



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **19th DAY OF AUGUST, 2020** AT 9:30 A.M.

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

Commissioner Eudaly arrived at 9:31 a.m.

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 and Channel 30. The public can also provide written testimony to Council by emailing the Council Clerk at 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; Robert Taylor, Chief Deputy City Attorney

Due to the absence of a Council member and Commissioner Position No. 2 being vacant emergency items were not considered and items were not heard under a Consent Agenda		
COMMUNICATIONS		
666	Request of Susan Cotter to address Council regarding the Portland Police Bureau violence (Communication)	PLACED ON FILE
667	Request of Marie Tyvoll to address Council regarding Southwest Neighborhoods, Inc. and Ordinance No. 190044 for grant agreements to support Neighborhood Associations (Communication)	PLACED ON FILE
668	Request of Carol Porto to address Council regarding Southwest Neighborhoods, Inc. and Ordinance No. 190044 for grant agreements to support Neighborhood Associations (Communication)	PLACED ON FILE

August 19 – 20, 2020

669 Request of Merilee Karr to address Council regarding Southwest Neighborhoods, Inc. and Ordinance No. 190044 for grant agreements to support Neighborhood Associations (Communication)	PLACED ON FILE
670 Request of Kathryn Daly to address Council regarding Southwest Neighborhoods, Inc. and Ordinance No. 190044 for grant agreements to support Neighborhood Associations (Communication)	PLACED ON FILE
TIMES CERTAIN	
671 TIME CERTAIN: 9:45 AM – Proclaim August 23-29 as Timbers and Thorns FC Stand Together Week (Proclamation introduced by Mayor Wheeler and Commissioner Fritz) 15 minutes requested	PLACED ON FILE
REGULAR AGENDA	
Mayor Ted Wheeler	
Office of Management and Finance	
672 Nominate Ray Leary to the Metropolitan Exposition and Recreation Commission to fill a City of Portland position for a new term ending September 25, 2024 (Resolution) 10 minutes requested (Y-3)	37503
Portland Housing Bureau	
673 Adopt Home Repair Loan Guidelines effective retroactively (Resolution) 10 minutes requested (Y-3)	37504
Commissioner Chloe Eudaly	
Bureau of Transportation	
674 Assess benefited properties for street, sidewalk, stormwater, water main and sanitary sewer improvements in the SW 45th Ave and California St Local Improvement District (Second Reading Agenda 664; Ordinance; C-10048)	CONTINUED TO DATE TO BE DETERMINED AS AMENDED

At 10:16 a.m., Council recessed.

WEDNESDAY, 2:00 PM, AUGUST 19, 2020

DUE TO LACK OF AGENDA THERE WAS NO WEDNESDAY 2:00 PM MEETING

August 19 – 20, 2020

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **20th DAY OF AUGUST, 2020** AT 2:00 P.M.

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

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

675 **TIME CERTAIN: 2:00 PM** – Consider appeal of the Pearl Neighbors for Integrity in Design against the Design Commission’s decision to approve, with conditions Hyatt Place, a 23-story mixed use building at 350 NW 12th Ave in the Pearl Sub-District of the Central City Plan District (Hearing introduced by Mayor Wheeler; LU 19-145295 DZ) 3 hours requested

Written record will remain open per the following scheduling:
Receive new evidence until August 27, 2020 at 5:00 p.m.
Receive rebuttals to new evidence until September 3, 2020 at 5:00 p.m.
Receive final written arguments from the applicant until September 10, 2020 at 5:00 p.m.

**CONTINUED TO
SEPTEMBER 16, 2020
AT 10:15 AM
TIME CERTAIN**

At 4:24 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland

Karla
Moore-Love

Digitally signed by
Karla Moore-Love
Date: 2021.02.09
22:37:20 -08'00'

By Karla Moore-Love
Clerk of the Council

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

August 19 – 20, 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.

August 19, 2020 9:30 a.m.

Wheeler: This is the August 19, 2020 morning session of the Portland city council. Karla, please call the roll.

Hardesty: Eudaly: Fritz: Here.

Wheeler: Here and commissioner Hardesty is excused today. Under Portland city code and state law, the city council is holding this meeting electronically. All members of council are attending remotely by video and tele-conference, 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, and channel 30. The public can also provide written testimony to council by emailing the council clerk at 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 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 all for your patience, flexibility, and understanding as we manage through this difficult situation to do the city's business. Colleagues, today, Portland sports is front and center. We are going to be acknowledging the Timbers shortly. I also want to give a shout out to the Portland Trail Blazers for an outstanding game last night. All of us should be proud of their performance in the playoff game last night. First up, Karla, is communications.

Robert Taylor, Chief Deputy City Attorney: Mayor, would you like me to read the rules?

Wheeler: Sorry, I forgot about that. Just when we were having fun, too. Robert, please read the rules of order and decorum.

Taylor: Yes, Mayor, and then just to confirm the quorum, it looks like commissioner Eudaly is on the line, is she there?

Eudaly: I am here.

Taylor: Thank you. To participate in council meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the first readings of ordinances. The published council agenda at Portlandoregon.gov/auditor contains information about how and when you may sign up for testimony while the city 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 that 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.

Wheeler: With that, communications.

Item 666.

August 19 – 20, 2020

Wheeler: Good morning.

Susan Cotter: Can you hear me?

Wheeler: Yep. You are good to go.

Cotter: I would like to --

Wheeler: Susan, you are muted again. Can you unmute? Susan, we can't hear you, can you -- if you are on your phone can you do star 6 and see if that works. On our computer. If you scroll down to the lower corner on the right or left you will see the mute.

Cotter: Okay. Now we are getting somewhere.

Wheeler: Can you start all over again we didn't hear the first part?

Cotter: The first part was I am trying to show my screen. Okay. Host disabled participating screen sharing. Can anybody hear me?

Wheeler: Keelen, are you the host?

McClymont: Yes. So let me see here.

Cotter: Thank you very much. Thank you, mayor wheeler, commissioner hardesty, Fritz, and eudaly, for this opportunity to speak to you. My name is susan cotter, I use she, her pronouns and live in north Portland. Show your work, it's a phrase I heard from math teachers all the time as a kid and valued the concept as a math tutor years ago. It is through showing your work your graph of the material can truly be evaluated. I am here to ask the city of Portland to show its work. I need to see that you grasp the material. Routine public statements reflect ppbs disagreement with being characterized as misbehaving, highlighting the express -- excuse me. Highlighting the expanse that we have yet to traverse. I want an explanation on how the city of Portland is protecting Portlanders from the city. Very the city's police. I spent weeks researching, attending committee, council and community engagement meetings, reading the doj settlement agreement with the city and visiting community-based organizations website and pouring over pages and pages of the city of Portland website to understand the history and efforts that have brought us to this horrible place where we still have police violence against the community member. My conclusion -- there are various efforts, some with questionable expertise, documented to various degrees, and communicated by -- and more coordinated by seemingly no one. When we see the timeline of ppb misbehavior, we see this is nothing new, and didn't start with george floyd's death or the black lives matter protest in Portland. You have had some time to work through this issue. The buck stops with you. The city council. You owe us an explanation of what you are doing in the short-term to protect Portland from ppb beyond discussing the future police labor agreements and accountability ballot measures. And don't tell me that the independent police review will guide us to justice. The director was clear on opr that they are not independent. Has anything been done to correct the roadblock to ipr independence? And don't tell me that the compliance officer and the liaison, a costly ineffective watchdog for the settlement agreement is here to help. Rosenbaum and associates hired january 2015 to synthesize bid related to ppb in use of force and gathered public input on ppb compliance no longer has the expertise on which the city relies when making its hiring decision and is acting more as an old school policing ppb stenographer than providing professional cutting edge up police reform assistance to the city. Who is managing this contract and holding our compliance officer and community liaison to account? Tell me, further budget cuts aren't warranted despite the misbehaving Portland spent higher percentage of the general fund on policing than many large cities? I've been told that making overall police funding contingent on ppb's cooperation and participation and community accountability efforts would be considered unfair labor practices of all things. Who in the city is working to propose the ppb budget that achieves the policing value.

Moore-Love: That's three minutes.

Cotter: This is my last -- slide. Would you be willing to let me finish?

August 19 – 20, 2020

Wheeler: Go ahead and finish up your last slide. We are a little ahead of schedule.

Cotter: Thank you very much. I really appreciate it. Over and over you received testimony that your work is insufficient. Come on. You owe Portland an explanation. Frankly, you owe us an explanation of your response and progress to racial and socially inequity issues but let's start with policing. Everyone in Portland should know that policing reform plan, follow the progress, and know where, when and how to contribute to its evolution and evaluation. Right now, it's scattered, uncoordinated, and ineffectively managed. The Portland city council needs to hold itself accountable to us and show us your work. With no justice, there is no peace. Black lives matter. Thank you for your time.

Wheeler: Thank you. I want to appreciate what you just said about there being one fragmentation in the process. In fact, many of the issues you raised are already being addressed, but you are right, there is multiple boards, commissions, committees, groups, organizations working on these things, and I do believe susan, one way that we can be helpful is to create some sort of a centralized process whereby ordinary folk who want to be engaged like you obviously do can plug into that work. So I appreciate you bringing that to our attention today.

Cotter: And the work needs to be summarized, too, because, you know, i've been plugging in lots of places, and, you know, it's scattered.

Wheeler: And it is inherently. We have the Portland committee on community engaged policing. We have the citizen review commission. We have, as you know, the u.s. Department of justice settlement agreement, which has its own process associated with it. The city council is engaged in a number of processes. My own office in my capacity is the police, as the police commissioner, we have engaged in various reforms, so it is right now a little bit scattered, and I agree with you that some sort of a centralized way of communicating and receiving feedback and engaging the public would be extremely helpful at this point. Thank you for your testimony today. Thank you for your research. Appreciate it. So Karla, we are ahead by three minutes. Why don't we move -- I am sorry? I am sorry, I forgot the other names on the list. They are not showing up that you have, but you have to read them. Read them. We have three minutes to kill.

Moore-Love: Okay.

Item 667.

Moore-Love: She informed us that she will not be speaking today.

Wheeler: All right, thank you.

Item 668.

Moore-Love: She informed us that she will not be speaking, either.

Item 669.

Moore-Love: She will not be speaking today.

Wheeler: All right, very good.

Moore-Love: One more, sorry.

Wheeler: Oh, another, sorry.

Moore-Love: You said slow so I was going slow.

Wheeler: I did. You need to read the next one very slowly. [laughter]

Item 670.

Wheeler: Thank you, Karla, I appreciate that, and I think commissioner Fritz has a question, and I am sure her question will take one minute for us to answer.

Fritz: Thank you, mayor. I need to appreciate, Karla Moore-Love. That was not only entertaining, but very skillfully done, and made me smile to start the session, so you are going to be retiring fairly soon, and I want to state how very much I appreciate all your service and your intelligence in serving the city and the people of Portland. Thank you, Karla.

August 19 – 20, 2020

Moore-Love: You are welcome, commissioner. Thank you. And I think I have one more -- I have 670.

Wheeler: Please. Go ahead.

Item 670.

Wheeler: Very good. Thank you, Karla. Thank you, Karla, none of those individuals are present?

Moore-Love: Correct, they informed us they would not be speaking.

Wheeler: Very good. We will look forward to hearing from them later. It is now 9:45. We are in compliance with the council rules on our first time certain item today. Karla, please read 671.

Item 671.

Wheeler: Yes. Colleagues, stand together week is the Portland timbers and thorns fc annual week of service to promote volunteerism and civic engagement here in the city of Portland. This year will be their ninth annual week of service. Since 2012, stand together week has mobilized 6,375 volunteers to provide the Portland metro area with 20,842 hours of service at more than 258 of that benefiting youth and the environment. Nonprofits serve include active children Portland, the children's book bank, growing gardens, harper's playground, and the virginia garcia memorial health foundation amongst many, many others. To learn more about stand together week, I would like to introduce our representatives from the timbers and thorns fc organization. We have kaitlyn jones, the community impact manager. Good morning, kaitlyn. It's good to see you. We have Blair Neelands, the sustainability and outreach coordinator. Good morning, blair. Jack Jewsbury, the business development director, and, of course, timber joey, who is unmistakable. Good morning. And thank you all for being here. And we will let you take it away from here.

Timber Joey: Brilliant. Thank you, mr. Mayor and all of the council. Stand together week is the Portland timbers and thorns fc annual week of service to promote volunteerism and civic engagement. We are proud to coordinate our ninth annual week of service this year, and during the current pandemic, volunteers are more important than ever for our local organizations. A recent report by the nonprofit association of Oregon said 73% of nonprofits has seen the decrease in volunteer hours. It is vital to the health of our communities that we stand together to help support local families on the work of these amazing organizations.

Jack Jewsbury: This year we had to reimagine stand together week to include activities for individual support and virtual volunteering. Along with our standard in-person volunteer project. No matter how big or small, the simple act of volunteering and assisting local organizations will make a huge impact.

Blair Neelands: The in-person volunteer opportunities affiliated with stand together week include building homes, creating school gardens, restoring parks, harvesting fruit, sprucing up the boy and girl's club centers and more. Our individual support and virtual volunteering opportunities include donating blood, certifying your backyard with the audubon society, replenishing your neighborhood library, providing new books for the children's book banks, a story like my program, creating and donating blankets, and a lot more.

Kaitlyn Jones: This year we are excited to have so many opportunities for the community to engage with all our local nonprofits. We are excited to be serving so many that year that are in need of so much help. And it's really there is something for everyone and everyone's comfort levels during this pandemic. I am more excited to see everyone joining in and encouraging people to share on social media using the hashtag, #stweek and you can learn more and register for your own project whether virtual or in person at timbers.com/stand/together. Thank you.

Wheeler: Thank you, kaitlyn. All right. Does that conclude your remarks?

August 19 – 20, 2020

Jones: Yes, that's all that we have today.

Wheeler: All right. Very good. So colleagues, what I would like to do is read a brief statement, and then I would like to read the proclamation that I have, and I believe commissioner Fritz has the original proclamation. I will let commissioner Eudaly speak, and I will let commissioner Fritz close this out, and she is our longest serving, die-hardest soccer fan, so I think that it's appropriate that we let her close it out. So first of all, I want to say in years past, the biggest soccer fan on the council, other than commissioner Fritz, of course, was our late, great friend, commissioner Fish. He led this effort, and I want to thank him and his staff for doing so and continuing this. I want to thank commissioner Fritz for her willingness to bring this to the council this year, and I think that one of my greatest memories of commissioner Fritz will always be the day that she put on scarf after scarf after scarf showing that she has been a lifelong, die-hard fan of the sport. And the enthusiasm that she has brought to the city hall along with commissioner Fish has been fantastic. I vow to bring this back new year, commissioner Fish, since I know you are going to ask me, and so we will make sure that happens. I also want to thank the organization for reimagining what stand together week will look like this year. The council really appreciates that you included activities for individual support, virtual volunteering, along with your standard, in-person volunteer projects. No matter how big or small, the simple act of volunteering and assisting local organizations makes a huge impact, and a thing that I loved about the timbers and the thorns is while you are all so dedicated and passionate about this sport, you never forget where you come from, and you continue to serve this community year after year, and we are all so proud of you, so I will read the proclamation. This is a statement on behalf of the city council and by extension, the entire city of Portland. Whereas the city of Portland is proud to be home to the Portland timbers and the Portland thorns fc, our professional soccer teams; And whereas, the timbers and thorns are committed to giving back to our community and promoting civic engagement through their community platform, stand together; And whereas the city of Portland is proud to partner with the timbers and thorns in organizing the ninth anniversary of stand together week, a week of community service from August 23 through August 29, 2020; And whereas approximately 500 stand together volunteers, including timbers and thorns players, the timbers army, road city riveters, coaches, ambassadors, front office staff, sponsors, and community members will come together for a week of service; And whereas, stand together volunteers will participate in over 20 community events and projects throughout Portland benefiting over 15 volunteer -- 15 local nonprofit organizations; And whereas, community service projects will include building homes, restoring the local parks, sprucing up one of our children's centers, beautifying the school gardens, and providing meals for local communities of need; And whereas stand together will support local, mission driven nonprofits, including Harper's playground, Grow Portland, Virginia Garcia Memorial Health Center, Solve, the Boys and Girls Club, Project Lemonade, and Habitat for Humanity, amongst others; And whereas stand together week is a call to action by the city, the timbers, the Portland thorns fc, and our community partners to inspire and give back through community service; Now therefore I, Ted Wheeler, the Mayor of the City of Portland, Oregon, the City of Roses do hereby proclaim August 23-29, 2020, as Timbers and Thorns FC, Stand Together Week and encourage all residents to recognize and join in this week of service to our community. Thank you all for your continued dedication and leadership. With that, I will turn it over to commissioner Eudaly. If you have remarks, and then commissioner Fritz.

Eudaly: Thank you, Mayor. I know that both you and commissioner Fritz are proud members of the timber army, and I am so pleased that we are here today to celebrate the Portland timbers and thorns. Stand to go week represents the best of Portland, our commitment to community and our willingness to give back. So congratulations to the timbers and thorns. Thank you and thank you to every stand together week nonprofit

August 19 – 20, 2020

partner for your dedication to Portland. I am looking forward to seeing the results of next week's community service projects. And that's it. I am a little under the weather today, so I am not turning my video on.

Wheeler: Sorry to hear that, commissioner eudaly. Thank you for your remarks. Commissioner Fritz.

Fritz: Yes. Thanks for being here anyway, commissioner eudaly because without you we wouldn't have a quorum so I hope you feel better soon. I am feeling quite emotional about this. Sports is like life, when you are watching sports, you can sometimes forget about some of the other things going on in life. And just concentrate on the game, and certainly, some members of the council have been slammed for following the blazers or just enjoying sports as time when we have got the pandemic and the black lives matter movement, and so much unrest in our city. And yet thank you. And thank you, commissioner Fish. I think one of the last times I saw nick was one of the happiest times when he brought the women's world cup champion into his office and we did the proclamation in council. He was in his element. He so appreciated, especially the women's game, because of his daughter, maria playing, and now his son play, as well, and soccer is a great game. I've been watching it since I was five years old, and I am 62 now. It brings people together, and so I am very honored that the timbers and thorns organization reached out to my office because commissioner Fish is no longer here to bring the proclamation. Thank you for Yesinia Corrillo on my team, for her support and enthusiasm about soccer, as well. Thanks to kayla chambers, who has been my representative of the season, as a season ticket holder and leading the oh, and also mike Golum, who does a lot of work behind the scenes, and so many good things in our community serving on the boards and commissions and being a leader and that's another of the great things about soccer, and it's good to see Jack Jewsbury, having had a great career playing, and my daughter and i, and my son really enjoyed watching you, and now you are behind in the back office and doing great work there, so we thank you for that, too. Thanks to the thorns and the challenge cup -- mayor wheeler, you celebrated the win over the lakers last night. Beating the courage is the same thing for us soccer fans. So you know, we did win the -- we didn't win the cup, the eighth seed beat the first seed just like last night, and Bella Bixby will be some fantastic goal keepers that has been trained, and another player who came to Portland from germany and wanted to stay, and is now part of the organization, so thanks to mr. Merritt paulson and the timber's army and all the people who advocated for bringing mls to Portland. Commissioner Fish and I both voted against that, and I think that was the best being wrong vote or best time that a majority rule gave us a lot of pleasure in watching the games. So also I am very impressed with the timbers winning the mls tournament. A bit confused as to why we have a tournament and then a league and then another tournament, but whatever. You get to watch more football, so that's all good. Thanks timber joey. I think you should be wearing goggles when you are doing the [inaudible] but I realize that meant so much. And thank you to -- what?

Joey: If you watched the most recent games we have started wearing them.

Fritz: I didn't notice.

Wheeler: It was only a matter of time before osha caught up with them.

Fritz: That is really fabulous. Even better, you know. This and better will do, and the way -- I don't think that there is another team like this in the world, another pair of teams in the world, with the riveters and the timbers army, and the good they do year-round every single week. They have a drive to collect community service needs to give to deserving organizations, and so this is not a once -- this isn't a single thing that happened just once a year. They do things all through the year that have been supported at the parks bureau, and helping with the parks foundations, and the annual event. There is so many things that you are an integral part of this community, and I appreciate all that you have done. We

August 19 – 20, 2020

encourage Portlanders, who might be wanting to contribute to this and join this great movement because it is a social movement as well as a soccer movement. If you want to, you can go to the www.timbers.com stand together. You will find it easily or call 503-553-5400. So again, thank you very much to everybody, and thank you, mayor for closing this out as you can tell. It's very special for me, and it has been -- I am glad to do it on my what's year in the council. Thanks, everybody.

Wheeler: Thank you, commissioner Fritz, very well said. I really appreciate what you just said about this being a challenging time. With covid, with civil rights being front and center, and all of this trying to close the inequities that we see in the community with the economic dislocation. So many people are feeling. It's sports that bringing us together. It's sports that's holding us together. And it's sports that ultimately, in this moment, is reminding us that there are things that we can look forward to, and there are things that we can be positive about, and the fact that this organization, and you, commissioner Fritz, personally have made that commitment to continue to serve the community. That's really what's going to hold us together and -- and see us through these challenging times. So thank you for being here for the timbers and thorns fc. Thank you commissioner Fritz, commissioner eudaly, and we will look forward to seeing you out there. Thank you all.

Jones: Thank you.

Wheeler: Next up on the regular agenda is 672, please.

Item 672.

Wheeler: Colleagues, mr. leary served since 2004 so he is certainly well familiar with this. He's represented the city's interests very well since that time. Mr. Leary is a recognized and well respected leader in the northeast community, and he brings that context to the commission. Mr. Leary was planning to step down this year but offered to stay on to see merc through the covid-19 crisis. We really are appreciative of that. Merc and the venues are experiencing arguably unprecedented financial distress in the absence of events to generate any revenue, so it would be particularly challenging at this time for a new commissioner to step in. Mr. Leary, with as many years of experience, community connections, and steadfast dedication to improving our city will be an invaluable member of the commission as the commission continues to provide oversight during this extremely challenging time. And we have Karl Lisle here to answer any questions. That any of us may have that I would encourage us to approve this appointment. Good morning. How are you today?

Karl Lisle, Office of Management and Finance: Good morning. I am doing fine, mayor. Thank you.

Wheeler: Glad to hear it. Colleagues, any questions of Karl? Otherwise, I will call on us to vote on of the resolution.

Moore-Love: Mayor, I believe that we have one person who signed up.

Wheeler: I apologize. Who is that? I apologize.

Moore-Love: I show grady preston ii.

Wheeler: Grady, are you with us?

Grady Preston II: Yes.

Wheeler: You are good to go. Sorry about that.

Preston II: Hi. Thank you all for your time. This testimony is more generic about the city council and the way they interact with their employees in general. It's not necessarily about this, specific employees, so please bear with me, but thank you for allowing me to provide some testimony here today. I wanted to start off by thanking commissioner jo ann hardesty and for continued pressure on ppb to do the right thing. Next, I want to speak directly to the mayor about the actions of employees specifically. Mayor ted wheeler.

Wheeler: Is this -- I am not opposed to criticism or accountability, but is this related to the appointment that we are discussing now? Because as you heard right up front, the council

August 19 – 20, 2020

rules, which were read by legal counsel, require the testimony be relevant to the item under discussion. What's under discussion right now is the appointment to the merc position. Do you have comments germane to that?

Preston II: I do not.

Wheeler: Could I suggest you do the following then? Actually, I am in a good mood today, I will make an exception. We have a light schedule but in the future, please make sure your testimony is germane. Go ahead. You have two minutes.

Preston II: Thank you. Yes. So my testimony here -- so mayor ted wheeler, thank you for allowing me to speak even if it is not specifically about this item. I asked you to immediately fire chief charles lovell that was mainly the reason I wanted to speak today. His inability to admit his officers have ever made any mistakes and refusal to accept responsibility for the escalating violence every single night is dangerous. We cannot have a police chief who says the continued attacks against our community members are acceptable every day practices. As someone who has been out on the streets, personally, just trying to be a peaceful protester, it is a very harrowing experience just trying to make your voice heard, walking through the neighborhood streets, and seeing them being filled with tear gas. It's not something that I found out that I would experience in my life, and not something that I thought I would experience in Portland. I will go ahead and leave my testimony at that. Thank you very much for your time and have a great day. Thank you.

Wheeler: Thank you, grady, and just I want you to know since I spent a lot of time with the chief, and i've been in press conferences with the chief, events with the chief -- I believe that he has said that there have been decisions that, in retrospect were not the right decisions. I believe that I have heard him say that the police bureau is an evolving organization, and as they learn from those experiences, they change their tactics and their procedures, so I want to be clear. I don't believe that he's either refused to say that the police bureau has made mistakes. Certainly they have over the course of nearly three months of nightly demonstrations, nor have I heard him saying that he would refuse to change the organization as a result of that. I know him to be somebody who is open minded, and he is open to different strategies that can help us deescalate the situation and protect the first amendment rights of people to do what you say that you are doing, which is demonstrating this. I hope we can agree that we support that. Thank you for coming in to testify today. Karla, please call the roll on the resolution.

Eudaly: Thank you for your continued willingness to serve. Aye.

Fritz: Yes, thank you. This is important, and the [inaudible] is a place having a challenging time, so we need your experience. Aye.

Wheeler: Well, we need mr. Leary. That's the bottom line. I don't know how we arm twisted him to stick around for a little while. -- he's been with us an awfully long time, and his experience has been tremendously important, and his perspective with regard to the importance of these public venues and his willingness to work with us and make sure that they will survive the economic slowdown and the pandemic and the fiscal distancing requirements is going to take a ton of work, and we need people like this who are engaged and willing to serve. So thank you for your service, mr. Leary. This is a very easy vote for me to take. I vote aye. The resolution is adopted, and the reappointment or extension is approved. Thank you, sir, for your service. Next up, Karla, is item 673, a resolution.

Item 673.

Wheeler: Here we go, in 2009, when the Portland development commission, that's what it was called then, and the housing functions were consolidated to create the Portland housing bureau, the Portland housing bureau inherited all of the existing home repair loans, which were originated by the then Portland development commission. There is some loan products that created silent, deferred payment loans with an accruing interest rate between 3% and 5%. These loans, many of which are outstanding, are resulting in low

August 19 – 20, 2020

income homeowners, owing significantly more than some almost double in some cases what they initially borrowed. In 2015, the city council adopted resolution 37138, which reduced the interest rate to 0% and reduced the loan term to forgivable after 15 years. Aligning the terms across all Portland housing bureau repair loans will relieve borrowers of this substantial financial burden, and enhance equity and inter-generational wealth building capacity for these households, which aligns with the overall goals of the program. So with that we have representatives from the housing bureau here today. It looks like we have Dana Shepherd and Emma Deppa appear to be ready to go, and I am not sure in which order.

Dana Shephard, Portland Housing Bureau: Good morning, I will go ahead and start. Good morning, I'm Dana Shephard with the housing bureau managing the neighborhood housing program preservation team. I have Emma Deppa, the contract manager, who is also here to present and answer any questions as she led the efforts to get this here today. So I will go ahead and share my screen. It has the presentation -- if that's okay.

Wheeler: That's okay.

Shephard: All right. Do you all see the presentation?

Wheeler: Can you slide it a little bit? It doesn't quite fit into the screen.

Shephard: Okay. Great.

Wheeler: If we have to do it, it will work.

Shephard: Is that better? I can also do some other options here.

Wheeler: How did we fix this last week? We had this going. What did we do? Oh, there. There. I think that that's good. Right there. Beautiful.

Shephard: Cool. We will go ahead and get started. Again, Dana Shephard with the neighborhood housing program at the Portland housing bureau. I will just get started with a bit of background information as to why we are here. So in 2009, the Portland housing bureau was created and inherited the home repair loans from PDC like you said Mayor Wheeler which at that time was PDC, but is now Prosper Portland and those loans produced -- those were silent, deferred loans with 3% to 5% interest rate. And at maturity, borrowers will owe almost twice of that. So we have a couple of examples that Emma is going to speak about as far as the old loans that we are wishing to modify.

Emma Deppa, Portland Housing Bureau: Yes, good morning, Mayor and Commissioners. For the record, I am Emma Deppa, I use she, her pronouns and I am a coordinator at the Portland housing bureau. On the slide, you can see the examples of the type of loan that is we are seeking to structure through the resolution, and in the case of 64 other outstanding loans, the borrowers will owe nearly double what they borrowed at maturity, creating an undue hardship for low to moderate income homeowners in Portland. And on the following slide, you can see a map of where these loans are distributed across the city of Portland and the homes that will be impacted by the resolution.

Shephard: So, in 2015, the city council adopted resolution 37138 for the home repair guidelines, which were more favorable terms, and those are at 0% interest, 15 year maturity date and eligible forgiveness at maturity. So today we seek to retroactively apply the loan terms adopted in 2015 to the deferred payment loan that is we spoke about. The financial impact, we are talking about 66 loans all together. The foregone revenue, \$900,000 in principal balance of \$800,000 estimated interest at maturity. And in the maturity date, range from 2031 to 2040. And that concludes our presentation. Are there any questions?

Wheeler: Colleagues, any questions? Or Dana or Emma?

Eudaly: I have just -- I want a quick clarification. I just want to confirm the changes being brought forward today allow us to align the loans with the new framework that allows for no payment, no interest, and forgivable loans.

Shephard: That is correct.

August 19 – 20, 2020

Eudaly: That's fantastic. Thank you for bringing forward with this change. I really appreciate the work to recognize racial disparities and loans versus grants, and I am very supportive of this.

Deppa: Thank you.

Wheeler: Very good. Thank you. With that, this is a resolution. Do we have any public testimony on this item?

Moore-Love: No one registered to speak.

Wheeler: All right. Very good. With that, call the roll.

Eudaly: Thank you again for this work. I vote aye.

Fritz: Thank you for the work and the very clear presentation. Aye.

Wheeler: I appreciate this flexibility in bringing some modification to the previous loan. They are now consistent with our current home loan program. This is, obviously, going to help to prevent people from being displaced, and it will allow them to continue to live in thriving and healthy environments, and as I indicated up front, this is still one of the best ways for people to create inter-generational wealth in our community, and so I think it's good thinking and great job to you, both Dana and Emma. This is exactly the kind of innovation and thinking that we need to do, and I have always said that can be sexy. And that's something that I believed when I was the state treasurer. This is just one more example of just how sexy it can be. With that, I vote aye, the resolution is adopted. Thank you both for your work. That leaves us with our final item this morning.

Deppa: Thank you.

Wheeler: And commissioner Eudaly, 674. Karla, if you could read that.

Item 674.

Wheeler: Commissioner Eudaly, my notes suggest you might want to reschedule this, is that right or not?

Eudaly: Yes, I want to continue this item and reschedule it for future date so Karla will work with you once we are ready.

Moore-Love: Certainly.

Eudaly: Thank you.

Wheeler: Good, thanks, everybody. Karla, that completes the agenda, correct?

Moore-Love: Correct, mayor.

Wheeler: All right. We are adjourned. Thanks, everybody. Have a great day.

At 10:16 a.m., Council recessed.

August 19 – 20, 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.

August 20, 2020 2:00 p.m.

Wheeler: This is the thursday afternoon, august 20, 2020, session of the Portland city council. Karla, good afternoon. Please call the roll. [roll call taken]

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

Wheeler: Under Portland city code and state law the city council is holding this meeting electronically. All members of the council are attending remotely and the city has made several avenues to listen to the audio broadcast of this meeting. The meeting is available to the public on the city's youtube channel, and channel 30. The public can provide written testimony to council by emailing the clerk at cctestimony@Portlandoregon.gov. This is a result of the covid-19 pandemic and need to limit in-person contact and to promote social and physical distancing. It's an emergency that threatens the public safety, health and welfare which requires us to meet remotely. Thank you for your continued patience, flexibility and understanding as we manage through this challenging situation to conduct the city's business. With that we'll hear from legal council on the rules. Good afternoon, lauren.

Lauren King, Deputy City Attorney: Good afternoon. I'll start with the rules, then once Karla calls the item I will talk about the land use rules.

Wheeler: Let's start with the rules of order and decorum.

King: 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 readings of ordinances. Published agenda contains information about how and when to sign up when the city council's holding electronic meetings. Your testimony should address the matter being considered at the time. Please state your name for the record. Your address is not necessary. The presiding officer determines length of testimony. Individuals have three minutes unless otherwise stated. When your time is up presiding officer will ask you to conclude. Disruptive conduct will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being placed on hold or ejected from the remainder of the meeting. Please be aware all council meetings are recorded. Thank you.

Wheeler: Thank you, lauren. Karla, we have one item, item 675. Could you please read it. The city attorney will make some brief announcements about the hearing. Back to you, lauren king.

King: This is an evidentiary hearing. You may submit new evidence. We begin with staff report by the bureau of development services staff for approximately ten minutes. Following the staff report city council will hear from interested persons in the following order. Appellant will have ten minutes to present. Following the appellant persons who support will go next. Each person will have three minutes to speak to council. The principal opponent will have 15 minutes to rebut the appellant's presentation. Third after the principal opponent council will hear from persons who oppose the appeal. The appellant will have five minutes to rebut the presentation of the opponents of the appeal. Council may close the hearing, deliberate and take a vote. If the vote is a tentative vote council will set a future date for adoption of findings and final vote. With a final vote today that will conclude the matter before the council. For evidentiary hearings I would like to

August 19 – 20, 2020

make several guidelines for those addressing city council. Submitting evidence into the record. Any letters or documents you wish to become part of the record should be e-mailed to the clerk after you testify. Similarly the original or copy of slides, photographs, drawings, maps, videos or other items you show to council during testimony including power point presentations should be e-mailed to the clerk. Testimony must be directed to the approval criteria. Any evidence you present must be directed toward applicable criteria or other criteria you believe applies to the decision. Issues must be raised with specificity. You must raise an issue clearly enough to give council and the parties an opportunity to respond to an issue. If you don't you'll be precluded from appealing to land use board of appeals based on that issue. Applicant must identify constitutional challenges to conditions of approval. If the applicant fails to raise constitutional or other issues related to proposed conditions of approval with enough specificity to allow response the applicant will be precluded from bringing damages in circuit court.

Wheeler: Thank you. First up do any members of the council wish to declare a conflict of interest?

Eudaly: I have no conflict of interest.

Wheeler: Thank you, commissioner eudaly.

Fritz: I have no conflict of interest.

Wheeler: Thank you, commissioner Fritz. I have no legal conflict of interest although I want to disclose that I live in near but not immediate proximity to the property under discussion. I live in the same neighborhood. Do any members of council have ex parte contacts to declare or information gathered outside of this hearing to disclose? Commissioner Fritz?

Fritz: Thank you. I received and read an email from patricia cliff asking to delay this hearing until september 24 and I replied. I did not read any subsequent emails. I read an email this morning from emmie ruiz who I believe will be testifying copied to the council clerk so it's part of the record.

Wheeler: I want to add one further clarification to my prior comment. I live in the neighborhood. I do not own property in the neighborhood and i'm a renter. So no council members have conflicts to declare. No council members have received any ex parte contacts other than what commissioner Fritz has just indicated.

Eudaly: I have had no ex parte contact.

Wheeler: Same with commissioner eudaly, same with myself. Have any members of council made any visits to the site involved in this matter? I frequently go by this site and so I will disclose that i'm certainly familiar with the site. I have seen the site.

Eudaly: I have not visited the site.

Fritz: My daughter and son-in-law used to live there. I have not visited it specifically for this hearing.

Wheeler: Since I disclosed I have been by the site does anyone present on the call wish to ask me or any of the other commissioners about any specific observations on this site? Thank you. Do any council members have any further matters that need to be discussed before we begin the hearing? I don't see any hands raised. Before we begin I want to note the record includes electronic record available on e-files. The record can be found if you go to e-files.Portlandoregon.gov/record/12881448, or you can search lu19-145295, on e-files. If you have trouble accessing the record please let our assigned planner know. The appellant submitted two models into the record. The models are available to view from the exterior of the so-called 1900 building, which is located at 1900 southwest 4th avenue. The models are in the southwest corner and anyone interested in viewing this evidence has the ability to view them without entering the building and unnecessarily risking exposure to covid-19 or to risk spreading it to staff or to the public. You can just look at it through the window. So on to the hearing, the first part of the hearing as outlined by

August 19 – 20, 2020

lynley, our legal counsel -- by lauren, i'm sorry, today's legal counsel, is our staff report that will last approximately ten minutes.

Art Graves, Planner at Bureau of Planning and Sustainability: I'm art graves, planner with bds, and I have handled the design review. Share my screen. Can everyone see that?

Wheeler: Looks good, art.

Graves: Thanks. So again, this is -- sorry, the images are blocking my notes. Quickly to give a quick program overview, reminder, this is a site in the pearl, a quarter block site at the intersection of flanders and 12th. It's for 23 story, 250 foot tall mixed use building, essentially has 160 hotel rooms and 113 residential units with top level 22 being shared amenities space. The site is in the central city plan district, in the pearl subdistrict. It is adjacent to the 13th avenue historic district. You see that to the west or on the left of the site. The site is in the middle. The red is currently surface parking lot. The red outline. Just really quickly, the historic district part of it is blue, part yellow. There are other floating other sites are pink so within the historic district there are contributing and noncontributing resources. Blue are contributing, yellow noncontributing. The pink outlines are all landmark properties. Beyond that, northwest flanders is a local service street. Flanders is a bikeway -- sorry, flanders is also a major city bikeway, which is also where the flanders bikeway project is taking place. Pbot can speak to that if you wish. It's also a major city walkway. Northwest 12th is a local service street, city bikeway and major city bikeway or walkway. They both are rather -- the site is in the pearl district bike district and it's in central city pedestrian district. Zoning. The base zone is in ex, central employment, has a design overlay. Its allowed far, floor area ratio, base is 6-1 with bonus options for taking advantage of inclusionary housing up to 3-1 and unlimited transfers beyond that. I can speak to that specifically later. The height, the base is 100 feet with bonus options allowing it to go up to 250 feet, which is what is proposed. Proposed far is in parentheses. 18.7-1. The approval criteria, it's in the central city so the central city fundamental guidelines apply as well as the river district design guidelines. The Oregon statewide planning goals apply because central city 2035 is not yet acknowledged. This is a type 3 design review. It's in central city and it exceeds or meets the valuation for type 3 design review per Portland zoning code title 33. That red arrow is just trying to give clarity on where we are in the process. Procedural history, just to hit on some of the major points, it was submitted april 9th, and its first hearing was in july, july 18. It was actually in for the first hearing on -- staff had written a denial. The applicant responded to commission p staff comments and on november 21 it came in for second hearing for approval. The record for that or the conclusion of that was asked to be held open by the pearl neighbors for integrity and design and that triggered a 141414 is what was agreed upon for new evidence response to new evidence and final statement. So what i'm calling a hearing 3 was on january 9th. The fourth hearing was on january 16th, and that was essentially a procedural final vote for adoption of the final findings for approval. The red is really just trying to highlight where we are since then. The appeal was submitted in february, february 18. The notice for that was mailed on the 24th on march 9 due to covid. There was another notice, a renote, that was sent out moving that from the 19th to june 4th. Due to the central city 2035 remand on may 29th, another notice was sent out shifting that council hearing date from june 4 to august 20th. Then on june 23rd there was an additional renote to add clarification regarding who the applicant for the project was, clarifying that it was the pearl neighbors for integrity in design. Then august 20th obviously is where we are now with the final -- with the hearing. So the project, there were design issues, the design commission had certain comments through those procedures with the design commission. Issues were addressed and resolved. Broadly speaking, and I can go into more depth if you'd like, there were issues regarding base of the tower, top of the tower,

August 19 – 20, 2020

art and water feature which are requirements, and guidelines, some lighting and coloration as well. I'll note that this project meets the zoning code standards and guidelines and therefore didn't require any or ask for any additional code modification through adjustments. So the appellant's issues -- i'll just say the appellant's submittal was the appeal submittal came in with 15 bullet points. To simplify and clarify it, staff added numbers to each bullet point, so then categorized them or organized them into essentially three groups. Traffic impacts, compatibility context and tree preservation. The first, the traffic impacts, traffic aren't the purview of design commission but the purview of pbot, Portland bureau of transportation. The project did meet the approval criteria staff previously mentioned. There were other issues that the applicant had worked with and that were made in terms of moving on site loading, moving access to the longtime bike parking to better I think accommodate the flanders bikeway and improve pedestrian bike safety. There was a comment about short term bike parking as well, and there's actually a code allowance -- code allowed them to pay for this project. So this was -- I guess broadly speaking these issues are addressing aspects of a development that are allowed by code and that meet the applicable approval criteria. The map that's showing up there that's on the sheet is an approximation of the existing building heights around the site and proximity to the site and also shows the historic buildings and historic district in the area. From this kind of you could tease out where potential new development may occur taking advantage of the central city 2035 regulations. And then the tree, the silver maple at the corner was also mentioned. The urban forestry had spoken and title 11, which is the tree code, because of the base zone trees -- the tree preservation is not required. So the tree could be removed. I would also say that that was definitely a point of discussion and commissioner zantner was very interested in teasing out whether it was a heritage tree, which it's not, trying to work with the design team to see if it could be saved. There wasn't an easy way to do that. In conclusion these are the alternatives facing council. You can deny the appeal and uphold the design commission's findings of approval, deny the appeal and uphold the findings but with revisions. Or you can grant the appeal and modify the design commission's findings and conditions. And that concludes the staff presentation.

Wheeler: Thank you very much. Colleagues, any questions before we move to the next part? Very good. We'll hear now from the appellant. Ten minutes, please.

Carrie Richter: Good afternoon. This is carrie richter. I'm the attorney representing the appellants. Is this my time?

Wheeler: Yes, it is. Thank you.

Ritcher: Sorry, I wasn't sure if the recorder was going to call my name. We're going to start our presentation today. Thank you, honorable mayor, city council. Chris at open signal will play a short video. Chris?

(Video)

Wheeler: Can you hold up a second? Commissioner Fritz, go ahead.

(Video cont'd)

Wheeler: What we're seeing looks like a power point presentation. Is that what the video is?

Chris: No.

Wheeler: We're looking at a power point presentation.

Fritz: I think you may have started sharing your screen so I have the video going and the open signal participants but it's teeny tiny. I can't see it. It seems like -- I would like to be able to see it. The part I could see it was starting to tell parts of your story. I think this is a technical hitch we have with the technology. Could we maybe restart the time and restart the video and make sure that we're not sharing screens other than the video, please?

Chris, Open Signal: I have turned off my share screen so you should just see my image if you see anything at all.

August 19 – 20, 2020

Wheeler: Now we just see -- let's tee up the video again, see if we can get it right. Thank you, chris.

Fritz: I'll try again. Thank you.

Eudaly: It was fine on my end.

King: Mayor, for clarification we're starting the ten minutes over.

Wheeler: Start the video and start ten minutes. That's fine. Don't have to be completely precise.

(Video): In the mid 1990s, through a joint public-private initiative agreement, the pearl was turned from an industrial wasteland into a desirable residential neighborhood. In the years 2000 to 2008 local developers sensitive to the historic significance of the south pearl, the area located south of northwest lovejoy, repurposed older loft buildings into residences and developed newly constructed architecturally well designed condo buildings that fit into the context of the neighborhood. Portland aimed to become the most bike, pedestrian and public transit friendly city in the u.s. At the same time there was acknowledgment that people own cars and intend to use them for a multiple of purposes, so onsite off-street parking was provided in virtually all of these new condo buildings. The effect of the 2035 central city zoning plan passed in 2018 was to permit an increase in zoning heights from 175 feet to 250 feet on 10,000 square foot corner lots using opaque, transferable development rights, tdrs from other districts. The hyatt place project at 350 northwest 12th is an example of a developer extracting all of the potential development rights while sacrificing the character of the area including the nearby 13th avenue historic district, the adjacent buildings and the flanders greenway bike path. A 23-story glass concrete and steel mixed use 12-story hotel topped off with an 11-story apartment building containing 113 studio and one bedroom units does not respond to the context of its surroundings. The hyatt building is seven stories taller than any other building in the south pearl. It will tower as a glass monolith looming over the lower historic district structures, casting them in shadows for a large part of the day. Design commission failed to consider the negative impact on the public realm brought about by the under sized public sidewalk on northwest 12th which must accommodate the residential demands of 113 dwelling units, bicycles, strollers and wheelchairs immediately adjacent to two day hotel service loading docks. The entrance-exit of 170 bicycles, the entrance to the residents lobby and hotel lobby and cars approaching for valet parking and pickup-drop-off vehicles and taxis as well as idling tour buses all on 100 linear feet on the two-way northwest 12 in avenue. Intensity of use of this heavily trafficked four-way stop corner where the two-way northwest 12th avenue and two-way northwest flanders and the two-way major green bikeway intersect is a potential major crash site. Commission utilized zero vision action plan enacted in 2018 seeks to eliminate all fatalities and serious injuries by 2035. It has been largely unsuccessful. The year 2019 marked 49 people who were killed in Portland traffic. The largest number since 1997. The transportation department, pbob, has failed to consider the potential traffic crash conditions brought about by the hyatt place development site where pedestrians and vehicles will be put in serious life-threatening danger. The conditions brought about by the covid-19 virus pandemic make it irresponsible for the city to be considering issuing land use approval that will allow approximately 500 individuals to move up and down 23 floors and in and out of the meager four elevators into compact lobbies daily. The pearl district is presently significantly overbuilt with market rate studio and one-bedroom housing which could potentially take years to absorb. The hyatt project does little to increase the supply of much needed affordable housing. The city's inclusionary zoning obligations are triggered for residential units rather than hotel rooms. Adding to the current massive oversupply of hotel rooms in downtown Portland the hyatt project sucks up buildable far that could be used for housing. Hence this oversized supertall overly dense out of context development will overwhelm the

August 19 – 20, 2020

13th avenue historic district, compromise rather than enhance the flanders bicycle way and generate traffic that endangers rather than protects pedestrians and cyclists. For all of these reasons, this application should be denied.

Richter: Thank you, chris. Again, my name is carrie richter. I'm the attorney representing the appellants. The rest of our time i'm going to spend on the applicable criteria and I think you should be seeing my screen. The zoning code calls for design review to ensure that infill development will be compatible and enhance the area. There are a number of fundamental design guidelines that ensure that is the case. New construction must reinforce, enhance, embellish and identify special areas by integrating them into the design. All of these guidelines have an obligation on the designer to contribute to the neighborhood through complimentary design guidelines. They have never applied these guidelines to the proposal that authorize the additional height and far provided by central city 2035. Council should also remember that a couple of months ago you had an opportunity to revisit central city 2035, and during those proceedings you concluded that height and far is not entitled. There are materials that I submitted and the memo attached to the findings said that at 5103 and 5104 are -- a number of the design commissioners expressed concern that the building was too tall and the instruction they received from staff was that height was entitled and that the design commission could not bury it. I believe that conclusion is inconsistent with what city council found as part of central city 2035. The design guidelines require that a building complement the context of existing buildings. Mr. Graves talked about the proximity to historic district. The design commission found that the use of concrete paneling and a setback on the base so that the building sets back about two feet from the basal vacation at a four-story historic datum satisfied the standard. I want to point out when you're in the historic district you will not see the ground floor of this building. You will not see the base. You will not see that setback. You will not see the use of concrete. What you will see is about what this elevation on the right of this photo shows. You will see a lot of glass, you'll see a vertical span going up the center. You will not see punched windows, brick, you will not see anything that is reflective of the context of the historic district. The flanders greenway mr. Graves talked about is supposed to be integrated in the design. I have excerpted just the flanders frontage in this image, and you can see that there is very little here for bicyclists. There is a hotel, lounge and hotel lobby. The design commission found that there were large operable fully glazed windows and a retail area. There is no retail area here, and there is no off-street on-site short term bicycle parking on this building anywhere. He said it's not required they can pay into the funds but my belief is integration means the building contributes to the amenity, to the unique features of the site. This building turns its back on the greenway. When you are at ground zero and the place where the best transportation connectivity there is you have to contribute to it and make that amenity available to your residents. Main entries have to face greenway. The retail and bicycle access here faces northwest 12th. It doesn't face the greenway. Obligation is to protect the pedestrian versus vehicle movement. Here the residential lobby where 113 residences will enter, okay, i'll wrap it up in 20 seconds. The residents will enter in a spot that is less than three feet from the drive aisle for a two-bay loading dock. That is not safe and not protective of the pedestrian in violation of b-2. I will reserve the rest of my time for rebuttal. Thank you.

Wheeler: Appreciate it very much. Was that your last slide?

Richter: No.

Wheeler: Why don't we do this. Precedent has been that I can let you go over and we will measure the time you go over the ten minutes and we will allow the principal opponent that same extension of their time. The important thing here is fairness so that everybody gets the same latitude. I think it's also critically important that council hear both presentations. So why don't you continue however much time you go over we will also allot to the

August 19 – 20, 2020

principal opponent unless any of my colleagues or our legal counsel objects to that strategy. I'm hearing no objection so why don't you continue and we'll give the same amount to the principal opponent.

Richter: Thank you. I appreciate the time. I only have about three more slides. So my point here is that the loading dock is directly adjacent to the residential lobby where all the long term bicycle parking is as well in the two elevator bays in this very narrow lobby. So there is a conflict here between the bikes and the residents and the loading dock in violation of b-2. Again, protect the pedestrian realm. We made the point in the video there's essentially a pinch point right on this northwest 12th avenue access. There is a conflict between how pedestrians can enter the building, bicyclists have to enter the building here because this is the only space they can do so, and leading, all of the loading, not just for residents but also the service for the hotel. In conclusion, the character and special features of the pearl are not protected. The special design features of the pearl include a heightened level of pedestrian amenities and circulation and that is safe circulation, places where strollers and wheelchairs can move around safely, and adjacent long planned protected bicycle greenway. A proximity to 13th avenue historic district where all of the buildings that are within half a block are contributing structures. Rather than respond to these requirements this approval of development includes a high vehicle generating tourist use rather than a bicycle focused use. Compromises pedestrian and bicycle safety and proposes unremarkable tower that does not reflect the character of the south pearl district or the northwest 13th avenue historic district. For these reasons we urge you to deny this application. Thank you.

Wheeler: Thank you. How much additional time will we allot based on that, Karla?

Karla: That was an additional two minutes and 21 seconds.

Wheeler: Very good. Commissioner eudaly?

Eudaly: Thank you, mayor. Since this is a formal hearing and this is a matter of public record I want to just quickly correct a couple of things that were in that video. First of all my last name is pronounced eudaly. I have had this seat almost four years. It would be great if people could learn to pronounce it. The city's adopted traffic safety program is called vision zero, not zero vision. And it was adopted by council before I took my seat let alone was assigned pbot, so it's been mischaracterized as my program. I think it's also concerning to me when people introduce opinions as facts into the public record, so I am just going to share with everyone viewing that there are multiple contributing factors to the increase in traffic fatalities in the city, many of which are beyond the city's control. For instance 50% of our traffic fatalities occur on odot roadways which make up just 12% of our roads and are outside the jurisdiction of pbot or the city. In fact, despite an increase in population and congestion, the fatalities on the city-owned roadways have actually held. Of course I would love to see them decline, but the suggestion that vision zero has failed because we haven't seen an overall decrease is unfounded. Thank you.

Wheeler: Very good. Next up is supporters of the appeal. Each are entitled to three minutes of testimony. Karla, how many people do we have signed up as supporters of the appeal?

Karla: We show four people registered.

Wheeler: As supporters of the appeal. Very good. We'll hear from them. Folks, if you're testifying, your name is sufficient. Of course let us know if you're a lobbyist per council rules as we read earlier.

Karla: The first person is james wong.

Wheeler: Welcome, james.

James Wong: Hi, this is james. I'm actually part of the ownership group. I'm on the call so I don't need to testify.

Wheeler: You're certainly entitled to if you'd like to.

August 19 – 20, 2020

Wong: I would give my time to our architects and presenter. Thank you.

Wheeler: Thank you, mr. Wong.

Karla: Next is al soloman.

Wheeler: Welcome.

Alvin Solomon: Yes. Can you hear me?

Wheeler: Loud and clear.

Solomon: I'm sorry, I must have misunderstood the sign-up form. I'm actually supporting the appeal but opposing the project.

Wheeler: Legal council, it sounds like he's still in the right place at the right time, though, correct?

King: That is correct. This is for people who support the appeal and oppose the design commission's decision.

Solomon: Thank you for clarifying that. Good afternoon, i'm alvin solomon. I'm sorry I don't have any video but I hope you can hear what I have to say. I'm retired academic physician and I spent 35 years practice and research including years at ohsu and the Portland v.a. My comments today relate to several public health problems with this building. First I want to thank the mayor, commissioners and staff for your hard work during these difficult days. I know that this has not been easy. Unfortunately, the covid pandemic is likely to be with us for some time now. My public health colleagues tell me that safe building design is one of the most rapidly growing areas of research in their field. They work with architects to focus on new ways to minimize risk so that housing will not be a continual source of contagion. The distinguished canadian architect mary ann mckenna put it this way. This is an opportunity to rethink everything. Having so many people cooped up in a condo apartments is challenging the benefit of small and vertical solutions. If that sounds familiar, I think that's what we're looking at today. Studies have shown that properly designed fresh air intake ventilation, not the more common and cheaper recirculation of air, is the most critical factor in preventing spread of airborne pathogens after social distancing. Are these elevators equipped with this newer technology? It's unlikely because this is very expensive. To my knowledge, neither vibrant cities nor sun ray have any prior experience with such a building, highrise mixed apartment and hotel building. From their website, vibrant cities has only low rise developments in seattle and Portland promoted as healthy buildings due to their intelligent design. So apparently the health of Portlanders in the pearl district is of less concern to vibrant cities and sun ray. I would like to conclude by just saying that the world is a very different place than when the 2035 plan was conceived. Covid is the first pandemic to challenge Portland but it won't be the last. For years Portland has been a beacon of forward thinking urban design, a model for cities worldwide. As the first example of what can now be approved under this 2035 plan, this building sets a deadly precedent. Please don't let this toxic example of profits first, safety last, design become your legacy. Thank you very much.

Wheeler: Thank you, sir.

Karla: Next is brian fleener.

Wheeler: Good afternoon.

Brian Fleener: Good afternoon. I apologize, I am not here to testify. I'm actually with the architecture firm is doing this project.

Wheeler: Very good. Thank you.

Karla: The last one who signed up to support the appeal is denise greene.

Denise Green: Hi. Can you hear me? Thank you. I would like to thank the mayor and city council for the opportunity to speak today. My name is denise greene, 311 northwest 12th avenue. During my 35 plus years prior to my retirement I was both a tax advisor to real estate developers and served as cfo for a large multiple family dwelling in multiple states. I'm pro development for great, well designed projects that add value to their

August 19 – 20, 2020

communities. In my last position I was a member of the committee that had final vetting on all projects our company was going to develop. I understand the pain and money involved in telling a development partner that their project was not going forward but the reality is not all proposed projects achieve the high standards our company represented. A bad project is a permanent reminder of a development that no one had the courage to say no to. One would think the city would want the first building constructed in the south apparently under the 2035 plan to be a design standout enhancing our community. The Hyatt project does not meet either of these goals. It magnifies problems with interaction with city staff, development commission and pbot to produce a building that all of us would admire. This project is using density bonuses through transfer development rights to achieve 150 feet of its total 250 foot height on a 10,000 square foot lot. such as affordable housing and preservation of historic buildings. Due to the opaque nature of tdrs no requirement to disclose where the property rights were purchased and from what location. A citizen cannot evaluate what benefits they received. Since it does not provide transparency it's critical that the mayor and city council must articulate the community benefits received. Having participated in meetings on this project since the beginning I can attest how the greenway was never considered by the developers. It required actions by the pnid to force discussions about pbot and the design commission. In conclusion I must believe that the developers are expecting their building on the 23rd floor deck they will be too high up to see the dangerous traffic chaos created by having a 273 unit hotel residential property abutted against the corner of two two-way streets one of which is the long anticipated Flanders Greenway. They won't notice when I walk out the front door holding the the hand of my five-year-old nephew while holding the hand of his baby sister trying to enjoy the community I live in. Now you can say no and not allow a bad project to be a permanent reminder of a flawed design approval. Thank you very much.

Wheeler: Thank you. Karla, can we make sure that there aren't people who signed up on the other list who support the appeal and oppose the ruling of the design commission? I just want to make sure people are on the right list.

McClymont: This is Keelen. Maybe we can ask the testifiers to raise their hand as they testify --

Wheeler: If you're basically opposed to the project as it is now and you've signed up on the other list, you haven't heard your name called yet, could you raise your hand so we can give you the opportunity to testify now, please. Keelen, I can't see. Has anyone raised their hands?

Karla: It looks like two people.

Wheeler: Why don't you go ahead and call on them.

Karla: Marilyn Rabbe.

Wheeler: Good afternoon, Marilyn.

McClymont: Is Marilyn unmuted?

Wheeler: Looks like she's still muted. Marilyn, if you're able to unmute yourself --

Marilynn Rabie: Hi. You can hear me okay?

Wheeler: You're good to go.

Marilynn Rabie: My husband also was on the list. Is he able to speak?

Wheeler: Yes, he's on the list if he could raise his hand so Karla will know to call on him.

Karla: What's his name?

Marilynn Rabie: Ezra. We're on the same computer, so it shows me instead of him, but he was the one that wanted to speak. Is that all right?

Wheeler: Got it. Sorry.

Marilynn Rabie: I relinquish my time to him.

Ezra Rabie: That's me. Can you hear me well?

Wheeler: Good to go.

August 19 – 20, 2020

Ezra Rabie: Thank you, mr. Mayor. I'm ezra rabbe, I reside at 33 northwest 9th avenue in the south pearl. I would like to make this statement in opposition to the hyatt project on northwest 12th. City councilors, staff, mr. Mayor, thank you for the opportunity to have my voice heard. I have been a strong objector along with my wife and people in my building to this project from the very get-go. Why? It's just plain wrong headed. Mr. Mayor, I know you're a strong proponent for more density and I as well as all objectors available today are cognizant of the 2035 plan and the tax base it will generate. We're all for that, but where do we draw the line on a reasonable approach to the lofty long term goals that we set? This is a popsicle stick. A whale in a bathtub development not truly contributing to the quality of life of residents or adding anything to the aesthetic quality of the pearl. The answer to any fair minded thinker about this is that we shouldn't go ahead with it. Apart from the congruent mass as people have said it will impede bicycle flow, congest motor vehicle traffic to a standstill literally for perhaps a couple of blocks around it. Rob the neighborhood of available street parking so critical to local business, which depends on it heavily from people that don't live in the pearl. People that live out of town even. Most importantly, it poses as people have said today a safety risk to pedestrians and cyclists trying to navigate their way past. We ask ourselves how did this happen. Where is the reasoning behind placing a behemoth project like this on the equivalent of a hopscotch court? Day after day we're inundated by the need for low-income housing yet developers like these will buy their way out of that requirement. Either we're true to our cause of housing low income citizens or selling out to a highest bidder. I want to add and i'm sorry this sounds impassioned and perhaps unfair, but we feel it's grossly unfair that the senior managing director of mill creek development, mr. Rodriguez, sat on the design review committee. Unsurprisingly he didn't recuse himself but gave unequivocal support. The city attorney found no conflict of interest. You know, we're not stupid. If it walks like a duck and quacks like a duck, you have to admit the optics are bad. We feel this development is taking advantage of pearl residents on multiple levels building on an outsized and gaudy monument to 1%ers who can pay \$1,000 per square foot for condos and fancy hotel rooms leaving us to deal with the nightmare of congestion while kicking the low-income housing can down the road. We made it clear through the very beginning we're not restraining development in the pearl. We're not opposed to reasonable height development. This particular one started as 12 stories. Then --

Karla: That's three minutes.

Ezra Rabie: Sorry.

Wheeler: Thank you.

Rabie: Thank you, mr. Mayor.

McClymont: It looks like rita silen has her hand up.

Rita Silen: Can you hear me?

Wheeler: Loud and clear.

Rita Silen: Thank you for clarifying the process. I made the mistake of signing up under the wrong category.

Wheeler: It's easy to do.

Silen: You're very gracious. Thank you, mr. Mayor, and commissioners, for accepting comments from concerned citizens, many of whom are Portland residents of the south pearl. I have lived in the lofts on 13th avenue historic district for 21 years meaning that my neighbors and I moved in when exposed railroad tracks marked 12th avenue, small mom and pop businesses, and dark streets at night were the norm. We have enjoyed seeing the south pearl become a vibrant neighborhood with more residential and commercial development lighting up the nighttime street scene with neighbors and visitors. The issue isn't development. The issue is liveability. Retaining the atmosphere of the historic streets, which was the original vision of the Portlanders who worked to restore and

August 19 – 20, 2020

preserve the neighborhood's buildings and history. Prior to the passage of the 2035 plan the central city plan dictated that all infill development must mirror the buildings on the three corners adjoining said development, which is why the pearl district remained a neighborhood rather than a city within itself. The 23-story proposal dwarfs those three buildings on the adjoining corners by 17 stories. Currently under 2035 we believe just because developers can build towering commercial spaces, that doesn't mean that they should. Many professional disciplines wrestle with the integrity and the empathy of a concept considered legal. I speak from the healthcare profession. The elephant in this room really is that amid a burgeoning homeless population on street after street, interstate exit and entrances, beneath overpasses, near the greyhound bus station off Broadway, density is taking the shape of tent communities while these out of town applicants are proposing a massive cathedral of metal and glass expanded from their original 12 story plan having bought their way out of providing any affordable housing. Let's face it. We know rising evictions is coming. The design commission has and perhaps you as commissioners may be diverting attention instead to another hotel and upscale residential development. I'm not alone in simply being unable to understand the rationale which pokes fingers in the eyes of residents of the pearl district and those Portlanders immediately at risk of living outside on the streets, under a bridge or at a highway exit. Please vote against this vulgar insult and together let's try to get a 12-story affordable housing proposal for this small parking lot. And for this I ask you to deny the appeal. Thank you.

Wheeler: Thank you.

Silen: Proposal.

Karla: That's all who signed up for support of the appeal.

King: I think I see Patricia Cliff signed up as an opponent of the appeal. It looks like it just moved. I believe she's a supporter of the appeal. Do you mind confirming with her?

Karla: Sure. I show Patricia Ann Karl.

King: I think that's who -- I believe they are supporters of the appeal.

Wheeler: Maybe we can open up their mikes.

Patricia Cliff: Are you hearing me?

Wheeler: Yes.

Patricia Cliff: My husband and I submitted separate testimony, so they were acknowledged. I would like to give mine and have his acknowledged.

Wheeler: No problem.

Patricia Cliff: I'm Patricia Cliff. I reside at 350 Northwest 12th Avenue in the Pearl. I'm president of the Pearl Neighbors for Integrity and Design, a nonprofit dedicated to promoting good architectural development which incorporates affordable housing in the Pearl. I would like to shine a bit of historical light on the presence of Black Lives in the South Pearl and the importance of dignifying the history of this area with protection from super tall, super dense out of context edifices that threaten the architecture and unique history of the African American community. In the early 1900s Blacks migrated from the South to Portland where jobs were plentiful in hotels and the Union Pacific Railroad. They established commercial establishments in a quadrant or bordered by Glisan and Everett and Broadway and Northwest 7th Avenue. An entrepreneur from Tennessee, W. Allen, it was the first hotel in Portland to permit overnight accommodations for people of color. The building contained 100 rooms as well as a grand ballroom, restaurant, barbershop, a confectionary and athletic club adjacent to the Mount Olivet Baptist Church and close to the nearby Bethel AME Church, prominent places for Black worshippers. The Golden West became the social center of a solid middle class community in Northwest Portland. It was also the birthplace in 1903 of the Advocate, a weekly reporting on issues to the Black community. The Advocate was founded and educated by Edward Canaday and his wife

August 19 – 20, 2020

who were major civil rights advocates in Portland. With the increasing influence of the ku klux klan and covenants this african-american community was pushed to northeast albina where 80% of the Portland black community resided until much of it was obliterated by urban renewal efforts in the 1970s. Much has been made of memorializing this area as part of black history by the albina division trust and other organizations but the presence of african-americans in the south pearl has been totally overlooked. In an effort to acknowledge the fact that black lives matter in Portland, we are requesting that the city acknowledge this history by overturning the design commission's approval of the hyatt project which threatens to destroy the traditional architectural context and spirit of african-american history in the south pearl neighborhood. Thank you.

Wheeler: Thank you.

Karla: Looks like karl von freeing.

Wheeler: Hi, karl.

Wheeler: Are you there? We can't hear you.

Karl von Frieling: I will get closer to the microphone.

Wheeler: Please.

Karl von Frieling: Okay.

Wheeler: That's better. Thank you.

Karl von Frieling: Okay. I'm karl von freeing. I live in the pearl with my wife. When we first moved to the pearl from new york city we were very impressed by the fact that the pearl district had the largest amount of affordable housing of any neighborhood in Portland. There are seven well designed attractive four to eight story apartment buildings which are 100% occupied by residents with low and moderate incomes which have turned it into an agreeable neighborhood with diverse economic demographics. In the intervening years the need for affordable housing has increase exponentially as has the homeless population. They have inclusionary housing law which requires newly constructed buildings with more than 20 units to build 20% of these units for residents having median family incomes below 80% or to pay a sum of money into an affordable housing fund in lieu of the building, units within their development compared to the buildings which have been completely dedicated to affordable housing, this is sheer tokenism and does not sufficiently address the community needs for family size affordable housing. In Portland 80% of mfi is approximately \$65,000 per year for a family of four which doesn't begin to fulfill the housing needs of the many families whose incomes fall significantly below this level. In 2018, the 2035 central city plan became effective. It is -- for developers of high level market grade apartments which threatens to destroy the architectural uniqueness of the existing pearl neighborhood by permitting out of context highrises and hotels which do not address affordable housing needs and take up real estate that could be better purposed for affordable housing. The hyatt project which was approved by the design commission is such a project. It towers 23 stories over neighboring buildings in the historic district and crams 160 hotel rooms and 130 small studio and one bedroom apartments on to a 10,000 square foot corner lot causing dangerous traffic patterns that threaten the safety of pedestrians, bicycles and motor vehicles. It's also diminished and no community benefit is offered by this oversized, overly dense proposed developed. Further troublesome is the fact that this hyatt on northwest 12th and everett and flanders falls into an opportunity zone which grants developers significant tax incentives in return for eliminating poverty in the immediate area. Given the tax benefits offered --

Karla: Three minutes.

Karl von Frieling: Thank you. I have just one more sentence. Given the tax benefits offered the developer of this type should be required to show that the stated purpose of the opportunity zone is fulfilled by adding a significant portion of the proposed building for affordable housing in lieu of creating an additional supply for underused overbuilt hotel

August 19 – 20, 2020

rooms. For all these reasons we request that the ill-conceived approval of design commission should be overturned by the city council. Thank you very much.

Wheeler: Thank you, karl, patricia.

Karla: That might be all. I want to check that marilyn rabbe is not going to speak.

Wheeler: It looks like she's muted herself. Marilyn, on the bottom left corner of the screen you can unmute yourself.

Marilynn Rabie: Sorry. My husband and I did the statement jointly and he already spoke on my behalf. Thank you.

Wheeler: Thank you, marilyn. Does that conclude everybody who is a supporter of the appeal meaning they oppose the design commission's recommendation?

Karla: I believe that does, mayor.

Wheeler: Very good. Next up then we'll hear from the principal opponent who has 15 minutes plus two minutes and 21 seconds should they choose to use it.

Gary Larson: Hello. I'm gary larson, the lead design architect for the project. We have a slide show to show you and we need to get that up.

Wheeler: All right.

Gary Larson: I'm sharing my screen momentarily.

Wheeler: Thanks.

Gary Larson: Can everyone see?

Wheeler: Yes. Thank you.

Gary Larson: Mayor wheeler, commissioners, thank you for the opportunity to present our hyatt place project. I'm gary larson with otac, lead design architect for the project. Members of our team are here to present and answer questions. Rene france, julia crewn. our transportation consultants. We will give a brief review of all approved building design and highlight our work over the last two years to achieve full compliance with the design guidelines. Our presentation also demonstrates effective collaboration by the design team, the city and the neighborhood to create a project unanimously approved by the design commission. It's about design but it's important to note it delivers on-site affordable housing, promotes multimodal transportation goals and provides density in the urban core, all goals of the 2035 plan. The project requires no modifications to code requirements, uses are all permitted by -- what? Hello?

Wheeler: We hear you.

Fritz: The slides are not advancing.

Wheeler: There you go. Okay.

Gary Larson: Okay. The project requires no modifications to code requirements, uses are all permitted by code and the 250 foot height and square footage proposed are allowed. The project got under way in july of 2018 as the new code was adopted. As a first project we knew it would lead the way to deliver the additional height and density envisioned and enacted through central city 2035. We wanted engagement with the community and close involvement with city staff as we moved forward. We met with pearl district neighborhood association land use and transportation committee for neighborhood input. City planning staff provided continual guidance to clearly understand the guidelines and the advice of the design commission. At hearing two staff findings concluded the project complied with all applicable guidelines and recommended approval by the design commission. The result was a unanimous design commission approval. Our objection has been to meet the project's development goals in a creative design that complies with guidelines and development standards. We acknowledge the appellants' concerns about height and massing. We'll show you specific design improvements made to comply with applicable design guidelines. Let review the key design features that are responsive to the issues identified by the appellant. Before we begin, however, we must point out that the models prepared for the appellant including those that are displayed in the video show an

August 19 – 20, 2020

early design from prior to hearing 1, not the final design approved by the design commission. These models completely disregard the major design improvements we made after hearing 1, specifically to address expressed concerns about height and massing and desire for a more sculpted building. We will explain the changes as part of our presentation. Our land use counsel will further address height issues raised by the opponent in her portion of the testimony. The site is eligible for bonus height and this project has earned that through the inclusionary housing bonus therefore the height is entirely consistent with development standards. Nonetheless the design team considered concerns identified about height and massing through the design process and identified architectural responses to minimize massing of the building within permitted height envelope. The approved building incorporates the concept of a tripartite massing used in many buildings as our city emerged and required now in the river district guidelines. We do this by giving the building a distinct base, middle and top. In our solution the base is three stories tall. Set at the property line. Middle and top facade are set back from the property line three feet at the middle and five feet at the top. The middle is held short of the top to closer cornice lines. The top provides a unified building conclusion, setbacks and additional facade sculpting, efficiently reducing the mass and height of the building. This difference is seen in this image showing the project from hearing 1 and the improved design from hearing 2. The base anchors the building. Facade sculpting, setback walls and steel and glass canopy bring comfortable human scale to the street. examples of three story cornice lines visible in the south pearl. The middle and top exterior wall is high quality metal panels, sculpted corner and inset balconies provide mid scale texture and interest and are common motifs seen throughout the neighborhood. The middle and top are differentiated by varied wall panel widths and colors. It produces the uniform expression on all sides and coherent conclusion to the building. The design of the public realm uses district standards to extend established street elements such as tree placement, materials and patterns and sidewalk widths and zones. The appellant has raised concerns about the intensity of uses particularly along the 12th avenue frontage. It is the case that the public realm will be active pedestrian and multimodal spaces consistent with urban development. However, the design team developed a public realm both consistent with applicable design guidelines and effectively addresses applicable standards. Programmatic layout of the building addresses development standards and design guidelines and is responsive to pbot requirements. Zoning code prohibits voting on major city greenways to avoid conflict with bike traffic which needs tated locating on-site loading bays on 12th avenue. Use of the bays will be scheduled for nonpeak hours to the greatest extent possible. Residential entry is between the loading doors and the hotel entrance for continuity of hotel function and design creates continuous active space along northwest flanders. In response to input during the design review process, the team collocated the bike and residential entrance to reduce entrance points and consolidate those functions. Residents exiting or entering the building with a bicycle will have the option of entering the street on 12th avenue or walking their bike a short distance to the flanders greenway. It further accommodates pedestrian flow and activities along both streets by providing a three foot set back of the storefront walls. The movement of the hotel entrance to the corner of 12th and flan enters accommodates pedestrian movement and access from either street. Two special art and water features raise each side of the hotel entry. Entering from both streets ensures flexibility for final design detail design of the northwest flanders greenway plus street or traffic changes that may emerge from pbot. The hotel lobby and cafe spaces open to the streets for retractable walls. This type of street activation is consistent with guidelines related to the public realm including supporting the idea of the greenway as a quasi park by creating synergy with the movement and excitement of the flanders greenway. There's not a standard or guideline

August 19 – 20, 2020

that requires that the existing tree identified by the appellant be preserved. Nonetheless the design team explored options for preserving the tree. However given the location and particularly the size of the tree, it was not possible to satisfy all applicable building standards chiefly the required length of building frontage at the property line. The project is registered to meet the green globe certification requirements. Green globe and two others as well as lead are programs for low carbon building certification that are listed in the city's administrative rules. Here are some concluding observations. The design and development team believes the project successfully solves a complex program on its small site creating a community asset, promoting good public good through onsite affordable housing and achieving transportation and density goals. This is a responsible and responsive building. Unanimous approval of this project by the design commission is a clear vote of confidence that opportunity for increased inner city density envisioned by the new 2035 plan can deliver appropriate, responsive and exciting design consistent with the city history and support for quality design, permanence and contextual responsiveness. Thank you. Now we will hear from rene france, our land use counsel.

Renee France: Good afternoon. I'm rene france, i'm an attorney at rather white -- address some of the legal issues related to the appellant's basis for appeal and the testimony. First I know we talked about this but it's important to keep in mind that the design review decision before you today has a single approval criteria. That is compliance with design guidelines. However, most of the arguments made by the appellants attempt to either ignore that criteria or impermissibly expand or mischaracterize the applicable guidelines. In fact I think it's telling that the appellants' testimony isolated single words from the guidelines which loses all of the context of what the guidelines are about. As noted earlier the design commission concluded unanimously that this project complies with all of the applicable design guidelines. Furthermore, I think significantly because it's rare in the central city projects, this project does not require a single modification to the development standards which mean it is entirely consistent with the zoning code standards related to height, density, on-site affordable housing, off-street parking and on-site loading as well as all of the other applicable development standards. On the issue of height, which is certainly a core issue for the appeal under the plain language of the code height of this building is allowed out right on the site through the plan district development standards. Appellants' counsel attempts to rely on central city 2035 findings to argue that when the code says the height is allowed it means something different. However, even the findings that are provided did not support her contention that the height is discretionary outside of an historic district. It is not necessary to reduce the height to satisfy the design guidelines. And the guidelines cannot be interpreted to mandate a reduction in height permitted by the plan district, which supersedes the design overlay provisions under the code hierarchy. Further, the appellants claim that this building will set precedent or set into motion a pattern of buildings with increased heights is simply not accurate. Instead the future pattern of building height in this area was firmly established by the 2035 amendments that allowed bonus heights throughout this part of the pearl district. This building and this project is exactly what central city 2035 intended. Similarly, the appellants claim that the building is not compatible and claim it cannot be compatible because of the height. It even created a model to try to prove that point. However, there are no design guidelines that require consistency based upon the height of a building. Moreover, the flaw in this position is that the building depicted in the model reflects current building heights. Not the city's vision under 2035 for buildings in this part of the pearl district. If the council were to find that one of the first buildings to be designed and developed under the central city 2035 plan fails to comply with the design guidelines because of its height, it would not only be inconsistent with the code but render the adopted height maps meaningless and completely undercut the years of planning work, public input and decision-making that

August 19 – 20, 2020

went into the central city 2035 code. Finally, the appellants object to a development consistent with the height standards on a quarter block however the code does not allocate permitted height spaced upon lot size. In terms of the activities within 12th avenue we agreed with staff that the location of the onstreet passenger loading area is not dictated by the guidelines. It's therefore not within the scope of this design review decision. Instead on-street activities are controlled by pbot. The applicant has coordinated with pbot on the design and operation of the street frontage and will continue to do so to ensure that the space functions efficiently and safely for all modes. For this location there are two available frontages that could accommodate passenger loading and unloading. Pbot has made a legitimate policy decision to prioritize the bicycle function on flanders, however that decision then cannot serve as the basis for denying or limiting permitted development on the site. While the available vehicle area on 12th is shortened by the mandatory location of the the model prepared by the appellants provides an exaggerated scene that does not represent realistic scenario for the multimodal functions along 12th. Given the time limits we do not have time to address all of the problems with the scene depicted in that model so we request that the record be left open for written response and other evidence submitted. Finally in response to the parking plans the absent of on site parking reduced reliance onto vehicles and increased multimodal transportation are primary goals of the central city 2035 code amendments. In this project it embodies all those concepts. In fact, this project does not include on-site parking which will significantly reduce rather than increase the number of cars coming to and from the site. It also eliminates a vehicle entry-exit point where vehicles cross a pedestrian path. This project also meets standards for long term bicycle parking and clearly demonstrated that short term bicycle parking cannot be provided in a way that satisfies all of the standards therefore payment to the bicycle parking fund is both permitted by code and appropriate. The funds can be used by pbot at their discretion to provide on-street parking consistent with the greenway operations. In closing, we request that the council deny the appeal and uphold the design commission's decision. I also once again request that the record remain open to provide an evidentiary response to the model and other new evidence as the applicant we also request an opportunity to provide final written arguments. With that we're happy to answer any questions.

Wheeler: Thank you very much. Colleagues, any questions at this point before we move on to opponents of the appeal? Commissioner Fritz.

Fritz: Thank you. So I agree that the height is not as much a factor as the design guidelines. This is not an historic district, so I don't think that that is -- I know that that is not relevant. I would like you to speak more about the design guidelines and how your project meets them particularly a5-1-1-1, which reinforced the identity of the pearl district neighborhood recognizing the urban warehouse character of the pearl district. Could you explain how you believe your project does recognize the urban warehouse character of the pearl district?

Gary Larson: This is gary laron speaking. The guidelines ask that we use neighboring context as a way to relate the project to the site. The base of our building is at three stories tall, matching a number of the cornices in the area. That line also is carried on to new projects. The materials as we have chosen them reflect the neighborhood, the industrial character of the neighborhood, and the scale and size of both the storefront and the kind of detailing for the canopies and window detailing and so forth are all consistent with attempting to match the scale and character of the district. We feel that the ground level is the strongest point in which one would see this kind of connection. Therefore, the whole base of the building does reflect this kind of attachment to the neighborhood context.

Fritz: How does a bunch of glass relate to the industrial character of the district?

August 19 – 20, 2020

Larson: Well, all buildings have glass. So you'll see that neighborhood context here is achieved by the project when you look at buildings like the ones immediately around the neighborhood. Window openings are the same size if not smaller. The only question that seems to me is that the material that's been chosen is metal. There is precedent in the neighborhood for metal and it occurs explicitly at the 14th and glisan location of the rodney building, which is the middle panel building. It seems to me also that the scale of the penetration that was created and the kind of textural difference we made for the panels which are canted so they reflect the sun in slightly different ways as the sun turns through the sky, all contribute to creating a detailed sense that I think will be applicable within the context of the pearl.

Wheeler: Yeah, we heard that.

Fritz: Sorry, thank you very much. I forgot to unmute again. Appreciate that answer. But guideline c says -- photograph you just showed said that the nearby buildings all have brick and masonry.

Larson: Yes, that's correct.

Fritz: So your project compliments the context of existing buildings? Zero.

Wheeler: I'm not hearing the answer to the question. Commissioner Fritz, could you say it again?

Fritz: How do you believe your building complements the contexts of the existing buildings.

Larson: Immediately across the street, there is a building that has the first floor established as cast in place concrete building. That is context. And that's a newer building. One of the first new ones that was built in the pearl when development began. So there are other examples where over concrete is used, and as effectively a part of the context of the pearl.

Fritz: Okay, thank you. And how do you believe that the pedestrian realm is protected from the elements and not -- i'm not finding that particular guideline. But there was some mention of awnings, but i'm not seeing how people are -- walking on the walkways and particularly are being protected from rain.

Larson: There are -- there are canopies that project from the building, projecting forward to six feet from the building that are composed of glazed panels and supported by heavy concrete frame -- or heavy, sorry, heavy metal frames. These take care of about 80% of the perimeter along the streets to protect the pedestrians from rain.

Fritz: And how wide are the sidewalks?

Larson: 12 feet.

Fritz: Then that puts the drip line right in the middle of the sidewalk.

Larson: As it is the case with most of the awnings that are in the city.

Fritz: Okay. Thank you.

Larson: You're welcome.

Wheeler: Commissioner Fritz, you just used a term I wasn't familiar with. Did you say trip line?

Fritz: I said drip line. I noticed that the -- to testify -- [inaudible] he's testifying in support of the project. This is something i've been mindful of for many years, and if you have an awning or an overhang that only has --

Wheeler: The drin line. Were you saying the drip line.

Fritz: Drip line, yes.

Wheeler: I thought you said the trip line: [laughter]

Fritz: Well, it probably will be because the sidewalk will be slippery, but there we are.

Wheeler: There you go. Thank you for that, I appreciate it. And commissioner, eudaly, you wanted to ask questions of pbot. Did you want to do that or hold off until the end?

August 19 – 20, 2020

Eudaly: I don't have a preference, mayor. Whatever -- preference, mayor. Whatever you prefer.

Wheeler: Why don't we go ahead, because I know there's some other people signed up.

Eudaly: Sure.

Wheeler: So why don't we go for it and maybe we'll hear other comments relevant to pbot and bring them in at the end since they're going to be listening anyway.

Eudaly: Sounds great.

Wheeler: Good. Commissioner Fritz, did that complete your line of questions?

Fritz: Yes, thank you.

Wheeler: Good. I only had one. And it's related to the slide you just showed and it's the slide that shows the consistency of what I would describe as the setback, several stories up. One thing those other buildings have in common is the setback is quite pronounced. And I notice on this building it's very subtle. And I agree with you that I like the buildings, like the ones you identified, that have those significant setbacks. And they not only allow more light to come down to the street level, thus helping I think to improve and activate the street level. But many of those setbacks actually have practical applications like green roofs or terraces or the like. I'm curious to know why the setback is so narrow on this particular building given that you obviously admired the setbacks as an architectural feature on other buildings.

Larson: First of all, the -- there are many buildings in the pearl, particularly the ones that were shown on our slide, that set back only modestly and create a prominent line at that 30-foot height. Ours I think celts back in terms of the -- celts back in terms of the newer buildings a little more than you find in many of them. Yes, you could push it back farther. We felt that this was sufficient to identify the base properly, give an adequate pushback of the bulk of the building, to begin the idea of -- of creating a tripart scheme that actually began to reduce the bulk of the building in an appreciable way and also as the -- as the cornice lines are drop, particularly in the middle, to reduce the height of the building visually.

Wheeler: All right. Commissioner Fritz, you have your hand raised again?

Fritz: I do, thank you. I had that question, too, and I forgot to ask it. And the other question was about the loading and -- I think the image showed the -- across the sidewalk.

Larson: Yes.

Fritz: If all of the residents of the apartments, condos rather, whatever they are, if none of them have cars, then presumably they're all going to be needing grocery deliveries. So that -- because it's a fair way to walk to either the safeway on lovejoy or the fred meyer on bern burnside. So how -- how is that factored in to the -- the figuring out how much -- how much that sidewalk is going to be blocked?

Larson: Well to, begin with, let's just say that the sidewalk will not be blocked as completely and continually as it's showing up in the images there. But i'd like to ask chris if he's here to respond to that question as well. Chris?

Chris Behmer, Kittelson and Associates: Hi, this is chris brammer from kittelson and associates. We're the traffic engineer for the project. And in terms of loading, the door that's depicted would actually be raised for vehicles to pull into a loading bay. And so the only time the sidewalk would be blocked would be when the vehicle is entering and exiting the actual loading bay itself. In terms of individual residents shopping and bringing groceries or goods to their homes or, for that matter, fedex or amazon or other parties delivering to the site, we would expect them to park on the street with the parallel parking and make their trip in and back. But not actually park on the sidewalk itself. That would be contrary -- parking on the sidewalk itself would not be the environment we're trying to create and would be contrary to how the sidewalk should be used.

August 19 – 20, 2020

Fritz: How many parking spaces are there on the corners -- on the two streets, the street frontage? How many total parking spaces are there?

Behmer: At this point I don't believe that's been defined. We believe we'll have final resolution directed from pb0t as to how it will be striped, but it appears there's room for three on flanders and two on 12th along the site frontage itself. And then --

Fritz: exclusive use of these properties, right?

Behmer: I'm sorry, could you repeat the question, please?

Fritz: They're open street parking. There's no guarantee that a delivery person would be able to park there.

Behmer: Correct, yes.

Fritz: Okay, thank you.

Behmer: Thank you.

Wheeler: Very good. All right. That completes I believe the questioning for right now. Next we will hear more public testimony, this time from opponents of the appeal. They too will be allotted through minutes -- allotted three minutes each. Carla, how many folks -- Karla, how many do we have signed up here?

Karla: I show four people.

Wheeler: Okay, go for it.

Karla: First one is david chen.

Wheeler: Welcome, mr. Chen.

David Chen: Good afternoon. I really intended to talk about the pearl neighborhood -- integrity and design indication of "black lives matter" and some african-american affiliated organizations on their website. But since that actually has nothing to do with compliance with design guidelines, I will -- I won't speak on the topic. Thank you.

Wheeler: All right. Thank you, mr. Chen.

Karla: Next and nielson -- next is nielson.

Wheeler: Welcome back.

Neilson Abeel: Can you hear me?

Wheeler: Loud and clear. You're good to go.

Neilson Abeel: Okay. I've actually put this in as email testimony. But i'll read it and it's short. I continue to oppose this project as a total overload of site in the neighborhood. The dual program of a hotel and a resident shall apartment house will overwhelm the intersection with vehicular traffic and create chaos for the sounding blocks. The defining -- surrounding blocks. The defining issue is the transfer of additional f.a. R. From yet unknown whroak caitionz. In Portland's -- locations. In Portland's city plan for 2035, the area from which the f.a. R. Can be transferred and completely too large. This section needs to be revisited and the requirements for transfers needs to be totally tight --

Wheeler: Nielson, can you hold for one moment while I check with legal counsel?

Obviously, you're on the record as strongly opposing this project. And you just gave a couple of reasons for that. But the time to do that was during supporters of the appeal and I know this is very confusing, just because of the -- legal language. Could I check with our legal counsel and ask -- and ask if it's okay for you to testify during this period. Lauren, could you give us some guidance please?

King: Mayor, you are correct, but I think given the confusion with the virtual platform and the fact that the council will leave the record open for everyone to respond, I think it's okay to let everyone continue at this point.

Wheeler: If people can be as clear as nielson was about where you are in the mix, that would be acceptable.

Abeel: And it would -- if there's anyone else on the list, now is the time to please raise your hand and clarify. I know that counsel clerk has indicated -- council clerk has indicated

August 19 – 20, 2020

if you intended to support the appeal and oppose the project, please go ahead and raise your hands so that they can be clear.

Wheeler: Yeah. And I want to apologize. It is confusing. So maybe next time there might be some way for us to further clarify on the sign-up, just so people understand. It's confusing even to me, to be honest with you.

Abeel: Okay. I sent this in by --

Wheeler: That's fine.

Abeel: I have two more paragraphs. And I forgot to identify myself. My name and nelson abeal. I live at 1325 northwest flanders street, Portland, 97209.

Wheeler: Good, and I cut you off. You still have time left.

Abeel: I have two paragraphs.

Wheeler: Pick you up where you were.

Abeel: I think that I was saying -- reading this section of the transfer availability needs to be revisited and strimts for transfers need to be totally tightened. If the joint benefit to the neighborhood preserving the older buildings and increasing the density of the new ones is to function correctly, then the transfers need to come from the immediate neighborhood. As a co-founder of the pearl district neighborhood association, past president from 1996 to 2003, renovator and resident of a historic building since 1992, I can assure the council that we embraced increased heights and densities where appropriate and that has been the crowning success of the district. This proposed building for northwest 12th and flanders is the wrong building for this location. Thank you. I'm done.

Wheeler: Thank you very much, nielson. Appreciate it.

Abeel: Thank you.

Karla: Next I show doug clotz.

Wheeler: Hi, doug.

Doug Klotz: Hello. Hi. Mayor wheeler and city commissioners, I oppose this appeal and support the hyatt and allison residences. This project will add 113 homes in area with excellent transit service, a bus streetcar and max nearby. There are several grocery stores within walking distance and thousands of jobs nearby. Residents in the apartments will likely drive less and walk, bike, or use transit more than the average Portlander. This - - Portlander. Depending on which -- Portlander. This could provide up to 23 units of affordable housing and we hear it will be on site. The appellant's arguments are not compelling. Their issues are not a part of design review and pbot has professionals who considered all the issues cited and walkers and cyclists. And for commissioner Fritz, the modern canopies that are glass and steel, mostly actually slope toward the buildings, so there isn't a line of dripping water at the edge -- at the drip line. They mostly drain back to the building. The height and also determined by zoning, not design review. This building at 250 feet high is only one-fifth higher than the 200-foot casey cond cond a -- condominium across the street. This design is compatible with the emerging form of the neighborhood. Height limits were reduced in the 13th avenue historic district and increases elsewhere in the south pearl at the neighborhood's request. I urge you to reject this appeal and allow this housing as well as the affordable units to be built. Thank you.

Wheeler: Thank you, doug. Appreciate it.

Karla: The last person I show is david --

Wheeler: Hi, david.

David Dysert: Hello. Good afternoon, mayor wheeler and commissioners. Thank you for the opportunity to speak. I'm david diceert, co-chair of our plunge and transportation committee. The organization has no relationship whatsoever with the appellant organization. I'm here to speak on my own behalf. I'm not here to speak on the specifics of the proposed building. I understand why many are challenged by this proposal, which sets a new precedent. -- sets a new precedent. There is a robust public record of all the

August 19 – 20, 2020

challenges and i'm proud of the work my committee has done in grappling with those challenges. I am here to speak about an issue I have with the appeal itself. In its final point, it cites the historic disenfranchisements of african-americans community displaced in the area. It asks us to honor that tragic history by building shorter buildings. We can have honest disagreements about development and design, context, and code. But it is disingenuous and cynical to use the argument of racial displacement for personal concerns over building height, density, or use. Requiring all future buildings remain one's own 15-story penthouse view has nothing to do with racial equity or honoring a people's history. This transparent co-opting of the issuing of equity is a cynical ploy that needs to be called out and soundly refuted. You must resoundingly reject this cynical justification. Thank you.

Wheeler: Thank you, david. And does that complete testimony, then? Public testimony?

Karla: Yes, that's all who I show signed that, mayor.

Wheeler: If they so choose, the appellant may take five minutes to rebut anything that they would like to rebut. You're muted there, I think.

Carrie Richter: Sorry about that. Thank you, honorable mayor, city councilors. First off, I want to sincerely apologize, commissioner eudaly, for mispronouncing your name and the misrepresentations about your involvement with vision zero. I am very sorry about that. And I appreciate that you will want to correct the record on those points with pboc representatives. Bodies -- applicants' obligation to design a compatible pedestrians realm and they have asserted that they don't have any obligation to deal with the street, to deal with anything other than sort of the sidewalk. And i'd like to point out that design guideline b2 obligates providing a successful right-of-way must recognizes the implications of mixing pedestrians, bicyclists, and motor vehicles. That's on page 65 of the guidelines. And right-of-way is defined in the code as, quote, an area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, rallyings, and all streets. A right-of-way would be dedicated or deeded to the public. So it talks about the right-of-way being the streets as well. Mr. Bremer testified that there are going to be five on-street parking spaces for all of the demands of this use and that -- as commissioner Fritz mentioned, the grocery delivery for the residents will happen on northwest 12th. And what mr. Bremer didn't say is that there will also be valet parking for the hotel on northwest 12th. So it's not just the residents that have to be served by five parking spaces but also the demands of 180-room hotel. On in tiny 100-foot linear space that is northwest 12th. And the applicant said, representative said there was no choice, that their hands are tied. They cannot use flanders. But they didn't have to build such a tall building. They didn't have to do it on a quarter-block. The record includes evidence of hotels, even the south pearl, that are half-block. Three-quarter block. So there's room to spread out the service needs of a hotel from the guest's needs and there just isn't enough room to fill the -- to fit all of these demands in a 100-foot space. I want to mention respond to mayor wheeler's comments about the bays on other buildings and the comparable buildings. We did submit into the record a setback survey of tall towers in the south pearl and they do show setbacks. The rodney that mr. Larson mentioned has three bays of setbacks from the historic district. And this building has six inches. Quickly I want to mention paying into the fund, I don't think that's good enough to protect and enhance the -- the greenway. It is an obligation to -- to invest the buildings with the resources and complement the resources. That's what the guidelines require. It's also important to point out that the guidelines have never been interpreted to evaluate a building of this height. Never once. So we are starting from scratch. And the examples that the applicant uses to say, oh, well, there's lots of imlitionz in the -- buildings in the south pearl that have concrete bases. Well, that may be true, but they also have as commissioner Fritz pointed out brick. Or they have punched windows. The casey has publicched windows. --

August 19 – 20, 2020

punched wadsworth. The casey reads like brick even though it is not a brick building. This building will not read like brick. Nobody in the design commissioner ever said that it would. I would commend to commissioner Fritz to take a look again at page 75 of the findings from central city 2035 which does talk about the area outside of historic districts. And notes that both the design guidance and building height are to be considered. The design commission had discretion to reduce height and they were not instructed that they had that authority. And would suggest -- let me -- i'll wrap this. Ify final sentence. -- my final sentence. They had that authority so in addition to the options that mr. Graves offered, I would commend to the council to consider remanding this case back to the design commission with instructions to consider height and massing on the table within the discretion of the design commission in order to achieve compliance with the design guidelines. For these reasons we ask you to deny the appeal and I truly appreciate your patience with all of this. Thank you.

Wheeler: Thank you. Could I ask you one question, just a follow-up to what you just said. Could you give the citation again to where you were referring specifically in the record that could give us guidance on your stipulation that there is discretion on part of the design review commission with regard to height and mass? Where specifically are you referring?

Richter: I submitted a letter today and in the letter, there is an attachment. And the attachment is an excerpt from the central city's findings from june.

Wheeler: Okay, good. I'll look for -- for that.

Richter: And it has -- I had just the first -- because it's 192-page document and I didn't want to just slam you with that. I gave you the exhibit cover and then I gave you page 74, 75, and 76.

Wheeler: Okay.

Richter: And it is in the middle of page 75.

Wheeler: Very good. I really appreciate that. I will look forward to seeing that. Commissioner Fritz has her hand up and then commissioner eudaly? Commissioner Fritz, you're still muted.

Fritz: I'm sorry. I'll been a long week. It's been a long year. I appreciate the citation. Does the central city -- is what we passed in june apply to this decision? Carey or lauren?

Richter: Well, I -- well, you asked me first. I'll go first and then you can turn to lauren when you don't like my answer. But -- [laughter] I think the answer is that it does apply because these are the interpretations of how the design guidelines are supposed to apply. And when the city council tells -- key clairs how the guidance -- declares how the guidelines are supposed to be applied, particularly when this applicant needs the height -- is using additional height in f.a. R. That they wouldn't otherwise have without twen central city 235, I think it's -- 2035, I think it's directly jermain.

Fritz: I got muted by the host. That's a new one. Thank you for the answer. I would suggest that in your written submittals, I have always believed that the design review process and the historic review process does allow the commissions to reduce height in relation to the -- in order to meet the guidelines. So I would suggest that we find the criteria from the -- outside of what we passed in june, because I think that might be open to question.

Richter: Thank you, and I appreciate that.

Wheeler: Commissioner Fritz, jermaine to that, and I -- germanee to that, since we are referring to 2035, it might be relevant to go back and look at staff testimony during the 2035 discussions, because my recollection is this issue came up. And --

Fritz: Well, it did mayor, but that was in relation to the historic review. And it's always been the case for as long as i've been involved in the planning here, which is 20 years, that design review and historic review can modify highlight. I would like lauren to clarify as

August 19 – 20, 2020

regard to the approval criteria for this plan and how central city 2035 getting referred plays into that, which -- which rulings apply to this case?

King: So the central city plan that you adopted this summer, which is the identical -- is the same code that they applied under. The code didn't -- are the applicable approval -- findings that supported the decision are the find, that supported -- findings that support the -- criteria now. I don't think it's the city's position that the findings were not relevant. I would suggest the council pose the question yes about whether or not the height is discretionary. It is my understanding that it is in fact discretionary. When you looked at -- when I looked at it, there was not a discussion that it was not discretionary. So perhaps art can speak to that a little bit more.

Art Graves: This is art. Ask everyone hear me?

Wheeler: Yes.

Fritz: Yes, thank you.

Graves: Great. I will just say that I don't absolutely recall the conversation that I had with the commission. But I think that what I do remember is that the commission was acknowledging that this was a very tall building. This was a different design that had -- this is something that was very new. And that was because of the change in height and the change in f.a. R. Allowance. And so I remember the discussion being less about discretionary and more about the process that they could -- that they could get the bonus height and the bonus f.a. R. That -- that's essentially what staff explained to them. -- explained to them.

Fritz: Thank you, I do believe moving forward it is very important to convey to our commissions what was written in the 2035 findings. And that it's still -- dependent on whether the design guidelines can be met. While you're here, though, could I discuss your question about the bicycle parking? We did some things in better homes by design to require bicycle parking within units, whether or not there is shared bicycle parking. So would that apply to these units, that the residential -- 113 residential units would be required to have separate bike parking within the unit?

Graves: Well, I guess -- I guess maybe just to kind of parse this out a little bit. There are a number of issues in this submittal where the terminology gets a little bit crossed. And with this one, the issue that the appellant is raising in regards to the short-term bike parking. Not the long-term bike parking. If I understand your question correctly, you're asking a long-term bike parking question, which the applicant has met. There's long-term bike parking proceeds on the site. So initially, they had -- proceeds on the site -- proposed on the site. They had asked for a modification to a part of that and they worked the problem and they don't need that anymore. But long-term bike parking is fully being met by this project.

Fritz: Thank you, that's helpful. And presumably the application was submitted before the filing, the --

Graves: Correct.

Fritz: Okay, thank you.

Wheeler: Thank you, commissioner eudaly?

Eudaly: Thank you, mayor. Just a quick question, because it's been a while since I walked down this particular street. Can someone tell me what is on the existing -- or what the existing building is on the site?

Wheeler: It's surface parking.

Fritz: It's surface parking.

Eudaly: That's what I thought. Thank you.

Wheeler: Commissioner eudaly, would you like -- since we're sort of at the -- we're now down to the council discussions, before we continue this. This is probably the right time to hear from p ball, if you wanted to -- p ball, if you wanted to.

August 19 – 20, 2020

Eudaly: I'm not sure who we have here. But I would appreciate it if someone could -- from pbot could just quickly respond to some of the concerns raised by the appellant.

Fabio de Freitas, Bureau of Transportation: Good afternoon, council. Thank you for the question. Commissioner eudaly, this is -- from p. Bot's development new section. That's a difficult question to address shortly. Only because many of the suggestions by the appellants have to do with the public realm aspect of the -- of the design guidelines, which is an item and issue that pbot typically doesn't weigh in on. I would just say from our experience in working this project, for some time now, that it is unlike many other properties in the downtown area in particular, especially given the fact that it's a quarter-block. We have with the new central city 2035, with the new street classifications in relation to the updated tsp, greater regulations to -- to protect and enhance the environment pedestrian environment, bicycle environment, and minimize or reduce the -- the need for vehicles around town. From our perspective, and again, this is not something that I believe was a pbot related matter to address during the course of the design review, but from our perspective, the project is satisfying all those new goals and objectives of the comprehensive plan, including to the best way possible protecting the extent of the new planters greenway, which is why early on we recommended that the applicant provide the required offsite loading spaces along northwest 12th avenue side of the building. And as has been identified throughout the hearing, we have severely constrained frontages here. 100 by 100 feet to try and accommodate all the programming of this proposed development while again doing what we can to minimize conflicts and impacts to pedestrians and bicyclists, most importantly. So without parking, the expectation is, which is not required, and has not been required since prior to 2035's adoption, given the rebused transit -- robust transit and multi-modal transportation opportunities around the site and beyond, I would suggest that this building is meeting those goals and objectives of minimizing additional vehicles on the road and in turn reducing significantly the vehicle trip generation that this multi-use building is going to generate. Are people using vehicles -- yes t hotel guests going to arrive by vehicle? Yes. But like we have entertained many other projects downtown, council is probably aware of a robust boom in the hotel industry in town, many of which I have reviewed. Many of which have have if not most did not have any on-site parking opportunities. So the expectation here like with the others is that the hotelier whether cob -- will be on tain an agreement with the nearby parking garage to utilize their parking facilities for the purpose of the hotel. When people living in the residential units own vehicles? Yes, are they going to be able to park along the streets 24/7? No, we're in a metered district and on-street parking is limited. So again, folks who will be living in the residential component of the building will have to find some other means to park their vehicles. It's not going to be within the public right-of-way. So from our perspective, there will be a significant reduction in vehicle trip generation resulting from actual -- actually resulting from the lack of parking on site. Are there be additional conflicts than exist today? Of course, as was just responded to the existing use on the site is a small surface parking lot. So any type of building, any scaled building, any use that's allowed here is going to result in additional conflicts that aren't present today. From our perspective, the programming of the building, the location of the various transportation elements of the project and operations, has done its best to minimize those conflicts to the extent position. Is this any different from anywhere else in the downtown core area? I would have to argue no. We're in the central city. Streets are constrained. Streets are congested and that's expected in a downtown core area. I have rambled on now. I hope I have answered your question.

Eudaly: Yes, thank you, fabio. When you highlighted one of the points I wanted to make was there's nothing unique about the parking situation. Most residents of downtown Portland who own cars aren't attempting to park on the street 24 hours a day because it's

August 19 – 20, 2020

a metered district. So either the residents of this building won't own vehicles or they will park in parking garages or other nearby surface lots. The only other question I had is at some point it was suggested by someone that the sidewalk width was inadequate -- width was inadequate but I believe that it's 12 feet on both frontages which meets our current criteria. Is that correct?

De Freitas: Second question, thank you, commissioner -- excellent question, thank you, commissioner Eudaly. You are correct and I recall that comment being made as well as a suggestion that the street is narrower than our standard and that's not the case either. So we're in the river district. The recognized right-of-way widths for both flanders and for 12th avenue are 60 feet wide, with 36-foot wide roadways curb to curb and 12-foot wide sidewalk quarter. That will be remained in terms of overall width in relation to this project, the sidewalks. So by no means is the existing sidewalk quarter substandard. I would just add to my earlier testimony, too, and it's not a significant gain. But because of the use of the current property as a surface parking lot, the majority of the length of the frontage along flanders is now a large curb cut. So when the building gets built, they will be reconstructing the sidewalk corridor, closing off that existing curb cut that covers most of the length of this frontage, and thereby increasing the existing on-street parking capacity that's out there today.

Eudaly: Thank you.

De Freitas: Thank you.

Wheeler: Commissioner Fritz, you had your hand up?

Fritz: Thank you. I have two questions. Could you remind us what the short-term bicycle parking provision is?

De Freitas: I'm sorry. Commissioner Fritz, this is Fabio. Is that a question to me?

Fritz: Yes, please.

De Freitas: I don't know the answer to that question. I suspect art might have had that reference in his staff report. I can look that up while we're proceeding here.

Fritz: Or you can -- you don't have to answer it right now. I would just like to better understand you know, one of the ways that we encourage people -- we've encouraged people not to have cars. It's just they have bikes. So particularly with there being a cafe and a bar and such in the hotel, it's reasonable to think that people might be arriving by bike and I wonder where they're parking. But you can get me back later on that. My other question is thinking at the Hilton hotel which has valet parking and the stretch of Broadway that is only for valet parking, how much of the five spaces would be taken up by a valet parking zone? And would there be any left for the home residents to get their deliveries?

De Freitas: Thank you for the question, commissioner Fritz. So the -- what used to be called the hotel or valet zone is now -- we're trying to change it to passenger loading and unloading zone. That's going to be located on the northwest 12th avenue side of the project. Again, it was mentioned earlier on during this hearing that this is not typically an issue that's resolved or addressed as a need in terms of the land use proceedings. But this was a very integral part of the project and the neighbors weighed in. They were curious about about this issue. So we have resolved to place the hotel loading and -- partner loading and unloading zone along 12th avenue. Typically, that's a length of a single passenger vehicle. Our preference moving forward is to accommodate larger tourist buses and what not and we're certainly not going to have that availability along the 12th avenue frontage with the requirement for the on-site loading spaces take -- occupying significant length of that curb cut or of that property line.

Fritz: And I guess the question that I have for the applicants, not the appellant, for the applicant is, is the expectation that if somebody gets a grocery delivery, that they will go inside the building? And that they -- person from the home would go down to get it?

August 19 – 20, 2020

Larson: I think the expectation is that the -- the delivery person would bring it to a place within the building. And the question was will they explicitly use the on-site loading? Probably not. That's not what happens these days.

Fritz: Okay, thank you.

Wheeler: All right. Thank you. Any -- kara, you have your hand up?

Kara Fioravanti, Bureau of Development Services: I did, thank you, mayor wheeler. This is with pbs design review. And I just wantedes to maybe -- wanted to help clarify a bit more the questioning about -- is height f.a. R. An entitlement or is it discretionary through a land use review. I'd like to read a citation from the zoning code. I think this is going to help -- zoning code. I think this is going to help explain it is discretionary. Let me just pull it up here. So 33825035, factors reviewed during design review. The review may evaluate the architectural style, structure placement, dimensions, height, and bulk and it goes on to -- height, and bulk and it goes on to explain other factors as well. So if you read height and bulk, that gives the jurisdiction of design review to be discretionary with these factors. We look at zoning code standards as allowances and not necessarily as requirements. They're maximums but they're not required to be a part of applications. So hopefully that helps a little bit more clarify discretion versus entitlement.

Wheeler: Thank you, kara. All right. Good. Anything else before we continue this conversation? Commissioner Fritz?

Fritz: I just have one question back to art. At the beginning of the was -- it was stated that the -- through the window? And then the applicant said some of the models were not the ones that are currently being proceeds. Could you clarify if I look through the 1900 building, am I going to see what's being proposed or am I going to see an earlier version?

Graves: To be honest with you, when I went down -- so you know, because of covid, i'm not in the 1900 building and when I went to see the model, I actually did it kind of quickly to see if it was visible. So I was -- I was really just trying to see how clearly one could view the models from where they -- how clearly one could view the models from outside the building where they were placed. I didn't sit there and kind of study whether -- what design it was. I -- I guess I took for granted that the appellant would submit an accurate model regarding what was --

Fritz: Thank you. Gary --

Larson: I had visited the site and i've taken photographs. I visited the building and taken photographs. Yes, as we explained in our presentation, the model is made showing an earlier version of the project. The whole point of the -- of the development process and the time that the staff graciously took was between hearing one and hearing two, was to address this problem, the question of mass, the question of setbacks, the question of building sculpting. And so to show -- and in fact this is the wrong -- wrong building described -- or displayed in the city building. So what we have shown in our -- in our slide show was a comparative slide that showed the end of hearing one on the left and the new building on the right. And we can provide that certainly as we -- as we conclude this process. Or this meeting.

Fritz: Yes, that would be very helpful if you could submit that for the record and i'll use that and I won't necessarily go down to see through the window in 1900.

Larson: Very good.

Wheeler: All right, very good. We have Carrie wanted to get a comment in. Carrie, you're muted.

Richter: Sorry. I just wanted to respond really quickly that I think that what Mr. Larson is saying is correct, that the models that are in the 4th avenue building do not show the additional setbacks that was added, pushing the building back so it's not -- two feet on the north side and two feet on the west side. Both at the street level to allow cafe labels, but the vertical panels will still come up to the edge of the sidewalk. There are details in the

August 19 – 20, 2020

modified design that was approved that is not reflected in the models. But I would commend commissioner Fritz to go down and take a look at them because they do show the outside massing and they do show a street comparison that was not shown at the hearing today. And is accurate. Thank you.

Larson: Excuse me. I have to disagree with you, care Carrie.

Wheeler: I'm sorry?

Larson: I say -- this is Gary again. I am in disagreement with what Carrie is saying, because it does make a significant difference to see the setbacks. As I explained it was a three-foot setback from the street to the middle portion of the building and another two to make five feet setback from the property line. It is significant. So I think that using that model that's on addition play is -- on display gives it a false impression.

Wheeler: Okay. We'll have that as a point of contention. Very good. And Carrie, do you have your hand raised again or did you just forget to put it down?

Richter: I'm sorry about that. I forgot to put it down. Thank you.

Wheeler: Do you have something else to add -- very good. Thank you.

Richter: No, I didn't know I had to put it down.

Wheeler: Yeah.

Richter: Sorry.

Wheeler: When you're done, you have to put it down. Fabio, did you have something else to add or is your hand still up?

De Freitas: I do. If it's possible, Mayor.

Wheeler: Yeah, go for it.

De Freitas: Thank you very much for the additional opportunity. I just wanted to further address commissioner Fritz's concerns about what's happening with grocery deliveries and what not. So first I would say that we do the best that we can to minimize impacts to the right-of-way with our review of projects. And our review of this project was very limited in terms of what we were able to address in relation to approval criteria. What I will say, though, to your concern, commissioner Fritz, is around the subject block itself, and beyond, there are multiple -- currently there are multiple, numerous existing truck loading zones. Including one right across the street from the subject site on the north side of Flanders. That can be utilized for someone quickly coming in to drop off a bag of groceries or what have you. So to -- hopefully it addresses some of your concerns. Yes, parking along the site frontage is limited. Will be limited. However, there are many opportunities around the block itself and beyond in close proximity to this block for folks to utilize existing truck loading zones to do the operations that they need to do.

Wheeler: Very good. Thank you, Fabio.

De Freitas: Thank you.

Wheeler: All right. Any further questions, colleagues? Very good. The evidentiary record in this matter is going to remain open for seven days until Thursday, August 27th, 2020, at 5:00 p.m. Anyone wishing to submit additional written testimony or information should submit to it the council clerk within seven days from today by 5:00 p.m. On August 27th, 2020, after which the record will remain open for seven more days, until 5:00 p.m. On Thursday, September 3rd, 2020, for submittal of rebuttal. Any rebuttal must be submitted to the council clerk by that time. The record will then close and anything submitted after that date will not be considered by the council. We will continue this item until September 16th at 10:00 a.m. Council will make a tentative decision on that date. From.

King: Mayor, I'm going to jump in. Because the applicant did request seven days for final written argument by statute, they are entitled to that. So I'll just repeat the dates again. The record will remain open until the 27th at 5:00 p.m. For any new evidence. It will then remain open seven more days until September 3rd, at 5:00 p.m., for rebuttal of that new evidence. And then the applicant is entitled to final written argument for seven days, which

August 19 – 20, 2020

will end on september 10th at 5:00 p.m. And as the mayor said t council continue the hearing until september 16th at 10:00 a.m. To hopefully make a tentative decision.

Karla: Just for quick -- I have 10:15 a.m --

King: 10:15 a.m. On the 16th?

Karla: I'm double-checking here right now. Yes, that what I have.

King: I defer to you. September 16th at 10:15 a.m. Is the next date when council will consider this item.

Wheeler: Very good. Colleagues, any further business? Seeing none, thank you, everybody, for your testimony today and your presentations and answering all of our questions. We are adjourned.

At 4:24 p.m., Council adjourned.