



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF APRIL, 2002 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Harry Auerbach, Senior, Deputy City Attorney; and Officer Peter Hurley, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>359</b> Request of Marnie Allen to address Council regarding Community Law Week (Communication)	<b>PLACED ON FILE</b>
<b>360</b> Request of Sam Oakland to address Council regarding loss of the Pioneer Post Office (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAIN</b>	
<b>361 TIME CERTAIN: 9:30 AM</b> – League of Oregon Cities recognition of City Employees awards (Presentation introduced by Mayor Katz)	<b>RESCHEDULED TO APRIL 24, 2002 AT 9:30 AM TIME CERTAIN</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	
<b>Mayor Vera Katz</b>	
<b>362</b> Confirm appointment of Paulette Rossi to the Portland Utilities Review Board for a term to expire April 17, 2005 (Report) (Y-5)	<b>CONFIRMED</b>
<b>*363</b> Accept a grant from the U.S. Department of Housing and Urban Development Economic Development Initiative Account in the amount of \$50,000 for Development of the Greenway in the North Macadam Urban Renewal District (Ordinance) (Y-5)	<b>176384</b>
<b>*364</b> Authorize amendment to contract with an expert consultant on claims related to litigation (Ordinance; amend Contract No. 34088) (Y-5)	<b>176385</b>

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<b>Commissioner Jim Francesconi</b>	
<p><b>*365</b> Apply for a \$525,000 grant from the National Park Service, Urban Park and Recreation Recovery Program to undertake Phase 2c rehabilitation and restoration improvements at University Park Community Center (Ordinance)  (Y-5)</p>	<p><b>176386</b></p>
<p><b>*366</b> Authorize a contract with Kuhn Associates for an amount not to exceed \$70,250 to provide irrigation system design and construction management services for Rose City Golf Course (Ordinance)  (Y-5)</p>	<p><b>176387</b></p>
<b>Commissioner Charlie Hales</b>	
<p><b>*367</b> Grant revocable permit to Oregon Brewing Co./Rogue Ales Public House to close NW Flanders between 13th and 14th Avenues on May 17, 2002 through May 19, 2002 (Ordinance)  (Y-5)</p>	<p><b>176388</b></p>
<p><b>*368</b> Accept right-of-way dedications and temporary construction easements for the SE Foster Road at SE 162nd Avenue Project, granted by Bradley C. Fackrell, Diane S. Fackrell and Mary E. Fackrell, and authorize total payment of \$43,600 (Ordinance)  (Y-5)</p>	<p><b>176389</b></p>
<p><b>*369</b> Amend End User License Agreement with NextBus Information Systems, Inc. for equipment and services to provide real-time arrival information for Portland Streetcar (Ordinance; amend Contract No. 51688)  (Y-5)</p>	<p><b>176390</b></p>
<p><b>*370</b> Amend agreement with R&amp;W Engineering, Inc. for additional time to complete design engineering and construction engineering services (Ordinance; amend Contract No. 32460)  (Y-5)</p>	<p><b>176391</b></p>
<p><b>*371</b> Authorize an Intergovernmental Agreement with the Oregon Department of Transportation for \$163,702 in Transportation and Growth Management grant funding for the Station Access Street Improvement Project, Killingsworth and Albina/Mississippi Station (Ordinance)  (Y-5)</p>	<p><b>176392</b></p>
<p><b>*372</b> Authorize agreement with Oregon Department of Transportation to allow a new fire station traffic signal at NE Sandy Boulevard and 87th Avenue (Ordinance)  (Y-5)</p>	<p><b>176393</b></p>
<p><b>*373</b> Amend Title 16, Vehicles and Traffic, to reflect changes in on-street parking laws, rules, and technology (Ordinance; amend Title16)  (Y-5)</p>	<p><b>176394</b></p>

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<b>Commissioner Dan Saltzman</b>		
<b>*374</b>	Grant authority to increase contract with Westech Construction Co., Inc. in the amount of \$211,595 to repair deteriorated pavement for the SE Raymond St. and SE 28th Ave. Detention Pipe and Pipe Upgrade, Project No. 6880 (Ordinance; amend Contract No. 33662)  (Y-5)	<b>176395</b>
<b>*375</b>	Accept a grant from the U.S. Bureau of Reclamation and the U.S. Fish and Wildlife Service in the amount of \$47,100 for revegetation work in the Tualatin National Wildlife Refuge (Ordinance)  (Y-5)	<b>176396</b>
<b>*376</b>	Authorize an Intergovernmental Agreement with the City of Gresham to provide pretreatment services in the unincorporated areas for industrial users that drain to Portland (Ordinance)  (Y-5)	<b>176397</b>
<b>Commissioner Erik Sten</b>		
<b>*377</b>	Amend agreement with Sisters Of The Road Cafe, Inc. to \$41,794 for personnel in FY 01/02 and provide for payment (Ordinance; amend Contract No. 33822)  (Y-5)	<b>176398</b>
<b>*378</b>	Authorize application to U.S. Environmental Protection Agency for a grant in the amount of \$115,000 to develop a water system Security Vulnerability Assessment, Emergency Operations Plan, and security enhancements plans and designs (Ordinance)  (Y-5)	<b>176399</b>
<b>*379</b>	Amend contract with Tetra Tech/KCM, Inc. to provide additional professional engineering services for the Conduit Isolation and Improvements project and provide for payment (Ordinance; amend Contract No. 31302)  (Y-5)	<b>176400</b>
<b>REGULAR AGENDA</b>		
<b>Mayor Vera Katz</b>		
<b>*380</b>	Accept a \$46,000 grant from the Oregon Department of Transportation, Motor Carrier Safety Assistance Program (Ordinance)  (Y-5)	<b>176401</b>

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<b>Commissioner Charlie Hales</b>		
<b>*381</b> Authorize Abandonment and Retention Agreement with Oregon Department of Transportation for jurisdiction of NE/SE Martin Luther King, Jr. Boulevard and NE/SE Grand Avenue and the acquisition of certain Eastbank property rights (Ordinance)  (Y-5)		<b>176402</b>
<b>*382</b> Authorize Interagency Agreement with Portland Development Commission for the assignment of certain Eastbank property rights along the Willamette River (Ordinance)  (Y-5)		<b>176403</b>
<b>*383</b> Authorize Intergovernmental Agreement with Housing Authority of Portland for engineering and development related services for the HOPE VI Redevelopment of Columbia Villa (Ordinance)  (Y-5)		<b>176404</b>
<b>*384</b> Authorize an Agreement for Professional Services with Group AGB, LLC, for project management services in connection with the HOPE VI Redevelopment of Columbia Villa and waive Code Chapter 5.68 (Ordinance; waive Code Chapter 5.68)  (Y-5)		<b>176405</b>
<b>*385</b> Assess benefited property owners in the Portland Streetcar Phase 1 Project Local Improvement District (Second Reading Agenda 331; C-9963)  <b>Motion to accept amendment to change assessment amounts of particular properties to reflect errors that were made in the original calculations and add an emergency clause:</b> Moved by Commissioner Hales and gavelled down by Mayor Katz after no objections.  (Y-5)		<b>176406</b> AS AMENDED
<b>386</b> Assess benefited property owners in the Portland Streetcar Phase 2 Project Local Improvement District (Second Reading Agenda 332; C-9984)  (Y-5)		<b>176407</b>
<b>387</b> Amend City Code Provisions for Special Traffic Control District and Permits (Second Reading Agenda 355; amend Code Chapter 17.23 and replace Code Section 17.24.100)  (Y-5)		<b>176408</b>
<b>Commissioner Erik Sten</b>		
<b>388</b> Grant a franchise to Tyco Networks U.S., for a period of ten years (Ordinance)		<b>PASSED TO SECOND READING MAY 22, 2002 AT 9:30 AM</b>

At 10:05 a.m., Council recessed.

**APRIL 17, 2002**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF APRIL, 2002 AT 6:00 P.M.

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

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

<p><b>389</b>      <b>TIME CERTAIN: 6:00 PM</b> – Amend the Zoning Code to update regulations that protect Portland’s historic resources (Previous Agenda 224; amend Title 33)</p>	<p><b>CONTINUED TO MAY 29, 2002 AT 2:00 PM TIME CERTAIN</b></p>
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At 7:47 p.m., Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

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

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**Closed Caption Transcript of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**APRIL 17, 2002 9:30 AM**

**Item 359.**

**Marnie Allen, Multnomah Bar Association:** My name is marnie allen, i'm here today on behalf of the Multnomah bar association to talk to you about community law week. As you may know, april 29th through may 4th is community law week this year, and the young lawyers section of the mba is proud to be sponsoring several events during community law week that we wanted to make you and the great people of the city of Portland aware of. Throughout community law week, the three primary events that will be occurring are legal information centers, courthouse tours, and then a tell it to the judge event at the lloyd center.

**Katz:** Can we participate in that one?

**Allen:** Yeah. We'd like you to. At the legal information centers, there will be attorneys on hand at several locations throughout the city and county to answer questions and provide free legal information to anyone in the community that will come down and participate in the event. Also, we'll be taking students and members of the community on tours of the courthouse every day during community law week, and finally, on saturday may 4th, at the lloyd center, we'll have nine local judges on hand to answer questions and provide information to interested members of our community. So what I have are some bumper stickers and brochures that i'd like to leave with the clerk that have detailed information about community law week, invite you to participate in the events, and encourage your constituents to participate in the events, and really look forward to being here and appreciate the time that you've given us to address council.

**Katz:** Thank you for coming down. All right. 360.

**Item 360.**

**Katz:** Somebody said when this became an issue, is sam oakland back? And he's back. And it's a good thing.

\*\*\*\*\*: Madam mayor --

**Katz:** You've got three minutes, sam.

**Sam Oakland, 3446 NW Thurman St., 97210:** Thank you. I have to fly back to russia tomorrow. But today i'm here. In 1996, the gsa proposed a 12-car garage on the side of the pioneer post office and eviction of the post office. In 1996, a small coalition of people stopped the funding for that project. 2002, the general services administration has come back again, now with a five-car garage in the side of the pioneer post office, and eviction of the post office. Now, the judges can stay. The seismic upgrade is okay. But the post office must stay. 2 million Oregonians and out-of-staters and foreigners have gone into the post office since 1996, and come out again. And noticed its beauty and the beauty of the city of Portland. It is part of our centerpiece. It's the oldest public building in Portland. It's very important, and it's very important that 2 million people have the benefit of that, and as opposed to three judges having a benefit of the whole building. Now, if three federal judges get their way, 1800 Oregonians and visitors will lose daily weekday access to the pioneer post office. That's 9,000 visitors a week. That's 36,000 visitors a month. That's 400,000 visitors a year. Why has this happened? How has this happened? Why are they visiting us again with this plan that is not a good plan? I ask the council a number of things -- oppose the eviction, oppose the parking

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lot, require a land use hearing, petition the national park service and the advisory council on historic preservation to stop this. And I ask the city to promote the idea of enlarging the post office to twice its size, crossing that lobby to create a national mini-museum and collectors corner for historic and present new additions of stamps, and to keep the post office there. I'm also asking the city to allow a portable u.s. Postal vehicle to use one of the tri-met stops exactly in front of the pioneer post office for a daily arrival and departure moving post office for the duration of the seismic upgrade, if indeed the seismic upgrade does take place. Cutting a hole in a building that has no hole in it now, and using the argument that 9-11 is the reason, and that this will protect the judges from terrorists, is not a very sound argument. Leave the building alone. Leave it for the people. Leave it for the future.

**Katz:** Thank you, sam. I don't know how the council feels about this. I know how I feel about it. So if the council wants to sign on to a letter on this issue, we'll be more than happy to put one together.

**Hales:** I think that's a great idea. I appreciate sam being paul revere once again.

**Katz:** Yes. Called to duty. They never fade away, they come back at the appropriate time.

**Francesconi:** I don't know if you can weave this in, but that federal courthouse is so expensive, and provides so much federal taxpayer resources to the federal judiciary, it's just incredible.

Anyway. And there's a lot of space up there, too.

**Oakland:** And there's a lot of space in the gus solomon as well.

**Francesconi:** That's what i'm talking about.

**Oakland:** Just an aside as I leave --

**Francesconi:** I wasn't talking about pioneer square.

**Oakland:** I have to fly back, some students have been arrested opposing present government, and a lot of journalists too. I'll be back on steps on may 18th with three other lawyers handing out --

**Katz:** Have you discussed this with our congressional delegation?

**Oakland:** I have been in contact with mr. Wyden and mr. Smith, mr. Blumenauer, and mr. Wu. Mr. Smith thinks it's a good idea to move the post office, and he'll find an appropriate place within two blocks. Mr. Wu's office says it's a terrorist problem, and that's why we have to get rid of the post office. Mr. Blumenauer is open, and I haven't heard yet back from mr. Wyden, i've just been - - i've contacted them all, i've written them all, i've written all the historic preservation groups and i'm doing as much as I can for the few days i'm here.

**Katz:** Well, then, we'll put a letter together and have the council sign it.

**Oakland:** Thank you very much. I'll see you again.

**Katz:** Thank you.

**Hales:** Thanks, sam.

**Katz:** Thanks. All right. Consent agenda. Any items to be removed from the consent agenda? By council members or the audience? If not, roll call on consent agenda.

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

**Katz:** Mayor votes aye. Just want to let everybody know that the league of Oregon cities recognition of city employee awards has been postponed because of a personal matter, a death in the family of david barrenberg, and will be back 9:30 on april 24th. All right. Let's get to the regular agenda. Item 380.

**Item 380.**

**Katz:** Anybody want to testify on this? Roll call.

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

**Katz:** Mayor votes aye. [ gavel pounded ] 381.

**Items 381 and 382.**

**Katz:** This is like a monopoly swap game, so we've got --

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**Hales:** The world's slowest monopoly --

**Katz:** We've got visuals to assist us. Go ahead.

**Kathryn Levine, Office of Transportation:** Good morning, mayor and commissioners. My name is Katherine, I'm with Portland transportation, also here is Greg Jones of Portland transportation, and Mike McElwee of the Portland Development Commission. The next two items represent the completion of a multi-plex multiparty four-year, going on five-year negotiation. The result of which supports two long-term city goals, local control, and an urban development on Martin Luther King, Jr., Boulevard, as well as the acquisition of property rights along the east bank of the Willamette River for future esplanade and central eastside redevelopment. I have about 30 seconds of brief history for you here.

**Katz:** Do you want to move that so we can see that as well?

**Levine:** Absolutely. We do have additional maps for you.

**Katz:** Karla, why don't you read the next item. Let Karla read 382.

**Levine:** In 1994, the council adopted the east bank riverfront master plan, and directed PDC, Portland Parks, and Portland Transportation to work together on its implementation, and further directed the acquisition of the necessary property rights. On a separate tract in 1997, PDOT, the Oregon Department of Transportation, and Metro, began a planning process along Martin Luther King, Jr. Boulevard, called Imagine a Great Street, to envision and design transportation improvements to support revitalization within six neighborhoods and affecting 300 businesses. It was during negotiations for the transfer of jurisdiction of Martin Luther King, Jr. Boulevard from the state to the city that the link was made to the city's desire to acquire the east bank property rights. The transaction before you today is a non-cash transaction between the state and the city. However, PDC is prepared to immediately purchase those -- property rights from the bureau, thus providing the bureau with funds for maintenance activities along the boulevard, as well as other projects. PDOT intends to use some of the monies received to fill the funding gap for the northeast Alberta Street project, which is scheduled to go to construction this summer. Improvements along Martin Luther King, Jr. Boulevard are continuing. Phase II construction of four phases are being completed this year. Phase 3 work is underway, and will continue next year. This agreement is a culmination of work of many individuals within the Portland Development Commission, the Oregon Department of Transportation, and Portland Transportation. Here today is Roland Arnie of ODOT Region One right of way should there be any questions. We especially appreciate his efforts and those of Roger Hansen in making this transaction a reality. We're very pleased to bring these two items to you today for your approval. Thank you.

**Katz:** Thank you.

**Michael McElwee, Portland Development Commission:** Mayor Katz and council, just some brief remarks. Last Wednesday the commission approved or authorized the executive director to spend \$2.5 million for this acquisition, and enter into the IGA with PDOT. They did it in an environment that's made more difficult by the Shilo ruling, but I think they did it in recognition of the importance of this property, and these property rights for the long-term vision that the council's laid out in terms of river renaissance and the east bank master plan. This parcel has significant community support from the Hosford-Abernethy neighborhood, and others, and multiple groups that would like to access the site for recreation and other uses. So the commission authorized the funding and would in doing so request your approval to --

**Katz:** Michael, this was part of the work of the citizens that were visioning what was going on on the east bank esplanade. This parcel of land.

**McElwee:** Very much. This is the heart of the east bank esplanade. As much as the success of phase 1 and 2 have been recognized, it's really the last link to OMSI and completing the downtown loop that the vision really lays out.



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

**Moore:** We have barbara walker.

**Katz:** Come on up. Barbara, why don't you start.

\*\*\*\*\*: I was thinking if it would be all right if m'lou did.

\*\*\*\*\*: Mayor, council members, how are you doing, how is our river? [ laughter ]

**Hales:** Full.

\*\*\*\*\*: Yes. Much more so than of recent years.

**Katz:** You all remember that m'lou said that's the way she's going to greet people in the city of Portland. So how's your family, how is the river?

**M'Lou Christ, 904 SE 13<sup>th</sup>, 97214:** I live in buckman, which is a neighborhood of the willamette watershed. I'm acting chair of the east bank, pac. I want to thank mayor Katz and commissioner Francesconi for their support of our planning efforts through the years. And secondly to thank the pdc commission to vote to allocate funds from their current budget, and including the hole and building. I'm here to ask you to do likewise, to affirm or confirm their action. Yes, there have been many dollars and nearly as many hours of business and -- and resident neighbors spent to design a small but fabulous park south of the hawthorne bridge, but that's all been pie in the sky because we don't even own the land. And we've had the rug pulled out already by some regulatory confusions and accounting corrections and most recently a hotel owner, but as the song goes, i'm still here. You think the esplanade is a success? That narrow necklace that even the naysayers had to admit has been a smashing success and acknowledged by awards and attention, well, hold on to your socks for your first view of the park there once we get it developed. But as a realist would say, there really is no there there yet. We have to acquire the site. Then we can talk about how best to proceed with steps to develop it, to let it be the anchor for light watercraft enthusiasts from around our region, a downtown riverbank segment that models nurturing of river critters and ed indicates their two-legged dry land neighbors, but more of that later today. Please make that dream a reality, a possibility. Get us our grub steak. We'll be ever so grateful.

**Katz:** Thank you.

**Barbara Walker 1891 SW Hawthorne Ter., 97201:** That's a tough act to follow. I'm barbara walker. I'm not an eastsider. I think it's time for the central east side to have its piece of the river. It's time for the central east side neighborhoods to be able to get down to the river. This is like planting a flag to allow us when times get better, to be able to proceed with the long-sought park that we need for the east side neighbors. -- neighborhoods. In addition, this includes a building which without any cost for renovation, can house the light watercraft center, and for a very, very small amount of money, a floating temporary dock can allow them to get out on the water. It's only one tiny stake, but I look at it like the flag at iwo jima. I hope you believe this is something we can unanimously set in motion.

**Katz:** Thank you. Thank you both for being vigilant, persistent, and --

\*\*\*\*\*: No problem. [ laughter ] roll call on 381.

**Francesconi:** Well, I guess i'd like to thank commissioner Hales, pdot and pdc for accomplishing a three-fer. This really helps martin luther king boulevard right there in the central east side, which is an anchor for the businesses and the neighborhood. And it also helps alberta street, which is a terrific project, which really is an anchor there as well, and we need these resources to complete that project. And then the third leg of the stool is a place to plant the flag for the whole east side, inner east side neighborhood, and that's crescent park. I've had the privilege of speaking with martha schwartz at length, and i've seen the potential of what this park could be, and what it could look like and how it integrates, it could work with the freeway, without the freeway, integrating the freeway and extending it down to the river. It's an exciting design, and we have no resources. But now at least we have the land. So I guess I also want to especially thank the citizens of the east side and

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throughout the city that have kept this vision alive. It's really important. This vision has gone -- one of the successes of Portland, we continue good things from council to council, from council member to council member, because as -- the citizens keep it alive. It was really mike lindbergh that deserves a lot of credit here, as well as the mayor. But it's important upon us that we keep this one alive. And now that we've got the land, we need to really -- this is a terrific opportunity to really unite our city and to provide something for the east side neighborhoods that would be wonderful. So thank you for giving us that opportunity to keep it alive. Aye.

**Hales:** Well, I think if the public ever knew how long and arcane these negotiations were, you know, in order to get to a common sense result, they would be appalled. But if they knew how many of these kinds of negotiations either never happened in the first place or failed, they would be even more appalled. And in -- one of the secrets of Portland's success is that people do apply creativity and patient effort to getting a problem like this solved. And no one will ever know how many of these kind of things should have been concluded and either with were never attempted or got stuck in bureaucratic turf and never moved to where they should have gotten. I just want to commend the staff work that's gone into this. I don't even want to know how many hours katherine and greg and vic and everybody else at pdot have put into this. It's another example of the creative problem-solving spirit in our public agencies and pdot in particular, but the others that were involved as well, that even without resources, even with all those obstacles of turf, people kept looking for a solution and kept looking for a solution, and found one. So thank you for great work to come -- to a common sense result, and setting us up for real success in the future, not just on the east bank, but also on mlk itself and finishing that alberta, making good on the commitment to finish the alberta street project. A side benefit of this that maybe it looks like a little bit of a footnote, but it's one to watch, we are transferring jurisdiction of an old state highway to the city. We've got more of that work to do. Another common sense result that's going to take money and time and this kind of negotiation to get to. But we can check off one more city street that now actually is a city street, and that's been put into good condition by a concerted effort here. And I just want to commend the whole piece of work, long monopoly game, but everybody won. Aye.

**Saltzman:** This looks like tremendous work here, and appreciate the effort that's gone into this by our staff, but also particularly by the hosford neighborhood. I know this has been a vision of theirs for a long time to punch on through to the river and really provide a connection to many inner east side residents. I think it's finally going to happen now. We'll still need to do some improvements here, but I want to -- great work to all the commissioners and the commissioners before us that made this happen. I was hoping this map would show us going all the way down to the county line, with highway -- whatever highway it is, state highway. I know that's a desire of the brooklyn neighborhood to see that, the freeway section of mccloughlin boulevard also become under city ownership at some point. So maybe we can move on to that leg soon as well. Good work. Aye.

**Sten:** I think it's all been said, but it's a great piece of work. Congratulations. It shouldn't take so long, but at least it got done. Aye.

**Katz:** I want to thank all the staff and odot. We don't get -- I don't get to work with odot very often. But these are very complicated negotiation and transfers of land. So pdot, odot, and michael, thank you for your persistence on this issue as well, and pdc. We will have some resources for some streets improvement, but the next chunk is going to be to finish the park. The design is there, as commissioner Francesconi stated. The citizens had behind it. It's very, very exciting. And i'm looking forward to seeing it being constructed in the very near future. Aye. [ gavel pounded ] 382.

**Item 382.**

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

**Katz:** Mayor votes aye. [ gavel pounded ] 383.

**Items 383 and 384.**

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\*\*\*\*\*: The next two items are actually together.

**Kathryn Levine, Office of Transportation:** The next two items before you authorize services in connection with the housing authority of Portland's hope vi redevelopment of columbia villa. Council documented a resolution last june supporting the housing authority's application to the u.s. Department of housing and urban development to redevelop that public housing with the acquisition of federal funds, the housing authority will soon be moving forward on site redevelopment activities, and Portland would be very pleased to be working with them on this revitalization project and would like to provide the necessary engineering and subdivision support activities required to redevelop the public transportation system in this neighborhood. Part of our proposed project team includes a consultant group, agb, who will be working for Portland transportation to provide services to this area. They cover phase 1 activities. We hope to return to you next summer for phase ii contracts, which would cover final design and construction of public infrastructure. Thank you.

**Margaret Van Vliet, Housing Authority of Portland:** Mayor Katz, members of the council, i'm margaret, with the housing authority of Portland. On behalf of our board of commissioners who voted last evening to accept this agreement, I want to thank you for your leadership and continued support. We don't expect to start construction for some 18 months, but this is a very important first step for us. We're also about to begin comprehensive public involvement effort to really kind of hone down the plans and the concept that's we submitted to hud and shared with you last year. So we're excited, we think this is a wonderful first step, and we appreciate your support. Thank you.

**Katz:** Thank you. Questions? Anybody signed up to testify? Anybody in the audience wanting to testify? If not, roll call.

**Francesconi:** This is a terrific first step, as you said, towards a very important project for our city, especially the residents of north Portland. Aye.

**Hales:** Aside from the scale of this project and the number of people that it's going to house, it does involve the instruction of a lot of infrastructure and a real street grid to replace the 1950s scheme that was put in place there originally. So there's some important public works work to be done, and this begins it. So I think all of us that are involved in this project are excited about that as well, not just the people benefits of this project, which are enormous, but that we get to sort of make the place like Portland instead of like leavittown. So I know all of you who are working on this project will enjoy, that and the people who will live there will enjoy it even more, because it will be a much better in addition to being new and larger in terms of housing units than it is today. So good luck with this important work. Aye.

**Saltzman:** Aye.

**Sten:** We're underway. It's real now. I'm excited. Good job. Aye.

**Katz:** Thank you. Mayor votes aye. [ gavel pounded ] 384.

**Item 384.**

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

**Katz:** Mayor votes aye. [ gavel pounded ] all right. Let's read 385 and 386 together.

**Items 385 and 386.**

**Katz:** We have some amendments, commissioner Hales, do you want to introduce those, including placing an emergency clause on --

**Hales:** Everybody should have --

**Katz:** On 385.

**Hales:** I would move -- do you want me to move the amendments first?

**Katz:** Yes.

**Hales:** I'll move the amendments and then the emergency clause.

**Katz:** The emergency clause, karla, is that 385 and --

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**Moore:** 385.

**Katz:** 386 was a report. Any objections to the amendments? Hearing none, so ordered. [ gavel pounded ]

**Hales:** For the record, the amendments just change assessment amounts of particular properties to reflect errors that were made in the original calculations.

**Katz:** Okay. Are any of the property owners here that would like to testify on the new numbers? Nope? Okay. Questions?

**Saltzman:** I'm just curious, there were comments -- does this deal with all the properties that people had concerns about possible overassessment? There was one company on northwest 10th.

**Hales:** I think -- vicky is here, good. I don't think it includes that one, but it includes the others.

**Saltzman:** I guess you checked into all the issues?

**Hales:** There's some we can't deal with.

**Vicky Diede, Office of Transportation:** Office of transportation. All the people who were here I checked into all the calculations and the land uses and everything else to make sure they were correct. The amendment really just reflects errors. -- and clarifications as we went through the entire process. Basically it was exhibit c with one addition, there was one additional owner-occupied residential exemption, and then the three changes that were a result of the report of remonstrances last week.

**Saltzman:** The three changes were made as a result of the remonstrances?

**Diede:** Yes.

**Hales:** Could you explain the recent for the emergency clause?

**Diede:** Yes. I certainly can. The emergency clause is there so -- because if you amend an ordinance --

**Katz:** No. If you amend an ordinance without an emergency clause, a nonemergency ordinance, it has to go on for a second reading the following week.

\*\*\*\*\*: So we'd end up with a second second reading, is the situation we were in.

**Katz:** Since we've heard all of this, and everybody I think is supportive of this, that was the reason that you requested it. Okay.

\*\*\*\*\*: We didn't have to see each other next week too.

**Katz:** Anybody else have any problems with this? Nobody wants to testify?

**Hales:** I move the emergency clause.

**Katz:** I think we did that already.

**Hales:** Oh.

**Katz:** 385. Roll call.

**Item 385.**

**Francesconi:** I support all this, and it's as fair a process as we could do. I would project it if you could step back and later on do any lessons learned from this and review this process. We talked about it last time. I don't need to require it as a formal amendment, but if you could, after some time passes, look at this, look back and see if there's anything if we learned any lessons from how we -- before we move forward with other phases that would be good. Aye.

**Hales:** I think the council discussion last week was very instructive, or opened some questions for us to consider in the future, and that is not just on a streetcar l.i.d., but l.i.d.s in general. What should our policy be about tax-exempt properties, churches, institutions. I think the judgment call that's were made in this case about the rates that were applied and the stepping of those rates, those were good judgment calls, but they are judgment calls, so they're open to reconsideration, I think, on just that basis of what makes sense, what feels appropriate, what's fair. Those are not scientific words. So it has to be reconsidered by us as a policy body from time to time. So I think that's right, we ought to have that conversation about l.i.d.s in general, and about future streetcar l.i.d.s if we --

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assuming we continue to use that tool for the streetcar. On the positive side -- that's not a negative thing, that's just something we ought to do. On the positive side, you can't please all the people all the time, but 97.3% is pretty good, so i'll take it. Actually we just heard this morning in a discussion with pdc staff in terms of their research about property values that I think i've got this right, in the last three years the property values directly along the streetcar line have increased by 40%. So some of us extended that hearing the remonstrances maybe we should have offered people another option where they just split the increase with us, but just teasing. They're much better off paying their l.i.d. Assessment than paying us half the increase in the value of their property. But that's the point, after all. We weren't trying to burden people with a cost that they wouldn't recoup in terms of the value of their property, and it's great to hear that already in just the first less than a year of operation of the streetcar people are seeing very dramatic increases in the value of their property. So that's a real thumbs up for the success of that project as well as the process for assessing people. So vicky, thank you for patient effort, and to kay, dan and the others that spent so much time working with these individual property owners, that's been very good customer relations in terms of this l.i.d. So thanks for great work. Aye.

**Saltzman:** Appreciate the good customer service in looking into all the issues that were raised last week. Thanks. Aye. **Sten:** Aye.

**Katz:** Mayor votes aye. [ gavel pounded ] 386.

**Item 386.**

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

**Katz:** Mayor votes aye. [ gavel pounded ] 387.

**Item 387.**

**Katz:** This is a second reading. Roll call.

**Francesconi:** Aye.

**Hales:** Just want to say thanks to don gardner. For a nice piece of work here, and a good result in terms of both policy and the cooperation of the downtown property owners in getting to it. Aye.

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

**Katz:** Mayor votes aye. [ gavel pounded ] 388.

**Item 388.**

**Katz:** Anybody want to testify? Roll call. I'm sorry, goes to second. All right, everybody. We're going to adjourn for the morning. Just want to remind everybody we have a 6 o'clock hearing, and it probably will go on for a while. I don't know if we'll be able to get to any closure, but hopefully we'll be able to at least get to making some decisions that will come back later for a vote. We stand adjourned. [ gavel pounded ]

At 10:05 a.m., Council recessed.

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**Item 389.**

**Katz:** First hearing. A lot of issues came up. And the count at least some of the members of the council were interested in not only inviting everybody back, but discussing demolition denial issues. So let me run down the issues we're going to be -- we need to give direction to the bureau of planning on. First of all, we need to meet the requirement of the state law. Second of all, if we are going to do a demolition delay beyond what we have today, we need to decide how many days. If we are going to do demolition review, we need to have some criteria. We need to have criteria for demolition denial as well, if we are going to do demolition denial. Then we need to understand what properties are included in all these decisions that we're going to be making. And then we want to have a discussion on incentives. We began that discussion this afternoon on the grove management committee that Steve Shell chairs, and I think it deserves a little more conversation with -- among ourselves as well as with staff and some experts in the room. And then an issue came up, a tax issue, came up that will need to have -- and I'm sure we will have some testimony on it and we will need some clarification and the council is going to have to decide whether it's an issue or not. So that's the agenda for tonight. I think I've covered all the issues. Now we are going to turn to staff and have them walk through for anybody listening or watching or not reading our material, the summaries of our recommendations.

\*\*\*\*\*: Okay.

\*\*\*\*\*: I'm Steve from the bureau of planning and --

**Katz:** Did you read the item? We were stretching so until everybody came in.

**Moore:** 389. Amend the zoning code to update regulations that protect Portland historic resources.

**Katz:** We are not going to be voting tonight. We don't have code language on the issues I described. We have code language on some, not on all, and this will give us a good opportunity to also give some direction to the bureau of planning on coming back, especially if we're interested in discussing some incentives. So we will have to figure that out as well.

**Steve Dotterer, Bureau of Planning:** Okay. Steve from the bureau of planning. About a month ago we had a hearing, as the mayor said, and the staff had prepared some proposals and we held a public meeting to discuss those proposals. We also found in discussing those proposals there's a fair amount of confusion about the terms applied to different kinds of landmarks or resources and so on. So Cielo is going to do a brief discussion discussing the proposals but also clarifying the different types of historic resources we have.

**Cielo Lutino, Bureau of Planning:** Hi. I'm with the Portland bureau of planning. I'm coming down with a cold so if I start hacking away, excuse me.

**Katz:** Get closer to the mike. Move Steve away.

**Lutino:** Okay. Since we met on March 7th, we had a public meeting on April 4th. The agenda of that meeting was to discuss the different protection measures we could apply for historic resources, particularly regarding demolition. We looked at demolition delay extension review and we looked at demolition review. For the extension review, we asked our audience what criteria should be used for this review and what should the maximum delay period be. For demolition review, we asked if there was public support for. The conclusions of that public meeting, our audience told us that we needed stronger protection, not only for individually listed National Register properties, but also for contributing resources and historic districts. The type III land use review procedure for either review, no one said that there should be a lesser degree of review. They also said that council shouldn't -- council shouldn't provide a lesser leg of protection than what's provided in the planning commission recommendation. Okay. So we do have additional information available tonight. We

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have some statistics on land uses of national registered properties. We also have statistics on demolition of historic resources from 1990 to 2002. Last council hearing we looked at I think some stats from '96 to 2002, and at the public meeting, we were asked to look also at the stats from 1990 to 1996. We have up here maps with locations of historic resources in Portland as well as comparative data. How do other cities address these issues? Okay. So next i'm going to talk about the types of historic resources that the national park service uses. Okay. The first we have national registered properties and they constitute the bulk of resources listed in the national register. They are individual resources or districts of local, state, or national significance. You will notice I said districts. National registered properties can be individual resources like the crystal ballroom but they can also be districts like the alphabet historic district in northwest Portland. Second designation is that of a national historic landmark or nhl. And those are resources of exceptional national significance like the golden gate bridge in san francisco. And fewer than 2500 resources in the country have this designation. Like national registered properties, though, this designation can apply to individual resources such as the pioneer courthouse and districts, like skidmore-old town. Those are the two national landmarks in Portland. Just those two. Let's focus a little bit on historic districts. Essentially districts are composed of two types of resources, those that contribute to the district's historic character and those that don't. You are going to hear possibly tonight preservation jargon, terms like primary contributing but you should think about districts essentially as contributing or noncontributing resources. Okay. Those are designations that the national park service uses. Next i'm going to talk about Portland's classifications, not its designations and i'm going to talk a little more about the distinction i'm making tweak class if iizations and designations.

Our first is a historic landmark. This term is different from the national register in that it doesn't include districts. If you are one resource, a building or a tree, what have you, then you are a landmark. And if you are more than one you are a district. Okay. There is a hiccup, however. You will notice it in the second sentence of the description. These resources can also be listed in the national register. So you have locally designated historic landmarks only, and then you have some that are listed in the national register and our locally designated. So a resource can be both and let me explain. We have 66 locally designated historic landmarks and that is their highest classification. However, we have 455 resources that are both locally designated landmarks and designated in the national registry giving us a grand total of 521 resources listed as historic landmarks in the city. Conservation landmarks I like a lot better because we only have a dozen of them. [ laughter ] they're of local or neighborhood significance. Let's move on. Okay. Historic districts. I am pleased to see that this classification only applies to districts, not individual resources. Like historic districts designated by the national park service, they're also composed of two types of resources, contributing and noncontributing. In Portland all ten of our historic districts are also listed in the national register so we don't have that distinction I had to make earlier with historic landmarks, those that are locally designated and those that are listed in the national register.

Those ten districts we have roughly 1200 contributing and roughly a thousand noncontributing. Then we have conservation districts. A classification that applies to a collection of resource of local or neighborhood significance. And all seven of ours are in north and northeast Portland. Again, we see the two classifications of contributing and noncontributing. You can just look at the figures there. Finally, we have our last classification which is the historic resource inventory and that's a catalog of resources that may be eligible for landmark or district designation within the inventory a resource is either a rank one, rank 2, rank 3 or unranked. Rank 1 is the highest classification. Okay. Maybe you are confused?

**Katz:** On this last item, these are structures that may be eligible but have not made a request to be considered?

**Lutino:** Right.

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**Katz:** Or they're too young?

**Lutino:** No. Those didn't even make it. So there was a 50-year limit, you know.

**Katz:** These fall into the 50?

**Lutino:** Yeah.

**Katz:** Okay. 50 or above.

**Lutino:** Uh-huh. Here's the cute little slide.

**Saltzman:** What was the rank 1, rank 2, rank 3 again?

**Lutino:** Rank 1 is the highest of properties that could be listed as landmarks or districts. And then the rank 1 is the highest. I believe that those could be listed in the national register and it's sort of went on down from there. Does that makes sense?

**Saltzman:** So rank 1s could be listed in the national register? Is that a distinction to draw?

**Lutino:** Uh-huh.

**Katz:** Let me ask on that. So there was also discussion a month ago about this group and the fact that there may be very significant buildings that are not listed at all, and the notion was, could we identify all of those buildings and make a determination about some of those buildings as well? And you have presented the rank, rank 2, and then rank 3.

**Lutino:** And unranked, yes.

**Katz:** And unranked, okay.

**Lutino:** Okay? Okay. Let's take this particular area of town, which I chose because it has a mix of both residential and commercial land uses. However, I want to make sure council understands that individual and district resources in the national register are predominantly residential properties. Okay. So the property at 2566 n.w. Lovejoy right there, is one of our 12 conservation landmarks. The property west of it is a local historic landmark that is also listed in the national register. Just a couple of blocks away, we find ourselves in the alphabet historic district. These properties are contributing resources in the district but they're also individually designated as local historic landmarks but not individually listed in the national register. Across the street we have a noncontributing resource and in the lots above it, more contributing resources. Finally, nearby, in and out of the district are resources including in the historic resource inventory. I understand that this has been a labored explanation, but I wanted to get across that a resource can have a number of classifications. Okay. So that the classification with the most restrictive regulation is what would apply. In other words, we have a tiered regulatory system in which some resources receive greater protection than others. That's precisely what we're talking about tonight. So we'll look at the different options that council can take in considering demolition protection for historic resources. The first option, and this is outlined for those in the audience in a memo, and we have those available right over there. First option is adopt the planning commission recommendation, and the protections included in this recommendation are demolition review for resources that have a covenant with the city; 120-day delay for individually listed national register properties; and locally designated historic landmarks and conservation landmarks.

**Katz:** And then the resources that have with the city?

**Lutino:** One. The one we saw in the earlier slide at 2566 n.w. Lovejoy.

**Katz:** Okay.

**Lutino:** And then we have this option we are recommending that council adopt the recommendation -- amend the recommendation to include the requested changes to the planning commission recommendation. And in the memo that's the lavender and yellow-colored sheets of paper. Okay. Option b, the first two bullet points are essentially -- i'm sorry. This is option b 1. The first two bullet points are option a, and then here, where we're recommending that the recommendation include the following demolition protection, it's for individually listed national register properties that they be subject to a type iii demolition delay extension review, which could



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result in a maximum delay period of 300 days. And exhibit b again, that's also in the memo, provides the criteria for this review, and those criteria are conceptual only. Please don't take that as hard and fast code language. Okay. Then let's look at option b 2. Again, first two bullet points are the same as option a. And here, the recommendation could be amended to include the following demolition protection. It's individually listed national registered properties and contributing resources in historic districts would be subject to the type iii demolition delay extension review, which could result in a maximum delay period of 300 days. Exhibit b provides the criteria. Again, I mentioned that earlier. Hey. Moving on to option c 1. I'm just going to move ahead to the demolition protection which is the third bullet point. In this option national historic landmarks are subject to a type iii demolition review which could result in a permanent denial of the permit. Exhibit c provides the criteria for this review that criteria in exhibit c are existing criteria found on page 139 of the recommendation. Option -- yes, that's right. Okay, option c 2, again, moving on just to the third bullet point, the recommendation could be amended to include individually listed national registered properties being subject to a type iii demolition review and that's different from c 2 in that it leaves out the contributing resources. Okay so the last option is individually listed national register properties type iii demolition review so that carries with it the potential for denial. And then contributing resources in historic districts are subject to a type iii demolition delay extension review, which could result in the maximum delay period of 300 days. Okay. So that really brings us to a summary. I know that that is a real eyeful to look at so we've got it up here on the chart, liza, if you could actually flip this one over a little bit larger. And again that's in the memo if you folks in the audience want to look at it.

**Katz:** Where are you now? I'm sorry. Where are you?

**Lutino:** It's just a summary of all the options. It's pages 2 and 3 of the memo.

**Saltzman:** Can I ask a question?

**Lutino:** Sure.

**Saltzman:** As option d also include then the ability for denial for national registered properties?

**Lutino:** Yes. That's that first dash.

**Saltzman:** The type iii review includes the possibility of denial? Yes.

**Lutino:** Yes.

**Katz:** And all of them or not follow state law requirements?

**Lutino:** Yes.

**Katz:** Okay.

**Lutino:** In our memo we recommend at the least that the council consider option b 2.

**Dotterrer:** And just for a clarification, option b 2 we believe will meet the state requirements so if your objective is to meet the state requirements you need to go that far?

**Katz:** You are too meek.

**Dotterrer:** I'm just describing what the state law is.

**Katz:** Okay. Are you done with the lights?

**Lutino:** Uh-huh.

**Katz:** Okay. Questions on these classifications? By the council? Let me ask the question, would the criteria review -- the review criteria, did people feel comfortable with them or do you think you need a little bit more work?

**Dotterrer:** People did not feel comfortable with some of the criteria, and there's a definite feeling that we need to do additional work to --

**Katz:** Okay.

**Lutino:** Particularly, if we get to the denial --

**Katz:** On the denial.

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**Lutino:** We would need to come back to some specifics which we could do whatever text you want.

**Katz:** All right. So everybody.

**Saltzman:** I have a question.

**Katz:** Go ahead.

**Saltzman:** Is there any further definition of what "viable economic use" is for a private sector property?

**Dotterrer:** I think you will hear some testimony about that but that's part of the analysis would need to be for someone to say, I don't have another -- I don't have a viable use. And so there's no cry tear --

**Saltzman:** So there's no criteria spelled out in our code?

**Dotterrer:** In our current code, no.

**Saltzman:** Or by the federal park service or --

**Dotterrer:** Unfortunately, no.

**Katz:** They don't have one either.

**Dotterrer:** They don't have that.

**Katz:** All right. So those are some of the options that will we will be looking at and trying after we hear the testimony and ask enough questions. Steve, you want to kind of share with the council some of the incentive that is we heard? And I hope we will hear I think I saw art come on in. Yeah. We'll hear some of them, maybe again.

**Dotterrer:** Okay. Today at the mayor's growth management committee there was a discussion about incentives and regulation for historic preservation. And art and rob discussed some of the possibilities. I think they identified maybe three major classifications of incentives. One, they called smart building codes. That would be amendments to the building codes so that a historic building would not have to, when it's restored or remodeled, would not have to come up to the same code standard as a new building, it would have to meet for some kinds of standards and you could, I mean the kinds that were discussed were things like seismic requirements or access requirements. These codes exist in examples were given from maryland and wisconsin and new jersey as some places where they have that kind of code. Obviously another kind is the incentive program. As you heard testimony the last time, the incentive, the tax incentives we have in place because of measure 5 and 50 are not as effective as they used to be. There are other kinds of incentives that are used in some other states. Clearly the council can't, those would have to be part of our legislative proposal to be adopted -- to be effective. And then the last kind would be certain kinds of zoning incentives.

Either far transfer arrangements more flexible than the current ones we have, or some other kind of elements in the zoning code that would be incentives to people for restoration. So major types.

**Katz:** Also store front improvements.

**Dotterrer:** Yes.

**Katz:** And seismic loans. Both of them, I think we still have available for the puc.

**Dotterrer:** I guess then a fourth category would be pdc type loan program.

**Katz:** So the reason I raise this up, because some of it would take legislative action, some of it would require just a code revision on building code and i'm not sure whether that would take legislative action to waive some of the code or not. So that's something we need to review. And then there were ideas that we -- that some tools we currently have. Further questions? All right. Let's open it up for public testimony.

**Moore:** Three at a time. We have howard weiner, greg goodman and robin white.

**Katz:** Do you have two sheets there?

**Moore:** We only have one.

**Katz:** Okay.

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\*\*\*\*\*: Am I first?

\*\*\*\*\*: I'm first. Unless you want to be first.

\*\*\*\*\*: No, no, no. There's not going to be a test at the end of this meeting, is there? I'm still over my head. Oh, good.

**Francesconi:** It's going to be you, not us.

\*\*\*\*\*: I'd rather talk about skateboarding. I'm here tonight as president --

**Katz:** You just lost a minute because you mentioned skateboarding. [ laughter ]

**Howard Weiner, 210 NW 6<sup>th</sup> Ave., 97209:** I knew that would happen. Thank you. My name is howard weiner. My address is 210 n.w. 6th avenue, downtown, cal state skate. I come as the newly elected president of the old town neighborhood association. I thank the council for taking seriously the letter we wrote and i'm sure others did, to have a discussion before decisions are made.

And I can't offer any information on the details. What I can say is to someone who has been here all of his life, we grew up in Portland, used to go to south Portland and buy his bagels, we sent to synagogue at nevahzadek, those little are no longer with us and in the end I believe that we need to find a balance. A balance between development, and a balance that holds preservation to a higher level. And the reason I say that is, is once a building is gone it no longer be with us. It is gone for forever. And so in the end whatever decisions are made, I hope that that process leads to that.

Thank you very much.

**Greg Goodman, City Center Parking:** Good evening. I'm greg goodman with city center parking, 920 6th avenue. I'm chair of the app policy committee and I wish to speak on the extending demolition denial to national registered properties. I'm not going to talk about the legal questions. People like steve janik think they know more than I on that. [ laughter ] i'm just -- just wanted to see if people were listening. I will also not talk about having denial on the books, how having denial on the books may result in good projects supported by all being dragged throughout land use process for three to four years. You have heard those arguments. Good policy should be fair, predictable and objective. It should treat buildings of the same age and heritage similarly. It should not be onerous attempting to achieve public goals on the backs of private property owners. I can appreciate that many of you feel there are buildings in Portland that we would not want torn down. I agree. But we do have a short list -- but do we have a short list of those buildings? In the 1980s, Portland completed an inventory of historic resources. Unfortunately, the city never followed through and there is today no quality take active list. For a variety of reasons, national register listing is inadequate as a measure of our best and brightest. Put another way, we don't have a good collective handle on what we have. As a city created preservation incentives, we know that the older buildings bring in less rent, have higher maintenance costs and have significant building code issues. Yet the city's incentive tool books -- box is pretty much empty. It doesn't need to be. Other cities have incentive that is include tax breaks and grant programs, zoning flexibility, liberal trds, smart building codes, as well as breaks in permit fees, processes and reviews. And other cities have programs where troubled icons have been proactively identified and collaborative preservation strategies have been developed to help preserve them. With all these the issue is not whether they are on the books but are they effective? Has the city created a good criteria for demolition review? Existing criteria is broad, imprecise and unpredictable. For example, it talks about their being no economic use, no viable economic use, which is distinct from economic return. Even if the property is losing money, it could have a viable economic -- kite have a viable economic use. Existing cry too -- criteria does not take into consideration the conditions or the economics of the building. They do not take into consideration whether the owner has attempted preservation or whether the city has offered assistance. Should demolition denial be extended? That is a tougher question. The truth is that without the front end work, a good legal grounding, a qualitative

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inventory of resources, a useful incentive package and a thoughtful and objective criteria for demolition review the resulting policy can only be unfair and unpredictable. Can I say one more?

**Katz:** Just quick.

**Goodman:** Rather than a piecemeal approach that pits the owners of historic buildings and preservation advocates against each other, I urge city council send the package back to the planning bureau to work with all the stakeholders to develop a historic preservation program that the city can be proud of. Thank you.

**Katz:** Thank you.

**Robin White, Executive Vice President, BOMA, 1211 SW 5<sup>th</sup>, 97204:** Members of the council, for the record i'm robin white, executive vice president of Portland boma, Portland. I was so pleased to hear your questions about the viable economic return and about the incentives because I think the boma members in looking at this program were very concerned that a demolition denial is an acceptable -- if it has no incentives to encourage the owners to -- to maintain the buildings and upgrade the buildings. There's no review criteria for determining what buildings should come under this, and then also if there's no specified ground rules for the process. As greg pointed out that a lot of older buildings are, in fact, the most costly to maintain and that's complicated by the fact that they are usually the ones that do trigger the ada upgrades, the seismic upgrades, fire and life safety upgrades. If, in fact, you put a demolition denial on them, it would also overshadow any potential financing they could get to be to maintain and upgrade the building. Boma members are concerned about preserving our heritage but we are concerned that without criteria for choosing and selecting the buildings that should, in fact, be retained we might be faced with a lot of older buildings that, yes, are retained but they're boarded up and they're not maintained. And which becomes an eyesore on the face of the city, and could, in fact, be a place where more vibrant new buildings could appear. I understand that there's a group of individuals working with the planning bureau to come up with a workable alternative that has incentives, that has a predictable policy and has a way of determining the buildings should be included and we would urge you to take action tonight to support the planning commission report, to support the continued work by the planning staff so that we can, in fact, have a workable policy and I just want to underscore those facts. I know you have received several letters from boma members that outline some of the more specifics about their concerns on this issue. And I know that you will be hearing from more members tonight. Thank you.

**Katz:** Thank you.

**Sam Naito:** Good evening. My name is sam naito and I am a 5 n.w. Naito parkway. Our company has been involved in historic preservation in the city for over 40 years. It was my family that financially supported the creation of skid more old town historic district. We acquired many of the old town building when they were the verge of falling down. We also stepped up when the city looked to preserve the gal rear -- galleria, deku and montgomery mark building. We arguably own more historic property in the city and have put more buildings on the national register than anyone else. I can assure you that had demolition denial be been in place we would have been very reluctant to acquire any of these buildings and certainly would not put them on the national register. Each represented a substantial financial risk. We took this risk because we believed in historic preservation, and thought the chances were very good that we could make something of it. A look i-i look at the work going on in old town today and see much of our belief has been validated. But our work is done as a private property owner and trying to do the right thing. The city does not have much in the way of incentive to help us but the regulations and building code, in fact, make ownership of historic buildings harder. It just doesn't make sense to me. The city wants to make the rules tougher. If the city wants to help save the buildings, it should come up with programs that make preservation better economic sense, not wait until we suffer higher costs and lower rents than

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at the last minute say, we believe this building is important, and you can't tear it down. It is unfortunate that this discussion has pitted the owners of historic buildings against the preservation advocates. Fundamentally, we should be on the same side. Fundamentally, we believe in the same things. Rather than piecemeal approach that ends up being divisive I ask that you link the debate of incentives and protection and ask the planning bureau to work with the stakeholders to find a reasonable consensus proposal. Thank you.

**Katz:** Thank you 37.

**Peter Meijer, AIA Historic Resources Committee, Chair Historic Landmarks Commission:**

Peter, 123 n.w. Second. I'm here as the chair of the historic landmarks commission. I prepared written testimony but I would like to vary from that based on mayor Katz's introduction to this and based on staff's presentation. First of all, I would like to commend staff for their hard efforts. It's no easy position for them to be in, hearing all sides of this issue and come up with recommendations. I would also very much like to reiterate what mr. Naito has just said and what mr. Goodwin said earlier that said we really should be working together on this. It is not good and not very productive for both sides to have such a controversial stance with each other. And so i, too, am in support of working together on a solution for this. To get to mayor Katz's, what they would like to see today, we haven't talked about demolition delay, and the days associated with that.

I would like to encourage you to look maybe perhaps at going with staff's recommendation d, which is the all-inclusive one. If we have a delay period, we have talked about in the public forum, 300 to 365 days. So I think that's an adequate time. Criteria, we concur historic resources concurs with the criteria that staff has presented to you in appendix -- both appendix b and appendix c. I have my appendixes right. Yes. Exhibit b and exhibit c. Those are criteria that are already in place in the code and so we support that. As far as incentives, staff mentioned three terrific approaches to start the discussion, both smart building codes, yes, those are in place even in Washington, port townsend is considering adopting a smart building code. Tax incentives, yes, and zoning incentives as well. I have attached an exhibit to our testimony, which essentially reiterates perhaps a larger exhibit to consider that this issue isn't just on associated with that surrounding the codes, but preservation in Portland could use some fixing up as well. Additional incentives might be to waive local fees for designation. It my bring back the celebration of preservation. Essentially, is there a local tax incentive that might be added to this? And again, I value and would like to have an opportunity to participate in any conversations of economic return versus economic use because they are tantamount to coming towards a solution to this issue. So thank you.

**Katz:** Thank you.

**Patrick Gortmaker, Kalberer Family, 733 SW 2<sup>nd</sup> Ave. #125, 97204:** Good evening. Patrick of 733 s.w. 2nd avenue. I'm here this evening on behalf of the kalberer family, property owners in old town, chinatown. Our neighbor contains two historic, two nationally registered historic districts and is filled with buildings rich with allure, cultural, architectural and historic significance. Recognizing the enormous potential our buildings offer the vision for old town chinatown adopted by council in december of '97 followed by the old town chinatown development plan in december of '99, recognizes that the successful rehabilitation and revitalationization of these structures into new uses including mix the housing will rely in part on the creation of tax benefits rather than there isn't incentives. Though have have been several successes in our neighborhood since the adoption of both plans, unfortunately, the creation of the above incentives has not occurred. Let me give you an example of a construction analysis in our neighborhood. A viable use of one of these buildings or building comes along and the owner goes through an analysis of the economic return. The analysis obviously includes the cost assumption of keeping and rehabilitating the existing structure or demolishing the structure to make way. It just happens that this particular building is a contributing or individually listed building on the national register. Assuming the owner makes the

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latter choice of demolition, the code changes before you today will now force this owner to go through a demolition delay review period. The period of 120 or 300 days now being considered is not the key issue. 300 days would be fine, but during this review period, the owner must now go through this viable economic use schedule which has not been defined. What are we talking about? It's the economic return and the return that is gauged is gauged on what set of criteria? Does it mean a return of \$100? 1%? 10%? What are the criteria for private investor return versus nonprofit return? Without acceptable criteria for these thresholds we cannot have an effective code and if these threshold criteria are not defined for demolition we should not have a denial of this demolition as a possibility. We need real incentives and new mechanisms for rehabilitation such as a review of the seismic upgrade requirements for historic structures, increasing financial support for building facade improvements, store front restoration, the creation of state sponsored tax credit program, and the creation of a local and state seismic tax I didn't tell program. These are the carrots that everyone is talking about and it is these types of incentives that will help make historic preservation a success. Until these are in place, the denial of demolition at this time places an unfair economic burden on the property owner. As a family who owns historic property in this neighborhood, and has gone through both new construction and complete historic renovation, we embrace the cultural, architectural and historic past of the buildings while remaining practical about what is possible, safe, and viable. We urge the city to take a closer look at the demolition review process and find the viable and beneficial use criteria through continued sessions between both public and private interests and create a code that benefits and protects our city and its rich heritage.

**Katz:** Thank you.

**Saltzman:** Could I ask a question? So if we sent you all off and said come back in six months with a definition of economic viability, incentives, and denial and review, could you do that?

**Meijer:** In a group dynamics? I'll take the stance and say yes. There are many ideas already on the table and I think in six months, a good discussion would occur about what might flow to the top out of all those ideas. Yes.

**Saltzman:** So you think a consensus could be achieved amongst the varying interests? I guess I would be curious to know what sam thinks and what you think also on that.

**Gortmaker:** I, too, agree with the incentives that we heard just this evening. Six months and then open discussion, with both public and private interests as I am confident we could come to a consensus.

**Saltzman:** And definition of economic viability?

**Gortmaker:** Yes.

**Saltzman:** And the denial and review? Part of a whole package.

**Gortmaker:** We have some incredibly bright people in this city. I am confident we could do that.

**Saltzman:** You agree, sam?

**Naito:** I going along -- I go along with it. [ laughter ]

**Francesconi:** May I add one call tie -- qualifier. The incentives have to be something we agree on.

\*\*\*\*\*: Yes.

**Katz:** Thank you, gentlemen. Let's keep moving.

**Steve Janik, representing Oregon Historic Properties Association, 101 SW Main #1100,**

**97204:** Good evening. Members of the council. I'm Steve Janik representing the Oregon historic property owners association which is a long standing organization of owners of historic buildings. We work with the staff and the planning commission for over a year to develop the planning commission recommendation to you and we certainly continue to support that. Everyone here tonight supports historic preservation and my clients have demonstrated their support by actually

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buying, rehabilitating and owning historic buildings. Where we disagree right means and methods of accomplishing that common goal. With respect to the alternatives in front of you the demolition delay of 120 days which is automatic, has been in the code for over a couple of decades and we certainly agree with it and support it. Demolition delay extension, which is a new option, where you would extend the 120 by another 180 days, is acceptable to us but only if the criteria that guides that decision is the right criteria. The real question to ask, if you are extending the delay period is, can something be accomplished during the delay period that will lead to the preservation of the building? That's not the question that current criteria in the craft in front of you ask. They ask a different question. Demolition denial. We oppose this for several reasons. First, it's not required by goal 5 nor is it required by the attorney general's letter that you got before the couple days before the last hearing. Number two, demolition denial will create a land use decision-making process where, if you grant denial, it will create an opportunity for those opposed to the new project or wanting to preserve the old building, to take that to luba and the court of appeals and in the meantime the developer will lose their financing commitment and their tenant commitment, that justified the proposed new building. Number three, the criteria for demolition denial are unworkable and unpredictable. How are you going to balance historic attributes against the economic realities of preserving the building or not preserving it and build a new one? Here in this chamber you will hear arguments about people arguing over what's the appropriate rate of return for private developer to get, arguing over rehabilitation costs. It will become an extremely difficult matter for you and for everyone. And I think that in most cases the private party will not be capable of prevailing. Third, or fourth, people put their properties on the national register of historic places when there was no demolition denial. You now are changing a legitimate expectations they had when they look the at the book of rules and made that decision. And I think that's probably unfair to them. Next, people will be reluctant as you heard sam naito testify to put their properties on the national register if the consequences and unpredictable demolition denial process. Next, use of the donation of a conservation easement is often a way to produce money to help rehabilitate the building. If you impose demolition denial the value of that conservation deduction will go down. We urge you to defer this to accept option b for the present time, and to put everybody to work develop a program of incentives and a appropriate regulatory mechanisms.

**Katz:** Thank you.

**Francesconi:** I had a question, steve. On your first point about the purpose statement on the delay. As to whether you can accept going from 120 to 180. In exhibit b, doesn't it the approval criteria say it will be extended at the review body finds this a reasonable likelihood that further delay will result in the preservation or relocation?

**Janik:** There are additional criteria.

**Francesconi:** There are.

**Janik:** That address the economic viability and a number of other factors. We think those additional criteria don't really focus on the right issue. That criteria does focus on the right issue.

**Francesconi:** So that part of's right.

**Janik:** That part's right.

**Francesconi:** So your statement is the factors underneath it are not consistent with the criteria?

**Janik:** Correct.

**Francesconi:** And which one in particular?

**Janik:** Jim, I don't have that in front of me.

**Francesconi:** The economic?

**Janik:** There's an economic one and two or three others that I think you can just look at them and see they're not consistent with that purpose.

**Francesconi:** Okay. Thank you.

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**Katz:** Okay.

**John Tess, Heritage Consulting Group, 123 NW 2<sup>nd</sup> Ave., #200, 97209:** Good evening. Members of the council, my name is John Tess. I'm representing Heritage Consulting Group, my firm this evening. I have been involved in historic preservation for over 20 years. I began my career here in the stiff Portland working for the bureau's planning landmarks commission, moving to the ship office and 20 years ago I started this company called Heritage Consulting Group and have offices in Washington, D.C. and projects all over the country. In doing projects all over the country I found over the years Portland truly has ground to be a national leader in the area of historic preservation. That is largely because of its carrot rather than the stick approach to preservation. In all my years of experience of being involved in historic preservation, I have found that this carrot versus stick approach is the best approach to historic preservation. Demolition denial is not a carrot. It is, in fact, a detriment to having an owner seeking historic registration. Demolition in the past in Portland has not occurred because we've had good incentive programs. We have had a 15-year tax freeze. We have had federal tax. Urban conservation fund. We have had other loan programs through the PDC and some which are working very well now. Unfortunately, a lot of those programs aren't worth as much as they had been in the past. Some good examples ever some of the buildings that have been saved in the past as a result of these programs were the New Market Theater, the Widmer Brew Brewery and buildings within the Yamhill and Skidmore Old Town Historic District. Tonight you will hear a lot of considerable amount of testimony which quite frankly leaves me a little bit confused over our historic preservation code. I think that Portland used to have a much simpler code. Some of the things if you do, in fact, adopt the amendments and I would concur with Mr. Janik's recommendations, I think we will be going back to that code and a code that, in fact, peel will be able to use. I think Portland continues, can continue to be looked at as a leader and we would hope that you would look at the staff recommendations, follow those recommendations because they have been working on it for quite a while since last June. Thank you very much.

**Katz:** Thank you.

**Jackie Peterson, President, Old Town History Project, 2644 NE 32<sup>nd</sup> Pl, 97212:** I'm Jackie Peterson, the president of a new nonprofit organization called the Old Town History Project. I'm a professor of histories in Washington State University although I'm a Portland resident. I am vitally concerned about the future of our history, both our built-in environment and the memories that are attached to those places. I have to say that I am really quite I guess confused about what has been presented to us in the last 24 hours. My understanding at the last hearing was that what council was asking for from the planning bureau, first of all, was whether or not we could comply with state law simply by fixing the and/or issue which, frankly, two and a half years ago \$50,000 was allocated from the state historic preservation office to do. And we still aren't there. And that is not an in the show that's been presented to you tonight. You have not been given the option simply to change the and to an or and then go on to what everyone agrees is a necessary opportunity for all sides to come together and to talk about a balanced program of protections and incentives. I simply want to read state law because I think this is really pretty important. Under goal 5 at our 6.60, in section e of this rule "protect" means to require local government review of applications for demolition removal or major exterior alterations of a historic resource. In section 1 d of the same rule historic resources of statewide significance are defined as, quote, building structures, objects, sitings or districts listed in the national historic register and approve would national historic districts. I think that's pretty straightforward and the irony, of course, is that your current code adopted in 1996, and I think there are two members of the council that were on the council that of that was, in fact, adopted, does, in fact, comply with state law. The only option that is being presented to you tonight is d, which even comes close to providing the protections that are in your existing code. Your existing code includes both demolition extended delay up to one year, and denial, as outcomes of demolition



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review. The proposed review opportunities here including extended delay do not even meet the public review criteria. I have just noticed that on page 20 of this amendment, it says procedure for demolition delay review, which is a totally new term, is a nondiscretionary administrative process with public notice but no hearing. Decisions are made by the director of opdr and are final. This does not meet the criteria the state is requiring. The greatest irony is an attitudinal one. We talk about compliance but the truth is's this is enabling legislation. Everyone state has it. I mean we have cities everywhere in the country including salt lake city, san francisco, phoenix, denver, los angeles, let alone boston and miami and chicago, that have demolition delay and denial. This is hardly a radical idea. But protection goes along with incentives.

**Katz:** Thank you. Your time is up.

**\*\*\*\*\*:** Thank you.

**Katz:** I want to make sure a staff responds to the issues that were just raised.

**Jerry Powell, 1441 SW Harrison St., 97201, Goose Hollow Foothills League:** Council, i'm jerry powell. I represent the goose hill foothills league. Here I am again. In goose hollow there's a national historic district called king's hill. The it's a treasure of the city. It's a fabric, if you wish to look at it that way. It has, as staff told you earlier it's got several categories of historic resource in it. But it itself is a historic resource. It makes absolutely no difference whether any particular structure in that district is ranked 1, rank 2, rank 3. Newer period, older period, or virtually anything else as long as it's a contributing structure. Noncontributing structures even within that district are part of that fabric. There is no credible reason for differentiating between anything that happens in that district in terms of its effect on the district. I'm telling you, is the buying into the distinctions between the little bits and pieces within a historic district, you can essentially disassemble a district very, very quickly. Don't go there. This has been a problematic process. It started with a very simple request from the state to fix a wording. It seems to have caught a policy issue backwards. All of a sudden the issue of, what do you do with the legislation is driving the policy said of the other way around. It encourage the council to decide what policy it is you want to follow and then direct the staff to enact that policy. Thank you approximately.

**Francesconi:** Jerry, I have one question. So I have my lingo right, so in the historic districts you have both individually listed properties on the historic register and then you have contributing resources?

**Powell:** Correct.

**Francesconi:** So are you saying that's -- those are the two classes you want protected or are you also saying that there's yet a third category that you want protected? Everything else?

**Powell:** Basically, everything that's in that district --

**Francesconi:** Beyond the contributing resources?

**Powell:** Correct.

**Francesconi:** So if there's a winchell's doughnuts shop, you really want demolition denial on that?

**Powell:** That would probably never happen. However, whatever goes in there in place needs to be subject to the district rules, the design guidelines for that district. If you separate out the pieces of the district at this point in the code, you may be -- depending on how the wording of this thing actually winds up being, you're risking setting up a tiered system that also applies to what the replacement criteria might be, what the design yeah tearia might be that are applied.

**Francesconi:** Okay. Thanks.

**John Czarnecki, Chair, Portland Historic Landmarks Commission, 2742 NW Savier St., 97209:** Good evening. I'm john czarnecki. I am chair of the Portland historic landmarks commission. I'm here on behalf of the commission today and I want to thank council for the opportunity to comment on the demolition provisions and the -- in the historic code amend project

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and the entire demolition review process. The recommendations, we have -- at which we have arrived it's really best to speak to them in relationship to the -- to the planning bureau recommendations because they, there are two of them which very closely match those. And that is, d, amend the recommendation to include demolition protection for individually listed national register places. Keeping type iii review and contributing resources and increasing the type iii demolition extension to 300 days. We also, barring that possibility, would maybe obviously support a 300 day demolition delay as long as the demolition denial were put under closer scrutiny.

The landmarks commission arrived at those recommendations after the majority of our commissioners attended the public meeting on the project on april 4th and after a briefing on the project from planning staff on april 8th. Having vigorously participated in the project since its inception the landmarks commission strongly believes our recommendations will provide greater protection for historic resources threatened by demolition. It's really about recognizing the intrinsic value of historic resources which we all do, I think. But just as important, it perhaps for the future, more importantly, recognizing their potential value as an integral part of public and private land use planning. I think that that possibility, especially, as the city grows, increases in density, becomes the real opportunity, and the -- we also understand that the current tie criteria for demolition review needs reexamination especially if the city is to provide a balanced approach. In other words, we must study local incentive that is other people have talked about and I would also like to insert on behalf of the commission, thanks to the mayor for inclusion of one of our -- of one of our members in the meeting this morning with the land use or growth advisory committee. And I want to assure you that out of those discussions and discussions that we are having right now on our agenda is that we are currently have incentive issues on our agenda for this year and will gladly provide a forum for public discussion of those issues. Thank you.

**David Greene, Piedmont Historic Committee:** my name is david green. I live the 6326 n.e. Mallory. I am a piedmont neighbor. Current piedmont historic committee member and a member of the education committee. I am here on my own. I have a wonderful building saved and restored by a city that cares about conservation. I just left the Multnomah county library, another building that was saved and restored and I believe that denial should be part of the new code. I believe it is a true that is not used every time. Obviously not for winchell's. But it should be there in case it's needed. And otherwise, a developer would simply just wait out the time period, and they would end up getting their permit. What if someone got their hands on the pittock mansion? You wouldn't want to not have that tool at that time and there's been a lot of beautiful mansions that have been torn down in the past. I like d but I don't think the time line is long enough. I was at the april 4th meeting. I studied two years. People kind of squawked. I don't think that's a very long time. I sat in on many of the meetings for the benson house that took much longer than two years for something to gel together and get it saved and moved. Demolition denial is a real point and part of the code. Before a developer purchases a property, then he would look at that and a new class of developers would emerge that would be conservation-minded, such as the mcmenamin brothers. Thank you.

**Katz:** Thank you.

**Moore:** Ruth, art, and chris.

**Katz:** Ruthie, why don't you start.

**Ruth Roth, 2227 NW Johnson, 97210:** Good evening. My name is ruth roth. I reside the 2227 n.w. Johnson. I'm going to talk fast because I have a lot to say. In early march I testified before you in support of strong protection for preservation of the treasures in Portland. I told my story of standing in the path of bulldozers in 1989 trying to stop demolition of seven vintage homes. At that hearing a few weeks ago three council members who were present voiced support for immediate protection for nationally listed properties including a process to potentially issue a denial of

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demolition permit. We in the preservation community took heart in your directions to the planning bureau staff to bring back in short order a range of options that included an extension of the demo delay period as well as a fix for the and/or problem in the code that makes a mockery to deny a demolition permit. I, too, attended the workshop and the strong consensus of that group was all individually listed historic resources as well as all contributing resources within a national registry district should be subject to review. Our choice was a full year. I don't know why staff came back with a 300 days. We want the other 65 at a minimum. An extension of the demo delay period is a step in the right direction but it must be coupled with greater protection for the highest category, those on the register and potentially those also contributing resources in a national registry district. The current code intended to provide that protection. You have heard that and it's true. A scrivener's error put down and rather than "or" and you are left with that and you can fix that easily.

The current code sets forth criteria to be used to evaluate whether a building could or could not be demolished. The owner was forced to demonstrate one of two additional things. That the benefits of protecting the resource no longer outweigh the benefits of allowing conflicting uses to accomplish something you from an easy analysis or to demonstrate that the landmark in private ownership prevented any viable economic use. There's another standard. In its rewrite planning staff has changed the criteria to limit nature the easy analysis because the stand land use regulations no longer require it so the only criteria that you are left with are the relocation criteria and the very tough demonstration of economic viable use. Planning staff told us in our work shop meeting under this set of criteria it would be almost impossible and demolition would be denied. What I handed out to you is may attempt, none professional he, though, it is, for council to put back the weighing of benefits criteria but just not refer to it as an easy product. You will have substantial tests for property owners to pass should they wish to demolish a historic resource. One final excellent there are 466 listed properties on the national registry. 61 of these are in downtown and ordinarily town. Of these 61, ten are in private ownership. That leaves 51 or higher than 11% of private ownership in downtown Portland. 89%, the overwhelming majority of Portland's national historic resources lie in Portland neighborhoods. We live in the neighborhoods. We want our neighborhoods. Listen to us because we represent more of the resources. Thank you.

**Katz:** Thank you. [ laughter ] no. I don't care if you're married to her. [ laughter ]

**Saltzman:** Well, he can clap.

**Katz:** Thank you, ruthie.

**Art Demuro, 322 NW 5<sup>th</sup> Ave.:** I'm art, 322 n.w. 5th avenue many here as one of those hybrids with one foot firmly planted in the world of for profit commercial development and one planted in the world of commercial historic preservation as a specialist in commercial renovation and landmarks commissioner. I came tonight to preach to the gospel of preservation incentives but it sounds like i'm preaching to the choir. So rather than repeat that I will simply augment some of the earlier comments that were made. It's truly difficult to acquire and redevelop a historic property unless you are a deep pockets user that is going to make use of the property such as a weiden and kennedy, unless you are going to do affordable housing in which there's a structure of credits and incentives already in place. Or unless you are going to build 250 or \$300-a foot condo condominiums. Building for any other use has, is a developer you start with a gap that you try to fill which means going to pdc, going to the national trust, to sell tax credits, et cetera and you start filling in the hole. So i'm afraid the incentives do become critical. We mentioned state income tax credits. Wisconsin and rhode island and the state of Washington have among others have credits equal to 20 or 30%, equal of the rehabilitation expenditures. The building code relief, one can say because there's not a lot of money to throw around at this project, just regulations have built up and escalated to such a point that it seems foolish to then have to raise public money to help private property owners meet the increasing regulations that maybe it's a lot cheaper to simply amend the

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regulations to be more sympathetic to historic buildings. Zoning modifications is another place where we can, without cost to the public, provide more opportunities. Sometimes historic accounts are zoned for uses which the structures were not originally constructed and therefore, renovations to the zoned use is onerous. Flexible zoning applications for historic buildings allow for uses that are more economical. For example, Rhode Island has recently revised its zoning guidelines so its manufacturing category now includes live-work as a use. Additionally zoning codes which require variances, bedroom windows on property lines, single truck loading requirements, et cetera, have been revised. And finally on the issue of transfer development rights, on a personal example we currently own a 5-four building in old town. The architect who did the building we are in, we would not demolish it because it is not what we do. It has a nine to one f.a.r. And a height limit. That's asking a lot of a property owner to give up the opportunity of tens of thousands of additional square footage without incentives or compensation in any fashion.

**Katz:** One or two -- why don't you describe further what the conversation we had with regard to the transfer of those rights and not necessarily the transfer of those rights in that particular geographic vicinity that you could extend those transfer rights to other places in the city.

**Demuro:** My understanding is that f.a.r. Can be transferred now but only within the same block on which the property exists. So there's other cities that allow this type of transfer to anywhere in the city. Maybe it's to certain designated districts but something that would make it a valuable asset which perhaps could be sold or exchanged elsewhere.

**Katz:** Thank you.

**Saltzman:** What is your opinion on denial review?

**Demuro:** The key is in the criteria. I'm okay with denial because I presume Portland is a conservative enough community we are going to establish extremely district circumstances. And the only deny would be if a owner has not made any effort, it's a property of worth money, and nonviable viable liability can be shown.

**Katz:** Chris?

**Christopher Kopka, Sr. VP, Real Estate for Downtown Development Group:** I'm Christopher, senior vice president of real estate for downtown development group. I just want to talk about two or three aspects of this proposal. I'm in the going to deal with it globally but we have six national landmark buildings. We made those deliberately. From our buildings in Portland we probably over invested in them, giving if you are looking at economic return but it's a statement about us. It's a statement about the community so when we come here we are not supporting pendleton but supporting historic buildings in a very strong way. Part of our reason for not supporting the denial or not supporting the denial concept is the language theory goes with it in the proposal. The no viable economic use is not workable language. It simply doesn't allow normal economics to apply to a decision and the schools are not in place and I guess we are a little doubtful whether or not enough tools can really be put in place to make up for that kind of standard. No economic viable use is a very, very deliberate standard. It's a very hard standard to come to address. And it is a threshold which I think will create problems for you, it will create problems for the community. It will stop people from registered buildings in the future, which I think you want. It's a very onerous situation. The second is, I hope you realize that what you are really talking about is establishing a land use process. And the land use process you are talking about involves type 3 review. It also appeals. You may decide that demolition is the right thing to do but that doesn't can be healed to luba and that sets into stage other questions about review procedures. And I'm not sure that is a prudent practice for Portland in this situation. Last thing I would like to offer one other observation that sort of ties to my recommendation. I serve on the design commission for you. And it's an interesting discussion. I will use the blocks axe a good example where you have competing public objectives and when you establish threshold like no competing, it doesn't allow to

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you have a conversation about other publicly. We have a very good conversation about weiden's sidewalks. It meant when you carried that through those buildings would have to come down. We also had a conversation about the integrity of those buildings and how important they were and whether we could discuss objectives to work around and mesh those standards together. With this kind of language i'm not sure you get there. I'm not sure you have that kind of conversation. I'm not sure you have the productive conversation that Portland is known for. I like at Portland and I think about our premier landmarks. I don't think -- when you think about landmarks near mine you don't think about all those on the list. The list is bigger than your vision of probably what needs to be preserved to this level. So I think we have got a break in logic. So we suggest that you not go with denial, you go with more time. If you look for example the simon benson house, more time created that. On a nonhistoric black block 5 which I was involved with with council the in order symptom lot soon to become another part of the park block time dave the conversation. Conversation led to a community discussion which led to action. That's what Portland is about, not denial versus nondenial.

**Katz:** Thank you.

**Francesconi:** You are leaving out the money.

**Katz:** I was going to say took a lot of money.

**Kopka:** Incentives come at a cost. Either one has a cost.

**Hales:** Couple of questions. I have heard the argument a couple times now. I think steve made it, steve janik made it, too, and that is it's a classic concern about type iii review, that is, it's exposure to appeal but i'm struggling to remember whether we had, that's always the boogyman and we always raise it rightfully. But it seems to me we just haven't had very many cases. I'm thinking about design review for example. We have had a couple. Where the exposure to type iii review caused the applicant to run a gauntlet, i.e., they got approved by opdr or maybe on appeal, to either the commission or the city council, approved there, but then just because of the hostility of the neighbors got dragged back and forth to luba a couple of times. I think that's happened on a relatively small number of cases in the last few years. So i'm struggling with understanding how the politics of that are going to happen on historic buildings. That scenario frankly usually occurs where somebody is proposing to build something on an empty site rather than an established. The avalon hotel, the southwest community center comes to mind. So, steve, maybe later, help refresh my memory about how dangerous, you know, the old line from marathon man, "is it safe? How unsafe is it? And secondarily, type iii review, you have raised it a point here which I am still -- i'm surprised at and that is the exposure to type or the process of type iii review. You think it and given the criteria that we have, you think it would make it more difficult to get to the accommodation that we got to in the brewery blocks, the current system? It seems to me although type iii review does expose people to more appeals it also allows the exercise of more judgment by the reviewers. So why couldn't we get to yes in the scenario like that better than the adjustments and other, you know, torturing of the code we've had to do in cases like that in the past?

**Kopka:** I'm not sure this goes to all your questions and comments but i'm going to submit rarely does a project go through one review. Nearly every project goes through multiple reviews.

**Hales:** True.

**Kopka:** So there are multiple opportunities oh have the same conversation about the same project and we're adding another one with another standard. And I think that that's just more complexity. As to your question of, you know, the number of case that is come through design review and how many are appealed and is it a boogyman kind of an issue, there I think it is a little more subjective. We have a series of aspirational goals, what the community is interested in and the design commission is given the responsibility of saying, do they attain that? It is not a clear standard. It is objectives and I think this case I don't think it is the same groundwork you are laying on

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aspirational goals, that is, economic thresholds which are very, very basic and very low to be fairly honest in terms of the language that is written so ink it is not about preparation.

**Hales:** Shouldn't that give the applicant more certainty?

**Kopka:** I don't think so. The threshold is set so low the outcome is almost predetermined for you need to preserve the building.

**Hales:** I see.

**Kopka:** So I think you will see more appeal. I think the threshold is far too low. Given the opportunity to come back or mr. Janik to come back I'm sure we would love to talk about that. Unless you start all over and have it discussed by a larger group.

**Hales:** Thank you.

**Katz:** Thank you.

**Katz:** One of yours?

**Saltzman:** No.

**\*\*\*\*\*:** Looks like i'm the last.

**Katz:** I don't think so.

**\*\*\*\*\*:** Okay.

**Katz:** Go ahead.

**\*\*\*\*\*:** Good evening. As we delay the issues --

**Katz:** Identify yourself.

**Julie Salzmon Greene, 326 NE Mallory, 97211:** I'm sorry. Julie salzmon-greene. I live at 6326 n.e. Mallory and I am in the piedmont area. As we debate the issues surrounding demolition delay and chem litigation denial the first question that comes to my mind is, what is the city council's view on historic preservation as one of the city's goals? And if it is a goal, where does that fit in relationship to other city and state goals? Historic preservation will often appear to be contrary to other city goals when viewed with a short-term perspective and from a monetary standpoint. City council needs to weigh the short-term gains that can be achieved by demolishing a resource against the long term price that we pay by losing our neighborhood and city identity. Along with important links to our past. Once a historic landmark is demolished it can never be replaced. I do support very strongly incentives for preservation of historic resources to make it more financially viable for developers. I also support extending the demolition delay minimum mali to a full year of 365 days but I would even like you to consider in rare instances possibly extend that to a length of two years for certainly landmarks and criteria would need to be established for that. And especially if the council decides not to allow demolition denial, I think we should look at the possibility of extending demolition delay to that two-year period. Basically, Portland needs tools that can be used to give the community time to save a significant historic resource and investigate other options prior to demolition. Again, it's a tool that wouldn't have to be used in every case but where there were some guidelines for that. I know a two-year delay may seem excessive to some but I think it's a realistic representation of time that needs to be gone through in order to pursue other options before a final demolition decision can be made. Just briefly, I would just like to refer to a case in point from the piedmont neighborhood and that was our efforts to save the bill of st. Rose as part of the rosemont project and briefly to recap for people, bill of st. Rose was a historic resource. It did have a high rank but not on the national register. In august 1995, city central city concern purchased an option for that land. And negotiations with the neighborhood began. And all along piedmont wanted to try and preserve that villa. The thing is there was always that economic feasibility issue. And the neighborhood can never get a commitment about preserving that. It was kind of dependent on if they could preserve it only if they could still meet the elderly and special need housing needs economically. So economics always comes into play. Just briefly, recapping that even when pdc got involved there's the contradictory goals with affordable housing that bed to address. Piedmont's

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very lucky. We ended up getting Tom Walsh and the Rosemont community partners who were able to get Villa on national status. Just in closing, it was a four-year process, maybe longer, and I think if we didn't have that time the villa would be standing today. Thank you.

**Katz:** Thank you.

**Katz:** Anybody else that didn't sign up?

**Irwin Mandell:** Good evening, Mayor Katz, members of the council, Ms. Moore. Irwin Mandell. I would agree that time usually proves to produce generally fruitful outcomes. I would like to deal also with the big problem about a type III review and its appeal ability to Moba and perhaps beyond. Go back to Park Block 5 which some of you remember the wonderful hearings we had that went on interminably through the night. I would also like to remind you that the reason so much time was available for the final solution to Park Block 5 as a park and not a 12-story parking garage was the fact that it was a type III review. The neighborhood association, DCA, appealed this to Luba which introduced a night bit of time for the final solution to come about. I don't like the term final solution but the solution that occurred. There were 5 million reasons, obviously, that this solution existed and that does exist now. But the type III review and its appeal ability to Luba is precisely what will provide the time or could provide the time for a truly creative solution to a problem that does come up. So let's not throw out a type III review. Thank you.

**Katz:** Okay. Rick.

**Katz:** Rick, before you start. We at least a majority of the council members -- I don't know -- want to go a little further than what you came back with from the planning commission. So help us out.

**Rick Michaelson, Planning Commission:** Well, I think the planning commission also wanted to go further but we had not had the appropriate notice and appropriate input from the public about what going further would and we were restricted to what was before us. I think the opinion you heard about demolition denial, demolition delay are explain some of the complexities of it and why it's worthy of full discussion. I think you should go farther than we did. My personal opinion is that the easiest way to do this would be to simply reenact your existing policy, and fix the and/or and then direct us all to work together in making better criteria. I think you heard from both sides tonight the criteria being proposed don't work, that there needs to be more flexibility in them. I think Ruth suggested more flexibility and I think Mr. Janik did as well. So I think more work needs to be done about that. I think ultimately, though, any solution is going to have some possibility in some cases of recalcitrant property owners of denying demolition until they do the things you want them to do. The question is how do you get there? I don't think we're there yet.

**Katz:** Okay.

**Hales:** Wait a minute. I might need a little help with that option in that if we were to take that proposal that you just described, which is fix the and/or, are the decisions aren't type III reviews? I guess they are.

**Michaelson:** They are. Because if the demolition review process which is a type 3 III has the two criteria of either showing that the new proposed use is appropriate, i.e., if somebody wants to tear a historic building down and build something you want, you approve the demolition.

**Hales:** Right.

**Michaelson:** Or if it's not economically viable to do that, then, they can also get the demolition permit.

**Hales:** And the amount of time is --

**Michaelson:** The code allows an up to 365 day delay or the denial.

**Katz:** The code today.

**Michaelson:** The code today. If you fix the and/or. I don't think that's the ultimate solution because I think the property owners are correct. There are other issues you want to look at such as mitigation, recording other opportunities to preserve the history without necessarily preserving the

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building. Our present process and my testimony I was going to give that i'm not bass basically saying we are having the wrong discussion. The discussion needs to be what steps do we need to go through before a historic building is torn down? In most cases they'll be torn down if you look at a better job of looking at alternatives, providing mitigation, record, the history of that building and new building, and as also all sides say what we need is a good way to enter those discussions. We don't have it today. The ability to have a hearing that where its outcome is open I think fosters those discussions in a way that having a hearing that just the only outcome is going to be either take it down today or you wait 180 days more doesn't give you. I think demolition permits, when issued, may in many cases require conditions on them. If you don't have the ability to deny a permit, you don't have the ability to require conditions. If you don't have the ability to require conditions, you don't have the ability to deal about mitigation. And if you can't provide conditions and you can't require mitigation, what's the point of the hearing? And why go through that?

**Katz:** A point.

**Saltzman:** How long would you think such a process would take?

**Michaelson:** I think it really depends on the case. I think if you have a responsible developer who comes in with a proposal for mitigation --

**Saltzman:** I'm talking about kicking this all back to planning commission or some group.

**Katz:** Not to the planning commission.

**Saltzman:** Oh, okay, to some group. [ laughter ]

**Michaelson:** I think you heard from most of the people that have an interest in in it it's and it's a matter of time they have to commit to it to come up with a proposal and that's some of our schedules are very busy and others of us have a lot of time so it's hard to say. I think the ideas have bubbled to the surface. You have the right people here and here to make that happen.

**Saltzman:** Are you saying we should simply change the and/or and not adopt option b 1 which is --

**Michaelson:** My personal feelings that the best way to keep this going is to fix the and/or so there's something we need to do additional work on. I don't think you will see a demolition request in the next 60 or 90 days that would be affected by this but starting from your existing policy decision is, and adjusting it and fixing to it address the real concerns of property owners have is better than starting over again.

**Katz:** Thank you. Staff want to come up? Okay. Why don't you, you know the big issues. So why don't you respond to it and we will have a council discussion.

\*\*\*\*\*: Business issues.

**Katz:** Grab the mike.

**Dotterrer:** Excuse me. Steve, bureau of planning. I think one of the issues you asked about was the, there was some questions about I guess in particularly in jackie's testimony as to whether or not we, what meets state requirements. So let's I think begin there. Our understanding is that we do need a public review which does mean the type iii for the resources which is why that's part of the recommendation. We also need to protect not only the individually listed properties but the contributing properties within the districts. So and if that's the case, it's my understanding that we would meet the state law, the lcd requirements and we may want to ask our attorney about that as well so I think that's --

**Katz:** I think you're right.

**Dotterrer:** That's a very important point. The planning commission adopted proposal includes additional reviews for buildings that are within conservation districts and buildings that are on -- that are ranked on the inventory, that is the delay, I mean the 120 delay that's in their proposal includes those properties. So the quote about a situation in which the opdr administrator could or



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director could essentially administratively set that requirement, that's for resources beyond what the state requirements apply to. So I think we are in --

**Katz:** I think the council wanted to go at least as far as the recommendations that came from the planning commission but also a little further.

**Dotterrer:** Right. But I want to be clear that those resources that the planning commission had adopted go beyond what the state law requires them to do.

**Katz:** I know.

**Dotterrer:** The public review of that. At this point I don't think we can answer the easement question. We will need to do some additional legal work to know whether the, whether the value of an easement is decreased, if the, if there's a denial, if denial is a potential outcome. I think you have heard that testimony and we need to work some more in that area. There was also some discussion about our ability to reach consensus and what length of time. I first of all suggest that I don't think consensus is a standard that we will be able to get to. That's a -- I think that we can come back to in the four to six-month time period with some of these recommendations but there will not be unanimous agreement that these are the right way to go. And so please don't send us away with that as an objective.

**Saltzman:** Do you think you would gain more of a consensus?

**Dotterrer:** Yes. We could have a good deal more agreement on what we ought to be doing. And I think it is because frankly we haven't had a discussion on particularly on the incentive side. And we need to have additional discussion on the criteria. I think the general agreement has been that the particularly if we want to go in the direction of denial that we need to do substantial work on the criteria. And in the direction related to extension we need to do some minor adjustments to the criteria. I believe that for the extension the delay extension we can come back in three or four weeks with criteria in that area.

**Katz:** Yeah, i'm going to ask the council if they want to separate that and do something asap, and then something a little bit later but we'll talk about that in a few minutes.

**Dotterrer:** I think that's the major points. Unless you want to --

**Katz:** Okay. What's the sense from the council?

**Sten:** Does somebody have the number on how many buildings have been added in the last say ten years to the register?

**Lutino:** Approximately 70.

**Sten:** 70?

**\*\*\*\*\*:** No. Since '96.

**Sten:** Since '96. Is there a steady flow? Is it about 15 a year or does it go up and down?

**Lutino:** It goes up and down, uh-huh.

**Sten:** So like five years ago there was under 400, now there's 466?

**Lutino:** Yup.

**Sten:** How many have been demolished? I don't know the time period.

**Katz:** Here. Very few.

**Lutino:** That's right. We have 29. Some of which have been relocated. No. That's permits have been issued. Not everything has been --.

**Sten:** How many have been demolished. If.

**Katz:** If I show him that list.

**Lutino:** We have stats. We will distribute it to the council.

**Katz:** It's interesting. You mentioned something this afternoon. He said we lose them one at a time, and if you look at them, you lose one in '91, one in '92, two in 293, one in if 94. Two in '95. One in '97. Nothing in about 98. One in '99.

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**Sten:** I mean the question is, I want to put it out to both sides because I don't know quite how to get at it, i'm just glancing at this but if I look at it, it looks to me about eight buildings fit the criteria for what you are proposing could be denied? I don't think anybody's saying that the historic resource inventory are going to be allowed to be denied. Am I right?

**Lutino:** Right.

**Sten:** Just the top 21?

**Lutino:** Could be.

**Sten:** What I am getting at i'm reading the statistics right in I want to say this to both sides, 70 buildings have gone on the list, and eight have been demolished. And I am very concerned that the argument people don't put them on the list if that's true, what's a steady progressing for registering buildings, and they're going on the last list a lot faster than going down by 10 to 1 ratio. I need more feedback from both sides about who's right on the issue because I think it sounds right to say, you know, we shouldn't demolish these but if they are not going on the list, to me if the tax incentives are weak, to put them on the list, it just any person that's of common sense is not going to put it on the list to say that they can't deny their building, and so they seem to be coming on the list on a pretty good rate which seems to be a very good thing and i'm concerned about that issue. I'm not saying one side is right or the other but I would like feedback from folks on that in the interim.

**Katz:** Okay. I'm going to run down with the council right now to give some direction to us so we can come back with either something long-term -- middle term, short-term.

**Hales:** Yeah. It's not hard to see in my case I think what we should get to particularly based on what you hear at this hearing. Eric's point is very sound. You don't want to create a disincentive for part of this program that's working very well now. I also take rick's point very seriously. That hit home with me that really, in the final version of this we really ought to have the back stop of denial. In order to get to mitigation and to conditions of approval and to have that, you know, as the back stop for that authority. I would love to see some more work on these incentives I think the f.a.r. Transfer thing is an imminently good idea. The building code change, I think requires. It's not the end of the world but it does require an exception to the state building code. We have done that before for other things. So we can do that. Even though it's a hurdle we have to get over. So it sounds to me like there's a potential for an awful lot of agreement on the final version of this. I guess i'm still up in the air. I want to hear more discussion about what we should do in the interim and how long that interim should be. I was headed into the range of options c 1 or c 22 sort of as a place to sit for now, but i'm open to some suggestions for where we might sit. I think not six months. I mean I don't think it takes that long, given what we hear here. Less than that.

**Katz:** Six months for --

**Hales:** For the discussion to occur.

**Katz:** Oh, okay.

**Hales:** For the criteria and the criteria and the code to be revised.

**Katz:** And the number of, well, you say that currently it's up to 300 days.

**Dotterrer:** The staff recommendation in b 1 and b 2 is for a 300-day total extension period.

**Saltzman:** But not denial.

**Dotterrer:** That's right.

**Saltzman:** You are saying --

**Hales:** I'm saying that for now I don't think we have a compelling case for denial but ultimately, I think when we have more incentives we do.

**Katz:** Jim?

**Francesconi:** One of the many reasons I like is the historic -- italy, the towns and buildings and structures. And so it would lead to the vibrancy of our city from an economic standpoint and a

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visitor standpoint. It is clear that we don't have the incentives at the moment, and it's also clear to me that we don't have the criteria down exactly right. And I think Ruth's passionate testimony and the fact that she's drafting some alternative criteria actually proves that. So I kind of have a funny hat but when I'm voting on things I like to know exactly what I'm voting on and I actually like to know the consequences of what I am voting on. So it's a little frustrating because I think we have an agreement that we need to get to a point where there is, right now, we need to get to the 300 days. Okay? And I guess I reject Mr. Janik's argument there. Maybe you have to tweak some of the factors, but I think that might be a minor tweak so we need to get there right away, I think. Or my perspective and then eventually we need to get to denial with criteria that we know what they are when we are voting on it and we know what the incentives are. So all that leads me, and I don't expect consensus on that but I expect some sharper alternatives. Right now I don't have any. I don't have the language in front of me. I don't have the incentives in front of me. So I guess I want to be clear that I think we need to get to a denial but I need to know what the criteria are and I need to know what the incentives are so I can make the decision simultaneously. And so anyway, which all leads to conclusion of b 2.

**Katz:** Okay. Commissioner Sten?

**Sten:** Well, in terms of a short-term step I think it's appropriate to go to the 300 days. I'm comfortable with that. I really can't come to a conclusion. I don't think -- we don't have a proposal on denial and incentives that, you know, has support. I think if we put denial in place, without criteria, it's going to be a real mess so I think if as fast as people can look at it -- I'm not there. I'm on the whole issue need to be convinced that the package is actually going to incentivize people. I know it's politically incorrect to say to the crowd, but we have more people putting them on the list than we do see buildings coming down so I'm really worried we will set up for really good reasons a program that really incentivizes people to stay the heck off the list and in which case won't be denying anything but old buildings you want to save will be knocked down so I want to sell the whole package so at this point I would be as far as I would be willing to go unless I saw something, until I see what the results are and I heard a lot of people say you can reach a consensus. I don't believe I don't know if I believe a consensus can happen but I would like to see the sides take two more steps. In the interim I'm fine with 300 days whether it's b 1 or b 2, I think either one is fine with me.

**Katz:** Yes. Commissioner?

**Saltzman:** Well, when I look at this list of what's been demolished and think had I been on the city council in 1991, when Henry Thiele's was demolished I would have done everything in my power to prevent myself being demolished. I don't want to find myself in a position of being totally helpless to prevent something of a similar historic nature being demolished so I feel we need to have a denial review capability. I think for now we should go with option b 2. I think we should send back this group of whoever, these smart people, to come up with incentives, the smart building codes, tax incentives, zoning incentives, TDRs, transportation development rights or F.A.R., bonuses and economic viability. That has to be flushed out, too. And I would like to see that happen within no more than six months. And come back to us with a package that we can then, and which would include denial review. And then we determine, can we go with the incentives? Can we make those work? What's in our control? What's not in our control? And weigh that package and act on it accordingly. But I think there's, I think I have heard genuine efforts of interest from both owners and preservationists to try to come to a consensus. Maybe not total consensus but that's what we are here to make the final arbitration on that. But they want to see denial review. I can't in good conscience consider myself a good city councilor to see something I feel strongly about being demolished.

**Katz:** Catherine, b 2 meets the state requirements? Okay. All right. This is and I'm going to include my position on this. First of all we are going to comply with the second law -- state law.

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Second of all we will recommend at least for now 300 days extension. This will be a demolition denial but it does have to come in with criteria and some incentives, some incentives that we can do now, and then perhaps going down to the legislature and getting all the people who wanted incentives to go back down with us and support that. So we will go with b 2. And he will move from there. So we will bring something back to the council that you feel very comfortable with as soon as possible, we will put a little group together to work out some of the issues on denial and with the criteria and the incentives.

**Hales:** Sounds great.

**Katz:** Does that meet everybody's -- i'm going to push. If people really here want to get this done, they ought to be able to do it in less than six months. But i'll --

**Saltzman:** I think we need to hear from us. We want it done in six months.

**Katz:** At least six months.

**Hales:** Some of the implementation will take longer like going to the legislature.

**Katz:** Yes. No, no, no. At least it's not going to take -- we're not going to wait longer than six months.

**Jessica Richmond, Planning:** Kathryn pointed out if we come back with code language for b 2, then if we continue it to a date certain, we don't need to renotify.

**Katz:** Okay. Let me get my notes.

**Hales:** Just thinking about it, this -- that building code exception will probably won't require legislative action. Some of this will.

**Dotterer:** But it will require us to go to the state board. Right?

**Katz:** Yes, but we would like to come back to do something almost immediately. So is that -- give me a time --

**Francesconi:** I want to make sure you have time to do this.

**Katz:** Yes, they are going to have time but we want to act on something right now that doesn't deal with the issue of denial.

**Francesconi:** Oh, I see.

**Saltzman:** Just b 2.

\*\*\*\*\*: How about may 29th.

**Hales:** That will be part of the ultimate --

**Katz:** Yes. What is it?

\*\*\*\*\*: May 29th. We would come back --

**Katz:** Why is it going to take so long? [ laughter ] oh, I remember. You are going on vacation, jessica.

\*\*\*\*\*: Yes.

**Katz:** We are not going to stop that. And you are the only one who can write the code. All right.

\*\*\*\*\*: I can't.

**Katz:** Is that -- can you do it any sooner than may 29th?

**Richmond:** One of the issues is how much time we would want to have the language that was agreed to published and out for public --

**Katz:** Let's do it may 29th, and then we will come back before the six-month deadline. We will set another date when you come back may 29th. Okay. All right, everybody? We stand adjourned.

At 7:47 p.m., Council adjourned.