



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **27<sup>th</sup> DAY OF MAY, 2020** AT 9:30 A.M.

THOSE PRESENT BY VIDEO AND TELECONFERENCE: Commissioner Hardesty, Presiding; Commissioners Eudaly and Fritz, 3.

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of council are attending remotely by phone and the City has made several avenues available for the public to listen to the audio broadcast of this meeting. The meeting is available to the public on the City's YouTube Channel, eGov PDX, [www.portlandoregon.gov/video](http://www.portlandoregon.gov/video) and Channel 30. The public can also provide written testimony to Council by emailing the Council Clerk at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov).

The Council is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Karen Moynahan, Chief Deputy City Attorney.

<b>REGULAR AGENDA</b>	
<b>Mayor Ted Wheeler</b>	
<b>Bureau of Environmental Services</b>	
<b>405</b> Revise sewer and stormwater rates, charges and fees in accordance with the FY 2020-21 Sewer User Rate Study (Second Reading Agenda 395) (Y-3)	<b>189972</b>
<b>Bureau of Planning &amp; Sustainability</b>	
<b>406</b> Revise residential solid waste and recycling collection rates and charges, effective July 1, 2020 (Second Reading Agenda 393; amend Code Chapter 17.102) (Y-3)	<b>189973</b>
<b>Parks &amp; Recreation</b>	
<b>407</b> Amend fee schedule for tree permits (Second Reading Agenda 388) (Y-3)	<b>189974</b>
<b>Commissioner Chloe Eudaly</b>	
<b>Bureau of Transportation</b>	

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<p><b>408</b> Accept a grant in the amount of \$1,957,230 from the Oregon Department of Transportation and authorize Intergovernmental Agreement for the NE 12th Ave over I-84 &amp; Union Pacific Railroad Bridge project (Ordinance) 15 minutes requested</p>	<p><b>PASSED TO SECOND READING JUNE 3, 2020 AT 9:30 AM</b></p>
<p><b>Commissioner Amanda Fritz</b></p>	
<p><b>Water Bureau</b></p>	
<p><b>409</b> Authorize the rates and charges for water and water-related services beginning July 1, 2020 to June 30, 2021 and fix an effective date (Second Reading Agenda 394) (Y-3)</p>	<p><b>189975</b></p>

At 9:41 a.m., Council recessed.

May 27 – 28, 2020

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **27<sup>th</sup> DAY OF MAY, 2020** AT 2:00 P.M.

THOSE PRESENT BY VIDEO AND TELECONFERENCE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fritz and Hardesty, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lauren King, Deputy City Attorney

Item Nos. 398 and 399 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

<b>TIMES CERTAIN</b>	
<b>410</b> <b>TIME CERTAIN: 2:00 PM</b> – Amend Planning and Zoning Code, the Comprehensive Plan Map, and the Zoning Map to implement the Expanding Opportunities for Affordable Housing project (Previous Agenda 392; Ordinance introduced by Mayor Wheeler; amend Title 33) 90 minutes requested <b>Motion to approve the package of amendments:</b> Moved by Hardesty and seconded by Eudaly. (Y-4)	<b>PASSED TO SECOND READING JUNE 10, 2020 AT 11:00 AM TIME CERTAIN AS AMENDED</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>  Due to the absence of a Council member and Commissioner Position No. 2 being vacant the Consent Agenda was heard on May 27, 2020 at 2:00 p.m.	
<b>Mayor Ted Wheeler</b>  <b>Office of Management and Finance</b>	
<b>*396</b> Authorize an emergency contract for police utility vehicle upfitting at a not-to-exceed amount of \$185,000 (Ordinance) (Y-4)	<b>189976</b>
<b>*397</b> Close the Enterprise Business Solution Services Fund, the Public Safety General Obligation Bond Fund and the Bureau of Fire, Rescue and Emergency Services Facilities General Obligation Bond Construction Fund (Ordinance) (Y-4)	<b>189977</b>
<b>*398</b> Pay settlement of Ethiopia Amdino bodily injury claim for the sum of \$125,000 involving the Portland Police Bureau (Ordinance) (Y-4)	<b>189982</b>
<b>*399</b> Pay settlement of Mark Mayberry personal injury lawsuit in the sum of \$50,000 involving Portland Parks & Recreation (Ordinance) (Y-4)	<b>189983</b>
<b>*400</b> Pay settlement of Raylyнна Peterson property damage lawsuit in the sum of \$202,500 involving the Homelessness/Urban Camping Impact Reduction Program (Ordinance) (Y-4)	<b>189978</b>
<b>Commissioner Chloe Eudaly</b>	

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**Bureau of Transportation**

<p><b>*401</b> Amend an Intergovernmental Agreement with the State of Oregon for the Columbia/Lombard Mobility Plan to include an addendum to the Statement of Work and extend the contract date to September 30, 2020 with no modifications to the total project amount of \$444,860 (Ordinance; amend Contract No. 30006638) (Y-4)</p>	<p><b>189979</b></p>
<p><b>*402</b> Authorize an Intergovernmental Agreement with Multnomah County for coordination of construction and operations of the Hawthorne Bridge Traffic Signal Improvement project for an amount not to exceed \$242,090 (Ordinance) (Y-4)</p>	<p><b>189980</b></p>
<p><b>403</b> Accept a grant from Oregon Department of Transportation and authorize an Intergovernmental Agreement for the NW Thurman over Macleay Park project in the amount of \$476,421 (Second Reading Agenda 380) (Y-4)</p>	<p><b>189981</b></p>
<p><b>City Auditor Mary Hull Caballero</b></p>	
<p><b>404</b> Approve Council Minutes for August – December 2019 (Report) (Y-4)</p>	<p><b>APPROVED</b></p>

At 2:45 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **28<sup>TH</sup> DAY OF MAY 2020** AT 2:00 P.M.

THOSE PRESENT BY VIDEO AND TELECONFERENCE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fritz and Hardesty, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Chief Deputy City Attorney

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**411 TIME CERTAIN: 2:00 PM** – Readopt remanded ordinance for the Central City 2035 Plan and amend the Comprehensive Plan, Comprehensive Plan Map, Transportation System Plan, Willamette Greenway Plan, Scenic Resources Protection Plan and Zoning Map, authorize adoption of administrative rules, and repeal and replace prior Central City plans and documents (Ordinance introduced by Mayor Wheeler; readopt Ordinance No. 189000; amend Title 33) 3 hours requested

**CONTINUED TO  
JULY 2, 2020  
AT 2:00 PM  
TIME CERTAIN**

**The written record will remain open until June 4, 2020 at 5:00 p.m.**

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At 4:01 p.m., Council adjourned.

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

Karla

Moore-Love

Digitally signed by  
Karla Moore-Love  
Date: 2020.08.25  
17:01:05 -07'00'

By Karla Moore-Love  
Clerk of the Council

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

May 27 – 28, 2020  
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.

**MAY 27, 2020**

**9:30 AM**

**Hardesty:** Welcome to the May 27, 2020 City Council Meeting, Karla, please call the roll.

**Moore-Love:** Sorry. Eudaly. Eudaly, I can't see if she is on.

**Hardesty:** She's on. I think that she is muted. Commissioner eudaly, could you unmute yourself?

**Eudaly:** I am here. I am on a different computer today.

**Fritz:** Here.

**Hardesty:** Here. Under Portland city code and state law, the city council is holding this meeting electronically. All members of council are attending remotely by phone, and the city has made several avenues available to the public to listen to the audio broadcast of this meeting. The public can also provide written testimony to council by emailing the council clerk at [cctestimony@Portlandoregon.gov](mailto:cctestimony@Portlandoregon.gov). The council is taking these steps as a result of the covid-19 pandemic and the need to limit in-person contact and to promote physical distancing. The pandemic is an emergency that threatens the public, health, safety, and welfare which requires us to meet remotely by electronic communication. Thank you all for your patience, flexibility, and understanding as we manage through this difficult situation to do the city's business. Let's see, if I can have karen read the rules of decor you hope, please.

**Karen Moynahan, Chief Deputy City Attorney:** Good morning, commissioners. To participate in council meetings you may sign up in advance for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the first reading of ordinances. The published council agenda is at [Portlandoregon.gov/auditor](http://Portlandoregon.gov/auditor), and contains information about how and when you may sign up for testimony while the council is holding electronic meetings. 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 your time is up, the presiding officer will ask you to conclude. Disruptive conduct such as shouting, refusing to conclude your testimony when your time is up, or interrupting other's testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given further disruption may result in the person being placed on hold or ejected from the remainder of the electronic meeting. Please be aware that all council meetings are recorded. Thank you.

**Hardesty:** Thank you. Karla, there appears to be no communications this morning?

**Moore-Love:** That's correct, commissioner.

**Hardesty:** Excellent, thank you. We will move the consent agenda to our 2:00 p.m. Agenda this afternoon. If there is no objections for my colleagues, hearing none. We will move the consent agenda to 2:00 p.m. This afternoon. Karla, would you read the first agenda item, please? Agenda 405.

**ITEM 405**

**Moore-Love:** Item 405

**Hardesty:** Colleagues, we had a presentation on this item. This is a second reading. Any additional conversation? Hearing none, Karla, please call the roll.

[Roll Taken]

**Eudaly:** Aye.

**Fritz:** I appreciate the work that the bureau of environmental services has been engaged in, and the strategies that they are following. Obviously, mayor wheeler is in charge of that bureau, and so not able to make comments, but i've also been following what they are doing in partnership with the water bureau as following commissioner Fish's lead, we want to make sure this acts in coordination. So the budget we are looking at today reflects today's challenges, and bes reduced their rate request, from 3% to 2.85. They have done that by reducing the operating budget, and reducing capital spending for the next five years. And I do appreciate the work that the utilities are doing, and [inaudible] on my staff was previously employed in the environmental services. Aye.

**Hardesty:** Aye. The motion passed. Karla, would you read the next item, 406. Colleagues, we heard a presentation on this. Are there -- is there any additional conversation? Hearing none, Karla, please call the roll.

[Roll Taken]

**Eudaly:** Aye.

**Fritz:** Aye.

**Hardesty:** Aye. The motion passes. Karla, please call the next number 407.

#### **ITEM 407**

**Moore-Love:** Item 407

**Hardesty:** Colleagues, we heard a presentation on this last week. Is there any additional conversation that you would like to have? Seeing none, Karla, please call the roll.

[Roll Taken]

**Eudaly:** Aye.

**Fritz:** Aye.

**Hardesty:** Aye. 407 passes. Karla, please call the next item, 408.

#### **ITEM 408**

**Moore-Love:** Item 408

**Hardesty:** Commissioner eudaly.

**Eudaly:** Thank you, madam president. This ordinance allows pbot to design and construct protective fencing along 12th avenue across the i-84 flyover. This will prevent objects from being thrown onto the i-84 freeway and the uprr track. Here to give more details and answer questions for council, is pbot manager sharon Geren Shankar. I hope, I didn't see if he was in the group.

**Hardesty:** Thank you. I am not seeing him listed. If he is here, please unmute yourself.

**Geren Shankar, Portland Bureau of Transportation:** Yes, I am here. Hello. This is Geren Shankar with pbot.

**Hardesty:** Please, go ahead.

**Shankar:** If there is any other questions I can ask them, but I think that the commissioner explained everything. This is for safety, a huge safety precautions for pbot, to both protect the citizens from jumping off the bridge and also throwing objects off the bridge onto the railroad ties below, and/or the 84 freeway.

**Hardesty:** It sounds way too simple. Colleagues, are there any additional questions? I am not seeing any hands raised.

**Fritz:** Madam president, my hand is up.

**Hardesty:** I am so sorry, commissioner Fritz.

**Fritz:** Thank you, madam president.

**Hardesty:** Thank you.

**Fritz:** Thank you for the comments. I know that in other areas of the city is, that when the fences has gone up, there's been concern on whether they are more industrial or aesthetically pleasing. Can you comment a bit about the design of these fences, please?

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**Shankar:** I will be esthetically pleasing. We are not going to put up a galvanized chain-link fence, if that helps. We will make sure that it is within the community, and again, it has an esthetically pleasing look to the eye.

**Fritz:** Great. I wondered if it was not going to be the chain-link fence. Thank you.

**Hardesty:** Thank you. Any additional questions. I believe that this is a first reading. And it will come back for a vote of the council. Thank you very much. Sweet and to the point. I love it.

**Moore-Love:** Commissioner, there was no one signed up to testify.

**Hardesty:** Thank you very much, Karla, that will be my next question. So with no other questions, we will just move this to the second reading. Thank you.

**Shankar:** Thank you.

**Hardesty:** The next item, Karla, 409. Would you please read that?

#### **ITEM 409**

**Moore-Love:** Item 409

Thank you, I will turn it over to commissioner Fritz, and I understand that Casey Couch is here to make a presentation. Commissioner Fritz.

**Fritz:** I am sorry, this is a second reading.

**Hardesty:** Oh, I am so sorry, I missed that. Yes. Forget what I just said. Karla, if there is no additional conversation, Karla, please call the roll.

[Roll Taken]

**Eudaly:** Aye.

**Fritz:** Thank you for your support, colleagues, thank you very much for staff on the water bureau who did an excellent job of refining the budget to reduce the rate increase, and thanks to the director, and the deputy director, and equity manager, Eric, and especially, finance director Cecilia who just has done an astonishing, has had an astonishing grasp of everything in the water bureau, and thanks to my staff. Aye.

**Hardesty:** Thank you. Commissioner Fritz, I will just say your staff did an excellent job in helping to balance the need for a rate increase with the needs of our community, and I appreciate it very much. I vote aye. I believe that concludes our agenda for this morning. City Council stands adjourned. We will be back again at 2:00 p.m. This afternoon.

**Eudaly:** That has to be a record.

**Hardesty:** Issue, right, hey, you know.

**Council recessed at 9:41 a.m.**



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## Closed Caption File of Portland City Council Meeting

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**MAY 27, 2020**

**2:00 PM**

**Wheeler:** This is the wednesday, may 27, 2:00 p.m. Meeting of the Portland city council. Karla, please call the roll.

**Moore-Love:** Good afternoon, mayor. [roll call taken]

**Wheeler:** The city council is holding this meeting electronically. All members of the council are attending remotely by phone and the city has made several avenues available for the public to listen to the audio broadcast of this meeting. The public can provide written testimony. The council is taking these steps as a result of the covid-19 pandemic and the need to limit in person contact and promote social physical distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you for your continued patience, flexibility and understanding as we manage to do the city's business. We'll hear from legal council on the rules of order and decorum. Good afternoon.

**Lauren King, Deputy City Attorney:** Good afternoon. To participate you may sign up in advance with the clerk's office for communications to briefly speak about any subject. You may sign up for public testimony on resolutions or first reading of ordinances. The public agenda contains information about how and when you may sign up for testimony while city council is holding electronic meetings. Your testimony should address the matter considered at the time. When testifying state your name for the record. Your address not necessary. Please disclose if you're a lobbyist. If you're representing an organization please identify it. Individuals generally have three minutes unless otherwise stated. When your time is up the presiding officer will ask you to conclude. Disruptive conduct will not be allowed. If there are disruptions a warning will be given that further disruptions may result in the person being placed on hold or ejected from the remainder of the electronic meetings. Please be aware all meetings are being recorded.

**Wheeler:** Have any other items other than 398 and 399 been pulled off this morning's agenda?

**Moore-Love:** Those are the only two I have.

**Wheeler:** Please call the roll on the remainder of the consent agenda.

[Roll Taken]

**Hardesty:** Aye.

**Eudaly:** Aye.

**Fritz:** Aye.

**Wheeler:** Aye. The consent agenda is adopted and we'll hear items 398, 399 after our time certain item and have staff here prepared to discuss those items. That brings us to the regular agenda for this afternoon. Karla, can you please read item 410.

### ITEM 410

**Moore-Love:** Item 410

**Wheeler:** Colleagues, we continue last Thursday's hearing on a proposal to expand opportunities for affordable housing from the bureau of planning and sustainability. Bps staff are here to present the package of amendments we agreed upon last week including one code amendment and two map amendments. We also instructed the bps staff to go back and collect more information, issue proper notices and return back to council with a series of map amendments already identified. I want to thank the staff for taking on a

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second more short term package for us to consider in a couple of months. Finally, the council signaled support for creating a subsequent broader project focused on considering additional zoning text and map changes focused on creating community benefits and strategies. Council has signaled a strong commitment to centering equity in the long term strategies and resilience resolution which we passed last week. A main -- [audio not understandable] is partnering with communities who have been harmed due to discriminatory practices and policies. I have good intent in starting a big other, long term project at bps, and I want to recognize the need for the city to meaningfully engage with community members and organizations on the front lines to make sure this is also a top priority of theirs. I believe we must listen to community members and organizations who are knowledgeable about legal and effective ways to make sure that race is no longer a proxy or predictor for how well or how long or how you live. We have limited staff capacity in city dollars. I would rather we listen to prioritize staff time and resources with these community members, not for these community members, as many people expressed last week. I believe we're doing that. Listening in many ways including bps's anti-displacement project that council has invested in. Turning back to the initial package of amendments I propose we listen to the presentation then vote on all three amendments as a package. Before I turn this over to Eric Engstrom from Bureau of Planning and Sustainability to walk us through this I want to see if any of my colleagues have any further comments before we begin this afternoon's work. Not seeing any. Eric, take it away.

**Eric Engstrom, Bureau of Planning and Sustainability:** Thank you, Mayor Wheeler. Can everyone hear me all right?

**Wheeler:** Loud and clear.

**Engstrom:** For the record Eric Engstrom representing the Bureau of Planning and Sustainability. With me is Nan Stark, project manager for this project. For the discussion we'll be referring to a memo distributed dated May 26, yesterday, the memo includes some attachments with draft code amendments and map amendments. There's also reference to the additional directives the Mayor just mentioned in draft form. So we will go through those as they are referenced in that memo. The first one was the code amendment around affordability and as you recall this amendment request was to require that projects taking advantage of the conditional use exemption be regulated affordable housing by aligning the language with PHB's SDC waiver program. The draft code language was developed in collaboration with BDS staff and PHB and I want to thank you for their help with that. As I mentioned, this links the conditional use exemption to an existing program which allows BDS and PHB to implement this without creating any new forms or administrative rules. That allows us to move quickly with this. Are there any questions about this specific language?

**Wheeler:** Not seeing any Eric

**Engstrom:** Okay. The second set of amendments are in the memo as I believe is item 3 in the memo and this was to make the two map amendments agreed to, the first of those was at the St Andrew's site. This implements a compromise that was worked out with neighbors at that property, the initial recommendation was to place multi-dwelling zoning on the site, but the institution believes that R5 would be sufficient for their needs. Staff supports this change and Nan is here to describe in a little more detail what we are actually doing on this amendment. Nan, so do you want to do that?

**Nan Stark, Bureau of Planning and Sustainability:** Sure, thank you Eric. Nan Stark with the Bureau of Planning and Sustainability. A representative from St. Andrew's church proposed a zone change at the Planning and Sustainability hearing from their current R10 zoning to their RM1. During the testimony period we sent out a postcard notice to the neighbors. That's how they found out about the proposal to RM1. A few of the neighbors contacted me and wanted clarification about that. They were not happy with the RM1,

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saying that it didn't really fit in with the context of the neighborhood, so I encouraged them to be in touch with the representative from the church, which they did. They all came up with the alternative proposal for r5, which will fulfill the church's desire to work with habitat for humanity or another nonprofit to develop a few townhouses in the future. So the r5 zoning will still work with what their needs are.

**Engstrom:** Thank you, nan. I also want to briefly mention that there's a technical correction with this that the change to r5 would have left a very strange sliver of I believe r10 on an adjacent driveway, so we're also proposing to clean that up and make that line straight and eliminate that sliver by merging that driveway area with the adjacent I believe zoning to the north of that. Are there any questions about that particular change?

**Wheeler:** Commissioner Hardesty had a question.

**Hardesty:** Thank you, mayor. My question is to nan. This change that you just spoke of, you said now they will be able to develop a few housing units?

**Stark:** Right.

**Hardesty:** Say more about that. What does that mean in practice?

**Stark:** The archive zoning is single dwelling zone. That's the kind of housing that the church envisioned putting in at some point in the future. So rm1 is a multi-dwelling zone, so it allows, you know, potentially building with multiple units in it as opposed to what the r5 typical development is. It could be in the form of attached houses, townhouse-like development or single detached housing.

**Hardesty:** I'm sorry, nan, that is different than what I thought we were changing the zoning for. I did not anticipate that we were going to change the zoning so that individual single family homes that won't actually have to abide by rip if in fact they happen sooner rather than later, so talk about how that is consistent with our goal of adding to the pool of affordable housing in Portland.

**Stark:** Essentially, it's the same as what's going to result from any of these map changes, which will require affordability now whenever there's development on these faith owned properties. Is that what you mean?

**Hardesty:** I guess I'm hearing something different today than I heard before. I thought that the whole reason why we're bringing this whole proposal forward was the desire for some institutions to be able to build affordable housing. That sounds like that's true for everything we're voting on with the exception of the last one you just mentioned. That they may sometime in the future build some single-family homes, possibly later. That's different than the goal that I thought we had here today.

**Engstrom:** Commissioner, my understanding on this site is that their intent is to be working with an organization such as habitat for humanity to be building affordable single family housing but it's different than -- if we had zoned it multifamily there would be more units potentially but we're still proposing the institution intends affordability.

**Hardesty:** That's what I wanted to hear, the ultimate goal would be these still would be housing that would be affordable for low income people to live in.

**Stark:** Yep.

**Hardesty:** Thank you.

**Wheeler:** Commissioner Fritz.

**Fritz:** The other point, commissioner Hardesty, this site is more than half a mile from the nearest transit street. There's literally one bus per day that goes past this site. So it would be a really inappropriate place to have a lot of multifamily housing or a lot of housing, period, and it's surrounded by r10 and r5, so I believe this is -- it still gets us housing it just doesn't put a lot of people in a place they can't get anywhere to without driving.

**Wheeler:** Thank you.

**Engstrom:** Are we ready to move to the next one then?

**Wheeler:** Looks like it, yeah, thank you, eric.

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**Engstrom:** The second amendment as you will recall was to remove the boundary street site from the initial per flange we're voting on. As you know we received quite a bit of testimony about that property. It brought up some questions about the site that deserved further investigation including issues around the condition of the street, the site is also forested and identified resource within the city's inventory of significant natural resources. This was information that was highlighted in testimony so for these reasons staff supports removing this site from the present initial action and including it in the package b, for further consideration without prejudice to the outcome of that consideration. So you'll see it's listed in the item that is the language about the follow-up directive for that package b, but this initial amendment that we're asking you to consider today is to remove it from the present package. Are there any questions about that?

**Wheeler:** Not seeing any.

**Engstrom:** We may yet get to 12 minutes here. This is going fast. [laughter] so today we're asking council to move the three amendments that we just discussed, those are the items 1 and 3 and the memo that was conveyed to you. Then after we do that then we can talk about next steps.

**Wheeler:** Very good. Thank you, eric. Thank you, nan. Colleagues, unless there's any further questions we'll vote on the package of amendments. I need a motion and second.

**Hardesty:** So moved.

**Eudaly:** Second.

**Wheeler:** Any further discussion on the package of amendments one through three?

**Hardesty:** Looks like commissioner Fritz is trying to get in.

**Wheeler:** Did you have a question?

**Fritz:** No, thank you. If I did I would have raised my hand.

**Wheeler:** Please call the roll.

[Roll Taken]

**Hardesty:** Aye.

**Eudaly:** Aye.

**Fritz:** I very much appreciate the work that staff has done in a very short time frame to be able to bring us this package and all the amendments make perfect sense and i'm going to say thank you every time I can to nan stark. She has had such a great career this is a fitting way to cap it all off. It's the first time i'll thank you but not the last. Aye.

**Wheeler:** First I also really appreciated hearing public testimony from so many community members and neighborhood associations, community institutions, and developers about the amendments. We got a lot of emails as well as people who testified via zoom. I want to thank eric and nan, shannon callahan, matt tschabold -- who all worked very, very hard on this proposal. I'm very happy to vote aye. The amendments are adopted. Thank you, colleagues, eric, next can you please share information about the next steps in order for the council to bring this proposal across the finish line.

**Engstrom:** Thank you, mayor. As we noted in the memo conveyed our plan would be to take this information and prepare revised findings that update the land use findings to comply with the changes you've made. We would need to set a date which we can talk about in a minute about when that would happen. We would also update the code commentary in the recommended draft. This is essentially commentary in the draft that reflects the legislative intent of today's amendments. We bring that back to you at a future meeting and we would provide a substitute to the ordinance to reflect the right documents. My understanding from the last session and the directives you gave us was as is outlined in items 5 and 6 in the memo, that you would like to direct us to do two things in the future. One is come back in a few months with consideration of the additional map sites that were brought up in testimony. So that's the item 5 or essentially package b, if you will. Then the second or final thing is item 6 would be a directive for us to scope a longer term project

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that follows up on this as the mayor mentioned earlier, aimed at a broader set of stakeholders based on the initial discussion we had with all of you we drafted something this may or may not be the final language that you wish to adopt but we would like feedback on that. So we would come back one more time and accept those things and move it to second reading. I think at this point the main question is whether council has questions about those additional directives and then setting the date for that return.

**Wheeler:** Commissioner eudaly has a question.

**Eudaly:** I'm fine. Thank you.

**Wheeler:** Very good. So Karla, can we get confirmation on the date when we would be returning?

**Moore-Love:** I don't believe we have set a time. Eric, how far out do you need?

**Engstrom:** I think I guess I would also involve lauren in this conversation because it involves findings, but at least at the bps level we could do this in the next week or two if council has time. At least a week ahead if not two.

**Moore-Love:** I have june 17th -- lauren, go ahead.

**King:** That's fine, eric.

**Moore-Love:** Would june 17th work or is that too early?

**Engstrom:** I think that works for me. Nan or anyone else, I guess I would defer to the attorney if they have time to work with us on the findings.

**King:** We can make june 17th work.

**Engstrom:** Okay.

**King:** Thank you.

**Stark:** Is there any reason we were hoping to get in a little earlier than that in order to make the effective date sooner?

**Engstrom:** I think we probably want at least a week to finish up the findings. I don't know what else if there is any earlier time available.

**Stark:** Karla, would the week before that be possible, june 10th?

**Moore-Love:** How much time are you looking for? It's pretty booked, mornings and afternoons.

**Stark:** The 11th?

**Moore-Love:** Yes. That's rip and another item already.

**Engstrom:** Probably want to steer clear of the rip agenda. [laughter]

**Hardesty:** Why? [laughter]

**Wheeler:** Commissioner Fritz had a comment.

**Fritz:** It seems like it's not going to take more than five minutes. It's just the vote, right?

**Engstrom:** Unless the council wants to amend the directives, but I didn't hear any specific concern about that today. But that would be the only thing that would hold us up.

**Fritz:** I share nan's thought. Let's do it as soon as possible. Does it have an emergency on it already?

**Engstrom:** We did not put an emergency on it just in light of everything that's happening, but that could be council's prerogative as well.

**Fritz:** Whenever you bring it back we can move to put the emergency on it, right?

**Engstrom:** Lauren, is that correct?

**King:** Yes, council could decide to add an emergency clause when they amend the ordinance.

**Moore-Love:** June 10th?

**Hardesty:** Before we finalize the date, I just want to be clear what we're sending you away to do. This is part 2, right, so this is the part that you pretty much just have to do public notification and get input. Is that correct?

**Engstrom:** There's three things that are happening. The first is the package that you just discussed and the amendments, and all the other recommendations that came from the



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planning and sustainability commission. That's what you would be adopting with this ordinance when you move it. The ordinance would have two directives in it pointing to future work. The first would be the package of specific sites that we didn't get to in the first package that you'd want us to come back in september. The final item would be a broader, more long term scoping a future project. There's not a date attached to that in the directive, and it's intentionally broad because we haven't scoped it with community yet.

**Hardesty:** Thank you, eric. That's really helpful. I agree with commissioner Fritz. It sounds like you're going to come back with what we discussed today and then you just need a vote from us to keep going and doing the additional work that you need to do. So I support commissioner Fritz. I would rather say sooner rather than later because I also don't want this caught up in rip because rip will be its own personal thing. [laughter]

**Wheeler:** Ever the optimist, commissioner.

**Hardesty:** I try to be.

**Eudaly:** I was a little confused about the process and timeline today so i'm going to hold most of my comments for when this comes back, but I want to really appreciate staff at bps, bds, and the housing bureau. I know that I made you guys do the work and I want to appreciate thank you for being so responsive in helping us come up with a solution that's workable for everyone. I think really great for us to be. Thank you.

**Wheeler:** Awesome, Thank you, commissioner. That concludes --

**Hardesty:** Mayor, we have not confirmed the date and time this is coming back.

**Wheeler:** Karla?

**Moore-Love:** So did you want to do it on the 10th or the 3rd. Either date I could squeeze you on somewhere.

**King:** I think the city attorney's office would ask for the 10th. We do need some time to look at the findings.

**Moore-Love:** We can do the 11:00 a.m. On june 10.

**King:** Okay. June 10 at 11:00 a.m. Time certain to adopt findings, amend the ordinance. The record is closed and will remain closed. Thank you.

**Wheeler:** Very good. Anything else for the good of the order on this item?

**Engstrom:** Not from us, thank you, mayor.

**Wheeler:** We'll now go back to the consent agenda. Item number 398, if you could read that, please, Karla.

#### **ITEM 398**

**Moore-Love:** Item 398

**Wheeler:** All right, and we have randy stenquist from risk management is here to walk us through this particular item I believe.

**Jessica Bird, Risk Management, Office of Management and Finance:** Actually, mayor, this one is mine. I'm jessica byrd.

**Wheeler:** Hi, jessica. Thank you, welcome.

**Bird:** I think randy is 399.

**Wheeler:** Got it. Thank you.

**Bird:** Sure. Again i'm jessica byrd with risk management. Hello, mayor and commissioners. Everyone can hear me okay?

**Wheeler:** Loud and clear.

**Bird:** Great. This claim involves a collision that occurred on april 19, 2018, in the eastbound lanes of the interstate 84 freeway. As mr. Ambino headed eastbound on i-84 he was struck head on by christopher cannard, driving the wrong way on the same stretch of freeway. Shortly prior to the involved collision mr. Cannard had been involved in a hit-and-run collision. A Portland police bureau officer discovered the vehicle based on description and within the vicinity of the reported hit and run collision. The Portland police bureau officer activated their over headlights and planned to stop the vehicle and investigate. The

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driver, mr. Cannard, ignored the lights, drove around the ppb officer and proceeded the wrong way on to i-84. The officer continued to follow and about 30 seconds later the collision occurred between mr. Cannard and mr. Ambino. He reported injuries to his head, neck, back, chest, all four extremities and posttraumatic stress disorder. He treated for approximately 14 months post accident. He reported missing six months of work. His attorney submitted a demand on his behalf for \$86,855.41 for his economic damages including medical expenses and wage loss. Another \$175,000 for his noneconomic damages. The vehicular pursuit was found to be out of ppb policy. Risk management engaged in negotiations with his attorney and was able to reach an agreement of \$125,000 inclusive of medical expenses, wage loss and noneconomic damages.

**Wheeler:** So those are the basic facts of the case. Why don't we hear public testimony then you might have further questions to answer. I believe mr. Handelman pulled this, am I right?

**Moore-Love:** That's correct, and he is on the line.

**Wheeler:** Is he the only person who would like to testify? Are there others?

**Moore-Love:** He's the only one for this item.

**Wheeler:** Three minutes, name for the record, please.

**Dan Handelman, Portland Copwatch:** Thank you, mr. Mayor. I'm dan handelman with Portland cop watch. Our group has asked numerous times for settlements regarding police misconduct be placed on the regular rather than the consent agenda to promote transparency and underlying policies that may have led to the collision. We normally don't pull settlements for traffic collisions but as you just heard, this was a case involving a Portland police officer chasing Mr. Ambino the wrong way down a freeway leading to non life-threatening injuries and mr. Cannard himself losing his life in the crash. The officer Alfonso Valadez was the officer involved in the chase and normally officers do not get disciplined because of the monetary settlements but mr. Valdez was fired over the incident not for the death of mr. Cannard or the injuries to Mr. Ambino but for violating the vehicle pursuit policy and being untruthful. The settlement is for bodily injuries and we hope the money helps make mr. Ambino whole. We continue to urge council to talk about broader policy issues. If not now, when? The police review reports – which revealed that two times Officer Valadez got fired were never presented for public discussion. Valadez had only been back on the force a few weeks after the bureau previously tried to fire him for what appears to be an off-duty sexual assault. But an arbitrator overturned that decision. He was suspended without pay for 40 hours instead. It appears the City's proposed state legislation around limiting decisions made in arbitration relates back to this case. But that legislation would not have made a difference. The proposed legislation addresses only cases where the arbitrator tries changing the level of discipline as listed in the discipline matrix. But like many cases in a case where an arbitrator overturns a firing when a person dies at the hands of the police. Officer Valadez was reinstated because the arbitrator disagreed that the officer violated bureau policy. There were two charges against Valadez. The lesser led to a 40-hour suspension and the more serious one affirmed only by Chief Marshman led to termination. Both findings relied on the discipline matrix and the arbitrator did not propose to change the level of discipline which is what the bill contemplates. The male arbitrator disagreed with the City that there was clear and convincing evidence Valadez had sex with a woman without her consent. However he agreed that the married officer showed poor judgment by engaging in sex at a party where alcohol had been consumed bringing discredit to the bureau. It does not indicate this charge involved aggravating circumstances which would be the only way this would have overcome the arbitrators decision and supported firing Valadez. The arbitration system leaned on a poor set of investigative circumstances, typical for survivors of sexual assault. That same system too often finds reasons to absolve officers of any wrong doing deadly force

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incidents. That overall system needs to be fixed. Regardless officer valdez is off the force. Mr. Cannard's family has lost a loved one and mr. Amdino is lucky to have survived. This case will at minimum cost the City 125,000 and should prompt discussion about officer retraining when they return to duty and reconsideration of the legislation the mayor referred to as a police accountability bill. We hope the city can open up space for dialogue about these issues since there does not seem to be any appetite to discuss it in council meetings where lawsuits are settled.

**Wheeler:** Thank you. There's no further public testimony on this item?

**Moore-Love:** Correct.

**Wheeler:** Any further discussion on this item? Karla, please call the roll.

[Roll Taken]

**Hardesty:** First I want to appreciate dan handelman for coming today and providing testimony. I as a city commissioner learned much more about this case based on hearing dan tell me the extenuating circumstances and I think dan raises a very good point. Traditionally large settlements I pull off consent because I agree that there should be public discussion. Had I known a bit more about this particular settlement to me it was just an auto accident, somebody going the wrong way. I think what the lesson i'm taking away from this is that I will need to have deeper debriefings on these kinds of settlements because I trust the information that I get and when the information is incomplete it will lead me to make incomplete decisions. So I vote aye. Thank you, dan handelman.

**Eudaly:** Thank you, dan. I vote aye.

**Fritz:** Aye.

**Wheeler:** Aye. The ordinance is adopted. The next item, 399.

### **ITEM 399**

**Moore-Love:** Item 399

**Wheeler:** Randy, you're here for this one.

**Randy Stenquist, Risk Management, Office of Management and Finance:** I am indeed, sir. So between 2003 and 2007 the united states district court of Oregon and 9th circuit among other things put an injunction in place prohibiting the city and employees including police and park rangers from removing or denying entry to evangelical christian street preachers from areas within or outside the boundaries of permanent events open to the public unless there's probable cause to arrest for violation of the statute or ordinance. This prohibition extends to events that are open to the public, litigation specifically involved waterfront park and pioneer courthouse square. On june 1 of 2019 a city park ranger erred in issuing an exclusion to mr. Mayberry, an evangelical activist. They obtained assistance from park police when he objected to the injunction. Mr. Mayberry appealed the exclusion. It was compounded by parks failing to appear at the exclusion hearing which resulting in the hearings officer dismissing the exclusion and finding he was engaged in free speech at the time it was issued. Through his attorney mr. Mayberry filed a federal lawsuit against the city of Portland and the park ranger in 2019. The city admits mr. Mayberry's first amendment rights were violated as dictated by the 2003 Gathright litigation. Among other things, this allows preachers and others similarly situated to espouse their views at waterfront park including all permitted activities open to the general public. Risk management and the city attorney's office successfully negotiated a compromise settlement in the amount of \$50,000 with mr. Mayberry and his attorney in exchange for the dismissal of the lawsuit. The settlement is inclusive of all economic and noneconomic damages and attorney fees and contingent on approval of city council. In light of this incident the city has made changes in processes and training with the parks bureau park rangers and with the police bureau. Park ranger training that is already in place regarding Gathright will be prominent for new hires and for annual refresher training just completed in march of this year. Park rangers have developed additional processes for revoking an



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exclusion issued in error which should prevent the same from occurring in the future. Portland police bureau has training in place regarding the Gathright injunction and that training will again be presented at annual inservices and now include knowledge testing. We have Scott Modey from the city attorney's office here if you have questions about some of the more legal aspects of our settlement.

**Wheeler:** Any questions prior to testimony? I don't see any. Karla, you said some people had signed up?

**Moore-Love:** Yes, we have two people signed up.

**Wheeler:** Very good. Three minutes each, name for the record, please.

**Moore-Love:** The first person is Ray Hacke.

**Wheeler:** Good afternoon, Ray.

**Ray Hacke:** Good afternoon, Mayor Wheeler. Basically I wanted to say first of all I wanted to quote a bible verse, psalm 117. A broken and contrite heart these, oh God, you will not despise. The city of Portland unfortunately has a well-deserved reputation for hostility toward street preachers. Based on my dealings with Mr. with Mr. Modey the city wants to change that, wants to change its image, wants to be a truly tolerant city. I think I just want to say approving this settlement would go a long way toward showing that the city is contrite and willing to make changes as far as how it treats street preachers who are civilly and peacefully exercising their free speech rights.

**Wheeler:** Thank you, Ray. Appreciate your testimony.

**Moore-Love:** And the next person is Mark Mayberry.

**Wheeler:** Good afternoon, Mark. Are you unmuted, Mark?

**Moore-Love:** He was having some difficulties earlier.

**Wheeler:** Is he on the phone?

**Moore-Love:** Keelan, do we know if he's available?

**McClymont:** It looks like he is connecting by his computer. Mark, if you're able to try to call in -- it does look like he's unmuted.

**Wheeler:** He's unmuted?

**Keelan:** Yes.

**Wheeler:** Mark can you try one more time? Does he have the call-in number?

**McClymont:** Yes, there's a call-in number available.

**Wheeler:** Mark, you want to try calling in?

**Hardesty:** It looks like he's been sent the call-in number.

**Wheeler:** Let's wait one minute. See if we can get him. We're all trying to make these technologies work for us. They don't always work perfectly. Mark, you there now?

**Hardesty:** He's muted now.

**Wheeler:** I didn't see him on the list. Oh, there. Okay. You're right.

**Rick Nixon, Program Manager, Bureau of Technology Services:** He should do star 6 on his phone.

**Wheeler:** Try star 6 to unmute. On the keypad, star 6. No luck, Karla?

**McClymont:** Looks like he might have been temporarily connected but looks like --

**Wheeler:** He put his number there in the chat. Is there any way you can reach out to him and hold the phone up to your mic?

**Hardesty:** We have to be creative in this process.

**Wheeler:** I'll see if I can get him. If I can I'll just hold the phone up. Doing it old school here. Who is that?

**Mark Mayberry:** Okay, that's me now.

**Wheeler:** Success. You did it. Good job.

**Mayberry:** My son helped me. I'm old school.

**Wheeler:** Welcome.

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**Mayberry:** Thank you. While i'm glad to hear there are some changes as far as training policies and stuff because without free speech I just feel like we basically are subject to government that can just do whatever it wants and control our lives and that's I believe wrong and we will not have a free country any more. There's people who died in many wars in this country so we could have freedom of speech, freedom. I feel this is very important. We need to stand for in unless we want to live under a communist government or totalitarian government. I feel the need to stand up for children, that's what I was doing because god commands us to love one another and treat people the way we want to be treated and to kill our children is not loving them. That's why christ died is because of our sins. He rose again from the dead so that we could learn from his example to love one another rather to to take the lives of others. That's what I was trying to do is be like jesus and love my neighbor, especially the little children who can't speak for themselves who are being killed at over 3,000 a day in this country.

**Wheeler:** Thank you, sir, for your testimony. I believe that completes public testimony, does it, Karla?

**Moore-Love:** That's correct, mayor.

**Wheeler:** Very good. Any further questions? Seeing none, Karla, please call the roll.

[Roll Taken]

**Hardesty:** Aye.

**Eudaly:** Aye.

**Fritz:** Aye.

**Wheeler:** Aye. The ordinance is adopted. This settlement is agreed to and Karla, unless i'm mistaken that completes our business for the day.

**Moore-Love:** That does, mayor.

**Wheeler:** Excellent. Goodbye, everybody. We're adjourned.

**Council recessed at 2:45 p.m.**

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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.

**MAY 28, 2020      2:00 PM**

**Wheeler:** This is the thursday, may 28, session of the Portland city council, Karla good afternoon, could you call the roll.

**Hardesty:** Here. **Eudaly:** Here. **Fritz:** Here. **Wheeler:** Here.

**Wheeler:** Under Portland city code, the city council is holding this meeting electronically, all members are attending remotely by phone. The public can provide written testimony to the council through the council clerk, the council is taking these steps as a result of covid-19 pandemic and the need to limit in person contact and promote physical distancing. The pandemic is an emergency that threaten public, safety, health and welfare which requires us to meet remotely by electronic communications, as always, thank you for your continued patience, flexibility and understanding as we manage through this difficult situation to do the city's business. And with that, we'll now hear the rules of order and decorum from our legal counsel, good afternoon.

**Linly Rees, Chief Deputy City Attorney:** Good afternoon, council. To participate in council meeting, you may sign up in advance with the council clerk's office for communications to briefly speak about my subject. You may also sign up for public testimony on resolutions for the first readings of ordinances, the published council agenda at Portland, Oregon,.gov slash auditor contains information about how and when to sign up for testimony while council is holding electronic meetings. Your testimony today should address the matter being considered. When testifying, please state your name for the record. Please disclose if you are a lobbyist, representing an organization, please identify it. The presiding officer determines the lengths of testimony. Individuals generally have three minutes to testify unless otherwise stated. When your time is up, presiding officer will ask you to conclude. Disruptive conduct, such as shouting, refusing to conclude your testimony when your time is up or interrupting other's testimony or council deliberations will not be allowed, if there are disruptions, a warning will be given further disruptions may result in the person being placed on hold or ejected for the remainder of the electronic meeting. Please be aware that all council meetings are recorded, thank you.

**Wheeler:** Very good. Karla, please read our one item for today, 411.

### **Item 411.**

**Wheeler:** Thank you. We are here today to consider an ordinance to address a narrow singular issue for the city of Portland central city 2035 plan. The 20-year plan for our city's urban core. Just as a reminder, city council adopted the central city 2035 plan back in june justify 2018, voting in support of ordinance 189000 after extensive public engagement, cross bureau coordination and staff analysis. The june 2018 decision was appealed to the land use board of appeals sometimes called lupa and subsequently to the state court of the appeals, lupa found and the court of appeals agreed that the findings related to one decision changes to the allowed heights in the new chinatown japan town historic district were not adequate to show compliance with the comprehensive plan policies. Luba and the court of appeals remanded the issue back to the city to fix. Today i'm pleased that the city is able to consider readopting new adequate findings, in order to fix the issue identified in the courts because of the staff's hard work. The proposal before us is to readopt the central city 2035 plan as originally approved in order nance 189000 with expanded findings that fully remedy the issues identified in the originally lupa remand. It is important to get

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this process fixed right and important to resolve this narrow issue quickly. I understand that there may be testimony today on parts of central city 2035 that are outside the scope of the decision before council. I don't want to disregard or minimize this testimony, I want my staff and bps staff to listen to this testimony, even if it falls outside the scope to reach out to those who give council testimony and identify if there are any active policy proposals that could potentially address some of the issues that are raised in that testimony. The city council's role in contrast today is to remain focused on resolving the remand and helping the city move forward on the june 2018 decision. So with that, I will now turn this over to.

**Hardesty:** Mr. Mayor, thank you, mayor. For the record, I need to let you know that I have reviewed the record, and I am up-to-date and ready to fully participate in the vote today.

**Wheeler:** Thank you, commissioner, I appreciate that. It's important that we have you here. So good, thank you for doing that, taking care of that, we'll turn it over to joe sender from the bureau of planning and sustainability, and I notice that on the script, we did not -- this was an inadvertent oversight, we did not include the members from the landmarks commission, after joe completes bps's presentation, i'll ask kristin miner, our landmarks commission chair, and I believe she has her vice-chair with her, to give a presentation as well. But we'll start with joe sender from bureau of planning and sustainability, welcome.

**Sally Edmonds, Bureau of Planning and Sustainability:** This is sally edmonds from the bureau of planning and sustainability. Joe is having a little bit of trouble logging in. So he'll be right with you, i'm sorry.

**Wheeler:** Okay.

**Joe Zehnder, Bureau of Planning and Sustainability:** Yeah, i'm here.

**Wheeler:** I hear joe.

**Zehnder:** Yes.

**Wheeler:** All right. You've got it, joe.

**Zehnder:** Thank you, mayor, sorry for that confusion.

**Wheeler:** Mow worries.

**Zehnder:** So if we could start the screen share, i'll get going. Thank you, thank you very much. Everyone, i'm joe zender, good afternoon, i'm with the chief plan we are the bureau of planning and sustainability, I have a short presentation today about what we are considering, which is the readoption of portions of the central city 2035 plan that were previously approved in ordinance 189000. We have not many any substantive changes to the plan, the only changes we have made have been to the findings in response to the remand of the plan by the Oregon land use board of appeals, which as I go all, i'll refer to as luba. Next slide, please. In 2018 the Portland city council approved the first update of the central city plan since the 1980s. It was a product of a massive effort that stretched over years at hd, I will let you know that. Central city, the city council alone held seven public hearings, five deliberation sessions, a final vote on the ordinances related to this plan. The plan covers all of the parts of the central city, the east side, the west side, all 11 subdistricts of the central city, as well as the willamette river. It also includes policy code changes and investment plans for the central city to be able to grow and advance the comp plan grow to make Portland a prosperous and equitable city. It went into effect 2018 so projects could start using the code right away and get implementation of the plan going. While the project is under remand, those projects are on hold and new projects that want to use the new code are unable to start. Next slide, please. So as the mayor said, luba felt the findings related to changes and allowed heights in the new chinatown japantown historic district did not have adequate justification to show compliance with comprehensive plan policy 4.48. That policy called for new development to show continuity with existing urban fabric for a district. The policy expects that there's going to be new development and calls on to it contribute to the district in a variety of ways, but in particular, in filling gaps where there's vacancy or empty lots in the urban fabric and to help preserve and

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complement the district's character and historic resources, to respond to the remand, the city must show the actions proposed in the new chinatown, japantown historic district, which includes height increases and others, combine to meet this policy 4.48. Next slide, please. First, let's take a look at what the comp plan means when it uses the term established urban fabric. This refers to the combination of design and architecture and uses, culture and history and other characteristics of the district. This slide here breaks out some of those elements for you. So let's start at the street level with the pedestrian rail. This includes the scale of the block, how long the block is. The character of the street and the attractiveness of the sidewalk and the entrance to the buildings and the store fronts and that whole design to people who are actually using the sidewalks visiting the buildings and using the buildings. The pedestrian realm in many ways is the most important part of the urban fabric in the central city for the simple reason that it's the part that on a day-to-day basis, most of us experience. The second sort of level of urban fabric in this diagram, at least, deals with the building program, which refers to how the technology, the way the building is constructed, affects the way the building is designed. Steel frame buildings, masonry buildings, timber buildings, have a different characteristic, it refers to how the building is used, is it housing, is it an office, a commercial use or some other use. The final piece of the urban fabric definition includes the architectural style of the building, this is the kind of things like its architectural style, arrangement of the mass of the building, arrangement of the height and exterior materials. Next slide, please. So what does the condition and what do we know of urban fabric in new chinatown, japantown. First, the district consists of 10, 200 by 200-foot blocks. Bounded by typical central city streets, except for birds eye, which is wider and widened in 1931 and except for 5th avenue, which is part of the transit mall and has a transit station. In terms of the use of the district, and what's built there, that's shown in the diagram to the left, 40 percent of the district's land is used by structures that contribute to the historic character of the district. Those are buildings that are built from 1890 to 1943. They're shown in the yellow or gold color in that diagram. 36 percent of the districts are now contributing or new buildings and almost 24 percent of the land is either in surface parking or vacant lots. And that's the area shown in white on the diagram. Building heights in chinatown/japantown range from one story to 16 stories, san francisco stories at least 160 feet tall. A big part of the urban fabric story is in other elements including the architectural style of the buildings in the district that's shown in the diagram to the right, the building massing that is typical of the district, which in this district is a blocky form. Typical materials, which here is brick. And a consistent street wall in terms of the height and design and points of access, entrances on the street. And the pedestrian rail. The evolution of a district is also reflected in its urban form. In this district, building massing, which -- excuse me, over time it has been common in this district for buildings of different heights to be adjacent to one another. That's nothing unusual here and hasn't been through the history of the district. Also over time, the communities that call the district home introduced chinese and japanese cultural adaptation to the fact rick such as horizontal balconies, long awnings, projecting flags and banner, these are important elements of the districts, and the design that has been created for this district. As you can see, on this list, the building height is in new chinatown/japantown is in some ways the most distinctive element of the district's urban fabric, we need to consider it in the context of all these different pieces that make up urban fabric. Next slide, please. So the goals in the central city 2035 plan for new chinatown/japantown and oldtown, considered one district in that plan are to preserve these districts historic and culturally significant elements. To continue, especially in chinatown/japantown the social service agencies that play a critical public health role in the city and the region. Third, to support the vitality of the commercial and educational uses that have developed in the district and finally, to add a balanced mix of market rate, student and affordable housing to this mix of uses that makes



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up the district. This last one has been sort of a goal from the strategy for new chinatown/japantown for decades. So one of the actions in central city 2035 was to change the maximum allowable building heights as shown in this slide. You can see the existing heights, are shown on the left hand side. South of evert, 100 feet, north of evert, 350 to 425 feet, if you're north of evert, it is the street just below the classical chinese garden. So within the central city 2035 plan, specifically the heights for the blocks north of northwest evert were reduced from a maximum height of 4125 to 200 feet. The height allowances on one block south of northwest evert, block 33. Shown in this diagram, were increased, from 100 feet to 125 feet with bonus height being available along the 5th avenue frontage of up to 200 feet. Next slide, please. So the question that the remand asks is how does this change in other actions in central city 2035 combined to meet policy 4.48 in new chinatown/japantown. First, let's look at how central city 2035 ensures new development and helps preserve historic urban fabric and resources. First, other development remains subject under central city 2035, is still subject to review by the landmarks commission. Or by bds staff. And central city 2035 has added new more specific guidelines that are going to be used in this review, the development of those new guidelines was a prerequisite in the planning process for us to be able to discuss changing heights in this district. Secondly, we kept the current regulations that are on the books requiring review, prior to the proposed demolition of historic structures, and made clear in the findings for this proposal that the proposed height of new development can be reduced through the historic resource review process. That review process is dealing with state regulated resources and has the power, we believe, to reduce heights if it's found necessary on a case by case basis. Third, we reduce height limits, as I mentioned on four lots from 45 to 400. We believe that this height limit ensures that the new scale of development is appropriate for -- 425 to 200, at its greatest it is appropriate for the scale of a 200-foot by 200-foot block. And also, because of the presence of contributing structures on these lots north of evert where we have done this height reduction, the 200 feet allows the opportunity for development of those lots while still preserving the buildings. 4th, I want to mention the shadow analysis shown here in the yellow shade to the south and west of the lan su classical chinese garden, this is an approach we have used around public open spaces elsewhere in the central city. It requires an analysis defined in the zoning code of whether or not proposed new development casts excessive shadow on the lan su garden, if so, it has -- that test has to be passed as part of the preview process prior to development. Next slide, please. So the second part of is the indication is how does the -- excuse me, how does the strategies in the central city 2035 plan use infill development to increase the compatibility and preservation of the district, to meet planned policy 4.48. We did not reduce any of the amount -- in all the changes we made in this district, we kept the total amount of square feet you could developing the same. Except for the allowance of additional square feet on block 33, if that redevelopment is residential and part of the inclusionary housing program. We also continued to allow the inclusionary housing bonus to be used. We allowed the historic transfer to be used. All the square feet that you could build there today is still there. We -- because of the condition, as I showed earlier, of this district, we know it's essential for new development to take place, to be able to restore the urban form. To fill in the gaps in the pedestrian realm, and street wall and to recreate active frontages for the benefit of not just those blocks, but all in the district. Third, we took -- using infill to meet other important goals that are in the central city plan, both for the central city as a whole and for this district, which include adding housing density at a transit station. Actually throughout our transit system citywide. And also in the central city, because of the investments and the importance of the district, it's a big policy objective to eliminate vacant lots and underutilized parcels and to find productive uses or more productive uses for surface parking. Finally, the infill strategy that we are bringing to

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chinatown/japantown that helps meet comp plan policy 4.48 is that theses -- this infill development is essential to support the districts economic and social vitality, and that vitality, that success, that life in the district is critical for us to be able to sustain the cultural and historic uses in the district as well as its newer uses. Put together, we think this combination of preservation and thought. Infill development accomplishes the goals or the purpose set out in the comp plan policy. Next slide, please. So that's the proposal that's in front of city council today. Today's hearing, as the mayor said, after the hearing today, there will be followup with additional work sessions, and we are hoping to get to second reading final vote in July. With a regular adoption of this central city plan, the code would be back in effect 30 days after second reading. And that concludes my presentation.

**Wheeler:** Thank you. Joe, did anybody have any questions for Joe before we moved on to Kristen? Not seeing any just yet. We'll move on next to Kristen Miner, the chair of the landmarks commission. Good afternoon.

**Kristen Minor, Landmarks Chair Commssion:** Can you hear me now?

**Wheeler:** Yeah, now we can.

**Minor:** Great, okay. I am trying to keep my testimony into your 3 minute window, and I just have a couple of slides to share with you. So trying to see if you'll be able to see them on my screen here.

**Wheeler:** If you need a couple of extra minutes, don't -- the technology's already hard to manage, if you need a minute or two extra, don't worry about it.

**Minor:** I appreciate that.

**Wheeler:** Keep it under 5 minutes, I would appreciate it. Because you are a commission chair, we won't hold you to the same standard as public testimony.

**Minor:** Great. So I appreciate the overall view from Joe Zender, there has been so much good work under central city 2035 and of course we are just zooming in as are my comments on the maximum allowed heights in the new chinatown/japantown district. As Joe pointed out, this is a very small district, only ten blocks, and so I would like to show you very briefly the district over time. So I have three images here on the screen, and after I talk through these for just a minute, I have some points about how the landmarks commission functions. So if you would, start with me on the left hand side of the screen, we are seeing the district, this is obviously an aerial view, in 1990. So 30 years ago, and this was just after the district was first listed on the national register. And I'm showing the heights of buildings, those are the little numbers that are showing up on all of the buildings. At that time, they were almost all one to 4 stories, with one exception that you can see there, along 5th avenue at 7 floors, that's the building that PDC now occupies. Another thing to notice here is the pattern of development or footprint. So it's pretty noticeable here. All the buildings are a quarter block or smaller. There is one long and very skinny exception along Burnside that I don't know if you can even see, the no. 3 down there. But I'll come back to height and pattern in a second, next moving to the middle image, by the early 2000's. Two new large developments had been constructed, you can see those by the number of stories, the 8 story and the 15 story as well as the district. The 15-story building is about 160 feet tall, and I do want to point out, it respects the pattern of development with a quarter block footprint. But it is still out of scale because of its heights, it makes the building very notice automobile and harder for the district harder to tell its story of Japanese necessary and Chinese immigrant cultures who settled here and made their mark on older existing buildings, so then fast forward to 2017 just a couple of years ago, by then, several contributing buildings had been torn down, you can see that by the zero down along Burnside there. In the right hand corner, this used to be the Dirty Duck Tavern replaced by a new four-story building, as well as a promise that the Old Blanche House would be retained and refurbished, although that promise was not kept. Then down again near Burnside. 2017 was also the date of the newly guidelines for the district. And that leads me to talking

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about design guidelines for just a second. And the most basic principal of design guidelines is compatibility with the original historic buildings. So, you know, we are not trying to look at any of the newer buildings that have come in. We are really measuring massing and height as the most critical component of the compatibility. It's very important that the district, any district have a unified character and kind of appearance, not all buildings the same, of course, and certainly there can be quite a range. But, you know, we are starting from a point of the kind of one story to seven stories. And beyond that, you know, a little bit certainly may still be compatible. But the team working on the design guidelines for this district agreed that 15 stories was not compatible. I also want to point out that there really aren't differences in pattern or scale moving north to south or east to west. I mean, again, that's only two blocks wide. So, you know, the idea that there would be different heights, north to south, or, you know, even east to west, is just not supported by what's there. So the landmarks commission will continue to do our job, and that is assess whether a new design is compatible with the district and on its site. Actually, let's go ahead and go to the next slide, if you will. Thank you, this is obviously a quick grab from google street view, and what we are seeing here on the right is that 15-story building and I guess, you know, my question is really, is this compatible, is this continuity. When city council signals approvals in heights and bulk significantly out of scale with the existing pattern, even with the acknowledgment that the landmarks commission has the power to deny out of scale proposals, you do send a message that our work is simply an obstacle to be overcome. Perhaps more troubling you don't necessarily support the preservation of this particular district. So i'm asking today for city council and the mayor to reconsider your support for inappropriate heights in this district. Especially on block 33, which seems to have been singled out as a spot zone with incompatible height and bulk allowances that offer no tangible benefit towards the preservation of this historic district. And that's all I have. Thank you so much.

**Wheeler:** Thank you. And then with that, I believe Karla, we go to public testimony.

**Fritz:** Did have something to add, kristen?

**Minor:** Yes, mya, are you there?

**Wheeler:** Are you un-muted.

**Maya Foty:** I am here.

**Wheeler:** Okay, good.

**Foty:** Wonderful.

**Wheeler:** You're good to go.

**Foty:** Hello, council members, this is mya of the landmarks commission. The housing crisis in Portland has elected leaders not only in Portland but at the state level looking for creative solutions to the lack of sufficient affordable housing, we look to the city council to provide consistent leadership to support the comprehensive plan and to take the long view of any and all solutions, as advocates appointed but the mayor to protect historic resources in our city, we too are concerned with housing crisis and support the need for more density in our city. However, discounting the public process that recommended heights of 125 feet in the north and 1200 feet at the south end and instead allowing potentially up to 200 feet would encourage developers to propose large buildings with historical and residential buildings as my colleague commissioner miner pointed out, bigger is not only better, large powers on a ten-block area -- how can they be designed to meet the carefully reresearched design guidelines of the historic chinatown/japantown district that the landmarks commission is mandated to enforce, the goals of which are, and I quote, to allow change to take place in a mindful way that brings vibrancy to the district while retaining the important architectural and cultural qualities that make it a unique historic neighborhood. Instead of fixating on encouraging new tall buildings to meet the focus on finding ways to rehabilitating existing buildings and historic chinatown/japantown.



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We need to nurture the existing historic building stock that is such an important part of Portland's past and find ways to help current business owners to thrive. It is possible to create more density in the small district by renovating existing underused buildings and encouraging new buildings on formally vacant lots. Adding over buildings, there must be ways to identify and incentive to encourage rehabilitation of existing building stock. On a final note, I wanted to remind the council on recent testimony that was given at the landmarks state of preservation address about the prepped building in oldtown, the first zero net carbon building in Oregon, they're building which was unanimously approved by landmarks was five stories, I think, at about 75 feet. One of the reasons they mention they chose the site because they could put their solar array on the light and knew it couldn't be blocked but a taller building, by encouraging development of tall buildings, we are discouraging the development of other building toms, new york city passed legislation that all new buildings are to be net zero by 2035, these types of buildings are the future and need access to light, the last statement, please reconsider your support for inappropriate heights in this district, especially on block 33. Thank you. .

**Wheeler:** Unless there is any questions from my colleagues, we can go to public testimony, how many people do we have signed up.

**Moore-Love:** We have 36 who signed up, and I think we have about 28 so far online.

**Wheeler:** Very good, 2 minutes each applies, name for the record.

**Moore-Love:** The first person is Carrie Strickland and she'll be followed by Wendy Rhomb and Liz Weston.

**Wheeler:** Very good, welcome.

**Carrie Strickland:** Thank you. This is Carrie Strickland, I'm located at 811 Southeast Stark. I'm the principal of Works Progress Architecture, am who owned architecture firm I founded in 2005 an active member of my community and belong to several volunteer boards and organizations that focus on planning codes and the built environment. Zoning and land use regulations are the means by which both public and private values guide power cities are developed and create the benefits political social and economic systems operate within in the context of our daily physical interactions. In the case of the 2035 plan, many community members including myself, worked closely with officials and city staff for years to test strategies and put forth long range development guidelines that look ahead to promote the sustainability of our city. However, when a small group or individual, no matter how well being, decides that their own personal feelings or interests are worth more than the collective, the system breaks down. The appeal process has had unintended consequences on the collective ambitions of our city that has stalled or stopped many, many projects, including senior housing, affordable housings and supported housing, all of which are sorely needed in the central city. It has served to confuse land use policy with design related discretionary review concerns, a related item such as scale, form and character appropriateness. Which are articulated within the design or landmark review process. This comes at a time when we are already struggling to meet housing demands and work towards affordable, made worse by the current pandemic and the severe economic impacts yet to come. This is a monumental piece of land use policy that has already gained support of the collective communities it will serve and by council itself. You now have the opportunity and the responsibility to reinforce and support that collective by swiftly readopting the policy you voted into place two years ago and cementing faith in the process, faith in our leaders to act quickly when it is needed and forward-looking ambitions. Thank you.

**Wheeler:** Thank you. Appreciate your testimony.

**Moore-Love:** Next is Liz Westman and she'll be followed by Tom Clark and Raymond Chang.

**Wheeler:** Good afternoon, Liz. Are you un-muted? Karla, we are having some problems with Liz, I think.

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**Fritz:** If you are on the phone, do star 6.

**Wheeler:** Good call. Liz, if you're on the phone, poke star 6 on the keypad.

**Moore-Love:** Looks like she was signing on by a computer.

**Wheeler:** Let's move on the next person, if you monitor liz, if she comes back on, we'll get her in line.

**Fritz:** I'm not seeing any microphones by any of the other names, do we know if they are connected?

**Wheeler:** Yeah, microphones will pop up when they are allowed to talk.

**Moore-Love:** Okay, thank you. Let's go with tom clark. Who will be followed by raymond chang.

**Wheeler:** Tom, you there.

**Tom Clark:** I hope so, can you hear me.

**Wheeler:** Yeah, good to go.

**Clark:** Great, mayor and commissioners, this is tom clark, i'm an architect in old town property owner at 333 northwest 5th. And i'm an active member of the oldtown community association since 2014. I also participated in updating the chinatown/japantown design guidelines. The need housing and business development in oldtown has been widely observed by others, i'll focus on one specific thing here, which is why I support cc2035, including the increased height allowance. I believe 27 contributing historic buildings give the district its unique character and they must be honored. I would like to comment on why these two things are not mutually exclusive. Increased height and honoring the historic resources. The comprehensive plan policy 4.48 encourages development with three criteria. Within the established urban fabric and while preserving and complementing historic resources. We have heard from joe about the established urban fabric dimensions of that, generally, we can take this to mean completing the street wall and contributing to street activity. Which is really the -- not only plugging the gaps, but creating an urban experience that has value. The requirement for preserving historic resources is guaranteed for these 27 buildings due to its historic district status. The other one that has a lot of conversation about is complementing historic resources, complementing is a key question, I suggest the proposed height limit is not a threat to the historic district if new buildings are designed to complement. The design review process will actively ensure this with the tools that it has particularly the district guidelines, go down guidelines. The guidelines clearly anticipate larger buildings, not only by not limiting heights, but very detailed guide to design review and landmarks commissions to ensure that larger structures don't overpower the smaller ones.

**Wheeler:** 2 minutes is up.

**Clark:** Beg your pardon.

**Wheeler:** 2 minutes has gone by.

**Clark:** I thought I had three.

**Wheeler:** 2 minutes today, so if you could wrap up your final thoughts.

**Clark:** All right. Just want to point out one specific thing about for taller buildings, the guidelines suggests compatibility with heights, can be addressed by thinking about buildings having two zones, lower zone within the general heights of the district and an upper zone above that height. It specifically recommends either a podium or platform mass at the new buildings lower levels and stepping back upper stories or separating them with projecting horizontal elements, we have good examples in our own city. One of the greatest ones is the lad tower on southwest broadway, which does exactly this, as well as many buildings in the south waterfront. So I believe that the increased height limits, in summary, will promote needed development in oldtown and increasing the comprehensive plan's goal of infill within the urban fabric and preserving and complementing the historic resources, thank you.

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**Wheeler:** Thank you, appreciate it.

**Raymond Chang:** Mayor wheeler, commissioners, i'm raymond chang. I serve as a president of the board for the chinese garden, as i'm appearing in front of you today, I would like to a firm the support for the readoption of the central city 2035 plan. To allow the 200-foot building height located west of the garden. It was two years ago when the city council held a public hearing to consider the increasing the proposed building height for block 33 in the four-city block located west of the garden from the proposed 125-foot building height in the central city 2035 plan to 200-foot. At the hearing there were a number of people from the garden and friends of the garden presented to squeak against the height. I myself also joined other people writing letters to the city, city council, against the proposed 200-foot building height. You may be wondering why the garden changed their position on this issue now. The reason for the garden to poe the building, oppose the building height increase, we believed the shadow from a 200-foot building cast over the garden would kill the plants and Fish in the garden, it would also cause the wood building in the garden to rot. After the city council voted to approve the building height increase at the hearing, our acceptance -- director at the time, was preparing to join Portland chinatown history restore Oregon and Oregon foundation for the 200-foot building height. I was the vice president of the board at that time and urged the board to take a step back to look into this issue before we take any further action. So we brought in an expert to present to us whether a 200-foot building located west of the garden would have any effect to the plant and Fishes in the garden. We learned from the horticulture expert that the plants of the garden received adequate sunlight, mainly from the south side from 10:00 a.m. To 2:00 p.m. For most of the year, the shadow from the west side will not cast over the garden until 3 p.m. And it has low -- little or no effect to the plant. And the Fish in the garden. Especially Fish like to stay in the shaded area of the pond.

**Moore-Love:** Time is up.

**Chang:** Okay. Also the wood building in the garden would never -- would never rot so long as protected with good coat of paint. So when the garden got wood -- city council at the hearing today to consider the adoption of the central city 2035 plan, we took a look at this issue again and find out the garden was benefiting from the central city 2035 plan, because the building height for the city block south of the garden was reduced from 250 feet to 100 feet. Which is crucial for the well-being of the plan various plants of the garden, any new building next to the garden would require analysis. So at that meeting two weeks ago, we voted unanimously to support the readoption of central city 2035 plan and the 200-foot building height for the four-blocks west of the garden.

**Wheeler:** Thank you.

**Chang:** We want to convey this message to city council.

**Wheeler:** Thank you, and we got it, we appreciate the support, and the comments. We have to move on, we have a lot of people.

**Chang:** Thank you.

**Wheeler:** We appreciate your testimony.

**Moore-Love:** Westman, see if she's available to connect now.

**Wheeler:** Sure, let's try her. Liz, are you there? Looks like she may still be having problems.

**Wheeler:** We can try her later.

**Moore-Love:** Let's go with peter is englander and he'll be followed by too tricia cliffs.

**Wheeler:** Hi, peter.

**Peter Englander:** Good afternoon, mayor and city council members, I hope you can hear me.

**Wheeler:** Yes, loud and clear.

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**Peter Englander:** Great. Everyone, I am peter englander, I reside in south taber, the vice chair of the oldtown community association as well as the co-chair of the land use and transportation committee. I represent dead stock coffee in that capacity. Knowing that you were going to limit testimony, I have submitted written testimony that complements the letters that the community association made, so i'll make a few points to stay within my two minutes. This district was approved in 1989 and 1988 we had a central city plan that north of everett allowed for 350 feet of height in our district. Despite all of that entitlement at the time, other factors in this neighborhood that i'm about to explain has really inhibited a celebration of many, many cultures in this neighborhood and has taken extraordinary efforts every time development has occurred in the neighborhood. In addition to text, amazing feats including the lan su garden, I want to inform everybody of our housing numbers in our community which we have kept for decades, 50 percent of the housing stock in the oldtown community is at 50 percent or below median income and transitional housing, 35 percent is at the 60 percent or work force level, that means we only have 15 percent of our entire neighborhood and within this new chinatown/japantown district mirrors the same percentages is market rate housing, to the point of really focusing on rehabilitation the older buildings that exist in the district that's been very, very tough because most of them are owned in situations that are land rich and cash poor, even in the situation of a little fire station that's just outside of the district. Rehabilitation of the two-story building, the value of that building was going to be less than half or about half the cost to rehabilitation that building, which was something like \$15 million. You'd have value of about \$6 million with a rehabilitation cost of over -- of over that amount. We have completely missed this cycle, I think there are a lot of creative solutions that we can implement to celebrate the cultures and in talking with restoral Oregon, there's a lot of commonality. I'm almost done. Including -- including a blight ordinance which I think is worth it to consider. We need to bring people to our neighborhood, and I echo my predecessor es in how to do it in this historic district, thank you very much.

**Wheeler:** Thank you, peter, appreciate your testimony.

**Moore-Love:** Next is patricia cliff and she'll be followed by rita silence.

**Wheeler:** Hello, patricia.

**Patricia Cliff:** Can you hear me.

**Wheeler:** Yeah, you're good to go.

**Patricia Cliff:** Thank you very much. Good day, mayor and city council members, my name is patricia cliff. I am a resident of the pearl, where I have owned a home for the past ten years. Prior to making Portland my principal permanent residence, I spent 45 years living and working in the real estate business in manhattan, as a real estate attorney, marketer of high end residential commercial real estate, consultant to major developers and passionate pro bono activist for affordable housing and homeless issues, I continue to consult nationally on these subjects. I am president of the pearl neighbors for integrity and design, a nonprofit whose mission it is to promote livability and good architectural development which incorporates affordable family housing in the central city with strong emphasis on resolving and the escalating homeless issue in Portland. I am testifying here today because of my concern for the future of the livability, economic well being and health of citizens of Portland at this crucial time. The central city 2035 plan was seven years in discussion, and has been in effect for the past two years, in many ways it has proven to be a law of unintended consequences, most importantly, it has failed to provide the needed affordable housing which was one of its goals. Having lived and worked through the multiple recessions of the past decades, including the savings and loan debacle of 89-91 and recession of 2008-2009, I am only too aware the crisis conditions require well thought out creative solutions. A simple readoption visit 2035 central city plan with minor alterations at this time does not fulfill this need. In the intervening years the houseless



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population of the Portland city has grown and the human suffering, degradation and deteriorating health of the those living on the street have reached unimaginable proportions, this has been further exacerbated by the advent of the covid-19 virus. Whose long reaching effect are impossible at this time. For this reason we respectfully respect the city council abandon efforts to reinstate the central city 2035 plan. At this time and postpone its reenactment until the newly elected five-member city council is seated in 2021. Here miss last sentence, in the interim, a careful reevaluation of the emerging issues concerning the forthcoming economic and real estate crisis affecting our city should be considered and evaluated as they develop by the present four-city member city council, community stakeholders, nonprofit organizations and citizens of Portland, thank you for your time and attention to this matter.

**Wheeler:** Thank you.

**Moore-Love:** Next is rita silence and then we'll try liz westman again.

**Wheeler:** We really want to make sure everybody signed up has a chance to testify so if people can keep it to two months, make your points, we appreciate it.

**Rita Silen:** I will do my best. Good afternoon, mr. Mayor and city council members, I am also a resident of the pearl district for 20 years, but also an advanced practice nurse practitioner for 42, 18 of which was at the Portland v.a. Center, i've worked in international relief pro bono and had trips exposed to sars and once to ebola in west africa. We know for a fact that best practices do matter, proximity, and duration when we are dealing with virus transmission is indisputable. The 2035 plan promotes density at what cost? We cannot predict our new normal. Covid will not be the last viral threat, sars wasn't, ebola wasn't, h1n1 or zika weren't. In the pearl district, we know according to the johnson economic survey, data available upon request, that we have a population in the pearl district itself of 13,500 residents. That calculates out on a square mile basis to 31,000 per square mile. Now, that makes it the densest of all of the ten central city neighborhoods. And soft data suggest that between 50 and 65 percent of those people are senior citizens who we know are more susceptible to serious complications should a virus be contracted. Also in the pearl, we have been fortunate to have seven affordable housing or inclusionary housing buildings welcoming diversity and really good neighbors, none of which -- none of those buildings are higher than 12 stories, the 12th story on two of those is observation deck, the other five buildings of inclusionary housing, topped out about 7 or 8 stories. So what is the benefit of density and height plan when even mr. Zender made reference to the pedestrian realm, we have humans living on the street in the excrement of their neighbors, subjecting themselves to hepatitis a risk, and to unsuspecting neighbors who walk on that sidewalk and take it home to the family.

**Moore-Love:** Time is up.

**Silen:** Thank you, I would close by saying please reconsider your support for height and density and perhaps devoting more energy to affordable family housing. Thank you.

**Wheeler:** All right, thank you rita, we appreciate usual testimony.

**Moore-Love:** We'll try liz westman again.

**Wheeler:** All right, liz, are you there? Karla, I liz on the phone or.

**Fritz:** I show she was going to sign up by computer.

**Wheeler:** Huh.

**Fritz:** I can see her, mayor, but is on mute.

**Wheeler:** Liz, if you take your cursor down to the lower lefthand corner of your screen, you'll see a little microphone thing. See if you can find that, and press on the microphone and see if that un-mutes you. Maybe, Karla, now it's become sort of a -- a problem i'm determined to solve before we adjourn. Maybe somebody could just -- maybe if you could call her and then put her on your cell phone and then put your cell phone on speaker into

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the microphone and hear what she has to say that way, i've had to do that a couple of times, it seems to work okay.

**Moore-Love:** I have her number, i'll try to give her a call in a second.

**Wheeler:** Call the next person in the meanwhile.

**Moore-Love:** Okay, mary vogel and she'll be followed by joseph mcgee.

**Wheeler:** All right, hello, mary.

**Mary Vogel:** I'm mary vogel, a climate resiliency, climate justice consultant who has been involved in cc2035 since its inception so much airtime was given in the elliot tower condominiums who wanted height limits for the rest of the west end to be limited to 100 feet, that those of us on southwest 12th didn't get of the consideration of our health, safety and air quality, and other resiliency concerns, residents in the low income buildings that populate much of southwest 12th are, along with southwest 13th, downtown's buffer to the worst of the noise pollution from noise and air pollution from i405, some of the worst in the nation, in fact. I'm not going to explain the slide, but i'm happy to take questions afterwards. So i'm asking you to consider a new design for southwest 12th avenue from southwest montgomery to west burnside, one that better fits the original proposal from p bought to make southwest 12th the urban greenway my neighbors and I deserve to better protect our health, next slide, please. Kayla, next slide, please. Okay, I want you to consider adding to central city 2035 our -- our subsequent street plan an improved version of this crude vision I did on street mix. Again, i'm not going to explain it here, but happy to take questions. I spent a lot of time trying to find out what happened to that urban greenway pbot had originally proposed until investigative journalists like jonathan mouse explain how business owners and Portland business alliance got the project nixed. My plan assumes that you are keeping the ecoroof requirement myself and others worked so hard to get into the plan, in summary, whether or not you put the southwest avenue urban greenway back in central city 2035 or into some other plan, please bring it back to protect those of us on front line of pollution. Thank you.

**Wheeler:** Thank you, appreciate your testimony.

**Moore-Love:** Mayor, I got ahold of liz, and she was just observing, she is not going to give oral testimony today.

**Wheeler:** All right, very good, that's fine, glad you were able to reach her.

**Moore-Love:** Next we'll go to joseph mcgee, and he'll be followed by linda alper.

**Joseph McGee:** Hello, can you hear me.

**Wheeler:** Yes.

**McGee:** Good afternoon, mayor wheeler and members of the city council. I appreciate that the mayor mentioned earlier this is weird because I can't see any of you. Can you see me? Hello?

**Wheeler:** I see a flower.

**McGee:** Oh, okay. That's my icon, I guess, you're better off looking at the flower than me. Okay. But anyway, mayor, you mentioned that you wanted the scope of the hearing is very narrow, and, but you generously said you would allow a broader range of comments, I appreciate that because I don't want to focus on the narrow. I sent a separate communication to all of you earlier in the week, but I just think in light of the surreal situation we are all living in, this opportunity to revisit the plan, which while focused on a gnawer row issue is an opportunity to look at the big picture, if ever there was a time to look at the big picture, it is now, it behooves the council and everyone in the city to take a look at our land use future, given this opportunity, that it was provided by the narrow issue, because we are living in -- with an unprecedented crisis, it means we'll have an unprecedented future, you think there are a lot of land use implications that should be looked at and public health implications also. To try and stay within the time limits, since not everybody seems to be able to do that very well, people from the preservation groups

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earlier mentioned city council to reconsider support for incompatible heights, I thought that was a good theme and the point that somebody made about bigger is not always better. I would say especially in light of the future we might have because of this pandemic, that's especially true. I would just urge you to take a big picture long range view and put this thing on pause and let's -- it's not -- it doesn't have to end, but we should look at the whole thing in the context of what we have upon us now and the future we'll be dealing with. Thank you very much for your time and attention.

**Wheeler:** Thank you, Joseph.

**Moore-Love:** Linda is just observing, we'll go with Jacqueline Peterson Loomis and followed by Lynn Fujikama Parks.

**Jacqueline Peterson-Loomis:** Can you hear me?

**Wheeler:** Loud and clear.

**Peterson-Loomis:** All right, great. I'm going to try to make this short. I have a letter which is being sent in, which is a bit longer, it is in this moment a moment of real human catastrophe and potential changes, such monumental proportions it is really hard, as Peter said, one cycle, the building cycle has passed, there are several cycles that will pass here before the kinds of buildings that are being imagined here of this height ever really happening, but I think though it is important at this time in the midst of cross-talk about the need for affordable housing and a district which in the 2035 plan was never designated for more affordable housing, as Peter said, we need more market rate, more student housing, more work force housing, but most importantly, we really do need to go back to what the 2035 plan's goals said for this particular district among many others, and it was never designated for greater density, or high rise development or affordable low income housing. That plan -- goals talk about the human scale of its two historic districts and recommends their preservation to Connell Pat Infill the stated vision is a vibrant mix of multicultural largely Asian-American and African-American cultural destinations, universities, retail, entertainment businesses, yet continuing social services, but a much needed mixture of market rate, student and work force housing, we really thought the city council had listened and had demonstrated its commitment to the preservation of the city's multicultural past, especially those communities of color who throughout the first 100 years of Portland's history were either barred from entry on the basis of race and nationality as the case with Chinese workers or prohibited from property ownership and citizenship due to their native foreign status, just the racism, discrimination and violence throughout that century would continue through the 20th and it's again rearing its ugly head for those who are its intended victims, the Chinatown/Japantown historic district is the home place, the origin story for Chinese American Americans throughout the city and state. Similarly, Oldtown neighborhoods served as the entry point for Japanese American immigrants, German and Jewish immigrants to Portland.

**Moore-Love:** Time is on.

**Peterson-Loomis:** Can I in this, please. It is with the deepest sadness Chinese-American elders whose ancestors built the older New Chinatown are now sensing the end of their community's physical presence. Chastened by the ravages of COVID-19, this is only ten square blocks, despite this investment, demolition by neglect and decline, the culture are still alive in the streets and inside the remaining ten historic buildings owned by Chinese American Ms. N Chinatown, to lose the buildings and streetscape is to lose the memories and ultimately destroy the impoverishment of the city.

**Wheeler:** Thank you.

**Moore-Love:** Next is Lynn Fujikama Parks, followed by Peggy Moretti.

**Lynn Fuchigami Parks:** I'm Lynn, I'm the executive director of the Japanese American Museum of Oregon. I'd like to use this time for the important discussion about retaining the cultural heritage embodied in this district. Not erasing it. I'm here to call out about erasure

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and displacement because we have done a poor job of respecting the existence of native lands and ethnic neighborhoods and the important role they have played in the evolution of our city. The new chinatown/japantown it's erasure of community, culture and remaining resources in fabric of the neighborhood where so many diverse communities got their start. This district is a unique asset as it stills stories no other part of the city can. It includes the story of Portland's vibrant japantown, 12 blocks with over 100 thriving businesses, the japanese american community. And the japanese american community unfair and racial prejudice resulted in their forced removal and unjust incarceration, japantown disappeared within a week's notice, by 6, 194th, not a single person of japanese ancestry could be found in the city as they declared itself jap-free. This is what erasure looks like, displaced, still held such deep significance, we built the japanese-american historical plaza as a reminder of its history and the practice jilt of freedom and rights under the constitution, then we opened a museum to preserve and share this history in the place where it began and most recently, we invested in a multi-million dollar project purchasing space from the city, for out new permanent home in this place that means everything. This neighborhood means everything to the chinese community as well, who built what was once our country's second largest chinatown that thrived and grew. This district is important because it not only embodies important cultural and multi ethnic history, it embodies survival, resilience and the fight against erasure, it's about who we are what we are willing to stand for and not sacrifice for short sighted solutions to problems.

**Moore-Love:** Time is on.

**Fuchigami Parks:** Every major city in the u.s. Has a historic district that has been thoughtfully protected and developed and has done so at compatible heights, in closing I want to add we support the actions that will be putting forth by restore Oregon in the following testimony. Thank you.

**Wheeler:** Thank you.

**Moore-Love:** Next is steve daughter and he'll be followed by peggy moretti.

**Steve Daughter:** I'm steve daughter, i'm representing the historical heritage center, when our groups appeal the decision, we had a vision of a district has a lively mixed use district with hundreds of new housing units as well as office and retail and buildings that replaced the surface lots that exists today. But we also believed that the district should present a link to the stories of chinese american and japanese americans and other groups that played a significant role in making Portland what it is today and what it will be in the future. The district was really created to tell those stories. We are concerned about the 200-foot height for a couple of reasons, first of all, the allowance for taller buildings carries two major risks, the first that the new construction at the sights that easily overwhelm the exist egg buildings and I have sent some images to show you both compatible infill that's happened recently in the skidmore oldtown district and higher buildings within the 200-foot limit elsewhere. The second item I think is a concern about the loss of the existing buildings, through demolition by neglect and the lack of financial assistance in updating the buildings to meet current functionality and to be seismically secure. Finally, I want to note that the significance of this district is cultural, and not -- not for its architectural distinction, landmark structure can stand up to a 20-story new apartment house. Because mr. Ladd had the money and prestige to build it that way. The occupants of chinatown japantown did not have that ability. They lived plain lives and they had to adjust to ordinary buildings to meet their needs. In order to be recognized, the district has to be large enough and secure enough and enough of the older buildings have to exist order that people recognize it is a different place and that there's a story to be told here that all of us will benefit from. To make this happen, requires partnerships and the city to take an active management role in the creation of the district. That's just not just in the zoning and historic design review, but also in political and bureau staff attention as well as in financial assistance, thank you.



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**Wheeler:** Thank you, appreciate it, steve.

**Moore-Love:** Next is peggy moretti and she'll be followed by helen ying.

**Peggy Moretti:** There we go. Hi, i'm peggy moretti executive director of restore Oregon and i'm very glad we are having this hearing today. Restore Oregon filed an appeal of the central city 2035 plan with our co-petitioners the arc tech surely heritage center, and Portland chinatown history foundation. Out of deep concern that this fragile historic place that embodies precious chinese, japanese and african-american cultural heritage would be literally swallowed up by grossly out of scale development. Compatible development within historic districts is a topic on which restore Oregon has expertise. In 2012, we published a special report entitled compatible infill design, principles for new construction in Oregon's historic districts, which has been widely endorsed by the national trust and urban design experts such as steven samms. I also served on the committee that developed the design guidelines for the district, which were approved by city council, as you know. To be sure, this small but very important historic place desperately needs investment, redevelopment of its many surface parking lots and some deep cleaning. That does not need to come at the cost of its historic identity. We envisioned that a revitalized district, including hundreds of new units of housing, creative office space and retail could be achieved at a more compatible scale. We still believe that. And there is no magic that will make a 20-story building compatible with a two-story building. My petitioners have conveyed the profound cultural significance of this district to those communities who persevere through extreme injustice and racism. We have shared examples of comment patible infill. So i'd like to focus the remainder of my testimony on the steps the city must take if it is indeed serious about ensuring the survival of the remaining historic fabric of chinatown/japantown. In addition to studying a more compatible height, one, the city must codify clearly that zoned heights in historic districts are permissive, not an entitlement. They are a maximum, not hey guarantee. Two, codify that the landmarks commission has authority to adjust heights and setbacks to ensure compatible with historic context. Don't throw landmarks under the bus by putting them in an impossible position and don't set yourselves up for contentious appeals of landmarks decisions, three, take a stand against demolition by neglect. Pass an anti-blight ordinance with meaningful penalties. There should be no reward for letting a historic building fall into such disrepair that owners claim it's too far gone. The old billion they house are two examples. And four, invest in restoration and resilience. Long promised urban renewal funds should be funneled into seismic retrofitting and restoration of the existing historic buildings and legacy businesses. Not just into new construction. This amazing place tells a story.

**Moore-Love:** Time is up.

**Moretti:** Portland's diverse cultural heritage. It is not too far gone, but it needs the stu to take a holistic approach o to its revitalization. Thank you for giving this your deepest consideration.

**Wheeler:** Peggy, this is ted. Did you submit the -- your testimony in writing?

**Moretti:** Yes, I did.

**Wheeler:** Great, i'll look forward to getting that, appreciate your testimony, thank you.

**Moretti:** Thank you.

**Moore-Love:** I next is helen ying. She'll be followed by daniel manning.

**Wheeler:** Good afternoon, helen.

**Helen Ying:** Hi, mayor wheeler and commissioners. I'm helen ying and I come before you today with two hats one as a chinese american community member and another as a chair for the oldtown community association. I've served on the board of the association since its formation in 2012 with a personal goal of helping to revitalize the neighborhood. Particularly in bringing life back into chinatown as the board stated in our letter of testimony, we and you are aware there are many challenges that have kept oldtown from

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thriving as desired, one being the lack of balance and density of housing, another a density of social services without enough balance of street-level businesses to complement the treasured cultural and educational institutions in a neighborhood. This all translate impediments for new development to filling in the many vacant lots. Exacerbated in our opinion by disagreements on heights for the new historic district. Indeed, disagreement has contributed to the lack of success leading up to and after central city's plan adoption two years ago, we see it quite clearly today as we face an unprecedented situation, amid the covid-19 pandemic, one must beg the question, why? And how did this happen? Oldtown, a historic neighborhood, where many groups have come and started their new lives in this country, has also served as a place where people find comfort to lift themselves back up. Something we, the greater community, need to help oldtown to better as oldtown has always taken on significantly more burden. Now is the time to act. And correct many inequities so we can help this neighborhood to turn the corner. Celebrating its history with our cultural institutions and architectural districts, does not mean that we cannot have the needed height for sensible development and the much needed balance housing, o tc a supports the readoption of central city 2035 plan in its current form because of providing flexibility for more density in oldtown, even in a historic district where such density is typically discouraged is the only way to solve the district and its cultural backbone.

**Moore-Love:** Time is up.

**Ying:** Readopting the prosper Portland five-year action plan last year in support of the revitalization efforts, the Portland prosper Portland action plan funds are dedicated tax increment will not adequately transform oldtown, we also need dense development of work force and market rate housing to balance the current mix and the street level, leveraging arts, entertainment, culture, design hub uniquely oldtowns.

**Wheeler:** Thank you.

**Ying:** Destroyed the historic district, strongly protective, I recently adopt nude chinatown/japantown and skidmore oldtown guidelines. So we urge you to readopt the central city 2035 plan. It is crucial to the future success of old town.

**Wheeler:** And Karla, bus of you read the next name, if you could go to the chat, there's a couple of people who wanted a response.

**Moore-Love:** Thank you, mayor. I'll check on those, thank you. Next is danielle manning and he'll be followed by bryan fleenor.

**Daniel Manning:** I'm dan manning, and i'm a general contractor and a installer of ecoroofs and green roofs and rooftop patios, decks, development, gardens. And I can see that the conversation is not dealing with the entire central city plan, but I am calling to ask for confirmation in its consistent -- in its current because of the amount of time that was spent creating it in the first place. Lot of people spent thousands of hours creating the plan, and it should be ratified. So I actually agree with a lot of these people about chinatown/japantown, I think it's an incredible asset to the city and should be preserved as much as possible, and I can't imagine a 20-story building being next door to the chinese garden. But i'm calling to urge the city and development services to retain and keep the requirement of rooftop development, a major portion of the 2035 plan in all of the district so that we can use the rooftop spaces, which are otherwise gone to waste and a green roof -- all its benefits are known, a lot of people have spent their time, so that's my comment. I think we should keep it just the way it is, ratify it, get it going and put a little more teeth in it and less exceptions. I don't think there needs to be a height restriction on ecoroofs, I think they can put them on any building at any height and they will create habitat and great living space and cool our city down when it needs it the most. Thank you very much.

**Wheeler:** Thank you, dan, appreciate it.

**Moore-Love:** Next is bryan fleenor, and he'll be followed by james wong.

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**Wheeler:** Bryan, you on.

**Moore-Love:** I can see I was out -- bryan.

**Brian Fleener:** Can you hear me now.

**Wheeler:** Loud and clear, good to go.

**Fleener:** Sorry about that, thank you for your service to Portland, it is greatly appreciated. My name is bryan fleenor, 808 southwest 3rd avenue, sweet 800, director of architecture at otac, multidisciplinary design firm located in downtown minute currently employ 320 people. I am testifying today in support of the staff's recommendations for the city council to readopt the central city 2035 plan without further delay. Without substantive changes stowe this willer city plan amendments originally adopted by city council in june justify 2018. The future of Portland has been given a broad and deep foundation to grow from past city leaders from a comprehensive mass transit system, a plan studied worldwide, your approval is needed to ensure due process, when it was adopted many of our clients started new projects as a basis for their business plans, we spent thousands of hours designing developments under the cc2035 plan. If the city council were to reopening elements of the central city 2035 plan that were not at issue with luba, it would completely undermine that legislative process and future legislative processes that would create significant uncertainty for all future development in the central city. Your approval of central city 2035 plan is needed now to support Portland's future as a sustainable and walkable city. Representing otoc, I urge you, without further delay or substantive changes to readopt the central city 2035 comprehensive plan. Thank you, again, for your service and thank you for my opportunity to provide testimony today.

**Wheeler:** Thank you, bryan, appreciate it.

**Moore-Love:** Next is james wong, followed by ray harigil.

**Wheeler:** Welcome.

**James Wong:** Mayor, can you hear me.

**Wheeler:** Loudly, you're good.

**James Wong:** There mayor wheeler and council members, i'm james wong an asian-american immigrant, hard working property owner in the district. I am testifying to support the readoption of the central city 2035 plan. I've grown up in the area since 1982. I love how the pearl district has grown from a desolate dying area to a vibrant hustling neighborhood. We want to continue to invest in growth and grow in the area, we rely on legislation and city code to do the proper investment that will come to fruition sometimes more than four years later. I and many other real estate developers have spent a lot of time, creative work and resources on planning great projects that add to the area. Changing the plan now would put our city's plan for moving the city forward backwards and put many hours and lots of time and perhaps tens of millions of dollars spent go to waste for projects in the current pipeline. In tough economic times ahead, changing the zoning would put a lot of projects at risk and not happen and no investments would be made in this area. Therefore, I thinker you to support the readoption of the sooner or later city 2035 plan that many of us have relied on, we are law abiding citizen and rely on laws being -- once they're enacted we can rely on and do our work on. Thank you very much.

**Wheeler:** Thank you, sir.

**Moore-Love:** Next is ray harigil foam followed by casey mckenna.

**Wheeler:** Welcome, ray.

**Ray Harrigill:** Thank you, mayor. I'm testifying today in support of the staff's recommendation from the city council to readopt central city 2035 plan. I represented a proposed mixed use development in the central city currently going through the design review process. Our design review application was submitted in april of 2019 prior to luba's remand, and the project is in an area of the central city that was not at issue in luba appeals. We, like other property owners and developers throughout the central city worked

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in good faith and compliance with code and development standards that the city made effective after a thorough and robust public process that resulted in the adoption of the central city 2035 plan. We, like others, made significant financial investments and reliance on the central city 2035 plan and the city's process. If the city council were to reopen elements of the central city 2035 plan that were not at issue in the luba appeals as some have urged, it would completely undermine that legislative process. It would create significant uncertainty for all future development in the central city. Therefore, the city council's scope of review and deliberation should be strictly limited to the issues identified in the remand decisions. Additionally, we note that many have called for a delay in the city council's decision until new city council members take office following the november elections. The readoption of the central city 2035 on remand has already been significantly delayed. Furthermore, the current council are the duly elected members charged with making decisions that come before them at this time. There is simply no reasonable significance for further delay, while Portland faces difficult challenges now, than it did several months ago, now more than ever, it is crystal to have certainty for development in the central city, the way to create that certainty is to readopt the central city 2035 without further delay. Thank you for the opportunity to testify.

**Wheeler:** Thank you, ray, appreciate it.

**Moore-Love:** Next is sherry manning and followed by casey mckenna.

**Wheeler:** Hello, sherry.

**Sherry Manning:** Hi there. My name is sherry manning. Dear mayor and council members, i'm sherry manning, i'm a long-time southwest Portland resident, property owner and small business owner. And I think I should alter my comments a bit. It sounds like the direction is changing and there's a lot of discussion about land use, but my comments today specifically relate to the ecoroof requirement in the city's 2035 central city plan, and I applauded the city council in june 2018 when you elected to support the requirement. At that time, I had just taken over the maintenance portion of my husband's contracting company, and worked closely with doctor elisa starrate at psu honors college in the urban ecology program hiring four young women who worked on the ecoroof at walmart, and it enabled them to work directly with plants and see their -- observe their impact on water quality. The benefits that we have seen from ecoroofs in and around the city are amazing from the ecoroof that we put on self-enhancement, inc., that gave kids a chance to grow tomatoes on their roof, to some of the roofs on close-in multi-family housing spaces that in densely populated Portland, now more important than ever, we are seeing the impact of having green space, accessible and available. So my comment today is that I urge city council to just think back on the years of outreach and collaboration that went into developing this plan and to -- I urge you to adopt the plan intact as is, as soon as possible. Thank you very much.

**Wheeler:** Appreciate your testimony.

**Moore-Love:** Next is casey mckenna, followed by gary larson.

**Wheeler:** Casey, hello. Casey, are you muted? Is casey on the phone.

**Casey McKenna:** Can you hear me.

**Wheeler:** Now I can, you're good to go.

**Casey McKenna:** Thank you, mayor and council for the opportunity to speak today. My name is casey mckenna i'm representing o ta, a multidisciplinary design firm here in Portland. I am also a licensed architect and studio leader for a proposed mixed use development in the central city district, the project I am referencing is currently moving through a type 3 design process and i'm testifying today in support of staff's recommendation for the city council to readopt the central city 2035 plan. Without further delay or substantive changes to the central city plan district amendments that were originally adopted by the city council in june of 2018. Prior to the luba remand in april of



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2019, the project I am referencing was submitted for land use review, the project is in an area of the central city that was not at issue in the luba appeals. Having observed the robust public process it took to bring the central city 2035 standards to fruition, our team, in conjunction with ownership has worked diligently to comply with the code and development standards it provides, significant financial investments have been made new jersey effort. Should city council reopen portions of the central city 2035 plan that were not at issue in the remand, this would severely undermine not only the legislative process, but create a development climate that would be wrought with uncertainty. Uncertainty in the development realm is the last thing Portland needs. Especially in these difficult times. I urge council to limit review and deliberation to the issues identified in the remand. It's noted some have called for further delay in this decision so that new council members can be seated in november. This process has already been significantly delayed. Kicking the can down the road will only postpone much needed jobs and housing for the central city that are desperately needed now. There is simply no justifiable reason to delay the process any further. In closing I urge you to do your part in providing mump needed -- a much needed degree of certainty by readopting central city 2035 as quickly as possible, thank you.

**Moore-Love:** Next is gary larson followed by john tess.

**Gary Larson:** This is gary larson, can you hear me.

**Wheeler:** Yeah.

**Larson:** I'm an architect, and my address is 808 southwest 3rd in Portland. I have been involved in the business of creating the downtown of Portland for many, many years, I came here in 1965. And 68, rather, and I have seen the wonderful work she center leaders have put in place over the years that have created the city we love and many people are flocking to. I think i'm appreciating the fact you are focusing on the narrow issue of the remand, and just coincidentally, I was the arc text for the 15-story building in this historic district. Our purpose there was to make it as compatible as we could to -- architecturally to what we found in the district. I think there are two problems here that he had need to be solved separately, the first is to create the code planning tools, that can get some development started in this district, but the whole notion of the place as a memorial to the wonderful hurts of Portland is a different problem that needs a different solution, which has to do with trying to produce more investment from the point of view of cultural heritage. So I strongly advise you adopt the plan, and do it as quickly as possible so we can get on to solving the new problems that occur as we move forward with our city's development, I thank you.

**Wheeler:** Thank you, gary, appreciate it.

**Moore-Love:** Next is john tess. Followed by tom benake.

**John Tess:** Good afternoon, mr. Mayor and city commission members, can you hear me.

**Wheeler:** Yeah, we can hear you.

**John Tess:** Thank you, i'm john tess president of heritage consulting group, it's a national recognized historic preservation consulting firm. We are currently representing projects in over 32 states and today i'm here to support the mod fixes to the height limitations in the new chinatown/japantown historic district. I've submitted other testimony on this earlier on in april, 2018. I'm not new to historic preservation, many of you know me, i've been involved with historic preservation in the city of Portland since 1976. Working under leo williams who, unfortunately, recently passed away this last month. I have also been involved with many of the historic districts, including the yam hill district, skidmore, oldtown, creation of the 13th afters historic district, grant avenue historic district, conservation zoning and probably 90 percent of all the rehab projects in the city. I also am very familiar with old 2009. I had my office in oldtown for over 25 years and had the opportunity to spend a lot of time with my friend and mentor bill mayo, who was largely

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responsible for saving of a lot of those buildings in that part of the oldtown, I was president of the business association while there. Steve dodder initially had stated that the district was listed for its association with the japanese and chinese communities in the city. And that's an important point, unlike the arc tech surely -- unlike in architectural resource as the u.s. Bank tower or wells building, or the benson hotel or benson house, this was listed not for architectural reasons, national and -- thus the national register generally has more flexibility when a site is important for its associative values in terms of design that goes there. So then -- this was proven when the 16 -- 160-foot pacific tower building was built in 2003 when the park service felt compelled to question the integrity and viability of the district. To the point that infill development is an important element to successfully redevelop our historic districts, I think what the purpose of infill is to act as a catalyst for activity and renew development, for both the existing buildings and the new buildings being built.

**Moore-Love:** Time is up.

**Tess:** Okay. I have more, but that's okay.

**Wheeler:** Thank you, and we'll of course take your testimony in writing. Thanks.

**Moore-Love:** Next is tim benake, followed by time ramos.

**Wheeler:** Well comment.

**Tom Brenneke:** Good afternoon, mayor, city council members. Name is tom benake, we are a local family operator and developer, headquartered in Portland and retain a deep commitment at the city and new chinatown/japantown historic district. Guardian owns the surface parking lot known as block 33 in the district. It's been a great public parking lots for the past 50 plus years and has survived numerous development cycles, its serves the neighborhood well while delivering a reasonable return our investment, the long-term intent when we purchased the land was a to some day develop a mixed use market rate housing project. Despite the various challenges within this district, we continue to see three long-term potential of this neighborhood. We hope with the city's support and cooperation, we can move forward with the development on block 33 at some point in the future. After our purchase in 2016 we immediately went to work with the city and the various stakeholders as a participant in the creation of a formal set of design guidelines for the district. Given and take like any process but the district ended up with a solid set of guidelines that will guide neighborhood development for years to come, we worked extensively over the last few years we this neighborhood, formed a good relationship with leadership and heard their very clear messages about development on this block. We will continue to collaborate with them as we mutually seek to create a high quality project that meets the letter and spirit of the design guidelines. And also servings as a cats lift for the neighborhood's future. Our vision includes a mix of market rate housing, affordable housing, retail, office and potentially hospitality along with enough parking to meet the demand from our project and the immediate neighborhood. I greatly appreciate the neighborhood's continued support for our block, which lues the height and density allowed and supported today by the city planning bureau and the neighborhood. Finally, we feel that this 2018 city council vote on block 33's staggered heights was a reasonable compromise that will give us much better odds of completing the great development in the future. I appreciate the time and effort various council members and staff have put into understanding these issues and you will continue to support this important district of our city.

**Wheeler:** Thank you, tom.

**Moore-Love:** Next is tim ramos. Followed by nelson abill.

**Wheeler:** Wealth come.

**Tim Ramis:** Thank you, mr. Mayor and thank you for the opportunity to testify today. For the record, tim ramos, legal counsel for the block 33 project. As the mayor stated, early on this decision you will make has a legal context. So i'd like to mention two aspects of the

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luba decision that might contribute to your conversation. The first is what luba actually ruled. They asked the council to adopt, in writing, a more detailed explanation for the policy decision that was made. They did not ask for a change in the policy decision, they asked for more information. Your staff and city attorney have now put that information together, and we reviewed it, we believe it is completely consistent with luba's decision and urge you to go ahead and adopt it as part of the plan. The second point is what luba did not say. Luba did not agree with the argument over restore Oregon that your policies somehow prevent buildings taller in nature in being built. We ask you to honor the requests of people from the community to adopt the plan and move ahead with it as soon as possible. Thank you.

**Wheeler:** Thank you, mr. Ramis.

**Moore-Love:** Next is nelson abill. Followed by ted laby.

**Wheeler:** Well come. Nelson, are you on? Nelson, are yeah on mute?

**Moore-Love:** Looks like he might be trying to connect by phone or.

**Wheeler:** That's possible. Nelson, if you're on the phone, try star 6 on your keypad. Let's go to the next individual and swing back to nelson.

**Moore-Love:** Next is ted laby. Followed by paul delvechio.

**Ted Labbe:** Good afternoon, mayor, wheeler, city council, i'm ted laby with the urban green spaces institute. Thank you for the opportunity to talk this afternoon with you and thank you for your service to the city. I will be brief. I am going to encourage you to move ahead with readoption of the central city 2035 plan. I was part of a broad coalition of advocates, and ecoroof practitioners who encouraged you to include these requirements in the plan adopted in 2018. I'm merely one of 67 individuals who submitted written comments to this remand encouraging you to do just this, readopt the ecoroof requirement as it is currently proposed, staff has done an excellent job with preparing that for your consideration. Please no back pedaling on this, don't weaken the standard, it's an excellent standard and the envy of a lot of other cities. I did not submit a letter, but I would encourage you to take a look at jeff joycelyn's letter from the green roofs for healthy cities, because it underscores the significance that this requirement has to the city, it has created a whole ecosystem of ecoroof practitioners in the city. By removing this requirement, you would undermine the economic activity that is -- has built up around this new requirement. So please move forward with it, and thank you.

**Wheeler:** Thanks a lot, ted, appreciate it.

**Moore-Love:** Commissioner Fritz has her hand up.

**Fritz:** Thank you, mayor, I wanted to say to ted since you know that there were 6 people that wrote in, could you please tell those 67 people thank you very much and that we and our constituent services staff may not be able to respond to everybody, but do appreciate their testimony. Thank you.

I'll do what I can. I don't have all their contact information, but I will get the word out, thank you commissioner Fritz.

**Wheeler:** Thank you, ted.

**Moore-Love:** Next is paul delvechio.

**Wheeler:** Hello, paul.

**Paul Del Vecchio:** Hello. Mayor wheeler and council members, thank you for allowing me the opportunity to testify. I'm the founding principal of development, we are a local multi-family developer. And we have a sister company, ethos commercial advisors, which is a commercial brokerage platform, i'm on the real estate board committees of two nonprofits, one provides affordable housing, the other permanent supported housing, I am in support of the 200 vote height limit in old town, although by testimony -- my testimony will focus on the urgency of reinstating the 2035 plan over the general central city area. And I want to share some specifics as to what this might mean to people today. Development firm has

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one project affected by this situation, it's an 85,000 square foot seven-store building with 135 residential units in the rose quarter. This is a small building in the context of the central city plan district. We placed our work on hold on account of the uncertainty associated with this issue, means we are not spending money on design or entitlement work. This job provides ten to 12 professional jobs. That's a meaningful amount of jobs when you consider how we are all wondering where a paycheck is going to come from. It was meaningful before, it's very meaningful now, absent the zoning issue, we would have started this project in september. It now may be as late as february if it happens a the all. Sellers don't seem care too much about covid, just looks like leverage. This construction project, again, a small one by the standards of central city would produce 350 construction jobs, several direct management jobs and many tangential jobs such as billing, city staff, insurance delivery people. So forth. Affordable housing is a major component of this conversation, as a city we decided to provide our affordable housing or a percentage of it via market rate delivery mechanisms, this particular project has five bedroom units at -- that's meaningful family housing, and somehow despite ten years of development, we still - - taking a break from developing in our densest zones -- I know every one of you on the council has some part of your platform dedicated to housing policy, and not moving forward swiftly is sunday mining those efforts. A prior testifier--

**Moore-Love:** Time is up.

**Del Vecchio:** Well, I was going to echo the idea of uncertainty. This shows the world that we don't have certainty in our regulations here, and uncertainty is coupled with high expectations of returns, and that is also undermining our efforts to affordable housing, I implore you to restore zoning as quickly as possible to let our teams get back to work at a time when they need it most.

**Wheeler:** Appreciate your testimony. Karla, can I do a time check, how many more folks do we have signed up.

**Moore-Love:** If nelson is back on the line, we have four including him.

**Wheeler:** Nelson, are you back.

**Neilson Abeel:** Can you hear me.

**Wheeler:** Loud and clear.

**Abeel:** You can hear me. I'm nelson abill. I am a cofounder of the pearl district neighborhood association, the president for eight years and a 28-year resident of a historic building which I renovated in 1992. My background is as a real estate consultant. I spent 35 years in new york city and my focus on this 2035 plan is very focused, it's focused on the transfer of development rights. As a consultant in new york, I put together probably 10 to 12 different transfer of development right deals, and the initial effort behind the transfer of development rights was to benefit the immediate neighborhood. And at the start, most transactions were -- had to be from abutting properties. And later it expanded in new york city to the block in which the transfers were going to happen. I find that the 2035 plan has got way too wide a scope of where developers can bring additional development rights in. And this is not the intent of having the transfer of development rights. It should benefit the immediate neighborhood, if not the adjacent properties. And to correct this, that portion should be brought out. And redone. It is way too wide a network where property -- I don't quite know the extent, but it's area 1, and it's just too wide. It literally should apply to transfer from a smaller building into the new development in order to preserve the smaller building. And as the developer of a historic property, which is on the historic register, in a federal historic district, I don't know of anybody that has approached any property owner on northwest 13th avenue historic district as to the purchase of development rights. And I think this is an egregious mistake, which will just lead to.

**Moore-Love:** Time is up.

**Abeel:** Will lead to unreasonable transfers of development rights. That's it for me.



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**Wheeler:** Thank you, we appreciate your testimony.

**Abeel:** You're very welcome.

**Moore-Love:** Next is Joseph Schaefer.

**Wheeler:** Hello, Joseph.

**Joseph Schaefer:** Hi there. The comments that I was going to be making have been made by others, so I'm just going to say I'm very much in support of this and thank the staff, and otherwise sign off. Thank you.

**Wheeler:** Well, that was a record short testimony today, congratulations. We'll get you your door prize forthwith. Thank you for your testimony.

**Moore-Love:** Looks like the last person we have is Mary Coolidge.

**Wheeler:** Mary, you with us.

**Mary Coolidge:** I am here, good afternoon mayor and commissioners, I'm Mary Coolidge with Portland Audubon, thank you for the opportunity to be here and testify today. I'm here to express support for the readoption of the central city plan and to share our general appreciation for the very good work of city staff and city council in developing and adopting strong environmental standards in the central city plan. As a stakeholder Audubon has worked closely with the city on a number of green elements in the central city plan, including ecoroof, bird safe glazing, river protection and restoration, tree and the green loop. We applaud these standards which demonstrate the city's commitment to maintaining and ensuring the ecological integrity of our central city. We applaud the spirit of resolution council passed last week acknowledging that now is the time to double down on our environmental and equity initiatives. So thank you for your leadership on environmental standards that make our city healthy and livable for both people and wildlife, and please do readopt the central city plan. Thank you.

**Wheeler:** Thanks, Mary, appreciate your testimony. That concludes our public testimony. Joe, we'll have you back to walk us through the next steps, it's my understanding we'll be continuing to July 2, where we'll have council work session and a vote on the amendment findings, then I think on July 8 or 9, we'll have our second reading and our final vote. And then some time in August, the readopted central city 2035 plan would go into effect. Could you walk us through what you believe the next steps are for the council.

**Zehnder:** Yes, thank you, mayor. The -- as the mayor said, we'll leave the record open, is one of the steps until -- a week from now. To allow for additional testimony, written testimony to be submitted. Portlanders can review the documents on the bureau planning and sustainability central city website, and then submit a written testimony in one of the -- one of two ways, you can use the map app, Portland maps.com, and select the testify button to enter your testimony. Or you can send a letter to city council. Central city readoption draft testimony 1221 southwest 4th avenue, room 130, Portland, Oregon, 97204. This information is also on our website. As the mayor said, we are scheduled to come back to council for work session on Thursday, July 2 at 2:00 p.m., there will be a second reading later we are still looking for the date for. And then 30 days after that, the code, if approved, would go back into effect.

**Wheeler:** Just so I make sure I heard you correctly, the record will remain open until June 4.

**Zehnder:** Yes.

**Wheeler:** So that is one week from today. And so we will be continuing this hearing to what date?

**Zehnder:** The -- we are scheduled to come back -- I think that we are scheduled to come back on Thursday, July 2 at 2:00 p.m., I do not believe.

**Wheeler:** That's what I show.

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**Linly Rees:** I think we can close the verbal testimony today, that part of the hearing, keeping the written record open to July 4 at 5:00 p.m. And please correct me if I'm misstating that.

**Wheeler:** Is that accurate.

**Linly Rees:** One week -- I think you just misstated, it's June 4. Not July 4.

**Zehnder:** Yeah, thank you, thank you. June 4, 5:00 p.m.

**Wheeler:** We know how to celebrate with a bang around here, don't we? The oral record is now closed, the written record will be continued for one week to June 4, 5:00 p.m., and then we will continue this hearing to July 2. Is that correct?

**Rees:** Correct. It's for the purpose of council discussion and a vote on the amended findings.

**Wheeler:** Very good.

**Zehnder:** No testimony will be taken on July 2.

**Wheeler:** Very good, commissioner Hardesty.

**Hardesty:** My mute didn't want to come off. It feels like you're about to close us out and I want to appreciate the real incredible work of Joe and his staff, and wanted to appreciate the public that came and testified today, we are all getting used to new technology so 90 percent of the time it works, but we have worked through the kinks as they show up. I just want to appreciate it because these people may now be back when we actually take action, so I just wanted to acknowledge both all the hard work of the staff and the public that showed up, so thank you, Mayor.

**Wheeler:** Thank you, commissioner Hardesty, anything else for the good of the order before we adjourn? Do you need anything else from us from a legal perspective?

**Linly Rees:** No, I think we are clear on next steps and when it's continued.

**Wheeler:** All right, again, as commissioner Hardesty said, everyone who testified today, great testimony, lots to follow up on, lots of great ideas, and with that, we are adjourned. Thank you, everyone.

**Council adjourned at 4:01 p.m.**