding.

Francesconi: Hearing an argument.

Alexander: I understand.

Francesconi: And deciding are two different things.

Alexander: I assume that decision was not made specifically, no.

MAY 10, 2000

Francesconi: And then the venue for—if he was tailgating, which i'm not saying it happened, but if he was, is there—what is—i guess a citizen could bring a complaint for following too closely. Did that happen? What happened?

Alexander: no, the citizen did not in that case. He appealed it to piiac. I know yesterday they had a citizen—the citizen had a tri-met bus driver had a citizen's arrest. The bus driver was fined for running a stop sign as a result. So I believe that's the appropriate place to contend with this.

Francesconi: Okay. Thank you.

Alexander: according to the officer's testimony on the written report, the—he came up behind the appellant on—proceeding down the freeway, and he signaled a lane change to the right. The appellant abruptly changed also to the right and—cutting him off, and he said he did have to hit his brakes to avoid a problem with that, and that then the appellant swung back into the other lane. And then the appellant was very—appeared angry, and in his own statements he said he was very angry with the police officer. The police officer even said flashing the lights appeared to him to be retaliation, kind of a road rage situation.

Hales: what was the appellant convicted of?

Alexander: failing to dim headlights.
okay.

Hales: Was there any discussion about why he would have flashed the headlights had the incident in question not occurred? Just sheer cuss odeness that he just flashed his head leets?

Alexander: he was angry.

Hales: Right. So why was he angry?

Alexander: with the police officer. Because he said the police officer was tailgating him.

Hales: As a driver, why would I flash my lights at somebody who just passed me if I didn't have some bone to pick with them?

Alexander: there's no question that that could be, but flashing headlights isn't legal. I've got the statute right here.

Hess: we just passed out the statute, and actually the statute—the way I read the statute was that it's to protect people that are coming forward that could be blinded by your—it's a safety law.

Hales: I know why the statute exists. I'm just trying to figure out if anybody dug into the motivation.

Katz: This was an issue that was dealt with by the judge. Look at your front page.

Sten: The judge clearly—the judge found—he's not disputing he flashed his lights. The judge found him guilty because he admitted to it. The question is, did the officer act appropriately, as I see it. Did anybody talk to the officer?

Alexander: we used the police reports, the officer had a report and also interviews with—no interviews, because it wasn't an investigation.

Hess: the officer was not interviewed because this case was not investigated by aid, it was denied.

Sten: How often do the Portland police cite people on i-5 for failure to dim?

Hess: we wouldn't know that.

Sten: I don't know that, but I do know somebody that's been cited for it before. I do know somebody that was cited for that like eight years ago.

Hess: bret smith is usually here. He had another meeting and he said if we really needed him we can page him and he can get here quickly. He would be the person to answer police questions such as that, mr. Sten. We don't have that information.

Sten: We're very quickly headed into a major discussion of piiac. We all know that. You guys do lots of good work, and there's lots of community concerns about that issue, but i'm not sure—i guess this one raises the question to me of, clearly this person—it seems to me likely, I don't know, clearly—it seems to me likely that he had some reason to be irritated, whether it was his own mood that day or the officer tailgating him. Those are the two likely subjects. It seems to me the officer did something fairly unusual, and I find it believable he just flashed the lights for just a second. So the officer passed him, he flashed his lights, the officer decides to get back. Ply question is, it seems to be a relatively simple operation and it seems we're spending more time at a council

MAY 10, 2000

meeting debating this than you would have spend interviewing the officer and giving us your opinion.

Alexander: we don't interview officers, sir.

Sten: There's somebody interviewing the officer.

Alexander: this was declined by iad, so no interviews were done. We used the officer's written statement from the issue answer of the ticket. We simply audit these things. We, using the information that's at hand from the case.

Sten: I understand. What i'm trying to get at is, when we're rewriting this, can you keep in mind this doesn't make any sense to me for us to have a city council hearing on the iad, when somebody could have talked to the officer and got skpsh—and had an actual recommendation? I think this is taking more of the system's time than the investigation would have taken.

Alexander: believe me, I agree with you. But that's not our charge.

Sten: Okay.

Katz: But there are changes that we will be looking at, and I think that's—there are a variety of minor and larger, which we'll hear in a few minutes, by two people that have asked to testify, that we are going to need to review. Issues that came up about a year ago in addition to the ones that—the piiiac citizens review board have identified.

Francesconi: Let's for a minute assume that it was true. It's a big assumption, but let's say officer was tailgating. But—and didn't have a good reason. There may be reasons to tailgate. Is that a violation of any rules?

Hess: yes. Following too closely is also—

Francesconi: No, no. Police rules. Conduct.

Hess: police have to follow all traffic laws.

Francesconi: unless they're in hot pursuit.

Hess: right. Thank you.

Francesconi: Then it turns on whether the judge really did consider this.

Sten: But there's no reason for the judge to consider the complaint against the officer. The judge is considering whether or not the guy flashed his high beams. exactly.

Sten: And he admits he did, which is clearly not in dispute as being illegal, so the judge said you're guilty and passed the sentence. And then we're using that as some kind of indicator of the officer's behavior, and I don't think they have anything to do with each other.

Francesconi: That's why I asked the question. I guess my request, for what it's worth, and that—is that you go back and talk to the investigator. You go back to talk to the chief or whoever to clarify whether this could be construed as an ethical violation, and then bring it back to us. That's what i'd suggest. And we not decide it today.

Katz: There is—

Hess: your decision would be to send it back to IAD? They're overruling the advisors, which is fine.

Katz: That's fine. I need to—they need a clarification of what it is you want them to do.

Francesconi: Well, no. I need some help on this. Partly it's my lack of understanding procedures. I want to find out, I tend to agree with commissioner Sten. The judge real did I didn't make a decision on this. I'd like to know. So I don't think you really know.

Hess: commissioner, I would say that if that's the feeling of the commissioners, you need to make a determination—we're just advisors to the commissioners. You are piiiac, and if this is the feeling of the commissioners it needs to be sent back for investigation, which was never done. It has not been investigated.

Francesconi: I guess—part of the investigation you should find out if the judge really looked into this.

Hess: that would be part of the investigation. I'm sure.

Katz: So what you would then do is led iad know that this ought to be investigated.

Hess: yes. You would be letting iad know.

Katz: Right.

MAY 10, 2000

Hess: I would be your mechanism for doing that.

Katz: We understand. All right. Is that your motion?

Francesconi: We've gotten ahead of Mr. Warmack. Are we going to let him testify?

Katz: Well, you done—do you want to say—it's fine. I don't know where the council is going to go, but would you like to talk to us? Come on up.

Edward Warmack: there were some things I was going to do. I don't know if it's appropriate. I was going to—I was going to cite the officer's own testimony in court that pretty much states that he was following at a high rate of speed behind me and had to come to an abrupt—almost an abrupt stop to keep me—to keep from hitting me. Now, whether or not I pulled over and then moved back is kind of irrelevant, because when he's traveling at that speed, if he was on a call and the officer—in the officer's own words, his own testimony, it was very light traffic. He was coming up behind me. No one on the left, no one on the right. What prompted him to stay in that middle lane that I was in the middle lane? Can I give you some visual documentation, visual helpers here? Is it possible I could bring these up?

Katz: Sure.

Warmack: this is a real simple little diagram. Real quick. I was on i-5, and i—in court I did disagree with the officer's statement saying that I moved over and then back again. I told the judge, I did not do that. That was not—that was something I did not do. It is a fabrication, and I believe it's a fabrication for him to—for whatever reason. In his own statement, I have a bunch of stuff here, and i'll read his own statements. I'm a little disoriented here.

I think I have it here.

Katz: Michael will help you.

Warmack: here we go. It's in a—stated in various places. I approached from behind and—at a fast rate of speed. I signaled to change lanes to the right and moved halfway back again abruptly. I deny doing that. And then, in my line—it's very hard to read. Causing me to brake to avoid a rear-end collision. His own words. What would prompt him to come at that rate of speed when he has the two lanes completely open? If he was on a call, one, why didn't he have his lights on, flashing, saying he's on a call, and go by me? I don't know if you've read my deposition that I said, he stayed there for over—i would say a half a mile. And that's about 30 seconds. Would you like me to come up and flash a light in your eyes for 30 seconds? Count 30 seconds.

Katz: We don't have the time.

Warmack: and then i'm going, hey, what's the matter? I didn't know it was a police officer at the time. I thought it was some joker tailgating me, intimidating me. Prompting me to do whatever, I do not know. And finally I go, okay, you win. I do move over. I'm in the slow lane now. I'm in the slow lane. He passes me into my amazement. I realize it's a Portland police officer. You've got to be kidding me: I'm just—I'm appalled. My chin is to the floor. He passes me, he keeps passing me, i'm going—and I give two quick busts on the release column, not the floor where it stays there, it's just on, off, on, off. That was it. I do not denied die nachtl i've paid the fine. I've taken my medicine. All i'm asking is that the officer take his medicine. He was minute me for over half a mile with his lights shining brightly in my rearview mirror. And it intimidated me to do something I would not have done otherwise.

Sten: Is your testimony that there was two empty lanes on either side of you?

Warmack: yes. Two completely empty lanes on either side.

Hales: Your statement said you were driving 55 to 60 miles an hour. Did you maintain your speed when he was behind you? Did you slow down?

Warmack: no, i—

Hales: He passed you at a speed that was in excess of the speed limit? Otherwise he wouldn't have passed you.

Warmack: yes.

Hales: So hopefully he was on a call if he was exceeding the speed limit.

MAY 10, 2000

Warmack: right. And that's okay. They have a right to exceed the speed limit and do—do almost anything they need to do, required to fulfill their job.

Hales: Obviously the bureau can determine whether or not he was on a call and was therefore authorized to exceed the speed limit.

Katz: When you send it back they will determine it. I think there is a sense from the council—am I correct? I think there's a sense from the council that we would like to have this investigated, and then you come back.

Francesconi: I do think it should be flar rowed. When i'm looking at the allegations, the issue about lying in court, I don't think that's it. And I don't even think it's unprofessional behavior, but it's provoked and intimidated by tailgating. That's the unprofessional behavior. So it should be limited to the first am gaion, not the others.

that is the primary—

Francesconi: And that hasn't been decided. That's why it needs to be investigated. If the officer is on a call and you're not moving over—we need to find out.

Katz: Okay.

Warmack: he did not have his lights on. Hi no idea it was a police officer.

Katz: Got it. We got it.

Hess: just a simple comment here, I think this is an example of PIIAC working. When our advisors looked at this maybe we missed something. Maybe our advisors missed it, but we come to the full piiac, which are you, and if it goes back to the police, I think this is a good example of piiac working.

Katz: Let me ask you your citizen advisor, you've heard the discussion, what's your sense of what—of the recommendation?

Alexander: if you fully—you would be fully justified to send it back for reinvestigation.

Katz: All right.

Alexander: that's fine. That's your decision on that. I think it's—i think there are other outlets for going after a police officer if he was indeed tailgating, and—which i've stated, and—but if you'd like to have it investigated, it was not thoroughly investigated, because it didn't feel it rose to the merits of a violation or a personnel problem with the police officer.

Hales: What are the other avenues available?

Alexander: citizens arrest. And also he was advised during his interview to—that he could talk to the city—the.

Sten: He could have arrested the police officer on the site?

Alexander: yeah.

excuse me?

Saltzman: That's probably true in theory, but—

Alexander: i'm citing an example. Somebody just yesterday, they announced a tri-met bus driver—but they don't have guns.

Alexander: that's fine. You fill out a complaint form about it. It doesn't have to be done on the spot. I don't even know the details of how the things are done, but if there's a complaint, there are avenues for that reason.

Sten: If you're in a heated argument on the side of the road i—I wouldn't recommend trying to arrest the officer at that point.

Alexander: no. I would agree with you. But i'm just saying the decision was made that it didn't rise to the occasion of violating police bureau standards. And I agreed with that statement based upon our audit.

Katz: Whose appointee is he?
northeast coalition.

Sten: I would be proud to appoint him.

Katz: All right.

MAY 10, 2000

Warmack: one more comment. There was a youth on patrol that evening that I don't know if there's any avenues to reach this young adult and to get him viewpoint of the situation that happened. I have no problem confronting this guy. I don't know if the police officer has any problem confronting him. Obviously the police department for whatever reason has not helped me in this—in that one situation. In the report that I sent in, I did talk with the real quickly with the youth, and he said he saw everything that happened. So that may be another avenue that we—

Katz: There is a name attached to it?

Warmack: yes, there was.

Katz: You can request IAD to interview that individual.
yes.

Katz: Okay. All right. I think I heard a unanimous recommendation that this be sent back to you, back directly to iad for—I know you don't want it back, but directly to iad for investigation.

Francesconi: On the first allegation.

and that's up to the complainant to—like the previous case, he has to agree to that.

Francesconi: No, no. This is coming from us. We direct it. And it's on the first allegation only.
fine.

Francesconi: it will be the first allegation only.

Katz: All right. Thank you.

Item 667.

Hales: I don't know if we have a staff report. I should know that, but I don't. Oh, oh, I remember this one. This is that—this is—is this a continuation?

Katz: No. This is a hearing with a report—

Hales: We postponed it because we didn't have enough of the council here. That's right. You're the applicant, right?

Katz: Who is the applicant? Come on up. I don't think I was here.

Hales: That's right. I think we postponed this.

Larry Lipp, applicant, Western Properties, we postponed the rezoning because we did not receive unanimous consent. Is the same project, but a different issue.

Hales: You're right. The next item—the next item is tied to this.

Katz: We need your name.

larry lip, the applicant. I'm with western properties trust.

Hales: We did, mayor—

Katz: Tell me what you did.

Hales: We a hearing on this. I sdotd think the council had any significant questions, and I believe we can deal with this swiftly and i'm ready to make motions.

Katz: Okay.

Hales: Move that we approve the vacation of the portion of 123rd and northeast hoyt that was requested.

Francesconi: Second.

Francesconi: Aye.

Hales: Aye.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye.
thank you.

Francesconi: You won.
thank you.

Katz: 668. And I was not here for that as well, so I will abstain.

Sten: This is the one that we put off a week or two ago because it has an emergency clause. And I was—the mayor and I were asked—i didn't get—i don't—i have not reviewed the full record. I did get a briefing from my staff before this morning on the specifics, and I think—i want to say on

MAY 10, 2000

the record, I have not reviewed the full record of the hearing. But I think I understand it and am comfortable voting.

Ben Walters, Senior Deputy Attorney, I that I will be sufficient under these circumstances.

Hales: I would move we approve the map amendment and zone change as requested.

Katz: Roll call.

Olson: Do you want the item read?

Francesconi: Please.

Katz: Repeat your motion.

Francesconi: That we approve the plan.

Sten: Second.

Francesconi: Aye.

Hales: My apologies for the jerky procedure.

Katz: But it's 12:35.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. Thank you. 669.

Saltzman: We would refer this back. It will not come back on the agenda until we're ready.

Katz: Okay. Any objections? Hearing none, so ordered. We have a -- 672.

Katz: Come on up. Do you both want to testify?

yes.

Katz: Okay. Why don't we give you three minutes and you three minutes. Nobody else? This is not an open hearing. This is just the requester. Did you get a letter?

Olson: No, I did not.

Katz: Why don't you sit down, bill, and let's hear from—no. Sit down over there until we call you. We'll need to have an exception from the council. Go ahead.

Dave Frankunas: i'm going to go first. I'm dave frankunas, a school counselor, and I live in Portland. I was at the may day rally and I was at the meeting last night, and I want to thank you for being at the meeting last night, I really appreciate that. I'm pretty sure all of you guys were there last night.

Katz: Not everybody was there. But we'll accept the chance.

Frankunas: 3018 NE 8th, 97212, okay. Some points I wanted to bring up and concerns. Community—on the topic of community policing. I have a big question mark there. I'm not sure what that is. I think it's a apparent that we cannot use that as an example that happened may 1st. That's kind of what community policing isn't about. I'm concerned with what looked like riot squads there, the use of guns, the discharge of rifles and the rude behavior by the police officers to—i experienced that personally, and other demonstrators and people getting poked at by night sticks and much of what else was discussed last night. Another issue is fear. I experienced that personally, and I know many other people did too. Just by the presence of that many police officers. As well as some of the officers I saw afterwards, they seemed visibly shaken by what happened as well. I'm concerned last night about the—i'm pretty sure this was a quote—safe techniques of using these rifles in crowds. That's a deep concern of mine, and I wouldn't consider them to be safe bullets, or beanbag bullets. It's pretty frightening when— when an officer takes out his rifle, even if it was empty, just the action of taking out a rifle and discharging it really I think it scarce most—scares most people. And I don't want to blame individual officers, and I question the decisions that were made up at the top with the police bureau. That's where my concern lays. I would strongly recommend that there be some sort of citizens review board for the police department. I really don't think that they can review themselves that. Just doesn't seem to make much sense to me. I appreciate your time, and i'm going to let laurie speak now.

Katz: Thank you for being there last night, and thank you for testifying today. Unfortunately, because of the mood last night, we were prepared to show snippets of videos and respond to the issues you just addressed to us. That was not—there was a sense that nobody really wanted to see it, they

MAY 10, 2000

wanted to share with us their perception. I hope that when this—the report comes to the council after review internally, that the council and the public will have an opportunity to see those with the recommendations from the bureau, and at least recommendations from me. Because I have some concerns as well. But I think right now it's probably in all fairness, we need to go through the review process, and then come back so that we have the explanations and then listen to the bureau, maybe making some other recommendations as well. Okay?

thank you.

Katz: Go ahead.

Laurie King: 8728 N. Edison, 97203, good afternoon. My name is Laurie King, and I live on North Edison in Portland. I was about to say I hope you all were there last night. I'm not sure who was there and who wasn't. There are about 700 people testifying at -- 700 people who were present at the church last night. People presented their experiences at the hand of police misconduct, especially on May 1st. As individuals who are in the multigenerational gathering told their own stories of May 1st, it emerged that the stories corroborated each other. And contradicted the police presentation of what happened. A number of people who testified were not activists. They were first-time marchers whose world was really transformed by the behavior of the police on May 1st. Many people last night spoke to the fact that minor act of anger or frustration on the part of marchers occurred after a peaceful celebration was provocatively and violently charged into on two separate occasions by mounted police and police on atvs. The issue of police accountability and police misconduct is not going to go away. In Portland, there's a growing movement to have citizen review of police. The people yesterday who expressed determination that Portland not get used to such methods as we experienced on May 1st, got the loudest applause—applause. Many speakers were strongly in favor of the park 2000 ballot measure. There are many people at the church yesterday, but it's a far larger group that's concerned with this issue. I know personally I've just spoken to a number of people in passing about their feelings, people who are not actively involved in the issues that May 1st was about, or what—and certainly who weren't there, and they were appalled by what they saw on tv. We're at a critical crossroads in Portland. I think that we're all aware of that. How the city government of Portland, how will you, handle political descent. How will the police handle political descent? With respect for citizens and first amendment rights? Or with increased mill tax we saw on May 1st? Fear, intimidation, all of what we saw. The protests won't go away. That's something we all have to face. They are not going to go away. The way the police and government deal with political descent really goes to the heart of what democracy is about. How—not just little things that we all often deal with that we all deal with in city council but major police call dissent. How will the police, the city government deal with that? I'm asking you today as Portland's elected officials to take a very responsible accountable path in the review process of May 1st. I'm happy there is a review process. What I want to really promote is that you have an independent committee help the city council review the events of May 1st. Including viewing the many videos that are available. That's one thing we have lots and lots of evidence of what happened. And then have this independent committee present a preliminary report to the city council in an open hearing with time for further questions by city council members, and ample time for more testimony by citizens. In a very timely period, maybe a month. Something like a month. So what I'm really asking is that the review process be expanded.

Katz: Your time is up. Thank you. I asked a question—since both of you are here, I asked a question last night that really wasn't answered. I asked the question that two days later there were really two different—two other protests, and they were peaceful and there weren't any arrests, and there wasn't anything that had occurred. And I wanted to know from you what then was the difference.

King: I've thought about that. I thought that was a good question. I was at both protests.

Katz: Were you at the Powell—or you started at the park and—

King: on the second day?

Katz: On the second or third.

MAY 10, 2000

King: I think may 4th I was first at pouls and then went to the park, and then another little march—not so little—to the forest service. I was at the whole thing. And I was nervous the whole time. I was very afraid there would be another police attack. The differences is, on the first day, may 1st, there were two occasions in which the police literally swoopd down on the crowd, on 5th avenue was the first occasion, and on third and taylor was the second occasion, where horses, mounted police, and police on atvs moved in. And that didn't happen on the—

Katz: And it didn't happen because?

King: it didn't happen because the police didn't do it.

Katz: I watched a lot of it. The one with the permit was fairly simple and straightforward. They could walk on the streets and they had an escort and there was a lot of conversation. On the other one, people stayed on the sidewalk. There was—they stayed on the sidewalk and they marched. They had an issue that they wanted to express themselves—

King: you mean on may 4th?

Katz: Right.

King: that's right. And on may 1st, people did not stay on the sidewalk, but we had an agreement with the police that we could go in the street if we kept to one lane of traffic. I was one of the police liaisons and we made that agreement with the police before the march. So even though we weren't on the sidewalk, we did have an agreement. So to me that's not the essential difference.

Katz: But there were things that happened in between that did not occur on the 4th.

Sten: Mayor, can I ask a question? The council has not discussed this. I have a ton of questions, a ton of opinions. I appreciate your taking the lead, this is a strange format where people just come in and talk for three minutes. Do you want question frs the council?

Katz: These—

Sten: I want to have the council discuss this before four weeks from now in terms of what's the process, what's the issue of citizens. The meeting last night was terrible. I'm not saying whose fault it was, but it was the worst meeting i've ever attended in terms of getting community healing. Are we going to do this ad hoc every time somebody files—no offense—how does the counsel—

Francesconi: Can i—if I can let me respond. I was at the meeting last night. And I didn't—was not a—it was not a constructive discussion to help discuss the principles behind community policing, and where the role of the city council and where we go from here. Dave in particular, and I goat pleen to slight you, I really appreciate the tone at which you've approached this. You've raised some very serious issues here that we need to deal with. Mayor, I appreciate the fact that—this is the right way to proceed—which is we need to—the police to do an internal investigation, we need a police chief, who I think is very good, to analyze what should happen, what happened, and what should happen, we need that report to get to our mayor so that she can analyze what should happen, and where we go from here. And then we need those recommendations coming before the council in a work session by which we can analyze the policy issues. Okay? One of the principles in this country is civilian oversight, and we have to do it in a way that also allows the police to have the tools to keep our city safe. I believe that as part of our responsibility as a citizen— civilian oversight, final decisions on ppiac, the merit of ppiac, has to be with the city council, not the police chief. The kind of discipline that is merited needs to be done by the police chief. Not the city council. But those are the kind of questions that we need to address as well. And we can get there, but we have to have constructive dialogues with our citizens after we have the facts. I think the intent last night was to have some healing and get the facts at least—the facts out. For a variety of reasons, that didn't happen. So now we need to go through the process of determining the facts getting the facts out, having them analyzed by our experts, and then having the city council work on them.

Katz: Go ahead.

King: as part of determining the facts and pulling the discussion together, my suggestion was to have others help you get the facts in addition to the police. Have you and I guess other people in the community choose an independent committee that could look at some of the information and give

MAY 10, 2000

you recommendations and then all of that, in addition to the police recommendations, all of that could be put into a public hearing.

Katz: The—let me just say the point you raise is one that i'd like to raise with the chief. We have a citizens review committee, it is piiiic. There are citizens that have been selected by representatives here and by the neighborhood association. That may be a possibility. But I would like to extend the courtesy to the chief and recommend that he consider that, or the council consider that. We're not going to do it right now.

Sten: But my point, mayor, is that I think at some point—i believe the chief was in a tough position, and I want top support him, but the chief spoke too soon. We have to face facts, when he reviewed this incident the night it happened. There's got to be some ways of tying some third party decisions into this, whether it's mine or somebody else's, because the chief pronounced everything fine the night it happened, and I think that's what started the climate that got us where we are today. I have one disagreement with you it may be a friendly amendment, i'm not as interested in independent review committee simply critiquing what happened may day. That can't be changed. What i'm interested in is some sort of coming together of the key activists and the police to talk through what's going to happen in the future on these issues. I think a part of that is what happened, but I think we're—we need to—if there's individual complaints, that's a different issue. The individual officers and individual people are going to have lots of legal ins and outs. The issue of how we handle what I believe is peaceful protest in this city, or possibly violent protest, if you view it another way, is the future. And my prediction is we're going to have substantial demonstrations before this report even comes up. So i'm just not comfortable, to be honest, mayor, saying it's the chief's call to review this.

Katz: No, no. That's not what I said. My goal—actually, the goal last night was to begin the healing process. It was very apparent last night that that wasn't going to happen. You would tend to agree. There was really not the opportunity for the bureau to really explain why some things happened, and in some cases they haven't reviewed completed reviewing the tape. But I got—let me just say I got an e-mail from a woman that actually came from eugene who was in the demonstration. She won't me a very thoughtful e-mail—she wrote necessity a thoughtful e-mail and identified—i don't want to go into the details, but she also thinks, as I do, that to begin this healing process, leadership from the groups, especially the jobs for justice groups, and the civilian review citizens who are putting this on the ballot, or trying to put this on the ballot or coming to us, need to sit down and begin that healing process with ground rules. And anyway. Okay. Will the council extend the courtesy to—

what are we doing?

Katz: We heard three minutes, bill wanted to testify— wanted—

Sten: maybe i'm being a stickler, it's your hearing, but you and the chief had a public forum last night. This is not a council discussion of police policy issues. It's three minutes on the calendar.

Katz: I'm finished. Go ahead.

I would love to have—

Katz: Do you want to extend the privilege to Bill?

Bill Resnick: I think you have—there's a fundamental question at stake here. I was what amounted to a criminally assaulted repeatedly during that—during both the march and then the disperseal, where police were clearly pursuing a tactic of disbursing people through terror, and they kept running horses over us. I was hit by a horse, not injured. I managed to get out of the way. There were a lot of injuries. We were hit in the back. It's not that the orders were unclear, it seemed to me the orders were completely and totally unconstitutional what they had done was break up a march based on a peace until march, people seeking and— when they made the order it was completely peaceful. We were listening to talks that were hard to listen to because the sirens were loud in the background. They broke up the march based on some sense that there might be vice election. Well, you can't do that. It seems to me that's what police states do. East germany had many huge marches. They always allowed people—no states that had as many marches as the

MAY 10, 2000

soviet states. But only by the people they wanted to let march and that they agreed with. That's what happened. There was a vast show of power, a totalitarian display. I saw commissioner Hales there was shocked by it. And then following that after considerable—I expected the police would be able to say, well, there is some violence that provoked this. They couldn't make that case. Every demonstrator was there pointed out that the police in their mounted—especially the mounted police, were rioting through people and disrupting the march. It happened to me in front of the justice building in mid-march. The mounted police were disbursing us when in fact we're just basically rioting over us and forcing us to get out of the way and announcing, we own the streets and we are all powerful. That's what happened. And they provoked and kept provoking, even though there was no violence, then they finally announced their emergency order. Now, I don't think this is just a matter of a problem of command. This is clearly pursuant to what is an expansion of police power and of police at least is the—as the way they see their responsibility, to be aggressive to be pro active, to not allow things like seattle to ever occur again. Well, when you get as aggressive as they were, it seems to me no one can expect their constitutional rights to be honored. And that's what happened. Now, you have a real—you can't allow the police to investigate themselves. This was terribly embarrassing for them. If you see today's "Oregonian," there are policemen themselves who are now kribing the people on top. I think it's really unfortunate, and they displayed no appreciation for this sort of constitutional law, and this country's constitutional tradition. Not even—they were indifferent to it. There was no sense of what they had really done. And the importance of having free institutions. It seems to me you can't allow then that—the police to investigate themselves. There has to be an independent investigation. And it's—this is a fundamental liberty in the united states. You heard lots of things today, you can't be the group that sits on sewers and liquor licenses and allows the constitutional liberties of people to be up to the decision of the police.

Katz: Thank you.

I think have you—

Katz: Bill, thank you. Your time is up.
thank you.

Katz: We stand adjourned. We'll be back at 2 o'clock.

At 12:59 p.m., Council recessed.

MAY 10, 2000

This transcript was produced through the closed captioning process for the televised City Council broadcast. For further information, please consult the City Council Meeting Summary.

Key: == means unidentified speaker.

May 10, 2000 **2:00 PM**

[roll call]

Item 673

Sten: The mayor will be here shortly. Britta, could you read item 673?

Sten: Do we have a staff report to start—staff report to start this?

good afternoon. Britta, can you turn on the power point? Okay. Good afternoon, madam mayor. For the record—

Katz: I was doing something important. That's why i'm late.

Susan Hartnett, Planning Bureau, for the record, i'm susan hartnet with the bureau of planning. I want to mention karen howard, who is also with me here today. She has put a tremendous amount of work into this project since the day she was hired at the bureau. We're both very excited about the possibility that this project is going to get completed in the very, very near future. Karen has really put a lot of time into that, so you wanted to acknowledge her work. I'm going to start by giving you a brief overview of this project because it's gone on for a while and it's been before you in the past. We began work in the fall of 1998. We had planning commission hearings and work sessions in may, june, july, and—just may june and july of 1999. There were two council hearings in december of 1999. At the second hearing on december 22nd, council considered a variety of options for making some changes to the planning commission's recommendation. And then provided direction to staff to return with some revised language. One of the things that I placed on the desks for you is a copy of the options that you considered, and a matrix of the options that each one of you indicated was your preferred option. So just to give you a reminder of what the pieces were you looked at and what we understood to be the council's direction. So for the wlas serm months, we've been working closely with opdr and p dot and pvc to develop the language necessary to make the changes that we understood you wanted. And those are presented to you today in exhibit a. Basically that document incorporates the planning commission's—the elements the planning commission recommended that you wanted to carry forward and the chinion that the council asked staff to develop. Let me just run through briefly the changes that you asked us to make, which are now shown in the document in front of you. First of all, for the parking maximums, we are implementing parking maximum ratios that are equivalent to the urban growth management functional plan title to zone a maximums for areas in the city that do not currently have parking maximums. And for areas that are without access to good transit, which is defined as this quarter mile from 20-minute peak hour bus service or half mile from light rail station, we have provided an exception in the zoning code which allows them to get to the higher zone b maximums. The parking minimums, you wanted to implement the amendments recommended by the planning commission, but you also wanted to add an additional change which is to eliminate the parking requirement, the minimum parking for residential uses in the core area of the central city plan district. You'll remember also in the central city there's an issue of office maximums. There are a number of subdistricts in the central city that don't currently have maximums for office uses. Those are lower albina, central east side, river districts 1 and 2, and north macadam. And you wanted to take a look at the river district—lower albina central east side 1, 5, and 6 separately from river district and after looking at the options, decided to apply a parking maximum of 2.5 spaces per thousand square feet of net buildable area for office uses, which is consiStent with the current most liberal maximum for office uses in the central city. In river district—

Francesconi: I don't 30 there was an agreement on that last one.

MAY 10, 2000

Ms. Harnett: for the—it was not—that was issue 2. Yeah, if you look at the summary sheet that's attached to the issues matrix that I gave you, you'll see that commissioner Hales, Saltzman, and Sten, along with mayor Katz, indicated option 2, which was the 2.5 per thousand, but you, kmeshion Francesconi, indicated the desire to support the commission's recommendation of 3.4 per thousand. That's correct. In river district there was a rather lengthy discussion, because there were a lot of options. Including the planning commission's recommendation, staff's original recommendations alternatives to both of those. Ultimately what we understood you wanted us to present to you was a new map for river district 1 and 2, and that's shown on page 97 in exhibit a. We moved the dividing line between river district 1 and 2 from lovejoy to the rail line. And that applied two different maximums to those areas for the new river district 2, which is the area south of the rail line, we're applying 2.5 per thousand, and for the area north of the rail line, we're applying 3.4 per thousand. That's in part to recognize some of the impediments such as the rail line itself, which makes good pedestrian access to the available transit somewhat more challenging.

Hales: There's still no maximums—no minimums in that zone, but there are higher maximums.

Ms. Harnett: that's correct. Moving on, structure parking. Council's preferred option—this was another one where there was clearly not total consensus on what to do. We did want to implem the planning commission's recommendations, which were to exempt structure parking from the maximum parking ratios throughout the city. Except in those areas where there are different regulations. And you also wanted to stick with the planning commission's recommendation to maintain the current process for determining the amount of parking allowed in association with medical centers and colleges. And then the third thing you asked us to look at is splog some options for requiring ground floor active uses in buildings that contain structured parking in all areas of the city, and i'll talk about that in just a second. So in summary, what these zoning code changes do is lower several of the existing parking minimums because there are places where we think we are requiring an oversupply of parking. We establish parking maximums throughout the cities that are consiStent with the title 2 requirements and are consiStent with the city's parking policies historic parking policies. We've established parking maximum ratios that don't currently have office maximums. We're making several minor changes to the parking regulations in the central city plan district that will promote shared parking opportunities. Creating a procedure for addressing parking maximums in nan conforming situations, and we're making commercial parking a conditional use in the general employment and general employment 1 and 2 zones. Much of this was consiStent with what the planning commission recommended and you wanted to go forward with their recommendation. It's only those five items I mentioned earlier that you wanted to change previously. Unfortunately I have to tell you there's a few staff proposed amendments that I need to put on the table today. A couple of them are simply some connections or additions that we really discovered late, need to be added in order to make sure we have accurate and consiStent application of the zoning code into the future.

Katz: I have not reviewed those, but I trust the bureau on those items.

Ms Harnett: I'm going to walk you through them in just a moment. Just briefly, though. Then the second set of modifications is some changes to the river district 1, river district subdistrict 1 to assure that the new parking maximums don't create a significant impediment to meeting our central city plan goals of creating open space along the willamette river. That was a discussion we had last time with pdc staff, and I think staff will be here today as well. I can't tell behind me.

Katz: If not, you'll—

Ms. Hartnett: yeah. Okay. A quick update on where we're at on this exploration of required ground floor active uses. We've been working closely with p dot and pdc. The first thing we did was develop conceptual ideas that we could discuss both internally and with external folks. We held three focus groups, which included folks who are parking developers and managers, architects and designers, as well as neighborhood and pedestrian advocates, and talked to them about existing parking structures and some of the conceptual options that we are working on right now to see what they thought of them. We just recently, as a matter of fact today got in the mail the report

MAY 10, 2000

from the consultant who managed those groups, so we now have a sense of what came out of that. Our next step is to bring back to council hopefully within 60 to 75 days a report on that process with those conceptual changes so that you guys can give us direction on which ones you want us to turn into code language, which we would then bring back as code language in about 30 to 45 days after that. So we hope that by the end of summer we'll have additional code changes in front of you that address your desire to do something about requiring either ground floor active uses or making sure parking structures aren't a negative impact on the streetscape and pedestrian intense areas. So hopefully that will come along as well. My last item is the public record is here for exception, in the boxes by the city attorney's desk, and here's a summary of what's in there. That's the end of my presentation.

Katz: Did you do the hollywood and sandy—did we have an amendment—

Ms. Hartnett: I do. I have an amendment on hollywood/sandy and I will get to that.

Katz: I'm sorry.

Ms. Hartnett: it's okay. The other thing I put on your table was a pack that includes a matrix of the amendments that staff would like you to consider. If you'll just take a minute and let me walk you through them, what you've got is a matrix that gives you a summary. But you also have the actual amendment package. I don't think you necessarily want to read that, because the matrix gives you sort of a shorthand version of it. So the first one is an amendment to the maximum parking—the maximum number of parking spaces allowed, which is code citation 33.266.115-b. We realized we had the wrong number. We said less than 75%, what we really meant to say was more than 25%. So that was something that actually one of the commissioner's assistants discovered for us. We really appreciated that. That's a simple clean-up amendment. The second amendment is an additional piece of code language. We realize we were making changes to how the code is arranged by subsector within the central city. We are adding lower albina and river district subsectors 1 and 2 to an existing section that covers goose hollow and floyd—lloyd district, so we needed to do that to be consistent. So that's what the second amendment is. It's just catching something we missed previously. Number 3 is the one that deals with hollywood and sandy. When we were talking internally about the council's discussion on hollywood/sandy—I do understand there may be desire to talk again about hollywood/sandy in the context of the decisions you're making on the citywide basis. What we came to realize was that the language that was presented to you as part of the hollywood plan district was really not clear enough. And what this amendment does is to insert the words "both surface and structured" to the language about where the regulations apply. Our understanding from watching tapes and from some of us being present at the council hearing, it was council's intent in hollywood that the parking maximums established under that process apply to both surface and parking structures. So we needed to insert that language to make sure it was clear. So that's an amendment that would clarify the decision you made on hollywood if you're going to stick with the decision you made on hollywood. Number 4. Actually, number 4 and 5 are both related to river district 1 only, and they are the ones that are trying to get to creating a circumstance where the zoning code implementation of parking maximums, something that doesn't exist right now in river district 1, don't become will the major impediment, or the significant impediment to furthering our goals of acquiring land along the willamette river and creating public open space. In the first amendment, we are removing some language that links the certificate of occupancy for a parking structure with removal of the asphalt and paving materials. That creates a timing problem. You can't get rid of the surface lot before you build the structured lot. It's a problem that just can't be reconciled. So we are suggesting removing that language. And in the last amendment, there is to apply a higher preservation parking rate only for office use, only in the river district 1. And that's in part to recognize that river district 1 has some unique geographical constraints. It's got the rail line on one side, it's a narrow strip of land bounded on one side by the river and by naifo parkway on the other. There is little opportunity to develop new straights, which would be one way to increase parking supply by creating new onstreet parking, and it is an area that's somewhat remote from good transit because

MAY 10, 2000

of those geographic impediments like the rail line. So allowing a higher preservation rate would allow existing buildings to replace some of their existing parking in new parking facilities such as a new parking structure. Those are the—that's the end of the amendments that staff wanted to propose. I would be happy to answer any questions.

Katz: Good job. Questions? So you took—you took the recommendations that the council wanted you to do, you identified some technical issues, you came back with revised language for hollywood and sandy, and we then took care of the alber mills and some of the river district. Okay.

Francesconi: I wanted to say where I was. I raised questions about river district, but my questions have been answered. As far as i'm concerned, we're doing the right thing in the river district. I raised issues about some citywide issues, and for a variety of reasons i'm going to let those go. But there's two issues. The central eastside, which I raised, and I don't think— still don't think it should be a 2-5. I think it should be a 3-4. I know they've prepared some amendments, they being central eastside representatives. That's one issue i'd like council to discuss. The second is, I was never in agreement—never sure what we were doing on hollywood/sandy. I guess I would like that—in terms of the parking structure. And i'd like that issue discussed by the council with a chance of providence, who prepared an amendment, to be able to present it. Those are the two of all of the issues that I have left.

did it stow for me, those two issues.

Katz: So we'll revisit those.

Saltzman: dittoe for me.

Hales: I'll comment late ore revisiting the active ground floor uses issue. But susan has persuaded me that—at least prevailed on me to wait a little while.

thank you.

Hales: Out of deference to her professional excellence.

Katz: Okay. So we've got the cic and then the hollywood and sandy. Why don't we take—and we've seen both of those, so i'm prepared to respond.

Katz: Some public testimony? Does everybody still remember why we're doing all of this? [laughter]

Hales: That's the test of how long a project plan—a planning project goes—can you remember at the end why you started?

Katz: Susan? For the public, come up here. Start, like, big picture.

Ms. Hartnett: okay. Parking in the city of Portland, controlling parking has been a long-term part of what we have done, particularly in central city, to assure that we are using land efficiently, encouraging people to use transit, creating a downtown that is lively and active and provides the essential ingredients for that lively active place. One of the things that occurred as part of the region's discussion about a growth management approach was to ask, gee, are there things Portland is doing that are working that maybe we ought to be looking at everywhere? As part of the roth millionsal plan, the region as a whole agreed that parking minimums and maximums were something that all of the local jurisdictions should take a look at. And the issues for title 2 were a little more nor rowly cast than the city of Portland has cast our parking policies in the past. For title 2 it was primarily a land efficiency issue. If we require development to build more parking than is necessary, you create more impervious surface. You also then make sure that land can't get used for other productive purposes. So one part of it was making sure we weren't requiring too much parking. And the other issue was parking maximums. Assuring that throughout the region that all of the jurisdictions were placing a limit on the amount of parking that could be built in such a way that developments had adequate parking, but weren't just paving over land because they owned the land and if you have a paving machine out there it's just as easy to pave more land. So the title 2 approach was sort of two-pronged—make sure you don't oversupply and also make sure people don't just build parking because it's easy to build. As part of establishing the numbers that title 2 requires the jurisdictions to meet, deq did a rather extensive survey of parking utilization, and they did—they looked at specific uses, all of the uses they were intending to set numbers for,

MAY 10, 2000

they looked at them for peak usage. They weren't just going on one particular day. They went based on that particular use's needs, so for retail, they looked during the christmas season. They didn't just look during august. They went out and counted how many parking spaces were being used, and then developed a ratio of parking spaces to square footage within those uses, and published that information, which was then used as part of the metro's work on establishing the title 2 parking maximums and minimums. An additional element of that was the availability of transit. One of the underlying premises here is that we as a region, and certainly we—as a city, have made a significant investment in public transit. If we are going to make that public transit work, we need to make sure the places that have good public transit also have this parking minimums and maximums that are appropriate to an area that has good parking— good transit accessibility. So the title 2 parking minimums and maximums are split by accessibility to transit. And most of the city of Portland falls into what's called zone a, which is the areas that are accessible to good transit. And that's what this project has been about, is looking at our existing regulations and asking, do we meet the requirements of title 2? And in most cases we do. There are some places we don't, and that's what the amendmentness front of you try to address, are the places where we have not complied with the title 2 requirements.

Francesconi: I would agree with all of that, but i'd make one small but important addition. It relates to one of the amendments we'll hear about later. In addition to everything you just said about the purpose of the parking regulations, and that being efficient use of land enhance urban form, encourage the use of alternative transportation, protect air and water quality, I would add, and it's essential for the vitality of industrial commercial and residential uses. In other words, the economic benefits of parking need to be included in a purpose statement.

okay.

Hales: How do we know it's essential? We have two high-rise office buildings under construction downtown at .7 spaces per thousand. You're discussing the proposal to go to 3.4. How do we make the finding that it's essential, given the office market is producing office in the central city at .7?

Francesconi: Well, it's—for economic vitality, it's as an important issue, parking, as urban form is, in my opinion. So—

Hales: What do you support that with? We have to have findings if we're going to document this document. The reason we're under the c ttmp instead of a parking lid, we said we're going to use ratios to control parking. If we're going to adopt an easier ratio for more cars, we better be able to have something more than opinion to support an assertion—

Francesconi: You jumped from a purpose statement to automatically changing ratios.

Hales: That's the amendment you just mentioned.

Francesconi: No.

Hales: I thought you said the central eastside wants us to consider an amendment to go to 3.4?

Francesconi: That's not what I just spoke to. I just spoke to the purpose statement. I believe parking is important for business.

Ms. Hartnett: one of central eastside's amendments is an amendment to the purpose statement. So they are proposing both a change in the maximums applied central eastside, but also a change—

Francesconi: When we get to that amendment I am going to propose 3.5, and we can debate that as to whether it's right or wrong. But that's not what I was just doing.

Hales: I think the two go together. Either you need lots of parking to have office buildings or we don't. I think we've got evidence that we don't have to have lots of parking to have office buildings.

Francesconi: My answer is, it depends on where we are. And what the transit is like.

Hales: You build the transit to support the land use. If the land use is going to be office buildings, we build a different kind of transit. If it's going to be warehouses and truck stops and that kind of use, then you don't need the parking because it's low intensity industrial. But if it's going to be an

MAY 10, 2000

office district, that's a different story. It's not an office district today, it's an industrial exact ware. Qoig it may be at some future time a little bit more of an office—

Hales: To say it's an industrial exact ware but we're going to give them suburban office parking ratios, I don't think that constitutes a very thoughtful long-term plan for the district.

Katz: Let's—why don't we—that was helpful.

Francesconi: We're going to have fun this afternoon, aren't we? Parking is not so boring, is it? We're going to up the ratings: It's business, it's not personal: [laughter]

Katz: Okay. Testimony. No one is here to testify? What is—what does “testimony” mean?

Francesconi: They were spellbound by this discussion.
we're a dual act, as usual.

Katz: That's dangerous.

Wayne Kingsley, 110 SE Caruthers, 97214, vice-president of the central eastside industrial council, and chairman of the land use committee in the industrial eastside, industrial council. The reason we're here today, we would like to ask the council to consider some relaxation of the parking requirements for the central east side. As is well known, in 1970, 70% of the jobs in the six county metro area were in Multnomah county. In 1997, 45% of the jobs in the six-county area were in Multnomah county. The Multnomah county and the city of Portland is not attracting—is attracting jobs at a lower rate than the suburban areas. We think one reason why they're attracting jobs at a lower rate is the parking situation. I think a third purpose, or third or fourth purpose of title 2, as it was explained to me, was to level the playing field between the suburban—suburbs and the city so people would not move to the suburbs just so they could have yards and yards of parking. We believe parking ratios are a limit on the number of jobs. And the math is pretty simple. If you have 2.5 parking spaces per thousand square feet of building, and you add in a component for alternative transportation, in our case it's 10% today, assume we were able to double that to 20%, that would allow us three jobs per thousand square feet. Now, the way to get more parking space is to build more square feet, but if you don't need that, that's an inefficient use of land, is building parking spaces. The central east side is in the process right now, it has a development opportunity and strategies project going for a small part of the district. And I'm not going to talk about the parking requirements, because we'll address that within that plan. But the notion in that project is to increase job density. Still retaining a business in light industrial flavor. It will be directed towards creative services, and new economy types of businesses, which have more jobs per square foot than a warehouse. We're not fortunate enough to have two office buildings going up in the central east side right now, although we do have eight zones in the central east side. So we have everything from rx to ih, including exd. People are not building office buildings in the central east side. Downtown has excellent public transit. It's the star center of the public transit in the six-county area. That's probably one reason commissioner Hales, why the office buildings can go up with very few spaces of parking in them, is because they can attract—they've got the public transportation to do it. We don't have that in the east side. We have much poorer public transportation.

Hales: As an industrial district should. Which is it?

Kingsley: in an industrial district in today's world does not necessarily mean large truck and warehouses. An industrial district—even the zoning code recognizes that creative industries and—such as software companies and things like that, are industries and we throw them in our industrial—in our category of industrial.

Hales: Finish your testimony, because I have questions about the—

Katz: I do too.

yes, sir.

Hales: I'm sorry to interrupt you. That's the heart of the matter, I think, the kind of jobs you're talking about.

right now—

MAY 10, 2000

Katz: Also the traffic patterns in that area that you always complain about, legitimately, have problems. Now you're going to be adding more cars.

Kingsley: right now, the central east side industrial district only has one parking structure, and relatively poor transit. We're not process of changing and adjusting to fit the modern world, and at the same time we want to be a source of employment, a source of jobs, inner city jobs for people. All these jobs will not be typical of the office jobs that are in the downtown core. We hope to have other types of jobs in there which still have a large number of employees.

Katz: Your time is up, but—
i'm sorry.

Katz: I think the council probably would be interested in continuing, but don't take up everybody's allotted time.

Kingsley: then I can end right here and turn it over to peter frye, who has the code amendment that's we're talking about.

Katz: Before you go to—

Hales: The central east side industrial council has insisted for derek airds this is an industrial sanctuary, not an office market. If you want an office market, we need to talk about office zoning. Right now you're zoned for truck and warehouses, as you've asked for for 20 years. I'm not quibbling with a request to make a change, but you don't change to office parking rash os for a suburban environment in the central city in an industrial district. I think that's a mishmash. But to boil down your argument, to compete with the subbushes we need to make the central city more like the subbushes—suburbs. I can't buy that sgli don't think I said that.

Hales: You made an assertion that we're limiting jobs. We're limiting cars. We have lots of jobs in the office districts in the central city. My first we is—question is, what was the parking ratio for the liberty center?

the liberty center?

Hales: Farther from the central centerh city than the east side.
i'm not familiar with that center.

Hales: What's the parking ratio? 2 per thousand. The parking ratio for ods tower and fox tower is .7 per thousand. We limited cars, we didn't limit jobs. So tell us some examples of the kinds of businesses you think we would get with your parking ratios versus the kind that are in the proposal. That would be permitted in the zoning that you have today.

Kingsley: commissioner, we have eight zones. So we'll talk primarily about the—remember, we have rx, heavy intensity residential—i'll let peter—peter wants to field that one.

Hales: Given the zoning you have today, not changing it to ex or cx—
all that's already there.

Hales: Given the zoning you have today, what are some jobs you could have with higher ratios that you can't have with of the ratios that are in the staff proposal?

Peter Fry, planning consultant, Columbia Pacific Planning, 2153 SW Main, Central east side has some of the intensive far heights in the entire region and state. 3rd only to downtown. To not understand the diversity of the district and have an assumption that it's an office park or a low-grade developed area is not represented—representative of its history. The area does in fact have good transit. The problem with trilt is push. That when the people come through the district, the buses are filled with downtown people, kpu need to create intensity to push on this. Was the entire reason for the cctmp, because in those days, the downtown parking lid was limiting the a—the availability of parking downtown. In fact, the state of Oregon and private developers moved their office buildings and created an equalized office market in the subbushes. That was actually bleeding downtown and the central east side and lloyd center drive for market. The point of the cctmp was not to limit cars, but to manage congestion and manage the movement of vehicles and people around the central city plan district, and that is in fact the purpose I was participated in that, was that difference between the parking lid and the cctmp, was move away from a lid to a method of management. The other point I want to make about the office market is, as we are discovering

MAY 10, 2000

now, it's difficult to decide what is office. We're working with the planning bureau on this very problem. Obviously speculative office, we know what that is, filled with attorneys and planners and architects, and they come and go and that's what you have downtown. You also are now seeing offices developed that are not that type. They are more like operational headquarters, they're industrial and industry itself isn't doing manufacturing in the united states, it's doing it all over the world. And the industrial firms themselves are actually much more office-like because they're managing enormous networks, nationally, and internationally. And unfortunately these industrial firms, the ones that are hot now, like cisco, fox 49, these sfirms are moving to the suburbs, they're not coming downtown. These are the markets that this industrial area is trying to capture, not warehousing, not vacant warehouse buildings, not wrecking yards, but very high end industrial companies, which we in fact saw when we were in new york last week. These industrial companies were actually—obviously new york is not the same, but they were paying \$49 a foot for space. These are industrial companies. And they can create intensity. And i'll end on this one point. The perception of low dpens ti on central east side is inaccurate, is not sustainable. We have firms over there that are reaching 140 people per foot. I mean excuse me, per block. Which is an acre. 140 per acre. Typically industrial densities are like 17, 18, even less. These are distribution companies. So to assume that these are small is inaccurate. So to solve that, you need to have transit, you need to have parking. You need to have access. And that's the theory behind these—i kind of spent my time answering questions, if I could go through—

Katz: No. Not yet.

Hales: I could use more help on the answer. What are some jobs you could get with more parking that you can't get with the ratios that we're proposing?

Fry: there's two problems. One is, it's the jobs that we are getting, and their impact on the surrounding neighborhoods and the district. For example, that would be Multnomah county, which is an exd zone, high density. They have a parking structure, benjamin franklin had gone into that building and then moved to u.s. Bank. That parking structure is built to add floors to it. Multnomah county could not add floors under the 2.5 ratio with no process to look at parking structures. So a county who is now part of our parking management plan, who wanted 300 permits, we only said 100 permits, and because of the county commission's holistic and wonderful point of view, the county commission told their staff that they could not eat up all the on-street parking, so now in the real world, the county is figuring out how to deal with what we all want to see, which is 600 employees in downtown Portland that they're bringing in from surrounding areas, as well as into downtown, in fact. So part of the problem is firms that will come in anyway, and then create problems by not having the ability to structurize, and then the other firms—

Katz: To answer the question, you're doing it for Multnomah county?

i'm using inc. Of it as an example of the time of—the type—

Hales: You're there.

patching lumber, the copeland building, i—

Hales: What are the types of jobs?

the second question is how do we want to attract firms into the district like sisco, or info systems? Do you want that in wilsonville or do you want that in Portland?

Hales: I don't know that company. Is it a manufactured space?

yes. The—they manufacture projecting equipment. That's manufactured throughout the world. It's brought into this region to be assembled.

Hales: It's manufacturing space you're talking about? So you think the manufacturing jobs will come to the central east side if we have more of the area of the central east side devoted to parking?

no.

Kingsley: I any that there's a misunderstanding about technology companies. Today's technology companies might have 90% of their space devoted to cubes, engineers, developers, designers. 10% of their space devoted to manufacturing. And infosystems, could very well be a company like that. A company which I was involved with, protocol systems, when it started out had the same ratio.

MAY 10, 2000

About 90% of its space was devoted to people designing and prototyping the product, and then the manufacturing was a very small component of that. A lot of companies—what's the telephone company, vtech? They have a large engineering component here. They do prototypes and designs in a small lab space, and then the stuff is manufactured overseas. The dot coms have no tangible manufacturing, and yet they make a product, and there are several dot com ideas. Fox 49, which didn't locate in Portland because they couldn't get—because they couldn't do it.

Hales: I'm trying to stay with the stream.

you're asking for examples—

Hales: What's the workplace difference between the work that you just described and an arc effect which your office, where there are people at work stations designing things?
the fundamental difference is the customer coming to the site, and there are other differences, but that's one of the—

Hales: The customer—

architects might have more customers coming to visit them in their offices.

Hales: So they might need more parking?
or better transit.

Hales: But it's an office use.
right.

Hales: If we're going to have office uses as a predominant form in the central east side, we better have a lot more transit.

Kinsley: that's if you design—define—I think the code—susan has been trying to make a distinction between creative services and software companies and new economy companies, as being more of an industrial nature than an office nature. If you make them of an office nature and you have 2.5 spaces per thousand square feet, and—in a building they can put 10 people per thousand square feet, they can't get their people to work. Because even if you have 20% transit, that's 3,000 people—three people per thousand square feet. Even if you double it, if you have a mode split of 50%, that's still only five people per thousand square feet. To accompany—to a company that may want to put seven, you have seven -- 7/2 over in pdc per thousand square feet. In the—and I don't know how they get to work, but they're in a better transit virlt than—virlt than the central east side. If we're going to have those kinds of employment densities, we don't have the transportation and we won't have the parking spaces so employers are limited by the number of people they can hire by the amount of parking spaces they have and the mode split.

Hales: The reason i'm giving you a hard time, I feel strongly about this.
I know you do, sir.

Hales: If you want office uses design the district for office uses and put in the transit. But don't tell me you want kruse way and trilt. You're not going to get both. You're not going to get kruse way in the central east side and transit. There's no point in us spending millions of dollars of public money to build transit into an office district if we've already de9ed the character of that office district by saying, this is a place where you drive to work. The whole—
that's—

Hales: The whole philosophy of the central city transportation management plan, seems to be working. Which is, we're going to put office-type uses. I say these distinctioning about software design versus building design versus legal research are distinctions without a terrence. It's office work. At a work station, in conditioned space where no tangible product is manufactured. I say those uses belong in the central city and they belong on the best transit service we have and the only way to make that kind of intensity work, and we're making it work in the river district, in the central—in the downtown, and we're making it work in the lloyd district. If you want to make it work on the central east side, i'm a fan. Let's do it. But let's not put kruse way parking ratios and then let—ask the city to bird a streetcar.

Francesconi: I guess here's where i'm at. From a practical standpoint, let's use river district as an example. We just put in the—your point that you can't have both is valid. I agree with that. The

MAY 10, 2000

question is, how do you deal with real market forces in the meantime, when you don't have the transit? So if we look at the river district as an example, the reason we went to—split the district in half and went to 2.5 because of the streetcar. And it's there, and we did it, but we didn't make the whole district 2.5. We even drafted a line.

Hales: It's less than that, because the typical housing project in the district is less than one. The amount of the district's floor area devoted to car storage is pretty small. And you can make life at street level work because the district is not choke order cars. If you want to have 3.5 spaces per thousand, and add a lot of new employees in the central east side, it's going to be gridlock. It's going to be crowded with cars. And transit will make no sense, because you won't be able to get the streetcars down the street. The street will be too full of gridlock.

Sten: What did we do with—the river district—

Hales: It's at 2.5 for office. Because of the housing product that's getting built on most of that land, that one or .7, the net ratio in the district is probably 1\2.

Francesconi: But that's—

Sten: The rule is 2.5?

Francesconi: And 3.4. In the rest of the district. We just agreed to that.

Hales: In the one part of the district that's never going to have good transit. Because it's between the rail line and the river.

Sten: I thought we gave the 3.4 --

Katz: Susan, come—it was split.

Sten: I thought we gave 2.5 in the area we knew had transit, and 3.4 in the area we knew didn't have transit, but I didn't—i thought it was an— until it got transit—

Francesconi: No. We moved better than that, I think.

Katz: Susan, clarify that.

Hartnett: what you've asked us to do and what the report presents is a change in the line, so the line moves from lovejoy to the rail line. In the new area south of the rail line, sit 2.5 per thousand. In the area north of the rail line, it is 3.4 per thousand, there was some discussion about changing that at some point in the future, but that would be a separate legislative project.

Francesconi: Which brings me to what we should do with the central east side. When we get the transit, we should lower the parking ratio.

Katz: Wait a minute. No, no. Wait a minute. So the reason for going 3.4 in that section is?

Hartnett: the reason for going 3.4 was probably two reasons. One is there is not existing good transit in that area. If you look at the zone a zone b map, a portion of river district 1 falls into zone b, even though it's in the central city. So that means they are not within that quarter mile walking distance of 20-minute peak hour service. It's expected that's going to change pretty quick. Trimet's made a pretty significant commitment to making sure the naito park way bus changes in the not troo distant future with the implementation of the streetcar line. At the time, right now, as you guys are making that decision, the transit service available there right now does not meet that 20 --

Katz: So commissioner Sten was right.

Hartnett: that it's not there right now? Correct. The other issue you talked about is the fact that the rail line will over time, there's going to be more pedestrian access there in the process of providing more pedestrian access right now, but even that will limit pedestrian access to the river district 2, where the more intensive transit is currently available. I just need to—a couple things on central east side.

Katz: Go ahead.

Hartnett: one, central east side subsectors 2 and 3 currently have parking maximums of 2.5 per thousand. Most of that area is—most of that area that would allow office use. Commissioner Hales is absolutely correct. There's a lot of zoning that will not allow office use right now. In the office where that is allow, 2.5 per thousand is the existing ratio, and it is consiStent with ex zoning outside the central city, which also has a 2.5 per thousand right now, and has had that for many, many years. I also need to point out that while we did make some changes to allow more office

MAY 10, 2000

use in the ig 1 zone in the central city, it is still limited to 60,000 square feet, and it requires that 33% of the area of that use be devoted to manufacturing and production. So it's still a very constrained opportunity, and a large part of the discussion on the central east side dos has been, how do we take that sort of beginning step and move it forward, if that's what's appropriate, for more—for a more intensive industrial office type use in the development opportunity strategy area? And I don't think we have solutions for that, and I really think that given that the zoning impediments are larger than the parking impediments right now, that deferring that decision to an implementation of the dos vision, that wayne and peter have been working on with pdc, is the right sequence of events.

Francesconi: What's wrong with that, peter, taking that approach instead of this one?

Hartnett: one thing I want to be clear on, and I get back to the lid versus the management. You need to read this zoning code. There's almost 25 pages devoted to the cctmp. No parking is allowed on regulated—unregulated except for very small surface parking lots. So the idea that if you allow 3.4, then everybody is going to build 3.4, unrestricted, unregulated, is simply not accurate. There is requirement for a central city park review if you build surface parking in the—in excess of I believe it's 40,000 square feet, or I believe it's 30% or something of a side area. Whichever is smaller. So the point here is to argue that you give 3.4, then suddenly all this park assisting going to go in is simply not accurate. It is reviewed by the city for adequacy of services and whether this park is really needed. And so I want to make that point very clear. That was a functional difference between the parking lid and the cctmp.

Katz: Peter?

yes?

Katz: You came to this council and asked us for a planning process to do some visioning in part of the central east side. It wasn't in the budget. You made a good case that you're beginning to rethink what you want parts of the central east side to look at. We put the money in the budget. You're having—you haven't finished the process. The council hasn't seen the final product, and you're asking us to make changes to the parking ratio today. Without having the council realize what your vision for the future is. It just—it's not even logical.

Kingsley: mayor, except that the dos visioning process only encompasses a very smart part of the district, and there's no indication at this point that—

Fry: the mayor has made a good point. I think the concern is—that has been raced to me, because i'm staff to them, is that this is here now. This parking ratio is happening today, and that historically the districts had had a difficult time getting back into a process and changing it, because the planning bureau is limited money and all these kind of things. So the parking structures which are contemplated in the dos at this point in time, which would be shared structures, would essentially not be implementable because the planning bureau— i'm talking about fear here, not necessarily reality—that the city would not have sufficient funds to implement these recommendations. And that's the fear i'm hearing from the central east side, because of past experience of not having sufficient money to implement.

Hales: So you are asking us to give you possibly inappropriate parking regulations now just in case we don't get around to finishing the job later?

Fry: if I could go through—i think this thing has been blown out of proportion. There's only really three things being asked for, and if I could just take the time to get us back on track, the first thing is that in the purpose statement—i participated in the metro process, and the metro process is much about urban form protecting the urban growth boundary. Protection of the air shed, as it was about anything else. So to say that it was more restrictive is simply not accurate. Metro is very comprehensive in their approach. Part of that was the idea that adequate parking, which is our language, is critical for the vitality of industrial commercial and residential uses. We're not saying—all we're saying is adequate parking, and in the process, the management defines what adequate means. And the problem here and the reason this is necessary is because frankly, there are people out there, because parking is expensive to provide, who would under park sites and then

MAY 10, 2000

create great stability in these neighborhoods. I've had to deal with more than situation where an under parked office building on belmont would put their parking in front of neighborhoods' yards. So we're saying this is necessary, that adequate parking—that means you provide a commercial use, adequate parking. That protects the surrounding residential uses. That's the theory here, is it's a matter of these uses living together. The second point is the issue of parking structures. And what this is saying is—through discussion was the city staff, it's focusing only on central east side, though I think it's applicable to the central city. When a developer decides to review a parking structure through a central city parking review, which is a type 3 parking review with criteria, that it should be a review itself that determines the outcome, not the code language. Because if the code language determined the outcome, what is the point of adjustments, design review or any other discretionary view? So the second thing, besides asking for—central east side is asking for, is if someone were to pay for a central city park review, then they should be allowed to let the outcome of the process determine the number of spaces in the structure, not whatever minimum or maximum exists within the zoning code. And the last thing on the list is what everybody has been fix atding on, which is 2.5, 3.4. Thank you.

Katz: So we need to build— what you're saying is we need to build garages in every residential area to keep the parking available for residents.

no, I didn't say that.

Katz: You suggest suggested that to northwest Portland?

Fry: no, not at all. I said that there is a lot of mixed use areas in is that if you have—in that if you have businesses who are under parked in terms of the demand that they generate in an area, northwest 23rd being an example, that those customers and employees park in front of people's homes, and so the idea of this is that businesses should provide adequate parking not excessive, but adequate so that they are not displacing into the neighborhood the demand that they create.

Katz: Let's take reality in northwest Portland. The community knows it probably has the worst parking problem in the city. It has—
in Oregon.

Katz: It has never wanted a garage, because what they are also fighting is the number of cars going through those streets and those neighborhoods. So let's not—that's not necessarily a valid solution.

Francesconi: I hate to make this debate even more contrary, but I just met with the business folks in northwest 23rd, the business folks, not the raens, and they're very resentful of the parking garage we're going to build in the pearl. They want a garage.

Katz: Of course they do. But they—there is also residentss in that communicated as well.

Sten: Susan, what I want you to do is distinguish for me why the river district should get a 3.4, while we work things out, and this—and central east side should get a 2.5 while we work things out. It sounds—those seem like similar situations to me.

Hatnett: I think one major difference is the zoning that currently exists. The existing ex zoning in the central east side has an existing 2.5 maximum. I'm not 100% certain whether peter and wayne are proposing that you change that. Or if they're proposing that we apply the 3.4, the higher number to the ig-1 zoning, which is the area that this—these amendments affects. The ig-1 zoning does not allow a lot of office. This whole discussion about the central east side process and what's going to come out of that it is the—it is incorporated into that vision the idea of higher density job use occurring there, along the lines of what we under the zoning code would call office. Well, that's not allowed under the current zoning. So we have a whole larger discussion for central east side that links both the uses and the parking. In river district, we have existing zoning that allows the office development to occur. We also have existing comprehensive—central city plan goals that speak to the desire to develop public open space along the willamette river which is currently developed as surface parking. The process of trying to move that parking off the river and into structured parking becomes somewhat more challenging in a circumstance where there are parking maximums. Keep in mind right now in river district there are no parking maximums. So we're

MAY 10, 2000

creating a new set of policy or regulations that potentially meet one policy, our desire to have parking maximums in areas of central city where we have adequate transit, coming in conflict with our policies that desire development of open space along the willamette river. So that's one reason to have a differentiation, and the other reason is we have more work to do in central east side, bigger issues than just the parking.

Hales: Let me inserted a footnote that we should have taken up earlier. Although, again, there may be a vision forming with respect to the central east side that imagination much higher intensity office uses and therefore some more transit than it has today, we have unfortunately in this discussion up until this point accepted at face value an assertion that the central east side has as little transit as the strip of the river district that we j were just describing. And that is not true. Go look at the hawthorne bridge right now. The number 14 runs every ten minutes, and that's just one of the eight buses that goes over that bridge. I can't remember how many buses go across the morrison bridge, and the number 6 goes up grand and down mlxlk. Mlk. Could it have better transit? Of course. We we—would we like a streetcar? Of course. But to say that the central east side, oh, woe is me, has no transit, is nonsense. I ride over there all the time on the bus system. Hopefully Multnomah county doesn't need any more parking in their office buildings, because hopefully like the Portland building, it's—they don't have to provide a bunch of employee parking to county bureaucrats. To assert the central east side is in poverty for transit, let's get a tri-met system map, roll it out on the table here, and somebody can explain to me what poverty looks like when you have got all those colors running through the district.

Saltzman: One of the concerns mentioned was about acting today on the parking ratio issues is, you felt you wouldn't have another chance after we reviewed the district opportunities study. Is there some way we can assure that, that we will have this opportunity? It won't abhigh threshold of whatever, whatever the threshold is, when we try to go back—

Hartnett: the only answer I can give is that that is a pdc budget issue. We are talking with them about the intergovernmental agency agreement for budget between pdc and the planning bureau for next year. The implementation of central east side dos is one of the items in the budget list. We're in some negotiations. We put one number on the table, pdc came back with—guess what? A lower number. Swre to figure out how to scope a project that gets the vision moving forward and doesn't put the planning bureau in the situation of committed to doing more work than we're actually given resources to do. So we're in the process of negotiating that, and it's my expectation and legislatorery brown's expectation that we will be moving forward with something next year. I don't know how broad it's going to be, but we are going to be moving forward with some implementation strategy for that vision.

Saltzman: If they were out of the dos study, that—the decision, we want to change the parking ratios in the central east side, you're saying right now we don't know—if it happens after the dos study, it's subject to the constraints of the budget process whether that work actually gets done. If we do it today and—in this study, it's done. Rightly or wrongly, it's done. Is that correct?

Kingsley: yes, I think that's correct. But I think you're then providing a parking ratio for a use that can't exist. Because the ig-1 zoning does not allow office uses. It is constrained to a conditional use marking out at 12,000 square feet, unless it is in combination with a manufacturing and production use and then it maxes out at 60,000 square feet. The dos project I think is envisioning something like a million square feet of office. 800,000? Something like that.

you're saying on a development that includes 30% office, 30% distribution, warehousing, you're permitting—you would not apply—permitted conditionally.

i'm talking about a development like civic— pacific lumber, that it includes a component with— within it of significantly of office. My understanding was you were going to parcel out the office component and attach a 2.5 ratio to that part of an industrial business, because all industrial businesses contain offices. Some far more than others.

MAY 10, 2000

that—well, that—the office you're describing, peter, is an accessory to the primary use. If the primary use is the manufacturing and production use that's the primary use. and the accessory use would not be limited by the ratio? the accessory use would be if it's more than 20% of the square footage. Ful it's more than that that fits into a different use category, you calculate the parking based on each 20% increment. It would apply to whatever percentage of the building is in office, but the manufacturing and production portion has no office limit. So if you felt 2.5 per thousand was too few for the portion of the building devoted to office use, build more in conjunction with a manufacturing and production. more square footage than you need to get more parking? there's no limitation on the amount of parking you would provide, other than the 40,000 square foot surface parking regulation. There's no limitation on the amount of parking you could provide for the manufacturing and production portion of the building.

Katz: Okay.

I think what we'd like to ask the council for is there are a lot of things in the wind. It's—there's possibly better transit. The north-south rail was supposed to be part of this, but there may be somebody else to replace that. What we'd like to ask you to do is start us out with a 3.4 ratio and the parking structures only limited by the parking review, the cctmp, and as dos comes into play and as people start providing better—the city and the metro and tri-met start providing better services to central east side, we would be more than willing to revisit these ratios and reduce them.

Hales: There are districts farther from the central city with worse transit—though, again, I think you've got pretty good transit. I use it all the time. I hope you do too. They are going to be subject to a tougher parking ratio than this. What is the justification for a central city district with good transit having better—having suburban parking ratios compared to a farther-out office location with mediocre transit? Why give the central east side kruze way parking ratios, when hollywood, the belmont district, other areas in the city have to comply with urban ratios? Why there?

Kingsley: commissioner, I only represent the central east side. I can't speak to the other districts. I know our businesses are voting with their feet. And they're leaving.

Fry: the city has chosen to apply to the central city—to their management plan. That 34789 plan has regulatory processes within it that are different than hollywood or belmont or anywhere else. So to say 3.4 is the same in central east side as it is in gateway or—is simply not true because there is a second area process here that you must go through.

Katz: Susan made a point, I need to—clarification. I'm very disappointed. I'm—i really am. That's just a personal comment. But the council may do something entirely different. Susan, you said applying 3.4 for the entire district?

Hartnett: I think it's something peter or warn ought to clarify. Right now the maximums in subdistrict 2 and 3, which are basically the mlk spine, the ex zoning, that's currently 2.5 per thousand. The document in front of you proposes aplaying 2.5 to subdistricts 1, 4, 5, and 6 as well. Which is basically mostly the ig-1 zoning. I'm not certain from their testimony whether they're asking that the 3.4 per thousand be applied in all six subdistricts, in the four we're talking about, in the two that—i need—

Katz: There is nothing in front of us. Could you respond to that?

Fry: the answer is, just as a clarification, there's other zoning besides ig outside the subdistricts. In fact, large blocks of it, omsi, for example. We're recommending that the table 5.10-12 central east side be amended because the city has chosen to put all the districts into one bag, and so our recommendation of 2.5 to 3.4 would have the legal effect of applying 3.4 to the entire central east side subdistrict, because of the way the table is actually set up in the propose—

Hartnett: we can change that table very easily. If central east side industrial counsel till feels that's appropriate for the existing 2 and 3 we can change that table and apply the 3.4 per thousand to 1, 4, 5, and 6. No problem.

one problem with those districts is the lower burnside redevelopment projects, those districts.

that's correct.

Kingsley: and it would certainly enhance the possibility of having those projects—having lower burnside developed if they had a higher parking ratio. And that's—that was our reason for including it in there. We think that project is very important.

Francesconi: Which of those six, susan, which of those six areas allows some office now?

Hartnett: clearly 2 and 3 do. That's primarily the ex zoning. There are some areas in subdistrict 6, I believe it is—let me check the map before I answer that question. Is it 4? Where omsi is, which is zoned eg right now, the—most of the areas outside of that are— it's subdistrict 4, where there's eg-1 zoning. Subdistrict 5 also has some residential zoning in it as well.

Sten: What is it now? What's the rule now?

Hartnett: right now for parking maximums, right now subdistricts 2 and 3, which is basically the north-south spine between mlk and about 12th, is 2.5 per thousand for office uses. And there are some other maximums for, like, retail and—i don't remember— residential hotel—just office? I'm sorry. Just office right now has the maximum. The remaining districts, 1, 4, 5 and 6, have no maximums for any uses whatsoever. And the title 2 compliance piece is to apply some maximum.

Sten: And they've had no maximums for the last decade in which absolutely nothing has happened. If we move it from no maximum to 3.4 or 2.5, how does anybody believe this is going to shape what happens down there? There's been no maximums for the entire decrepid history for most of those properties. I'm not saying which i'm i'm on—side i'm on yet.

Fry: there's a process—the reason there's no maximums is because cctmp has regulatory processes put in place to limit the number of parking spaces that go onto a site. So the issue of maximums frankly is this kind of academic argument in that it is highly unlikely except in a specific case that someone would actually even get 3.4 after they manage to go through the existing regulatory processes. So the point here is to not foreclose that option, but to recognize that there are other processes that were designed to limit not maximums. Maximums were not applied to central east side kpoment for offices. The rest of the district has no maximums because of these other regulatory processes.

Saltzman: Do you want 3.4 for all the subdistricts?

Francesconi: What if we limit it to just where you could just have office uses, 2, 3, 6 and 4?

Hales: to give them—i'm asking the question, give them the higher ratio? High rp than they have now?

Francesconi: I know you don't want that.

Fry: we are running into significant parking problems on the street, and there is a real need to start to get some structured parking, because there is consolidated freight ways moved into the u.s. Bank building, and as you know, the parking permit programs is expanding like wildfire, which the mayor helped facilitate. That's the limit to regulate onstreet parking. The district is not dying, it's growing rapidly, and it's not being able to develop the capacity to sustain its growth.

Francesconi: That would be one option. The other option is we have to guarantee we're going to readvice thit as part of the zoning. We have to be able to tell them, look, we're going to revisit this, period. Which is the better approach? But we—

Katz: That's more logical.

Francesconi: But we don't do budgets up here. We have to say, okay, we're going to definitely do this. If you were sure we were going to do this—

Katz: I can't—

Francesconi: Would you— would you be all right with this?

Kingsley: guarantee to revisit? I guess i'd be—what I would really like would be the higher ratios and the agreement to revisit when you're ready to revisit. We would be willing to look at lower ratios.

what about the other two things?

Kingsley: we still have the purpose statement in here.

Francesconi: I haven't forgotten.

and the parking structures. Which I --.

Hales: I think we ought to plan first and then adopt regulations to carry out the plan. The mayor and pdc have started on a plan. I'm looking forward to hearing a plan for the central east side that's about more than truck stops and warehouses, and we ought to provide the transportation infrastructure to support that plan. To give them kruse way parking ratios now in the hopes as erik said, after 20 years of no regulations, all of a sudden that's going to promote good development, is a gamble nobody should take.

Francesconi: I was asking about the other, the purpose statement, or—

Hales: I can't support that. I don't see—I don't think we have anything in that record to say that parking is essential, that easy parking is essential for office development, and we've got all kinds of evidence to the contrary.

Francesconi: I used the word essential, so I made it more difficult. How about the word adequate parking? You can always—

Hales: What's going to be the effect? I don't understand, other than just philosophy, keeping Portland safe for parking is not something I want to put in the front end of the policy document that I vote on. What's the—

Francesconi: The point is keeping Portland safe for business is kind of something I think is important.

Hales: I'm very much in favor of keeping Portland safe for business. As somebody may have pointed out there are a lot of new businesses coming up all over Portland with tough parking ratios. So I guess what I need to know is what the effect—what the effect of this purpose—

Katz: What—if we use the word “adequate parking,” what would the effect be?

Hartnett: let me point out two things. One is, the purpose statement that central east side sites in their letter is the purpose statement for maximum parking. The issue of adequate parking is covered in minimum parking requirements. So it's 33.266.110, where we specifically say the purpose of required parking spaces is to provide enough onsite parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. That is existing code language that is not being changed. It is the code language that is intended to address the issue that peter was raising in terms of adequacy. To make sure dempfts are required to provide enough parking to handle the trips they generate and not spill over into neighborhoods. Now, having said that, there are zones that we have chosen to not require minimum parking. That's a different discussion. But the question of whether or not adequate on-site park assisting provide is a minimum question, not a maximum question. If you want to say something about providing enough opportunity for parking as a way of supporting an economic development goal, I think that could be worked into the purpose statement. I don't think it's—I don't think it's stated clearly in the way central east side has presented it. Keep in mind one of the primary purposes of a purpose statement is to provide staff guidance when an adjustment request comes in. So if that's what you want to do is provide guidance to staff about how they should consider economic development, I think we can fit it in. Commissioner Hales is correct, there isn't anything in the record. We will need to make sure we put something in the record, and we will need to make sure that we amend the ordinance. The second thing I want to point out about this purpose statement is that this purpose statement in 266.115 does not apply to the central east side. They're in the central city plan district, and there is a different purpose statement that addresses parking in the central east side. So if the intent is to protect the city as a whole, then they're talking about—they're still not talking about the right purpose statement, because they're talking about maximums rather than min muls. If they want to talk about what's happening in central east side, this—

Katz: This is what's—what's referenced here is city wide.
not just central—

does this address maximums—

Sten: Maybe i'm just not involved in this enough, but how in the world are we debating parking is or isn't critical for the vitality of industry, commercial and residential uses? It is.

Hales: That's why we have regulations.

MAY 10, 2000

Sten: What's wrong with the purpose statement?

Katz: What is the purpose— what is the purpose statement now for city wide that they're changing? what is proposed right now is on page 59 of your document.

Francesconi: Can you—what I request is that you draft a purpose statement that reflects—that incorporates the importance of parking in a way that you can handle. And that you come back—in the general statement, and that you come back with suggested things for the record. Next week. Then we can vote it up or down.

Hartnett: one thing I want to tell you, I don't think anybody from opdr is here. As the agency that will have to administer adjustments, they're going to tell you any language I put in that talks about the ability to support economic development, or essential for economic development, is language to drive a mack truck through when it comes to approving jaumplts. Any business can say, I need an adjustment because this is essential for my economic development. There's no standard, no criteria to say why or—why that is or is not true. But I will draft the language—

Katz: I want everybody to take a look at the language on 59. The philosophy and the values there are completely different than what's in front of you in terms of the change. It's taking a completely different direction in terms of what the city is going to look like.

Hartnett: there was not a purpose statement recommended to you at the aerg by the bureau of planning or the plan can commission. That's why we presented the idea of a purpose statement under this provision of zoning code. And I just want to remind everyone that's how we ended up down this track, because this track started with us when we testified in front of you pointing out there is no purpose statement being proposed.

Hales: Could you clarify that?

let me grab the code. I think I got it.

Katz: Dher proposing it citywide:

Hales: I do not want to put opdr in that position, jim.

Francesconi: I probably don't either, but i'm having trouble understanding how you can have language like urban form in there.

Hales: Why don't we ask the people to—who enforce the code to talk about that with you because—

Francesconi: That's what I need. That would be helpful. I promise to do that before next week.

Katz: It's lirimting the number of spaces allowed promotes sufficient use of land, enhances urban form, encourages alternative transportation. That's the current statement for citywide. Why would you want to change it to focus on parking?

that's what's being proposed by this month says. I don't believe that's actually in the zoning code yet. let me—

Katz: Fair enough.

let me try—i hate to do this. A quick lesson in the zoning code.

Francesconi: Please do.

Katz: Yes, please do.

at the—commissioner Sten --.

Francesconi: He doesn't need it.

Katz: He doesn't want to hear it. He'll come back.

Hartnett: at the beginning of many of the chapters of the zoning code, we have an overyaul purpose statement for that chapter. So, for example, in the single dwelling residential zone section, we have a statement about why we have single dwelling zones. We do not have an overall purpose statement for the parking regulations, and I think what I just understood from peter is that he is proposing this purpose statement to be all new language in the code that says, here's why we have a parking chapter in the zoning code.

no. Here's why we have parking maximums in the zoning code.

Hartnett: okay. So you are saying it should only apply to the maximums. Then never mind. What happens in different—in subsequent sections in the chapters where we introduce a new regulation, particularly a regulation that is subject to adjustments that are likely to come in the door, we put a

MAY 10, 2000

purpose statement in there, because one of the major criteria for adjustments is, does the adjustment equally or better meet the purpose statement of the regulation? So we have an existing purpose statement for minimums, we do not have one for maximums, because other than in the central city, there aren't parking maximums.

Francesconi: Help me with the hollywood and sandy plan. I thought what we did was create a purpose statement in the hollywood and sandy plan to allow providence to maybe come in and get a parking garage, maybe not come in and get a garage. Didn't we just do that?

Hales: That was a special case.

Francesconi: Special case? We did it:

Hales: It was for a single district.

Hartnett: it is the parking maximums. It's a purpose statement for the parking maximums within the plan district.

Francesconi: And peter is suggesting if you're going to do it for one district, you do it—I promise, you draft it and I promise to meet with you, so I understand the consequences and I promise to meet with opdr to see what the—

Hales: Get ready for a budget request. Hear me out. Steve pfeifer has been smiling. [laughter] our purpose statements say to put it crudely, we are not easy. If you're going to have your way with us, you'd better be very, very good. A purpose statement that basically says, y'all come, will invite lots of adjustment committee requests and we will need another adjustment committee with a purpose statement like this that says parking equals economic development. I mean, we will—this is a full employment act for land use lawyers. And opdr will be processing a record volume of adjustment cases because every single developer will say, I need more parking to make my deal work.

Katz: Okay. Susan? I don't know where the council is right now. But I think this was—I know it's frustrating, but it was a healthy discussion.

Francesconi: Can we move to number 2?

Katz: Susan is going to try to work something that might satisfy the—everybody on the council. I don't know if you're going to get there or not.

Francesconi: I'm going to educate myself. If we're going to open up the whole door, i'm not going to vote—

Katz: Let's work through 2.

Hales: I think also one way to get at this is what I said earlier.

Saltzman: If there's some way to bring certainty to the central east side, when the study is done, it's not going to be some big budget stare hurdle to go back and look at the advising—revising the parking ratios as part of implementing whatever comes out of the study. It's not going to be pvc pointing this way, planning pointing this way and p dot pointing the other way. That's what I sense is all too often the situation.

Hartnett: my sense is that once we get a scope for that project and agree on a budget, it will clearly include all of the development and zoning— development standards and zoning issues that have to be addressed in order to implement the vision. I don't think we can tell the steering committee we're going to implement some piece of it but not the whole thing. Part of that is because the vision is a connected vision. It has influence on the surrounding areas, so I don't think that will happen, commissioner Saltzman.

Katz: I don't have the budget in front of me, the detail. Was that one area where there was a gap between the request and pdc's—

yes.

Katz: Okay. So we'll have to visit that.

Francesconi: But that can only be limited to the dos area, not the other parts. Right?

Hartnett: well, the—that's one of the differences between what we're proposing to pdc and what pdc is responding with. We think if we're going to implement this vision, we can't just look at the area between the rail line and the river. Because what you do between the rail line and the river will

MAY 10, 2000

certainly have a transportation impact between the rail line and mlk. And that will be this little narrow strip that is still an industrial sanctuary, and we reallyv to take a slightly broader look at minimum slightly broader look. The question is, if we're going to go slightly broader, do we really look at everything from the mlk spine over to the river and do a broader planning examination?

The vision study is a smaller area, but from a planning perspective, we'd rather look at the larger—

Katz: I understand that. But in reality, there's only x amount in the urban renewal area and we're trying to meet all the needs of the central east side as well. So that's the reality.

and what we did scope for pdc was just south of the morrison bridge from the river to mlk.

Katz: Okay. Let me try to help out here. Next week, susan, why don't you—betsy left, but put that on the pdc agenda as well as planning, and stick around for pdc. So we can have that conversation with planning and pdc.

okay.

Francesconi: Now what about the second issue, the parking structure issue?

the entire central east side?

the entire district.

Hartnett: one thing I want to point out on the ratios that were established for subsectors 2 and 3 as part of the cctmp were done in conjunction and in consultation with deq. And all of this central city maximums were established at that point with the understanding that if we were— if we removed the lid, these are the maximums that would be in place. If we start changing those in 2 and 3, I think you're going to have a discussion with deq after that.

Fry: that's not relevant to this. We're talking—

it is, because if you're going to allow structures to occur in 2 and 3, where there would be no maximum, you are in essence exceeding the 2.5 per thousand maximum that is agreed to with deq. the reason deq bought off on no limits to the district was the very fact of this process. So what i'm doing here is simply extending the same logic that we applied at that time to allow parking structures to go through this land use process that deq can participate in, and then they in fact result in less than what you would be allowed to do without the process.

I was not part of the cctmp. I have to akage that. It is my understanding it was not exclusively the process that it was the combination—

Katz: Let—i'm ignorant on that particular point. So we'll need too bring in—

Francesconi: Gene is here.

do you want to speak?

Katz: Does the council—i guess we better get to closure on this.

Sten: I thought were you proposing getting rid of maximums on structures a couple of weeks ago.

Hales: Not in the central city. That's a different animal.

Sten: We were on transit lines. You were talking about hawthorne—

Hales: Because—

Sten: I'm not seeing the difference.

Hales: Farther out from the central city, we're not subject to the regulations of the cctmp, which was the deal when we got rid of the parking lid. That's the issue here. Deq said you can get rid of your parking lid if you have a very tif parking regime in the central city.

Jeanne Harrison, Portland office of transportation. I think what commissioner Hales said is right. There really was a deal with deq and a lot of other players, and it was a trade-off of getting rid of the lid and expanding the area of regulation and expanding that area of regulation to be pretty darn tough, and that in later process would come in and establish the office ratios for those districts that didn't have them. There was no discussion on the table that I was at about exempting parking structures at any time. Partially that's a deq issue, but partially it's a—an economic reality that parking structures do get built in the central city, and i've talked to you about that before, that parking structures are going to get built more and more as land becomes more and more valuable. But in terms of the cctmp, the idea was that we control the parking. That there's no unlimited let it

MAY 10, 2000

go where it wants to go kind of thing with parking structures. That's my understanding and my remembrance of it.

Fry: that's correct, and that's my understanding as well. That's why there's a proposal of a parking review in order to allow this to happen. This was not represented to you at your workshops. The central east side never asked for an exception in parking of structures in wide open. That was never asked by central east side. It was always asked as the context of a type 3 land use process that is appealable, and everything else.

Harrison: the only thing I'd say in response to that is that this—the parking review approval criteria are not set up, it does not include a discussion of what the appropriate ratio is. That is not the purpose of the review. The review is intended to talk about how the parking gets in and out, how it's managed, what kind of parking is it, who is it serving, and doing a management plan for that parking. But it was never intended to set separate ratios from what the ratios established for the district were. And we would need—would need additional approval criteria to do that.

Fry: the first criteria says you cannot add more parking than you can justify or rational eyes. The first criteria—

Katz: I'm going to put an end to this. This has been a wonderful education for everybody, but whoever is—if you're interested in pursuing this, sit down with Jean this week or early next week and get educated on what was meant and what the impact of this would be. The planning commission did not bring these forward. Correct? Peter? They did not—planning commission, did they hear this?

Saltzman: the parking structure?

Katz: Did they hear all of this that we have in front of us? I see some nodding heads.

Hartnett: they brought some of it forward, they brought some of it back, and I think they were confused and divided in their recommendation. [laughter]

Hales: They considered your suggestions, right?

Harrison (?): right. And I think the issue of parking structure, I think it was our fault that we were not clear on the fact that we were asking for a review with the parking structure at that point. I take that blame, and I think that's why—and I can understand that, and that was—that was council's unanimous opposition, letting parking go anywhere, any time, for any purpose. And we heard that loud and clear.

Sten: Is this all coming back next week?

Katz: My purpose is I think there's still some education that needs to go on. This is not a simple issue. People have been working on it for years and years with very specific expertise, including the two gentlemen sitting before us. Leaving us at a disadvantage, but at least with some set of values so we can at least begin arguing with you on the big picture rather than details. If you're interested in promoting these, get educated and then come back. And meanwhile, you and I and pdc will talk about the scope of the next step, because I think that's logical to me, that if we change the zoning and the vision for a section of the central east side, then we probably ought to look at making parking adjustments, not before.

beyond the dos zone. Are you saying that?

Katz: I don't know that yet. I need the discussion. I need to educate myself what the impact of it beyond that.

Sten: Can I ask a question? This may all be in there, but is there any where I can look and get a feel for how many parking spaces can a per thousand or whatever indicator you want to use, exist downtown? I think—part of what's bugging me, I think you've got an apples and answering. Oranges. There's parking available on almost any—every block downtown, so there's this whole bank of parking spots which I think in addition to the transit allows you to built at .7. I don't think that bank exists on the street side. I think it's just street parking. I drive four out of—i take the bus four out of five days of the week. One day i've got to drive for personal or business reasons, and there's about four or five different lots available to me even though this building has no parking. And it's—since I buy a transit pass, it's—i buy a parking spot on a daily basis, and they're

MAY 10, 2000

everywhere, depending how many hours i'm coming in. It seems the central east side doesn't have that bank to draw a so I kind of am feeling like there's apples and oranges, and I can't figure out how to get a reference point on as the central east side starts to ratchet up, if it's built like downtown, it seems like it will have less parking because there's all kind of lots downtown. I don't know if that's making sense.

in terms of getting you the information, i'll have to do some checking. I know there was—

Sten: I don't want you to do a big research project.

Harrison (?): there was some research done already. I'm not sure if it was reported in the cctmp report or whether it was background information. I'm not—i don't know that the areas that didn't get parking maximums as part of cctmp were surveyed. So the subdistricts that we're talking about this in—in this report may not have been surveyed. But I know lloyd district was heavily surveyed to see how much parking was available.

I know there's a lot of parking there. Don't worry about it. Really. Don't.

Katz: Thank you, gentlemen.

thank you very much for your time.

Katz: We just have a difference of perspective and a difference of timing. And you know timing is everything. So is location. [laughter] all right. Anybody else want to testify? Anybody else?

Barbara Linssen, Metro, 600 NE Grand Ave., 97232, i'm from metro's growth management department. I should have run to the table faster, about an hour ago, to testify, because all I wanted to convey was that we reviewed the proposal and report, and it does comply with the intent of title 2, and if it was adopted as we—as the copy that we would—we reviewed, it would be in compliance.

Katz: Thank you. I'm sorry we kept you waiting. Who else after steve? Come on up. We have two chairs.

Steve Pfeiffer: 900 SW 5th Avenue, 97204, mayor Katz, members of council, steve pfeifer. Here today on behalf of freightliner. Before I do that, in my own defense, I always smile at council hearings. Secondly, if you get too racey with that purpose statement and it goats—i happen to agree with what you were talking about you get too racey with a purpose statement, susan's description is accurate, it does lead directly to the basis for an adjustment application. To the contrary, you probably throw most land use lawyers on the street because it would take us half as long to develop an application. I had to laugh in part because before the meeting—susan is correct. She said if it doesn't work, always ask for an adjustment I said, susan, I can't, because the first criteria meets the purpose of the relg laion. I can't ask for an adjustment for more parking because I need it for economic development purposes. If you had completed the discussion in the open silt direction I probably wouldn't have to come up here. Having said that, i'd like to take a couple of second and first refer to you page 61. I've got one sentence, in fact three, four words which are of great importance that I can get you pretty focused after your last discussion pretty quickly. Structured parking, sub2. 75% test. Or more accessory to the use. In other words, the way it reads this is just a question for clarification. Strrd parking is allowed to be exempted. There are all kind of reasons. More efficient use of the land, you get more buildable far in a parking structure. Outside the central city. You've got that in the regulation. In applying this to the freightliner example, the question I ask you to consider is, whether the test of 75% or more of your parking needs come dated in a structure is a basis for getting a structure is based on the use that's being proposed as a new use. In our case, our new headquarters office building, or whether in fact the word "use" also encompasses all of the use we have in our existing site. And that's the basis for my concern. We have today at freightliner 361,000 square feet of essentially office use out on the southwestern edge of swan island. Of that 3 lun 61,000 square feet of existing development, there are 1500 or so parking spaces, all surface, at a ratio of 4.2. That's the existing condition. They're just about to enter into a lease to purchase—to acquire interest in from the port another 12 acres of vacant site at the southern edge for a new headquarters office building. Approximately 315,000 square feet. In looking at this and applying this, the rash I today would be 3.4 for that new

MAY 10, 2000

development. We're parked at 4.2. We have transit service out there, Jean and I were talking about it, none of us know whether it's a 20-minute headway in peak. It's not the best in the city. One of the thoughts I presented to Freightliner when I asked them to consider this policy, you could structure \$20,000 a space, but it also utilized less land. And to their credit they came back and said, if we structure the space as associated with our new 315,000 square foot office building, we can structure 81% of those spaces. Which eats up very little land for surface parking and maximizes the land available for the new building, together with amenities, the buffer we're going to have to provide our friends on the river and revegetation that is needed to make the site work. The problem is, if I instead measure that 75% against the rest of our existing surface parking that serves the other 360,000 square feet today, I couldn't build a structure big enough. You couldn't come date 1500 spaces plus the other roughly probably the same. It would be a very large structure. When I looked at the word "accessory to use," my initial read was the new use that's being proposed. But there's something in the back of my mind, we all read these differently, and Susan said, they're probably—we'd probably be forced to read that as use as a whole, including our existing use, and they're in line with our concern. If applied that way, it would force us to surface park that facility. It would force us to underdevelop our office building and we'd put more of the dirt into surface parking—

Katz: You made your point.

my solution would be this. I would—there are two things—

Katz: We're not voting today.

Pfeiffer: two thoughts and I'll leave. If you—they were inclined to agree, you could simply clarify either in the findings or orally that the word "use" means the new developed use, which is associated with that parking. Or you could substitute the word "use" for "new development." So it could read parking accessory to—

Hales: How about proposed in front of the word use?

Hales: So moved.

any of the above would get us to where we needed to go.

Hales: It makes sense.

Katz: Okay. We're going to come back next week anyway, so Susan, there's a sense from the council they want to do this. Find the right word and if we are creating another problem, let us know.

Hales: If it weren't in the Lloyd Center, think about that god-awful parking lot in front of the Lloyd theaters. We'd love for them to redevelop that in a situation like that. If this was to prohibit them from doing that—

Pfeiffer: it has implications for other uses where there's vacant—I think of OMSI. It could force the next round of OMSI not to go structure, but continued surface because they'd have to meet the 75% test with their existing spaces as well. It does have implications beyond our site.

Katz: Good point. Excuse me. We've got—all right.

Note: Commissioner Saltzman left the meeting at 3:45 p.m.

Sam Galbreath: 7720 SW Macadam Avenue, 97219, my name is Sam Gilbreath. I'm here as the development coordinator for downtown community housing and also somebody who has been involved in the west end visioning process in the current planning bureau work around the west end plan. I come at the encouragement of folks that have been involved in that not knowing whether this is the right time or place, but what people told me is this is maybe as close as it gets for a while in terms of dealing with parking issues. I'm here to suggest two things. One is appropriate changes in wording for surface parking and—in downtown, and also to suggest maybe council consideration of more proactive role in a parking problem that we've discovered that we feel actually is a major impediment to the development of the west end, and other areas of downtown as it relates to parking. Just a little bit of background. Downtown community housing is currently in partnership with central city concern. We're looking to replace housing that's going to be lost in the downtown over the next couple of years. And in relation to that, since September, we've been seeking site—a site or sites to develop a project in the downtown with emphasis on waterfront and

MAY 10, 2000

the west end. And just to give you a sense of what we've done since september, we've contacted owners of over 120 parcels within the downtown trying to seek a site or suitable sites for this project. And we discovered something interesting. Especially in the west end. That is that the surface parking that is there is so valuable as an adjunct accessory use to the existing office buildings, and the way parking is managed creates so many uncertainties as to what would be allowed with respect to the replacement of that parking, that people are simply unwilling to let go of it. And we've talked to the owners of most of—if not all of the substantial surface parking, and all of them would like to develop but can't develop because of what they see as a gridlock around the transition from surface parking to structured parking. And in recent discussions, it sounds like it's not unlike the dilemma that pdc ran into as they looked at the albers mill parking and the ability to convert that to structured parking in which there is language before that you presumably would take care of that, which may have some applicability to the broader downtown parking gridlock problem. What I suggest you consider, and again, my condolences to you in having to be artful around this arcane subject, it's horrific, it's important work, very difficult. But—

Francesconi: I thought we were done, or I may not have come back.

Galbreath: simply what we'd like you to consider is structuring within the work you're doing the consideration that owners of existing surface parking lots downtown be granted by right the ability to redevelop that parking within the context of a new project which also might develop additional parking at the appropriate ratios for that new development. So that would be one thing.

Katz: Let me just interrupt. Isn't that one of the recommendations that we're working through with the west end vision group?
well—

Katz: Are you coming to us before we have that whole process done?

Galbreath: was asked to come here because of—

Katz: Who asked you?

Galbreath: several of the people that are involved in the west end—including some of the owners of the surface parking lot who thought it's not too early to let you know what they see as a problem.

Katz: Okay.

Galbreath: so that—i don't know how often you visit this kind of process. Maybe you don't need the context that you do in the central reese side.

Hales: Less often after today.

Katz: The question that you ask, this is an issue that will come to us planners—this is an issue that will come to us, because I recall this is an issue that is somewhere written on paper—

Hartnett: there is a west end plan that includes zoning changes, including some issues addressing parking. I haven't seen the most recent draft.
this is a preview.

Katz: Okay.

consider this is a preview I just don't think we knew exactly—

Sten: I don't know if we have the right people in the room. Whether it's part of the west end, I think it's a bigger question. I'd like to see—i think it's more—it may be pdc types. Just some little more than back of the envelope, but not a ton more. What the real economics of these sites are. I have to agree, it just doesn't make—something is fundamentally wrong between the economics and our code, or more of these would be developing.

by way of preview, if you will, let me—

Katz: Let's consider this a preview.

Galbreath: let me say one other thing we see playing into this what i'll call parking gridlock. It's one thing that an owner doesn't feel certainty around their ability to preserve that parking worthy to redevelop that site. That's part 1. But part 2 is a real simple kind of checker game. Even if they were, what do they do for the year to two it takes to actually affect that development? That's the suggestion for council to consider a more proactive role on behalf of whoever it's appropriate to consider that, which would cause the city to look very seriously at the development of or the

MAY 10, 2000

encouragement of private development of, let's call it morrison park west 2. Another parking garage, centrally located in the west end, which first would be used as a relocation resource for developers who were developing surface parking. So short-term, it would be a place you would move the surface parking that supports the old evans service products building, for instance, or the medical arts building, move it in there, grant a permit to do that, and then move it back out when the building is done. The long-term use of that building would be for a combination of preservation, slash, growth parking.

Francesconi: Who pays for that?

Galbreath: it would be paid, like all the city parking garages, out of revenues that bonded—revenues that support bonds.

Francesconi: But our parking fund has been mortgaged at the moment, so it's going to be a while before we can use that parking fund to build anymore garages.
but—

Francesconi: And there's other parts of town that have also been waiting a while in line for that.

Galbreath: well, I know a little bit about the use of the parking fund in relation to the streetcar, but the point is, people expect to pay for parking. There is a revenue stream. Part of that stream is dedicated to a bond. The bond—the revenue stream may not support 100% of the capital costs. There are other interim sources like a loan from tax increment funds that would be paid back at a point in time. My purpose is not to get into that discussion, except to again preview for reflection and if it's appropriate that any part of that work its way into this, that many of us believe that the consideration of those two things might very well answer many of the issues around why haven't portions of downtown developed in the bay we would like them to?

Hales: I appreciate you doing this. I don't want to act on this now, and the way to do it is in the context of the plan you're going to bring us for the west end. I think you're absolutely right. Both of your suggestions are sound. I think the revenue from the use would cover the mortgage and so it doesn't necessarily—isn't necessarily stopped by—that's a separate question for a project, but I think it's different than checkers. I can't remember the name of the game, but there's that game where you spell words by moving around the square, and there's one square missing, but there is no square missing. You can't move the first square. You're right. You're on to something with respect to solving this problem. Both in terms of policy of saying, you get to have the spaces you have, plus whatever else happens, and there's got to be a resource there that act on a temporary basis to house those cars while the redevelopment occurs. Because we've got 65 surface parking lots in the downtown core? And they're not changing very fast.

Katz: This is a recommendation that we'll be coming forward as part—that will be coming forward as part after whole package of recommendations. You saw that in the earlier report when the west end plan came to us. So thank you for the preview. Goodbye, and have a nice wednesday. Anybody else want to preview anything? Anybody else? This is our last preview? Okay.

Gary Conkling: Providence Health Care, mayor and members of the council, i'm representing the providence health system. I'm here following the thread of the conversation that was started partially at least resolved in our viewpoint in the hollywood/sandy plan. We're grateful for the accommodations you made. As was indicated, if we could continue to think about it in—and bring forward our thoughts in the context of this action to do so, and we have shared with you a conceptual approach to try to talk about the circumstances that we have. By the way, I did bring extra copies of it if that would be of use for you to see this amendment that i've brought. In fact, in listening to mr. Pfeifer, he actually described in a different circumstance the problem that we have ourselves, which is that we do have in our existing site surface parking that if we were to obtain another piece of property that we've described to you before, and were to redevelop that, and that is where we would place the structured parking, that would be in the location that our neighborhoods would prefer—neighbors would prefer, if you only look at the context of that redeveloped parcel separate from our existing parcel, the language that you have wouldn't pose any problem. But because we do have existing surface parking, we would have to look at a parking

MAY 10, 2000

facility substantially larger than would be the correct size for that area and for what we would need for our purposes as we attempt, as I indicated before, to bring back the jobs that have been sent out to the subbushes and really separating our corporate structure. So you may inadvertently, if you were to solve mr. Pfeifer's and freightliner's problem, you might actually help solve this particular problem. I've tried to write something as specifically as possible, and it's sen september twal, i'm neither an attorney nor conversant in your language, but i've tried to respond to some of the concerns and issues that you have indicated. Our purpose is basically to do a well-designed office structure that would be basically the corporate headquarters in this community, in this state, for providence health system. We can't do that now in our existing facility, and have already moved a substantial number of jobs elsewhere. And the preference is to keep what we have at the current general location and to bring back the jobs, or at least many of the jobs that have been sent elsewhere. All we're trying to do is find a way to make it work.

Katz: Could you share your amendment with us? Do you have it? Then i'm going to—we'll pass it along to—oh. Debby is here. Yes. I thought she left the project. She's still with us.

Conkling: I won't necessarily try to go into all of the points, but again, trying to conceptually describe something where you would have a number that would be a variance for what's in the current staff proposal, but essentially some additional values that you would get if in fact this exception was permitted. Again, another approach would be in fact the approach that mr. Pfeifer suggested.

Katz: All right. Planning folks, does anybody want to have a conversation, or do you want to think through this and come—you want to talk about it now. Okay. Go ahead.

Hartnett: one thing I wanted to clarify I don't think the fix that we're going to be working on for the issue that steve pfeifer would raise would work here, because in the circumstance at freightliner they're talking about a new primary use. A new development. My understanding of the providence site is they're only talking about developing accessory parking. So the language that we're going to insert into that 75% wouldn't get you there. The other thing I want to point out, I know this might not help providence, the 75% is adjustable. So they could request an adjustment down to 15 --50% if the configuration of their site, and I think that might abreason on their site, given where they're kpising—existing surface parking is, that that would be an—a justification for the adjustment. And I know we've pushed towards the, if it's an exceptional circumstance use the adjustment rather than write zoning code language. So those were two—

Katz: Have you seen this language?

I did, actually, before today.

Katz: And?

Hartnett: the two things I just pointed out, we don't necessarily need to change it to 50%, because it could be adjusted. The other thing, several of the clausees here are not necessarily tight enough to put into the zoning code. So we would need to work them out, and some of them I don't think are really relevant to objective standard language. The fourth—number 4 there, the structured park assisting part of redevelopment with the potential to retain or attract jobs, there's no way a person in the permit center can evaluate whether the proposal does or does not do that. I think the intent behind the clang waj is clear, but it doesn't make sense to put it into the zoning code. That kind of standard would typically be more something that you would evaluate in a land use review.

Hales: I may need some help here. I thought when we had the hollywood and sandy plan hearing that we'd adopted purpose statement language for that district that put you in a position to request an adjustment, but didn't open the door to the code in such a way that everybody else in the city can drive a truck through it. So I know you're not intending that, but I thought we put you in a position to request an adjustment and have that very likely to be considered favorably.

Conkling: and I agree that that is the positioning that we were in. The conversation was left open about in this ordinance whether or not you would look at something relative to structured parking. I tried to—again, admittedly—tried to write it as tightly as possible, and I certainly agree that the last two items represent values that might be hard to express in a land use statute. But in fact, the

MAY 10, 2000

circumstance that we are looking at at this time is not only to build the structured parking, that's what we would build first, because we have a parking problem now, but the whole idea of purchasing the property that we're—that we've discussed would be to redevelop it as we were able to do that, and there are existing uses, contracts and other factors that are relevant here that wouldn't make it possible to do on the first day of obtaining it, but to redevelop it to in fact make it part of a campus that would allow us to have other uses and namely the uses that we have already put someplace else. That would be the only reason to acquire this site. We wouldn't acquire it just for purposes of parking. So in that regard, it is similar to the freightliner circumstances. Our sequencing might be a little different, and it might not be identical, but it is at least the principle that they're describing that you might—by having an existing use that has surface parking, because of this ratio discouraging on an add joining use or related use, structured parking at a certain level is as valid in our circumstance as I think in theirs.

Francesconi: So there was just a problem that we tried to fix that Mr. Pfeifer pointed out. Do we agree there's a problem here? Let's not agree on the fix. I take it we agree there's a problem.

Katz: They did fix it.

Hartnett: I'd like—if you want to talk about the specifics of Hollywood, I think it's important that Debbie come up and speak to that. I want to remind you one of the things we talked about the last time the citywide stuff was here before you was that if you wanted to do something special on a special area, you ought to do it as part of that special area planning. I'd rather have Debbie speak to the issues of Hollywood, and I can flush it out in terms of the citywide context.

Debbie Bischoff: Good afternoon, Debbie Bischoff, Bureau of Planning. The process as you have just gone through with Hollywood Sandy, which went into effect on Friday, involved a lot of discussion about parking in particular in this transit-oriented, pedestrian-oriented town center, and the decisions even at our last public hearing on the matter, we presented you three options that dealt with changing the ratios, that dealt with changing the purpose statement, and Council voted to change the purpose statement. And I think—I also related to this particular question, and I hadn't seen the specific language, but I did meet with our Hollywood and Sandy Citizen Working Group, that very active group that wants to continue, I met with them a couple weeks ago and asked them based on the citywide suggestion about if 75% of parking were in a structure, could there be unlimited accessory parking in the structure, do you think that would work in Hollywood, and the responses I got from the members of that committee were, either leave the plan alone as it is, or they might consider it if active uses were part of it. But I don't know how they would feel about a 50% or more. I don't know, you know, the other provisions that is being proposed today. Since you're looking at active uses with structured parking in another sense, it might make sense to leave Hollywood/Sandy and the Plan District alone for now until the recommendations come back on that provision with active use, and then consider it perhaps one more time for Hollywood as you do that. But in general, we've been through the planning process, we determined that Providence is an important employer in Hollywood, but that we did craft this—the purpose statement and revisions such that they can apply for an adjustment and hopefully get more parking spaces that they need for their particular situation.

Katz: And if I recall, that's where the Council left off.

Francesconi: My memory is fuzzy on many things, but on this one it happens to be—I remember it. So we got into this discussion about the purpose statement, and I don't know how far I can go legally on this, but the intent was to have it—craft the statement so Hollywood—so Providence could get this parking garage. That is clearly what I remember. Now, staff wasn't a board, but that's what we ended up doing. Now what I want to know is, I said it makes sense to have some understanding of how Hollywood fits in the context of a whole city. So we know there's some context for judging this. So I'm the one that said, let's bring this up again as part of an overall thing. Whether you agree or not, that's what I said.

Katz: I remember. You're right. But let—

Francesconi: I haven't gotten—

MAY 10, 2000

Katz: Your first piece was wrong. We never guaranteed.

Francesconi: Right. About but I never—

Bischoff: we're talking about spaces, not necessarily a structure. The ratio is—the ratio is based on spaces. For them not comfortable with the ratio that was adopted with hollywood was for them to come in and apply for an adjustment to say, we have a unique circumstance, we need more parking spaces, whether it was a structure or surface.

Katz: Jim was right. He did suggest, could we discuss this issue in light of the— all of the parking.

Francesconi: Just like you just suggested, that we do for ground floor, which apparently we're not going to get to. Be that as it may, that's not my question.

Katz: Not right now.

Francesconi: My question is, in this amendment that was proposed, what is there in it that someone else could quote, drive a truck through?

Hales: structured parking is a part of a redevelopment plan that would retain or attract jobs. number 4.

the other thing I would—

Francesconi: What else?

Bischoff: I would just like to comment, in terms of the rashlg ale— rationale, in a campus-like pedestrian friendly virlt, this is an urban town center, we're not looking at a campus-like development in this town center.

Francesconi: Where are you?

in the rationale. I think that's something that citizens would have a problem with.

Francesconi: Forget rationale.

Conkling: just so the use of "campus-like" is there, we understand this is an urban area. And this isn't a campus—what this meant is that you would have a two-building office park with a parking structure somehow in between it. So I would imagine it is going to be very urban-like in its— again, this property is very valuable, and we're not trying to underdevelop it, but we're trying to but a situation as explicit as we can so that we know how to design it as well as we can, which I think is in your interest as well as in ours. And all we're really trying to do here is sort of explicitly bring forward what probably you might see at some point if we were to be at the adjustment.

Katz: Gary, I know what jim wants to do, and we had this discussion. I didn't realize debbie had gone back to the citizens to reopen this discussion with the—

I wanted to get their opinion to work forward—

Katz: Did they—and you said they had not looked at the 50% --

Bischoff: the only language I had to share with them was what was being proposed through the citywide, because my understanding was we would look at hollywood, compared to what was being proposed citywide, which was if 75% or more of the accessory parking is in a structure, then there's unlimited parking, you know, accessory parking permitted. That's the amendment, or the proposal that I discussed with our citizen working group.

Francesconi: If you look at just 1-3, and you crafted an appropriate language, does that, quote, open the door, closed quote, to a whole bunch of other folks? Sgli think—well, yes, it opens it to anybody who is doing accessory parking. What's being proposed here is no limitation whatsoever in an area that is so close to a transit center and is also served by five buses. I think that sends a bad message. I know one of the options that was considered at the hearing on hollywood/sandy was a higher maximum for the structure portion. I think no maximum in an area that is pretty darn close to central city transit levels is—it's inconsiStent with the other decisions you're making as part of this process. So that would be the one that I would be real cautious about.

Hales: The other reason I was interested in pushing gary and providence into the adjustment process, but giving you some reassurance it wasn't a dead end is that there is a special circumstance there. I'm not prejudging the case. But there is a special circumstance there. And there are a lot of other places that aren't that unique. I don't want to make it easy for them. I don't mind making it at

MAY 10, 2000

least feasible for this case, but before we—I haven't even talked about active uses today, and I'm not. I'll save it until when I vote. I would urge the council to visit Dawson Park before we vote on this. Look at the parking garage that Emanuel built 20 years ago across the street from the park. It presents the—presents a dead face to that park and will for another 50 years until somebody with more sense tears it down. And I don't want another Emanuel parking garage.

Francesconi: Are you talking about the active use issue?

Hales: The whole issue of parking structures outside of the central city in places where they shouldn't be. In this case, I think they can make a case that it should be there, and the place to make that case is in the adjustment process. Writing weak code that lives on long beyond everybody will have long since forgotten about this Providence case, and the code will still be there, and somebody else will do something that will make you wince with that code.

Francesconi: Okay. What my request to you is, and Commissioner Hales may be 100% right on this, so I'm not prejudging this until I study it a little more, but I'd like you, Susan, to draft code language as specific as you can that takes care of this, and then we'll decide—I'll have to decide if it's too broad.

Hartnett: Are you asking for a no limitation, or a higher—

Francesconi: Higher limitation.

a higher number somewhere near like 3.4 per thousand?

Katz: I will insist, because the process with the citizens was so good, that you check in with the citizens at the time that language is drafted.

I will. I think at this point we should probably make sure they have an opportunity to see what staff brings back, and should probably come and testify about it.

Katz: That's what I meant. Even if the council wanted to act positively, I want to make sure the citizens' input was there.

Francesconi: I think they should come back here.

Bischoff: I invited them to come today and they weren't able to make it. That's why I thought I would bring their input. If they—there's no—if they're unable to make the next meeting, I'll still come back—

Francesconi: Are we talking one, ten?

I surveyed nine of the 11 members. Two were out of town. So we had a pretty complete input from them.

Katz: I think we're at the end of this.

Sten: Would I like to get this Providence thing taken care of. That was in this place when the citizens were here on the Hollywood plan. My vote hasn't changed.

Hartnett: Can I recap what I understand you've asked us to do?

Katz: Yes. We keep bringing back the same issues.

do you want—do you want to check if there's any additional public testimony?

Katz: Is there any additional public testimony? Recap.

Hartnett: What I understand is your asking that we incorporate some economic development acknowledgment in the purpose statement for the maximum parking. We want to clarify in—

Katz: You need to check with OPD & R.

Hartnett: All of this will require input from our colleagues. You want us to clarify when we're talking about the 75% for a use, what exactly do we mean, and I think Steve raised a good point, I'm not sure that either of his suggestions are right, but we'll figure out what the right thing is. And then this piece on Providence. You want us to develop some language that would establish a higher limit per structured parking, keep a relationship and—I'm assuming you want to stay with the 50% that Providence has proposed of surface to structure, or what you want us to propose a number.

Francesconi: Figure out another solution.

MAY 10, 2000

Hartnett: okay. And the active use element in this, the one thing I want to understand about this, do you want to us write active use language for the hollywood plan district and bring it back, or that's a piece that you'll roll in as part of the active uses piece?

Hales: I promised to bring the whole thing back real soon.

Hartnett: yeah. I—let me figure out which way it works better. Okay.

Katz: Again, let me just say there's no guarantee that any of these will make it through the council, probably—but we'll see. This is what the council would like for you to do, as well as working with the citizens' group in hollywood and sandy, and then working with pdc to see if we can solve—if we can see a future for the central east side industrial council on the vision plan.

Hartnett: now, the earliest that I can bring this back to you is june 8th. And given the piece you just added with Providence Health Systems, i'm not sure I can get it back that soon. Let's say june 8th for now. If I need to slip it a week or two, I will do that.

Francesconi: You're doing a great job. And you're very patient.

Hartnett: I want to be done with this particular job:

Katz: I do too. We've got—

Hartnett: you all do too, I know that.

Hales: I won't be here in two weeks, that may be a plus. I'll be here on the 8th and a week after that.

Katz: And I may take some time off.

Hartnett: we'll try very much to get it here on the 8th. I would ask all of you to make sure Britta knows your absences as soon as possible.

Katz: I'll have to be— that's all right. We'll work it out.

Hartnett: I didn't want you to think i'd be back next week.

Katz: No. No. We stand adjourned. Thank you, everybody.

At 4:22 p.m., Council adjourned.