



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **4<sup>TH</sup> DAY OF APRIL, 2018** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Robert Taylor, Chief Deputy City Attorney at 9:30 a.m. and 12:20 p.m.; Linly Rees, Chief Deputy Attorney at 11:30 a.m.; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

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

		<b>Disposition:</b>
<b>COMMUNICATIONS</b>		
<b>308</b>	Request of Barry Joe Stull to address Council regarding Barry Joe Stull (Communication)	<b>PLACED ON FILE</b>
<b>309</b>	Request of Lightning Super Justice Watchdog to address Council regarding Metro \$500 million affordable housing bond (Communication)	<b>PLACED ON FILE</b>
<b>310</b>	Request of Star Stauffer to address Council regarding conduct unbecoming of a publicly elected official and police accountability (Communication)	<b>PLACED ON FILE</b>
<b>311</b>	Request of Chuck Crockett to address Council regarding misrepresentation of African American community, community needs being ignored (Communication)	<b>PLACED ON FILE</b>
<b>312</b>	Request of Lowell John Mitchell to address Council regarding guidance for police per ACLU (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>*313</b>	<b>TIME CERTAIN: 9:45 AM</b> – Accept a grant in the amount of \$112,500 from Metro for the Rossi Farms Development Plan and authorize an Intergovernmental Agreement (Ordinance introduced by Mayor Wheeler) 15 minutes requested for items 313 and 314 (Y-5)	<b>188881</b>
<b>*314</b>	Accept a grant in the amount of \$125,000 from Metro for Expanding Opportunities for Affordable Housing in Faith Communities and authorize an Intergovernmental Agreement (Ordinance introduced by Mayor Wheeler) (Y-5)	<b>188882</b>

<p><b>315</b></p>	<p><b>TIME CERTAIN: 10:00 AM</b> – Accept the North/Northeast Neighborhood Housing Strategy Oversight Committee 2017 Report (Report introduced by Mayor Wheeler) 1 hour requested</p> <p><b>Motion to accept report:</b> Moved by Fish and seconded by Saltzman. (Y-5)</p>	<p><b>ACCEPTED</b></p>
<p><b>316</b></p>	<p><b>TIME CERTAIN: 11:00 AM</b> – Appeal on behalf of the Pearl District Neighborhood Association against Design Commission’s decision of approval for design review with modifications and concurrent greenway review for the Fremont Apartments, a 17-story mixed-use building at 1650 NW Naito Pkwy (Findings; Previous Agenda 212; Report introduced by Commissioner Eudaly; LU 16-278621 DZM GW) 10 minutes requested</p> <p><b>Motion to reconsider March 7 tentative vote in this matter:</b> Moved by Wheeler and seconded by Eudaly. (Y-3 Fish, Eudaly, Wheeler. N-2 Fritz, Saltzman.)</p> <p><b>Re-vote on Commissioner Fritz’s March 7<sup>th</sup> motion to tentatively grant the appeal and deny the application:</b> (Y-2 Fritz, Saltzman. N-3 Fish, Eudaly, Wheeler.) Motion fails.</p> <p><b>Motion to continue hearing to May 10, 2018 at 2:00 PM and re-open the record. The applicant has until April 11 at 5pm to submit revisions to their application, and by April 18, BDS staff will mail notice of the continued hearing and the opportunity to submit testimony and evidence in response to any revisions. Participants may submit written testimony and evidence on the revised plans, and Council will accept oral testimony on the revised plans on May 10<sup>th</sup> at 2pm:</b> Moved by Wheeler and seconded by Eudaly. (Y-3 Fish, Eudaly, Wheeler. N-2 Fritz, Saltzman.)</p>	<p><b>CONTINUED TO MAY 10, 2018 AT 2:00 PM TIME CERTAIN</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p><b>Mayor Ted Wheeler</b></p> <p><b>Office of Management and Finance</b></p>		<p><b>PASSED TO SECOND READING MAY 9, 2018 AT 9:30 AM</b></p>
<p><b>Commissioner Nick Fish</b></p> <p><b>Bureau of Environmental Services</b></p>		<p><b>188886</b></p>
<p><b>317</b></p>	<p>Grant a franchise to Oregon Health and Sciences University for district utility services, for a period of ten years (Ordinance)</p>	
<p><b>318</b></p>	<p>Authorize an Add Work Letter Agreement with the Oregon Department of Transportation related to sewer facility adjustments to be completed by the US26 (Powell Blvd) SE 122nd Ave to SE 136th Ave Project in the amount of \$12,000 (Second Reading Agenda 303) (Y-5)</p>	

<p><b>REGULAR AGENDA</b></p> <p><b>Mayor Ted Wheeler</b></p>		
<p><b>319</b></p>	<p>Reassign Annie Mahoney and Matthew Roman to different membership categories effective April 1, 2018 and appoint Ernestina Fuenmayor to the Historic Landmarks Commission for a term to expire March 31, 2022 (Report) 10 minutes requested</p> <p><b>Motion to accept report:</b> Moved by Fish and seconded by Saltzman. (Y-4; Fritz absent)</p>	<p><b>CONFIRMED</b></p>
<p><b>Office of Management and Finance</b></p>		
<p><b>320</b></p>	<p>Authorize limited tax revenue bonds in an amount not to exceed \$52 million to finance infrastructure improvements in City parks, transportation, civic and other capital assets as contemplated in the City's Build Portland infrastructure initiative (Second Reading Agenda 298) (Y-4; Fritz absent)</p>	<p><b>188885</b></p>
<p><b>Commissioner Dan Saltzman</b></p> <p><b>Bureau of Transportation</b></p>		
<p><b>*321</b></p>	<p>Authorize an agreement with ABB US Inc. for the purchase of streetcar auxiliary power supply and low voltage power supply equipment using a sole source procurement in an amount not to exceed \$1,325,000 (Ordinance) (Y-5)</p>	<p><b>188883</b></p>
<p><b>322</b></p>	<p>Adopt the allocation methodology for the Local Transportation Infrastructure Charge; establish a maximum fee; amend Charge Required Code; and direct staff to develop additional components of Neighborhood Streets Program (Second Reading 225; Ordinance; amend Code Section 17.88.090; amend Policy TRN-1.26) 10 minutes requested</p> <p><b>Motion to accept Substitute Exhibits A &amp; C as amended:</b> Moved by Saltzman and seconded by Eudaly. (Y-5)</p>	<p><b>PASSED TO SECOND READING AS AMENDED APRIL 11, 2018 AT 9:30 AM</b></p>
<p><b>323</b></p>	<p>Vacate portions of NE Weidler St and NE Halsey St subject to certain conditions and reservations (Previous Agenda 254; Hearing; Ordinance; VAC-10118)</p>	<p><b>PASSED TO SECOND READING APRIL 11, 2018 AT 9:30 AM</b></p>
<p><b>Commissioner Chloe Eudaly</b></p> <p><b>Bureau of Development Services</b></p>		
<p><b>*324</b></p>	<p>Amend the Building Regulations to include building permit requirements for retaining walls over four feet in height and maintenance agreements for shared building elements across a property line (Ordinance; amend Code Title 24) 10 minutes requested</p> <p><b>Motion to amend exhibit A(D) to add text provided by staff that was inadvertently omitted:</b> Moved by Saltzman and seconded by Fritz. (Y-5) (Y-5)</p>	<p><b>188884 AS AMENDED</b></p>

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

April 4, 2018

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **4<sup>TH</sup> DAY OF APRIL, 2018** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lauren King, Deputy City Attorney; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

<p><b>325-328 TIME CERTAIN: 2:00 PM</b> – Central City 2035 Plan. 15 minutes requested</p> <p>Central City 2035 Plan items were continued from March 22 for Council discussion and vote on amendments.</p> <p>For more information see project website <a href="http://www.portlandoregon.gov/bps/cc2035">www.portlandoregon.gov/bps/cc2035</a></p> <p><b>Motion and vote record for item 326 is attached.</b></p>	<p><b>Disposition:</b></p>
<p><b>325</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 288; Ordinance introduced by Mayor Wheeler; amend Code Chapters 33.430 and 480)</p>	<p><b>CONTINUED TO APRIL 11, 2018 AT 4:30 PM TIME CERTAIN</b></p>
<p><i>Continued next page</i></p>	

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- 326** 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 289; Ordinance introduced by Mayor Wheeler)

**Motions & Votes 04/04/18** Refer to BPS staff 4/4/18 voting guide-revised.

1. **Currently on table from 3/22:**  
**Block 33** amendments Wheeler **C1** and Saltzman **C2**.  
**Portland Public Schools.** The vote on the amendment regarding access on public school sites in the Central City is postponed.
2. **Motion to adopt Fish amendment C3 for Block 33 to allow the height increase to 160' on the western half of the block through bonus height, and require the owner to use affordable housing bonus:**  
Moved by Fish; seconded by Wheeler.
3. **Motion to amend Saltzman C2 to remove the Historic Resource Review exemption:** Moved by Saltzman and seconded by Wheeler.
4. **Fish amendment to C1, C2 to require any height above 125' be subject to the housing bonus.** Moved by Fish and seconded by Eudaly. (Y-4; N-1 Fritz)
5. **FISH motion C3 withdrawn.**
6. **Roll on Block 33 C2 as amended twice: Increase maximum building height from 125' to 200' on the western half of the block. Eastern half block retains recommended 125'. Any height above 125' is subject to the housing bonus. Increase FAR from 6:1 to 9:1. Maintain Historic Resource Review:** (Y-2 Saltzman and Wheeler. N-3 Fritz, Fish, Eudaly). Motion failed.
7. **Roll on Block 33 C1 as amended: Increase maximum building height from 125' to 160' on the western half of the block. Eastern half block retains recommended 125' height. Any height above 125' is subject to the housing bonus. Maintain FAR at 6:1. Maintain Historic Resource Review of FAR and height:** (Y-4; N-1 Fritz)
8. **Amendment E1 regarding top of bank in relationship to structures such as docks or wharves was withdrawn by Wheeler.**
9. **Motion to accept correction to North Pearl height to return the code to its current meaning:** Moved by Wheeler and seconded by Eudaly. Vote not called.
10. **Motion to accept bird safe glazing amendment to clarify when glazing next to an eco-roof is required and other technical corrections:** Moved by Wheeler and seconded by Saltzman. Vote not called.
11. **Motion to accept amendment to transfer Floor Area from a Historic Resource to be clear that all buildings must show that they meet or exceed the specified Oregon Structural Specialty code section:** Moved by Wheeler and seconded by Saltzman.

**CONTINUED TO  
APRIL 11, 2018  
AT 4:30 PM  
TIME CERTAIN**

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<b>327</b>	Adopt the Central City 2035 Plan Action Charts, Performance Targets and Urban Design Diagrams (Previous Agenda 290; Resolution introduced by Mayor Wheeler)	<b>CONTINUED TO APRIL 11, 2018 AT 4:30 PM TIME CERTAIN</b>
<b>328</b>	Adopt the Central City 2035 Plan Green Loop Concept Report (Previous Agenda 291; Resolution introduced by Mayor Wheeler)	<b>CONTINUED TO APRIL 11, 2018 AT 4:30 PM TIME CERTAIN</b>
<b>329</b>	<p><b>TIME CERTAIN: 2:15 PM</b> – Amend the 2035 Comprehensive Plan Map and amend the Official City Zoning Map to carry out Portland’s 2035 Comprehensive Plan (Previous Agenda 257; Ordinance introduced by Mayor Wheeler; amend Ordinance No. 188177) 2 hours requested</p> <p><b>Amendments 1-43 on staff handout dated 4/4/2018.</b> <b>Motion to adopt New Map Changes 1-18:</b> Moved by Wheeler and seconded by Fish. Vote not called.</p> <p><b>Motion to adopt amendment 19 modification to 126 NE Alberta St, 126 WI/NE Alberta St:</b> Moved by Eudaly and seconded by Fish. Vote not called.</p> <p><b>Motion to adopt amendment 20 modification 147 WI/NW 19<sup>th</sup> Ave, 1807 NW Davis St:</b> Moved by Fritz and seconded by Eudaly. Vote not called.</p> <p><b>Item 21. Buffer “b” Overlay zone. Council agreed with staff recommendation to set this issue aside for further work and to hear again in about one year.</b></p> <p><b>Motion to accept minor technical map change additions and errata 22-43:</b> Moved by Fish and seconded by Fritz. Vote not called.</p>	<b>CONTINUED TO APRIL 25, 2018 AT 2:00 PM TIME CERTAIN</b>

At 3:42 p.m., Council adjourned.

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



By **Karla Moore-Love**  
Clerk of the Council

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

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

**APRIL 4, 2018 9:30 AM**

**Wheeler:** This is the April 4th, 2018 morning session of the Portland city council, Karla please call the roll.

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

**Wheeler:** Here. Colleagues before we start I want to make note of the fact that this is the 50th anniversary of the assassination of Dr. Martin Luther King. I had the privilege of hearing one of his children on the radio this week. It was a fantastic interview and he talked about how people did not appreciate how radical or how revolutionary Dr. King really was. He was so revolutionary in his views pertaining to non-violent protests and pertaining to his vision of humanity, that we still have not, 50 years later, lived up to the call that he put down for all of us. He preached about nonviolence, and he meant it in the true tradition of turning the other cheek. He talked a lot about the philosophy of society that he called "the best beloved community." That's always been really inspirational to me as somebody in a position of public leadership and public responsibility. This concept of a beloved community, one which is just one which is equitable, one which is inclusive, one where economic prosperity would be shared and he talked about all of those things individually and separately. I have always been struck by his -- just unfailing optimism in humanity. If you go back and you listen to his final sermons, you know, he wasn't going to make it. He knew it. He had gone to the mountain top. He said he had, but he knew he was not long for this world. That's my interpretation of his last sermon, but he still didn't lose that undying optimism and hope for humanity. That should be an inspiration to all of us. I just didn't want this opportunity to go by on this 50th anniversary. Could we just share a moment of silence to reflect? [ silence ] Thank you. I appreciate it. Karla, first up is communications. I'm sorry, we have our statement to read. Sorry, legal counsel. Thank you.

**Robert Taylor, Chief Deputy City Attorney:** 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 sign up in advance with the clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the 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 are 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 that fails to leave the meeting is subject to arrest for trespassing. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

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**Wheeler:** Thank you, communications, so we're going to do an experiment here, folks. The first individual for communications for reasons I'm not privy to has been excluded. He has asked that he be able to provide his testimony via audiotape in support of his first amendment right to address this council, I will allow it. We will call it an experiment and see how it goes. So the first individual, please.

**Item 308.**

**Wheeler:** If you wouldn't mind stating your name for the record.

**Barry Joe Stull:** My name is Barry Joe Stull and I signed up to be on the agenda. There is an unresolved matter of my lifetime exclusion from city hall that was produced in December of 2015. I know now from testimony from various city agents that trespass exclusion itself was based on things that are factually not true. Since then, of course, in the same December of 2015, federal judge Simon ruled in Joe Walsh's case about the city's trespass policy being unconstitutional on its face. I'm appearing here this morning in this capacity because I want to have some things I want to share with the city in spite of my being excluded from city hall in what I'm sure it will prevail as a bogus policy. I was on the agenda in November of 2015 and was arrested at city council. I was taken in to custody and 76 days later the state moved to dismiss a felony charge with my assault on a public safety officer, which was police bureau officer Engstrom. Since that time, there's been a trial and an appeal and the state office of public defense services got an opening appellant brief excerpt of the record. In the two cases I had, both stemming from November 2015, with the arrest and custody of city hall being the second of those two events. When I was in custody, of course, judge Simon ruled on the trespass policy being unconstitutional. In addition to that, I saw some really terrible things. One of the things that happened was a gal wasn't getting water. Her water had been turned off and the facility had a wiring problem. She was begging for water and my resolution of that was to stick my foot in the toilet and flush it, I'd estimate 100 times, until finally got the attention of the staff and they finally addressed the fact that this woman beside me was being tortured. I'm going to prevail in an appeal. Both of the cases call for reversals. I'm glad to have this opportunity to speak to you. I will be sharing those opening appellant briefs. My post supplemental briefs are due tomorrow, April 5th, 2018. The attorney general will respond sometime in August of 2018 if there aren't further delays. Thank you for having me this morning. I hope you are all well. Barry Joe Stull signing off.

**Wheeler:** Thank you. Could you state your name for the record, please?

**Moses Wrosen:** My name is Moss Wrosen. I wanted to say happy Passover and may the prayers of the homeless clog your toilets.

**Wheeler:** Thank you. Next communications, please.

**Item 309.**

**Wheeler:** Good morning.

**Lightning:** Yes my name is Lightning, I represent lightning super justice watchdog. I'd like to declare an emergency for homeless children and students in the state of Oregon. As of 2017, we had approximately 22,541 homeless students. Again, understand, the number does not include their parents, which would be families, and again understand that number does not in-- this only includes people currently enrolled in the school system for them to be able to do the data. The number is alarming. The number has to be looked at. I've asked for an audit to be done on the Oregon department of education to review any and all data they currently have. I'm asking that we have the information provided to the public. Again, pertaining to the metro bond itself, there were around \$500 million. I had discussions with them and said, I think it is a little bit on the low side for a regional bond. I asked for \$750 million at their council meeting. They have come back at \$1 billion. I absolutely agree with their number of \$1 billion. I think the information from fm-3 will substantiate that and the need for it. When you just look at how many homeless children



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and youths, just alone in metro is approximately 7800. Also understanding when you look and break down the schools themselves, such as Beaverton, 1522 homeless students in 2017, Portland 1509, Reynolds approximately 1200. When you start calculating these numbers -- again, those are enrolled in the school, which they can obtain the data. This is not including the people that are currently out in their cars and possibly tents and possibly not being able to get that data. We are in a crisis for the homeless children and students. I, lightning, have taken it upon myself and governor brown has failed on this issue and i, lightning, am declaring a state of emergency for homeless children and students. It is time. I'm asking governor brown to address this immediately, provide the proper data, and understand the \$1 billion metro bond is a beginning, part of the solution moving forward on this in an aggressive manner to have real solutions, not shelters, not motels, not doubling up but real solutions of permanent housing for the homeless children. Thank you.

**Wheeler:** Next individual, please.

**Item 310.**

**Wheeler:** I don't see star here today. Next individual, please.

**Item 311.**

**Wheeler:** He's not here. Sorry. Next individual, please. He's had to reschedule.

**Item 312.**

**Wheeler:** Thank you.

**Wheeler:** Mr. Walsh, please don't disrupt the council hearing.

**Joe Walsh:** Why did you change it?

**Wheeler:** We have not changed anything with regard to communication. We have not eliminated communications. Are there any items that have been pulled off of the consent agenda?

**Moore-Love:** I had no requests.

**Wheeler:** Call the roll

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

**Wheeler:** Aye, the consent agenda is adopted. We will read items 313 and 314 together, please.

**Item 313.**

**Item 314.**

**Wheeler:** Colleagues, we're here to approve two intergovernmental agreements and accept two grants from metro. First item 313 is a grant \$112,500 for the Rossi Farms development plan, the second item number 314 is an grant of \$125,000 for expanding opportunities for affordable housing in faith communities. The first metro construction excise tax, otherwise known as the cet grant will help to fund a project to develop a concept plan for development for the 20 plus acre site in east Portland. The second metro grant will help to fund partnerships with faith-based communities to develop affordable housing. Bureau planning and sustainability staff Eric Engstrom, Barry Manning and Nan Stark could you come up and go through the items and if you could start with an overview that would be great. Appreciate it. Thank you for being here.

**Eric Engstrom, Bureau of Planning and Sustainability:** Good morning. Thank you, commissioners. My name is Eric Engstrom with the bureau planning and sustainability and with me is Nan Stark and Barry manning the project managers for these projects. I want to start by thanking metro for their decision to fund these two projects, both of these projects will help us to further the new 2035 comprehensive plan goals and align with city and regional policies. The grants provide funding for projects that might otherwise not be undertaken based on availability of local resources. We appreciate the opportunity to use the metro resources. Barry will talk about the Rossi farms project and Nan will talk about the faith-based affordable housing project.

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**Barry Manning, Bureau of Planning and Sustainability:** Good morning. Barry Manning, planning and sustainability staff. Talking about the Rossi farms development project. We are looking forward to beginning work on the Rossi farms development plan. The grant will fund consultant services and staff resources to develop a concept plan for this site. The site is one of the last remaining large undeveloped parcels in the city of Portland. I've got a powerpoint slide of the aerial of the site I can show you at the end of this. We want to note -- and I think it is important to note while the project was labeled and submitted as the Rossi farms development plan, the site is actually owned by and supported in this grant by several families, the Rossi family, the Guisto family and the Garre family. The Parkrose school district is also in the study area and has a small parcel that is in the focus area and is a property owner in the area, as well, so there is substantial interest there. The site is located on a prominent corridor on 122nd avenue and approximate to several schools, including Parkrose high school and Beech Park. It offers a unique opportunity for place making in an area in northeast Portland. The site is also in an area that we feel could benefit from new investment and communities serving commercial activities, perhaps a grocery store as well as housing that serves a variety of income levels. Both of these aspects would help complete and work towards accomplishing goals in the comprehensive plan to help complete communities. The project is supported by the families who own portions of the site as well as the Parkrose school district, Trimet and the Parkrose neighborhood association who all submitted letters of support. I want to conclude our collective goal with this project is to develop a thoughtful concept plan that meets the goals of the city, community, metro and local stakeholders, while providing a viable path forward for the property at the site. Karla, if you could -- oh, you have it up there. Great. That is showing the entire study area outlined in yellow and you can see there's some undeveloped farmland in there to the right of the screen which is east of 122nd. The next slide here --

**Fritz:** Before you move from that slide.

**Manning:** Are you back at the first slide?

**Fritz:** Where you are now, next to the middle school that is included in an area looks like single-family homes, are those independently owned?

**Manning:** Towards the north of the study area?

**Fritz:** Yeah.

**Manning:** Some of them are part of this ownership. I'm sorry. I'm not sure which you are referring to

**Fritz:** Bottom left. The single-family homes, I believe that's the middle school.

**Manning:** Yeah, single-family houses on the bottom -- I'm looking at the bottom right. The bottom left, yes, those would be individual houses in that area. I'll have to do some research on that to clarify what the property ownership is in that area

**Fritz:** I'm interested in to why that is included in that planning area.

**Manning:** Thank you for clarifying. Apartments within the study area but not included in the focus area of the study which let me show you on the next slide what that is. So you can see the red dashed area here, that is clarifying. This is the focus area for the majority of the work that will be under taken with this development study. That includes the Rossi, Garre and Guisto properties as well as a small portion of the Parkrose school district properties

**Fritz:** The next question is why not the bottom right or far right of that area?

**Manning:** Which would be the city of Portland Beech Park area, I believe. If I'm looking at what you are referring to.

**Fritz:** Okay. Thank you.

**Manning:** Yep. So with that I'll turn it over to Nan Stark.

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**Nan Stark, Bureau of Planning and Sustainability:** Good morning, mayor wheeler and members of the council. I'm Nan stark, I'm the north and northeast district liaison with the bureau of planning and sustainability. I will be managing the \$125,000 grant called expanding opportunities for affordable housing in faith communities. This grant will provide an opportunity for the city to partner with several organizations representing the faith community of Portland as well as with several community development organizations. Grant money will be used to develop concept plans and financial feasibility analysis for three sites that will be selected. Engagement with leaders of faith communities will provide practical steps for other congregations to pursue housing projects consistent with their missions. The desired outcome of this grant is to create plans for developing affordable housing on land owned by religious institutions. This will serve as a model for other such institutions to follow in the future to address the affordable housing crisis. Any questions?

**Saltzman:** You said there are three specific sites?

**Stark:** No, they are to be selected through the process.

**Wheeler:** Commissioner Fritz.

**Fritz:** I have a question for Barry and that is there a development agreement for the Rossi farms project?

**Manning:** There's no development agreement to date. That could be a potential outcome of the study. The intention is to develop a concept plan that gives direction to potential development on the site and then as we explore some of the issues that are at play there, one of the outcomes could be some form of an agreement but that's not anticipated up front.

**Fritz:** Could you talk about the construction excise tax grants from metro, what the rules are for those? I'm interested in why city money and metro money is going in to a planning what is basically going to be a private development?

**Manning:** I will defer to Eric on that one since he's been more involved in those projects

**Engstrom:** The metro construction excise tax money, this grant program is intended to further the objections of the 2040 metro plan. This is the focus of that grant program, is to provide development assistance for key parcels that some of which are at the edge of the egb where we have expanded and others are internal to the egb and there is an allocation of money to those purposes, but it is typical in this program that we do private-public planning partnerships on private land. The intent of the program is to develop plans that help us to meet public goals for the development of those properties and work with the property owners to further the potential development that is consistent with our planning goals.

**Fritz:** Thank you. That explains the \$112,500 for metro. There is a \$50,000 bureau of planning, basically general fund match for this. What's the basis for choosing to put general fund money in to an essentially private development?

**Engstrom:** In our planning activities we are typically involved in private- public activities because the majority of the land in the city is privately owned. So our planning activities extend beyond looking at publicly owned land. The river district, central city, south waterfront are other examples where we put public money in to development planning for private sites. That's very common in our work.

**Fritz:** Thank you.

**Wheeler:** Any further questions? Very good. Does that complete your presentation?

**Engstrom:** Yes.

**Wheeler:** Is there public testimony on these items? Good morning

**Shedrick Wilkins:** Good morning. I know about Rossi farms, I'm Mr. Shedrick, I was raised there. I was raised at 70<sup>th</sup> and sandy. I used to pick strawberries at Rossi farms when I was like in high school and stuff like that. My feeling is about immigration, a lot of Hispanics from Mexico have farm jobs have farm jobs, Caesar Chavez, who was an union

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activist for farm workers is equally important as dr. King. 39<sup>th</sup> named after him. I think those kind of schools for farm work is a basis -- it's hard to pick strawberries or fruits with a machine. It bruises the fruit. In California and Oregon we have this relationship with farm workers. I like the area, too, because I love the campus of the mount hood community college. While people are doing janitorial jobs or farm jobs they can learn skills to do more than ever, technical and scientific training. You can get two years of mount hood and go to Oregon state and become a scientist or something, but you get a start there. I like that area. If I have to be stuck in Portland the rest of my life I would move out there. I believe in that area. You can see mount hood where the water and stuff like that. I finally want to say even on that, next week I'm going to mount hood community college and about immigration here, I guess mount hood community college school board guy said there were too many Hispanic in the campus and he got voted out 80% by a woman for saying something like that. He's an example why we will accept immigrants like California and I like that area. I used to look at the jet planes and think maybe these people are eating strawberries that people picked on the ground. Stuff like that.

**Wheeler:** Great story. Thank you for sharing it. Good morning, sir.

**Joe Walsh:** My name is joe Walsh, I represent individuals of justice. I'm having trouble breathing so I would ask for your patience. In the presentation I heard the word affordable housing used. I want the people watching this to understand something, affordable housing terminology is from hud. It means nothing. Nothing. It has no correlation, no relationship to a homeless problem, our housing problem or people that are suffering and being let go. Nothing. It is up to you, it's up to the people that get the grant, it's up to the goodwill of you because it means nothing. It means anything you want it to mean. You can have 80%, you can have 60%, you can have 30% and unless it is in writing it means nothing. So I want the people to understand that when they hear the terminology affordable housing, it's a con job. It's a political con job and you got them all convinced, you use really good sugar words, you got them all convinced that you are doing everything you can to solve a lot of our problems on the streets and people that are dropping out. Mr. Lightning told you, its phenomenal, even mark, your director of the joint housing committee, the director of the agency or department or whatever you call this month said there's 16,000 people living by their fingertips and they keep dropping off. That's your affordable housing. You have to have money to get in to affordable housing. I am affordable housing. I'm retired. So I could qualify for affordable housing, but I have to have some money. People on the street have no money. So it is a con job. You use the word and then use the word, oh, we are going to help the people get off the street and that is bs. Thank you for your time.

**Wheeler:** Good morning.

**Walsh:** Don't thank me mayor.

**Wheeler:** I didn't, I hope you are feeling better. Bye-bye.

**Lightning:** My name is lightning, I represent lightning super justice watchdog. I do agree with both the grants for metro. I think it's important to get that data in front of us to understand what can be done with certain properties. I understand on the Rossi development they are looking at a tremendous amount of affordable housing at this time. So I think it is necessary to start looking at the properties and understanding what can and can't be done with them toward affordable housing. Now, pertaining to the faith-based groups on the churches, I absolutely agree on this. I understand there's approximately 500 faith communities out there that have additional land. Again, I will stress to the faith-based communities focus on this metro bond and understand that the \$1 billion that we also amend the constitution can possibly go in this direction. Again my projection of \$1 billion would be talking anywhere from 3500 to 4500, if we use an analysis of 300,000 per unit, new inventory. That means creating a lot of jobs through the community, buying materials

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in the local community and understanding that the benefits of this are tremendous at this time. Again, to the faith-based communities, get over to metro. Look up metro and understand there will be stakeholder and technical meetings which they'll have everybody there, all the mayors and various mayors from all different locations and attend these meetings to get a clear understanding of where you might fit in on this bond. Again, like I've stated, at the end of the day on any of this it comes down to the resources. It comes down to having the money there. That's what this bond is and again, from commissioner Saltzman, mayor wheeler on the city bond at \$258 million, if we get a \$1 billion bond from metro, we are talking \$1,258,000,000 toward housing. I will use the term housing for the most vulnerable to get them in. Again, this is the ability to do that, the resources to do that and everything on paper looks good, but it's the resources that make it in to reality. It's the resources that get the people off the streets in to housing. Again, focus on the \$1 billion bond. It will be put on the ballot in November and they need your assistance at this time. Again, great work to the faith-based communities and good luck on your projects. Thank you.

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

**Mary Sipe:** There we go. My name is Mary Sipe. I'd like to address the term affordable housing, I think it is a bit misleading. Most people when they think affordable they think I have a job this is what I can afford. The term "low income," "working poor" might better reflect what we mean when we talk about affordable housing. I think we have to think of the fact that in addressing our homeless crisis we have to address the future not just what is happening today. I think about the fact that so many people wage's have been stagnant for years. People working for minimum wage are people that no longer do we have the luxury of corporate sponsored pension plans. We have 401(k)s and other, you know, vehicles that people can put their money into to build a retirement fund, but when you are the working poor, you can't build a retirement fund. So what we have and you also are probably never going to be able to buy a home. What we have is a generation, and a couple of generations of workers that are going to be lifetime renters. They are going to be at the mercy of the market. They are also probably going to have nothing but social security to live on when they retire and we have to be thinking of those people and the people who are disabled, who are living on ssi. Many of the people on the street right now, probably qualify for ssi and food stamps and could get in to affordable low-income housing if it were available. When I moved into the affordable income restricted housing development that I live in, almost eight years ago, I was on a waiting list for nine months. Actually I got called at three months but my lease where I was at wasn't up and I was able to get in at nine months. Today that same building takes about four years to get into and on top of that, in my neighborhood, almost 600 additional units have been built within a six-block radius of where I live. I think we have to be really careful when we talk about what we are addressing and not just dismiss affordable housing as not helping the people that are on the street right now. We have to also be thinking of the people that could end up on the street tomorrow or the day after because we don't have any safety net to catch those people and help those people. So I just want to say anything I see with affordable housing does not make me angry. It makes me happy and makes me feel much more secure in this community.

**Fish:** Can I just make a comment? Because I think that the language has become very confusing. I think what we have to remind ourselves is the question is affordable to whom? Over 95% of the housing that the market is creating in this community is luxury housing. It is what the market will bear at the high end. That's not the kind of housing that people who are at 60% of median family income or below can afford to live in. If we acknowledge there is a mismatch between what the market is creating and what a lot of people need, we then understand what government's role is and whether it's a carrot or a stick. If we don't act,

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we're not going to make a dent in that 24 to 30,000 units that we need to serve people that are working class and below on the economic ladder. When I use the term "affordable housing" I'm talking about people that have no assets or resources or up to 60%, but again, I think it is important that we ask the question affordable to whom. We all want to live in a city where people of all incomes can afford to live here. Middle income, working class, the very poor and people of means. The problem is the market is now almost exclusively producing housing at the high end. That's why we, using the bond measure, inclusionary housing, tax abatements, things like cdbg and home and other tools are trying to create incentives for housing the market doesn't serve. Those are the people in my opinion who are at the most need of government assistance. Uniquely what our role is and that's what we mean when we talk about affordable housing.

**Sipe:** Thank you for that. Appreciate it.

**Wheeler:** I'd like to chime in, too. I'm always a little disappointed that Mr. Walsh comes in and throws his bomb in the middle of the room and then picks up and leaves and he never hears the thoughtful conversation that he actually helped to create. That's just too bad. I use the words "affordable housing" to mean any number of things but they all mean one thing in common and that is below market rate. During my campaign, I knew that people were confused by the term "affordable housing" so I started to say work force and low income and very low income housing and then hilariously the conversation came back to, what do you mean? Which takes us back to the hud definition of affordability. 80% ami, 60% ami, 0% to 30% ami and then people say what does that mean and then it is back to housing that is less than market rate for people who work and people of lower income and very low and it's a big non-virtuous circle of semantics. What we mean when we talk about affordable housing for these particular ordinances is to do a study and look at the range of options, all the way from to zero up to 80% ami. When proposals come before this board we will talk about specific levels of affordability and for home and if people stick around for a few minutes we will hear from the north northeast housing oversight committee and be specific about affordability and homeownership and the challenges that are there particularly for our black community, but are generally applicable to the entire community. I don't want us to get too bogged down on what we mean when we talk about affordable housing except to say at various levels of affordability for various people at this point. This is a study. I understand we have some representatives from the Rossi Guisto, and Garre families here today. Do you want to come up and say a few words? We'd love to hear from you, thanks for being here.

**Moore-Love:** Mayor, I have one more person who I took the sign in sheet to early.

**Wheeler:** I apologize. If you can call the last person for public testimony we'll let them do first. You can cool your heels right there. Mr. Hollister, I apologize.

**John Hollister:** Good morning. My name is John Hollister, I have been accused lately of having a total lack of awareness of the housing inequities that exist in Portland. After our conversation, Madeleine Kovacs from Portland from everyone recommended I read the book titled "The Color of Law." After reading only 35 pages, I was sick to my stomach. After finishing the book I came away with outrage towards our past leaders, not just in Portland but throughout the country that caused and continue to perpetuate the most heinous of housing inequities. The Portland housing crisis has a number of serious issues, but in my mind there is one tragedy that stands above them all -- housing for people of color. There are several things I became aware of from reading this book. FDR is an awesome new deal I learned about in school, both employment and low cost housing programs excluded African-Americans. The federal housing administration and veterans administration refused to insure home loans to African-Americans. Bank of America, Wells Fargo and other major banks have the same policy. In December 1949, this practice was outlawed but the law did not take place -- did not take effect until February 15th, 1950. Developers were rushed to

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get their projects on record before the February deadline. Sounds very familiar. In the 1950s, cities across the nation increase minimum lot sizes to make affordable housing impossible. Also sounds very familiar. On page 238 of this book, the following quote "what's important is that until we arouse in Americans the understanding of how we created a system of unconstitutional state-sponsored segregation and a sense of outrage about it, neither remedies nor reparations will be on the public agenda." the "color of law" also debunks the theory that all housing is good housing, over supplying cities with market rate and luxury apartments continues to create even more segregated communities. In March 2014 housing commissioner Dan Saltzman dedicated additional \$20 million to affordable housing to begin address the ongoing threat of displacement and gentrification. As much as I applaud the effort it is not enough. How about in 2018 we add another \$200 million to address this problem? How about we start on a much smaller scale, prohibit displacement of single moms of color we are creating instability for their children who move from school to school, spiraling deeper into fear, anger and isolation. Give these women and their children a chance. They need affordability family size housing. I'm just an old and pathetic white guy with average intelligence and I can't possibly understand the black experience but from this day forward, on this issue, you can consider me an awakened and outraged American together we can do better, much better.

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

**Wheeler:** I'd like to thank you, Mr. Hollister for your testimony and I cannot tell you how much I appreciate your testimony and the preparation that goes in to your testimony. I have been provided a "color of law book" as have all of my colleagues. I don't know if you can see this on the tv, but it is both tabbed and annotated with the appropriate sections with little dots. I will read that. I can't even imagine how much time and energy you put in to this. I can feel your passion all the way up here. I do appreciate it. Thank you and your testimony is not only germane to these two ordinances, it is directly responsive to the conversation we are going to have with the north northeast housing oversight report. So thank you for that testimony. Good morning. Thank you both for being here. We appreciate it.

**Joe Rossi:** Good morning. I'm joe Rossi one of the Rossi, Guisto, Garre family members and I brought a guest and that is Stan Hope who is the president of the Parkrose neighborhood association. Also invited was Doug cook and he was out of town and sent regrets that he couldn't sit in. I'm excited about this opportunity to begin a conversation with the community about master planning what our farmlands could be. I think it is an amazing opportunity because 32-acres between a brand new park, thanks a lot to your work, Amanda, our community loves it, it is well attended. Louwit View park is here and Shaver school primary school, middle school and high school, post office. So all of the bones of what could be an awesome walking community and we are also off the corridor of -- the Columbia corridor. I envision this, as a property owner we don't have the ability to begin a grand conversation of what these properties could be developed to its highest use and this process allows us that. I really see a corky collier from the corridor association and Annette and Doug and Mingus Mapps who is our historic Parkrose district manager beginning a conversation of what these properties could be. It's a clean slate and it's timely because these properties are owned by six people but with time and apartment developer, somebody will come and they have an agenda. It is 50 units here and what's best for the property and community is really not in their best interest. They just really rush development because time is money. We have immigrant families who fled adversity and starvation in Italy from a few villages come and farm all of these years and thus, all of this property has been undeveloped. In the 1960s, apartment developers built a lot of product, and we have a lot of urban sprawl and it passed over us because we were just humble farmers this whole time. Anyway, I want to say I appreciate the opportunity. The

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conversation is what means the most to me with our neighbors and it will be a year and a half, probably two-year process to see what this could do. We were granted with the new zoning some real flexible zoning. Whatever the need in the community is, is really what the property owners want because that is what will make the project most successful. I also want everyone to know I'm available for any questions. I will be following this process step by step you will have a volunteer person that will make sure this is done right because it is a legacy for our joint families and also park rose.

**Wheeler:** Thank you so much. Appreciate it. Appreciate you working with the city staff and community to make something really great for the community here.

**Rossi:** Thank you.

**Wheeler:** Thank you. I don't know if you had comments, as well?

**Annette Stanhope:** I want to say the park rose neighborhood association is in support of this particular project and we feel that having a methodical, intelligent investigation into the potential for this property will make sure it will be used for the best use for the community.

**Wheeler:** Thank you. Appreciate it very much. Colleagues, any further discussion on this item or further questions? Very good. Karla, please call the roll first on item 313.

**Fish:** This is exciting. I want to thank the families that are driving this development plan and thank metro for this grant, aye.

**Saltzman:** I want to thank the Rossi, Guisto, Garre families for their commitment to the park rose city community, their commitment to the city of Portland to get it right here. This is a prime piece of property as Joe Rossi just described, it is proximate to a lot of things, probably most importantly good jobs in the Columbia corridor. This is ripe for some good affordable housing plus other things desired by the community of park rose. Very happy to accept this grant, aye.

**Eudaly:** Aye.

**Fritz:** It is fitting and exciting that the first project coming through under the new comprehensive plans is the Rossi farms and coordinated development with your neighbors. For those that weren't here during the four years we were doing the comprehensive plan, Joe Rossi was at every single hearing and consistently advocating for what is good for the community as well as what was good property owners. I appreciate that. This could potentially create 850 housing units. I'm sure there are other developers who are waiting until the end of May to smack down their application for the new high raise with the fancy apartments or condominiums. This is going to be a mixed-use development that will truly develop 122<sup>nd</sup> avenue, hopefully stimulate more transit on 122<sup>nd</sup>, there's already good transit on Sandy boulevard. So, this will help with a lot of different comprehensive plan matters. I'm particularly glad to see in the grant there are stipends of \$5,000 for one or more of the following organizations epap, community alliance of tenants, immigrant refugee coalition organization, community organization. As Mr. Rossi reflected, it's going to take a whole community planning this, including those displaced from elsewhere a long time ago from Italy or recently from various other countries. This is a vibrant community with a high percentage of students at both park rose middle school and park rose high school being low income students and students of color. I can't think of a better site to do the first project and I'm excited to see the changes we make in me planning will translate to on the ground improvements in this area. I was glad to see that deliverable is that building permits will be cut within the first year after the end of the grant and I think that's a worthy goal which I hope we all work together. Thank you to all involved, thanks to the bureau of planning, aye.

**Wheeler:** Thanks to metro for selecting these important projects for grant funding. The partnership and our regional government is an important part of successful planning. I'd like to thank the families, the Rossi's, the Guisto's, the Garre families, I'd like to thank the Parkrose and the neighborhood association and I'm please to see the chair here this



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morning speaking in support of the proposals and the other folks in the community who worked hard to bring it to this stage today. I'd like to thank the communal ministries of Oregon, the interfaith alliance on poverty, living cully, rose community develop, Multnomah county and others for their support of the and I'm going to use the term "affordable housing" in faith communities grant because that's the name of the grant. I was particularly pleased to hear the conversation we had today around affordability and what it actually means and for whom and that should be front and center as we go through this development strategy. Like my colleagues, I'm looking forward to seeing the outcome of these grant funded projects. I vote aye, the ordinance is adopted. Please call 314.

**Fish:** Aye.

**Saltzman:** I think the interfaith initiative has limitless opportunities. When you think about all the faith communities in the city of Portland and all of them that share deep conviction around housing the poorest of the poor and you think about all the big parking lots these churches have. They are well parked, most churches in the city of Portland. There is a great opportunity to have a mixed-use development supported by the faith community. I think this is a great grant and I look forward to seeing what the three opportunity sites that come forward first and as I said the potential is limitless here, aye.

**Eudaly:** I have to get used to the new order. Similarly to the Rossi farm development plan, it's heartening to see landowners whether their communities of faith or private landowners being so intentional about how their property can be used to its fullest potential, including serving the existing communities and providing affordable housing. So, this is really exciting. Aye.

**Fritz:** I like when we have two ordinances we vote on two in succession because I can say what I forgot to say on the first one. That is we know the land produces delicious fruits and vegetables. So when we do the concept plan I hope you bear in mind a community garden would be nice to have in there. Thank you. I'm excited about this second grant, too. We need to look to faith communities and they have been stepping up. This will provide some resources to do a thoughtful evaluation of how three communities could help which can serve as a model for others. Government can't do it all, government shouldn't do it all, private people can't do it by themselves. We need everybody to join together and this is a really good way of doing this. I'm happy to see that metro is giving this grant also. Aye.

**Wheeler:** Aye, the ordinance is adopted. Thank you everybody for your hard work on this. Next item, 315.

**Item 315.**

**Wheeler:** Colleagues, presented before us today is the north/northeast strategy housing oversight committee annual report. This is the third annual report on behalf of the north/northeast oversight committee and this report outlines the progress made in alignment with the 2014 north/northeast housing strategy. This report also outlines some of the challenges that have been faced in accomplishing the goals of the strategy. Yet this report is not business as usual. I'm sure it is no secret to anybody in this chamber today that I was highly disappointed when I received this report. I believe despite the good faith efforts of the city and our partners and especially the oversight committee members themselves, we're way off the mark, relative to the original promises around this strategy when it was first put forward over three years ago. Rather than coming in and having people three weeks ago talk about the problems, I actually wanted us to have a more frank conversation about the problems and the solutions and who could do what to get us back on track with regard to the original commitments around this project. So I requested it be removed from the council agenda and brought back after the housing bureau had a chance to address the concerns raised in the report by the oversight committee and respond with some potential outlined solutions. I specifically requested that both the immediate and sustained actions were presented to deal with the challenges of both

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program participants, as well as some challenges we are seeing amongst the partner organizations. These challenges shouldn't come as a surprise to any of us here. We, as Portlanders, are aware of the history of north and northeast Portland. We have seen how the city's actions over the last 40 years have led to the involuntary displacement of some of our most vulnerable, historical residents in these neighborhoods, which is why this report and the work of the Portland housing bureau and the work of the oversight committee is so critically important. By continuing to support the use of the preference policy, and I want to be very clear, I'm a strong supporter of the preference policy, it's been instrumental and important in prioritizing historically displaced families for rental and homeownership opportunities and continuing to assess and adjust how homeownership funds are made available to participants. We're going to continue down the path of fully implementing the north/northeast housing strategy. To present the north/northeast neighborhood strategy oversight committee annual report, we're joined today by the oversight committee chair dr. Steven holt. Thank you, sir, for being here, again. I think this is our sixth time together in less than a week and committee member dr. Lisa bates and of course we have Leslie representing the housing bureau as well, good morning thank you for being here.

**Dr Steven Holt:** Good morning. Thank you, commissioners. Good to see you, as well. Thank you, mayor, for your thoughtful introduction. I think that helps to set the context of what is in front of each of you. Hopefully you had a chance to look it over and think about it. What we are going to do is I want to spend some moments doing a brief and high-level overview related to our work and the work that is so central to addressing such a marginalized and displaced people. Then we are going to kind of highlight what I'm going to call the challenges that surfaced during 2017 and dr. Bates will speak to those. I will do the high-level overview and dr. Bates will speak to the challenges we faced and then I will come back and make a few other comments. Today is briefly an overview, we will talk about the charge, engagement, what we have done around preventing displacement, creating new homeownership opportunities, rental units and our preference policy. The charge of the oversight committee, for those who may not know, the north/northeast Portland neighborhood housing strategy community oversight committee is created and tasked with the responsibility of reviewing and monitoring the development and implementation of policies and programming associated with north/northeast neighborhood housing or neighborhood housing opportunities and the dollars accompanying that activity. The scope of the oversight committee is to advise on, review program proposals and development, to monitor the implementation of policy and programming and associated outcomes, to advise the housing director and housing commissioner on progress issues, concerns associated with the north northeast housing neighborhood and interstate urban renewal tif lift funds and the Portland housing bureau, along with the housing commissioner would inform the oversight committee of decisions, plans and proposals prior to implementation. The committee is made up of a variety of individuals who represent education, represent economy, who represent finance, who represent banking, who represent community, long-standing members. We have individuals from their 30s up to beyond 30, we'll say. It is comprised of people who have been very committed for a long time to the work of the city. I think we have an excellent committee. Our meetings are held on a consistent basis so that as much as possible to provide an equitable opportunity for community members to be present we meet the second Thursday of every odd month at new song community church on Russell and mlk and for those that can't make it the all meetings are recorded by open signal and can be found on channel 30. Our goal is to make sure that people are accessing. It is important this process be transparent, that it be accountable, that it be engaging and the community understands this is about fighting for the determinations the decisions made in the original -- as a result of the original

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community engagement, the forums that were held. You have heard me say it repeatedly over and over again that the promises that have been made have to be the promises that are kept. That's our focus. Here's some of the strategies that were put in place. Strategy number one was preventing displacement, as it relates to home repair and this map that you are looking at gives you an example or identifies all of the people who received repair, the purple are grants and the blue are loans. That's within the interstate urban renewal area and the study area. Thank you very much. The strategy talked about is the adu or accessory dwelling unit program. We have significant concerns, as an oversight committee, related to the implications around the adu program. At this point think it needs more baking, some thorough thinking through all of the impacts, there are so many various elements that are connected to the adu program. I would be more than happy to elaborate around that if there are questions.

**Fritz:** I'd like a couple of examples.

**Holt:** At the time when it was talked about, the discussion was in regard to the accessory dwelling units being in basements. So not looking at the possibility of using garages. How then would that impact the homeowner if they are going to have to open up their basement to others? How does that impact in terms of that homeowner now becoming a business owner and the education associated with that? What are the tax implications associated with that? And other elements I could continue to elaborate on but there were questions that came up that we thought needed to be more thoroughly investigated and considered before we could say yes or no related to that. You know, is it a wealth creation strategy? What's the purpose behind it? Another strategy that is a part of our oversight is the creation of new homes. In regard to that, as you know, the interstate urban renewal area is a hot market. Home prices are increasing significantly on a regular basis until we thought it necessary to change the boundary to extend the boundary area to the study area to give a greater opportunity for people who have been impacted to have an opportunity to purchase homes. We also increased the subsidy from what was originally \$65,000 that became \$80,000 and is now \$100,000 to support and help people to secure homes, and then we increased the subsidy for development of new units from \$100,000 to \$125,000. Strategy number three, as it relates to current rental homes, this gives you an idea of the projects that are happening, who the sponsors are, where it is located and the number of units associated with each project. I won't talk through each, but it is over 500 units. Now, on top of all of that work and mayor you just spoke to it is the preference policy. Everything that is happening in terms of how dollars are allocated and spent are filtered through a preference policy. The main concept behind the preference policy is to give opportunity to the families who were once in north and northeast Portland who have been displaced or gentrified to give them an opportunity of preference associated with their geography to return. Now, I'd love for it to be just families who were impacted. You get a chance to come back. We know that hud will overturn that. We understand our federal government would not back it. The policy has been established to be supported, it's the only policy that's been supported, and we are super excited about that. That the heart beat around helping the families who have been impacted, they least have a way to be supported to take advantage of the opportunities of returning. On the next slide, here's an example of how the policy is being implemented or how it is being -- the impact it is having. On the homeownership, first round, that's the green box on the left side. The collaborative, which is the african-american alliance of homeownership which involves proud ground, habitat for humanity and a few other nonprofits that are part of that. The available slots, the amount of people referred, et cetera, et cetera, and then the other slot is pcri. On the right side, you have rental units an specifically Garlington place that has 31 units, there were 736 applicants for 31 units. Of those applicants 15 could identify imminent domain. I think it speaks to the fact

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for part of the conversation that has happened, do people want to move back. Here's an example, yes, they do

**Fritz:** By that you mean people evicted because of imminent domain?

**Holt:** People impacted, yes. 15 could prove imminent domain and down below you see a chart of the ethnicity of those who responded. So this is the work the oversight committee is engaged with again, we could drill down into specifics and particulars, but I believe we can each read and I don't want to insult us with that. I do want to identify, though, that while the work is vital and necessary and I don't remember the gentleman's name that came before and handed out the book

**Wheeler:** John Hollister.

**Holt:** John Hollister, I couldn't have paid him to do a better job of setting up the reality of the weight of this work. In light of that, there are things we are concerned about. We are concerned that, again, the promises made are promises kept and we want to highlight those and dr. Bates, if you will speak to.

**Dr Lisa Bates:** Sure. Thank you so much. Let me take a moment to say thank you for the opportunity to be a part of this committee and this important work. Thank you, commissioner Saltzman for appointing me to this committee and I have continued under mayor wheeler. Particularly thank you to folks here in the black community. I'm not from Portland and people have entrusted me to be part of this group of people who are holding this very deeply valued space and this history and families lives as we go forward and I take that very seriously. It's really critical with this engagement that we continue in our practices I think around transparency, openness and access to information about the set of programs. Certainly to ensure that folks have the right expectations and understandings of things like time lines for construction, when they can anticipate seeing units on the ground because it has been a couple of years. We feel it is critical to have deep community engagement around budgeting out the remainder of the tif funds as the icura comes to a end. Where are we going next in the big picture with these funds? We also have our oversight committee has representation on the hill blocks site project working group and I believe I can speak for everyone on our oversight committee in saying we think that is a critical moment to not only value community history but make sure that black Portlanders are placed in northeast Portland with opportunities for economic development, as well as housing and that we are really insistent on carrying those principles forward in to the Broadway corridor, the post office site and rose quarter, both sites of African American history and displacement caused by policies in this community. To speak a bit to our assessment around the preference policy and the specific housing programming, as bishop Holt mentioned, as mayor wheeler mentioned the preference policy is really an innovative new practice, its an opportunity its being talked about nationally and internationally as an opportunity to think of how to repair displacement, particularly that has been driven by public policy and of course it has been well publicized here and by the housing bureau's efforts, therefore, it needs to be on point. In our rental projects, we, again, want to make sure we are communicating time lines and opportunities so that folks are understanding when they will be able to access these possible opportunities, but we also have concerns about changes to some projects that seem to be in the pipeline, for example around reducing bedroom size to zero and one bedrooms we are building affordable housing for the long term here. Housing is a durable good and we want to ensure it accommodates families today and will continue to be a part of that crucial infrastructure for family housing into the future with additional bedroom sizes. On the homeownership side, as we know, there have been more significant challenges in that program. We have diverse opinions on the oversight committee about the models and tools that can be used but agree that homeownership is critical response for african-american families whose exclusion from access to this opportunity is at the root of wealth

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gap, of housing instability and deeply connected to the spirit of fair housing and civil rights. This is the 50<sup>th</sup> anniversary of the fair housing act as well as deeply meaningful anniversary around the assassination of Dr. Martin Luther King and we see access to homeownership for Black families as deeply tied to that cause and movement and we, therefore, are deeply concerned about the lack of progress in this area. First a limited target of home repair for maintaining homeownership for African-American homeowners who do remain in the community. Second, that there have been very, very few successful buyers. There's been quite a bit of confused and delayed reporting on progress and the specific challenges that are happening in organizations and for families and it is sort of a lack of real clear solution strategies being offered in that communication. We have continued to press the point that down payment assistance loans ought to be forgiven over time in order to give people the best chance for maintaining their homes and building home equity. And finally we want to ensure additional oversight in the relationship and communications between partners and families to make sure that people who are accessing this opportunity are being treated with great dignity and are being responded to in a timely manner and are having the best possible experience in what could often be a stressful and also exciting moment and opportunity. We have been talking through those challenges over the last few oversight committee meetings. We have heard some responses from the housing bureau. I think we are eager to hear about the particulars of how those programs will be either modified or how we'll go forward with sort of new formats, working toward the same vision.

**Holt:** Thank you Dr. Bates.

**Wheeler:** Thank you, Dr. Bates.

**Holt:** Our commitment is to resolve each issue that's what we would like to see happen. Our desire is there is strategic, purposeful and expeditious implementation that is helping families get from one place to another. The hope is one thing and hope is great, but to take a moment and to step in to a little different zone that I function from, Proverbs 13:12 says hope deferred makes the heart sick. The idea of sick is that it makes you spin in a circle downward. To live in hope is great but hope must be fulfilled and that's what we want to see happen. Those are our concerns. We are looking forward to how we strategically implement the answers. I want to say thanks to Dr. Bates for your involvement and engagement, your thoughtful work. Thank you to Sheila Holden who's a member of our oversight committee for being here this morning. Again, we are made up of a significantly talented and committed group of people who really want to see the things we have said come to pass.

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

**Fritz:** Thank you so much for your work. Are there specific things you need from the city in order to take this work forward?

**Holt:** I think part of -- well, there are two specific things that I'd like to see happen and Dr. Bates alluded to one, and I will let you respond, as well. The first one is the helping us to engage with the necessary partners, all of the players from the Portland housing bureau to the non-profit partners to make sure that we are connecting in a manner that is moving forward. Our goal is not to throw anyone under the bus. That's not the effort. The effort is to make sure that people have what they need, that we're having the authentic conversations. We are dealing with the real issues, whoever is responsible for whatever delays in any areas. If that is permitting -- we don't know, but that's where the city can weigh in, I think that is one of the areas the city can weigh in. The other area and its not specifically in this report but obviously we need more funding. We need more dollars. It would be great to really think of strategic ways to leverage private funding, to leverage foundation funding and/or other resources to address what is significant. As you know,

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Portland is the most gentrified city in the nation. If we are going to do something about this, it is time to ramp up our effort and take it on to address it. Thank you for asking.

**Fritz:** Thank you.

**Wheeler:** If I could add to that, I pushed hard in Salem for the passage, for the referral of a constitutional amendment to the voters. That constitutional amendment would allow us to take housing dollars and leverage them with private sector dollars for exactly this kind of a purpose. While I can't sit here today and advocate one way or the other, I will just say I pushed really hard for it and it's a really important tool that we don't currently have. I hope people give it a good, hard look when the voters pamphlet comes their way on this particular issue. Did you have another question?

**Fritz:** I'd like dr. Bates to give her input into what else the city and the council as individuals or a whole, what we can do can help?

**Bates:** We have talked a lot about resources and certainly resources are critical. I think outside of these kind of these programmatic fixes we have been talking about, I think being very clear about what the work is that is happening here, what the strategies are that are critical. This is costly work because northeast Portland is an expensive part of town and to not -- we can't let that go. We can't let it go because of the historical racial exclusion and segregation that has happened in the city but we also can't let it go because it's not a good idea to allow large portions of our city to be simply inaccessible to people who are not greatly wealthy. It's not a good infrastructure for health and resilience, I don't believe, in a community. I think just to be very clear in our conversations about this larger affordable housing topic, which we have been talking about this morning. That this work in gentrified neighborhood is vital.

**Fritz:** Thank you. My last question, I was at the parks board yesterday where Rukaiyah Adams and Zari Santner did a presentation on the Albina project and I wondered how much overlap there was between your committee's work and the planning and other things we need to be aware of that we are thinking of now that would either help or continue to burden the Albina community?

**Holt:** You want to respond first?

**Bates:** It's a marvelous plan, isn't it? The Albina vision I would say I think it speaks to my comment that our group and the folks in the community who come routinely to our meetings very much understand the history of the full Albina area down to the rose quarter. That was also a site of black homes, of black businesses that were demolished for the coliseum, that were demolished for a freeway. It's not unique to Portland. It has happened to every city in America, but we may have some unique opportunities to do something about it and to have a very dynamic plan and people behind it. It should be taken very seriously and seen as a connection and continuation of this project.

**Holt:** Either directly and/or indirectly, we have levels of crossover. If it is the community development initiatives, oversight committee of prosper Portland or now the hill block work that the city, prosper Portland legacy is involved in, the Albina planner or the Broadway corridor, you name it. There is this overlap because the reality is we are defining geography by streets. That isn't how it plays out in real life. It isn't if I live in the Broadway corridor I don't go to this or that place but it is incumbent upon us to take an assertive role to make sure we're having conversations and either our oversight committee has representation in these various groups or I'm engaged in communication with various groups because the decisions that are for the best practice and best opportunity it's intelligent of us to think together and strategize together to see how we can supplement, complement and support the work so there is a real continuity and hopefully even a continuity of design and look and structure and feel and function and flow. So that's a great question. We are doing our part, supporting from your side, commissioners can help us to make that successful.

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**Fritz:** Thank you.

**Holt:** Thank you.

**Eudaly:** Mayor.

**Wheeler:** Commissioner Eudaly, sure.

**Eudaly:** Hi, everybody. Thank you for the presentation. I can dig these numbers up later, but I think it might be useful for the purpose of this conversation to get a sense of how many individuals or households had we hoped to have served by this point in the process and how many have been served? I know homeownership is four, which is quite low.

**Holt:** The hope is for 65 homeowners, at this point we officially now have five.

**Eudaly:** Then on the rental side, do we have numbers?

**Holt:** Oh, gosh, I don't remember off the top of my head.

**Eudaly:** The couple of areas I'm particularly interested in is the home repair loans. As commissioner of bds, we are bringing back our get legal program where we will be working with property owners to address some code violations and get their properties safe and habitable. Is this a staffing capacity issue, as far as the low number of dollars that went out the door? Because I've seen families having to crowd fund on the internet to do elderly homeowners to do essential repairs to keep their homes or refinance their homes. We have also looked at maps of liens and we unsurprisingly see significant number of liens in rapidly gentrified areas, and those liens are typically going to be on older, lower income homeowners.

**Holt:** Yes.

**Eudaly:** We are committed to making sure we are not driving displacement through bds, but those home loans would help in our mission.

**Holt:** I appreciate you asking the question, what brought us to this and how do we have -- in terms of our report why were the numbers as they are. I think that is a good response to that would be from the Portland housing bureau to be able to answer the specifics as to why and then how we adjust that going forward. I'm extremely pleased to hear that it is something that matters and that you are thinking through how to best serve these long-standing members, right? We're talking about a neighborhood -- pardon me for a second. We are talking about a neighborhood that has been decimated, economic opportunities wiped, families and relationships separated and I don't think we can be casual about this. I think we need to be intentional and passionate as it relates to this work.

**Eudaly:** And aggressive on the time line.

**Bates:** Like wise, I think it is wonderful to hear this program -- the get legal program would be resurrected and that you are having an equity lens in mind in doing so. I know you have a wonderful equity manager at bds. I cannot emphasize enough the engagement with families and long standing owners in northeast Portland who may have significant home repair needs, liens and have had unpleasant interactions with the bureaucracy around code violations. It will take some very deep work to consider how to engage effectively with those families. The trust issues, the understanding issues about what will lead someone in to an enforcement path, versus a remediation path, communication. You can not make communication clear enough and engaging with trusted organizations, I'd suggest and folks who can sort of guide and help to communicate that will be critical.

**Eudaly:** I appreciate that. Another item I just want to bring up and we don't have to really delve into it, but I haven't heard it discussed in the context of this strategy is could we or should we be working to preserve succession of ownership within families? I have now witnessed two of my african-american neighbors, one in Irvington and one in Woodlawn lose homes that were inherited that were at some point paid in full through what I think is unnecessary and heartbreaking foreclosure process. I'm very interested in what we could be doing because it's complicated. Maybe one surviving parent leaves a home that has appreciated massively in value to multiple children, none of them may have the resources

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to buy the home and they end up losing this asset. I've never owned a home, it makes me sick to think that someone, you know, could lose something that valuable. I just wanted to put that out there. And then, point of clarity, have we been allowing people to look outside of the interstate ura so far or we are going to allow them to look outside the interstate ura for the homeownership opportunities?

**Holt:** We made that adjustment and expanded the boundary. So that's something we are recommending to be approved. That has not been implemented. Is that correct?

**Leslie Goodlow, Portland Housing Bureau:** Let me clarify, when we initially did the rfp, Leslie Goodlow from the housing bureau, for the \$5 million for homeownership we limited it to a study area within the ura, so we could not use the funds in the entire ura, and the committee recommended and it was approved for us to be able to use the down payment assistance loans throughout the whole ura, not just within the study area because we are finding that the study area was the most expensive so folks were having a difficult time buying a house and used the down payment assistance just because the prices and folks had cash. So, north Portland had many more homes available within a price point that folks could use the down payment assistance. We voted on that this year.

**Eudaly:** The last thing I'll put out there is I have a particular interest in adus and how we can make that opportunity accessible to as many homeowners as possible. So when that conversation comes back around especially the residential infill project policies are implemented, I would love to talk to you about that.

**Holt:** Perfect.

**Eudaly:** I'm really excited about the potential but I'm concerned that it's only going to be available to relatively affluent homeowners if we don't make some big stuff happen.

**Holt:** Yeah.

**Eudaly:** Thanks.

**Holt:** Thank you.

**Saltzman:** I would like to thank dr. Holt, dr. Bates, Sheila Holden and others for serving and leading from day one the north northeast housing strategy oversight committee. I think when we first back in 2014 when I directed the housing bureau to come up with a preference policy and directed my housing advisor Shannon Callahan to make that happen, dr. Holt, you were there from the inception. I think it's hard work, it's fraught with peril in terms of legal definitions that can do it, and it's taken some attentionality to get to where we are now and there's still a long ways to go, but I think your oversight, as you said holding our feet to the fire has really been successful. We have a long way to go, but at least now I think the preference policy is known by people who have been displaced, witnessing by 736 applicants for the Garlington place apartments. That's a lot of people knowing about the preference policy being there. That's a start, that's a crucial start, people need knowledge of it and I think when we first announced it and implemented it was dismissed by many as tokenism. You could probably look at it now and still say its tokenism, but I think we're on a path. If we're going to go succeed with your continued oversight to make sure we the city and the housing bureau get this right because it is so important and such an important part of our history of Portland as John Hollister so well articulated earlier today. This is something that we need to be very intentional to overcome. So I just want to say we got work ahead of us, but I think we're up for the challenge.

**Fish:** Let me jump in for a second. I want to join in thanking the committee for their excellent work. Let's be clear. The committee is an oversight committee. You're not charged with building the housing, you're not charged with working through the regulatory problems, you're not charged with going out and collecting the money, you're charged with providing oversight on a program and I don't remember last time we had a report come to council that documented so many failures in a program that you are trying to oversee and



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processes and other lapses that are making it very difficult for you to do your job. You have been very diplomatic in your presentation to council, but the mayor began by saying how disappointed he was in this report. I have taken the highlights of some things you put in here. As I read this report, there is a lack of clarity on some of the policy questions, and I would hate to see us come back a year from now and continue to have a lack of clarity on policy questions. That's something we have asked you to weigh in on and we need to call the question on a couple of things. One is accessory dwelling units. Two, the scope of the reach project and has it changed beyond what was anticipated. Three, other very thoughtful suggestions you put in here. There's questions for me around staff capacity and communication. Questions about have we given you and the staff enough flexibility to adapt in real time to things because you shouldn't have to come back to council every few weeks for a change in whatever. There should be an ability to adapt to changed circumstances. You have had turnover on your committee and you're a 10-person committee but in the last year you brought three new people on. That's disruptive by definition. The economic circumstances on the ground have changed dramatically. We have been hearing from the development community that costs are going through the roof, that we're 150 to 200% capacity in the building trades. We're bidding up the price of construction materials, labor, land. As you said, dr. Holt, money is a big issue because what was envisioned in 2014 is now much more expensive to accomplish for the very same plan that was put on the table. I could go on and on, but I think you've done a laudable job in presenting all of the challenges that your facing and I want to avoid coming back next year reading a report that says we still have those challenges. When you were asked by two colleagues essentially what I think is the most important question, what has to change? What do you need to be successful? You mentioned communication and you mentioned resources. I'm want to ask you to be even bolder in coming back to us with suggestions. For example, we're in the middle of the budget process. Does the housing bureau have to hire another person to oversee this project? Because last time I checked over the last ten years we keep asking the housing bureau to do more and more things including producing reports and overseeing projects, but if you look at their staff it has remained pretty static, may even be on a downward arc. There's a limit to what they can do with existing resources. I have great confidence in the people at the housing bureau, but you may be highlighting is that we need another project manager. That may be something specifically you want to put on the table and something we should take up at budget time. There may be -- you may need someone who is helping you close on certain issues. There's a whole host of issues in here that are still drifting and you're struggling with it. For god's sake we don't want you to spend ten more meetings over the next year just moving the ball a foot. We want you to be empowered to call the question and as long as it's within the scope of your authority have confidence that the housing bureau can implement it. So one other thing, dr. Holt, you alluded to some of the frustrations that the committee felt around the progress of some of the developments. One of the things that's almost impossible to discern based on the data we have been given is what is the biggest obstacle or set of obstacles. In our regular deliberation when we do complicated things like technology oversight, we get a color coded chart that tells us in each of the categories whether we're on track or failing then helps explain it. It's in red, yellow and green. You know what? For those of us who are very, very busy up here red, yellow and green is an extremely useful exercise because then we get to say why is this still red? If it turns out there's a backlog at the bureau of development services or there isn't enough financing or there's some other problem then we can be partners in helping to solve that. But right now the data doesn't actually -- the report doesn't actually give us a lot of detail on what are the roadblocks and I share your frustration. You want to know what those road blocks are and you also want someone accountable to clearing those roadblocks. So couple suggestions.

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Number one, I hope within the next 30 days if you have additional suggestions for what you need, what's on your wish list, that the committee will submit it to each of us, to the entire council. That includes whether you believe there has to be anything included in the budget we are now crafting to help move this thing along. Number 2, I would love your suggestions for how we can be more transparent about what are the obstacles in the way of some of the production goals that you've established. You've set audacious goals. We all understand the market has changed, that there are low confidence goals. What we don't know is which part of the equation is getting in your way. I would encourage the housing bureau to come up with a chart using and I see director Callahan shaking her head yes, a chart that literally has the red, yellow, green coding so we can all understand with you what's the hang up. If it's a hang up that one of us is responsible for in our leadership overseeing a bureau then you can legitimately reach out to us and say fix that. If it's a problem in the marketplace because costs are becoming prohibitive and it comes back to you need more resources, that's a conversation we should have. But as I look at this report, I'm not entirely clear about what those head winds are but I think all of us up here want to be part of the solution. Again I want to go back to a fundamental point. You're an oversight body. You're not the body we designated to sort of deliver the product. So you are giving us a sober report that says we're making a little bit of progress but not making the progress that you would like to see. I think we need a little more information about what it is that needs to change for us to see more progress. We'll be very polite about this conversation and we're all very diplomatic, but the report is actually pretty detailed in areas that I can feel the frustration in the report. I hope you'll see us as your partners in fixing those problems. So that when we come back next year we can celebrate even more progress towards the goals that you've established. If problems have come up along the way, we don't have to have elaborately bureaucratic complicated mechanisms to make sure you get the resources and tools you need. There should be enough flexibility built into this.

**Holt:** I appreciate that.

**Fish:** Finally, just to the conversation you had with one of my colleagues about the new Albina vision, I have been on council for ten years and somewhere in this building there is a closet that has all the visions for the Albina district and for the rose quarter. Probably there's some plan that have already rooted in the dust that has settled because they just stack up. Each one was well intentioned, each one at some point had a constituency and ten years later we have actually done nothing in the rose quarter. Now Rukaiyah and a group of well intentioned people have come with a bold vision that connects the rose quarter to historic Albina, connects the community to the river, does some justice work that's very important. And just speaking for myself, I have concluded that the only way that vision is going to see the light of day is if we create a separate public authority to drive that vision. I think it's beyond the capacity of prosper Portland to handle that and I think for historic reasons it would be a mistake to ask them to drive that vision. I think the council in the next year has to decide whether we're going to be bold and establish a public authority in big cities across the country public authorities have driven big visions and this one I don't think will happen unless we create a separate public authority with a different governance structure that allows this vision to move forward. That's just one commissioner's view on that question. So thank you.

**Holt:** I appreciate that. If I could just say two things. We have no reticence being very specific around what our concerns are. An/or what we think could be solutions. You echo very clearly the frustration and what we have been trying to discern and uncover or discover is where are the roadblocks, who is responsible for those roadblocks, hence what you see in the report. So I think you'll get some of those answers in a moment with some of the strategies. Then lastly, I echo and agree that if we're going to move this needle

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forward it's going to take some aggressive action to do so. Time is causing more delay and more displacement if we don't do some things differently. Thank you.

**Fish:** Thank you both.

**Wheeler:** Thank you. Leslie, did you have anything to add? If not I want to bring the interim housing director forward.

**Goodlow:** I'm just here to support them and answer questions they couldn't answer.

**Wheeler:** Thank you both very much. Again, thank you for your leadership. Dr. Bates, thank you as well, Sheila, thank you for continuing this. So commissioner Fish spoke eloquently and both bureaus he mentioned are mine. The buck stops with me on both the housing bureau and it stops with me on prosper Portland with regard to the development of the rose quarter. I want to be crystal clear, there will not be another report like the one you just saw. This was created three years ago in three years five families have found housing through this program. In that regard, I don't see how I can sit here with a straight face and call it anything other than an abject failure and I agree with you, commissioner, that it is not the failure of the oversight committee. It's our failure that after now three reports we have very little progress to show for it. There will not be a fourth report like this because I'm going to hold everybody accountable for ensuring that we see good progress. Just as a side note, with regard to the rose quarter, I want you to know that the conversation is already under way and there already is a consideration of an authority model to direct or at least help direct the development of the rose quarter. We have many other master planning exercises that we're undertaking including the Broadway corridor and other projects throughout the city. I share your concern about capacity and I will make sure that as we make decisions around that we will include the council and the public in those conversations. They are in a stage that I would describe as early. So interim director first of all I want to set the stage, you and I have had many conversations with dr. Holt and others about this report since I first received a copy of it. I want to be crystal clear on the record you have demonstrated to me beyond any doubt a strong commitment to making sure that this project goes forward and that it is successful. You have articulated to me your understanding that the rest of the country and others are watching our results on this project, therefore it's imperative that we be successful with this project and I want to just make note of the fact as commissioner Saltzman did earlier, you were his point person on this project when you worked for commissioner Saltzman. So you're not new to this game. The first issue that was mentioned was the delays in families becoming homeowners and slow production of homeownership units. What commitments can you make to us today?

**Shannon Callahan, Director, Portland Housing Bureau:** First I would like you to know as you said, mayor, that I and we at the housing bureau are committed to getting this back on track. As dr. Holt alluded to there's been questions and concerns about who is responsible. We are. It's the housing bureau that's ultimately responsible. I just want to let you know that, that I clearly take that role very seriously. So do all of my staff. In terms of homeownership, we made a commitment to 65 families and moving them into homeownership. We have chosen two different providers collaborative and pcri .

**Wheeler:** What collaborative?

**Callahan:** African-american alliance for homeownership collaborative that includes proud ground, naya and habitat for humanity. We also have pcri who is building 22 homes.

**Wheeler:** Hacienda is part of that as well?

**Callahan:** Yes, thank you, mayor. One thing we're concerned about is we have two different partnerships, two different lists and we want to make sure we examine our self, the bureau, the status of every single preference policy household in the pipeline to see if there is anything that we can do to move those families quicker. That means new strategies, new tools, for us that also means talking to the developers that receive the homeownership tax exemption program, about possibly acquiring those houses sooner. It

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means providing regular and clear and consistent quarterly reporting of the type that you indicated, commissioner Fish, and regarding not just the development process but where all of these families are, what are any of the concerns that we have, what can we do.

**Wheeler:** Who will that information be provided to and when will it be provided how often?

**Callahan:** It will be provided on a quarterly basis, publicly and to the oversight committee.

**Wheeler:** Thank you.

**Callahan:** Thank you, I did want to say that we have been and I was in contact last week with director Esau from bds and requested assistance from her with priority permitting for homeownership units and process and she was amenable to that and I appreciate that help in advance. I think it will be important that we have a city effort to keep on track. That was my response to homeownership, mayor.

**Wheeler:** There is one more thing I would like, can you make any commitments today numerically around homeownership units created or loans proffered? Are we in a position to do that yet?

**Callahan:** I am not. I am not --

**Wheeler:** When will we be?

**Callahan:** I will be ready to do that next month with the oversight committee at the May meeting. As I have said we have staff now looking at the files of everyone in the preference policy list to ensure where we are. The development of the units are not projected until later in 2018 and '19 by our partners but we want to make sure those units stay on track and the families are matched up.

**Wheeler:** I find nothing motivates a coalition more than concrete goals to which we will all be held accountable.

**Callahan:** We will set those goals with the oversight committee in May.

**Wheeler:** Good. Do that and add 10%. With regard to the loan assistance structure, dr. Bates had suggested a modification of that structure. What say you?

**Callahan:** We agree. We wholeheartedly agreed with the recommendation of the oversight committee. We believe a family that has resided in their home for a period of 30 years should have the down payment assistance completely forgiven. We're recommending a structure that starts with a forgiveness at year 15. We'll be bringing that specific proposal to both the northeast oversight committee in May and Portland housing advisory commission as we intends to make a program change available city-wide then bring that back to city council for approval.

**Wheeler:** Very good. Commissioner Eudaly had articulated a potential strategy around standards in rental units. I want you to know, commissioner, that's well received over here. Thank you for that. There was also some questions about the loans or outcomes for home repair loans. We are in the budget process as commissioner Fish rightly pointed out. Where do you stand on that?

**Callahan:** There are two different products offered to homeowners in the uras. One of which is home repair loan. One is a home repair grant. The grants are smaller dollar amounts. Usually around \$10,000, that are particular to access issues or issues with seniors remaining in their homes or disability ramps, things of that type. We do not have a problem with getting those dollars out the door through our partners. We have had a dip in the numbers of families of communities of color that received that program last year. We know that we have proven methods that have given us better outcomes in the past that we did not use last year. We'll be reinstating those and talking with the committee because we do have proven ways. With the home repair loan program, which is usually about a \$50,000 loan, these are much more significant. Obviously repairs to homes. We have staff capable of doing about 50 of those each year and we have three of those staff. We anticipate doing and are on track to do 50 loans for next year. Quite frankly, we overbudgeted and that's what the committee is seeing we overbudgeted to a level that

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we're not capable of reaching outcomes and it was quite frankly a budget mistake on our part and we have rectified that.

**Wheeler:** Ok, that will be rectified, it's rectified through the bureau's requested budget?

**Callahan:** Yes.

**Wheeler:** Very good. With regard to the argyle development at reach, this has been a very complicated project. As I understand it, please correct me if I'm wrong, a lot of that has to do with changing market forces over the last couple of years. Construction costs have gone up. There is a gap that is formed as a result in part of market forces, in part of federal policy. What are we going to do over the course of the next year to get that project moving?

**Callahan:** So what we have is reach has estimated an application to the state for gap funding. If that is successful I think we have a project capable of moving forward on a quick timeline though the oversight committee has raised concerns about the number of family sized units and overall design of that project, but I think that's a much simpler conversation. If we have a gap already identified and filled, if they are not successful in their application, we have asked them to present a balanced budget with the amount of money that they were awarded in the nofa. That would likely result in a significant decrease in numbers and we would be proposing to bring those options back to the oversight committee. Our first goal would of course be to get this program moving but sometimes you also must make tough choices about not proceeding with a program if the gap is too large.

**Wheeler:** Right. The hard work here is going to be to reach a consensus agreement that is probably going to be different than the original vision based on changes in the market, and the key here is we need to engage with the committee and find out where that pragmatic compromise is that gets this project moving.

**Callahan:** Yes.

**Wheeler:** Great. Anything else, colleagues?

**Fish:** Director Callahan, I met yesterday with the homebuilders and I learned some interesting things. They explained to me some of the challenges they are facing in this market right now. Rising interest rates, I think the fed has increased rates twice and signaled they could go higher so their interest rate environment has changed. Cost of land is going up affecting the cost of projects. Cost of construction, both in terms of materials and labor has gone up dramatically in part because there are so many projects going on right now bidding up the cost that people are getting bids from construction companies that are well above what we saw two or three years ago.

**Callahan:** Yes.

**Fish:** And there's frankly some concern that we are going to have, we're going to go into a cyclical shift in the marketplace because after all housing is not immune from cycles. That we may be, you know, just beginning in a kind of a slight turn-down. So there's a lot of factors that they are weighing in terms of their work. That's the reason I mention that is that I think uniquely this is an area where we have to have an asterisk next to our goals and say they are low to medium confidence goals, because frankly as smart as you are and as capable as you are, you can't control the macro market forces that are affecting all of these projects, that are affecting individual consumer decision making and the like. I think I like the idea of resetting the numbers so that they are achievable but since we in generally talking about low, medium and high confidence we have to be clear with people that we're talking low to medium confidence because we can't anticipate all the market head winds that we're going to be dealing with and we should be clear to people about that. In the next report we get, is it possible that we could get it color coded so that, for example, on the projects in the pipeline we could see, for example, is it on time, is it on budget, if not on budget what are the factors that are driving cost overruns? Is there a regulatory hurdle that

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is slowing things down? I think we could come up with three or four generic categories and then color code them. Is that something you think you could do?

**Callahan:** Yes, we committed to doing that as well, doing that on a quarterly basis. If you're interested we'll also provide it to your offices as we do to the oversight committee.

**Fish:** I would appreciate that. It makes it easier for us to ask the questions as we do with technology oversight and a number of other areas. Thank you for that.

**Wheeler:** Very good, kids, where are you from?

\*\*\*\*\*: Buckman

Buckman, excellent. Thanks for coming to city hall. We appreciate it today. Thank you. Colleagues, I will entertain a motion.

**Fish:** I move to accept the record.

**Saltzman:** Second.

**Wheeler:** We have a motion from commissioner Fish, a second from commissioner Saltzman to accept the annual report from the north northeast housing oversight committee. Please call the roll.

**Fish:** Just three closing observations. First, mayor, thank you for your leadership. You began this hearing by very clearly stating that you intend to provide leadership and oversight over this process, that you're not satisfied with the progress we're making, and I think it's frankly refreshing when people in leadership positions take ownership. Two, I think we owe a great debt to the oversight committee but again, it's an oversight committee. They are not out there, you know, surveying the land and putting up siding and negotiating with banks. They are reviewing our progress, and this report is -- I don't think I have read a report quite like this in some time so thank you for the care that went into it and for your candor about the challenges that you see and your appeal to this body and others to help you get it right. Then finally, I just want to go back to the underlying issue here, something commissioner Saltzman launched and the council has backed, I'm proud to be on a council that has a north northeast Portland housing strategy and has worked through some very challenging legal issues. We are about to celebrate the 50th anniversary of the fair housing act. It's not entirely clear there will be a celebration at hud, but we will be celebrating. [laughter] and we all have a big stake in the success of this endeavor. Dr. Holt you made that clear too, we owe you our best in making sure that you can achieve the goals that we have set out. Thank you for your service and thank you for an excellent report. I have tremendous confidence in director Callahan and her team that they will get it right, aye.

**Saltzman:** Thanks again to the oversight committee for your service and particularly dr. Holt for your leadership from day one and your steadfast leadership. Thank you very much aye.

**Eudaly:** Thank you to the oversight committee. The strategy is innovative and exciting. Clearly we have had some trouble getting out of the gate, but I'm still excited and hopeful. Thank you for that quote. Actually, I needed to hear that today. That we'll move forward more successfully very soon. Aye.

**Fritz:** Thank you, dr. Holt, dr. Bates, Sheila Holden, here from the committee and for the other members of the committee for the enormous amount of time that you've put in during true community engagement. I appreciate all of the strategies that you're using to allow people to participate in this discussion which is about them and I appreciate the candor in your report. Obviously we need to do better and we need to do more. I see you as more than an oversight committee. You have been driving the policy on this since the beginning and I hope you will continue to do that. I hope you will continue to hold the city accountable by creating these reports and coming to tell us about them and yet I so appreciate how thoughtful you are in the way that you make your recommendations that we can and must do better. Thank you. Aye.

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**Wheeler:** Life is short and this is a committee that expects action and so do I. Thank you, Dr. Holt, for your leadership and frankly many other things where you provide leadership and guidance and council to the city council and to me in particular. Dr. Bates, thank you. I always appreciate your frankness and your integrity and your hard work. Sheila Holden, thank you for being engaged over many years on many different projects including this. Thanks for being here to all members of the oversight committee. It's one thing to hold people accountable. It's another to inspire them to do the right thing. You do both really well. So thanks for that. Let's get on it. I vote aye. The report is accepted. Thank you. Next item, 316.

**Item 316.**

**Wheeler:** Colleagues, just a reminder we're back into and on the record hearing. Do any council members have ex parte contacts or information gathered since the last hearing to disclose?

**Fish:** I'll start.

**Wheeler:** Commissioner Fish.

**Fish:** I want to thank Linly Rees for providing sort of the legal context for this. So I have some extensive contacts to disclose. They are not all technically ex parte contact disclosures, but it is council's advice that we all go the extra mile in doing these disclosures. What's a little more complicated in my life right now is that in addition to being a full-time member of the council, I'm also on the may ballot, which means I'm at community forums and events and gatherings and that means that dozens if not hundreds of people are regularly sharing their views with me on many different subjects. I'm going to read into the record, mayor, a somewhat more extensive ex parte contact disclosure with the caveat that this goes well beyond what the law provides but I think is designed to set a standard of transparency. Since the last hearing council held on this topic, I have had numerous conversations with people about this land use proceeding and I have read numerous media accounts. What I have not done is solicit information or feedback from anyone about the substantive issues in this case. Generally speaking, the contacts break out into two categories. First media reports, I have read news reports on this matter, reporters have asked me to comment on the issue. In each instance I have been clear that because we're in the middle of a land use proceeding it would not be appropriate for me to discuss the merits of the case and I haven't, but I have seen and read a number of media reports as have I believe most of my colleagues. Community feedback. Because this issue has been in the public domain for a while, and there are a number of other issues that council has taken up in addition including central city 2035, changes to the comp plan and a number of things we'll be taking up today in a legislative matter I think we can all appreciate that in the course of the day, we run into lots of people who have lots of opinions about issues involving land use in our city. I think it's safe to say that since we last met I have spoken to hundreds of community members about lots of things, and in some instances I have been approached at meetings, forums and candidate events with people providing unsolicited feedback. When I have been approached about the specific issues in the Fremont apartments matter I have been careful to tell people because there's an open land use matter I cannot discuss the substance of the matter. I can talk maybe conceptually about procedure, but this is not a legislative matter, so we are not as free to discuss the merits. This has not always prevented people from sharing their opinions with me. In those cases what I have generally heard has been in the category of either someone expressing support or opposition to the tentative decision the council made or a broader discussion about housing in the city and the region. I have not received much in the way of feedback what I would call substantive, meaning I have not had conversations with people about specific design features, where a window would go, how a building would be designed, where a retaining wall would be replaced or other things which are the

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kinds of things technically ex parte communications are meant to screen in terms of disclosure. Drilling deeper, I want to share some specific examples of things that could constitute ex parte contacts. I have spoken with a number of reporters including Rachel Monahan from Willamette week and Gordon Friedman from the Oregonian. I have talked generally with the mayor about the procedural posture of this case. I have heard from people as I mentioned before on both sides who either agreed or disagreed with our tentative decision. I have taken some care to ensure that I have not spoken directly to the applicant or the appellant about the merits of the proposal. That said, mayor and colleagues and to the members of the public that are here, I continue to believe that I can be fair and impartial in my deliberations on this matter. Thank you.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** Similarly to commissioner Fish I have had no ex parte contact with the appellant or the applicant. I have read one or more news articles in the Willamette week and a few handfuls of comments online with interesting speculations as to why I and we voted the way we did. I barely remember them and they were not substantive either.

**Wheeler:** Very good. Commissioner Saltzman then commissioner Fritz.

**Saltzman:** You know, like commissioner Fish said, I have read media accounts of our previous decision. I read an opinion piece by stan penkin in Sunday's Oregonian that was for the point blank but certainly referenced this. I received an email from Doug Klotz yesterday in regard to the Fremont place decision and I have received an email from a developer who took us to task about our decision along with a lot of other issues.

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

**Fritz:** Thank you. The same week we made the tentative decision I had my regularly scheduled meeting with commissioner Fish and we talked briefly as is the case when you think a case is already done that we were happy the outcome had been as it was and it was based on the greenway setback. We also discussed that what's on the record in the hearing that there might be a higher development in the future and that that could well happen and that we thought that the appellant was aware of that. The following week, I had a regular scheduled meeting with the mayor. He told me -- I again expressed the same kinds of general satisfaction for what had gone down. He told me that he would be moving to reconsider the discussion. The tentative vote. I believe my exact words were are you crazy and I then.

**Wheeler:** I think that's right.

**Fritz:** I said then we can't talk about it anymore because it's now back in the realm of a quasi-judicial ex parte contact that we can't be having this conversation and I changed the subject. I had my regular meeting with commissioner Eudaly and she brought up the topic. I said we can't discuss because it's ex parte. She said she had talked about it with the mayor in general but without reaching any conclusions. I have had no contact with commissioner Saltzman. I think our meeting got canceled in the interim. I have had several emails I read immediately after the decision. Again as I thought as I have for the last 25 years participating once you have a tentative vote that everything is done except the formality. I received emails against the decision from Ivan Robinson, Joe Recker, Ron Due and Rich Frank. All of those said why did you vote in favor of views to which my response was I didn't. It was based on the greenway setback and other factors that there would likely be more developments under a future application. I received an email from Elizabeth Hawthorne congratulating us on the decision based on the greenway and asking the question would a new application be subject to inclusionary housing policy to which I said yes, I believe it will. Those all arrived before I realized that we were back into a quasi-judicial. All subsequent emails I have read the title and if the title wasn't specific I read the first line with a for or against. I have responded to the constituent that it's a live application, I can't discuss this and can't read the rest of your email. I read the op-ed by stan penkin in



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the Oregonian last week. I also was told by staff for the hearing this afternoon that the applicant pointed out an error in the development standards in the new code that we'll be voting on this afternoon and I said, well, that maybe indicates they are planning to reapply. That I believe is the extent of my ex parte contacts.

**Wheeler:** Very good. I too have had various contacts over the last couple of weeks. I have had no ex parte contacts with either the applicant or the appellants. I have certainly had opinions expressed to me at the grocery store, on the treadmill, at my daughter's school, at the car wash, and other places. None of them in my opinion went anywhere beyond what had been said already on the record. I have certainly read a number of media accounts. Emails have come in and again they have mostly been terse and to the point either supportive or opposed to our prior action. I had contact with Willamette week reporter Rachel Monahan but that was done through my staff. They delivered a quote in a March 14th article on my behalf. I supported that quote. It was consistent with my commentary on the record during the hearing. I also had contact with Portland Tribune reporter Jim Redden through my staff again who delivered the same quote given to Rachel Monahan although I don't believe that the quotes that were provided were actually printed in the article. I'm aware that my staff has had contact with the applicant, but I want to make it extremely clear that I have been screened off from those specific conversations and I'm unaware of any information provided by those conversations. I have had conversations with my colleagues as just very accurately described, mostly around procedure, including my desire to revisit this issue but there has not been any substantive discussion around the merits or demerits. Does anyone in the council chamber wish to ask any or all of us any question about the ex parte contacts that we have just discussed?

**Fritz:** I would like to ask you specifically what you remember about the contacts with each of your colleagues that led you to believe announcing in the press that you were going to move to reconsider might have a good chance of passing.

**Wheeler:** From my perspective I have no idea and had no idea whether there would be a good chance of passing. My conversation was really around the question of procedure. I'm sorry I forgot to mention here I had conversations with our legal counsel around procedure in the days subsequent I started to wonder why other options could not be available in terms of asking the applicant specifically to address the issues which were raised on the record by us and by people in the chamber and after those conversations I concluded that I would tell my colleagues what my intention was procedural with regard to a reconsideration. I don't think I had a conversation with Dan. I'm pretty sure with Commissioner Eudaly and Commissioner Fish I did have that conversation.

**Eudaly:** That conversation was strictly procedural. We didn't get into the details of the case.

**Fish:** By the way, you know, Commissioner Fritz said something earlier that I think is important and this case if it serves no other useful purpose as an historical case will remind people that as we have all learned that the period of time between a tentative vote and adoption of findings is still a live quasi-judicial legal proceeding to which we are bound by the same rules. That may be counterintuitive to some people and it may make sense to others, but we did get clear legal guidance on that which we have shared with the media and with people that have approached us, and I think the logic of that to me is that a tentative vote is a tentative vote and it is subject to a subsequent hearing where proposed findings come forward and we're still deliberating and because of that we have been advised by council that we're still bound by the rules that apply to quasi-judicial proceedings. I think that all of us make significant efforts to make sure that we don't get into the sausage making around the design planning and other kinds of things because that's the essence of what a quasi-judicial proceeding is. That seems to me separate from listening to people who think you're either a complete idiot for how you voted or support it

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or wonder procedural how these things work and how the council ended up where they landed. It is a fine line and I hope that we all strive to err being on one side of that line.

**Wheeler:** Colleagues, I move to formally consider the march 7 tentative vote in this matter.

**Eudaly:** Second.

**Wheeler:** I've made a motion and a second. Colleagues, I would like to discuss this project. The area that we're talking about and again I'm just reiterating what is already on the record, is planned for development and development will happen on this site. So no development has never been an option for this particular site. On the record, I discussed concerns that I had for the protection of the greenway setback. We heard testimony in support of the idea which I support which is that how we choose to do this project will set the standard for all of the other development projects that will happen in that same immediate area and that of course includes the treatment of the bike and pedestrian path along the river way. It is my belief that through further discussion we may be able to find a way to have these concerns that were on the record addressed and meet the overall objectives of the project. So that is my thinking. If there's no other discussion I will call the roll.

**Fritz:** I had some discussion. Thank you. First of all, since we'll be voting on the findings I would like to know has everybody read the findings that were delivered to us yesterday.

**Wheeler:** Yes.

**Eudaly:** Yes.

**Fish:** What do you mean since we're voting on the findings.

**Fritz:** The findings outline why the council voted five to nothing to deny the application and approve the appeal. This lays out why the council and our legal counsel believes that we should not reconsider the record or reconsider that vote, that this is the basis of our decision. So I would like to know if everybody has read it because I believe that this matter will get appealed to the land use board of appeals and possibly in the courts as well, and if that's the basis for -- should be the basis for our discussion today. Are we going for approve the findings or not? I would like to know if everybody has read them all.

**Fish:** Can I make a comment, mayor?

**Wheeler:** Please.

**Fish:** Maybe I can seek clarification from you since you're making the motion. My understanding is that if a majority of the council wants to reconsider the tentative vote, then the next conversation we would have is where do we go from here. Then we would have the menu of options including adopting the draft findings, modifying those findings, and/or we would have the option of giving the applicant an opportunity to make appropriate changes to the design of this project consistent with concerns that council has raised. Am I on the right track?

**Wheeler:** Are you asking me? Yes. That's my intention. My intention will be to assuming there's an agreement here if there's no agreement we'll accept the appeal. If there is an agreement my intention would be to continue the hearing, open up the record, and give the applicant the opportunity to address the concerns that were raised during the initial hearing. Which is our right.

**Saltzman:** I was going to ask you mayor what was your thinking about doing a motion to reconsider as opposed to requiring the applicant to submit a new application?

**Wheeler:** This was advice that was given to me from a procedural perspective. Maybe I should call on legal counsel at this point. We could do either from my perspective -- my understanding was that this was the preferred legal strategy. If that's not I would want to know. If we can simply direct it, great.

**Linly Rees, Chief Deputy City Attorney:** So commissioner Saltzman, what were the two alternatives you were.

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**Saltzman:** I was asking the mayor what his thinking behind doing a motion to reconsider, in essence sort of revisiting the decision and perhaps making changes as opposed to simply requiring the applicant, we granted the appeal which meant we denied the application. Why not say to the applicant, submit a new application.

**Wheeler:** Part of the answer is around time frame, but there may be other legal issues I'm not completely aware of. They would have to go through the whole process again is that correct?

**Rees:** If we deny the application they would need to reapply and start over. Correct.

**Fritz:** What's the issue with the time frame?

**Rees:** So from a legal perspective, either option is available. My understanding was that and I won't speak for the mayor, but because the issues that he had identified with the greenway were more limited in nature rather than redesign of the entire project, that perhaps that was something that could have been addressed through a minor revision as opposed to starting over.

**Wheeler:** That's correct. I was on the record with a very specific objection.

**Fritz:** Okay, then if I might I'll just continue with why we should not reconsider the approval. Just one clarification from legal counsel, the bureau of planning and sustainability memorandum from March 5, is that in the record? Could you check on that for me?

**Rees:** I don't know the answer to that.

**Fritz:** We did, I did and the council agreed five nothing with a multiple list of problems with this application. The greenway was part of it, one of the biggest parts of it. One of the other problems was the bulk of the building, the fact that they are asking for increased length from 200 to I believe 230.

**Eudaly:** 30, yes.

**Fritz:** Thank you. 230 feet. That's a significant change if that's to be changed. The shade on the greenway was part of it, and also the shade on the public plaza. There was no water features, no art, the bicycle parking is inadequate. If I'm allowed to talk about the bureau of planning memo I can add some more things.

**Rees:** This was a bds or bps?

**Fritz:** I believe it was planning and sustainability.

**Rees:** I'm sorry, I don't have a copy of that in my materials.

**Fritz:** It was a memo dated with 5<sup>th</sup> which described and it went into the views, the fact that the views from the fields park are not protected and that was part of the council discussion that we all agree that views are -- private views are not protected and that was not part of the decision, its not part of the findings. I'm hesitant to say anything because we haven't reopened the record. I will just -- going back over those -- it wasn't just a small thing that could be fixed easily. It's multiple different project problems with this application that are specified in the findings. If we agree to continue this application and allow it basically a new project to be submitted that means that staff are putting all their time in with no pay. It means very much different way of community members interacting and giving their input on to any revised projects. It's as I said unprecedented and I strongly urge my colleagues to stick with the denial and to vote not to reconsider. The rules -- I won't go further because I don't know if it's in the record.

**Wheeler:** Unless anyone has anything burning I will ask the clerk to call the roll on the reconsideration.

**Saltzman:** Yes vote means yes reconsider. No vote means no.

**Wheeler:** That's correct.

**Fish:** As I understand it, a yes on the motion to reconsider still gives us all the options available to us.

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**Rees:** I will walk through it very briefly. The motion to reconsider takes you back to the point in time after which commissioner Fritz had made her initial motion and you will then have to vote on that motion again. Thumbs up, thumbs down and at that point then the slate is clean and you can determine what you want to do from there if we get to that point. There will be two votes before you get to what is our new option.

**Wheeler:** Please call the roll.

**Fish:** I'm going to support the motion to reconsider for the following reasons. We in the last hearing, commissioner Fritz identified significant short coming of this project, which is reflected in a document that's in the record and after council discussion we were left with what was in essence a binary choice. To either grant the appeal or deny the appeal. In prior land use proceedings that I have been a party to, we have often had a third option, which is to place conditions on some action we take or in this instance to at least explore the question of whether the matter could be submitted back to the design commission for further action. Now, I understand that's a murky legal issue that doesn't have a clear answer. Frankly on that question mayor, I think we need to consider some code work in the future that gives council the clear unambiguous authority when we're faced with questions like this to send it back to the administrative body for further proceedings. I seem to recall commissioner Saltzman when we had this hearing last time saying in effect that he didn't want us to effectively become the design review commission for the city of Portland. The truth is a lot of these cases are being appealed to us and we're in effect been asked to substitute our judgment for an administrative body that we appointed and I agree with that. What is not clear to me when we have identified what we think are short coming it's not clear why we can't just direct that it go back to the administrative body that reviewed it with our comments and say have another hearing on it and see if these things can be worked out. It seems to me that's at least a third or fourth option the council should have. I understand the legal issue is not clear, but I'm going to support the motion to reconsider so we can have that conversation. Aye.

**Saltzman:** Well, we had a very good hearing on this. Lots of people testified pro and con and I really didn't have real strong feelings one way or the other but I was impressed with the quality of the testimony and the quality of the council discussion on this matter. I ultimately decided with commissioner Fritz and as commissioner Fish just said I was loathe to see this council become the design commission. I am concerned that's exactly the door we're opening if we vote to reconsider this is we're going to end up being the ones that ultimately redesign this project. With help from the applicant. With the applicant speaking to the concerns we expressed and I just don't feel that's the right way to be approaching it. It seems to lack a certain credibility to me. I don't think I have ever done a reconsideration on a tentative land use decision before. I feel the best course is for to keep it clean, have the applicant resubmit a application, a revised application, let it go through the process. Maybe it won't end up here on appeal. I feel that's the way we should go and therefore I don't support the motion to reconsider. No.

**Eudaly:** So I was surprised by the way the tentative vote went. There were a number of complex issues and concerns raised very late in the hearing that I didn't feel we could adequately address in the moment, and I was not prepared to offer solutions to them. By the time it came to my vote there were three votes and there's reasons to be on the prevailing side, even if you don't agree. So I voted yes, but my concerns with this project center around the greenway. I think that a number of the other issues raised are relatively cosmetic, would not require a major redesign of the building and I want to acknowledge the time and expense the developer has put into this and what it could mean to potentially have to do an entirely new application process and the message that we're sending to the larger development community. I vote aye.

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**Fritz:** This is about this application and this application for the reasons that are outlined or detailed in the findings doesn't meet the approval criteria on multiple different factors so I share commissioner Saltzman's concern that we are becoming actually all bets are off.

That that's essentially what this means is that no developer or no neighborhood can rely on what happens at council because or at the design commission. The process is completely blown apart you've been on council almost 20 years, is that right

commissioner? This never happened before and it's opening the door to anybody who doesn't like a decision lobbying outside of the process and getting what they want. No.

**Wheeler:** So I have only been on council for a little while and I think this is probably my third or maybe fourth design review appeal. My recollection is we have, in fact, expressed preferences and added conditions and redesigned buildings as a council. I remember one very vividly, based on the input that we received. This process as loathe some as it is gives us a tentative vote followed by a final vote for this very reason. I share everybody's desire not to be the design review commission, it's very constrained, it limits our abilities to have a discussion amongst ourselves, it's highly misleading to the public because people and even the press to some degree interpret this as our commentary on our views around affordable housing and the reality is this has nothing to do with this conversation. This is an appeal from a design review decision and we are acting as a design review board for a design review process and if through later processes I could get us out of this, believe me, I would, but I vote aye. The motion carries. Clerk, please call the roll on the revote, commissioner Fritz's March 7 motion to tentatively grant the appeal and deny the application.

**Moore-Love:** Fish? I'm sorry Linly did you?

**Rees:** Yes, to be clear, a yes vote means that you're voting to grant the appeal and deny the application. A no vote means that you want to clean the slate.

**Fritz:** May I please speak about the motion?

**Wheeler:** Please.

**Fritz:** Thank you. They are not minor tweaks that can be changed with a small conditions of approval. That's the reason -- under a land use proceeding the council is required to allow it if it can meet the approval criteria with conditions of approval. This cannot. It cannot meet the conditions of approval. I'll give you a couple of examples of that. It's not just the greenway, it's the greenway shadow, the way that the building overlooks the greenway and shades it. If you colleagues please turn to the findings on page 34, where it talks about the modification about the maximum building dimension this is the standard that has to be met unless you finds the resulting development would better meet the applicable design guidelines. The standard under 33.510.251 d3 bc says maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both length and depth. The findings talk about the proposed increase in the max minimum building dimension from 200 to nearly 231 feet lies in the direction perpendicular to the river is inconsistent with the purpose and no building that meets this standard would more afford more visual connections to the river and its activities. The proposed modifications would serve the opposite purpose. If you're talking about changing a building dimension by 31 feet that's not a minor tweak, that is not something that can be added as a condition of approval. The other one that also cannot be changed is a condition of approval is on page 33 of the findings which talks about the required open area development standards. The shadow standard. That requires not more than 50% of the plaza area to be covered by shadows at noon on April 21 of any year and the proposal has 84% shading. It's not possible to condition approval to require less shading and this is a standard that needs to better meet the purpose. If you read the findings you will find out why it doesn't. It's not just let's think about this a little differently. Its going to require a fundamentally new application

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and I strongly urge even though we're now reconsidering this vote again the way you did last time.

**Wheeler:** Please call the roll. Commissioner Fish.

**Fish:** I was following very closely what commissioner Fritz has said. Could you remind us what a yes and no vote refers to?

**Rees:** So your voting to commissioner Fritz's motion which is to tentatively uphold the appeal and deny the application. A yes, vote means you support commissioner Fritz's motion to deny the application. A no vote means that you would like there to be a different motion.

**Fish:** Ok.

**Wheeler:** Please call the roll Karla.

**Fish:** No. **Saltzman:** Aye. **Eudaly:** No. **Fritz:** Aye.

**Wheeler:** No. The motion fails. So colleagues, now this is next steps and we may have more than one motion but I would like to put a motion on the table. I move to continue the hearing until May 10 and reopen the record. The applicant would have until April 11th at 5:00 p.m., and I understand this is a very tight time frame, to submit revisions to their application and by April 18th the bureau of development service staff will notice of the continued hearing and the opportunity to submit testimony and evidence in response to any revisions. Participants may submit written testimony and evidence on the revised plans and the council will accept oral testimony on the revised plans on May 10th at 2:00 p.m. that is my motion.

**Fish:** Mayor, let me address that motion for a second.

**Wheeler:** Please.

**Fish:** I have two concerns with it. The first is the timeline because it doesn't seem particularly reasonable in light of the extensive issues that this council has flagged. Number 2, I still want to be -- I still want to have a discussion about remanding this to the design review commission for purposes of having them review any changes which has two potential beneficial impacts. One is we get the benefit of their review. Second, it may or may not be appealed back to this body, but it seems to me even though the law is murky on this, I would like to understand why we're not actively considering a remand to the administrative body that has the primary role in our system for reviewing these kinds of applications.

**Wheeler:** I'll tell you why. I don't want to end up in the inner circle of hell because they have already voted and I would see a likely response be that they take the same vote and send it right back here again.

**Fritz:** Then how do you know that applicant can respond by April 11?

**Wheeler:** I do not know.

**Fritz:** Seems like an unreasonable time frame.

**Wheeler:** It may be that they do not.

**Fish:** What is driving the time frame?

**Wheeler:** There is no particular driving of the time frame. I'm happy to extend it unless legal counsel can give me a reason why that would not be appropriate.

**Rees:** Typically I will ask applicant and staff whether we have an extension of the 120 day clock. That's our primary time limitation, in this case the applicant has waived the 120 days.

**Wheeler:** So we could extend the time frame? Is that correct?

**Rees:** That is my understanding.

**Fritz:** Does the appellant have any right to a decision within a certain time frame?

**Rees:** No.

**Fish:** Mayor, if we're going to follow this path and give the applicant an opportunity to provide us with a different design, a design that's going to have to meet the markers that a

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number of us have placed down in terms of concerns we had with the original design, and in light of your concern for creating some monster here, I would strongly urge that we set a reasonable amount of time for the additional design work to be done and presentation prepared, because they are going to get one chance to come back to council and it's not entirely clear that council is going to feel they have gone far enough. So, I don't want the excuse to be that they didn't have enough time to address the numerous substantive concerns the council has on the record.

**Wheeler:** That is compelling. Could we set a different date? What is an appropriate time frame, commissioner Fish?

**Fish:** I'm not in the -- I'm not qualified to answer that. Just seems to me this is a very tight time frame for the kinds of changes we have requested. I would suggest we give them a month or two then come back.

**Rees:** We have two options here. Staff tells me the full extension expires May 24<sup>th</sup>, so that would give us potentially if we're coming back on the 10<sup>th</sup>, I'm sorry, thinking through dates. Let me back up for a moment. As somebody who used to work in private practice one of the benefits of private practice versus being in the public sector is that architects can workday and night. I'm not going to opine on the applicant's folks, but my sense is if council tells them a particular time frame they will get what needs to be done, done in a particular time frame. If we're going to try to get a final decision adoption of findings done by late may, you could extend it by probably another week and give them two weeks to respond, but I don't really think that if you go beyond that I don't think we're going to meet the May 24<sup>th</sup> deadline.

**Fish:** I thought they waived their time limits.

**Rees:** They have waived it. One of the state law provides that they can provide extensions up to -- they can provide extensions up to 365 days. I'm assuming what that means is 365 days expires on May 24<sup>th</sup>. State law does not provide a particular consequence, but it is a practice to comply with state law and therefore I would tell you we would try to comply by having our decision done within 365 days.

**Wheeler:** So what is the latest date, then, that we could give the applicant to submit the revisions and when would we hold the hearing?

**Fritz:** That's probably it mayor, otherwise you can't get the findings back.

**Rees:** Another week out would put it at the 17<sup>th</sup>. Is there time available on the 17<sup>th</sup>? Or 16?

**Moore-Love:** 4:00 on May 17<sup>th</sup>.

**Rees:** This is not going to be a short hearing and there's nothing on the 16<sup>th</sup>?

**Moore-Love:** Yes.

**Wheeler:** Yes there is nothing or yes there is?

**Moore-Love:** It would be 4:00 on the 16<sup>th</sup> as well.

**Fritz:** That's ridiculous.

**Rees:** The record right now remains closed until council has voted on this, but I might recommend that council reopen the record for the purposes of hearing whether the applicant or at least ask the applicant whether they think they can get it done within a week since May 10 seems to be a good date.

**Fish:** That would be helpful for me.

**Wheeler:** The motion stands. Is there a second?

**Fritz:** The motion is to reopen the record to get the information?

**Rees:** Right now the motion is the full motion from the mayor.

**Wheeler:** Which includes reopening the record.

**Rees:** I will say that it's my understanding that seven days can work.

**Fish:** That's your understanding?

**Rees:** That is my understanding.

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**Wheeler:** It's going to have to, that's the timeline.

**Fish:** That's the timeline.

**Eudaly:** Second.

**Wheeler:** We have a motion and we have a second. I appreciate the list that commissioner Fritz has given and I want to reiterate a couple of things that I said on the record. This is not about views for me. There are no protected views from this particular location. My primary concerns relate to the greenway setback and we took lots and lots of testimony on the greenway setback. I'm personally not particularly concerned about orientation or height, and I am okay with increasing the podium size. Those are from my perspective acceptable options. I don't know if somebody -- well, I'll go ahead and call the roll on the motion.

**Fish:** So at the last hearing I laid out some very specific concerns that I had and I expect them to be addressed in any redesign and supporting the mayor's motion I'm reserving the right to all the options that I would have otherwise when this matter comes back, but I believe that in this instance giving the applicant the opportunity to address the concerns we raised and redesign the project and come back to council is in the public interests and therefore I vote aye.

**Saltzman:** My concern with the timeline and even if it's a later timeline is bypassing the design commission. That to me really is setting us up on May 10 or whatever date to be designing this project. I think the design commission for better or worse serves as an important check and balance on this council in these types of decisions. So I would prefer to see some sort of expedited role for the design commission in this. I don't see that in this timeline. So I vote no.

**Eudaly:** I also want to be clear that my original stance on this had nothing to do with views, which is the popular public sentiment. I also want to be clear I'm not particularly excited about more market and luxury rate housing, but it's not my job, that's not my job to determine what will go on this site. The job that remains is determining if we are making reasonable modifications and if we are getting public benefit back. So as with the mayor and commissioner Fish, my primary concern is the greenway and how this building is going to affect our built environment, integrate or not integrate into the community. I also am not concerned with heights, I'm not terribly concerned with the 230 foot building versus 200. I mean that's a 15% increase. We have the smallest city blocks I believe in any major city, and we have a unique site sandwiched between a river and a roadway. So I don't know when we have these conversations. Is it when we come back? Okay. So I vote -- wait. Where are we? [laughter]

**Wheeler:** Yes to support the motion.

**Eudaly:** I move to support the motion which I actually seconded. There you go. It's complicated.

**Fritz:** No and I would like to have a comment after you've voted.

**Wheeler:** Aye. The motion carries. Commissioner Fritz. You get the last word.

**Fritz:** Since the record is now reopened I want to make sure that bureau of planning and sustainability memo from March 5th is actually in it. As we all remember, the current project is allowed to reach the maximum allowed height including the bonus which is 175 feet. Under the new comprehensive plan. A new project would be allowed to go up to 250 feet. So there would be -- had the council chosen to have a new application it would have been additional height and therefore additional units potentially allowed and I think that's very unfortunate.

**Wheeler:** Very good. Thank you. 319.

**Item 319.**

**Wheeler:** Commissioner Eudaly.



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**Eudaly:** Thank you, mayor. So the historic landmarks commission provides leadership and expertise on maintaining and enhancing the city's historic and architectural heritage. The commission identifies and protects buildings and other properties, shall I wait for the room to clear?

**Wheeler:** Why don't you wait just a second.

**Eudaly:** The commission identifies and protects buildings and other properties that has historical or special architectural merit and provides advice on other historic preservation matters. The seven member volunteer commission meets twice a month for many hours to hear type 3 land use reviews, type 2 appeals of staff decisions, to provide design advice prior to land use application and to provide advice on historic preservation matters to other entities and we thank them for their service. Ernestina fuenmayor is proposed to fill the appointment for historian on the commission, which is a position aligned with her professional expertise documenting historic places in Portland the state of Oregon and abroad. Ernestina intends to provide a sense of inclusion to the community through her role on the commission and to help educate the public about what history means and brings to the community. The proposed reassignment of Matthew Roman from historian to public at large member allows Ernestina to fill a role more suited to her expertise. The proposed reassignment of registered architect Annie Mahoney from public at large to architect member will fill the specified position which was vacated by retirement of commissioner Karin Carlson. This appointment and two reassignments will ensure that the historic landmarks commission is well equipped to fulfill the powers and duties prescribed to them by title 33. And I believe we have people here today. You want to come up to the table?

**Wheeler:** Welcome. Thank you for being here.

**Eudaly:** Sorry to put you on the spot, I just thought you might like a chance to say hello and my colleagues may want to ask you some questions.

**Wheeler:** Welcome. Thank you for being here. That was a really intense hearing we just had. [laughter] who is the little one here today?

**Ernestina Fuenmayor:** Juliana.

**Wheeler:** Juliana it's a pleasure to meet you. This is the city council. She's not impressed at all. [laughter] so thank you for your willingness to step forward. What do you see as some of the most important issues that you can help resolve on the commission for us?

**Fuenmayor:** Say it again. Sorry.

**Wheeler:** What do you see as some of the most important issues that you can help us resolve.

**Fuenmayor:** Oh, there are so many. I'm thinking that because we have a big pressure on the historic buildings that have already been built in the historic district that we have already been creating the new construction that's going on is a big issue that I know we have. I want to help to see how we can work with the communities and work with the city and create a good way to protect the historic buildings and define which ones are the ones that we will help to protect.

**Wheeler:** Very good. Thank you. This council has a balancing act to do. As you can imagine. The city is under a lot of pressure around development and we're also under pressure to protect our historical assets and as a commissioner you come right in the middle of that. I want to say personally I'm really grateful to people who take the time to serve. So thank you for your willingness to do that.

**Fuenmayor:** Thank you for choosing me for doing this.

**Wheeler:** Thank you.

**Eudaly:** Thank you.

**Wheeler:** Commissioner, can we take the vote then?

**Fish:** It's a report.

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**Wheeler:** It's a report then.

**Fish:** Move to accept the record.

**Wheeler:** Commissioner Fish moves, do we have a second?

**Saltzman:** Second.

**Wheeler:** Second from commissioner Saltzman, please call the role.

**Fish:** Aye.

**Saltzman:** Welcome and thank you for serving. Aye.

**Eudaly:** Aye.

**Wheeler:** Aye. Thank you so much for your service. I vote aye. Appreciate it. Next item, please, 320.

**Item 320.**

**Wheeler:** Colleagues, this is an item on second reading. It's already been heard, there's already been a presentation, there's already been public testimony on this item. Please call the roll.

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

**Wheeler:** Aye. The ordinance is adopted. Thanks to everybody who worked on that. Item 321, please.

**Item 321.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** We had a presentation on this last week and I think -- I'm sorry, we did not have a presentation on this. I don't think we have anyone here from the bureau.

**Wheeler:** Let's move it to the end of the agenda and Mustafa could you see if we can get somebody from the transportation bureau to speak on 321 or?

**Saltzman:** Or purchasing perhaps either one, we don't have anybody here.

**Wheeler:** Could you help us with that Mustafa? Thanks. Next item, 322, which is the second reading.

**Item 322.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** Thank you, mayor. There is an amendment that has been circulated and I don't seem to have it. I hope all you do. I had it earlier and it got lost somewhere in all this paper, but I think it just changes a will to a shall. Maybe you can help us on this.

**Anne Hill, Portland Bureau of Transportation:** Yes, thank you, commissioner Saltzman. Mayor wheeler and the rest of city council. I'm Anne hill and I work for the Portland bureau of transportation as a program manager and development permitting in transit section. Yes, we made two changes. One thing I wanted to ask the council clerk, is this a second reading?

**Wheeler:** It's currently a second.

**Moore-Love:** It is unless you amend it.

**Hill:** Okay. So today I will briefly review the amendments addressing the ombudsman's concerns along with additional language to apply the Itic payments to local improvement district assessments, so those were the amendments that you have in front of you. I believe you received the joint letter from the ombudsman and the office of equity and human rights indicating that their concerns previously raised regarding the Itic have been addressed in the latest draft presented to you today. So specifically the low income exemption was moved from 50% to 80%. Ami. The ability to finance the Itic assessment, so that was where we changed in the code the wording from to shall, so implying that we are going to do it upon approval, and that any appeals will be heard first by the administrative review committee and then they can further be appealed to the city hearings officer. Those were the changes that ombudsman wanted to see and we're happy to make those. Additionally, based on conversation here at council we did add language to create the application of Itic payments to local improvement district assessments. That was to

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address some unpaid Itic assessment and 20 years later there was a lid formed the monies that they had paid in the Itic would be credited towards their lid. So those were the changes we made. We ask for you to adopt the Itic maximum, the allocation methodology, the neighborhoods streets framework which you already reviewed and the associated amendments.

**Wheeler:** Very good, so commissioner Saltzman you move that as a package of amendments?

**Saltzman:** Yes, I move that as a package.

**Wheeler:** Is there a second?

**Eudaly:** Second.

**Fish:** I have a question for the sponsor. Dan, my understanding is both the office of ombudsman and office of equity and human rights have reviewed the changes and now support this legislation.

**Saltzman:** Yes, that's correct.

**Fish:** Okay, thank you.

**Wheeler:** Very good. So without further adieu, I will move this to second reading then as amended.

**Fritz:** So we have to vote on the amendment?

**Wheeler:** I am sorry, you do. I apologize, thank you very much commissioner Fritz. Please call the roll on the amendment package.

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

**Wheeler:** Aye. The motion carries, and now I will move it to second reading as amended. Thank you everybody. Item 323 please.

**Item 323.**

**Wheeler:** Very good commissioner Saltzman.

**Saltzman:** I will turn this over to staff.

**Sarah Johnston, Portland Bureau of Transportation:** Good morning commissioners and mayor. So I am here for the northeast weidler, northeast halsey street vacation, and I am Sarah Johnston with the bureau of transportation, and I work for right-of-way acquisition. So we have two stubs, and it is the city initiated street vacation due to being kind of requested by the development by pbob development review that these stubs be part of the development, that's been put in place. I had some slides here, but I don't know if they showed up.

**Fritz:** It's already been put in place.

**Johnston:** The development has already happened. It's already been mostly constructed. It's kind of over by the Fred Meyer and its grant park village area. Off of Broadway.

**Fritz:** How could they do the construction before doing the vacation?

**Johnston:** There are no buildings built within where the streets are. They just serve basically this private development. It made sense for the bureau of transportation to no longer have responsibility over maintaining these streets to a private development.

**Fritz:** Thank you.

**Johnston:** All right, so you can see, I don't know if you can see the slides, but we show here where the streets are. Now in the center between halsey and weidler there is actually a building under construction. I think that -- yeah, so these pictures show it, so that street angle right there is the southern streets, so the one closest to i-84, and you can see where the new building has now already been put in place. Over this street right here is where parks has a trail easement to go for access to the Sullivan gulch trail that's proposed to be put in along the highway there and that's another view, weidler street. And that's where the new seasons is at along Broadway right there, and that's their parking garage and that's it. Do you have any questions?

**Wheeler:** Commissioner Fritz.

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**Fritz:** Thank you. You said that there is parks has asked for an easement for the Sullivan gulch trail. Will there be any required contribution from the developer in order to be able to construct that trail when the rest gets done?

**Johnston:** So I don't know, so the developer is going to -- they have paved and they have actually given as part of the easement they have given an easement over their private parcel that goes along there also, so they did not charge us for that as part of the negotiations with the street vacation. They are going to be paying for paving and making the pathway to it, but as far as paying anything towards the Sullivan gulch trail, I don't think so.

**Fritz:** Are they going to be improving the trail on their property?

**Johnston:** Right, that's correct. They will be -- they are doing -- they have a paved portion that will be -- it's like, it is still going to be paved through there as a roadway, and so they are going to -- they are paying to make that pavement, you know, to put in the pavement there, and the sidewalks and stuff. So as far as that goes, they are -- the developer is paying for that part.

**Fritz:** Will it be clear that where the public access easement is and where the pedestrians and cyclists are allowed to go, by right?

**Johnston:** Yes. The developer is the one putting in the path that connects to the Sullivan gulch trail.

**Fritz:** Thank you.

**Wheeler:** Very good. Any further questions?

**Fritz:** There was some concern from another property owner, is that correct? Is there another property owner that is involved in this?

**Johnston:** There is no other property owner involved in it. The reason why this city initiated it was because Fred Meyer had agreed to sign, and they don't own their property where they are building, where their building is. They were in agreement with this vacation going through, but benderson owns the property that Fred Meyer has the building on and they said that they did not want to sign the street vacation petition based on the fact that their tenant is, what they believe a competitor with new seasons which was going in as part of the development. So no other property owners were in disagreement with it and the neighborhood association was in full support.

**Fritz:** So who owns the new development?

**Johnston:** Capstone partners. They have been paying for the entire street vacation.

**Fritz:** So benderson gets to weigh in because their property abuts it?

**Johnston:** That's correct.

**Fritz:** But it's not giving access to their community?

**Johnston:** That's correct.

**Fritz:** Thank you.

**Johnston:** You are welcome.

**Wheeler:** Commissioner Fish? I am sorry. Any public testimony on this item, Karla?

**Moore-Love:** No one signed up.

**Wheeler:** Very good. This is the first reading of a non-emergency ordinance. It moves to second reading. Thank you very much. I understand that we have somebody here for item 321.

**Item 321.**

**Wheeler:** Thanks Kathryn.

**Kathryn Levine, Portland Bureau of Transportation:** Thank you, my apologies for not being here earlier. So this a request.

**Wheeler:** Say your name.

**Levine:** Kathryn Levine, I work for the bureau of transportation with streetcar division. This is a request for a sole source contract in order to do some very needed capital

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maintenance. We worked with the procurement section on the acquisition of the low voltage power supply and the low voltage batteries that are needed for the oldest cars. Our maintenance manager actually spent a considerable amount of time trying to find parts that would be available to make the improvement to the vehicles and was able to find two potential suppliers. The work that was done is shown in the attachment to the ordinance. So, the bottom line is that the least expensive option is to work through a vendor who has done the very same type of work and replacement for what I would call one of our sister street car cities in Tacoma. So abb has designed and replaced the inverters in the Tacoma link system, so we know that they will be successful and that they will work. The only other potential provider is a large firm that gave us a quote that is slightly smaller but did not include insulation and engineering, which we know to be considerable costs. We worked with the procurement staff, they did a notice of intent to do a sole source contract to make sure that there were not any other vendors available. We received no objections to the sole source and we moved forward with the ordinance that is before you today.

**Wheeler:** Very good. Colleagues any questions? Any public testimony on this item?

**Moore-Love:** One person signed up. Shedrick j. Wilkins.

**Wheeler:** Here he is. Come on up sir.

**Shedrick J Wilkins:** Since I have a degree in electrical engineering from Portland state, every time I see something that says something about electricity I get stimulated. So the thing about this is I think that in the Obama years there's been an astounding amount of research into the electrical cars, when I was at psu everything was giant generators the size of a house with a/c and three phase, but there was a underlying development idea that was we would have electric cars that would be dc, lower voltage, this is not three-phase, a lot of waste is wasted when you transmit power that way. I would like learn more about these systems, when Obama first came in they made a tidal wave generating farm off the sea off the coast of Newport and a lot of times when you have these little generators or even a streetcar you can put these on a truck and bring it in, but you line everything up and these tidal wave generators only make 1,000 watts but they are a ways with power transistor to amalgamate the electricity to the point that it could push the streetcar. In the old -- this interests me because it's real. You know and Halloween 2016 I saw a tesla car at pioneer square, and you realize that there is probably no difference from some little kids' little car and you have the old and it goes down the freeway and yet you have a souped-up mechanical engine, but this thing works. And it is acceptable and I find this, to mix the two together, some day in Newport there might be streetcars going up and down that are powered by the ocean waves going up and down, but the miracle of the whole thing is the power transistors are transistors this big, that, that amalgamate power and distribute power, this is totally different than the old three-phased tesla stuff. Bonneville dam has, has generators the size of a house, which came from England by the way. We couldn't make them we had to bring them in and I think that to the Portland streetcar is another example where some of this stuff is not that big, but people could ride in the streetcar. So we're getting back to the way we were in the 1890s, but some of this new transistor stuff didn't occur until the 60s and its more efficient by the way.

**Wheeler:** Thank you very much. Any further discussion colleagues? Please call the roll Karla.

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

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

**Wheeler:** Thanks, Kathryn. I vote aye, the ordinances passes. Last item 324.

**Item 324.**

**Wheeler:** Commissioner Eudaly.

**Eudaly:** Thank you mayor. In 2017 the state of Oregon building code's division adopted changes to the Oregon residential specialty code. These changes took effect on January

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1, 2018. Most of the changes represent minor adjustments to the construction specifications, however two permit requirements were removed regarding the retaining walls and maintenance agreements for shared building elements across the property line. These two requirements were removed from the residential code as part of the bcd's effort to focus the building code directly on housing construction and less on development that does not directly impact the building. As such some retaining walls over four feet in height and maintenance agreements were removed from the code. Bds is proposing to add these two requirements to our local code title 24 building regulations. Mieke Keenan and Doug Morgan are here today from bds to discuss the proposed changes and to answer any questions you might be. Hopefully not many.

**Mieke Keenan, Bureau of Development Services:** Thank you commissioner and thank you all for hearing what I think that you will find as a relatively short presentation today. My name is Mieke Keenan, I am a code and policy analyst with the bureau of development services. I am here with Doug Morgan who's the supervising engineer with the site development team at the bureau of development services, and we are here to talk to you about two proposed amendments to title 24. So as commissioner Eudaly mentioned, in 2017 the Oregon building code's division released a set of amendments, about 400 of them to the statewide building code and since that time our plan review staff has had the opportunity to go through training and to apply these new regulations, and what they have flagged for us are two significant changes to the building code that they asked be addressed. So those pertain it retaining walls and maintenance agreements, so I will talk to you but the retaining wall piece of it first and then we'll talk about the maintenance agreement. So the state building code will continue to require permits for retaining walls over four feet. When they directly impact a regulated building. So if you think about new construction company coming in or an addition and there is a retaining wall associated with that development, the state building code will continue to require a permit and review for that development of the retaining wall. However what they removed are the retaining -- any other retaining wall in the city, so they are no longer requiring permits for other retaining walls, so if you think about all of the place that is we see retaining walls in the city, around sidewalks, parking lots, parks, fields, any number of structures, so we believe that it is important to continue to regulate these retaining walls and that they go through the permit process to make sure that it's structurally sound so that they receive an inspection, and basically to make sure that these structures are still safe. So, we are proposing that we move that requirement into our local regulations title 24. So, the second proposed amend is as it pertains to maintenance agreements. So maintenance agreements are legal documents that are pretty typical in the development and you will see them in any number of development types when there is a shared element across a property line. So it could be a utility, it could be a driveway, and it could be any facility that is shared between two property owners, and really they do exactly what you would think that they would do, they spell out the maintenance requirements for that shared facility. Any repairs, any access that is granted and that easement area. So that was required in our building code, but has been removed, and we are proposing that maintenance agreements requirements also be added to the title 24. In closing just to be clear about this we are not proposing any changes for our application requirements. Our permitting review and inspections procedures will remain status quo, it's really just a way to make sure we maintain consistency with how we are permitting and reviewing building in these retaining walls.

**Wheeler:** Great. Colleagues, any further questions, commissioner Fritz?

**Fritz:** You handed out an amendment to exhibit a to change, add something to 24.70.085 d.

**Keenan:** What is the one that we submitted today?

**Fritz:** Yes.

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**Keenan:** That was a typo that our technical expert caught this morning. So he can explain that change.

**Doug Morgan, Bureau of Development Services:** Exhibit a submitted to council originally excuse me Doug Morgan with the bureau of development services for the record.

**Fritz:** Aka The technical expert. [laughter]

**Morgan:** Exhibit that was submitted to council this morning had a typo, a typographical error in it that left out a portion of two sentences so the additional document there is just a correction to that.

**Wheeler:** Legal counsel, does that constitute a scrivener's error or do we require a motion and a vote?

**Robert Taylor, Chief Deputy City Attorney:** The safest thing to do would be to adopt the amendment but likely if -- what is in exhibit a.

**Wheeler:** We have spent too much time talking about it, I will entertain a motion.

**Fish:** So moved.

**Fritz:** Second.

**Wheeler:** We have a motion.

**Fritz:** Second.

**Wheeler:** Second.

**Fritz:** I would like a clarification. Is this underlined wording already in the code?

**Morgan:** Yes. The standards we adopted for retaining walls we are proposing to adopt are consistent with past practice.

**Fritz:** I am trying to understand the scrivener's error part of it. Comparing -- when I am looking at exhibit d there is no proposed changes. There is a proposed change.

**Keenan:** That proposed change you see in front of you would move into exhibit a, so it would replace what's in exhibit a right now, the underlying portion.

**Fritz:** But this is just more specific?

**Keenan:** That's correct.

**Fritz:** Okay, it's good that we have got that motion in.

**Wheeler:** Call the roll on the amendment.

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

**Fritz:** Thank you to both our technical experts, aye.

**Wheeler:** Aye. Thank you.

**Keenan:** Thank you.

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

**Moore-Love:** No one signed up.

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

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

**Eudaly:** Thank you to our technical expert for catching that error, aye.

**Fritz:** Aye.

**Wheeler:** Good proofreading solves a lot of problems down the road. Thank you for that excellent work. I vote aye. The ordinance is adopted as amended and we are adjourned.

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

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## 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.

**APRIL 4, 2018      2:00 PM**

**Wheeler:** This is the april 4, 2018 afternoon session of the Portland city council. Thank you for being here. Please call the roll. [roll call taken]

**Wheeler:** Please read items 325 through 328, please.

**Items 325, 326, 327, 328.**

**Wheeler:** Thank you, karla. Obviously we're here this afternoon to continue our work on the central city 2035 plan. Sally, would you like to introduce today's session for us?

**Sally Edmunds, Bureau of Planning and Sustainability:** Yes, thank you very much. So we have three main things for you today. We issued a packet for you last thursday, modified it slightly on monday, and that's the packet that you have in front of you. Today we also have a new mini-packet that has a blue voting guide on the front that says revised and then there is a document on the back that's called central city block 33 city council amendments. So today we'll start with part one, which relates to discussing and voting on amendments related to block 33. We also have on the agenda an item related to the Portland public schools, but that memorandum of understanding isn't complete yet so we'll be coming back next week to talk about that. So part one will only include the block 33 items. Then part 2 will move to top of bank. We split the original amendment into two parts. E1 relates to the measure of the top of bank around structures, e2 to commentary around the default top of bank.

**Fish:** Our office was advised by the mayor's office that those have been withdrawn.

**Edmunds:** That's my understanding as well. You will need for formally withdraw them.

**Fish:** Okay.

**Edmunds:** Part 3 we have a very few new amendments that we consider to be technical and minor related to the north pearl opportunity area, bird safe glazing and transfer of far from historic structures. We'll need to have a public hearing on those items. We did send this out last week and I'm not sure who we have signed up for that yet but we'll have to start by moving and seconding those items then holding the hearing.

**Fish:** Can I ask you a question? We have been dealing with so much stuff recently of a land use quality, when is the last time that we would be able to consider any amendments to 2035?

**Edmunds:** We have a meeting scheduled for april 11th, and where we will be voting on the items in part 3. That's the last time that we currently have scheduled for individual amendments. We do plan to come back on once we complete this we are going to compile a new revised central city 2035 plan and ordinances and findings and bring that back to you on may 24th.

**Fish:** Is there a scenario -- on may 24th, right? If for some reason there was an additional item that the council wanted to take up by way of amendment, is it -- could it be brought up on that day or that is too late?

**Lauren King, Deputy City Attorney:** If staff is coming back with findings then you would need to delay coming back with findings to reflect that amendment. It could be further delayed for the purposes of preparing findings then additionally depending on the substance of that amendment it may or may not require additional public testimony. If it relates to something you have already taken testimony on you may not need to provide more testimony.



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**Fish:** The goal to to have a vote on everything else may 24th.

**Edmunds:** That's right. And a final vote on June 6. Yes.

**Fish:** Thank you.

**Wheeler:** Very good. Sorry, commissioner Saltzman.

**Saltzman:** You list on block 33 mayor wheeler's amendment then mine. I guess this seems like it should take my amendment first because if that doesn't pass -- then we go to mayor wheeler's amendment.

**Edmunds:** Commissioner Saltzman we understand there may be an additional amendment and then a modification to your amendment.

**Saltzman:** I still think they should happen before we consider mayor wheeler's amendment.

**Fish:** With one caveat. I have an amendment for which would be the first reading, so I would want some advice from staff, but wouldn't we first have to have a reading of my amendment and a chance for council to be aware of it and vote on it. since mine is an amendment to whichever amendment ultimately passes?

**Edmunds:** Yes. We have a proposed procedure to walk through all of the block 33 items, so mayor wheeler, I would recommend --

**Wheeler:** This will get complicated very quickly. Bear with me. I know you will all ask questions if that at any point this is not self-evident, that includes me, of course. We're starting with block 33. As the commissioner pointed out at the last meeting I offered up an amendment referred to as c1 here on the blue voting guide. That amendment increased the height on the western half of block 33 from 125 to 160 feet. During the same hearing commissioner Saltzman then offered his amendment which we referred to as c2 in this guide. His amendment increased the maximum building height from 125 to 200 feet on the western half of the block. It increased far from 6:1 to 9:1. It exempted property from -- exempted block 33 from the historic resource review for both far and height. So those two are currently on the table. Commissioner Fish, you have an amendment, this would be an appropriate time for you to offer it up.

**Saltzman:** I also have an amendment to my amendment.

**Fish:** Thank you, mayor. The purpose is to put my amendment on the table, have staff explain it then decide procedurally how this fits together. I move my amendment which provides that -- the Fish amendment would allow the height increase to 160 feet on the western half of the block, but only through a bonus. In other words, we would apply the same bonus system that currently exists everywhere else downtown other than the historic district. The bonus would operate with our existing rules, which in this case would say that you get the extra height if you deliver desperately needed affordable housing so I offer that amendment.

**Wheeler:** I'll second this. We'll call that amendment c3. Commissioner Saltzman, I understand you have a modification to c2.

**Saltzman:** Yes. Thank you, mayor. Two things. I wanted to maybe do the same thing as Fish's amendment did, to allow the 200' far of 9:1 earned only if all development above ground floor on the western half of the block is residential. Sounds like like what we just adopted.

**Fish:** Similar.

**Saltzman:** I want to amend my amendment to remove the exemptions from the historic review process. This project would be subject to full historic design and review. I heard at the last hearing that somehow the landmarks commission had taken a position on this project prior to it coming before it and that was wrong. What I heard was incorrect. I'm proposing to delete my exemption from the historic review process.

**Wheeler:** Very good. I will second that. We'll call this c2 as amended. Does anyone else have any further amendments that they want to add?

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**Eudaly:** I feel a little left out, but no. I'm not going to add any amendments to this.

**Fish:** Now to this point. Mayor, can I ask staff to walk us through my amendment? It's on the -- because commissioner Saltzman I think is prepared to accept conceptually the same framework for his amendment I want to make sure we're talking apples and apples and have staff walk us through how this would work.

**Rachael Hoy, Bureau of Planning and Sustainability:** Rachel hoy with the bureau of planning and sustainability. I'm going to flip through a couple of slides to get to your proposed amendment, commissioner Fish. So the packet that we provided that you have cover page says block 33 city council amendments. There's a write-up of each amendment. Commissioner Fish's amendment starts on page 6 if you want to look at that as well. The commissioner Fish amendment is to similar to mayor wheeler's amendment, it maintains the height of 125 feet on the site. The difference is the increase in height that you're proposing to 160' on the west side of the block could be earned through bonus height. So that proposal as you said is consistent with the way we have increased height through the central city 2035 project when we increased height across the central city it's been through the bonus height system in an effort to ensure there's a public benefit associated with that increased height. So your amendment is increasing from 125' to 160' on the western side of the block using the bonus height system as well as the bonus that they would be required to use would be the affordable housing bonus. So there's an extra level. We have a very small number of bonuses. There's affordable housing bonus but also the option of transferring far from an historic resource. In this particular case this would ensure they would be using the affordable housing bonus to obtain that bonus height.

**Fritz:** They would not be able to use the historic resource bonus?

**Hoy:** The way it's proposed, no, they would be required to go to the affordable housing bonus first.

**Fritz:** Where is the bonus that transfers from historic resources, how far away is it allowed to be transferred to?

**Hoy:** Well, if they needed more far that would just be a secondary bonus or transfer that they could go to. For this particular case to obtain that bonus height up to the 160, the proposal just says you need to go to the affordable housing bonus first.

**Fritz:** They could go to the historic resource transfer beyond that?

**Hoy:** If they needed to.

**Fritz:** But for the transferring site, how far away from the transferring site can the bonus be transferred to?

**Hoy:** The way we set it up in central city 2035 the historic transfer there is no---it's anywhere in the central city. There's no distance parameter.

**Fish:** In our last hearing we had conflicting testimony about whether we should allow the additional height and there were eloquent concerns raised, cases made on both sides of that issue. What I also heard the neighborhood say to the extent they were neighborhood folks who testified in support of the additional height, that they wanted to see some development and they would prefer to see some residential development. As I tried to work through this what I think is a close call, I went to staff and got a little primer on what our rules are generally in the downtown, then learned that we don't have the same system that applies within an historic district. Because I think if we're going to increase height we need to have a clear public benefit that flows back I asked them to consider essentially doing a pilot where we applied the same rules that we apply throughout the district on this site as the quid pro quo for allowing for the additional height. That's the proposal that staff has come back with.

**Wheeler:** I have a couple of questions. If anybody has any more questions, specific to commissioner Fish's amendment, I don't want to derail a good conversation, but I have sort of a question about this amendment and commissioner Saltzman's amendment. So

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part of what we are trying to do, just thinking bigger picture here, we're obviously trying through both of these amendments to ensure to the degree that we can the housing is part of the picture. These are subject to inclusionary housing. And we're trying to bring some consistency to a district that isn't very consistent based on sort of my quick appraisal of where we are. The north part of the district was at 350 previously. And our initial attempt was to bring the 350 on the north side down to 160 so that it would be consistent with adjacent properties. It's my understanding that in the historic district not that long ago a building was built to 200 feet. And through this process we were lowering or raising the height on the south part including block 33 from 100 to 125. That precipitated my amendment was let's get it at least to 160 so that we have consistency. I actually like commissioner Saltzman's amendment in so far as it gives flexibility. I would not have supported it if it included the provision that it would bypass the historic review. I don't think that's appropriate but turns out I think that's not consistent with statute so that's off the table. Per the conversation. But I also want to be clear if, and I'm expressing absolutely if, we go to 200 on block 33 there is another block that we have already proposed lowering from the 350 to 160 that we would need to raise to 200 to preserve that consistency. That was a lot of talking but is that approximately correct in terms of where we were historically, what we're attempting to do and what would be required?

**Joe Zehnder, Bureau of Planning & Sustainability:** That's correct. To treat both these height changes in the district consistently we would do just what you said.

**Wheeler:** Walk me through a scenario. Let's just say we went to 200 for discussion purposes. It goes through the historic review process. And what does that look like? Walk me through that fairly quickly. What would be the likely outcome of that conversation?

**Joe Zehnder:** Well, it would be a type 3 review, go to the landmarks commission and they would apply the recently adopted standards and guidelines that we have created for the chinatown district. If it was an approvable project from their point of view they would recommend that -- they would have the final decision. If they do not, if they turn it down then on appeal it would come back to you for consideration.

**Wheeler:** We had some very honorable people from the historic commission come in and they testified in opposition to some of the proposed amendments. But upon doing my research in the last week, it appears that buildings have already been approved at 200 feet in the district.

**Joe Zehnder:** I don't believe it's 200.

**Brandon Spencer-Hartle, Bureau of Planning & Sustainability:** Brandon Spencer-Hartle, Historic resource program manager at bps. I don't think so. Our understanding is the tallest is about 160 feet. At the north end of the district a datum we used to come forward with that decision so that it would be consistent with that tallest approved building, no taller than it. So that it sets that baseline.

**Wheeler:** Tell me about the historic designation. There's been some statements made about what would happen to the historic district if we did certain things. The legal council for the proposed development of block 33 had said that there were no districts that had been jeopardized by this. They pointed out historic documents for the formation of the district which actually suggested much greater heights. Mention was made of the fact that for many years the north part of the district has already allowed 350 as part of its height restrictions. And we got a fairly mushy response back from the state when we put this question to them. So it doesn't seem to me there's any definitive evidence or even any anecdotal evidence that we would be putting the historic district at risk.

**Spencer-Hartle:** I'll jump in with quick history. When this district was listed in the national register of historic places in 1989, it was listed by the national park service, not by the city council. In Oregon we're unique in the country that we honor the national register listing with land use protections that apply upon designation. In the case of chinatown when that

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district was registered it automatically got land use protections that still today exist. Those are basically demolition review and historic resource review. When you put together a nomination for one of these districts you sort of explain the case as it is at the time and so the zoning was mentioned in the national register nomination not agnostic to whether or not that would be built, but saying today in this district this is the zoning. In terms of the historic resource review process that the historic landmarks commission will administer on sites in the district that are subject to it, their charge is really to approve projects that do no harm to the historic district. So in their review they use design guidelines and their best professional judgment to determine whether or not a proposal can be approved and not harm the district. Somewhat of a gray area line in an historic district for any historic resource where if too much change occurs and the qualities that made it historic at time of designation are lost then it could be subject to a nomination to delist. It would not happen because of the zoning decision, it would be the sort of -- death by a thousand cuts for any historic resource. If you take out the windows and siding and change the roof of a historic house, it would probably be a good candidate for delisting. But that occurs in real time and it's on the ground evidence that the park service would use.

**Wheeler:** That's not what is proposed here is my understanding at all. What I did read into the response from the state was the message around consistency. It feels to me like -- i'll just walk through the Saltzman amendment since we talked about that most recently, if we do that at 200, as I say we would have to be consistent on the block adjacent on the north side, which we are bringing down from 350 originally to 160 based on some other height we would raise that to 200 so the north side would then be consistent with blocks 33 to the south side. That seems to meet the consistency standard that's being proffered by the state. Yes? No?

**Zehnder:** Well, I think consistency with what is the part of the vagary of the state's response. I believe what they were talking about is the character of the district. So it's built -- its built form. That's typically what landmark districts are about. This one is a cultural district as much as a built form of physical district. That adds to the gray quality of being able to judge it. I don't know if it would mean much to the state if there was 200 possible there and a 200' building came in. They would look at the 200 foot building, at its responsive -- they, I think the argument would go more the responsiveness to the guidelines. The debate that takes place during the review process or the critique that landmarks does, then if it was turned down in appeal to city council you all would have your own shot at that kind of discussion and consideration of the guidelines. What you perceive or how you want to characterize the district and how the way this is designed you feel is consistent with the district.

**Wheeler:** That's actually very helpful context for me. Sorry to be absorbing this on the fly, but it's important nuance for me to understand. So fundamentally from that perspective given the important role of the historic commission, the work we're doing here, 160 versus 200, with different far and affordable housing requirements which are effectively parallel, I don't see how it impacts the historic district one way or the other. There's still an opportunity through the historic commission to address those other issues you mentioned taking away windows or historical treatment or whatever else. Those are architectural questions.

**Zehnder:** Yes.

**Wheeler:** This is a zoning exercise.

**Zehnder:** The landmarks commission will see the building that's built under this zoning and make a judgment around the actual building design and proposal and if as I said if they can't approve it you all will see the same building proposal. The zoning just really entitles you to try to design a building that will be appropriate for the district.

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**Wheeler:** If they came to the conclusion since commissioner Saltzman, for example, has withdrawn his exemption in the amendment for the historic review process, that is the check and balance. It's the historic commission.

**Zehnder:** Correct.

**Wheeler:** Unless we chose to overturn it.

**Zehnder:** And in this central city plan part how we got into this circumstance is we over the years have created some historic districts in the central city and never right sized the height for what given the side boards of what might be an acceptable height. That was causing a great deal of changing the goalposts for developers so we wanted to- and putting pressure on the landmarks commission-- so we wanted to bring down the height so it's closer to what's reasonable, 300 to 160, brought it down within that realm. 200 and 160 is not of the same order of magnitude, mayor, honestly. We're going to set a new datum, 200 under this amendment. This is the opportunity for a developer and designer to come in with a building that rocks the guidelines and fits in with the compatibility of the district and to the extent that that's possible landmarks has a say. To the extent that they need to pass it on you all will have the final say.

**Fritz:** That's what we have been trying to do throughout the central city project, look at what's reasonable to expect so that if you have a good design the height is such that it's going to be compatible. If you look at the back page of the handout this block is surrounded on three sides by 100 feet. If you have a building that's double the size of the buildings on three sides it seems to me very challenging to make it compatible.

**Hartle:** One more piece of information, as early on in this process we solicited advice from the landmarks commission about what they thought was appropriate heights in the central city historic districts. Generally what we recommended and what's before you in the final version of the staff and planning commission plan are heights that are slightly taller than what the landmarks commission had asked us for. The thought there was even though the commission was feeling that being conservative with height would make their job most clear or negotiations with property owners and developers most clear we wanted to leave a little more room for proposals that maybe step back a building or a wedding cake or apply a different design strategy. That's what we advocated for the process, let's take into account the historic district but not necessarily just match and give some wiggle room. How much wiggle room, that's where the debate exists.

**Fritz:** We have already gone from 100 to 125. That's what the previous compromise was. Now we're compromising from the compromise.

**Zehnder:** And the checks and balances are still there but that's absolutely true.

**Fritz:** Is there another historic group specific to a cultural within Portland?

**Hartle:** There is not one on the historic register or historic district. Some of our conservation districts have significance for the african-american experience but they are not quite the same as an historic district.

**Fritz:** I want to call your attention, colleagues to an email we got this morning, that you may not have had time to see. 10:35 from terry chung, who says, the 25th plans were developed by the community to allow increased heights from 100 to 125 feet on block 33 with the intent to have the landmark commission's guidance in preserving the character of the neighborhood to a respectable manner. This was the agreed decision by the community after much discussion. This current proposal to increase the heights on the west side of block 33 circumvents the committee's original intent. While a developer has stated he's worked with the old town community association he's not convinced all the board members nor has he the full support of the full neighborhood that this plan as proposed meets the original intent of the board. I understand that the developer faces many challenges but so does the community for its preservation of time and place for the Chinese and Japanese community. Terry Chung says as part of the community

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neighborhood revitalization I'm a founding member ever the Portland chinatown history foundation. We're in the midst of creating a museum at 3rd and Davis. I have also heard from the director of the Chinese garden and others in the district who are very concerned about the potential destruction to the cultural place in the historic district that is vital for the Chinese and Japanese communities here.

**Fish:** Mayor wheeler?

**Wheeler:** Commissioner Fish.

**Fish:** This is a continuation of what was a fascinating discussion and hearing last time and I thought one of the more interesting conversations we have had. I want to go back -- thank you, mayor, for the procedure that you've under your tenure you've established around land use decisions where we actually take time to discuss and debate actually before we take the vote. The vote is a blunt force instrument.

**Wheeler:** You mean before we could have just taken the vote? [laughter]

**Fish:** I appreciate you allow for the vote. It allows for a more transparent process.

**Wheeler:** Thanks, nick. I appreciate that.

**Fish:** I want to go back to the principles that framed my consideration of this. First we have an historic district that have set established guidelines for, and we have made commitments about what we are or are not going to do within the district. Two, we have the fact that block 33 is essentially blighted and has not been developed for a long time and there is a yearning not just from the people we heard testify but others that they would like to see some development on that site. I think we all share that. Number 3, when we are giving an owner a significant benefit, in this case additional height or far or both, I think we have a right to ask for some public benefit back. So my amendment, which I hope we can clarify would apply could be simply adopted as an amendment both to the wheeler amendment and the Saltzman amendment so we have the two choices before us, my amendment ensures that this additional height and the benefit we're giving an owner is treated just as we would treat any other development within the downtown outside of the historic district, subject to a bonus system and we would have the benefit of some affordable housing. Mayor, I hope you're not withdrawing the wheeler amendment because I found you very persuasive last week and we have not had a follow-up conversation but I intend to support the wheeler amendment as amended by the Fish amendment but I would ask that you clarify both your amendment and dan's are subject to the Fish amendment then the council has a choice to make.

**Wheeler:** I think that's right, commissioner.

**Fish:** Dan -- [speaking simultaneously] we need a vote to say Fish amendment amends both amendments before us, wheeler and Saltzman, then mayor, you decide the sequence of the vote.

**Wheeler:** In terms of sequence I think what I would do is offer up dan's first, which was c2. If that fails I would then offer -- I'm sorry, c2 as amended. I would then go back to mine, which was sort of the baseline, which was c1, and I would do yours last because if yours passes that would supersede mine in the process. Is that correct, legal counsel?

**King:** Not quite.

**Wheeler:** From legal counsel, explain if we do dan's first it supersedes the other two. Correct?

**King:** Whichever one is done last to the extent it conflicts or changes provisions in the earlier amendments that will be the controlling one.

**Wheeler:** Okay.

**King:** That's one thing to think about. The other thing that council can think about is if they are able to articulate what that amendment is we can just create a new amendment that reflects the current consensus.

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**Fish:** Can I simplify this for us? I am agnostic as to which order you go but it seems to me that the first order of business is to agree that the Fish amendment amends both of the main amendments on the table then you decide --

**Wheeler:** That is not my call. The amendment was proffered by commissioner Saltzman. It's up to him to decide whether he accepts that premise.

**Saltzman:** I do.

**Wheeler:** I think we're in agreement on that then.

**Fritz:** Is the height 200 or 160?

**Saltzman:** In mine it's 200.

**Wheeler:** Legal counsel is looking twitchy so --

**King:** Commissioner Fish, I have increased height to 160 through the bonus height and require the owner to use affordable housing.

**Fish:** For purposes of keeping this clean I would offer my amendment as simply requiring that any height above 125 feet be subject to the housing bonus. That keeps it clean and council then can decide what height they want. Is there a second?

**Eudaly:** Second.

**Wheeler:** We have a motion and second.

**Fish:** My intent is to put both amendments on the table.

**Wheeler:** That provides parallel language on c2 as well as -- c2 is amended as well as c3.

**Fish:** Is that acceptable?

**Saltzman:** Yes.

**Wheeler:** The next question and legal counsel I'm looking to you again, the last one that gets a majority of votes wins. Correct? Very good.

**Fish:** Can we vote on my amendment first?

**Wheeler:** We will take a vote on the amendment as provided by commissioner Fish. Please call the roll.

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

**Fritz:** No because I think that the first bonus adjacent to an historic district might need to be transferred from the historic district. Also I'm not going to support any height over 125 because that's already an increase in height. There was a development that was waiting to develop at 125, waiting for this 125 to pass. So essentially what we're debating is how much bonus to give to an owner of a surface parking lot. I think that just rewards owners of surface parking lots to hold out for as much as they can. No.

**Wheeler:** I vote aye. The amendment is adopted. So next we can go -- I will hold c1 in abeyance and publicly state that I will withdraw it if either c2 is amended or c3 pass. I want to hold that as a backstop to doing nothing.

**King:** I'll just clarify for the council I think commissioner Fish's amendment amended c1 and c2. C2 has been amended twice, by Commissioner Saltzman and Commissioner Fish.

**Wheeler:** All three.

**King:** C1 and c2, c2 being amended twice. Commissioner Fish, did you withdraw c3 or --

**Fish:** Yes. Currently we have the wheeler amendment and dan's amendment, c2, amended twice, the mayor gets to decide which goes first.

**King:** Yeah. Would you mind stating for the record you withdrew c3?

**Fish:** I have withdrawn c3.

**Wheeler:** That leaves just so I'm not completely confused c2, now twice amended, once by dan, once by commissioner Fish, that leaves c1 on the table. Along with -- c3 has been withdrawn by commissioner Fish. Let's go to c2 as amended twice. Call the roll.

**Saltzman:** Could I offer, before we vote -- thank you, mayor. So to me what sways me and justifies in my mind the additional height increase from 125 to 200 is the substantial additional yield of affordable housing units. As we heard in testimony when we had the public hearing, developing at 200 feet produces an extra 40 affordable units and it

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produces an extra at 125 it produces an extra -- I'm sorry -- I'm confused here. The number of increase in affordable housing units from 160 to 200 is about 40 additional units. The total number of apartments I believe under 200 feet is 342 apartments versus 199. That was all public testimony was given last week by I believe an architect working with the developer. I found those numbers to be substantial. I think in a time of a housing crisis we need to do all we can to accommodate more affordable housing and this is one way to do that. But I was also I have to say honestly I was struck when it was a week ago tonight I was driving with my partner to go to dinner someplace actually on the east side of the river but we were going down southwest 4th -- northwest 4th, around 6:00. Beautiful day. I think last Wednesday. Driving by looking at block 33 thinking, how is that building going to fit in that recessing sun. I questions it will create a shadow. But when I look around me I realized there was nobody else on southwest, northwest 4th at 6:00 on a sunny Wednesday evening. It was a ghost town. If I had my bowling ball with me I could have taken it at cooch street and rolled it down to glisan and it would not have interfered with traffic or pedestrians. That's the reality. We have to square ourselves with this. Old town chinatown/japantown has become a ghost town. We have to do something to catalyze development here. I think this project does that. It produces more affordable housing to boot at 200 feet. I don't think it will detract from the historic district. What's the purpose of an historic district if nobody is there to be appreciate it. I think we need to infuse this area with people and commercial opportunities and retail opportunities. So that's why I'm offering this amendment.

**Wheeler:** How do you vote?

**Saltzman:** We haven't voted yet. I just offered my comments.

**Wheeler:** Call the roll.

**Fish:** Well, I'm in the uncomfortable position of agreeing with the mayor who now disagrees with his original amendment, but I still think you were more persuasive last week than this week, mayor. You offered your amendment to 160 feet, I thought that was a reasonable balance to a lot of concerns that we heard. I will tell you that having had some additional conversations with people that are much deeper thinkers about this subject than I am, I do find there's something frustrating about this conversation which is we're debating numbers and matrices, not standards. Really in an historic district we should be talking about standards, about light and air and texture and what's the impact of new development on surrounding buildings and we should be looking at context. That's what an historic district is but we're just talking about numbers and it doesn't tell the whole story. So I as I try to balance a number of things and I'm reminded that we had this big discussion about mr. Menashe's property and the council was firm about not going above 160, I just don't see why we're going to move off of that. So while I appreciate the intent of this, I think it's out of whack. Therefore I'm going to vote no on the Saltzman amendment as amended and I intend to vote yes on the original wheeler amendment. No.

**Saltzman:** Aye.

**Eudaly:** Well, commissioner Saltzman, I would not have pegged you for a bowler. [laughter] I hope you won't hold this vote against me because I would love to take you bowling sometime. If it weren't for the historic district I would have no reservation raising the height to 200. We need more density in the central city. But I do feel that 160 strikes a more reasonable balance between those two kind of competing concerns. So I vote no.

**Fritz:** No.

**Wheeler:** So this is not an easy vote for me. I have heard really good persuasive articulate arguments on both sides of this. I obviously support it based on the line of questioning that I put forward here so my official vote on this would be aye. However, I believe my colleagues have made some really good arguments here. I want to remember what we're talking about. We have vision versus reality. The vision that commissioner Fish just



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articulated is a really good vision. However, the historic asset we're actually talking about is a surface parking lot in the middle of old town chinatown that nobody has been able to pencil out a development on for decades. So what I want and what my hope is and what I will be working very, very hard towards with prosper Portland is not missing this development cycle for an opportunity that a lot of people, not everybody as commissioner Fritz rightly said, she's correct, I have gotten calls and emails from people who don't like this, at anything over 125 feet, but I don't think a surface parking lot is very respectful of the history and traditions and the culture of the district either. So the Saltzman amendment fails and we'll move to c1 as amended. Please call the roll.

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

**Fritz:** It's my understanding from the chief planner that this site will be designated with an asterisk in the zoning code maps. No?

**Zehnder:** An asterisk? No.

**Fritz:** So this site alone has the condition that commissioner Fish just mentioned.

**Zehnder:** Oh, correct, in terms of it will be the one block in the historic district where that bonus provision will apply. Yes.

**Fritz:** It's the very definition of a spot zone and it's unfortunate that it impacts the only cultural district of a community of color in our city. No.

**Wheeler:** It's better than it would have been. It provides consistency with what we're doing on the block on the other side at 160 feet. It provides consistency with what staff is telling me has already been approved by the historic commission and/or city council previously. So I feel very comfortable that it will protect the integrity of the historic district. We still have the check and balance of the historic commission and they are good people. Their intentions are honorable and they bring a lot of experience as volunteers to the table to be able to provide not just any development but a really positive development, and I will commit to the developer as the commissioner in charges of prosper Portland that I will work with them to see if we can't get this going in the near term as opposed to years from now. I would like to see it happen. I vote aye. The amendment passes.

**E1 withdrawn.**

**Wheeler:** Thank you. So we move on to I believe it's top of bank. The amendments are related to the top of the bank. We have e1 related to structures and e2 that contain commentary on the default top of bank that I support and that we don't need to move on. I want to talk about e1. This is an amendment that was introduced as a courtesy to the port of Portland. We're continuing to work with them to address their very specific concerns. But I have looked into this and I have decided to withdraw the amendment since this amendment actually codifies the way that bureau of development services currently approaches measuring the top of bank I think that leaving this in the code will help make things clearer for the applicant. Is there any objection to my withdrawing that amendment? So we'll move on then to move, second, hold public hearings on new amendments. This is the public hearing portion of the hearing for people who actually want to participate we have a few new amendments that we need to move and second before we get started. Troy, do you want to start us off?

**Troy Doss:** Yes.

**Wheeler:** Thank you. Could you introduce yourself for the record, please.

**Troy Doss, Bureau of Planning & Sustainability:** Troy doss, bureau of planning and sustainability. I'm here to talk about north pearl height amendments. Just as a quick history on this, these are actually provisions that go all the way back to 1990, part of the northwest triangle. When we adopted the north pearl plan in 2008 we just renamed these provisions, height provisions, to be the north pearl height standard. Moving forward, we fully intended to keep elements of those as part of central city 2035, and what we have now as you can see on the diagram, buildings that go up to 100 feet are allowed by right along the north

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pearl waterfront. Once above 100 feet you're required to have a maximum width north-south of no more than 120 feet. When we worked the provisions, restructured them, we lost that language that said above 100 feet. So what it really resulted in is it would say all buildings if you take advantage of the height you have to be no longer than 120 feet from bottom to top and that was not what we intended. We're coming back to say, woops, we would like to go back to what the original intent of the regulation was, which is if you get above 100 feet the tower massing above 100 feet can be no wider than 120 feet.

**Wheeler:** Troy, if I understand this amendment, it's a correction that returns the code to its current meaning.

**Doss:** Exactly.

**Wheeler:** I move that.

**Eudaly:** Second.

**Wheeler:** Very good. Bird safe glazing. I'm moving this amendment because the intent is to apply to standard adjacent to an eco-roof already implied in what we were doing now the code will explicitly state it so there's no confusion. Do I have a second?

**Saltzman:** Second.

**Wheeler:** Is there anything else to talk about on that one? That seems self-apparent.

**Hoy:** That's it.

**Wheeler:** Far transfer from historic resources, tell us about this one.

**Hoy:** Yes, this is also just a minor change that you see on the screen here. After further discussions with bds and building code specialists we realized we needed to be very clear about somebody that wanted to come in historic resource to upgrade their building. They have one choice. They have to show us that they meet or exceed the structural code, and the way a code was worded, it seemed to give them a choice in that. We did not want that. So this is a strictly just a clarification. The other small piece of this is the section in which this will be located in the building code is going to change in the future so they wanted us to be less specific.

**Wheeler:** All right. Very good. I'm moving this amendment because it makes clear the property owners need to provide documentation showing that they are seismically upgraded already or that they will sign an agreement with the city to do so. Do I have a second?

**Saltzman:** Second.

**Wheeler:** Public testimony. Everybody's favorite opportunity, especially ours, to hear about these three new amendments. We just moved and seconded. If you want to testify, find Karla, her council clerk.

**Karla Moore-Love:** There's some confusion. They had signed up for c1 but they both left.

**Wheeler:** Does anyone else want to testify on any of these amendments? All right, very good.

**Fish:** Any other amendments that have been offered?

**Wheeler:** Not that I'm aware of.

**Eudaly:** I think mine comes later.

**Wheeler:** That concludes our hearing on these particular amendments. I would like to close the written record but leave the written record open until April 11 at 4:30 p.m. Time certain when we'll come back for a vote on any remaining amendments. If people would like to comment on these they are certainly welcome to. Sally, can you go over the next steps, please.

**Edmunds:** Just a clarification, closing the oral record now, leaving the written record open.

**Wheeler:** That's correct. Sorry. There's a typo on my cheat sheet. I apologize.

**Edmunds:** So next steps, these are the sessions that are still on the calendar for central city 2035 for your review. So we'll be back here on april 11 at 4:30 time certain to vote on those three amendments that you were just subject to the public hearing.

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**Wheeler:** Good.

**Edmunds:** Thank you very much.

**Wheeler:** There being no further business that portion of the hearing is adjourned. Please call item 329. We're now back in session as Portland city council.

**Item 329.**

**Wheeler:** It doesn't seem like long ago we were just here talking about this. We're here today to conduct a deliberation session where proposed amendments will be considered and moved and second amendments the council wants to consider further to the map refinement project. Karla, technically I need you to call the roll again. We adjourned. Oh, we're continued. Okay. Good. I'm just reading the document.

**Lauren King, Deputy City Attorney:** I think bps didn't realize there was another item.

**Wheeler:** That's fine. Eric Engstrom and Marty Stockton. Welcome. We're missing somebody. That's all right.

**Eric Engstrom, Bureau of Planning and Sustainability:** Thank you mayor and commissioners with me is Marty Stockton, who's been the project manager for the map refinement project. I'm here to remind you once again we're leaving the central city and now talking about the city-wide comprehensive plan. As you mentioned this is deliberation on a hearing you had recently. This is one of several actions we're taking to clean up loose ends to make sure we have a smooth implementation of the new plan later in May. Just for your review again and for the benefit of the audience those actions included tying up loose ends on the zoning map and comprehensive plan map which we're talking about today. You'll talk next week about the code aspects and then you recently discussed the transportation system plan phase 3, which is also important to make sure that the plan goes smoothly. With that context Marty will orient us to where we are with the potential amendments.

**Wheeler:** Thank you.

**Marty Stockton, Bureau of Planning and Sustainability:** Thank you. So the draft amendments are based on public testimony and you have this document before you here. That's about an 11 by 17 document.

**Fish:** Where is that, Marty?

**Stockton:** Coming to you shortly.

**Fritz:** Is this the same one you previously given out?

**Stockton:** This was updated as of noon today, so just check the time at the bottom there. Again the proposed amendments before you are based on public testimony to the recommended draft of the map refinement project that came out in February of this year as well as city council and city staff input. City council received 84 pieces of written testimony and heard from over 30 people at the public hearing held on March 14th. Today we are holding a deliberation session to consider and then move and second the amendments that council wants to consider further. Those amendments are part of the amendment table which is the handout before you. By identifying a possible amendment the sponsoring commissioner is expressing an interest in further discussion, however they have not yet committed to vote for the change. I just wanted to establish that disclaimer. Today we have 21 items to discuss. Those include new map changes that were proposed again through either public testimony or city staff as well as modifications to the poc recommendation, so there are a few of those. There are also 22 consent items in the staff memo's dated from March 8, 13 and 26th. So that is what we have before us today. There are a couple of other process items. I'm going to reiterate those at the end of the presentation. So I thought we could just use this time by going through this pretty quickly. I am hoping that it is quick but this time is yours so this is a time for you to have conversations with staff if there's any conversation or deliberation that's needed. I'm going to start with the new map changes and I'm literally going to work through the amendments table so we'll go through

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each one. We're going to start with proposed amendments from commissioner Eudaly which are items 1 through 3. These are all in coordination with staff of the bureau of development services. These three properties with the map changes before you are land use reviews and approvals that have occurred within the last year at the bureau of development services, so the purpose of this proposed amendments are just to reconcile them and bring them into the 2035 comprehensive plan map and zoning map. Is there any discussion?

**Wheeler:** Karla, do you have an extra page 1 over there? Thank you.

**Stockton:** I can keep going if that's --

**Wheeler:** Please. We could do this two ways, we could go through the whole package and we could approach this is a package or do it individually. It's the council's call.

**Fish:** I'm not sure we're going to have much controversy.

**Wheeler:** I can't imagine we would, but I wanted to leave that option open. Do it as a package.

**Stockton:** Great. Item 4 proposed amendment is from commissioner Fish. This is I would say a small package of map changes from the bureau of environmental services to apply open space zoning on recently acquired property within bes's public property inventory. These are properties that are for the most part purchased through the willing seller program. If you look at the next slide, these are the collection of bureau of environmental services requests. All these maps have kind of squiggly lines on them relating to environmental zoning, what is not shown is that most of these are within flood plain. So again the request from bureau of environmental services is for these residential zoned properties that are now within their ownership to go to an open space designation. The next proposed amendment is from commissioner Fish. This is the Albertina Kerr site at 22nd and Flanders. This is a request from Albertina Kerr to go from r1 to cm3d. The site is a split zoned site with a nonconforming surface parking lot and nonconforming thrift store that commissioner Eudaly is familiar with that. So the proposal here is for the site to go to one zone, which is the cm3d zone. So moving on to proposed amendment item 6, this is from commissioner Fritz sponsoring Portland parks and rec's had a request to include trail segments to northwest Thurman as well as to the east delta park. That would fill in some gaps along the trail alignments that are on the zoning map. Proposed amendment number 7 is also from parks. There's actually three more parks related amendments. This is on north Columbia boulevard, a little triangle piece that there's a request to go from the existing designation of open space to r5. The rationale is that this is a small parcel which is not suited for park development and there's adequate park service in the area from the nearby Northgate and George parks.

**Fritz:** Colleagues, as we were looking through the budget process to see where we could reduce maintenance where there were properties that are bot going to be parks that we ought to get rid of or consider getting rid of I found three sites that might be suitable for that. Want to emphasize if we decide to dispose of them in any way, that we would go through the full public process including the council hearing with four votes required to declare them surplus property. I haven't decided whether we are going to even start that process yet, but since there is this opportunity as part of the comprehensive plan map to put them as something other than open space this would allow them to have some viable use should the city decide we don't want them. In this case I think one or two of the others, only one of the others, the property might revert to the county if it's remaining in public ownership it's still a good idea to have some useful purpose for it. I will be visiting the neighborhood associations of all of the properties that we're putting on the list hopefully before may so that I can report back to you.

**Wheeler:** I think that's really smart. Thank you for that.

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**Stockton:** Thank you. Moving on to the next site, this is the site that I believe is owned by Multnomah county commissioner Fritz. This is a property on 62nd drive in the crest wood neighborhood currently open space proposed to go to r7, which is the zoning that is surrounding. Again, this is a property that was formerly zoned r7 in 1999. Portland parks feels this parcel is small and not suited for park development and if you look at the aerial photo you can see Dickinson park is less than 800 feet to the east. The final parks request is here on southeast 63rd avenue in the mt. Tabor neighborhood. This is within the mt. Tabor park. The proposal is open space to single dwelling 10,000 square feet or oos to r10. This is actually a tax lot that has an existing single family house that is currently tenant occupied. The 9,000 square foot lot should reflect its current use, which is single family house. Additionally, the r10 zone does allow open space and park use so that's another consideration.

**Fritz:** In our packet there's a couple of typos. One is it's 63rd avenue, not 62<sup>nd</sup> avenue and the second is the request to r10 not r7. This is important because this house has a tenant and I want to emphasize nothing is happening any time soon and that we are working with the tenants as well as with the neighborhood association.

**Stockton:** I'll note the corrections in the packet. Thank you. So we're moving on to testimony. Public testimony received to city council. This is a property on --

**Fritz:** I'm sorry. I was incorrect on that. We have southwest 62nd and southeast 63rd. Sorry. You were correct in the first place.

**Stockton:** Great. So moving on to north Greeley in north Portland, arbor lodge neighborhood, there was a request that you received for one site with three tax lots that are currently zoned r5 to go to mixed use dispersed or cm1 zone. The request was that this is an area that potentially could have an expansion of commercial mixed use and it's also a site that is if you look at the aerial photo directly across from commercially zoned area and a surface parking lot. Again, this was a request received through public testimony. Moving east to the cully neighborhood we have a request from a community member to have the zoning go from r10 to r5 in compliance with the comprehensive plan for redevelopment of single dwelling development. Staying in cully, there is this road of 66th avenue north of the Columbia boulevard. Which has a comprehensive plan map designation of industrial sanctuary. The currently zoning is farm and forest residential zone and the request from public testimony is to go to an industrial zone. One of the reasons why we held off on changing this just to the industrial zoning is because there are single family residences in this area. That this request is actually from the property owners that they are aware of the difference between the two maps and would like to have the industrial zoning at this time.

**Fritz:** That's all of the properties there.

**Stockton:** Correct. Now moving down to the reed neighborhood in southeast Portland, there is testimony received on the property on east 28th. This is the site that has had for decades a fruits or farm and fruits produce stand that is currently on a revocable permit. So the request is just for the portion that is r2 to go to cm1 zone to acknowledge the commercial use. The property owner did make contact with the reed neighborhood association and the reed neighborhood association is supportive of this request. Now moving to Hillsdale neighborhood in southwest Portland, there was a joint request from the property owner which is the greater Portland bible church as well as the habitat for humanity Portland metro east jointly to have a portion of the church property go from r7 to r2 for an affordable housing development I think the proposal is about 27, 28 attached houses for homeownership. This area does have some environmental zoning which would remain in that r2 would provide the ability to do a little bit of a cluster type development of the site. So moving to the crest wood neighborhood in southwest Portland, there was testimony received from two property owners where because of the current zoning the r10

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zoning there are two lots that are currently unbuildable so the request was to go to the r7 zone so the existing tax lots could become buildable.

**Eudaly:** I have a quick question on that. If memory serves, those lots were slightly under 7,000 feet, but this will still achieve the goal.

**Stockton:** So there still would be the need to do some property line adjustments to get up to that threshold that's needed for development, but that at least gives them an avenue for development of the lots as opposed to the situation today where there's no opportunity to.

**Eudaly:** There's no direct fix. We have to make them jump through more hoops?

**Stockton:** The direct fix would be to go to an r5 zone. It's tricky because if you look at the land use pattern there isn't r5 zone in the vicinity. So we felt like the r7 was a more -- it was an easier supported recommendation.

**Engstrom:** I would add this site is directly across the freeway from a potential light-rail station that's part of the southwest corridor discussion and the decision to build that station and with that station there may be a pedestrian crossing of the freeway here making this site a lot more accessible. It's a little premature to say that's a certainty but we will be revisiting zoning around the station areas once we have certainty about those stations. So, we could look at this again at that time.

**Eudaly:** I would just like them to be able to build that house.

**Fritz:** The challenge being the open space on the top left that's the headquarters of the Elwood creek. It's quite challenging to develop at all in that area so you might find it's more challenging to develop it r5 because of the required minimum density.

**Eudaly:** I knew you guys knew best, but I was interested.

**Stockton:** That was discussed amongst staff. It's a reasonable question to bring up. Now moving to the northwest district, there was a request from exbo logistics, which doesn't roll off my tongue like Conway used to, but there's a site here on northwest Thurman that this would just be a zone change request from ig1 to cm3d, which was what was -- what the comp plan map designation vision is for the site. We did have staff look at the master plan and the needed transportation improvements have occurred. That's one reason we held off zoning this out right in the 2035 comp plan, but the transportation issues have been addressed or are in process. Moving to mayor wheeler's amendments, proposed amendment 17, there's an amendment that has been requested by the Portland housing bureau for their site here on north Syracuse street that is within the university park neighborhood association. This site is also referred to as the Kerry boulevard. It's actually along the peninsula crossing trail. Pretty area. The request is for the most part it would be simply a zone change in compliance with the comprehensive plan map. There is a very small portion that it would be a comp plan and zone change but again, the purpose of this is for redevelopment to affordable housing by the Portland housing bureau. So this is the last new map change request. This is from the property owner here at the intersection of mlk and Alberta. This is a full block that is under ownership or under option to purchase. This is simply a zone map change from cm2d to cm3d. It's worth noting this across the street from the nature grocers and formerly prosper Portland site which actually has the cm3 zoning. So this is just making sure the zoning is the same on both sides of the street. I would note King neighborhood association was contacted and we did receive a letter of support in the public record from the King neighborhood association on this request. I have three more I want to talk about. These are modifications to psc recommended map changes. So the first one is a proposed amendment from commissioner Eudaly, number 19, for what is called the Alberta alley site is the nickname. There is back-story on this. Before the planning and sustainability commission testimony was received by the property owner for the surface parking lot which is the property to the north and the psc had recommended r1 for the surface parking lot. This is an area that is r2.5, which is a single dwelling zone and again, both properties in question are currently zoned r2.5 at this time.

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New testimony has come in from the property owner which also owns the church building property to the south. The request is for a cm2d zoning on both tax lots. That has been the consistent request from the particular property owner. This is the proposal. Today I did receive clarification from commissioner Eudaly that the amendment that she is putting forth, the proposed amendment, is for the surface parking lot to go to the cm2d, as the property owner has requested, but the church property to the south would have a map change of r1. I can explain the rationale behind the r1, the difference in zoning if that's helpful.

**Wheeler:** Could I ask a question? I appreciate the property owner's clarification on that. I would be inclined to support this. The staff memo had said cm2d was not recommended for either location. Why would you not recommend it for the one on the north side, the parking lot?

**Stockton:** Right, so for us this is an area that is probably worth a future planning conversation with the community. There are some existing nonconforming residential buildings, some one and two story garden apartments and a sprinkling of nonconforming density that is pretty classic to what we call the inner ring or the older neighborhoods that are just outside of the central city, but we haven't had that conversation with the community. The existing development along this stretch of Alberta from about northeast Cleveland to the west and then -- can't read it. I guess Garfield to the east. It's pretty low density existing development. Then the zoning is r2.5, which is a single dwelling zone. To go to cm2 seems like a little bit of a not only a lift, big lift that has a policy implication, but also the potential scale of redevelopment is significant. In this area cm2 zone has the potential, it's a base of 45 feet plus an additional five feet for an ample ground floor with active space plus an additional ten feet of if it meets the affordable housing threshold so there could potentially be a building constructed at 60 feet in height if you were to apply the cm2 zone with the d-overlay.

**Engstrom:** This stretch of Alberta is primarily residential in character.

**Stockton:** That's correct.

**Engstrom:** The area doesn't have a shortage of commercial opportunities. That was our thinking. It's a very good site for housing. The pro side of the equation is if the cm2 helps a project pencil out that will deliver needed housing that could be a benefit.

**Stockton:** I would like to say that what's interesting is that the site that we talked about at mlk and Alberta I wish I had an arrow to point that it's just a few blocks away where we are proposing and are supportive of cm3 zoning which again is a six to seven story capacity of development there, this is just a little bit more of a residential segment of Alberta.

**Eudaly:** Should I weigh in or do we wait until we're done with all of them?

**Wheeler:** Why don't you while it's fresh in our mind.

**Eudaly:** So this is an exciting affordable housing proposal that will be developed over multiple lots along Alberta. This particular site they want to preserve the church so their going to pursue the historic designation, so the r1 is fine. I think you're right, Eric, the cm2 request is about penciling out and financing. All told we are set to get 160 affordable units, they have 25 fast vouchers, a master lease would join and it would be at least 25 two bedroom apartments and perhaps -- well, exciting second only to the affordable housing is the fact that this is going to be an arts and culture based development and they are bringing in an organization called engage that provides arts and culture program and opportunities for residents and that will take place primarily in the church. I appreciate that you're open to the conversation, but this is a project that could move forward sooner than later. I'm offering this amendment obviously because I believe in the project. I'm not persuaded it's something we should put on hold.

**Fish:** Mayor I'll second the amendment.

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**Fritz:** And I'd like to vote on it separately, we have received testimony from the community about this application. The challenge with the spot zoning like this is there's no guarantee that what is being proposed is what gets built.

**Eudaly:** It's separate from the package I think anyway.

**Wheeler:** Could I propose something? I realize we're all tired so I apologize for process on top of process on top of process. There didn't seem to be any conflict at all. On the first 18 of the previously offered amendments. Could we move those as a package?

**Fish:** Second.

**Wheeler:** We have a motion for the first 19 amendments -- I'm sorry, first 18 as a package. It's been seconded by commissioner Fish. We now have a motion and second for 19. I have a procedural question for legal counsel. So are we taking public testimony on these new amendments? I note that there are people here who are holding signs. I wonder if there's a testimony opportunity on new amendments.

**Stockton:** So we were going to talk about some process steps a little later, but I'll just jump to it. Right now the public record is closed. There has been a request by commissioner Fritz to open up the public record. The request was for written testimony only. That is obviously something that can be discussed. If we were to open up the public record staff's recommendation is that we would open it up and have it go until 8:00 a.m. on Wednesday, April 25th. So I think whether or not you're opening it up for public testimony right now that's something you can discuss.

**Engstrom:** The purpose of setting a date a few weeks out was to give us time to notify the affected property owners. Otherwise there's no point collecting testimony that nobody knows is available.

**Wheeler:** The proposal from staff would be that we open it up for written testimony until 8 a.m. on the 25th and you would make an affirmative notification to people in the immediate area.

**Stockton:** We're going to do an email notification tomorrow to all those who submitted testimony and are part of the legislative project record. Then we are going to be doing a mailed notice to the full 43 amendments before you to the affected property owners as well as occupants within 100 feet. That notice will not be able to hit the mailboxes until Wednesday. That's the soonest we can get it out.

**Wheeler:** That's the extension to the 25th.

**Engstrom:** That timeline still allows us to come back and make your decision and have your second vote by May 24th so it doesn't hold up the comp plan implementation. We have enough time to accommodate that.

**Wheeler:** Good. I would like to hear more on this.

**Fritz:** I would like to hear the people who came today. I don't know why they came because my request had been just for the written record --

**Wheeler:** How many people would like to talk on this? I have no objections.

**Fish:** If we're going to make that exception today the proposal is to only allow others to appear by written record so is it your intention to open this up for a hearing for anyone? That's the implication of taking oral testimony.

**Wheeler:** That's right, commissioner Fish. You are correct. We have to be consistent. So no. We'll take written testimony and I promise I will read it thoroughly.

**Eudaly:** I have one more clarifying question going back to amendment 19. Could we dig into the difference between r1 and cm2, they're both medium density. R1 is residential, cm2 includes commercial as well, I understand that. What gets confusing, I believe they are both buildable to four stories.

**Stockton:** Right.

**Eudaly:** What gets confusing is all the bonuses and -- so what are we talking about as far as difference in height between r1 and cm2?



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**Stockton:** The r1 again is a maximum of 45 feet, the current density would be one unit per 1,000 square feet of site area. There's some ability to do some site amenity bonuses on that, but for this site which is a 9600 square foot site, you're looking at 10 to 12 units kind of in that range with r-1. With that said and what we clarified in the staff report is that we have a legislative project called the better housing by design which is update to our multi-dwelling zones. The r-1 zone is going to be evolving to a fact where it's no longer limited to a maximum density of one unit per 1,000 per square foot area. It would either be a maximum density of what you could fit within a floor area ratio of 1.5:1 which could be up to 2.25:1.

**Engstrom:** That's just a staff discussion draft proposal at this state. So I have no idea by the time it gets to you.

**Eudaly:** What's the difference in units.

**Fritz:** That's the problem with the proposed draft nobody knows what it means.

**Eudaly:** And then with cm2, how high?

**Stockton:** The height would be a base of 45 with an additional five feet for your ground floor active and then an additional 10 feet for affordable housing bonus. So, a total of 60 feet.

**Engstrom:** In cm2 its floor area based, so whatever fits within the allowed envelope, typically we see units at a rate of one per thousand square feet of the building envelope, but it can vary.

**Stockton:** I think one important caveat is that right now the market is hot on residential household uses. This project at that site could be developed 100% retail or office. So there's no guarantee if this development doesn't go through that if it hits the next development cycle that it would not be some other mix of uses.

**Eudaly:** And there's no way for us to put any restrictions on that?

**Fritz:** You can put another asterix on it.

**Engstrom:** With the legislator's project, we typically don't have mechanism to attach specific conditions to individual properties. If they went through a zone change though bds, that can be done through that process.

**Fritz:** What's the height under the current r2.5a?

**Stockton:** 35 feet.

**Fritz:** About how many homes would be on that?

**Stockton:** On a 9600.

**Engstrom:** Three or four.

**Stockton:** Three or four, thanks for doing the math.

**Engstrom:** Plus three or four adus to be clear.

**Fritz:** Thank you.

**Wheeler:** Very good. All right. Next one. Commissioner Eudaly, anything else on 19? Next one, please.

**Stockton:** I just had slides of context on this one.

**Wheeler:** Could you go back? I didn't get a good look at those.

**Stockton:** Yeah. Just to orient folks. So on the right hand column, I have the surface parking lot and then directly south is the church building, again it's a 1940's style church. And then on the left hand column is just some context, so that's actually on the west. So the house on the north is directly west of the surface parking lot. There is an alley that separates the two. On the south, the house that's on the south side of Alberta, that is a house that's directly abutting the church.

**Wheeler:** Thank you.

**Stockton:** Okay. So moving on to proposed amendment from commissioner Fritz number 20, this is related to the Trinity Episcopal Cathedral surface parking lot. That was a psc recommendation for the surface parking lot to go from rh to cm3d and that is to facilitate

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the development of structured parking and some, I think, the proposal some medical office building to support the fact this is a regional draw to their religious institution here. Number of jobs in parking lots that trinity owns in the vicinity and if they were to do structure parking at this site, then the other properties they own, they are very interested in doing affordable housing on the other surface parking lots. So that was the discussion at the sustainability commission before council. The adjacent property at 1807 northwest Davis is what we call a non-conforming dental office building that is currently zoned rh. So their request is to be acknowledged with the zone that would allow commercial or office. Additionally the dental office actually works in partnership with Trinity Episcopal Cathedral where they allow church parishioners to use their parking on the dental office site during church hours. So there is a lot of collaboration between the two property owners and they are also interested in the cm3d zone as well. And just a couple context slides. That is the surface parking lot on the left that Trinity owns and to the right that is a mid-century dental office. Dotary dentist office. Okay.

**Wheeler:** Before we move off 20, do we need a second? I think we need a second.

**Eudaly:** Second.

**Wheeler:** We got a second. Okay. 21.

**Stockton:** So this is the final item of discussion today. So this is property up on northwest saint Helen's road which is within the northwest district and specifically the Willamette heights subdivision. There was a considerable amount of testimony at the planning sustainability commission that continued to city council. There is, I would say, overarching proposal in collaboration with the code reconciliation project which you had the hearing I believe last week. There was a proposal to remove the buffer overlay from employment and industrial zones because staff was making revisions to the employment industrial base zones to improve the set back and landscaping requirements. Did you want to jump in?

**Engstrom:** Sure, we sent a memo summarizing the testimony on that project today and in that we noted that given the amount of testimony and controversy about the issue of the buffer overlay, we think it would be wise to set aside and withdraw that and have you ask us to come back within the year to think more on that and to not include the removal of the buffer overlay.

**Wheeler:** I'll quickly second that. I can't second that one fast enough. Come back in six years --

**Eudaly:** Thanks a lot for that one, by the way.

**Stockton:** So that was just a context slide. So its worth noting that also in the amendment packet, there are 22 items, 22 through 43 that are minor technical map change additions as well as errata. These were referenced in the march 8th, 13th and March 26th staff reports before you which are also available on the web site. Our request is that at the march 14th hearing, the mayor wheeler requested the 8th and the 13<sup>th</sup> staff memo items be included as a consent package. We are asking that that be modified to include the march 26th staff memo items as well.

**Wheeler:** Good. Can we get a motion and a second to incorporate the March?

**Fish:** So Moved.

**Fritz:** Second.

**Wheeler:** 26 items into the consent package amendment. We have a motion from Fish and second from Fritz. Thank you. So I believe we have now addressed the amendments on the table as of now. And you can tell us what the next steps are, please.

**Stockton:** Okay.

**Engstrom:** You already had the conversation about opening up the record so sounds like what we're doing is opening the record for written testimony through April 25th at 8 a.m. and we will back on that day with updated exhibits and appropriate substitutions so we'll be

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ready to move those on to a final reading or make further amendments for what you heard in the testimony.

**Wheeler:** Very good. Commissioner Fritz suggested we keep the record open and I've been advised by staff that's not legally required but it's great from a procedural perspective. If we do that, bps is going to send out notifications to effected properties. That's a good move. So the written record will reopen today April 4th and stay open until Wednesday April 25th at 8 a.m. We'll come back again on Wednesday April 25th to deliberate again.

**Fritz:** Wait, wait, wait. If we're going to be deliberating on April 25th, won't be necessarily time for staff to get us the testimony.

**Stockton:** I am hoping that we get as much testimony in early so I can be compiling the staff memo as testimony is coming in. I'm not sure what time we have available on April 25th as far as a time certain.

**Fritz:** May I suggest we change it to April 24th at 8 a.m. to give you that day to compile everything?

**Stockton:** That would be lovely.

**Wheeler:** April 24th at 8 a.m.

**Fritz:** I appreciate you having 8 a.m. rather than 5 p.m.

**Wheeler:** Just to be clear, the record will stay open until Wednesday April 24th, 8 a.m.

**Fritz:** Tuesday.

**Wheeler:** That is a Tuesday. Thank you, commissioner Fritz.

**Moore-Love:** The 2 p.m. is open. Mayor, you are gone that week. April 25th.

**Wheeler:** That's what it says. The world moves on whether I'm here or not.

**Engstrom:** And this, again, wouldn't be the final, final vote.

**Wheeler:** Okay. Good. So based on the outcome of today's deliberation, I'd also suggest staff prepare the appropriate as amended substitute ordinances and exhibits to have them ready to go on the 25th. On the 25th we'll accept that material and decide if any further changes are needed based on new testimony. Council will take a final vote on May 24th. The final vote must take place after the new 2035 comprehensive plan is in effect since these actions amend the new plan. Did we get that right? Anything else?

**Stockton:** Thank you.

**Wheeler:** Hallelujah, that concludes our business for today. We are adjourned.

**At 3:42 p.m. council adjourned.**