



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

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

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Saltzman and Sten, 4.

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

Item No. 1272 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

TIME CERTAIN	Disposition:
<p>1271 TIME CERTAIN: 9:30 AM – Accept report from the Bureau of Communications and Networking on Public Safety Radio System Enhancements (Report introduced by Mayor Katz)</p> <p>Motion to accept the report: Moved by Commissioner Saltzman and seconded by Commissioner Francesconi.</p> <p>(Y-4)</p>	ACCEPTED
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Vera Katz</p>	
<p>*1272 Authorize contract with Ater Wynne LLP for legal counsel services related to negotiations with Enron for the acquisition of Portland General Electric (Ordinance; waive Code Section 5.68)</p> <p>(Y-4)</p>	177018
<p>*1273 Authorize contract with Corey, Byler, Rew, Lorenzen & Hojem for legal counsel services related to negotiations with Enron for the acquisition of Portland General Electric (Ordinance; waive Code Section 5.68)</p> <p>(Y-4)</p>	176984
<p>*1274 Authorize contract with David R. Jubb CPA JD for services related to negotiations with Enron for the acquisition of Portland General Electric (Ordinance; waive Code Section 5.68)</p> <p>(Y-4)</p>	176985

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<p>*1275 Authorize contract with R.W. Beck, Inc. for services related to negotiations with Enron for the acquisition of Portland General Electric (Ordinance; waive Code Section 5.68) (Y-4)</p>	<p align="center">176986</p>
<p>*1276 Authorize contract with Public Financial Management, Inc. for financial services related to negotiations with Enron for the acquisition of Portland General Electric (Ordinance; waive Code Section 5.68) (Y-4)</p>	<p align="center">176987</p>
<p>*1277 Authorize contract with the Government Finance Officers Association Research & Consulting Center for an assessment of the City budget systems and processes (Ordinance; waive Code Section 5.68) (Y-4)</p>	<p align="center">176988</p>
<p>*1278 Authorize bonds for urban renewal areas (Ordinance) (Y-4)</p>	<p align="center">176989</p>
<p>*1279 Authorize Wireline Crossing Agreement with Union Pacific Railroad Company (Ordinance) (Y-4)</p>	<p align="center">176990</p>
<p>*1280 Authorize acceptance of a Historic Preservation Fund Grant of \$25,000 to supplement the City historic resources program, amendments to historic resources code regulations and to develop incentives that promote historic preservation (Ordinance) (Y-4)</p>	<p align="center">176991</p>
<p>*1281 Extend contract with Tonkin Torp, LLP for outside counsel requirements (Ordinance; amend Contract No. 34446) (Y-4)</p>	<p align="center">176992</p>
<p>*1282 Extend agreement with URS Corporation for expert services (Ordinance; amend Contract No. 34172) (Y-4)</p>	<p align="center">176993</p>
<p>*1283 Contract with eight firms for mechanical engineering services as required in support of Bureau of General Services projects and provide for payment (Ordinance) (Y-4)</p>	<p align="center">176994</p>
<p>*1284 Amend contract with Anne Raccine Fishe for additional architectural services for the King Neighborhood Facility (Ordinance; amend Contract No. 33914) (Y-4)</p>	<p align="center">176995</p>
<p>*1285 Amend contract with Winterbrook Planning for continuation of planning services for Fire Station 27 (Ordinance; amend Contract No. 33814) (Y-4)</p>	<p align="center">176996</p>

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<p>*1286 Amend contract with Suburban Propane Limited Partnership for furnishing propane gas supplies to various City bureaus (Ordinance; amend Contract No. 40401) (Y-4)</p>	<p align="center">176997</p>
<p align="center">Commissioner Jim Francesconi</p>	
<p>*1287 Authorize Intergovernmental Agreement with Multnomah County to provide funding for site analysis and design at Bertha Court (Ordinance) (Y-4)</p>	<p align="center">176998</p>
<p>*1288 Amend agreements with ECO Northwest and Kimley-Horn Associates for technical support for transportation capital improvement projects (Ordinance; amend Contracts No. 32452 and 32455) (Y-4)</p>	<p align="center">176999</p>
<p>*1289 Authorize settlement of condemnation claim as part of SE Foster Road Improvement Project (Ordinance) (Y-4)</p>	<p align="center">177000</p>
<p>*1290 Authorize an Intergovernmental Agreement with the Oregon Department of Transportation, Oregon Transportation Investment Act to provide funding for the 162nd and Foster Intersection Project (Ordinance) (Y-4)</p>	<p align="center">177001</p>
<p>*1291 Amend agreement with Portland Streetcar, Inc. to provide traffic signal drafting services related to the Portland Streetcar RiverPlace Extension Project in an amount not to exceed \$19,300 (Ordinance; amend Contract No. 31428) (Y-4)</p>	<p align="center">177002</p>
<p>*1292 Amend agreement with Portland Streetcar, Inc. to provide limited conceptual design analysis and estimating services for a future streetcar extension to SW Moody and SW Gibbs in an amount not to exceed \$20,000 (Ordinance; amend Contract No. 31428) (Y-4)</p>	<p align="center">177003</p>
<p>*1293 Amend easement with Willamette Shore Trolley Consortium to revise the legal description for the SW Parallel Interceptor Segment 2 (Ordinance; amend Ordinance No. 176788) (Y-4)</p>	<p align="center">177004</p>
<p>*1294 Amend Interagency Agreement with the Portland Development Commission for 2002-2003 professional and technical services for transportation improvements (Ordinance; amend Contract No. 51819) (Y-4)</p>	<p align="center">177005</p>

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<p>*1295 Provide annual review and update Area Parking Permit Program fees (Ordinance; amend Code Section 16.20.850) (Y-4)</p>	<p align="center">177006</p>
<p>*1296 Amend contract with Kurt Lango, Landscape Architect for consulting and management services for Jamison Square to increase contract amount by \$10,000 (Ordinance; amend Contract No. 32708) (Y-4)</p>	<p align="center">177007</p>
<p>*1297 Amend contract with Links Analytical, Inc. to continue water quality monitoring of Portland Parks for an additional year (Ordinance; amend Contract No. 33937) (Y-4)</p>	<p align="center">177008</p>
<p>*1298 Amend agreement with RedTail, Inc. regarding RedTail Golf Course (Ordinance; amend Contract No. 51897) (Y-4)</p>	<p align="center">177009</p>
<p align="center">Commissioner Dan Saltzman</p>	
<p>*1299 Accept a grant from the Environmental Protection Agency in the amount of \$1,212,500 for innovative wet weather projects (Ordinance) (Y-4)</p>	<p align="center">177010</p>
<p>*1300 Authorize contract with Johnson Creek Watershed Council for restoration, education and stewardship services for Johnson Creek (Ordinance) (Y-4)</p>	<p align="center">177011</p>
<p>*1301 Authorize an agreement with the City of Gresham to provide laboratory analytical services (Ordinance) (Y-4)</p>	<p align="center">177012</p>
<p>*1302 Amend contract with Economic and Engineering Services, Inc. for services to assist Water Bureau in addressing comments from the Environmental Protection Agency on its corrosion control program at a cost not to exceed \$42,000 (Ordinance; amend Contract No. 34508) (Y-4)</p>	<p align="center">177013</p>
<p align="center">Commissioner Erik Sten</p>	
<p>*1303 Authorize escrow agreement with Electric Lightwave, Inc. for disputed franchise fees (Ordinance) (Y-4)</p>	<p align="center">177014</p>
<p>*1304 Agreement with Housing Authority of Portland for \$77,156 for administrative and staffing costs and provide for payment (Ordinance) (Y-4)</p>	<p align="center">177015</p>

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<p>*1305 Amend agreement with Oregon Medical Laboratories to provide occupational health lab services and provide for payment (Ordinance; amend Contract No. 33505) (Y-4)</p>	<p align="center">177016</p>	
<p>*1306 Accept donation from Leatherman Tool Group, Inc. of approximately 669 Leatherman tools for sworn members of Portland Fire and Rescue (Ordinance) (Y-4)</p>	<p align="center">177017</p>	
<p align="center">REGULAR AGENDA</p> <p>1307 Consider vacating a portion of N. Bradford Street, as initiated by Resolution No. 36095, to consolidate property owned by the Port of Portland for the redevelopment of Terminal 4 for Toyota Motor Company (Hearing; Report; VAC-10008) (Y-4)</p>		<p align="center">APPROVED; CITY ENGINEER PREPARE ORDINANCE</p>
<p>*1308 Vacate a certain portion of N. Bradford Street north of N. St. Louis Avenue, under certain conditions (Ordinance by Order of Council; VAC-10008) (Y-4)</p>	<p align="center">177019</p>	
<p>1309 Vacate a certain portion of SW Davenport Street and Crown Avenue near SW Chelmsford Avenue, under certain conditions (Second Reading Agenda 1266; VAC-10007) (Y-4)</p>	<p align="center">177020</p>	
<p align="center">Mayor Vera Katz</p>		
<p>*1310 Authorize charitable organizations eligible to participate in the City 2002 Combined Charitable Campaign and provide for enforcement of the provisions of City Code Chapter 5.10 governing participation (Ordinance) (Y-4)</p>	<p align="center">177021</p>	
<p>*1311 Accept a \$45,000 grant from the Oregon Association Chiefs of Police for a DUII Traffic Safety Grant (Ordinance) (Y-4)</p>	<p align="center">177022</p>	
<p>*1312 Accept a \$39,660 grant from the Oregon Association Chiefs of Police and Oregon Department of Transportation for safety belt enforcement (Ordinance) (Y-4)</p>	<p align="center">177023</p>	
<p>*1313 Authorize agreement with Youth Gangs Outreach Program of the Northeast Coalition of Neighborhoods, Inc. to address crime prevention with the 2002 Local Law Enforcement Block grant (Ordinance) (Y-4)</p>	<p align="center">177024</p>	

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<p>1314 Accept the Memorial Coliseum Adaptive Reuse Study and Advisory Committee Findings (Previous Agenda 1267) (Y-4)</p>	<p>ACCEPTED</p>
<p>1315 Authorize a contract with the Dully Company for consulting services for a Phase II study of alternative public uses for Memorial Coliseum (Second Reading 1268; waive Code Chapter 5.68) (Y-3; N-1, Sten)</p>	<p>177025</p>
<p>Commissioner Dan Saltzman</p>	
<p>*1316 Authorize agreements for conveyance of properties in the Johnson Creek floodplain from William Howard and Joseph Barger to the Bureau of Environmental Services (Ordinance) (Y-4)</p>	<p>177026</p>
<p>1317 Amend contract with Montgomery Watson Harza to extend the contract term through May 31, 2003 and increase the contract amount by \$18,000 for the Powell Butte Master Plan (Second Reading Agenda 1270; amend Contract No. 29987) (Y-4)</p>	<p>177027</p>

At 11:00 a.m., Council recessed.

OCTOBER 30, 2002

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30TH DAY OF OCTOBER, 2002 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Saltzman and Sten, 4.

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

<p>1318 TIME CERTAIN: 2:00 PM - Appeal of the City Engineer, Office of Transportation, against Hearings Officer’s decision to approve the application of B&E Development, for a 3-lot subdivision with conditions at 3322 SE 39th Avenue (Hearing; LUR 02-122595 SU)</p> <p>Motion to affirm the Hearing's Officer and modify findings with conditions of approval of 5 and 6 be inserted, change c-2 to read public sidewalk improvements along southeast 39th are required for final plat approval and must be constructed per the requirements of the City Engineer: Moved by Commissioner Francesconi and seconded.</p> <p>(Y-4)</p>	<p align="center">Disposition:</p> <p align="center">TENTATIVELY APPROVE APPEAL WITH MODIFICATIONS; PREPARE FINDINGS FOR NOVEMBER 6, 2002 AT 2:00 PM</p>
<p>1319 TIME CERTAIN: 2:40 PM – Adopt the Action Charts and additional implementing measures of the North Macadam Plan (Resolution introduced by Mayor Katz; Previous Agenda No. 1223)</p>	<p align="center">CONTINUED TO OCTOBER 31, 2002 AT 2:00 PM TIME CERTAIN</p>
<p>1320 Adopt and implement the North Macadam Plan (Ordinance introduced by Mayor Katz; Previous Agenda No. 1224)</p>	<p align="center">CONTINUED TO OCTOBER 31, 2002 AT 2:00 PM TIME CERTAIN</p>
<p align="center">REGULAR AGENDA</p>	
<p>1321 Tentatively deny appeal of Centennial and Pleasant Valley Neighborhood Associations and uphold Hearings Officer’s decision with conditions to approve the application of the Portland Bureau of Water Works for a conditional use master plan with environmental review and adjustments for water and park-related developments on Powell Butte at 16198 and 15800 SE Powell Boulevard (Findings; Previous Agenda 1202; LUR 00-00414 CU MS EN EV AD)</p> <p align="center">Commissioner Jim Francesconi</p> <p>1322 Adopt the Portland Transportation System Plan, amend Comprehensive Plan goals, policies, and objectives and amend Titles 16, 17 and 33 (Second Reading Agenda 1260; amend Titles 16, 17 and 33)</p> <p>(Y-4)</p>	<p align="center">CONTINUED TO NOVEMBER 6, 2002 AT 2:00 PM</p> <p align="center">177028 AS AMENDED</p>

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At 5:12 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 31ST DAY OF OCTOBER, 2002 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Saltzman and Sten, 4.

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

<p>1323 TIME CERTAIN: 2:00 PM – Continuation of North Macadam Plan from Wednesday, October 30, 2002, Agenda Item Nos. 1319 and 1320</p>	<p>Disposition: CONTINUED TO NOVEMBER 6, 2002 AT 2:00 PM TIME CERTAIN</p>
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At 5:16 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.

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9:30 am

Katz: Council will come to order. Karla, please call the roll.

Francesconi: Here. **Saltzman:** Here. **Sten:** Here.

Katz: Present. Oh, my lord, dear lord.

Francesconi: I'm here in italian.

Katz: Well, welcome back. I'm sure that one of these days we'll have a new sister city. Then we can all go.

Francesconi: That's right.

Katz: All right. Consent agenda item. Any items to be pulled off the consent agenda?

Francesconi: Sorry for the late notice, but i'm going to pull 1272.

Katz: Okay. Anybody in the audience wanting to pull any item off the consent agenda? If not, we'll take roll call on the consent agenda.

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

Katz: Mayor votes aye. [gavel pounding] 1272.

Item 1272.

Katz: Okay.

Tim Grewe, Chief Administrative Officer: These series of contracts are those that we have previously advised you would be necessary in order to provide expert assistance to myself and the city's management team, pertaining to options on the acquisition of p.g.e. I guess I would add to that, as I think i've previously informed you, I can't today sit here and certainly guarantee this, I can assure you that we will be doing everything possible to ensure that these expenditures are eventually recovered by the city. Our hope would be that they would be recovered out of the bond sale, having to do with the acquisition.

Francesconi: I guess maybe you can just confirm this. So, tim, we're still within the \$500,000, but --

Grewe: Yes. If not by the end of this week, certainly early next week, i'll be around to provide a status report to you on all of our activities relative to your directives on the acquisition of p.g.e., including the budget, commissioner.

Katz: Yesterday when commissioner Sten and I were at the meeting, there was a lot of question by the media as to how far -- where are we and where do you think we're going to end up, so I think there's going to be further questions. So it would be nice if we got a sense from your analysis of the data.

Grewe: Okay.

Katz: Okay.

Grewe: Thank you.

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

Francesconi: We've blown by the \$200,000, but we've made sufficient progress. In fact, a lot of progress to justify it, but now we're getting close to the \$500. It's really important that the strategy

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of having enron reimburse us for all the companies we incur, if this doesn't go forward, that it needs to be at the top of our list. Hopefully it won't be necessary, because it goes forward, but we have to make sure that the taxpayers and our general fund and police, fire and parks are protected. So I appreciate the approach. Aye.

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

Katz: Let me just -- a lot of questions have come up with regard to what are we doing. As you all know, we can't respond to the details of the conversations, but I can tell you that we have an expert team that are thinking through each of the options, methodically, cautiously, 'cause this is a difficult, difficult business we're in right now. So i'm pleased we have this team on board and happy to vote aye. [gavel pounding] all right, let's get to the time certain.

Item 1271.

Katz: As you all know, we have been experiencing some difficulties with our public safety radios, and the concern, of course, was the impact to our police bureau and our fire bureau, and we've identified, in the past, some of the issues, and we have the bureau now here to tell us where we're at.

Nancy Jesuale, Director, Communications and Networking: Great, thank you. I'm nancy jesuale, director of communications and networking.

Mark Gray, Director of Operations, Communications and Networking: I'm mark gray, the director of operations for communications and networking.

Jesuale: We have prepared a short written report, and very short oral report for you this morning, and we'll just blow through this quickly, so that if you have any questions or concerns we can cover those. Basically we're here in a very happy state, because the prep project funded by the city council gave com net a great deal of flexibility on solutions on coverage and reliability issues. Also the work we've done with nextel over the past year on the interference issue has created enough of a partnership that nextel has allowed us to add a simulcast tower at their prune hill site, saving us several million dollars and it's really going to be a big deal for coverage in east Portland. That's our big news today. We want to update you on where we are on those interference issues. What we've done with the prep capital projects over the last year and what's on the board to get done this year.

Gray: First thing we wanted to cover was the status report on the interference mitigation, primarily with nextel. Last time we were in front of city council we talked about a project that had finished the first primary phase of replacing all the key antennas in the radio system. Since that point, we have continued through the system and replaced the remaining antennas on the secondary sites that have little less of a key role in the city. After having done that, we went back through and we did some rebalancing and refocusing of the antenna structures we'd put in place to correct some deficiencies that were identified. Over the last year we have gone through and we have done a physical modification to the portable radios. We're about 65% complete getting through all the portable radios used by the police bureau. Some of the police precincts are completed. Others are in process. And that -- that modification is -- is very simple and it has quite an impact in protecting the user from being interfered with by nextel in areas where nextel has some -- a site that has a lot of power, that is overpowering the radios. We intend on continuing through that and modifying all of the portable radios in the fleet and feel comfortable that that will happen over the next six months.

Katz: Let me just interrupt, john. How do you manipulate the radios?

Gray: There's some components in the radio, that when they were manufactured by motorola, the design really was flawed. We found a way to go in and remove a couple components and add a

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different component. What it does, is it has the radio react differently when it has a large signal enter the front end or the receiver of it.

Katz: Thank you.

Gray: The way it reacted before was it actually increased the effect as opposed to reducing the effect. The coverage improvements we've done have really made a dramatic improvement on the voice system. The changes have done a very good job of mitigating the effects of nextel interference with the changes that we were able to negotiate with nextel to make and the changes to the portable radios, we find that a modified radio in -- in the city of Portland has very, very low incidence of being interfered with, whereas when we were first looking at this problem, probably about a third of the time there was some effect on the radio. So we've made huge improvements on that. We still have problems to work on on the mobile data system. The hardware that's used for that is -- has not revealed a solution at this point. We haven't found a way to modify them inexpensively in order to protect them from the interference. We're working on some frequency negotiations in swapping with nextel and some rearrangement of our system in order to mitigate that problem. It's primarily a problem in our -- the downtown area. And we are working on a frequency swap with nextel that should mitigate that problem. On the reliability, we've done quite a bit. As we mentioned last time, we were in front of city council we've provided training to the police bureau with in-service. We've continued to do that. The in-service continued the radio technology, discussion of the functionality of our radio system, covered our backup systems, talked about our coverage, talked about what simulcast was, nextel interference. Most importantly, it talked about trouble reporting procedures, which -- which have helped us identify specific problems and address them versus addressing a generic feeling of problems.

Jesuale: We want to thank you for making the prep cip possible. This has taken us from a place where we could almost do nothing to maintain or enhance the radio system to where we can have a program of constantly making sure that it's up to date and improving. That funding mechanism has given us the ability to continue investment in the system and make sure that it's meeting needs in a -- kind of the state-of-the-art way. You also, with your leadership, created the zero tolerance of interference. I think we've led nextel in Portland in efforts that have helped cities as cross the nation. So I really want to thank you for that, too. What we're going to do is just give you a quick idea of some of the stuff we've been doing with the prep project.

Gray: With the funding that became available, we were able to spend a lot more time focusing on the nextel mitigation. We were able to go through the modification to the portables without having to offset the cost for the modification back to the customer. We were able to acquire a system from motorola called netcommander. That gives us a dramatic increase of visibility into how our mobile data system is performing and how our system is reacting to its environment. And it's -- it's one of the things that has helped us understand the areas where we're seeing nextel interference and given us some areas to focus on. We have worked on and implemented a new public safety monitoring and alarm center at the -- at our location. That gives us a very -- a very state-of-the-art ability to monitor our radio system, react to the alarms, groom the system during events when the system traffic is something out of the normal. And it gives us a place where we can both react to emergencies, as well as perform day-to-day operations and maintenance. We have done some work on the emergency button redesign, in implementing a different method of utilizing the emergency button. Working with the Portland police bureau and with boec at this time to implement changes on that. Over the next three months or so we should see an implementation plan and a plan to roll that out that is going to meet the needs of the Portland police bureau and the other users. One of the main things we've done is we have done a four-channel simulcast

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expansion. We have for many years been running on 20 channels of simulcast in the Portland metro area. We were able to complete a four-channel system expansion, bringing that up to 24 channels. And we equipped it to add an additional two channels in the event that our traffic and our usage goes up to the point that it's warranted and we're able to acquire the frequencies necessary to do that. That adds an exponential amount of capacity to the system. We don't expect, with those four channels, anything short of a major disaster causing us to reach the capacity of our system in any form. Some of the things we have underway, and we have planned in this budget year, with the prep funding, is completing the radio modifications and performing some modifications to the mobile data terminals for nextel interference. The implementation of the emergency button, including the rollout of that. We have added a mobile repeater to use for special events, such as when the president comes to town and chooses a building that has poor in-building coverage, we're able to treat that building with a mobile repeater and get communications out into areas that may not sometimes have coverage. It also gives us an ability to react to any disasters that require some augmented coverage. One of the major things we intend on doing is completing a system operating software upgrade for our radio system in order to continue receiving support from motorola and be on a platform that they have individuals knowledgeable on the support and maintenance of. So we have a second tier support in the event we run into issues with our radio system. We're working on a project to deliver mug shots to the patrol vehicles. And we're going to work on enhancing the coverage in emergency rooms by treating each emergency room with some devices to increase coverage in the emergency rooms. At this point there's some coverage issues in many of the emergency rooms, just because of the way they're constructed. They're constructed in a way to keep signals that are generated in the emergency room from getting out and that the result of that is they also keep signals from getting in. So we're going to treat those areas.

Saltzman: Are you talking about --

Jesuale: Hospitals.

Saltzman: -- hospital emergency rooms?

Gray: Yes.

Katz: In the case of a crisis situation, they can't communicate out, and you can't communicate in?

Gray: In some situations when the officer or emergency responder would go into an emergency room, they would lose communications with the wide area on the radio system. We're hoping to apply some amplifier systems to those areas in order to solve those issues. And one of the other things we'll be doing, is we're going to be constructing a simulcast site on prune hill. That was facilitated by doing quite a few things that were not in the original plan for siting on that location. One of the things we did was we were able to negotiate with nextel a sublease of their existing prune hill location to house our equipment and we have gotten cooperation from clark county and camas, Washington, to site antennas on the camas water tower and to -- and to site equipment in clark county's public safety facility at that location. And we're also able to acquire the -- this through secondary markets, as opposed to buying new equipment at top dollar, we were able to find a system that was decommissioning some of their equipment, pick up their used equipment, rehabilitate, saving us millions of dollars in this implementation over any previous plans for that site. That site will augment the coverage in east Portland and it will -- it will solve a longstanding coverage issue in those areas, as this site was something always planned and never completed due to funding issues. So the impacts at that -- that prep has facilitated is the installation of prune hill and the increase of coverage in prune hill. The upgrade to the smart zone system, which will really reset the support clock of the system. Whereas we are at this point with the virgin and the configuration we're running, we're toward the end of motorola's supportable lifecycle. This

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project will get us to the point where we're back in their support cycle. We'll gain some features that we haven't seen before. And it buys us some time until the next generation radio systems might become available. The systems that are available on the market now really are the tail end of an old technology and over the next five to seven years we'll really see some major changes in the type of radio technology being employed, and it will give us the ability to wait and look at those systems when they become available.

Jesuale: I think we're running out of time, so I want to just close now and make sure that the leadership of the police association who are here get a chance to say a few words.

Katz: Okay.

Jesuale: Basically, though, we do have to watch the horizon. There's quite a bit of federal money that will be entering the state of Oregon through the state government, and we want to make sure that we're at the table in terms of helping to plan interoperability and the distribution of those funds, because we are going to need a next generation system, you know, and we don't have the money. So we are watching the horizon very carefully and getting very active in terms of our ability to be at the table.

Katz: Thank you. All right. Let's open it up. Thank you. The questions will get you -- we'll get you back up. Let's open it up to public testimony. Robert, did you want to come up? And leo.

Robert King, Portland Police Association: Good morning. I'm robert king from the Portland police association.

Leo Painton, Portland Police Association: And leo painton from the Portland police association.

King: We're here today because we were here one year ago and provided some testimony before the council in cooperation with com net about the problems that existed around the radio system. We indicated then that we believed there was a funding for maintenance and system enhancements and perhaps even some replacements. As-solution, and that people we spoke to, the people using the system daily, they indicated to us that there were a variety of different problems with different possible solutions. One of the problems in particular was coverage. And that we identified a year ago that we believe that we needed a tower, and that tower, of course, is the prune hill site, which was a part of the original design plan for the system. And we're glad to be able to be here today to say that we've recessed good news from nancy, through the work she's done at com net with nextel, and the help you've provided through the funding, the public safety enhancement project, it's making the possibility of enhancing coverage for the system possible. We're also very pleased to see that in addition to the addition of the prune hill simulcast site, that there's also now the discussion that you heard just a little bit about, the installation of the enhanced coverage antennas in emergency rooms, which is important, and that the activation of the emergency button is something scheduled to occur in the 2002-2003 budget cycle, and that it has been one of the issues that relate to safety and officer safety in particular that's been part of the discussion from the beginning and sounds now will become a reality, which we're very pleased about. I also note on the report that nancy's written to the council, that item 6 is the remote report writing transmit data from the field, and there's also a number 5, the ability to get mug shots into police cars. So there are a number of things that are good, that are happening. We're very pleased to be here to say that we value and appreciate the commitment you've made to this funding. We think the changes that have been made and are currently being made will improve the system and its effectiveness. It will help the police and certainly fire and ambulance and help us deliver better public safety services out in the community. We recognize that this is, as mark indicated

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earlier, it's an ongoing project with much more work that needs to be done. We have members, gary, for example, who is an officer in the southeast precinct, on the safety committee, we're committed to continue to work on the problems. We're just here today, I guess, to say thank you, and we're glad to see that changes are being made that will do good for people in Portland.

Katz: Thank you, robert. Leo, did you want to add anything?

Painton: No. Just here for moral support and to answer questions.

Katz: All right. Questions? Thank you, gentlemen. Anybody else want to testify? Any questions of the bureau? If not, roll call on acceptance of the report.

Saltzman: So moved.

Francesconi: I'll second.

Katz: I hear a motion and a second.

Francesconi: I've been on a couple of fires, the bluff fire, the natural gas fire, here at northwest natural gas, and others, and, boy, the importance of that radio as you're listening to it, as people are trying to respond, not only to protect themselves, but to protect others, it doesn't come across in the report, but when you're listening to it on the radio. So it's just so important. So the zero tolerance for interference policy, you know, has to be our goal, but to achieve it also takes advocacy, which we appreciate the police union and others advocating for this, but it also takes delivery. So, nancy, I appreciate you and actually david before you, and with you, advocating for this radio system. So i'm particularly pleased with the addition for coverage in east Portland that will be provided by prune hill. That's been a long-term goal. Also the smart zone upgrade, but unless we continue to maintain these systems we have problems. And so it's also terrific, under the mayor's leadership and with nancy and tim, that it's in the capital program. So I appreciate it very much. Aye.

Saltzman: Well, i'm just really glad to see some tangible results of our investment fund that we set aside to really deal with these very real problems. Real problems that often too often go unappreciated in the heat of a budget process where we're making tradeoffs between a lot more things that are usually a lot more visible, a lot more sexy than backbone communications, but we all know how critical this is to, particularly to our police, fire, emergency respond. So it's great. I want to thank nancy for her leadership in getting us the best deals for our dollars. And also really working with major companies, like nextel, on very innovative ways to improve our communications with very low cost, if no cost solutions at all, such as swapping bandwidth. As nancy foreshadowed the biggest challenge ahead of us is how do we migrate -- probably don't migrate. Probably have to do a wholesale switch-out to a new system. With that money appropriated, we want to make sure we get our fair share of the money. I'm sure with nancy and all the other talented people at the table representing our interests, i'm confident we'll get enough to make a serious effort to do a system replacement, because i'm sure the technology has long since left us in the dust with our current stuff. Aye.

Sten: This is a really serious issue. I admire the thoughtful way that you've moved forward. Be also easy to do finger-pointing on this, and some of it may be warranted, but it's a collaborative effort. We're not there yet, but we've come a long way in a year. Aye.

Katz: I want to thank everybody. There are still issues. I'm privileged to watch the system break down. I have it available to me. There are times when the equipment doesn't work in the cars. There are areas that I worry about geographically. So this is a wonderful advance that you're making, but there's still a lot more to do. We have buildings where we still have trouble communicating. So one mobile repeater may be fine, but there may be other needs. And i'm pleased on the mug shots. That will help officers an enormous way to identify the right people

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during their pursuits. So thank you. A lot more to go and commissioner Saltzman is right, the technology is far more advanced now and we may have to make those major shifts and get some new technology for the officers, both the police and fire bureau. More to come on that. Aye. [gavel pounding] all right. 1307.

Item 1307.

Katz: Okay. Identify yourself and let's go.

Heidi Ware, Office of Transportation: Heidi ware, city of Portland office of transportation.

Brad Gabriel, Office of Transportation: Brad gabriel, office of transportation. With your permission, i'd like to hand out a couple of maps to you and use the board for my presentation this morning.

*******:** On july this year, the port of Portland requested -- the on july 26th, notices were sent out to city bureaus. [unintelligible]

Gabriel: Staff report was prepared by city planning staff. On september 10th, the planning commission voted unanimously in support of the 78 indication. A resolution was adopted by city council on september 25th, setting today for public hearing on the vacation. There are a couple of property owners to the northeast of the railroad right-of-way. This is the railroad right-of-way right here and these are the properties that have expressed some concern that the street vacation will affect their continued availability of secondary access to their properties. What they've been doing is crossing the railroad and accessing their properties here. The railroad has provided a letter to these owners stating that they have no plans to make any changes to the area. All of the properties in question do have legal access here. The city staff has determined that there's no present or future need for this dead end portion of north bradford, and port of Portland does have people here to answer any questions that council may have.

Katz: Okay, thank you. Do you want to say anything?

*******:** No.

Katz: Okay, go ahead.

Francesconi: I would have asked you this sooner if i'd been here, but why -- can you explain why we cannot require concessions from those requesting concessions here -- I mean, requesting a binding agreement?

Gabriel: One of the reasons we have, at least in our opinion, is that we have -- the portion being vacated is on the opposite side of the railroad right-of-way. From what we can tell, this has no effect on whether they can continue across the road and access the properties. [unintelligible] they still have access here. We're not cutting access. That being vacated does not restrict their access. Nothing with bradford changes their access at all.

Ware: It would be an issue essentially between private property owners being the railroad and the property owners adjacent to the railroad and we would not enter into that agreement.

Francesconi: Okay.

Saltzman: I don't understand how this vacated portion affects their secondary access.

Gabriel: It doesn't at all. They're proposing to vacant this portion, and it ends here. They're access --

Katz: On the other side. Let's hear from the port. Come on up.

Ann Marie Lundberg, Port of Portland: Good morning. I'm ann marie lundberg. I'm the project manager for the toyota redevelopment project. And I think the only comments we really have to present here is that this vacation is a critical lease issue for the toyota project in order for that to move forward. We'd like to reiterate that we feel the vacation is on the other side of the railroad tracks. We do fully acknowledge that those owners do have access issues. We respect

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that. We've also offered to facilitate discussions with the railroad and the owners in order to come to some type of long-term solution for them.

Katz: Thank you.

Lorali Sinnen, Port of Portland: I'm lorali simmon also with the port and properties division. I just want to make it clear that the area is being vacated is on the opposite side of the union pacific rail line, and that the owners who have an issue with access on bradford are using bradford farther south and east of this area. They aren't actually crossing the vacation property area.

Katz: Thank you.

*****: Thank you.

Katz: Anybody else want to testify?

*****: How do you do?

*****: Good morning.

Roger Alfred, Perkins Coie: Good morning, vera, and members of the council. My name is roger alfred with perkins coie, llp. I'm here representing 6710 llc, one of the affected property owners in the area. We've submitted a letter to you this morning today on behalf of 6710 llc, officially objecting to the proposed location. That letter also attaches the written objections of -- well, not just 6710 llc, but four other neighboring property owners in the area who are all objecting to the proposed vacation. The thrust of the issue is that the neighborhood property owners here have significant issues with access to their property as a result of the sort of unusual configuration of the streets and also I believe that it's decatur is almost I don't believe to use, as I understand it. These neighboring property owners are concerned about the effect of this vacation on continued access to their property and the objections that we've submitted are not just from the majority of property owners in the area, but also from a number of other business owners in the area who are concerned that this vacation will impede their continued access. With me today, as you know, are howard deitrich of 6710 llc, and tim johnson, the president of phoenix gold incorporated. Both of these gentlemen are here and here to testify to any questions you might have.

From a legal standpoint, what's really important, and referenced in my letter to you, is that the statute applicable to city-initiated vacations is fairly clear, that a vacation of this type cannot go forward where the owners of a majority of the property in the affected area submit written objections, which is what we've done. Now I apologize for the late submittal. And as you can probably imagine, it's not easy, you know, getting everyone together and getting people to band together and submit written objections. So i'd like to say that we're not interested in just necessarily killing this proposal. We would like to continue to have discussions with the port and hopefully also with the railroad in order to come do some kind of agreement that will ensure that our -- my client and also the other property owners will continue to have access.

Katz: What do you want?

*****: Your honor, let me -- can I first --

Katz: First you got to identify yourself.

Howard Nelson Dietrich: My name is howard nelson deitrich, jr. Manager of 6711 llc, and work for other companies like the mill end store and --

Katz: Grab the microphone, put it on you, if you're going to walk over to the site, map site, the site of whatever. Is that harry? Harry, are you behind the screen? Because the majority of the affected property owners are opposed, we can't proceed with this?

Harry Auerbach, Sr. Deputy Attorney: Yeah, let me take this down for a second. The statute, which we have adopted as our procedure, does prohibit the council from vacating the street on its own initiative if a majority of the affected property owners object in writing. I think the folks from

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transportation can show you the calculation that they made, that they disagree that a majority -- that owners of the majority of the property affected as calculated under the statute have in fact objected in writing, but they can explain that calculation.

Francesconi: I also think there's a question about what's the affected area, majority of the area affected.

Auerbach: That's defined by statute.

Francesconi: How is it defined?

Auerbach: The p.d.o.t. Folks can take you through that calculation.

Katz: All right. Let's see what the -- what you think the problem is. I'm sure, since you all hired an attorney, you have a solution.

Dietrich: The solution always requires everybody willing to work together to resolve the solution.

Katz: You identify the problem and then the solution.

Dietrich: First place, from this statement, the property owners objected to this are all of the property owners, other than the port, from baltimore down to all of the area. And the objection includes the property owner on both sides of bradford street and the railroad. Every property owner has objected to it. As late as this morning I asked a port representative, and she agreed that over 50% have objected. So I disagree with the calculation as presented. But our problem is, that when you go down the main street for the trucks to come down, and when you go down the roadway, you end up crossing back and forth from bradford between potholes and railroad tracks, to get all the way down the street into these properties. So that it's running like a mine field to get through to it. Now some time ago, when we first contacted -- I contacted the planning office. And they indicated the transportation department would call me within a couple months and try to help us put this problem, and the transportation department did not call. So we have been trying to move forward on this matter. We did -- up until yesterday, or the day before, we've been trying to work with the port. The port said they would give us the letter from the southern pacific railroad which would say that they didn't -- they wouldn't go forward and make any changes, but in fact they gave us a letter saying "we don't plan to," reserving the right to do whatever they want. At this point what happens is sometimes railroad cars that are here extend a long period of way up here, are broken every night, and brought within the yard for safety purposes, because they load them with new cars. And then they close the gates. If this happens, the railroad can very easily then put a fence along owe or would, because they don't have to break their train anymore, all the way down and make it very -- shut off a lot more of the transportation area into the property. The only access that we have for trucking is down bradford. This is through a neighborhood, and it really doesn't -- it only goes to decatur. This is not a public street in this area. Decatur is an unimproved street with a hillside down to it, and the hillside, the others cut in, it's a dirt road with big pockets. The only access we have is on bradford. As a group, we would like to do is find a solution, we talked to the port, the port -- railroad guy, as I understand it, was in a meeting with russ morgan, who can't come today, he was trying to get down to it, but he's running a large business, to try to get vacation of some railroad easements and then move the street along bradford along this side of the tracks to be able to access these properties. That's the solution.

Katz: Okay, all right.

Dietrich: But the bradford -- this whole issue is almost like -- let's say you have a heart attack and -- or you've had a stroke and you're in the hospital. And then you catch -- you get a cold. The cold can kill you.

Katz: Okay, all right.

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Dietrich: At this point we have a stroke. And this is what is causing this problem, and this does -- this owner here has objected to this, and the affected area, so it's --

Katz: All right. Howard, your time is up. I think we got the issue. All right, sir, do you want to say anything? Identify yourself.

? Johnson, Phoenix Gold: This is our building. It's 155,000-square-foot building. We have 150 employees and \$ -- we've been in the building for seven years. As howard pointed out, we have one freight dock upstairs that's very limited. [unintelligible] [unintelligible] if we were to lose access on this road, we're going to lose a huge percentage of our parking. And i'm not sure how we're going -- [unintelligible]

Katz: Okay.

Saltzman: You want to see the public right-of-way shifted east of the railroad tracks, bradford? Is that what I thought I heard you say? I think that's one solution. But i'm not a transportation expert. I think we need to have some time -- what i'd like to do is have this set over and review that with your transportation department.

Katz: All right. I guess there are legal questions that i'm not comfortable yet have been resolved. Harry? Go ahead.

Auerbach: What are your questions?

Katz: Well, is it over 50% of the people that are opposed to it? What is the statute? All right, gentlemen, thank you.

*****: Thank you.

Auerbach: We can tell you what the statute says.

Gabriel: Brad gabriel, office of transportation again. Through our calculations, we've calculated the area, the affected area, the way we always do with all these street vacations. We've come up that between the port and railroad they own 60.3% of the affected area.

Francesconi: How do you define "affected area"?

*****: I don't have a copy of ors 271 --

Auerbach: The statute says it's 200 feet on either side of the area to be vacated and 400 feet from - - at the end of each terminus. So p.d.o.t. --

Gabriel: With the map I handed it shows in a dark line the affected area we've calculated for that. In addition it's highlighted where the property owned by the port and the railroad is, which covers 60%.

Katz: What do you want to do, ladies and gentlemen? Do you want to set it over for a week or two weeks and --

Francesconi: Can I ask two more questions?

Katz: Yeah, go ahead.

Francesconi: Have we attempted to talk to the railroad about this, to try to work it out?

Gabriel: My understanding is that the railroad understands their concerns. Again, the vacation itself really doesn't affect their access. It has no bearing at all on whether or not they can still cross that right-of-way, but again it is also the railroad's right-of-way, and it would be up to them on what they want to do with it. These properties to have access across decatur and catlin both, so the vacation again, even if it did affect that, wouldn't cut off their access. They do have access.

Francesconi: I understand that, but my question was, has p.d.o.t., actually talked to --

Gabriel: It's between private owners.

Francesconi: So then my answer is no?

Gabriel: That's correct.

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Ware: We have not talked directly with the railroad. We've talked with the port. The railroad has provided a letter to the owners saying they have no plans to change the location of the gate or the fence with or without this vacation going forward. As indicated, before this is the proposed vacated area, the northerly dead end portion of bradford. There's still a southerly portion of bradford down here that is accessed on st. Louis. They could still get into their property.

Katz: Just a minute -- go ahead.

Francesconi: Okay. Then what harm could be caused by us delaying this, either to the port or to the new employer we're trying to get here?

*****: I'll let the port answer that.

Katz: And do you have over 50% approval of this vacation?

Gabriel: Yes, ma'am, we believe we do.

Katz: Go ahead.

*****: This affects our time --

Katz: Identify yourself.

Lundberg: I'm ann marie lundberg again, port of Portland manager with toyota. It is a critical timing for us in terms of the lease. Toyota does have an out in the lease if we're not successful. It is intended, the vacation is intended to connect the mainline from the union pacific railroad to the toyota rail yard. And as over -- 80 to 85% of their product is railed out of this facility, I think you can understand that the -- the ability to connect up to the railroad yard -- to the rail line and the rail yard is critical for the effective operation of this facility. So that's the issue for us. I would also like to add that i'm the one who's had the discussions with the railroad. And their right-of-way is broad there. I believe that there is a solution that can be reached, whether it's through an easement or through some type of leaseback arrangement. One of the reasons that the letter was left deliberately a little bit open is that the railroad is also willing to move -- or have the fence moved so that it actually widens access down there. I believe there is no interest in the railroad in anyway of blocking off the access to the adjacent business owners.

Francesconi: Do you intend to continue to work on this issue at --

Lundberg: We've certainly offered that to the people present from blackhawk investments. I've had numerous discussions with russ morgan, who's not present today, and we've been offering that for the past couple of weeks, that we would like to -- we cannot control the railroad obviously, but we can facilitate discussions.

Francesconi: Okay, thank you.

Saltzman: Does toyota -- okay, I guess does the railroad and toyota intend to use that vacated portion and restrict any public access -- or to restrict any vehicular access?

Lundberg: Yes, it will have to for security and safety reasons as it will be operating -- over the vacated portion will be connecting tracks from the up mainline to the new rail yard that will be constructed down below. Only used for switching railcars in and out. It is not planned have any vehicular traffic other than emergency access.

Saltzman: Okay. And you said you believe something could be worked out here in terms of -- owe.

Lundberg: I can't guarantee on behalf of the railroad certainly, but what I can guarantee is that we could facilitate discussions. Is there room? I believe there's room.

Saltzman: And those discussions should include p.d.o.t. In terms of possible shifting of the right-of-way alignment, public right-of-way?

Lundberg: If the city would like to enter into those discussions, we could facilitate that.

Katz: Okay, here comes the big boss.

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Don Gardner, Office of Transportation: I'm don gardner with Portland office of transportation. I think the port is expressing a point that this is fairly critical in the negotiations with the toyota project. The situation that we have is that I think that these people, they do have a significant access problem. And how they've dealt with their access over the years is basically driving on the railroad's right-of-way, which the railroad has acquiesced to. There does need to be improvement in this area for good access down here. Some of the things we've been trying to take a look at, is if we can work with the railroad and through the port, could we shift an access to the east of the railroad, which would require, then, probably some right-of-way dedication from these property owners for a street to actually build a street if they want access coming in on that side. The other one is decatur, which is the primary access and is the street they should be using, but they've never improved the street to a standard that's usable. They have a dirt street. It needs to be improved to a standard they can actually use. So the problem we have is that we have an access that no one really had a legal right to use, and has been doing so for a number of years, even though with this vacation still won't preclude them being able to go through there, but what it's done it's brought to everybody's attention that they never had a right there. The railroad has been fairly good so far, but we have -- to answer commission Francesconi -- we don't have a hammer on the railroad. They own this. The port, on the other hand, has been very willing to work with people, to try to work with the railroad and use their plans to help folks out. So we're certainly are more than welcome to -- or are willing to sit down with these people and figure out how you can get the best access. We don't want them running trucks into the neighborhood. We want them to stay on st. Louis as a work in progress. But everybody has to recognize that it's an ongoing problem, it's a long-term problem that's been there, it's going to take some stepping up from both those property owners who need the access. We'll certainly work with them to try to get there, but I think the port does have an urgency in this toyota situation.

Katz: And you're convinced that we met the letter of the law?

Gabriel: Yes, ma'am.

Katz: -- on this?

Gabriel: Right. The law requires a majority of the property owners. The state statute is very explicit on how you figure the properties involved. Because of the fact that this is railroad right-of-way and port property does constitute the majority of the properties.

Katz: All right.

Saltzman: Could we have the attorney come back for a question?

Katz: Sure.

Saltzman: Mr. Alfred?

Katz: Thanks.

Saltzman: It sounds like one of the solutions, if we go ahead with this vacation, is to -- as was suggested, to develop some right-of-way east of the railroad tracks, as don just pointed out that would require dedication of property by those property owners. Are they willing to do that?

Alfred: I can't speak for them directly on that question.

Saltzman: Let's put it this way -- is it in the nature of constructive engagement to find a solution here, while still going ahead to allow toyota to develop its facility? Is this something you can sit down in good faith with our folks at p.d.o.t., probably the port, just because of its general interest in economic development, and see if we can work this out?

*******:** Yeah.

Saltzman: This vacation is essential to toyota. It sounds like you don't have a majority of property owners. So this sounds like the seeds of a solution here. And --

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Alfred: I have two responses, I guess. My first is we haven't actually seen anything -- you know, firmly indicating that there is 50% of the property ownership in the port and in the right-of-way -- and the railroad. I'm sorry. The second point would be that as you heard from mr. Gardner, access here is a significant problem for these folks. If this vacation does go forward, basically our -- my client and all of the other businesses and property owners in the area are going to be faced with a situation where they could theoretically be denied access to their property if the railroad decided to do so. We think that it would be a good idea to sit down and have this discussion with the port and with the railroad and also with the city to try to come to some sort of agreement on how we can ensure access in the future. I still think that it would be appropriate for the council today to not make a definitive decision on the vacation, and to hold this over for a couple of weeks to allow the parties to do just that, to begin that dialogue.

Katz: Okay, thank you. All right, what's the council's pleasure?

Francesconi: I guess i'm going to make --

Katz: Hold on.

Gardner: Don gardner, Portland office of transportation. I would like to sort of counsel you that probably reaching a resolution within two weeks to try to figure out how these property owners could find the land, how they would be willing to do it, would be a pretty tremendous task, both on our part and theirs, to come to a full resolution in two weeks. I mean, we're certainly willing to make an effort, but if we were to do something like that, it would require that those property owners really come to the table prepared to make some fairly significant movement quickly.

Katz: Let me just ask the final questions with regard to toyota, because it's an incredible important project for us. And that wouldn't harm the project to -- if the council felt that they wanted to delay it for two weeks?

Gardner: I can't speak for the port on that one. My understanding is that there's a sense of real urgency here. The other one is I would like to counsel you is that the -- that the possibility of access cutting off could happen to these people tomorrow.

Katz: Tomorrow.

Gardner: The railroad could just decide, "you're on my land, get off."

Katz: Yeah.

Gardner: So far the port has done a very good job of working with u.p. To try to make sure we can continue to try to work this out.

Saltzman: The key is, I think, we should probably go ahead with this vacation, but the key is how do we keep the sense of focus and sense of urgency to address the needs of these businesses that are affected by a fact of right-of-way that they legally have no access to, but they're using it. The question is, how do we keep that from getting lost in the discussions?

*******:** These are --

Saltzman: Without holding up the vacation.

Gardner: These businesses are important to the city of Portland, and we have a strong commitment to business. I'll give you my personal guarantee that i'll chase after it. I know the port is committed also to businesses in the area. I'm sure the business owners have a real reason to get there. So I don't think anything's going to get lost. I give you my word on that one, it won't get lost.

Katz: Okay.

Francesconi: I'm going to move that we overrule the objections and allow the -- to vacate this portion.

Katz: And prepare an ordinance.

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*****: There is an ordinance this there.

Katz: Right, it follows. It's the next one. You're right. All right. Do I hear a second?

Francesconi: I guess we don't need a second. I withdraw my motion. We can just proceed.

Katz: Because -- all right, because there is an ordinance following that. All right, roll call.

Francesconi: Well, it's important we do this. It's urgent we do this for economic reasons, but also important that we protect these businesses. The problem is they're using a right-of-way that could be blocked anyway right now, and that's beyond the -- the control of this group we have right here.

So if -- that's why I asked the question of the port. So if the port continues to work on this, we have the assurance from don gardner and my assurance as p.d.o.t. Commissioner that we're not going to lose sight of this. Now we need the cooperation of the property owners to also work with us on, and I think they've given us this. So it's so important from a transportation standpoint, and your businesses are equally important to our city, so we want to work with you on this, but it's going to take all three parties. The reason i'm not in favor of postponing it two weeks, is the railroad doesn't do anything in two weeks. This group here, getting us together, isn't going to happen in two weeks. So we need to move with this toyota project. Aye.

Saltzman: Well, I think that it -- we can't postpone this vacation. But I do, as I expressed concerns, I appreciate don gardner's and commissioner Francesconi's assertion, this will not get lost, because these businesses have legitimate access needs, and they need to be addressed. So -- and I think there's -- I think there's a solution here. It sounds like it's not too intractable of a solution that could probably be reached, and probably doesn't even require the railroad, that's the good part, but nevertheless two weeks is probably ambitious to achieve it. I hope within the next 30 days we can have the seeds of a solution in place and come back with something before council to actually increase the public right-of-way east of the railroad tracks. Aye.

Sten: I'm a little hesitant, because I usually to end people back out and work on these things, because I think there's a solution this, but it's a time sensitive issue. I'm going to vote to move forward, but I would like to request that both port and transportation put what they've heard today back in writing to these property owners, so we have a record that both your agencies recognize what they said today and share the intent that the council will solve it. Not that I don't don's word, but it's important down the road to show good faith. Aye.

Katz: I think you heard the council. My concern was mr. Alfred's second paragraph that he didn't think we had the legal basis. I think we do after speaking with our city attorney and the bureau. But I do think that we need to resolve some of the problems that the affected property owners have. So I will vote aye. [gavel pounding] 1308.

Item 1308.

Katz: Roll call.

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

Katz: Mayor votes aye. [gavel pounding] 1309.

Item 1309.

Katz: Roll call.

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

Katz: Mayor votes aye. 1310.

Item 1310.

Katz: All right. Everybody had the ability and had the time to read my memo to all of you. We researched this issue since we are at a time where we needed to approve the umbrella organizations. Under code chapter 5.10, charitable organizations may only participate in the charity drive as a member of an umbrella organization. So that's what we're going to do today.

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What we also uncovered is that one of the requirements is that the umbrella and the member organizations have nondiscrimination policies. That's been in the code, I think, since 1989. And it's probably not been enforced to the extent that we probably should have enforced it. My recommendation, as we review this, and as we had conversations with the county, that we need to proceed today with endorsing the umbrella organizations, but send the message to the umbrella organizations, and those organizations under the umbrella organizations, that we will be acting on the language in 2004, so we can parallel the time line with the county. I have met with one of the umbrella organizations, though quite frankly there may be other umbrella organizations that still may have an issue. And discovered from that umbrella organization that 2004 is the time line that the county has chosen. And that we both were concerned about the programs under the umbrella that would be impacted if we acted right now without giving sufficient warning. So there's still work for us to do, trying to identify whether all of the umbrella organizations and the organizations under the umbrella meet the spirit of our code.

Saltzman: That's for all the umbrella organizations?

Katz: Who wants to come on up? Come on up. Yes, for me it was the issue of all of the umbrella organizations. Go ahead.

Jeana Frazzini, Co-Chair, Basic Rights of Oregon: My name is jeana frazzini. I live in north Portland. I'm co-chair of the board of basic rights Oregon, our state's largest grassroots organization working to protect the rights of bisexual, gay, an transgendered Oregonians. I want to thank mayor Katz and the commissioners for their leadership against discrimination in working to enforce their requirements for eligibility to participate in the charity drive. We appreciate your dedication to not more than just creating policy, but enforcing it. And I think it's important that the charitable organizations reflect the values of their community, especially when discrimination and prejudice often play a direct role in the lives of people seeking human services through these charities. Although we would love to see the organizations change their policies immediately, we do support giving them time to go through the process to change their policies and think that a year is sufficient to do this. Or in this case it's a bit over a year, but in time for the next biennial charity drive. And --

Katz: Appreciate it.

Frazzini: Sure. Thank you.

Katz: Yeah. Just wanted to mention that we're within a few weeks to start our charitable drive. I don't want to impact the other organizations.

Frazzini: Right, right, I understand that.

Katz: All right, thank you.

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

Katz: Anybody else want to testify?

Saltzman: Do we have anybody here from the -- whoever oversees this? I have a philosophical question. We're increasing the umbrella organizations. I wonder how that affects giving. I think there are schools of thought that if you keep a list fairly narrow, you increase giving. If you make a list too big, sometimes it's overwhelming. I've gone through this list, pretty phenomenal to try to understand where these umbrella organizations, where your dollars really go. I'm curious if anybody had sort of --

Katz: Can anybody that answer that?

Saltzman: Maybe we can get them back later.

Katz: Okay. I don't have that expertise to respond to you on that.

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Saltzman: It looks like it's grown this year. The other question, I want to make sure in doing this due diligence against discrimination, some of these umbrella organizations, if you read a lot of the organizations they go to, I have a hunch of other umbrellas that will be knocked off on the nondiscrimination clause. I want to make sure the same due diligence is given to them as it is to the united way.

Katz: That's the point. All of them now need to be reviewed, because we do have so many of the umbrella organizations and organizations falling under those umbrellas. Okay. Thank you. Roll call.

Francesconi: Providing access to our employees for fund-raising purposes is not a right. It's a benefit that the city extends to charitable organizations. And although individuals have a right to discriminate or to place value judgments in their personal lives, the city cannot contribute to any form of discrimination, especially when it comes to the umbrella groups. So it is important that we evaluate all the umbrella groups, as frankly we should have been doing sooner. I appreciate the mayor calling their attention to this. So what's hard about this issue is just as Portland needs to represent all of our citizens including our gay people who have every right to call Portland their home, some of the umbrella groups, including the united way, do very good work. And especially now when some of the safety net is fraying, and some of the gaps between those who have and those that don't is widening, it makes it particularly difficult. In fact, I've been in enough meetings with groups, especially trying to help young people, who are seeking funding from the united way, that this makes it very difficult. But we cannot, again, as a city, contribute to a policy that leads to discrimination. So therefore waiting until 2004 and giving an opportunity, not only for the united way, but for other groups to change some policies, I think is hopeful. I, too, have had some discussions with the united way. I'm actually confident we can resolve this. I'm hopeful that we can resolve this for the good of all of our community. Aye.

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

Katz: Mayor votes aye. [gavel pounding] thank you. 1311.

Item 1311.

Katz: Anybody here want to testify? Roll call.

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

Katz: Mayor votes aye. [gavel pounding] 1312.

Item 1312.

Katz: Anybody want to testify in roll call.

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

Katz: Mayor votes aye. [gavel pounding] 1313.

Item 1313.

Katz: This gives John the opportunity briefly to share with us what they've been doing and what are they finding out on the street. This grant goes to youth gang outreach programs. It's from a federal block grant. We are very happy to provide the funding. I wish there were additional resources to -- to them, but this is about as much as is available. They've been incredibly important to us in their work out on the street and their work when there is a crisis in the community and their ability to solve problems and provide new directions for young people who get themselves into trouble. I want to thank them for their hard work and I want to give John an opportunity to say a few words.

John G. Canda: Thank you, mayor. Good morning. Good morning, council. I've appreciated your support in the past years of this block grant. As you know, may or may not know, the youth gang outreach program has been in existence here in Portland since 1988. Our belief is that it was

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the first youth gang outreach program. We have had the amount of time to refine, I think, some of our efforts in the early years. I recall a comment that commissioner Francesconi made last year when we came before you. And we thought long and hard about that. I'll just remind you of what that comment was. We were talking about the types of services that we perform. And that one of the -- the tasks that we have in conjunction with the crisis response team, the Portland police bureau, specifically northeast precinct, is when incidents happen in the community that they believe are youth-related, youth violence, certainly gang-related, they call on outreach workers and myself and many other people in the community to volunteer our time and to come out at many hours of the night. But one of the things that we thought about was how do we get from crisis to prevention? How do we not respond to -- or have to respond to so many incidents in the community? It's often always hard to -- to provide any type of grief counseling or bereavement counseling at the scene of an incident, but we've found that at those scenes it's extremely important that our presence and the presence of others who provide these services is present, because those are the times, unfortunately, when this group, I believe, of the most impacted, heavily impacted, gang members and the city of Portland and the county of Multnomah feel as if they can relate to us because we have built relationships and we have been in the and the schools of many of these individuals. So i'm happy to report, commissioner, that we haven't had to do that so much. Some of those incidents, as you know, have gone down. However the things that continue to rise are the assaults, the aggressive assaults. I think the Portland police information, which I don't have, but if you were to ask, I think would bear it out, many of the presentations that I know they've given at the chief's forum and certainly at the mayor's friday gang group meetings, suggest that aggressive assaults are up. If you look at the trend and the data that was produced by the bureau in the early '90s, particularly '92 to '94, you'll also see that what preceded most of the drive-by shootings and the homicides in Portland were the aggressive assaults. I think that we're right back into a cycle where we're beginning to see younger and younger people becoming involved. I wanted to point out to you, and many of you have seen, and i'll leave this with you, an article that was written about our gang outreach program this year. Tanya dickens, not here with me, but as we speak is at Multnomah county trying to deal with them on some flex fund issues. She wanted to be here, but this issue was written about two groups that we do every tuesday night. And any of you are certainly welcome to come over to the coalition office and participate or just observe. We call them sisters keepers groups and brothers keepers groups. We started about two years ago. The numbers are consistently rising. Last -- on tuesday night we had 27 young men between the ages of 14 to 27, and we had 30 young women between the ages of 14 to 25. Some of which, pregnant, and parenting. Some of which are not. And we sit with these young people. They have consistently come. We provide refreshments when we're able. We talk about issues. Life issues. Social skills. Housing, which is becoming scarce for this population. As we talk about gentrification and displacement in the other business that we do with the neighborhood associations, we talk about schooling. Many of these young people who are beyond traditional high school age, you know, the 18, 19, 20, 21 age range, we're trying to work out systems with Portland community college, specifically the cascade campus, p.o.i.c., Portland opportunity industrial center, and other alternative education programs to get these young people back into school. A g.e.d., I think, in past years would have been enough to do many things, but these years it's -- it's a certificate, but employers, and the ones that we have been working with, recognize it, but I think they'd rather have a high school diploma, certainly certificates of mastery. We've been working with alternative schools and the Portland school district to make it a priority for these

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young people to get back to school. And have living wage jobs, which I know that all of you are concerned about.

Katz: Thank you. Questions of john? All right. Anybody else want to testify? Roll call.

Francesconi: John, I appreciate you're referring to my comments from a year ago, but I appreciate even more the work you've done over the past many years to make not only this program successful, but to create some relationships with young people so they feel part of the city. I think that's what you were talking about, about building relationships. I was particularly pleased with what you just said about bringing groups together in a group setting. So people can learn from one another and just feel part of this, because I think many of these young people don't. The last thing I also appreciated, your emphasis on exploit. So I guess I want to recommit to working with you more closely especially on that issue, in addition to making some connections like you've talked about, we need to involve, as you know, p.c.c. And the community college a little more integrated into this process. And then having you help establish that relationship and trust to get them to p.c.c. And to keep them at p.c.c. That's something we'll talk about. But thank you for all your work. Aye.

Canda: Thank you, sir.

Saltzman: This is very good work, john. You're to be commended, you and your colleagues, I know who are always there to respond, not only when crisis develop, but to be will for longer-term things like your tuesday night sessions where you really give youth, older youth, an opportunity to focus on many of the problems that they face. I really appreciate your comments about the g.e.d. Sort of deficiencies these days as a credential. And I think p.c.c. Is well -- well positioned to really help these individuals get a diploma rather than a g.e.d. But these profiles here are very -- very impressive, and as are the work that you and your colleagues do it. Keep it up.

Canda: Thank you, sir.

Saltzman: Aye.

Sten: John, thank you for all your work, and also to the mayor. Sometimes these are not in the front line so much, people don't see all the issues out there, but it's still going on. And you've stayed there year after year and it's really appreciated. Aye.

Katz: John, you know my appreciation. I again want to extend an invitation to the council members for our every other friday gang group, because that's where we learn what's actually happening on the street. If you think the gang fights are over, you're very mistaken. There's a new generation that's coming up, many of them are of latino background, people moving from one part of the city to another. Gresham not having the resources they need to deal with it. We're trying to be as helpful to them and so are our outreach workers. I want to thank them all and i'm happy to have given you the opportunity to share with the council and the public what you do every day. Aye. [gavel pounding] thank you all right. 1314.

Item 1314.

Francesconi: This is going to be an exciting part of the city. It is already. But when we extend the streetcar and get memorial coliseum moving, this is going to be even better. Aye.

Saltzman: I just want to one more time underscore the importance of involving did you go, the chief proponent of the mark facility in the study. I get conflicting reports as to the degree of his participation in this process, and I want assurance, and i've received it last week, that he'll be fully integrated into this process and I expect that to be the standard. Aye.

Sten: Well, there's two issues on the agenda today. One is the report, this one, and the next one is the contract move forward. I guess i'll speak to both of them. I think it was a good study, and I think we got our money's worth from the dully company. Although I wish there were more things

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possible, have a pretty good sense of what's possible at the coliseum, it's my feeling at this point, my preferred use, which I think is a lot of people's, but it's going to be very, very hard to do, is the mark proposal. I think that's the broadest and boldest and most kind of civic-minded idea that's come forward. Things like using it for retail are kind of a fallback in my mind. I also believe pretty clearly and want to just say this as straightforward as I can, there's no way on earth the market is going to happen -- the mark is going to happen without major private sector involvement.

It's not something that the public could take on. I don't believe it's something that the voters would be in a position to pass. Given all our other competing priorities, I don't think it's something I would in all likelihood refer to the voters. That being said, my preference, which is a slight deviation from the way that the -- we're approaching this at this point, it's not a huge difference, would be that we give the champions of the mark some amount of time to try and show that they have -- have some real support. The theory that I'm thinking is if they can build that private support, find some sponsorship, then it becomes something that we can pursue. If not, we should take it off the table. I'm not going to support the contract for the reasoning that I think it's such a general study, even though we're getting into the deep -- deeper issues of parking and stuff, that I don't really see the point in spending thousands of dollars to study whether the mark will work without getting a better chance of whether it's actually something that people might sponsor. I also think that the study is going to be broad enough that once we actually land on an option, which has more to do with private versus public support than it does with the logistics, nip, we probably have to study it again. I think we need to do more work with the community before we go into the detailed study we're proposing. I'm going to vote aye on 1314 and vote no on 1315 for those reasons.

Katz: Let me try to respond to these concerns. I'm also very excited about the mark proposal. It is bold. It's exciting for the public. But it is one proposal. And we need to begin to really take a hard look at whether it's doable, whether operations and maintenance of it will pencil out. Hopefully during this process there will be time for us to, as I like to say, peel the onion and to see if there's anything inside that will really grow and flourish. My hope also is that this time for this kind of work will also give the mark proponents the opportunity to get some commitments for a private investment. But we still need to do a -- a review as to whether this would be operational, whether it will require subsidies, and if so how much, and -- and if so where do we find the money to continue. So you have really a couple of options. You have the mark. You'll have another option, a redevelopment option, and then have the option of, folks, none of this seems to work out, or desirable, or doable, and that we'll need to continue using the coliseum as -- as is, with an enhanced marketing. And we'll be able to make some of those decisions. Meanwhile, we need to move and resolve this issue once and for all. One of the things we did resolve, and maybe the council in future years will change their mind. We made a resolution that the coliseum is not going to be torn down. Aye. [gavel pounding] 1315.

Item 1315.

Katz: Roll call.

Francesconi: Good, we get to vote on something twice, almost. The whole council's also committed to making sure that the -- the -- it's not forgotten that this was veterans memorial coliseum, that the veterans are appropriately honored. The other thing I'd like to say is in talking about the mark, we also -- and I too am excited about it, but we have to understand that if we end up and proceed with the mark, inner southeast Portland is not going to have a community center under the current proposal, and probably northwest Portland will not get a community center, because the scale of this will make it difficult to do all three. That's one issue that has to be looked

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into. I've asked them to look into. At least my second point, it would be irresponsible of us to -- such an important project, for such an important part of the city, that has so much ramifications, for us not to take the lead on this with our own staff, giving us independent evaluation of this. To do nothing, to not approve going forward with the contract essentially paralyzes the situation into where we are now. We really can't do that. The last thing I want to say is because of its importance to an important part of town that's developing. The last thing I want to say is, the other issue we have to overcome, and again i've talked to doug about this at length, is the operating costs. I'm actually more concerned about the operating costs than the construction costs, because parks does not and will not subsidize the operation of this at a time we're trying to maintain -- fix leaky roofs, all those kinds of things. That's the other that has to be resolved here. Aye.

Saltzman: Aye.

Sten: Again, I think i'm not so deeply different than the council in terms of what we're trying to do. From an approach standpoint we get better value for our money if we could either see that the mark may have sponsor or it doesn't and narrow down our study. I fear at the end of the study I fear we won't be too different than we are today. No.

Katz: Mayor votes aye. Thank you. [gavel pounding] 1316.

Item No. 1316.

Saltzman: Mayor, members of the council, this property is another in bes's continuing flood management efforts in johnson creek watershed as part of the willing seller program. This parcel, which is almost an acre and a quarter, is within the 100 year floodplain in close proximity to johnson creek. These lands are purchased for flood damage reduction, as well as fish and wildlife habitat improvement, as well as passive recreation. It's important to note that 70% of the funding for these willing seller acquisitions comes from sources outside the city, including federal hazard mitigation dollars and metro's open space bond measure. Again, another property in public ownership.

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

Francesconi: This is a terrific for the fish, the residents of southeast, and the whole city. Aye.

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

Katz: Good work. Aye. [gavel pounding] 1317.

Item 1317.

Katz: Roll call.

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

Katz: Mayor votes aye. Thank you. [gavel pounding] let me just flag for this afternoon, what I think we'll do is we'll take 1321 and 1322 first. And then we'll take north macadam. Does that work for you, karla?

Moore: Okay.

Katz: Right. And we'll take 1318 as well. So be prepared. Unfortunately, both of us have an important impact meeting, but we'll have to get through this first. All right, everybody, we stand adjourned until 2:00. [gavel pounding]

At 11:00 a.m., Council recessed.

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2:00 PM

Francesconi: Here. **Saltzman:** Here. **Sten:** Here.

Katz: Present. All right, everybody, we are going to take 1321 first, and then 1322, and then 1318, and then we will take north macadam. We will break at about 4:40 so commissioner Saltzman and I can get to impact for a couple of important votes. And then we will carry over until tomorrow. My hope is that we can finish our work on north macadam south of the bridge tomorrow, if possible, and then have a full hearing north of the bridge tomorrow and if we have to, I know you don't want to continue it, but we will see where we are at. Okay. All right. So, let's start with 1321.

Item 1321.

Duncan Brown, Bureau of Planning: Mayor and council, members of the council, the findings for the approval of this conditional use master plan are not yet finalized, and so we would like to delay the adoption until next week at this time. It would be November 6th at 2:00 p.m.

Katz: All right, to be continued, November 6th until 2:00 p.m. All right. Any objections? Hearing none, so ordered. 1322.

Item 1322.

Katz: All right. I can't remember where we were on this, but I know we still had some issues that we needed to address.

*******:** You had directed us to do some language changes to two items in the amendments' packet.

We submitted that in a memo form to you, and you should have that, and if you have no objection to the language that we have submitted, I believe that we are ready for a vote.

Katz: Council members, do you have any questions? Nobody? Okay.

Saltzman: I appreciate the language you added about, the possibility for the tram also being shared by ohsu, the Portland aerial transit, inc., and others. Besides the city.

Katz: Okay. Roll call.

Francesconi: Just a couple of thoughts here. One is I want to thank you both here for all the work you have done for many years to actually bring this about and so it's actually a privilege for me to be the commissioner of transportation, for many reasons, and the quality of our employees is one of them. Second of all, the quality, {b}, you know, having citizens hang in there for so long and give guidance to us, I want to thank all the citizens who sat on this committee, some for as long as six to seven years. The third comment is, it's been wonderful. It's been the work of everybody else, but I have had occasion lately to be in circumstances, you know, and we always want to make Portland better and the region better, but i've been in circumstances where it's really clear to me that from a land use and transportation point of view, Portland is seen as the envy of the country. And it's because we have a multimodal system that is trying to respond to a variety of needs, but it's focusing things on the center. It's focusing things on the town centers, and then it's also trying to respect our, not only our economy, but our environment by not having the automobile totally dominate this place to the point that pedestrians and others can't make it. And so it's your hard work and but it's a system that's been created incrementally over time according to an overall plan, and that brings me back to this. So, we have some good work done in this. With even some detailed work about what kind of projects we need to build to continue the system, and that's what we need to do. So now, our commitment to all those citizens that participated and to the staff is that we now need to keep working on the course that we have set and build these projects, and I am not only talking about the important mass transit and streetcar kinds of projects, but also the sidewalks and southwest and culley, and fixing the potholes and the neighborhood streets and

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maintaining the system and that's the challenge that we have. So, we are going to do this freight study that we talked about. We will do another look at the central city parking structure, parking that we talked about, we have plans, exciting plans with our regional partners to, to redo the transit mall and continue light rail. We need to expand the streetcar, but we, we have to start with making sure that the pedestrians and our kids can have safe routes to schools. So, we have a very good project that's begun, and we need to continue to make sure that that happens. And that's the first priority project to implement this plan. The other thing we have to do, and we are going to have a council work session on the whole system in the, and the next steps, but we have to really maintain the system. We have neighborhood streets and neighborhood collectors and arterials that are falling apart, and unless we have the revenue to maintain this, we are going to -- it's going to cost us much more in the long run for our citizens, and we are not going to be able to continue some of these important livability projects, and we are going to be talking more to the council and our partners in the business community and the neighborhoods, more about this as we proceed. So, this is a good blueprint, which fits in the context of a regional growth strategy with Portland fully committed to that, and we appreciate the work that's been done by everyone. Thank you. Aye.

Saltzman: Good work, aye.

Sten: I think it's very good work. I know how long it took, and I think you guys did a great job. I missed the second hearing, but I just wanted to say my thanks. I thought the responsiveness to the issue around the schools and trying to look at those pedestrian improvements was a good thing to do and appreciate that, as well as the package, as a whole, and thanks to commissioner Francesconi and commissioner Hales who did this before that. Aye.

Katz: I actually used your plan the other day. And I want to thank you for, for rerunning the information based on subject matter, and I am going to ask you to do that for me, break it down on freight movement and schools and whatever other categories you have, so I can actually go into those specific categories and see where you are. I just want to let the council know that in the preparation for the presentation I made yesterday, I went to see what we had in store for freight movement and truck movement and movement and improvements on bridge ramps and bridge heads to assist in moving the traffic to help the economic prosperity of this community. I just looked at that very small piece. There's a lot of work, and there's a lot of resources that are going to be needed to make that work happen. So, it is very critical that, that when we get to the next budget round, that we really clearly set priorities for this, for this city as to where we want that first dollar or the next dollars to go after we complete the budget assignments for this fiscal year. Thank you for all your work. Aye. All right. 1318.

Item 1318.

Katz: Okay.

Kathryn Beaumont, Sr. Deputy Attorney: Good afternoon. Before we begin the hearing, I have a few announcements to make concerning the type of hearing we are having today and the order of testimony. This is an on the record appeal hearing. This means that participants have to limit your testimony to material and issues in the record. During this hearing, you can only talk about the issues, testimony, exhibits, and other evidence that were presented at the earlier hearing before the hearing's officer. You can't bring up anything new. This hearing is designed only to decide if the hearing's officer made the correct decision based on the evidence that was presented to him. If you start to talk about new issues or try to present new evidence today, you may be interrupted and reminded you must limit your testimony to the record. In presenting your arguments today, it is permissible to refer to evidence that was previously submitted to the hearing's officer. It is not permissible to submit new evidence today. If your argument includes new evidence or issues the

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council {lbt} consider it and it will be rejected in the final council's decision. If you believe a person who addressed the city council today improperly presented new evidence or a legal argument that relies on evidence that is not in the record, you may object to that argument. Finally, under state law, only issues that were raised before the hearing's officer may be raised in this appeal to city council. If you believe another person has raised issues today that were not raised before the city council, before the hearing's officer, you may object to the council's consideration of that issue. Turning to the order of testimony, we will begin with a staff report by Erik Ingstrom from the Bureau of Development Services for ten minutes. Following the staff report, the city council will hear from interested persons in the following order -- the appellant will go first and will have ten minutes to present the appellant's case. Following the appellant persons who support the appeal will go next. Each person will have three minutes to speak to the city council. The principal opponent, which in this case, I guess, would be the applicant, will have 15 minutes to address the city council and rebut the appellant's presentation. After the principal opponent, the council will hear from any persons who oppose the appeal. If there's no principal opponent, the council will move directly to testimony from persons who oppose the appeal after supporters of the appeal conclude their testimony. Again, each person will have three minutes each. Finally, the appellant will have five minutes to rebut the presentation of the opponents of the appeal.

Katz: All right. Is there a declaration of conflicts of interest on this item? I don't hear any. How about ex parte contacts by council members?

Francesconi: I have not had any -- my staff talked to pdot staff and so I know that that's happened. We had a brief -- I talked to my staff about it, but, for about 30 seconds, so that's the only thing that I can --

Katz: Anybody want to question our response or lack of? If not, then let's go ahead with a staff report.

Eric Engstrom, Bureau of Planning: Before I begin, I have hard copies of the visual presentation if anyone has trouble seeing that, they are up here. And if you would like a copy. Mayor Katz, commissioners, for the record, my name is Erik Ingstrom, representing the Bureau of Development Services in this matter. As you hear, this is an appeal of a prelot subdivision. The site is located in southeast Portland on southeast 39th Avenue. It's between southeast Franklin and southeast Powell, I believe. The site is about 19,000 square feet. The proposed lots range from about 4500 square feet to 5600 square feet. Pdot has asked for a 3.5-foot dedication to southeast 39th for the purpose of widening sidewalks there. On parcel 1, the existing home on the site would remain. Parcel 2 is being created through an exception rule in the zoning code that allows smaller lots if the average lot size of the whole site is maintained. And parcel 3 is a flag lot. This is the zoning map. The site is, is located at 3322 southeast 39th Avenue. It's elongated rectangleally in an east, west direction with frontage on 39th Avenue. It's zoned R-5 with a comprehensive plan designation of R-2.5. This subdivision was reviewed under the existing zoning of R-5. On the screen now is a site map --

Katz: Could you go back to that last one? Okay. Go ahead. On the screen.

Engstrom: On the screen is a site map showing the proposed private street which would connect with 39th Avenue at the northwest corner of the site and it isn't a very long street. It would terminate in a small turnaround and it would only serve two lots, the flag lot and the rear of the site and parcel 2, the, the existing house would also have driveway access off of that street. This application was taken prior to July 1 of 2002, which means that it's being processed under Title 34 of the land division code in effect at that time. The approval criteria are, therefore, the following sections -- 34.40, improvement guarantee, 34.50, principles of acceptability. 34.60, design standards. 34.65, solar access. 34.70, improvements and the state transportation planning rule also

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is applicable. The original staff recommendation in this case was for approval subject to a number of conditions of approval. Two of the conditions, in particular, relate to this appeal, condition a-5 and condition c-2. A-5 in the original staff recommendation required right-of-way dedication on southeast 39th avenue, meeting the requirements of the city engineer. Condition c-2 required that a performance guarantee be submitted for required sidewalk frontage improvements along 39th avenue. The hearings officer disagreed with the staff recommended conditions of approval concerning sidewalk improvements on southeast 39th. In place of the staff recommended conditions, he required the following -- conditions a-5, which would, which is also a dedication of 3.5 but the hearing's officer was more specific in outlining the purpose of that dedication and listed the specific dimensions for the, the eventual improvements, and then also references a local improvement district or possible local improvement district in the future. And condition a-6 would require a waiver of remonstrance to the creation of the local improvement district to create improvements described in the first condition. In terms of the of the appeal, the hearing's officer and the city engineer think the subdivision should be approved so approval is not the question of this appeal. It's more specific to the conditions of approval. It is detailed to the language of conditions and the timing of and degree of improvements along 39th avenue. The hearing's officer's conditions do not require changes to 39th avenue at this time unless a local improvement district were organized at some future date. The city engineer, on the other hand, recommended that sidewalk improvements occur with this land division process. Another issue relates to basically the method at which we get sidewalk improvements, when and how should pedestrian improvements occur through future l.i.d. Or at this time. It relates to the authority of the hearing's officer and the city engineer. The hearing's officer made an argument that isolated improvement along this particular small stretch of 39th would not really function that well in relation to the two abutting properties, and one of the questions here is whether this is something that the city engineer should be deciding or whether it is something the hearing's officer should decide. Another issue relates to the expectations for implementation of the pedestrian design guidelines and other documents relating to the city's policies of the sidewalk development and specifically, can those be enforced through a title 34 land division. The hearing's officer noted that title 34 does not specifically reference these. The city engineer notes that these have all been adopted by city council and reflects city policy. There are a few photographs that I will just briefly run through. This is a shot of the site looking from across 39th avenue directly towards the existing house. The existing driveway would be replaced by the new private street that would be in the same location roughly. That's roughly the same, just a bit to the right. And then this is a more oblique angle looking at the sidewalk in front of the site. The site, itself, is the portion of the sidewalk there with the retaining wall and the existing steps that go up to the house that's there right now. So the new private street would be right in the beginning where that telephone pole is in that vicinity. You have basically two alternatives before you today. One would be to uphold the hearing's officer's decision of approval as written with his conditions of approval. Or, uphold the hearing's officer decision but with modified findings and conditions of approval related to the improvements on 39th avenue, and the city engineer has submitted a memo outlining specifically their request in terms of the conditions of approval. We should have a copy of that. I have a couple extras here, if someone needs t neither the appellant or the city, nor the hearing's officer are asking council to overturn or deny the subdivision, itself. It's just about the specifics of the conditions. And with that, I will close my remarks and we can move onto, we can move on, unless you have questions. **Katz:** Questions of staff? All right. Let's start with the appellant. You have ten minutes.

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Francesconi: That was a good staff presentation. You got right to the point in a brief amount of time. I have copies here. Good afternoon, elizabeth, representing the city engineer.

Katz: Get closer.

Elizabeth Papadopoulos: This is the first time, and hopefully the last time we come in for an appeal. I will try to keep this really short. As erik mentioned, we're not disagreeing with the subdivision approval. We're just looking at the method by which we get our streets improved specifically with sidewalks. As you know, in 1998 the city adopted the pedestrian master plan and the associated pedestrian design guidelines. That was a pretty intense and well done public effort that unwyoming won an award for the process. And in it, we heard loud and clear that sidewalks were an integral and important part of our transportation system and that we needed to get sidewalk improvements as we were doing development. I think it was in 2000 that pdot reorganized, and as part of that process, dick rhodes, the director then, made a commitment to the pedestrian advocates that we would work really hard to make sure that we were implementing the design guidelines. So when we came in and looked at this subdivision request, we, we went with pedestrian guidelines and said, here are the improvements that need to be provided. This is consistent with other development along 39th avenue. We have been making a diligent effort to get wider sidewalks, what we have now is narrow. It's uncomfortable. There aren't street trees. It's not a very inviting environment. So, we did our normal approach as for the improvements. We were surprised to find that the hearing's officer disagreed. Our understanding is that he disagreed for safety reasons. However, there was no basis in the record for that disagreement. There were no discussions about safety and further, we looked at it and did not find any reason why this improvement could not be built safely. The other piece is that the hearing's officer delayed the improvements until the time of the future local improvement district, and you may well be aware that local improvement districts do not happen very frequently, even when we have waivers. On arterials like 39th where the improvements we are doing are largely limited to sidewalk. We don't get waivers. We tend to get them up front. So the likelihood that a local improvement district would occur any time along 39th is very limited, which would mean that we would not be able to implement the sidewalk improvements. Behind all of this, really, though, is the commitment that we have had made to the pedestrian advocates, to the neighborhoods to get the improvements in, and in a timely basis. We wouldn't be here but for that. You can always take a piece of the system and not worry about it, but truly, we get these in an incremental basis and we think that we need to continue to get them in that way and therefore, we are requesting that we go back to the original staff report with a slight modification to one condition, and uphold that report and findings. Any questions?

Katz: Questions of staff?

Saltzman: The hearing's officer cited safety?

Papadopoulos: Yes.

Saltzman: But there was no, nothing in the record about safety?

Papadopoulos: No.

Saltzman: And he or she didn't elaborate on that in their decision?

Papadopoulos: Well, I can't tell you whether it was in the record, or in a subsequent discussion but there was some talk about the road, the slope of the road, adjacent road and that, by building the wall back, you might not be able to see people on bicycles on the sidewalk, but if you recall in the pictures, the retaining wall is only about 3 feet high, so you can see people walking, riding, moving, and the road is not very sloped, and we have dealt before with what I will call piecemeal improvements, where you duck back and it is wider and then you duck back again. We work with

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those and make sure they are done safely because if we don't do that, we wouldn't be able to get the sidewalk in.

Saltzman: Thanks.

Katz: Okay, folks. Turn off your lovely cell phones. Further questions? All right. Supporters of the appeal.

Katz: Sarah moore.

Sarah Moore, Chair, Richmond Neighborhood Association: Hi. Good afternoon. I just want to thank you all for this opportunity to come and speak with you today. I am really grateful to the mayor and to all the commissioners and especially a couple of your staffers for being available to us to answer questions and to really listen to our concerns about this issue. The richmond neighborhood association welcomes this appeal of the hearing's officer's decision in this case.

Katz: Identify yourself for the record.

Moore: I'm sorry, I meant to do that right away. Sarah moore, I am the chair of richmond neighborhood association. The richmond neighborhood association supports this appeal. We were not able to appeal this decision because we made no comment at the time of the hearing when we assessed what was presented to us in the plans, we felt that the proposal and pdot's requirements for sidewalk widening adequately addressed our concerns. It kind of came as a complete surprise to us that, that, that those requirements wouldn't be upheld. So, we urge the council to uphold this appeal and to enforce the pdot requirements for the widening of the sidewalk. We've been concerned about southeast 39th for a long time. In the picture that you saw just now, what you didn't see was the speed of traffic rushing by along that street and I hope that you got kind of a concept of, of what limited protection you have as a pedestrian, walking along that boulevard, so imagine school children on their way home. What we really see in the future and what we would like to move towards is a wide sidewalk with enough room to plant street trees to allow a buffer between the automobile traffic and someone walking along the sidewalk. So, I realize this kind of sounds like piecemeal as we, you know, just do one property at the time, but it's moving us towards livability in our neighborhood that we, we were, we really are striving towards. It's not aim to be punitive to the developer or the hearing's officer, but they we want to stand behind adopted city policies and improving pedestrian access in the inner city neighborhoods is something that we feel is a priority for the city. We're concerned about the issue of leaving this for an l.i.d.. They are notorious for taking a long time to accomplish. So, basically, in order for neighborhoods and neighborhood representatives, like myself, to continue to support city process, we, we urge you to stand behind that policy that is already, that has already been approved, and specifically, the pedestrian master plan adopted in 1998. I guess that's basically it. Thank you.

Arlene Kimura: My name is arlene kimora, and I am here on behalf of the hazelwood neighborhood association and city-wide land use forum. Sarah was very clear in what she stated. We support that effort, and I want to say that in my area with designated pedestrian districts, we have piecemeal developments and without that type of piecemeal development, you get no street sidewalk improvement, and from my neighborhood with an aging population, for the buff ering to take place and for the people to feel that they can walk the streets safely, it is critical that we have the wider support, the sidewalks. We also are very concerned that this never came up in the, in the actual hearing prior to the decision and we feel that it is something that should be addressed as a separate issue, but we are very concerned about that. We do support pdot and frankly, there are lots of times when we are on the opposite sides but we are very happy when we can support them. Thank you very much.

Katz: Support them on the easy ones.

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Kimura: Sometimes the hard ones, too.

Amanda Fritz, : I am amanda fritz and I came specifically to say that I believe that pdot is absolutely 100% correct on this appeal. It's a well written appeal. It outlines the reasons why they are correct, and I really appreciate them having the courage to stand up and bring this forward. I am also very concerned about the decision being made not on evidence within the record. We heard the city attorney's commence beforehand that we are not allowed to raise issues not in the record and it's of great concern to me that the hearing's officer apparently had used his own discretionary opinions to write the decision. I was one of a group of people who came before you for the title 34 rewrite, and we lobbied long and hard for the width of the right-of-way to remain a land use decision. It's a classic case of, be careful what you ask for, and the reason I am concerned about it is we asked for that because we envisioned, as in the past, that there would be a difference of opinion between the neighborhood and pdot and that the hearing's officer would be the independent adjudicator who would make a decision based on evidence in the record. It's very important for you to send a message to the hearing's office with this appeal that, indeed, that's what you expect from your hearing's officers, and so I would ask you to unanimously support the appeal.

Francesconi: I debated whether I would remind you of that, and I decided you are such a nice person that I wasn't going to remind you but you brought it up yourself. That was nice.

Fritz: I think I still believe that the policy is correct, and that we just have a glitch here that needs to be corrected before we even implement it.

Katz: Is this the first opinion of the hearing's officer? This particular hearing officer? Okay. Thank you.

Beaumont: No.

Ellen Vanderslice, Willamette pedestrian Coalition: Good afternoon. My name is ellen vanderslice. I reside at 2951 northwest Raleigh street, Portland, and I am the president of the willamette pedestrian coalition. We are here today to support the appeal by the city engineer and pdot of the lapped use decision. Pdot's policy of obtaining right-of-way is very important, as you heard, to implementing the pedestrian master plan and design guide, and I will remind you with a different hat on, I had something to do with that. But we think that the hearing's officer overstepped his -- overstepped his authority in requiring the pdot requirement abutting the property, which is really not included in the title 34 issues of streets within the subdivision. We support pdot's statement that there is no safety concern with the required improvement. And we disagree with the hearing's officer's approach of doing it by an lid, that's very unlikely to happen in this situation. So, we think that it's very appropriate for this improvement to be spread over the three properties as this is subdivided and developed and we know that southeast 39th needs a better pedestrian environment so we urge you to, to support this appeal, uphold it, and, and the policy of implementing the pedestrian masterplan as we have the opportunity. Thank you very much.

Katz: Thank you.

Douglas Klotz, Co-Chair Land Use Committee, Richmond Neighborhood Association: Doug klots. I am the co-chair of the land use committee of the richmond neighborhood association, as well as wearing some other hats. And I wanted to reiterate what was said before, or just second that. A couple of points, which may not have been touched on in the staff presentation. There's about six properties on southeast 39th where pdot has previously asked for and gotten a right-of-way widening. The belmont library, building at madison and 39th, Washington mutual bank 39th and hawthorne. An apartment building going in and the fire station that are going to have the requirements. The central christian church further south has the requirements which they haven't

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built but they will be, and the safe way at 39th and powell, all were subject to this type of request for, for, or requirement for the additional 3.5 feet. So, it is happening and you know, I urge the council to support the, the pdot requirements here so we can continue to incrementally get the sidewalk width and room for street trees that's necessary and part of the plans for southeast 39th. -- that's necessary and part of the plans for the southeast 39th.

Katz: Unless for the appellant? If not, the applicant. Lewis louise lose.

Bob Cushman, Applicant: I am bob cushman, and I am the owner and applicant on the project.

Katz: Where don't you move the mike closer to you, and you have 15 minutes.

Cushman: I guess I am kind of an unwilling participant in this. Prior to the public hearing, we had planned on relocating this wall and dedicating the right-of-way to go ahead and build our project. We had some concerns. We talked through them at the preapplication conference with bob hale from pdot that retaining walls directly adjacent to our property on the north and also on the south lined up with retaining wall in front of our property, and there was a concern about the jog and the fact that the retaining wall to the north, if and when it is ever moved, the house will have to be torn down to do it, and it's not a very old house. And so we are creating a little situation there where the two walls will most likely not line up for many, many years. But, we said whatever, that's fine, we will go ahead and dedicate the right-of-way and move the retaining wall, relocate our stairs and go forward with the project. At the hearing, the hearing's officer came up with an idea that to us sounded reasonable. His idea was why don't we write it in the agreement for the subdivision and the title for the property that when and if one of the properties to the north or south redevelops and relocates their wall, this property would also do so at the same time. We thought that that sounded like a reasonable approach. We didn't know the mess that it was going to get us into. And so we said, sure, that sounds good. His subsequent writing of the decision was a little bit different than that on how he wanted to control this process and he tied it to an l.i.d., the decision was actually written twice. The first decision did not require, if I remember correctly, the dedication of the right-of-way at all at this time. The second decision required the dedication of the right-of-way but not the relocation of the wall. So that now creates an encroachment. Our wall would have been sitting on public property. I again talked with bob hale in the transportation department as all of this was going on, trying to figure out what we do to avoid this mess and keep this project moving forward. And he informed me that most likely, transportation was going to appeal the decision that was made. And we tried to avoid that decision. I wrote a letter to bob hale of pdot telling him that, that we were willing to relocate the existing wall. We did not want to create the encroachment and we wanted to get moving forward with the project and avoid an appeal. That didn't happen so, we are here today, and I just wanted to take a minute to ask a few questions that if we are required to move this wall to meet this pedestrian goal, which i'm completely in support of. My background is landscape architecture. I have done pedestrian plans. I have done traffic-calming plans. I am all in support of creating a great pedestrian atmosphere, and when we bought this property, our hope was to develop a great project that fit the location. We've got good bus routes, good neighborhood services, and we had an r-2-5 comp plan designation and we wanted to meet that and to build four townhomes or twin homes behind the existing house to meet that r-2.5 designation. But, what happened at the pre-op was we were told that we couldn't do that because we needed to build a wider private street. So, I am all for meeting these goals of pedestrian guidelines but I am curious why we aren't trying to work harder to meet the goals of the comprehensive plan and build to these densities that the comprehensive plan calls for. The reason we couldn't meet the r-2.5, we were told we needed to build a 28.5-foot wide private street to serve for homes and the existing home. Well a 28-foot private street is what I live

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on, and that's a pretty wide street. Anyway, this has nothing to do with the moving the sidewalk. But, this is what we have gone through to this point. The last -- the second question that I have is if we are ever going to get this accomplished along southeast 39th, we have got to somehow tie it to something, in addition to subdivision applications or other applications for development on property within about two blocks to the north of our project, a new wall was built within the last month in front of a residence that is right next to the existing sidewalk. It is not set back, wide enough for a planning strip and the additional sidewalk. It's a brand new wall, just went in within the last {plocht} we have watched it go up. Why are those things being allowed to happen? We are never going to get the street improved if that continues. My last question has to do with development in general. I know of several locations in the city where developers are building new homes on unimproved streets or partially improved streets and they are not required to put any improvements in, more than is already there. Why aren't they being required to create pedestrian facilities and improve the streets that they are building along, as well. Again, like I said, we do not have a problem with meeting the goals of the city to improve the facilities. The city staff has really worked with us on this project in trying to find a solution. It's just been frustrating, however, that the staff, it seems like, has not been allowed because of codes and what have you to use their own best judgment to help us as the property owners, the neighbors, what have you, find the solutions working best for the city and the neighborhood and the surroundings, not the solutions that meet the code to a "t." so with that, I will conclude. If you have any questions --

Katz: Questions? Thank you.

Saltzman: So, I appreciate your points about the 28-foot cul-de-sac. That does seem excessive and I thought that we had policies in place that dealt with that. But you are basically, to make a long story short, you are okay with the 3.5-foot dedication, and it was a contorted way to get there -

Cushman: It was. It would be nicer to be building, to be developing five lots and spreading that cost out over five lots versus three. I think that the, the product that we have today because of code is inferior to what we originally proposed. I really believe that. I think what we proposed was a far superior project for this location. It would have been higher density, more affordable housing. What we will end up with is two 5,000 square foot single family lots behind an existing 5,000 square foot lot, and we have got apartments on one side of this and we have got triplexes and duplexes on the other. We thought that the twin homes or townhouses made a lot more sense.

Saltzman: I thought we had dealt with this issue before. Now we are, not with cul-de-sacs.

Cushman: And it would be easier to swallow to dedicate 3.5-foot and build the improvements if we could spread that cost out over three units, but we can make it work either way.

Katz: Thank you. Let's go back to that issue. Not right now, but at the end talk about the 28. I thought that we had -- refresh our memories on that issue. I know we dealt with it. Anybody else? All right. Appellants, you have five minutes for rebuttal.

Francesconi: You could waive it if you wanted to.

*****: Waive it.

Katz: You are going to waive it, okay. Come on up. Well, both transportation, as well. I am not sure development services can respond. Talk to us a little bit about the width of those streets. Go ahead.

Engstrom: Because it's a private street, it really is a development services question. One of the factors in this case is we are operating under title 34 and the requirements for street width that were under that code. Since this case came in, we have adopted a new land division code and opdr has adopted new private street standards as an interim rule, and that I believe we will be finalizing that

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rule at some point this year. So, honestly I am not sure whether the new requirements that the new manual would be less than what was required here or not. I would have to look at that question. But we definitely will look at that question and get back to the applicant and your staff, but we do have different standards in place today than what you are looking at here.

Francesconi: So the new standards are not specific as to width, you are saying? You said you don't know.

Engstrom: The new standards, the width is a land use decision and there are technical guidelines for the different elements that need to be in that width, and so it's kind of a give and take between the technical requirements of what specific elements we feel is appropriate to be in that right-of-way and what the zoning is and what the anticipated users are, so the new code potentially is a little more flexible on this question, but we haven't had enough of these cases in this particular example to really tell you whether it would have made a huge difference or not yet.

Saltzman: So if the applicant really wanted to reapply under the new code, probably --

Engstrom: Yeah.

Saltzman: Get something better than 28 feet.

Engstrom: I'm not going to guarantee that it would be different, but there are different standards in place, and you could potentially reapply under the new code to further subdivide the lots that are being created through this process today. So, we are not completely foreclosed from the townhouse or higher density that the applicant originally envisioned.

Katz: Let me follow up so, what are you saying, that he can, because he applied for it before the new code, he would have to reapply? What --

Engstrom: He would have two choices. He could finish out this land division and then redivide the subsequent lots that have been created through this process and do that under the new code. You would be constrained by the fact you have already created the street and the dimensions you have already created. Another option would be to reapply for the whole site under the new code and see what happened with that, but again, I am not, because in this case, that's lot of, of specific things like the size of 39th avenue and the traffic there that influenced whether we need a turnaround, so I am not sure that it would turn out different in terms of the street, but some of the flexibility of how the street could be configured might be more easily done under the new code.

Katz: Okay. Commissioner Sten.

Sten: I guess you are, given the hearing's officer, his side and I think that you have a really good point on the street. Is there any way through, if we gave you a couple of weeks to take a look at that, through conditions of the council imposed, allow a new design on this that got to both objectives, if that turns out to be possible?

Engstrom: I think as just a legal issue, and I will defer to Kathryn, but I think that once we have gotten this far with the process, we have to approve or respond to the design that we have now. It isn't on the record.

Sten: We can impose any conditions that we see fit so, this would be a liberal interpretation of that.

Francesconi: Can we, Kathryn?

Beaumont: Some information that the staff was saying while you talked, in order to create four lots, it would take a zone change in compliance with the comprehensive plan map. So, i'm not sure that it's possible to modify this proposal to develop four lots without going through the zone change, and this was simply a request for a subdivision to divide the property into three lots. So, I think we are constrained by the current zoning and the size of the site.

Katz: Okay. That's a different story then. Okay. All right. Commissioner?

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Francesconi: I would move that we affirm the hearing's officer but change two conditions. The hearing's officer condition of approval, a-5 and 6 should be the staff's opinion should be, or condition should be inserted, and that we change c-2 to read "public sidewalk improvements along southeast 39th are required for final plat approval and must be constructed per the requirements of the city engineer."

Katz: This is a tentative finding. Discussion? Katherine?

Beaumont: Just a note for you. I understand we would need to modify some of the findings to be consistent with these conditions if you adopt them. We do need some additional time and we do need the applicant to extend the 120-day deadline to give us enough time to modify the findings accordingly so, we would want to get that extension or waiver on the record.

Katz: Are we in agreement -- yes, come on up.

Cushman: I agree. I guess to extend the 120 days.

Katz: That's all we needed you to say.

Francesconi: But we will do it quickly. I am sorry that you have had to wait for so long.

Katz: There is a motion, a second. This is a tentative finding. Did you want to say anything?

Papadopoulos: Yeah, I was going to suggest, and --

Katz: Identify yourself again.

Papadopoulos: Elizabeth, excuse me. I was going to suggest what I need catherine's input that if you went back to the original report and used the findings in the original report, those will support the conditions as we are suggesting. Therefore, you wouldn't need to rewrite. You just need to rewrite the one condition and --

Katz: That's, that's for you folks to work out.

Beaumont: That's fine. The council members don't have that in front of them so we need to bring that back for them to adopt.

Katz: That's your problem. Our problem now is to move on it. All right, that's motion and a second, roll call.

Francesconi: Well, there's a lot of reasons to do this. We need wider sidewalks. And we wish that there was another way to get there, other than an incremental approach, but we can't rely on some future l.i.d. That we don't have set up and won't necessarily deliver. But and even more important reason to do it, and this is why I am proud of the bureau who filed this appeal under commissioner Hales at the request of, of then director rhodes is because we made this commitment to the neighborhood at the time that we adopted the master plan, and we are following through with the commitment by actually filing the appeal. And so, you know, I hope that this isn't the normal course of how we do business, but, but, but, by filing appeals, but by keeping commitments, that does need to be the normal way we do business. So, we did it exactly the right way, aye.

Saltzman: Well, if we waited for the lid ato implement our master plan, we would be long gone before we would see any more sidewalk extensions. So this is the way to do it, incrementally, it's the best solution that we have but it has to be done as redevelopment occurs. I regret the applicant had to go through what seems like an entirely unnecessary process that chewed up time and money, and I wish that we could do something with the narrower street width no that cul-de-sac. So, my regrets to the applicant for this aberration that events that got us here. Aye.

Sten: Aye.

Katz: Mayor votes aye. And we will bring this back when?

*****: Two weeks.

*****: Probably within a week.

*****: One week, if there's space on the council calendar.

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Katz: We still should all be here. Or at least three -- excuse me, karla?

Moore: For the six.

Katz: Okay. That's fine.

Francesconi: Mayor, one thing I forgot to say if, it's all right, really briefly. You know how we used to have our reports from our land use hearing's officers about how things are going in terms of appeals, we need to look into it to make sure the facts are correct, first of all. But, you know, hearing's officers putting things in opinions, basing opinions with things not on the record causes a problem here for the whole system, and so we need a way of addressing that, if it actually occurred, and so I don't know what the way is, but there has to be a feedback loop mechanism back to the supervisor to the hearing's officer pointing this out because we can't have this.

Katz: Okay. Well, you take care of that through the proper channels. That would go to gary. Okay. Thank you. Oh, and come back on the street with, on the street issue because that's puzzling. All right. Let's take item 1319 and 1320.

Item 1319 and 1320.

Katz: All right. We identified during the last hearing a whole set of amendments that we were interested in adopting. We won't adopt them today. I said that we will be having a hearing on those amendments. They are before you. Murray did a nice job of identifying 22 of them as opposed to all of them that were the key issues that the council raised, and I double-checked to make sure that that was the case unless I am in error, she did a nice job summarizing them. Okay. So, those are the ones that we will go over and then if council has any modifications to those, we need to talk about it either now or after we hear public testimony or you can do it both ways. All right. Gale, did you want to start?

Gill Kelley, Planning Director: Thank you. Gill Kelley, planning director. As you mentioned, Marie will go through a power point in a few moments that supplements what was in your packet in terms of sum visuals that we will explain, some of the amendment requests. We have tried to keep the amendments that were, that we are putting forward today to relative minimum, 22. There is a longer list that's in the packet that, that, longer list of requests that the public came forward with last time, and that's included in the packet. Should you want to go beyond that list. I wanted to just mention three really quickly that were -- I felt keys, at least in my understanding last time around, and they have to do with height, whether we should actually increase height in some circumstances and we do have one in front of you that, that goes up to an additional 75 feet beyond what we said before, but in a limited part of the district and only under the circumstances where that is accessed, that additional height is accessed by granting ground area that's acceptable to parks for a neighborhood park. So, it's in a limited situation. We think that that's, that's beneficial because it helps the skyline and the variety of the district. It does not pierce through the viewline that we have been concerned about and Marie will go into that. And it does give us a way to actually get the interior parks funded through the development scheme as opposed to acquisition on the part of the public. The next one had to do with being able to access the allowed floor area, ratios more easily for development. It is really a timing or phasing issue for developments. We have responded there without increasing the maximum floor area ratios, so there is not a change in what you might perceive of in the bulk of development, but simply a way for them to access it more easily. And thirdly, you had expressed some interest in an alternative road layout or that possibility north. Marquam bridge. Sometime ago, I quickly sketched out something that I might, thought might be an alternative that would accomplish both the planning commission's objectives and what we understood to be the property owners objectives. In the interim, Joe Zender from our staff has worked with the key property owner involved to posit an alternative. I'm still waiting for some

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staff numbers to make sure that we can achieve over time the 150-foot average aspiration there. So what you will see today will, we will do some number-checking on for tomorrow. But it's I think a credible alternative that does try to satisfy both public and private objectives and give us a wider greenway. We would ask at the end of this process when you complete your deliberations to actually fix that road alignment into fairly narrow tolerances so we can proceed with the greenway master planning, but we think that this does pose a credible alternative to what the planning commission recommended in terms of that road alignment north of the ross island bridge.

Katz: Let me just -- well, we will get it. It's the number one issue that you have with regard to whether we would be able to achieve what we are aiming at, whether there are other ways of getting it. I would like to raise that, but I want you to go through your, your normal process. I want to flag that one.

Kelley: I was trying to say that because we are fixing the road alignment, we want to make sure --

Katz: Off the, I am off the road alignment and on another issue. Go ahead. I'm sorry --

Kelley: I wanted to make sure that we aren't just achieving the code minimum of 100 feet but we have the possibility of accessing the plan aspiration and your aspiration of 150 feet on average. So, that's my only reservation there.

Katz: Okay. What we will do is have marie go through those items. I'd like the council to raise questions, again, I just want to let the council know that I was the one that was concerned about the visual blight if everything was at the same height, and I made a special trip to go on the east side of the river to look at our skyline and i'm not -- I don't think that I have that concern any more for a variety of reasons, different timing, different economies, I don't think that that's going to happen. But, I think that there is a legitimate concern, and I think that we dealt with it.

Kelley: Marie will go through this. We did an additional visual study and sketch since your last meeting, so we will be able to show that to you.

Katz: Okay. Marie, go ahead.

Francesconi: Thank you, gil, on the street plan issue. Thank you for your work on that.

Katz: Go ahead, marie.

Marie Johnson, Bureau of Planning: Marie johnson, bureau of planning. I am going to start today's presentation by doing a quick overview on three district-wide issues that council had asked for more information on. And then I am going to provide an overview of the issues of building height and floor area ratio, how those work together to help create a building envelope so you have a sense of how those pieces work together before we go into the actual amendment request because I think that that's going to be useful information for you in conceptualizing what your decisions might result in. I want to let you know that corporate members from our interbureau team are here should we want to call on them for expertise. In addition, we have our code writing staff and our design, urban design staff here, too. So, the district-wide issues that we heard council, heard from council about last session were stormwater management, planning commission implementation priorities, and code flexibility. Related to stormwater management, I will quickly go over the key elements of the north macadam plan that addressed stormwater management. There are four policies and objectives that address stormwater management in land use and urban forum, we have and urban form, there is one for integrating natural resource values related to water quality and stormwater into infrastructure and urban form. A transportation objective that talks about a concept called green accessways or fingers of green, and these are seen as pedestrian linkages that among other things can help achieve multiobjective stormwater opportunities. Under district-wide environmental design, we have a policy that calls for improving the environmental conditions of

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the district through site and building design, and through the various systems in the district. And then an objective under district-wide environmental design calls for promoting low impact development strategies, minimizing impervious surfaces and using multiobjective stormwater management systems. Among our zoning code tools for addressing stormwater management, we have a provision that's changed the building, setback requirements within this subdistrict of the central city plan to allow landscaping between the rights-of-way and the building faces, so there's an opportunity to provide on-site infiltration and stormwater detention. We've also purposely limited the set of floor area bonuses possible in the district in an effort to, we believe, increase the likelihood that we will achieve those particular amenities that we want and among those is the eco-roof bonus. And we have called for a wider greenway setback than is under the current code so that there's room to accommodate stormwater management while providing for the other greenway functions and features. Two other pieces that will help accomplish our stormwater management strategy through the negotiation strategy that pdc has. They will be negotiating for innovative stormwater management where that is feasible on-site, on those sites. And then we have the greenway design coordination plan coming up soon, and that will be looking at ways to integrate stormwater management into the greenway design. And then design guidelines, three design guidelines that specifically address stormwater management. A-1 calls for integrating ecological concepts in site and development design. A 4-2, integrate stormwater management systems into development and then b 1-2, access way transitions, and that includes in the description a call for the potential to increase, or to use stormwater management techniques in a way that enhances the design of the, of the street and the buildings. Then planning commission in their deliberations spent some time talking about what their implementation priorities for the district were. And they were really looking at this from a planning perspective. What was it going to take to achieve the district vision and came up with a list that, that is comprehensive but, but probably not exhaustive, and they were looking at a series of priorities for both public and private investment to achieve the vision. So, they cat, they categorize these in three categories, one to begin immediately, with plan adoption. The other to be implemented or initiated in 1-5 years and then the last group to be initiated in five plus years.

Katz: There was general agreement?

Johnson: Among the commission, yes, there was.

Katz: And among the interbureau team?

Johnson: Yes.

Katz: I just wanted the council to know that.

Johnson: Right. And cheryl twete from the Portland development commission will be coming up after I complete our presentation and she will speak to funding strategy and the development commission's comments on the north macadam plan.

Kelley: There's a bit of a wrinkle with the greenway trail fund, which marie will talk about later as a separate item.

Johnson: Okay. Under priorities for planning commission's priorities for projects to begin immediately, they saw the greenway design coordination plan as something that needs to start right away while, so that we can look at this district as a whole. They also saw that construction of the moody bond cuplet that, we need to move forward on construction of that, and I believe that pdot is working on engineering of that as we speak. And then the harrison street connector, which is a streetcar connection, we need to look at how we can get streetcar down into the district. Then 1-5 years, they identified the need for acquiring parks and greenway and this is sort of a challenge in the district. We have the district with so many challenges in terms of infrastructure, but when we

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have bare land, it's probably the, the most strategic time to acquire for parks, so they wanted to make sure that we kept that in mind as we were moving forward and our implementation strategy. They are looking at greenway design and implementation and improvements to the transportation portals, streetcar construction. Beginning to work on our affordable housing strategies and looking for that connection from the marquam hill to north macadam. And five plus years, they were calling for actual development of the parks, including some public parking to offset some of the transportation and parking needs of the district. Creating connections across from the historic neighborhood and core bit terwilliger hill into north macadam and completion of the transportation facilities and greenway development. And the third issue raised at the last council session that has important district-wide has to do with zoning code flexibilities. You may recall that there were requests from some of the testifiers to look at what kind of flexibility that we have and consider the possibility of making some modifications to some of the code provision to say allow more flexibility. So, I am going to go through some of the elements that we have in the north macadam plan that will allow for flexibility. So, there's flexibility through development regulations that some of which are modifiable through design review process. There are some elements where provisions can be transferred from one part of the district to another, and there's some flexibility in the greenway design. Now, one of the things that we've looked at, we've talked a lot about urban design in this district and trying to create a, a unique, or distinctive urban form for north macadam, and, and in that, there's also been discussion from the, the design community and from the development community as a desire to have some flexibility so that they can do innovative building designs. So what we have tried to do is set our standards in such a way to promote that distinctive urban design for the district but allow some ability to modify that through the design review process, and these five elements you see before you are the elements that would be modified, modifiable through that process, so the tower orientation standard, which is the new standard that we would be applying in north macadam, and that, if you will recall, is the standard that requires a portion of a building over 75 feet in height to be no wider than 125 feet as it faces east or west. The required building line provisions of the code are also modifiable. The required building setbacks are modifiable as our window requirements and parking access.

Saltzman: Could I ask a question?

Johnson: Certainly.

Saltzman: Where is the flexibility about the east-west streets north of ross island bridge?

Johnson: You mean the placement of the streets?

Saltzman: Uh-huh. Isn't that part of the flexibility?

Johnson: That's a street plan issue. What we have done in the project is we've identified a transportation concept that we're asking council to adopt. Our understanding all along has been that the north/south streets are particularly important that we get those defined as soon as possible, and then the east/west streets, there is certain characteristics that we think are important to have in terms of, you know, having some. Accessways, having some streets that have integrated stormwater management that the streets have a strong relationship to the river, so on the north, the streets are perpendicular to the river as opposed to -- i'd have to show you a design.

Katz: Let me stop you --

Saltzman: You are saying it's in the transportation plan, okay, is that part of this whole thing we are adopting?

Katz: Let me stop for a second. Are you going to address the street plan specifically to answer that question?

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Johnson: I was going to speak about the river parkway alignment. I was not going to speak about the east/west streets.

Kelley: We can do that. It's pretty easy to do. There is flexibility in the street plan. We do want the street plan to come back to the council in January that would show you the detail of what we are talking about, but even then, you would allow flexibility in the movement of those east/west streets north of the bridge.

Katz: Continue. I'm going to --

Kelley: The orientation, we would want to have a certain orientation but where they actually sit can be quite flexible over time.

Katz: Okay.

Johnson: Then there are three elements, or two elements within the recommended plan and the potential for another element to be transferable within north macadam. The first element is floor area so the code as we have written it allows the floor area to be transferred within the district, so if one property owner would like to develop at a lower density, they have the potential basically to trade that development potential called "floor area," to another developer. Another provision that is transferable is we have an area in the district where there's a certain amount of residential units required. It is possible to transfer those residential units to some place else in the district, as well. And then we will be talking in a minute about a proposal to allow height to be transferred from some areas to others within the district.

Katz: The question that I will have for you at some point to answer is these mechanisms, have they worked in the past?

Johnson: And then greenway design, we've talked about the greenway quite a bit and I just want to reiterate that there are three different ways that we can accomplish our objectives for the greenway and through the zoning code, we have clear and objective standards. We have discretionary review, and then there's the option to develop the greenway under the greenway design coordination plan. Even in the clear and objective standards, which are the most descriptive standards of the code, there is some flexibility. We purposely constructed the code in a way to set it based on what our goal was and to leave it more to the developer and to landscape designers to determine how to reach that goal, so we set a performance-based standard that said in five years, we -- this design should accomplish these kinds of goals, instead of saying, how -- instead of telling them what size of plants and where to place them, we said that we want you give us -- we want you to accomplish these kinds of things and you have five -- you have -- it's up to you to figure out how to get there. Included in that is, is a pretty broad planting palette that can be chosen from, so we are not -- we're trying to have as much flexibility in terms of plant species as possible, staying within the native plant palette for much of the greenway. And then there's flexibility in terms of what kind of plant sizes that, that the developer chooses. Under discretionary review, there's considerable more flexibility with the opportunity to average the greenway setback and to modify landscape standards and trail placement when there is a demonstration that additional riparian, ecological or recreational benefits will be realized. And then the greenway design coordination plan provides an alternative to the code standards outlined in the clear and objective standards and the discretionary review. Okay. So I am going to go over the amendment requests and you will see that we've highlighted some different categories, and I am going to -- what I want to do is start out by saying that these are the kinds of things we will be talking b these are the things that we will spend less time on and one issue --

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Francesconi: Excuse me a second. Mayor, on your -- there's another amendment that was requested, and it's, I don't know if you want me to bring it up now. The reason I am bringing this up now is because it has the issue of flexibility. Do you want me to bring this up now?

Katz: You are going to go through each one of these, right?

Johnson: Correct.

Katz: And that's when I want you to jump in and say, take a look at this or this doesn't include that. Or whatever.

Johnson: First I want to just remind everyone that that the discussion of the north end of the marquam bridge amendment will take place tomorrow at 2:00 p.m. Today's discussion will focus primarily on these four categories. The first topic deals with urban form, so it's height, floor area ratio and building massing, second is floor area bonuses, the third greenway and fourth transportation and parking. Then we will spend -- we will go over very quickly the technical and implementation amendments proposed by staff and some minor clarifying amendments. So, start with land use and urban form, and land use and urban form breaks down into height, floor area ratios, required building lines and have envelope and the income housing bonus. Before I get into too much detail, I want to walk you through how we think about height and floor area ratio and other developments, development standards and how we use that to sculpt a building envelope in which buildings can be designed. So here is -- so, here is an example. We took the base floor area and the maximum floor area within the district and looked at how it might play out from two different perspectives. And this one looks at if a developer would prefer to do a broader building than a taller building and this is assuming a larger block pattern which we anticipate to happen north of the ross island bridge and this is, we are assuming is a commercial building, so we start with the base and the base far, floor area ratio in this area, is 6-1. But total building height of this base of the building is 75 feet. Then the center section shows that structure parking would be incorporated into the development. And this shows what could happen if the developer wanted to realize bonus far, go 8-1, and have under this, it would be 125-foot tall building. And to show you an example, this is similar in size and bulk to the widening kennedy headquarters in northwest Portland. So here, the next one goes into a building form that use as height preference, so this is a developer who would prefer to build a taller building with the same kinds of floor area limitations. So we are assuming this is a residential building. It's south of ross island bridge where the blocks are smaller, closer to the 200-by-200 block pattern that you see in downtown, and this is assumed to be on the, the river front with 150-foot greenway setback so they have taken advantage of their greenway bonuses. So we start with the base floor area for this area is 5-1. The total building height you would get here is 140 feet tall, so you can see that you could have commercial buildings on the base. Retail, or you could have row houses or townhouses at the base. Parking would be incorporated into this, as well, in the center, and then you have a tower residential unit in the middle of the building. Now, if you wanted to realize the 7-1 far, you could get a building of 250 feet tall with a pretty slender floor plate of about 8500 square feet. So, that's two different building types using the same code. What we want to demonstrate is there's a lot of flexibility in the code in terms of what you can build. So, this particular residential type is similar in form to Portland center tower so Portland center powers are a little bit wider than the 8500 floor plate we just showed. So, then we looked at -- that's one way to look at floor area and height and tower orientation standards, if they are applied to a single building. What does that mean if you apply it to a whole district. These really are boxes. These are not buildings. These are boxes. So these are building envelopes, so if you think of the building envelope as if it were a glass and the floor area as if it were milk, and so what you are saying is, in this situation we have, we have a short, fat glass

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that we are filling up with the same amount of milk that we would have in the next for the purpose I am going to show you. So this is a bulk preference. Here's the building envelopes from omsi, so again, that doesn't show you the articulation you would get, you know. The towers could shift in terms of where they are. There are a number of design features that would change the look of this and a number of ways to interpret it. And then this shows this bulk preference if you are from the viewpoint on terwilliger that is the protected viewpoint of mt. Hood, and what, what you can see in the model is mt. Hood right here, there's -- these two images are slightly different. Mt. Hood, I think, is right about here in the, in the actual photograph. So, if we were going to take a height preference, which we have heard some of the developers are very interested in doing, using the code as we have it in the planning commission recommendation, the building envelopes would look like this. Something like this. Again, the podiums can shift and the actual interpretations will vary. And this is from omsi, and you can see the west, bit of the west hills and ross island bridge in here. And then again, this is from that viewpoint in terwilliger and here's mt. Hood and mt. Hood, I believe, is right in here.

Saltzman: Are those all the tall buildings at 250 feet?

Johnson: Correct, correct. So this is to bring you up to date on the current code, the planning commission recommended code and give you a sense of how height and floor area work together to provide a variety of building types.

Kelley: We should note that presently under the present zoning even before this, just right now on the books, the height is 250 feet at the back of the district closest to cthl, so that's an existing level.

Johnson: And I will show you a cross-section of the district that will show that. And then this is a rendering of what the district might look at, like if you were to go to absolutely total buildout. It's very unlikely that you would get to that level of buildout, but we thought it would be interesting for you to get a sense of what might be possible.

Kelley: That has 325-foot towers in the center.

Johnson: This and this and I think that there is one right there, oh, and here. Okay. So, the first amendment is to modify the building height or to change the building height requirements, and this would allow buildings between river parkway, which on this map river parkway is here, and actually, in the north of the district, it would be in board one block between river parkway and bond and then in the north district, it would be moody, but for this area, allow buildings to be taller than 250 feet in exchange for a provision of open space. And the open space would need to be within the district. Need to be at least 20,000 square foot in size. Need to be improved, and acceptable to the park's bureau. So, what we wanted to do is just very simply show you from that viewpoint again that we used in the previous models, the purple line indicates where building heights, if you were to measure building height from moodie avenue, which is right down here, up to 250 feet, it would appear about this height from that vantage point, and if you were to measure it to 325 feet, it would appear right here. Under the current code that's in place, at macadam, buildings are allowed to go to 250 feet in height and because of the elevation difference there, the buildings would actually appear higher than this purple line. Any questions about that? Okay. And then this is a cross-section, so what we want to do is give you a comparison of the existing code to the proposed, or to the recommended code and proposed amends and this is done to scale -- and the proposed amendments, and this is done to scale so, you will see the heights in the terwilliger hill area. The current code at macadam allows up to 250-foot tall buildings. In the center of the district allows 1, I think it's 150 feet. 125 feet, excuse me, and then, and the east end of the district allows up to 75 feet in height. And then under the planning commission recommendation we retained the

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250 feet by right on the west end of the district so right here. We called for 125-foot by right height on the east end of the district up to 250 feet if bonuses were provided and then the amendment that we are talking about today would allow on the center blocks height up to 325 feet.

Are there any questions about the height amendment before?

Saltzman: Did you say that the buildings on the, on the east could go up to 325?

Johnson: The buildings between macadam and moody could be no taller than 250.

Saltzman: I mean towards the river on the east.

Johnson: Oh, no, under the planning commission recommendation, the buildings, they have to be 150-foot from top of bank, but buildings further than 150-foot of top and bank can go up to 250 feet, as long as they provide bonuses, and the amendment that we are asking for says the two blocks, the two center blocks, you know, running in a strip through the district could go up to 325.

Saltzman: The buildings can't go above 250.

Johnson: Right so, next to the river and next to, to macadam, the buildings could not go above 250 feet.

Katz: You have got a picture of that in your packet. I can't remember where it was, where that actually shows the step up.

Johnson: I think that, I think you -- i'm not sure which --

Katz: All right, I will find it.

Kelley: These have different kinds of relationships to goals and the plan in terms of job housing, jobs and housing creation, but in a simplified version of open space versus height tradeoff, the red lines you are seeing in that bottom diagram are essentially achievable by setting back further from the, from the top of banks, so you have a bigger green space setback, and the blue lines at the top are essentially in trade for getting dedicated interior parks in the middle of a district that are more neighborhood serving. There are obviously other goals and objectives served here but in terms of just those two variables.

Katz: Let me raise this issue because I think that every council member has a letter with regard to questioning the ability to actually get to 325 with the open space tradeoff, so I want to ask a question on that. The other one that I want to ask the question, we are not limiting it to buy owe science buildings. We're just basically leaving it available for anyone.

Kelley: Frankly, I imagine that this is going to be more -- used more for residential structures, to tell you the truth, than the buy owe science.

Katz: You think it's going to be the reverse?

Kelley: Personally I do. I think it's going to be more achievable given the far's and probably desirable for a residential given the views.

Katz: All right. And the third issue that I have is do you think that we ought to go through a type three review on the 325-foot?

Johnson: In the central city, when the central city plan was done, a decision was made to make the heights for the most part absolute, although there were some provisions for allowing open space height transfer, which we have modified our recommendation on, or bays our recommendation on. We modified it a bit to soothe -- or based our recommendation on. We modified it a bit to sued north macadam. I think we need toen what the policy and practical considerations were for setting the sites as absolute before we could say whether it made sense to allow a modification to height through design review.

Kelley: Here's an argument for not requiring the type 3, that is that I think this will happen in very limited circumstances because the only way it can happen is by the set aside of land acceptable to

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parks for interior parks. That's a finite capacity there, so I don't think that you are going to see these happening on every block in the interior. There-below, the critical visibility line from the terwilliger viewpoints for mt. Hood, so even if they were lined with that viewpoint, they wouldn't block them out -- block the mountain. And three, they would be subject to design review and so to the extent that there can be discretion exercised in design review, I think that that's important. In terms of the orientation and the finish and the articulation and so forth.

Katz: We are going to hear some testimony on that, but go ahead.

Francesconi: Just on that same subject, I was thinking the same thing as the mayor's question, but I think for the reasons you said, I think that the approach you just suggesting makes sense with one little caveat, and it's in the design commission letter dated october 30th. And that is that they may need to -- they need to look at the -- they may need to create some new design guidelines. They need to look at the issue of design. They say right here, we, the adequacy -- they need to examine the adequacy of the currently proposed design guidelines or allow such -- I think directing the, the design commission to look at the guidelines themselves is something that we also ought to do.

Kelley: We could do that. We asked them what they had in mind. They weren't clear at this point so they probably would need to do some further looking at that. I think that the design guidelines shouldn't effectively put the burden on them of whether or not the 325 feet could happen, but rather, how, how it happens. That's the distinction that's critical.

Francesconi: That's what I mean. So, maybe you ought to work with them to make sure that it's appropriate. Not to put a break on it but make sure that it looks right. We are saying the same thing.

Katz: Let me just try to state the goal of the council on this. If the council thinks it's appropriate to have a select few buildings because I agree with you. I don't think that you are going to be able to get many of the 325 -- the council, it's fair to say would like to have as much flexibility to get the best excellent design, and right now, we don't have that ability to do it. I think that that's what you were referencing to. All right, any further questions on this issue? Of height? Okay. Keep going.

Johnson: The next amendment, amendment 2 is calling for a change to the maximum floor area ratios. Under the planning commission recommendation, sites within the district can realize up to, in some areas, 7-1 or 8-1 floor area ratios through the use of bonuses and can only get to 9-1 floor area ratios if they transfer that floor area from elsewhere in the district. So, the actual average floor area in the district doesn't change but we had, we had called for allowing shifting around within the district of where the floor area would go. We heard some concern that that created problems for making the urban form happen that we had called for, and so we're now looking to -- recommending that, that sites could realize up to 9-1 floor area in exchange for open space or greenway amenity provisions, so they wouldn't have to transfer it from some place else. They could actually get to 9-1 average on their site without doing any transfer, as long as a certain amount of the floor area they provide is, is gained through an open space or greenway provision. Any questions about that? Okay. Amendment 3 --

Francesconi: It's not a question about the specific but it's a question about something to come later. I noticed in pdc's memos that they are requesting additional far for a variety of things. Later on but the point that I want to make here is if we agree to some of those, and I don't think that we agreed to all of them, you would also give more flexibility in this one --

Johnson: What we have said, what we have said is you can get to, in some areas, 7-1 or 8-1 far if you are providing any of the particular kinds of, you know, you are providing bonuses from a palate, and what we said is if you want to get the extra 1-1, we need to be certain that some part of those bonuses include open space bonuses. Does that make sense?

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Francesconi: Yeah. So my question was, I misunderstood, okay. Thank you.

Johnson: Amendment 3 is a consent item. This is a change to the required building lines. It would remove the required buildingline designation from bancroft street east of river parkway in the planning commission recommendation. In the street identified as an access way, so we felt like this required buildingline provision wasn't appropriate for that pores of the street. Amendment 4, building envelope. This is an amendment to reduce the special building heightlines along four east/west {vets}, so arthur gibbs, gains, and a street south of bancroft. From the height from 75 feet to 50 feet and to continue to keep the north/south tower dimensions at 75 feet is currently called for in the planning commission recommendation. Amendment 5, middle income housing bonus. Staff is calling for leaving the bonus at 150% of medium family income as is currently stated in the zoning code for all of the central city, including north macadam. Under the greenway topic we have four amendment requests. The trail fund amendment six calls for deleting the trail fund regulations and directing city bureaus to initiate the creation of a local improvement district or similar mechanism to collect district contributions towards trail improvements. We have really worked hard on trying -- and developing a mechanism for insuring that trail improvement is shared appropriately, so the cost and obligation of developing a trail is shared appropriately. It has always been our assumption that the river front property owners have a certain level of obligation, that there is a benefit and buildings that applies district-wide and that there is some portion of public obligation, as well. Initially, we had called for a trail improvements to be done by the property owners bays on a certain threshold of improvements, but we found that very difficult to deal with from an implementation standpoint. We came to the idea of having a trail fund where all property owners within the district would contribute to a trail fund to help pay some of the costs of development of the trail. We have identified problems with that trail fund and unfortunately, have not found another way to incorporate this into the code. At the same time we recognize that improving the trails are critical for realizing the district vision so we think it's important that we have a strong commitment from the city to resolve this issue as soon as possible and find a mechanism that can share obligations throughout the district and for there to be some public contribution, as well, to trail improvement.

Katz: Who's going to do that work?

Johnson: We have talked to the park's bureau and they are willing to be the lead on making this happen. I think it would be an intergovernmental effort.

Katz: Let's put that on the list.

Kelley: I think you should have planning parks and pdc to get together and figure this out. This shift doesn't represent a change this cost to the property owners. It's really how we implement this in a legally defensible way. It might even want to say local improvement district or equivalent means because I think that we need to sort of understand what the possibilities are here. It looks like local improvement districts are probably the most straightforward way to try to do this but there may be some other alternative. But rather than require the zoning code, we would do it in a different way.

Johnson: Okay. Amendment 7, fences and walls, this is a consent item. In the planning commission recommendation fences and walls up to 3 feet in height were allowed. The idea was that there may be places, particularly in the activity area next to buildings where you may want to have retaining walls or small fences to divide off children's play areas, patios and those kinds of things. We had neglected to delineate where that fences and wall provision would apply, and so it was included in the areas closest to the river bank and that wasn't consistent with our, our, our

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thinking about how that river front area would work. So, we're now asking to modify this provision.

Saltzman: I don't know what subareas one and two are, i'm sorry. I want to make it simple, can you have a day care area with a 8-foot fence adjacent to the building?

Johnson: Yes. That would be -- yeah, this would only apply -- this change would only apply in the areas east of the greenway trail. And then amendment 6, north ac adam, greenway review. This is a consent item. North macadam, greenway review. We had allowed this to be modified based on the greenway design coordination plan, and then a related amendment also consent item allows modification -- or modifies approval criteria for inwater work to clarify what improvements will be allowed for setback reduction, so we wanted it to be more clear about what needed to happen in order to make that, that in-water work criterion work. Okay. Then we have two transportation items, and then that -- that will be the most of our substantive discussion today. River parkway, insured parking. So, amendment 10, river parkway, we have spent considerable amount of time in our work talking about the appropriate alignment for river parkway, and after looking at a number of objectives we were trying to achieve, came up with planning commission came up with an alignment that you will see on the left that really defined outboard river parkway and the north as a way of separating development from the greenway with 150-foot average setback. After talking about this and looking at this, we recognize that there are ways to achieve the kinds of objectives that planning commission wanted to achieve and provide some more development parcels to the east here, so planning commission wanted to, to reinforce river parkway as a local street that would provide for internal circulation. Reinforce the relationship of the district street to the river and provide a progression of views and experiences along the street and to have a variety of experiences and link parks throughout the district so that you can see the proposed plaza, ross island bridge park and if you get down further, neighborhood park. This proposal, we have a much nicer drawing later on in the presentation, would also provide the advantages of having a sweeping curveal linear street here that, that is different than a typical kind of urban street, with frame development here in a way that could create some really distinctive development parcels and has the advantage of connecting this portion of ross island bridge park directly to the greenway. And along with --

Francesconi: Are we giving that property owner the flexibility that they want on the street plan are, or are we setting it?

Johnson: I think that --

Kelley: We should show you the other drawing and then we are wanting to set it, at least within very narrow tolerances, and that's been the discussion happening over the last week or so with property owners. Okay. So, I want to also point out that with changing the street, the floor area ratio allowed floor area ratios are mapped within the district and in the south of the district, east of river parkway we had one set of floor area ratios and west of river parkway we had another set. Because this street is now shifting, we are asking that that differentiation between the floor area ratios be continued until river parkway comes between the development and the greenway. So, i'm sorry, the scale is a little hard to read but this shows kind of a conceptual drawing of how this alternative alignment would look, or could look. It shows a greenway with 150-foot plus setback here, with river parkway along the greenway shows the ability to provide inwater work, have really distinctive termus to arthue street here and also to hooker down here, and then the ability to have, to have a development parcel here. This ross island bridge park connected to the river here where we were anticipating having a public viewpoint, and another development parcel here.

Saltzman: So --.

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Francesconi: I think this is obvious but I want to make sure. Let's say in the master plan process for some reason, i'm not advocating anything, but that in that area the greenway was 100 foot instead of 150 feet as shown in this diagram. Would river parkway, would then be abutting the greenway and wouldn't be at 150 feet then. It would be right next to the greenway. Am I right? On that northern portion?

Johnson: On the northern portion we were assuming that there would be no development between river parkway and the river.

Francesconi: So, so if through the master planning process it's 125 feet or let's take it the other way, 200 feet, river parkway would be at 200 feet, so --

Johnson: Conceivably, although I think what we don't want to spend our time doing in the master plan process is arguing about the width of the greenway. I think that we want to sort of fix it more or less now, leave it open if someone comes up with a great idea, we would be open but I think that we want to go into that pretty much knowing what the dimensions are. The one point that I said in my opening comments that I need to double-check here before the conclusion of your proceedings next week is to make sure that we have the possibility under this revision of achieving the 150-foot average greenway and I think that we do but I want to double-check that with staff.

Francesconi: But, okay, that's an important question but a separate question. But so the street will be next to the greenway. I guess that that's a better way.

Johnson: From, from somewhere around hooker to the north. And it would be inboard from hooker to the south.

Kelley: Just north of the parcel they were concerned about a three-acre development contiguous parcel on the outboard side of the street and this were achieve that.

Francesconi: And I know that, and I appreciate your working on that.

Katz: Going.

Johnson: Okay. The next amendment, 11, deals with shared parking. We are suggesting two options. The first option is to lower the residential parking ratios in the district to 1.2 per unit and allow that parking to be operated as a commercial parking. The idea is to allow flexibility in terms of how the parking is used, so commercial uses and residential uses can share the parking. The other option is to keep the, the residential parking provisions as they currently stand, which allows 1.7 parking spaces per unit, but require the parking to be accessory to the residential use at all times and the idea there would be that we don't want to create an incentive for people to overbuild residential parking to serve for a nonresidential use. Are there any questions about that?

Francesconi: Well, so what are you recommending? I was thinking of something else. What are you recommending?

Johnson: We are laying out these options. I don't think that we have a preference.

Katz: Which would you recommend?

Johnson: I knew you were going to ask me that.

Kelley: Can I pass for a moment?

Francesconi: The council might want to hear from matt brown. And transportation has concerns about both of these because we just can't predict exactly what is going to happen. So, transportation is not sure what to recommend to you. So one approach might be if we go with option 1, and the reason is the impact on the whole system, and that's what transportation is concern, what transportation's concern s if you have too much parking, what's the effect on the street planning in a challenge transportation area. I think that what might make the most sense in my briefing with transportation that council may want to get more feedback on this, is going with option 1 but then we have to be clear to everybody that we are going to have to look at this through

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the transportation management plan and we may have to scale it back so you can go with one process but there has to be a process to make some adjustments down the road in case we made the wrong choice.

Saltzman: I like the idea of, you know, I am not so sure about what's the appropriate parking ratio but the notion of residential and commercial shared parking makes an awful lot of sense to me.

Johnson: And staff supports that as long as we have some level of certainty that, that it doesn't inadvertently create a situation where we are over building parking. I think that that's -- the shared interest that, that pdot and parks and planning and all the other folks have, is that we want to make sure that we are using our land as efficiently as possible and our transportation system as efficiently as possible.

Katz: And if I recall the conversation very early on, we were willing to provide a larger share of parking initially and then begin scaling it down as the transportation components come online.

Johnson: So the, the provisions for, and I am not the parking expert so I will probably get my terminology wrong but for nonresidential parking, so then I will -- I am casting a broader net. We have in the code a provision that allows a certain ratio of nonresidential parking --

Francesconi: 3.4 --

Johnson: Actually, 2.4 by right, and then an additional 1-1,000 through a review process that includes a description of where the transit facilities are, what the level of transit is, and what the potential transportation impacts would be, and a plan for how those additional what, we call supplemental parking spaces, how those would be reallocated over time. Would they be dedicated to future phases of development, would it be surface parking that would be phased out. So the 2.4 is by right and the additional one parking space is through this review process. And that was our attempt to try to --

Francesconi: And I didn't understand this until just recently. So the residential is on top of that?

Johnson: Correct, so it's the key impact of all of those that parking and, that's the question, what is the potential impact on the system.

Kelley: If you would like us to have a recommendation between these two --

Katz: Let's have the staff --

Kelley: I would ask you to allow us to come back to you tomorrow. I do want to talk with pdot first.

Katz: Let's do that. All right. Let's put up the lights. Are you finished with this?

Johnson: I just wanted to specifically call out there's a few other technical implementation amendments and they are very quick. Amendment 12 has to do with timing, which clarifies when the bonus amenities must be installed. And amendment 13 has to do with trail standards and changes of reference in the code. 14 is a change to amend the greenway improvement requirements to be based on-site rather than ownership. This would be consistent with how this is typically handled. These are all consent items. Amendment 15 is parks. It's an action item directing parks to amend the ftc ordinance. Again, consent item. Amendment 16 on housing, which is a clarification of the implementation piece on affordable housing, we are going to skip amendment 17 on north of the marquam and these are minor clarifying amendments having to do with the vision statement, the parks' concept, design guideline a 4-2, the design greenway design guideline 4 and the park's concept. And these are all consent items. {xa} concludes our -- and that concludes our presentation and pdc staff is here and would like to speak to you, as well.

Katz: Let me lay out the ground rules on here now. I assume the council's silence, at least for now with the exception of the issues you heard is acknowledgement that these amendments as presented by planning are okay and sufficient to meet your needs until maybe we hear some other testimony,

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and then we will come back. We are going to hear pdc and then I am sure that that will raise some other issues and i'd like for that discussion to go on and then we will open it to public hearing. But the public hearing is only to the amendments that are before us, unless the council wants to pull any one of these that are in your report that have not been identified up front by murray.

Francesconi: When would we do that?

Katz: You would do that, we would flag that right now.

Francesconi: So this is what I want to do. I want to flag one. The fact that I am flagging this doesn't mean that I am to the point of supporting it because I frankly just -- I want to be very clear to you and everybody else. What it was is remember when we had that testimony from my, I forgot who it was, rick, rick asato, but the flexibility on the south part. Because I want to make sure that some of those property owners, anyway, there was a discussion about how to have flexibility, and I didn't quite understand it, but I did say, go and work on it. Let me -- so the one -- it appears in appendix "b" under the district development, and what it --

Katz: Do you want to give us the page?

Francesconi: Page 24. I didn't understand it at the time, and what it does is it would allow a new master plan code section but it would have to, as I understand it, at least meet the minimum requirements of the new code that we would adopt, and it would have to be at least equal to that or better. So it would be a way of providing more flexibility. And it says here that the staff thinks that this might be a good idea but wait for a broader city-wide approach. Well, that's a separate question, and I don't want to get into that at the moment, but in terms of process. But on the substance of the idea of, see what I am looking for, I am concerned about the smaller property owners. And so are you -- what do you think of that idea separate from the process question but allowing a master plan process which would get a hearing's officer involved but would ultimately come to the council? What's your feeling about this?

*****: Well, I --

Francesconi: That's the amendment --

Johnson: I am not all-together clear about the testifier's request. We have spoken with him but I think that there may be a desire to seek adjustments to the base standards that are in the code through that, through that master plan process and that's one of the purposes of having the master plan process from their perspective. But I hesitate to try to paraphrase someone else's testimony.

Saltzman: And you can't do a master plan approach.

Johnson: You can do a master plan approach through the central city master plan. The elements that are covered in the existing central city master plan are pretty narrow, and deal with housing requirements and transfer of floor area primarily, and I get bring stevie grayhouse up if you would like to hear more detail about that. Under the code provisions for north macadam, we have a number of provisions that are modifiable through design review. A master plan process to develop it would require extensive interbureau effort and some kind of public process and we think that the idea has merit, but because of the amount of time that would go into it, the amount of time that we have on this plan, it really makes sense to do it in a separate process that has broader applicability.

Francesconi: Well, I had parks and transportation look at this issue briefly, and I guess I hesitate. The other issue that it raises is if you are going to have one master plan process in the greenway and then you have another bunch of little master plan process, you know, how do you ever establish the width of the greenway? That could be another issue that parks flagged. And so, you know, you could exclude that. I mean, that's one possibility. What I asked parks and pdot to do was to look at the issue as to, quickly, to see if this one made any sense. What I would like you folks to do is to look at it and maybe come back tomorrow.

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Katz: What's the goal?

Francesconi: The goal is to provide -- see, the problem is we don't know what the market is really going to do. And it gives a little more ability to match the market with what our goals are, I think. But, if it's going to throw out all this effort, then that price may be too much to pay, and, but if the standard is, at least it has to meet these standards that we set forth, but it also may be too hard to implement, so I would like to get at, I would like you to at least look at it because now, it's worth looking at.

Katz: Assume the greenway setback that we agreed as a council.

Francesconi: The greenway, because we already have a master plan process for that, I don't know why we would have two master plan processes.

Kelley: In our initial conversation, and we can talk with rick and others some more, but first of all, there was some misunderstanding about how much flexibility there is so, we tried to document that for them and for you. Underneath it all, I am assuming probably their basic desires for flexibility on the greenway and I think that that's probably best addressed through the greenway master planning process. I do feel ever since the cnf experience we probably need a better master planning tool in the code, and actually, particularly for large properties, more than small properties.

But, I think that that's a whole separate kind of effort that we need to engage in. But we can look at this again before tomorrow and see if there is something else there.

Johnson: And for a little more background information, appendix "a" of the amendments report on page 7 has a description of the flexibility that's in the existing code.

Francesconi: Well, i'd like to put it on the table. There may be testimony, there may not be testimony, but getting back tomorrow would be terrific.

Katz: Let's put that on the table for testimony, but only the ones that we discussed, unless there's any other one that anybody wants to pull up.

Saltzman: I want to raise -- ask a question about one of the amendments that's already on the table. The possibility of making it a central city-wide amendment. And that is the stormwater management by allowing planting strips between the right-of-way and building line. That's a great idea. It needs to be done city-wide. Could we do it through this action?

Kelley: Well, let's look at that and we can report on that tomorrow. In the meantime you can take testimony.

Katz: I've been asking for that from transportation forever.

Saltzman: Let's get it in wonderful full swoop.

Kelley: I wanted to full up on one point. Maybe this comes up in testimony, but commissioner Francesconi mentioned the potential to add additional far -- that may be coming forward as a request --

Francesconi: I just saw on pdc's list. It came from pdc.

Kelley: We will need to have discussion about that. Clearly we have done -- been a fairly thoughtful process of making height and far work together so we don't end up with both fat tall buildings rather than short fat buildings or tall skinny buildings. You could end up with a result you don't want, depending on what the numbers are. We would want to come back and have that discussion.

Francesconi: And when you do that, because I am concerned about it because when you look at the far, childcare, far, I don't want people to think that I am against child care, so, I mean -- but the other thing that we have to understand is that it forces tradeoffs where then we don't get other things that we need like, like, like open space, if we are going taller, and so I am concerned about

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it, too. But there are a couple of those that pdc suggested and we are about to come to it that I think make sense. But, I need to get your reaction.

Johnson: So it sounds like what you are asking is for us to be ready to respond to questions about far bonuses.

Katz: Let me flag this. As we hear from pdc if there's anything that the council would like to flag, marie, then you will respond to that, okay.

*****: Yes, we will.

Katz: All right. Cheryl, come on up. This is where the tension between planning and redevelopment and development comes in.

Cheryl Twete, Portland Development Commission: Good afternoon. Cheryl twete, staff Portland development commission. I'm here today on behalf of don maziatti, our executive director who unfortunately is home ill and wasn't able to be with us. We are pretty excited to be here and we are hoping to be working and whittling away at this tension that has been around. The commission this morning had an hour work session on the north macadam project and it was a really robust and exciting conversation. The cover memo that's before you summarizes some of the points and the comments that they ask that we carry forward to you today at your work session. I do want to note, however, that this was a commission work session, not a formal meeting and their actions were not adopted resolutions, so the comments that we are bringing forward represent the kind of general consensus of the commission but not via legal resolution. The two main items of conversation at the commission were an update on the funding strategy work that has been underway for some time and secondly, to discuss with them some final comments and observations about the north macadam plan that you are dealing with today. I would like to start off by highlighting a few of the ten comments on the funding strategy piece. First, the funding extreme is not yet done. We had hoped that it would be able to be completed by this time but we are finding it's a bit more challenging and a whole lot more complicated than just about any other area where we worked in over the past many years. And in fact, it's actually quite unusual to try to come up with a beginning of a plan, a long-term funding strategy that addresses every public goal and aspiration for the district. Typically, we work on it in shorte chunks of time and try to implement the plan over the 20 or 25-year time frame for it.

Ed: Let me add that that's been a cooperative effort on the part of the everybody around the table so where you see .4, that's been everybody's brainstorming that, that's closed the gap quite dramatically. I appreciate that.

Twete: I totally agree, and I expressed to the commission the hard work of many other bureaus who have been involved in pulling this information together. I think the main comments or commission wanted me to bring forward to you today was the need from their perspective of having a viable and a predictable funding strategy. They want to be sure that we are able to move forward with the projects outlined in the plan in a timely manner and make funding decisions and commitments that truly insure the projects are built to the standards that we have expectations for in north macadam. For example, o and m, operations and maintenance is a big piece of the funding strategy where we have a lot of work yet to be accomplishing in order to insure that the streetcar and the greenways and the parks and other elements of this plan are truly reflective of the aspirations that we have for the district. The commission also talked extensively about the projections that we presented to them, and in a nutshell, what we told them today is that we have updated the, the project cost associated with implementing the new plan before you and we are estimating that those costs are about 288 million. These are planning level estimates. These are not based on hard core construction --

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Francesconi: What time frame?

Twete: This is over an 18-year time period basically through the end of the urban renewal district which is set to expire in 20-20.

Saltzman: This is infrastructure?

Twete: If you look at the memo entitled "north macadam urban renewal status," the memo on page 4 of that document, there is a table 1, which describes the whole array of project activities that will either be fully funded by the city or have some level of public participation in the funding. It includes streets, utilities, transit systems, sewers, sewers and water systems, parks, greenway, affordable housing and jobs programs for the area. So again, the kind of all-in number best professional guesstimate is 288 million. This number has gone up pretty significantly compared to the cost estimates that were in place in 1999 when the original urban renewal district was created. There have been some changes in the character of some projects and also because we've not been moving ahead on the same time track, some of the project cost have gone up simply due to inflation. In addition to looking at the project cost side, we have also updated the tax increment revenue projections through the end of the life of the urban renewal district. Currently, the urban renewal district has a maximum indebtedness of \$288 million. It's just a coincidence that we have landed on that number by the way. I don't know if that's a good sign or a bad sign. The current projections call for \$21 million of tax increment that would be available for project use in the district through the remainder of the life of the urban renewal plan. This projection is based on many, many assumptions. It is assuming that the central district project moves forward as it is currently proposed on the phasing schedule as currently proposed and it also assumes that over time the other property owners within the district begin redevelopment of their property. I could share with you a document that thick that details all the assumptions and be happy to talk to you further but at this point in time, our best professional guesstimate is about \$212 million of tax increment available for project activities and the district. This number is lower than the maximum indebtedness figure so obviously, if development proceeded in advance of the projections that we have, the tax increment has the opportunity to move upward. If development proceeded at a slower pace, then this number could actually move downward, unfortunately. So, the gap between the costs and the tax increment, net tax increment revenues we are looking at now is 76 million. So, knowing -- having known for some time that tax increment would be the base of our funding strategy but not the, the sole component of it, we've been working with pdot and parks and lmf to identify some other resources that could be brought to bear in north macadam. And we are looking at approximately 61 million of other funding sources, some of which are within the direct control of the city, such as sdc revenues for streets and parks. Other items are, are frankly, decision points that the council will have to make on the priority of north macadam compared to other projects and other areas of the city, for example, federal funding will be, will be quite necessary, we believe, to achieve all of the infrastructure requirements in this district today. So, if we do the math on those numbers, we end up with a long-term gap of about 14 million through the end of the life of the urban renewal district. We know that the real challenge up front is how do we get the phase 1 infrastructure projects moving forward, working with ohsu and with rci. That has not yet been solved depending on timing and phrasing of projects that gap is somewhere in the 10 to \$18 million range and in our negotiations with those entities and continuing to work with the city, we hope to be able to come back with you with an approach that enables the phase one projects to move forward.

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Katz: It was a lot better today than it was a couple of weeks ago when it was 33 million in gap, and I think before that it was even higher, 70 or \$80 million so, good work for everybody that's been involved.

*****: Thank you.

Francesconi: I'm sorry, I am looking at the --

Saltzman: I am looking at the phase one, I am sorry. Are we assuming all phase one costs are covered through tif?

Twete: No, and that's an excellent question. The project list that shows the \$288 million overall projects, as well as the summary of the phase 1 projects is a list of those things that I think there's quite frankly, a much agreement on is being necessary to be implementing the plan. It is not to state that tax increment is the sole funding source for those activities, and in fact, we've presumed that there will be other public funding as we have described, as well as private funding brought to bear in north macadam through lid's and potentially other mechanisms that aren't yet in place.

Francesconi: And commissioner Saltzman's questions gets at one of my questions so, in that gap of 14.5, that assumes no lid's --

Twete: No, it doesn't assume -- it does assume.

Francesconi: And how much federal money?

Twete: The working conversation has been in the ballpark of \$10 million federal funding request for north macadam so that's a very substantial package.

Katz: Over a period of time?

Twete: A three to five year period of time that we could pull into the district.

Francesconi: And that \$10 million is part of the \$285 million that's been identified as potential revenue?

Twete: The \$10 million would be a part of that \$61 million of potential other public funding sources.

Francesconi: And the other thing, and you didn't say this but I want to make sure, so the question is, why had it been in this kind of public money even over that period of time, and I think the answer is in your memo, at least one of the answers. It can generate over \$2 billion in private investment.

Twete: And in fact, if I could, the phase 1 development that's, that's proposed in the district infrastructure development to support the central district project has tremendous leverage, as well, talking 65 million, approximately, of early infrastructure development to help that project move forward. That would total about \$1.3 billion of investment between ohsu and rci.

Katz: Go back, and this is maybe for gill and you, the goal in terms of housing and jobs because that's really the purpose of the tax increment financing. As well as the result of the investment.

Twete: Yeah. That does another excellent point. Obviously, the, the overall goal is for the district, or the creation of 10,000 new jobs, as well as a minimum of 3,000 housing units, and the plan calls for an affordability component of \$788 -- 788 affordable housing units in the district. The housing figures shown on this table one includes some funding for affordable housing, but I would add that we are concerned that the dollar amount, the \$25 million in today's dollars may not be sufficient to achieve that affordable housing goal in the district, the district will need to look at, like with other project activities bringing in additional funding sources to insure that we can meet that goal over the long haul. The job's programs are another area where it's, it's a bit harder to define. It's easy to define a street that needs to be built but the, as the mayor noted the other day in the speech, we need to come up with the appropriate incentives to encourage the development and job growth in this district to meet not only the general goals but also to focus on the science and

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technology goals that we have for the district. We know that with ohsu coming down, we have an engine to try to incessant and work with businesses in the buy owe science community. We need to figure out what kinds of tools are most effective to try to get them to locate in north macadam and partner with ohsu and other firms. The last couple of comments I would make from our commission meeting today are the commission of, very much looking forward to the development agreement being presented to them over the next couple of months. This is the first development agreement that we probably will see happen in the district. The development agreement between ohsu and river campus investors. They directed staff to be quite clear that as a principle, they felt that the, the level of investment by those entities needed to be proportional to the level of benefit received by the infrastructure included in the district and they specifically called out the aerial tram. And we will go back and continue to work on that with rei and ohsu. Finally, don --

Katz: Let me just -- I know you are working on the development agreement. When do you think that it will be completed and agreed to by all parties?

Twete: It's our goal to have it done by the end of the year, which would mean by mid december, it would largely be done and probably go to the commission at that point in time. Once we are able to work through some of the funding issues, many other elements will be easier to finalize in the agreement, and, of course, the completion of the plan that's before you today is also pretty fundamental to wrapping up the negotiations on that development agreement. We want to have one last shot at going back and looking at the plan elements after you have completed your work to make sure that we haven't missed anything or something hasn't changed that would have a substantial effect on the project cost and activities that we have identified, so I would caution to you take a look at these numbers today as a work in progress representing our best efforts to this point in time. The commission spent a little bit of time today, maybe about 15 minutes, quite frankly, talking about the recommended plan before you and they had a number of comments that they asked us to carry forward. Most of the comments in the original staff proposal were items that they, they generally supported, I just want to call out a couple of things that were the focus of their conversation today. They felt very strongly that moving forward with the greenway master plan, the design coordination plan was a positive thing for the district. It encourages us to find ways to work with all of our stakeholders, including the private property owners so that ultimately the design excellence that we want from this plan will be achievable in the variety that we want from the greenway will be achievable. The commission also talked about the, the need to have a companion implementation strategy as the mayor has requested in order to insure that we can come up with tools and approaches that see the greenway moving forward on a phased basis. On the street plan, they generally supported the notion of flexibility and the street plan but they felt that there was a hierarchy of streets that needed to be addressed. They felt that the most certainty needed to be in place regarding the north/south streets and the more flexibility to be in rar to the east/west streets, particularly up at the north end of the district to enable that area to respond to future conditions when, when those property owners move forward with development.

Francesconi: So far, we are 2-2. [laughter]

Francesconi: You can do both of those.

Twete: Good, good. Increased building heights. The commission had a pretty limited conversation so I want to just make sure that this memo doesn't overstate the, the comments that we as staff heard from them. They were generally supportive of the notion of allowing some additional height within the district, but they were honing in more on the need for it being bio-science related for the testimony that came forward a couple of weeks ago. They actually did not get into the specifics of the height proposal in terms of the open space transfer associated with it

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and they wanted us to be clear to let you know that they haven't -- didn't have an opportunity to fully think it through and discussion it.

Katz: Let me ask you -- there seems to be disagreement as to whether we will achieve that \$325 -- that 325-foot height for bioscience facility. Gill thinks we might be able to achieve that first in housing. Did you have a conversation with them on this one? Because here says, it says that they would -- my sense is that they would support the 325 for bioscience facilities only.

Twete: That was how their conversation flowed. They actually didn't spend much time talking about it from a commercial or a residential component, so I can only reflect to you what their conversation was.

Katz: Let's put that back on the list because I think, let's put that on the list for discussion. Keep going.

Twete: And then the last packet of items that commissioner Francesconi has alluded to earlier today is that we would respectfully suggest to the council that some additional consideration be given to the package of bonuses that are available within the north macadam district. We are not proposing additional far's be granted in the district but perhaps a different look at the distribution of how those far's could be achieved through the bonuses. The approach that's been proposed to you is a rash approach. That's in the plan before you. It targets a more limited number of bonuses to prioritize the public goals in the district, and that's laudable. We understand the rationale behind it. We are concerned in the funding strategy work is highlighted in part of this, that there are many other goals in the district that we may have a harder time achieving. And wanted to suggest to you that we think through whether there could be a benefit of broadening the scope of the bonuses available within the district to insure that other public goals are also have additional tools for being met.

Katz: But did you talk about the tradeoffs on that?

Twete: The tradeoffs in terms of --

Katz: What the buildings would look like? Or the priorities for us.

Twete: I think that there's a general sense of it. If I could maybe give you a staff comment as opposed to a commission comment on that. I think that we have many tools as a city to be achieving our goals, and the bonus provision is one of those tools. Development agreements are another way, other kinds of implementation strategies are another, another approach to it. That was what was driving the staff comment, the staff recommendation to the commission and the one that they picked up on today.

Katz: I think commissioner Francesconi raised that issue and we will need to put it back. I do think that you have put much too much on the table on the bonuses. But we can have conversations about that later. Okay.

Sten: One quick question, Cheryl, on the housing strategy, have you laid out specific income goals?

Twete: Yes. In fact, the income goals that are in the plan before you are essentially identical to the goals that were in the framework plan. And those goals -- it's very detailed. Sorry, I can't give you the page number but it breaks it out 30-50, 51-60, 61-80 and up to 120%, I believe.

Sten: And just one quick question. And generally I agree with this. I want to make sure is that we are clear on this because I had some questions about it. The comp plan approach to housing is to say that we should mirror the income mix of the city and that's what we did in the river district. Spending a lot of time on housing, I think it's, it can, it is a completely unreachable goal, and I have made a personal decision that I think that, that we don't want to have -- this is a significant amount of affordable housing asked for, but I think that we have got to get the greenway first and you can't

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can't get to the river district type of affordability goals and get to the issues, but is there any I guess the two questions would be one, {hooud} we get to the 788 number versus what the -- how did we get to the 788 number versus what the comp plan were call for, and two, does it make any sense to note some of that aspirationally and let's say we have a robust housing fund at some point, my general sense with developers is that they are happy to put affordable housing in, if we can do what we generally have to do, which is subsidize it. So would it make any sense to note that trade offso it's more clear what the public policy choice that we have made? Because I have had a couple people feel like you are purposely saying gosh, this shouldn't have that same approach as the river district and I think it's a mar pragmatic decision that may be worth noting in some of the plans.

Twete: I would just add that the, when the target was originally set it was based on a housing goal of 1500 to 3,000 units within the district so the 788 came pretty close to mirroring the city-wide income profile within north macadam. And then we layered on that the tax increment funding strategy, which allocated funding to the broad categories of activities such as greenway, parks, housing, jobs, programs. And at that time, the allocation was assumed to be about \$25 million so the 788 units actually refers to what we think or what we believed at that time it would have cost -- excuse me, how many units could have been created for \$25 million. So that was the rational behind it.

Katz: Okay. Rather than having planning respond right now, let's open it up for testimony. And I think that the issue, again, is the 325-foot little discussion on that. I think that the council, or somebody on the council talked about the street plan and the bonuses. Am I -- is that limited to what we raised?

Francesconi: And the master plan.

Katz: And the master plan. I think that that was t so now we are narrowing it even further. Let's open it up to testimony.

Katz: And taking the stormwater city-wide.

Katz: Three minutes, highly the issues that we haven't resolved for you. Go ahead. Today.

Mark Gardiner, Northwest Financial Group: Mayor Katz, mark gardiner with northwest financial group, I am a consultant for ohsu. And I am really following on cheryl tweety's discussion about the finance plan. We've been working with pdc and the office of management finance and pdot, in particular, and some other city bureaus on the plan, and we are pleased with, with what, what the commission has come up with today. I guess it's fair to say that we are kind of surprised that the tiff capacity is stronger than what we had estimated as recently as the last summer. And the, the five or less than 5% gap for a 20-year plan at this point is, is probably managable. I want to focus on the phase 1 piece, though, because I know that there was some questions about that. The phase 1 projects, many of the dollars there really serve the entire district because you are talking about major infrastructure pieces, the two streetcar extensions and the tram as well as local streets. And the utilities, and the phase one leverage as {shaerl} pointed out is strong. It's about 65 to 70 million of infrastructure investment, which levers at \$1.3 million investment by ohsu and the private property owners there. But also, from a fiscal point of view, the leverage is good because as is noted in the pdc report, not the memo but the report from their commission this morning, the central district is expected to generate about \$94 million of tax increment over the 20-year period. The central district, itself, just the projects in that area to cover those 65 to 70 million of cost, now the reality of the cash flow is that, in fact, as you asked commissioner Saltzman, there's a lot of other money involved, particularly in the early years because there's a cash flow mismatch between the tax increment capacity and the projects, but over the longer term, the tax increment generated by the central district more than covers the required

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infrastructure for that area. And again, a lot of the money is not really just serving the central district, so it's a very good leverage there. We've, one of the things that I am pleased with is that, that on the table one in the pdc report, the phase one projects really is a list of projects that has been agreed to by all the, all the parties and we have very detailed cost estimates for the infrastructure projects involved there, so there's a very high level -- a high level of confidence on the city side and private side about the costs, and I think that that will come through in the development agreement that comes in very soon. The phase one plan will include a substantial investment by ohsu and the property owners, the other property owners in rci in the infrastructure package, and I think that that responds to your comment earlier, commissioner Saltzman. There will be a significant investment by the property owners in that, in the form of local improvement districts, and in fact, some of that investment is made already. We're between rci and ohsu, about \$40 million has been invested in land acquisition and in the development land, land development going on right now, and of course, also levered by that investment is the major investments that can happen right now is happening right now at marquam hill with the two buildings going in there, which are a part of what we are now viewing as a single campus that is the marquam hill campus plus the river district. So, we are actually very encouraged that the financial and fiscal picture for north macadam is as strong as the pdc report shows. And we are working with your staff to come up with a development agreement that responds to the remaining issues, and I know one that's very near and dear to your hearts and omf is dealing with the operating costs of the facilities there, as well. Thank you.

Katz: Sorry I wasn't here. I am trying to resolve impact because we just started and it's only 4:23. Okay.

Christe White, Ball Janik, 101 SW Main, #1100, 97204: Good afternoon. I am kristy white, representing rci, and ohsu the central district landowners. We are here, actually in, an unusual position opposing the open space height transfer provisions and offering an alternative. We do believe that the code must provide at least an opportunity to get above 250 feet. However, we believe that the mechanism should be modification through design review subject to the central city in north macadam design guidelines. The design guidelines as we discussed before can contain appropriate language to enable the design commission to evaluate taller buildings on a case-by-case basis. The design guidelines can insure that views, proximity to open space, massing and overall context of evaluated. The reason for our continuing objection is many fold. First, north macadam is a small district with a premium on available land. In the central district alone, 14 of the 28 acres are already dedicated public space, whether it be a right-of-way or a greenway. Leaving 50% developable land. It is then, we believe, an unreasonable expectation that additional land will be provided for this open space transfer only to create additional height. The additional height is primarily needed in our view to accommodate research uses as we heard expert testimony to that point last time. It will also accommodate residential uses. However, the residential developers we are dealing with do not believe and do not anticipate that they would use that height to get above 250 feet. The, the research uses in the district are land-poor and don't have 20,000 square feet to generate the height transfer, so this provision will put them at the will of other property owners to create additional open space to transfer the height. Other biomedical investors, foreign to the city of Portland are going to look at this as pretty complex regulation. In essence, they will have to buy two sites to develop one if they are, their building prototype requires more than 250 feet or they will have to understand and rely on the will of another property owner to create open space. Our concern is that regulatory complexity may not be present in other districts that we are competing with. The open space height transfer mechanisms will also not insure that the taller buildings will be located on significant sites. There is design review for the location of

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the square on the site, but there is not design review for what block the significant site goes onto. The 20,000 square foot option will also likely lead to uneconomic remnant parcels that cannot be sufficiently developed with structure parking, building pads and other amenities. Let us be clear we believe it is a laudable objective to create more parks. We want to create more parks. We just don't think that through this mechanism that it's deliberate and thoughtful in tellers of location and size of the parks. There should be more deliberate process with negotiation and it's unfortunate that we are not there yet with the d.a., and let me provide an example. Tower width is subject to modification through design review. But the code does not provide a measure of how high -- or how far that width can go through design review so it is up to the design commission to determine if it should be 125 or 150. To our knowledge and I will end with this, the open space height transfer has been used at most once in the central city. This might be evidence of whether it will be used in north macadam. We appreciate bop's analysis. We appreciate the regard for the need for additional height. We just differ on the mechanism. It's safe to say that we should probably plan for the building prototype in this district and we think that there's a better way to plan.

Katz: Thank you. And I raise that issue because I knew that you were going to, you were going to raise it, and gill, will you prepare to respond to that? Okay.

Sten: I understand the request just to allow taller heights, and I guess as I look at it, the intent that I had when I asked them to look at this was that I don't believe, I mean, two different points. One I think you will not be able to do anything about it, and the first, first, I don't believe a row of 325 buildings works, and the idea of having, when I look at the view corridors and the different intangibles and the idea of having some of those makes sense but to get some of those, i've got a guarantee that it is not going to go other places so I am not comfortable with raising the heights. So, do you have another mechanism, one, and then two, I think the other argument that I have heard over and over from the property owners, and I am trying to honor, is that I think that we don't have guaranteed enough greenway in terms of what would be aesthetically valuable but there's a takings argument, and you are the only property owner who doesn't say over and over every time I talk to them, I don't care about extra height. I want less greenway width. So, you know, it seems to me that the decision to have what I would think is a smaller greenway, rather than taller buildings and a bigger greenway is driven by fellow property owners as I view it. So, I mean, how do you solve that -- how do you solve that?

White: I appreciate the question. I think the problem is that your current mechanism creates the problem you just suggested. Let's assume we want four point towers throughout the district and assume a property owner such as somebody with nmi has two blocks to give up as open space so they give up two blocks of open space, that's 80,000 square feet, that's 8 times 20,000. That provides the opportunity for four point towers from 250 to 325. In this mechanism, there is absolutely no regulation of where that goes. It's up to the property owner. Under this mechanism, I can put all four of those in a row. Your mechanism does what your, you're concerned about. The mechanism we are suggesting is design review, so that the actual location of where this height goes is regulated by the design commission and then potentially on appeal to council. And so that the better mechanism is send it back to the design commission to adopt design guidelines that talk to the particular locations and what they are looking for in the locations of these signature sites. Under the current mechanism the design commission's only role is to tell you where the box is on the site they decide to put the height on. The design commission does not discuss where the actual block is.

Sten: There wouldn't need to be -- they just need to get the design commission to approve it under your proposal?

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White: They have to have --

Sten: You don't have to get any more open space or greenway.

White: But my sense is, commissioner Sten, that you will get that anyway and it's unfortunate that the timing of this is that we are here talking about a code mechanism that basically is trying to leverage parks against height when that's probably not a real question. The real question is the, is there is public good in and of itself for allowing the height. Again, back to the idea of, of insuring that we have a successful -- bio --

Sten: I understand that but I don't think you are going to win on it, so I am trying to figure out -- [laughter]

White: And I am trying to give it my best.

Katz: I want to let you know that gill is sitting back there shaking his head no. So we will have that conversation.

*****: He shakes his heads on a lot --

Sten: But moving nobly is not a bad cause but is there some other way to get at what you want versus what I think the planning department is arguing and I am open to that.

Katz: It's the result that we want from both the greenway width, as well as the signature height for bioscience, so I think that we will get there, but -- you are just not getting your signature site through this mechanism. That's very clear.

Katz: We will talk about that.

Francesconi: I am confused about something else. And it's height and bioscience and in the, and help me out, but one of the property owners here has, has said that they need more flexibility on the east/west streets because they need larger floor plates because the bioscience industry needs wide spaces and that height won't help at all, so we have that evidence in the record of a very experienced capable developer who deals with the bioscience industry. Then we had a hearing and I have to tell you it wasn't, the testimony wasn't from ohsu. It was from an expert, and frankly, that testimony was weak. It said, yeah, it would help but it didn't cite why or the examples or anything else. And then I was waiting for ohsu either at that hearing or earlier or at some point to say look, this is a critical issue, height, to make this happen. I didn't hear any of that until just now. And I am confused by it.

White: Let me try to answer t I am not an expert so that's the disclaimer but I have tried to learn about this issue to testify before you. And my understanding is that there is an expert in the audience if you want to ask the question at a later point.

Katz: We heard from him, I think.

White: The bioscience floor, what we are seeing for the prototype is 16-foot floor-to-floors, and what we are seeing in san diego and san francisco, there is opportunities there because of that building prototype to go higher than 250 feet. And generally it's between 250 and 350 feet. We're talking about 325 here. My understanding of the issue is because of the higher floor-to-floor, which is necessary because of all the sensitive equipment that's necessary to conduct research in the building, that they go -- they can go down to a skinnier floor plate between 18,000 and 22,000 square feet. Now, the other expert you heard is testifying to a different building prototype and I can't disagree with that. There may be a variety of building prototypes in the research industry. The question is, which are more efficient. Which are coming online and which do we want to attract. And I think that in north macadam we are trying to attract building diversity so in that sense, there is no problem attracting two different kinds of building designs because I think that that would probably add to the design excellence of the district. The fact of the matter is we want

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to be sure we stay competitive and attract either prototype, the code currently allows one, and disallows the other but for the open space height transfer and that's the --

Francesconi: What's the average height of the new prototype?

White: I can't answer that question. Between 250 and 350 and I don't think it's an average. I don't think that everybody is doing that. We are looking to a couple of west coast competitors and seeing that starting to emerge. I can't tell you that that industry isn't going to die in two years or three years in terms of the building prototype. It may change but right now, because we are dealing with the facts right now, that's the building prototype that's getting attracted to those competitive industries. And competitive centers. Grab the mike. Identify yourself.

Kristin Ulvari, Ball, Janik: Good afternoon. I'm kristin with legal council to rci, nmi and ohsu. We are here to reiterate our request if a 1-1 base far to reach the 9-1 cap established by the north macadam code. The op's code amendments do not increase the base far but instead increase the maximum far bonus from 2-1 to 3-1 if the extra 1-1 bonus results from payment into the open space fund or utilization of the open space or greenway bonuses. This amendment does not close the gap for the following reasons -- first, recent appraisals show the projected open space fund payment in 2003 will be the same as the land value for finished blocks in north macadam. Because the property owner would pay the same per square foot for developable land and the far bonus, there is no incentive to use the bonus. If you remember, the open space fund will reduce the potential public revenue that could be realized in the district. The proposed 1-1 increase would, would generate increased property taxes of about \$500,000 per year for the land plus additional property taxes on the increased building size, all of which would lead to increased tif financing for the district. In contrast, the estimated payments to the open space fund will likely be nonexistent due to the lack of incentive discussed above. In addition, the simple 1-1 increase east of river parkway will insure the far along the green is consistent in the north-south direction. The far along the length of the greenway is 6-1 north of gibbs but 5-1 south of gibbs. If you add the acreage needed for public rights-of-way, greenway and parks, only 14 of the original 28 acres of the developable land remain in the central district. This land dedication to public purposes is perceived to be offset by the increased far. However, the ownership south of gibbs along the greenway river front are being asked to provide the same level of dedication and investment in public amenities while receiving 1-1 less far than their counterparts north of gibbs. The 1-1 increase will address this inequity and insure that as one proceeds south along the greenway, the entity will not, without physical justification shift downwards served directly by the transit hub. Finally we also request a minor amendment to the greenway far transfer provisions to remove the ownership restrictions set forth on page 22 of your amendments' report. This restriction allows greenway far transfer only between properties in common ownership as of september 2002. Deletion will insure the far provided in response to the greenway dedication will continue to be available for use despite changes in ownership as the district evolves. Otherwise, greenway transfer will be limited only to those properties owned by greenway property owners at the time of adoption of the code and property subject to ownership changes due to the introduction of new investors, for example, will be unnecessarily penalized. We have one additional issue that is in our written materials and I would like to hit on it quickly and that's the required residential development provisions. What we have requested is that the transfer of those required residential development units be allowed through a covenant that would burden the receiving site and this would allow those units to be developed after the development of the transfer site which would likely be a search of the building after that site has been developed. Do you have any questions? Thank you.

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Katz: How many people want to testify for today one. Aren't you testifying tomorrow? Yours is a tomorrow issue? That we discussed, okay. Let me see --

*****: I have got about 13 people.

Katz: 13? Well. Just one second. Did you check with, go ahead.

*****: Grab the mike.

John Ringert, Kittleson and Associates: I am John with Kittleson and Associates. We did the, the, a number of parking analysis as well as the transportation study for this development. Just had a couple of issues related to parking. I know that came up earlier. The first one relates to the, the ratios. I think that we've, we've been discussing this with the, the city staff and the only issue is, is if we are looking at a condo unit by, you know, condo building by itself, you know, rates range, range from 1.0 to 1.7 in an area like this, and, you know, we want them to definitely be on, on the lower side. We don't want to overbill parking. But the 1.2, we believe, we at least need 1.3, and this is based on the experience in the Pearl District and data that we have directed, so it's a small change. It's, you know, it is very small, but I think that it, it was important from the development side. The second issue is, is on the issue with shared parking. How do we make this, this idea of shared parking work? I think that we're in agreement, I think us and the city staff is in agreement that it's a great idea and a good concept. How do we make sure that for some reason, we don't build a bunch of residential parking and then suddenly, all the commercial uses ask for their maximums and now they also use the shared parking from the residential. And you end up with this extra parking and actually an overbuilt situation. You know, there's three different stop gaps for that. The first is that there's, for all the, the uses such as retail, the conference centers, gymnasium, any of those uses, they have to go through the CCR process because they will not each build their own 20 spaces in their own garages. So they are going to have to go through that process and show that there isn't available parking, that they can get within a reasonable radius. A lot of times that's a three-block radius. So, that gives us one-stopgap to relook at parking. The second is development agreements. As this development comes in, there can be through the agreements issues with how you manage the parking, with how you price the parking, those kinds of things, because, you know, obviously, pricing and those kinds of, of incentives or disincentives can keep the traffic, can keep you from overbuilding, and then finally, the whole reason we started this was the price of parking. The price of providing parking in structures is, is huge, so at least, at least working through this piece of the development, there's not a lot of incentive to overbuild a lot of parking structures. In fact, the idea is, we can, we can build hundreds less parking. We are, we are talking in the neighborhood of, of, you know, three, four, 500 less stalls just by, by going through this process. So. Those were the two points that I wanted to make.

Katz: I want to make sure our planning folks are taking these notes down so that we can -- I know you are busy doing something, something else, so I wanted to make sure. All right. Let's keep going.

Gardiner: On amendment 6, which deals with the trail fund, our, our primary concern is that, we think it's a good idea to get rid of that, is that on page, on page 16 of the amendment packet, it has a reference to deleting the 12 fund and talks about the gp-9. We suggest you add the private sector to the implementors of that for any lid that's going to be done. It's the private sector that needs to pay.

On amendment 9, the agreement review and inwater work, we have a concern regarding the criteria regarding the justification of that. Currently it's in the code at \$700 per linear foot. We don't think that, that that is a number of function that determines the function of the inwater habitat.

We understand that the bureau of, of development services needs something but I don't think that that's the correct one. On amendment 10, river parkway, first, I think that what I want to say is that

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one of the best things about working in the north macadam plan is, is the addition to joe zender to the city of Portland. He's been very helpful in working with this and understanding the real development issues and the pressures here. We --

Katz: I don't think that council has met -- joe, do you want to stand up.

Gardiner: Joe really has worked with us on, on amendment 10, which we, which we support.

There's a letter to, to me from joe, and I copied it to you, and also it outlines the plan that identifies a general -- what we view and we have worked with him and our architect of, of a 3-acre parcel.

One of the stipulations we do have and concern about that is that we would like to make sure that it's understood that, that it says approximately in the code. We see it as at least, it's referred to from time to time as a three-acre parcel. It can be three acres or something less or something more than that. We want to make sure that that approximately is in there. Another concern that we have is the, that currently, the access to these parcels off river parkway are, are, need to go through an amendment or adjustment process. We would like the council to, to, at this point, go ahead and ask or to go ahead and vote to, to endorse, access to this parcel off river parkway, not identifying the exact locations. We can determine it through the design review or city engineer based on the developments there, but to make sure that there's an acknowledge. Otherwise, this parcel is land-locked. It's surrounded by three sites with public open space.

Francesconi: Wouldn't that be more appropriate in the street plan coming back to us?

Gardiner: Well, as long as you make a comment to that and an acknowledgement that, that it's allowed in the street plan. However, it's handled. I can see the heads shaking back and forth. On the parking option, we personally do not support the idea of going down to, at one point to using it as commercial. We see that you are propose with two options. We don't see a reason why the options can't be available. One is that we see an option of allowing 1.7 as an accessory to residential and let the other option, if a developer chooses it, it needs to be administered somehow.

A couple other quick things. Amendment 14, we do support amendment 20, we have a concern regarding the issue of the inclusion of innovative. We support the stormwater technology. Our concern is that when you mention it in there, there may be opportunities when it may not be able to be achieved. We see that that language could be included somewhere else. Amendment 22, we have always understood that the width is 100-foot minimum with an aspiration of 150 feet. It's included in here in amendment 22, and we have heard commence so far today, an amendment that it's 150-foot average. I think that that's -- this is a new issue. Amendment 15, we think that there's opportunities that it could be reconsidered. Thank you.

Katz: Thanks. All right.

Mike Houck, Portland Audubon Society: Mayor Katz, commissioners I am mike houck, here representing the audubon society here in Portland and coalition for livable future, and I guess that i'd say I am here to represent the flexible desires of fish and wildlife and recreational users of the greenway. We appreciate the fact that staff looked at our amendments and actually acted on a number of them. One is considered minor, amendment 18 adding the word "wildlife." to us --

Katz: I did that.

Houck: Excellent. It's a very important point because we -- people continue to say, or some folks allege that all the wildlife values, fish and wildlife values are either in water or on the bank, and as a point of fact, if it's done properly, with good design from landscape architects and others, there's a lot of wildlife value that can be had over the top of the banks. So we think that there's fish and wildlife values in both places. Regarding amendment number 20, we very strongly support the use of, of the word "innovative," and "stormwater." it was interesting, I was giving a talk when I was in london recently and the first person to come up to me after the presentation wanted to know who

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the fellow in Portland was who was doing this great ecoroof work and then today, and the reason I am bringing it up today, I opened the Oregonian and in your packet I have given you there's an article about that fellow, top lipton. My point is you have got incredibly creative staff in the bureau of environmental services, parks, planning who i'm hoping you will be encouraging as a council to push the envelope with respect to how we have dealt with stormwater in the city and we are doing some really good stuff and green buildings, ecoroofs and I think that we can do more, so I would just counter steve's comment. I understand that there are places where the only thing that's going to work are pipes. But, unfortunately, a lot of folks in the engineering community or architectural community are not willing to step out there and push the envelope and this is the perfect place that we can do that. So, I fully acknowledge in some places innovation may not be possible but in many places, it is. Regarding the 150 feet, by the way, we are very pleased to see the average added in to that, into the amendments. I would point out, by the way, on amendment 2 is regarding the images for emergent wetland and riparian habitat, I have submitted a series of photographs that I have taken. The last two of which are actually just upstream a bit in willamette park that I think depicts what I am hoping we are looking for in the inwater emergent wetland and riparian habitat.

Katz: Are these the one on the e-mail?

Houck: Correct, and you have those in your packet. I have a cd with me. One of these days I am getting up to power point and I will do one of these fancy presentations like some of the consultants do. Unresolved issues, greenway width, we are concerned that if you read the language, it is a little confusing. You look at the illustrations and in fact, it looks like we are talking about a 70-foot wide greenway with a 25-foot area for, for eating and those sorts of uses. We've still -- we continue to strongly support 100-foot minimum greenway and we are, we're very supportive of the city's aspirations to get to 150 feet, and with that, my time is up, once again. I will simply say that i've also appended a number of photographs from vancouver, british columbia, and I will reiterate what I said last time. You have 200 to 600-foot wide area from the sea wall to the first buildings. It can be done and they are selling like hot cakes up there. I would like to make one final comment and that is the tradeoff between inwater habitat and greenway width. We are very supportive for more inwater habitat and I think that steve is one of the folks who is pushing for that, but we don't think that there is has to be a tradeoff with the 100-foot greenway width. If you can have the buildings higher, rather than 150 feet, we would suggest that in water habitat plus the 100-foot minimum is the way to go. Thank you.

Jeanne Galick, Corbett Terwilliger Lair Hill Green Way Committee: I am jeannie, and mike just gave me the perfect opening because I am going to talk about the need for the 100-foot minimum greenway without the averaging, and I think that, I can't talk to you about how important that is. You have heard from every southwest neighborhood association, almost every major environmental group around here, and I know that you have received hundreds and hundreds of post-cards from citizens over the last two years asking for that 100-foot minimum. As to amendment 8, which talks about no fences and walls, it only talks about two of the subareas. It does not talk about subarea three, which is 40 feet or 40% of the 100-foot minimum. And we would like to see a greenway free of buildings. One that's not whittled down by exceptions or averaging and a greenway not compromised by kiosks and cafes and fences and plazas. We think that while these are nice amendments, they can be outside of that 100-foot minimum. I would strongly urge you again 100-foot minimum greenway, no exceptions, not for inwater projects, not for pinching, nothing, let's get the greenway. We really only have one chance at this and we don't want to, to squander it. I would also ask you in this, and this wasn't in your first 20 amendments, but I think that it's one of those loopholes that's really important to straighten out and that is to

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revise the code definition of where that top of the bank is so that it matches the drawing in the suggested code, which is figure 510-2. Currently top of bank is measured by the change in the grade and it's often far below where we expect it to be and it results in a reduced greenway. As for amendment 17, this is, again, a height issue. I would ask you to look again at dramatically lowering the building heights when they are adjacent to the greenway or to parks. I am very concerned that there is solar access along these public areas that we can fully enjoy these open spaces. Also, if you have really tall buildings, you sometimes can get downdrafts or wind tunnels so again if we can lower those heights next to there --

Katz: That's for tomorrow.

*****: Okay.

Katz: But we heard you. And in response to pdc's suggestion that we look at bonuses again, I would urge you to keep those bonuses restricted to the amenities that we are trying so hard to get and we don't have enough money for, which is the greenway, parks, and affordable housing. And that you look at increasing those mandatory greenway bonuses to 15,000 square feet minimum and make it go a one-to-one tradeoff. And on amendment 8 and 9, i'm sorry, I wasn't prepared to go through the amendments like this, but I think that the greenway projects and increased height both of which will have a great impact on the public should have a type 3 review.

Wayne Stewart: I'm wayne stewart. I had just wanted to talk about two of the amendments. Number one, which is the height limit going to 325 feet as a proposal. I have heard the council looking for flexibility for property owners looking for flexibility for developers, et cetera. But, I think a concern here that I haven't heard expressed very much, except as we got to the last couple of individuals, is what happens to the people who live in the neighborhoods, what are the views from terwilliger, et cetera. And I think that as an example, on page 15, appendix one, it shows the view from terwilliger, and it illustrates what happens at 250 feet and what happens at 325 feet. Take a look. What I am pointing to is the small size of, of mt. Hood as you are viewing it from terwilliger. And now superimposed the roof-top of a building, and if you go above the 250 feet, you start cutting off what you see out there as the foothills of the cascades. And it's, what I am afraid of, it's going to look like mt. Hood is ahead on top of one of these buildings. And i'm just very concerned that, that this is starting to show it here. The staff has put it together that, that as you go above the 250-foot limit, which, which is the limit that was established in the earlier zoning, you very quickly start moving up to the point that you secure the foothills of the cascades and make it look like mt. Hood is an aroundment on top of the buildings. And I think that that's something that, that the council really should think around about because it's providing more flexibility to the developers but it is going to detract from the citizens' use of terwilliger and the view from that area.

On page 2 of appendix "a" is another illustration of what is likely to happen, and this is the illustration of what happens when you are down walking along the greenway trails. Subarea 3. Basically, we are looking at, if you are standing in the center of the area that's identified for the trail, and then look up to the 250-foot building height, you are starting to look up at an angle of 81 degrees. In the summer, the sun angle gets up to about 71 degrees or so. And in the winter it's around 22 degrees. And what this is saying to me very clearly is as you move away from the middle of summer, by 1:30 or 2:00 in the afternoon, most of this area is going to start going into shade. And in the winter when we have generally cool weather, and it starts -- we lose the sun by 4:30 or so, it means that the usability of this area for citizens is going to be substantially reduced. So again, I would suggest that, that looking at it not only from the standpoint of flexibility for the property owners and developers but also from the standpoint of the citizen users that, that let's not

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create something here that is really not going to be very useful to people. The second one is -- is north of marquam bridge amendment number 17.

Katz: We're not going to talk about north of marquam bridge today. That's tomorrow.

Stewart: But I just heard that a while ago, and I can't make it tomorrow.

Katz: Make it quick because your time is up.

Stewart: Okay. The basic question that I have is, is that this is the north macadam project. That particular site is not within north macadam, or within the geographic boundaries and I question the legality of being able to embed a piece of land use change in a document that relates to a geographic area that does not include the site in question. I think you are on shaky ground in terms of Oregon land use law.

Katz: Thank you. Okay.

Lynn Connor: Lynn connor and I have one brief comment regarding amendment 1. The height increase. After years of har work and extensive review, 75-foot increase is proposed. It may be legally defensible to increase this height without any further review but does this really meet the intent of the public process. Thank you.

Martin Slapikas, CTLH Transportation Issues Committee: Greetings. I am marty, representing ctlh transportation issues committee. I submitted testimony october 9th and also today for october 30th, and basically, many of the items that I mentioned are not on the table per council's desire. So, basically I am here to answer any questions you may have about the testimony that I presented to you in writing today and the other day. If you have any, delighted to respond to them.

As far as the north macadam issue is concerned, I think that we would feel more comfortable about north macadam district and its amenities that we are talking about today if we knew basically how people are going to get in and out of that district to begin with. It's a two portal access. It's, it's -- at the risk of being redundant, I think that everybody knows it will be very, very constrained.

Bureau of planning is using documents to base a lot of their recommendations to this plan on documents that state that we are now aiming at a two-hour peak traffic with severe congestion and it recommends alternative modes of transportation and yet there's nothing that I am seeing that's matching that fast tracking development with transportation issues. So, that's certainly something that we are concerned about. Once again, be delighted to respond to questions. I do believe that the south Portland transportation alliance needs to have public review. I know that one of the issues was that the bureau of planning felt it was not in the north macadam project and planning scope. And I believe that it is. I think that, that city council approved it and we're not addressing the issues of regional transportation that this is going to cause.

Katz: Thank you.

Katz: Rick, go ahead.

*****: My name is rick --

Katz: Before you start, you think we are okay? I'm sorry, we -- we have to serve a couple of masters here all at the same time.

Saltzman: Police chopper ready to go?

Rick Saito, North Macadam Development Council: I am rick saito, representing the north macadam development council. I'm here to speak about the amendment that was put back on the table when i, for discussion today and has to do with the, the proposal for the, the amendment to the central city master plan process as it might apply to north macadam. First of all, as a point of clarification that amendment was proposed by mr.Grillo on behalf of the entire north macadam development council and represents an interest by all of the property owners, large, small, north, south, central, all the property owners. We believe that it's more efficient way to, to provide access

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to modifications to the plan and if you look at the, the packet that you have on the amendments on appendix "a" on page 9, you will see a matrix that was supplied by staff of the flexibility, and we don't dispute this flexibility, but it is a, an extensive amount of process involved with this flexibility. If you look at the numbers of different processes that are involved, what we are hoping to be able to do in part by our proposal is to provide a holistic method by which an overall proposal can be examined for everything in all aspects and hopefully that will be part of a master plan that we might be able to put in place. The other aspect of this that I think that we all need to consider is a, the fact that the plan, as it is going to be approved, and the greenway master plan, as it will be developed, hopefully in the very near future, will be in place for a very long time, and that the district is going to be developed over a very long period of time, aside from hopefully the work that ohsu and the central district is going to be providing. There's still a projection that it's going to take a long time. Ly it's appropriate to assume that over that period of time there are going to have to be adjustments made to the plan, either by, from a public effort, public interest standpoint or a private interest standpoint. We want to make sure that there's a method in place that speaks to that and allows that access in the most efficient way possible. That's one of the reasons we propose this plan. Perhaps the proposal in its haste to get it out in front of you didn't necessarily address some of the issues relating to the relation of how that master plan process would work to the existing plan that will be approved or the master plans put in place and that's something that needs to be elaborated on and we understand that. But that's the summary that we have of our proposal and I hope that that clarifies some of the intent.

Saltzman: I am confused because I perceived this issue after the last hearing and I was assured from the staff that, in fact, the central city master plan requirements do, are allowed in north macadam and seems like somebody is not talking to each other. You are saying it doesn't --

Saito: I agree with staff that the master plan requirements are allowed but the master plan requirements as they are right now, as I understand it, are much more limited than what our proposal would, would, would make them.

Saltzman: That's the issue. I didn't realize the proposal added to the central city master plan.

Katz: Thanks. Go ahead.

Jerry Ward: I'm Jerry Ward. We have gone through, through four years of so-called public input. And recently neighborhood citizens I have spoken to feel that we have been used. 17 southwest neighborhood associations directly affected by the greenway traffic view issues have spoken on this matter. Planning commission has objected to the heights and density and other factors about about this plan. The city and planning bureau really communicated the consequences of the proposal of the regulations to the whole city. To the populus at large. I think that we would find a strong opposition to the density and heights of up to 350 feet, or 325 feet, excuse me, just 150 feet from our river. We voiced our concerns long ago and I know that we have because I was there four years ago questioning the heights that were talked about then. And we even got, even have higher heights and density in traffic than what was proposed. Remember, the city code 33.510.205, the height, I have said it before and I will say it another time. We had five purposes in those regulations. The step down to the river, limiting shadows on public open space, building height compatibility, step down historic districts, limiting shadows at the edge of the central city. None of the above requirements are being met. A 325-foot building, 150 feet from our river does not meet one, two, three, and five above. The planning bureau today is another issue. Has presented misleading information drawings. And I am just going to -- I can go on about this. One good example is the view from terwilliger parkway that they had on the screen. The elevation at campus drive from the city map is 350 feet. That is the entrance to ohsu. Or 315 feet, excuse me. If this is

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correct, adding the ground elevation of 40 feet, which is what the elevation of is north macadam area is, approximately, after fill, plus a 325-foot building on top of that gives us 365 feet. Not including the penthouses. This would absolutely block views to mt. Hood, and to the far east side but remember there's more than mt. Hood that we are concerned about. There's ross island, et cetera. It would be 50 feet higher and plus with the penthouses. Even a 250-foot building with penthouses could be as high as the elevation at campus drive on terwilliger parkway. And remember that terwilliger parkway at that point is one of the higher points of terwilliger parkway. It's less elvase, it's less elvase to the north and more to the south. I would ask you, I won't go into the other things, but really ask you to look at the planning bureau's calculations of everything. I am about done. All of us, all of our directly affected neighborhoods have voiced our concerns on height, traffic and greenway. We have tried to do so over a long pet with board actions, land use committee action, we have been methodical trying to give logical reasons for our positions. We even had the planning commission action concurring with what we are trying to say. And what we get from this is, is a proposal for even more heights to 325. We tore down the four-story building a few decades ago to create a 400-foot wide central city downtown greenway. Now we look like we are headed for 325-foot buildings just 150 feet from the river. Is this our future greenway for our renaissance river? Will our grandchildren see this? They will. Thanks for the additional time.

Katz: Okay. Anybody else? Thank you. Let's go over the issues raised and get closure on them so that they can come back with, with language for adoption next week. Is that right? If we can.

Johnson: Our intention was that after the hearing tomorrow on the height change proposal for north of the marquam bridge council would deliberate on the amendments that we had identified and then right now we can review the issues that you asked for further information about so that you could deliberate on these additional issues, as well?

Katz: I think this place has been reserved for 5:00 evening event. We don't know what it is. Peter, could you do something and find out what it is? Are they using the whole building? Did they pay for this?

Francesconi: We are trying to close that gap. [laughter]

Katz: The whole building? Okay. All right. Maybe we're at a point -- we do need to honor that. Gill, murray, stevie, here, listen up, because we're at this point where we are finished with public testimony, we will start with you tomorrow. You have heard some of the, all of the issues, and I want them all addressed and I want you to give some best thinking about it because I want the council to feel comfortable in saying yes or no or come back with some other alternatives. That goes for you, I don't know if transportation wants ton part, to be a participant in that but you have got a couple of hours to do some work. I really want to hold tomorrow for the main part of tomorrow for north of the bridge. There will be an overlap so tell your friends to be prepared to stay a little longer unless somebody has rented this building out tomorrow, as well.

Francesconi: Just, just in case you are interested, when I was -- this issue of the master plan and what that would look like and what the criteria, that's one in my mind. The issue of the parking ratio that's been raised, I don't know what to do with that.

Katz: They will come back.

Francesconi: But there's some things I don't care about.

Katz: But, but others care about it.

Francesconi: It might be helpful -- I am done.

Johnson: Perhaps the commissioners could e-mail staff with the issues that they particularly want to hear about tomorrow?

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Katz: I want to hear about them all. In all fairness to the people who testified, they have issues. We need to hear your response and then we need to make a decision. We stand adjourned until 2:00 tomorrow.

At 5:12 p.m., Council recessed.

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2:00 PM

Katz: Present. Marie was nice enough to put together a to-do list for us for today. And so I have a copy. I gave one to -- to commissioner Francesconi because I wanted him to make sure he knows what we are going to do. And you are all going to get one in a second. Basically here's what we are going to do. We left off yesterday --

Francesconi: You get dressed up, you would have gotten one right away.

Katz: If you all recall, when we left yesterday, we were at the point of staff coming back to address -- another bonus. Come back and address the issues, the consent item issues and then the nonconsent item issues and you are going to have this. We are going to give you copies in a minute. But since we have the wonderful folks who have been waiting patiently for Thursday afternoon here in the office, we are going to take that first and then we will come back and deal with all the north macadams. However, I didn't know that we have a special guest here. Council member Rex Buckshalter. Come on up. He didn't know today was not a day to testify but since he is an elected official and an official of Metro and because he has been a good friend of Portland's we will give him a few minutes.

*******:** I only want to take a couple minutes.

Katz: Identify yourself for the record.

Rex Burkholder, Metro: Rex Burkholder. I am a Metro councilor representing what I call I guess the heart of the region, which is northwest, north, northeast and downtown Portland. And I just want to come in and tell you a little bit about what we have been hearing the Metro Council has been holding hearings throughout the region about how to expand the urban growth hearing. The last was in this room two nights ago and we had over 150 people. We are here until 10 p.m. Hearing from the people. And so I want to thank you for the opportunity to use your space because it was nice to have a place where people can find you. Metro is still kind of over there on the hinterlands across the river. What we are hearing is a concern from people who live in rural areas, light rail they are farmers or people who have lived there had because they want to have that type of lifestyle, but a lot from the farming community about their concerns that the metropolitan area will expand and destroy their livelihoods and destroy their ability to farm just by growing out into the farming areas, especially in the Washington County side but also in Clackamas County area. And as you may know, this year the executive officer has proposed a very large expansion of the urban growth boundary, something like 17,000 acres. And this is the beginning. We filled up what we have based on our current patterns of development and now we are going to, if we don't change what we are doing and that's why I'm here to talk about, if we don't change what we are doing we will march down the Willamette Valley and it won't be long before we hit Woodburn and then the outlet mall will be part of our city instead of being way out in the middle of nowhere. How it relates to north Macadam, the option of going out and using farmland and developing the rural areas which all of us love to go see and benefit from, especially if you think about our farmers markets, it makes that possible. The only other alternative is to go up. And last spring the voters of this region adopted a change to the Metro Charter that prohibits Metro from requiring increases in people single, in single family neighborhoods that are identified on the region 242040 maps so we are looking at our centers, main streets, corridors, downtown for handling the 500,000 people to come here in the next 20 years and who knows over the next hundred years. I hope to be here in the next 20 years. So the answer to that is how can we accommodate more people and way that is actually increases the quality of life that we have? And I really think that the proposals that you are looking at about the north Macadam area are the innovative step we need to have. We need to start looking

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at serious increases in density. And I actually, with a number of your staff people, went to vancouver, b.c., and I had another reason to go there. I sent me son there to go to college I like vancouver so much. But we got a chance to wander around the city and go into the buildings that are being built there and it's remarkable in the last in ten years they have added something like 40,000 more people into the downtown, but at the same time the number of cars on the streets in the downtown have decreased in actual numbers. So what, when you get above a certain density, certain number of people you actually reduce people's need to drive and you go way beyond being transit friendly to being so pedestrian friendly the automobile is something you use on the weekend or for special trips. Channel 8s you are looking at are very doable. If you have been to vancouver you will know you can have what people would consider fairly radical changes in terms of density and lifestyles but they're very popular. They leave lots of room for open spaces. Lots of room for the parks that people desire. So I just want to encourage you to be bold and to not limit yourselves in terms of the previous thinking that we've been doing and say this is one of the answers that will help us keep our rural areas rural. Actually reduce traffic congestion and reduce air pollution. In a lot of ways we can have a very wonderful city and of the city of the future, I guess I would say, and you can also preserve people's views by doing the vancouver type of buildings if we can get the changes you need to make that possible. That's what I wanted to come here and say that. Of course, I would love to also see my main street, broadway, northeast broadway, have enough housing along it to support all the retail areas we have been asking people to have so we have the vital neighborhoods there as well but, of course, lombard street, which I think we have been seeing. We had a present taking presentation to the council, lombard street, a lot of redevelopment there. We have not talking 350-foot-tall towers but three and four-story buildings are just fine. We need to have that. And we are working at metro to figure out how we remove barriers and how we provide incentives so these things can happen some more. I wanted to come down here and cheer you on and thank you for letting us use your facilities the other night and I think a lot of people would be very interested in seeing us keep the urban growth boundary tight and this is how we do that. Thank you.

Katz: Thank you, rex. And thank you for your leadership. I was telling rex last night some of you were listening to our dilemma, should we or shouldn't we go to m-pak to deal with the issue rex just mentioned. We did go and we had a vote. It was 9-8. We were on the losing side but we had another person who would have voted with us, had to leave early and his vote didn't count. So now, and the vote was 9-8 to expand the urban growth boundary, and not, with shocking motion, had nothing to do with looking inside the urban growth boundary to expand. So with a split vote like that, rex, and the metro council, have the freedom to do what they know is the right thing to do. But the final p.s. On that and I mentioned that to rex, there was a gentleman from bear creek who was there just to watch to see and hope that his clackamas county co-hornets wouldn't be supporting the expansion of the urban growth boundary and he came over to me and thanked me and here he was, somebody from bear creek, thanking the 800-pound gorilla from Portland, Oregon, not that I weigh 800 but we are viewed at 800-pound gorilla statewide to thank me because we understood that the protection of rural lands and farm and forest lands was critical. So you know, when the rural people who understand the issue can really tie and make those kinds of ties with the urban and vice versa, that makes all of our work worth doing.

Francesconi: Rex, we also appreciate your help on transportation. Rex is the member of j-map with commissioner Hales was a very effective team to get infrastructure to our city to support the kind of growth you are talking about and our whole region. So I thought you were also going to volunteer to help come up with a \$20 million --

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Katz: Moving right along --

Francesconi: That we have to fund this north macadam. We'll work with you on that.

*******:** Definitely.

Katz: Thanks.

Burkholder: Look forward to your letter.

Katz: All right. Let's read 1323.

Item 1323.

Katz: We will take now the issues north of marquam bridge. And there was one item in the north macadam plan that deals with that. We'll hear from gil and murray and then we'll hear from pdc and we will open it up to public testimony. Then we'll come back. They still don't have this?

*******:** We're working on it.

Katz: Then we will come back and we will cover the consent item agendas to see if everybody's all right or anybody wants to pull any of them off. And then we will deal with the nonconsent items, and I hope before we go home tonight we can get to closure on north macadam for a vote next week.

Gill Kelley, Director, Planning Bureau: Let me just say this was an issue which came up at the planning commission as an amendment request from the development commission. Sorry. Gil kelley, planning director. This came from the planning commission. They denied the amendment request for additional height north of marquam bridge. There have been some revisions since that time in the request, and marie will explain those. The development commission has asked that this request, in its revised form, be considered by council and that's why it's back in front of you.

Katz: Okay. On top of what you just are getting is the agenda for the day. All right.

Marie Johnson, Planning Bureau: Marie johnson, planning bureau. And the agenda you see on top is an updated agenda. so I am going to quickly go through the proposed height change for north of the marquam bridge. It's amendment 17. The amendment calls for allowing increased heights north of the marquam bridge in some areas away from the green way, decreased heights adjacent to the green way. And I will, as soon as carl has an opportunity to pull up the power point I will go through the images that maps that, describe that amendment. Thank you, carl. Okay. So here's the amendment language, amend heights north of the marquam bridge to decrease heights adjacent to the green way. What I wanted to do is just very quickly go through a series of maps and images that explain the proposed height change. And this is a map of the existing heights in the district. You will see that this area close to the marquam bridge -- the marquam bridge is right here. This whole area has heights except for near the river, of 120 feet and 150 feet 678 that's allowed heights. The existing development doesn't necessarily get to that height in this area. The -- i'll show you a map in a second of where the proposed height changes. I also want to call your attention to this dotted line here. And what we identified in this process is a mapping error. So in the current zoning, there is a line here that says, this is where the height change of 35 feet to, up to 150 or 120 should take place. We went back and did a search of our records and found that that line was actually placed incorrectly there and should be closer to the top of bank here. So I just want to call that out for your attention. This is the existing height, 35 feet on, along the river. And then 150 foot in this area. This is, these are the properties proposed for height change as part of this amendment. So what we have identified is three, a set of three different height, allowed height changes. The first portion of the request is to allow this area here, at the very north, and this area at the south, to change heights from the existing 125 or 150 down to 35 feet in height. That's because this area is currently functioning as open space and we expect it to continue to be used in that way.

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Then there's the central parcel also next to the riverfront, the current height again is 125 and 150. The proposal calls for lowering that height down to 175.

*****: 75.

Johnson: Excuse me. Does even make it higher than it is. Excuse me. Taking that down to 75 feet so you will 35, 75, and 35 again right along the existing 35-foot-height limit. Then the rest of this area that's shaded with a cross-hatch, the request is to increase the height there from 150 to 200. So the 125 foot height limit to the north and the 150 foot limit to the south would remain as indicated. And then Portland development commission is particularly interested in height change on these parcels. They have a development proposal coming up, and they'll have staff talking about that in a minute. I wanted to highlight it for you and show you the height, the site map for that, those parcels. So those parcels, he's a proposed hotel on the parcel proposed for 75-foot-height limit. This is a proposed condominium development, and then the 35-foot-height limit that's being called for would be to the north here. And I wanted to just emphasize for you this is a request to change the height limits. The not a request to change the floor area ratios. The floor area ratios in this area are four to one.

Saltzman: So the condos would be in the 125 area?

Johnson: They would be in the proposed 200-foot-area. And the hotel would be the in the proposed 75-foot-area. Does that make sense? Okay. And the floor ratio is four to one. And then here is a diagram that shows a cross section in the district. As you can see from the maps before we don't have a straight line in our height map in relation to the top of bank. But if you were to take a cross-section through where the proposed hotel development is, this is a way of kind of looking at what the existing code calls for in comparison to what the proposal calls for. So within 75 feet of top of bank, we have a height limit of 35 feet. So that's this part here. And then in the existing code, the height goes up to 125 feet or 150 feet. That's this blue line here. And then under the amended, the height would start at 75 feet here, and then go up to 200 feet. There. Does that clear?

Katz: So you're lowering -- you're lowering the east side and raising it slightly on the west?

Johnson: Correct.

Kelley: The revision here, it's important to notice that this now stair steps in the way that the council was asking about before. Also that diagram that you were just shown is the minimum pinch point of 75 feet. Building set back from top of bank as a whole stretch here. The average set back is well in excess of 100 feet. So it comports with the zoning you have just given the direction for south of the marquam bridge.

Katz: Which was the issue with the planning commission, gil?

Kelley: This was one of two issues. This was the primary issue for the planning commission is the setbacks didn't appear to conform. This building has been pushed back now so that it does, and the stair step issue was the other. So this now stair-steps. A third issue at the planning commission was the height, the 200 feet.

Katz: Okay.

Johnson: So that's the sum of our proposal, our presentation. And I know that larry brown from Portland development commission would like to be the first to testify on this.

Katz: Okay. Why don't we put up the lights. Any questions of planning on this? Pdc?

Larry Brown, Portland Development Commission: I am larry brown representing the Portland development commission and I am here this afternoon to testify in support of the planning bureau's recommendation for approval of this change to the heights at riverplace. I first like to take just one moment to provide some additional clarification based on some questions that we've heard over the

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last few weeks regarding this proposal. The first is that there seems to be some confusion over whether the change in height would put the riverplace neighborhood within the north macadam plan district. And that is not the intent here. That's not our proposal. The second is that the proposal for the height change to the planning commission included all the properties as indicated in the planning bureau's presentation a moment ago. In the presentations that I made the 9th of october, I did omit in that illustration what's referred to as the trammell crow town houses property. I am sure I have spoken with the owners, prudential insurance, who say they do want to continue to be part of this height change amendment request, and the planning bureau's drafting of the amendment does reflect their intent as well. And finally, the planning bureau I think did touch on something that I think again is very important to clarify. That there is no change in the density of the development that will occur in the future at riverplace. The far, the basically the density for this area will remain at less than half of what the north macadam guidelines will support for the southern area of the south of the marquam bridge. And that's very important as well. Because in many respects that's the basis of why we feel this is important amendment to put forward because of its, the opportunity that it gives us to design the site and future development in a way that provides maximum public benefit. our primary interest in having this height change really is our expectation that the public benefits from being able to work with the existing sites that you have seen in these illustrations to create building forms that have the smallest impact on the land, that is the smallest foot print, gives us greater opportunity to provide public access through these sites and public views and pedestrians through these sites from the way of the riverplace neighborhood for the waterfront. We have the most successful south waterfront park that's been recently completed. Being able to put the same number of units, the smaller footprints opens up possibility for public access and views and circulation adjacent to the waterfront and adjacent to private development we wouldn't otherwise be able to capture if all of the commercial space or all the housing units had to be put in a lower level. So our primary public benefit and reason why we are bringing this forward is because of that flexibility provide additional circulation and ask access through these properties. The second reason why we support this amendment is because it gives the private developers that we work with greater design flexibility and the type of building form that we can move forward with. When we are working with the same number of housing units with the same commercial space, if you are forced to work benefit a lower height limit you must spread that over the land area and boxier building forms and more massive buildings than you would have the opportunity to work with if you had more height to distribute the same number of housings units. It gets back to smaller foot print, fewer buildings, more public access. And in this case, also greater design flexibility to try and accomplish in Portland the kinds of things that counselor burkeholder was certainly pointing to and others have as well in vancouver, british columbia where they have chosen to move in the direction of smaller or thinner and taller buildings in order to provide greater public access to their waterfront areas. Finally, we have done some examination of the different viewpoints using photograph imagery that we shared at the last hearing that you held on the subject. And we found that also depending upon the perspective that you take photographs and the rest to try and see what the impact is. You can always come up with a different solution. One thing that's very important about this location is heights, that first this site sits 100 feet down below the property to the west on the open side of naito parkway. That has a lied deal of influence on the way the taller buildings will be perceived from the distance, and from the downtown core. I think that's an important point. This area is fairly isolated and the sense that it's still separated from the downtown core area and the south auditorium area by the remnants of the old harbor freeway. So it's some point in the distance end these buildings and begin to shrink. The other point that's

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very important is that people that, people that are living or working immediately adjacent to these new structures will have as we said before, greater acre says and visibility and fewer buildings separating them from the waterfront areas and from the parks. We have smaller foot prints so I would like to asking our remarks here in support of this represent saying that desire in moving forward here is to be able to achieve some public benefits, public circulation through this very popular part of the Portland waterfront in a way that we couldn't otherwise without a change in the height and this location. Thank you.

Katz: Yes, sir?

Francesconi: I have two questions, Larry, and I'm not sure if you are the right person. The league of women voters raised concerns about the shading of the building on the park, which we spent a lot of money to build and maintain. And the setback of the building may address some of this. But I also also there's going to be to be a shading dud done. Can you address the league's concern about the shading?

Brown: I haven't seen the remarks myself but I can tell you in the development of the park design, a clutch of years ago, we did, in fact, take into consideration there would be development immediately a jay send to the mark. That was also observations by the design item as well. The plant palate for the park anticipates shading at different times of the year and different hours. What I can tell you about the existing heights that are allowed and the proposed heights is that the shading that would occur from a building at 120 feet, the current allowed height adjacent to the park would be greater or equal to the height for a 200 foot building set back as we have detected in our illustration. It is our intend to have the higher power as far to the southwest and east, as far from the memorial park. Earlier access really could only be achieved by trying to maximize the open area adjacent to the park. I don't have a concern. With the possibility for greater shading. I don't believe there will be any greater shading than currently might be allowed by code.

Francesconi: And I asked parks about this and I think they're okay, too. I think there has to be a little further analysis if we agree to rise the height through the development process itself. My last question, on any issue there's the both the substance that you addressed and then there's the substance. At this look it the process was not good, and I am putting it kindly because it appears as if it was attacked on to somebody else. And it didn't really. But the citizen involvement side that also makes it special was falling. Could there have been a different process? Then than the one we chose?

Brown: There were two avenues for pursuing this kind of a agenda the design elements we talked about. Both of those were considered in consultation with the city attorney's office and the planning bureau. We elected to go with the recommendation of the city in this case with a legislative process. And we were also encouraged to very good reasons, to joint the north macadam legislative process. For many reasons I'm not personally going to explain all of them but there was a relationship between the physical development of riverplace both in its transportation and aspects and in his housing development, commercial development. There really make it a part of, in many ways, the future of

north macadam. It is the gateway. The north four both transportation, the streetcar that we are bring down to north macadam in the next couple years and other transportation improvements. This part of the downtown, currently plan district, more than any others could shares a future with north macadam more than with the downtown office and retail core. And I can it's important and I think the planning director felt it was important to have this issue considered at the same time or considering similar issues on north macadam which is immediately adjacent to it.

Francesconi: Thank you.

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Katz: All right. And, again I am going to ask pdc and planning staff -- did you want -- did you want to add anything, marie? Okay. I'm going to ask them to keep track of the comments so that we can go back and, if the council so wishes, review some of the comments. You all understand you have three minutes each?

Katz: Who wants to start?

Bill Rollins American Plaza Condominium Association: Mayor, I am bill rollins. You remember me? I haven't worn a suit.

Katz: I remember you.

Rollins: I am on the board at american plaza condominiums. And I am also the representative working on this project for the condominiums. I have a prepared piece. But do you realize that we just learned a lot of new things two minutes ago? I really would like some time to respond to those, if I could. First of all, there are 317 units, living units where we are. Over 700 voters. And we do apologize that we have not been active in our community. We have heard about the farmers that are concerned about losing their farms. And I am a farmer. But for five years we have been hearing the macadam neighborhood and lair hill and terwilliger about their concerns and apparently they are not getting through, that they are concerned about the way of life in their neighborhood and how this concerns. The highest density in Portland on our river bank, it was certainly not tom mccall's plan or anyone else's -- this was to be an open scenic area, not another city. We are Portland, Oregon. That's in the united states. We are not british columbia, vancouver, canada. We very well could be the mo successful creative city in the world but we could do it at moderate heights not extending to 325 feet in some areas. We were at the planning commission. We convinced the planning commission that 200 feet was too high. The development commission, in the report that we got, said that the they had presented 225 feet. They did not. At that meeting larry brown amended it to 200. They are not presenting any lower height to you today than they did to the planning commission which completely voted against this subject. We are going to show you in our later presentation that the difference of 50 feet in a building means very little in the footprint. It's just conversation. It is eight and a half feet that you would save on each side. That would be 17 feet, about the length of a car, that you are saving. So you are talking about tall buildings saving you ground that is not. But it is stealing the air from the surrounding neighborhood. The illustration over here, the one on the right, was some misleading information presents to you. It has the development commission's view of the area. You will see that the purple building is how high that building is. It even extends above their picture. That is from a reasonable explanation because the building there is 95 feet that's behind it. You can easily do the math. We have constantly been given different information, late information and then information today that we are to respond to. And I do believe that it is considered unfair and almost any civilization. We do believe --

Katz: Let me just ask the council if it's already to give him a few more minutes. How many people are going to testify today?

Rollins: We got a passle here that are interested. They're not all testifying. We think we have it planned.

Katz: Relax. I just want to know how many people are going to be testifying. So go ahead. I'll give you a few more minutes.

Rollins: Thank you. One of the commissioners at the Portland planning commission asked three times at the presentation when mr. Larry brown was presenting how much would it cost to put a park here? Three times and he never got an answer. We believe it's a good question. I don't know why this was not presented in any of the information and it probably was not passed on to you but

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we all witnessed it. The north macadam plan is nice going to riverplace. But why isn't it better going from a low boat basin to so lower rise buildings going into the higher buildings that you are proposing on north macadam? Why do we have to start out there? I believe the answer is money, but I realize money drives most things. Thank you very much.

Katz: Thank you.

Lynn Connor, Board Member, American Plaza Condominium Association: I'm Lynn Connor, member of the board of directors of the American Plaza Condominium Association. I am here to address some of the questions that have come to me. One is, why are we doing piecemeal development? It's the heart and soul. Bit by bit we are developing the waterfront. Why don't we have an overall plan? How do we find out about hearings? How do we know what's going to be the actual proposal? It keeps changing. We do not receive notification. We basically find out about them by going out and trying to find out what, when there's going to be a hearing. Some people will find out. We have no mechanism for notifying everyone. It seems to me this is the job of the commissions, the council, to let people know what is happening. At least make it available. It's guesswork all of the time. We have no time to review proposals. It changes each time we walk in. So we can't even give legitimate comments with no way to evaluate. The question Larry Brown answered is, why is a portion of riverplace being included with north macadam? It seems an improbability to us legal procedure to take a parcel of land that's not even physically connected to north macadam and tack it on. It's my understanding that we would never have heard about this if the planning commission hadn't originally suggested that people should be notified when it was first being proposed to north macadam. The comment has come up and I don't know if it applied to north macadam or not but a signature site. Is it defined anywhere? Is it in some document? What we keep hearing also is, developers and business people want. What about the rest of the citizens want? And they also want to know, how do you ignore the planning commission? The planning commission discussed height. This was their primary objection. I have listened to the tapes again and gone through them. This was the basis of their main objection to what was proposed was the height issue. And now when I look at what's being proposed now with extending the area all the way out to harbor parkway or whatever it is, looking south and Tom McCall Park you will look at a 200-foot wall. Because the buildings are narrow and wide east to west and when you look at them so someone looking from Tom McCall Park south is going to look at a 200-foot wall over the low rise building. I have submitted in writing, because I don't have time, some comments on the depictions given by Portland Development Commission of what the buildings will look like and there's copies for each of you so I won't take too much time. There's one final question. There's a series of regulations people would love to know how they are being met, whether you looked at 33510.205 or the Industrial City Guidelines, c-, 2 d-2.

Katz: Thank you.

*******:** It is very difficult.

Katz: Identify yourself, please.

DF Forister: D.f. Forester, Doyle Forester, 2211 S.W. 1st Avenue. It is very difficult to respond to any issues when at each meeting, the basic premise seems to change. The height, the setbacks. Still dealing with height issues. As far as the references now to Vancouver, Vancouver has very different topography. You know it's survey rounded on front and back by water, has very dramatic elevated areas. What surrounds downtown Portland? We have the river and the West Hills, for instance. There was a comment that we need to have, go higher in order to have higher density. Are there any restrictions saying they can't go higher some place other than the river space? It was my impression moving here that for almost half a century, the objectives have been to have more

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riverplace and and keeping open both physically and visibly. And obviously the 200-foot change change there's a as far as lowering close to the river, that's good. But as far as changing the vistas, it's going to, the proposal will dramatically influence the vistas not only of a few property owners but the zoning restrictions would protect their investments. But also it dramatically changes the views for anybody in the riverside parks or walkways looking south, looking east, any place around the river itself. As far as the proposal as it came out, and the one that was unanimously denied by the recommended against by the planning commission, the group there said that then they would just ignore that decision, come directly to the board, and it was -- excuse me -- blatantly threatened that if they didn't get what they would want they would put a less attractive building there. I don't think that any of this justifies taking away from the river space for the entire community. Maintaining established objectives that have already been recommended and maintained. Excuse me.

Katz: Thank you. You know, i'm going to say something and probably going to anger all three of you and everybody here in this building. I was here before the towers were built and I heard the same testimony. Before your towers were built. Before the towers in the downtown were built.

Rollins: They're 500 feet from the river and that's probably a proper place for tall buildings, not on a riverfront.

Katz: Thank you.

Joane Owens: Good afternoon. I'm name is joanne owens. I live the 2211 s.w. 1st avenue. I am a neighbor of in the area of the riverplace. I consider it part of my front yard. I enjoy going down to the riverfront, watching the boats and so on. But not only me the way I live, but I think the whole city enjoys the waterfront and the accessibility, which includes the height of the buildings, the way the waterfront looks now. To build a 200-foot building in that area, for instance, right across from stanford's would mean you would come out and you would see a wall. You wouldn't see the river. You wouldn't see hardly even access to the river at that point. It would be tall and dark, with lots of shadows. I attended the Portland planning commission meeting where all five commissioners voted against the 200-foot height change. Two of the commissioners even stated neighborhood arguments caused them to resource their ideas even to the benefit of increasing living space for more adults there. I believe that this was a real public input that even the planning commission doesn't believe that the height should be changed. I want you to please consider our area. We are not a part of north macadam. We are part of Portland downtown. And I think the areas are completely different and need to be treated in a different manner. I want you to please vote no on the height increase. and save our waterfront with the sort of look it has now. Which will extend on into the future without having big tall buildings right down there close to the river front. Thank you.

Katz: Thank you.

Richard Vitaliano: My name is richard. I live at 2221 s.w. 1st avenue in downtown Portland. Use ago when I was growing up in new york city, my family listened to a radio program called "vox pop." the word pop made me giggle every time the announcer said it. It remind me in the pop, snap crackle and pop characters on my cereal box. Then one day my father explained to my it meant the voice of the people. The opinions of average americans like us. He said vox pop was very important. So I stopped laughing at it. Today the actual voice of the people is extinct just like that radio show. It's been drowned out by the extradict dent voices of big business, big government, and special interest groups. The people of Oregon vote for a death with dignity law but big government won't hear ever it. People vote in favor of medicalman but government won't let it. And today people from the neighborhoods of Portland are asking to you vote against the high

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increase at riverplace. we believe the present height limit of 150 feet pasadena enough. We will it would stick out more. We ask knott to listen to the voices of developers and their allies within our local government bureaus. Instead we ask you to please listen to the people who are concerned about the welfare of our precious waterfront. That I didn't say ore-gone.

Katz: Thank you. Go ahead. Why don't you grab the mi c.

Bob Lawrence: My name's bob lawrence and I am a resident of 2309 s.w. 1st avenue. And I want to just address a couple of issues with regard to the procedure. And it is hard to look at this as anything other than an add-on to the macadam, the north macadam project.

this was the amount of material put out without any drafts as compared, on north macadam, and this is about the amount of material put out on the height changes north of the marquam bridge. The north macadam plan has been going on for years. The north macadam changes north of the marquam bridge. Has basically only been going on for two months. And it violates the planning goals, the state planning goal. Of active public participation in all aspects of planning by affected citizens. There are over 300 affected citizens that signed a petition asking that no height changes be made. And that we hope that the city council will have the same courage that the planning commission had and voted against this. I wanted to go over a number of issues that this really sets a very -- I don't know. I am not an attorney so I don't know if it's legal to change the planning area and to amend things into the plan that are on the outskirts of -- that are not originally in the planning area. But it certainly is a very bad policy. And these controversial issues came in right at the last minute. And if it's not legal, if it's not illegal, then it's certainly is bad policy. And you will forever be seeing controversial issues tacked on to amendments on plans that you have been, in years, in working because it will be easy for an agency to minimize public participation and public comment if they can come in and amend plans in the last minute. The plans that you have before you -- and I you would just like to speak about this for a few seconds. Because I had -- we just learned about this. I hope the record is held open. So that we can more fully address this. But I have brought to this meeting, I have the plan that just got handed out and I have the plan that was unanimously rejected by the planning commission. These plans are very similar. And you heard that the, that they had already said at the planning commission they would reduce their height to 200 feet. You will see some areas that are shaded differently. On these two plans, but if you actually hold up an aerial photograph, the areas that are not being considered now for height changes, they include already existing buildings, the hotel, the -- one of the pge buildings, and also a, where the electric power station is. In essence, there's really no difference between what's been presented to you before as some type of compromise or something better than what was presented to the planning commission. The other we have heard about the step down, that this more accurately reflects the step down. And 2 you go into the city code now, you see that this step down that they're proposing extends only on, over one block. If you look at the existing zoning maps now, you can see that step down goes over several blocks and is very deep. This is not the step-down that I think was originally proposed by the --

Katz: Thank you. Your time is way off. Way up. Thank you.

*****: Okay.

Katz: Okay. Go ahead.

Anne D. Boutwell: Okay. My name is ann boutwell and I love in the madison tower, 2309 s.w. 1st avenue. When I was a young bride many years ago, president of the women's architectural league, we went about town saying please move to the journal building and harbor drive away from the river, which happened. And then when ivan see was going to tear down the visitors information center, I went to the Portland junior league and they got an engineer and said, hey, this

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building did can be saved. it's now the mccall restaurant. And then with Portland beautification association, we reviewed the riverplace to make sure that was okay. All right. Now here we are, 2002, and we have that wonderful street car where people can get on at good sam, pearl district, library, Portland state, they can ride it down to those three lots which in front of stanford's. These. Right here. And the thing is, the waterfront, my niece had a party in the top of the marriott for the 4th of july. I have never seen so many people. And I think those three lots should be made into a public park. And then I wanted to get to your record, being with governor mccall, tromping around town with nancy ryles in 1980s, talking about the sales tax because my father was in the house, bill from wasco county. Okay. And then you are head of the senate.

Katz: The house. The house.

Boutwell: The house. Okay. And I think that that, those lots should be made into a public park to take the overflow from, and people can catch a streetcar all over the city, take it to the park, and I think the park should be named after you. The vera Katz park. [laughter] I really do: You have done a lot for the city.

Katz: You are very kind.

Boutwell: That's it.

Dr. Grant B. Hughes: Mayor Katz, members of the council, my name is dr. Grant b. Hughes. I am a retired psychiatrist. I have been before you before. And I first I would like to express my appreciation for the fact that I am a citizen of this country and that I can have an opportunity to express an opinion without being intimidated by some unknown influence or force. Obviously, I bring a different viewpoint to the plans that are proposed to the zoning commission. I am a psychiatrist, as I noted, and my perspective doesn't focus so much on the buildings, but it focuses more on what the buildings would have by way of effect upon the citizenry. I know that people do feel crowded when they are placed in crowded places. They need elbow room to move. They need to look at beautiful things. And when the river is as it is and it's preserved, one picture is worth a thousand words, as has been said. Now, I appreciate the political aspects of this case because if you go one way, you're damned and if you go the other way you're damned so it's very difficult. Interestingly enough I thought maybe they would intrude upon you, mayor, and tempt you to put your name on a park. So in any event, I am opposed to high-rise buildings on the river. We have only one river in this city, and I believe it belongs to the people. And as I mentioned before, I speak not only for myself, with few years left but I speak mainly for those who are unborn and come after me. There's nothing quite so exciting and as enjoyable as being able to walk in the open spaces of mccall park. Absolutely nothing. And it should -- the greenway should be continued and there are many locations where high-rise buildings can be put up. And for once, I would like to believe that the sign of a dollar doesn't buy the permission for those who are going to profit by high-rise buildings to be given the opportunity to do so. I appreciate your listening and hearing my viewpoint, and I might add that since I have been here before, I have been approached by many citizens who have respected my viewpoint and basically supported them, that we need open space and we need to consider the mental health and welfare of the people as well as their physical well-being. Thank you.

Katz: Thank you.

Linda Arnold: Hello. I am linda arnold. I am a resident at 2211 s.w. 1st avenue. I am a newcomber to Portland. I have never been here before so this is a new experience for me. My husband and I are very excited about returning to his hometown only to find that there are some questionable things going on that we really feel like we want to get involved with. We were really excited when we had a job opportunity that brought united states here. and we are, again, very

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pleased to be here. As an architect, I have been very impressed with some of the parklands in the city and the way Portland has grown. It has wonderful buildings, wonderful open spaces. And it's a delightful city to live in. We are enjoying the cultural activities and all of the wonderful things. We are concerned about this proposed project. Some of our concerns are, and my concern particularly, is what appears to be spot zoning. And I think that's something that we need to be very careful about within a city. I heard the pdc share concerns about this project with the north macadam area project. And it seems that tying the two together is really questionable,

because they are so physically separated by the marquam bridge. And I don't understand the connection of the two. I feel like we have moved to a city of the future, truly, and would like to see it continue that way and not become a short-sighted city in the planning. Those right concerns that I wanted to share with you today. Thank you very much for your time.

Katz: Thank you.

Donna Drummond: Good afternoon. Mayor Katz, commissioners, I am donna drummond. I live at 2221 s.w. 1st but don't hold that against me. I look to the west. I'm not protecting a view but I am trying to protect our river for us. My purpose is to address the only rationale provided by the developer, homer williams, and the pdc to justify this height increase from 150 feet to 200 feet. Remember that it is currently zoned 150 and, of course, remember that the planning commission unanimously rejected this height increase which you have heard many times but I will say it again.

Excuse me. On a 2200 by 200-foot other lot, a 20-story building that is 100 foot by 100-foot footprint. That yields the four to one floor area ratio. You have a 150 floor area ratio. You are only gaining 8.5 feet. I don't think this is a public access issue. I think it's a developer perk. We are not providing that much difference space. They are, the developer would be getting a 33% high increase. would be providing to the city and the citizenry approximately 17% more open space, public access, calm it what you will. I think it's a pretty good deal in that regard. A point has been made about site lines and this brings up the problem that we have of access to information. We were shown a building that went running north and south. We are now showing a building that runs east and west. View corridors are impacted by that. Certainly less in the building does run east and west rather than north and south. What we really would like to see is protection of the river. Can we afford to protect the river? Can we do it? Who knows? Thank you very much.

Jerry Greenfield: I'll jerry greenfield. My permanent address is p.o. Box 3093, richland, Washington. You might wonder what a foreigner is doing in Portland. It I love this place. It's a great place to come. I bought a condominium at 2221 s.w. 1st street here in Portland. Because it's such a great place to come to. And we have been coming here for years and somebody suggested that I ought to own the hotel room that I kept renting. So i'm here. And the key to Portland's success is really quality of life. I'm really a permanent tourist. You have the features that attract immediate here were the arts, the downtown is accessible on foot. The neighborhoods and the river shore are beautiful. I heard mayor Katz just the other day say that she wants to attract more business to the community. Well, these companies want communities with a vibrant quality of life so they can attract permanent employees that are high quality. But the things is that people are attracted primarily to your river shore. I'm also the mayor pro-tem of richland.

Katz: You have my sympathies.

Greenfield: You know? They say, don't mess up our river shore. We want the open space. And I talk to people in Portland and they are saying the same thing to me as citizens in richland tell me.

they're attracted to the open space, the fresh air and activities that occur on the river shore. Don't rick the river shore with tall buildings that eliminate that open space that bring people here. Once

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it's gone, it's gone forever and you don't have a chance to go back and change it. I hope you will keep that in mind. Thank you.

Robert Perkins: I'm robert perkins. I live at 2309 s.w. 1st here in Portland. I know in testimony vancouver has been often held up as an example of 45 Portland can look like, skyline of some tall slender buildings looking to other cities for ideas is certainly good. But Portland is not vancouver. The mountain drop, back drop behind the tall buildings in vancouver is at least 5,000 feet. And we certainly don't have that back drop from the west side. The body of water in front of the tall buildings is much larger in vancouver. It is not a narrow river. The stretch of land between the water and mountains and vancouver is much wider than the stretch of land between the willamette and the west hills. The distance from the water to the buildings in vancouver is greater than proposed for north macadam. A scale that it is appropriated for vancouver is not appropriate for Portland. Thank you.

Harry Turtledove: I'm harry turtledove. I live at 2221 s.w. 1st avenue. I do not have a view of the property in question, just for the record. It's been many years since I testified before this body. None of you were members of it at that time and I thought I was done with this for life. So what brings me here today? Basically i'm here because i'm offended. I'm offended by the process to which commissioner Francesconi briefly referred, and I would be happy to discuss that at another time and another place. It's been appalling. Beyond that I am offended by the intellectual level or lack thereof that attends this whole question. The issue is whether a building, well, there are two issues. But the first issue is moot. That is why shouldn't this be given its highest and best use as a park? Portland development commission presumably doesn't have the means and it certainly doesn't have the will to do anything on this ground so that's out. So now the issue becomes whether a building of 150 feet, which is the level prescribed by the code, or the zoning code, which is the product many years of effort, as you know, and planning, that's not in question. Building of 150 feet can go up there whether it should or shouldn't is another matter. That it can go up. And you are being asked to raise this to 200 feet. Just for this one structure. A considerable vacation. What are the reasons given for that? It has to be in the public interest. That's your issue, the public interest. And what is the public interest we are told? We have been given the same arguments of themes and variations. Each time you have heard it this afternoon. One is vancouver, b.c. This gentleman has dealt with that. I'm not going to go on with that. That's the issue or argument you have heard, vancouver, b.c. And the second argument is height provides greater flexibility to the developer, and greater public space. You don't have to be an atomic scientist to know given the same square footage, the higher you go up, the smaller the footprint becomes. More space is left around. But there are constraints as you go up. There are economic constraints. That's a problem for the developer and there is societal constraints. That's a problem for you people. And so societal constraints are that we are putting something out of scale for the code and for which we have given no reason, no reason whatsoever to go up. Not one specific reason has been given. We have been given the notion of flexibility. But the original notion that was dropped just at the, as the planning commission meeting began, was for 225 feet. And the sudden announcements we really want 200 feet. Going from 225 to 220 decreases the flexibility the developer would have and increased the amount of public space.

Francesconi: Because you were direct, I want to be direct back. On the issue of process, I have already expressed and I don't like the process. On the issue of substance, there's the issue of the height which you have very legitimate concerns, which you addressed. On the issue of park, I have heard this now from a lot of people. Sir, I have -- there are neighborhoods in Portland that there is no park within five miles of them. They have no park anywhere nearby. The idea that we are

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going to take tac resources from other neighborhoods to build parks and maintain parks right here when you have south waterfront and you have the river, that is not going to happen. so let's forget about the focus on the height.

Turtledove: Perhaps I didn't make myself clear. I felt that a park would be the highest and best use. I don't consider it a possibility at this time.

Katz: Thank you.

Francesconi: Okay.

Katz: Thanks. Let's continue.

John Carroll: Good afternoon. I'm John Carroll. Thank you for the opportunity to talk with you this afternoon. I am probably the dissenting voice in the conversation this afternoon. But I will talk clearly and loud, if I may. We are talking about completing a vision that maybe goes back 15 years for me as I chaired the Johns Landing development study and as we look north to the north macadam. We thought that is so far out, it is something we don't even have to deal with. It's curious that I am now sitting at the table talking about the plan for the future. As is always the case in vision you have a problem with details. How do you execute the vision? How do you do what I think Governor McCall at the time was trying to do? Which was focus our attention on developing areas that can support it. Shortstop the spread into our farmlands and into our urban -- excuse me -- your suburban areas. My professional life and my personal involvement has been in support of those very objectives of Governor McCall at the time and my involvement in the process is to get that vision to a real point, has been ongoing for the last 20 years of my professional life. Very quickly I previously shared that I thought the plan that we served up to the development commission previously was a bad plan. The footprint is one building at 100 by 160 feet or 16,000 feet and another building footprint at 100 times 212 feet or 21,200 feet. What we are proposing is an 18,000,7 hundred foot footprint. Open park space we see connecting to the park system that exists today. We have unofficially called our project the good afternoon denies the riverplace for a very specific reason because we have added so much to the park system

down there that exists, access to the building through another open garden space we see the public space as much, much wider, wider open than they would be if we built that two building scheme that had two buildings that connected in effectively about 320 feet of impervious surface that the riverplace, the Trammell Crow product would be looking into. 125 to 150 foot building when you are standing up next to it doesn't feel much different than a 200-foot building but if I can get a smaller floor plate and get more space, increase the size of the park, which has been a very important issue that has been continued to be raised, I want to keep doing that. As far as shadows, setting 200 foot building back off the property line approximately 140 feet creates less of a shadow

line than 1250 foot building that's 12 feet from the property lined adjacent to the property. I can only tell you one quick story and I know my time is out. I was involved in the process in Johns Landing when the river forum project came up in the design review process. Jeannie was here today. She would maybe nod her head. What happened, they -- there was a request to go up to an eight-story building, a single building, rejected unanimously by the planning commission and the neighborhood association and so they built what was allowed. Two buildings, five stories, blocked 100% of the view, 100% of the view from the river to the river from north macadam, it met code. It did not meet the vision for access people visually to the river. this is another property that has that same opportunity.

Katz: Thank you.

Bernice Johnston: Good afternoon. My name is Bernice Johnston. I live here in Portland. I have lived here since 1976. Mr. Francesconi, I met you when you were down dedicating the little park

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of peace down there at riverplace. And mayor Katz, I met you when I was part of a fund raising for you when we went out on the boat and looked at Portland from the city, from the crystal dolphin. And I heard from you and I heard from you about the promise of Portland. And I guess I would say to the rest of you, what is the promise you are making to Portland? What legacy you want to leave? Do you want to leave a legacy of sky scapers for the rich? Believe me, this is a sky scraper when it will overshadow and be taller than the marquam bridge, and twice as tall as the two buildings that exist down there. We are talking about a sky scraper and we are not talking about just one and a small hotel. We are talking about several pieces of property down there. We have also heard about foot prints. We have heard about zoning. We also know, and the with apology to you, mr. Francesconi, if it can be changed to go up, I don't know why it can't be changed to go down to park. The legacy that you leave, you can right now we are spending -- somebody is spending thousands and thousands and thousands of dollars to look at the park, the north park blocks. Somebody, 100 years ago, my grandfather, your grandfather, our forebears, broke the promise to Portland of that park and put high rises. At that time they are high rises and now you are suggesting we do the same at riverplace or somebody suggesting to you. You have not made your decision yet. I hope. What will our grandchildren, our great-grandchildren be look back and you and saying what on earth was going through their minds when they paved over paradise to put up a parking lot? Skyscrapers for the rich, playground for the powerful. That is what you want to be known for? I ask you this buy about your legacy. This is halloween. This is very scary to me about what we see is happening. I know it's got to be scary for you about having to make this decision.

Katz: Let me ask you. You think the pearl district and the river district is scary?

Johnston: What I am hearing about the pearl district, is that people are already complaining about the unwashed and the unclean and the poor going in to use that park. Guess what's going to happen down there? I think it's going to be the same thing. I think it's less scary than it is there than when we destroy our waterfront.

Katz: Thank you.

Amanda Fritz: I'm amanda fritz. I'm speak go just for myself. I want to point out the parallel of this question and the subdivision appeal that you heard yesterday. it's precisely the same question. We have a city policy, a city bureau is not implementing and the policy in question is the central city plan district. This area is not in the north macadam plan district. It is in the central city plan district. The central city plan district has clearly says there needs to be a step-down to the river. This doesn't have a step-down. It does its individual piece but behind it the zoning would still be 150 feet so it would be a step up to the river. It's clearly doesn't comply with the central city plan district policy. The planning commission considered changing the central city plan district policy as part of north macadam plan, and as the transmittal letter says to you decided not to do that. If you want to change, if you want to allow this height increase, you have to change the central city plan district policy. And you have to notice it to everybody who's in the central city plan district. Secondly, the whole idea in north macadam was for the increased height being allowed in exchange for the extra green way. I like the other folks here have not seen the latest proposal but the previous one only had a 40-foot buffer between that top of bank and the building. I believe in north macadam, I wasn't able to stay for yesterday's hearing but it was my understanding that we were going to have a 75-foot minimum green way and more would be given if you -- you could go higher if you gave more green way. This is not what's being proposaed here. And I can answer any questions if you have any.

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Katz: I do want -- I don't want to get into a discussion because there are a lot of other people testifying. But what John described -- I understand your concern with the central issue. I understand. And that's the process issue. When John described you can meet code and have a disaster on your hand as opposed to be flexible with the code and allow something that may work a lot better, what's your position on that?

Fritz: If this doesn't work for this particular project, and if PDC and Homer Williams, who are some of the best developers in our city, if they can't make it work under the present code then we have a lot bigger problem than just this site and we need to amend the central city plan. It's not fair to the other developers who might want to do a similar thing. If it doesn't work then it doesn't work and we need to fix it but we shouldn't fix it piecemeal.

Katz: That's -- that is a question but I'm just, you know, there are a lot of things that we learn since the central city plan went into effect. And things are, some things are working and some things aren't working.

Fritz: If you look -- if you look at the diagram it's not convinced it's going to be that much better. The other concern I have under the north macadam proposal, the 69 commission would be the final people who would hear about this. They don't have anybody on their commission who is an expert in green way issues on the biological and --

Katz: There may be. There's an opening.

Fritz: That would be nice. That's a great concern to me personally that that is -- those final decisions are assigned to folks who have said that they wanted to be more urban.

Sten: I mean, I guess there's a lot of issues around this but I guess where I am confused from your testimony is that I read the proposal to be giving 75 feet at the bank now and to move the next 120 feet down from 150 or down from 150 to 75, and then up to 200 so that feels like a

lot more of a step down than you go to 200 to get to it than it would be to have 1250 starting 75 feet from the bank on back. Do you view that?

Fritz: I certainly seen the proposal and I do think the record should be kept. I would like to request the record be kept open so people can have a look at. It's not a step down from behind. It's 150 feet behind those folks. The north macadam plan

Sten: What you mean by behind?

Fritz: The condominium that many of these folks are from would still be at 150 so you have the nice step down that apparently is where the zoning code is and then you go up and down again.

Sten: Okay. Step-down all the way to the river.

Fritz: It's not a step-down from the natural break of, like north macadam, there's a step-down all the way from I-5, from the boundary of the district. It's real high at the back and then it steps down to the front. In particular place because we haven't looked at the whole area, we don't even know beyond these good folks who are just right behind, we know they will be lower but we don't know what's further back and what's appropriate in that.

Sten: Okay. So this offers much more of a step-down as you are standing at the bank but not so much of one if you are looking beyond the building in the back is what you are saying? I'm trying to understand. I'm not trying to push you.

Fritz: I'm just saying it doesn't comply with the central city plan district policy.

Sten: Yeah. Because the code only allows 150 feet, 75 from the river.

Fritz: Right.

Sten: Right now. Okay.

Fritz: And I didn't hear -- well, I did hear some but folks aren't complaining about the building at the current zoning.

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Sten: I actually -- I think they are. I don't think there's anyone in this room other than you that would be happy with 150 feet. I am not saying you would be but I don't think the people who are against the 200 foot back for what the current zoning would allow but maybe I am reading people wrong.

Fritz: I have to certainly heard the threats that something ugly would be built. And again I think that it's possible to build not ugly building under the current zoning and the current height limits.

Sten: I'm just -- I don't know that it's -- move along but I don't think if that's an either/or question but clearly you can build 150 for the now within 75 feet of the bank under this proposal, you would be 200 feet back from the bank before you could get above 75 feet and to me that is maybe not the only choices but significantly better from a green way standpoint.

Fritz*: Vin seen the proposals.

Katz: Okay.

Sten: That's a problem. Anybody else would like to.

Katz: Anyone else like to address us? All right, ladies and gentlemen. come on up. I wanted to wait until commission -- come on up but will wait until commissioner Francesconi comes back.

Katz: Mr. Brown? Don't leave these poor people sitting there alone.

Katz: Did you want to respond to those issues first? Or start with the consent agenda items from yesterday?

*******:** I think what we would like to do is finish this issue off. So we know what to do for next week and then move.

*******:** I can review the consent items because there's some things we think the way correctly characterize this consenting, some or things that we didn't hear any testimony on that we can move over to consent and we can review.

Katz: The question that I had is let's take care of this issue first. And hear from the council. And then move on.

Sten: Can you just refresh me on the process? The planning commission is not had a chance to look at the current proposal?

Kelley: There were revisions made to the amendment request from the development commission since the planning commission took action. It has a -- we clarified what the setback would be from top's of bank which at the time they looked at it was about 40 feet. That has been moved to 75 foot minimum. It's also clear as was presented to them at that time that the average set-back is in excess of 100 feet.

Katz: Let me just clarify. I think in addition to the height that was a very important issue to them as well.

Sten: I haven't --

Kelley: The commission was very concerned as amanda fritz said about the stair step approach. And this proposal either amends the request or clarifies the request to show it would step down. There's, in fact, that on the drawing marie showed you earlier there's a big notch now above 75 feet that comes out of the development envelope next to the green way. So it has a more dramatic, more recognizable step-down from even with the existing height does. It does go up to 200 at the back, and I think the testimony you heard at the very end was that going back further inland from that when you get up to harrison street, for example, I think there's a pocket of height that's 150 so it undo you lates a little bit. we didn't take this height request all wait back up as we did with the north macadam area. We looked at it east ward or river-ward from the main street which in this case would be front avenue. So we didn't go back east of front avenue. The slope also climbs there

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so the 150-foot limit there at its back edge probably approaches the 200-foot height here. So as opposed to the north macadam terrain, which is relatively flat until you hit macadam avenue.

Sten: It would be nice they voted on the proposal we are voting on.

Kelley: They voted on a proposal. It has been revised since. I think to take at least two of their concerns into account.

Sten: And then I guess -- I guess, gil, here's my question. I mean, you know, the best argument against this is essentially that whether people like it or not the zoning is 150 feet and they knew that you can have buildings that height. That's the best argument to go against this. The best argument for it you will get better green way and a little more pleasant having the shorter building in front. In the trade for allowing the taller building in back and the building in front is half as tall as it can go and the building in back is a a third taller. It's esthetics. One of the things it to push on a little bit on and see what you say is that when I look at the green way design that we are both mandating and aspiring to on the other side of the bridge, this doesn't reach our aspirations. And it's something that we're involved in. And so i'm a little concerned to, on something the city council is doing, not reach the green way widths in pieces that we are aspiring to get on private land on the other side. Is this the best we can do? If it was a little better I would be happy about pushing this trade on a crowd that doesn't want it.

Kelley: Well, this was a concern of the bureau's and of the commission's at the time it came to the commission when we thought the proposal was at 40 feet from top of bank. It does now feet the minimum pinch point of 75 feet and exceed the minimum of 100 feet on average.

Sten: But we have aspirations.

Kelley: It doesn't hit the aspiration of 150 feet at the yellow arrest spell but I think marie or larry should probably show you the zoning area where I think it does actually approach that number. And I don't know the exact calculation.

Sten: I just feel a lot better about reaching our aspiration as the first project that --

Kelley: I understand.

Sten: Before we try and ask others to aspire to it.

Johnson: Can I -- I just want 20 clarify something. Because we are, I think in some ways we are talking about two different things. One is we are talking about the zone change and the other is we are talking about a development proposal that pdc is currently working on. so the zone change proposal would change again this area to the north to 35 feet. This dimension here is well over 100 feet. I'm sorry I don't have the calculations here but I can probably get some rough. That's over 200 feet here from this corner of the property to the top of bank. And then down in the south there's again another area of 35-foot height being proposed that is much deeper from top of bank than the 100 foot that we have looked for as an average in the north ma dad dam plan. In the central area here, the zoning code would allow height change up to 75 feet for the dotted areas. In some portion of that is closer to top of bank than 75 feet. However, the Portland development commission in working with the developer, has determined that they would be able to build their building within this area so that it is set back 75 feet from top of bank. And if you have questions about how that proposal is likely to develop, I am sure larry can talk to you about that.

Kelley: But, marie, could we calculate the average? Of the depth of that area you just described?

Johnson: We did a calculation of the average from top of bank to the incorrectly mapped 35-foot line and it exceeded the 100 foot setback average.

Sten: You just restated my point.

Kelley: But if you included the two 200 foot depth spaces? That's included in that average?

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Sten: That's, I mean what's -- I mean, I guess from the development commission standpoint, why wouldn't we try and get to the aspirational goals that the council is setting on set-backs and space from bank?

Brown: Well, the -- we believe an average of over 100 feet in this case and an area that's actually been developed with a fairly elaborate and high quality park certainly meets that aspiration. The opinion of all the reviewing bodies that approved the park at the time it was constructed and it's designed, I think what we heard at the time and we have heard from many other organizations around the country, this is, this has won many awards. I think it does not fall short in terms of aspirations. I think that you need to, in order to keep apples and apples, recognize that the development capacity, that is the density and the f.a.r. In this area is being kept at four to one. It is nine to one in north macadam. That provides the ability of a private developer to get far more intense utilization of that land in terms of rents for housing or commercial space than a developer of property in this location. We have more open space, and we will have many of the parts in the city. And we have an existing high-quality park and open space environment that's received awards from around the country. In terms of aspirations I think this is an example of achieving aspirations so far. I don't think it falls short.

Sten: It does fall short of what we are putting it into the north macadam plan as part of this. It's not a matter of if it's good or bad but it's a factual mattered the council is likely to approve an aspirational green way of 150 feet in the north macadam district. What you are asking us to include this in.

Kelley: I think one condition here, and I am not arguing with the premise, I think the conditions here are somewhat different in the sense that the streets are already not only laid out but built, and that the two closest buildings have already been constructed. So this is essentially dealing with the more of an in-fill situation since that area has been developed, unlike the area south of the bridge. But you are right, we haven't been able to achieve the full aspiration. what we have done in the interim is to push the requester to at least meet the minimum thresholds that you have set for the other district. I understand your public investment question, and us leading first.

Sten: What's the timing of this proposed development, larry?

Brown: Our current development team is waiting the outcome of this regulatory process to move forward with their design torque to design commission which is the next step in their process leading to construction.

Sten: Does that mean is it funded and will be constructed?

Brown: We have an existing agreement in place with the purchaser of the property, to move forward with all the public agreements this site will provide as well as the building. they have said they want to, they wanted to see the outcome of the process we are currently in. Whether or not they can design for a single building or not before they move forward. They are ready to go.

Katz: Do we have examples of what this would look like under the amended code versus those of the design? And if we don't change the height, what they're proposing?

Brown: We do have an illustration. It's before you here of an example of the kind of building that could be designed in terms of slenderness.

Katz: Right.

Brown: We don't have an example to show you today of the prior design that john carroll spoke of that had two larger buildings at lower heights on the same site. we don't have that with us.

Katz: And let me just ask, what would happen if the council doesn't make this change?

Brown: Our developers have not told us what their plans would be. I wish I could tell you.

Katz: Okay.

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Brown: We would hope and encourage them to move ahead with an alternate design but we don't have an assurance that's the case.

Katz: Okay.

Saltzman: On the topic of the buildings, we have a development agreement? Pdc, with --

Brown: Yes. We do with the developers of the site.

Saltzman: And do those agreements require these buildings to meet the green building certification?

Brown: I'm sorry. that's commission policy.

Katz: Remember we adopted that as policy on the pdc.

Saltzman: I know. I feel better know it's in the agreement, too.

Brown: I believe it's in the agreement. It's 50 pages. You know as well as we know that it is commission, policy, we meet green building certification for buildings of this type.

Saltzman: I would appreciate you could confirm that.

Katz: Further questions? Okay. Thank you. All right. Let me just for the audience who is not familiar with our process. This is not an emergency, and by code, if we have a nonemergency items, any amendments have to wait another week before the council will act. So we're not going to be acting --

Johnson: You will complete your formal deliberations on the north macadam plan next week so today you will be giving us initial directions on your suggestions on how the recommended plan and this accompanying element should be amended.

Katz: Amended.

Katz: Okay. Marie, start.

Johnson: So we are looking for you to make your initial, have your deliberations and give us initial decision on these items and then we will come back. We will complete the amendments to the document and then you will make your vote next week so we were hoping for a first round of decisions on this item at this point.

Katz: Okay. So if you look at your sheet, the decision is to approve staff amendment, deny staff amendment, modify staff amendment. What's the sense of the council on this one?

Saltzman: This is north macadam?

Katz: Item 17.

Saltzman: My inclination nation is to deny the staff amendment.

Katz: Deny the staff amendment?

Saltzman: Yes.

Katz: Commissioner Francesconi, commissioner Sten?

Francesconi: Well, the reason i'm struggling is, I don't like the process. We are asking people to embrace change and we do this kind of process. So i'm struggle welcome that versus I think the central city plan policy, I think the planning commission is right on the process. But I also know that if we had follow would the right process these folks wouldn't like it anyway.

*******:** That's not true.

Katz: Let's not have --

Francesconi: Okay. That's fair. I actually appreciate. I'm not --

Katz: We are not going to do that.

Francesconi: You know, I have overstated that point and I withdraw that comment. And I appreciate the direct feedback. Some people wouldn't appreciate it anyway. But not everyone thinks my statement was too broad. So then I am struggling with that versus what's the right thing for this district in the future? I do think we have to look at, it is our obligation to look the Portland's

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promise. And I think that word was used here. And, you know, i'm not sure that -- I don't think that two buildings, keeping the current code, where the greenway doesn't get as much protection as under this, and then having two buildings sitting there I don't think that helps us fulfill Portland's promise. So on the substance, I actually think that the amendment is correct. On the process, I think the process is wrong so that's why i'm struggling. I really want to tell folks that as we move forward to develop the city, we have to be following the right process. so that we can move people along like was just done with me. So that they can feel that they're a part of this. And that's why i'm struggling. I'm going to, though, after think become this for a very long time, i'm going to go with the staff's amendment.

Katz: Commissioner Sten?

Saltzman: -- I don't want to -- i'm open to make a decision. I am very close on it. I think that scheme of a shorter building 75 feet back from the river with a taller building is better than the 250 foot buildings that's proposed now. I don't think that pdc has gotten as far as they can on the green way and I would be really like to let the planning commission take a look at the actual plan. I don't know if that's an unreasonable request. so i'm close. I know it's going to go through design review so i'm looking for council discussion on it if we have sometimes the council can come up with some options other than amend, approve or deny. And I wish I had a motion but I am prepared to vote if people want to call a vote but I would like a little discussion on the coin if we can come up with another step in this thing to try to get it just a little more right which would maybe me happier.

Kelley: I'm not sure whether the planning commission --

Katz: The question is, does the planning commission --

Kelley: I don't know that one way or the other. The commission would have to contain its discussion to the zoning and the zoning envelopes, not to decisions on the project. the buildings per se. Quasi judicial subsequent action this would would be the design purview so they could advise you on the larger questions of the step-down and set backs and so forth they couldn't really determine what a site plan would be or any particular building would look like. I wanted to clarify that point. So if that would be helpful, we could entertain taking it back there.

Katz: To look at --.

Sten: I don't know that would do anything.

Kelley: An alternative you can where q-the development commission to, and the project applicants too look at some other configuration or additional set backs or some other way of trying to reach the 150-foot aspiration. You know, we certainly had some of those conversations, and I -- but then again we are not the applicant here. That would be an alternative root. Or you could just decide.

Katz: Well, my feeling is very close to commissioner Francesconi's and the process. But I winced more than once about some of knees design elements because of the code. And we've learned that if we make those kind of adjustments we get a better design than and a better city. So if I had to vote today on this item, my recommendation would be approval of this staff amendment. So that leaves we're 2-2. It fails. So it's either you make the final decision or I make the final decision or each one of us. It's a funny numbers game, unfortunately.

Kelley: Unless you were to change your direction on the request should be. I think the request rolls over to next week.

Katz: Unless we can come up with something that would make all of us feel a little bit more satisfied with the outcome. But quite frankly, you and I talked about it, and we wrestled about the set-back and we got much more than what the planning commission saw. We wrestled about the height of the building. And I don't know what else we can do. Unless we, unless we have a

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conversation with the development commission and the developers to see if they can come up with something that looks fairly interesting and still meets the desire of set-backs and design. I have not had, you know, since we've talked about this, trying to come up with something a little bit more meaningful where we go from here.

Kelley: We can give that some more thought in the next week.

Katz: So you want to kind of delay this until -- we can do that. Just a minute. Does that make life any easier?

Sten: Yeah. You know, given the choice of concurrent zoning configuration and this zoning configuration I think the staff zoning configuration is better than what we have now. I just think we are asking people to swallow a lot and I don't think we have pushed as far as we can push. I know this isn't going to come through -- it's got to go through design commission so I would like people to give some thought on it for a week.

Katz: Okay.

Sten: That's where I am now. I'm going to think about it.

Katz: Here are the directions. You have got another week. To take a look at it and see if there's any other possible solution. If there is one, then we will have the public testify on that amendment, if that's something that the council would like to hear. If not, unless the council changes their mind, you have got the staff approval of the staff amendment as far as today goes. You understand?

Kelley: The default amendment. If we come up with another we will let you know.

Katz: Right. right. All right. Let's get to the consent -- okay. I need all --

*******:** I'm not going anywhere.

Katz: Let's get the consent items. Go ahead.

Johnson: I would like to review the consent list because it's changed since the materials I provided to you earlier in the week. Based on testimony from yesterday. We're retaining on our take on the consent list is item number three, require building lines. We are calling for adding item number 4, special, reducing special building heights along east-west streets, adding item number 6, delete the trail fund regulations. Retaining item number 7 on fences and walls in the green way. Retaining item number 8, north macadam green way review on landscaping flexibility. Removing or moving item number 9, north macadam green way review in water work to a nonconsent item. Retaining item number 12, timing, I think timing of bonuses. Retain that as a consent item. Retain item number 13 on trail standards as a consent item. Retain item number 13, site versus ownership. Move item number 15 on parks to -- excuse me. This is action item on stc. Move that to nonconsent. Retain item number 16 on housing. Action item lu-8 as a consent item. And then retain 18, 19, and 20 as consents and move 21 and 22 to nonconsent.

Katz: All right. And you all have all of these items? So you should know what marie is references. Does anybody have any problems with that? Before we move to the nonconsent.

Johnson: I had some additional consent items raised yesterday I would like to describe to you.

Katz: Okay. Why don't you go ahead and do that and we will get to a sense of where we are going on these items.

Johnson: Okay. The first consent item --

Katz: Those people, are they still in the park? Yeah. For those of you who are going out, we have a little activity in the terry shrunk park. Don't get frightened. But take just be bear of it.

Johnson: The first item we would like to add to the consent agenda from yesterday's hearings and deliberations was an item requested by commissioner Sten to add language in the plan and the

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action items that identifies that the affordable housing aspiration for the district, that there should be another figure for affordable housing aspiration, should additional funding become available.

Sten: I think, I would like it if we were just quantify what it would look like using the comp planar gets but clearly say the reason we are going for the lower targets is, you know, that's what realistic.

Johnson: So it should reflect the comprehensive plan?

Sten: I have had questions come to me why are we going for the comp plan requirements? Saying there's a good reason for it because we're not going for it because it's not going to happen and it's a goal very ambitious to get but I think it would be good to detail that.

Kelley: I was interpreting your comments yesterday to not mean that was a cap either.

Sten: Right.

Kelley: Realistic expectation might be exceeded if things work better.

Johnson: Okay. The second item --

Katz: This is on page 2?

Johnson: On page 2. Delete the second bullet point under the code reference indicated. It's 335.10200 c-2 to allow more flexible use of four area ratios transferred from dedicated green way.

this was a request from the north macadam investors, river campus investors. This is a provision to simplify administration of the green way bonus provisions. The third item is add private as an implementer for action item mn-9 which deals with the trail fund. And this was requested by steve shane. There's an item to add an additional photograph for the willamette park, of willamette park to serve as an example for design guideline number, freeway -- green way guideline number 4 requested by mike houck. There's an item to change the legend to identify park locations as proposed rather than designated requested by steve shane. There's a request to define top of bank, which is requested by jeannie galic. I want to point out to you that the north macadam resolution includes a directive to office of transportation to survey top of bank and to have bureau planning initiate a future code amendment to incorporated that map into the zoning code so this is already a provision of our proposal before you. And then the final item that we are suggesting for consent is to change the location of the neighborhood park as indicated on the green way and parks concept of the north macadam plan and this is a request that came from the parks bureau.

Katz: Okay. These consent items, council feel comfortable to act on them in one full swoop?

Sten: Yes.

Katz: All right. Then you have a unanimous vote on those items. By the way, marie, you have laid this out beautifully.

Johnson: I like to give credit to the staff who worked on this. They did a good job.

Katz: Who's the staff? Raise your hands. Thank you.

Johnson: Okay. The first nonconsent item is under the topic of green way and parks. This has to do with north macadam green way review. Staff had recommended setting a threshold in which in water work would count towards this code provision. It's going to take me a minute, I am sorry, to find the reference in the code. It would would mood fi the set back reduction in exchange for in water work so this is if people were going to including the discretionary review process for green way set back, we would worked with bureau of environmental services and -- excuse me -- bureau of development services and our environmental planning staff to come up with this threshhold.

You received testimony yesterday on, there. Concern that setting a dollar amount and the dollar amount being \$700 was not appropriate. Is council settled on this item before making a decision?

Katz: What are you recommended?

Johnson: We are recommending some support the staff amendment as written.

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Katz: Okay. Council supports staff amendment. Okay.

Johnson: I had -- I have an error in here. item 21 was included in the consented item so we can skip over that. Amend 22, this is the narrative within the plan that describes the parks and green way concept. There was a request to at the hearing earlier in October to modify the description to call for an aspiration of 150-foot average green way set-back instead of before it just said 150 foot green way set back. Up to 150 foot green way set back. So you had testimony asking for this change. Staff supported it. You had testimony saying the word "average" was not appropriate. We continue to suggest that you keep the word "average" in there.

Katz: Okay. Go ahead.

Saltzman: I guess a need a better -- sounds like a relatively significant change and I need to understand what -- is it a significant change?

Johnson: This is a nonbinding part of the plan that sets out what the public's aspiration -- what the city's aspiration is so this is part of a narrative --

Francesconi: Public or private? Excuse me for interrupting. From the private folks or does this include the city purchase of land in order to reach the aspirational goal?

Kelley: The code that you have given us direction on would require 100 foot minimum average set back or private parties. It also has incentives to get greater than that so this would simply say the aspiration through any number of means would you can said 100 feet.
it could be through acquisition.

Francesconi: The reason for my question is similar to commissioner Sten's concern on housing. We are going to set hope and an expectation with this that we cannot deliver on unless we have some public money as well. To get to 150 is going to require public money. And I think that may be commissioner Saltzman, something behind your concern. So we have to be here clear.

Saltzman: He guess part of concern is it sounds like 150 foot aspirational. Sounds like a major departure unless I have missing something. That's different than everything we have been saying up to now so that makes me think this is a significant change.

Kelley: I think we have said the 150 has been our aspiration all along. The average question.

Saltzman: It's that average.

Kelley: My understanding is that this is meant to avoid the notion that it has to be a continuous 150 foot even line band and could be achieved by undulating in and out so it could be greater than 150 in places and less. It would observe the code mince --

Saltzman: By site? The average would be --

Kelley: This speaks to the entire district.

Johnson: If you like it might be good to read the passage and how staff is process pock it be amend. As it's written aspiration for the greenway included width of up to 150 feet to accommodate a range of functions described above. a number of tools have been identified to achieve a wider group way based on the base average width of 100 feet called for in the zoning code. Selected approaches and it goes on to talk about that. But the proposed revision would say, aspirations for the green way include an average width of 150 feet. So one of the, one of the things to consider here is that when we set our aspiration it also is something we are going to be describing to funding sources in the future, too. Being clear on what we are trying to achieve could be use for us in that effort.

Kelley: This avoids the two extremes you might interpret from the sentence without the word, which is on the one hand I just described that it's a dead-even 150 feet no variation and on the other extreme, that it only means 150 feet at one point and that's good enough and everything else can be less. We want to achieve an average of 150 through the district and that's our aspiration. So we

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would have to apply a variety of incentives and tools to get from 100 foot average which is the code minimum to 150.

Katz: Let me clarify. You can have 75 and then you can have 200?

*****: Yeah.

Francesconi: Can you read the sentence to me one more time?

Johnson: Which version would you like me to read?

Francesconi: Both.

Johnson: Aspirations for the group way include width of up to 150 feet to accommodate a range of functions described above and then it goes on to describe the tools to achieve that.

Francesconi: What are the -- the tools include public --

Johnson: Zoning code would achieve a base average width of 100 feet. Excuse me. And then select audit approaches will be tailored to each property owner's needs utilizing a variety of tools and then I am sorry I don't have the full reference here but you can pull it out of the document if you would like.

Francesconi: Then what's the next version?

Johnson: Aspiration force the green way include width in average width of 150 feet to accommodate a range of functions described above.

Francesconi: And then it says tools again below?

Johnson: Right.

Francesconi: That's a substantial change. you know, when we get these kind of things it would be nice to have the writing in front of us but that's a substantial change. I'm okay with the substantial change if you make it clear that it's the public and private sources.

Johnson: Yes. And that is described in this passage. And it's on page 16 of your amendments report, the language I just read.

Francesconi: We're raising expecting expectations here. You should think about what we want to do.

Sten: That's been an expectation since day one. That's not a new --

Kelley: I think this has been the expectation all along. I think this is actually just clarifying what that expectation is in my read of it. this is not a new bar from our previous discussions. It's clarifying it. Council? You feel fine?

Francesconi: I just want what I said added or make sure it's there.

Katz: That the --

*****: Addresses both public and private mechanisms.

Katz: Okay. I think there's consented on the council to adopt the staff amendment on that item.

*****: All right.

Katz: Let's get on. 10.

Johnson: Okay. Amendment 10 calls for amending the river parkway alignment as shown in the transportation concept and moving the boundary between the floor area ratio areas to reflect the new refer parkway alignment. I believe you heard testimony yesterday in support of this amendment. There's additional information in pages 10 and 11 of your amendments report as well as page 17 and 27.

Katz: Okay. This is the movement the river parkway through the zidell property?

Kelley: Between hooker on the north and gibbs on the south. The clarification here again just going back to your last conversation, too, is that we just want to make sure that, we think this alternative responds to the thrust of what the planning commission wanted and also to what the

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property owner there would like to see in terms of that development parcel nearest the ross island bridge. We want to make sure this alignment, your guide dance includes this, allow us to achieve over time. Doesn't guarantee but allows us to achieve that 150-foot green way and that will take private-public partnership work but we want to make sure the road allows for that.

Francesconi: But we had that discussion again. Average means average. So if the road north is 100 feet, green way is 200 feet then the road is 100 feet? It's not going to be gift feet of unused or some amendment process --

Kelley: There's a long stretch of land between the marquam bridge and gibbs street. The road separates the development from the green way at the northernmost part.

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

Kelley: It undulates at some points. then from that point on the road goes inland, and then there is the private, set of private parcels including the aspirational ross island park, a private parcel from what you could achieve up to the 150 foot average and that's all i'm describing there is that we don't have not the opportunity precluded by placing the road here we don't want to clarify we don't want to preclude the possibility of achieving that 150 foot average.

Francesconi: No, no, we don't. But I just want to -- the road is next to the green way.

Kelley: The road is next to the green way up to hooker street. Then you duck in one.

Katz: Remember the diagram?

Francesconi: Whatever size the green way is the roads is next to it until it deviates.

Katz: Until it deviates and then it curves west.

Kelley: Just overall we want to be able to achieve that average over time.

Katz: Okay? Mr. Saltzman? You have got a unanimous approval of that. Street plan flexibility.

Johnson: There's not an amendment with this but this was an issue that council raised yesterday. There was a question about the level of certainty or flexibility in the street plan. Part of the resolution that council will be adopting to implement the north macadam plan will include a directive to office of transportation to work on an update of the street plan to be consistent with the north macadam plan. Our understanding of that process, and I think it would be great if matt could come up to join us, is that that plan would provide parameters for where the streets would be located, it would address issues like street plan principles, which would be used in a development preview process to determine exactly the design in the street and location of the street. And would be looking at design standards for the streets. But I will let matt describe that for you.

Saltzman: Let me just try to clarify. I hear us repeatedly say the east-west streets north of ross island are flexible yet we show maps all coming at very places they are right now. So how that is flexible?

Johnson: North north macadam --

Saltzman: Are those just artistic conceptions?

Johnson: They use planned use, transportation, and parks, green way and parks. The idea is to show what our aspirations are for the district and to give folks a sense of how we see the district developing. We think it's appropriate that the street plan be updated to be consistent with that plan but we have recognized throughout this process that the north-south streets are most critical streets in terms of circulation and circulation through the district and transit facilities and such. In the area 6 the district north of gibbs planning believes that there is flexibility in terms of a location of the east-west streets but we need to show something on the diagrams and we are consistent in what we show on the diagrams. We believe the streets, those streets should be perpendicular

to the river to reinforce the importance of the river but that the exact location of those east-west

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streets could shift and the number of the streets east and west streets could also be greater than what we indicated.

Saltzman: Even though it shows hooker there may not be a hooker or arthur?

Kelley: We would want at least though threes streets. Could their could be an additional street or even two. But those three are three connections are minimum. Just to make the connectivity in the district. But they could slide north and south, but we wouldn't want them to shift alignment.

Saltzman: You want to see at least three east-west streets? They don't necessarily have to be the current alignments?

Kelley: That's exactly right. Welt like streets to have that river orientation. So it's canted.

Katz: Up to a certain point. Particular.

Sten: Nothing's all the way.

Katz: To the river. Milwaukee, we are going to let you talk. Identify yourself on the record.

Francesconi: He needs to talk on the next one.

Matt Brown, Office of Transportation: Matt brown, Portland office of transportation. As we go through the street plan one of the things we will be including in the street plan is a way to approach modifications like, you know, for instance, if you wanted to add an additional east-west street or move those around, there's a process for looking at that. We have to draw lines in the maps somehow and that's, in general, the died guidance we would like to provide. I tell what you those the modification process in general is based on, the street plan principles which include minimum and maximum spacing between streets. So there's sort of a window, you know, you can move those streets around in. But for the most part you can't have more than 500 feet between intersections and there has to be a pedestrian connection minimum of every 300 feet. So there are some standards in there for how, you know, what the window is to move things around. But there is some flexibility in, you know, a little bit of play there so that they can perhaps fit some kind of development, different development prototypes on the property.

Katz: Why don't you go ahead with the elements of the street plan and time line and we will take further questions. Did you wanted to jump in?

Saltzman: I don't know. We continually talk about this flexibility yet we keep coming back with these rigid things that there can't be more than 5 hub feet between intersections. That seems to me to be a very rigid thing that undercuts this flexibility talk.

Kelley: There are certain things that are set even at the metro level in terms of spacing of streets that we have to abide by and they're in our transportation element of the plan and the comprehensive plan and so forth but within that, as long as you can meet -- those are pretty basic standards, as long as you can meet those basic standards and the additional aspirations that are in north macadam there's still flexibility about how many streets you could have, beyond the minimum, and the relative placement or location of those streets.

Brown: And those standards as well are in place in the current street plan, currently accepted street plan that's been endorsed and accepted by the property owners before as well. So I mean I think people in general are comfortable with the principles that are laid out. We would just like some flexibility so they're not, have toed a here by the exact lines on the map in the northern part of the district.

Saltzman: Part of this drive for the flexibility was the fact some biomedical research facilities may need large blocks, I guess.

Kelley: They're already large at that end of the district but they might have to be adjusted somewhat.

Saltzman: They can occur?

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Brown: Yes, ok and then just a brief update on the items of the street plan.

Katz: Ask time line.

Brown: And a time line for that. Couple years ago we had neared completion for a new set of street standards for the district and as we got involved in this process, put those on hold for a while.

Set them aside, so not only will we be updating the street plan, which will include sort of a location of the streets, the widths of the right of way. The general characteristics of where these streets go, we will also be including a package of design standards that will be applied to the rights of way so

where the paving materials, what are the lighting standards, those kinds of things. We are working with b.e.s. Right now and looking at some of the that was part of the thinking before, how do we incorporate green street ideas into that? Storm water treatment into some of these streets as well?

There's not only the street plan piece but also these standards that will come into play and be part of that package. The time line that we are looking at is fairly short. I think in the resolution that you have before you on this it gives direction us to to return by january with sort of updated street plan that reflects the decisions you make here as well as those street standards for your acceptance.

So that will be then our regulatory tool for the street system and in north macadam.

Francesconi: That's fine. That's good.

Johnson: Did that provide you with the information you need?

Francesconi: Don't go away, matt.

Katz: So the north south street plan update process, elements and time lines we all understand? All right. Let's move on to shared parking.

Francesconi: What we have is a third alternative that combines the first alternatives, first two is what and so matt's done some work on this since yesterday. It's compromise between one of two. But I think we should do. But I can't explain it. So, matt, go ahead.

Brown: Matt brown, office of transportation. let me just try to explain this. It's a lot of numbers that we are dealing with here about parking ratios so I will try to explain plain.

Katz: Before you go, set the goal. What's the goal?

Brown: I will do that. The central goal right now, I think we in general we agree with the idea that a shared parking approach for the district makes a lot of sense. It doesn't make sense to overbuild parking either from an economic standpoint or from a utilization of land standpoint. However, our concern is that in opening up the residential parking to be shared for other uses in specifically for office use in this district, there's the potential that we may overbuild on the office, on the office side, and really our problem with that, our issue is that we do have a constrained system in this district. The office uses tend to be very peak in nature, in terms of the parking, the vehicle trips in and out of the district. So the more office parking that we have over time the more problems we are likely to see in the peak hours in and out of the district. And we went through a pretty lengthy process back in 2000 to look at some transit and parking strategies for the district that establish sort of our baseline parking ratios, with the idea they ratchet down over time as transit service increases in the district. So I think that was all part of the proposal that moved forward to council originally from planning commission. And then the amendment request recently has been, gee, why don't we lower the residential parking ratio but then also make that available for shares parking? And what I point you to are just the three scenarios that are on page two of the memo here. The first essentially is, the planning commission proposal that was forwarded so it did not contemplate shared parking. And that case if you were to look at -- i'm imagining a first phase of development down either in district of a 400,000 square foot office building and if you look at that and look at parking ratios that we have in code that was forwarded, you end up with about 1360

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surface for office, about 850 spaces for residential. A little over 2200 spaces total. Just to point out then that the parking for office 1360 spaces, that's 3.4 per thousand which is where we think we need to be at the beginning of the district. The problem we see in the amendment before you right now is that while you get an overall reduction that's scenario two here, you get an overall reduction by reducing the amount of residential parking that's built here, so it negotiation from 850 spaces to 600 spaces so overall you see a net decrease in the amount of parking that's built. You are also doing is making some amount of that residential available for office use. So you end up increasing perhaps the amount of parking that's available for office use. We don't know what amount is going to be used during any period of the day for office. We really haven't done any studies on that.

let's just assume it's half. You can see then that the net effect that's of the parking that's available for office use, you know, goes up from 1360 spaces, say, to 1660 spaces so you are effectively increasing the ratio there. Probably increasing the number of trips in and out of that district, vehicle trips in and out of the district. What we think needs to be addressed is sorts of that commercial side of the ratios as well as we look at this. We think shared parking may a lot of sense but I think we have to think about that 1360 spaces as sort of the upper limit of what we think we can accommodate more office parking in the district. And really pretty basically what we are suggesting is that we would like to craft a process that looks at all these parking spaces as a whole rather than just allowing the residential parking by right, you know. A lot of this stuff is going to come through a central city parking review, anyway, we would like to look at this as a hole to insure we are not overbuilding one or the other as we go through this. We don't have specific language here for you today but if that concept is acceptable we would like to try to craft something in the next week. It's a complex regulation. I'm not sure we can get there.

Katz: You are talking about --

Brown: The central city parking review.

Katz: No. The crafting that many close to the third scenario that you might --

Brown: Yes. Yes. When you look at that, I mean I think the reduction in space there, if you are 30,000 to space that's \$16 million worth of parking just for that first phase. There's a, it could be a tremendous economic incentive to want to head in that direction as well. But again we don't want to kill in the long term sort of the transportation capacity of this district by overbuilding.

Katz: I think the notion was when we first even talked about it that we wanted to provide the ability for a little bit more of parking until we had the transportation component, we knew where a garage would be. We knew where whatever structures would be set. Right.

Brown: Correct. Correct.

Katz: Does this give us -- you want to come back again, don't you? Is that what you are telling us? Is this like a default on if we like it?

Brown: Exactly.

Saltzman: Sounds good.

Brown: From p-dot's perspective, unless we can get to something's that's sort of close to that third scenario that I described, our preference would be to go back to the planning commission proposal.

If we can't get to scenario three there let's go back to the planning commission proposal, perhaps address this as part, we f-we really want to pursue shared parking we should do it as part of the central city transportation management plan update which we hope to get in the next couple of years but it should probably be part of that larger process.

Katz: Does the council in general agree with the, what the principle that matt just described?

Sten: Looks good.

Francesconi: If you can get there. If not go back to the plan.

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Katz: This is still in formation. Which I don't -- I don't think we are going to be able to complete all of our work next week, which is okay -- is -- we can?

Kelley: We are being optimistic here.

Katz: In concept we agreed on this. Catherine, don't be picky. In concept we have agreed on the council has agreed on the scenario three, fit works, if not, we will go back and rework scenario one.

Johnson: We will come with two options. One will be keeping the planning commission as is and another will be specifically code lining that describes how this should be.

Francesconi: Don't do that. My advice would be not to do that. I think the council spoke. If transportation can actually put this together in a way that works, come with that one. If not, just come with the planning commission.

Johnson: Okay.

Katz: Okay? All right.

Johnson: So the next piece of the agenda is a brief overview of code flexibility and the master plan provisions. There was testimony at yesterday's hearing and at previous hearings about the desire to amend the central city master plan process to allow it to cover a broader range of topics and to be more specifically provide flexibility for north macadam. And stevie greathouse is going to join us to talk about the provisions we have in place and the rationale for keeping things as they are.

Katz: I need -- let's wait. This is an important one. Gil, did you have time to have conversations?

Kelley: I have had some, yes. Not on this issue.

Katz: All right.

Kelley: On the other issues.

Saltzman: What's the protest about?

Katz: Who knows?

Saltzman: We're waiting --.

Sten: We're waiting for you.

Katz: All right, stevie.

Stevie Greathouse, Bureau of Planning: Bureau of planning and I wanted to make a few sort of remarks about the idea of expanding the central city master plan process. And sort of applying it in a different way in north macadam. The council heard testimony on yesterday, I have got one power point slide that sort of gives an overview of my remarks. At first I want to talk a little bit --

Katz: I'm sorry. I asked you a question. All right. This is the master plan discussion. Master plan discussion 6789 we are. This is master plan.

Francesconi: But is the first item?

Saltzman: This is the master plan proposal?

Greathouse: Correct.

Katz: Review staff info. Go ahead.

Greathouse: Here I am with the staff info. The current central city master plan process just so you so, would contin to apply on north macadam. It would allow sites through the city look at broader site level and allow some additional flexibility beyond what would be allowed under the code otherwise. The existing central city master plan allows essentially allows sites to transfer floor area to properties that may or may not be adcy sent to the site. Allows transfer of the required residential area to additional properties and allows a deferral of timing for the required residential area. Just so that council knows that the proposal, the code proposal that is currently before the

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council allows a couple of these things to actually occur with more flexibility in north macadam. And allows them actually by right without going through a central city master plan process. The transfer of floor area would be allowed by right within the north macadam district and the transfer required residential area would also be allowed by right on the north macadam district. In addition, the north macadam plan and zoning code recommendation tends to provide most of the kind of flexibility to look at things on an entire sort of site-wide level. Really to the design review process.

Most of the major projects coming in, in the district are going to be subject to a type iii design review. A lot of the other or any additional reviews require on the site would be handled concurrently with that design review and the city would be able to look at relatively comprehensive way at the site influence the type iii design review process which has a required hearing before the design commission. In addition, the proposal is also calling for looking at the green way as a whole through -- the green way design plan coordination process and also provides the developers with the option to go through the clear and objective standards of the code. All of these sort of processes that have been crafted in the existing proposal are very, have been carefully crafted to

provide the right amount of flexibility and the right amount of certainty to essentially provide sort of the outer parameters and set sort of the city's policy direction on where we want to see this district go. Some of those parameters include through the -- through sort of a discretionary review of the green way, allowing some flexibility to green way set back but only allowing that flexibility to go as narrow as 75 feet and requiring that additional benefits are required in exchange for that reduction. We feel strongly that the proposal, as it currently exists, offers the correct amount of flexibility and offers adequate ways to get there, and also clarifies sort of what the parameters of that flexibility ultimately are and who's very carefully crafted approval criteria to get there because in general, reviewers only as good as the approval criteria. For the review combined with the people reviewing.

Saltzman: What's wrong with the language now possessed by the north macadam development council? Master plan?

Greathouse: We have concerns that the existing language that has been proposed doesn't address all of the sort of myriad approval criteria that we have crafted and that would be applied to these sites through other reviews. And that really the notion of the approach makes a whole lot of sense.

The concept of going in the direction of allowing even more comprehensive look at sites through a central city master plan process, while that makes sense in concept, I would need a lot of additional work to get to the point where the city and I think the citizens would feel comfortable that the approval criteria we're offering enough certainty about outcome on the sites. I don't think we would want as a city to basically return to the overall kind of questions, major policy questions that were decided as part of the legislative process and allow those decisions to take place on a case by case review process without overcited by sort of the citizens of the city as a whole. So that's kind of our major concern. And we really think in order to sort of look to expanding the scope of the central city master plan process, we would need carefully craft you had approval criteria, a correct balance between flexibility and certainty and possibly a central city wide process.

Saltzman: But these process are type iii reviews so wouldn't there be expensive -- extensive financial involvement including council involvement?

Johnson: Part of the art and the craft of doing this is developing the right approval criteria so that council has, before them, really clear idea about what is supposed to be achieved, what the outcome of the master plan ought to be. So that you are clear when something meets those criteria and when they don't. I would think that in that process, in developing this criteria, there would be interest of the parks bureau, office of transportation, bureau of environmental services, planning bureau,

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development services that all need to be considered and developing those approval criteria. And I would imagine there may be interest from the public in also reviewing those as well. So we feel like in the time frame we have, it would be very difficult to develop the kind of criteria that would be subject to the kind revenue view you would want. So that's the struggle we have.

Kelley: It's true they might require, commissioner Saltzman, type iii appeal or review to the council but my fear would be that you could find yourself in a situation much like you about on terminal 1 where you wanted to do something and you didn't have the tools as your disposal to do that because the criteria weren't there so I think this needs to be thought influence and particularly since it would have a central city wide application. It's come up with regard to some properties at the southern end, primarily, of north macadam district. But the changes here would apply throughout the central city.

Saltzman: The way they have proposed it would be just north macadam? They are proposing a north macadam master plan section.

*******:** Yeah. Okay.

Saltzman: I don't know. I-seems to me we are making this more difficult perhaps than it needs to be. This document, all the north macadam documents notice world have all sorts of policy goals, statements, objectives, criteria, revises. You name it. Should be we give an owner, developer, the opportunity at saying I can meet these goals but in a slightly different way than we have set down? Give them that shot?

Kelley: Well, I think we have, actually, through all the flexibility. I think the underlying here really honestly is flexibility about the green way and that we have said, you know, you are pretty much decided what that is and to the extent we would like to participate in that the district wide green way coordination plan that's their opportunity --

Saltzman: It's all about the green way.

Kelley: I think everything else --

Saltzman: If you took the width out of this calculus wouldn't you feel different about that plan?

Kelley: Yeah, but I think everything else is already addressed. We could go away and fashion that but it would longer than today and next week.

Francesconi: Since I am the one that put this back on the list yesterday so I have been think become this. In terms of the green way master, we can only have one plaster planning process and I have already toll the proponents of this amendment we can't have two master planning processes and there's only going to be one master process when it comes to the green way and that's already been established but in terms of the idea of -- we are designing and we are creating a very good plan but we don't they exactly how the market's going to work so having some process that improves it is a good idea. On the other hand, that we also got to have -- make sure that the planning commission is involved, the design commission is involved, and that we have the criteria that we want or else all chaos is going to break loose. And it's the criteria and the process that leads me to believe we can't do this this quickly. Because even when I met with the proponents of this, they didn't have the criteria and they acknowledged that there has to be criteria. But what I -- and I know that it involves more work, et cetera. But we have to have a way of getting back at this. And creating a master plan process that allows for these amendments. Not in the next two weeks, but in the next year or something. Is that realistic?

Kelley: Well, it could be added to our work program request for the coming budget cycle.

Katz: No. But again that's --

Saltzman: That's a good.

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Katz: I need to understand the purpose of all of this. If it's not -- I think it is the green way so if the green way is -- if the council feels strongly that we're not going to permit that for adjustments on the green way, then what else is left for somebody that they can't do under the flexible standards we have currently laid out? Help me out on this.

Greathouse: My estimation if it's not the green way it's more of a process question. It's a question of who gets to make the decision and how many approval criteria you are going through. Because in some cases, under the current, they would be able to get to the flexibility that they need through design review but that's design commission making a type iii designer being a decision maker and the central city plan approach could be able to combine multiple review processes in one way in a different way than design review and go to a different maker, perhaps the hearings officer.

Katz: Draw me the worst case scenario for this.

Johnson: For what? In we did this right now?

Katz: What could happen.

Saltzman: Taking off the green way.

Johnson: We could develop an adequate review criteria because we didn't have time to adequately bring everyone together to address the issues and there could be holes in the master plan process that could allow development to allow in ways that you would not typically support.

Francesconi: Here's the way --

Saltzman: It only comes us to for master plan?

Francesconi: But we have to know what the cry tear I don't know is.

Johnson: You would have to find that approval criteria and if that was not complete you could not apply around that issue.

Katz: I don't think there's enough support on this item. Now, the issue that you have raised, three-point, is one that I raise with gil last night. What happens if we adopt this and a clutch things down the road and things are not working or the way we want it to work, what do we do then? I don't want this on the books forever and ever and we say, oops, we didn't understand the market or we were here. Is there a review process to put in north macadam that we probably -- that we don't have anywhere else. And that was where we were trying to go. To get at what I think the council was talking about.

Kelley: We may want to come back in three years and just look at it, let it evaluate how well things are working or not and report to you and the planning commission and see what the problems are. We don't know that we can anticipate everything perfectly. We have made a good guess here in this plan. Maybe this issue or its may be something else. It's an opportunity to deliberately come back and flag whatever issues.

Katz: If the council is willing to do that, he would put that in whatever we are going to be adopting to do that. So that it doesn't slip by.

Johnson: And the resolution includes a directive that calls for a monitoring --

Katz: No, no. Monitoring is all well and good. We monitored granny flats and I haven't heard boo about it. We have to have it formally come back to the council. How does that sound? Is that okay?

Francesconi: That's fine. I have another request that may not go anywhere. I don't know that things this complex that we can anticipate everything. I actually think having a master plan revises, having better criteria that makes it an approach, which they're receipt I theoretically she gets to go with somebody else. so that's a good ideas. And if you are not -- it's not my say. It's the mayor's say but my request is you least put this on the budget list that you are thinking about and

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then the council can make a decision and the mayor can make a decision and then the council can decide whether to fund it. That's what I think how we should leave it.

Katz: Meanwhile.

Kelley: I'll take that usual up with my boss.

Katz: Put the language in that you are going to come back in three years until we get to that issue.

Johnson: We will modify the resolution so the directive says we will return in three years.

Katz: Okay. And then let's raise this issue at budget time because I think when you see the other priorities this may fall off or may stick. We'll see. That fair?

*******:** Very fair.

Katz: Let's keep going.

Johnson: The next issue was the proposal to change the height in some areas of the district in exchange for an open space provision that is the staff amendment that came before you yesterday for hearing. Since then there's been another alternative that's been proposed by staff at the bureau ever development services.

Katz: Before we get to the staff, let's just kind of try to identify the problem. I thought we had resolved this issue and we heard testimony that we are still not terribly happy with how we resolved it. And it sounded like the testimony was give us the height, and give us the height. And we said, we are going to give you the height but you are going to give us open space or green way or whatever. So I said to gil, I don't understand. Where we are conflicted here. So that's what they're bringing back. I have no clue what they are bringing back.

Kelley: Let me just say, we're not bringing back a firm proposal. What we want to be able to do is draft this alternative. It's like what we did on the's parking. Mrs. There's planning commission photos, we have the original staff proposal that can be another one one but there are if you different ways to go and to explain the implications before marie gets into the details. essentially the one you have before you yesterday that came from the staff there response to your indication that under limited circumstances, you might want to allow heights above 250 feet. We tied that directly to providing a minimum of 20,000 square feet of and frayed for an envelope that could go up 250 to 325 feet. So you dedicate this for parks. You get additional height cone. The initial receptivity seemed to be there. What we heard yesterday was some comment that I think really is good a couple different things. First of all, there's a desire at least on the part of the central district developers to get at the parks issue more correctly through development agreements, with the development commission. and to have the flexibility to get the height in the district through some other means. Secondly, they are not certain that the early buildings will be 325 feet, although they see that demand on the horizon. And therefore, the parks space may not be given early on, which is a desire that we would have.

Katz: In other words they may build something else and not have the space to -- okay.

Kelley: Right. Right. And I think they're further assertion was that the additional height would be space that could have more value to it, that if that f.a.r. Were distributed lower down and therefore there would be some incremental increase in the tax increment which could in turn, in nearly at least, fund a park acquisitions. so we could go down a track like that which would basically, and they were able to drive-by describe it, would actually allow this height again with those, that two-block middle section of the district to, through a design review or adjustment process, we would probably need to am company them so they weren't overused. And that would allow the height to happen more organically. If we were to do that, we suggest your fairly strong development to the priority of acquiring parks not just with a central district but there are aspirations for them at the

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north end and south end as well. Alternative you have the other proposal that was in front of you yesterday which would tie the height directly to the provision of open space. So there are two different ways to go here. We would like to have a few more internal conversations between now and next week so at least you have this other language in front of you to consider.

Saltzman: I want to give a couple thoughts on where I am today. The proposal, the original proposal we saw yesterday really sounds nice on paper but I do question whether it would really work. I guess I will just question the value of an additional 75 feet in height outweighs the cost of purchasing a 20,000 square foot park and dedicating it to open space. It sounds to me i'm not sure that's the case. So i'm not sure this would this has really happened and the second thing I might say I am not totally bought off on going above 25250 feet at all. So I think when you look at this further, i'll need some input about how does, if we were to support a 250-foot height limit, maybe it's just me but if the council were, let's just put it that way. Lets just throw out all the ability of us to have f.a.r. Bonuses tied to bonuses? And does that defeat the whole purpose?

Saltzman: I need that feedback at some point.

Kelley: In general, the bonuses are awarded by four to air ratio. Basically that system would still be in place.

Saltzman: It would still work?

Kelley: You can use it somewhere else and you can bonus as well beau sitting a side open space. That would remain all in attack. This was aimed as getting an increment of height here and thereby dedicating what was acceptable for internal parks which was a efficiency we saw earlier on in the pdc. Pudge. It's a very new figure. It's a good aspiration we have. We were looking for ways to try to fund that. What the central district developers have said to us today that is they don't know that comes at a price they would really be interested in.

Saltzman: If we were to keep with 150 feet then it would be undercut the integrity of these targeted f.r.o. Bonus? The pallet of bonuses. To be effected.

Kelley: Even if the higher heights, because with you wouldn't be adding new f.a.r. In the height. So in either of those height scenarios you would still keep the bonus system in place.

Katz: What is it that you think we can do during this in a reading week?

Kelley: Well, my only briefly had a discussion with the parks about about planning staff. And just having to sort of work through their aspirations. This is a rule that we had -- we could apply more generally throughout the district, not just in the central district. I haven't been able to talk with the development commission staff.

Katz: Did you talk with the developer?.

Kelley: I have.

Katz: Does he want a change in this in.

Kelley: I think he would like a change.

Katz: I'm very nervous about the change. I'll be very honest with you. on the other hand, I don't know if it's going to work without -- with what we currently have. Again, you are giving a very significant bonus. That's the same conversation we had north of the bridge. Where you are giving a very significant bonus, 325. We ought to get something in writing and he ought to be guaranteeing to us.

Kelley: It's only the issue of the guarantee. If you have a conversation with the central district developers I think they would say their full intent is to get to those interior parks and they see the means to get there is through a development agreement negotiations. The limits to which you feel is a guarantee is, you know --

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Sten: It's got to be in addition to the indoor parks because the expectation is that the things that pdc has built into the funding strategy will be funded. And at the 250 level. If we go past the 250 level, I'm interested that we go to 325 and we put the people in we have put two of those in. I think we need to be sure. I think there's a lot of opposition from our height and there's a lot of argument that a few buildings at a higher height have great economic value and benefit to the district and I think both are good arguments but I do think there's a lot of grousing about who's right on the line but from my estimation somewhere between 250 and 350 is where you start to mess with the Terwilliger view corridor. The tradeoff to take that chance there ought to be more people in

the area than this was everything going to be at 550. I think it needs to be a pretty substantial trade. It isn't how we get the developer to \$325. I think it looks better if off few \$325. I think we should be cautious that we are not trading it for things we know we are going to trade anyway. I know as sure as I am sitting there he is not going to let this district build out without interior parks.

Katz: Don't get it twice.

Sten: I want to make sure we get more than we would have otherwise.

Kelley: There's the height for tradeoff and there's also the question of whether you think some additional height in the district that that economic volume is sufficient for you if it came with adequate design controls. That's the other piece of this.

Francesconi: This discussion has been good and I guess I agree with the comments made by commissioner Sten and by commissioner Saltzman so we have to look at what are the priorities. One is, I'm just thinking out loud. How does this really look? The design that you are talking about and how tall can we really be? So I am very nervous about going over 250, I have to tell you. I want to know where these buildings are going up. I don't like about the current proposal is, it could be too much in one spot. So your idea of separating it out some way of having a mechanism of control over where these buildings are growing up to me that's actually close to being the number one priority. Not a funding mechanism from our parks. Ply second priority is, and this is where I am confused. Do we really need this height to get these buildings? This bioscience? I don't know that. I heard the system. It wasn't convinced by the testimony. But do we really need it? And that's where I need some help. Thirdly, then, and only thirdly do we get at the question of using that, if we get by these two as a mechanism to fund open space acquisitions? That's the way I'm thinking so you are aware. I also believe that it's not going to work. maybe -- maybe it's a bluff but I don't think it is. I actually believe that people won't build under the current proposal. And that doesn't do anybody any good. That's the worst of all worlds because then doe 70 have the increment. We don't have what we are trying to accomplish.

Kelley: You mean without the heights they won't build?

Katz: With the current proposal.

Francesconi: It may be a bluff but I don't think it is. If that's the scenario then we are in the worst of all worlds so I would rather have a process that limited it to 250. If you go beyond 250 has to be a very stringent design criteria method. Then and this may not be possible. You then have a development agreement where you try to get something back and it's a negotiated process. That may be too complicated. But this is kind of my thought process.

Kelley: That was more or less the second alternative I was describing what you are describing now. Because you are not actively involved you would certainly have to be sending a message by resolution to the development commission saying this is our priority. To do this. But you wouldn't

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do it as a matter of regulation on your part. You would say, we would regulate the design piece this way, the parks piece we would get in a different way.

Francesconi: Yeah, I understood that. But in the negotiations with, is there a way -- I guess there wouldn't be any negotiation was people at the time if they want to go over 250. They have to sit down and talk to us about it. You see then?

Kelley: I understand what you are saying.

Francesconi: It may not be possible.

Kelley: I'm not sure something that we can write in the code. I'm not sure that's something we can write in the code unless there's a specific outcome desire.

Francesconi: Yeah, I see.

*******:** You know what i'm saying?

Francesconi: Yeah, I do.

Katz: I think you're hearing we are all over the ballpark on this one. and it's -- I think the majority of the council hasn't, doesn't have a problem of going up to 325 for the purposes that have been stated especially if this is something that we could attract biosciences and tie it to ohsu. But I think we want -- I want and I think commissioner Sten wants something in return for that and a guarantee that there will be additional, additional open space up for that. The question you raise is when is that guarantee? Is that guarantee at some future time? As tif money is available? How do we control the fact we aren't counting this thing in incorrectly in terms of what you were going to -- you would have had those anyway.

Francesconi: The only thing I would add to the mayor's summary and you may have accidentally left it out, and stronger design controls over this. In terms of location and look. That would add to that what the mayor said.

Johnson: Can I --

Katz: Absolutely.

Johnson: Can I ask a question? Would it be useful for you to hear just for your reference the concept that has been developed today? And then if you think that's --

Francesconi: Close to what we talked about now?

Johnson: It's similar to what we talked about. It includes a design review component, it inclusion a tower spacing component.

Katz: I thought you had already done that. All right. Go ahead.

Johnson: So we can talk about that and then I was thinking you have listed a number of your concerns and the questions that you would like to have followed up on. We have a code proposal already for the open space height transfer. We could more fully develop this alternative code proposal so that it's ready to adopt next week if you thought it was adequate. In the meantime we could work on that code alternative and develop answers responses to the questions and concerns that you have raised. Does that sound like a reasonable approach to take? Given where we are with this issue? Right now?

Katz: Okay. So reiterate it again. What are we agreeing to for next week?

Francesconi: To let them work on it.

Johnson: For next week we are deferring it for right now.

Katz: I want to make sure -- they can come back and work on anything they want but it's got to include the principles we want.

Johnson: Right. And you talked about having some design review, being clear about how we are going to get the open space that we want in the district, looking at tower spacing, and looking at

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how we are achieving our space goals for the district. Does that adequately capture your issues and concerns?

Katz: Tower spacing, open space, and design review primarily.

Sten: One more shot.

Katz: You better take another hard look because I don't think you are going to get it the way you have written to us. All right.

Kelley: We will work on it.

Katz: But I think the fear that if we don't tweak it a little bit, you know, that it may never get built is a real one.

Sten: The goal is not to make it unusable.

Katz: Right.

Johnson: I want to clarify by deferring it to next week when we come to you next week, in order to adopt the provision, you will only be able to make minor changes to it. We are taking a little bit of risk in suggesting this but I think we are not ready to go forward at the decision right now.

Katz: But Kathryn, she wants us next week to vote on this whole thing. and we haven't really voted on whatever amendments yet except for a few.

Kathryn Beaumont, Sr. Deputy City Attorney: Actually you have completed many of them.

Katz: I know but there are two we are deferring. This is the second one.

Beaumont: The whole thing you do do you mean the complete package or the complete -- the complete package of code changes?

Katz: Yeah, uh-huh. Uh-huh. The whole thing. And yet we are conceptually we are redesigning potentially some language.

Johnson: That we would come back to you with code language next week.

Katz: Yeah but you want us to vote on the whole thing next week.

Beaumont: Your first vote, yes. With your second reading on the 13th.

Katz: Ah. Then we are okay. Then we can do that. Then we are all right. All right.

Johnson: I just was saying you have to complete your initial delivery today.

Katz: Gotcha.

Saltzman: I don't want to see heights higher than 250 does that require an amendment to be prepared?

Katz: Just vote.

Johnson: To retain the existing recommendation.

Saltzman: Okay.

Johnson: You vote against the amendment.

Katz: Your concern is where you get a shot at voting separately, the answer is yes.

Saltzman: Okay.

Beaumont: It's conceivable that on particular amendment, you may have several versions to vote on so you would be able to vote up or vote down whichever version you wanted to.

Katz: Right.

*******:** Correct.

Katz: Let's get there. It is halloween tonight.

Johnson: The next item is item calling for amending the parks sdc element to not allow credit for parks earns, for area bonuses. There was a request at the hearing yesterday that if the open space height transfer were to be used as a mechanism for approving additional height it also would be exempt from the sdc credit.

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Katz: How does council feel on that? All right. And & this review type iii that you have got, that fits in with the previous discussion?

Johnson: Yes. i'm sorry.

Katz: Yeah, I know.

Johnson: We'll incorporate that into our proposal.

Katz: And I think jeannie and I talked about that because of the importance of the design of a larger tower.

Johnson: And our point here is that type iii review is already require forward major development in the district so there would be design review for buildings at 150, 250, or 325. The question I think that the council is getting at is if a building is over 250 does it need to meet additional, does it need to show additional design excellence.

Katz: The answer is yes: Because it needs to meet the design -- marie, at 200 and at 250.

Francesconi: But also location.

Johnson: We'll talk about that next week, too. Yes.

Katz: Item 2.

Johnson: Amendment 2, this was a proposal to allow sites to realize up to nine to one and floor area asia yo come exchange some some sort of bonus floor area to be in exchange for open surface or green way amenity provisions.

Francesconi: Yes. That's later.

Johnson: The ecoroof bonuses would be a pallet they could choose from. We are saying the base floor, you would have to bonus it to two to one bonus to reach the max in the existing proposal. There's a request to make that go up to nine to one which would be three -- sorry. This is complicated. Start with the base f.a.r. Six to one. under our current proposal you could go to eight to bun on the site as long as you provide two to one in floor area bonuses that you could choose from from the array of bonuses identified in the plan. There is request to be able to go up to nine to one maximum. And we said that we felt that that was appropriated as long as a minimum amount of that, a certain amount of that was dedicated to open space and green way. And the other bonus provisions would be left to the developer to determine which ones to use.

Katz: Yes.

Johnson: Is that better on the second try?

Katz: Yes. Everybody agrees. Right?

Johnson: The menu is still narrow so that it's more likely that we get the things we are asking for.

Katz: That's -- that's the goal.

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

Johnson: Okay. And before we go on to the four area floor area bonuses I neglected an item here. There was testimony yesterday about the required residential areas. Staff has not proposed any amendment to the decision that council made a week ago but I wanted to flag there was something on that issue yesterday.

Kelley: And I took the testimony, did talk with the testifier, one of the testifiers today. Essentially it's sort of a timing issue. That is to say that the requirement to do housing on a site could be transfered to another site but even if it were a site within that same entity's control or to another, but the difficulty. Going forward could not open its doors until the housing project also was in a position to open its doors. And our request was for some ability to covenant the receiving parcel for the housing to allow the nonhousing project to go forward. The covenant is a legal instrument

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to be able to could that. There is concern on the part of city staff that it's not enforceable. But it is -- it would be have some sort of precedent on this housing requirement issue at least.

Saltzman: I was always under the understanding they are highly enforceable.

Kelley: They cloud the title the other property. The city is in less of an enforcement role there than would be the financing institutions. We would be able to exercise some control but it's not within our normal enforcement process in development services.

Katz: What are you recommending on that?

Kelley: This is a very difficult one because I heard the council say you would like to retain this housing requirement in the district.

Saltzman: It was christie.

Katz: What's the council --

Francesconi: I don't remember the discussion. I'm sorry.

Katz: I don't either.

Francesconi: I don't remember it at all.

Saltzman: I do think there's merit to the argument maybe the housing isn't going to be ready to go at the same time.

Katz: Right.

Saltzman: Or vice versa. Compel both to happen at once in order to satisfy.

Kelley: Underlying this is the notion that we had some concern in the beginning at least that we wanted a certain amount of housing to be built in the district. It appears right now in the market that housing is a very attractive option for building in the district. So it may not be as important as it seemed sometime ago. On the other hand the market could turn again. And so it's really a question of your confidence in the housing goals being met in the district and the degree to which you want enforcement tools.

Katz: Housing guru?

Sten: I'm not sure.

Katz: You're not sure?

Francesconi: Just from what you have explained, in our priorities here, we are, in the green way back to the original discussion, housing is important but given those priorities and given the fact the market is set up for housing right now, that's my off the cuff reaction listening to you. If you have strong feelings about this let us know.

Katz: I would tend to agree.

Kelley: The two options, you could pull away the housing requirement entirely. That's not hay heard.

Francesconi: No: I'm not saying that.

Katz: No. The council doesn't want to do that.

Kelley: Or you could eyes up on the condition about when what housing needs to be built as part of the project for which it's transferred from one site to another.

Katz: Why don't you bring language to that effect --

Kelley: Doing it through covenant?

Katz: Let's see what it looks like. I got another week that I wasn't counting on.

Kelley: Yeah. We will at least have the covenant --.

Sten: The housing never gets built. But I don't fear that in this district. I don't think people will leave sites idle in this district. I think the market for housing is going to get strong I are the more, usually I would push a little harder on it but I don't --

Kelley: It appears that way in this case.

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Francesconi: If housing doesn't get built we will have a lot of trouble in this district, period.

Sten: The housing market the be better the quicker you get up other things.

Katz: Right. Then the green way design and the transportation housing.

Kelley: We will prepare some long.

Katz: Let's get to the issue of this was a pdc issue of f.a.r. Bonus package. They added a whole slew of it. Commissioner Saltzman wants --

Saltzman: I was questioning whether the bonus for green building certification given that our green building policy requires any major public investment to require green building.

Francesconi: That's double dipping.

Katz: You testified.

Saltzman: What I gave you is a copy of don asking him that question. Isn't this unnecessary? So I hope to get an answer before the 6th.

Katz: Let's make sure we get an answer. Then we can take that off the list.

Francesconi: Here's the -- oops.

Katz: You had an issue on that.

Francesconi: There were two I think we should consider. One is the per cent for art bonus and the other is below grade parking bonus. Those are the two that I think we could put back. Those are two of ten from pdc. And those right only two that i'm pushing, thinking we should do.

Johnson: I think initially the reason we didn't include the below grade parking bonus is because of the water table in the district and some of the soil contamination. There was a question of whether that actually could be built.

Francesconi: Oh. That's different.

Johnson: The bonus provision wouldn't make anyone do that.

Francesconi: Matt, your eight out of nine here. Anyway. That's different. If we can't --

Kelley: We're not sure how you could apply this in this district. Maybe somebody's thought of a clever way to do it.

Johnson: It may be possible.

Saltzman: That's all the more reason to bonus it if they can't do it.

Johnson: I'm just saying that was our rationale.

Francesconi: Could you ask somebody about that? If it's not doable --

Saltzman: If it's that daunting.

Johnson: And the rationale behind not including the per cent for art bonus was that the public projects in the psychiatric will include a requirement for public art and since we anticipate significant public investment in the district, we thought it would be redundant.

Katz: I agree. There will be a lot of public discussion.

Francesconi: A lot of private -- I guess i'm not quite sure.

Katz: Let me just tell you because this is an area I do know a little bit about. Let me tell you that a lot of the private developers now, they're building a significant building, are requiring art or want to and are including art objects.

Johnson: I think that may be your final discussion item for today.

Sten: All right:

Johnson: Commissioner Saltzman -- yesterday that staff come back with a discussion about the potential of applying the change in the set-back provisions in north macadam central city wide. We changed a provision of the central city code as it applies to north macadam to allow an area between the right of way and the building to be landscaped. And that's different than what applies in the rest of the central city. The reason we changed that is because we wanted to have an

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opportunity to allow storm water infiltration and to reinforce the green character of the district. In the rest of the central city the provision allows some set-back but it has to be a paved surface. And the idea behind that is to provide an increase area for a wider sidewalk, or activity along next to the development. In north macadam we developed a provision to be consist tents with the district character and our environmental considerations. This piece, this piece would have a change if we were to implement it central city wide could potential change the character of some of the streets in the central city. And we have considered that in north macadam and think that's very appropriate. Our sense is that if we were to include it, if we were to apply it central city wide there may be people who have urban design perspectives who would be interested in weighing in on the potential implications of applying it in a broader area.

Francesconi: What are you recommending? I'm sorry.

Johnson: We are recommending keeping the provision specific to north macadam and if we want to revisit the standard central city wide doing it through a process that brings in more stakeholders to discuss the urban design implications of that.

Saltzman: Which means relegating it to the work plan death bed. This will never get done.

Francesconi: Yeah.

Saltzman: I think you know part of the reason we are doing this is to --

*****: I had en.

Saltzman: Keep storm water for going in our public right of ways where we are all paying to treat it. So I guess -- i'm not quite sure --

*****: I'm not sure.

Saltzman: If you can get urban design people to argue this until the end of time.

Katz: I don't know if this --

Kelley: We are not arguing with the principle here. Just we are wondering if the set-back --

Katz: If that's the --

Kelley: A little works in the other situations in the central city.

Johnson: Is it consistent with the character for the pearl district, the lloyd district, downtown?

Saltzman: It's permissive. Right? So they can still -- let's not do it.

Francesconi: Once today I violated what I thought was the appropriate process for some reason. I'm not going to do it twice. We are not going to impose this on the whole city without involving the stakeholders.

Saltzman: Central city.

Francesconi: I am opposed to this.

Katz: The issue, the issue that commissioner Saltzman raises is a very valuable issue. I don't know what the answer is and to impose it on the central city without having that conversation with the entire city, I think is flawed. In terms of what is it going to look like everywhere? So --

Saltzman: It a requirement or is it permissive?

Johnson: It allows it. there's still a question if developers started to use that provision to any great degree what would be the effect on the character of those areas?

Saltzman: Isn't that all subject to design review?

Katz: I don't think so.

Johnson: That's a very good question.

Saltzman: Okay.

*****: Jeff's gone.

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Katz: Look into it. So let me make sure, let me make sure as sort of the referee here, we have the items that you are still coming back with. We are still coming back with north of marquam bridge. We have a default on that. But working with the designs and reconfiguration of this nightmare, if we can come up with something that will resolve -- will at least mitigate some of the impact, let's at least try. you have got a week. You have got tremendous talent. And you got matt. You have got tremendous talent. To see if you can make it make some changes. So that's one. The other one is the one we just talked about which is the storm water runoff. The other one is the review for master plan versus the review to actually come back with language to review what we have done what we are going to be doing in three years.

Johnson: Right.

Katz: And --

Kelley: Then the height issue, height for --

Katz: The 250 to 325 height issue.

Johnson: And parking.

Katz: And shared parking. There was a fourth.

Francesconi: This is the point where the audience gets to decide although stayed whether they are going to trick or treat us but I am not going to ask. I think I know.

Katz: For those of you who are experts in our process and we are very happy you are happy with us -- just a minute, but at least we are happy you are part of our process we will be coming back next week to hear back from gill and marie and others if we can resolve some of your issues. Now, that is an amended. And that's the process. It's an inter-active process. What is it that you need to say?

Bill Rollins: Two hours and 45 minutes ago we learned about the Cromwell property being included in this -- you would like you to consider you are not talking about one building down there. It's a potential of five.

Kelley: I think the area has been the same through this discussion.

Katz: Could you respond to that?

Johnson: I think there was some lack of clarity at the, about the initial pdc request --

Katz: Could you clarify for the gentleman now?

Johnson: Yes. So we showed -- I can provide a map. The map he has is correct.

Rollins: I have the map. It contains the apartments that are built there which could come down.

Johnson: Correct.

Rollins: Two more high rises be put in that place for 200 feet. That's not what we knew three hours ago.

Johnson: And I will apologize for that. Bureau of planning staff was not clear on exactly where the pdc amendment applied so we worked with pdc staff to clarify that and this is the map it reflects their communication to us. And we obtained the materials --

Katz: I didn't want to -- what he is saying that at some point down the road that if whatever buildings are standing now are torn down, would the 200 height apply?

Johnson: As the request stands, yes.

Katz: Okay. Then that -- then let's take a look at that. Thank you, sir.

Rollins: We have similar instances in the past two weeks, three weeks of this type of change.

Katz: Yeah. I don't think that's going to happen in your lifetime or in my lifetime or even commissioner Sten's lifetime but it's fair enough and we need to look at it. marie, go talk to them. See if there's anything else we need to address. I'm sending marie. Wait a minute. I need a quorum here. This is to be continued next week. S and one other item no, sir mentioned in the list

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and that's the required residential area, seeing if there's another mechanism to continue the requirement but allow more flexibility in terms of timing.

Katz: All right. And this is to be continued when?

Johnson: Next wednesday, 2 p.m..

Katz: Marie, I am going to adjourn. Go talk to them and see what else.

Johnson: Yes, ma'am.

Katz: We stand adjourned.

At 5:16 p.m., Council adjourned.