



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21<sup>ST</sup> DAY OF MARCH, 2018** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Heidi Brown, Senior Deputy City Attorney; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

Item Nos. 273 and 275 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

		<b>Disposition:</b>
<b>COMMUNICATIONS</b>		
<b>263</b>	Request of Lynn Le to address Council regarding need for funding women entrepreneurs and her experience as a business owner in Portland (Communication)	<b>PLACED ON FILE</b>
<b>264</b>	Request of Chevonne James to address Council regarding the XXcelerator Program (Communication)	<b>PLACED ON FILE</b>
<b>265</b>	Request of Jennifer Bolanos to address Council regarding the XXcelerator Program (Communication)	<b>PLACED ON FILE</b>
<b>266</b>	Request of Renee Shade to address Council regarding the XXcelerator Program (Communication)	<b>PLACED ON FILE</b>
<b>267</b>	Request of Maryam Behrouzi to address Council regarding the XXcelerator Program (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>*268</b>	<b>TIME CERTAIN: 9:45 AM</b> – Authorize grant agreement with Hack Oregon for \$31,600 to build an open data platform, data analytics tools and web applications from Smart Cities sources (Ordinance introduced by Mayor Wheeler) 30 minutes requested (Y-5)	<b>188865</b>
<b>*269</b>	<b>TIME CERTAIN: 10:15 AM</b> – Initiate foreclosure action on three properties for the collection of delinquent City liens. (Ordinance introduced by Auditor Hull Caballero) 15 minutes requested (Y-5)	<b>188866</b>

<p><b>270</b></p>	<p><b>TIME CERTAIN: 10:30 AM</b> – Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements in the NE 57th Ave and Killingsworth St Local Improvement District (Second Reading Agenda 256; Ordinance introduced by Commissioner Saltzman; C-10061) 20 minutes requested (N-5 Failed.)</p>	<p><b>FAILED TO PASS</b></p>
<p align="center"><b>CONSENT AGENDA – NO DISCUSSION</b> <b>Mayor Ted Wheeler</b> <b>Bureau of Planning &amp; Sustainability</b></p>		<p align="center"><b>PASSED TO SECOND READING MARCH 28, 2018 AT 9:30 AM</b></p>
<p><b>271</b></p>	<p>Amend Intergovernmental Agreement with Metro to accept an additional \$773,133 for the Metro Waste Reduction Challenge Funds of \$322,909 and \$450,224 for the Recycle at Work Program in FY 17-18 (Ordinance; amend Contract No. 30005471)</p>	<p align="center"><b>188863</b></p>
<p align="center"><b>Office of Management and Finance</b></p>		<p align="center"><b>188863</b></p>
<p><b>*272</b></p>	<p>Pay bodily injury claim of Margaret Ayala in the sum of \$14,000 involving the Portland Bureau of Transportation (Ordinance) (Y-5)</p>	<p align="center"><b>188872</b></p>
<p align="center"><b>Commissioner Amanda Fritz</b></p>		<p align="center"><b>188872</b></p>
<p><b>*273</b></p>	<p>Authorize an additional position under the Open and Accountable Elections Program within the Office of Neighborhood Involvement (Ordinance) (Y-5)</p>	<p align="center"><b>188872</b></p>
<p align="center"><b>Commissioner Dan Saltzman</b></p>		<p align="center"><b>188864</b></p>
<p align="center"><b>Bureau of Transportation</b></p>		<p align="center"><b>188864</b></p>
<p><b>*274</b></p>	<p>Amend Intergovernmental Agreement with the Oregon Department of Transportation for NW Naito/Flanders Crossing Project to update the completion date (Ordinance; amend Contract No. 30002457) (Y-5)</p>	<p align="center"><b>188864</b></p>
<p><b>275</b></p>	<p>Authorize a sole source contract with Go Lloyd to fund transportation projects and programs in the Lloyd District not to exceed \$2,500,000 (Ordinance)</p>	<p align="center"><b>REFERRED TO COMMISSIONER OF PUBLIC AFFAIRS</b></p>
<p align="center"><b>REGULAR AGENDA</b> <b>Mayor Ted Wheeler</b> <b>Bureau of Police</b></p>		<p align="center"><b>188867</b></p>
<p><b>*276</b></p>	<p>Authorize application and accept a grant in the amount of \$25,999 and appropriate \$12,000 for FY 2017-18 from the Oregon Department of Transportation Traffic Safety Division FY 2018 Safety Belt Grant program for sworn personnel overtime reimbursement (Ordinance) 20 minutes requested (Y-5)</p>	<p align="center"><b>188867</b></p>

March 21-22, 2018

<b>Office of Management and Finance</b>		
<b>277</b>	Grant a franchise to Sprint Communications Company L.P. for telecommunications services, for a period of up to 10 years (Second Reading Agenda 149) (Y-5)	<b>188868</b>
<b>Portland Housing Bureau</b>		
<b>*278</b>	Approve interim use of the Multiple-Unit Limited Tax Exemption Program to capture opportunities for affordable housing in housing developments not subject to Inclusionary Housing and amend Administrative Rules (Previous Agenda 251; Ordinance; replace HOU-3.02) 15 minutes requested (Y-4; Fritz absent)	<b>188869</b> AS AMENDED
<b>Commissioner Nick Fish</b>		
<b>Bureau of Environmental Services</b>		
<b>279</b>	Accept Bureau of Environmental Services Ten-Year Strategic Plan (Report) 15 minutes requested <b>Motion to accept report:</b> Moved by Eudaly and seconded by Fritz. (Y-5)	<b>ACCEPTED</b>
<b>280</b>	Amend contract with BergerABAM, Inc. for the Tryon Creek at Boones Ferry Culvert Replacement Project No. E08682 in the amount of \$316,298 (Ordinance; amend Contract No. 30003652) 10 minutes requested	<b>PASSED TO SECOND READING MARCH 28, 2018 AT 9:30 AM</b>
<b>Water Bureau</b>		
<b>281</b>	Authorize the Portland Water Bureau to purchase property at 40730 SE Latigo Lane, Sandy, Oregon for \$425,000 to protect easements for conduits from the Bull Run water supply and authorize portion of the property for disposition (Ordinance) 10 minutes requested	<b>PASSED TO SECOND READING MARCH 28, 2018 AT 9:30 AM</b>
<b>Commissioner Dan Saltzman</b>		
<b>Bureau of Transportation</b>		
<b>*282</b>	Authorize an agreement with Sound Transit and a purchase agreement with Brookville Equipment Corporation for the purchase of streetcar vehicles using a sole source procurement in an amount not to exceed \$10,000,000 (Ordinance) 15 minutes requested (Y-5)	<b>188870</b>
<b>*283</b>	Authorize contracts as required with 23 service firms for on-call architecture and engineering services in support of the Portland Bureau of Transportation Capital Improvement Program for a total combined contract value of \$26,875,000 (Ordinance) (Y-5)	<b>188871</b>

At 12:50 p.m., Council recessed.

March 21-22, 2018

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21<sup>ST</sup> DAY OF MARCH, 2018** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

Commissioner Eudaly left at 2:30 p.m. and returned at 2:50 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Lauren King Deputy City Attorney; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

		<b>Disposition:</b>
<b>284</b>	<b>TIME CERTAIN: 2:00 PM</b> – Amend the Transportation System Plan consistent with the 2035 Comprehensive Plan and in compliance with the Regional Transportation Plan; amend River District Master Street Plan; add policies for Automated Vehicles; adopt findings of compliance; adopt corrections; amend Transportation and Parking Demand Management code to clarify requirements (Ordinance introduced by Commissioner Saltzman; amend Ordinance Nos. 187832, 188177; amend Code Chapter 17.107) 1 hour requested for items 284 and 285 <b>Motion to accept Fritz 3-21-18 amendments:</b> Moved by Fritz and seconded by Fish. Vote not called.	<b>CONTINUED TO APRIL 11, 2018 AT 3:30 PM TIME CERTAIN</b>
<b>285</b>	Amend the Transportation System Plan to update Introduction, Modal Plans, Implementation Strategies, and Glossary (Resolution introduced by Commissioner Saltzman)	<b>CONTINUED TO APRIL 11, 2018 AT 3:30 PM TIME CERTAIN</b>
<b>*286</b>	<b>TIME CERTAIN: 3:00 PM</b> – Amend Zoning regulations to implement the 2035 Comprehensive Plan through the Code Reconciliation Project (Ordinance introduced by Mayor Wheeler; amend Title 33) 2 hours requested for items 286 and 287 <b>Motion to accept additional technical amendments in staff 3-21-18 memo:</b> Moved by Wheeler and seconded by Fish. Vote not called.	<b>CONTINUED TO APRIL 11, 2018 AT 3:30 PM TIME CERTAIN</b>
<b>*287</b>	Amend Tree, Noise and Sign regulations to effectively implement Portland City Code through the Code Reconciliation Project (Ordinance introduced by Mayor Wheeler; amend Title 11, 18 and 32)	<b>CONTINUED TO APRIL 11, 2018 AT 3:30 PM TIME CERTAIN</b>

At 4:15 p.m., Council recessed.

March 21-22, 2018

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **22<sup>ND</sup> DAY OF MARCH, 2018** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5. Commissioner Saltzman teleconferenced from 2:00 p.m. to 4:25 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Linly Rees, Chief Deputy City Attorney; and Nicholas Livingston and Adam Cuellar, Sergeants at Arms.

<p><b>288-291 TIME CERTAIN: 2:00 PM</b> – Central City 2035 Plan. 2 hours requested Central City 2035 Plan items are continued from March 7 for Council discussion and vote on amendments. For more information see project website <a href="http://www.portlandoregon.gov/bps/cc2035">www.portlandoregon.gov/bps/cc2035</a></p>	<p><b>Disposition:</b></p>
<p><b>288</b> Adopt the Central City 2035 Plan Volume 2A, Part 3, Environmental and Scenic: amend the Portland Zoning Map and Portland Zoning Codes for Environmental Overlay Zones and Scenic Resource Zones (Previous Agenda 259; Ordinance introduced by Mayor Wheeler; amend Code Chapters 33.430 and 480)</p>	<p><b>CONTINUED TO APRIL 4, 2018 AT 2:00 PM TIME CERTAIN</b></p>
<p><i>Continued next page</i></p>	

March 21-22, 2018

**289** Adopt the Central City 2035 Plan; amend the Comprehensive Plan, Comprehensive Plan Map, Transportation System Plan, Willamette Greenway Plan, Willamette River Greenway Inventory, Scenic Resources Protection Plan, Zoning Map and Title 33; repeal and replace prior Central City plans and documents (Previous Agenda 260; Ordinance introduced by Mayor Wheeler)

**1. Motion to adopt amendment A, allow surface parking for a public school use in the Central City:** Moved by Wheeler and seconded by Fish. Y-5

**2. Motion to adopt amendment B, exempt public school uses from superblock regulations in the Central City:** Moved by Wheeler and seconded by Fish. Vote not called.

**3. Motion to adopt amendment C, increase maximum building height from 125' to 160' on half of Block 33:** Moved by Wheeler and seconded by Eudaly. Vote not called.

**4. Motion to increase amendment C, maximum building height to 200':** Moved by Saltzman and seconded by Wheeler. Vote not called.

Roll call on motions held over from January 18 & March 7:

**5. Item F-J and L minor and technical package amendments:** Y-5

**6. Item AR 15 and New K -- Height and FAR at Big Pink, Wells Fargo and Pac West:** Y-5

**7. Item New A-B, I-84 viewpoints on new pedestrian bridge:** Y-5

**8. Item New C-D, Upper Hall viewpoints:** Y-4; N-1 Fritz

**Item E top of bank rescheduled to April 4, 2018.**

**Item M trail commentary item withdrawn. Commentary discussion is part of the record.**

RiverPlace amendments from March 7:

**9. Request to reconsider March 7 RiverPlace 2A1 #7 and #10 vote:** Moved by Eudaly and seconded by Wheeler. Y-3; N-1 Fritz; Saltzman recused himself on Riverplace votes.

**10. RiverPlace #AR7 RiverPlace bonus height:** Y-3; N-1 Fritz. Saltzman recused himself.

**Item AR 10 RiverPlace special tower orientation, withdrawn.**

**CONTINUED TO  
APRIL 4, 2018  
AT 2:00 PM  
TIME CERTAIN**

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**290** Adopt the Central City 2035 Plan Action Charts, Performance Targets and Urban Design Diagrams (Previous Agenda 261; Resolution introduced by Mayor Wheeler)

**CONTINUED TO  
APRIL 4, 2018  
AT 2:00 PM  
TIME CERTAIN**

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**291** Adopt the Central City 2035 Plan Green Loop Concept Report (Previous Agenda 262; Resolution introduced by Mayor Wheeler)

**CONTINUED TO  
APRIL 4, 2018  
AT 2:00 PM  
TIME CERTAIN**

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At 4:30 p.m., Council adjourned.

March 21-22, 2018

**MARY HULL CABALLERO**  
Auditor of the City of Portland

A handwritten signature in blue ink that reads "Susan Parsons".

By Susan Parsons  
Acting Clerk of the Council

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

March 21-22, 2018  
**Closed Caption File of Portland City Council Meeting**

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

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

**March 21, 2018 9:30 am**

**Wheeler:** Good morning everybody this is the March 21, 2018, morning session of the Portland city council. Sue please call roll.

**Fritz:** Here **Fish:** Here **Saltzman:** Here **Eudaly:** Here **Wheeler:** Here

**Heidi Brown, Senior Deputy City Attorney:** Good morning. Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business.

The presiding officer preserves order and decorum during city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings, you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the first reading of ordinances. Your testimony should address the matter being considered at the time. When testifying, please state your name for the record. Your address is not necessary. Disclose if you're a lobbyist, if you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on. When your time is done, a red light goes on. If you are in the audience and would like to show your support for something that is said, please feel free to do a thumbs up. If you want to express that you do not support something, please feel free to do a thumbs down. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** That's harsh. I'm glad I don't have to say all that. So sue, could you please read the communications? It's my understanding that all five of the communication slots are from xxcelerate. Would you like to come up together?

**Item 263.**

**Item 264.**

**Item 265.**

**Item 266.**

**Item 267.**

**Wheeler:** Very good. You each have three minutes and please come right on up and the first three of you, if you want to bring two more chairs up, that's great, too. And again, just need your name for the record. And we find these microphones work best if you are six or eight inches away and they slide around. Good morning.

**Lynn Le:** Good morning. So I'll begin. Good morning, and thank you for the opportunity to speak to you today. My name is Lynn le and I am the founder and c.e.o. of a company called society nine which is a modern women's boxing brand producing boxing gear and apparel to empower women in their fight. I started this company three years ago because women were severely underserved in the boxing world. There was no quality products designed to fit them, there was no brand in existence focusing exclusively on the unique needs of the 18 million women around the world who do boxing fitness recreationally and



March 21-22, 2018

competitively. Because of the awards I have received such as the Forbes 30 under 30 list I've been fortunate to build my network and receive investments which has enabled my company to grow to where it is today. However, a company like mine is too risky for banks and not fast growing enough for traditional venture capital funds that expect a return of 10x or more in a short amount of time. I benefited professionally from a great relationship with the Portland seed fund having been the first fund associate. This experience enabled me to learn behind the scenes what it takes to build and fund a high growth business from the many talented portfolio founders while understanding the relationship management required between founders and investors. I want to emphasize, though, that my experience is unique. This is definitely not every woman entrepreneur's experience. When businesses leave the prerevenue stage, there is a massive gap of resources. With programs like Tie and Portland incubator experiment that help businesses launch past the prerevenue stage, and institutional funds like Oregon angel fund that operate with a more traditional venture capital model, there is a huge opportunity in the middle where a majority of high potential businesses lie and it just so happens that most of these companies are founded by women and people of color. Programs like xxcelerate offer continued education and support to fill this gap and while I have been fortunate to build my network because of my professional experience and society nine's unique success, I know that xxcelerate will continue to provide a bridge for more women to grow their businesses and get to the next level. We are out here doing the work, striving to create meaningful impact, social change, jobs and opportunities for others and I encourage you to support women and minority entrepreneurs in order to represent all of the city and lift them up as a testament for what we hope Portland can be in the future. Thank you.

**Wheeler:** Thank you. Appreciate it.

**Chevonne James:** Thank you for allowing me to be here today. Hi, my name is chevonne james and I'm a business development consultant focusing on diverse founders in social innovation consumer products and consumer services. I currently work with the Portland incubator experiment, a business incubator that provides co-working space and mentorship to early stage startups and I also work with Tie Oregon on their entrepreneur boot camp, a boot camp that takes entrepreneurs to the lean campus business model to help streamline and crystallize their ideas and businesses in five weeks. We hear a lot about who gets funded and has access to capital and resources nationally, but these are my actual personal statistics that I've encountered while being here in Portland. I've done recruitment selection for the last three cohorts that have been a part of the entrepreneur bootcamp and about 60% of those participants have been a woman of color. After their completion, I don't know where to send all this talent and in the past six months, I have encountered over 150 founders looking for support not only financial but for incubator or program or development class and more than half of those people that have approached me have been women. There was one woman in particular that I have seen at least a dozen times since the completion of the boot camp. At different events around the city focusing on entrepreneurs and founders. She'll be participating in pitch Latino and she's looking for more intensive programs to help continue her business growth and I would hate to see us not fan her not fan her flames and have them burn out or even worse, if she takes her talents to another city because of lack of opportunities here. I think we read in TechCrunch and the Portland business journal and other publications about the lack of resources available to underrepresented people and there is a real tangible need here in Portland and we'd like to be a part of that solution. We know that there are women founders out there when we're being intentional about who we support and I know what it feels like to walk into a room and be the only one. I experience it several times a day and I can tell you that is not where I thrive and that is not a space that actually promotes growth. I wouldn't be able to do this work if it wasn't for these women who allow me to be noticed.

March 21-22, 2018

Now, we need to create a space where they feel supported and they get mentorship from each other and they feel noticed, too. Thank you.

**Wheeler:** Appreciate it. Thanks for the work that you do. Good morning.

**Jennifer Bolanos:** Good morning, Bueno dias thank you for the opportunity to speak with you today. My name is Jennifer Bolanos and I'm the founder and owner Via Raiz a shop that celebrates the new era of Mexican craft. Via Raiz is an homage to my heritage and the name means through roots and pays tribute to the idea of going back to your roots as a source of inspiration. It has become a way to connect with my origins and share the love of my culture with the world. My family is from Michoacán Mexico, the state rich in history, culture and folklore. My family's background has played an important role in starting Via Raiz. As a little girl, my parents would take me to visit the artisan towns and see the artisans creating their beautiful crafts and these memories are some of the fondest memories that I have. My parents were entrepreneurs themselves and they also served as inspiration. My dad was a flooring contractor and mom owned a home cleaning business. They taught me the power of hard work and determination. Portland is home to an incredible community of makers, doers and creators. So when I moved here four years ago, I couldn't help but be not inspired by the city's entrepreneurial spirit. Being here has given me the opportunity to connect with amazing people and create an invaluable network. The community support of entrepreneurs gave me the motivation to start my own business. I have looked at other incubator style programs in Portland and there's nothing like the xxcelerate fund. It's inclusive to a variety of business models and concepts with the sole requirement of seeking growth. With an all female community, network and mentorship, the xxcelerate creates a safe and supportive space in which we can be understood, validated, celebrated and successful. The xxcelerate fund recognizes the importance of women-owned businesses to their local communities. Their programs providing a critical platform to guide females entrepreneurs in creating sustainable growth strategies for their business and provide funding to businesses that span different industries and revenues. To achieve the goals that I have planned for Via Raiz only funding, but investors aren't interested in companies like mine which are slow growing without immediate enormous return. Through the xxcelerate fund, businesses like mine will have the ability to access the capital needed to thrive. My vision is to refrain where what it means to be made in Mexico. Now, more than ever, it's important to create a platform through which a cultural exchange between Mexico and the world can take place. More than a shop I see Via Raiz as a cultural hub, helping build community by offering a space for people to come together to explore Mexico's burgeoning creative scene. Through the beauty of finely crafts wares, I want people to experience a different aspect of Mexican culture. Mexico has a powerful story to share on the world stage and with the support of the xxcelerate fund and the Portland community I can take part in telling it. Thank you.

**Wheeler:** Thank you, appreciate all three of you. Good morning.

**Renee Shade:** Good morning.

**Wheeler:** Thanks for being here.

**Shade:** Hi, thank you again so much for the opportunity to speak with you this morning. My name is Renee shade and I'm a deputy director of xxcelerate. Last year, the council supported us through prosper Portland's budget process. Your support and the additional funding we received from prosper Portland allowed us to successfully launch our xxcelerate and support the women entrepreneurs you see here today. xxcelerate is a Portland based nonprofit organization that provides support to women entrepreneurs to help them grow successful, scalable companies. Lynn, Jennifer and Maryam don't have m.b.a.s but its important they have the business skills and knowledge to grow successful businesses, Xxcelerate provides this. We have a year long xxcelerate for women entrepreneurs. Our programs provide practical and actionable education for women

March 21-22, 2018

entrepreneurs. They have companies that currently have products in the market or what's called post revenue and they've got customers in the u.s. and abroad. Our participants come together twice a month for education, mentorship and peer support. Over the course of the program, they receive over 100 hours of intensive support. Our goal with each cohort is to double these company's revenues, help them retain their existing employees and create at least 50 new jobs. As chevonne mentioned, once the startup is completed a program such as pie, there's little structured support for them. Xxcelerate provides this structured support for women entrepreneurs. We create a safe space where entrepreneurs can be vulnerable and learn directly from the experience of other women. Nationally, the stories and statistics of women entrepreneurs particular women of color are abysmal and we've heard them particularly recently. In Oregon, the 2016 capital scan notes that a lack of business knowledge, financial knowledge and capital is currently limiting new company formation growth here in our state. Women have an amazing economic potential. We start businesses at five times the national average. We lead some of the most reliably profitable businesses that are more likely to succeed. We're more capital efficient and have higher annual revenues. A 2016 Mackenzie study notes that a \$475 billion investment in gender parity alone can lead to an additional \$4.3 trillion in g.d.p. by 2025. In cities such as Portland, this translates into a g.d.p. increase that could be as much as 13%. With women owned businesses, these economic gains aren't just limited to those at the top. One of our participants ground up, a nut butter company works with local nonprofits to provide jobs to women transitioning out of homelessness. Xxcelerate's goal to serve women entrepreneurs across the country and here in Portland, we have the opportunity to build a national model to unlock the economic potential of women entrepreneurs across the u.s. Thank you again for your support last year, I hope you continue to see the value in supporting underrepresented entrepreneurs such as Lynn, Jennifer, Maryam and many, many more. Thank you.

**Wheeler:** Thank you. Good morning.

**Maryam Behrouzi:** Great. Hi, my name is Maryam Behrouzi, thank you for the opportunity to speak with you today. I'm the founder of Spela cosmetic, we launched in October 2016 and since then have expanded to over 40 storefronts nationwide including retailers such as j. Crew and anthropology. I'm a member of women lead and a member of the first cohort of xxcelerate. When I was 3, my parents fled Iran as political refugees with three kids and a few thousand dollars, they started over in Vancouver, Canada. When I was 12, they opened their first grocery store and have since then expanded to seven retail locations and a wholesale distribution company employing hundreds of individuals. They've had a lot of hard work and luck to enable their success but I've learned from them in building a business, the resources of time and money are always very limited. I attended law school here in Portland at Lewis & Clark and looking for a change in my career, my dad reminded me of a childhood dream to start a cosmetics company. In building this business, I very quickly realized that there are really significant gaps in my knowledge and xxcelerate has been instrumental in filling those gaps and giving me the hard skills that I need to succeed. From the standpoint of mentorship and funding, it is so important that the leaders of this program are women. In my experience, it is very difficult to find male mentors without that relationship becoming misconstrued or sexualized. With regards to funding, I have been lucky enough to not need to seek outside funding yet, but I've heard many first-hand accounts of the difficulty of reaching funding as a female founder. Reasons range from investors not understanding a product or service targeted towards female consumers to investment meetings that end in being asked on a date. This atmosphere is not a great situation for women founders and there is an undercurrent of sexism in, my opinion, in so much of the business world and xxcelerate defies that norm and they provide a safe space to access the network that I need to be successful. Through this network, we pull

March 21-22, 2018

resources, we motivate each other and we have access to the high level women mentors and investors that are so hard to find. As a cohort, we are all very focused on building successful businesses which means hiring employees. Giving back to our communities and reinvesting in Portland's future, but as women and especially as women of color, we have a lot of barriers to that success and xxcelerate builds that pathway and breaks down those barriers. Thank you for your support.

**Wheeler:** Thanks for all of you being here and we're proud to support xxcelerate through prosper Portland and it's great to have this feedback to know that investment is greatly appreciated. So it's wonderful to have you take the time to come in and share your stories with us and your successes. We wish you many, many more in the years ahead.

Commissioner Fritz?

**Fritz:** Thank you to each one of you for coming in and speaking your truth and thank you in particular for spelling out why it is so difficult for women in business and the culture that we live in. Thank you.

**Behrouzi:** Thank you.

**Wheeler:** Very good. Thank you. Have any items been pulled from the consent agenda?

**Parsons:** We had two. Item 273 and item 275.

**Wheeler:** 273 and 275, please call the roll on the reminder.

**Fritz:** Aye **Fish:** Aye **Saltzman:** Aye **Eudaly:** Aye

**Wheeler:** Aye, the consent agenda is adopted. Item 268, please.

**Item 268.**

**Wheeler:** Colleagues the foundation of our smart cities and open data program is a more intentional, it is to focus on more intentional management for city data and increase capability to turn data into useful information, we can derive insight from data we have now and data that we'll be collecting in the future to help us make and evaluate decisions to design and evaluate policies and programs, to enhance community engagement and to partner with the private sector to meet city goals around livability, affordability, safety, sustainability, resiliency and equity. B.p.s. has been coordinating our citywide smart cities and open data efforts and has partnered with pbot, bts, p.s.u., trimet, metro and hack Oregon to develop and pilot a centralized data platform to foster insight and enable data driven decision making. Staff and partners are in this project are here today to give us a brief overview of the Portland urban data lake otherwise known as pudl to request our approval of the grant to hack Oregon to support the development of an open and community-owned version of the pudl platform. Welcome.

**Kevin Martin, Bureau of Planning and Sustainability:** Thank you. Thanks, mayor wheeler and thanks, city council for having us here. We're excited to be here to talk about this opportunity with hack Oregon and to give you a very brief overview of the Portland urban data lake project. So back when we were here in May of 2017, for the data ordinance, city council directed us to look at ways to foster our culture of using data, inform and evaluate city decisions and to explore technical tools and methodologies for doing so. So the Portland urban data lake project is really in response to those directives coming out of the open data ordinance. At a very high level and if there's anything I'd like you to remember from this presentation it's probably this. Portland urban data lake is a platform to enable data driven decision making. Data lakes are kind of a thing, open I think the term was coined by amazon for these platforms to allow you to store permission, secure, govern, analyze and make data available, we call ours the Portland urban data lake to get to that acronym pudl which we're more proud of than we probably should be, but it's really this foundation for how we become a more data driven organization. This is what it looks like, if you're looking at the presentation, kind a high level representation. We've got a bunch of data that we need to manage. It goes into this cloud based platform. This is just a sample of data that we need to manage, obviously there are thousands and thousands of

March 21-22, 2018

data sets that are spread throughout the city and the region and data that we want to collect in the future, that we need to figure out how to better manage and how to turn into useful information. So you feed this data into this cloud based system and then it makes available out the other side to our g.i.s. systems, to our business intelligence systems like tableau and our data analysts in the city to our developers and programmers so they can build custom applications, mobile and web applications and dashboards and to the public via our open data portals and really, there's a whole lot, I'm not going to get into the technical weeds, but there's a whole lot going on inside that cloud based system beyond just storing the data. It allows us to manage it, it allows us to clean it, it allows us to secure it and govern it, it allows us to build models actually inside the platform that integrate different data sources and turn them into new knowledge and then it provides the sort of handles that we need for our data analysts in the city and for the public to grab that information and turn it into insight. So why do we need this? Really being a smart city is mostly about data, you know, we think of becoming smart as, you know, using information to build new knowledge and that's really what being a smart city is about is how we take the data that we have and how we take the data that we know we'll have in the future and really start using it more effectively so we can better provide services to the public and so we can, you know, better make and evaluate our decisions. I think it's pretty widely recognized that we are not really effectively managing and using the data that we have now much less the data that we're looking at collecting in the future.

**Fritz:** What do you mean by that?

**Martin:** We have a lot of data it tends to be fairly siloed and it tends to be not accessible across bureau boundaries and program boundaries. We tend to collect and design our data for single purpose uses rather than thinking of it as a resource that can be shared across the city and with the public and we tend to sort of -- our data is sort of siloed and it's also kind of siloed in a way that we store it. So, you know, we don't create systems where it's easy to integrate data from multiple sources and that's really what we need to effectively analyze and turn our data into useful information. We do, do that with spatial data and really, the city and the region and portions to what metro has been a national leader in how we manage our g.i.s. data and we really want to build on that system and expand it so it can accommodate other types of data beyond just things that we can put on the map. Small -- small data is hard. So the data that we have now is "small data." and we're having trouble managing it as we move forward, we know we're going to roll out things like sensors that collect data 24/7, 365 days a year, some of which will provide data, 10 times, 20 times a minute and how are we going to manage all that data as a resource? How are we going to store it? How are we going to turn it into actual information that folks like you, staff in the city and the public can actually use to make decisions? Puddl is really a foundation for doing that.

**Fritz:** Why do you say it's inevitable that we're going to have more sensors?

**Martin:** Well, I think that we recognize that there's a whole bunch that we don't know that if we knew, we would be able to more effectively make decisions about services we provide and investments that we make. The example that I'll use later that I can use now is we don't know how pedestrians are using our infrastructure. We have pretty labor intensive manual ways of going out with clickers to count pedestrians on sidewalks in the city. One of the things we know we wanted to do going forward is figure out a way that we can have a much more real time information about how pedestrians are moving through our system similarly to the way that we have information around how vehicles are moving through our system.

**Fritz:** I just suggested that's a policy call because I think there's significant privacy and monitoring surveillance implications to sensors that surveil everybody's use on every sidewalk.

March 21-22, 2018

**Martin:** I absolutely agree and I think how we roll these things out and how we manage those issues around privacy and confidentiality of our community are core components of this discussion. We definitely don't want the technology to lead. We want the community to lead and I think those privacy issues are definitely part of that conversation.

**Fritz:** And again, I would say whether we roll them out, rather than how.

**Martin:** Yeah. Yeah. You know, extracting value from our data is this untapped opportunity. This is a slide from Harvard from a couple of years ago and it's not really specific to the public sector. This is actually a study of the private sector. So our percentages are probably a little bit different and probably not as good, but they found that only 50% of data is actively used in decision making. 70% and sort of to the point of commissioner Fritz, 70% of employees have access to data that they should not. So really, one of the things we're trying to build in the publ is this concept of much more granule levels of permission around data so we make sure any information that's sensitive and any information that's confidential only people that need to see that data see it and to a degree that it's possible, we don't want to collect that information at all. So, really, thinking that through as part of the technical platform is one of the things that we're talking about and then this is near and dear to Michael Kerr's heart, 80% of the time that analysts spend, you know, analyzing data is really finding the data and cleaning it up so that they can actually use it. So that's a huge time set that we want to really build a platform that reduces that percentage significantly. Some core principles and I'll just run through these real quick, data does not equal insight. We've seen a lot of cities rush into technical solutions like rolling out sensors, collecting a bunch of data and realizing they don't know what to do with it and they don't know how to use it and so data does not magically become information just because you collect it. We need systems in place to make that data useful. Data is more valuable in combination with other data. We need systems that allow us to integrate data to tell a full story. We're really looking, you know, using the smartphone versus camera technology to build something that's not single purpose, that's the way we use it now. We store it over here, we analyze it over here. We want to build a platform that does all of those things so akin to the smartphone. We want it to be nimble, open and vendor agnostic and not lock ourselves into a particular solution. We know these are all new technologies and we want to be able to change our minds down the road in terms of where we store this data. We want to start small and test, evaluate, improve and repeat. So really recognizing that there's no one right answer right now and, you know, the way to do this, the way to innovate is really to start small with a problem we can wrap our heads around and build from there. We want to learn from our past successes around how we managed g.i.s data as a city and region and we recognize we are not alone. So we're partnering with trimet, pge, metro because we're all struggling with the same problem in the region and working with the city of Austin, city of Denver and the city of Boston to try to look at if we can build sort of a shared collaborative solution and, you know, other cities are -- city of Columbus just rolled out a \$10 million r.f.p. to essentially do what we're proposing to do here for a couple hundred thousand dollars in a pilot. You know, we recognize that we want to start small and that no amount of money is going to bring somebody in to help solve this problem for us. We really need to solve this problem from within and then leverage the technical tools that we need to do so. All of this is hard. This is just from 2014. This is graphic of all the different data platforms that are out there in 2014. So it's 2018 now, so this is even messier than it was then and, you know, we spent the past maybe three to six months evaluating all of the different options and figuring out what technology is the best fit for Portland and so we're now at the point where we're ready to move on a couple of pilots and those pilots, again, pretty -- at just a high level. We're looking at a pilot with Microsoft and a company called cloudera which is a aggregator of open source tools that you can use for these types of data platforms. And a company that they work with

March 21-22, 2018

called clairvoyant, that's more of a platform with a service model where we'd be paying them to basically create and manage the platform for us. We're talking to amazon a.w.s. about more of a do it yourself model where we would build this internally and pick and choose the tools we want to use ourselves. What we're really here today is talk about it is a pilot with hack Oregon on a community built version of this and really recognizing that there's an opportunity here to continue to support hack Oregon which is nationally recognized as a leader in using data to foster civic engagement and really want to continue that relationship with hack Oregon going forward and they Cat's here to talk a little bit more about that. We're also focusing in on a few use cases around safety, pedestrian safety. So how can we use the data we have now and how can we look to future data sources to get a better handle on proactively identifying places where there's a high risk of pedestrian injuries before they actually occur and how can we better assess the investments we're making around pedestrian safety so that we know they're work and data has a role in both of those conversations. We're looking at a partnership with trimet around improving transit travel times based on real time traffic and congestion information. We're calling this the will I be late to work and be fired use case. We're looking at a partnership with psu around predicted pedestrian models to get at a better idea -- a better understanding of how a curb is being utilized. So these are the initial use cases that we're rolling out with and then we've got a pretty broad collaborative team internally. It's a partnership between b.p.s., pbot and b.t.s, but we're also working with Portland state, trimet metro, hack Oregon and Portland general electric. The funding, the initial funding for all of this is coming from pbot and I want to thank them for recognizing that they're going to need this data foundation to do the kind of work that they want to do going forward and that before we put out any systems or increase our capacity to collect data, we need a place for it to actually go and a place for us to actually manage it. So with that, I think I'm going to turn it over to Michael Kerr from pbot for a little bit more on the data analyst perspective and perspective from pbot itself.

**Michael Kerr, Portland Bureau of Transportation:** Thanks Kevin, good morning, everyone, my name is Michael Kerr and I manage pbot's office of strategy innovation and performance and I'm here to provide a bureau perspective of pudl efforts and why we pbot are so invested in making this a success. So the origins of our interest really stems from Kevin really has touched on already but in a more applied sense with the scope of our mission and just the breadth of our programs, nationally organically our data has just developed in ways and brought in ways that we have siloed systems, siloed storage capacity and siloed data across our bureau. Every program office maintains immense amounts of data and they do it in their own way. They have to answer questions specific to their programs and this is just how things have gone. It's a natural occurrence, you see this in many organization, but in pbot given our breadth and scope, it tends to be a fairly immense how spread our data is. Add to that the fact that when you try to take data from different programs and bring it together to combine it to actually derive insights from the data, it tends to be highly unstructured. Formatted in different ways, certain terms are called, our road is called different things in different data sets, for example, because each program may look at a road a little bit differently. When you bring these things together, it's incredibly manual and takes time, effort, labor, bringing subject matter experts to the table to get them to explain to you what the data means and to make sure we're all in alignment and consensus before we can proceed. With that, we look at pudl as a great place to go because with a central platform for us to place our data, it introduces maturity. It introduces new behaviors that we'll need to pull out of our staff to ensure that going forward, we don't continue to bring in data in the siloed fashion. That being the case, we are also given the pudl effort we already initiated internal efforts, some we're inventorying our data across our bureau to better understand what we have today, where it was designed, who maintains it.

March 21-22, 2018

It's just a starting point. When you do any type of open data effort, this is a requirement, right? We're already taking these steps. Simultaneously, we're look at the data quality across our bureau so if we do share data with pudl or with external stakeholders, that we can accurately communicate what this data is, what it means how sensitive is this information, when was it last collected? And then just the quality score, so to speak so you know what you can do with it. And then finally, we're looking to warehouse data. It's a strategy of bringing data into a central place so we can better transfer data back and forth with an open data platform like pudl. That's our existing data. As Kevin have touched on, there are numerous emerging data sources across this smart cities space that can help us as a bureau better answer questions that up to this point in time has been incredibly difficult to answer. Where we've utilized fixed counts and fixed intervals going out to street corners as Kevin mentioned to count pedestrians, count bikes, we have smart cities providers coming to us that are really providing incredibly innovative ways to present this information back to us. Information that is real time, information that is comprehensive. As opposed to fixed points, it is across the city all roads, we can see from 6:00 a.m. to 10:00 a.m. exactly how everyone was traveling. What road they took, what roads they took. If there was construction on a road how do they divert and where did they end up? It's incredibly promising material and we're very encouraged by what's out there, but we know given our current data infrastructure, if we start bringing this data in, its almost like you open the floodgates, you start getting this data. As an example of the ways c.c.p., the data we're getting for that community partnership, you turn that data on, it's thousands of records every minute coming in just on an ongoing basis. It can overwhelm your systems, number one. Storage capacity is reached pretty quickly and then two, it's coming in in an unstructured format so you're getting information that you then as an analyst have to take and translate to derive insights out of it. When we look at pudl, we see a platform that is going to be able to take this data in, translate it via machine learning, automation, however we ultimately design this system, and then provide back to us the insights that we've provided to them saying we need data for these time intervals across these various modes and pudl will be able to provide that directly back to us so that then we as a bureau can truly take this data, do real rigorous analytics and provide each of our programs with various insights into how what we're doing as a bureau is impacting our city and how investments are impacting our city and how we should be prioritizing going forward. And then I'll finally touch on this, the tools that we have today. We've talked about g.i.s. G.i.s. is incredible promising from a spatial perspective. We use it for almost everything we do across our bureau and map where we are, what we're doing, where our investments are going? Where our safety improvement projects are going, where vision zero is focused, but g.i.s. has the limitations when it comes to real time data. And our g.i.s. teches will tell you why we love the tool and want to continue to use it for the current set of cases, when it comes to real time data, we get frightened about this. G.i.s. isn't capable of taking all the reams of information from the signals, from the sensors, from the gps data sets and automatically translating it over into actual derived insights. Then we have tableau. Super sophisticated tool that can work with immense amounts of information. However, the way we as a city have deployed tableau, it's localized, every bureau has various instances of it, it's on desktops. You can't necessarily tap into enterprise data sources like, say, s.a.p. or h.r. data sources to pull data out. You have to get flat files and it's a very manual process. Subsequently, you also run into data security issues without an enterprise backbone because we're sharing dashboards, etc. with sensitive information. We have to withhold this information manipulate ways to get it out only to those who need it. It's not the right way to go which is where pudl then provides us with an enterprise backbone that we can work with. So, I'll leave it at that for now, we are absolutely on board with the pudl project,



March 21-22, 2018

we continue to support this given the use cases we're focusing on and we very much want to see this project succeed.

**Wheeler:** Thank you.

**Martin:** And Kristin Tufte is here from Portland state to talk about psu's role and her role in the project.

**Kristen Tufte:** Good morning. My name is Kristin Tufte, I'm a computer science faculty and smart cities liaison at Portland state university and thank you for having me this morning. You know, honestly when I talk about our work in pudl, I usually talk about people and how I really honestly hope that our work with will make a pedestrian safer or give some reassurance to a lady who's riding the bus. Give her some more accurate information about when she gets to her destination, so she knows she'll get to work on time. But I'm going to try to take a little bit of a different tact today and I'm going to put my academic hat on and I'll tell you that I've been working in big data since the early and mid 1990s, maybe don't want to admit that, but that's about 25 years and this includes development of several cutting edge research data management projects including one called paradise that we actually sold to ncr corporation. So data is my space, that data platforms diagram that Kevin mentioned that looks messy, I think and complicated, that's my space, I love, it it's fascinating, it's interesting to me. Bringing this a bit back to where we are here today, so let's imagine for a moment that one of our project goals is to bring you guys a graphic. Bring you all a graphic about an issue, pedestrian safety and the purpose of that graphic is to help you understand that issue better and to enable a little bit of a discussion and a decision and the question is how's pudl going to help us get to that graphic? And so to my mind, the first step in that is understanding that issue, whatever we're talking about pedestrian safety from your perspective. How does that appear from your perspective? What are the potential leverage you may have to influence that issue and that's a key point that I have which is that all the work on data, work on pudl, this work really must be driven by outcomes, specific outcomes such as providing you with the interesting graphic on pedestrian safety. So when Kevin presented this data pipeline, the first piece in that pipeline is ingest. In my words, that's just getting data and getting it into the system and as mike described that in and itself can be a really difficult part. The next piece is data engineering. This is sort of my area and I describe data engineering as getting the data to play nicely together. Yes, I know I personalize data, right makes me a geek. It's trying to get all this data to play nicely together and if you think about pedestrian safety, what data do we want to learn about intersection safety? We want to know how many cars are there? How fast are they going? Is it cars and trucks or mostly cars? How many pedestrians are there? Is there a bus stop nearby? There's a whole variety of data that might influence our pedestrian safety graphic and we got to get all that data to play nicely together. Different formats, different levels of quality, etc. It is to my eyes relatively -- there are tools and techniques out there that can help us solve it but it's not a fully solved problem, we have research ongoing at Portland state that we have agile data integration that is applicable to this problem, so it's a problem research based. So the data pipeline, ingest, engineering, stewardship and then those three things provide the foundation for the data analytics and the data science that would create this graphic for you. So our goal -- yeah?

**Fish:** Can you hold on for a second we have a blank screen. If the public isn't -- ok. Now it's on. Thank you.

**Tuft:** Ok. Sorry about that. Those are the three steps. So that's what we'll focus on and pudl, ingest, engineering, stewardship, followed by analytics and data science with the goal of providing actionable outcomes. P.s.u. is a partner in this effort, we are excited to be a partner in this effort, we very much value the partnership with the city and with the

March 21-22, 2018

regional agencies. We strive to provide the technical backbone for you to be a smart city that is part of our shared goals and our partnership agenda. Thank you.

**Wheeler:** Thank you and we hope you're better at data than plumbing.

**Tufte:** When I was in high school, when I was in high school and took a test to tell me what career I should have, it told me I should be a plumber.

**Wheeler:** My mom wished I was either a plumber or electrician. There's days that I do, too. Commissioner Fritz did you have a comment.

**Fritz:** Yes, I have several questions. I noticed in the principles there was nothing on equity and I'm wondering how this benefits our underserved communities and particularly this really introduces a new category of underrepresented people, those of those who don't understand technology nor would be able to delve into a lot of data so I'm interested at maybe not extensively now but as this project moves forward, sort of understand how those people are going to be better served.

**Martin:** Maybe I'll take a first crack at that. I think that's a really good question and one of the things that we recognize is that the way that we make data available to the public now is not equitable in and of itself. So we have open data portals and that's great. People can go and download data, but as we like to say, that only serves only 1% of people that can actually take that data and do something with it that have those skills. So one of the reasons that we are so excited about the pudl project is because by building this sort of foundational platform for making data more accessible, we can make it accessible in a way that provides actual information rather than just sort of raw data. So we've heard a lot from the community like it's great that you're making your data available to us, but I can't do anything with it and really, we want to have a community conversation around as we make our data available, how can we do it in a way that you can actually, you know, make decisions based on it?

**Fritz:** The challenge there, is usually stimulates more conversation, that we found with our geographic mapping, it looks like we invest a lot of money in east Portland in the water bureau, for example, because the reservoirs are there. It's not really benefitting. We had a robust conversation earlier this week about transportation and the state of roads in east Portland that these Portland representatives were astonished to find out that according to tableau, streets are in pretty good shape there. I'm concerned about that this somehow, sometimes doesn't create more understanding. It creates less understanding and more questions then coming into staff who may or may not have ever seen that particular graphic. So that's something I'm concerned about moving forward. You mentioned about doing the computer programs automatically analyzing all this data. I know that we will have, there are lots of national concern about those machines and various other things. How it built into quality control so we know the machine has done it correctly. And thirdly, is this all predicated on each of us being trapped through carrying our cell phones?

**Martin:** No.

**Fritz:** So when you're talking about knowing where the traffic is and everything is kind of a mystery to me how google maps knows the congestion is and takes you around the way, but this is on a much more personal level that people might not necessarily be asking google maps to tell them how to do it so that's a concern. And my last thing to be explored is what are the state laws about this? We know that Oregonians are very much into privacy. We have to battle to photo radar in specific areas and we have to put big signs up saying that, you know, watch out, you could be on candid camera. How do you envision any state laws being changed in order to be able to do something like this.

**Martin:** I think those are all excellent points and art of what we're doing in this pilot is doing some learning around how we approach all those issues and I hope that we can continue to engage your office in those conversations.

**Fritz:** Thank you.

March 21-22, 2018

**Martin:** I want to bring up Cat Hack Oregon to say a few words specifically about the grant with Hack Oregon. Cat, want to come up?

**Fish:** I think we still have a couple of questions with this panel. Can we do that first?

**Martin:** Sure.

**Fish:** I have two questions. So one of the challenges we have in the bureaus, all the bureaus is better understanding how the people we serve view us and whether -- what kind of information did they want? And I think a classic example of that is when we had discussions at budget time about some of the benchmarks that had been developed. I've been a critic of some of the benchmarks because they seem to me not to be correlated to things that we're hearing that our customers care about. So we're trying to get benchmarks that are actually directly relevant to people's experience. So my two questions to pbot is it mike?

**Kerr:** Yep.

**Fish:** Is number one, what's the process you go through to figure out what the people you serve are interested in? And how do you determine what kinds of questions people have and how the data will serve that? And number two, does the proliferation of data allow you to make real time changes in the grid daily? And I'll just give you one example. There's a huge choke point in our city now around grand, m.l.k., couch and Burnside bridge and there's a lot of factors including construction, a lane taken out of Burnside and the like. But another piece of it is that, as I learned to my detriment the other day, the reason traffic is backed up on grand so far is that the light at m.l.k. Along couch lasts about eight seconds so there isn't enough capacity to get -- so cars get blocked at the intersection, they can't get through the intersection so it backs up. Does the proliferation of good data allow pbot to make real time changes in those kinds of patterns?

**Kerr:** I'll get obviously to that question in a moment. To go back to your first question of how we solicit input from external stakeholders. Given that pbot is so present and as we like to describe at every project we work on from a capital perspective is above ground. It is we're shutting down lanes, we're diverting traffic, we're having to do something that inevitably impacts someone or a mass of some ones. So through the capital improvement programs, that's one place where we get continuous feedback. You look at the immense outreach, we do around our broader, bigger projects like naito for example. That's one major input. Our planners are out there conducting stakeholder engagement meetings on an ongoing basis. I mean, this is real time bringing people to the table constant outreach and it is throughout every year and then you bring it back and how we get feedbacks through that process as well. We also are working on right now our communications director is working on a community outreach survey. Its another way of getting inputs, but again, we can never get enough. That's a constant discussion, but we do, as a bureau, that's constantly a focus of what we're doing, but we know we can always get more and there's always opinions that we miss and it's just something that we have to take account of and constantly get better at. So your question about real-time adjustments, the answer in short is we believe that will be the case. Our signals and street lights team today, they already have means to see what's going on via video cameras and to make adjustments not necessarily real time but to react to what's going on. Sometimes you can't necessarily foresee what's happening before it happens and it's going to take a day or two to make an adjustment, regardless, the hope would be with this data in the future that back to this whole machine allorhythmia based automated services that those types of real-time adjustments to the way a signal is timed, etc., will be possible across the transportation system without someone having to go in and intervene. But this is hypothetical, we don't know where we're going to go, just the data shows that, yes, it's promising and it may enable us to make these changes.

**Fish:** Thank you very much.

March 21-22, 2018

**Wheeler:** Thank you very much. Thank you. So, I want to keep us moving we're way over time here and we still want to hear from cat and we still have to take public testimony. If we could keep this focused on the grant agreement with hack Oregon, that would be helpful. There's a lot of times to talk about the transportation issues and the open data issues generally. Commissioner Eudaly.

**Eudaly:** I don't think we saw several slides in your presentation so if you could e-mail them to us, I feel like you were referring to slides that we couldn't see.

**Kerr:** Yeah, I'll make sure that you have those.

**Wheeler:** Thank you, cat, you want to come up?

**Cat Nikolovski:** Hi, thank you. I'll do my best to keep this brief. There's a lot to digest and I think just to highlight our program and really what hack Oregon does and to continue on with the partnership and investment that the city has made in us with the grant last year. We work with volunteers and build open data projects that are systems to help enable more of this data to be used in terms of analytics, it creates consolidation of existing information that we have. I'd like to mention as well that we're working with data overall that's not sensitive, personally identifiable or anything that gets into security concerns. We are really rich with opportunity in things that we can learn especially when it comes to equity. Around the things that the public wants to hear about that don't necessarily fit into some of the programs and existing, you know, work flow of people that work in these different areas that even pbot, if we want to discuss something about transportation and we're looking at mobility in our city and ridership, trimet released a report in fall looking at a slow decline in ridership over the last 10 years. This is coming from an enormous data set of ridership data and they were able to -- they put a lot of man hours in producing this report and couldn't quite say, you know, why is ridership declining? There was an article that was published with -- you know, this is national looking at potential economic displacement, but we would have to do a lot more work in order to understand this better and, of course, that brings in questions about our neighborhoods, affordable housing and tie that back into transportation and then, you know, neighborhood development and change over time. All of this data you're talking about 20 different types of sources involving number of different bureaus, county, even state, what does mobility mean in terms of disaster planning? Right? That you can easily just compound the complexity of these questions and if you don't have systems that are in place to be able to easily access and streamline some of your sources and make this machine readable so that when you have big data, you're not just doing calculations with, you know, small teams of analysts. You actually have some machinery that can help make this very quick and accelerate the pace of innovation of what enables the decision making. We have been able to access the ridership data from trimet and really help them because we have a team of 40 engineers that are working as volunteers for six months to deliver a demo of this graphic that you'll see it. It will actually look like an entire system that will let us know something know about ridership decline and guess what, in order to learn something about ridership decline, we have to understand economic displacement and we have to understand equity and mobility in Portland which involves a lot of factors. And so in that way, we are required to be nimble and move in between bureaus in a way that can be really difficult for government to do. You know, there's barriers to innovation when it comes to procurement and a lot of other things, Portland is not alone dealing with. And the reason that hack Oregon is getting national attention at this moment is we've been able to inspire teams of volunteers to come out from the private sector, work with domain experts and oftentimes volunteer right alongside city employees after hours to see what we can do with this available information to offload some of that risk in r&d, these would be very expensive projects if we were paying for the time involved with the people doing them, but because it's so important and because it doesn't seem like there's a process for us to move forward on this, it creates

March 21-22, 2018

this call to action that's very powerful for the community. Hack Oregon has been a nonprofit active in Portland for five years and we are continuing to build on the momentum that we got from our partnership with the city last year and the whole country is paying attention. I think it's good to -- if you're not aware, there's the global smart cities tech jam conference is coming to Portland in June. We are set up at the convention center for 2,000 people from the community to come out to watch this demo. Our transportation partnership with pudl and our grant today is just one of five projects that we're going to be demonstrating to the public. It's tradition for us, actually, commissioner Fish was there last year. The audience doesn't vote on their favorite projects, but we know that some of our other projects, by the way, are affordable housing, Oregon disaster resilience, that's also we're working with pbem on that. And we're working on transportation with pudl and neighborhood development with the county and we're looking into elections and redistricting so all of these projects share data sources. And what I'd like to just leave you with today is listening to all this conversation, I know it may seem a little bit strange where we're talking about the city's long term vision for what open data means and there's so many questions that goes into what cloud and security and different pipelines mean. Hack Oregon is listed as a micro pilot partner right alongside a.w.s. and Microsoft. Why is that the case? Why is this happening with the nonprofit here in Oregon? It's actually very unusual nationwide and when you think about the citizen and engagement open part of it, you may think that it means it's an amateur hour sort of, you know, creating a presentation. But these are some of the most talented, highly sought after developers, engineers and data scientists in our city. We have thousands of applications of people who want to join these teams. We took 125 volunteers this year. By the way, 60 of those volunteers went through extensive training with us as part of a work force development program and depending on how you look at it, we're one of the largest developer shops in town. This is all going back into the public domain with these systems that belong to people and can be there to help inspire and inform all of the questions that are going to come at us for many years as we develop our long range vision for open data. And so we want to have an amazing showcase in June when the country is going to be here looking at smart cities. We want to establish that leadership for Portland. I know that we can do it. We're entirely grateful for the support from b.p.s. and pbot. We also just as a reminder, we have a formal request for the budget bump as well, just to help us make sure we can get over the finish line especially when it comes to looking at housing and affordability and some of those equity questions. So thank you.

**Wheeler:** Thank you Cat. Commissioner Fritz?

**Fritz:** Thank you for your presentation and your work. You just mentioned having lots of volunteers involved in this. Some of this data that the city handles is confidential, sensitive information. How are your -- I mean the very name of your organization usually being hacked is not something that is a happy day when that happens. So what are the safeguards for community members who may be worried about their data being available to people who are not public employees?

**Nikolovski:** Sure. I think that the simple answer to that question is we're not working with data that wouldn't already be in the public domain. And this is more of an accessibility question that we can do a service to bureaus who actually would want to share their data, but can't necessarily get the staff time to do that. Also, cleaning up a lot of data sources, making it possible to make that available to be shared, I think that an example of this is when we're working with trimet, the smart cities community, when this ridership report came out they said they'd be willing to open up this ridership data which is not allowing to follow anyone's trip. It's just basically counts of on/off's and certain things around schedules, but there's a lot of information there and they were, you know, wanting to share it with other cities so we can do cross analysis and it was like how do we get you that

March 21-22, 2018

data? Are we mailing you a thumb drive? And hack Oregon was able to take that data and put it into a cloud based system that now is accessible to other cities and also trimet themselves. Usually the city's the number one user of data that we serve.

**Fritz:** Thank you. So, for our city staff when we get the public records request, it gets submitted through the city attorney's office. Are you envisioning any involvement by the city attorney's office?

**Martin:** Yes. We've had great conversations with the city attorney's office around how we can manage these kind of platforms to reduce the number of public records request by proactively managing the data available before people are asking for it. We're definitely partnering with them in this conversation.

**Fritz:** Are they envisioning needing more staff in order to set it up?

**Martin:** The pilots themselves?

**Fritz:** Uh-huh.

**Martin:** That's a good question. We're basically working with the resources that we have now and everybody is sort of doing this on top of their day jobs. Which is not a long term plan, but will get us through the short term pilots. That's one of the reasons we're looking at for one of the pilots, for the vendor to essentially manage it for us and there would be a transition plan of how we can build up the resources and turn it over to the city that we could take that over at some point when it comes to production, but that's probably a 1920 conversation.

**Fritz:** Thank you.

**Wheeler:** Very good. Thank you. I understand you have some invited testimony. Is that correct?

**Martin:** We do. Do we still have time for that?

**Wheeler:** We do if people could keep their remarks succinct.

**Martin:** That would be great because I brought people.

**Wheeler:** Yeah.

**Martin:** I know they're very excited.

**Wheeler:** They're busy people. Let's hear from them.

**Martin:** Let's start with a partner from intel and metro gear to provide some invited testimony.

**Wheeler:** Great. Come on up. Thank you for being here. Oh, dear. I see that.

**Devon Rottiers:** Hi, thanks for the opportunity to introduce myself and my company is dedication to changing the world of technology. My name is Devon Rottiers and I'm based out of Chicago. So I came here all the way with my crutches and my boot to speak with you, very excited.

**Wheeler:** Excellent. Thank you for doing that.

**Rottiers:** Yeah, of course and I manage intel's relationship with public sector end users in the midwest and the pacific northwest. So I'll try to keep this brief but Kevin mentioned a couple of other cities across the country that, you know, are also trying to solve the same problem and I think that this is an opportunity for Portland to really be a leader and be on the map and being that Portland is in intel's backyard and several large -- cause the large base of our employees are, you know, citizens of Portland intel is really excited to work with -- on the pudl project.

**Wheeler:** We're thrilled to have you. I think this is a great collaboration and a great partnership and we're very, very appreciative to have you here.

**Rottiers:** Of course. Thank you.

**Wheeler:** Sorry about your foot.

**Rottiers:** No problem.

**Wheeler:** Good morning.

**Jeff Frkonja:** Good morning. Thanks for taking the time to hear us.

March 21-22, 2018

**Wheeler:** Thank you.

**Frkonja:** I'm Jeff Frkonja, I'm the metro research center director so the research center at metro is our geek squad. And we've been privileged to share our expertise with a great team that Kevin has put together here with all the people you've already heard from. We are here to strongly endorse these pilot projects and the innovative work that your team is doing and I want to say that the steps that they are taking are early steps towards a greater vision of having truly smart city which, as you heard in more detail, is really about a, getting public servants like ourselves the tools and resources to do our information job more efficiently and then also to bring better decisions supporting information to you folks. And so the ultimate vision, then, proceeds to getting the real value out to your constituents, the people who reside in the city and, of course, the region so they have better information on public goods and services. So this is important work. It is a long game, but it will ultimately get us to a smart city and in our view, from metro's perspective to a smart region so we do endorse this work and hope you will support it and thank you very much.

**Wheeler:** Excellent. Thank you. And I'll say the same thing to you that I said to the representative from intel. We appreciate the partnership. We think that there's a lot of learning that can go on here simultaneously for all of us.

**Frkonja:** Likewise. Thank you.

**Martin:** Thanks Jeff, thanks Kevin. Just a quick word from trimet and pge. Good morning.

**Tim McHugh:** Good morning. Hi, I'm Tim McHugh from trimet. I'm the c.i.o. there, I've been involved in a lot of open data initiatives that you have already heard from cat and Kevin. I would tell you that our experience with that has been nothing but positive over the years. It's produced results that we didn't initially envision in anyway whatsoever and it's been a great and positive thing engaging the public and getting a lot of good information and a lot of fantastic customer information out there that we would not have been able to provide otherwise. I would add that a lot of the work that we need to do in order to get this data organized, a lot of the just diagrams that Kristin displayed for you, that kind of activity has to be taking place in every single one of our divisions, companies, bureaus, whatever we are. It's so duplicative, I think that's one thing about this project that's kind of exciting is for all of us to focus our resources getting us on the same sheet of music and obviously trimet is the mobility of the region and we all need to be working off the same sheet of music when we're looking at decisions on how to get through the city faster.

**Wheeler:** Thank you. Appreciate it.

**Josh Keeling:** Thank you for giving us the opportunity. I'm josh keeling, I'm manager of customer solutions group and Portland general electric. Our team works on projects in new products and development across a wide suite of projects and smart cities in decarbonization and resilience in transportation and as you can imagine, across those categories, we're pretty big customers of the data that the city provides already and are pretty invested in finding new opportunities to collaborate and find synergies in both the provision of open data but also analytics and making them operational. Our planning process on these projects is increasingly reliant on strong collaboration with the communities, with the cities and with the municipalities particularly when you look at areas such as transportation electrification or resilience where looking at supporting the communities, finding ways to help them manage in potentially catastrophic events. This is a huge focus a corporate goal of our own and as well in supporting the city's goals around smart cities and decarbonization. So we've been really happy with the partnership both with the city and with Hack Oregon and surrounding organizations.

**Wheeler:** Thank you both. Appreciate it very much. So is that it for invited testimony, thank you very much, thanks for the presentation. Sue, how many people do we have signed up? Very good.

**Parsons:** No one signed up.

**Lightning:** I want to speak.

**Wheeler:** Good morning.

**Lightning:** Good morning. Yes, my name is lightning I represent lightning super justice watchdog. There's one thing that I truly enjoy the most is data and so when we're talking about bringing this data together and make it more user friendly, say, to the public, I'm at 100% agreement. Now, I noticed on this grant we're at \$31,600. I don't see how you can do a lot with that amount of money. So I'd like to request that amount be brought up to \$150,000 and I think that's a reasonable request and the benefits of this data for the public to be able to review it and make more informed decisions on what happens at the various, the city, the county, the state level, I think is very beneficial and I think \$150,000 is not a far reach. \$30,000 is on the low side. Another issue I have is that I feel that -- and I hate to say this to hack Oregon, we're looking at the autonomous vehicle data that we're going to need. We're looking at the -- my good friend Larry page, the sky port data that we'll need and I like this data being worked on right now. And I think we ask the ridership issue on streetcar, trimet and let's face it, I don't need data to know why their ridership is down. We've got uber, lyft, we're going to autonomous vehicles. I've always said we should stop investing in trimet and stop investing in a streetcar. I think they're going to be an obsolete dinosaur and the reality here is this we need to look at the data to truly analyze that and have a true understanding on the direction the public is going. We saw what happened to the independent taxi cab companies. When uber came to town, as you know, I was asking uber, please, please understand you're going to cost a lot of these people their jobs. Now, they're not going to listen very closely to what I had to say, I'm just one person from the public, but when they have real data that is provided, that makes a big difference. That makes a big difference to where they can look at it, they can analyze it and then we can create solutions if there's going to be job losses in the private taxi industry which we've had tremendous. The city did nothing. I stood up here and said you need to do something. You need to put caps on how many drivers you allow uber to have out in the marketplace currently. Did we come up with a solution? I didn't have the data in front of me to be able to do that with you. What has happened? What has happened?

**Wheeler:** All right, thank you.

**Lightning:** The private industry has plummeted and they've lost all their money. Thank you very much, city council. We need data. We need information. Give them \$150,000. Thank you for your time.

**Wheeler:** Thank you. I'm sure they do appreciate that. Please call the roll.

**Fritz:** Thank you for your work, aye.

**Fish:** Thank you for your presentation and I'd like to know more about the June conference. So, hopefully get an e-mail on events that you suggest that we can consider going to. Look forward to reviewing the spring bump request. If there's another presentation at Omsi or elsewhere like you did last year, I'd also like to know about that. And, you know, this whole question of data, better data and how we use data is at the core of government accountability and this is a very exciting collaboration. So I'm pleased to vote aye.

**Saltzman:** Thank you for the very exciting work that you're doing and I wish I understood it all, but I have to confess I'm a lay person here, but I do from a decision maker's perspective, I'm sort of wondering in the back of my mind as I'm listening to your presentations about data driven decision making is really is there a limit to that? There's only so much data that we as decision makers can absorb. So I guess there's a role for subjective decision making that I think we all employ up here to a certain degree or another vs. sort of the objective decision making which is kind of data driven answer. So, you know, that's running through my mind and I think it's something that we need to look at. It's like pointing a fire hose at us, there's only so much we can absorb into our brains



March 21-22, 2018

and use it to make a good decision. I'm very confident in the organizations that -- and hack Oregon and all the other organizations and I appreciate the work that hack Oregon has already done for the city of Portland. It's been very productive. I think work you did for Portland fire and rescue recently was very helpful. So I'm going to vote aye for this.

**Eudaly:** I'm in the middle of a sneezing fit. So I'm just going to say I would like to meet with someone from hack Oregon and talk about ways that we might work together and vote aye before it starts again.

**Wheeler:** So I'm obviously enthusiastically supportive of this and I thank all of our partners for being here. This is a great opportunity to use the data to further our goals and interestingly, this kind of open platform will drive our city bureaus to work together to innovate and to focus on our overall objective. So I think it's a huge movement in the right direction. Lightning, I agree with you that the \$31,000 and I want to acknowledge that's narrowly for the hack portion of this particular proposal. This is really a pilot. When we roll this out in a more substantial way based on what we're going to learn through this program, the resources that will be required to make this feasible citywide bureau wide is -- are going to be substantially more than what's being proposed here. So I do want to acknowledge that. Great start. I vote aye. Thank you all for being here. The ordinance adopted. The grant is approved. Next item, 269.

**Item 269.**

**Wheeler:** Good morning.

**Sarah Landis, City Auditors Office:** Good morning. Thank you. Good morning, Sarah Landis, chief deputy city auditor and with me today are Marco Maciel the foreclosure program manager and dan Simon in the city attorney's office, I have the city chief financial officer/treasurer and with us as well and code enforcement manager for bds are also here to answer any questions that you might have. Before I go into individual property detail, I'd like to take just a moment to review the city's efforts to address vacant and distressed properties in foreclosure. This is the fourth foreclosure list that we have brought to council since focused efforts began in 2016. As a reminder, in the foreclosure program when they have delinquent liens. For those properties determined to be vacant and distressed properties, these are code enforcement liens which result in penalties and nuisance abatement liens where the city has incurred a cost to clean up the property. Taking someone's property is obviously a serious step. Per city code foreclosures should only be used as a last resort when all other enforcement options have not improved the conditions of the property. This effort is really the result of a partnership between the four agencies listed here with input from others such as the police bureau, neighborhood involvement and council offices as well as community members. Very briefly, development services recommends candidate properties, the auditor's office reviews and selects properties to foreclose. The treasure conducts the sale and the city attorney advises along the way. Since we began bringing the properties to council for foreclosure in 2016, the increased pressure being applied to the owners of these distressed properties has had positive results. We've brought 65, bds has proposed 65 properties for foreclosure including this list, 13 would have been brought to council for a vote. Of the 65, initially brought by bds., we've had half of them paid in full. Yeah, over half of them have paid in full, 37. And we've collected \$1.6 million.

**Wheeler:** Could you not forget the last bullet point on that slide? I think it's the most important one.

**Landis:** Yeah, so as we move forward with foreclosure on properties and as owners and financial institutions receive notice that we're intending to move forward on foreclosure, there's a great deal of pressure applied and that's where we see much of the resolution there in payment in full in turning those properties over back into productive use. Ok. So there are three properties on this list with a total of 15 liens and about \$200,000 owed on

March 21-22, 2018

those liens. Two of these are in the extremely distressed properties enforcement program and one is a distressed property with chronic maintenance violations, located in northeast Portland and one in southeast Portland. The first property is at 113th and northeast Wygant, there are four liens on this property that were placed between 2015 and 2017. The total amount owed is just over \$19,000. The property is in default and is slated for foreclosure by financial institution later in the summer. It is currently vacant, it is an attractant for squatters and garbage accumulation and debris. Development services has abated exterior yard, nuisance issues twice. There have been 10 calls for police service since 2015, May of 2015 and it's currently boarded and secured by police and development services, but these board-ups are frequently breached. The second property is at 4918 Southeast 128th Street. It has five liens and 10-year history of problems with the city. At this point, the total amount owed is \$130,521. There have been multiple violations cited on the property including fire safety and health sanitation problems. There are reports of squatters using the property from time to time, there's currently an open trench and collapsed cellar on the property creating hazards for the neighbors property particularly their driveway. Attempts to rehabilitate the property were made initially but those have been abandoned and it has been uninhabitable for over five years and currently vacant and boarded. And the last property is at 4406 Northeast 13th Avenue. This property has six liens that were assessed between November of 2013 and November 2017. There's a total amount owed of \$42,857. This property is one of six that this owner has that have violations with the city. So we're anxious to get some progress on this particular property to hopefully spur some activity on the other properties as well. It has multiple fire safety violations and it's been declared a derelict building with structural failure, it's an attractant for squatters, garbage and dumping, it's been vacant for 18 years and the city has performed 10 nuisance abatements on the property. The next step for these three properties is for council to vote today on whether to foreclose. The auditor's office then transfers responsibility to the treasurer who will conduct the foreclosure sale. A property owner can pay the amount owed up to the sale date and after the sale is conducted, the current owner has a one year redemption period in which they can reclaim the property by paying the full cost owed. And that's the end of my presentation. Happy to answer any questions you might have.

**Wheeler:** Commissioner Eudaly?

**Eudaly:** I just was trying to read that last slide.

**Wheeler:** Does the full cost owed include the costs that the city has incurred around remediation and other steps?

**Landis:** Yes, it does and as well as the collection costs and the cost for the conduct of the foreclosure sale and other fees.

**Wheeler:** Thank you.

**Saltzman:** I'm curious, if we sell a property at auction, the previous owner still has a one-year period in which they can --

**Landis:** Yes, that's by state law.

**Saltzman:** That's by state law, ok. That seems kind of unfair to the purchaser, anyway. I wanted to ask when a bank forecloses, does that take precedence over our foreclosure and we get paid by the bank what we're owed? Is that how it works?

**Landis:** It depends on the position of the lien, so we have senior liens and junior liens. I would let Dan Simon from the city attorney's office answer any of those questions.

**Dan Simon, Deputy City Attorney:** Yes, and the typical attorney answer is it depends. It could be that we have senior liens on the property from nuisance abatement costs that have priority over any interest held by the bank or any other interested parties. It could be that the city has code enforcement liens which are junior priority first in time, first in right

March 21-22, 2018

and so when the property is sold by a bank at foreclosure, the surplus of those funds go to pay off the interest that are seniors to ours before the city has a chance to recoup its fees.

**Saltzman:** One last question, we were talking about the many of the owners do stop at the last minute. Is that last minute prior to going to auction or is at the end of that one year redemption period?

**Landis:** They can step up any time prior to the foreclosure sale and pay the amount owed. After the foreclosure sale, they have to pay the sale cost. So, there could be a difference between the two.

**Marco Maciel:** And there is a penalty attached to that too.

**Saltzman:** Ok. Thank you.

**Wheeler:** Commissioner Eudaly?

**Eudaly:** I'd like to express my appreciation for your work on this issue. As you mentioned, we take foreclosure very seriously. I'm really one of the last people, I think, who would be enthusiastic about this option, but these houses are what are commonly referred to as zombie houses and they're creating extraordinary hardship in our neighborhoods. It's one of the most frustrating things, I think we have to deal with at bds, so I want to also just want to voice my opinion that we need to be more aggressive and move faster on these properties. And also, my fantasy is that they would be turned into land trusts opportunities for low income home ownership. I don't know if that's an option, I just want to put it out there.

**Wheeler:** Any public testimony on this item?

**Parsons:** No one signed up.

**Wheeler:** Thank you. Good morning.

**Lightning:** Good morning, my name is lightning I represent lightning super justice watchdog. Again, one of the points here is what other options did you give these people that are about to lose their equity and their time they put into these properties and as private property owners I feel a lot of their rights to own a property and have title in your name. Now, here's my position, if you've given them options as far as saying, we'll just do away with any of these liens to us if you just get in here and fix this house up and make it a little safer. Have you done that? No. Because when you go into these properties as you can see on some of these homes, when you come in as the code enforcement \$10,000 there and you come into code enforcement on this other house, \$96,000 on a code enforcement coming in there one time and then you came back again for nuisance, cost recovery, you know to pay you for going out there and writing on your clipboard. Another \$15,000 and you came back again, another code enforcement of \$16,000. Now they're in debt up to \$130,000. Guess what, you just took their equity away from them. Their rights as a private property owner. Now, get this. I can go out and buy a home today and I can have it sit there empty. You know why? Because it's my right as a property owner. My title -- my name is on the title. Now guess what happens. If someone comes off the sidewalk and kicks my door in and breaks my windows out, paints all over the front of my house, you look at that owner as they're the problem. No. Let's talk law enforcement. You haven't done your job here, law enforcement. That's a very unsafe neighborhood. Now, let's go back. you have police reports on this. We should be able to take those police reports and go to our insurance company and say look at the damages that's been done to my property. I'm allowed to have it sit empty. Why aren't the insurance companies paying for the damages? Why aren't they paying for it? Why do the owners not appear here? Because they're afraid of law enforcement. Why don't they show up? Every report you have in here has directed that they have a concern with the way they're being treated. I would like everybody on this list to have somebody look over this list, talk to the owners and ask them one question. Do you feel you have been treated fair on this whole situation? One question, I'm glad they got another 12 months at the end of this auction to get their

March 21-22, 2018

home back, but guess what, you put an anchor on them. You're sinking them, they're vulnerable and are you helping in the city? You're nothing but a bunch of bankers up here. You're nothing but a bunch of foreclosure vultures, smug little attitudes. Aren't you the ones that voted against all that housing now? Pathetic. You know what.

**Wheeler:** Time. Thank you. Call the roll.

**Lightning:** Vultures.

**Fritz:** Thank you, Sarah Landis, for working with three mayors to get this program going. Thanks to mayor Sam Adams and Charlie Hales for digging deep into the questions such as those we just heard. I know all of us on the council are very reluctant to take people's properties with private property rights come with responsibilities. It's clear from the photographs that you showed that the owners are not looking after these properties. So thank you and I vote aye.

**Fish:** Aye.

**Saltzman:** Thank you, auditor's office and city attorney and bds and our treasurer too. Thank you for your work. Aye.

**Eudaly:** I want to thank Mike Liefeld, who is in the audience today and the whole enforcement team at bds. We are in fact helping homeowners who are struggling to come into compliance. It is our absolute last resort to go through a foreclosure process, but as Amanda -- sorry. Commissioner Fritz said, with rights come responsibilities, and often these owners are entirely absentee, they may be deceased, they may be a bank. I would encourage anyone who thinks that this is a rash action by the city to go spend a few weeks living next door to one. Aye.

**Wheeler:** So by law it is extremely hard for government to foreclose. In fact, we have some several hundred so-called zombie houses scattered throughout the city of Portland, and they provide public safety, public health and environmental hazards. Not only to the immediate properties but also to the adjacent properties, but we go through substantial hoops as a result of the kind of concerns that were expressed by Mr. Lightning. The idea of government taking private property is looked upon very, very dimly in this country and therefore, the rules that we must follow and the steps that we must take are extremely onerous. As you just heard there was one property on this list of three that is owned by a bank. There's one property on this list that has had ongoing problems for nearly two decades. Only now are we taking a vote, which may start the process of resolution over the course of the next year. This is a very, very slow, very, very thoughtful process and it is designed by its very nature to not be quick and not be easy for government to be able to make these kinds of decisions. I think the auditor picked very wisely with these three particular homes. They all provide substantial risk to the rest of the neighborhood and I strongly support the passage of this ordinance. I vote aye. The ordinance is adopted. Thank you. Next item, 270, is second reading.

**Item 270.**

**Wheeler:** Colleagues, this is an item that has been brought previously for a first reading for a presentation. It has had testimony. It's come back for second reading, and I don't know if you have more to add or if my colleagues have further questions.

**Saltzman:** I think Andrew has lots to add.

**Andrew Aebi, Portland Bureau of Transportation:** Thank you Mayor Wheeler, Commissioner Saltzman Andrew Aebi, local improvement district administrator. This project we have had a lot of moving parts since we started, there have been a lot of discussions over the past week. We think that we have a good pathway forward and that pathway forward is not continuing to turn our back on Cully, which is the only majority-minority neighborhood in Portland that has severe infrastructure deficiencies. I just want to say to the council that I think walking away and kicking can down the road is not on our preferred list of options. We have had very good discussions with the community that require a new

March 21-22, 2018

procedural approach which is to say that we can't use the existing lid to address some of the larger issues, so we're working through those, I have had very good conversations with the neighbors in the past few days. I'm providing you an administrative recommendation under city code to vote no on this ordinance today. The effect of that will be it will close out the pending lien for the current lid and we will continue the discussions with the neighbors. I expect to reach back out to them in April and I would expect to bring something back before council that a little bit more comprehensively deals with the infrastructure issues in cully. I'm happy to answer any questions you might have.

**Wheeler:** I have a comment. I want to thank you and I sent you a personal email, but I want to say publicly, I hold you up as one example of a public employee who works for the city of Portland who goes beyond the basic job description and the call of duty.

Colleagues, after our last conversation on this Andrew met with representatives of the neighborhood over the weekend and has continued to meet with them and I appreciate that. So thank you.

**Aebi:** Thank you, mayor.

**Saltzman:** I want to add my appreciation to for your hard work on behalf of us. Thank you.

**Aebi:** Thank you, commissioner.

**Wheeler:** Call the roll, please.

**Fritz:** Let me be clear. I was ready to vote yes, but for Mr. Aebi's advice I would still be voting yes. I believe there should be a connected street here, I believe it's in the public interests to have that street. I believe the concerns of increased traffic will be resolved over the years as more connections are done and they won't be resolved unless we can have connections. I know you share those values Andrew, so I trust when it comes back there will still be a finished street in this location. Yet I do appreciate the extra time that you're willing to spend to try to get more understanding amongst the community. I appreciate the participation of habitat and that's also a value that their project should need to go forward as expeditiously as possible. I know that you will come back to us as quickly as you can with a result resolution. Thank you. No.

**Fish:** I want to echo the mayor's comments. I have had the privilege of presentations from Andrew over the last ten years. Frankly if you were a professional baseball player you would be an all-star closer and it's remarkable how you end up building consensus. If you're telling us that we need to hit the pause button now and try a different approach I think we should give you that opportunity and I have great confidence in your ability to come back with an alternative approach. Thanks very much for your work. No.

**Saltzman:** No.

**Eudaly:** Well, thanks, Andrew, for all your work. Thank you for helping me gain greater understanding of the lid process and issues. Thank you for being committed to seeing us through even though we are all voting no today. So regretfully I vote no.

**Wheeler:** Like commissioner Fritz, I was prepared to vote for this. I think ultimately the benefits here outweigh the negative concerns, but I am trusting you when you say you believe there's an opportunity here for more of a consensus based approach and that you can address some of the issues that have been raised during previous testimony. I trust you on that, so for that reason I will vote no. The ordinance fails.

**Aebi:** Thank you.

**Wheeler:** Thank you, Andrew. Next item, 276.

**Item 276.**

**Wheeler:** Colleagues we have officer bill Balzer here from the traffic division to present. Good morning.

**Bill Balzer, Portland Police Bureau:** Good morning, mayor Wheeler, commissioners. Like the mayor said I'm officer bill Balzer with the Portland police traffic division. I have been with the police bureau almost 22 years now and have managed this grant since

March 21-22, 2018

2005. This grant is essentially for overtime enforcement but also education and seatbelt enforcement and it's also fallen into now distracted driver thing because when we're looking for seatbelts we also see people on cellphones right by the seatbelts. So, it goes in together the benefit is for all seatbelt violations a certificate is given where we work in partnership with Emanuel hospital and the Emanuel nurse, tough talk program and they go and give information on the importance of wearing safety belts. So it's an overtime through the traffic division. It's traffic division officers that have additional training in it as well as information on dui detection.

**Fish:** I have a question, sir. What is the current law in Portland concerning use of seatbelts in the rear seats of a vehicle?

**Balzer:** So seatbelts have to be used. What the law is right now, is there's five seatbelts in a car and there's five people, all seatbelts have to be used by one person. You can't double buckle. So if a family has multiple kids you can't put two kids in one seatbelt. Obviously, if there's not five passengers in the car you only have to use seatbelts where someone is seated, but even in the rear seat if there's a belt there it has to be used.

**Fish:** I think this is more for pbot than for you. I'm not sure that's clearly communicated by tnccs or taxicabs in the city. Some of which have seatbelts, some of which have seatbelts that don't work and there isn't clear signage saying people sitting in the passenger seat in the back have to use a seatbelt. Food for thought, it might be beneficial to do a little public education around that.

**Balzer:** Thank you.

**Fish:** Thank you.

**Wheeler:** Any other questions? Any public testimony on this item?

**Parsons:** No one signed up.

**Wheeler:** Please call the roll.

**Fritz:** Thank you for your work. Aye.

**Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye. The ordinance is adopted. Thank you for coming in. We appreciate it officer. Next item, 277.

**Item 277.**

**Wheeler:** Is there any further comment or discussion on this item? I'm sorry, 277, the grant of franchise to sprint communication. Call the roll.

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye. The ordinance is adopted. Next item, 278.

**Item 278.**

**Wheeler:** Colleagues, the multiple unit limited tax exemption or multe is a tool that we can use to get affordable units into the pipeline in the near term. We're in a housing crisis as you're all aware and the need is immediate. Not doing anything means that all of the units that are under consideration, that is the 10,000 units in the pipeline that are in the pipeline prior to the inclusionary housing ordinance coming into effect, all of those units will be market rate in the absence of this multe program being approved. Not doing anything means we lose the opportunity to ensure that we are taking the housing crisis as seriously as possible. I have worked with my colleagues to find what we believe is the sweet spot on the cap on individual projects. Before we Portland housing bureau staff is here today to walk us through or answer any further questions that you may have. Where is my Portland housing bureau staff? Seriously?

**Fritz:** I think we are running really far behind. Now we suddenly think --

**Wheeler:** I frankly expect people to be more on the ball. Call 279, please. We'll hold 278 open.

**Item 279.**

**Wheeler:** Commissioner Fish.

March 21-22, 2018

**Fish:** Thank you. Mayor because we are looking at about an hour's delay, my team -- here they are. Mike, why don't you come to the table? [laughter] it's quite an appearance. Colleagues, I'm today excited to have the bureau of environmental services share with you their new strategic plan. The plan is the culmination of 18 months of work by bes staff and community members including the bureau's oversight bodies, the Portland utility board and the Oregon citizens utility board. Bes manages Portland's wastewater and stormwater infrastructure to protect public health and the environment and this plan will put bes on a path to become a fully sustainable utility in ten years. I'm especially proud to see bes continuing to be a leader in innovative, cost effective green infrastructure. I would like to produce bes director mike Jordan and assistant director don Uchiyama to give a brief presentation today, welcome.

**Mike Jordan, Director, Bureau of Environmental Services:** Thank you commissioner, thank you Mr. mayor, members of the council. For the record my names mike Jordan, I'm director of the bureau of environmental services and this mike is pretty hot, I'll get away from it a little bit. As the commissioner mentioned I'm here with the assistant director Dawn Uchiyama to be present the bureau's ten-year strategic plan. Dawn will go through the plan for you and our approach, but first I would like to give just a few comments regarding some context. The first is why now? The short and simple answer is that the bureau had a strategic plan, a five-year strategic plan, that was up for renewal in 2016. One of the I think critical conversations that we had in trying to reup that strategic plan was that we really wanted and you'll see in the presentation we really wanted to have a plan that could articulate the outcomes that this bureau is trying to manifest in the community by doing our work. What were the things that we wanted this community to realize as we do the work. So pay particular attention when you look at the plan to the outcomes that are in the different goal categories. Secondly, why ten years? Most people believe that it's very difficult to predict the future even a couple of years out and we believe that we are in the 100 year business. When we make decisions about investments and make decisions about program we often have to think in terms of decades and even centuries. So we believe that having a ten-year plan forces us to continue to keep the long view in mind when we're making decisions about our investments and about our organization. Then third and I think probably most importantly, strategic plans are certainly important in their content, they help direct us, but I believe that just as important when doing strategic planning is first of all how you go about doing them. Who you engage and how you actually produce the plan and who owns it when you're done. Then secondly and I think what we forget often is how you use them once they are done. I think we in the public sector are fairly guilty in some cases of producing coffee table books that are really wonderful and beautiful and have lots of great words in them, but we don't use them after we have produced them. First of all, I'm really proud of how the bureau went about this and the engagement of the members of the bureau, and that is predominantly due to the work of the steering committee which you'll see the names of those people on the inside back cover of the plan. They really get most of the credit for the engagement portion of this plan and energizing the bureau around the work. Then secondly, this notion of how we use the plan. I have a vision that we would take this plan and be able to have an annual budget strategic budget summit in September each year where we would take the metrics of this plan which will be associated with the outcomes, look backwards and really see how we have done and ask the really hard why questions. Why did we do great on that? Why didn't we do great on this? And have a conversation about that why question. Only then look forward for the coming year in the budget and five years in our financial projections as we do every year and make adjustments to our strategies, make adjustments to our investment patterns, think about our organization in terms of being continually improving in the way we do our work. Lastly, in my remarks I want to thank two things for this. One I

March 21-22, 2018

want to thank commissioner Fish, when I came to this job he insisted that I hire an assistant director. I will say that without Dawn Uchiyama's leadership on this, we would not have completed this the way we did. It would not have had the level of engagement and we wouldn't have the great product that we have. So thank you to both of you and I'll turn it over to don for the presentation.

**Dawn Uchiyama, Bureau of Environmental Services:** Thank you, mike and thank you, mayor, commissioners, for having us today. It's a pleasure. I want to call your attention first to the timeline that I've handed out. The first side is our early history and I like to think about that as the reason we're here. It defines why bes is doing the work that we're doing and then the flip side is our more recent history and its a reminder of our accomplishments, our amazing accomplishments and also some lessons learned. This is the first thing we did when we kicked off this exercise, we reflected on our past.

**Saltzman:** I have a question about that timeline. It says 2015. First at will director Michael Jordan, appointed to environmental services. That's not correct. Dean Marriott was an at will --

**Fritz:** No he wasn't he was at will civil service because he predated the charter change.

**Fish:** He was the lone holdover, dan and it explains why it was a little more complicated.

**Saltzman:** Okay.

**Uchiyama:** That's okay. Good reference for us and a starting point for us, but as mike said this plan is really about the stakeholders that helped us make it, especially our employees, 570 of them, the steering committee. We started out with an anonymous all employee survey. We had a 75% response rate which is remarkable for surveys. We did numerous interviews and focus groups and we had extremely strong support from the bureau leadership team and our bureau management team. In addition to the employees that contributed and made this possible external stakeholders also played a huge role. We consulted with city council offices, with the public -- Portland utility board, the citizens utility board, other bureau directors, agency leaders over 20 environmental and conservation groups, community and, customer groups, business, industry, and academic institutions, it's because of this engagement the plan is what it is. Five major things emerged from this work, community responsiveness focus onto equity and diversity, collaborative partnerships, work force development, and infrastructure preparedness. When I get into the priorities you can see how they line back up with the needs the stakeholders identified. The plan was organized with a structure or framework that's fairly classic. We started with mission, vision and values. We have six goals. We have described desired out comes as mike pointed out. We have 29 strategic initiatives, a number of action items then our metrics. We'll be implementing the priority action items and the performance metrics this year. In addition to looking at our history and engaging our stakeholders one important step that we took in the process was acknowledging our role in city government that we're just one of 27 bureaus and that the work we do is in that context. Although we are assigned wastewater and stormwater, environment compliance and lab services and watershed protection and we have business system and customer support responsibilities our role in city government is critical to us achieving our mission. We refreshed our mission statement, bes manages Portland's wastewater and storm water structure to protect public health and the environment and we updated our vision statement. Bes's is a mission driven high performance organization leading the city in preserving and restoring Portland's watersheds. The next part of the presentation orients you to the goals and the strategic priorities. We have six goals. As I mention and I'm going to start in the right corner with service delivery as the anchor of our strategic initiatives. To make those successful we need responsive systems and decision making. The next two are paired in terms of work for development, treating our employee's and giving them opportunity for growth and influencing our bureau culture and how that affects how we get our work done.



March 21-22, 2018

The next two are also paired, what is our role in leadership in city government and then our commitment to community relations and we didn't prioritize the goals, we see them interwoven and interrelated. So the next few slides are about the priorities in each goal area and as we mentioned performance metrics are a big part of this work, we know that the mayor and city budget office is very concerned and interested in how we measure our progress. We know that the Portland utility board and citizen utility board has great interest in this as well as customers and employees, so out of the gate that's our number one priority. The next three are more around some of our business systems and maybe you've heard that bes is looking at their cip project delivery work. We have looked at our biggest business system and we're looking at integrated planning, portfolio management and project delivery and enter bureau coordination. We have some great work ahead on that front. We're also reinvigorating our asset management program and we're committed to comprehensive data management strategies city-wide and both within the bureau. The work force development and bureau culture goals are really brought forward with some great ideas from our employees and we recognize this was an area that we had a lot of work to do and we have prioritized equity and diversity training and professional development, social equity contracting, our recruitment and our annual reporting. We're looking at a pilot for a job rotation so we can give employees the opportunity to take on different roles within the organization, and then we're also looking at a work force development in culture professional support and bringing in training and other employee support. We have existing committees within our organization. The committee for workplace excellence, equity and diversity, our peer program I hope you've heard about, our employee recognition committee and our management excellence. That additional professional and technical support will be to support those committees and to sort out what people do almost as volunteers within the organization and what do we do systemically to make changes permanent. Then the last area is leadership in city government and community relations. We have taken a strong position and are very committed to the idea of proactive coordination and collaboration, especially with our infrastructure agencies, pbot and bes in particular have a leadership team that are bringing and coordinating the work. We work closely with the water bureau and working with the public utility board and reviewing our work there. We know Portland parks is a big partner, office of management and finance as well. We're connected at the hip with the Portland utility board and citizen utility board and we know they are interested in our levels of service and budget development. The last two items we heard loud and strong from our external stakeholder engagement the importance of strengthening our community relations, being more proactive. We're doing more work around audience identification and messaging and working with community engagement liaisons to reach historically underrepresented communities. The last initiative I'll highlight in these priorities is our citywide green up infrastructure agenda. We're committed to working with psu and the institute for sustainable solutions to get a city-wide strategy for green infrastructure agenda. That's a quick flyover of our priorities that came out of the 29 initiatives that we identified and I just want to say a little bit about metrics, we're organizing our metrics looking at the intersection of quantity and quality versus effort and effect, so we'll be describing our work in these terms. We're kicking off an effort now to engage our business services group as a pilot and we're preparing a bureau-wide team to prepare the metrics for the next budget discussion this fall, as mike mentioned we'll be doing another budget summit this fall. The idea and the instruction from mike when we got started was this needed to be in rhythm with the annual budget and financial planning cycle. We know that this year we did our best to fit our requests and our budget structure within the strategic goal framework but it's the first time we are trying it on, so it's still a work in progress, but we anticipate in future budget cycles that we'll be able to align all of our budget elements to the strategic

March 21-22, 2018

initiatives and the performance measures. We consider this a year round exercise assessing our decisions and measuring it against the outcomes that we have decided and we're expecting that full integration will take multiple years. So the last slide I just want to welcome you to join us in our strategic future, I'm very grateful for the opportunity to work with our employees and Mike Jordan and this council on getting this work done and as Mike likes to say, now the hard part starts. So we like to think about the plan being done but this is really just the beginning. Thank you very much.

**Wheeler:** Thank you.

**Jordan:** There may be others here to testify.

**Fish:** Who signed up to testify?

**Parsons:** Mike Houck is here to testify.

**Wheeler:** Is he the only one who signed up to testify?

**Parsons:** Yes.

**Wheeler:** Mr. Houck come on up. Good morning. Thank you for being here.

**Mike Houck:** My name is Mike Houck I'm here representing the Urban Green Spaces Institute. I have had the pleasure of serving on the interview committee for the job that she got. I think you can understand why we were so high on dawn at the end of that process. Actually one more comment before I get into my testimony I looked at the timeline and I noticed that 1983 was when it became the Bureau of Environmental Services prior to that it was a sewage bill and I can say I have been involved every step of the way since 1983 and I continue to stay involved. I'm here on behalf of the Urban Green Spaces Institute and several partners including Audubon Society of Portland, Green Works P.C. Landscape Architects is a firm and others and I guess we consider ourselves an ad hoc green infrastructure advisory group I guess for the city. You might think of us as a cabal or maybe the green infrastructure mafia or something along those lines. [laughter] We follow development of the plan for some time and provided input at every step of the way. We're impressed with its comprehensive nature and strongly support its adoption, but mostly it's implementation to Dawn's final comment. On the point of implementation I want to highlight one element that was presented this morning. The partnership BES has established with Portland State University's Institute for Sustainable Solutions. We have met with Fletcher DeWayne and Robert Liberty who's the Institute Director. The Institute has and they made this very clear recently, both financial, so they actually can bring money to the table, research and policy resources to bring to the table and we feel as a critical partner in ensuring that the strategy is in fact implemented with input from an underground work from all city bureaus, not just BES. Mayor Wheeler, given the importance of an all city approach, all hands on deck, that should sound familiar to some of you who remember Charles Jordan, implementation or plan across city bureaus we look to you for leadership in helping make that happen and we look forward to having a conversation soon to discuss that with you soon. Commissioners each of you has a role in the plans implementation and we feel this is an exciting opportunity to actually do what we talk about all the time, break down silos and collaborate across bureaus and obviously with stakeholders. We look forward as partners to work with all of you in your bureaus to make this strategic plan on the ground reality. Thank you.

**Wheeler:** Great. Thank you, Mike, for your testimony. Yes, I look forward to that conversation. I would love to hear more about your perspective on how we can collaborate. This is another opportunity and you were here earlier and heard the technology presentation. It will drive us to collaboration. I would love to hear your perspectives on that.

**Houck:** Thank you.

**Fish:** That concludes our presentation, Mayor.

**Wheeler:** I'll accept a motion.

March 21-22, 2018

**Eudaly:** Move to accept the, is it a report?

**Wheeler:** Report.

**Eudaly:** Report.

**Fritz:** Second.

**Wheeler:** We have a motion from commissioner Eudaly, a second from commissioner Fritz. Please call the roll.

**Fritz:** Thank you for all your work. It's very impressive and as you say the difficult part is now implementing it. Aye.

**Fish:** Mayor, colleagues, I'm about to hit my fifth year anniversary at the helm of the bureau of environmental services. I asked the team to blow up this chart because I thought the historical timeline was so interesting. While I feel like it's been a really busy five years, it barely covers one column on the far right side on the front page. Mike has reminded us that there's just a lot of stuff that has happened over time. One milestone that I want to call out in particular, though, is on the back of the sheet. It's the date is 1952, and that's when our first wastewater treatment plant opened. I know that sounds amazing and people are going to scratch their head and say how can that be, but it's because frankly the Willamette river used to basically serve as an open sewer and it was 1952 we opened our first wastewater treatment plant. Fast forward, we have figured out a way to take the byproduct of that sewage, which is methane gas, and turn it into renewable natural gas which will power our system, power our trucks and our cars, and also produce a profit for our ratepayers. We have gone deep into green infrastructure, something that Mike Houck has provided unparalleled leadership and advocacy around and a lot of things have happened. What is really exciting to me about this strategic plan in addition to all the things that dawn highlighted, the level of collaboration, the full buy-in by employees and stakeholders and others, then the vision being presented is that director Jordan has proposed something pretty radical and that is that in ten years we become a fully sustainable bureau. What that means is he is saying in ten years when we get those annual reports that document the state and status of our infrastructure that close to 100% of the infrastructure of this very complicated bureau will be in good condition. That rather than having to invest in addressing catastrophic failures or other failures we'll be investing and maintaining good infrastructure going forward. He's proposing to do this by while simultaneously funding programs the community wants, green infrastructure, protecting our watersheds and a number of other things, and keeping annual rate increases below the rate of inflation. If the bureau is successful and I'll just make -- it is likely that that ten-year milestone will happen with me in the audience and not up here, we will once again be a first. We'll be the first municipal sewage bureau, now bes, that has cracked this code. Now, it is true that we have an advantage that pbot doesn't have and a lot of our other infrastructure bureaus do, don't have which is that we have dedicated revenue. We're very fortunate and we don't take that for granted, but it is within our grasp to be a fully sustainable bureau and I think that's just an amazing thing to shoot for and I'm not going to bet against this team. I know there are other people from the bureau here in the audience and I want to thank them for their service and tell them it's with just such a point of pride for me to be associated with so many wonderful public servants. It's a very complicated bureau, it's very challenging, but it is an honor to be part of this team and today I'm pleased to support this vision and vote aye.

**Saltzman:** Well, I appreciate both the timeline and the vision, the plan. I feel confident in the employees and leadership at bes which includes the commissioner charge that they will deliver on this plan. Thank you, aye.

**Eudaly:** Aye.

**Wheeler:** I regret this timeline. My mom, who is nearly 88, still talks about a swim she had with her grandfather. They swam across the Willamette river in 1939 and she is still giddy

March 21-22, 2018

about it, but commissioner Fish, looking at this blown up timeline that means that it was an open sewer at the time. [laughter] which may help to explain some things about me. [laughter] I think this is a fabulous vision and I'm energized by it and excited by it. I really appreciate the work commissioner Fish that you have put into this and to mike and your entire team I want to thank you and mike Houck and all the people in the community who are really passionate about this subject. This is a great blueprint for us. As mike admonished us in his testimony the blueprint is the first step and now comes the action that follows the blueprint. I'm really excited to be part of that and I know my whole team is. So, I look forward to it I vote aye. The report is accepted. Thank you all. Colleagues we still have item 278 open. It has been read. I have given my statement. This is a continuation, we have already taken public testimony on this item. However, I had a request from Brad Malsin who is here today if he could testify. I would like to extend that courtesy before we invite the housing bureau up. Good morning Brad.

**Brad Malsin:** Good morning. Good morning, mayor, commissioners. Brad Malsin, central east side industrial council president and being development and founding board member of the innovation quadrant. I'm here to support the multe program, but I'm here to read to give you a sense of caution that I'm seeing in the world of development right now. There's a lot of fear and hesitation and challenge to keep our development cycle going. The land prices are escalating, construction costs are escalating beyond reason and people are fearful, developers are fearful that with inclusionary zoning we can't make a lot of projects work. As I think most of you know, there's a theory that if we reduce the amount of residential development and I'm not specifically a residential developer but I have done some and still continue to do. I'm concerned about the effect on affordable housing. Seems contrary to reason that we would build more market rate and how it would affect but obviously creates an environment where we can leverage affordable housing in the competition works to drive down prices at some point. With that said, I'm also concerned about the design review. I'm concerned about the recent occurrence of the project in the pearl that has been -- was squashed --

**Fritz:** I'm sorry, but we can't talk about that.

**Wheeler:** That process is not concluded.

**Malsin:** Okay. I withdraw that. I'm here to support multe. I'm here to try to create the context of supporting development, smart development, conscious development, local development that I think will bolster opportunities for everyone. So with that I welcome any questions that you might have.

**Fish:** I have one question.

**Wheeler:** Commissioner Fish.

**Fish:** We had a chance in the last hearing to ask two experts if we adopt this, will someone take advantage of it. I'm going to support this proposal in the hope that it encourages someone. You're an active developer. Can you tell us whether you are hopeful that with this tweak someone who beat the deadline on inclusionary housing will in fact take advantage of this additional incentive plan?

**Malsin:** I'm convinced that it's another tool in the tool box to look at. We have to layer in all of the opportunities and as a development community I think that this is a program that we can use to move forward. Absolutely.

**Fish:** Okay, that sounds like leaning yes?

**Malsin:** Leaning yes.

**Fish:** Obviously there are a lot of market conditions. It is staggering. We have three years of development in the pipeline that beat the inclusionary housing deadline. That will take three years to clear the pipeline for it's all built. We have a crane on every corner of the city. The bureau of development services has never seen so many permits pulled and so much revenue. We're obviously all interested in continuing to support a robust housing

March 21-22, 2018

market. The concern I think this council has demonstrated time and time again is that the market is not serving a lot of people. There are people with whom the market is not serving right now. That's why we need to look at a mix of carrots and sticks and I think it's the mayor's hope that this proposal on multe will encourage some developers to step up, maybe you'll be one of them. We hope there are people who take advantage of this.

**Malsin:** I believe that will be the case and realize as you well know development cycle takes three to four years between concept to delivering to the market. So we're reaching that point right now where things will change. We'll hit a cliff and I believe that residential development will fall significantly unless we take some action.

**Wheeler:** Thanks, brad. Appreciate it. We'll call up Shannon Callahan and matt Tschabold from the housing bureau. Good morning.

**Shannon Callahan, Director, Portland Housing Bureau:** Good morning mayor, good morning commissioners. Shannon Callahan from the Portland housing bureau joined by dory van bockel, the development teams manager and matt Tschabold, assistant director.

**Wheeler:** Thank you, thanks all three of you. Commissioner Fritz.

**Fritz:** Thank you mayor, as commissioner Fish just said I know we all are concerned about the ongoing provision of housing in general and affordable housing. I have some questions about this particular proposal. So what is the average exemption per unit per month for the affordable units?

**Callahan:** So in our analysis looking back, a couple of years into the multe program, the tax exemption per affordable unit on average would equal to \$833 per month.

**Fritz:** What is the expected average market rate of these units?

**Callahan:** Newly constructed units in the central city on average are going for \$2,000 a month across the city newly constructed units are approximately \$1700 a month.

**Fritz:** So, in the central city we would be enabling somebody to live in a \$2,000 a month apartment for about 1100 a month.

**Callahan:** Yes, commissioner.

**Fritz:** Do we know how many units this over all will -- if it works out to the maximum \$3 million a year how many units over all?

**Callahan:** We would expect 300 affordable units, commissioner.

**Fritz:** For \$3 million?

**Callahan:** Yes.

**Fish:** Not for \$3 million. The \$3 million is the cap for all of the tax abatement programs.

**Fritz:** But that's the tax abatement per year for 300 units.

**Callahan:** For the \$3 million dollar cap, yes.

**Fish:** Across all of our programs?

**Fritz:** In this program.

**Callahan:** In this program. I'm sorry, commissioner.

**Fish:** I don't want to muddle the record. We have a \$3 million cap with the county for all tax abatement programs. With the multe program we're capturing the value that has not used but the cap has most been lifted.

**Callahan:** We would propose to remain within the agreed-upon cap with the county. The number of units that we would expect to receive from a \$3 million foregone revenue would be approximately 300 affordable units.

**Fritz:** This is the only program that's in this program at this point, right?

**Callahan:** Commissioner, the inclusionary housing program would still be under the same cap that commissioner Fish is speaking of, but it's altogether combined, so we would not be increasing the cap over all.

**Fritz:** We're not expecting to get inclusionary housing because of the rush of applications before the deadline.

**Callahan:** We have received some inclusionary housing proposals, but we are confident

March 21-22, 2018

that we will be able to remain within the cap. In addition the \$3 million was agreed last year by the county to be on a rolling basis so we can meet the highs and lows of a development cycle in a five-year period.

**Fritz:** I am concerned about a \$900 unit subsidy for new construction. When I was low income wage earner I didn't expect to be able to live in new construction. I lived in fairly substandard housing and would have appreciated a much deeper assistance had it been available rather than \$900 to live in brand new and that's obviously it's a policy choice. Are the market rate units in the projects allowed unlimited rent increases?

**Callahan:** We do not regulate the market rate units per the multe program. They would be under the same state and local laws. So they are allowed to raise rents in accordance with state law but they would be subject to the city council's mandatory relocation assistance policy.

**Fritz:** Back to the question of the caps, does the 500,000, 100,000 per development, does that favor the smaller developments? Against the larger ones would bang up against it?

**Callahan:** Our intent was to exclude what would be considered luxury high end apartment buildings. So that's why we did a per-project cap and it could benefit more units that were outside the central city than inside based on that \$500,000 per project cap.

**Fritz:** Okay. You just mentioned relocation at the end of ten years the rents will go up by at least \$900 a month so presumably the tenants will need to move out. These tenants then will be eligible for relocation assistance?

**Callahan:** They would be if they met the parameters. We don't have experience with seeing what happens after year ten, but yes. Yes, they would meet current city council policy.

**Fritz:** Thank you and for projects with an far floor area ratio of 5:1 or more the only choice is 20% at 80% median family income. Why are we not allowing the choice of 10% at 60% median family income? That's what we got in inclusionary housing.

**Callahan:** I believe we would allow that but do not require that as a basis for the tax exemption. If they wanted to give us deeper affordability we would allow that, but it would not be a requirement of that building type.

**Fritz:** It's a different level. So its 10% under inclusionary housing its 10% under 60% or 20% at 80%. So there would be no incentive for them to do 10% at 60% because that wouldn't get you to 20%. Why are we not just mirroring what we have in inclusionary housing?

**Callahan:** The tax exemption at 10% at 60% under this program -- I don't know if we have the calculation, but it would double. We think we would be over enriching.

**Fritz:** Okay.

**Callahan:** The reason that inclusionary zoning was set up with 20% at 80 and 10 at 60 was the need in the city is at 60% clearly, but we are required by state statute, we cannot require anything that is lower than 80%, so it was our way, your way of trying to encourage the production of 60% units.

**Fritz:** That's why I'm wondering why we're not doing it in this program cause as you just said the need is at 60%, not really at 80% so we're spending \$30 million or forgiving \$30 million not taking in \$30 million that you could otherwise spend elsewhere to get 80% median income housing. Is that correct?

**Callahan:** We would be allowing 80% housing, and a far 5 and above. That is essentially the central city area. It could be a policy choice that this council could make to lower the inclusion rate and require 60%, but that is a very rich tax exemption product per unit.

**Fritz:** Okay. You have information about accessibility. About 5% accessible or adaptable which I appreciate. I think the state mandate is 2%, which is -- so given that some of these projects will be smaller, is that 5% or one whichever is greater?

**Dory Van Bockel, Portland Housing Bureau:** Yes.

March 21-22, 2018

**Fritz:** Then thank you, dory, for providing the information I asked for last hearing about the tax exemptions. In looking at the numbers of total affordable units and the estimated foregone revenues the numbers are not all the same as \$900 a month. The average in 2015 was \$400, the average in 2016 was \$600, in 17 it was \$337. In year to date it's only been \$90 a unit is what we have forgiven according to these numbers. So, it seems this program as proposed is more than twice as generous.

**Van Bockel:** In the data used for our presentation that matt gave last week, it was taking out projects that also had additional subsidy or were for other reasons providing additional affordable units. So looking at any pool of data in a particular way we wanted to show the worst or most of it we could be providing based on purely for-profit developments.

**Fritz:** Well, obviously these are my concerns. I think \$900 a unit could be if we had that we could direct it into rent assistance elsewhere that would be a better way to go. This is an emergency ordinance. You need to reach unanimous consent to pass it mayor, so I'm going to talk to a man about a dog and I'll be back in a few minutes.

**Wheeler:** Thank you, commissioner. Other questions? Please call the roll.

**Fish:** Well, first of all I want to thank the mayor for bringing this forward. I want to thank the housing bureau for the briefings that we have received and the answers to our questions. We heard some sobering statistics the other day when the housing bureau presented at budget time. Madam director, correct me if I get this wrong, we have identified there's at least 24,000 units of deeply affordable housing that we're short in the marketplace. We're also seeing a lot of so-called luxury housing coming online that's out of the reach of middle income working families and the poor. So when the market -- when there's a market mismatch it seems to me it is incumbent on government to act to remedy that and the market is not working great for lower income people, so it's our job to take some action. As my colleagues know, I am very focused on people of very modest means because I think if we had a dollar to spend I would always prefer to create a subsidy for someone who is really struggling on the margins, but the truth is our housing prices are affecting people throughout the spectrum. We have an enormous number of renters who are cost burdened. They have a roof over their heads but are spending way too much of their money of their income on their rent and therefore they don't have resources for other necessities of life. We have got people living on our streets and we are have people doubled up on couches and in cars, and we have people that can't find an affordable unit. We also learned that the success rate for section 8 is in the 70s, which is well below what we as a community hope to get to. So the mayor has proposed a tool which in my view is an imperfect tool, it's not even my favorite tool, but it does offer the promise of getting some affordable units. I think in a crisis we should be opportunistic. Here's why ultimately I'm persuaded to do this. You've made some tweaks to the program which I like, you've engaged the development community and we think someone will take advantage of this. We hope so. Even at 80%, that is an area that there is need in our community, although I'm pleased that most of our federal dollars and our tax increment dollars and other programs target lower on the income range and by policy we focus on people in greater need, but this has the promise to adding something. I want to address the one question that was put on table couple minutes ago about what might we do with this money if we had an alternative. One of the things that I think we lose track of is that it is a cornerstone value, not just of the federal government through hud but it is a cornerstone value of your bureau that we invest in opportunity. That means that our long term goal is that if you are low income, low income family and you're choosing where to live you'll have the same choices at some point that people who are more affluent have. People that can decide where they want to live and where they want to send their kids to school and opportunity is a cornerstone of what we do. It's the reason that we have accepted this tradeoff about putting some affordable units in new construction in places that are nice because we want

March 21-22, 2018

people to have the choice to live in neighborhoods that have good transportation and parks and infrastructure and that's the kinds of community we want to be. So it's not my favorite program for a number of reasons. Yes, I would love to serve people lower down the income stream, but it is in a crisis another tool and that's what Brad Malsin said, it's another tool in the kit which we hope someone takes advantage of. It operates within the \$3 million cap that we already agreed to, so it's not competing against other programs because we have already said we'll set aside \$3 million a year for this and other programs. That's baked in and frankly, while I have heard some sort of on the margins some criticisms about this I haven't heard something which convinces me we shouldn't try. I think we should be willing to try things. I know you'll come back to us in two years and if you think this program wasn't as successful as we hoped or needs to be refined you'll have suggestions. Finally because we know this program has to be renewed by the legislature in a couple of years I want to pick up on a comment we heard from one of my colleagues and some people testifying that I think we should ask for the authority in any new program that's authorized by the legislature to offer a ten-year renewal at the 60% level because my guess is that if we made one change in this program that got more developers interested, it is giving people an objective test and certainty that there could be a 10-year renewal which doubles the benefit and limits the likelihood that someone will be displaced from that unit because they are now above income. It's a long-winded way of saying I'm persuaded that this is worth trying. Thank you, Mayor Wheeler, for bringing it forward. Aye.

**Saltzman:** Well, I do believe this is a well intentioned proposal and one I will support. I appreciate Mayor Wheeler for bringing this forward. I guess I want to express my concern about the drumbeat we just heard from Brad Malsin and we're starting to hear from many people that inclusionary housing spells the end of the world. We're going to fall off a cliff, there will be no residential development in Portland in three to four years and I hope this council will not listen to that. I hope this council will be resolute in its insistence that inclusionary housing is as much a bedrock of developing a residential project in the city of Portland and that what it has become. It's a bedrock, it's not going to change and it has to be accepted by the development community. As much as compliance with fire code or building code is, these are things that are not debatable. That's what inclusionary housing must become. When it becomes that and this council and the state legislature indicate they are not going to yield on it, then it will be accepted and it will be no longer a discussion point. Right now we're hearing now drumbeats, innuendos, and everything setting inclusionary housing up to be the fall person when the economy does cool down and residential development does cool down. It's going to happen, we all know that. I think it's just important – I'm speaking out now but I do hope this council will remain resolute in its insistence that as Commissioner Fish said that people of modest means have the right to live in these good projects in these good neighborhoods with good access to education, transit, and amenities that everybody else deserves. They don't deserve to be pushed to the outskirts of the city or beyond our city. They need to have a place to live in the city of Portland. So I'm swayed a little bit, but I was concerned about the testimony that was just given and I wanted to express that in this forum, but I'm pleased. I also know that some 19,000 units that are presently vested and are not subject to inclusionary housing, many of those permits are going to expire. Land use approvals will expire before the projects are ready to be built so they are going to have to come back to us and they are going to have to confront inclusionary housing which I believe is a very worthy policy goal. This city worked hard to get the legislature to give us the permission to do it and we worked very hard on this and Shannon Callahan and Matt Tschabold in particular worked hard making the policy we adopted that took place a little over a year ago to be one that can work. So I'm pleased to vote aye.

**Eudaly:** Thank you for those remarks. I'm feeling over clumped right now. I want to also



March 21-22, 2018

express my support in general for inclusionary zoning. I'm concerned that it's going to be used as a scapegoat for a downturn in development, which we knew was coming I think prior to passage of this policy. I'm not convinced that we have the perfect equation for abatement and length of affordability, but I think we're close. I'm open to those conversations although I'm absolutely committed to keeping i.z. in place. We have a shortage of affordable units, so today we're incentivizing affordability in new construction of units that are already in the pipeline. Since we know that we don't need 19,000 market rate or luxury units added to that, to our inventory, I think this is a smart move. I don't see it as a subsidy to renters but to developers willing to partner with us and deliver the type of housing that we need, which is in this case work force housing at 60 to 80%. Our dollar goes further in the short term. I don't want to make a claim it's not entirely true but we're giving an abatement -- we're giving an abatement that's roughly equivalent to what we might invest in affordable housing, which is about \$100,000 a unit, however we would expect a much longer affordability period than ten years, but we're in a crisis. This housing is going to exist. Let's try to capture some of it. It's still half of what we would spend on building an affordable unit ourselves with our housing fund dollars. I vote aye.

**Wheeler:** So I am more optimistic about the potential for this program. This is really the only way we can reach back into the pipeline that was in the pipeline prior to inclusionary housing becoming an ordinance here in the city of Portland. So the reality as commissioner Saltzman mentioned those 19,000 units of the ones that actually get built let's say 10,000, they will all come on as market rate units. There will be no affordability. Not 80% in the central city, not 60% outside of the central city. So the question is do we want to use an abatement to incentivize than kind of activity. I have come to the conclusion that, yes, we absolutely do want to do that. The second question, then, is one raised I think correctly by commissioner Fritz. There's a policy call here and the question is, if we instead waited for that market rate housing to actually be constructed and come on the market, we would collect taxes from that market rate housing. Then we could decide rather than a subsidy through a tax abatement whether we wanted to use the tax revenues on something else and she had suggested we could use it perhaps in a different housing situation or for vouchers or other purposes that council designates. That is a compelling argument, but the reality is as the director has said, we're talking about 300ish units. Personally I think we'll do better than that but say publicly 300 units out of 10 to 19,000 units. This is a small sliver of tax abatement in exchange for immediate affordability on a fairly limited number of units. Commissioner Fritz asked a great question about the 80% in the central city. I want to remind people that in the central city we're talking about tall steel and cement towers. The construction costs therefore per unit are higher, the rents per unit are higher and if you go below that 80%, there are going to be very, very few takers for this abatement because it just factually won't pencil out. We have done that analysis based on historic multe programs and come to that conclusion. As far as the 500,000 per project I think that's a reasonable cap based on historic standards that we have already demonstrated and I want to address the issue of could we go lower. All of these projects in fact will come back to the city council and therefore, if the council chooses, we could go beyond the tax abatement. If we wanted to provide a direct subsidy from the general fund or other sources, that's still on the table. That's not what this program is. This program is using tax abatement as a strategy to make it economically viable for developers who have every right, right now to develop only market rate housing because they got in under the wire prior to inclusionary housing to incentivize them to create some affordability throughout the city including in the central city. So I think this is a very good addition to our portfolio of affordability. This will not solve the housing crisis nor has anyone proposed that it would, but from my perspective if we want affordability built now the best place to look at all those projects that are going through the permitting process that are going through the

March 21-22, 2018

pre-development phase that are ready to actually be built and have some of those units which could come on as soon as a year from now be affordable, as opposed to when we work through new housing even under inclusionary housing that's going to take three or four years before we see that housing. The crisis as I said upfront is today. So I obviously wouldn't have brought this if I don't support it so I vote aye. The ordinance is adopted. Next item. 280.

**Item 280.**

**Wheeler:** Commissioner Fish.

**Fish:** Colleagues the bureau of environmental services prioritizes their investments to reduce flooding and improve watershed health. The culvert under southwest boone's ferry road has been identified for replacement to a bridge to allow for better stormwater flow and Fish passage. The new bridge will allow pedestrians to pass below the busy boons ferry road as well as passage for wildlife and endangered salmon in Tryon creek. Here today to join us are environmental program manager Amin Wahab and senior engineer Eric Brennecke, both from environmental services, to give a brief presentation. Welcome.

**Eric Brennecke, Bureau of Environmental Services:** Good morning commissioners and mayor. My name is Eric Brennecke, I'm project manager of the boone's ferry culvert replacement project. Co-presenting with me is Amin washed, west watershed program manager. This ordinance before you is to authorize contract amendment 5 with berger-abam incorporated for the Tryon and boon's ferry creek culvert replacement project in the amount of \$316,298. The project is the culmination of years of facility planning, design and community involvement and stormwater management stream restoration and pedestrian wildlife advocacy. In this next couple slides we'll provide some brief history and over view.

**Amin Wahab, Bureau of Environmental Services:** Mayor wheeler, commissioners, good morning, or good afternoon. In the interests of time I'll be brief. Earlier director Jordan said the work we do the decisions we make today are 100 year decisions and this is I believe one of those decisions. Replacing the current culvert under boone's ferry road on Tryon creek to a bridge. I have a fairly long history with this culvert. Actually it goes a quarter century. Commissioner Fritz, commissioner Saltzman and now commissioner Fish, you all have some history with this too. At first we first looked into the culvert in 1995-'97 in the facilities planning process the bureau conducted. Boone's ferry culvert was identified as one of the key piece of infrastructure in the culvert undersized to convey flows and the 1996 February flooding was an indication of that. You'll later on see some slides showing how high the water can rise. The project is to remove a 60 inch, 140 foot corrugated metal pipe culvert. We have looked at this culvert over the years. It's rusting at the bottom, so it has lived its life span and it's pretty clear. It will be replaced with a new bridge a single span steel girder bridge. The replacement will allow not only for meeting the facilities planning requirements or needs to convey the flows but also allow for pedestrian connectivity from upper parts of Tryon creek and what's significant in the natural areas to the lower part of Tryon creek with the state natural area. It will also fill out for Fish and wildlife movement unimpeded. Boone's ferry road is the second major impediment fish movement after the highway 43 culvert and you probably are aware that there are efforts under way to have the army corps of engineers to replace the highway 43 culvert with a passable culvert. Along the way, we have been working with our colleagues at pbot and because bone's ferry is a major arterial connecting southwest Portland and lake Oswego with the rest of the city, and it also Tryon creek is a key resource that it crosses.

**Fritz:** Will you move on from that slide commissioner Fish Dawn Uchiyama used to live right in the circle where the work zone is and that was kind of one of the places where we dreamed up the Tryon creek watershed council. I'm wondering is that house still there? I know she doesn't live there anymore. Is that going to be impacted by the work?

**Wahab:** We'll come to that later. But this project has gone through about five years of

March 21-22, 2018

permitting, easements, and land acquisitions. The two properties downstream, metro and bes acquired those two properties. We're in the process of basically finalizing the transaction for those two properties because of the need that exists and there and then also for the trail connectivity. That property will be acquired by metro and the city and the same with the property across the creek on the other side.

**Fritz:** Thank you.

**Fish:** We're cutting into the lunch hour because we're late. I give you permission to speed up through the presentation.

**Fritz:** Sorry for the interruption.

**Wahab:** This culvert after the 1997 facility plan we looked at it again in 2005 and 2008 in the planning and the pre-design process. In 2013 bes funded this as a capital improvement project to basically proceed with the design and construction of it. In September of 2013, bes signed a contract with Berger-Abam for design services and when that contract was signed we took a pause to secure a grant from metro of \$650,000 because the advisory committee and the neighbors and other participants wanted to have a bridge instead of a culvert. So the metro grant paid the difference in order to pay for the cost of the increased cost for replacement of that with a bridge. In September 2015, city council approved the metro grant for \$650,000. That is for construction so we have not tapped into that yet. Contract was renegotiated with Berger-Abam to proceed for the design of a bridge.

**Brennecke:** The project area is within the middle reach of Tryon creek and Arnold creek confluence. This is also some low density residential use in the uplands of the watershed. A number of Fish species can be found in this stream such as steelhead trout, chinook salmon and coho salmon. The improvements to both Tryon and Arnold creeks as a result of this project will expand upstream fish habitat and provide significant benefits especially for steelhead trout. This is the slide that Amin was referring to. On the upstream end of the culvert on the left side which includes a concrete trash rack impedes conveyance of flows. The picture on the right will show the December 7, 2015 flood conditions that led to debris clogs at the concrete trash rack causing flooding and risk of flooding to local streams. As you can see with my mouse, that's boons ferry road right there. I like to note that the height of the water surface elevation is about 15 feet from the channel bottom as it was observed in the 1996 flood events, those event were higher than these conditions without overtopping boons ferry road. By removing the existing culvert and providing a larger stream channel all flow events will be conveyed underneath the bridge structure. The bridge will be sized to meet specific design criteria for stream flow while accommodating pedestrian and wildlife connectivity. Bes staff has secured permits with the department of state lands, the corps and bureau of development services. Bes staff have also conducted extensive public involvement and outreach to property owners and partners such as metro, Oregon park and regional district, Portland parks and recreation, pbot, southwest trails and neighborhood associations. I included this slide to illustrate the number of partners we have and also our composition of our advisory committee members. These are working partners, these partners are agencies, community groups, and property owners. For the project budget and schedule metro has awarded a grant for bridge design with underpass for maximum fish, wildlife and pedestrians passage. Total estimated project costs for bes was \$6.4 million. Oregon parks and regional district contributed \$30,000, then the metro grant was \$650,000 as mentioned before. Our anticipated construction is to start in January 2019.

**Saltzman:** \$6 million is that the project cost? Construction cost?

**Brennecke:** That's the total design, total life budget. Including construction.

**Fritz:** What kind of fish is that?

**Brennecke:** I knew you were going to ask that.

**Fritz:** Never mind.

March 21-22, 2018

**Brennecke:** It's a juvenile salmon. Possibly coho. I am not an expert.

**Fritz:** Thank you.

**Wheeler:** Where is Mike Houck when we need him? [laughter]

**Brennecke:** The ordinance before you is the amendment of the city's contract with Berger-Abam. City managed the contract and Berger-Abam completed the design and brought plans and specifications to a 90 percent design level. The amendment retains Berger-Abam to complete the engineering design plans to include water utility design work and for any necessary construction services in the year of 2019 and 2020. Assuring that our design engineer has oversight and input into the construction process. This amendment will increase the contract by \$316,000 and provide approximately 20% of total contract dollars to certified minority, women and emerging small business consultants. In this slide the total life budget for the project is \$6.4 million. Construction is \$4.6 million and is included in \$6.4 million total. The pie chart shows the drivers changed to the scope and budget to secure partnerships, grants and refine the design. The original budget assumed the design of an open bottom culvert. The scoping increase wedge is due to selecting a bridge alternative. After alternative analysis had been conducted between an open bottom culvert and a bridge, it was determined that the advisory committee and community wanted a bridge since the bridge scored higher on enhanced fish passage, pedestrian wildlife connectivity and riparian zone and wetland values. The other blue wedge includes city staff coordination efforts with permitting and public involvement, these additional costs also include the mitigation of contaminated media that we encountered on site whether it was a culvert or bridge. The escalation wedge is the five years it took to secure partnerships, grants, and refine the design. We are very excited to be completing our design phase of this project and would like to thank our partners for working with us to achieve this milestone. With that we're happy to answer any questions you may have.

**Fish:** Thank you very much.

**Wheeler:** Looks great. Thank you. Any public testimony on this item in.

**Parsons:** Four people signed up to testify.

**Wheeler:** Very good. Good presentation. Thank you. Gentlemen, please take a seat, good presentation, thank you. Good morning.

**Terri Preeg Riggsby:** Good afternoon.

**Wheeler:** It is that. Thank you for reminding me.

**Preeg Riggsby:** Thank you mayor and commissioners, my name is Terri Preeg Riggsby, I'm the executive director of the Tryon watershed council and I'm also a zone five director and board chair of the west Multnomah swell and water conservation district. So on behalf of both of these organizations I urge you to vote in favor of this amendment. We have been working for decades to enhance and protect our watershed and we consider this to be really the most important project going on in our watershed right now. As Amin mentioned, we are also actively pursuing replacement of the culvert at route 43 and so with the replacement of both those culverts we will open up the system again to native fish and species. I would also like to highlight the benefits to pedestrians and the connectivity that will be gained through this project. I would really bring more access to a part of the city that just doesn't have a lot of safe pedestrian access. We lack a lot of infrastructure there. The benefits to the fish and wildlife and water quality and also to our human neighbors are both really important. Also I would like to thank Bes for being so inclusive in the process. I have been with watershed council for 17 years now, and we have been hearing about this project. I have been hearing about it for the entire time and it's been something that we have all wanted to accomplish. As Amin said for the last at least five years there's been concerted effort to involve the community and learn what is the most important, best solution for not only fish and wildlife but for the community. That's it.

**Fish:** Thank you for your strong partnership.

March 21-22, 2018

**Preeg Riggsby:** My pleasure.

**Wheeler:** Good afternoon.

**Al Iverson:** Good afternoon. My name is Al Iverson. I came today because I'm on the citizen advisory committee for the Boones ferry road culvert replacement project and I support this ordinance. My profession I'm a civil and environmental engineer I retired from Boeing six years ago. This committee began meeting a little over four years ago when the project started. The committee included affected property owners and individuals from various organizations. The organizations represented are the Arnold creek neighborhood association, southwest trails, friends of Tryon creek state park, Tryon creek watershed council and Sweeney neighborhoods incorporated, I mean southwest neighborhood incorporated Sweeney. I represent Sweeney on the committee. Our earliest discussions were about how to replace the existing culvert and meet a variety of goals from improving fish passage to pedestrian safety. It became clear that replacing existing culvert with a new one would at best only marginally meet the various goals so we asked staff to look at a bridge option rather than replace the culvert. We were told by staff that this would increase costs and cause a delay of at least a year in the project, but after further discussion we thought it was worth the delay and extra cost to have a project that met stated goals. At the last committee meeting about a year and a half ago, the preliminary plans were shown and described to us. We discussed what we were shown and enthusiastically approved the plan. I came here today to urge you to approve the ordinance for additional funding for this project and I look forward to further committee involvement as the project moves forward. Thank you.

**Parsons:** The last two.

**Wheeler:** Welcome. Thank you.

**Doug Rogers:** Good afternoon. I'm Doug Rogers and I am the president of southwest trails. We are a group of citizen volunteers, a lot of us with gray hair, retired, have time to walk the hills of southwest and enjoy the outdoors. We are volunteers from the neighborhood associations and from all over and we are very anxious that this project move ahead. We supported it from the beginning, and we as a group have been involved for 20 years and the key issue here is safe connectivity. Both for the fish and for the people. So that's why this is a winner for us all and Hans is local neighborhood and local resident and he has the details.

**Hans Steuch:** Hi, my name is Hans Steuch and I live in southwest Portland close to where the Boones ferry culvert replacement project will take place. I pass that location, the intersection of Boones ferry road and Arnold street frequently both on foot and by car. I am a volunteer with southwest trails and it's mainly as such that I'm before you today. We welcome the trail system in southwest Portland including trail 6, trail 6 starts at Goose Hollow downtown, goes south from there and ends in Tryon creek state natural area. On its way, it passes through Marshall park and Boone's ferry and the Boone's ferry culvert replacement project area. Trail 6 is also part of a regional trail, number 24 as designated by metro, also called the Hillsdale two Lakers regional trail. Southwest trails have been active on the Boones ferry culvert replacement project advisory committee, the committee, as Al referred to it, and in advocating for this project, we support the overarching environmental goals of the project of making improvement for fish and wildlife. Our main interest is for the subsidiary project of improving pedestrian connectivity between the city of Marshall park and the state owned Tryon creek natural area. Connectivity currently exists but you have to cross busy Boone's ferry road and walk on a narrow curve for a tenth of a mile on the road to get to Tryon creek state park. The culvert replacement project will eliminate these drawbacks by providing pedestrian passage under the roadway, stairs to the roadway and a widened shoulder on the eastern side of Boone's ferry road to the nearest trailhead north creek in Tryon creek state natural area. This promises to be a much safer and attractive

March 21-22, 2018

connection for pedestrians to move between parklands north and west of the Boone's ferry road street Arnold street intersection and Tryon state street natural area. I urge you to also adopt this motion. Thank you.

**Wheeler:** Thanks both of you. Does that conclude our public testimony? Colleagues, any further questions? Commissioner Fritz?

**Fritz:** It's a nonemergency ordinance. So we'll be voting on it next week, so I wanted to thank Carmine Waharpo was one of the original members of the Tryon creek watershed council in 1994 your service to the city over decades is really appreciated. Thank you, Terri Preeg Riggsby, who was volunteer chair of the watershed council for a long time before she got to be executive director. Thank you to those who sat through several hours of other stuff this morning in order to give your support for the project. We usually get people staying if they want to oppose something so it's really nice that you took the time to stay and comment in support of this. I'm excited, commissioner Fish, we served city-wide and I had nothing to do with this, but I have to say if I had had a pet project this would be one of them, I'm really excited to see it happening. Thank you.

**Fish:** Thank you for your kind words.

**Wheeler:** Thanks for your testimony. This is a first reading of a nonemergency ordinance it moves to second reading. Next item. 281.

#### **Item 281.**

**Wheeler:** Commissioner Fish.

**Fish:** Colleagues, we're joined by the director Mike Stuhr today, director of the Portland water bureau and he has a very brief presentation for us. Here's the background. During routine maintenance the Portland water bureau became aware of a house for sale at 40730 southeast latigo lane that encroaches in the water bureau's easement near its conduits from bull run lake. The water bureau has negotiated with the property owner, the standard family, to purchase the property to protect the water bureau's easement and conduits. This ordinance if approved would allow the water bureau to purchase the property for \$425,000. Purchase price is based on the appraised price of \$450,000 minus the water bureau's administration and inspection costs of \$25,000. The standard family has indicated they would be willing to accept this offer. After purchasing the property the water bureau intends to remove the encroachments, secure its facilities and sell the remaining property with additional easement restrictions. City disposition policy waived by council action, that's interesting, that's not a complete sentence, we'll have to ask Mike what he meant by that. It's late, the total -- let's just skim right over this section, and hope no one is paying attention. The project is \$450,000 with some of the costs being offset with the proceeds on the property sale. Funding is available as part of the conduit's transmission water program, which has a budget of \$3.6 million for fiscal year 2017-2018. No change in the forecast, water rates is anticipated to complete the purchase, nor are there any additional operations and maintenance expenses anticipated. Director Stuhr?

**Mike Stuhr, Director, Portland Water Bureau:** So commissioner Fish, I'm Mike Stuhr the director of the water bureau, I am joined by Tom Klutz our property manager. I will clarify a few things if you look at the picture, my little arrow is circling the house in question. It's a bit difficult to see but the corner of the house and a big retaining wall right here are sitting literally on top of the conduit 5, or 4. The house was built in 1974, it was not built by the current owners. We have gone and checked with other bureaus, this house is roughly 30 miles from here. It is maybe a mile or two from Dodge Park, kind of out in the boonies. It's horse property, none of the other bureaus were interested. What the commissioner is referring to on -- yeah, it's amazing, what the commissioner was referring to about waiving the council policy, normally we would have to go through a process of checking with everybody formally, toting it up and making the property available for sale. What we are asking in this ordinance is two things. Authority to buy the property for \$425,000, and when

March 21-22, 2018

we have dealt with the encroachment basically demolish the house, turn right around and sell it and this ordinance authorizes both things. The buyer, or the owner of the property is willing, something, we're actually helping them. We have a willing buyer, a willing seller situation, and that's basically all that I have pending your questions.

**Wheeler:** Commissioner Fritz?

**Fritz:** When it's sold the new owner can build another home just not right where that one is?

**Stuhr:** Yes, yes, ma'am. We hope not and now that we know we will keep an eye on it. We are going to expand the easement that's on the property. Make it a bit wider. If we were going to do work on conduit 4 or a broke right there, this would be kind of a disaster waiting to happen.

**Fritz:** But presumably it would give them an easement so that they could have a driveway across?

**Stuhr:** Absolutely, yes, ma'am. Just like that one is, it allows them to do normal things just not build a house on top.

**Wheeler:** Very good.

**Fish:** Thank you mike.

**Wheeler:** Is there any public testimony on this item?

**Parsons:** Shedrick wilkins wanted to say a few words.

**Wheeler:** Very good. Good afternoon.

**Shedrick Wilkins:** I am shedrick wilkins, and -- my hearing has come back a little, a lot, I am shedrick wilkins. Is this the ideal location for a u.v. filtration plant? Is this where most of the water comes in?

**Fish:** It's not what we are planning to do.

**Wilkins:** Do a filtration thing. On the issue of water, I am not too sure that people want to have their water filtered, but given the February 2017 situation where we got into the Columbia wells, I think that we need to speed up some sort of u.v. ultra violet light to make up for the fact that we don't draw a water from the reservoirs and people made arguments the light from the sun filters the water, so I think that we need to speed that up and I am not sure that Oregon -- Portland will ever filter the water.

**Wheeler:** Thank you. Appreciate it. This is a first reading, non-emergency ordinance, moves to second reading. 282, next item.

**Item 282.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** Thank you mayor. As Portland continues to grow, the Portland bureau of transportation is focused on strategies and projects that will help accommodate that growth and maintain Portland's quality of life. Improving the liability of public transit is one of the best ways to reduce the automobile congestion, and we are all dealing with that today, and approval of this council item will go a long way in that regard. Since opening in 2001, Portland streetcar has seen its service and ridership grow exponentially. That growth has been directly attributed to the housing production in the central city, and we need to make sure this continues. Therefore our great partner, tri-met, and Portland streetcar, inc. have identified a need to acquire additional streetcars to support ridership and continued frequent service and Kathryn Levine from pbob is here to walk us through this purchasing proposal.

**Kathryn Levine, Portland Bureau of Transportation:** Thank you very much for your consideration today. I can go into more detail, but I will move very quickly to begin. In February as we told you during the annual report, we highlighted the need to have additional vehicles to support reliable frequent transit service. Previously we had discussed the most cost effective means to increase the fleet by five vehicles, looking at purchasing two new vehicles, and three used vehicles, today this action is focus on the purchase of

March 21-22, 2018

the two new vehicles. In 2017 Tacoma, our sister streetcar city to the north ran an open competitive procurement process for streetcar vehicles and they included within that the option for Portland to purchase vehicles. In July of last year we brought to you a cooperative procurement agreement with sound transit so that if the council approved we could use that procurement as a means of purchasing the cars. The purpose of this ordinance is to execute an assignment agreement basically accepting the options from sound transit and to authorize a contract with Brookville. It is listed as a sole source, however we have obviously worked in partnership with sound transit to get to this point. I did want to let you know procedurally procurement did post a notice as they are required to do that we intended to enter into this contract with Brookville and that no protests were received.

**Saltzman:** Okay.

**Wheeler:** Very good. Colleagues, need further questions? Public testimony?

**Saltzman:** Brookville is in Pennsylvania?

**Levine:** That's correct, this is our opportunity to purchase American made cars. Yeah.

**Wheeler:** Public testimony?

**Parsons:** Shedrick wilkins.

**Wheeler:** Come on up Sir.

**Shedrick Wilkins:** My view was when they made light rail this was an east and west thing, but when they started loo they involved with the north and south thing. I remember in 2012 before that there was an argument that traffic would hit the streetcars. It did not happen as far as I know. There is like circling this way. I think in Portland there is a big issue about southeast Portland, and a little bit into sandy boulevard. My father went to Nabisco five miles away, and my first job -- I was raised at 70th and sandy, my first job was downtown and there really isn't a job market but there is a lot of housing in southeast Portland, so I really would think that we need to expand and do experiments about putting streetcars down 82nd, you know. I don't think the elevator or not, or 39th street, so you are getting into southeast Portland. They don't work there but they go somewhere. Maybe they could take and then of course, the streetcars would intersect with light rail and then they would go downtown.

**Wheeler:** Thanks Shedrick.

**Wilkins:** That's the thing. Southeast Portland is a real residential area. There is no jobs and they work at a places and need to get there.

**Wheeler:** Very good. Thank you. Please call the roll.

**Fritz:** Thank you for your work. I think that the streetcars, you know, we heard earlier that transit ridership has gone down, but your streetcars have not, it has gone up. 32% of the riders and less than 30,000 a year, so the myth that its just train toy for rich people is absolutely not true and most people are using it to get to and from home and work. So it's a splendid example of not only a development tool, but also a transportation mechanism that is working for lots of people. Thank you very much for your work on this. Aye.

**Fish:** Aye.

**Saltzman:** Thank you Kathryn and also to dan bauer the ceo of Portland streetcar, inc., aye.

**Eudaly:** Aye.

**Wheeler:** Aye. The ordinance is adopted, next item, 283.

**Item 283.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** Thanks mayor, I'll just turn it over to procurement.

**Wheeler:** Very good, thank you. Welcome.

**Larry Pelatt, Procurement Services:** Good morning Mr. Mayor, commissioners.

**Wheeler:** Nope, that train left a long time ago. Definitely afternoon.



March 21-22, 2018

**Pelatt:** Okay. When you are taking a nap out here, you lose track.

**Fish:** Your time is up and I move the item, mayor. [laughter]

**Eva Huntsinger, Portland Bureau of Transportation:** Okay, let's start it with happy second day of spring. How does that sound?

**Wheeler:** Awesome. Awesome.

**Pelatt:** Okay. Good afternoon, Mr. Mayor and commissioner, I am Larry Pelatt from procurement services. You have before you the ordinance, through a procurement report that recommends 23 price agreements. Awarded to 12 separate firms for a total amount, a lot, \$26,875,000. This is a small point of clarification. The actual ordinance piece had said 23 firms, but there was 12 firms, some of them getting more than one contract in different areas of work. So just a little piece of clarification. These agreements for the three-year period will be utilized as the needs are presented and specific projects are identified in pbots budget, and the price agreements range in total value from half a million to \$2.5 million with task orders within those agreements limited to between \$175,000 on some and \$500,000 on some others. On September 6, 2017 the chief procurement officer advertised the rfp number 69948 proposals in eight categories of work were received and opened on October 2. All were deemed responsive to the requirements solicitation, the proposals were evaluated in smaller groups, based on different work areas by three evaluation teams and all the evaluation teams had at least one community member, and an individual through the minority evaluator program I am just calling out there was a lot of hard work in the evaluation of this and a lot of stuff to read so it's just kind of an extra thank you to all of the members of the evaluation team, especially the community members through the mep program. The city issued a notice of intent towards the price agreements on December 18, no protests were received. This procurement has a particularly interesting story behind it. The entire procurement process is the result of a variation on our standard solicitation process which was piloted by the bureau of transportation, a little over a year ago. The standard methodology requires consultants to propose what their utilization of certified firms will be in their actual proposal. What we moved for with the pilot thought process is not to have them identify a specific certified firm because under these types of agreements the work itself is not identified. The projects come and go through the budget process so you don't really know what it is. So what pbots decide and worked with us, you know, it's a very, very good joint effort a couple of years ago, was having the firms propose what their thought process is relative to inclusion, tell us about some of the people that you traditionally use. How do you plan to move this procurement stuff, the participation stuff forward when we are not really telling you exactly what work you are going to do? It's a difficult process. So what we did is we said we will take your thought process, and then when we get the price agreements together we start issuing task orders against these agreements, that's when we come back and pbots has -- then they know what the work is and the project is identified, and they can hold the consultants responsible to a much higher level of participation. On the pilot project the first one that they did, their setup was to achieve the city's goal of 20%. That was their driver, and actually they got to just shy of 28% by having additional negotiations. The negotiations for each task order, there was a huge focus on participation in that, and if pbots doesn't think the particular vendors, you know, are doing enough, they can ask them to do more, they can say, we can't get there with this one we're going to go to the next vendor.

**Wheeler:** Is that where you are getting the \$8 million?

**Pelatt:** Yeah, it is. If we utilize the value of the contract, a little over \$267 million and we go to the 30%, that's the big piece with this one, pbots raised it from 20% to 30% participation. If we use the whole thing, get the 30%, it's over \$8 million that go to certified firms.

**Wheeler:** And what sort of enforcement mechanisms, not exactly the right word but how do you ensure that you're going to get that \$8.62 million?

March 21-22, 2018

**Pelatt:** What the process is then when they issue is a task order they have a specific project. So, they know they are certified firms who can do pieces of that project and that's when they negotiate with the prime vendor on okay, you are saying you are going to self perform this piece of work, but we know that there is certified firms out there who can do that, we would like you to include them in this task Order.

**Wheeler:** Would you say the \$8 million is a guaranteed deliverable? How would you characterize it?

**Pelatt:** No, an aspirational goal it is backed up by the negotiation. There's one more little interesting piece to this solicitation process. All of the proposers had to sign an agreement that said they know but the 30% goal and they agreed to utilize all possible means to reach or exceed that goal so it's not a surprise to them. When they walk into this, they know that they are going to be held at that 30%. Now because we don't have a diversity study that lets us set hard goals, but everybody is aware of how important this is to you as city council members and the city as a whole to get to this level. As I said on the last one they started out with a goal of 20 and got to 28 by virtue of hard work and negotiating with the vendors and telling the vendors hey, this is what we need you to do and it's very successful. Some of the other utility bureaus are moving forward on the same type of thought process, the newer methodology, we don't have you have in data to say wow this is successful, everything we have got says that it is and if everything works and it's mostly a lot of hard work on the part of transportation, but if everything works this should be the new methodology to get us on these types of price agreements. This should get us better, much better participation.

**Wheeler:** Thank you.

**Pelatt:** Okay, so that's the back story. Really quickly.

**Fish:** I have to go. I hope you have the requisite votes.

**Pelatt:** I am essentially done we're asking for approval here.

**Wheeler:** Is there any public testimony?

**Parsons:** No one signed up.

**Wheeler:** Commissioner Fritz any further comments?

**Fritz:** No, I just need commissioner Fish for the last item.

**Wheeler:** Call the roll.

**Fritz:** Aye. **Fish:** Aye **Saltzman:** Aye **Eudaly:** Aye.

**Wheeler:** Aye. The ordinance is adopted. That leaves us with two consent agenda items. 273.

**Item 273.**

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you, who pulled this.

**Parsons:** MaryAnn Schwab and lightning.

**Fritz:** Neither are here, does anybody want to testify on this? This is an additional position, but it actually the first position to be hired for the program. Normally this would be done through the budget or the budget monitoring process, but we are behind where we want it to be and it's urgent to get this created and filled as quickly as possible. I can't wait until the spring bump to do this and the position is being created in the office of neighborhood involvement because the open and accountable elections fund is still in the office of neighborhood involvement until it is moved to special appropriations as part of the process and that will also happen in the spring budget monitoring process. The successive program and implementation in time for the 2020 election is in question. Every day of delay makes it more difficult to complete the work necessary for successful implementation of this adopted council program and I urge your support colleagues.

**Wheeler:** And the individuals who signed up for public testimony are no longer here commissioner Saltzman do you have a question?

March 21-22, 2018

**Saltzman:** So the total staffing is two?

**Fritz:** It will be, yes. This is the first position.

**Wheeler:** Very good. Call the roll.

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye, the ordinance is adopted. 275.

**Fritz:** Thank you commissioner Saltzman.

**Item 275.**

**Parsons:** This was pulled by commissioner Saltzman's office to be referred to his office.

**Saltzman:** Yes. If you could refer that back to my office.

**Wheeler:** Very good, unless I missed something that's it. We are adjourned until 2:00 p.m.  
Thank you.

**At 12:50 p.m. council recessed.**

March 21-22, 2018  
**Closed Caption File of Portland City Council Meeting**

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

**March 21, 2018 2pm**

**Wheeler:** Good afternoon everybody this is the March 21, 2018 afternoon session of the Portland city council. Sue please call the roll.

**Fritz:** Here **Fish:** Here **Saltzman:** Here **Eudaly:** Here

**Wheeler:** Here and now a message from our sponsor. [laughter]

**Lauren King, Deputy City Attorney:** Welcome to the Portland city council. The city council represents all Portland and meets to do the city's business. Presiding officer preserves order and decorum during city council meetings so that everyone can feel welcome, comfortable, respected and safe. To participate in a city council meeting you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying please state your name for the record, your address is not necessary. Please disclose if you're a lobbyist, if you are representing an organization please identify it. The presiding officer determines length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left the yellow light goes on, when your time is done a red light goes on. If you're in the audience and would like to show your support for something that is said, please feel free to do thumbs up. If you want to express that you do not support something feel free to do thumbs down. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, welcome, respected and safe.

**Wheeler:** Very good, thank you , Sue would you please read the first two items 284 and 285.

**Item 284.**

**Item 285.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** Thank you, mayor. I'm pleased to introduce the hearing for the third and final stage of the update to Portland's 2035 transportation system plan or tsp. The tsp is the 20-year guide for how we maintain and expanding our transportation system to accommodate future growth. This update comes at a particularly important time as our population is growing and we continue to experience strong job growth. With new people and new economic activity there comes increasing demands on our transportation system. At the same time, we're seeing new technologies and new mobility options which offer new opportunities as well as new challenges. All of the highlights the need for the city, city policies and strategies to guide our transportation decisions both today and in the years to come. Transportation touches so many aspects of our city and the development of the tsp reflects this. With input from community members and business groups in coordination with bureaus like fire, parks and the bureau of planning and sustainability the tsp has been comprehensively developed to be a guiding document for our city. I would now like to

March 21-22, 2018

introduce Courtney duke with pbob to provide us with an overview of the third stage of the transportation system plan. She will be joined by others. [laughter]

**Courtney Duke, Portland Bureau of Transportation:** Thank you, commissioner Saltzman. Good afternoon, mayor and commissioners, I'm Courtney duke from the bureau of transportation. I have been the project manager and lead of the transportation system plan and the city's comprehensive plan for transportation for the last eight to ten years depending upon where you want to measure that. I'm here with bob Kellett a planner in our group and peter Hurley another planner to go through where we are right now for the stage three tsp. So bob is going to run the presentation, which should be up. There it is. Okay. Again, we also wanted to introduce most of the tsp team is here, those still with us. They are here to answer questions but also to be recognized as working hard on this project as well cause we do think this may be one of the last times we see you related to the tsp this round. Again, the tsp is part of a larger transportation and land use plan process that goes all the way up to the state. I know that the three of you have been here for the duration of our comp plan and tsp update, but we have two new commissioners, mayor wheeler and commissioner Eudaly, so we thought we would do a little bit of background to make sure that we know where we all are. Again, our first slide gives an idea of how we fit in to the statewide planning rules, the transportation planning rule which was a direction from the state to help implement those goals. We have a regional transportation plan that is actually under way now and actually both of the people at the table are working on that as well, then again we're part of the comprehensive plan. There are also components and most of which you'll see today are components outside of that comprehensive plan component but we also have some changes to that and then we have some things we need to update to have one cohesive document. So components of the transportation system plan you can see on this slide pretty big document, right now it's in about four big binders, but again we have staff here later that are going to give previews of how that's going to be streamlined into more web document. We'll go to the next slide to talk about where we have come to you before, so stage one of the tsp was part of the comprehensive plan update that you saw as part of the city's periodic review order that came down from the state. There are a number of tasks that were required by us and we worked closely with the bureau of planning and sustainability and Eric Engstrom, who is also here. What's highlighted are things adopted by city council in June of 2016, so those were the main goals and policies for transportation which is chapter 9, but there's also goals and policies related to transportation and the right of way in chapter 2, which is the public involvement chapter, chapter 3, 4, 8 and of course chapter 9 is the main component but we have sections throughout. We also have the transportation major projects and programs and we had project evaluation to get to that and then a financial plan to help pay for all that. Those again were required as part of the state periodic review and were adopted by council in 2016 and I believe have just been upheld by the state even though parts of it were appealed, but we're happy to say no transportation related things were appealed. Then we had stage 2, which is in the orange color on your screen, I hope. We did some updates related to the introduction because it was fairly static document at that time and the glossary again to be in compliance with updated comprehensive plan. We made some changes to our community involvement chapter and to the bicycle objectives to be in alignment with the bicycle plan that had been adopted in 2010. We made some adjustments to our street classification policies there are seven policies related to street classifications and we updated the bicycle ones to be in compliance with the plan as well as our street design classifications and this was in direct response to changes to the comprehensive plan related to the centers and corridors strategy. We also updated our refinements plans and studies chapter because we had done a lot of those plans and studies and then we also had updated our master street plans and we made changes to

March 21-22, 2018

the street vacation code and have added that to the code as part of that, we made changes to transportation demand management and some commercial parking in the codes. Again those were adopted in December of 16 and are at the state and have been approved at the state level. Now we are in stage 3, our final stage, which is in green. We're making some additional changes to the introduction and glossary since the last couple of years there's been a few terms that we wanted to make sure were included. We have actually deleted the objectives and Bob will talk about this more when he talks to be in compliance with the comprehensive plan and the 2035 central city plan. We made changes to street classifications for transit, emergency response and traffic. We needed to do a minor update to the river district, we have a reference to our modal and management plans, we have some implementation strategies especially related to codes and standards and we made policy changes related to automatic vehicles and performance measures partly in relation from direction from the planning commission. Then we also as part of all that obviously had public participation. The discussion draft we had a discussion and proposed draft as we've done for all of our components. We had as you can see over 120 comments and outreached to over 30 events and we heard from our west hills citizens as well as well as some folks in southeast and we made some changes in the document related to that which we'll talk about. Then the proposed draft came out and we sent out additional public involvement and had comments around that as well as well as planning commission testimony. Today's council actions are an ordinance to update the comprehensive plan components, those are the geographic policies again, the objectives, street classifications, performance measures, connected and automated vehicles, master street plan, some code chapter changes, some errata, which are basically some typos. Then we have a resolution related to the introduction, the modal plans, glossary and implementation strategies. Bob and Peter will go through more details on those sections.

**Bob Kellett, Portland Bureau of Transportation:** Thank you Courtney. As Courtney mentioned a lot of what we have done is working in conjunction with the comprehensive plan, so back in our current tsp written in 2007 we had a geographic policy that was based on the seven districts. As you may know with comprehensive plan they adopted a five-pattern area, we have taken our geographic policies and made those into pattern areas. With the objectives in the 2007 tsp, we had goals, policies and underneath those were objectives to make consistency with the comprehensive plan and central city 2035, which do not have objectives. We went through all of the objectives some of them we achieved and so we were able to delete those. Some were elevated to sub policies and then some we identified being more implementation strategy so we moved those two our implementation sectioned. As Courtney mentioned this stage 3 we have updated some of our street classifications. These provide policy guidance for desired function of the streets, so how we want the street to function. In this stage we have updated the traffic transit and emergency response street classifications in the stage 2 we did the bicycle and street design and coming to you in the future will be our pedestrian classifications that's now part of the ped pdx master plan that is being updated as well as potentially a freight master plan update sometime in the near future. So the street classifications we have made some changes to emphasize our policies around vision zero to make sure we have safety goals as our top priority. We have also clarified some of the traffic common tools we can use we have used on local streets now can use on the neighborhood collectors, things like speed bumps. With transit we worked closely with trimet, as you may know trimet does a service enhancement planning where they are projecting out future transit service so we worked closely with them to update our transit street classifications. As well as emphasize not only the lines that will be serving us in the future but also access to transit. We know how important it is for people to get safely to their bus stops and also once around the bus we have some policies related to priority treatments along the transit lines so that transit can

March 21-22, 2018

move quicker where it needs to go. We worked closely with fire and rescue bureau on emergency response street classifications, one of the big changes we've made is add a secondary response classification, so this is important when primary response route is blocked for whatever reason, traffic or it's closed for construction, at the secondary emergency routes allow the fire and rescue to get where they are going. Also we have worked closely with them to identify ways in which we can have both priorities of quick response but also traffic calming so we worked with the fire bureau to develop fire friendly speed bumps and things like that. We have worked closely with prosper Portland on the post office site so we have added a little bit of connectivity to the river district master street plan to facilitate that redevelopment in the future. And as Courtney mentioned we continue to make some updates to what we are calling the supporting sections, introduction, glossary, the modal master plan is a reference to the master plans we have adopted, the bike master plan, pedestrian master plan and the implementation strategies. We did make one recommended change to code chapter 17.107, as part of stage 2 council adopted this in the commercial mixed use zones for the transportation parking and demand management. We're clarifying within the code that the fees that will be charged will be part of an annual fee, this allows us to look at ways in which we can have one rate for market rate dwellings and one for afford rate with trimet adopting a new low income fare this might provide an opportunity to achieve both our transit goals and also our affordable housing goals. Now Peter will talk about performance measures.

**Peter Hurley, Portland Bureau of Transportation:** Good afternoon, council members. Peter Hurley, Portland bureau of transportation. Section 7 of the document covers performance measures, Transportation system plans are required to have performance measures and measure in our plan are the north star for what we want to achieve on safety, equity, climate and on congestion. Pbot along with the planning and sustainability commission are recommending performance measures that will require strong actions to achieve. Achieving those measures will be a significant stretch. Council adopted several measures in December 2016. The changes before you today are refinements that emphasize 70% non-single occupant vehicle mode share for all trips and for commute trips. We also make explicit a 30% or less target for commute trips and establish a new work at home target of 10%. We're also suggesting adding the new congestion target of not increasing the total number of nonfreight trips, which is particularly important for addressing congestion.

**Wheeler:** May I please ask a question about this? Is the 10% work at home target, is that for the city of Portland capital or for all of the city of Portland?

**Hurley:** Very good question. It is for all employers in the city of Portland. So it includes private sector as well ago public sector.

**Wheeler:** When you say performance measure cause obviously you don't drive that decision. There's employment policies and everything else, and you say this is a performance measure, is it a performance measure for pbot or a performance measure for the program -- whose performance measure is this?

**Hurley:** We're saying that as part of a transportation system plan the region and the state say set performance targets so we can manage the system as a whole. We're establishing that as a city target in order to effectively manage the system as a whole. We do have some tools to work with both public sector and private sector employers incentive programs, even improving transit improving bicycle and pedestrian connections helps people make that choice. As bob mentioned we have a transportation demand management program as well where we work with both developers and employers to encourage people to use alternative modes including working at home.

**Wheeler:** I'm sorry, what is the current percentage?

**Hurley:** It's just over 7%. That one is not a huge stretch to get up to 10%.

March 21-22, 2018

**Wheeler:** It doesn't seem like it would be and with our age-friendly city desires obviously we're trying to be more flexible in the workday and how people do work. That could obviously encourage older adults to stay in the work force as well. That caught my attention and I appreciate your clarification. Commissioner Fritz.

**Fritz:** This is an opportunity for us as a city employing 6,000 people, obviously the parks technicians need to be in the parks but some of the staff could work at home one or two days a week and that's something we can do by leadership. I'm also concerned that we're not proposing to improve our walking, bicycle or transit percentages and why is that?

**Hurley:** So the percentages that were established by council in December 2016 such as 25% for transit and 25% for bicycling, are very aggressive measures and will require a significant set of both policy and investment decisions in order to achieve those. The current projections are less than -- that we would not achieve those without significant policy changes and investment changes.

**Fritz:** But we're going to keep them the same in stage 2 and stage 3, just keep reaching for the top? Is that the thinking?

**Hurley:** One of the things we had some conversation at the planning and sustainability commission and commissioner smith can perhaps speak to this, but certainly the message that we heard and the message we wanted to send is that we believe establishing realistically aggressive targets or significant stretch targets sends the appropriate message given the adoptions that we have for vision zero, for our climate action plan, for our equity standards within the city helping people to make it easier for them to travel affordably, to travel using transit, walking, bicycling. It's appropriate to have those significant measures and it does in many ways if we're -- actions follow words. We'll be bringing to you a series of decisions that could up those percentages, but will be significant decisions.

**Fritz:** Okay thank you.

**Wheeler:** How do you define the 10% or the 12.5% of carpool -- is that of trips that are taken as part of a carpool? 12.5% of what?

**Hurley:** If there were 100 commute trips taken by individuals within the city, 12.5 of the total number of individuals would have chosen carpooling. So 25 out of 200, et cetera and carpooling there's the traditional carpooling, which is the individuals choosing to share a ride to get to work, but it can also include the new technologies, a shared tnc trip, a shared uber-lyft trip could count as a carpool. Not if it's just the driver and one passenger. It would require two or more passengers as well and one of the reasons that even though carpooling has been stagnant or declining over the last several years because of the increase in access to transportation network company trips, uber, lyft and others, we're seeing a significant increase in people using those options and we would like to see more of those in the future shared and those would count as carpool trips.

**Wheeler:** Thank you. That seems like one of the obvious solutions to reducing congestion. The cost is a lot less than infrastructure.

**Hurley:** As we move into the automated and connected vehicle policy, one of the things that we are recommending along with the planning and sustainability commission is that we take actions to advance shared trips. If we have a lot of zero occupant and single occupant trips we're not going to achieve our targets.

**Fish:** Could I ask a question cause you mentioned tncs, and they are not part of this. If we have tncs operating without a cap, in my neighborhood the streets are absolutely clogged with tncs, how do we actually make progress on our goals here if we're not somehow cross referencing the impact they are having on congestion?

**Hurley:** Commissioner if you will the next section is actually the automated connected vehicle policy and I believe as I go through that I can speak specifically to your question.

**Fritz:** And when you talked to me yesterday you pointed out you count those in single occupancy vehicles.



March 21-22, 2018

**Hurley:** Yes and zero occupancy vehicles and if they are not shared. So the next section, section 8 establishes a new connected automated vehicle policy, its important to recognize we currently do now have one and therefore one of the reasons we're proposing one is to get ahead of the changes which are occurring. On Monday a pedestrian crossing the road was killed by an Uber self driving vehicle in Tempe, Arizona, that death reinforces the need for Portland to adopt a strong connected automated vehicle policy with a clear priority on vision zero.

**Wheeler:** Can I ask you a question about that? Cause that obviously got global press. There was actually a driver behind the wheel. Was there not?

**Hurley:** Yes.

**Wheeler:** And they didn't stop either. So what else do we know about that? That's three days old now.

**Hurley:** I have read a number of reports and I'm probably not the best person to be commenting on it, but I think perhaps where -- a question in my mind and perhaps in yours as well, would it have made any difference.

**Wheeler:** That's my question.

**Hurley:** If it were a driverless vehicle. We do know there are nearly 40,000 people killed a year in the united states.

**Wheeler:** To be clear it was not a driverless vehicle. It was reported as being a driverless vehicle.

**Hurley:** It was an automated vehicle with a driver in the seat.

**Wheeler:** With a guy sitting behind the wheel.

**Hurley:** Correct.

**Fritz:** Perhaps not paying as much attention as he should have been.

**Wheeler:** That's part of the question.

**Hurley:** Yes, one of the things because we are prioritizing vision zero as part of the automated and connected vehicle policy and because we are prioritizing a phased approach testing first before deployment one of the big questions we have is how to assure a safe level of operation in the city. Obviously the existing conditions are fairly dangerous, particularly for vulnerable users, because of the high level of death and injury that we experience. As we move to new technology, set of technologies, we're gonna make certain those are safe for the full range of users.

**Fish:** I think we're once again at risk of putting the cart before the horse because when you say that it sounds like, well, we're going to test to see whether drag racing up Burnside makes sense in nascar vehicles. I think we first have to ask whether we want nascar vehicles on our streets. So I have raised this a dozen times every time we have this conversation. What I don't want to do is back into a policy without the council saying that we're going to green light the policy and the council has not yet taken a position on connected automated vehicles and you're already talking about testing. So, what have I missed?

**Hurley:** As part of the smart automated vehicles initiative we have been prioritizing a very slow step by step approach that involves because there are already -- at this point in time there are no rules that the city of Portland has that would prevent an automated vehicle company from coming in and operating on our streets. By putting in place a strong policy that says here is how we would like the -- here's how you would need to operate within the city of Portland, starting with a testing approach, we're getting ahead of the technology and preventing the type of problems we could have if we didn't have a policy.

**Fish:** Why don't we just adopt an interim policy that says we prohibit this activity and then figure out the rules? Why are we backing into this.

**Art Pearce, Portland Bureau of Transportation:** I couldn't help but jump in. Art pierce, management transportation planner here for the bureau. What we're having a discussion

March 21-22, 2018

of today specifically what you're talking about is the recommendations for policy 9.6, which is articulating how autonomous vehicles will fit into our modal hierarchy, not authorizing their function in the street. What you're specifically talking about and we're emphasizing specifically if I go to the next slide is when we are considering the inclusion of autonomous vehicles how do we prioritize their inclusion versus other modes. We're explicitly saying that walking, biking and transit are more prioritized than the inclusion of autonomous vehicles. That's explicitly trying to address the importance of people first modes and those modes that address our overall mobility and health strategies as the place to begin the conversation.

**Fish:** That's helpful, art, but again and I'm agnostic on the outcome. What I'm saying is the council can't start adopting policies without first making a choice and making an informed choice at the front end. What we're at risk of doing is piecemeal putting in place a regulatory structure that sort of says, well, this is inevitable, versus the threshold conversation about, a, do we want this to occur in our city, b, under what rules, c, what are we going to prioritize in terms of funding because this comes with a big price tag in terms of building out a grid that we have to maintain and could come at the expense of other transportation investments. I want to be sure that we don't piecemeal get into a position where we say, the train has left the station, we have all this work and I think council first has to tackle the threshold question.

**Pearce:** I don't believe that what's in front of you today is the train leaving the station. It's instead trying to place where autonomous vehicles will fit into our overall transportation strategy. We do have the smart autonomous vehicle initiative that did come before council where you gave us direction to not authorize the operation of autonomous vehicles before coming back to council. That's very explicit direction.

**Fish:** That's very helpful.

**Pearce:** I think we will be one of the first cities if not the first city in the country to place autonomous vehicles within the overall transportation strategy for a city. This is actually we think this is actually very aggressive policy first perspective.

**Wheeler:** Commissioner Fritz.

**Fritz:** So are you asking us today to accept the policies in section 8 on connected and autonomous vehicles?

**Pearce:** Correct.

**Fritz:** So, when you get to the end of your presentation I have a couple of amendments.

**Pearce:** We knew you would.

**Wheeler:** I have one more question, I'll just put it on the table. I don't know the answer to this, this is hearsay and speculation. I'm told that some teslas already have the capacity to drive with the driver behind the wheel, but they already have the capacity to do what the car in phoenix was doing.

**Pearce:** Not quite what the car in phoenix can do. They have the ability for some level of disengagement from the driver. The vehicle in phoenix was actually doing its entire trip in automated mode.

**Wheeler:** Thank you. I vaguely remember a tesla going under a truck.

**Pearce:** There was a previous fatality that was a tesla driver thinking more the vehicle could do more than what it was capable of.

**Hurley:** As we move to the connected automated vehicle policy, I think the concerns you have expressed are ones that we share and it's a primary reason we're putting forward a policy at this point in time. As we want to have a strong basis that council feels comfortable with saying you're prioritizing vision zero and other components so we are prepared. On Monday as was mentioned Portland's policy and our smart automated vehicle initiative both strongly mandate a phased approach starting with testing and controlled environment such as Portland international raceway. We're also concerned that without strong

March 21-22, 2018

standards we could experience more congestion from zero occupant av trips. That's why the policy and savvy prioritize fleet automated vehicles that are electric shared and shared, also known as faves the acronym fleet automated vehicles that are electric and shared. That gets at the question you previously asked commissioner about congestion and the potential for congestion. One of the policy components here is to say that we are prioritizing or giving direction to the city to prioritize fleet automated vehicles that are electric and shared. We believe that could reduce parking demand and parking impacts as well as to decrease the number of vehicles and therefore congestion.

**Fish:** Do you happen to know whether any insurance companies are underwriting policies for automated vehicles?

**Hurley:** So insurance is an area that the state task force that was established by Bill Lewis was just passed in the legislature is going to be looking into. I don't know whether the current vehicles on the road are self-insured by the companies that are testing them or are independently insured. Then finally, the last slide as art alluded to a moment ago the policy includes an update to the people moving strategy adopted by council in December 2016. We feel that this is particularly important because while we're maintaining walking, bicycling and transit as the top priorities we're also saying that amongst the passenger carrying vehicle options that fleet automated vehicles that are electric and shared are a top priority for affordability, for congestion, and for our climate goals, the electric component. So we're proposing to amend along with planning and sustainability commission to amend the people moving strategy to reflect that prioritization. That's all that I have on that connected and automated vehicles.

**Fritz:** Can I introduce my amendments now?

**Duke:** I think I would wait, is that ok. Thanks. So bob and peter are going to step back until there's more questions and we'll bring up Nicholas wise, who's a consultant with us, and Kevin Donohue is associate planner with us. They are working together on a digital document for us, and also we'll be having a written document with everything included. So we wanted to give a quick preview to show you what it will look like and some of the components. This is supposed to be a public facing document and make it easier for people to use. As I mentioned before at least the one on my desk is four notebooks full of printed documentation and so many of our folks aren't doing that any more. So, Nicholas is here and Kevin Donohue.

**Wheeler:** Thanks for being here.

**Nikolas Wise:** Thank you. Courtney said I'm Nikolas wise, I'm a consultant with the Portland bureau of transportation from my own independent practice called department. This is the digital web document of the Portland system transportation plan, transportation system plan. Our main focus with this project was to make it more egalitarian and more open and accessible to the broader public both private citizens who are concerned about the street construction in their neighborhood or bicyclist advocates or even specialist interest like developer groups who need a clear understanding of what the city policy is to do things. So this is that gigantic document that exists on a desk but just on the internet. This gives us a lot of things that we can do which includes disseminating the document as downloads, as well as creating an easily searchable index of the entire document so we can do a thing like search for live demos are always a joy, a pleasure. The entire document is searchable. So we can find results throughout the entire document that are apropos to interests. Then the other thing about the document is it is tying the textual adopted plan to all of the gis data in the city. We think this is really important because it makes it more accessible for people saying yes, I can read about these plans, I know what they mean, but what's happening on my street, what's happening around the corner? Here we're going to zoom into Dekum. We have all of the transportation system projects and programs which Kevin can talk more about.

March 21-22, 2018

**Kevin Donohue, Portland Bureau of Transportation:** The programs are in different phases right now being updated, there will be a project list that comes out of those as the data becomes available we'll make those programs selectable.

**Wise:** For example here we have the bike way network completion and the neighborhood greenways plans for this neighborhood. We also have the street classification so we can see the bicycle, transit or design classifications and then we can cross reference these across each other by saying let's look at the bicycle plan versus the neighborhood greenways, so they are composable. We also have a selection of reference layers, for example zoning codes, and project plans and corridors.

**Fish:** Which map are you using? I have noticed there's some subtle differences in different maps that you can access. Portland map, google map. Actually some surprising differences.

**Wise:** Absolutely.

**Fish:** What are you using on this?

**Wise:** The base map that we're putting this data upon I believe is the base map provided by the Portlandmaps.com. I believe that is the case. If it's not we're using a standard base map issued by esri, the gis service provider. I'm pretty sure we're using the Portland maps one, though, as for geographic data we're rendering all the plans from the Portland bureau of transportation's own gis.

**Fish:** Thank you.

**Duke:** Just wanted to give you a brief preview of that, thank you both. So the next steps -- I think bob is going to get us there, but I'll go ahead and go. So, today we have our council hearing. On April 11th council will have deliberations related to tsp. On May 9th we would have any council amendments or substitutions if needed or proposed on May 24 we would have final reading and vote. Then an effective date of June 25th. If there are no changes or deliberations needed you could propose to have a first reading today and then your second and final reading on May 24th. So again the requested council action to just refresh your memory, all the things we just talked about, then I just wanted to acknowledge the tsp team that's been working on this. Some of us for a long time, some of us just joined the team this week. Some of them are here today. If they have questions, but everyone has worked hard to make this a great document and we will continue to work on it as we move through the amendments and through the final document in the summer. We're open to questions. I also wanted to make sure Chris smith from the planning and sustainability commission is here to testify. I think he got signed up second rather than first, but he's here on behalf of planning commission. Again, we have staff here to answer any questions you may have.

**Fish:** Chris for the record, as the city attorney was reading that statement of admonishment I think you were the only member of the public in the room at the time. I hope you don't take offense.

**Fritz:** Before Chris speaks I would like to pass out my amendment. These are hastily prepared amendments and I'm glad we might get another shot at it in a couple of weeks. This is in section 8 of the recommended plan that we've been given which is on connected an autonomous vehicles. It may be helpful to turn to that because I didn't have time to write out what else is there. It's 8.1, unfortunately, the document is in sections rather than with numbers. If you turn to page 8.1 of your document. I share commissioner Fish's concerns, the commissioner and I, I would like to say it was a similar speech since it was the end of last Wednesday I would say it was more of a rant then a very careful and measured speech with concerns about autonomous vehicles. There was a discussion at the metropolitan policy advisory commission meeting that I was frankly appalled by because there was the kind of gleeful assumption that everybody would be using autonomous vehicles where previously we have been trying to get folks especially in

March 21-22, 2018

outlying jurisdictions on to transit and indeed to provide transit. I'm very concerned that metro's jurisdictions are going to embrace automated vehicles and therefore adding a huge number of single vehicles we know there were 9 million uber and lyft trips last year in Portland which is a huge number and it's no wonder transit is going down. Knowing the challenges we have had with the transportation network companies I want to make sure that we have policies in place that make sure we don't make the same mistakes. For policy 9 xAa, which states in the draft ensure all levels of automated vehicles advance vision zero by operating safely for all uses, especially for vulnerable road users. I will add a second sentence ensure adequate insurance coverage for operators, customers and public at large by providers of autonomous vehicles. I would also state just in reference to the discussion on the tragedy in Arizona, that vehicle was speeding. So I would like to see a policy that automated vehicles are not allowed to speed. That they are set for the speed limit maximum. That's I think included in the first sentence. The second edition would be in the following policy which is 9 xAb, about ensure connected and automated vehicles improve travel time reliability and system efficiency, there are three existing policies and I would like to add supporting and encouraging use of public transportation. It was explained by metro planner that they hoped to use autonomous vehicles to get people from their home to the transit station or bus stop rather than all the way in a single vehicle from point a to point b. So if these kinds of technologies are going to be used to augment and support the public transit system that's a good thing. If they are going to compete with it that's a bad thing and I think we need to state that very clearly in the policy. My final correction for right now is on the next page, under policy x9 Ad, which is make the benefits of automated mobility available on an equitable basis. Long sentence that continues and I would like to add this includes people with disabilities as well as communities of color, women and geographically underserved communities. We could also add non-English speaking people that we want to make sure that we know that people have not shared equally in the transportation network companies because there's a lot of people who can't afford to use them and they haven't helped with transit provision or anything else that would make the whole system more equitable. Those are the three things I think are the most urgent for us to add to this policy.

**Fish:** Are you offering this as a package?

**Fritz:** Yes.

**Fish:** Second.

**Wheeler:** Commissioner Fritz moves amendments to section 8 under connected and autonomous vehicles per the document we all have and commissioner Fish seconds the package.

**Fritz:** Thank you.

**Duke:** Thank you.

**Chris Smith:** Thank you, good afternoon I'm Chris Smith and what I'm sure is a pleasant change of pace for us I'm not going to harangue you about freeways today. I am here in my capacity as vice chair of the planning and sustainability commission to convey the tsp recommendation. We have had the opportunity to journey through all three stages of the tsp with Courtney and the pbot team and I would like to thank the staff for that whole process. It's been great from my point of view and appreciate their support through the process. First of all the psc endorses tsp stage 3 and encourages you to adopt it. I want to spend a minute talking about avs and some other next steps that the psc would urge council and pbot to take. Avs are an interesting opportunity and challenge at the same time. As you've heard there's the potential that avs increase the amount of vehicle miles traveled in Portland. On the other hand we think it could significantly reduce parking demand, which would be a good thing and also at the end point of the revolution obviously we are on a path they should be much safer than human drivers. Yes, there was a tragedy

March 21-22, 2018

in Tempe, but that doesn't, shouldn't distract from the fact that human drivers killed 50 Portlanders on our streets last year. There's a point where avs should be much safer and I look forward to that end point. We may not be there yet, the statistical evidence has multiple interpretations, but I think the bigger policy challenge that we face is what kind of av future we have. Mayor you helped kick off the urbanism next conference last week which I attended. Very much a painting of two pictures there, a heaven and hell for avs and I believe the policy pbot has included in tsp stage 3 is very much pushing us toward the heaven scenario but it will take heavy lifting to get there. The worst case you can imagine is a privately own a.v. that follows you around through the day and every time you get out to do something just circles waiting to pick you up again. That would be horrendous. The pbot policy wisely points toward shared fleets, so there will be avs that we all share and use rather than owning them individually, but it will take I'm sure inducements from government to get us down that path. I think you should be careful, it may be tempting to say we won't let avs operate on the streets of Portland until some set of criteria are met, but you should probably be prepared for the possibility that the federal or state government will preempt that choice from you and having policy we can sustain and enforce to back that up would be an important thing. Couple of other points, I want to echo what commissioner Fritz said because we made a recommendation that the city should in fact through leadership demonstrate how to be an employer that supports telecommuting. I have been on that journey myself for as long as I have lived in the city. My employer has been in Wilsonville and for many years I reverse commuted to Wilsonville. In 2000 I became a part-time telecommuter and since then the curve has slowly increased until last year I gave up my desk in Wilsonville and work entirely from home in Portland. It's imminently possible in today's technology and environment to do that and still be an effective member of a team and I think the city should be out in front showing other employers how to make that happen. I think we could have a much greater than 10% share work from home share and we should aspire to do that and the city should be leading the charge. The psc made two other specific recommendations for follow-on actions. One is to take that mode share chart that pbot displayed and actually turn that into an action plan and have pbot seek resources and make plans to cause those modal shifts to change including setting five and ten-year interim goals, not just a goal 2035 but to say what the steps are along the way that we will get there. I think if we're not very intentional about this congestion will continue to be a big challenge for Portland and we'll have to marshal our resources to stay ahead of that challenge. The other specific recommendation the psc made was for the city to develop its own transit plan for the city. This is not intended in any way to be a replacement for the good work trimet does but rather an assistance to that. We have already started this direction with things like the enhanced transit corridors program. We could work best in partnership with trimet when we understand our needs the most and transit is sufficiently important part of our mobility future that we should have a very well articulated set of goals for the city and our own transit plan would go a long way towards doing that. Thank you.

**Wheeler:** Thank you very much. Appreciate it.

**Fish:** I have a question. You came all the way, so, thanks for joining us. Last time I was in d.c., Chris, the lead story in "the Washington post" was that there was a bipartisan effort to consider preemption. What was interesting when I read it was that the democrats were even more enthusiastic than the republicans because of their connections to silicon valley and the idea of technology. I think it's very helpful for you to signal that that could be coming down -- I won't say down the road. I wanted to ask your opinion on something, though. I have watched the film sully about ten times. My take away from that film is that with all the advances in technology in the cockpit of an airport plus an experienced pilot gives us even a greater chance of having safety, that the combination is a winning

March 21-22, 2018

combination, and in that film at least the moral of the film is if you took sully out of the cockpit the plane would have crashed because the technology would have made a couple of assumptions that turned out not to be true when they did the flight simulation. If what we want is safety as a paramount virtue, why not require in autonomous vehicles that there still be an operator? Isn't that getting the best of both worlds?

**Smith:** I'm thinking about all the market forces that will militate against that. I think there's also -- what autonomous vehicle does is give you your time back. You're no longer spending time making sure you don't hit a pedestrian, you're checking email or doing work. So the people who travel will want to take advantage of that time. That's the countervailing force and I think it's extraordinarily powerful one. I think you potentially get the best of both worlds. Sully doesn't have to be in the cockpit, he could be at a joy stick a thousand miles away connected by the internet to that plane and perhaps provide the same judgment. Right? I think we will see with level 4 avs there will probably be human remote operators that can intervene in certain situations. So, the technology is going to evolve in a lot of ways, but I am way more confident of a robot with great infrared vision seeing me on a dark street at night on my bicycle than I am of a human operator seeing me in that same situation or even detecting the Bluetooth ping from my cell phone which no human operator will perceive, so there's a lot of opportunity to introduce safety technology. Sure, human as a backup probably always a plus although the thing that scares me most about the level three testing which is the stage we're in now where a human operator is supposed to be able to intervene when needed is the ability of a human to react and take over control fast enough to have a meaningful impact and I think that will be a question in the Tempe situation.

**Fish:** Let me ask you a follow-up question. One of the issues that you constantly raise is about equity and how we distribute our resources. What do we know about the cost that the city would have to incur in order for the grid to be smart enough to accommodate av, and does that work against some of our equity goals in terms of providing transportation infrastructure for parts of the city that lag?

**Smith:** So there are probably people in pbot that can answer that better than I can, but I will say for my part it is not clear to me where the city's value add will be in terms of vehicle to vehicle communications or vehicle to way side communications whether that whole set of functionality can be provided over the cellular networks, in which case it would be the private end that bears most of the cost and the city might be a data provider to a network. Whether or not we'll actually install way side infrastructure is not clear to me. There are probably people in pbot who have a more informed opinion than I do. What I would say is that as we regulate and clearly will regulate and to be forthright pricing will be a big part of that regulation there will be revenues and expense streams that we ought to carefully tailor to advance our equity goals.

**Fish:** That's helpful. Thank you.

**Fritz:** I just want to add that there are some of us who can't read while driving or in the car, that get motion sick. If you took a survey of people and asked whether they prefer to be the driver or the passenger there's a lot of Americans who would much prefer to be the driver. That has to be factored into how this is useful.

**Smith:** And it will be a long time before we outlaw human drivers. The system is going to have to be smart enough to accommodate human drivers mixed with automated vehicles which has its own challenges. Things like platooning where through automated vehicles can be a foot apart and use less room on the freeway will be interrupted by human drivers still out there and we have to figure all that out.

**Wheeler:** The future.

**Duke:** We're living it.

**Wheeler:** Does that complete your.

March 21-22, 2018

**Duke:** That completes us, yes.

**Wheeler:** Sue, is that all the people we have anyone signed up?

**Parsons:** We have one other speaker. Terry parker.

**Wheeler:** Mr. Parker. Please come on up.

**Terry Parker:** Terry parker, northeast Portland. I haven't had a chance to say anything about this transportation system plan to the council. Transportation system plan is a mere image of the turbulence and upheaval created by the trump administration. The car hater mind set in which it was conceived generates bitterness, hostility and aggression between the various transport mode users. You only need to look at the clash over Lincoln street in southeast Portland to get a picture of the animosity. The city has a pbot self-inflicted congestion problem, road diets create more congestion which adds to fuel consumption and emissions, enhance transit corridor options that take away through travel lanes or add curb extensions will do the same. This tsp will only make congestion worse causing more confrontation. It doesn't make sense to create a target for congestion and create more of it. Build more housing. More people move in and come with their cars. With self-driving cars on the horizon and transportation options like lyft and uber already here universal transit service may very well become an expensive dinosaur. Younger generations who traditionally ride bicycles now want to raise families are transitioning to cars and suvs. Additional motor vehicle capacity is needed, not less. This must include fixing i-5 at the rose quarter but without tolls. Instead of sanctioning environmental mafia tactics extorting motorists and attempting to dictate more choice, possibly even discriminating as it applies to income the city needs to establish equity requiring alternative mode users including freeloading bicyclist to pay their fair share for the specific and specialized bicycle infrastructure they utilize. More to the top of the privilege heir chary need to pay more than those at the bottom. Additionally if the city expects people to transition from petroleum powered vehicles to electric vehicles the city needs to require adequate off street parking for all new residential development that includes adjacent electric connectivity for overnight charging, this is far better than running extension cords across sidewalks or down the block to cars stored on the street. Finally, the political leadership here and elsewhere needs to talk about the real issue associated with both the creation of congestion and maintaining a sustainability of the planet. That being continued population growth. The tsp needs some changes that reflects a reality that cars are not going away. Two additional things, any sov targets must also apply to the city fleet of cars which are almost exclusively use as sov vehicles. I can't read my other thought. I apologize. I had another thought about automated vehicles, but I wrote it so fast -- anyway thank you.

**Wheeler:** Terry we have your written testimony as well here. So thank you.

**Parker:** Thank you.

**Fritz:** That's a really interesting point about electric vehicles and having to have somewhere for them to recharge if we want to encourage that.

**Parker:** I think so, but if you don't supply parking where are they going to recharge them? They need a place to plug them in. So, you need a parking space for at least most residences.

**Fritz:** Thank you.

**Duke:** I think that's it.

**Wheeler:** Very good. That concludes both 284 and 285 as far as your presentation, colleagues, anything further?

**Fish:** This is the first time in recorded history that someone has asked for one hour for an item as complicated as this, and by my watch and the clock we have just come in under one hour. Thank you. Its and inspiration for the rest of us.

**Wheeler:** Item number 284, this is the first reading of a nonemergency ordinance. I'm sorry, we need to vote on commissioner Fritz's amendments.



March 21-22, 2018

**Duke:** I was going to propose is if we have that conversation at the April 11th deliberations because I think we would like to read them and make sure we understand them and where they would go.

**Fritz:** There may well be some refinement that you would like to see.

**Duke:** Then that's why we had the April 11th time set aside.

**Wheeler:** Those are for the amendments -- are those to 285 or 284?

**Duke:** The ordinance which is 284. We would like to keep it as a package.

**Wheeler:** What we will do then is we'll move it to second reading and keep the amendments open and have the opportunity to vote on the amendments at the second reading. Does that, work for you commissioner Fritz?

**Fritz:** Yes.

**Wheeler:** So done. With regard to 285, that is a resolution.

**Fish:** I thought you said you want to keep them together.

**Duke:** We would like to keep them together.

**Wheeler:** We'll continue then 285.

**Lauren King, Deputy City Attorney:** Can you remind the date and time certain that you're continuing it too?

**Duke:** April 11th. I don't know the time certain.

**Parsons:** And the time was 3:30 p.m.

**Wheeler:** April 11th, 3:30 p.m., Portland city hall, be there. [laughter]

**Duke:** I don't know if we need to say it but I believe written testimony is open until 5:00 on Friday.

**Saltzman:** This Friday?

**Duke:** Yes, the 23rd.

**Wheeler:** Very good, so written testimony will remain open until this Friday, which is March 23rd.

**Duke:** Yes.

**Wheeler:** Very good. Thank you. All right, next item, 286 and 287. Please read those together.

**Item 286.**

**Wheeler:** Colleagues -- sorry?

**Item 287.**

**Wheeler:** Colleagues we're here to be briefed by staff and hear public testimony on the 2035 comprehensive plan. The code reconciliation project. The project amends title 33, the zoning code, as well as title 11 trees, title 18 noise, title 32 signs and related regulations. This is being presented to us as two ordinances but it is in actuality just one project. We will hear public testimony today on April 11th council will deliberate and vote on the amendments that were the subject of the public hearing today, which is March 21st. We have bps staff, Eric Engstrom and Barry manning, to introduce the hearing. Welcome. Thanks for being here.

**Eric Engstrom, Bureau of Planning and Sustainability:** Thank you, mayor wheeler, commissioners. My name is Eric Engstrom I manage the comprehensive planning program at the bureau of planning and sustainability.

**Wheeler:** Can I interrupt you? I'm sorry I'm not tracking as well as I should, its been a long day. Did you read all the way -- she vanished. You read through 291?

**Parsons:** That's tomorrow.

**Wheeler:** You're right, 286, 287. Ignore me. Eric, welcome.

**Engstrom:** Thank you, with me is Barry manning, project manager on this code reconciliation project. After I finish introducing he will go through some of the details before you take public testimony. Just a reminder of the context, this is the third of three projects that are moving through council this month to help tie up loose ends and ensure successful

March 21-22, 2018

implementation of the codes associated with the new comprehensive plan. You heard last week the map refinement project and had a hearing on that. A moment ago you heard the transportation system plan third phase and today we're bringing you the zoning code and other city code elements that have been traveling along with these projects. So this is primarily focused on code amendments that tie up those loose ends which Barry will go over. All these projects just as a reminder were trying to orchestrate them so you get them done and make a final vote on May 24, which is the day that the new comprehensive plan goes into effect. Last week we had good news from the state land conservation and development commission which upheld the plan and rejected appeals against the plan. There's still a possibility for further appeals up to the court of appeals but the lcdc is good news. So again we're trying to make sure all these different moving parts land on May 24 and can be voted on. It's important that you adopt the amendments to the new plan actually when the plan is in effect for a variety of zones. That's why it's all aiming for that day. Just one reminder, this is different than the central city plan, which you'll hear, but I think you have another hearing on it tomorrow. Just to make that clear.

**Fish:** Can I ask you a question Eric? So last time we had a hearing we had a lot of folks who came and testified about very specific requests. A father-daughter that wasn't -- had an issue with respect to a house they wanted to build. I and my colleagues put forth some amendments. All of that will be taken up on May 24th?

**Engstrom:** No, we're going to come back on I think that was held over until April was it 4th?

**Fritz:** I think so.

**Engstrom:** You held it over to a point of deliberation which I think is in early April. Then you'll take your actions there in terms of amendments then it will go to final reading.

**Fish:** The second question I had if it's April 4th or wherever we had come back are you going to bring us a cheat sheet on that day?

**Engstrom:** Yeah or before. For the hearing you had last week Marty Stockton who's the project manager there will be delivering a summary of the testimony with our recommendations for what you do with that. Then we'll ask you to decide on which ones you want to take forward in terms of amendments. That deliberation would occur on the 4th.

**Fish:** And we'll vote on the amendments that members of council put forth.

**Engstrom:** Correct. So today I think we are looking at deliberation on the 11th for the same day as the project you just heard about. Barry will describe the contents of what's in this package.

**Barry Manning, Bureau of Planning and Sustainability:** Thanks, Eric. Barry Manning, planning staff, project manager for the project. Thanks for hearing us this afternoon, it's a little slower than I expected. The reconciliation project is a large document, you've seen that some 600 pages. The purpose of it is to reconcile zoning and other city codes with our newly adopted 2035 comprehensive plan implementation package as Eric mentioned which takes effect on the 24th. The reason we're doing this is as many of you recall as part of the 2035 comp plan we adopted new commercial mixed use zones. They are all new zones that will go into effect in the commercial areas around town outside the central city. So, those zones need to line up with other code references within the zoning code. We also adopted new campus institutional zones that don't exist right now and those will go into effect, we need to align the codes up with that. Then we did some amendments to employment and industrial zones and there are some relationships in the code that need to be addressed there as well. We're cleaning up redundancies, fixing cross references and fine tuning. It's a largely technical package but I would note because the new zones particularly commercial mixed use zones are not direct replacements for the existing commercial zones we have some situations where development allowances can change

March 21-22, 2018

and we have different things going on because they are not direct replacements. We tried to keep it as technical as possible. Our working mode of operation was to try to maintain regulations and allowances to the extent possible while applying the new zones in the context. Again why are we doing the project? Couple of other things happened at the end of 2016, the council adopted the inclusionary housing project as well as the comprehensive plan implementation code amendments late in 2016. Those were the comprehensive plan is a new set of codes that are going into effect in May and the inclusionary housing was a set of regulations that applied on existing zoning and the two didn't quite meet up in terms of how they would be structured in the code. This package is trying to marry those two things as well so we're taking the new codes which didn't include inclusionary housing, they included different forms of bonuses and incentives for affordable housing and marry them to the inclusionary housing package so it works well together in the long run moving forward. That's one of the key things. Then we're going to be as this notes we're going to be monitoring and making further calibration adjustments to inclusionary housing moving forward, that will be brought back to council at a later date. This one right here is just implementing what we have on the books now into the new code.

**Saltzman:** I have to ask given statements I made earlier this morning or this morning, you say adjustments of the inclusionary housing program if warranted. Who decides if warranted?

**Manning:** I probably defer to Eric on that. I think that's a conversation that bureau leadership and council are having.

**Engstrom:** Both housing bureau and bps are working together to monitor what's happening under the new program and ultimately council decides if it's warranted. We'll bring information about that eventually to council.

**Manning:** Again this would be just implementing what we have on the books now and moving forward with that. What's affected as the mayor noted were amending title 33 most significantly about 90% of what you have in front of you is zoning code amendments, but we are also amending title 11 which is the tree title, title 18 noise control, and title 32 signs and related regulations and the reason is all those reference zoning designations within those titles. A few prior review body's reviewed this work before it was presented to council. The planning and sustainability commission has purview of title 33, title 11 and title 32 and they had a hearing and several work sessions on that before making their recommendations to you here today. The urban forestry commission also has purview over title 11 and we had several work sessions with them as well as a hearing with them before they made their recommendations and we also presented to the noise review board on title 18 noise code amendments. So in terms of title 33 amendments we have multiple chapters with minor technical corrections. Really they are intended to provide consistency throughout the zoning code. I'm going to recap some of the most significant amendments that might have effects on development or you might hear testimony about today. So in the multi dwelling chapter of our zoning code we're amending the chapter to conform with the inclusionary housing bonus approach. We're deleting the institutional residential ir zone which is being moved to the campus institutional zones chapter and we're amending some maps that designate the 4:1 far in the rh zone and that's related to the map refinement project you heard about last week. In the new commercial mixed use zones chapter we are amending again the affordable housing bonus that exists now to be consistent with the ih approach so we'll implement that with this. Projects that trigger ih or voluntarily comply, would be allowed to utilize maximum floor area ratios and height through the bonuses which was intended in the way the mixed use zones were originally designed. We're also removing the reduced rent requirement from the affordable commercial bonus which is still in the mixed use zones and specify participation in the prosper Portland program. I might

March 21-22, 2018

make not that Prosper Portland is working on administrative rules to implement the affordable commercial bonus, they are under way with that right now. They will be returning to planning and sustainability commission on the 27th of march for a briefing. We expect the commission to probably send a follow-up letter to the council with recommendations on that program as well. Another item of note is we're reestablishing design review for self-service storage uses in the commercial employment ce zone that was not included in the original package and through conversations with other bureaus and stakeholders, it was determined that it was appropriate to apply design review on that as well as the others where that use is allowed. In the employment and industrial zones we're amending to conform with the ih bonus approach and changing setbacks for buildings and outdoor activities adjacent to residential zones in order to reduce impacts. These are to linked to removal of the buffer overlay zone which I think you had testimony on and a discussion about at the map refinement project hearing. We'll talk about that more today and I expect you'll hear testimony about that as well. We also have a memo that outlines some of the issues associated with that and be happy to pass that out to the council. We made it available to the public as well. In the campus institutional zones we're essentially conforming to the ih approach in the cit zone. Few more to go through. There's a lot in this package. Self-service storage, we have had a significant amount of development in the self-service storage use category around town over the last two to three years. There's been significant amount of testimony that was expressed at planning and sustainability commission about those facilities and their impacts on the pedestrian environment, particularly main street and transit oriented locations. As a result of the testimony and deliberations at the planning and sustainability commission, we're updating those not only are we applying design guidelines that are specific to a particular design district if one is built in a design district, we are also updating the codes to require active uses at the ground floor when one of these facilities is built in a pedestrian or significantly transit oriented location. The idea here is that rather than having a completely inactive space at the ground floor that might include just storage units we would like to activate that so it better serves the community so a portion of ground floor area would need to be active use, whether it was a retail or office use or something like that.

**Eudaly:** We can't just ban self-storage in the central city, additional self-storage?

**Manning:** Well, I won't speak to what can happen in the central city. You'll be hearing about that I think tomorrow. This is outside of the central city where these particular regulations would apply.

**Eudaly:** I see -- okay.

**Manning:** I should mention most of codes we're talking about today are applying outside of the central city. We're dealing with the central city regulations as part of central city 2035 more exclusively. This one there was some discussion about banning this use outright in locations outside of the central city and ultimately this compromise was settled on as a mid ground point.

**Eudaly:** Okay.

**Manning:** The buffer overlay you'll hear testimony today and you may have questions. We're applying new setback and landscaping standards in the employment and industrial zones. They are similar to what we did in the commercial mixed use zones which when we adopted the 2035 comp plan amendments we applied new buffering type standards in the base zones and removed the buffer overlay on those commercial zones. We're taking the same approach with employment and industrial zones. We're applying the new base zones removing the buffer overlay from the map and code.

**Engstrom:** Because this is likely to be the one thing you hear most about in testimony, I want to stress the point that basically this deals with landscaping and setback standards where industrial and residential properties abut. Under the old code, we had a special

March 21-22, 2018

overlay map that came with some sets of standards that governed that interaction. The problem with the old system is that it wasn't mapped consistently in all places where those two zones touch each other, so we're eliminating that map and instead we're putting similar standards in the basic text of the zoning code and eliminating that map. You're going to hear testimony concerns about the elimination of that map, but I want to stress that we're not eliminating the concept that there should be landscaping or setbacks where those zones touch, we're just structurally changing the way we accomplish that. We heard a lot of testimony about the Willamette heights neighborhood and in that particular situation we also have the presence of the environmental overlay which is a much stronger set of regulations that will have a bigger effect on the situation there and we're not changing that regulation through this package.

**Manning:** Only a few more to go. We're amending several plan districts throughout the city. Plan districts as you may be aware regulate development in specific areas of town that have a special character or have a plan adopted for them. Central city is an example of that, outside of the central city there's a plan district in Hollywood, there's one in St. John's, one in Gateway, et cetera, most of those plan districts were based on the old zoning framework and whether they had bonuses for housing or other allowances were based on a framework that didn't include the calculation oftentimes of floor area in a residential development. That has changed as part of the new zoning framework we're now looking at floor area as part of residential developments and calculating the whole thing. What we have done is gone through all those plan districts and tried to update them to bring them into conformance with the new system where there were zones that did not have an offset, for instance, for inclusionary housing as the base zones do. We have included an offset for those inclusionary housing projects where a plan district may have had a bonus for housing we have generally converted those to an inclusionary housing bonus, so if you meet the inclusionary housing you're eligible for that housing bonus. We have adjusted floor area ratios to conform to the new system and overall we've maintained the height limits allowed in those plan districts. Most plan districts allowed more generous heights than the base zones do, some of them have reduced height limits and we have maintained those throughout, so we have just adjusted the floor area ratios to adapt to the ih program. There's a couple of small changes within this plan district. We have changed retail size allowances to conform with the new employment and industrial zones that's primarily in the Columbia corridor area. We have amended references throughout as we have throughout the code to conform with the new commercial mixed use zones the c/mu and revised maps to conform to recently adopted zoning or lot line changes that happened as part of that process. Those are the plan districts shown there where they are happening, so you can see they are scattered around town. The conditional use chapter is large chapter, it has several provisions for conditional use approvals and throughout that chapter we have amended it to reflect city-wide change in the way we look at transportation approval criteria for similar types of reviews. It replaces further emphasis on evaluation factors such as safety and deemphasizes level of service as one of the particular offsetting measures there and evaluation measures, we're looking to look towards a multimodal system in transportation evaluation criteria. That's several chapters and sections within 33 a15. I mentioned title 11 earlier. We're amending it to remove tree preservation and tree density exemptions that exist now that apply to the cs and cm zones. Those zones will no longer exist in the new zoning framework, they have been replaced by cm1, 2, 3. There aren't really direct replacement zones, cs and cm were two zones of a group that allowed 100% lot coverage and did not require landscaping and that was one of the criteria for zone exemptions in the tree code which would be relieve them from tree preservation and tree density requirements. The new commercial mixed use zones all require some degree of landscaping or an alternative to that landscaping. In deliberations

March 21-22, 2018

and discussions with the urban forestry commission and planning and sustainability commission we determined just removing the references was the appropriate solution here such that no zone would be exempt from the tree regulations but the tree code still has a provision that if you have very dense development with lot coverages of 85% or greater you have exemptions or a reduced tree density requirement, so for very dense development we still have some opportunity for exemption otherwise we would need to look at trees in those. Title 32 signs reshuffles away the zones apply to the existing sign code. I have summarized here to suggest that cm1 are zones are assigned to the smaller sign allowances. Cm2 which is the medium size commercial mixed use zones are assigned to the medium size allowances. That equates to the existing cs and cm zones that you may be familiar with. Cr3 which is the largest scale mixed use zone equates to larger size sign allowances, that's very similar to the ex zone that exists now. Cr which is the commercial residential zone, is applied in very limited situations in residential areas and the ci1 zone, which is a campus institutional one zone, which is applied also in residential situations would have standards that relate more to the residential zones because the residential context of those zones' placement. One thing I would note about the sign regulation is that the general commercial zone ended up being rezoned to several different zones in the comp plan process. It went to ce, commercial employment, some went to cm2 or 3, some went to cm1. Depending where your existing cg zone was located you may have been assigned a different zone in the comprehensive plan and that would have implications on the sign allowances for that zone. In the future there might be some changes existing signs would be grandfathered. Two more slides and we'll wrap up. Title 18 noise regulations, the proposal does not change the noise regulations at all, all it does is reassign the zones to the categories within the code. The most noteworthy of the reassignments are that the cm3 zone is assigned to a commercial use category. Cm3 replaces ex, and ex had been assigned to industrial use category noise level. This is a reduction in allowed noise to the cm3 zone compared to what the ex zone has now. It assigns cr, cm1 to the residential use category as we talked about in signs. Some issues you may hear about in testimony, we have talked about the buffer overlay. We may hear about self-service storage, again that was a new issue that came up out of planning and sustainability commission. I mentioned the affordable commercial space bonus and the planning and sustainability commission review of that. I don't expect you'll hear testimony today, but we'll be coming back with that with their recommendations if they have any further. We are creating an administrative rule for energy efficient buildings that would applied in one of our existing bonuses. I don't expect to hear testimony on that, but you may hear some information about that over the coming months while you're deliberating. Again, trees, sign and noise code we may hear some testimony about that we haven't heard a significant amount today. With that I'll answer any questions you have.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** In regards to the buffer removal, we heard hours of testimony. I'm in a time warp right now. Last week, the week before. At least a dozen of which were people concerned about the buffer overlay zone being changed or eliminated. So, you're telling me that that is not going to change at all on the ground. It's just a map?

**Engstrom:** It's a strategy of how we're implementing the landscaping and setback standards in the code. In the case of the testimony you heard most of which was from Willamette heights, in that location there's another zoning overlay, the environmental conservation zone, that has a much broader set of regulations that will serve to protect that existing hillside and govern the development there.

**Eudaly:** I understand that. I guess -- I'm not quite done yet. I'm in favor of people coming here to testify for or against things we're actually doing. Having people take time out of their day, take time off work and extend these extraordinarily long meetings to testify

March 21-22, 2018

against things that we actually aren't going to do is frustrating and I'm just wondering where in the process did that miscommunication happen or where was the missed opportunity for that neighborhood to actually get informed about what was really happening?

**Engstrom:** I think this is something that there's been some communication throughout the project including at the planning commission level. I would say this is a sufficiently complex and thick package that there's room for misinterpretation, we have tried to correct any misunderstandings about the effect. There is a code change so I think bottom line may be that people are just concerned that they don't know how it could change.

**Eudaly:** But shouldn't there be somewhere for them to get that information instead of coming to council to sign up to give testimony, which is not actually pertinent to what's going to happen?

**Engstrom:** Yes. We have tried to provide information. Our planner, our district planning group who is more daily engaged with folks who are calling in we have a help line that was published in the public notice and we have had a lot of phone conversations.

**Eudaly:** I would love to help you promote that help line through my office and through the office of neighborhood involvement. I am both self-interested in this matter, but really I don't want community members taking time out of their day and time off work to come downtown and not having meaningful experience. Thank you. I'm not criticizing anyone I just wanted to know like, it just seemed like they should have been able to get their questions answered.

**Fritz:** Commissioner I have not yet had my questions answered. So we're still pending a memo on that, that staff will be providing before the next hearing since we did have the testimony last time. We asked and were promised we would get a side by side comparison of what's in the old code? What the protections will be now with the setbacks.

**Eudaly:** With the buffer overlay.

**Fritz:** Correct.

**Eudaly:** They have an environmental overlay which.

**Fritz:** That was stated last week however there are other regulations in the buffer zones which this packet proposes to delete and I've not yet -- I don't have the information yet.

**Eudaly:** all right.

**Manning:** if I can add to that just to follow up. We do have a memo that we'd like to share with council so we can share that with you now or later maybe after testimony. We made it available to the public, so the folks have an opportunity to look that over.

**Wheeler:** why don't you pass that out.

**Fritz:** why don't we get it.

**Fish:** while you're handing that out, Eric, can I ask you another questions? Why don't you give it to Karla. I'm sorry, not Karla. Sue. Excuse me. Eric, you mentioned the affordable commercial space bonus and I might have been out of the room when you talked about it. Can remind me, there were a lot of pieces that we're taking to address that issue. pdc is proposing to do some work because they actually own customer space and they're also looking to over in old districts provide some resources. There's a bunch of other things, would you just remind me again and I'm sorry if you've already gone over this, can you give quick primer on the affordable commercial space bonus?

**Engstrom:** This came up during the rewrite of the commercial mixed use zones and we gave the biggest bonuses for inclusionary housing because that was the overall priority that everyone agreed was the public good we were trying to get out of bonuses. But we did include a bonus for commercial space we call it the affordable commercial space bonus and this was worked out because we got some testimony that it would be nice to have a clear path for small businesses, emerging businesses, minority businesses that have a hard time breaking into being the ground floor of brand-new buildings so when we have

March 21-22, 2018

substantial development like we saw on Williams avenue or Division that we sometimes that completely changes the character of the retail environment because the smaller businesses really don't have access to that kind of development. So we did a lot of work with prosper Portland and other stakeholders to find out if there was a viable way for us to give a small increment of additional entitlement in exchange for an affordable commercial program dedicated as part of the ground floor. And the general answer is we think something is viable, and prosper Portland had a process over last summer to dig into that and figure out what that kind of program would look like. And you're right, they already do a form of this with building involved in urban renewal district so it seemed like a natural extension of that for us to buy into that program or something similar to it through a bonus outside of urban renewal districts.

**Fish:** and I'm sorry, maybe this is belaboring the obvious but it does or does not compete with inclusionary zoning?

**Engstrom:** We try and make it not compete with inclusionary zoning by making inclusionary zoning the only avenue where you can get the full bonus, so this does not earn you the full bonus. So if you want to get the full bonus you effectively still have to do inclusionary housing but for commercial only projects that maybe are not going to do housing this would be one of the few ways to do a bonus that would have a direct community benefit on the ground.

**Fish:** for which we give them a little extra height and floor.

**Manning:** And floor area as well.

**Engstrom:** Right. So Prosper has been working on the detailed programmatic rules of how this would work and they're presenting that to the planning commission later this month.

**Fish:** Thank you.

**Manning:** if I can go back to the buffer overlay for just a moment just to elaborate, I want to be clear, the standards in the new base zones are not direct replacements of what was in the buffer overlay. We tried to evaluate what was appropriate given what we had done in the commercial mixed use zones and setting up buffs in those zones and we looked towards that to emulate the standard in the industrial and employment zones. There are kind of a blend between the buffer overlay, the existing zoning and what we did in the commercial mixed use zones and we can go into detail about that if you'd like too maybe after other questions or after testimony if you would prefer.

**Wheeler:** commissioner Fritz.

**Fritz:** I think from just looking through this memo I'm going to need a much more detailed explains because it says here -- one of the reasons to standardize it as we discussed last time, but it says currently the widths range from 25 feet to over 300 feet. If we're exchanging a 300 foot buffer for a 10 foot buffer I could understand why they would be upset. So how are you going to walk us through that area by area?

**Engstrom:** It's tricky because it's very situational. On balance we believe we've come up with a package that achieves the same intent, but on a case by case basis you're right there may be properties that are having -- that didn't have any regulation of this topic before who are now subject to set backs and landscaping or conversely there could be properties under the old buffer overlay who had a wider landscaping requirement than they will now.

**Fritz:** So in particular and for Willamette height since commissioner Eudaly said we did get lots of testimony on that.

**Engstrom:** Yeah, and our analysis is that the that doesn't matter because it's really the environmental conservation zone that's going to have the controlling effect here.

**Fritz:** I would beg to differ having seen quite a few environmental reviews where things have been allowed that I would have preferred not to have been allowed and it depends to me on what is the buffer zone now. What is the width of that in comparison to what is the



March 21-22, 2018

width of the environmental zone so I would like more details on that when we come back next time.

**Engstrom:** We'll come back with more on that.

**Manning:** We can give you more detail on that.

**Fritz:** Thank you.

**Wheeler:** Very good. So that concludes your presentation on the staff amendments. Obviously you would like a motion and second to put those on the table, is that correct?

**Engstrom:** Actually. Mayor, I think we have an amendment package that we gave to you.

**Wheeler:** The march 21 package.

**Engstrom:** Correct.

**Manning:** We haven't addressed that quite yet.

**Wheeler:** Do you want to go through that unless anybody has any questions first?

**Manning:** Yes.

**Wheeler:** Okay, why don't we go through that because I know people are patiently waiting to testify.

**Manning:** I don't think council received this yet, so let me pass that out to you.

**Engstrom:** Some of you received it by e-mail, but you don't have it on you right now.

**Wheeler:** I promise folks we'll get to the public testimony right after this piece.

**Engstrom:** So what is being referred to now for the benefit of the audience is the staff proposed package of small additional amendments that are on top of the planning commission's recommendation.

**Wheeler:** Let's work through them quickly because they're not the audience. They're my employers.

**Manning:** I have two quick slides here most of these again are technical amendments clarifying things such as the pedestrian connections and the residential and commercial mixed zone chapters. To clarify those are not public connections. There's some amendments to the drive-thru allowances in the ce zone to talk about when a drive-thru is considered discontinued. The words that are highlighted on this sheet and the next sheet are the ones that are really the most significant. 33.130.292 there's a regulation in the commercial mixed use zones for pedestrian connections on large sites. We have moved the location of that reference to the chapter that -- the section that I've indicated 292 and we have elaborated on that to clarify it so that's a fairly significant amendment. The upshot of it is that there's really no change in the intent of what was intended in the commercial mixed use zones but it's been rephrased. 33.266.110 is highlighted here, that's in our parking chapter. We are updating the parking regulations to be in the commercial mixed use zones task five project to be consistent with what was adopted when the council adopted inclusionary housing so we're making the future code consistent with the most recently adopted current code. So ultimately that change is not significant, it's really implementing today's code there. I want to skip down to 33.272.00 we're clarifying that in the planned development bonus areas and commercial mixed use zones that community design standards can be used for buildings that meet the allowable size and use limits so buildings that are typically 55 feet or five stories or less in height can use community design standards. It wasn't clear in this particular bonus one could use that so we're clarifying that you can. On the second page starting chapter 420 really just correcting some code references. We're making some changes to maps in the gateway plan district and Laurelhurst plan district to correct some boundaries due to some zoning changes that happened in the comprehensive plan and map amendments. We're making a change in the northwest plan district to clarify that the maximum allowed floor area in a particular set of bonuses within that plan district is three to one overall. The reason we're doing that is that the way the code had been written again it's one of those situations where it referenced the existing zones with the new zones counting floor area differently. If we had

March 21-22, 2018

left the code alone we would have allowed much more floor area than was expected to be developed in that area. So this corrects that. Map 575 again is a correction of a map title. 852 are a couple of code changes requested by pbob. One is that it makes the application requirements for transportation demand management consistent with the approval criteria. So it reduces the burden on applicants to demonstrate that they've met or that they're meeting the criteria and it corrects a code reference. And finally in our definition section in 33.910 we're amending the definition of floor area ratio to sync up that definition with the practical application of the way we measure that and that was something we discussed extensively with bds to move forward.

**Wheeler:** Very good. So you would characterize most of these being technical amendments and they're brought to you in consultation with other bureaus, bds, pbob, et cetera?

**Manning:** Correct.

**Wheeler:** Very good. I move the technical amendments.

**Fish:** Second.

**Wheeler:** We have a motion and a second we'll keep that open. All right folks. Public testimony time. So the public testimony we're taking today is specific to the 2035 comprehensive plan, the code reconciliation project and any of today's amendments that you heard about. When you come up it's helpful if you can let us know if possible about which city title and code provisions you're testifying about. If you don't know that's fine, don't worry but if you happen to know it that's helpful because it helps us hone in on the particular amendments that you're discussing. We always have a tradition here if there are people with young children or people disabilities or other needs who would like to come up sooner rather than later please let sue know and she accommodate you. With that we'll take the first three. How many do we have today?

**Parsons:** We have eight.

**Wheeler:** Very good. We have three minutes. Just for the record we don't need your specific address.

**Parsons:** will the first three come up.

\*\*\*\*\*: is there a process?

**Wheeler:** Yeah. Just hand it to sue and she'll get it to all of us. Very good. Good afternoon.

**Silas Beebe:** Good afternoon. I'm here to discuss this issue with 33. It's the 2425 northwest St. Helens road. So --

**Fritz:** Can you give us your name, please.

**Beebe:** I want to first state that --

**Fritz:** Can you give us your name, please.

**Beebe:** My name is Silas Beebe. I want to just first say that Joan Frederiksen the west district liaison from bps has been very helpful and Steve Kountz also, they organized a meeting for the neighbors at friendly house they helped organize. It was very helpful information and it's latest memo we just saw today would have been great to have at that meeting a month ago. We had the meeting in February and it was a chance for neighbors to ask questions and learn about this issue. One of the things we learned was this chart that shows the differences between the current buffer overlay and the proposed and with the removal of the buffer overlay the setbacks dropped from ten to 20 feet to as little as zero feet from the rear lines and five feet from the sidelines of a residence. So that's pretty big change. It also would allow removing the buffer overlay would allow exterior work activities and exterior display and storage as little as five feet from residential homes so you can have a billboard five feet from residential homes and exterior work activities like a lumberyard or things like that by removing the buffer overlay. Yes, there's a conservation overlay but to the neighbors it's little -- its not very reassuring that we're just an environmental review away from developing this land so closely adjacent to family homes.

March 21-22, 2018

I went around the neighborhood canvassed and knocked on doors and quite quickly and easily got a petition that says I'm a resident of Willamette heights, I'm in favor of retaining the buffer b zone overlay on the property at 2425 northwest St. Helens road. So I got six pages filled up pretty quickly and I can double that in short order because there was a lot of street that I didn't even hit and by knocking on those doors, I also learned that a lot of neighbors along the perimeter up on Thurman in particular never received notice. They never learned that was happening and had no idea. They had the handout showing that there's two properties whose property directly abuts the southwestern corner of this lot and both of those houses are condemned, abandoned, red tagged at uninhabitable because of the landslides and yet the news stories about this say that what actually happened was heavy rains reactivated an existing landslide. So what we're concerned about is we're just an environmental review away from developing this site with a history of landslides and it provides a lot of benefit for the neighbors as a buffer between the industrial area. So we ask for an amendment, an easement overlay, a conservation overlay. Some kind of -- if we don't have a chance to retain the buffer overlay, some other way to protect this site and keep it from being developed because we don't want it.

**Wheeler:** That's very compelling testimony, and I think you may have heard from our conversation up here that we are very sympathetic to that and we're not making any decisions today. So this is obviously going to continue to be a very live conversation for us but I'll say your testimony is very compelling. Commissioner Fritz.

**Fritz:** Thank you. And thanks to open signal I can see on the monitor I don't have what you have there in terms of comparing it. So can I get a copy of what he has? Do you know what he has? Great. I agree.

**Wheeler:** Thanks for coming in.

**Stu Smucker:** Good afternoon, my name is Stu Smucker from Willamette heights and I'm here to testify about the title 33 and title 32 which relates to signs. I own and live at a residential lot that borders an industrial lot at 2425 northwest St. Helens road. The draft recommendation of the bps is to remove the buffer from the industrial lot and I oppose that. Bps is recommending that section 33.410.010 and .030 of Portland zoning code be deleted. Those sections set forth the purpose of a buffer, how it is achieved and where it is most important. It is to be used between nonresidential and residential zones when base zone standards do not provide adequate separation between residential and nonresidential uses. Separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs in some cases by requiring additional information and proof of mitigation for uses that make those offsite impacts and nuances. It is to be applied primarily on the edge along the residential zone abutting a residential lot. 11 of us own residential property along the edge of the industrial St. Helens property. It is my understanding that the buffer was originally on the St. Helens property because the city had determined the base zone standards by themselves did not provide adequate separation between the industrial property and the residential neighbors. It is my understanding that this standard at least in part from hearings and testimony in 1991, removing the buffer may provide greater consistency in citywide mapping but it does not address the underlying reason the buffer was placed on the property in the first place or how going forward adequate separation is achieved. Bps also recommends deleting or reducing development standards in what to now has been buffer zones. The standards cover setbacks of landscaping structures and exterior activities, motor vehicle access and radio frequency transmission facilities. The bps is also recommending deletion of code section 33.410.080 that makes a buffer zone subject to off-site impact regulations in 33.262. Under current code section 32.34.020 signs are prohibited in a buffer overlay zone, bps is recommending deletion of the sign provision. From the point of view of the residential neighbors these recommendations are not mere technical changes. The buffer

March 21-22, 2018

in the city code section regulating separation, development standards, motor vehicle access, offsite oversite billboards and radio frequency transmission towers were put in place for a reason. I submit those reasons are just as important today as when the buffer was first placed on the property. I request the buffer related prohibitions on signs and vehicle access and radio frequency towers be retained. Thank you.

**Wheeler:** Thank you, sir. Good afternoon.

**Sabina Wohfeiler:** Hi, my name is Sabina Wohlfeiler and I've lived 2125 northwest 33<sup>rd</sup> avenue since 1987. The last time I provided testimony before city council was on almost 30 years ago when bud clark was the mayor and interestingly enough that testimony was about the same issue and the same property. The buffer zone on 2425 northwest St. Helens road. I'm here today to make three requests of the members of the council. First I ask you to become familiar with the extensive history of this property and its importance as the only separation between our residential zone and the industrial sanctuary below us. Second I ask you to honor the hard work of your predecessors who in the late 80s and early 90s crafted a solution that has served all of us well for decades and they worked hard. It was like a three year onslaught of meetings. And third, I ask you to make an exception to the map refinement project and retain this buffer designation. I understand that Portland is changing. Priorities shift and politicians change but the geologic composition of this zone does not. Two geologists, roger Rutherford and john McDonald, have extensive documentation on file dating from October 24, 1988 to November 22, 1989 in which they both agree and here I'm quoting, "this site is geologically complex, the reasons being its geologic history, past landslides, extreme erosion". Bud clark and his city council listened to us and voted to retain the buffer and put in place an environmental overlay as additional protection, and I understand you're keeping that, but this is a geologically unstable hillside and must not have vegetation removed or the tow of the hillside excavated which was done back in those times. At seven feet and 11 feet there are layers of silt which turn to liquid during an earthquake, our neighborhood has had extensive earthquake preparedness training sessions. Removing protection provided by this buffer puts us all in more jeopardy. Downgrading the zoning by removing the buffer classification gives owners of property in the industrial sanctuary a distinct advantage over the needs of Willamette heights residents for clean air, noise abatement and visual separation from industry. I have a copy of that same thing that Silas has and according to today's rules, new development and ground disturbance, there needs to be an environmental review within the resource area of the overlay. It calls avoid, minimize, mitigate impacts to natural resources. The proposed plan, no requirements beyond setbacks. So we're losing out here. Nobody ever refers to the term residential sanctuary, it's always industrial sanctuary. Robert putnam who spoke at Portland city clubs years ago wrote a book in 2003 called better together restoring the American community. He devoted an entire chapter to Portland and our impressive civic involvement. The Portland of today is changing in many ways but the ability to listen to the people should be retained. Thank you for listening.

**Fish:** Can I ask you -- this is sort of a historic moment. It's 30 years since you've been here. I was doing the math on how many mayors since then and mayor wheeler and I the other day were up in his office looking at pictures of the old chambers before the big renovation. I'm just curious, when you testified in front of bud, how were they configured? Do you remember.

**Saltzman:** They were sitting up there.

**Wohlfeiler:** I was so nervous I barely remember that.

**Fish:** how do you like the upgrade?

**Wohlfeiler:** It's lovely.

March 21-22, 2018

**Fritz:** Thank you very much, and I think you made a really good point about community involvement. And it's people like you who have the capacity to come down on a Wednesday afternoon at 2 o'clock to highlight the issues with this site. That perhaps it's speaking for other sites whose neighbors are not able to pay as much attention and so I'm certainly going to be asking staff what's the policy reason for removing the buffer. Should we be looking at it citywide -- and it's maybe a different project. So thank you very much.

**Wohlfeiler:** Thank you for listening.

**Wheeler:** we appreciate your testimony, all of you. We'll see you in 30 years.

**Fritz:** She might be back if we don't do what she asks.

**Parsons:** next three please.

**Wheeler:** All right. Welcome. We have a quorum of the Beebe family.

**Sam Beebe:** good afternoon. My name is Sam Beebe. Thank you for hearing our testimony and I would like to talk about title 33 and get feedback on title 33 and particularly oppose removal of the buffer. I'll speak quickly because I think my friends, family and my neighbors have already pointed out the points as well as commissioner Fritz.

**Wheeler:** Thank you.

**Allison Reynolds:** Good afternoon. Good afternoon, Allison Reynolds, I'm here on behalf of Kilian's pacific and we're asking for a new amendment today to title 33. It would be a change to map 120-7 which is the rh zone 4:1 mapping and essentially what happened is this is an alternative fix for a property that we are opposing that we tried to fix through the map requirement project. We talked with Marty Stockton after you considered those changes last week and she suggested that we provide this testimony as an alternative solution for this project. killian owns property at 2525 northwest lovejoy and that property is currently improved with a 90,000 square foot give or take medical office building and the site is currently zoned rh. We had previously -- probably about three or four years ago asked all the various boards that consider the comp plan to change that site zoning to make that office building a conforming use and a conforming development by either zoning it cm 1 -- I'm sorry cm2 or cm3. That changed was proposed a cm1 change under the map refinement project. That would not cure either of those issues so we continue asking for this, the higher zone options. The neighborhood also did not like the idea of rezoning that site from residential to another option. So today we are proposing to essentially let this issue go and instead deal with the size of the development and as you probably know under the code the rh zoning has two different far and heights that can apply. Certain areas are a mapped for a 2:1 rh where it's essentially a lower density rh version and others are mapped at 4:1 far. It would make the development size on this current site conforming if we were to map it for 4:1 far and 75 feet in height and so that's the change that we're asking for this property. Just leave it zoned rh since that seems to be what might work better for the neighborhood interest but still allow the size of the development that's built there to be allowed to be a conforming development through this change.

**Wheeler:** thank you very much. Appreciate it.

**Fritz:** Do you know if the neighborhood supports that?

**Reynolds:** I actually do not know if they support that. I'm not sure if they realize that was an option until last week, but we're hoping since the development is there is roughly the same size and it's currently a medical office. Their main concerns were traffic and we assume if it were a residential development instead that would include less traffic than is currently there.

**Wheeler:** Thank you. Good afternoon.

**Shane Kwiatkowski:** hello, my name is Shane Kwiatkowski this is the first time I've ever been in the room. So I don't know the specific name of the code but there an opportunity for different kinds of businesses to be able to be on the ground what is it psc?. You talked about it earlier.

March 21-22, 2018

**Fish:** Affordable commercial space.

**Kwiatkowski:** Awesome. I want to speak directly to that. First, a little bit of context of my own experience. I don't currently live in Portland, I live in Vancouver, I use to live on Mississippi avenue and unfortunately I got priced out and so when I'm looking at the change as far as national and international business investment when it comes to Portland versus Vancouver, I don't think we're diversifying nearly enough and part of the gentrification aspect that we don't talk about is many local companies do not pay good wages. The wages have not increased for dozens if not 20 or 30 years and what I know as someone who's been raised here for 29 years is that it's very frustrating when you don't feel you have the same opportunity of the neighborhood and local vibe and it gets to the point, which I'll bring an example I work at a bakery in north Portland and it's a shop that says shop local, shop local, shop local. I developed anorexia in the two years following and lost 60-pounds because my baristas did not tip me and I made three or 400 loafs of cookies, but I was at minimum wage and between the rent in my place and where I work I found it disturbing that I became so food insecure and I was just right above the limit to be able to get food stamps. So here I was living on Mississippi seeing 900 units being developed in a year and half with people with income dwarf mine by four to five times they can enjoy their oyster bar, they can enjoy their coffee, but how many people here do. So that's the context for why I think it's important. I know pike place, by the time I researched this in 2007 or 2009 they did a study that all state and federal funds for the development of pike place market was met within three years. All the businesses within their achieved operating on the block and the fish market that's on the corner. If you only measure the fiscal solvency of an organization, not compared to digital space because digital space is not physical space the one's that throw the fish. By 2009 they were grossing \$45 million dollar a year with an employment base of 43. If you know how to divide 45 by 43 equally you know what that profit share is. So I bring that up because I envision not rich cafeterias in Portland like the one 4 blocks that way, but I think there are ways to make even in the lobbies and the businesses of hotels and larger infrastructure essentially that whole cafeteria style. If you focus on ten to 20-foot or 40 foot stalls with secured locks and the overhead was only \$50 to \$75 a month you might see a lot of people who have been historically pushed out of Portland that directly make the craftsmanship and the entrepreneurial activities that draw investment here in the first place.

**Wheeler:** Thank you. Appreciate it. Next, please. Good afternoon.

\*\*\*\*\*: Good afternoon.

**Wheeler:** It's good to see you again.

**Jane Beebe:** Hello. Jane Beebe, and you heard from a lot of Beebe's, and I would just say that my son Silas said -- I didn't know when I signed it I was signing up to speak.

**Wheeler:** Happens to me all the time. Thanks for being here. We appreciate it.

**Richard Schwarz:** My name is Richard schwarz, and it's without a t in the last name, and I'm a resident of Willamette heights on northwest Vaughn. At the outset I'll apologize for being late to the party on this issue, but I've tried to get myself as much up to speed in the last 48 hours as possible and after reviewing the testimony of online of the people who spoke before me and those who are here today I say I'm in firm belief in the position they've taken in opposition to the elimination of the buffer zone. In have spoken already about this and I can appreciate the interest and the city and its applicable departments to bring some conformity to provisions of the code, which by the way is I'm not fluent in building code less fluent than I am in French and I don't even speak French. But the issue to which I'm speaking I believe is 33.410.010 and sequential, but I would like to reinforce the notion about the stability first of all on the conformance issue and the environmental stability of the area with respect the landslides and land stability. I can appreciate the notion of conformance, but it's always surprised me that conformance seems to be to the

March 21-22, 2018

lowest common denominator or the lowest level and rarely to the higher level, I'm not suggesting that the higher level is the optimal or the best, but it's concerning to me that the lower one and you heard earlier today about the reduction of the setback standards from ten to zero feet and we're talking about a residential area and abutting an industrial area. I heard in the testimony from staff that they were trying to if I understood it correctly trying to make some conformity between commercial standards for buffer areas and industrial, but I think there's a qualitative and substantial difference between commercial properties in neighborhoods or in and around neighborhoods and industrial areas. This part of Willamette heights is above an area that's often cited in earthquake vulnerability studies. It's right above a strip of land and has most of the petroleum repositories subject to liquefaction which can effect our areas as well with three streams running through, previous landslide, houses that are red tagged now because of landslide vulnerability. And I think the removal of a buffer while there's an assertion that the environmental overlay will -- the suggestion was prevent expansion or development in that area. I see it as only a regulation for determined developers to overcome rather than the equivalent of a buffer. A buffer is a barrier, and environmental requirements are not necessarily a barrier and may be overcome by assertions and other tactics in a future basis. So those are my concerns and I endorse and embrace wholeheartedly those comments of any neighbors who have spoken in opposition to this.

**Wheeler:** Thank you, sir and for my colleagues I want to acknowledge you Richard for your service of the chair of the Oregon retirement savings program and that was a mere vision at the time you were the vice chair of that committee and what became of that vision was it became the first state sponsored retirement savings plan in the united states. So I want to call out your leadership on that and thank you for it.

**Schwarz:** thank you very much.

**Wheeler:** Good afternoon.

**Paul Marten:** Good afternoon. Thank you for hearing me, my name is Paul Marten. I'm a humble physician and not used these legal proceedings and I first wanted to thank any neighbors for their eloquent testimony and thoughtful consideration, and I wanted to jump on the band wagon and certainly wholeheartedly agree the buffer should be retained. From a physician standpoint, we are a family of asthmatics. I would not have moved to Portland from new york and philly to a house right next to an industrial area if it didn't have that green buffer. When I -- several times when I drive home from work as I'm passing through the alphabet district on Thurman street noticed foul air that had a lot of investigations as you all know, but I noticed when I come into my own house and my own neighborhood that green buffer seems to have repeatedly dissipated to the point I don't even notice it. So losing that would certainly negatively effect me myself personally as well as my children who have been hospitalized with asthma and it could force us to leave in that regard and I don't think we'd be the only people with that consideration. Other than that I'd like to reiterate that ours is an historic neighborhood, over 100-year-old and I think removing that buffer zone would cause a substantial shift to the character of our community which would not be unfelt by a great many people and to the enrichment of the relatively few. Thank you.

**Wheeler:** Thank you, sir. Thanks all three of you. Next three please.

**Parsons:** That's all.

**Wheeler:** Very good, colleagues that concludes our hearing on the 2035 comprehensive plan, the code reconciliation project. The oral record is now closed. However the written record will remain open until Friday, march 23 at 5:00 p.m. I would ask my fellow commissioners to propose any other amendments they may have based on today's conversation by April 4, 2018. We'll come back as stated previously on Wednesday, April 11th to deliberate and vote on any additional amendments. Commissioner Fritz?

March 21-22, 2018

**Fritz:** Can I ask staff a question on the record so we all have the benefit of hearing your answer?

**Wheeler:** Come on up.

**Fritz:** We have heard a lot on the buffer zone issue on a particular site that now I'm more concerned about in general. What's the comprehensive plan policy that this is intended to implement?

**Engstrom:** There are policies related to buffering between different uses, so in general the buffer overlay or the substitute regulations would be implementing those. It's generally policy that we have some kind of effort to buffer those uses when they're abutting.

**Fritz:** So if you could when you give me the memo that compares what Mr. Beebe had that showed what's now, what proposed? If you could also give me a summary of what are the comprehensive plan policies that we're implementing because clearly the zoning code is intended to implement the comprehensive plan, so we need to know what both of those are. I would also like some guidance to is there an option of just saying don't do anything on buffers, leave them all there?

**Engstrom:** Yeah. It clearly -- we gave you quite a few pages of code and this particular issue is the enduring issue so we obviously have not resolved that or done enough to resolve that so I think going forward we -- we'll try to provide more information options beyond that I think you can choose to modify the regulations that we have proposed further or we can decide to set aside the buffer question and come back to it at another time so all those are options.

**Fritz:** One of the option is to leave it as is right?

**Engstrom:** Correct.

**Fritz:** Thank you very much. I appreciate the clarification.

**Wheeler:** So I'd like to remind everybody that this particular project we discussed today is one of several actions we're taking this month to ensure a smooth transition to the comprehensive plan. It's important that this go forward in May as scheduled. The plan provided the entitlements needed to support new housing and jobs and there are projects waiting to take advantage of the new zoning and our actions help provide more certainty for private investments especially projects that will add to the housing supply. Barry do you want to come up and tell us about next steps and then we're done.

**Manning:** Thanks. I don't have my cheat sheet with me but I'm going to do this from memory and I think we'll be pretty much on target. So as was discussed before we're asking for council members that want the propose amendments to do so by the fourth of April so we can get those in the record and have a chance to work with you and we offer to work with you on crafting those if you have questions about any of them that you want to work with us on. I believe we're coming back on the 11th of April and I'm not sure, I'm looking over at Sue if we have a time certain on that already.

**Parsons:** We have 3:30 scheduled for both the transportation system plan and the code reconciliation.

**Manning:** So we'll be back at 3:30 on April 11th, and then I believe we have another session to put together a substitute ordinance with all of the amendments in it towards the end of April. I believe the date of that is April 25<sup>th</sup> and then we will be coming back in May for your second reading of this ordinance. I think it's on May 24th.

**Wheeler:** It's on May 9<sup>th</sup> and it could move to a final reading on the 24<sup>th</sup> according to my notes.

**Manny:** So that's the lineup of what we see coming forward and we will get you more information on buffer options over the coming couple weeks.

**Wheeler:** Fantastic. Colleagues anything else? Believe it or not we are adjourned.

**At 4:15 pm council recessed.**



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

**MARCH 22, 2018 2:00 pm**

**Wheeler:** Good afternoon everybody this is the Thursday March 22, 2018 afternoon session of the Portland city council. Colleagues, pursuant to pcc 3.02.025 commissioner Saltzman is participating by telephone due to an illness. It is in the public interest to have participation of all council members on these items today. Do any of the council members who are physically present object to having commissioner Saltzman participate by telephone? There are no objections. Sue, please call the roll.

**Fritz:** Here **Fish:** Here **Saltzman:** Here **Eudaly:** Here **Wheeler:** Here

**Wheeler:** So we're back today to continue our work on the central city 2035 plan, Sue can you please announce the items if you could please read all of the items, 288 through 291, please.

**Linly Rees, Chief Deputy City Attorney:** Mayor, before you begin this is from the other side, do you want me to read the conduct?

**Wheeler:** Why don't you do that. You've become very good at that. So, please do.

**Rees:** Well it's my first time. I'm kind of excited about it.

**Wheeler:** Let's hear it.

**Rees:** Welcome to the city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during city council meetings so Everyone can people welcome, comfortable, respected and safe. To participate in council meetings you may sign up in advance with the clerk's office for communications. You may also sign up for public testimony on resolutions or first readings of ordinances. Your testimony must address the matter being considered at the time. When testifying please state your name for the record, your address is not necessary. Please disclose if you're a lobbyist, if you're representing an organization please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you are in the audience and would like to show support for something that is said, please feel free to do a thumbs up if you want to express you do not support something feel free to do a thumbs down. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** I have to say Shakespeare would have been proud of that rendition, well done. Sue could you please read 288 through 291.

**Item 288.**

**Item 289.**

**Item 290.**

**Item 291.**

**Wheeler:** Very good, thank you Sallie. Could you introduce yourself, please and then introduce the hearing today?

March 21-22, 2018

**Sallie Edmunds, Bureau of Planning and Sustainability:** Yes. Sallie Edmunds, planning and sustainability. Thank you, commissioners, we're here for another session on central city 2035. So today's agenda is in three parts. Part one is to look at some new amendments that you received in your packet. We have three new amendments. Two related to school use and one related to height and if I could direct your attention to this lavender sheet, this lavender sheet is the updated voting guide for today and attached to that is the map that goes with the amendment c, in part 1 c that's on that. The first part will be to introduce, move and second the amendments and then hold a public hearing. We recommend closing the record, the written record for the school uses at the ends of the hearing and leaving it open for the height amendments. And then voting on school amendments then coming back for a vote on the height amendments on either April 5th or 6th, and we'll get you the final date on that later in the session here. Then we'll move on to the second part, which is to vote on amendments that were part of public hearings on either march 7th or January 18th. There's a package of minor and technical and then a variety of other items. Commissioner Fritz just for your -- some of the ones in this section are on i-84, the view from upper hall, top of bank. Then part 3 we understand the commissioner Eudaly is going to introduce an amendment to reconsider river place and so if that passes then you would move on to vote on the height and tower orientation.

**Wheeler:** Very good, so let's start with the two related to the central city public schools. We're going to move them and second them separately but I'm hoping that Rachael you can come up and go over those with the council. I know that prior to voting on those we're going to have some testimony on them as well.

**Rachael Hoy, Bureau of Planning and Sustainability:** Thank you, mayor. These amendments were brought to our attention as Lincoln high school is in their school redevelopment process. These amendments apply to more generally to public school uses and are not limited to just Lincoln. So this first amendment allows up to 100 surface parking spaces. This picture that is on the screen here, this shows the site using Lincoln high school as the example since they are in their redevelopment process. As the school has gone through this process, they have requested to maintain some existing surface parking. They do have approximately 140-plus surface parking spaces now and are requesting to maintain what they have and rebuild as they rebuild the school and the associated facilities.

**Fritz:** To be clear they are the only school in the central city plan, is that correct?

**Hoy:** That's correct. Well, the high school. Public high school.

**Fritz:** Is the parking currently in that location?

**Hoy:** That's a good question. I'm going to turn to a colleague.

**Fritz:** Maybe you can give us more information --

**Hoy:** Pps is here. They can maybe respond to those questions. I believe it's in a different location at this point, though.

**Fritz:** All I have is basically the amendment request. I don't have any other information about it.

**Troy Doss, Bureau of Planning and Sustainability:** Can I have the question repeated I was answering another question I'm sorry?

**Wheeler:** Location of the parking.

**Fritz:** And tell us who you are.

**Doss:** As it exists today.

**Wheeler:** Name for the record, please.

**Doss:** Troy Doss, bureau of planning and sustainability, senior planner. It's spread throughout the campus as it turns out there's some located towards 14th street, there's some that's located towards 18th, underneath the bleachers. So, the proposal would for

March 21-22, 2018

the current moment would be to consolidate parking as opposed to having it kind of spread out throughout the campus.

**Fritz:** Is it consolidated in that location?

**Doss:** In the proposal it is.

**Fritz:** Okay.

**Wheeler:** Very good, so I would like to move amendment a, surface parking for central city public school uses. We will hear testimony on this. Do I have a second?

**Fish:** Second.

**Wheeler:** We have a second from commissioner Fish thank you. Let's move to the next item and that is about access on public school sites. Rachael, could you please describes this amendment.

**Rachael Hoy, Bureau of Planning and Sustainability:** yes, thank you, mayor. This next amendment is proposing to exempt the public school uses from superblock regulations. What this this is, these regulations are intended to link walkways plazas within a site to public sidewalks and to improve circulation through a site. The intent of this exemption is to allow pps to design their school with open space, access ways in a manner that addresses their programming needs including safety and security. One thing I would like to point out that pps is in the process in talking with the city specifically pbot about providing public access easements in the future. At this time as they are working through the redevelopment process, they need a little more time to figure out where that will be, but I think that the interest is there for sure of providing public access and at certain times in the future.

**Wheeler:** Thank you Rachael. I would like to move amendment b exemption from super block regulations for central city public school uses it's extremely important we allow schools to have the flexibility during design and programming of their facilities in a way that addresses safety and security needs. I also think that Lincoln high school will be a great redevelopment opportunity for the entirety of the community and again we're going to hear testimony on this. Do I have a second?

**Fish:** Second.

**Wheeler:** We have a motion from the mayor, second from commissioner Fish.

**Fritz:** Question.

**Wheeler:** Commissioner Fritz.

**Fritz:** Is the superblock requirement adjustable or subject to modification through design review?

**Hoy:** Yes, it is.

**Fritz:** So why is this exemption necessary?

**Hoy:** My understanding is that the process that pbot currently follows for public access easements is -- it's a very specific process with timing of having those access ways open. It's part of the agreements that they currently use, so I think that this is in part providing an effort to allow more flexibility in how those agreements would be negotiated and the times would probably be different from what they normally require.

**Fritz:** Ok, I will want to hear from the bureau of transportation whether this would affect their ability to get the right thing to happen from the public transportation perspective. If there's already a way to get a change to it I'm not quite -- I don't understand why it's necessary.

**Wheeler:** Rachael would it be possible for us to organize during the public testimony to have somebody from pbot be here to answer some of commissioner Fritz's questions? Could we do that?

**Hoy:** Yes.

**Wheeler:** Fabulous. Thanks. Next up, the height in old town Chinatown historic district. Rachael and/or Brandon, it's my understanding that you're going to describe this for us.

March 21-22, 2018

**Rachael Hoy, Bureau of Planning and Sustainability:** Certainly. This amendment request is to increase height on the half block of block 33 in Chinatown/Japan town historic district, and as you see on the slide here, on the left is the recommended draft proposal. Increase the height from 100 feet to 125 feet on the full block. The amendment increases the height on the half block adjacent to 5th avenue to 160 feet and the other half of the block would remain at 125 feet on 4th avenue.

**Wheeler:** Very good. I would like to move amendment c to increase the height on the western half of block 33 to 160 feet. I believe that a project on what has been a long vacant parcel could be a catalyst for revitalization in this part of old town Chinatown and Japan town. This is consistent with the height that the council just approved for the northern part of the district. Personally I'm comfortable with this height limit because it's on the western edge away from the heart of the district on the 4th avenue side. Do I have a second?

**Eudaly:** Second.

**Wheeler:** I have a second from commissioner Eudaly. Commissioner Saltzman, if you have any trouble hearing just let us know.

**Fritz:** Clarifying question.

**Wheeler:** Commissioner Fritz.

**Fritz:** Is this considered in the rest of the plan have we already discussed this?

**Joe Zehnder, Bureau of Planning and Sustainability:** In the rest of the plan this site has been discussed throughout the quadrant plans and this plan. The approach to the site has been to give it the split height increase so the 125-100 I believe it is today, and with a prerequisite that we get the new design guidelines in place. We have the new guidelines in place, so this change is just an alteration of what those two heights are, but the split height at principle is still there its still in the historic district, its still subject to the new design guidelines.

**Fritz:** Does it affect any of the view corridors?

**Zehnder:** Does not affect the view corridor.

**Fritz:** Thank you.

**Eudaly:** Mayor?

**Wheeler:** Commissioner Eudaly.

**Eudaly:** I want to support this because we don't need a surface parking lot, we need more housing there. My only concern is with the stability of the historic district and I understand that this height may still make it vulnerable. So, my question is number one is that true, and can I get some kind of proof of that because right now all I have is a nod, really. And number 2, is there anything this property owner could do to mitigate that potentially negative impact on the historic district by adding more of the kind of required components or --

**Zehnder:** So the increase of height over what has been established and was approved through the creation of the district does create a risk that the district could be decertified. We learned this and we went through this when we did a project a few years ago looking at heights in the Skidmore old town district. That's the documentation I have today, but we can get updated documentation for you, but these are historic districts that the state historic preservation office could weigh in and have an opinion on as well as national park service. Both of those at the staff level have informed us that this kind of thing erodes the quality of the district but neither are able to tell us like how far is too far. And on this district, we face -- we have updated the design guidelines so when you ask what could be done to mitigate it, really the trick for any possible success here at all is to really nail the design guidelines in a way that can satisfy the concerns of the historic landmarks review board because this is an historic district and its going to go through landmarks review and they're

March 21-22, 2018

going to apply the guidelines. That's how -- what we are creating really is the opportunity to try to design a building that works in these circumstances.

**Eudaly:** Would they weigh in prior to development of this block or after the building exists?

**Zehnder:** Which part?

**Eudaly:** The historic --

**Zehnder:** Oh, they went in last year. The guidelines.

**Brandon Spencer-Hartle, Bureau of Planning and Sustainability:** If I understand your question, commissioner and Brandon Spencer-Hartle bureau of planning and sustainability for the record your question is whether or not the state or federal agency would comment before or after a development and I think it could be either. One thing I will say is it's unlikely for the historic district to be delisted without a change, so if your question is would the district be delisted just at the threat of a new building that doesn't fit the guidelines, probably not.

**Eudaly:** That's not my concern.

**Spencer-Hartle:** But in terms of advice they could give us advice that may stay to the process.

**Fritz:** But it wouldn't be a part of the approval criteria. They wouldn't have to get approval from the state or federal government before getting approval. Has the historic landmarks commission considered this request?

**Spencer-Hartle:** My understanding is that there are two commissioners here today to provide testimony on this amendment.

**Fritz:** Thank you.

**Fish:** Joe can I ask you a fairness question? There's a property a couple blocks to the north that under the proposal before us the long time property owner is going to see a significant downzoning of the site and I think the compromise that is currently before us is something around 160.

**Zehnder:** Yes.

**Fish:** But it's a substantial reduction from what was the original allowed height and here we have a relatively new property owner who is coming in and getting at the last minute an adjustment of additional height. I just want to pose this as a fairness question and have you offer perspective as to how to reconcile that.

**Zehnder:** They're very different situations just to be clear. The property to the north is taking a significant decrease in height. It's taking that because when we created the district we didn't act to right size the heights in the district so that's a bit of a city helped create that situation. 160 is the height we felt we could responsibly get to on that site to the north and still respond to what commissioner Eudaly was raising about the integrity of the district. So here on this site, the 160 is in part sticking with that data that we set and we've got objective reasons for it. The situations on this side is that it's been 100 feet maximum height for a long time and it's also been a struggle, a site that is a full block parking lot so no demolitions related to the redevelopment of it. In old town Chinatown. In a location that we have been trying to catalyze development for decades and especially market rate mixed use development. So --

**Fish:** I remember why Jamya was once.

**Zehnder:** In all of those projects over the years have bumped up against height. So in part that's why we made this move, we were convinced by all that experience that we needed to open up the height limits here but only in return for the design review guidelines, meeting those guidelines. This is a gradience shift but it's a very different situation. This one is more being argued for the benefit of the district for a long-standing property that's been difficult to --

**Fish:** That's helpful for me to hear. What's the underlying zoning here?

**Hoy:** This is cx zoning.

March 21-22, 2018

**Fish:** So just to be clear and I'm going to say this when we take up river place, we're going to saying that one of the benefits here is housing but under cx, we may not get housing. We could get commercial, we could get retail, we could get some institutional use, we could get anything but housing, correct?

**Hoy:** That's correct.

**Fish:** Just so that we're clear. Thank you.

**Wheeler:** So, can I make sure I understand what you were describing earlier Joe? The property owner adjacent to commissioner Fish referenced, my recollection from our prior hearings was that was originally a 300 foot height limit. Was that correct?

**Zehnder:** Correct mayor.

**Wheeler:** It's been lowered to 160 and the new property under consideration block 33 that is currently a surface parking lot you have also put the limit at 160 there.

**Zehnder:** Well, this amendment that you would be considering today would do that. What was on the table that was forwarded from the planning and sustainability commission was 125 feet along 5th avenue side, right?

**Hoy:** The whole side was 100. The whole site going to 125. So, that site has always been 100.

**Wheeler:** The developer I understand had asked for 200, but you in the interests of keeping it consistent with what was happening adjacent put it at 160.

**Zehnder:** Yeah, it's the data we set this new sort of top line based on the circumstance in the rest of the district related to the property to the north, the Menashi property.

**Wheeler:** Very good, that's helpful to me. So, this is our favorite time of the hearing. This is the public testimony part and we are going to take testimony about the three new amendments that have just been moved and seconded. When you come up to testify, please state your name and also begin each comment with the amendment letter since we're only taking testimony on the three amendments that we just moved and seconded. We already heard testimony about other portions of the central city 2035 plan during three days in September, and in January, and again this month. I would like to take this opportunity as is tradition to invite any appointed officials representing their commission and any elected officials to come up first. And we also encourage people if you have small children or if you have disabilities or special needs please let sue over here in the blue sweater know that and she will make every effort to accommodate you up front. You have three minutes to testify. Name for the record. Please be done when the red light comes on. Don't make me have to intervene.

**Amy Kohnstamm:** Good afternoon, mayor Wheeler, commissioners. My name is Amy Kohnstamm I'm here representing the board of education for Portland public schools.

**Wheeler:** Thank you.

**Kohnstamm:** Thank you for the opportunity to testify on these amendments that pertain to the central city plan and for public use that you're considering today. With me also is Erik Gerding, who is our project manager for the rebuild of Lincoln high school and Becca Cavell of bora architects, the designers for Lincoln. We appreciate very much the council's consideration of these amendments as they will support modernization of Lincoln high school, we're very appreciative of staff's efforts to develop these proposed amendments. Pps is very excited about the possibilities of a new Lincoln high school. This project was made possible by our taxpayers who voted for our bond to modernize three more schools for safe 21st century high schools. New Lincoln high school's plan to open in 2022 and design is well under way. Pps has been working with community members through an advisory group for the design of the new school. We also have begun conversations with the city regarding the design review that will be required for the project and have become aware of existing and proposed central city plan district regulations that you have referenced that will make necessary campus security difficult to achieve as well as

March 21-22, 2018

negatively affect the livability of the surrounding neighborhood. We believe the proposed prohibition of surface parking and required public access on to the site the topics of the two amendments will bring unintended consequences for the new campus and its relationship with the surrounding neighborhood. I would like to bring these consequences to your attention and ask your approval of the proposed amendments that support the new Lincoln school design and surrounding community livability. The first amendment would allow up to 100 parking spaces for public schools in the central city plan district, this is approximately the number of parking spaces currently at Lincoln high school. This amendment keeps needed parking for staff, visitors and events on campus and off surrounding public streets and allows bond resources to be focused on the programmatic needs of Lincoln high school students and staff. The second amendment concerns the superblock requirements that require public access through sites and the installation of plaza areas for public use 24 hours a day. We understand the need for connectivity through large sites such as the Lincoln campus and we welcome the community use of our school grounds outside of school hours, however requiring unrestricted public access through the Lincoln campus even during school hours would pose a significant security risk. Students security is critical for all school districts and pps must be able to restrict public access if and when needed to protect students and property. We therefore ask for council on this amendment to exempt public k-12 schools from the superblock requirements. Our conversations with the Lincoln high school design advisory group and other community organizations including the stadium district business association, Multnomah athletic club have indicated support for the proposed amendment before you today I believe each organization has submitted those letters of support. Again, thank you for your consideration of these amendments and for the staff's quick preparation and responsiveness as these needs have arisen during our design process. We encourage your adoption we're happy to answer any questions you may have. Thank you.

**Wheeler:** Thank you much. Colleagues any questions? Commissioner Fritz.

**Fritz:** Have you had any discussions with the timbers organization?

**Kohnstamm:** We have. I would like to call Erik Gerding up, our project manager, to assist me. We did go through a process with the timbers, the Multnomah athletic club, two plus years ago to determine whether there would be interest in developing joint parking in conjunction with the Lincoln high school site and the conclusion of that was that there was no interest in partnership. Do you want to add anything to that?

**Erik Gerding:** Sure. My name's Erik gerding, senior project manager with Portland public schools.

**Fritz:** Your mic on?

**Wheeler:** Yeah I don't think its on can you poke the button there on the bottom?

**Gerding:** Hi. My name is Erik Gerding.

**Wheeler:** Folks when you leave the mics, just leave them on when you leave it's okay if its turned on.

**Gerding:** Ok, my name is Erik Gerding, I'm the senior project manager with Portland public schools office of school modernization. We have been in a process of master planning the Lincoln site over the last two years, and the start of our master planning process had conversations with both timbers organization and the Multnomah athletic club about the potential joint development of a parking facility on the Lincoln site. We knew from the school district's position that school bond improvement funds could not be used for a parking structure that was not in support of the educational program. And so there was interest from those neighbors to potentially develop on the Lincoln site to help their parking needs for events with the timbers and the Mac club. After initial conversations both those potential partners declined to participate in any joint development on the Lincoln site as they had their own development plans in the works as we see now with the redeveloping of

March 21-22, 2018

the timbers stadium and the mac having other plans, perhaps for other properties. So, through our master plan process, then on our master plan that was presented to voters for the bond measure just included the budget and planning for limited parking for the school staff only and not any kind of public or public-private partnership. So that's where we are today with the surface parking need that we have just to support the school use.

**Fritz:** You might be worth asking again because I don't know when we said no to the Multnomah athletic club as far as their parking expansion, but it continues to be a conversation with both of those entities. And then my second question is about the public access easement. Are you proposing to close the campus so there wouldn't?

**Kohnstamm:** No. We're in conversation about how to maintain connectivity, how to have the campus open at times to the public to come through. However, it's my understanding that the existing requirements call for completely unfettered 24-hour public access through the campus. So, I think it's the main point is that the district needs to have some ability to regulate that access.

**Fritz:** I guess my question is then none of the other Portland public schools have that kind of restriction on them.

**Gerding:** Actually, it is district policy to allow community use of our school sites after school hours. So that is a district-wide policy. We just don't necessarily have the facilities at all of our sites to effectively regulate and control access, but as we are modernizing our school sites through the bond measures, we are providing additional security for students and staff so that we can regulate public access during school hours, but it is posted on all of our sites that these facilities are for the sole use of pps during school hours.

**Fritz:** Thank you.

**Wheeler:** Very good.

**Kohnstamm:** And you will find currently and in the future that the Lincoln campus heavily used by the community outside of school hours.

**Gerding:** And I would also like to add that in our master plan we have open space, there's plaza space, there's landscaped area. There are open spaces that will be accessible by the public but is just during off hours. So, we do want to provide that connectivity and public use.

**Fish:** Can I ask you a question? Is it your plan to continue to have Lincoln function as a high school during this redevelopment or are portions of the school being relocated to another site?

**Kohnstamm:** Yes, so the students would stay in the existing building during the entire construction period. So, the new school is being built at the west end of the campus, the west end of the existing football field up against 18th avenue. So the athletic field would be out of use during construction. Kids would stay there and then once the building is complete kids would move to the new building and we would demolish the old building and begin construction athletic facilities on the east end up against 405.

**Fish:** And have you identified an alternative athletic field space?

**Kohnstamm:** No, we would love to continue to engage in those conversations with our friends at the park bureau.

**Fish:** Good, thank you.

**Wheeler:** Thank you both. Appreciate it very much thanks Amy. I understand we have a couple of historic landmark commissioners here as well. Very good come on up. Kristin how are you?

**Kristin Minor:** Thank you so much, mayor and city council for having us as invited testimony, I'm the vice chair of the Portland historic landmarks commission so we're here to address amendment 1c.

**Fritz:** And your name for the record, please.



March 21-22, 2018

**Minor:** My name? Kristin minor. Sorry. I skipped over that part. Let me start by saying that we all want to see development on surface parking lots. Especially in an historic district. This has really been a blight and one that we would like to see filled. The height amendment, though, it is reduced on the half block but it is still out of scale with the historic contributing buildings. So the tallest historic contributing building in the district is the mason Ehrman, which is seven stories high and it's approximately 90 feet, I don't know exactly how tall that is. The idea that the 160 on the west half of the block offers a transition is really not appropriate. What we would like to see in the historic district is for taller development to actually define the edge of the district. To keep that it's only two blocks wide so again we're talking about an historic district that is ten blocks, its very tiny and it is as commissioner Eudaly mentioned it is threatened. I do have a couple of letters from the national park service in regards to previous development in Skidmore old town just about inappropriate heights. They date from 2008, so I'm not going to necessarily use them as to introduce them into the record, but what I would like to do is contact shpo and ask them if they would be willing to write a letter to the city council within the two weeks that we have here for this amendment.

**Fritz:** That would be very helpful.

**Minor:** In terms of looking at review of new development on a lot in an historic district we do have a process. The process has specific criteria and that those criteria always include compatibility and you definitely can't exclude height and form from discussions of compatibility. Now, the second thing I would like to draw your attention to is a map which I hope you all have in front of you. This is a very simple screen shot map, I didn't spend a whole lot of time compiling it, but it shows part of central city. In fact it is from the river which is at the very far left hand edge of the page, and it shows the northern edge. So everything you see on this map is part of central city and central city, of course, extends further to the east and to the south. There are a lot of undeveloped surface parking lots on this map as I think you can tell just from a cursory glance. So, I would love to invite the developer, who so dearly would like to develop on a block in a historic district, to instead look at all these undeveloped sites on the east side within our own central city that we would all really appreciate the money and attention and design talents that they could bring to one of these lots. Lastly, I would like to just briefly address the idea that the development could be not only spot zoned but exempted from discretionary review. I find that idea offensive as does the rest of the landmarks commission. It does erode public trust in the system and it erodes our perception of your integrity. So we are very glad that that part of the amendment did not make it to consideration today. I thank you very much for that and I'll turn it over to my colleague.

**Wheeler:** Could I ask a question? I appreciate your testimony and thank you for clarifying the landmark historic landmarks commission view on this. But as you heard city staff say, there have been attempts over a period of decades to develop the surface parking lot, and it's really clear that none of those projects panned out. They just don't pencil out and we're getting towards the long tooth end of this development cycle, which has been one of the most robust development cycles in the history of the city, and still nothing has happened there. So what would you say to counter the argument made by staff that the reality is we may just be grandfathering in a large block-wide surface parking lot if we choose to do nothing?

**Minor:** I guess I would say that the landmarks commission would certainly try to fit in as much height as we could find compatible within our criteria and the guidelines that we have to work with. I am not sure 160 feet would fit within that and if it seems in the ends that the historic district should be jettisoned, there's actually a process for that. And maybe as a city we should look at that instead of kind of eroding it until somebody else has to step in and say, you don't have a district any more. Let's give certainty to all those owners who

March 21-22, 2018

are relying on -- they get historic tax credits, tax freeze benefits from being a contributing building and without that, they wouldn't have those funds.

**Wheeler:** Right and I think that's commissioner eudaly's point as well. We're trying to find that sweet spot, if you will, between encouraging development on that site. I mean the surface parking lot in the middle of old town Chinatown technically under state statute it is blight. So, we have had a blighted city block in the center of a district that should be thriving and vibrant and this is standing in the way. Yet we obviously don't want to jeopardize those tax exemptions and tax advantages that are already there in historic districts. So, that's really the balancing act we're trying to conduct here, is trying to figure out where is that right balance.

**Minor:** Sure.

**Wheeler:** Great I appreciate your testimony. Commissioner Fritz.

**Fritz:** I certainly appreciate cause you have supported the increase that's on the table already. So I would suggest, mayor, we see how that works. So, then my other question is some people will say that the historic landmarks commission can say, no, that's not compatible at 160 feet and that you therefore can't develop. What's your response to that?

**Minor:** I would say that there's a process for that. If in fact that we as a commission make findings that a development at a certain height is not compatible, the applicant has the ability to come in front of city council and make their case.

**Fritz:** I guess my question is if it's allowed to be 160 feet will you have the confidence that if you say no it's not compatible that it would then come to council and that we would agree with you?

**Minor:** Of course we have the confidence because it is -- we do have specific criteria. So we'll be debating these issues. It's not an easy call.

**Fritz:** Is it possible to develop at 160 feet and be compatible?

**Minor:** Probably not.

**Matthew Roman:** If I may, that is a tension that we're running into constantly with the development rights of property owners that don't actually look at the guidelines and so we introduce this kind of tension that leads to complex of expectations. My name is Matthew roman, landmarks commission and I do have a statement I would like to read. My name is Matthew roman I'm here as a representative of the Portland landmarks commission, but moreover, as a passionate environmentalist. The environment in danger today is the built or urban environment. The importance of the built environment is not always appreciated as it should be. Having an urban growth boundary to maintain natural landscape does not excuse an anything goes attitude inside that boundary. People have seen dramatic change in the city over the last 25 years or so. Thankfully, Portland is blessed with an array of important historic landmarks and districts all of which tell a story about our past both the good and the bad and those points remain a constant cultural touch stone for our collective memories. You are faced today with deciding the outcome of what I would describe as an endangered species. If you think that's hyperbole then I doubt you understand the gravity of the situation before you. Few if any of our historic districts represent an ethnic culture of the way Chinatown/Japan town does and none are so close to extinction as this one. We have a district with nearly 50% of the buildings being noncontributing. We're at a tipping point where passive intervention or leave no trace strategies are not going to save the last of its kinds. As I sit here before you today, a white middle aged man having voted in every election for representatives like you to represent my interests, I want to acknowledge the history of my race, not always treating Japanese or Chinese immigrants well, in fact it's been deplorable. I think we have an opportunity to turn the page for the better with something positive so the question before you, or the questions, do we clear cut Chinatown/Japan town for new monoculture, or do we take a restorative approach where we nurture the environment back to health? If we take that approach then we do more than

March 21-22, 2018

just restore buildings and places. We give a potential Chinese Japanese immigrant not even born yet something positive in our history to be a point of pride and then we restore our own relationships to the minority communities that are so fundamental to what our city and state are about. Previous councils have recognized the restorative approach is more in keeping with our overall values than the clear cut approach. That was demonstrated with the investment the city made developing an adopting the design guidelines. If you now change direction consider the honest approach is to go through the process of demolition review and declare the district dead. That is the defacto result of this proposed amendment. I believe the viability of the district will be called into question if this site is not treated appropriately. More than anything on this site we need wholly compatible design. What that means is laid out entirely in the guidelines you approved and in an appropriate developer with a good architect can make a wonderful building work on that site within the 125 foot limit. Finally, while I very much doubt this is a political deal, keep in mind how it can appear that way to the public. The idea of equal protection under the --

**Wheeler:** You can finish.

**Roman:** The idea of equal protection under the law runs contrary to spot zoning individual properties take caution the road you're going down will only bring more requests in the future and the potential for corruption can be avoided altogether if we just say no to the concept in general. So let's honor the Chinese and Japanese contribution to the health of our built environment by investing in the future of this place. Think big. Figuratively not literally. You have the power to create something that can be looked back on with great pride 100 years from now and our children's children can say this moment represents a positive chapter in the history of ethnic relationships in our country. It's about time we give something back. Thank you in advance for doing the right thing here.

**Wheeler:** Thank you. Could I ask you the same question? Cause perhaps you have a different perspective. Would you agree that a surface parking lot is not does not honor diversity in the city of Portland?

**Roman:** Yes. I would agree, but I would also agree that you could condemn that lot and turn it into a public plaza. Then it wouldn't have cars parked on it would be a festival place. When you say do nothing you forget that you have the power to take that lot and do whatever you want with it.

**Wheeler:** That's fair. I'll just make the comment I made earlier.

**Roman:** I do agree.

**Wheeler:** I've come in and I've watched that sit there for decades with no activity at all. So here we have an opportunity to potentially address additional issues while maintaining that balance and preserving the integrity of this historic district. I'm not convinced it's an all or nothing proposition. That's all I'm saying.

**Roman:** No and in fairness part of the reason that that site has had a hard time is because they keep coming up with the most incompatible designs that you've ever seen. They don't look anything like any of the patterns in the district. If you look at the guidelines, then looked at the last proposal, there's no way I could vote in good conscience and uphold my oath as a commissioner to apply those standards objectively. I couldn't do it.

**Wheeler:** Thank you for your testimony. Good afternoon.

**Maya Forty:** Hi, I'm Maya Foty, commissioner Foty.

**Wheeler:** Commissioner is that on? Yea, just leave the mics on.

**Forty:** Sorry. I didn't turn it off. I second everything my fellow commissioners said. I'm the newest commissioner, I have only been on the commission ten months and I'll just take a different angle of all this. They were quite articulate about the importance of the district and I would say so far everything I have seen as far as the whole process has been very deliberate, there's various code amendments being vetted three various ones right now. A lot of thought, a lot of public input. So when all of a sudden this amendment came up I

March 21-22, 2018

couldn't wrap my head around it, I wasn't quite sure I'm like, wait a minute, they can do that? In two weeks they can make a decision like that which has a tremendously long term impact cause these districts we're not just looking at five years, ten years, we're looking at the shape of Portland. If we think of pike place market and grand central station and these great development plans that had to happen immediately and then you look back, thank god we didn't do it. I'm just asking, I understand completely I bike all the time and I sort of avoid many of the areas in Chinatown because it's not pleasant to go through, so I understand the need to develop it and the need to develop it appropriately. I'm just asking for just more thought in how is that done instead of a knee jerk let's do it now, get it done.

**Fish:** I can I just offer a comment? Thank you all for your testimony and for coming here and I'm glad you're testifying at the front of the hearing cause sometimes you end up having to wait a long time and you have other -- you're already giving a lot of your time to the city so I appreciate your testimony. This is one of those decisions where we're sort of on the horns of a dilemma. It is going to be a difficult judgment call. I'm just reviewing the letter from the old town Chinatown -- old town community association, which has supported this amendment, and in it, they talk about catalytic investment, who can be against that. They talk about maybe the window closing on the construction cycle. I mean we're hearing that there's going to be a slow-down for which we'll likely be blamed but I think it's called the natural cycle of things. There's a big reference to capitalizing on inclusionary housing which of course in a cx zone there's no guarantee we'll get any affordable housing at this site, it could be many things. So, the one thing that I just want to -- that I'm going to consider as I digest the testimony and I guess we'll vote on this in a couple of weeks, is I'm actually not smart enough to understand what is the spark that causes development. I don't know. It may be the availability of capital, it may be that someone that we have run out of space and this space becomes just the last place to build something. It may be an irrational desire to build something. I don't know what is the ultimate decision but I do know while we're talking about the fact this site has not been successful for a long time it's adjacent to a site that also was blighted for a very long time and has not only been redeveloped, the grove hotel, but has been sold to a British company because it's such a hot location. So it is ironic that we're talking about sort of, you know, trying to divine market forces when immediately adjacent we have a big success story. There was a redevelopment of an historic property. It's now been sold to another company and is about to become a marquee thing in our community. I would actually argue that's a pretty good indicator of what's happening in that area. For me maybe the burden of proof on needing the extra height goes higher to establish that that's the but-for need here. I'll consider your testimony carefully.

**Foty:** Thank you so much. I think you're on to something there, commissioner, with that comparison because that development went nine stories, and I feel like that can certainly be something that the 125 feet could accommodate. I'm not sure why the false choice of only being able to do 160 has been offered to you.

**Roman:** Sorry, just lost my train of thought. [laughter]

**Fish:** I do that all the time. Thank you.

**Wheeler:** Thanks all three of you. We appreciate your testimony. Were there any other elected officials or commissioners? Very good Sue, next three, please.

**Parsons:** We have 17 total. It appears they are all speaking on amendment c.

**Wheeler:** Let me suggest this. If you hear testimony that sounds a lot like the testimony you're going to give, feel free just to say my position is x. You've heard testimony on that. I agree. Thank you very much. It will be duly registered. Otherwise name for the record. You have three minutes to testify. When the red light goes off that means your time is done.

**Wheeler:** Good afternoon why don't you start us off sir.

March 21-22, 2018

**Tim Ramis:** Thank you. For the record Tim Ramis, I'm a lawyer and I'm here on behalf of guardian real estate services, the owner of block 33. Here today to join with the neighborhood association in support of 1c, the amendments offered by the mayor, but with some adjustments that would reflect the specific proposal that came from the owner and the neighborhood association. The proposal is the product of the confluence of a number of factors one of which is the openness of the council to hear from neighborhoods about what's required to make their neighborhoods a better place. The second is the openness of the property owner to take risks that are unnecessary given that the conservative choice might be to simply collect rent from parking and his willingness to engage with the neighborhood to find a solution. Finally, the sad recognition that there's an urgency to take action in Chinatown to improve conditions. For those of you who are patrons of businesses and restaurants there who are there in the evening hours you know from personal experience what's happening. The goals of the proposal are first to prove wrong the prediction of the appraiser who worked on this project that the highest and best use economically of this property into the future is surface parking. That is something we're trying to defeat. The second goal is to create more housing, more people who are committed residents of the neighborhood with the benefits that will bring to personal safety on the streets and the viability of businesses in the neighborhood. There are three elements that are critical to the proposal. One is height which we have discussed and the height there that's sought on the western side is 200 feet, you'll hear more testimony on that. Second, is an increase in far because an increase in height without related far doesn't produce any more housing as you know. Finally the proposal asks that all the new design guidelines apply but that they not be used to undercut the allowed height and far. The reason is this, first of all from a policy standpoint, that's the recommendation of your doza study which you accepted and have asked for the implementation of. It's not an outlandish policy to ask for that there's a good policy basis. More importantly, landmarks has authorized a written declaration which I believe was sent to council members stating for the record that it would not approve any project on block 33 if it exceeded 125 feet. So the project that we have been talking with the community about would simply not be approvable and they announced that ahead of time without seeing the project, without talking to the neighborhood association or the property owner, so it would be I think a useless exercise for us to go through that process. It would simply end up in appeal here. The reasoning provided by landmarks is largely unsupportable. Let me respond to commissioner eudaly's question about the likelihood of the property being taken out of historic status by simply the application that we're talking about.

**Wheeler:** Is that is a question you're asking, commissioner Eudaly?

**Eudaly:** That is my main concern. I wouldn't feel comfortable voting to raise heights here to benefit one property owner knowing that I could be basically punishing every other property owner with a contributing building in the district.

**Ramis:** I understand that.

**Eudaly:** No offense.

**Ramis:** Your specific question about whether it would lead to unwinding of the district I would commend your attention to the actual application for designation for this property, for this district. When that was filed, they were required to describe the zoning and that zoning description includes high-rise buildings in the area and far of 9-1. So, it seems to me a fallacious argument to say that if development happened its consistent with the application that was made for the designation that that would lead to the unraveling of the designation.

**Fish:** Tim what is being proposed for this site? Maybe I'm missing something, but what is in very brief summary what is the proposal and what guarantee can you give us that there will be housing?

March 21-22, 2018

**Ramis:** The proposal is in two parts. The ground floor of both parts would be retail. The western portion would be a residential tower and you'll hear more discussion of that and more description of it. The property owner is committed to doing residential development on the western half of the block. The eastern half of the block is an open question and I'll let the developer speak to that. It could be office, could be hotel, could be housing.

**Fritz:** So, I'm confused. This is about the height. This is not a development application. So, we can't condition any decision that we make based on a particular development.

**Fish:** The letters we have gotten from some supporters that are in the record specifically say that their support is conditioned on this being affordable housing subject to inclusionary housing. If that was partly how this was sold I think it's fair to ask the developer what they are contemplating with the additional height.

**Fritz:** But there's no way to enforce that.

**Fish:** No. There's a way to enforce it. We can deny the amendment.

**Ramis:** Or condition it.

**Fish:** I just want to know what we're talking about.

**Ramis:** We want to be clear about it and we will do that in our presentation, but let's be clear also that if you have the power to grant a zone change you have the power to grant something slightly less than a zone change, which would be conditional. You do have the tools to make this happen and we would be happy to work with your staff on that.

**Fish:** Thank you.

**Wheeler:** Good afternoon.

**Tom Brenneke:** Tom Brenneke. Thank you. My company owns block 33 full city block located between 4th and 5th, Couch and Davis in the Chinatown/Japan town historic district. The property is presently operated as public parking, it's a great parking lot. It serves the neighborhood well and returns a reasonable profit on the equity invested. After withdrawing our land use application a couple months ago and facing a variety of challenges I went to the neighborhood again and collaborated on a potential solution for advancing development on the site. The proposed amendment came out of that effort. It will provide for flexibility, improved financial feasibility, and much higher odds that a high density mixed use transit oriented development project will be built in the near term. We have worked closely with the neighborhood and understand their expectations. The old town community association is fully supportive and excited about a potential housing development on block 33. I want to acknowledge the hard work and constructive input of board chair Helen Yang, Jessie Burke, vice chair and other board members Dan Lenzen, David Lyman and along with the land use committee chair Zach Fruchtengarten. We came together, we created a reasonable solution that's being brought to you today. Thank you, Mayor Wheeler, for your support and sponsorship of the amendment. Despite the ongoing deterioration of the neighborhood crime and homelessness issues we believe we can deliver on the community's vision. We're a successful based Portland housing – we're a successful Portland-based housing operator and developer who's willing to make over \$250 million investment in old town Chinatown. It's a catalyst development which we expect will be a big step forward in revitalizing this neighborhood. Our ask is simple, straight forward. Approve our proposed amendment as originally written and proposed to the neighborhood and agreed upon. Additional height of 75 feet up to 200 feet on one half of the block along with the additional FAR which will create a feasible project. If we're granted the amendment it's important that it not be subject to further adjustment so we will have the certainty needed to proceed. Thank you.

**Wheeler:** Thank you. Good afternoon.

**Daniel Kaven:** Thank you for having me. My name is Daniel Kaven. I'm providing testimony for 1c. I'm a partner at William Kaven architecture, a co-owner of block 33 and an advocate and activist for dense urban living and affordable housing. If you get on your

March 21-22, 2018

phone or you jump on a computer and you search for Portland the app will drop 300 feet from block 33. Not only is the block a central piece of historic Portland, but it continues to be the modern center of Portland. Renewed vitality in this recently struggling neighborhood is critical to not only those that currently live and work there but to the entire metropolitan area. Portland's collective brand and reputation to the world at large is dependent on the success of this historic neighborhood. Over the last three years we have worked hard to understand from our community what is important to them and bring a project to fruition that is representative of those desires. This is what we have learned along the way and our current design and changes being requested is a reflection of this ongoing discussion. The block west of this street to the west of our property is zoned for height up to 460 feet at 9-1 far. It is the community's desire to taper the height down to 4th avenue from the 460 foot potential on 5th avenue. Housing requires slender building profiles in order for increased access to light and air. As such we have conceptually masked the building in a tapered manner. We need to build to 200 feet on the west side of this site and a minimum of 125 on the east side of the block. It's our desire and the neighborhood's to bring as much housing to the neighborhood as the market will bear. In order to make the project work financially we need both expanded height and far. Regardless of the economics of the project the numbers of units is staggering between 200 feet and 160 feet at a loss of 72 units, 15 of which would be affordable. At only 125 feet we would lose 144 units, 29 of which would be affordable. We recently withdrew our land use application and submitted prior to creation of the design guidelines and we are committed to working with landmarks commission to realize a design that works within the guidelines. We do need from council surety that your vested decision on height and scale of the buildings is not going to be second guessed by the landmarks commission. Before we spend a tremendous amount of money on the design of the building, we need to know for sure that our discussion with landmarks is limited to the contextual condition of the materials of the building not how many housing units were able to build on the property. Ultimately, it's my belief that your goals and our goals are mutually aligned. We are part of a larger team that is tasked with executing the mission of not only council's goals but the entire community to solve the housing crisis but we need to be equipped with the right tools to get the job done. Just as the police force needs more boots on the ground and pbot needs more asphalt for potholes, we need the tools to get the job done in our community.

**Wheeler:** Thank you.

**Kaven:** They are a reasonable amount of height on our block, 200 feet on the west of the block, 125 on the east. The same far that is across the street from us, 9-1 and surety that we can build to those standards prior to getting started. Thanks for your time. I'm happy to answer any questions you might have. I have a couple of visuals if they are helpful of the massing. That's the massing diagram.

**Wheeler:** Could you speak into the microphone? We're on the record. Thanks.

**Kaven:** One of the things I wanted to bring attention to is that in regards to what Tim was mentioning about the application for the historic district and there being tall buildings in the application, the other thing is historically the north part of the historic district has been zoned to 350 feet and 9-1 far. That's been the case for a long time and still is until the comp plan is in place and the department of interior knew that I assume when they made the application. So this shows you our property, and what we're talking about in line within the other buildings here, the pacific tower is almost this tall and already exists and has so for a long time.

**Wheeler:** Is this 200 feet, the scale you've drawn?

**Kaven:** Yes.

**Fish:** That's very helpful, but Tim before we lose you I'm a little confused. The mayor has placed an amendment on the table to increase the height to 160. Testimony that we have

March 21-22, 2018

just received is that you need 200 feet. So, I'm a little confused. Do you support the mayor's amendment?

**Tim Ramis:** As I said initially, we support the amendment with adjustments and the adjustments are the three things that the neighborhood and the property owner requested. Which is 200 feet on the west side of the block, higher far to match the additional height, and clearer message to landmarks commission that this is the outline of the development. It's not to be reduced by discretionary process.

**Fish:** I'm not the brightest bulb up here, but what you just said is that you don't support the mayor's amendment.

**Wheeler:** Yes, that was a no.

**Fish:** So, that's a no. I just want to give you an opportunity to be as clear as you want.

**Ramis:** Clear that we would support it with amendment. Thank you.

**Fritz:** We don't have the right to change land use decision making processes like that.

**Ramis:** Like what?

**Fritz:** Like telling the landmarks commission that they can't consider various things.

**Ramis:** Well, respectfully, you have commissioner report which came back and recommended exactly that policy to you. You have the authority to do that because you have the authority to write the rules. It's well within your prerogative to do so.

**Fritz:** We would have to rewrite the rules. Okay, good.

**Ramis:** The problem we're all facing, all this work and design review and support it is that the state legislature when it comes to housing has made design review illegal throughout most of the state. What is preserved is design review in the central city and design review in historic districts, but if that proves to be a policy that leads to the loss of housing opportunity I suspect the statute will change again and we'll lose the ability to apply design review. It's an important I think consideration for all of us.

**Wheeler:** Thank you. Appreciate it. Next three, please.

**Briana Murtaugh:** Hi, my name is Briana Murtaugh I'm the project manager with guardian for block 33. Nearly two years have passed since we acquired block 33. In that time construction projects in Portland have seen cost escalation between 8 and 15%, interest rates have climbed by 130 basis points and inclusionary housing have been implemented. The 2035 plan adjusted the height on block 33 to 125 feet instead of the 150 that was originally supported by the neighborhood. Construction cost and interest rate increases are something developers regularly have to contend with but I think it's important to mention the impact of inclusionary housing specifically. Inclusionary housing permanently reduces the value of the project somewhere between \$17 and \$25 million depending on which affordability option is selected. This makes the project increasingly difficult to finance as institutional equity can invest anywhere in the country and not incur that valuation impairment. Block 33 has specific fixed costs and challenges. Subterranean parking uh is critical concern of the neighborhood. Future development of parking is limited due to the contributing buildings and the rest of the historic district. Additional excavation costs because we're directly adjacent to the max line on 5th and increased watering costs due to the proximity to the river. The purchase price was a fixed cost set by an appraisal as Tim mentioned the value is based on its value as a parking lot. Why can't we build a shorter and smaller building? Wood frame construction would certainly be cheaper but its limited to 85 feet, about seven stories. This would knock several residential floors off and make the project totally infeasible due to the fixed costs that I've mentioned. To build over 85 feet steel and concrete framing is required. Steel and concrete is about 35% more expensive than wood framing. On the total project basis this translates to a 15% cost increase so by adding an 8th floor to the project you're increasing the cost of the entire development by 15% or more. To balance this cost increase you obviously need to add more than just one additional story. Each additional floor adds rentable square footage that incrementally



March 21-22, 2018

helps offset overall cost increase to that base building cost. The implementation of inclusionary housing reduces the impact of this offset requiring additional rentable square footage to make the project pencil. 125 feet simply doesn't get us there.

**Wheeler:** Thank you. Good afternoon.

**Joseph Shaefer:** Thank you, Mr. Mayor, my name is Joseph Shaefer, I'm a land use planner here on behalf of Guardian and the ownership group and I would like to respond to a couple questions that have been raised in the earlier testimony. First to follow up on Commissioner Eudaly's questions about the status of the historic district. The city council decides if the historic district is going to be dedesignated, so I want people to understand that this is not something that is likely to be pulled out from underneath you unknowingly.

**Eudaly:** That's not my understanding.

**Fritz:** That's true, we say whether it gets in. I don't think we say whether it goes out.

**Shaefer:** That's not my understanding. Then the second comment I would like to make is questions have come up regarding why the tapered height. Why taller on the west side? Why lower on the east side of the block? When we saw the proposal for the north end of the district to be at 160 feet we talked about that and our thought and Daniel's thought is the architect was rather than have a uniform height across the block when we have 460 feet across the street on one side and just 100 feet across the street on the other side, that it would be better to come to the city and ask for a taper if you have 200 on half the block and 125 on half the block you're at about 160 overall, so that's our design thinking about that. The last comment I would like to make is in response to Commissioner Fish's questions about what we're proposing. So, I'm going to run off some numbers and I'll get them in the record for you before you vote. The proposal that you saw on the board here from Daniel has 342 apartments in it. At 80% of mean family income that would mean 68 affordable apartments. If we went to the 60% of mean family income that would be 34 affordable apartments. This is the math under the inclusionary housing. That is at a 12-1 floor area ratio. At 9-1 floor area ratio, the overall number of apartments drops to 198. The number of affordable apartments at 80% drops to 39, and at 60% of mean family income drops to 19. Under the current 6-1 FAR if the retail and the commercial tower on the east remain, we're down to just 54 apartments. So we ask you to support housing, support an FAR increase in addition to a height increase that actually allows the units to get built. Thank you.

**Wheeler:** Appreciate your testimony. Good afternoon.

**Helen Ying:** Good afternoon, Mayor, Commissioners. So I'm going to come with two different hats on today. First as my name's Helen Ying by the way. First as the chair of the Old Town Community Association, and then I'm just going to make a few comments after I read this letter to you as a Chinese American in the community. So first let me read this letter from our community association. Block 33 located between Northwest 4th and Northwest 5th Avenues and Northwest Couch and Northwest Davis Street represents a potentially catalytic development site for our neighborhood. The committee has been discussing this significance of this block for over a decade and have had several potential starts and stops with previous property owners and developers. The last real opportunity for this block was the siting of Uwajimaya it was clear the success of this potential development was dependent on receiving additional height of the currently zoned height limit of 100 feet. All of the preliminary designs, drawings had a potential height of 165 feet across entire block to make this project financially feasible. Unfortunately, due to timing of the project along the downsizing of Uwajimaya this project never materialized.

Understanding the significance of this block committee association fought for additional height and FAR during the Central City 2035 West Quadrant process. Which we knew were key to ensuring its success. We were clear that in exchange for this additional height and FAR that the developer needed to provide much needed market rate and middle income

March 21-22, 2018

housing units and ensure that development helped protect preservation of the historic resources in a new Chinatown/Japan town historic district. We felt so strongly about this that we tied our support to additional height and far to development and implementation of design guidelines for the district. The district now has adopted new design guidelines and the final draft central city 2035 plan gives this block a height limit of 125 feet with base far of 6-1 and available bonuses of 3-1 far. Tom Brenneke the developer and property owner of block 33 recently approached the community association to discuss a request for an amendment to the central city 2035 plan that would greatly increase his odds of creating an economically viable mixed use housing development in a the near term. In our discussions with Brenneke and his design team we have come to appreciate that rising construction costs coupled with inclusionary housing requirements have created a set of circumstances that have once again rendered a potential development of block 33 economically infeasible. Mr. Brenneke and his team have proposed an amendment to the central city 2035 plan that would provide for additional height on a portion of the block and additional far for the entire block. This will allow height on the east half block.

**Wheeler:** Helen, I don't want to be rude, but I notice you're halfway through the letter and your three minutes has expired. Is somebody else going to read the second half or will you just trust that we will read it.

**Ying:** So, I'm just going to stop where I am there on the letter and just want to ask that you would consider providing the tools for the development of this block and it's going to make a quick few comments as a Chinese American in the community. That is I am involved in this community because I value and treasure the history of this neighborhood and what it represents in my own history during the time when my grandfather was in this country. The dark part of this history and how we need to look at how – I think one of the landmark commissioners mentioned earlier how to allow people in the Chinese and Japanese community to feel valued, but at this time, the way Chinatown and Japan town sits even my own children have a hard time wanting to come into the area. That does not help to pay respect to the community. We need to find a way to make this area thrive and economic viable for the Chinese businesses that are there. Thank you.

**Wheeler:** Thank you, appreciate your leadership. Thank you all.

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

**Wheeler:** Yes, commissioner Saltzman.

**Saltzman:** So, Helen.

**Ying:** Yes.

**Saltzman:** Is the old town Chinatown community association supporting the modifications to justify Mr. Ramis?

**Ying:** I apologize, I didn't quite hear everything you said.

**Saltzman:** Is the old town Chinatown community association supporting the modifications that Mr. Ramis had suggested?

**Ying:** Yes, I personally support it and old town Chinatown community association also supports it.

**Saltzman:** Ok, thank you.

**Wheeler:** Thank you, appreciate it. I'm sorry to be the microphone police, folks, but we have lots of people signed up to testify. I want to make sure everybody's voice gets heard. Next three, please. Good afternoon.

**Jessie Burke:** Hi, my name is jessie burke I'm here with the old town community association but also the society hotel. As many of you know. On behalf of the old town community association I wanted to reiterate maybe what many of in my colleagues are going to say, is we do care about preservation and the historic neighborhood and the integrity of these old buildings. I can assure you I've restored one, and it's a painful process but we did it. However, as it stands now and our policies stand now we are failing

March 21-22, 2018

in old town. This in part because development is incredibly expensive now. It wasn't necessarily when I started my project, but those costs have increased drastically. In part because of the restrictions we put on properties and districts we have entire blocks, entire with empty storefront in old town. I know you've seen it on walks with us. In our block where the society hotel is the entire rest of the block is empty. You go to 4th avenue between couch and -- between Davis and Everett almost the entire block face is vacant. So we have empty store fronts, unsafe structures and even our current small property owners just individuals cannot afford to improve their buildings because of the cost of construction and restrictions placed on them. The reason you need to have more height or more space is because you need square footage to generate revenue to pay for the debt that you incurred to improve your building. Old town buildings are blighting, businesses are struggling because there are so few residents and know that our current residents are begging for more market rate housing. We currently have 59 units in all of the Chinatown/Japan town area. Old town is larger. There are not that many, a lot of extremely affordable housing. Old town is better known for lawless behavior than our rich history. In short we're finding our attempt at perfection is becoming the enemy of good. As the owner of the society hotel I'm also a small business owner in the neighborhood. I have a coffee shop in the Kenton neighborhood in north Portland too which I have seen several of you there before and we're in the middle of a residential area. We're busy all the time because people live there. In contrast in old town our coffee shop is somewhat busy during the work week and dead on the weekends and evenings. Old town's business community talks constantly about every day that more residents don't live there, we have to work extra hard to make our businesses a destination. This project would provide a great number of residents with enough disposable income to patronize our businesses on a regular basis because it's their neighborhood spot. If we truly care about preservation and housing and economic vitality I ask the city get a little more creative. We can't predict the future. We don't know what pitfalls may arise with any of these decisions but being purists is not working in this neighborhood. These businesses are struggling. This district has been dying for years. So I implore you to take a chance and help this neighborhood make this project happen by approving this amendment and whatever else they may be proposing, but the business community and the community association really support this project because we're dying.

**Wheeler:** Thank you. Slightly depressing but good timing. Thank you.

**Burke:** Sorry.

**Wheeler:** Good afternoon.

**Tom Clark:** Hi, my name is tom Clark I'm a neighbor of this project in two ways. I am a partner in a firm that is in the building at 333 northwest 5<sup>th</sup> with Clark jones architects. I'm an architect, I'm also a building owner, I own that building or co-own it. I'm active in the old town Chinatown community association particularly on the land use committee and I also participated in the updating of the design guidelines for the historic district. I want to just say that we as property owners in the district two blocks away support this height increase, the full 200, on 5th avenue, which is where we also exist and we support it because we really need to create a more active cultural district. We need to have activity on the streets. As jessie just pointed out there are dead zones in our neighborhood. This is one of them and there are a few others and what happens with the dead zones is those unoccupied areas are collection points and backwaters for people to collect undesirable people. In particular I'm referring to drug dealers and campers and others who really distract and turn away people who would be supporting businesses and coming into the district. This is no secret. You all know about this. This project could really bring life to our streets and it could be as has been mentioned a real catalyst to bring life to the streets, put people in the neighborhood, to support the neighborhood, and it would catalyst other things to happen

March 21-22, 2018

afterwards. So I think this old town is really at a crossroads right now as you're hearing. This could be a real game changer for us. So I'm going to talk also a little bit about the height. The height is not a problem if it's designed correctly and you will get plenty of chances to look at the design of this building through landmarks and through design review. Design is how it can be made to be compatible. Having been involved with the guidelines, the design guidelines, the object is to be respectful of the neighborhood, not to imitate it, not to copy it, not to pretend we're back in the 19th century, but actually to simply be compatible. There are many ways that the building will be able to be compatible through scaling elements at the sidewalk through use of materials that are compatible, rhythms of window openings, of course lines, all kinds of things. We strongly support this project and encourage you to support it to the full 200 feet of height on 5th and like I say, we'll have plenty of opportunity to make it right as it goes forward. Thank you.

**Wheeler:** Thank you. Commissioner Fritz.

**Fritz:** Mr. Clark is your building a historic building or a contributing building?

**Clark:** I'm sorry. I didn't hear you.

**Fritz:** Is the building you co-own is it an historic building or one that contributes?

**Clark:** It is not. Built in 1925.

**Fritz:** Thank you.

**Wheeler:** Thank you both. Next three, please.

**Wheeler:** Good afternoon gentlemen.

**Dan Lenzen:** hello, my name is Dan Lenzen I'm an employer, property owner and developer in old town and four other states over the last 30 years. So I speak from some experience with where this project has gone. So I'm going to speak to an anecdotal situation that we had in historic lower Denver. If you're familiar with that development near the train station it's historic. It was embattled and went through the same processes on height. Ultimately -- the area eventually got scraped. The trains and buses and transportation was put underground. My restaurant was the first to go into that neighborhood and under temporary certificate of occupancy in the building, so if that gives you an idea, there's nobody in the neighborhood, so the business was pretty slow once people moved in business went up. So the anecdote to this is this is what's going to happen, people will come to a neighborhood, they will live in our neighborhood and it will thrive. So I'm in a proponent of the amendment.

**Wheeler:** Thank you. Good afternoon.

**Doug Klotz:** hi, my name is Doug Klotz speaking on amendment 1c. I do support the amendment. I think the way the height changes is designed is a wise move, the block to the west, has much higher height and so it makes sense for this to be a step up. The additional height of the bulk to the building to be shifted to the west and respect the low building on fourth avenue. Going to a couple other issues. There was a discussion previously about whether the council can add conditions, subtract conditions. It seems to me the council went through a lot of this on the 12<sup>th</sup> and Ankeny building where it was appealed to you from planning commission. I don't know if that makes a difference but the council crafted a the design basically on that. So I don't think it's unprecedented for the council to put conditions on an approval or send an applicant back to come back with changes. That said we once again are against the tension between the height and far that's allowed and the landmark's commission's charge to make it compatible. I note that it's interesting that the commissioner Minor mentioned the Grove hotel. My understanding is that what happened on the grove hotel is the landmark commission was saying it has to be lower and the applicant said okay " we're done here I'm going to take to council and we'll stop this hearing right now" and after that there was a change in the tenor and the extra height of the grove hotel got approved. I may be inaccurate on that but I think that's the gist of what happened there and this is the same situation we are facing here. I think

March 21-22, 2018

that's what Mr. Ramis was referring too was trying to get ahead of that dynamic and say okay let's see what council feels cause ultimately the council will be the decision maker if it gets referred here. So that's what you got before you.

**Wheeler:** Thank you. Good afternoon.

**Peter Englander:** Hi, I'm Peter Englander I'm on the board of the old town Chinatown community association and I do that as a representative of dead stop coffee, dead stop coffee is right across from the subject block. I'm in full support of the old china town community association letter as it's been submitted to you so I'm not going to reread it or reiterate the issues and I've been raising my thumb so I want to make a few more points as well. The points have been made about this surface parking lot I want to emphasize that a little more because I want you all to know this is one of the most profitable if not the most profitable surface parking lots in the city. Why? Because of this gentleman and his colleagues and the businesses that they run on the weekends and so that full service parking lot does a great business on Thursday, Friday and Saturday night as well as completely during the day. So when you heard comments about I can just hang onto this is this a surface parking lot I want you to strongly, strongly consider that. You've heard about the historic guidelines which you've recently adopted. You've heard about threats to the historic district. In all of that I encourage you to also look into how many districts have been delisted nationwide and I also want you to consider that because you have these guidelines and I don't know the status of the guidelines in Skidmore, but I'm sure you're doing those as well. You didn't have those before so there's a level of certainty that those guidelines provide and you've got a landmarks commission to maintain them.

Commissioner Fish you made a comment about the grove hotel and its ability to be able to exist or to develop and sell for a lot of money. It's selling for a lot of money because it's a hotel and it's a high end hotel. We're talking about housing on this spot that would include inclusionary housing and this is also a neighborhood with one of the highest if not the most highest concentrations of low-income housing in the neighborhoods which we love and embrace. I want to speak to the date of fairness issue that was discussed at the beginning. The other block is right across the street from the Chinese garden. This one is not so although I can understand that idea you have other considerations with something next to a very important asset to our city. Those are the major point I wanted to make. The last thing I want to do was read you a quote from the guidelines for the historic guidelines for this district. I think it's important and as I understand the guidelines they don't address height specifically but they do say this in the vision statement and I think it's a great vision statement, its only a sentence. "New buildings have the traditional base level that blends well with older buildings". Base level. That doesn't mean the entire building. It doesn't mean the entire height, but it does mean the base level. Thank you very much.

**Wheeler:** Thank you. Thanks all three of you. Next three, please. Good afternoon.

**Jackie Peterson Loomis:** Good afternoon mayor and councilmen. My name is Jackie Peterson Loomis. I'm the executive director of the soon to open Portland Chinatown museum which we hope will also be a very important resource for the neighborhood. I don't know if Fred Wong is still here but this is a thriving community from a different perspective. There are still 11 Chinese property owners in the neighborhood and two Chinese groups who are buying two more. Most of them never even understood that they had potential tax credits from the historic district. All of the nine Chinese property owners who own north of Everett where the city gave them very high heights they took their tax statements and they have expired. So I am willing to support potentially the 60-foot height but in my heart I think it's injurious and I think it's unfair. At the very least even to see this would be even considered when you haven't seen a design. You haven't seen renderings, you have not seen any kind of what do you call those. Elevations. I mean, this is unheard of I mean this is stunning to me because they could take this and run and say I'm going to

March 21-22, 2018

sell this building, because now I got 160-foot or 200-foot height, you've now quadrupled the value of the property and we've been promised nothing. Nothing and so I don't understand this, but let me just say that a whole bunch of other things here that come to mind. This is not it is true that the old town Chinatown community association and the old town business association want this. Well they're one in the same. This is no longer part of Oni this is not a neighborhood association. This is one of Portland's four or five business associations so of course they're concerned with business. I have a theory about dead zones I want you to think about big pink and think about pacific towers and tell me how they revitalize their neighborhoods instead they created a dead zone at the bottom and they're still there. I don't see frankly -- you look at the pearl. They developed kind of like this. First the developers took old buildings and renovated and people wanted to live there. Then people they've got businesses to support their residents. Then they built up and they can tolerate it I don't see how a tall building here is going to do anything other than create another dead zone at the base of it and then we will have destroyed the sight lines all together. The buildings on 5<sup>th</sup> avenue on the other side are gorgeous, they're part of this district I want to be supportive but I want to say to you that having, worked with the Chinese community for the last 20 years and the Japanese community as well that this is part of the city's legacy and this is your opportunity as Matthew said so eloquently before this is your opportunity to leave a legacy for future generations in this city about the earliest and largest ethnic community coming to Portland and living here and succeeding without any opportunity for citizenship or property rights for 80 years. I think you owe it to them. Please save this district. Thank you.

**Wheeler:** Thank you.

**Katelyn Weber:** Hi, my name is Katelyn weber I'm here representing restore Oregon and I'm speaking on amendment 1c. I'm delivering this testimony on behalf of our executive director Peggy Moretti who couldn't be here today. Restore Oregon strongly urges city council to reject the proposed zoning amendments for block 33 in Portland's new Chinatown Japan town historic district. As an organization whose mission is to save historic places that for many years was housed near the district and I also served on the committee that created the districts design guidelines, we believe both the city and the neighborhood have been sold bogus bill of goods. Claims the developer cannot make money at the current height 125 height lacks credibility. Numerous other projects have been able to pencil that at even lower heights such as Goodman's project about to break ground a few blocks away, a project that was enthusiastically supported by the landmark's commission at 75 feet and includes significant numbers of affordable and market rate housing. Even at 125 feet designing a building that is compatible with the district and tells its story will be very challenging. This is a tiny district, basically just two blocks by five blocks. At 125 feet block 33 will over shadow, historic buildings to go even taller will swallow them whole. Its not possible to design a 160 foot or 200 foot building to be compatible with two and three story historic buildings or to incorporate design elements that reflect the districts cultural identity. Proposition that city would circumvent the landmark's commission and our well established proven system of review as a travesty and would set a horrible precedent. The property owner displayed great disrespect by claiming that the Chinatown Japan town is being treated as a special class of one. Its being treated the same way we treat all our historic districts as unique and irreplaceable assets that are worthy of protection and stewardship. If council were to set aside our historic review process and undermine the authority of the landmark's commission in this case it will open the doors to many more. Finally why would we sacrifice our standards when we have absolutely no guarantee of what will be built, how it would look and nothing to prevent the sale of the property for a quick profit thanks to its special entitlements. We appreciate how desperately the neighborhood needs market rate housing, but this claim

March 21-22, 2018

that its 200 feet or nothing is disingenuous at best when there are so many examples to the contrary. Restore Oregon encourages council to look for other ways to stimulate development on this site that will provide housing while also maintaining the integrity of Portland's only historic district honoring ethnic history. Thank you.

**Wheeler:** Thank you. Good afternoon.

**Simon Jaworsky:** My name is Simon Jaworsky I'm a long time resident of Portland Oregon and I just got my general studies degree and I totally disagree with this amendment. I mean, it seems like all these developers are trying to do is cram more and more people downtown and we have bad enough congestion as it is and I agree with the other two speakers. I really don't think it's going to help the business that much anyways. Portland downtown is a prime business district. I don't think we need more housing. We need more business. Like it's always been in the past 100 years ago. These developers are so worried around cost why don't they build a little farther outside of town. There's a lot of prime real estate out in the suburbs. Along the max line would be an excellent place build, there's a lot of vacant lots there. It would be cheap, they would be able to hop right on the max and come downtown. That would make more economic sense if they're trying to save money. Build farther out. They can build much -- save money and build a much nicer building, more taller and have amenities like coffee shops out there, grocery stores and restaurants. I've seen Beaverton is one example, they have a fitness center right across from that and the max stops right no front of it. So I don't agree with building taller buildings. It's just -- it wrecks the historic view of Portland. If you're living or even if you're just looking downtown, if you're surrounded by buildings you don't see the beautiful mountains around or the scenery that Portland seems to be famous for. So I don't agree that we should be building taller and taller buildings. I'm totally against this amendment. Thank you.

**Wheeler:** Thank you. Thanks all three of you. Next three please. Last but certainly not least.

**Lincoln Tuchow:** Good afternoon mayor and city council members my name is Lincoln Tuchow with the architectural heritage center I'm also a real estate agent here in town. I don't have a beautifully elaborate planned out speech prepared but I would like to just say that I am opposed to the amendment to increase the height limits to 165 feet for part of the block 33. When you look like a google view of this block from above, and when you do the street view or when you walk it you see that it's really in the heart of Chinatown and the historic district and you see surrounded on all sides you see two and three story brick stone buildings, historic buildings and when I saw the first rendering by the architects, which is since been pulled back, but of this giant glass and steel tower that was towering above the rest of the neighborhood I thought, wow that's incredibly out of character with the neighborhood, both historically, culturally and I realize we're not talking about that today. But I just think that obviously, the developer needs -- it has to be able to turn a profit, the development has to be viable financially and nobody wants to deny them that right, but in so doing we want something that is historically contextual to the neighborhood. I think everybody would like that. Whether that be incorporating brick, stone, wrought iron other things like that. So there is one building that's nearby it again, not a perfect building, but the fifth avenue court apartments if you know them, they're kitty corner to that. They have brick on the ground level, they have some stone work on the corners, there's some hand railings like iron type. I think a building can be built there that will both fulfill the historic nature of the neighborhood, provide housing on the upper floors, retail on the main, and could help revitalize the neighborhood and I just -- I don't think it has to be an either or thing. I think we can win here for everybody, but I think a giant 165 foot glass and steel tower with only market rate apartments above is probably not the answer. So thank you very much and I appreciate the ability to testify before you today.

March 21-22, 2018

**Wheeler:** Thank you. Appreciate your testimony. So that includes oral hearing on these particular amendments. Colleagues I don't know if you wanted staff to come up now. Commissioner Fish.

**Fish:** Yeah, I had some questions.

**Wheeler:** Commissioner Fish as well please.

**Fish:** Mayor, is it still your intent to take a vote on a and b and to set over c.

**Wheeler:** That is correct. We're going to take votes on a and b which pertain to the public school issues and c has already been scheduled for the April 4th hearing and i'll make that announcement in a few minutes.

**Fish:** Thank you.

**Saltzman:** I have a question.

**Wheeler:** Commissioner Saltzman.

**Saltzman:** Procedurally if we want to move an amendment to your amendment on block 33? Would that need to happen today?

**Wheeler:** Hang on, Dan, we're looking at legal counsel for a minute.

**Linly Rees, Chief Deputy City Attorney:** That's really a question for council. It can happen today whether it needs to happen today. If it doesn't happen today you're likely to have April 4th and then another continuance after that.

**Saltzman:** I had a hard time hearing the last part.

**Rees:** I'm sorry. I think it's really up to you commissioner Saltzman if you have something you want to put on the table for people to testify about because there's a two week open testimony period it may be a good idea to put it out there so people can respond to it but it's really up to council whether you want amendments to the amendments.

**Fish:** Council is in effect -- we've already had testimony in support of that "amendment". That was some of the confusion because we have had people saying they support the amendment but they actually meant 200 feet not as written. So you could say that putting that amendment on the table conforms to the evidence we have already heard and give the council two options. I don't know that I support the amendment but we've already had testimony in support of the amendment in effect.

**Rees:** I'm not going to presume I know what commissioner Saltzman's amendment is.

**Saltzman:** My amendment would be to increase the height to 200 feet. Increase the far and to limit the discretionary review to contextual issues, but basically what Mr. Ramis suggested would be my proposed amendment.

**Wheeler:** So I have a question about the proposed amendment and I'm looking at legal counsel. I do not want to take my amendment off the table. So this would be separate amendment, it is not an amendment of my amendment. This would be a separate amendment.

**Rees:** Yes, it sounds as if you are not treating that as a friendly amendment to your amendment. So it would separately considered.

**Wheeler:** I want to keep mine alive, I want to keep my options opened. So commissioner Saltzman has moved. Is there a second? I'll move for discussion purposes. I'll second that.

**Saltzman:** Simply I would simply say that I was persuaded I think its pretty unusual for the landmark's commission to sort of announce ahead of time that they do not approve a proposal about higher height and I think that I'm persuaded by the testimony that in order to maximize the number of affordable housing units in this proposal 200 feet does that. I think it does provide a good taper down from the 460 feet proposal to 200 feet to then 125 feet. So I think that makes a lot of sense but I do think the issue of height and far are necessary to maximize the affordable housing units that would be developed under this proposal.

**Fritz:** We're not voting on the amendments today.

**Wheeler:** That's correct.



**Fish:** Mayor just so I can.

**Wheeler:** Commissioner Fish.

**Fish:** My understanding now since you seconded it is that when we come back to vote on c we'll have two amendments before us. Let's call them c1 which is the wheeler amendment and c2 which is the Saltzman, Joe is that correct?

**Joe Zehnder, Bureau of Planning and Sustainability:** Correct.

**Wheeler:** And to be clear just for the record I still like my amendment and I'm seconding commissioner Saltzman's amendment for discussion purposes.

**Fish:** Commissioner Fritz do you have a question for staff? I'd like to follow you.

**Fritz:** Thank you. So I understand that this amendment -- the mayor's amendment was just put on the table yesterday at 1:30 is that correct?

**Sallie Edmunds, Bureau of Planning and Sustainability:** Yes. We just published the amendment yesterday.

**Fritz:** So I and I had been getting testimony on it but I didn't know there was an amendment so I was frankly bemused and thought perhaps the block 33 discussion was for something else. I'm wondering half the property owners in the historic district, both the historic buildings and the contributing buildings, have they been notified of this amendment?

**Edmunds:** We did not send out any special notice to property owners. We did send to our central city 2035 mailing list, but we did send notices at the beginning of this process and so if they were following along.

**Fritz:** I think an argument could be made that this is an issue 65 issue that potentially their properties could be diminished in value if the historic district goes away so I think that's something we need to get clarity on before the next hearing. Did you have questions on this -- on the height?

**Fish:** Yes. Thank you. Joe I have a question for you and I guess I just want to know the lay of the land on this. Mr. Ramis in his testimony, toward the end of his testimony seemed to suggest or imply that we could put some conditions on this. So what is the scope of our authority to put any conditions on this?

**Zehnder:** I think the conditions language when I heard that testimony, I think it's conflating quasi judicial and legislative, but we can construct code provisions that for instance function in some way like a condition, but conditioning of an approval is a quasi judicial thing typically. A good example though of how it might work in a case like this is if the interests was to make sure that the benefit of the additional height and additional far was linked to housing, you could make it a bonus and have the trigger for the bonus be the provision of inclusionary housing, a program like that. That's more legislative tool to condition something but it doesn't --

**Fish:** So between now and when we come back, could you send me some more information on that?

**Zehnder:** Sure.

**Fish:** About how it can constructed as a bonus or alternative option. I just I'd like to have a better understanding of that.

**Zehnder:** And the conditions that you're interested in mostly are assuring residential development as part of the project?

**Fish:** I'm interested in understanding that question and making sure that if there is a majority support on the council that we actually get housing so I'm interested in that mechanism. I haven't made up my mind on the amendment, I would like to know about that tool. I actually think this has been one of the most interesting hearings we have had in a long time and this is a very complicated question, but I thought the testimony and the record before us I'm going to reread the record because I think its so interesting before I make a decision, but let's go over a couple things. If we agree to the mayor's amendment,

March 21-22, 2018

let's say, then we will be increasing the value of the property, correct? In other words it would be titled for greater height.

**Zehnder:** Yes. Don't ask me to put a value on --

**Fish:** Generally when we give property owners.

**Zehnder:** Greater allowances should allow more development, should have greater value.

**Fish:** There is no guarantee in the matter before us that it will actually be developed? Correct?

**Zehnder:** Correct.

**Fish:** There is no guarantee there will be any housing on this site correct?

**Zehnder:** Correct.

**Fish:** And if the developer chooses to develop this site because it is in a cx zone the developer would have all those options that a cx zone allows?

**Zehnder:** Correct.

**Fish:** And what is the precedent that you can think of us under these circumstances bypassing the landmark's commission? And actually having a request that we codify that as part of our action.

**Zehnder:** You know that is the biggest change that we're discussing here and it goes to sort of the essence, an essential element of how we are regulating historic properties in the city, which is that the landmarks commission has this discretion over reviewing the design on the building for compatibility and application and the standards and that in that discussion the way our code is written, they have the leeway -- disagree with design that could call for a building not to meet its full height allowance or full far allowance. That's the way our system is designed right now. So to usurp that kind of goes to the core of landmark's system is the landmark's commission as we're talking about.

**Saltzman:** Can I follow up on that?

**Wheeler:** Yeah.

**Saltzman:** Do we have a precedent for commission announcing before they have a proposal before them that it's unapproveable.

**Fritz:** That wasn't the question and that wasn't what they said.

**Saltzman:** I thought that's what the testimony was. I haven't seen the letter so I'm at a disadvantage, I thought that's what's testimony was.

**Zehnder:** I don't know the answer to your question whether or not that's what happened. For sure I'm not aware of any precedent for that.

**Saltzman:** Ok if you can educate us on that between now and when we vote.

**Fritz:** I think there has been discussion in the past that we need to set heights that are realistic that could possibly meet the design guidelines because if we were to say it could be 500 feet, is that feasible or not? It has to be -- that's what we're talking about here is providing some level of certainty for everybody that what is zoned and the height that's given might be approvable through design review.

**Zehnder:** So if I can just add to this the way that we've addressed this issue and the way we've been discussing it in the doza project, the design overlay project, is we have two sort of paths ones just design review and the landmark commission is for historic districts. Our desire is to clarify that that leeway to do design review in a way that -- put it on the table for city council, but clarify that height and far are not really so much on the table for a design review piece but we've left on the table for historic landmarks review and why would that be? Well the case of the Menashi property and the case of what we've done with this entire process in central city speaks to we designed a system that never calibrated our historic district heights tightly. Like if you were really to go through and do a case by case building by building analysis about answering preemptively what that question is, what's the right height to make everything fit. That's not the way we've done it. We've done it by getting in the ballpark based on our historical analysis and also

March 21-22, 2018

developing guidelines and going through design review process. So it allows both sides of the equation more flexibility and in some cases we never went around and right sized the heights which is the issue in the northern part of Chinatown japan town. So in this process that's why you see these heights being lowered in central city historic districts of but we still brought them down to not a magic number that is so rigorous that it's not worth having design commission look at it. We've left leeway for developers to make -- and part of it was the history of this district. Make a pitch to try and try to do it through design, deliver a project that can work because we're not prejudging that that cannot happen, but we're counting on the landmarks commission to be the arbiter of it and then eventually city council. So this same sort of policy decision that you're struggling with today could end up back in front of you on appeal but that's how or system --

**Fish:** But that's the check and the balance.

**Zehnder:** That's actually how our system works.

**Fish:** By the same logic let's say this council started have a well documented view on some aspect of the zoning code. Are we going to get to a point where an applicant comes before us and says we'll dispense with city council review and we'll just go to luba? It may be an imperfect system but there are checks and balances. The other day I was walking by the Jupiter hotel and I saw that building that they're constructing which is their convention center. We remember we had a very robust debate about that when it came from design review because the design review commission had concerns about using roof tiles on the side of a building. Well, I was with a couple of people and they looked up and they just loved it. Now it may not work. One of the questions the design review commission had was it may not be a durable product. I'm not sure its going to end up being the preferred siding of every building in Portland, but in that building it actually is quite distinctive. The city council disagreed with the design review commission on that and our system allows for that. We wanted to give a developer a chance to try a one off on this. I concerned though about changing the rules just because we're anticipating a decision by a citizen body that the applicant may not agree with. I think that's a dangerous precedent.

**Wheeler:** I want to second what commissioner Fish said about this being one of the more interesting conversations we've had in here. I want to be very clear. I respect what the historic landmarks commission is wanting to do here in terms of the old town china town area, but I just want to put my own view on the table in terms of why I proposed the amendment I provided. It is not out of disrespect for that process or for their vision, but my belief is you cannot put these districts under glass and call it good and the reality is, I was thinking about the last individual who testified. He gave really good thoughtful testimony and I've been letting it percolate through my feeble mind. If there was an opportunity for a developer to have made a profit on block 33, why hasn't it happened over all of these decades and it could be that we have set the standard so tightly in that particular area that it does not account for the economic realities faced by people who are developing housing or hotels or any other types of projects in that area and I'm thinking about economic factors like interest rate increases. I'm thinking about the increase in costs of construction. I would prefer to have development there than not. I think the worst use of that property is as a service parking lot. I think it is inconsistent with the historic district, I think it is inconsistent with the city's overall objectives around 2035. So the balancing act is trying to figure out where to draw the line and we've heard in a few minutes of testimony everything from don't do anything to 160 sounds about right to 200 better be it. So this is a very, very complicated process, but I think we have the wherewithal to do the balancing act and do it well. Commissioner Fritz.

**Fritz:** I would like to clarify its raised the fritz height is 125, the current is 100. So it's not do nothing it's do what we have discussed in the process versus go to 200.

**Wheeler:** That's a fair correction. Thank you.

March 21-22, 2018

**Fritz:** And from my perspective one of the options that could be happening here is that this property is currently generating income through surface parking and that in my experience with this area there have been developers or property owners who have just been sitting on their properties waiting to see how sweet of a deal they can get before redeveloping them and so that's also a possibility rather than let's not redevelop it. If you think about 100 feet 125 feet, the white stag building on naito is 75 feet and it's beautifully restored and very compatible. So it's 75 feet and then you're going to double the white stag building and put that next to a historic district. That just doesn't seem reasonable to me that that could possibly be in context.

**Wheeler:** Commissioner Fish? Commissioner Eudaly. Great thank you. That concludes our oral hearing. Commissioner Fritz.

**Fritz:** That was on amendment c. I have questions on a and b.

**Wheeler:** Sorry.

**Fritz:** That's all right. So on the Lincoln high school property I was wanting to hear from Kurt Krueger from transportation. I'd like to know what other parking regulations in the area -- what's the rules on allowing parking immediately adjacent to a transit street and just what the discussions have been as far as the pedestrian access through the site.

**Kurt Krueger, Bureau of Transportation:** I'm going to let Rachael jump in on the parking if I mess up. Kurt Krueger with transportation, the proposal before you before the amendments was there would be no more parking allowed in the central city surface parking lot. So this amendment tries to preserve some of the existing parking that Lincoln high school has today not all of what they have, but some amount of what they have today. As far as the connective the sewer blocks actively look to go reestablish some connections through what was vacated rights of way and there were three rights of way on the Lincoln high school property 15th, 16th and 17th. Recognizing that Portland public schools has significant security issue that's different than any other development site. We sat down and been working with bps over the last two weeks and pps and we think we have the ability to do certain connectivity with the design team and bds through title 17 code requirements and what we haven't fleshed out far enough to bring to you today as a memo of understanding that we are currently working that's in the city attorney's office helping us to then bring to pps to memorialize the public access that is inherent in all public schools across the city, but that in a more formal memo that might become a iga an intergovernmental agreement that allows the public to access it but also retain security issues and need's that the school district has.

**Fritz:** But that's not done yet.

**Krueger:** No.

**Fritz:** And if we accept them from the super block regulations does affect the ability to get to that agreement.

**Krueger:** We still have code authority within transportation code title 17 that allows us to ask for a street connectivity. So we still have that tool. I think the mou broadens it from the Lincoln high school piece so this helps us in future redevelopments as we see pps working through their bond measures and other school sites around the city.

**Fritz:** So would it be helpful if we defer voting on that particular element until the mou is done?

**Krueger:** It certainly would help nudge that process along a little bit.

**Fritz:** And then is their not, so --

**Zehnder:** Sorry commissioner, just the clarify too the provisions in the super block require and easement, so in a bit it ties Kurt's hands in terms of the options, this more alternative way of getting connectivity that he's working on through the mou. That would not be sufficient for the super block requirement. So that's why we have said that's not the approach but we're going to seek it through the mou.

March 21-22, 2018

**Fritz:** Right. We can go them concurrently though right? And then going back to the surface parking what would be the option if we were to not grant this exemption?

**Krueger:** Options and I'm putting in pps's mouth so I apologize for that. One would be for a structure parking facility. The other would be to not allow the parking all together.

**Fish:** I believe the testimony we got was the bond would not allow them to fund the structure for the parking. So, that's a theoretical option, but they just can't pay for it.

**Krueger:** Correct.

**Fritz:** And does the code allow them to put the parking lot along 18<sup>th</sup>. Not 18<sup>th</sup>, yea to 18<sup>th</sup>. Right adjacent to the transit street.

**Krueger:** Not currently as proposed in the 2035 plan.

**Fritz:** Is there a further comment on that Mauricio?

**Mauricio Leclerc, Portland Bureau of Transportation:** The central city 2035 plan.

**Fritz:** Identify yourself please.

**Leclerc:** Can you hear me?

**Fritz:** Yeah, you have to say who you are first.

**Leclerc:** Mauricio Leclerc pbot.

**Wheeler:** And you have to turn on the mic.

**Fish:** And now your time is up, thank you.

**Leclerc:** My best performance yet. The code also allows sharing a parking's so the another thing you can do is just to rent parking throughout the district. That's a policy that's also allowed in the central city.

**Fritz:** Ok.

**Leclerc:** So you can onsite, offsite you are renting that's allowable or structure and surface.

**Fritz:** And as far as if we do allow the surface lot I'm a little concern that it's right along the transit street so is that allowed?

**Leclerc:** It access can – the driveways would not, but I think there's no on street parking available on 18<sup>th</sup>.

**Fritz:** The main street that the transit goes on I'm not sure what number that is.

**Leclerc:** Yeah its 18<sup>th</sup>.

**Fritz:** 18<sup>th</sup>?

**Leclerc:** It's basically one lane and then you have the rails so you would not be able to put on street parking there. Nor would you be able to provide a driveway through it.

**Fritz:** You'd take the current metered parking away, but you are allowed to put the surface parking lot immediately adjacent to the transit street?

**Krueger:** So the current code would allow -- I believe the current code would allow a surface parking lot to be are proposed the new code wouldn't allow a surface parking lot to be proposed. This amendment would allow them 100 spaces on their site.

**Fritz:** And my question is it okay in the location that they showed it?

**Rachael Hoy, Bureau of Planning and Sustainability:** So, the location of it is not adjacent to 18<sup>th</sup>. So if we look at the -- I think Sallie was trying to pull up the -- if you have on your screen their proposal shows it to the south there --

**Leclerc:** On the east west streets.

**Hoy:** So yeah it's running -- it's running parallel to salmon on the opposite side of the property.

**Fritz:** I see.

**Leclerc:** The new building would be located where the tracks are now.

**Fritz:** So that's the location where the reaches are now. Okay. Thank you.

**Fish:** So mayor are we going to take a vote on a and b?6

**Wheeler:** So first of all let's close the written record for the public school amendments so that we can vote today and we're going to leave the written record open for the two

March 21-22, 2018

amendments that have been proposed with regard to height in old town Chinatown, Japan town until April -- do you want that April 5<sup>th</sup> or April 4<sup>th</sup> legal counsel.

**Rees:** 4<sup>th</sup>

**Wheeler:** April 4<sup>th</sup> at 2:00 p.m. time certain. So now we will vote on amendments a and b pertaining to the schools. Sue, will you please call the roll on item a.

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye. Amendments, commissioner Fritz.

**Fritz:** Sorry I thought that Kurt said if it might be help if we don't vote on b until they've got the mou done.

**Wheeler:** Very good. Amendment a is adopted. Would you like to, it's your recommendation to keep b open until April 4<sup>th</sup>. Is that correct?

**Krueger:** I think it will keep both parties at the table and getting the mou put together.

**Wheeler:** And I don't see any urgency to that so that amendment b with regard to access will remain open. Do we want to keep the written record open? The written record will remain closed then on item b.

**Fritz:** Thank you.

**Wheeler:** So now we're voting on the amendments for March 7, 2018 and the amendments that were held over from January 18, 2018. So this is part two of the meeting. Thank you to those of you who have stuck around for this. The first item is to vote on the packet of minor and technical amendments that were the subject of the public hearing which was held on March 7<sup>th</sup>. I would like to call a vote on items f through j and item l. Unless someone would like to pull one of these off the agenda for a separate discussion and vote. Good. All right. Hearing none let's vote on the minor and technical package f through j and l. Sue, please call the roll.

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye

**Wheeler:** Aye, the amendments adopted, the amendment package is adopted. Next let's move on to height and far, at Big Pink, Wells Fargo and Pac West. I understand that there are two amendments that we should take as a package, Rachael can you help us work through this please?

**Hoy:** Yes. Thank you mayor. This amendment which you previously saw in the amendments report related to Big Pink, Wells Fargo and Pac West was to provide these buildings with the heights that they have today as constructed. The reason this is before you again is the far at the Wells Fargo building, the owners of the building were taking a closer look at that and realized they had not calculated the far correctly and the far is actually at 19:1 not 18:1. So we needed to have you vote on the two of these together so that we can actually show that no changes to the other buildings. Those stand as exist in the amendment report.

**Wheeler:** That makes sense. Council any discussion on this matter? Very good. Sue, please call the roll.

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye, the package of amendments are adopted. Next let's move on to the view from I-84. Mindy, can you please remind us about these two items?

**Mindy Brooks, Bureau of Planning and Sustainability:** Yes, thank you Mindy Brooks, planning sustainability. So these -- again this is two amendments that are grouped together and this is to finalize the location of the viewpoint on the new bike and pedestrian bridge crossing I-84. This is a view of downtown. Pbot now has a final alignment that connects seventh avenue north to south and this viewpoint now can be located and finalized there.

**Wheeler:** Very good and I think it's great the new overpass is moving through in the design phase and we're able to create a new view site. Sue, please call the roll.

**Fritz:** Aye. **Fish:** Aye.

March 21-22, 2018

**Saltzman:** I'd like to thank the bureau of planning and sustainability for their work on this amendment. Aye.

**Eudaly:** Aye.

**Wheeler:** Aye, the amendment is adopted. Next let's move on on the view of mt. Adams from upper hall. I understand that there are two amendments to consider as a package and Mindy could you go ahead and remind us about this package as well?

**Brooks:** Absolutely, so yes again it's a combination amendment and this amendment would remove protections for the view of mt. Adams from southwest upper hall and restore existing heights to some of the properties within the view corridor as shown on the map. The views of the city skyline, mt. St. Helens and mt. Hood would remain protected.

**Wheeler:** Please call the role.

**Fritz:** So I appreciate first of Mindy Brooks for all of your work on view corridors and for going over the entire central city map with me lot by lot to examine the concern that was raised by the community that citizen advisory committee members had nefariously requested height increases on their own properties and I did not find that to be the case, all of them were in line with putting the height in transit, decreasing the height along scenic view corridors. This amendment was at least done transparently and one of the property owners asked the mayor to propose it and it's also done by giving everybody else the height increase that the one property owner proposed. I still think it would be better to keep the view of the mt. Adams. No.

**Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye.

**Wheeler:** I vote aye, the amendment is adopted. Next we're talking about top of bank. Mindy can you walk us through this one? This is an amendment that was brought at the request of the port of Portland and I have a couple of questions about it but why don't you walk us through it.

**Brooks:** Ok, this amendment would remove a section of the proposed code and a figure that describes how to measure the top of the bank when there is a structure over the river bank. By removing this sub section of the code the applicant and bureau of development services would use the new top of banks definition to determine on a case by case basis how to measure around those structures.

**Wheeler:** So I would like to move the vote on this to April 4<sup>th</sup> and here's why. My understanding is the two city bureaus oppose this amendment and bds, bureau of development services has made a compelling argument that they already do this functionally anyway and therefore an amendment is not necessary and while we want to be good partner with the port of Portland and be responsive to their requests, I don't have the confidence I need today to be to make a vote and say with a straight face that this amendment actually functionally does anything and given that we have two city bureaus that are expressing concern about it unless one of my colleagues strenuously objects I would like to move this vote to April 4th so I can do a little more fact finding. Are there any objections?

**Saltzman:** I couldn't quite hear what your amendment is.

**Wheeler:** It was really good, you were for it. I just proposed we move the vote to April 4th, Dan. I have more questions on this.

**Saltzman:** Okay.

**Fish:** Is that in anticipation of you potentially withdrawing the amendment?

**Wheeler:** That is correct. I need a little more time to digest this and talk to our partner at the port.

**Fritz:** Just to be clear I agree with removing the amendment and also with removing the comments which I think complicate things.

**Wheeler:** Very good. So the next item on my list here is amendment m, the trail commentary. Sallie, can you remind us about this amendment? I understand the

March 21-22, 2018

commentary is not something the council typically votes on separately at the end of a project, but several council members wanted the opportunity to discuss this particular item, amendment m.

**Edmunds:** Yes. This amendment is just to point out that the maritime transportation security act allows facilities that they regulate along the Willamette river in particular here to have some flexibility in how they design their sites and their security plans to protect the sites from various threat levels. So when the city enters into an easement for a trail that easement can allow for reasonable trail closures or limits when it's necessary to address those threat levels. So it doesn't change the code, it just puts this into the commentary just to acknowledge –

**Fritz:** To add this.

**Wheeler:** So no vote is required.

**Edmunds:** No vote is required.

**Fritz:** I don't think we should add it. I think this actually complicates things. We don't usually reference state and federal regulations and putting it in the commentary when it's not in the code. I don't think makes it any clearer.

**Wheeler:** So this -- and correct me if I'm wrong, this was put in after discussions with an individual a business owner who came in and testified extensively on this particular subject and I felt that staff did a good job of explaining that this really does not need to be in the 2035 plan or the code or anything the council voted on, but he wanted us to reflect what he saw as being the reality of federal lawsuit proceeding local on these matters of potential national security and that's why it's here.

**Fritz:** We don't want it perpetually in the commentary.

**Fish:** What he's effectively done is flag the issue. If we cluttered the commentary with every possible state or federal preemption on every conceivable issue it would look like a phone book. I would prefer to keep it out of the commentary as well but it has been made a part of the record.

**Wheeler:** Is there any objection to withdrawing this as part of the commentary? Very good. And you are correct, commissioner Fish, it is part of the record and we will refer back to this often over many decades to come. Commissioner Eudaly would like to reconsider her vote on RiverPlace. Commissioner Eudaly.

**Saltzman:** So mayor I'm going to sign off at this point cause I'm recusing myself from this vote.

**Wheeler:** Alright, thank you commissioner Saltzman we appreciate your attending by phone, get well soon please.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** Yes, thank you, mayor. First I'd like to thank my colleagues for bearing with me while I explore this issue, my original intent had been to vote yes on this amendment, but commissioner Fritz raised issues that I hadn't considered and didn't feel well informed enough on to cast a affirmative vote so I hit the pause button. It's rare that I do not feel prepared on the dais due to the great work of my office and city staff, but this was one of those days. Sometimes you don't know what you don't know and I'm not embarrassed to admit when I need more time or information in order to make an informed decision. There's been a lot of miss information and misunderstanding around this item in the public. To be clear as it stands raising the heights in RiverPlace does not increase the far or number of potential units affordable or otherwise on the site. Furthermore, the drawing by the famed Japanese architect Kengo Kuma is not a proposal, it's a concept. A concept that is very unlikely to ever be realized. What it does do is reveal the potential of the RiverPlace site and that is what is today's vote is really about, unleashing the potential of the site. The potential of raising the heights include but are not limited to and do not guarantee a more significant architectural work, a greater likelihood that the site will be fully developed which



March 21-22, 2018

it is not currently, creating much needed density in the central city. The possibility of better site lines that taller slimmer buildings provide and more variety and liveliness on our waterfront. As commissioners were charged with looking out for the best interests of our city and its residents cautionary tales abound in our city scape that leave me to be skeptical of promises made by private developers. I needed to be assured that we stood to gain as much as we were giving on this site. Portlanders expect to have a strong voice in our process especially around planning. Initially the voices I heard were overwhelmingly in opposition of this amendment since my vote I've heard from many more constituents who support it. I've also had a deeper briefing on the site from bps and talked to my colleagues as well as experts in the field. So today I move to reconsider council's March 7th vote not to approve amendment number seven and number 10 of the January 2018 amendments report. These amendments address RiverPlace bonus height and special tower orientations standards. I would also like to add that due to the fact that the site will go through a master planning process and design review I do not believe that amendment number 10 is necessary or even desirable and bringing it back for reconsideration for the sake of discussion. So I move to reconsider amendment number 7 and number 10.

**Wheeler:** I second that motion and I thank you commissioner Eudaly for your thoughtful remarks and your decision to reconsider your vote on RiverPlace amendments. Any further discussion? Sue, please call the role.

**Fritz:** No. **Fish:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye, the amendment is adopted. Now there are two items that we need to do related. Let's start with reconsidering the height amendment. Rachael, can you come up, can you please summarize this for us?

**Rachael Hoy, Bureau of Planning and Sustainability:** Yes, so amendment number seven, this is the amendment that adds two height opportunity areas on the RiverPlace site and those are in red as you see them on the PowerPoint and the bonus height would be up to 325 feet. The base height remains at 125 and with this requirement going up to a height of 325 would require narrower towers in an effort to preserve public views and light and air through the site. Other heights on the site would step down as you approach the river from 325 to 250 and 150 at the eastern edge of the site.

**Fish:** I have a question for Mr. Zehnder. Joe, in most of the correspondence I've received and in the commentary that I've reviewed, this is been referred to as an opportunity for us to put some residential housing in a desirable location and I've seen the number of something like 2,000 units that are potentially could be developed here is that correct?

**Joe Zehnder, Bureau of Planning and Sustainability:** Its in that order of magnitude, yes.

**Fish:** Okay. Now, the mayor had proposed and I agree with him that whatever is planned for this particular part of town would be subject to a master planning process which ultimately would come back the council is that correct?

**Zehnder:** It would come back to council on appeal. Correct?

**Hoy:** That's right.

**Zehnder:** It's a permit.

**Fish:** On appeal.

**Zehnder:** Yes, it goes through design review though.

**Fish:** So building on the comments of commissioner Eudaly and assuming that I continue to have the honor of serving on this body, don't be presumptuous, I just want to explain that while I'm going to support the amendment if in the master planning process we learn that this site, that the developer intends to develop the site for some purpose other than housing, then I reserve my right if it comes to us on appeal to turn down the master plan. In other words it is the expectation of I think everyone who's been part of this debate that this opportunity is around housing not something else that's allowable as a right under a cx

March 21-22, 2018

zone. So just to be clear and the only power I have to essentially condition my vote is to announce that I expect through the master planning process that an intent is followed and if it doesn't and comes back to us on appeal it is unlikely that it will gain my support.

**Wheeler:** Very good. Any further discussion? Sue, please call the role.

**Parsons:** Do we need a motion and a second?

**Fish:** Its an amendment.

**Hoy:** I think since we're reconsidering motions that are already on the table -- thank you.

**Parsons:** Thank you.

**Fritz:** So, if you look at this map the heights behind here are 75 feet and 125 feet. Even with the bonus, it's 75 feet and 250 feet and 125 feet and 200 feet. So this is against our adopted central city plan policy of step down to the river which was discussed at huge length under the comprehensive plan process and the west quadrant process. It's abhorrent, and unlike the Goodman amendment which I just referenced for the upper hall view this one doesn't make everybody else whole. This is spot zoning and what we saw earlier today is what happens when we do spot zoning for particular developments. Its everybody else who's going to want their goodies too and so I am very, very concerned and disappointed that this benefits one property owner at the detriment of everybody else. No.

**Fish:** Aye.

**Eudaly:** I took the issue of the step down to the river very seriously and dug into it with planning staff and with community members who have a lot of experience in planning and the step down to the river is not a hard and fast rule even in the original language, which I believe the language is going to somewhat change in the 2035 plan. It suggests a step down, but also suggests locating the highest densities along potentially existing transit corridors which we have in this location and the step down sounds like a noble tenant, but my understanding is that it was really intended to preserve views of mostly commercial buildings from the bus mall forward. And I have to say that I don't think our past policies of the last 30 years resulted in a vibrant waterfront. It's a dead zone as far as the buildings along Naito parkway and along the waterfront, which is why I support this and vote aye.

**Wheeler:** So I just want to reiterate a couple comments already made on March 7th. I believe the 325 foot height is appropriate as long as it comes with requirements to provide public benefits which it does including open space access to the river, views and requirements to allow visual permeabilities. In addition the increased height will allow for flexibility and design and hopefully achieve some of the public benefits we desperately need in the downtown area, including more affording housing, open space and access to the river. I vote aye. The amendment is adopted. So next let's discuss the tower spacing amendment. Rachael, can you walk us through that please?

**Hoy:** Sure, so this additional amendment it is a set of amendments that are similar to what we use in south waterfront for some of the towers that we have there and it does add more space between the buildings as well as the orientation. Orients them on kind of an east/west as opposed to north/south so that you do have some more visual permeability through the site.

**Fritz:** So this proposes to adopt simply the south waterfront tower spacing?

**Hoy:** Yes, it is the south waterfront, same spacing regulations, that's correct.

**Fritz:** So and is there another amendment on the master plan? Did we already decide to do the master plan?

**Sallie Edmunds, Bureau of Planning and Sustainability:** We did that last time.

**Hoy:** Yes.

**Fritz:** So is there a possibility that at least doing the tower standards through the master plan rather than adopting what has not worked in south waterfront you talk about a dead space.

March 21-22, 2018

**Hoy:** And I would say there are through the master plan we did add approval criteria that I believe would get you a very similar result. We did add approval criteria for visual permeability through the site and light and air. It's not as specific to talk about the orientation of the buildings but between the master plan and the design guidelines the design commission could probably get to the same place.

**Fritz:** But. I think they asked us not to and you said that the master plans already been done.

**Zehnder:** The code provisions have been done commissioner.

**Fritz:** The code provisions for a RiverPlace master plan have been done?

**Hoy:** Yes.

**Eudaly:** We voted on that one item and then –

**Hoy:** On March 7<sup>th</sup>.

**Eudaly:** voted down the other two.

**Fritz:** I thought there was going to be a master planning process.

**Edmunds:** There will be.

**Zehnder:** It's the current requirement for a master planning process is in the package already. So that you've already voted on.

**Wheeler:** The process hasn't.

**Zehnder:** Right, once this is the code for them to pull a permit they're going through a master plan process with all of us.

**Fritz:** They have to go through the master plan anyway until they can pull the permit or can they pull a permit as soon as this is adopted?

**Hoy:** They have to go through a master plan process.

**Wheeler:** So do we need this amendment? I'm hearing two things and I want to just make sure I understand. This amendment provides for spacing and permeabilities and orientation. Are you telling me that the master plan will do the same thing? In which case we don't need the amendment. I'm trying to figure out what the right strategy is here.

**Zehnder:** We really have two ways to get there. This is it's a little bit like the discussion we had with Kurt Krueger about the, it just gives us a little more leverage. Even this tower spacing or tower orientation regulations are amendable. Right?

**Hoy:** Yes.

**Zehnder:** So it can work without this requirement. It just makes it more clear that that's what we're about.

**Fritz:** I believe the design commission asked us not to just do south waterfront that to have specific for this site and that's what I just heard any colleague saying.

**Zehnder:** I believe that was their testimony as well.

**Eudaly:** Mayor.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** So in my conversation with bps and taking into consideration what commissioner Fritz shared with me about south waterfront, I think there seems to be consensus in the room that while this amendment was introduced with good intentions, which was to give some preliminary guidance to the developers and maybe simplify issues for design commission that because we are going to have a master plan process that it's not really necessary.

**Wheeler:** Yeah, I'm hearing that it's duplicative and unnecessary so with that objection I'll unless there's any objection I'll withdraw the amendment it doesn't seem necessary.

**Fritz:** Thank you, appreciate that and does the master plan come back to council as commissioner Fish was saying?

**Zehnder:** Master plan is the first permit that any development on the site must go through. It's sort of like a master site planning permit. It can go through design review commission

March 21-22, 2018

and gets approved and is acceptable that's it, it moves on. Otherwise on appeal it would come back to the city council.

**Fritz:** Ok, thank you.

**Wheeler:** Very good. So that is that. Sallie can you tell us a little bit about next steps?

**Fritz:** Before you leave that mayor there's been a lot of rhetoric in the community about the different heights and the heights automatically leads to more units and therefore more affordable units and if anybody wants to see what's actually been built I've posted on the blog of my city website Portlandonline.com and go to my website to the blog. What's actually been built thank you, Rachael Hoy, for giving us this information. So there's almost no correlation between height, far and units it's all about what does the developer want to build. So I just wanted to put that on the record just in case people are wondering doesn't height automatically mean more building, the answer is based on the of developments that have happened recently the answers no.

**Wheeler:** Very good. Sallie what's up next?

**Edmunds:** Yes, so the screen that you have in front of you is not totally up to date. Our next session here will be April 4th at 2:00 p.m. and we'll take up the height of the block 33 height top of bank and that amendment b for the Portland public schools. Then we have May 24<sup>th</sup> at 2:30 p.m. time certain which will be the vote on the entire central city 2035 package. No testimony at that session and then we will come back tentatively on June 6th because there are a few administrative rules that we would like council to adopt related to low carbon buildings and bird safe glazing. These are minor details that will be necessary to implement the code that you will be adopting but it's something that may change over time. There may be a different option for a low carbon building designation or a new form of bird safe glazing that the city might want to be considering. So that's what those are, those are minor and then finally July 9th we anticipate an effective date for central city 2035.

**Fish:** Mayor.

**Wheeler:** Commissioner Fish.

**Fish:** Can I just observe that in the last few weeks at the end of these hearings we carried notebooks back to our office that looked like the old Manhattan phone book, and I'm scheduled for some back surgery just to correct for somethings that have happened by sitting in this chair for eight hours at a time and carrying all this heavy weight and we do owe a big debt of gratitude, Sallie, to you and joe and the whole team from the bureau of planning and sustainability. This is really complicated stuff. You give us great briefings, you give us materials before the hearing, you give us cheat sheets that allow us to follow along and I don't think we can thank you adequate enough for the work that you do to prepare us to be able to have these kind of discussions. So, thank you.

**Wheeler:** Thank you all and with that we are adjourned.

**At 4:30 p.m. Council adjourned**