



January 10-11, 2024 Council Agenda

5747

Council Chambers in City Hall are closed for renovations.

In accordance with Portland City Code and state law, City Council holds hybrid public meetings, which provide for both virtual and in-person participation. Members of council will attend virtually. Space is available for community members to watch council meetings and provide public testimony in the Lizzie Weeks Room at the Portland Building at 1120 SW Fifth Avenue, Room 100, Portland, OR 97204. The City makes several avenues available for the public to listen to and watch the broadcast of this meeting, including the [City's YouTube Channel](#), the [Open Signal website](#), and Xfinity Channel 30 and 330.

Questions may be directed to councilclerk@portlandoregon.gov

Wednesday, January 10, 2024 9:30 am

Session Status: Recessed

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Naomi Sheffield, Senior Deputy City Attorney; Keelan McClymont, Council Clerk

Motion to elect Commissioner Mapps President of the Council: Moved by Wheeler and seconded by Rubio. (Y-5)

Motion to hold Council meetings at the 1900 Building, 1900 SW 4th Ave., beginning the week of January 16th, 2024 until Council Chamber renovations are complete at City Hall: Moved by Wheeler and seconded by Mapps. (Y-5)

The Consent Agenda was adopted on a Y-5 roll call.

Council recessed at 11:33 a.m. and reconvened at 11:43 a.m.

Council recessed at 1:11 p.m.

Communications

1

[Request of Joanne Rees to address Council regarding Reedway Safe Rest Village](#) (Communication)

Document number: 1-2024

Disposition: Placed on File

2

[Request of Kathleen Sharp to address Council regarding parks in Northwest Portland](#) (Communication)

Document number: 2-2024

Disposition: Placed on File

3

[Request of Micha Palmer to address Council regarding homelessness and property theft](#) (Communication)

Document number: 3-2024

Disposition: Placed on File

4

[Request of Gregory Fisher to address Council regarding light rail lawsuit](#) (Communication)

Document number: 4-2024

Disposition: Placed on File

5

[Request of Jan Verrinder to address Council regarding safe biking and pedestrian infrastructure](#)
(Communication)

Document number: 5-2024

Disposition: Placed on File

Time Certain

6

[Proclaim the second week of January 2024 to be Slavic and Eastern European Heritage week](#) (Proclamation)

Document number: 6-2024

Introduced by: Mayor Ted Wheeler; Commissioner Mingus Mapps

Time certain: 9:45 am

Time requested: 20 minutes

Disposition: Placed on File

7

[Accept the City of Portland 2024 Federal Legislative and Regulatory Agenda](#) (Report)

Document number: 7-2024

Introduced by: Mayor Ted Wheeler

Bureau: Government Relations

Time certain: 10:05 am

Time requested: 30 minutes (1 of 2)

Disposition: Accepted

Motion to accept the report: Moved by Mapps and seconded by Gonzalez.

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

8

[Accept the City of Portland 2024 State Legislative Agenda](#) (Report)

Document number: 8-2024

Introduced by: Mayor Ted Wheeler

Bureau: Government Relations

Time certain: 10:05 am

Time requested: 30 minutes (2 of 2)

Disposition: Accepted

Motion to accept the report: Moved by Ryan and seconded by Mapps.

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

Consent Agenda

9

[*Approve revisions to the Human Resources Administrative Rules related to General and Administrative Leaves of Absence and Military Leave \(amend HRAR 6.01 and 6.07\)](#) (Emergency Ordinance)

Document number: 191570

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Human Resources

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

10

[*Authorize Intergovernmental Agreement with Peninsula Drainage District No. 1 for repair and short-term emergency response of the Portland International Raceway Pump Station](#) (Emergency Ordinance)

Document number: 191571

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

11

[Amend Business License Law Code related to Residential Rental Registration Program \(amend Code Sections 7.02.100 and 7.02.890\)](#) (Ordinance)

Document number: 191586

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue Division

Disposition: Passed to second reading

Passed to second reading January 17, 2024 at 9:30 a.m.

12

[Accept and appropriate grant for \\$51,425 from the State of Oregon Department of Emergency Management for the FY 2023 State Homeland Security Program](#) (Ordinance)

Document number: 191572

Introduced by: Mayor Ted Wheeler

Bureau: Police

Second reading agenda item 1059

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

13

[*Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Shortstack Fremont located at 32 NE Fremont St](#) (Emergency Ordinance)

Document number: 191573

Introduced by: Commissioner Carmen Rubio

Bureau: Housing Bureau

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

14

[Authorize the Portland Housing Bureau to charge direct, indirect, and administrative costs to bureau funds for effective and consistent administration of housing policy and programs](#) (Ordinance)

Document number: 191587

Introduced by: Commissioner Carmen Rubio

Bureau: Housing Bureau

Disposition: Passed to second reading

Passed to second reading January 17, 2024 at 9:30 a.m.

15

[*Accept and appropriate grant for \\$60,000 from State of Oregon Department of Land Conservation and Development for the Housing Production Strategy – BIPOC Outreach Project \(Emergency Ordinance\)](#)

Document number: 191574

Introduced by: Commissioner Carmen Rubio

Bureau: Planning and Sustainability (BPS)

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

16

[Consent to the transfer of a residential solid waste, recycling, and composting collection franchise from Elmer's Sanitary Service LLC to Waste Management of Oregon, Inc. \(Ordinance\)](#)

Document number: 191575

Introduced by: Commissioner Carmen Rubio

Bureau: Planning and Sustainability (BPS)

Second reading agenda item 1064.

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

17

[Authorize Intergovernmental Agreement with Portland Community College for services provided by the Community Legal and Educational Access and Referral Clinic in partnership with the Immigrant and Refugee Program \(Ordinance\)](#)

Document number: 191589

Introduced by: Commissioner Dan Ryan

Bureau: Office of Community & Civic Life

Disposition: Passed to second reading

Passed to second reading January 17, 2024 at 9:30 a.m.

18

[Authorize Intergovernmental Agreement and Amendments between Metro and the City through the Bureau of Emergency Communications for regional mapping and Geographic Information System data not to exceed \\$85,000](#) (Ordinance)

Document number: 191590

Introduced by: Commissioner Rene Gonzalez

Bureau: Emergency Communications (9-1-1)

Disposition: Passed to second reading

Passed to second reading January 17, 2024 at 9:30 a.m.

19

[*Accept grant for \\$1,780,591 from U.S. Department of Energy, authorize an Intergovernmental Agreement for the Park and Charge: Leveraging Utility Pole-Mounted Chargers to Increase Access to Overnight EV Charging in Portland, Oregon grant, and appropriate \\$750,000 in FY 2023-24](#) (Emergency Ordinance)

Document number: 191576

Introduced by: Commissioner Mingus Mapps

Bureau: Transportation

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

Regular Agenda

20

[Authorize City Attorney to pursue review by Writ of Mandamus of the Opinion and Order on Plaintiffs' Motion for a preliminary injunction issued in Duncan v. City of Portland](#) (Resolution)

Document number: 37644

Introduced by: Mayor Ted Wheeler

Bureau: City Attorney

Time requested: 15 minutes

Disposition: Adopted

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

21

[Adopt the Budget Calendar for FY 2024-25](#) (Resolution)

Document number: 37645

Introduced by: Mayor Ted Wheeler

Bureau: City Budget Office

Time requested: 15 minutes

Disposition: Adopted

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

22

[*Approve revisions to the Human Resources Administrative Rule for Gender Identity and Non-Discrimination \(amend HRAR 2.04\)](#) (Emergency Ordinance)

Document number: 191577

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Human Resources

Time requested: 15 minutes

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

23

[Authorize Price Agreements with Hicks Striping & Curbing, LLC and Specialized Pavement Marking, LLC to furnish on-call traffic striping and signing for \\$1 million per agreement \(Procurement Report - ITB 00002141\)](#) (Report)

Document number: 23-2024

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services

Time requested: 15 minutes

Disposition: Accepted - Prepare Contract

Motion to accept the report: Moved by Mapps and seconded by Rubio.

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

24

[*Pay settlement of Angelica Clark bodily injury lawsuit for \\$158,000 involving the Portland Police Bureau](#) (Emergency Ordinance)

Document number: 191578

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services; Risk Management

Time requested: 15 minutes

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

25

[*Pay settlement of Rodya Hutwagner bodily injury lawsuit for \\$100,000 involving the Portland Bureau of Transportation](#) (Emergency Ordinance)

Document number: 191579

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services; Risk Management

Time requested: 15 minutes

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

26

[Authorize revenue bonds to provide not more than \\$53,430,000 to finance Veterans Memorial Coliseum projects](#) (Ordinance)

Document number: 191593

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services

Time requested: 15 minutes

Disposition: Passed to second reading

Passed to second reading January 17, 2024 at 9:30 a.m.

27

[*Authorize contract with Washington Park Transportation Management Association for transportation and visitor management services](#) (Emergency Ordinance)

Document number: 191580

Introduced by: Commissioner Dan Ryan

Bureau: Parks & Recreation

Time requested: 10 minutes

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

28

[Amend Building Regulations Code to adopt portions of the 2021 International Building Code, the State of Oregon 2023 Edition of the Oregon Residential Specialty Code, and the 2022 Edition of the Oregon Structural Specialty Code \(amend Code Sections 24.10.040 and 24.10.072, add Code Section 24.10.150\)](#) (Ordinance)

Document number: 191581

Introduced by: Commissioner Carmen Rubio

Bureau: Development Services

Second reading agenda item 1078

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

29

[Amend City Code to update certain boards of appeal terms, reduce the number of alternate members, and make other process changes \(amend Code Titles 24, 25, 26, and 27\)](#) (Ordinance)

Document number: 191582

Introduced by: Commissioner Carmen Rubio

Bureau: Development Services

Second reading agenda item 1079

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

30

[*Amend Property Tax Exemption Code and System Development Charges for Affordable Housing Developments Code to temporarily enable homeownership opportunities for households earning up to 120 percent of median family income \(amend Code Sections 3.102.040 and 30.01.095\)](#) (Emergency Ordinance)

Document number: 191595

Introduced by: Commissioner Carmen Rubio

Bureau: Housing Bureau

Time requested: 15 minutes

Disposition: Passed to second reading as amended

Motion to remove the emergency clause: Moved by Rubio and seconded by Mapps. (Y-5)

Passed to second reading as amended January 17, 2024 at 9:30 a.m.

31

[Declare as surplus City-owned property at 3737 N Emerson St and adjacent recreational lot and authorize a public sale of the property](#) (Ordinance)

Document number: 191583

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Second reading agenda item 1072

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

32

[*Authorize emergency construction contracts with Orr Inc., for an estimated amount of \\$1,885,610 for drinking water well repairs and upgrades](#) (Emergency Ordinance)

Document number: 191584

Introduced by: Commissioner Mingus Mapps

Bureau: Water

Time requested: 5 minutes

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

Wednesday, January 10, 2024 2:00 pm

Session Status: Recessed

Council in Attendance: Mayor Ted Wheeler
Commissioner Carmen Rubio
Commissioner Dan Ryan
Commissioner Rene Gonzalez
Commissioner Mingus Mapps

Mayor Wheeler presided.

Commissioner Mapps arrived at 2:02 p.m.

Officers in attendance: Lauren King, Senior Deputy City Attorney; Keelan McClymont, Council Clerk

Council recessed at 2:50 p.m. and reconvened at 3:00 p.m.

Council recessed at 6:19 p.m.

Time Certain

33

[Amend Property Tax Exemption for Multiple-Unit Housing Development Code and Inclusionary Housing Code to make technical corrections and adjust the property tax exemption for multiple-unit housing developments \(suspend foregone revenue cap in Ordinance 188358; amend Code Chapter 3.103 and Code Section 30.01.120\)](#)
(Ordinance)

Introduced by: Commissioner Carmen Rubio

Bureau: Housing Bureau

Time certain: 2:00 pm

Time requested: 1 hour

Disposition: Passed to second reading

Passed to second reading January 31, 2024 at 10:00 a.m. Time Certain

[Amend the Planning and Zoning Code to adopt temporary suspensions and permanent clarifications to development and process regulations as part of the Housing Regulatory Relief Project \(amend Code Title 33\)](#)
(Ordinance)

Introduced by: Commissioner Carmen Rubio

Bureau: Planning and Sustainability (BPS)

Time certain: 3:00 pm

Time requested: 2 hours

Oral record is closed. Written record closed January 12, 2024 at 5:00 p.m.

Disposition: Continued

Rubio Amendment 1 - Motion to align regulations with recent state law changes, remove out-of-date language, and change some regulations to align with Title 30 inclusionary housing processes: Moved by Rubio and seconded by Mapps. Vote not called.

Rubio Amendment 2 - Motion to clarify application of the ground floor window requirement in the Central City plan district: Moved by Rubio and seconded by Mapps. Vote not called.

Rubio Amendment 3 - Motion to further reduce Design Review procedures temporarily for affordable housing projects: Moved by Rubio and seconded by Mapps. Vote not called.

Gonzalez Amendment 4 - Motion to reinstate staff's original proposal to temporarily suspend bird-safe glazing requirement in the River overlay zone and Central City plan district when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. Vote not called.

Gonzalez Amendment 5 - Motion to Replace Planning Commission's ecoroof recommendation with staff's original proposal to temporarily suspend the ecoroof requirement in the Central City plan district when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. Vote not called.

Gonzalez Amendment 6 - Motion to temporarily suspend the 35 day deadline to post the neighborhood contact sign and send notification to recognized organizations when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. Vote not called.

Gonzalez Amendment 7 - Motion to amend directive D to add 33.475.235.B, 333.510.223.B, and 33.510.243.B.: Moved by Gonzalez and seconded by Ryan. Vote not called.

Continued to January 17, 2023 at 2:00 p.m. Time Certain

Thursday, January 11, 2024 2:00 pm

Session Status: Adjourned

Council in Attendance: Mayor Ted Wheeler
Commissioner Carmen Rubio
Commissioner Dan Ryan
Commissioner Rene Gonzalez
Commissioner Mingus Mapps

Mayor Wheeler presided.

Commissioner Ryan arrived at 2:02 p.m.

Officers in attendance: Linly Rees, Chief Deputy City Attorney; Keelan McClymont, Council Clerk

Council adjourned at 4:36 p.m.

Time Certain

35

[Consider appeal by the West Portland Park Neighborhood Association against the Hearings Officer's decision to approve with conditions a Conditional Use Master Plan and Adjustment Review for improvements to athletic facilities at Jackson Middle School \(LU 22-185273 CU MS AD\)](#) (Report)

Introduced by: Commissioner Carmen Rubio

Bureau: Development Services

Time certain: 2:00 pm

Time requested: 90 minutes

Disposition: Tentatively deny appeal and uphold decision of Hearings Officer

Motion to the extent that there are new facts or other new evidence in the oral statements today or submitted in written testimony, the Council intends to reject and will not consider that evidence as part of their final decision, and that will be reflected in the findings: Moved by Mapps and seconded by Ryan. (Y-5)

Motion to tentatively deny appeal and uphold the decision of the Hearings Officer, ask the applicant to add the condition proposed on October 20, 2023, prepare revised findings, and work with staff to return to Council with revised findings: Moved by Wheeler and seconded by Mapps.

Prepare Findings for January 31, 2024 at 10:10 a.m. Time Certain

Votes: Commissioner Carmen Rubio Yea
Commissioner Dan Ryan Yea
Commissioner Rene Gonzalez Yea
Commissioner Mingus Mapps Yea
Mayor Ted Wheeler Yea

**Portland City Council Meeting Speaker List
January 10, 2024 - 9:30 a.m.**

Name	Title	Agenda Item
Ted Wheeler	Mayor	
Keelan McClymont	Council Clerk	
Carmen Rubio	Commissioner	
Dan Ryan	Commissioner	
Rene Gonzalez	Commissioner	
Mingus Mapps	Commissioner	
Naomi Sheffield	Senior Deputy City Attorney	
Joanne Rees		1
Skyler Brocker-Knapp	Senior Policy Advisor, Office of Mayor Wheeler	1
Jan Verrinder		5
Svetlana Hedin	Slavic Empowerment am co-Chair	6
Irena Cheredayko	Outreach and Access Specialist, IRCO Slavic and Eastern European House	6
Zoya Surits	Franklin High School, Russian language	6
Sam Chase	Director, Office of Government Relations	7
Clare Stanfield		7
Robert Taylor	City Attorney	20
Tim Grewe	City Budget Office Director	21
Christina Fadenrecht	Senior Policy and Program Analyst	22
Aubri Qian	LGBTQIA2S+ Analyst City of Portland Office of Equity and Human Rights	22
Kathleen Brenes-Morua	Procurement Services Manager	23
Beth Woodard	Senior Deputy City Attorney	24
Marc Poris Portland Copwatch		24
Angelica Clark		24
Lawrence Ray Clark		24
Dina Clark		24
Caroline Turco		25
Matthew Gierach	Debt Manager	26
Karl Lisle	External Partnerships and Programs	26

Todd Lofgren	Parks and Recreation -Deputy Director	27
Michael Buonocore	Interim Housing Director	30
Dory Hellyer	Program Manager	30
Justin Wood		30
Preston Korst		30
Jodie Inman	Chief Engineer	32

**Portland City Council Meeting Speaker List
January 10, 2024 - 2:00 p.m.**

Name	Title	Agenda Item
Ted Wheeler	Mayor	
Keelan McClymont	Council Clerk	
Carmen Rubio	Commissioner	
Dan Ryan	Commissioner	
Rene Gonzalez	Commissioner	
Mingus Mapps	Commissioner	
Lauren King	Senior Deputy City Attorney	
Michael Buonocore	Interim Housing Director	33
Jessica Conner	Housing Program Coordinator	33
Sarah Zahn	Director of Development, Security Properties	33
Stef Kondor	Senior Vice President of Development, Related Northwest	33
Matt Fairris	Vice President, BAE Urban Economics	33
Michael Anderson		33
Tim McCormick		33
Jessy Ledesma		33
Jonathan Greenwood		33
Sandra Wood	Principal Planner	34
Phil Nameny	Project Manager	34
Mary-Rain O'Meara	Chair, Portland Planning Commission	34
Patricia Diefenderfer	Chief Planner	34
Linly Rees	Chief Deputy City Attorney	34
Chris Smith		34
Robert Sallinger		34
Walter Weyler		34
Doug Burges		34
Samuel RODRIGUEZ		34
Preston Korst		34
Dave Peticolas		34
Dave Otte		34

Vincent Greer		34
Heather Flint Chatto		34
Claude Sakr		34
Olyssa Starry		34
Doug Klotz		34
	Portland Historic Landmarks	
Andrew Smith	Commissioner	34
Brian McCarter	Portland Design Commissioner	34
Christe White		34
Allison Reynolds		34
Isaac Johnson		34
Lauren Jones		34
Jake Sly		34
Cassidy Bolger		34
Maabi Muñoz		34
Mel George		34
Lajune Thorson		34
Susan Harris		34
Jonathan Clay		34
Gus Baum		34
Anselm Fusco		34
Damien Tarlow		34
Jerald Powell		34
Joe Swank		34
Chandra Robinson		34
Dr. Tony Kelly		34
Micah Meskel		34
Jon Isaacs		34
Erica Thompson		34
Steph Routh		34
wade johns		34
Mark Dane		34
Michael Pouncil		34
Tim McCormick	Housing Alternatives Network	34
John Sieling		34
David Schoellhamer		34
Xavier Stickler		34
DANIEL MANNING		34
Eric Hagstette		34

Erik Cole	34
lynn handlin	34
Mary Coolidge	34
Aaron Brown	34
Elizabeth Morris	34
Kevin Clark	34

**Portland City Council Meeting Speaker List
January 11, 2024 - 2:00 p.m.**

Name	Title	Agenda Item
Ted Wheeler	Mayor	
Keelan McClymont	Council Clerk	
Carmen Rubio	Commissioner	
Dan Ryan	Commissioner	
Rene Gonzalez	Commissioner	
Mingus Mapps	Commissioner	
Linly Rees	Chief Deputy City Attorney	
Andrew Gulizia	City Planner	35
Javier Moncada	President, West Portland Park Neighborhood Association	35
Alexis Barton		35
Rebecca Crosby		35
Betty McArdle		35
Linn Andren		35
Madeleine Denko		35
Megan Ferrell		35
Nichole Aue		35
Leah Peterson		35
Teresa Peterson		35
Bill Dant		35
Kathy Fetty		35
Peter Limbaugh		35
Gary Runde		35
Rachelle Steinberg		35
Keborah Andren		35
Sharon Keast		35
Marianne Fitzgerald		35
Terri Preeg Riggsby		35
Qwynci Bowman		35

Eric Taxer		35
Christe White	RADLER WHITE PARKS & ALEXANDER LLP, Founding partner (Representing the applicant)	35
Heidi Bertman		35
Michael Nolan		35
Edward Kuehnel		35
Dan Webert		35
Peyton Chapman		35
Amanda Fritz		35
Ella Ruth		35

Portland City Council Meeting Closed Caption File

January 10, 2024 – 9:30 a.m.

This file was produced through the closed captioning process for the televised city Council broadcast and should not be considered a verbatim transcript. The official vote counts, motions, and names of speakers are included in the official minutes.

Speaker: 24 session of the Portland City Council. Keelan please call the roll.

Speaker: Good morning. Yea. Rubio here. Yea. Ryan. Here. Gonzalez Mapps here. Miller. Here

Speaker: Uh, before we hear from legal counsel on the rules of order and decorum, um, there's two items of business I want to cover quickly. Here, up front. First of all, uh, happy new year, everyone. This is our first meeting of 2024. And of course, that means that we're going to be electing a new City Council president. I want to thank commissioner Rubio for her service over the last six months in this role. And commissioner, I particularly want to appreciate the fact that you had to step in a couple of times when I was not able to be here in person, uh, in on the order of rotation. It is now or excuse me, it is now. Commissioner Mapps turn to be elected president of the City Council. I move the election of commissioner Mapps to be president of the Portland City Council. Can I please get a second?

Speaker: Second?

Speaker: I got a second from commissioner Rubio who could not move faster to pass the gavel to commissioner Mapps. Uh Keelan. Please call the roll. Rubio i, Ryan Gonzalez, hi ups.

Speaker: I just want to say it's an honor to serve in this capacity. I vote I miller I want to thank you, commissioner Mapps, for stepping into this role.

Speaker: I vote I and the appointment is approved. And next up, I'd like to also share some timely news as we continue to move forward in our charter transition work. Starting next week. City Council meetings will resume in person at the development services building, while council chambers and city hall are being renovated. Both in person and virtual options for participating in our sessions will be available. We have been notified by legal counsel that because there may be some code that specifically refers to the location of City Council, we would like to formally vote to move the council sessions to the 1900 building. So with that I move that we hold council meetings at the 1900 building, 1900 southwest fourth avenue, beginning in the week of January 16th, 2024, until the council chamber renovations are complete at Portland city hall. Can I please get a second, second, second from commissioner Mapps? Thank you. Keelan, please call the roll.

Speaker: Rubio. I Ryan I Gonzalez I apps I Wheeler I the motion carries.

Speaker: Please note council will meet in room 2500 on the second floor of the 1900 building. Our first council session at that new location will be on January 17th. Next week at 9:30 a.m. I'll now pass it to the city attorney to go through the rules of order and decorum. Good morning.

Speaker: Good morning. Welcome to the Portland City Council to testify before council in person or virtually, you must sign up in advance on the council agenda at [Portland dot gov slash council slash agenda](http://Portland.gov/council/agenda). Information on engaging with City Council can be found on the council clerk's web page. The presiding officer preserves order and decorum during City Council meetings. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated, a timer will indicate when your time is done.

Disruptive conduct such as shouting, refusing to conclude your testimony when your time is up or interrupting others testimony or council deliberations will not be allowed. If you cause a disruption, a warning will be given further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally, council may take a short recess. Your testimony today should address the matter being considered when testifying, state your name for the record. Your address is not necessary. Disclose if you are a lobbyist and if you are representing an organization, please identify it. For testifiers who are joining virtually, please unmute yourself. Once the council clerk calls your name. Thank you all right.

Speaker: Uh, being that this is our first meeting of the year, we roll the agenda all the way back to the beginning. First up is communications item zero zero. No. 011.

Speaker: Request of joanne reese to address council regarding roadway safe rest village. Good morning, joanne. Joanne you're muted.

Speaker: This is a sweater. Yeah. Here we go. Thank you joanne volunteer with lynn strong housing team making lents a home for all our neighbors. Safe rest village roadway stakeholder like stakeholders from other srvs. I'm resorting to public communications. Was given only three minutes. I will forward background as written testimony. Community engagement around svc freeway has been unacceptably tokenized and we can have no opinion about urban alchemy's srb roadway operations because despite its being in operation since July 2023, the srb team has yet to arrange an introduction in len strong housing team supports prison reentry. Second chance programs as reducing recidivism and removing a major impediment to securing housing. As author matthew desmond reminded, without stable housing, everything falls apart. However the city's gatekeeping for urban alchemy is eroding. Community trust. We are currently relying on hearsay and a

multi-part street route series by jeremiah hayden. Srb team discontinued stakeholder meetings. In October 2022. Stakeholder owners were never invited to the tour of srb roadway. In July 2023, srb team refused to allow us a meet and greet similar to those organized by cultivate initiatives at menlo park. We've been trying since October 2023 to get a meeting with someone from the mayor's office without any acknowledgment. On January 5th, 2024, and a response to an inquiry about a good neighbor agreement. We were referred to a meeting being hosted by ellen la. This Thursday, with the emergency humanitarian director and an sv team member. The following day, our family received a postcard about a January 22nd listening session from 5:30 to 6:30 p.m. With urban alchemy and the city shelter team to discuss the expansion of the sv is sv roadway being transformed into a mass encampment, there is trauma associated with mass internment camps and with sweeps, both to unhoused and housed neighbors, many of whom in lents are immigrant refugee with histories of generational trauma. As a diverse community of poor working, poor, and working class neighbors housed and unhoused, we have always looked out for each other. We don't need to be preached at about humanitarian crises. We are demanding equity, transparency and accountability and that all neighborhoods, particularly those privileged with more resources and that haven't been victimized by city sanctioned blight and historic disinvestment, be required to support humane solutions to houselessness not just those neighborhoods with little to no voice. We seriously question the value last of large mass encampments and camping bans as a humane solution to the housing crisis. Thank you.

Speaker: I'm done.

Speaker: Don't go away. Uh, I think a couple of us have comments. First, commissioner Ryan.

Speaker: Yes, thank you, mayor, and thank you for your showing up this morning. Joanne, as you mentioned, I appreciate that you mentioned it. We have a listening schedule session which is scheduled on on January 22nd in lents and the meeting has been called specifically to hear from community on how to be successful in increasing the capacity that you mentioned. I really do encourage you to attend and participate in the session. Staff from urban alchemy will be included in that session, and it's a great opportunity for the community to express their concerns. So I appreciate your showing up this morning. Wanted to make sure we I clarified that the engagement continues. Thanks.

Speaker: Yeah. Uh, thank thank you, commissioner Ryan. Uh, new year, new approach. Um, I'm going to have a shorter leash on commentary and council. That's not accurate. So uh, first of all, joanne, uh, why aren't you meeting with the lents livability association when they meet with urban alchemy and the, uh, folks at the safe rest village, we have met with them many, many times. They are representatives of the community. Those meetings are open to anyone. Why have you chosen not to participate?

Speaker: Uh, as far as I know, I have been in constant communication with la. I have not been attending their meetings, but the executive director of la cha penny is a member, a stakeholder member and lent strong housing team. And el and la have been on um, working very closely along with pdx saints and with sisters of the road. Um, in order to do this. So um, I don't see why you're accused. It seems indirectly accusing me of not doing my share about attending.

Speaker: You said that there was not an opportunity for people in the neighborhood to interact directly with either the safe rest village team or urban alchemy, and I'm telling you that those opportunities do exist. I suspect you know, they exist. And you're coming here and you're telling the public something else.

Now, I have a second question for you. You said my staff has been unresponsive and unwilling to meet with you. Did you not meet with hank smith from my office?

Speaker: Uh, no, sir, we did not. We got a we had an email.

Speaker: Uh, skyler, go ahead.

Speaker: Sir, he just emailed this week.

Speaker: Joanne very good. So we are in communication with joanne, is that correct? Skyler yes. Okay. Good does that solve your problem? And it sounds like you have inroads to my team. And you now know how you can also meet with urban alchemy and safe rest village. Are you satisfied with that?

Speaker: Uh, I just wanted to say something as a taxpaying, uh, activist who, um, basically are the stakeholders on the sv redway team? Um, probably did as much work on our own nickel and our own clock as one and a half to two city staffers, and I'm feeling I'm using I statements here. I'm feeling that you're disrespecting me. Uh we met with sv team. As I said, uh, we were meeting between January. 2022 and October 2022. We were meeting regularly for one hour meetings. That was discontinued. In October 2022, and I have been in constant communications with la cha will go in and admit that I know, um, and with pdx saints and with the other stakeholders. So I don't I didn't appreciate this, uh, um, attitude that I was not or leinster housing team was not doing its share about cooperating with other people. All that's all I'm saying right now. Wait, let me finish, please. Because yeah. Go ahead. The other thing too is again, you falsely accused me of having met with hank. Um smith. Uh, we're having confusions, and I mentioned that to mr. Smith as well, too, that, um, because there's so much change going of where who's in charge of what? We have commissioner Rubio in charge of housing. We have commissioner Ryan in charge of the safe rest village team. We have the mayor in charge of urban alchemy. People are getting very confused recently. What

happened is we were getting emails from the city shelter team, and none of us on the stakeholding group had any idea who the city shelter team was because we had been communicating with the safe rest village team, and we found out just this last week that I guess the, uh, there's been a rebranding and, uh, safe rest village team is now city shelter, um, team. So I would appreciate. And I'm speaking for lundstrom housing team, but probably other stakeholders may feel as well too, that we don't get publicly humiliated in a public forum either. And being accused of stuff that we haven't, um, done or.

Speaker: Well, I heard your testimony, and I heard you say that there has not been communication or opportunities for the community to meet with the safe rest village team. I heard you say there has not been an opportunity for you to meet with my team. And I correct the record that you did not meet with hank. You were an email communication with hank. But I guess my plea to you is this is complicated. This is really difficult work. And it does impact the community. And it does impact neighborhoods. I think we can all figure out as adults how to work together on this. So that's all I'm saying is let's let's yeah, let's just communicate. Let's get our interests out on the table. We're going to do everything we can to engage with the community. We understand that nobody likes to have homeless encampments in their neighborhoods. We all get that. But we're also all trying to figure out how do we solve the problem. And this is a strategy that is working, and we need you to hang with us. Joanne that's all I'm asking. Skyler you get the final word.

Speaker: No, I just also want to, um, it might be helpful. Uh, brandi westerman, who's the new director of that city shelter, um, process. All of our city shelters under one umbrella. She is actually meeting with the livability association this week. And so I encourage you to attend that. It'd be great for you to meet her in person.

Um, ask her different questions. She's leading on all the safe rest villages and the temporary alternative shelter site work.

Speaker: Yeah, and we do. Joanne, schedule joanne to that.

Speaker: To that end, uh, that's actually a great suggestion, skylar. Joanne, I have actually moved brandi into my office so that I can get regular updates or regular communication and stay on top of it. So I would appreciate your feedback after that and hear whether you were satisfied with that interaction or not. And I did say in the in my, um, three minute communications that, yes, we were we were going to attend the la this meeting this Thursday.

Speaker: Elena did invite us specifically, even before, and we were going to attend that. I also wanted to say, though, that, um, a big impediment to the public being able to communicate with City Council and the reason why we're feeling done. Two, as opposed to being collaborate with is the fact that since covid lockdown, it's been very difficult to get any responsive to anything email replies or or, um, returns to voicemail. So that's becoming extremely frustrating. And a lot of community members are feeling done to as opposed to being collaborated with. And I'm and I don't want to bicker back and forth about this, but people did look at the fact that when laurelhurst was having its problems with the houses you gave, you're giving them a pickleball ball court. Uh, laurelhurst has far more resources than lents does. And again, we're tired of being preached at about humanitarian crises. We have people living the humanitarian crisis in lents. We also have people who, every time we walk out our door, are exposed to the humanity in crisis in lents. And we are well trained in mutual aid and compassion and love. And we've been doing it for a long time. But I feel very disrespected. Right now. So thank you.

Speaker: Okay, well hear, hear.

Speaker: So I don't I don't want you to leave feeling disrespected. Joanne so let let let's let's do this. Um, I think we both got our views out on the table. Uh, I've heard you, and I heard you say that that you would like better communicate faster and more responsive communication. You now have hank's direct email address. Uh, you should assume that connection with him is the same as connection with me. Brandi, as I say, works a couple of doors down the hallway from where I'm sitting here and she'll be meeting with you. It sounds like next week. Uh we need to work together on this. We all agree this this is not an ideal scenario. I want to work with you. I want to work with everybody in lents. I'm not trying to favor one neighborhood over a different neighborhood. But I hear what you are saying, and I see why you were saying what you're saying. Uh, let's see if we can put the pieces together and have everybody come out of this feeling respected and that we're moving the community forward. Can we agree on that?

Speaker: Yeah, I would say so. Awesome.

Speaker: I really appreciate it. Uh, commissioner gonzales had a comment to joanne.

Speaker: I just wanted to observe. I got a visit with commissioner Ryan this, uh s.r.v. Uh, in, uh, late fall. Early winter and was blown away by the folks turning their lives around there. There were really appreciative of the shelter they're being provided the services. They're connected with the safety and the community there. Um, so I just want to add the \$0.02 to that, to this discussion on these are changing people's lives. This is the best solution, along with our task sites that we found to connect in that space between the streets to longer time housing. Uh, I fully support the team that is doing this hard work. So um, again, I was positively blown away by my experience out there. And, uh, we saw a lot of work to do, but I appreciate the work the team's doing. Thanks

Speaker: All right. Thank you.

Speaker: Can I just add real quick? Thank you. Go ahead. Commissioner Gonzalez that there is a phone number posted on the web of each site. So there is access. Thank you.

Speaker: Thanks. All right. Good discussion.

Speaker: Just say one thing though.

Speaker: You got the last bird.

Speaker: Yeah. The, um, the phone number for urban alchemy just directs to voicemail that doesn't get, uh, forwarded to anybody. And then when we were, we asked how we could email them, and we were told to direct emails to the san francisco office, which also does not reply. So you need you all need to know that. So okay, that's that's good feedback.

Speaker: Uh, skyler, can you look into that and see if, if maybe there's a misdirect there. Thanks joanne for raising that. And thank you for being here. We do appreciate it. I hope you know that. Thank you. Uh that's item number one, folks. Uh, no, no, we'll move on to item item number two.

Speaker: Request of kathleen sharp to address council regarding parks in northwest Portland. They canceled their request.

Speaker: All right.

Speaker: Thank you. Uh, next individual please. Item number three.

Speaker: Request of mica palmer to address council regarding homelessness and property theft. They haven't joined us yet.

Speaker: Uh, she has not joined us yet ? No. Okay very good. Uh, item number four, our next individual request of gregory fisher to address council regarding lightrillionail lawsuit.

Speaker: They also haven't joined us.

Speaker: Well, we could have kept joanne around for a while longer.

Speaker: That's. We cut her short. Uh, number five request of jan verrinder to address council regarding safe biking and pedestrian infrastructure.

Speaker: Jan, are you here today? Yes

Speaker: Hi, I'm jan sander. Uh, thanks for having me. Although I don't know you, I'm certain you know transportation and how it affects climate, commerce, housing, everything you deal with. It every day. What I'm curious about, though, is what you've lived that shaped your ideas about transportation in. Have you walked a busy street on a rainy night and hesitated to step off the curb because you knew drivers wouldn't see you? Or did you wait for a break in traffic and then hurry to the other side, wondering if you'd make it to your bus stop or die and crossing the next street? Have you been hit by a car while riding your bike or walking? Or perhaps you seen someone else get hit? Have you answered the phone and heard the caller from the hospital say the person you love is in their emergency department, hit by a car while riding his bike? Did you run to your car and try not to panic when it wouldn't start because you were crying so hard you couldn't get the key in the ignition often. Have you been to a memorial for a writer or walker killed by a driver? I want to say I hope you haven't had my experiences, but honestly, I do hope you know some of this pain on a personal level. Why? Because this pain makes us passionate advocates for building truly protected bike lanes and sidewalks instead of removing them. Who rides in your bike lanes? Well, lots of us. I lead riders to Portland to visit your shops, show off your bike lanes, paths, your bridges, and teach people bicycle connections. They're amazed. It's easy to get from Vancouver to downtown Portland on a bike. Some of my riders can't drive. They can't afford it. Health conditions prevent it. They lost their license or they're too young. I ride for my health, especially since it declined after turning 70. I ride for errands to save the

planet. I teach adults and kids to do the same. I once heard we need to consider not just our kids and grandkids when we work to improve the world, but also seven generations into the future because we know what we do today will affect how they live tomorrow. So I'm sure you've heard that thought. But back then I hadn't, and I was impressed by the idea that we should care about people we can never know. I realize that's essentially what you do every day.

Speaker: Thank you, thank you Jan, I appreciate it very much.

Speaker: And unfortunately, uh, yes, I can tell you that, uh, my views are definitely shaped by my personal experiences as well as things that have happened. Uh to others that I love and care about. And I suspect that's true of every member of the City Council. And I appreciate your being here today and sharing your experiences and reminding us of the importance of the work that we do around transportation in, uh, so thank you for that. Thank you. Uh, that completes communications. Have any items been pulled off the consent agenda? Keelan

Speaker: No items have been pulled.

Speaker: Please call the roll on the consent agenda for me. I. Yea. Ryan. I Gonzalez, I epps, I mueller. Hi. The consent agenda is adopted the first time certain item please item number six a proclamation proclaim the second week of January 2024 to be slavic and eastern european heritage week. Colleagues, our next item is a proclamation honoring slavic and eastern european heritage week. As Keelan just said, that is from January 8th to 15th, 2024. I will pass this over to commissioner Mapps to open and introduce our presenters. Commissioner Mapps.

Speaker: Well, thank you very much, Mr. Mayor. Um, colleagues, here's the run of show for this morning. Uh, today we have three invited guests who will share their thoughts on slavic and eastern european heritage week. The members of council will have an opportunity to offer their comments. The mayor will read the

proclamation in english. And finally, the proclamation will be read in russian. Um, here today to kick off that presentation and to introduce today's panel, we have, uh, svetlana heden, uh, with environmental services. Welcome, svetlana.

Speaker: Uh, good morning. Thank you for having us. Of course. My name is svetlana hedin. Uh, slavic empowerment team is here at the, um, yurko slavic and eastern european center. There is quite few of us in here. Um, in addition, uh, we also have alena ellis here from the khabarovsk sister city association. So, um, we have a quiet but quite good group, um, gathered together to celebrate with us. Uh, so I'm here as a founding member of the slavic empowerment team and former co-chair of the slavic advisory council, and also employee of bureau of environmental services. Uh community partnership group. Uh, I know that they here supporting me as well online. So thanks guys. Um, this is our seventh annual proclamation. Uh, we are proud to take a moment to honor and uplift members of slavic and eastern european community living in a greater Portland area. We are here, here to give a voice and recognition to this unique and beautiful culture that makes our city more diverse and empowered. I would like to recognize and thank tamara borkowska for translating the proclamation into russian for us. In addition, I would like to invite all of you to the slavic and eastern european, uh, celebration hosted by immigrant and refugee community organization, or erko. On January 31st. And today we have three speakers that are going to share their stories. Uh, first is irina. Radko and she is a program supervisor at the slavic and eastern european center. Then we'll have zoya souris. She is a former member of the board of the directors for the habarovsk sister city association. And she's currently a russian language teacher at the franklin high school. And then I will conclude the, um, testimony. So I will be the third speaker for today. Um, so with that, I will invite irina to share her story.

Speaker: Um, hello everyone. My name is irina chirtoaca. I was born in ukraine and immigrated to united states to Portland, Oregon with my parents at age of 15. And I experienced all the challenges of adapting to a new culture and educational system. This this early experience sparked my passion for helping others to navigate, uh, similar transitions and overcome obstacles. As soon as I immigrated, I attended high school, and that provides stark contrast to educational system I was accustomed to. Despite initial difficulties, I embraced the opportunity to learn and adapt to new teaching methods and cultural norms. This experience taught me resilience, flexibility, and the importance of embracing diversity through my journey, I have actively pursued a career in social work. For the past 19 years. I have been working as a full time social worker dedicated to making positive impact on the lives of individuals and families in need. Um, as a social worker, I developed expert artes in various areas. I have focused on providing assistance and support to individuals facing difficult life circumstance cases, including refugee jews and immigrants. I am passionate about helping them integrate into new communities, access essential services, and regain their independence. Our. Organization urco and seek is a great organization that is known for a place that is the first or one of the first steps for refugees. When they immigrated to the united states. Our organization is dedicated to provide vital support and assistance to refugees fleeing from difficult and conflict persecution or other challenging circumstances. We firmly believe that every individual deserves safety, dignity and the opportunity to build their lives. Our mission is to offer comprehensive aid and sustainable solutions to refugees, ensuring their protection and empowerment and successful integration into new community. We work tirelessly to address their immediate needs and provide them with the tools and resources necessary to thrive in new environment. Uh, we're providing many different services. I wish I could tell you

about each of them, but because we have very limited time, I will use only one example of, uh, work with our sikh community. Last year, in 2023 and summer and fall, we had two amazing teams retreat. We're gonna show pictures now. So that's the pictures from the team's retreat. Oh, not yet, not yet. Sorry. We're gonna share pictures now.

Speaker: It's day. Oh, wow.

Speaker: So in the world, grappling with challenges and displaced isn't a beacon of hope. Emerged in sikh were a group of resilience. Young souls found solace and support in the teens refuge retreat organized by sikh. This retreat aimed to provide a haven for children facing the hardship of forced migration. The retreat offered a diverse range of activities designed to foster a sense of community healing and skill development. From art therapy sessions to fun time, the children immersed themselves in supportive environment that encourage self-expression and personal growth. Our our focus was not just on meeting their immediate needs, but creating an environment where they can dream again. The activities were curated to help them build resilience and form of connection. Navigating the complex of trauma, language barriers and cultural adjustment presented unique challenges for both the children and organizers. However these challenges became stepping stone to resilience as they retreat became a safe space for open dialog and understanding. Organizing this retreat was not just about charity, it was investment in the future of these children and our community. The retreat has had a profound positive impact on participating children. Friendship was formed and skills were acquired that extend beyond the boundaries of the retreat that atmosphere of love, acceptance is instilled in new found sense of hope for brighter future. I will share you a few testimonies that those kids from retreat was sharing with us. I never thought that I could feel at home again, but this retreat showed me that home. It's not just a

place, it's the people around you. I feel that I belong here. They accept us for who we are. This is the best days of my life. So the teens refugee retreats tend as a statement of resilience, of young spirits in the face of adversity. We're providing a nurturing environment. It's not offered temporary relief by, but plant seed of hope that we will continue to grow in the hearts of these children, reminding us all of power, of compassion and community. Looking ahead, the sikh have ambitious plans to expand the impact of the retreat so acc is actively seeking support and partnership to ensure that the more children can benefit from this transformative experience. This we want to be seen, heard and acknowledged, and we hope that the city of Portland will support us. We slavic and eastern european center are passionate about supporting refugee and immigrants as they navigate a new environment and work toward rebuilding their lives. I believe by that, by fostering compassion and understanding and empowerment, we can create more inclusive and welcoming society for all. Thank you so much.

Speaker: Thank you. Arena so our second speaker is, um, zoya. Zoya are you with us?

Speaker: Yes, I am with you.

Speaker: Hi. Good morning. You can go ahead and start your presentation.

Speaker: Um, I was asked to, uh, tell about how the teens are right now in russia because as I have, uh, a lot of relatives and friends and, uh, I am, um, I was asked to, um, testify. From what I'm seeing and hearing, because, actually, I haven't been to russia. Uh uh, since 2021. And uh, the reason is obvious. Um you know, I have, uh, people living all across russia from the far east where my family resides. And my mom and my sister and, uh, I have friends in, uh, saint petersburg and moscow pretty much everywhere. And um, uh, the feelings about, uh, the current situations, um, situation or situation, because we have several conflicts going on right now.

Um, they differ. And, uh, for example, all, uh, all the generation tends to take one side, uh, the younger generation is on the other side. And uh, um, I am hearing that that, um, there is a lot of tension, um, going on right now. Um, in the society and, um, a lot of, uh, things that are up in the air and people are not, um, um, so free to today to express their opinions about the current situation. Um, especially now before the, before the, uh, elections and, and, uh, especially when we hear that a lot of people are being sent to, um, prison for their, um, uh, for, for having another opinion about the, um, war actions. So um, that makes me, um, very, um, indecisive to go back to russia. Uh, first of all, uh, it's, um, so it's, of course, financially and, uh, uh, logistically, it's not it's not an easy fit right now. Um, because russia is closing up and a lot of, uh, um, routes that I used before are not open. Uh, so this is my personal situation, and that's what I hear. And, uh, um, I'm compassionate. Luckily, most of my friends in russia and are here. We share the same opinion we are against war. We are not supporting the politics, the policy of president putin. But, um, in the families I hear a lot of, uh, conflicts because of the different opinions. And, uh, in my family, we try not to touch this subject because, uh, uh, um, the line of communication is so thin right now that I don't want to, um. Uh I don't want to any, uh, separation at this point. Um or at all, uh, would I would. I hear and see from here, uh, from the point of view of a teacher, because I'm a teacher of russian language here at franklin high school. We have a, uh, unique program for our, um, it's basically russian immersion program. When the kids come to, uh, kelly elementary school to begin their journey with studying russian for, uh, 13 years at school and possibly continuing, uh, later on in life, which, um, uh, this path, um, some of my students take, take on and go to, uh, higher education in, uh, establishments and continue study in russian or, or even go, go overseas to um in implement the um, uh, russian language skills. Uh, but right now, of course it's

possible to do only in, uh, estonia, kazakhstan. Former soviet republics, but now independent, uh countries. Um I am glad that there is still a great interest, uh, among, um, heritage speakers and non heritage speakers, uh, to study on the language that I teach my mother tongue. Uh and, um, right now, what's, um, we experience is that to my class, the class of russian language. Um, come the students, uh, who escaped from the war actions in ukraine. So they speak perfect russian. They are from the eastern part of, uh, ukraine, which is mostly russian speaking. Um, and the reason they come to my class, um, is for them, for easier and better integration into the new society, new life. Um, and they really, um, uh, bring a lot of, um, good vibes to the class. And of course, the expertise of russian language. Um, they share it and, um, um, I like it. So that's the situation, um, in my life, in the life of my, um, compatriots and, um, my students. If you have any questions, I'm. I'm glad to answer.

Speaker: Thank you. Zoya

Speaker: Thank you. And now, um, I will speak a little bit about myself and my story is a little different than what you heard previously. Uh, during our proclamations before, um, I'm going to share my screen. So you know where where I came from. So you can see the map of, um, place where I was born. And raised. Um so I was born and raised in, um, russian family in riga, which is the capital of latvia. Uh, latvia is one of the countries located on the shore of the baltic sea, between the senio and estonia. And before 1991, when it was one of the 15 countries of the soviet union before it broke up at that time, the population of latvia was a little over. 2.5 million people, and majority were latvian. Uh, but almost half of the population were russian, ukrainian, poles, jews and others. People could easily travel across 15 countries of the former soviet union. It was kind of like for you to travel across the united states. Um after latvia became independent, I'm going to

stop sharing so you can see me again. After latvia become independent in 1991. Uh with the collapse of soviet union, lives of many people in latvia who were not ethnic latvians changed drastically. Latvian nationalists started discrimination against non-latvian residents. People like me and my family. People were discriminated by language, latvian language became mandatory everywhere, even though they know adequate or affordable language classes were available prior to this change, public offices started providing resources in latvian only. No language support was provided to people visiting public offices or hospitals. It was nothing like here in united states. If a low english proficiency person goes to the doctor office, they request they can request and will be provided a free translator. Services teaching in schools and textbooks were changed to latvian only. Teachers had to pass latvian language tests to confirm their certificate or plain. Plainly quit. Many people lost their jobs or could not pursue a career of their choice due to the language barrier. For example, my brother wanted to become a construction worker and went to the community college, but could not finish it because all classes were offered in latvians. And since no affordable latvian language classes were available, he had to drop from college. Many of ethnic ethnicities other than latvian had no choice but to leave the country. Many of them were senior people who lived and work in latvia for decades, and a lot of young people as of today, population of latvia has reduced by almost half, primarily because people who were not latvians, they were deported. Um so what is what my reasoning for leaving latvia when I turned 16? This is the age when young people get their first passport. I applied for my passport. It was a big deal for any young person, and I was excited to get the document showing that I'm a grown up. I remember taking an official picture, submitting the documents, and finally receiving my passport when I opened it, the front page said the passport of an alien I was confused and shocked at the same

time. I was born and raised in this country. My parents lived here almost all their lives. I could read, speak, speak, write in latvian. There must be a mistake. I asked the official. The answer and the answer was because my parents were not latvian citizens and because I was born before latvia became independent, I became an alien. Practically nobody in my own country. At about the same time, I was going through an on the job training. As part of my college education, my supervisor put me aside one day and said, you are a hard working girl and I will be happy to provide you with a strong reference. But because you're russian, you will not be able to build your career in this country. I'm sorry this this brings a lot of memories. So these events got me thinking and I started looking for opportunities outside of latvia. Outside of leaving my family and looking somewhere else. I decided to explore a student working visa option that allowed students to become to come to united states for six months and work. I came to united states and start working as a cashier. It was not easy, especially with limited english that I had at that time, but soon I learned that I could attend free classes to improve my english, which was amazing to me. I started feeling that I am. I'm not an alien here in the united states, but I'm one of many. As part of a melting pot. Oh my goodness, I didn't know going to go this emotional fast forward. I found a better job. I made friends, I met my future husband, got the college degree, I became a united states citizens and never in my 22 years in united states, I felt being an alien or was made feel like one. I had a cultural shock when I first moved to united states, but it is different than feeling rejected. Didn't nobody in the country you were born in and raised. And blessed with a loving family and adorable toddler and one more baby come into this world in April. I have a satisfying job and supportive friends, and I hope that other countries and their government will learn from the united states about how to

make their people feel valued and respected. Members of the community thank you for the opportunity to speak.

Speaker: Thank you.

Speaker: Commissioner matt.

Speaker: Commissioner. Maps.

Speaker: Well, um, I just want to take a moment to thank our guest, um, for today's presentation. Um, it was powerful. It was educational. I'll tell you. Um, it's probably comes to no surprise to anyone on this council that, um, this proclamation, which I think we've done for about seven years now, was, um, one of the more meaningful, um, events that we do in council, at least for me. And I also want to take a moment, um, to reiterate this, um, I'm delighted to join my colleagues on council in proclaiming the second week of January to be slavic and eastern european heritage week. Our slavic forefathers. And for mothers help build the city that we all know and love today day. Today, around 50,000 slavic immigrants live in the Portland metro area. And um, to this morning we heard some of their stories, but their stories go back decades here in Portland. Now, the first wave of slavic immigrants to arrive in Oregon came in the 1960s. Those folks settled around woodburn, Oregon, and tended to take up farming. Now a second wave of slavic immigrants arrived in Oregon in the 1980s. This group largely came to Portland, uh, seeking religious freedom. Those folks tended to settle in east Portland, especially around the foster-powell and gateway neighborhoods. In fact. Our slavic and eastern european neighbors have been a driving force behind east Portland's resiliency and renaissance since. And as we March into the 21st century, um, I think today reminds us that our city needs our slavic and eastern european community's ingenuity, innovation and partnership more than ever. Um you have a home here. Um, and that is why I'm delighted to join all Portlanders in celebrating

slavic and eastern european heritage week here in Portland. Thank you, mr. Mayor. Thank you, commissioner Mapps.

Speaker: Commissioner Rubio, thank you, mayor.

Speaker: Um, I want to thank all of our guests for the excellent presentation today and the stories were really incredibly compelling. Um, svetlana, I just want to say thank you for sharing that deeply personal story of yours and your journey. Um, it really it really resonated with me. And I know, so I'm sure it's resonating with many other, uh, immigrants and refugees who have felt that very terrible feeling of rejection, but also the feeling of once you of coming home and finding your home. Um so thank you for, uh, for sharing that with us. Um, as one of the largest, uh, of our refugee communities in Multnomah County, uh, this proclamation is a really, really important way to lift up and honor this community and all the vast personal sacrifices that have been made and also the contributions that have been made into our city, um, in, in Portland and, and also in Oregon and, and again, it's worth saying that we should be lifting up and acknowledge slavic and eastern european communities and contributions and needs beyond just this week. It should be the way that we operate. Um every single day. And according to a report from the coalition of communities of color, um, the slavic and eastern european community is faced with some of the largest issues, um, in our region, uh, primarily because of invisibility and marginalized ization that stems from the lack of, um, uh, data for from their experiences as a newer community here. Particular in the school system, um, in the criminal and juvenile justice system, health and social services, um, etc. So we all have a responsibility to serve, uh, this community better and beyond that, we have a responsibility to elevate and, and lift up, um, european and eastern european and slavic leadership and also advocate for policies and decisions that improve their community outcomes. So with all that's happening in the world, um,

that's why this presentation is important. As a reminder for us. And it's also important that we remember our responsibility in that longer story, uh, to ensure that there's always representation and inclusion of slavic in your eastern european community in all of our policy and civic work. So again, just thank you for being here and for reminding us all today.

Speaker: Thank you. Commissioner. Commissioner Gonzalez, I just want to say Portland is stronger because of the contributions from our slavic and eastern european communities.

Speaker: Their dedicated work ethic, entrepreneurial spirit and family focused spirits make our city one of a kind. They also have many good soccer players who I've played with and against on the fields of Portland for years, and now my children are getting that same experience. Um, while many arrive to our city as immigrants, we recognize that countless have arrived as refugees from various wars and conflicts over the decades, from the dark shadows of communism and totalitarian states is often through the eyes of immigrants that, despite our own faults, we can truly appreciate the potential the dream that is America. We recognize the ongoing turmoil, loss of life and suffering in ukraine. We call for peace and prosperity once again in the region. This week, we celebrate the contribution, actions and spirit of this community, particularly pronounced in east Portland. We are grateful to have many members of this community working hard for Portlanders day in and day out. I'd like to highlight the work of one in particular, an employee in our community health assessment treatment team chat within Portland fire for joining us online today is paul starkey. Uh paul works tirelessly each day to address low acuity medical calls across the city, giving our residents peace of mind and operations a crew operating a crucial part of our first responder network. Thank you. Paul

Portland is better with you here. It's my honor to recognize Portland, slavic and eastern european community this week and every week. Thank you.

Speaker: Thank you. Commissioner. Commissioner Ryan.

Speaker: Yes, thanks. Um, so, svetlana said. Svetlana. Sorry I want to get your name right. Thank you so much. And the people who join you, irina and zoya, i, I like when we do proclamations like this. And of course, before preparing for the meeting, I learned things that are important. Remind myself that there's 150,000, uh, slavic and eastern european residents in our area. And you're such a big part of our fabric. But truly, it's listening to your stories like today that allow me to just be present with what I experienced. And thank you especially, uh, svetlana, for your, uh, storytelling. And it was very moving earlier. There was testimony and communication that you that in these jobs you care about people we can never know. And listening to the three of you just reminds me of that. And that we could have 150,000 stories that are quite compelling and I want to acknowledge, uh, zoya, thank you so much for being a teacher at franklin high school. I was actually on the school board in Portland public schools when we made those investments. Um, and it started at kelly elementary in the dual immersion. So that it could move all the way up to franklin high school. So to see someone like you in that role teaching the students at franklin is very. Personally satisfying to me. I just want to take this moment to acknowledge the good work of erkko. I know I went to your party last year. It was so fun and thank you for reminding me. It's coming up again soon, and to thank that erkko was founded in 1976. Uh is compelling to me. Just how far they have gone to be that welcoming, uh, doormat for all of you to come into our community to be held, to be seen like we like. You're feeling today that you're feeling seen and that you can continue to build your resilience so that your vibrant part of the Portland community in ways that my other colleagues already

mentioned. Anyway, such a blessing to be here this morning and to hear your three stories. I appreciate you. Thanks.

Speaker: Thanks, commissioner, and thanks everybody today, uh, obviously we're celebrating slavic and eastern european heritage week. And as commissioner Ryan just said it, it honors over 150,000 Portlanders of slavic and eastern european descent. So this is a significant portion of our community. There are diverse languages, their cultures and their histories clearly enrich our city, and it makes it a more vibrant and inclusive place to live. And I appreciate that we take this moment every year to really reflect on that and understand the importance of it. And for this we have the slavic empowerment team to credit, and that includes, of course, uh, svetlana hayden, one of today's presenters. Uh svetlana, I share my colleague, thanks to you for, uh, for really being personal about this and bringing your story forward. Obviously, that was not easy, but as commissioner Rubio said, I know that there's a lot of people in this community who can relate very personally with what you said, and I think it's empowering for people to be able to hear your story and connect personally with what you're saying. And on the other hand, I think it's helpful for those of us who do not share these personal stories to better understand, uh, the context and the frame with which you go through your daily life here in the city of Portland. So I really want to applaud you and thank you for that. Uh, frankly, your work and your team's work exemplifies the inclusivity that we aim to promote within the city. This is a really terrific example. All the efforts of your group. And I would say many of our affinity groups with in the city of Portland symbolize our tangible commitment to a diverse and welcoming environment for city employees. This week, we will all strive to recognize and celebrate the significant contributions of our slavic and eastern european neighbors and I thank you all for the invitation right up front to do to attend the January 31st, uh, slavic

event at erkko. Uh, so once again, let's all keep working together to continue to embrace and championing the diversity that that all of us agree strengthens our city. So with that, i'll read the proclamation on on behalf of the City Council.

Whereas slavic and eastern european Americans are one of Portland's largest immigrant and refugee communities, communities with over 150,000 people in the greater Portland area. And whereas slavic and eastern european Portlanders can trace their ancestry to 15 different countries, the former soviet union and 14 eastern european countries with unique languages, dialects, cultures, and histories. And whereas the city of Portland has many slavic and eastern european employees and a slavic empowerment team that works to build a more inclusive and diverse workforce and whereas the slavic empowerment team shares culture, language and art with city employees through celebrations, displays and performances, and whereas the slavic empowerment team collaborates with many diverse organizations in the greater Portland area, and whereas, the city of Portland strongly aligns with international concern as to hostilities, loss of life and suffering in regions such as eastern europe and countries like ukraine. And whereas Portland is a welcoming, inclusive and sanctuary city that celebrates its growing diversity. And whereas the city of Portland is proud of its relationships with all members of slavic and eastern european community and will continue to support their professional and economic advancement. Now, therefore, i, ted Wheeler, the mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim January eighth through 15th, 2024 to be slavic and eastern european heritage week in Portland and encourage all residents to celebrate this week. And now, uh, svetlana, as if you haven't worked hard enough for us this morning, I will now turn this back to you to read the proclamation. In russian. Thank you for doing that. Thank you.

Speaker: Thank you, everybody, for your warm words. American slovianski european cooperation. Is something an immigrant of Portland. Stopped in Portland, I vote yea. Pascal. Portland. Sloviansk european cooperation. C-usa. Eastern european mizukami dialect and culture. History and pascal co grad school. Portland city of sloviansk. European cooperation. East slavic initiative group. Cobid firms inclusively erasmus collective pascal sloviansk initiative group. Culture jezik iskusstva grad school. Uprava po mir priority with. The pascal slavianski initiative group. Rasna organization of Portland. Pascal uprava Portland. Na narodny as a botanist with the vienna hardesty jubilee. Estrada de regional vostochny. Ropa strana, ukraine. Pascal Portland at the supremely inclusive tbilisi. Chief steward, rostov and pascal grad school pravo, Portland. Slavyansky e vostochny, european shiny\$ academy podgurski is proficient economic eskimo renew by ted Wheeler, marguerite de Portland state, Oregon. Gora de rossi. Nasturtium. Ni nedeli sloviansk. Slava vostochny. Europe Portland, italy.

Speaker: Thank you, thank you svetlana.

Speaker: Thank you everybody. Appreciate it very much. Will will move on to the next item on the time certain agenda Keelan. Please read items seven and eight together.

Speaker: I am seven except the city of Portland 2024 federal legislative and regulatory agenda item eight except the city of Portland 2024 state legislative agenda.

Speaker: Colleagues, today we're going to hear and then vote on the city's 2024 federal legislature and regulatory agenda, as well as the 2024 state legislative agenda. In early 2023. As you'll recall, council participated in a work session to discuss the draft agendas for the office of government relations and a worked with our staffs, as well as all of our bureaus, to develop those recommendations. I

appreciate our very, very robust conversation on the political landscape in Oregon, as well as in Washington, dc, as well as the city's federal and state priorities in 2024, city. Since then, the ogre team has continued to refine and revise those documents as you'll recall, we were all very, very closely aligned in terms of what our priorities should be. I'd like to take a moment to thank the ogre team and acknowledge the time and work that went into developing as well as further refining the agendas that we have before us today. Today we'll vote so that our teams in salem, as well as in Washington, d.c. Can get to work on behalf of the city on our city priorities. I'll now without further ado, turn this over to the director of office government relations, sam chase. Welcome, director chase. It's good to see you.

Speaker: Thank you so much. And good morning, mayor and commissioners, again. My name is sam chase. I use he him pronouns and I'm the director of your office of government relations. I first want to thank you, mayor and commissioners. You and your staff have been actively engaged in setting the city's federal and legislative agendas. And as you know very well, the city faces unprecedented crises related to homelessness, the proliferation of deadly new drugs, behavioral health, livability, warming climate, much more. This is a historic time where collaboration between the federal, state and local local governments is, is, is of the utmost importance. And I'm proud of this council, which has worked together and through the Portland of office, government relations and ways that provide a model of collaboration for future councils to come that sets forth a unified voice for the city and sets the table to inspire others to lean in and join the city in finding meaningful and effective solutions to our biggest challenges. And over the past six months, as you mentioned, mayor, that the our state and federal advocacy teams have worked with your staff and staff and bureaus across the city to get to this point in our agenda development process. In December, we met with you in a work session to

go over the drafts of the state and federal agendas, as well as provide you an overview of the political landscapes our teams will be working with, uh, to move these agendas forward. We also had the chance to provide you an overview of the other work in our bureau and highlight the arpa funded grants opportunity advancement team that is helping bureaus across the city seek funding for vital priorities. We appreciate the conversations and have since followed up with each of your offices. The agendas will provide our team the needed direction to advocate for positions on these issues and more as they engage in the upcoming short session. And salem with our congressional delegation in here and in Washington, dc. One of our next steps is the yearly legislative breakfast on January 23rd, where Portland City Council will get a chance to meet with the Portland legislative delegation and discuss the city's state legislative agenda. We're meeting with you and your staff this week to prepare for discussions with the delegation on, and just really want to thank you and your staff for the partnerships in this work. Joining me here today are ogres, nils tillstrom, deputy director and regional liaison for ogre, and jack arriaga. Our federal relations manager and our state legislative team is hard at work in salem, not attending the work session. They are attending legislative days, which is, uh, one of the, um, kind of, uh, actions that happen where the legislature convenes before the short session. So we are happy to, uh, thank you once more. And we're happy to take any any questions. Colleagues, any questions.

Speaker: Very good. Uh, then that completes our presentation. Does it sam?

Speaker: Yes, it does.

Speaker: Good. All right, so item number seven, that's a report. I'll entertain a motion to accept the report.

Speaker: So moved.

Speaker: Commissioner Mapps moves. Can I get a second?

Speaker: Second?

Speaker: Commissioner Gonzales seconds. Any further discussion? Seeing none. Please call the roll.

Speaker: Mayor.

Speaker: Sorry. Yeah. No, I know, I know, I know, I know, I'm out of practice. Do we have public testimony on either item 7 or 8?

Speaker: Uh, we do. We have people signed up. Um, the first one is Eddie Todd. I don't think they're here, but we do have Claire Stanfield with us.

Speaker: Great. Welcome. Claire

Speaker: Hi. Thank you.

Speaker: Sorry. I'm out walking my dog, so I pulled over really quick. Um, so my name is Claire, and I'm coming to you all today as a student at Portland State University and a citizen of Portland, my hope is to testify in regards to the 2024 state legislative agenda released by you. Tell me if you, Ted Wheeler, specifically, I want to address the agendas, key priorities to regulate public consumption of controlled substances. It is a common misconception that homelessness is a byproduct of substance use, one that, whether intentional or not, can distract from homelessness as a housing issue. According to the CDC and the American Addiction Center, substance misuse and substance use disorder is a symptom of the trauma and stress of living outdoors in public. Therefore, it is an imperative to offer spaces where people experiencing comorbid substance use disorder and homelessness can take shelter. In Portland and the Behavioral Health Resource Center, a Multnomah County organized mission, was intended to be such a place. However, now Portlanders are forced to use outside the building or surrounding. Private businesses are now impacted, and these people seeking respite and resources are

more heavily policed, fined and displaced. To me, this agenda is prioritization of the public consumption of substances is just one example of how the city is intending to alleviate Portlanders discomfort by applying a band-aid without addressing the wound. There is an urgent need for quality housing, yet millions of dollars are being poured into hostile architecture for encampment sweeps and the \$50 million contract with urban alchemy, the controversial california based nonprofit rescue shelters are only prepared to accommodate about 500 of the roughly 6000 homeless Portlanders for about six months each. If we do truly intend to adhere to the city's core values and the city wide racial equity goals and strategies, then we need to reallocate funding and prioritize quality, long lasting housing options. No roaches, no mold, no abusive landlord for all Portlanders. And until we meet that need, we must resist the pattern of arresting and citing the majority black, brown, indigenous, and disabled people surviving homelessness in the city and navigate the current bureaucracy of accessing our shelters. No matter how comfortable, no matter how uncomfortable it is for a business development, districts, for neighborhoods and for us, this is a community effort and our discomfort will not be soothed with a band-aid. We need to get to the wound. And that wound is quality housing inequality.

Speaker: Thank you. Hey. Thank you, claire. And, uh, I appreciate you doing this. Uh, from a place that doesn't look particularly warm and toasty. So I especially appreciate that, but, uh, I think you'll be surprised to hear we're probably not as far off as you think. Um you're right that that an enforcement mechanism, in the absence of other things is, is performative. And so we've been very clear, broadly speaking, about what we need from the state legislature, and we need a bunch of different things. First of all, we need more public safety support. And I've worked with the governor on a partnership with the Oregon state police and our local

police. Uh, because we do have an obligation as a municipal government to enforce our local laws and maintain public safety. But you are also right that that alone isn't sufficient. We also need treatment and as you're probably well aware, being somebody who's who's on top of these issues, our state is woefully lacking in terms of behavioral health services and substance use disorder treatment. And we are being very, very vocal about our demands that our legislature, archer, continue to address this issue and build on the efforts around measure 110 and build on the efforts around creating more treatment options for people and frankly, we also need more secure treatment options. Uh, it's very unfortunate that, uh, if people are engaged in drug use, that can lead to criminal activity, they go to jail. And if they're not getting support in a secure location, then ultimately what will happen is they'll come back out on the streets and probably pick up pretty closely to where they left off. So there's a lot of pieces to this that have to come together in a way that makes sense. You'll see that from our legislative agenda. It is not just punitive, although where we may disagree is I actually do want to hold drug dealers accountable. I want them off our streets. And I want them removed from our vulnerable populations. I agree with you that drug use is not a significant cause of homelessness. It is the other way around. Just as you suggest. That's that's what the data shows, that people who are living on the streets, the longer they are there, the more likely they are to be exposed to drug use and increase facing behavioral health issues. So my view has always been in my driving philosophy is get people off the streets, out of the unsanctioned camps as quickly as possible and into a humane alternative. Uh, that would be the task sites or the srp sites that the city is set up that gives everyone who walks through the door. Case management and then tailored, individualized services. And it could be some use disorder treatment. It could be behavioral health services, it could be job training, it could be basic

public health services and then connect them to housing that is specifically reserved for that population. And the good news is it's working. Um, there was that was quite an uphill battle to get those into place, but it is working. You're right. It's not at scale to address the number of people that are currently on the streets. But I'd like us to continue to push forward together. And the reason is the overall driver for me is that over 300 people died on our streets last year in a good many of them died from substance use disorder. And so clearly the status quo of having people just live in unsanctioned camps, that's not working. It's not working for the people who are living on the streets. It's, um, and it's not working for the public at large because it obviously does create public safety, public health and environmental hazards for everybody in the community. So I don't think we're as far apart as as you may, uh, you know, see, you may disagree on the part of enforcement and that's fine. But I hope on the other parts where we're in agreement, we can continue to work together. Commissioner Gonzales, uh, thank you.

Speaker: Mayor. Just, uh, one clarification point. Are we, uh, hearing testimony on seven and eight separate, or are is testimony on them together?

Speaker: Affirmative. Together we're combining.

Speaker: Got it, got it. Okay. And so our comments, uh, and just for those listening at home, it's both the federal and the and the state legislative agendas. Um you know, I without quibbling too much, I do think we need to assess any assumptions about what leads people to on the streets of Portland. And part of it is a terminology issue. Uh, the difference between homelessness and unsheltered, uh, and how they're used in ordinary use. I i, i, I think the data does indicate that that substance use disorder is a substantial cause of people being unsheltered on the streets of Portland, uh, as well as other behavioral health issues. Uh, there is no doubt that people are using it, uh, heavy drugs at times to cope with some of the

very negative effects of being on the streets. But I just want to be clear about the assumptions I make. And looking at the data, uh, when we look at the most visible manifestations of homelessness of those folks on our on our streets in front of us, uh, I do believe that the data shows substance use disorder is a is a material contributor. They're not the only one, but a significant one. Um, i'll leave it at that for now. Thanks

Speaker: Uh, thank you. Commissioner. Um does that complete public testimony?
Keelan

Speaker: Yes.

Speaker: Okay. Very good. So we've already got a we have a motion and a second on item number seven, please commence with the roll call. Reveal

Speaker: I'm just going to say my remarks for both, um, right now. So I just want to acknowledge the great work for of the whole government relations team in developing these legislative agendas and the work, um, that you took to meet with each of our offices. I know that's not an easy, um, job to do with so many things. We all care about. Um, but you did it, uh, really great. Um, the priorities outlined here today will help invest in housing stabilization. And our economic recovery. And we'll put focus on aligning all the jurisdictions into this work. Um, and I just want to particularly lift up a couple things I'm excited about. Um, the, the potential positive outcomes if we're successful, uh, to advocate for federal and state funding for our larger district scale development, like the Broadway corridor project. Also, the districts, um, and also Lower Albina and Lloyd Center, um, these projects could potentially create thousands of housing units and investments in the infrastructure for them will help really push them towards becoming really complete communities with the mixed income, um, housing with business opportunity and also, uh, thousands of construction jobs. So very excited to know that the governor and the

legislature are considering, um, setting, you know, have all these considerations in mind and are setting aside potentially, um, a large pot of money for these kinds of investments and we're hoping that the federal partners can get behind them as well. So again, just thank you for the presentation. And we're, as usual, we're always here to help with any, um, needs to back you up in in these agendas. I vote yea Ryan.

Speaker: Yes, I want to start off by thanking you, director sam chase. Uh, truly under and your entire team under your leadership. I have really experienced a lot of improvement. So thank you so much for your leadership. I will say that in my three and a half years here, this is the most excited I've been about our, uh, federal and state legislative agenda. I have seen a slow it's been too slow in my opinion, but we're seeing that alignment come together. I'm hearing state legislators, state executives, and even members of congress sounding a little bit more like all of us as they are admitting the truth of the challenges that we are experiencing here in Portland on our streets. I'm really grateful for this momentum. The city cannot do it alone. The city, and yes, the county can not address the crisis in our streets without the help from our partners at the state and the federal level. This agenda agenda reflects the priorities of our city and the priorities for Portlanders. We need safe streets, free of public drug use. We need to address our mental and our drug crisis. Basically, we need to keep our streets clean so we can activate them more frequently and let me add, we need to invest more in the arts. I had a great meeting yesterday with representative representative rob noce, and I think it's important that we look at that alignment as well. It's the most reliable and dependable activator of the economy, and we must do all we can to get people back out and activate our streets and our performance halls with joy and celebration. With that in mind, I just want to say thank you again to sam, to you and your team. Buckle up. I

know it'll be a really busy couple months and I vote yea gonzales. I'll combine my comments.

Speaker: Uh, today I'm happy to accept both the federal and state, uh, regulatory agenda, among other important topics. On the federal side, it addressed in the report, uh, include economic recovery and development, homelessness and housing stability, infrastructure investment. But I'm eager to see our, uh, or Oregon congressional delegation assist with fema assistance to firefighter grants and other emergency personnel. Uh, only by working together, we can make sure that Portland continues to be seated. We are proud of, uh, I know that a lot of the work was put in on the federal side by ogres, uh, led by director chase and, uh, jack arriaga. I hope I got that right, jack. Uh, thank you for both your leadership. Now on the state side, there are a number of key components to this that I hope folks are, uh, listening to. Again, I want to allude to the regulation of public consumption of controlled substances. Uh, this last summer, uh, this City Council banned, uh, five zero, uh, public consumption of hard drugs. Uh, we are looking for either a, uh, a solution on the preemption question. There uh, that we face at the state level or even better, uh, statewide response to the challenge, uh, including a recriminalization of certain, uh, consumption or possession. Uh, but that's the only one side of it. And I do agree with, uh, the mayor's earlier comments. Uh, we it's absolutely essential that we have increased, uh, state support for mental and behavioral health services. Stabilized. Stabilized beds prioritized for individuals transported by first responders, streamlining and expediting the siting of behavioral health residential treatment facilities, funding for odot to effectively manage the litter encampments and graffiti on state owned property and continued Oregon state presence in Portland to help with traffic enforcement capacity and additional law enforcement presence. Uh formerly. Last but not least

on that area funding. Uh formula updates and allocation of resources to address cuts to the community. Corrections budget. This is really on the county side, but it very much affects the city in our abilities to address crime in our community. Uh, with respect to housing and homelessness, securing ongoing state funding to support the setup and operations of tasks and safe rest villages, accelerating the development of affordable and workplace housing, including supporting the call for infrastructure funding for major redesign elements like sites at Broadway corridor or AMC Albina and making office conversion projects eligible for funding streams. Uh, streamlining process for state's homebuyer opportunity limited tax exemption and then legislation, programs and funding to help make commercial to residential conversions more affordable. I do want to call out I think, um, in looking at close hand at the challenges that the mayor's team and our, um, city attorney's office has faced in addressing unsafe and camping on the streets of Portland, I hope that we have a space for future priorities to pursue. Uh, the preemption question clear authority from the state for city to establish potentially municipal courts down the road. Road uh, to address the prosecution of misdemeanors, drug related misdemeanors, um, and other uh, charter ordinance violations, uh, where the only city in the state that faces preemption in this area. And it's something that we needed to look at down the road, uh, more explicit authority on what the state defines as reasonable. Uh, we are, with respect to unsanctioned camping regulations. We are preempted in this area as a city, we are limited in what we can do, and it has created substantial challenges. Again, for the mayor's team, for our city attorney and navigating that, we are currently enjoined and enforcing our own, um, time, place, manner restriction. Uh, and these are in some ways challenges created by our state legislature that we need their help in fixing, uh, clear definition regarding derelict RVs, how the changes the ability to tow along state route city

streets and addressing the crisis of pretrial release, uh, and updating the matrix for additional clarity to limit the ability of suspects of violent crimes to quickly return to the streets. I want to be very specific about this. This particularly manifests itself on early release of those committing property crimes. We think there's a direct correlation between property and some more serious crimes. Uh, that includes drug dealers and, uh, again, this is an area where there's been recent state legislation that I think is impacting our court's ability to confront the challenges on the street. Sorry for the long winded, uh, uh, comments here. I vote to approve the report.

Speaker: I, miller yeah, I just want to thank government relations for hearing all of us out.

Speaker: Uh, colleagues, I'm just really pleased that we're unified on this agenda. This is a thick agenda. Uh, we have held together our, uh, on our broad priorities, which is to address homelessness, to address public safety, to address livability, and to address our economic recovery. We are unified in terms of what we need from our state legislature for during this short session, upcoming, as well as the full session next year. And uh, the bottom line is we are doing everything we can at the local level, and I'm proud of the actions, the concrete actions that we have taken to address these issues on our streets. But the bottom line is that we and other municipal government around the state cannot do the work alone. We need the behavioral health services that the state funds. We need the substance use disorder treatment as we heard from our testifier earlier today. And again, that is funded at the state and the county level, not at the municipal level. And as commissioner Gonzalez eloquently stated, we are preempted on a whole host of fronts of doing things that we have the courage, the desire, the willingness and the resources to implement or enforce. But we are blocked from doing so by by, uh,

preemption at the legislature level. So there's a lot of areas here where we can show real progress and we can leverage the programs that we already have in place. If we have support from our state legislature and so we're all going to continue to fight, uh, in a unified way on these items. We've agreed to do that. I'm really proud that we're working together. And I vote, I and so the report is accepted on item seven, on item eight, I will accept a motion to accept the report.

Speaker: I move.

Speaker: Uh, commissioner Ryan I think, moves. Can I get a second, please? Second. Commissioner Mapps seconds, any further discussion on the report? Seeing none, please call the roll. Keelan yea. Rubio.

Speaker: I man, i\$ I hi. All right. The report is accept.

Speaker: We'll now move to the regular agenda. Item number 20. Please authorize city attorney to, uh, pursue review by writ of mandamus of the opinion and order on plaintiffs motion for a preliminary injunction issued in duncan v city of Portland. Uh, colleagues, this is a lot more interesting than the title would suggest. Last fall, we voted on and we passed a change to our city. Public camping code to include reasonable time, place and manner restrictions. This was in response to state law, specifically house bill 3115 that required reasonable restrictions on public camping. The Oregon law center promptly sued the city, as is their right, and asked Multnomah County circuit court to issue a preliminary injunction. The judge granted that injunction and prohibited the city from enforcing the ordinance that council passed. We requested that the judge issue an order explaining the rationale for her decision, as is required by Oregon law, she has not received added to that request, then, therefore, I asked the city attorney's office to pursue an appeal by seeking a writ of mandamus from the Oregon supreme court. Portlanders deserve to know why the city is prevented from enforcing this ordinance. They deserve the

clarity required to allow us to find urgent solutions and respond to the crisis. This resolution confirms our commitment to moving forward with urgency and aims to hold the legal system accountable to the rules. None the less, while we stand behind the ordinance as passed, and while we feel confident in our legal standing, we also maintain the right to issue a new ordinance that takes into consideration the plaintiffs concerns. So as we pursue these appeals, which we believe are just my team and I have simultaneously been preparing a potential new ordinance that we think could address the concerns raised in court. I am fully prepared to bring a new ordinance to council if the courts don't respond to our requests in the coming weeks, and colleagues, the timeline is not up to us. It is up to the courts. Turning to the resolution before us, we have city attorney robert taylor, deputy city attorney naomi sheffield and my senior policy advisor, skyler brock to present the information as well as to answer questions. Welcome uh, thank you, mayor.

Speaker: For the record, uh, I'm robert taylor. I'm the city attorney. Uh, mayor, I think your your, uh, presentation and description, uh, accurately recounts the procedural history here and also the arguments that we have made, uh, made in court. Um, we did pursue this writ of mandamus to the supreme court. We're asking the supreme court to do two things. First, to please direct the trial court to issue an opinion explaining the reasons for her injunction. And then second, we are asking the Oregon supreme court to please direct the trial court to limit her injunction to allow for the city to enforce the manner, regulations. Our request to the supreme court through this writ of mandamus, it's an extraordinary request test. That's something that the supreme court has ultimate discretion on whether or not to grant, um, it is our, our, our opportunity to ask the court to do that. But they do have discretion. Uh, and I do think it is, uh, it is in the city's interest to try to get some, um, more detail and feedback from the courts to help us inform what we

can and cannot do as a city. And that is why we took this step up. And with this resolution, council would authorize our office to continue that effort at the Oregon supreme court.

Speaker: Uh, thank you, mr. Mayor. Uh, robert, uh, I think the mayor indicated that we don't necessarily control the timelines here. Uh, on the other hand, do we have any expectation about how quickly, um, the higher courts might move on this? Is this a matter of days? Weeks months, years?

Speaker: You know, i, i, I it is hard to predict, uh, and the Oregon supreme court has discretion over the timeline. Typically they would respond to these things in, in in relative quick fashion. So uh, we, you know, i, I every day I come into the office, I sort of think maybe today will be the day we'll get a decision one way or another. But, you know, it can take time. And then, of course, depending on what the supreme court does, it may give the trial court some additional time to, to respond. So um, we're we're we are sort of in a holding pattern, but we do think we're, we are doing the right thing by trying to get some direction from a court. And, and we may not, you know, we may end up where we are right now, which is with an injunction. Uh uh, with without further reasoning. And then we're going to have to adjust to that also. Uh okay.

Speaker: Thank you very much. I appreciate that clarification.

Speaker: Thank you, commissioner Rubio.

Speaker: I have more of a comment. Um, and also just a little bit of an additional proposal, uh, to the, uh, the mayor's suggestion that that he, he put on the table, but I'd like to make as well. And first, i'll just say thank you, robert, for taking the time to walk us through some of these pieces, too. In the last few days. Um, it's evident to me that people want to see change as it relates to, uh, the impact that this is having on businesses and community. And it's also clear to me that people in

Portland expect the city to strike that balance between being humane in our treatment of those who live outside, and also having clean and clear, accessible streets. Um, so I'm going to vote yes on this. Um but not necessarily because. I believe we found that balance yet. But because with this writ, um, I really support seeking that extra information from the court about why specifically the court found and, um, or what was legally wrong if they found, um, that, uh, with the ordinance that we, uh, previous or that was previously passed. Um, I also believe that it's, um, a crucially important piece of information for us to have before we do anything else in order that we move forward with the policy that strikes that balance. And at the same time, um, that we're seeking answers to that question. Um, I'd like to talk about a parallel path, potentially, um, as you might remember, I introduced amendments to the ordinance and ultimately voted no. And as I stated then, and I think it's worth repeating, um, I believe it's important to have a process that is inclusive of key system partners, including shelters, law enforcement experts and others to arrive at a solution. Um, that is more reflective of what we're seeing on the ground. And also that is inclusive of those, um, other pieces of expertise, um, and not divisive and so on that note, I'm hoping we can have a conversation that includes all these active system partners who are not previously brought along with the original ordinance. Um, to think through what a prompt solution to public camping issues, face to face the city right now, my hope is that we find another way forward that, like the mayor said, we can repeal the current policy that's in legal question and replace it with something that will ensure a human centered solution while still meeting the intent of the policy, especially for our community members with disabilities. And that will also stand up to judicial scrutiny. Um, and we all know that, you know, legal processes can take a long time. Um, and at the same time, Portlanders want us to respond and act expeditiously. Um, and I really do believe

that we can find a, a new and innovative solution. Um, we've we've learned something, um, thus far, um, that I think are really important things to talk about, about, um, and also, um, if we repeal it and replace it, the current ordinance with one, um, that we work on together, we might do that. It allows the city to act faster, potentially, than the legal process. And I think we can get there soon. We I don't think we have anything to lose by having the conversation and exploring this together. So um, that's just a long winded way of saying, uh, mayor, I support what you're putting on the table, and I would love to add, um, those other dimensions to explore as well.

Speaker: Thank you, commissioner.

Speaker: Appreciate it. Commissioner gonzales.

Speaker: Yeah, I think, uh, commissioner Rubio hits out one important theme. I do disagree with the component of this, uh, of her comments. Uh, uh, maybe i'll start with the part I disagree with on the mayor's team proceeded in an incredibly only thought out from my vantage point sometimes to slow a process to propose this original ordinance, to do outreach before enforcement. They jumped through numerous hoops over numerous hurdles, uh, and then to get at the end of it and face a one page injunction without out any clear explanation is deeply problematic from a public policy process. And um, all at the same time, Portlanders are fed up and the parts of our town that are facing the most negative impacts of unsanctioned camping of rvs are often our most marginalized communities. They are often our our lowest income neighborhoods. It's not just businesses downtown. Our entire city is feeling the impacts of unsanctioned camping. Um, and so this is a difficult area from a legal perspective to navigate. We've got nine circuit law. We've got a well intentioned statute that I think is having some really negative unintended consequences for cities trying to navigate it. And we have a citizenry that is lost

their patience, rightfully so. Um, so i, um, as probably the portion I disagree with on, um, that I felt like the, the mayor's team did pursue a deliberate process on this. Uh, and, and frankly, I was often one of the ones arguing for them to speed it up and to get at the end of this, um, to face what we face, we have to pursue this, uh, aggressively. We also have to address it, uh, in salem. Unfortunately um, but I do agree with you. Dovetail being the law enforcement with the behavioral health and shelter solutions. There's this is not just a law enforcement solution to these problems. We do have to bring them both together. Uh, and, um, I just am concerned that we when we go through deliberate processes is that are excessively, uh, slow. Um we are not responding to the crisis on our streets. And for 40 plus years, the city of Portland had the right to ban unsanctioned camping. That was an old, uh, city ordinance that goes back to 82. We dramatic watered it down in a response to state law. Uh, again, that was a new law. We banned camping here, uh, for 40 plus years in the city of Portland. And I think there's evidence that that actually the banning on outdoor camping predates the 82 ordinance. Uh, in the city of Portland. Uh, but nonetheless, we watered it down after deliberate process. And then still, to get the end to the end and to be enjoined from enforcing, uh, I think Portlanders are have have been more than patient on this. That's all.

Speaker: Thank you.

Speaker: Commissioner gonzales. Commissioner uh, Rubio.

Speaker: No, I appreciate your comments.

Speaker: Uh, commissioner gonzales and, um, I do not disagree with a lot of what you said. I want to clarify that i, in no way stated that the mayor's office did not do a diligent job. I believe that they did. I believe that, um, you know, this was a new concept for everybody. And, um, but we can't also disagree or we can't also, um, you know, uh, you know, uh, deny that some people did not feel right along or

maybe just at the speed that this was going, uh, and the urgency that it required. Um, I think that we've learned something since then. So I just want to clarify that, um, I really appreciate the mayor's staff approach to this. And their diligent work to get us this far. And I also think it's okay for us to take a look and see how it's going. And to see if there's anything new to learn from what we know so far. Um, and make it even better. So that's all. Thank you.

Speaker: All right. Very good.

Speaker: Uh, any further questions or comments on this before I call for public testimony? Keelan do we have public testimony?

Speaker: No one signed up.

Speaker: All right. Very good. This is a resolution. Please call the roll. Camille I want to thank the mayor and his team for their hard work that they put into this.

Speaker: And engaging with my office on all of our questions. And I also want to thank the city attorney's office as well for their help in walking us through our questions as well. Um, I vote yea i, I hope that our legal team can continue their job to get the information from the courts that we need yea. Ryan.

Speaker: Yes. Uh, thank you for this thoughtful action. I appreciate they were reading the room. The room called Portland I vote yea gonzales.

Speaker: Uh, we urgently need to address the humanitarian crisis on our streets. Have months of after months of preparing in good faith to meet the rules and guidelines around enforcement. But we remain unable to act due to court action challenging this decision at the highest level in our state is a step we must take, and which I fully support in order to get those in need to critical services and temporary shelters, as well as restore the comments so that they remain safe and accessible for all. Portlanders also believe we must at the same time address this issue at the state legislature that I have now mentioned a couple of times, uh, during the

upcoming session, in addition to other critical issues, the city is preempted by the state from taking action on, such as open air drug use prohibitions with that, I vote. I perhaps I so first of all, I want to thank my team and the city attorney's office for their diligent work addressing the issues Portlanders are most concerned about.

Speaker: Uh, in particular, I want to call out skyler brock or nap for my team, who did a considerable amount of outreach and meetings and communications with community stakeholders to make sure that we got a broad perspective as we put this together, I will continue to do everything I can to advocate for urgent action to effectively as well as compassionately address homelessness on our streets. Over the course of the last three months, we have now housed 200 people from our tasks and safe rest village sites. We are innovating and leading to connect homeless Portlanders with the services they desperately need to get off and stay off the streets. I'm committed to pressing forward and implementing an ordinance that meets the needs of Portlanders, whether that is achieved through the legal system or through modified ordinances. I will not stop pushing against the status quo and a reminder, the status quo has led to over 300 deaths on our street in the last calendar year. I vote yea the resolution is adopted. Thank you colleagues, we'll move on to, uh, item 21. Also resolution, please adopt the budget calendar for fy 202425 colleagues each year. As you know, the council approves the budget calendar for the coming fiscal year. The city budget office director timothy grewe and deputy director ruth levine have joined us here today to talk us through the calendar. Welcome director grewe and deputy director levine. Thank you, mr. Mayor.

Speaker: Members of the council, for the record, timothy grewe city budget officer, I would like to just briefly run through some of the changes that you will see in this. Um in this, uh, resolution on the budget process. Um, first of all, the requested budgets are due three weeks later than normal on February 16th. Instead of the

usual end of January date. And this was to provide more time for the bureaus to adjust their budgets based upon much of what's happening in terms of the transit, uh, transition to the new form of government. Second, the work sessions were are moved up to February to give council an opportunity to hear about the key financial issues and give input in the service areas requested budgets, the work sessions that we're speaking of here will provide council with an opportunity to have a brief overview of the budgets for each service area for also, um, where applicable, information will be provided on the actions taken by the service areas in response to budget constraints and other revenue issues. Responses will also be provided on the key financial issues that have been presented in the budget guidance memo two and finally, an overview will be provided of any significant organizational changes that are being implemented within the requested budgets and the work that needs to be done. And implementing those changes. The third change in the budget process is that utility rate hearings are moved to an earlier time, from March 5th, to provide more certainty to the utilities, um, on their rates and in some cases, their fees. This aligns with the budget note that council adopted in the 2324 budget beginning with the release of the mayor's proposed budget on may 2nd. The budget calendar dates before you today largely are determined by the mandates established by the Oregon state budget law and are similar to the dates we've had in prior fiscal years. Due to the dynamic nature of the budget process, particularly that this is a transitional budget process, these dates may be subject to changes based upon council's preferences. If those changes do occur, the city budget office will communicate those dates to the council and bureaus, as well as to the general public. Mr. Mayor, we're available to respond to any questions on the budget process. Thank you.

Speaker: Very, very good. Thank you.

Speaker: Colleagues, any questions on the budget calendar as proposed? Keelan do we have any testimony on this resolution?

Speaker: We do. We have one person signed up. All right.

Speaker: Let's hear him.

Speaker: Vince. Marcello.

Speaker: Welcome, vince. Vince you're muted.

Speaker: Vince, are you able to unmute. It looks like they may be having some technical difficulties.

Speaker: All right well so sorry about that vince.

Speaker: Um Keelan please call the roll mayor.

Speaker: You know what? They may have just connected. Let me.

Speaker: All right. Vince can you hear us? Okay. Notes

Speaker: I think they dropped off.

Speaker: Okay. That's too bad. I'm sorry. Sorry about that. Please call the roll on the resolution, I will, I want to thank, uh, tim and ruth for bringing the budget calendar forward.

Speaker: It's an important step for maintaining transparency in our budget process. I vote yea. I am.

Speaker: So thank you, tim and ruth. It makes sense to me to move the timeline to set deadlines one month sooner than in the past. I imagine that extra time will be very beneficial during the transition. I vote yea.

Speaker: Gonzales I vote yea aps I all right, the resolution is adopted.

Speaker: Item number 22. An emergency ordinance to approve revisions to the human resources and administrative rule for gender identity and nondiscrimination. And colleagues, just a heads up. We'll take a brief break after this item. This ordinance amends human resources, administrative rule 2.04, in

accordance with feedback from that, the city received through bargaining units, employee resource groups, and bureau stakeholders to better align our code with our core values. These changes update language regarding sanitary and gender specific facilities, name and pronoun use, dress code clarifications, privacy standards, and more. Christina badnarik from the bureau of human resources and aubrey keon from the office of equity and human rights are here to walk us through the item. Welcome, christina aubrey, thank you.

Speaker: Good morning, mayor and commissioners. Thank you for allowing us to present today. My name is christina badnarik. She her pronouns and I'm a senior policy and program analyst for the bureau of human resource office. And I am here with my colleague aubrey chen, and she is getting our presentation going. As she is an lgbtqia two plus analyst with the office of equity and human rights, as. Okay. I think we're having some technical difficulty. Excuse me.

Speaker: My apologies. As zoom decided to crash as soon as I shared my presentation. Give me one moment.

Speaker: Here comes something. There it is.

Speaker: Wonderful. Okay today we are bringing an amendment to human resources administrative. Rule 2.04 for gender identity and nondiscrimination for you to consider approving. I'll share a brief overview of the rules or hr, ars as we refer to them, and aubrey will highlight the history and purpose of the rule, as well as the revision process and i'll conclude with a summary of the updates and resources we can look forward to. And because this is my first time with you for a formal rule revision request, I'm going to take the time to refresh everyone with what the human resource administrative rules are and what that process typically looks like. So hr, ars are the policy and procedures that help guide the employee experience, and they apply broadly to all employees throughout our organization.

Our goal is to align them with the core values that you've adopted for the city, as well as the bureau of human resources values, including involvement, diversity, development, accountability, stewardship, and creativity. And we are responsible for managing a city wide review for each of these updates. And this follows a process outlined in the hours and new for this year. I'm happy to share that an internal hr policy advisory committee has been established so that employees can collaborate and provide feedback on the 91 rules that were in need of updating. And as you know, with the transition to the new form of government, we will have some updates and I plan to report back to you, um, in the coming year on the work of that committee. Uh, we are still having some difficulties. I apologize with our presentation. Um, i, I will share along those materials if you're interested. After today. Uh, and with that, aubrey, I will turn it back over to you. Thank you.

Speaker: Uh, my apologies for these technical difficulties. Um so briefly, I will go over the history and purpose of the hr 2.04 gender identity and nondiscrimination. Uh, this ordinance or this rule was initially adopted by City Council in March of 2002, uh, with the purpose of prohibiting discrimination on the basis of gender identity and gender expression. Um, this rule was last revised in April of 2016. It is important to note that the city of Portland operationalized our commitment to lgbt equity by establishing the lgbtqia two plus equity program in 2021, as part of the establishment of our program, one of our primary directives has been to review and revise any policies within the city of Portland in order to better serve our lgbtqia two plus community and lgbtqia two us plus Portlanders. Uh, briefly, I'm going to review several of our reasons for revision. Uh, one of our primary goals was to make sure that our revisions were in alignment with city core values. Um, if you can go to the next slide, please. Um, secondarily, uh, one of our goals was to better protect employee health, life and safety. Uh, additionally, our goals are to

revise outdated language to be more inclusive of all identities within the city's diverse workforce. Um, as part of our 2023, uh, workforce census, uh, our workforce, our workforce census found that 4% of Portland's uh city staff identify as transgender, non-binary, genderqueer, or gender fluid. Um, in addition to these revisions, our intent has been to improve administrative processes to meet transition requests in a timely and complete manner, and clarify and add information for understandability in order to better serve and operationalize lgbtqia to plus equity. Uh, if we can move to the previous slide, please, um, I'm going to briefly go over our engagement timeline, uh, in 2022. Uh, the office of equity and the human, uh, and human rights of the bureau of human resources and the queer alliance employee resource group began collaboration on revising content within the ra 2.4 through the summer and fall of 2023. Our bureau and office stakeholders held meetings and began these revisions and continued to refine, uh, our policy proposals. Um, this version was presented to city labor leadership on November 2nd. And then on uh, uh, notice of open comment period was provided to city employees from November 20th to December 4th. Uh, feedback from city leaders, city labor leadership and employees was incorporated into the version of the revised rules that you see today. Uh hopefully upon passage of these revisions, our intent is to continue working on the implementation of these rules and provide training to city staff in order to make sure that our commitment to lgbtq, ikea to us plus equity is operational. And, uh, next, i'll pass it on to christina to talk about, uh, some of our revisions.

Speaker: Thank you. Aubrey and now I would like to discuss the proposed changes. And these can really be categorized into three parts here we have added terminology, uh, new standards for transition related updates and request and additional resources. First, we have the updated language to now include

definitions for outing misgender, and deadnaming. And the inclusion of these terms in the policy can help equip employees with a better understanding of how to respect each other's identities and what exactly constitutes harassment and discriminatory behavior. And second, we have new standards to protect employees. We have added a new privacy section to prevent the intentional outing of an employee, and added language to support the commitment to gender affirming and culturally competent health care coverage and direction for updating employee records to timely reflect any name changes and identity markers in our systems. And next slide, please. And lastly, the addition of resources includes a model guidance plan that serves as a sample tool that employees and managers and supervisors can reference. If they are requesting a workplace transition plan and following an adoption, a training plan will be developed for all city employees to reference when they are requesting to go through this process. In addition, in the interim, several related rules, including hr are. 2.02. Uh, our harassment policy, 4.03 for our dress code policy, our workplace violence policy, and our discipline policy can be referenced in support of this role. And our offices of equity and human rights and the bureau of human resources will be available to assist with any questions in in the process. And that concludes our presentation. Uh, we would like to open it up to you for any questions or discussions. You have for consideration. Thank you.

Speaker: Very good. Thank you. Colleagues, any questions at this point, not seeing any great presentation? Uh Keelan. Do we have anybody signed up for public testimony? No all right. This is an emergency ordinance. Please call the roll.

Speaker: Yes.

Speaker: I first want to appreciate all the incredible staff work that went into these changes. And I also want to really appreciate and take a moment to say that it's

really just not today. But we're looking at decades of courage and advocacy by not only current staff, but former staff and community that has all led up to this point of being seen and being acknowledged and codified. So in that way, I just want to thank all our staff who, um, who had what it take to get us to this point today. I strongly support, um, the continued refinement of all of our rules and practices to make sure that we are aligned with our city core values and ensure that we treat all employees inclusively, equitably and with respect. So thanks again for bringing these changes forward. And I'm full. I'm in full support of this work. I vote yea I am, yes.

Speaker: Uh, well thank you christina and aubrey, that was a great presentation. I couldn't be happier to see this come to council this morning. I'd like to give a big thank you to the team who put this together, namely lex genachowski. I know that you were heavily involved, aubrey and the hard working folks at the queer alliance street group. Aubrey. We had a chance to meet recently, and I just want to thank you again for the good work that you are doing on behalf of our city employees. You know, today marks a significant moment in history of our city where we embrace not just a policy change, but a shift in our collective consciousness towards greater inclusivity and equality. We celebrate the amendment of our human resource code to be more inclusive of the queer community. We are affirming our commitment to every individual's right to be recognized, respected, valued and seen. This change is more than just an update of words. It's a reflection of our city's heart and soul. By making our human resource code more inclusive, we are taking a tangible step towards ensuring that our lg tk I plus residents are not just seen, but are also heard and are fully supported. Let's continue to work together with compassion and conviction to build a Portland that truly embodies the spirit of inclusivity for all. Well done, I vote. I as alice I vote yea.

Speaker: Yes, um, I want to thank the mayor for bringing this item forward, and I want to thank staff for their, uh, diligent and excellent work on this item. I vote I really we want to set a positive example for a workplace where for all people who live here in the city of Portland can see themselves as being part of our team.

Speaker: And this work is central to that. I want to thank all of you who worked so hard on this. I know there's a lot of behind the scenes work that went into this. A lot of outreach, a lot of communication. And, um, it almost feels anticlimactic bringing it to council and then just having a brief conversation and taking a quick vote. But I want you to know that all of us on this council, we see you and we see the work that you did. We appreciate it. I'm very happy to vote. I and the ordinance passes. Colleagues, we've been here for a couple hours now. Why don't we give everybody a ten minute recess? Why don't we reconvene, please? Uh, it looks to my slightly off clock to be about 1132. Let's reconvene at about 1142. We're in recess this.

Speaker: Thank you . For the . Work.

Speaker: Out. For your. For your. Your. Your. For your. Your. Your your. Your. Authorize price agreements with hicks.

Speaker: Striping and curbing, llc and special pavement marking, llc. To furnish on call traffic striping and signing for \$1 million per agreement.

Speaker: All right. So this report authorizes two price agreements for striping, paving as well as signage services as part of the Portland bureau of transportation's quick build delivery program. And we're going to hear from chief procurement officer biko taylor to present the item. And I hope biko, that you'll give us just a quick few sentences on what the quick build delivery program is. Thank you. Uh good morning, mayor Wheeler, and commissioners, I'm kathleen brennan, uh, procurement manager overseeing design, construction, contracting services, high speed biko.

Speaker: Uh, was unable to be here this morning and ask, um, so I am here to recommend authorization to enter into these on call construction services contracts. Uh, for the traffic striping and signage with hicks striping and curbing, llc and specialized paving marking, llc. Um, and I apologize to your question. Uh, I am not prepared to respond to pbot. Um, quick build, uh, program. And I don't believe that we have a pbot representative with us this morning. Uh, I just stepped in and, uh, and unfamiliar here, um, with that project, but.

Speaker: All right, no worries.

Speaker: Uh, um, City Council, thank you for stepping in. All right. Thank you. City Council approved ordinance number 191426 on August 23rd of 2023, authorizing procurement services to competitively solicit for these services, be anticipated. Expenditure, expenditure for um is 5 million per contract. Um, over a total of five years. Procurement services issued the invitation to bid on may 16th of 2023, with a due date of August 15th, and two bids were received and hicks striping and curbing and specialized pavement marking were received. Offensive to the bid requirements. Um price agreements for on call construction services are intended to be used for projects whose the specific scope and budget are not predetermined, but rather work will be performed under these contracts. Um as the need arises, there will be authorized via written task orders. Um, once those projects are identified, um, our equity in contracting aspirational goal of 20% of the hard construction costs for subcontractor and supplier utilization on, uh, firm certified by the state certification office for business inclusion and diversity will apply to each individual task order and the two contractors awarded these price agreements have committed to make good faith efforts to achieve the utilized goal. Each task order will be negotiated, um to subcontract with cobid certified enterprise to the maximum extent possible, while striping curbing, llc is located in

salem, Oregon. Um, they have current city of Portland business and tax registration and full compliance with all the city's contract requirements. As a specialized pavement marking, llc and with that, I recommend, um, approval, uh, to proceed to contract with these two. Uh, construction firms.

Speaker: Alrighty. Thank you. Kathleen commissioner Mapps, uh, thank you, mr. Mayor.

Speaker: One of the number one thing, kathleen, for stepping in, uh, um, on behalf of biko today, I just wanted to quickly address your question about what the quick build program is. Lives over in pbot. This is, uh, a project for small capital projects. Typically to improve, uh, safety or to address some issues. So we're talking about things like bike lanes, safe routes to school, whatnot, typically less than half \$1 million. Very meat and potatoes. Uh, this is where our noncontroversial, uh, um, just making sure our systems are working effectively. Um, projects tend to lift.

Speaker: Hey. Thank you. I appreciate that. That sounds great.

Speaker: Yeah, it's a great program. Uh, folks, it's very important. Uh, when you hear folks come to come to, uh, council, uh, to express their concerns about deficits in our transportation system, especially if it's hyper specific. Often the way we address that is through this program. Awesome

Speaker: All right. Thank you. Uh, commissioner Mapps, uh, colleagues, any questions for kathleen? Understand that she is filling in today. So she may not have all the finer details. Seeing none. Keelan do we have any public testimony on this item?

Speaker: No one signed up.

Speaker: All right. This is a report. I'll entertain a motion to accept the report.

Speaker: So moved.

Speaker: Commissioner Mapps moves. Can I get a second, please?

Speaker: Second. Second.

Speaker: Second from commissioner Rubio, please call the roll.

Speaker: Mayor, I want to thank kathleen for being here today. And for, uh, presenting this work. I vote yea yea. Ryan.

Speaker: Yeah. Good to see you, kathleen I vote yea gonzales.

Speaker: Hi, apps.

Speaker: I want to thank kathleen for stepping in at the last minute. I want to thank my colleagues for supporting this program. As I mentioned in my, uh, clarifying comments here, this is a very straightforward program that allows us to address things like cross walks, uh, neighborhood greenways, biking, uh, infrastructure and whatnot. Very important work, kind of small ball. But it's the kind of small ball that helps us, uh, move our transportation goals forward. Which is why I vote yea mueller.

Speaker: Yeah. So I'm going to dig into this a little more. I think it's great that, uh, commissioner Mapps and I like the idea of prioritizing some of these smaller, non-controversial, easier to do sort of things without making them go through the full rigmarole. Uh, and many, many, many months of, of, uh, of process. So I think this, this sounds like a great example of the bureau trying to cut to the chase and get stuff done. So I'm strongly supportive of this. Uh, i, uh, thank you, kathleen, for filling in at the last minute. I vote I and the report is accepted. Next item. Item 24, please, is an emergency ordinance.

Speaker: Pay settlement of angelica clark bodily injury lawsuit for \$158,000. Involving the Portland police bureau colleagues.

Speaker: This ordinance resolves a lawsuit that was brought against the city of Portland back in July of 2022, deputy city attorney beth woodward and senior

claims analyst dave ferro are here to walk us through this ordinance. Welcome good morning, council.

Speaker: For the record, I'm deputy city attorney beth woodard. This lawsuit, uh, this settlement resolves, uh, claims brought by erica clark for, uh, injury that she sustained on July 26, 2020. And I have just lost my notes. Hold on. One second. Here we are. Uh, on the evening of July 25th, miss clark participated in protest in downtown Portland near the federal courthouse. In the early hours of July 26th. Portland police declared a riot and began disperse. The remaining crowd. Miss clark complied with dispersal orders and walked north on southwest fourth avenue as directed, uh, by the officers. As the crowd walked north, a group of individuals began to throw fireworks towards the officers from a nearby parking deck just behind miss clark. The line of officers then sped up and overtook miss clark. She was pushed several times, and pepper sprayed. She filed suit in federal district court, alleging fourth amendment claims and state law claims for battery and negligence. The parties attended a judicial settlement conference in November and agreed to resolve this matter for \$158,000, including five of miss clark's economic and non-economic damages. As well as her attorney fees, the city attorney's office and risk management recommend approval of the settlement, and at this time, I'd be happy to answer any questions you may have.

Speaker: Colleagues, any questions? Seeing none. Keelan do we have public testimony on this item?

Speaker: We do. We have six people.

Speaker: All right. Very good.

Speaker: Uh, first up, we have mark porras, Portland copwatch.

Speaker: Hello. Can you hear me loud and clear, mark. Fantastic. Good morning. Mayor. Commissioners, my name is mark porras. I use he him pronouns and I'm

with Portland copwatch. Uh, we understand the parties have come to an agreement and we have no objection to the city paying 158,000 to settle this bodily injury lawsuit resulting from the harm caused by three unnamed Portland police officers. We hope miss clark's recovered from her physical injuries and that her resulting mental and emotional injuries will lessen with time, according to court records, which also contain photographic evidence. On the night of July 25th, 2020, miss clark, a black woman, participated in a protest against police violence and in support of the black lives matter movement. Around 2:15 a.m. On January 26th, 2020, ppb officers repeatedly beat miss clark as she followed orders to disperse. Court records state that one officer hit miss clark with his baton and pushed her into a wall. Another officer hit her with his outstretched baton, and a third officer put his hand on her face violently ripped off her mask and goggles, and pepper sprayed her directly into the eyes. This settlement raises the total, according to our records paid by the city for protests between 2018 and 2020 to more than \$2,860,000, and has stated in the ordinance the source of funding is the city's insurance and claims fund, which means none of the three officers will pay a cent of that to miss clark for the harm they caused. Since the officers were not identified, it seems safe to assume that none of them received discipline for violating miss clark's rights, and we have no reason to believe that they will be excluded from participating in the next iteration of the bureau's riot squad. We appear before you on police brutality, settlements, hoping you will discuss the policy decisions that lead to these incidents, as well as changes you're willing to propose in order to hopefully someday enable the bureau to reach the city's goal of providing constitutional policing. You might also consider addressing the staffing and leadership of the new riot squad, which is under development, much like the alaska airlines plane that failed three recent pressurization tests and then lost a door plug

shortly after takeoff last week. Nearly causing a disastrous loss of life. The city has received warning signs of disasters waiting to happen in the police bureau, including these three officers who brutalized miss clark. Another disaster waiting to happen is officer chuck l'hum, a former rapid response team member whose actions caused your approval of a \$13,750 settlement last year for violence against a member of the media. Sergeant l'um has since been promoted and is now listed as a team leader and lead instructor for the next iteration of the riot squad. The ppb is forming. You might address how the city believes the community is safer when known. Abusive officers who not only have caused harm to community members, but who have disgraced the police bureau by being implicated in the dirty hippie slide fiasco, can be promoted and entrusted to lead the next group of riot squad members. Last month, when council approved \$10 million for body cameras and 3.4 million for taser upgrades. One of your reasons for doing so is to satisfy requirements of the d.o.j. Settlement agreement. We hope you'll use the same reason of satisfying the d.o.j. Settlement agreement by complying with paragraph 170, which requires the city to report the number, nature and settlement amount of civil suits against ppb officers. Instead of prioritizing parts of the agreement that lead to the police getting more equipment. Please focus your efforts on the parts that provide more transparency and actual safety for the people of Portland. Thank you.

Speaker: Next up we have angelica clark.

Speaker: Can I be heard loud and clear. All right. Being assaulted in a community where you were born and raised, where you felt safe and protected, can really mess someone up mentally, physically, spiritually and emotionally on top of that, not having the support you need, following traumatic experiences genuinely changes a person. Traumatic experiences in general, as many of us should know,

change a person policies over people. Policing must end. We can see this now within general public. Um, as people disassociate themselves from the reality of the continued cycles of genocide and brutality that are actively taking place in areas such as congo, sudan and in gaza, palestine. What's been happening in africa and on these indigenous lands since this nation's establishment, in order to just function and live in their current capacity alone. But back to why we're here presently. For the past three years, plus, my body has been overloaded by cortisol and the inability to get out of survival mode. Prior to this assault, I had experienced life, school, work, studies as a social work grad, grief, and endured traumatic experiences walking alongside close family and friends during those times, I was able to show up for my friends and family while maintaining a balance for myself. This meant finding sound ways to cope with those situations in order to function according. Following the assault on my body by Portland police, however, I noticed within myself the inability to function outside of survivor mode and could not use the same self-care practices and techniques I had once used before. In the same manner, every morning and every day. My body was constantly overwhelmed by the cortisol running through me. I began to overwork myself in order to avoid the pain, the hypervigilance, the constant desire to keep moving out of the fear of allowing the grief and loss experienced amongst my closest relationships as a result of this assault, I began to make decisions out of position of survival and necessity. Praying that the anger, the pain and loss of my entire sense of self that I had endured that day would subside and I could once again gain function in once again function as I was once able to before. Unfortunately, that day has changed me forever. I began to recognize my own struggles in regard to my cognitive functioning and abilities, and sought out resources for my assistance during my recovery. I am still recovering to this day. These past few years have been a battle

of which I have had constantly reassure my mind and body each and every day that I am safe and I am well. Going through this process of even filing against the individuals that caused this harm and damage has also created cycles of harm within my life. Reliving the trauma and grief, familial and cordial relationships became skewed, and my ability and desire to interact with others greatly declined. This settlement offer still feels like a slap in the face, and though it goes against my original decision for trial, I have agreed to the settlement solely out of protection for my mental health and to hopefully begin to move forward from the police assault on my body. Experienced July 20th, 20 and ted Wheeler, the way that you interact and engage with the public has been and is still disrespect as you respectfully.

Speaker: Next up, we have lawrence ray clark. Lawrence, you're muted. Okay

Speaker: Hi. Good morning to the committee. And the panel I'm here today in regards to how it feels as a father. Will your daughter come home all beat up all out of her mind, freaked up and afraid. And I've always been the father that protected my family. Not more. Pardon me. As god and my family, to see my daughter treated like that. Didn't know what she's going through today. Everything that happened to her came back on our family. All of my siblings, you know, all of my her sister and brothers. There's just this big family, this orientation now because because of what the police department done to her. I've lived in fallen for a lot of years, and I've had my experience growing up with the Oregon police. So I'm a vietnam vet, so I know what the pain feels like. But the pain that I feel now, that's what my daughter's going through. I feel her pain every day and every day I wake up and at 3:00 in the morning dealing with my own ptsd and all this did is added more ptsd on me. Feeling helpless as a father, not able to help my daughter. I don't even see my daughter anymore. You know, she moved out of this state, you know, because she

just couldn't cope, you know, and that's I feel like a failure. And it really makes me angry. I've done everything in my power to say, god. Good thing god has ground me. You know, like I said, I had my path with the police officer. You know, I've been mistreated in Portland. I could have been in prison today because I was sitting in an alibi restaurant many years ago. I went to the city, complained about it. One officer walked in and looked at me, and then he come with another look. I'm sitting there with the cook for over an hour and a half, talking to he, not making my food, and they tell me, get up, come with me. Take me down the street. And they literally shot a flashlight in my face. And there with the swat off the tall, big, red headed, freckled, he was yelling every time, this that to me. And I'm saying, what's going on? Come to find out, the girls kept saying, no, no, no, that's not him. Not them. Come to find out, someone had went into the hotel room, killed the guy. What kind of drug? And if they would have said it was me, I would be in police. I would be in prison. They something I did because how they was trying to force those young lady. I don't know who they are, but I owe my life to them. And so the, you know, things have to change in this city. This used to be a great city, you know, it used to be a great city that I saw so much trauma. Things happen in these last two years, which had more say.

Speaker: Next up we have dina clark. This this experience has really traumatized us.

Speaker: Our whole family. The pain that erica has endured, I feel as a mother, I feel I've lost a daughter. No parent should ever feel like they've lost a child. I feel like my daughter is honestly, I feel as if the only thing that's missing is the burial for my daughter. Because I've lost the little girl that I've raised to make a difference in this world. I mean, she's always been community service. We've always been a part of that. That's something that we've always raised our children to do. But now, with

the police beating on her, I remember the day that she came home and standing in my living room, her face was just beat red. Her lips were swollen, her whole body was. We were trying to wash. It hurts me as a parent because every time I see the police officers or she sees the police officer, I'm sure she rekindles all of that. I feel like I've lost her. It's caused so much. Problems in our families because of what has happened that that I don't even know when we could have family reunions again with my family reunited. What they did to erica was like they discriminated against her because of her skin color, her size because of her gender. I feel that those police officer abuse used their power because why don't they? Why didn't they choose a man? Why didn't they attack a man? They had to choose a woman to attack. What if this was your wife? What if this was your daughter? You come home and you're proud that she's out there making a difference, and she comes home beaten by the police? I hope you never have to experience this. There's no amount of money you can put on the page that a child is going through. That money will come and go. But those memories, that mental illness that pain is going to be with her forever for this is something that has to change in Portland. There has to be an example for the amount of money that they're asking. That is just that's just to me, that is honestly a slap in the face. I never knew how much it was, but now that I know that isn't even enough to scratch the surface of what a mother feels, of the loss of a child in a family because of this, that has happened in the city of Portland. Why don't they do this to the proud boys? Why didn't they do it to a man? They had to choose a woman because of her size and her gender and her skin color. I hope this never happens to you guys ever.

Speaker: Our last testifier is leilani reina. They haven't joined us. That completes testimony.

Speaker: All right. Thank you. Thank you to everybody for your testimony. We colleagues, any comments or questions? This is an emergency ordinance. Please call the roll yea. Rubio.

Speaker: Hi, Ryan. Hi gonzales.

Speaker: Hi.

Speaker: Maps.

Speaker: Hi, taylor.

Speaker: All right. The ordinance passes item number 25. Also an emergency ordinance.

Speaker: A settlement of rodger wagner. Bodily injury lawsuit. For \$100,000 involving the Portland bureau of transportation colleagues.

Speaker: This ordinance resolves a lawsuit brought against the city in October of 2021. Deputy city attorney carolyn turco and senior claims analyst karen bond are here to walk us through this ordinance. Welcome good afternoon.

Speaker: This case involves a traffic crash in which a pedestrian was hit by a vehicle, um, while crossing the street. The crash occurred on October 24th, 2019, and northeast Portland at the intersection of northeast 26th avenue and northeast sandy boulevard. The pedestrian radiah wagner was walking southbound across northeast sandy boulevard and the driver was headed westbound. The crash occurred at approximately 5:30 p.m, and the drivers view was blocked by the setting sun on radio. Wagner filed their lawsuit in state court against the driver of the vehicle and the city. The lawsuit alleged that the driver was negligent for failing to look where he was going. While driving the allegations against the city centered on a failure to make the intersection safe for pedestrian, as given the risk of an adverse jury verdict. The parties negotiated and mutually and reached a mutually agreeable settlement under the settlement, the city will pay \$100,000 to resolve this

lawsuit. The city attorney's office and risk management recommend that the City Council approve the settlement. I'm happy to answer any questions council has otherwise. This concludes my remarks.

Speaker: Thank you very much. Colleagues. Any further questions on this item? Keelan do we have public testimony?

Speaker: Someone signed up.

Speaker: All right. This is an emergency ordinance. Please call the roll.

Speaker: I yea. Ryan. I gonzales.

Speaker: I apps. Hi mueller.

Speaker: All right. The ordinance is adopted. Item number 26, a non-emergency ordinance authorized revenue bonds to provide not more. Than \$53,430,000 to finance veterans memorial coliseum projects.

Speaker: Colleagues.

Speaker: This ordinance authorizes the issuance of limited tax revenue bonds. This is the next step of a multi year process to complete the veterans memorial coliseum renovation project, led by our spectator venues team. By authorizing this borrowing, the city will be able to benefit from funding opportune city provided by a partnership with Multnomah County and metro under the visitors facilities intergovernmental agreement. The proposed bonds allow the city to maintain the city asset with an external funding source that would frankly otherwise be unavailable. These bonds will finance critically needed systems and facilities. Updates to vmc that will enhance the overall visitor experience. It'll improve the safety and the sustained ability of the building and as we all hope and expect, it will attract more events, attendees and positive economic investments into our city. Matt jirak from the bureau of revenue and finance and carl lyle from the spectator

venues team, are here to walk us through this item. Welcome, matt and carl.
Thanks for being here.

Speaker: Thank you. Good afternoon, mayor.

Speaker: Good afternoon, mayor and City Council. Uh, yeah.

Speaker: First off, thank you for the opportunity to present this item. For the record, I'm matt york, debt manager in the office of management and finance. Uh, as the mayor mentioned, this is a borrowing authorization that will allow the city to issue bonds for a project that has been in the planning stages for quite some time.

Speaker: Uh, before diving into specifics about the borrowing, we thought it would be helpful to review some of the history of the project, as well as the anticipated renovations.

Speaker: I'm going to hand it off to carlyle to take us through the first portion of the slide deck.

Speaker: Thank you. Matt uh, Carlisle city, um, spectator venues program manager. Um, yeah. So uh, briefly, I'd just like to do a little history on kind of the project and how we got here. So, um, we've been working on this and City Council actions leading to the renovation of the coliseum date back, uh, about 12 years. At this point, at least. Um, it was in 2012 that following an extended public process to consider alternative reuse scenarios for the veterans memorial coliseum, um, council directed the office of management and finance to work seriously on reinvest into the aging, uh, multi-purpose arena to preserve the activity that it represents for the community. In 2015, uh, we saw a series of alternative investment options, uh, into the building, studied in more detail with the options study, which was presented to City Council. Um, the clear outcome of that round of study was that really the most viable and most economically beneficial and feasible solution for the building was essentially to reinvest in it as what it is a multi-purpose

arena and to grow business lines where possible, but also preserve the activity that that, uh, has taken place there for many, many years. Uh, in 2019, the city Multnomah County and metro all approved amendments to the visitor facility inter-government agreement. The mayor referred to, which committed debt service payments to the full amount of the debt service is covered by this source for the vmc renovation bonds to be paid from these dedicated tourism funds in the visitor facility trust account. This account receives a portion of the transient lodging and vehicle rental fees, and its purpose is to fund investments into the infrastructure that supports events, travel and tourism. And Portland. In 2022, we extended the coliseum operating agreement with rip city management through the fall of 2025, and the parties committed in that process to work together on implementing renovations and last June, we brought the necessary amendments to the design and construction project management contracts to City Council for approval and gave you a little overview of the of the project and the scope. There as well. So today's action or well, this this authorization, um, uh, this ordinance, which will be approved next week, presumably, um, is to authorize sales of the bonds and it's the last council authorization step before construction activities or scheduled to begin at the building, uh, this coming summer. Next slide please. Um, so, as confirmed in the 2015 coliseum option studies, there's a strong case for renovating the veterans memorial coliseum. Reasons include the over \$30 million in annual economic impact of continued operations, which is expected to increase significantly after, uh, renovations as the building becomes more appealing to more different events. The fact that the building is operating at a financially sustainable, uh, rate, um, and actually had a record year in fiscal year 2223, in terms of revenue generated, um, additional factors include the benefits and opportunities that come with having two arenas with a single operator, the possibility of dual events, um, and the historic

status of the building and the opportunity to grow new business lines with an improved facility. Next slide please. So these bonds will fund a strategic set of improvements informed by the 2021 reinvest strategy that was developed by the city. Working with our team of design professionals and informed by a community advisory group representing diverse perspectives on the building and users of the building. Uh, next slide please. That strategy, we confirmed that in addition to continuing ongoing sustaining investments into the building to keep it operational on an annual basis, the initial focus of larger investments should be to address critically, out of date mechanical systems. Many of which are original to the building. From 1960, and then to upgrade the seating bowl with all new seats and associated code required improvements such as restrooms, exiting egress, safety features for future. Currently unfunded projects can then be pursued later as resources allow in the future. To be clear, this the proceeds from this bond uh authorized and issuance will not meet all the needs and all the things we'd like to see in the building, but it will make a huge step forward into, into, um, to that future. Um, next slide please. So here's a high level list of the type of enhancements these bonds will fund at the building. The takeaway here is that these investments will result in a veterans memorial coliseum that is much safer, much more reliable, more accessible, more comfortable, and more appealing than the one we have today. Next slide please. Uh, so I have just a couple of before and after. These are fun. Uh images to show, uh, kind of what we can expect with the renovations. So this first set is looking at the seating bowl. Uh, and so today, this is what it looks like with the original 1960s seats. And this is what we can expect to see after implementation of the renovations in the bowl. So all new seats handrailing, um, reconfigured cross aisle. And the next set has a close up of the cross aisle. So this is the current, um, accessible seating areas is very far from meeting ada standards

and code requirements. As you can imagine, from 1960. So this is how it looks today with the original seats and the existing cross aisle. And the next image is the improvements that we can see next slide please. Um and so this is what we can expect to see there with fully compliant uh much more generous accessible seating areas and uh, group seating boxes, as well as hand railings throughout and various other safety features. So it's going to be, uh, really transformational, uh, in terms of the guest experience, uh, and that is the end of my slides. And I think matt has a couple slides on the technicalities of the bond and how and how this works.

Speaker: Thanks. Thanks, carl. Uh, so I'm going to provide a little bit more information on the, uh, figure. So the purpose of the figure is to support regional, uh, visitor facilities and the visitor industry, uh, in the region, the figure provides. For two separate tax revenue streams that are deposited into a trust account held by Multnomah County, where then the funds are dispersed for allowable costs outlined in the iga tax revenues for 2023. Total \$22.2 million. Uh, the first priority for revenues is that payments where bonds are paid in an order of priority based on the date they were issued, there will be three bonds series paid from the trust account. After these bonds are issued and you can see there's a fourth, um, future contemplated, uh, bond issues as well. Um, there are not definitive plans on that. Uh, so after sufficient funds are available, uh, to make the full debt service payments for the fiscal year, the remaining budgeted funds are made available for program expenses, including operating assistance to travel. Portland the visitor facility operators and the county. So next, i'll talk a bit more about the bonds that are being authorized by this ordinance.

Speaker: So as a review, the bonds are a loan that will need to be repaid to purchasers of the bonds.

Speaker: These bonds include a pledge of the city's full faith and credit, meaning all legally available funds, including the general fund, by including a pledge of the city's full faith and credit, we will be able to improve the investor interest and thereby attain a lower interest rate on the borrowing. The bonds are considered self-supporting debt under our debt policy because of loan to be paid from revenues. Other than the general fund, and because of the relative strength and the long track record of the trust accounts revenues. As mentioned in the prior slide, the fta, the visitors facilities trust account at \$22 million of tax revenues available for bond payments in 2023. This is equivalent to 140% of the trust accounts. Total annual bond payments. After these bonds are issued. This cushion means that revenues can drop roughly 30% before any of the fta reserves could be needed. Reserves were approximately \$20 million at fiscal year end 2023, as an additional backstop, the financial resources of the city's spectator fund would be exhausted before the general fund would have to step in to make any bond payments. The amount to be authorized is 54.43 million of funds for the project, plus additional amounts to pay issuance costs of the bonds. Uh, the issuance of the bonds would increase the city's total bonded debt by just 1.8, based on current market conditions, annual debt service is estimated to be \$4.65 million per year for 20 years. The bonds will be issued as taxable bonds due to the, uh, the use of the facility, the nature of the use of the facility, and we anticipate that the bonds will be sold this coming March, uh, via a public bond offering. Uh, I also wanted to mention that the vmc bonds that we're discussing will be sold alongside a separate bond refinancing of pbot 2014. A bonds that were originally issued for the city southern bridge contribution, and that refinancing was separately authorized by City Council under ordinance 190747. In. March 2022. Uh, as carl mentioned, the coliseum renovations are expected to commence later this year and be completed in 2026.

And I'll wrap things up by reiterating that this financing allows the city to utilize outside resources to maintain one of its capital assets, and that this borrowing is self-supporting and poses a relatively low risk to the city's general fund and, uh, we'll open that up for any comments or questions. Awesome colleagues.

Speaker: Any questions? Commissioner Gonzalez, I just had a more conceptual one, fully supportive of what we're discussing here.

Speaker: But as we think about the future of this portion of, um, the city and what's going on with the blazers next door, um, how do we what is our flexibility? How do we preserve flexibility to pivot as our broader our, um, plans and the region might evolve? Um, I mean, again, I'm fully supportive of what we're proposing here. Um, they're much needed, uh, investments. I just but I wanted to ask that big picture about flexibility. You know, as we as we have a lot of things going on. Uh, albina district, uh, the blazers, what's going to happen in lloyd district? Um these are big kind of generational investments. And I just wanted to at least make the space for us to think about how we're allocating these dollars. And do we have space to, to pivot down the road if, if other assumptions materially change?

Speaker: Um, well, thank you, commissioner. I think that's a good question. And I would say just a couple of things. These particular funds that, you know, as you saw the long timeline of, of actions and efforts and work to get to this point, um, you know, these funds that are backed by the visitor facility trust account through the agreement are not flexible. Right? I think that's that's clear. These can only be used for this project, and they're the result of that that very long time sort of effort to make these investments possible into the coliseum. Um, I think going forward and looking at, you know, additional investments or future revenues or other things down the line, we absolutely need to be considering all those other factors. But this is really kind of the, the, the very last step in an over ten year process to kind of get

to this point. And I would also say, you know, these investments are specific to the building and are critical to allowing us to continue operating the coliseum. Um, uh, as it is without these investments, you know, the risk of closure goes up every year because you could have a you know, a dramatic failure of some critical system or a safety issue or or whatever. And then and then we have a building that is historic and unusable and difficult to, to try to figure out what to, what to do with. So I think, um, I guess I'm bringing that up because I think the, the larger questions of what is outside the doors of the coliseum are not really impacted necessarily by this investment. This is about continuing to operate the building and certainly the district around it is anticipated to redevelop and change in the future. But to our knowledge, there hasn't been um, you know, a serious call to uh, to, you know, close down the building or not, not keep it operating. And if we're, we're working on the assumptions that we want to continue, uh, the economic activity represented by the building and continue operations, these investments are necessary to continue to do that. Yeah

Speaker: And i, I guess what I would just submit is much for the public. Again, when we're thinking longer terms about this portion of the city. Um, this is a wonderful facility. It's got long tradition. It is historic in many respects. Um, but if we want to think big, you know, we have to continue to keep all things on the table and so, um, i, uh, I guess I just leave it with that, but thank you. Thank you for the answers to the questions, carl. Commissioner Ryan.

Speaker: Dan, you're muted.

Speaker: There you go. Uh, thank you so much carl and matt for the presentation and for the additional context. Uh, 12 years in the making. Wow I I'm delighted that construction will begin in the summer of 2024 and finish in 26. Um, especially hearing about replacing the seats. I can't be the only person who's had a mishap.

Why? Going to a winterhawks match and experiencing a little rip? Um, in those old seats. So, um, I'm delighted with that, uh, upgrade. I assume the Portland winterhawks are your number one resident in that entertainment venue, is that correct? So uh, they're very important tenant where they have the most events in any any given year?

Speaker: Uh, yeah. That's what I meant.

Speaker: So they're they're your number one, um, resident since they're, they have the most events. How active were the winterhawks in these, um, renovations?

Speaker: Uh, we're actively talking with them. They're obviously very supportive. Um, they also have a nice long evolving list of other desires that are not necessarily, um, within the project scope, but we're in regular communications with them, uh, on on the improvements and on the scheduling of the construction and the impacts and, and so forth. So they're they're quite involved.

Speaker: Okay. I'm happy to hear that. I i when I met with them, I could tell they would they want to be very heavily involved in in these plans. And I just wanted I don't know if I don't think you called this out, but today we have 54 home toilets, if you will, for women, and it's going to increase to 93. Um, when will that actually be put forth? Is that at the beginning of the construction or towards the end? Uh that's a that's a good question.

Speaker: And I don't think we can count on all 90 being in place until we're finished with the entire, uh, phase of work. It's going to take, um, uh, such a long time because we have to work between the events and there's limited periods where we can close the building down to do some of this work. So it's not like we're going to be able to deliver all the restroom renovations, for example, in one summer. It'll probably stretch out and it'll really be the end of by by 2026. I think we'll see everything in. So you've got to my last question, which was, um, how will this, uh,

interfere with, uh, the staging of events in the, uh, and so it sounds like you're going to be working around events and doing it in between. Yes. Some work is able to happen during during the seasons, which is really the hockey season when the building is busiest, you know, from fall through spring. Uh, there will be, uh, closures for some, the bulk of 2024. In the summer. So June through September and again in 2025, June through October.

Speaker: So that that helps me realize that you are prioritizing prioritize the winterhawks by focusing on the closed down in the summer. Correct

Speaker: Absolutely.

Speaker: All right. All right. Thank you.

Speaker: Very good. Thank you, commissioner Mapps, um, I want to thank commissioner Ryan for asking the bathroom question.

Speaker: That's been on my mind, too. Um, i, I suspect we've all or many of us have probably heard about, um, how our limited capacity and bathrooms in this particular facility also limits, uh, potential uses of this space, which is unfortunate. Uh, I'm glad at least this project should move us in the right or in a better direction. There um, although I'm disappointed it couldn't happen faster, but I guess we can just do what we can do. Um I have maybe I want to also ask a broader question. Probably this one should go to matt. Um, matthew. Uh, so we're issuing 54 or the proposal on the table is to issue \$53 million in bonds for this facility. I support that, but I also I don't have a clear sense of how much bonding capacity we the city, um, has and how much we are, how close we're getting to a practical cap. Uh this bond is a common sense thing. There are some other proposals out there for other bonds, too. Um how much room do we have? And is there a how much bonding capacity do we have at the city? Um and do we have a coordinated process for evaluating which bonds to prioritize.

Speaker: Uh, thank you very much, commissioner nash, a question, um, so we did go through a, uh, rating criteria change, uh, with moody's and, um, so it's definitely, uh, an evolving area. Um, but based on the prior, um, criteria, we have plenty of room, um, under our, our, um, our debt metrics. I don't have the details on my fingertips, but I plan on visiting with, um, each of the commissioners bringing their office, um, to go through the, uh, the credit rating and a bit more detail and kind of provide an overview of the credit scorecard and, and, uh, answer additional questions. So I don't have, uh, specifics at my fingertips, but they'll look forward to visiting with, um, with all the commissioners on this.

Speaker: Well, uh, thank you for that. And it that's sort of an unfair question. Um, I will, uh, state for the record, um, that at least i, I feel like I need to have a better sense of, uh, our current financial landscape around, uh, um, bonds. I don't know if that if we can take care of that through a series of, uh, in-office conversations. It seems like it might also be a topic appropriate for work session. Um, although, frankly, I think getting in a work session in this calendar year might be a little bit tough. Uh, but I think the stakes here are high enough that i, um, i, I hope that we can do some more analysis and more education. Um, on the city's bonding capacity in particular. Uh, but thank you very much for this presentation. Uh, when this comes back to council, I will certainly be voting yes.

Speaker: Very good. Thank you. Colleagues, any further questions? Keelan do we have public testimony on this non-emergency ordinance?

Speaker: No one signed up. All right, very good.

Speaker: Then this is a first reading of a non-emergency ordinance. It moves to second reading. Thank you for your great presentation. Item 27, an emergency ordinance.

Speaker: Authorize a contract with Washington park transportation management association for transportation and visitor management services. Commissioner Ryan, thank you, mayor.

Speaker: Colleagues, if you don't already know, explore Washington park is a nonprofit formed to manage transportation services and programs in Washington park, and they have done so for the last ten years. The program is funded through the Washington park paid parking program, which also began ten years ago. Explore Washington park's experience makes the organization uniquely qualified to continue managing these services at Washington park. I'd like to introduce todd lofgren, our deputy director of parks and rec, and victor sanders, program coordinator coordinator for brief presentation. Welcome, todd and victor foreshores. Thank you. Good afternoon, mayor and commissioners. I'm todd lofgren.

Speaker: Uh, Portland parks and recreation deputy director. I'm here with victor sanders, our program coordinator. As commissioner Ryan said, uh, Washington park has many attractions as great service through explore Washington park for attractions like Portland chapel, Portland japanese garden, world forestry center, hoyt arboretum, Oregon zoo, uh, there's as many as 3 million visitors a year that visit the park. Uh, the city, the city's contract before you today is with, uh, the Washington park transportation management association. They do business as explore Washington park for services and programs associated with transportation management for Washington park. Explore Washington park, as commissioner said, is a nonprofit organization formed at the city's request, whose sole purpose is to implement transportation management for Washington park. Explore Washington park, through its board of directors, has successfully managed transportation and visitor and parking services for the last ten years and every year

we see about 75,000 free shuttle rides that are provided to visitors in Washington park. As well as, uh, free shuttle service to about 56,000 visitors for overflow parking services each year. We also provide about 65,000 maps in english and spanish, and pre-trip information on to make sure people know the best way to get to the park, whether that's on the max or using their personal vehicle, using trimet busses or taking advantage of the free shuttle funding for these services does come from the Washington park trust fund, which is derived solely from Washington park. Parking revenues collected by the city as part of our pay to park program. Um, Portland parks and recreation is successfully negotiated. A new contract for the next five years to provide these valued services. And finally, this contract has unanimous support from explore Washington park's nonprofit board of directors, which includes representatives from metro, Oregon zoo world forestry center, japanese gardens society of Oregon, hoyt arboretum, friends sylvan-highlands neighborhood association, arlington heights neighborhood association, trimet travel, Portland, and so we're requesting council's approval for item before you today. Thanks we're here to answer any questions.

Speaker: All right. Very good.

Speaker: Colleagues, any questions on this particular item? Not seeing any. Do we have public testimony? Keelan

Speaker: No one signed up.

Speaker: Please call the roll.

Speaker: Yea. Rubio. Uh, I Ryan, I gonzales.

Speaker: The service provides excellent value to the community because this covers Washington park shuttles. Uh, that service, the Oregon zoo, Portland japanese garden, Oregon, Portland, Oregon. Japanese garden. Hoyts visitor center, and the world forestry center. The zoo lights are a great example why this is

important. These services are vital in both the spring and summer. Thank you to parks and recs for continued support. Uh, they give to in keeping this running. I vote yea I that's a Wheeler.

Speaker: All right. The ordinance is adopted. Item number 28. A second reading.

Speaker: Amend building regulations code to adopt portions of the 2021 international building code. The state of Oregon, 2023 edition of the Oregon residential specialty code, and the 2022 edition of the Oregon state natural specialty code.

Speaker: Any further discussion on this item? Colleagues please call the roll.

Speaker: Yeah, I want to thank matt for his efforts and updating the building code and keeping the city in line with state building code and international building code. I vote yea. I am yeah, I'm really happy to vote to remove code clutter because of my experience with permitting.

Speaker: I really understand that these amendments help bring our code into compliance, and we were negligent for some time. So I appreciate the actions that we're now taking place. And here these code changes can be checked for alignment with other internal bodies, such as pbot. I hope to see more of these smart actions and due diligence. And amending our code directly impacts the safety and well-being of Portlanders and it's helpful to our builders as time is money, I vote i.

Speaker: Gonzalez I x I miller I want to, uh, acknowledge that i, uh, have, uh, not been here for the original part of this.

Speaker: I've been updated by my staff on it. I'm very supportive. I vote yea in the ordinance is adopted next item 29. Also, a second reading. Amend city code to update certain boards of appeal terms.

Speaker: Reduce the number of alternate members, and make other process changes.

Speaker: Colleagues also second reading any further discussion? Seeing none, please call the roll. Yeah, I want to thank matt russell for his presentation and his work on these technical changes that will allow for efficiency and continuity on these, uh, appeal boards.

Speaker: I vote i, Ryan.

Speaker: Gonzalez i, I all right, the ordinance is adopted.

Speaker: Item 30. This is an emergency ordinance. Amend the property tax exemption code and system development charges for affordable housing developers code to temporarily enable home ownership opportunities for households earning up to the 120% of median family income.

Speaker: Commissioner ruby colleagues.

Speaker: This legislation offers temporary flexibility for the city's two main development and incentives for home ownership. The homebuyer opportunity limited tax exemption, often referred to as faulty program, and the system development charge, or sdc exemption program. It temporarily increases the income level allowed for home buyers purchasing these homes in order to address market conditions, which are making it difficult for builders to find eligible buyers. This is a small but important way that we can provide temporary relief during a time when high interest rates are getting in the way of healthy function of this program. So we are bringing this item as an emergency ordinance because of the time sensitivity of home purchases. Our goal is to address this problem as quickly as possible so that folks who are trying to purchase a home but just barely don't qualify for these programs can move forward. However, after discussions with commissioner maps and his team over the last three days, I would also like to make a motion to remove the emergency clause so that we can give ourselves a few more days to dig into this proposal. When this comes back for a second reading next

week, we could choose to add the emergency clause back in. If it's the will of this council. So now I will pass it off. Oh I'm waiting for a second on that second, a second commissioner map.

Speaker: Uh, commissioner yea. Rubio moves removal of the emergency clause. Commissioner Mapps seconds. Commissioner Mapps I second very good commissioner Mapps seconds.

Speaker: Okay, thank you. So i'll now pass it off to the team at fb to share more about this proposal.

Speaker: Thank you.

Speaker: Thank you, commissioner yea. Rubio.

Speaker: Mayor Wheeler, commissioners michael buonocore, interim director of the housing bureau, and michael, I'm sorry.

Speaker: Just don't forget. Can we go ahead and vote on the removal of the emergency?

Speaker: Apologies?

Speaker: Just so I don't forget. Sorry. Let me go ahead and call the roll. Do we have any testimony on the amendment? Assuming no Keelan.

Speaker: Um, mayor, we do have people signed up for this item. I don't know that it's about the amendment specifically.

Speaker: Let's go ahead and do this. Let's keep that amendment on the table. Uh, through the testimony. And commissioner Rubio, if you could just keep me honest and remind me that's on the table, I'd appreciate it. Back to you, michael.

Speaker: Thank you. Mayor Wheeler. Uh, so I am co-presenting today with my colleague dori heller, who is our program manager for development incentives. And this is one of a number of items, uh, in front of you for consideration that will lend itself to our shared goal of unlocking development potential in the city in the midst

of a really difficult development and real estate market. Uh, so i'll give you just a quick overview to kick us off, and then dori will walk us through some more specifics. Uh, as the commissioner said, the system development charge exemption program and the homebuyer opportunity limited tax exemption or halt program are designed to reduce the cost of home building to the extent that it can make buying a first home affordable to people at the lower end of the income spectrum, households earning up to 100% of area median income for home purchases up to. About \$455,000. Uh for a long time now, home builders have, uh, requested that we increase the, um, income, um, eligibility from 100% to 120. Area median income. Um, we've not adopted that recommendation heretofore, as we've prioritized folks who are, uh, who have a little bit lower incomes. And the program has been successful in helping them get into home ownership. But as we all know, the real estate market has changed and in particular, increased mortgage rates have moved. The goalposts for all of us. And made first time home ownership that much more difficult. So we relooked at this question and whether there was an opportunity to respond in the immediate terms and make a temporary adjustment to the program. Um, and just to kind of humanize what we're about to propose to you in a real world example, we recently had a single mom wanting to buy a home with the whole ti and sdc exemptions in place. Ask us if there was any way to make an exception for her being just a few hundred dollars over income. She had a recent job change in which she increased her income, which would allow her to be more financially stable as a homeowner. But she may now have to wait to buy a home because she was counting on the exemption programs to help her to qualify for a loan. So this not only prevents this and other families from the home buying opportunity, the overall downturn in successful program participate in means builders are taking some homes for sale off the market and renting them out, and

new construct is stalling and it becomes one more element that challenges our ability to address the housing needs. Analysis that you all recently adopted. And so before we jump into the presentation, I want to dovetail with, uh, commissioner Rubio's comments and just acknowledge that the use of these incentive tools always comes with trade offs and commissioner Mapps and his team have been very engaged with us to understand the potential impact of forgone revenue. Uh from sdc exemptions on our partner bureaus where sdc fund infrastructure services for water transportation, parks and environmental services. We'll touch on that in the presentation. But just at a high level, know that that, uh, what we're proposing is temporary and very short term and the revenue that's anticipated to be foregone is already budgeted by the bureaus. So this move isn't expected to forego more than what's been anticipated. And it would just get us closer to what's been forecasted due to current underutilization of the program. But that said, we understand the tension that exists between the desire to spur home building and home ownership, with the need for infrastructure revenue. And we're committed to keep working with our colleagues to better understand those impacts. So thank you. And I will turn it over to dori.

Speaker: Hello. My name is dori van dori hillier.

Speaker: I am the manager of development incentives with the bureau. And to just give you a little more information about what this exact proposal means, as mentioned already, it's a temporary increase in the maximum income limit. Um, where the proposal helps home buyers achieve the valuable effects of homeownership. Now, as my michael mentioned, by maximizing housing, the existing programs in place, the temporary increase of the maximum income level from 100% median income to 120% median income will help home builders find qualified buyers and avoid increasing holding costs. We've crafted this proposal to

impact homes that have already been approved for exemptions or are actively in the application process, um, rather than making broader changes to the long term programs without having a more in-depth conversation on the program's impact both to home builders and home buyers as well as to the taxing jurisdiction and infrastructure bureaus affected by the potential fOregone revenue, the fOregone revenue associated with these applications has mostly already been accounted for by the sdc bureau, and Multnomah and Multnomah County, because these terms will only apply to applications submitted by March 1st of this year, the home builders will need to sell these homes by July 1st, 2026, and any applications received after March 1st this year will fall under the current income limit of 100. Median income, unless further changes are made to the programs in the future. Next slide please. The sdc and holding programs are part of a suite of home ownership tools offered by the housing bureau, including down payment assistance and funding for homebuyer education and foreclosure prevention.

Speaker: Um. The programs are used for both um for profit market rate developers and nonprofit organized options. The latter, who generally have additional subsidies available to reach lower income households. Between 60 to 80% of median income. What are these programs exactly? So the holy program provides a ten year property tax exemption on the assessed value of homes, which are built under the program and sold to eligible home buyers within the annually established sale price cap. The average exemption amount for each home is about \$3,000 per year. For the sdc cc exemption program, it reduces the building permit costs by up to about \$30,000 through exemptions of the fcs that would otherwise be paid to environmental services, parks, transportation and water. For the last fiscal year, on average, the um, the average sdc amount has been about 22,000 for each new home built together. The programs encourage the development and new

homeownership opportunities within Portland, and both programs. Require homes to be owner occupied and not used as rental properties to income qualify. Home buyers currently must earn no more than 100% of married median family income for household of four, and the sale price cap this year and last is 455,000. So well below the sale price. The average sale price for the city at large. Next slide please. Current financial and other market conditions have increased the cost to build new homes. Uh, despite council approved actions allowing denser infill development, these same conditions affect the interest rates and loan terms available to home builders and home buyers as well, with interest rates having been up to around 8% recently, home buyers purchasing power has been reduced significantly as a result, as a result, home sales have declined by 50% since peaking in 2021, and homes are staying on the market longer for all housing types. And that's according to our mls data. Sell prices that have increased year after year have declined 3 to 4% since 2022. Condominium units, which many of these under the um program are um permitted as or ended up divided as condominiums. Um have seen sales decrease by about 25. There are fewer homes available within prices affordable to the home buyers at 100. Median family income. More homes approved for the holt and sdc exemption programs are selling for over the sale price, and to unqualified home buyers. In these situations, the sdcs are repaid in and um tax exemptions are removed. Next slide please. This slide shows the increment stages of the market through median sale price levels. The sale price cap for the exemption programs, and the corresponding income at 100% median income. Since 2015, prices have increased until this year, as has the exemption program price cap, which we have tried to balance with the increasing costs of construction, which is what is affordable to low to moderate income. Home buyers. Even though median income levels have increased significantly in the last two

years, affordability has decreased dramatically, primarily due to interest rates. Interest rates alone, um, affect the affordable city. Um you know, just saving between five and a 7:45 percent interest by over \$100,000. So uh, last slide, please. We'll get to questions. But in summary, I just want to wanted to note that the temporary increase of the maximum income level for the holt and sdc exemption programs to 120% and median income, um, expands the pool of income qualified home buyers able to access the programs now. Doing so will allow home builders to continue with our participation in the programs, rather than selling to over income home buyers or risk converting homes to rental housing or ending up in foreclosure. The increase will not prevent home buyers, or any less than the usual 100% median family income, to still purchase homes in the program in the meantime, and limiting the time frame for the increased income limit allows for the city to reassess the programs in the near future, when interest rates will have hopefully decreased to more traditional levels. As seen in the recent past, limiting the applications that this change affects to those in the midst of the current market conditions decrease the impact to the sdc bureaus and the taxing jurisdictions, and doesn't increase the amount of fOregone revenue from what has already been forecast. I'm happy to answer questions.

Speaker: All right, colleagues, any questions? Commissioner Mapps.

Speaker: Um, yeah, just a couple of questions. Um, number one, thank you for the presentation. And, um, I also want to thank my friend and colleague, commissioner Rubio, for, uh, moving to, uh, pull off the emergency, uh, piece of this that will allow, um, our infrastructure teams to have more dialog with, um, uh, the folks with commissioner Rubio's office and the housing bureau to develop a clearer understanding of how, um, this program is likely to impact water, environmental services, pbot in particular, although also point out, uh, parks has, um, has a horse

in this race to um and I also think that in the end, we'll reach a consensus and be able to make this, uh, expedite this ordinance eventually, uh, kicking in, um, a couple of questions for staff. Um, you might have mentioned this in your presentation, but can you remind us how many homes homes are likely to be impacted by this particular proposal.

Speaker: Um, looking at for the sdc exemptions, um, we're estimated about 900 to 1000 homes are unsold and that have already had applications approved. And within that subset, another 240 or so pulte homes or so the same properties but lesser um pulte applications.

Speaker: And I guess one of the things I'm trying to wrap my mind around is what does unsold mean in this concept? Or in this framework? I mean, I assume these homes would have if we do nothing here, what happens? I mean, do these houses sit on the market or does it just mean that people who are not subsidized by this program, uh, um, would be buying them?

Speaker: That was a way for us to just narrow down the scope of which homes could be could access this change, but they could be in a multitude of situations and that they're just now getting their permit issued under construction already, or having built the home and having been able to sell just yet. So if you know, at this point, they have the option to sell to someone up to the 100% median income, sell the home at an increased price, potentially, if the appraisal will sustain it to a non-qualifying home buyer or, um, repay the fees and make other options with the with the property, you know.

Speaker: Okay, great. Um thank you. Although i'll confess, I'm not sure if I fully track that, but i'll go back and watch the tape and, um, and catch up to you. Um I think the last question I have, um, about this particular program is by. Lifting the cap, should I think of this as are we serving a different population here, or has

inflation or whatnot sort of distorted things? You know, I in other words, if we had a program that was initially designed to help low income folks, uh, um, buy homes by raising the cap to 120, are we still serving low income folks or are we? Or is this or is kind of the purpose of the program evolving? Well I think as, as, um, director buonocore mentioned, you know, there are a lot of home buyers that are right on that cusp.

Speaker: Right? And so, you know, with, again, sort of the perfect storm of conditions, we have to draw the line somewhere and so that line being drawn there is affecting essentially the same home buyers that have been accessing the program before. Okay

Speaker: Um, thank you. Uh, um, there are thank you very much. And and, um, here, here I'm going to pivot and just address my colleagues on council. Uh number one, I want to congratulate the housing bureau and commissioner Rubio for coming up with innovative ways to make housing more affordable. Um, you know, one of the ways we did that is we're able to kind of shave off about \$30,000 of the cost of a new home. Um, uh, by essentially infrastructure bureaus and parks, um, eating our sdc fees. Um you know, we're glad to do this. I voted in favor of that a while ago. Um, on the other hand, especially in the water sewer road space, you know, those dollars are used to actually build and support infrastructure that exists in the real world. Another way, words that I suspect is probably about 25 grand, uh, that the infrastructure bureaus absorb in order to subsidize affordable housing. That's not free money. We're just kind of displaced where the cost of that housing goes to. And right now we're putting those expenses on, on, uh, um, infrastructure bureaus. And i'll just remind my colleagues, we still have to pay for our infrastructure. And in the end, we pay for our infrastructure. Either through, um, utility rates or through, frankly, uh, um, gas taxes. And we've all had some concern

about that. Um, the appropriate place to peg both are utility rates. And in coming weeks, we'll have some discussions about how much, uh, um, we, um, tax gases to, um, in other words, there's just no free lunches in this space. Um, they're trade offs. Uh, um, I'm not saying this is an unreasonable trade off, but we should also be mindful of what's happening here. Uh, um, because we're in practice, kind of shifting, um, costs from one cost center to another, uh, with the goal of achieving, uh, an important. Public good, which is helping, uh, um, everyday Portlanders get into homes. But, um, we should be aware of some of the trade offs that are in place here. And with that, i'll thank you. And close my hand or lower my hand. Thank you, commissioner Ryan.

Speaker: Yes. First, mayor, do we have any do we have testimony? We I think we do.

Speaker: Keelan how many people do we have signed up?

Speaker: You have two people signed up.

Speaker: I prefer to listen to that before i. I might not even need to ask my question.

Speaker: Very good colleagues. Any other questions. Before we go to public testimony? Seeing none. Keelan, go ahead and call the first person.

Speaker: First up, we have justin wood. Hi justin.

Speaker: Good afternoon. Can you hear me?

Speaker: Yep. Loud and clear.

Speaker: Um, so good afternoon and thank you for allowing me the testimony to testify on this. Um, I'm a huge supporter of this. Um, as I've been doing infill starter entry homes in the city of Portland for 25 years. And this is something that has been a big program that we've been able to use. And you enable to be able to put families into homes. Um, as many of you know, I think I've served currently, I'm

serving on the governor's housing production advisory council and in all fairness to the city of Portland, it's not often that I go out into public and say things that I think the city of Portland is doing well, um, when it comes to building and development. But I actually have held this up as a model around the state, as I think this is a great program. And with the governor having goals of trying to increase home ownership at that 120% of mfi level, I think this is a great program and this kind of aligns that. I know this is temporary, but I think this kind of aligns with the state housing goals of trying to increase home ownership in that 120% or below kind of working space. Commissioner Mapps you would ask, I think that number of 100% to 120. It largely has moved up in part due to inflation, but in part just kind of the changing market is what buyers are actually able to buy. Every single home that we build in the city, we utilize the whole we try to use the whole program and the sdc waiver program, and we're finding that the same families, your teachers, your police officers, whatever they can't apply, they can't qualify for it at that 100% anymore. So that number has just shifted. So this aligns better with the market reality of trying to provide those same buyers, being able to get them into those homes. Um, one of the things I want to make sure people realize is because some people kind of look at this and think, this is just a help out for developers when I use the sdc waiver program that doesn't does not put an extra dollar in my pocket. I almost every single one of us take when we use that program, we if you look at our listings, you can see that we've actually reduced the sales price of the home by that equal amount. So it's just a way for us to open up those home sales to those buyers that otherwise wouldn't be able to. And the downside to not having a big enough pool of buyers being able to buy these houses is what ultimately is going to end up happening, is builders like myself have to sell those homes to a qualified buyer, and if it can't be somebody utilizing the program, then we have to sell it to a buyer that

that doesn't qualify and it removes those homes from the program. And in a case like myself, I really don't want to do that. I'm a believer in this program. There's not a lot of us who utilize this program. Um, but I think that that's a really important niche that we need to fill. And so for the short term, for the short time period, um, I really think having the city provide us some help on this to try to make this work through this period of time where we've got the high interest rates, um, to try to just open up that program to people. And as a, as, as the housing bureau said earlier, these are all houses that have already had sdc waiver programs approved for them. So this isn't necessarily money that the infrastructure bureau is not has not already expected to lose. So, um, so I think that this in the grand scheme of things, I don't think this is a huge budget hit to, uh, what people are expecting. So I've been using this program for years. Talk about them at the state. Happy to answer any questions. But thank you for the opportunity.

Speaker: Thank you. Justin

Speaker: Next up we have preston korst.

Speaker: Hi preston there. Hey there.

Speaker: Thanks for having me. Uh, this afternoon.

Speaker: Um, my name is preston. Course, I'm the director of government affairs at the home building association of greater Portland. We have about 1200 members operating across the region. Um, and of course, Portland is a priority jurisdiction for us. Um, I want to basically just thank and reflect everything that justin just said is absolutely right. Um, I think one thing that I'd like to call out and of course, we, you know, as an association, we support this resolution and hope that, um, next week we come back with a yay vote for this. Um, unanimously. Unanimously, hopefully. Um there are two things that I sort of want to call out the first of which is the fact that, um, nationally and even in Portland, there are, I'd say,

about the majority of home building is about 90, 85% market rate built. So when we talk about housing, things that incentivize the market to do to do good essentially is really the most important thing in terms of getting units produced and reducing the overall housing crisis. So with that in mind, I think, um, I want to sort of call out the fact that, you know, builders, you know, again, the majority of us, those people who are building the 90% of our homes, do compete against one another. And anything that they can do to sell their homes faster, especially in an environment with interest rates as high as they are. Uh, of course, time is money. Every month and day that a house sits on the market cost them, uh, that so looking at tools that can help builders incentivize builders in the market side and, you know, market rate side do good. And build at, you know, sub \$455,000 a unit, uh, is great. So I want to encourage everyone to think about sort of the impact that this will have. Not just on supporting and helping home buyers, which of course, this is this is important. But this is one of the few tools that exists to cities to incentivize home building that could have the impact of overall, um, you know, have the impact that we need, uh, to really, uh, grow our housing production rate, but also lower the overall, uh, housing crisis on those that that need housing the most. So I will stop there. But just just know that the home building association and our many members who use this and who don't use this program, um, do support it and hope that you will find a way to keep it permanent and also expand it as much as possible, because the more successful the program is, the more units that are actually being, um, weighed. And, you know, accessing this program. Um, the more successful it is. So thank you for having me.

Speaker: Thanks, preston. Commissioner Ryan. Yeah thank you, mayor, and thanks for having the testimony go.

Speaker: It was really helpful. Um, you know, we have homes sitting, and we need to sell them for working class Portlanders. I think all I'm looking for in it is some more clarity on the thresholds that would that would trigger this type of action in the long term. I think we're having a, a short term response that's really obvious, but I hope we can learn from this on maybe, um, I think we could look into what these thresholds are like when interest rates are doing this, and we have, um, homes sitting on the market in this program. So long I've been here before, a couple of years ago, with a different side of this. And I just think that we can learn from this moment so that we have some crisp thresholds on, on what would dictate this going forward. Thanks

Speaker: Very good. Uh, all right.

Speaker: Good. That completes testimony. Keelan does. All right. Good uh, colleagues, any further business on this?

Speaker: I think.

Speaker: Sorry.

Speaker: Do the vote on the amendment.

Speaker: Oh, yeah.

Speaker: Thank you. That was exactly your job. And you did it. Well, uh, colleagues, commissioner Rubio put an amendment forward to remove the emergency clause. Any further discussion on that, please call the roll on the amendment.

Speaker: Rubio. Hi I am hi.

Speaker: Gonzales.

Speaker: Hi. Perhaps um, I want to thank, uh, commissioner Rubio's office and the housing bureau for their dialog around around this.

Speaker: This is a really real collaborator of effort, which involves multiple bureaus. Some mine, some not. Mine uh, to make housing more affordable, uh, for

Portlanders, there are lots of moving pieces here. And uh, at least on the infrastructure side, we appreciate the opportunity to learn more about how this, uh, program, uh, is likely to impact the infrastructure space. Um, I vote i, but I fully anticipate that we'll be able to come back next week with a five zero vote in support of this. And, uh, should commissioner Rubio want to make it an emergency ordinance at that time? Um, I suspect I would be highly, uh, um, inclined to support that and, uh, would even be happy to second, uh, for these reasons and more. I vote yea taylor well, I want to thank commissioner Rubio for her leadership on this issue as well as the Portland housing bureau staff for their creative work and problem solving to develop what I think is a very sensible reform.

Speaker: And I appreciate the two gentlemen who testified in support of this effort. Given current market conditions and, of course, our housing emergency. This is one important step amongst many others that we need to take to increase access to affordable housing in the economic opportunities associated with homeownership in our community. So I'm happy to vote. I on the amendment, the emergency clause is removed and this is a first reading of anonymous agency ordinance. It moves. To second reading next item please is item number 31. A second reading declare a surplus city owned property at 3737 north emerson street and adjacent recreational lot and authorize a public sale of the property. Colleagues this is a second reading. Again, I wasn't here for the first reading. I've been updated on this and am fully versed and prepared to take a vote. Is there any further discussion on this item? Seeing none, please call the roll mayor. I Ryan.

Speaker: Hi, gonzales.

Speaker: All right.

Speaker: Epps.

Speaker: Um, I just want to thank everyone who worked on this. This has been another collaborative effort that haven't involved people from many different bureaus. Really glad to move this project forward. Uh, for these reasons and more, I vote yea miller I vote yea. I the ordinance is adopted.

Speaker: Last item for this morning. Item number 32, an emergency ordinance authorize emergency construction contracts with orr incorporated for an estimated amount of \$1,885,610 for drinking water, well repairs and upgrades.

Speaker: Commissioner Mapps.

Speaker: Uh, thank you, mr. Mayor. Colleagues, this item comes to us from the Portland water bureau. This ordinance authorizes the water bureau to enter into emergency construction contracts with orr incorporated for an estimated amount of about \$1.8 million. Now, these funds will be used to pay for the replaced of failed pumps and motors. And two of our groundwater wells. In addition, these funds will be used to purchase a spare pump and motor for use in one of our two largest groundwater wells. Uh, here's a little bit of background on this item, which explain how we got here today. Um as all of you know, most of the time Portlanders consume water drawn from the bull run watershed. However, on occasion, the water bureau also relies on a network of groundwater wells to supplement the water. The city draws from bull run. Currently, the city has four wells that require emergency repairs. Uh, which brings us to the ordinance before us today here to tell us more about this ordinance. We have Portland water bureau chief engineer jody jodie inman. Uh, jody, please take it away.

Speaker: Uh, thank you very much.

Speaker: Commissioner Mapps.

Speaker: Uh, good afternoon, mayor and council.

Speaker: I'm jodie inman chief engineer for Portland water bureau.

Speaker: And as commissioner Mapps introduced, we are here today for authorization for emergency construction contracts with Orr Inc. For estimated amount of \$1,885,610 for drinking water, well repairs. Uh, this past fall, we had a fire in the Bull Run watershed, which reinforced the strength and robust character of the city's water supply, which includes two excellent sources of water in the Bull Run watershed and the Columbia South Shore well field. As commissioner Mapps described the fire also emphasized how critical critical it is to maintain the capacity and readiness of that secondary supply. This ordinance reflects contracts that were enacted as part of the Camp Creek fire emergency response. For that exact purpose of ensuring that the groundwater supply was ready and available both during the fire and, if needed, going forward due to impacts to the Bull Run supply from the burned area, such as increased turbidity. Our groundwater supply consists of 26 wells and multiple aquifers that can provide up to 90 mgd. The work included in these contracts includes replacement of failed pump and motors in well six and 16, which represent approximately 10% of the groundwater capacity, and the purchase and installation of a spare pump and motor for use in 13 or 19, which are our largest and most critical wells and represent approximately 22% of the groundwater system capacity combined. This ordinance reflects construction contract acts that improve reliability for approximately 32% of the groundwater capacity, and that includes my presentation. I'm available for any questions you may have. I all right, colleagues, any questions on this emergency ordinance?

Speaker: Yes. Seeing none. Uh and don't take it personal, Jody. We've had four hours of session, um, before you at the end often, so.

Speaker: Yeah, just just means you've been very succinct and helpful.

Speaker: Uh Keelan. Do we have any public testimony on item 32?

Speaker: No, one signed up.

Speaker: Why don't we go ahead and call the roll, please reveal.

Speaker: Uh, thank you, jody, for your presentation. I really appreciate it. And um, thanks for hanging in there today. Um, I'm supportive of all these, uh, making authorizing these contracts to move forward. I vote yea.

Speaker: Ryan.

Speaker: Yes, we see you. Jody. Uh I vote yea.

Speaker: Gonzales I apps.

Speaker: Um, I just want to thank my, uh, team over at water for being so proactive on this particular issue. Uh, for those of you who have been watching the space at home, the fires that we had up at bull run, uh, this summer really do underscore how important our backup supply, um, of water over at, uh, our wells is. Uh, I want to thank my colleagues on council for, uh, supporting this common sense move to do some basic maintenance, make sure that we can get that water out when we need it out. Which is why I vote yea Wheeler, I also voted I the ordinance is adopted and that completes our business for this morning.

Speaker: Colleagues, we are adjourned until 2 p.m.

Portland City Council Meeting Closed Caption File

January 10, 2024 – 2:00 p.m.

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Speaker: Council. Keelan. Good afternoon. Please call the roll.

Speaker: Afternoon. Yea. Rubio. Here. Yea. Ryan.

Speaker: Here.

Speaker: Gonzalez. Here apps.

Speaker: Wheeler here. Now. We'll hear from legal counsel on the rules of order and decorum. Good afternoon. Good afternoon.

Speaker: Welcome to the Portland City Council to testify before council in person or virtually. You must sign up in advance on the council agenda at [Portland.gov/council](https://portland.gov/council) agenda information on engaging with City Council can be found on the council clerk's web page. The presiding officer preserves order and decorum during City Council meetings. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated, a timer will indicate when your time is done. Disruptive conduct, such as shouting, refusing to conclude your testimony when your time is up, or interrupting others testimony or council deliberations will not be allowed. If you cause a disruption, a warning will be given. Further disruption will result in an ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally, counsel may take a short recess and reconvene virtually. Your testimony today should address the matter being considered when testifying

one. State your name for the record. Your address is not necessary. Next disclose if you're a lobbyist. If you're representing an organization, please identify it. Identify it. And finally, for testifiers joining virtually, please unmute yourself. Once the council clerk calls your name. Thank you.

Speaker: Alrighty. Thank you very much. First up time certain item number 33.

Speaker: Amend property tax exemption for multiple unit housing development code and inclusionary housing code to make technical corrections and adjust the property tax exemption for multiple unit housing developments. This is a first reading of a nonemergency ordinance.

Speaker: Commissioner Rubio to you.

Speaker: Thank you, mayor, and good afternoon, everyone. I'm very excited to be here today to talk about inclusionary housing. The ordinance in front of us is the result of over 15 months of work making good on a commitment that City Council made when the inclusionary housing program was first adopted in 2016. At the time, folks were understandably concerned about mandating affordable housing in new development. It's a complex policy with a variety of levers that were set to try to achieve very specific outcomes. So council made a commitment to have the Portland housing bureau periodically review the program and incentives compared to program goals and market conditions. And we're here today because commissioner Ryan, under his leadership, kicked off this work in late 2022. And the Portland housing bureau completed the review this past summer. And after sharing this with all of you at a council work session in July, and then taking the time this fall to understand the impacts we now have a proposal for council to consider before we dive into the details of the proposal, I want to be very clear about something. Portland's inclusionary housing program has been an incredible success in meeting its intended outcome. Through this program, we have created hundreds of units of

affordable housing in new mixed income buildings in amenity rich areas of our city. The program is doing what it was meant to do, and it's expanding access for low and moderate income families to live in. Some of the most desirable areas of Portland. However we also know that we only get those affordable units if private sector development projects move forward and they only move forward if the financials make sense. As city leaders, we need to know that the affordable units in those buildings are paying their way and at this particular moment in time, when we've seen development activity drop off, this topic could not be more important, as we will hear from staff in a moment. The main change in front of us today is to offer a deeper property tax exemption in certain neighborhoods outside the central city. Doing so will ensure that as a whole, the city is providing enough financial incentives to adequately cover the costs of complying with the program. And for some projects that are currently moving through, moving through, permitting or under construction. Right now, and wavering under the rising costs and high interest rates, this change will be enough to get them across the finish line. A main goal in doing all of this is to maximize within available fiscal resources the number of low income Portlanders who will be served by such homes. And we're not alone in this. We also split property taxes with Multnomah County and other taxing jurisdictions, which is why I'm grateful to county chair jessica vega peterson for diving into this with us last year and for her support of these changes in order to jump start and stimulate housing production. So with that, I will turn it over to a staff presentation and invite michael booker and jesse conner of hbf up, as well as matt ferris from be turning it over to you.

Speaker: Thank you, commissioner Rubio, mayor Wheeler, commissioners michael boddicker, interim director of the housing bureau, again, really excited to be with you for this piece of business. Uh, in 2016, when council adopted i.h, I was the

executive director of home forward, and I heard firsthand the concerns that I would have a detrimental effect on development in Portland as commissioner Rubio said, council at the time directed and acknowledged that it might be might not be perfect right out of the gate, directed the bureau to periodically review it and to propose changes as needed. That review process began under the direction of commissioner Ryan, the housing commissioner at the time, with the direction to consider the question of not just what might need to be tweaked, but to look critically at whether the program was fundamentally working and should continue that work carried on under the direction of commissioner Rubio, with the support of our consultants from be here with us today and in collaboration with a ten person stakeholder group consisting of private and nonprofit developers, some of whom are also here with us today. So in very simple terms, we set out to answer two simple questions. Evans uh, is working and our changes needed and the answer to both questions is yes. Yes. Uh, so I as has worked and led to the production of about 1300 apartments that would not have otherwise been affordable. And yes, there is an opportunity for recalibration and improvement as you're anticipating that will look like expanding the program into additional high and medium high rent areas of the central city. Clarifying and simplifying some rules and emphasizing the production of units in the 60% area. Median income level where we really need, uh, affordability in the market. We knew in developing these recommendations that it was important to fortify a healthy, balanced program for the long haul. Uh, and also to respond to the moment that we find ourselves in again as commissioner Rubio said, in which the development landscape is challenged and we need to move aggressively to meet the demands of the housing need analysis, needs analysis. So these proposed changes reflect, as I said earlier, our collective efforts to use as many tools at our disposal to meet the

moment that we're in now, uh, what jesse is about to present represents many works, many months of work by a lot of people. Uh, but I do want to take the opportunity to acknowledge just what a big lift this has been for jesse. And to thank her for her exceptional work that has helped lead us to this point. And with that, I will turn it over to jesse.

Speaker: Thank you so much. Um, director, uh, for the record, jesse connor, uh, she her pronouns. I'm the senior policy and planning coordinator at the housing bureau. Um, Keelan. I think we're ready for the presentation whenever we got a moment. Lovely. Thank you so much. We can go ahead and go to the next slide. Side. All right, so just to do a little bit of level setting, uh, to start out with, uh, when council adopted the city's inclusionary housing program, you know, they were guided by comprehensive plan policy 5.35 and the policy framework you see on this slide, this framework continues has and continues to operate as the guidepost for which changes to the program are rooted. So calibrating rates and incentives by geography, providing units on site um and providing supplemental incentives to reach affordability for households earning 60% of the ami or less. So in addition to providing units on site, the program also provides options to, uh, deliver units off site in another location, as well as paying a fee in lieu of providing any units. Um, if a project does elect to pay the fee in lieu, they're essentially paying out of the program. They don't need to provide any affordable units, but they also won't be the recipient of any of the city's financial or development incentives associated with the program. It is important to note that the city's policy is the only city requirement that seeks to offset the cost of compliance with a robust suite of financial incentives that include some exemptions to the affordable housing construction excise tax. That's for the affordable units system development charge, uh waivers for the affordable units at 60% ami, and a ten year property tax exemption, which applies

to all, you know, market rate and affordable units in the central city, and then only to the affordable units, um, in all other areas. Next slide please. A little bit of a reminder, um, about our July work session. Um, so the community and economic development cluster gave, uh, housing production presentation to council at a work session in July. And we shared a few key realities. One is the construction costs have risen by more than 50% since 2016, and the Portland is not alone in this price escalation. Two, that across the city, projects are facing feasibility gaps and three, that there are fewer fewer projects starting the permitting process than in recent years. Housing bureau also presented some key findings of the calibration study, and namely, that the program is not a significant financial impediment to development feasibility and that overall multifamily development feasibility in Portland is challenging due to a lot of external factors. Also that the city's incentives for offsetting the cost of ai are adequate in both central city and in lower rent neighborhoods. The incentives are not adequate, however, to offset the cost of ai and higher rent areas outside central city. Staff also shared the recommendation from the work group that michael mentioned earlier. They center on simplifying the program, creating clarity and adding in flexibility. In addition to recommending that the city consider extending a fuller property tax exemption, um, to neighborhoods outside the city center. When a project elects to provide units at 60% ami following the work session, the housing bureau took steps in considering the workgroup. Recommendations included including the expanded tax exemption in um in in estimating potential impacts of that expansion, which i'll talk about in a slide or two. Additionally, since the work session, um, housing production has continued on a downtrend. Uh, the low level of permits is continuing where are we getting to layoff permitting staff and we are seeing an alarming new trend of multifamily buildings halting construction because they are no longer financially viable. Next slide please.

In light of the current market conditions, the collaboration, study analysis and recommendations by both the workgroup and our consultants by the housing bureau is proposing amendments to the program through title 30 and three. Um these fall into three main buckets. The first is to expand the fuller property tax exemption to higher cost areas in dictated by the color purple. Uh, on the map you see here for projects, uh, only that are providing the units on site. And at that 60% ami level, in addition to any new permit applications, we're also proposing that project currently in the permitting pipeline. And those under construction be able to opt in to this new change. Second, uh, bucket is in order to jumpstart the much needed development in the city, is to temporarily suspend the fOregone revenue cap for six years. Reminder uh, a little footnote here. Uh, the current city county agreement. Um, it's a it's a \$15 million over five years rolling cap. So another thinking of it another way, it's about 3 million on average a year after the six years, uh, the cap will automatically reset. Uh but at double the current rate. So a \$30 million over five years rolling cap or an average about 6 million a year. Additionally built into the ordinance is a commitment for the next periodic review of the program. Essentially, the housing bureau is going to conduct another calibration study or similarly named, uh, analysis evaluating residential development feasibility. Under current market conditions, reviewing the program to determine if the program options and incentives are on balance with the requirements also built into the ordinance is that the report and findings of that next study will be required to be presented to City Council and the board of county commissioners. Uh by the end of 2027, the last bucket, uh, is making largely making technical edits based on city, uh uh, city attorney's direction and council clerk style preferences. Next slide please. So to get a sense of the potential implications of a fuller of expanding the fuller property tax exemption base, uh, the housing bureau reengaged be in an, uh,

estimating some Oregon revenue scenarios. We worked with various city departments to create a series of annual multifamily housing production estimates. They then assessed property tax bill information and reviewed pro forma financial models to estimate the per unit property tax associated with the improvement value of the multifamily units throughout the city, and finally, using the neighborhood analysis areas that you'll be familiar with from the bureau's annual state of housing report. Each area was assigned a market strength based on the prevailing rent in the area and overall demand for high rent multifamily, uh, housing and those market strengths were from low to high. And then, of course, the amount of property tax exemption is going to depend on how much development actually moves forward. But we modeled the impacts in three growth scenarios. So a low growth scenario. So that data is based on the current development pipeline today. Uh market cycle growth which is based on historic multifamily production over about the last 20 years. And uh, targeted growth, which is based on the actual need units needed as identified in the housing needs analysis. So based on the growth scenario, there's about 1500 to 3000 units in market rate projects each year that will be subject to it. And then lastly, the Oregon revenue of the tax exemption was modeled by geography. Three geographies, three. The big number today, uh, the current program for central city only high and moderately high cost neighborhoods. And then citywide. Next slide please. So the modeling found that there are some competing city goals staying within the current cap and meeting our housing production needs. If the program if the program stays the same, um, and production stays at its current low level, then we will stay within the cap. But we won't meet our housing needs if the program stays the same. But production does pick up to where we need it, then we will exceed the cap by about \$1 million a year. If the tax exemption, if the fuller tax

exemption is expanded city wide once development eventually picks up, we will exceed our current cap rate by about four times. Larson yea. Rubio of if that full tax exemption is expanded to just the higher cost areas and development improves, um, with a lot of the initiatives the council is taking to achieve our needed growth, then we will exceed the cap by about 2 to 3 times as. So overall, under this proposal, the amount of property tax exemption would rise over time from about what we're looking at about 2 million a year, um, to around the \$7 million a year range. Next slide. Well, I can keep going. Oh, there we go. Um so here's where we are. Here's our next steps. Um, we're here before you today for your briefing in a public hearing. Um, we'll be back on January 31st for your final vote. This is a non emergency ordinance, uh, because the proposal includes changes to property taxes. Uh, we will be in front of the county board of county commissioners in February. As I mentioned, uh, earlier, fb will conduct the next caliber option study in 2027. And and, uh, the cap, the fOregon revenue cap will automatically restate January 1st, 2030. Next slide. So this last slide, um, just to highlight for council in addition to the proposals before you today, um, the bureau is working on incorporating other recommended actions made by the work group. Um, again, these changes, you know, are are streamlining the process, simplifying, adding in flexibility. But they'll occur through the bureau's administrative rulemaking process. This process does require a public notice and a public hearing where, uh, interested folks can come and provide testimony. Uh we see them as largely you know, technical in nature and I want to once again, really extend my appreciation to the work group, um, in really digging into the details of each of these pieces. With that, uh, that is the end of our presentation. Um, I'm happy to turn it back over to michael and council for questions.

Speaker: We also have, um, two invited testimony.

Speaker: So, mayor, would you like go ahead and do go ahead and do that.

Speaker: Commissioner first. Okay, great.

Speaker: So we also have invited, uh, sarah zahn and steph condor to give some remarks. Um, they're very familiar with the work. Um, and they were both on fb's inclusionary housing calibration study workgroup, where they volunteered their time from November of 2022 to July of 2023. To dive into this with our consultant and develop the recommendations that we've just heard about. So I will turn it over to, uh, to sarah and steph.

Speaker: Steph, do you want me to go first? Okay uh, good afternoon, mayor and commissioners. Um, my name is sarah zahn, and I'm a director of development at security properties. I've been involved in the development of housing for both nonprofit and private sector organizations here in Portland for nearly 15 years, and my organization, security properties, currently has over 500 units of apartments under construction and another 160 units in planning in the city of Portland. Um, as commissioner Rubio mentioned, I served on the inclusionary housing calibration study workgroup and I'm very excited that our recommendations are before you today. I'm happy to say that the group generated ideals that will not only strengthen the programs outcomes in terms of affordable housing, housing units created, but also accelerate our community's ability to develop multifamily housing, in particular, the proposal to extend the property tax exemption beyond the central city zone will help many local companies. I know who have projects in planning but cannot quite make the financials work today. Uh, to give you a couple of specific examples, the 160 unit mentioned, uh project 160 unit project I mentioned earlier, uh, will be much better positioned to obtain financing with this tax exemption in allowing security properties to begin construction in within the next year. Another local developer, killian pacific, has a 100 unit project in planning on southeast 45th

and hawthorne that they have been trying to launch for the past year, and this expansion will be instrumental in helping that project get off the ground sooner. I want to thank the Portland housing bureau staff and commissioner Rubio and her staff for supporting the workgroup's efforts. This was a very thorough project that engaged the committee in a meaningful way, resulting in real changes that will support housing production goals. Please pass this important set of changes today. The need for additional housing in Portland is well known, and we did it. And we have a lot of work ahead of us to build the multifamily housing we need for current and future residents. Thank you for prioritizing housing development, and I look forward to helping implement these changes and sharing their success.

Speaker: Okay, I'm on there. I go. Okay. Good afternoon. Chief boone. Um my name is steph condor. I have worked in housing for nearly 15 years as well. I'm a native Oregonian and I'm currently the senior vice president at related northwest, a local affordable housing developer. Uh, related. Northwest over the last five years has developed over 1000 units of affordable housing across the metro area. And I want to thank you, council members, for the opportunity to speak today regarding the topic of housing. Um, and you know, looking at our inclusionary housing program. And you may be aware, under the current market conditions, we're seeing continued significant cost increases to build interest rates that have climbed to the highest levels in over 20 years. Insurance increases, labor increases, and adding to these complexities is our current inclusionary housing requirements. All of which to say, in combination, has resulted in a significant decline in housing production. Housing in the Portland area has all but stopped. I'm getting calls weekly from market rate developers who are selling their permitted projects because they can't make the deals work under current conditions and policy. The proposal before you today, in my opinion, is balanced and largely fair initiative to

address our city's housing crisis. Having personally attended the stakeholder group meetings, these recognition recommendations are based on surveying a number of regional markets and evaluating our policy against other jurisdictions. Our housing and homelessness crisis has been an ongoing and desperate problem, so we need to prioritize housing. Our people. It's important to recognize that a reduction in any housing in the spectrum of housing, albeit low income, middle market, high end to single family impacts all housing and creates a bottleneck which will have a ripple effect on all housing types. Regionally, we've made great efforts and strides towards increasing the affordable housing stock. This is reflected through the success of the Portland housing bond and metro housing bonds initiatives. Expedited permitting and other supports are given to affordable developers. It is appreciated in so necessary and when I look to other jurisdictions, I often cite how Portland is the gold standard for working with affordable housing developers. You've all been excellent to work with and are removed. So many barriers for us. But when I look across the aisle to my market rate, developers, I believe there's more that we can do to support their efforts. The revision to the inclusionary housing is the first step to bring greater flexibility for developers and support greater housing development in our city. So thank you so much. I encourage you to support this. Commissioner Gonzalez.

Speaker: I just want to thank the presentation and on, uh, including those who participated on the calibration study, my threshold question, I think is for miss connor. Um, I want to harken back to the assumption about central city, uh, and specific as to whether the current inclusionary housing requires amounts are over incentivized or under incentivizing, uh, you know, essentially, the question that I think was posed in the calibration study, um, I and I will hearken back to the exchange I had with the gentleman who performed the study at the time. You

know, we are seeing little no production in central city or almost none. Um, we face substantial barriers, uh, to converting office to residential that is primarily created by things outside of inclusionary housing, specifically seismic, uh, costs associated with that conversion. And I guess I just want to sort of reiterate on the record that I don't question the methodology used in the calibration study. It made a lot of sense. But when we look at actual production, right, what's what is actually coming online? Um, i, I do think we need to look bigger and more fundamentally on what can stimulate, uh, conversion across the city, in particular in central city, uh, as well as, um, the overall environment for developers. So I guess I just want to I don't know if you have any thoughts on that. I just wanted to, but but focusing first on the central city component and the conclusion of the report, which again, I'm not questioning its methodology. I'm I just want to be clear about the implications of its conclusion. Right um, when we're not seeing conversion happening anyways, I've rambled on and just sort of curious, you had thoughts on that and, uh, wanted to kind of keep it on the record.

Speaker: Thank you, commissioner, for the question. Um, I'm happy to make a comment. Um, and then I'm also, uh, would love to invite matt ferris, um, to provide some insight as well. Uh, I agree, uh, especially when it comes to conversion projects. Uh, we've talked about this before in our briefings. Um, there are a lot of challenges, uh, to those projects for, for the study, for the calibration study. Um, what we were for while we did look at sort of what is happening broadly, um, development wise, what we really were looking at is the value in the reduced rents for those affordable units compared to the value of the financial and incentives that the city is offering. And those were the things that we were looking at, on balance with the central city getting a tax exemption on all of the residential, uh, portions of

their building. Matt did you have any other, uh, additional context that you'd like to share?

Speaker: Yeah. Jesse I honestly think I think you summarized it perfectly.

Commissioner Gonzalez appreciate the question. And for the record, it's matt farris with by urban economics. Um, I think jesse summarized it accurately, which is, you know, I think the goal of this proposal is to or the study understood and looked at the balance between how is inclusionary housing impacting feasibility and how can we right size the incentives that the city is providing. So that includes ordinary housing. What we're asking for, the impact of that on project value is similar to what we're giving in return. Now, that doesn't address the sort of underlying buying feasibility challenges that sarah, steph, jesse, michael have all mentioned with higher construction costs and higher interest rates. I think a lot of that is also being tackled with the housing needs analysis and some of the other stuff we'll be talking about later today.

Speaker: Yeah, I appreciate it. And I and I guess as much for those listening at home, i, I support what we're doing today here. I think we need to make space for a deeper, more fundamental discussion on inclusionary housing as a whole. I want to hearken back to miss connor's comments that, you know, any reduction in housing production affects all segments of the market, including low income. And we are not on a path right now anywhere close to producing sufficient market, uh, housing that has very, very significant impacts on those trying to rent below market, uh, because it just inadequacy of, of, uh, supply. My overall, um, and specific to central city again seismic is still just going to kill us even beyond interest rates and inflation. Even, uh, I think we need to make this space for more radical discussion about altering the overall regime, including higher restriction inclusionary housing. Uh, down the road with that, I'm done. Thank you.

Speaker: Uh, very good. Um, I had one question. I'm not sure who who to steer this towards. And first of all, I just want to say I'm really pleased with the work that's been done, and I appreciate the collaboration with, uh, development partners on this, but it's more of an academic question, I guess, which is when you're evaluating the impact of inclusionary housing on the margin in terms of trying to tweak if you will, our inclusionary housing policy to make sure that we're not creating some decent, attentive to development. How do you account for other larger macro economic issues, whether it be, uh, inflation or labor shortages or, uh, what we've seen around interest rates? I mean, it seems when I listen to developers talking about the challenges of housing particularly affordable housing, those are the three things I hear about over and over and over again. And then what I hear is an afterthought is typically not inclusionary housing. It's just the hassle factor of permitting in the city of Portland, something that that the council is also working on. But how do you account in these analysis just writ large? Top line. And how do you determine what is related to inclusionary housing versus what is related to inflation or labor shortages or interest rates?

Speaker: Yeah. Thank you. Mr. Mayor. Um, you know, I think from a from a sort of modeling perspective, the approach we take is to look at what is the cost of building a residential development today in the city of Portland. And that is, again, trying to get at current inflation, current interest rates, current cost increases or cost estimates, again, to jesse's presentation. You know, one of the big findings was that it has gotten significantly more expensive over the last six, seven, eight years to build in Portland. Again, not that is that that is unique to Portland. Um so we're accounting for inflation. We're accounting for higher interest rates leading to higher return requirements and less leveraging and lower debt capacity. Um, for these projects. So we model again the kind of realities of the development process, the

development work today. And then we can go into those models and say, okay, inclusion, airy housing is requiring that ten of these units are rented at lower rates. What is that relative impact of those lower rent units on the overarching feasibility of the project? And we can then pipe in what the city is providing in the form of incentives. And that was our goal was to kind of balance those items. We are also in a kind of a separate but tangential analysis, talking about some of the other external factors to inclusionary housing that are influencing the high cost of housing production, which again, I don't want to jump too far into, um, to other conversation, but there are and there is an exploration around what some of those external factors like, um, interest rates, inflation, uh, having, you know, less gce or general contractor firms, less bids coming in that, that all of those things can lower the cost of construction. But we modeled feasibility today and again, wanted to understand the nuances of the impact of inclusionary housing and what the city is offering in the form of okay and let me just get at sort of a basic question and, and, uh, I'm for this.

Speaker: I mean, just in terms of higher order needs, as housing comes first. And so while I appreciate the other, uh, types of issues and incentives and protections and whatnot, at the end of the day, the question is, how do we get more housing into the city that's affordable to the population that lives here? And so I appreciate all this, but I guess I'm just trying to understand exactly how the hydraulics of this work would it be fair to say that to some degree, what we're doing here is, is we are helping developers overcome some of those other math macroeconomic issues by reducing our requirements around inclusionary housing to help bring the cost down and back into alignment, where the deals can be done. The capital can be raised, the employees can be hired, and the projects can be completed. Is that what we're doing here?

Speaker: Let me take a first stab again. I mean, I think yeah, I think in essence, yes, I think we're trying to make sure that inclusion, airy housing and the city or the inclusionary housing policy is not making it more infeasible for traditional market rate development to move forward. Okay.

Speaker: And then last part of this, then just to finish my logic chain. So we are making a judgment call. All that. While we are reducing the inclusionary housing opportunities, if you will, the number of units that would be developed under inclusionary housing, we believe that would be more than compensated for by increased housing development overall. Is that is that sort of the calculation we're making here?

Speaker: I want to make a small, um, clarification to that mayor. Yeah absolutely. Um, so what we are doing is, is, uh, we're not reduced thing, uh, the inclusionary housing requirement, um, we're, we're maintaining one of the program's goals in incentivizing the deeply affordable units at 60. Uh ami. What we are doing is recognizing that to provide those units and to just bring the program back into balance in certain neighborhoods, woods, mlk, alberta, hawthorne division north west, outside of the central city. Yep outside the central city. We are not doing the city is not doing our job in providing the incentives to balance out those things. So we are offering, uh, the offset package that is needed to get those units to jumpstart housing production and hopefully send some positive signals to the market, um, that the city is invested in housing. Uh, and we are hoping to move, uh, a bunch of projects in the pipeline and any stalled projects, uh, back moving. Okay

Speaker: And I take it then and I promise i'll shut up after this. We have a couple of long items ahead of us, but, uh, I take it from our invited testimony that the assumption on the part of affordable housing developers is that if the council supports these policies, they they would be more likely to develop units in Portland.

Is that a fair statement? And, sarah, I don't don't want to put words in your mouth, but is that basically your testimony? And steph.

Speaker: Yeah. Uh, thanks, mr. Mayor. Um, yes, I think, um, from our perspective, um, rather than looking for projects in other jurisdictions or in other municipalities, um, this incentive, as we've discussed it, is a calibration issue of providing adequate offsets for us to provide the affordable housing within market rate development. S, um, to keep us engaged in seeking and developing projects in the city of Portland. Now, I agree with you. There are many other barriers out there in the current market situation that we are needing to overcome at a market standpoint, but within in the control and purview of the city, this is an important step, so that the way I think about it is we want to be at the starting gate when the market allows us to begin or to develop at a more accurate or adequate pace. But, um, as you know, the other market forces sort of open development back up. We don't want to be 500 yards behind the starting gate.

Speaker: Okay. That's that's really helpful, sarah. Thank you I appreciate that. Thank you. And, uh, i'll see now if anybody else has any other questions. Uh Keelan. Do we have public testimony on this item?

Speaker: We have four people signed up.

Speaker: All righty.

Speaker: First up, we have michael anderson. Go ahead. Michael

Speaker: Oh, sorry, I didn't hear in transition. Uh, thank you, mr. Mayor. And commissioners, my name is michael anderson. I'm a senior researcher for sightline institute. We're a sustainability think tank. We think cities are good and that anyone who wants to live or remain in the city should get to. As a result. I've been in an inclusionary housing nerd since 2013. I was honored to serve with sarah and steph on the workgroup kicked off by commissioner Ryan and seen through by

commissioner Rubio. Mr. Mayor, you just asked what we're doing here today. Here's how I put it. You're talking about fully funding a good program. Um, I'm here today in support of that funding while also redirecting that funding specifically as jesse said, toward the 60% ami housing that markets will generally fail to produce or maintain in these high opportunity neighborhoods. And our conversation on this workgroup went through some twists and turns. But this is very close to the final consensus. We landed on. It builds on the program's biggest strength integrating desirable neighborhoods by income. It fixes the program's biggest problem outside the central city. It's been underfunded, leading it to under-produce. And I was delighted to learn during this calibration study that fully funding inclusionary housing is also a fiscal bargain. It's a good deal the local public cost per door for these 60% ami homes turns out to be in line with the local cost per door for homes created by the housing bond. There's not even any further state or federal aid required. This is great. It can free up more of our bond, state and federal dollars to focus where they're needed most. Supportive housing and other homes at more deeply subsidized prices. What's more, this program will be more efficient than the existing underfunded mandate that prior system put a hidden indirect tax on every tenant and forced time. Portland home buyer an underfund program may look cheap on paper, but really, in reality, it's the opposite at all. That said, I have two bits of feedback for you on this good package. First, it's vitally important to keep revisiting these numbers every several years. The numbers before you are reasonable in today's economy, but I'm glad Portland will come back in 2027 for a new look to keep things in balance. I also hope you'll find a way then, or sooner, to examine the homeownership side of this program. Today's fix is address only the rental market without further tweaks, this program will continue to fail to expand access to homeownership. Second, and this is a simple minor amendment that I'd

urge you to consider this month. Please head off future problems by finding a way to better define the success of this program in my view, the current common ground between Portland's political left and center is that almost everybody wants to maximize the number, not the ratio, but the number of beds created at 60 ami in high opportunity areas. This concept would link market rate and below market production together, ensuring that they aren't pushed by politics into false competition. The new program language improves on the past. Language but it doesn't improve that bit of clarity. Finally, uh, I'd like to thank the city staff in city hall and bureaus who put countless brain hours into this in all earnestness. It's been a joy and an inspiration to be part of it. Thank you all. Next up we have tim mccormick.

Speaker: Tim, you're muted.

Speaker: Unmute okay.

Speaker: Can you hear me now? Can you hear me now.

Speaker: We can hear you. Yes.

Speaker: Loud and clear.

Speaker: Good afternoon, mayor and council members. My name is tim mccormick. I'm director of housing alternatives network, also a contributor. Right writer at sightline institute. Um first, I want to say that the um housing bureau project page notes that some parts of the policy are still in development, particularly off site and in lieu fee. And so it's possible that they could adopt some forms of what I will suggest here, possibly this year or who knows, under a future Rubio administration. Uh, those other options are not widely used now because they don't get the city subsidies. So I've studied the inclusionary housing program and proposed reforms in Portland and many others around the country for some years, and I see that from the project documents that, for example, the estimated

subsidy to make a central city apartment affordable to 60% ami is \$250,000. Now generally, this sort of intervention doesn't create a new affordable unit. It just shifts a high rent apartment from a full rent payer to a lower income payer. Now what I'm kind of wondering is who is this guy or household? A below average income who insists on being put in brand new high end downtown building now, I've been in a lot of these buildings for work, and to be honest, there is a lot of californian happening there. There are a lot of yappy dogs and they seem to live mostly on doordash deliveries. And frankly, they have a lot of needs and they really need full wraparound services. And I'm not totally sure it's the best environment that i, for example, as a low income and unhoused Portlander, would choose, I'd probably rather not live at a location chosen for, filled with, designed and run for people much richer than me. I'd like housing that's oriented to me, but more to the point, I wonder, is switching the tenant at that luxury unit the best thing to do with a quarter million dollars of public subsidy? I keep hearing that we have a shortage of 20 or 30,000 homes in Portland, and we have mass homelessness pervasively in the central city. So what I wonder is, what if we had a process that openly asked how best can we address city housing priorities with available resources? So for example, in recent years we saw a big drop off in adu production when a \$20,000 sdcv was restored. So apparently we likely have maybe thousands of new homes insensible for as little as \$20,000, not a quarter million dollars. I wonder what other such low hanging fruit are there out there. If we had a process truly incented to find and prefer them and to use public resources for the greatest impact, what if we openly invited and compared all proposals and looked equally at other building types and approaches?

Speaker: Are so sorry?

Speaker: That was me falling off the cliff. So anyway, the good news is not all hope is lost. Uh, are you still hearing me? Because I have been developing a project over the last year in discussion with, uh, sightline and dlcd. We could call it the Oregon open housing platform. And in my testimony this afternoon, i'll talk more about that. Thank you.

Speaker: Thank you. Tim

Speaker: Next up, we have jessie ledesma.

Speaker: Good afternoon. Mayor. Commissioners. Thank you for the opportunity to speak today. My name is jessie ledesma. I'm the housing developer here in Portland. I've been working, developing housing in Portland for over 15 years. My firm is homework development and I'm focused specifically on building missing middle housing. That's both middle at the income level and the building scale, and it's one of the most difficult building types to develop because of the lack of resources in the higher construction costs and loss of efficiency versus high rise construction. And I'm testifying today in enthusiastic support of the proposed amendment to the inclusionary housing and multi-program, as proposed in the ordinance today. And I just really want to commend commissioner Rubio's office and the Portland housing bureau staff, as well as the calibration workgroup for putting in so much time and effort and analysis and honoring their commitment to evaluating the inclusionary housing program as a developer out here, actively trying to develop three middle income housing projects in the inner east side, I can tell you from firsthand experience that the proposed changes to the multi on the docket today make a meaningful and real difference in development feasibility and essentially get these projects over the hurdle of being able to finance and close and start construction during a time when we need it the most. So I really appreciate everyone's effort, and I urge you to pass the ordinance today. Thank you.

Speaker: Thank you.

Speaker: Next up we have jonathan greenwood.

Speaker: Hello.

Speaker: So my name is jonathan greenwood and I am a member of Portland neighbors. Welcome though I am though I am speaking as a private citizen, I would like to say I support. Measure 33. First, we should maintain sdc waivers and the construction excise tax exemption. We should be fighting for affordable dense units at or below 60. Mfi and therefore the sdc program should remain for developments that achieve this. Second, maintain the existing property tax abatement program in central city. This would help developers provide dense, affordable housing and offset their costs incurred from reduced rents in low income units. Third, consider extending the property tax abatement program to markets outside of the central city. The goal would be to incentivize more low income dense housing outside of the city center so all neighborhoods can contribute to housing. Everyone I would like to state here, as a private citizen, that my whole being is behind making Portland a better place where everyone can live happily and not have to worry about housing prices. We must build more dense, affordable housing. And this is not just needed in the central city. It is needed citywide. And finally, I would be remiss to not state that we need much more robust public transit to serve our whole city. I would love to see streetcars down lombard, mlk, sandy, 82nd, 122nd, a properly designed southwest max line and max into Vancouver. Can you imagine such a beautiful city? I can thank you.

Speaker: Thank you.

Speaker: Mayor. Um we might have one other testifier. All right. Sorry just a moment. Sure melissa. So, melissa did you want to testify on this item as well?

Speaker: Um. Oh sorry. No. Am I am I on the agenda for a different item? Yes. Okay. I'll wait. I'm sorry. Thank you.

Speaker: Okay. Sorry for the confusion, mayor. That completes testimony.

Speaker: All right. Thank you. Colleagues any further questions before we move this along? All right. Very good. I want to thank commissioner Rubio and the staff at phd. I also want to just underscore what commissioner Rubio said up front, that this is a partnership. And so I want to recognize chairwoman vega peterson and her team for their collaboration and alignment on this opportunity to expand multi and drive more housing production. Um, obviously this kind of, uh, effort is important. The inclusionary housing calibration study and the resultant reforms that are offered here, I think is a great example of how the City Council is data driven and how it is analysis driven. Sometimes we're accused of doing this. Uh, but I want to be very clear in this case, this is, um, we're leaning heavily on a study that was conducted by the commissioner and by the bureau. This is a first reading of a nonemergency ordinance. It passes to second reading on January 31st at 10 a.m. Time served. And that will be on the council agenda for people who want to look that up. So thank you very much, all. Now we'll move to item number 34.

Speaker: Mayor, we are ten minutes early for that item.

Speaker: You're you're absolutely right.

Speaker: What a what a rare pleasure. So we'll take a ten minute recess. But before we go, uh, we have quite a few people signed up to testify on this item. Be aware that testimony will be limited to two minutes per person because we do want to make sure that everybody has an opportunity to testify. Who wants to. So, uh, maybe during this break, plan to shorten your talking points. If you were thinking you might speak more than two minutes. Thanks, everybody. We're in recess until. 3 p.m. Oh no . No.

Speaker: No . No. No.

Speaker: Men, the planning and zoning code to adopt temporary suspensions and permanent clarifications to develop and process regulations as part of the housing regulatory relief project. Colleagues we're now holding a hearing on the housing regulator relief project.

Speaker: This project is being brought to us by the bureau of planning and sustainability, as well as the planning commission will first hear a presentation from staff and the planning commission chair, then commissioners will have an opportunity to move amendments before we open the floor for public testimony. I'll now invite commissioner Rubio to give her opening remarks. Commissioner Rubio, thank you, mayor.

Speaker: In front of us today is a piece of land legislation that has been 11 months in the making.

Speaker: And for those of you who know land use, that is about as close to a sprint as you can get under Oregon's legal system. And last spring, I asked the bureaus to send a survey to our local development community. Stakeholders asking them what local codes and rules were making it more expensive and challenging to build housing in Portland and we received hundreds of submissions then. We then began the work of digging into the feedback and pulling together a list of potential codes and rules to consider changing. We had a consultant unpack some of the costs for us and put out an initial proposal last summer, which the planning commission dug into this past fall, changing development rules is not easy business. Each of those rules was put in place for a certain reason and with input from external and internal stakeholders to address a problem or advance a priority, most of which are the types of things we can all agree are worth advancing. But the planning commission understood the concern around the impacts to those to housing

production and wrestled with that tension. And for that I'm very grateful in front of us today is the planning commission's recommendation to this elected body as staff. They will share it that it addresses 15 issues, that together will help move the needle on housing production. This package is not the first and certainly not the last thing we will do to address the housing shortage. We just discussed a multi-million dollar proposal for updating the inclusionary housing program, and we're already at work to develop a longer list of commitments for future actions as part of our housing production strategy. But this is one of the biggest things that council can do this year to take a meaningful step forward and show that Portland is serious about building more housing and with that, I'd like to introduce the team at the bureau of planning and sustainability to walk us through the proposal and potential amendments before we take public testimony. So I will invite up Sandra Wood, Phil Anemone and also Mary Ryan O'Meara, planning commission chair.

Speaker: Great. Thank you so much. Commissioner Rubio. My name is Sandra Wood. I am a principal planner here at the bureau of planning and sustainability and use she/her pronouns with me is Phil Anemone, who's a project manager for this project. And Patricia Diefenderfer, our chief planner is here also for questions. Um so Phil and I will do, um, give a presentation today. Um, Keelan, if you could start the presentation, please, and then we'll hand it off to our planning commission chair. Next slide please. As Commissioner Rubio said, we're here to hold a hearing for the housing regulatory relief project. The intent of this project is to reduce the cost of building housing in Portland and to increase housing production. Um, the proposals actually quite simple. It temporarily suspends some zoning code rules for a period of five years. Um, while we were in those code sections, we took advantage and made some permanent clarifications to the rules also, um, so you'll see that in the package, the new rules, um, usually apply to new

permits coming in the door. And that's the case here. But the ordinance also includes a directive that allows development proposals that are in the pipeline to take advantage of the of these provisions to. And phil will share a little more details about that next, please. There are several sources we drew from um to identify the issues to address. Among them was the survey that commissioner Rubio mentioned that was done in two um, 20, 23. We also looked at issues that the inclusionary housing calibration study stakeholder group discussed in the memo last summer. Um, we looked at the preliminary findings from a study that looked at the cost of some regulations that was conducted by the urban economics, um, in the meantime, we're actively engaged in governor kotek's housing production advisory committee. Um and of course, our bureau is working on the housing needs analysis that you heard about in December. And the housing production strategy. And those are kind of long terme actions as opposed to this one, which is a short terme action. Um, as far as the project timeline, we published our original proposal to the planning commission in September of last year. The planning commission met four times on this project, and you'll hear from chair o'mara about that in a bit. And of course, we're here today for the public hearing next. Since September of last week, um, last week of last year, we've conducted considerable outreach for this project. We've directly presented to groups listed in this slide. We sent official notice to 300 individuals and organizations and individuals. And in addition, publicized both the planning commission meeting and the City Council meeting to over 9000 people. And our newsletter and bds, um, which is bureau of development services plans examiner. Um, finally, we sent an email to all the recipients of the housing production survey. Also, that was an additional 3000 people. Next please. I'm going to take the next two slides to describe, um, a little bit of the economics, which I think you just had a conversation about and have had,

um, um, before, um, phil shares the proposals just to kind of get us oriented to the issue, the intent, um, um, of this project is to close the development feasibility gap. Um, shown red in the red on this slide that was borrowed from the council work session that you held in July. The blue column, which is the funding on the far left, shows where funding for development comes from. The gray column in the middle shows us, um, what the cost of development is and reminds us that there are several categories of costs associated with developing a building. The land carrying costs, soft and hard costs, and developers fees that you've all been hearing about so much. And as our colleagues shared earlier today, the cost of every category has increased dramatically in recent years, as the far right column shows in red, um, that there's a development feasibility gap when you compare the cost of development with what the market can bear. Next, please. Oh, there you go. There's the words on that slide. Next please. Thank you. Um, in July's work session, economists shared that in today's market, costs either have to come down or rents have to go up more likely, it's a combination of both. They pointed to several market actions that could help make development more financially feasible. Those are listed on the slides. Um, they also pointed to city actions that could help. Um such as incentives reducing time for permit approvals and reducing code requirements. Um were suggested. And that's what this project is about. Next, please. Um as part of the inclusionary housing, inclusionary housing calibration study, the consultant firm by urban economics provide cost estimates for some development standards. This include providing dedicated bike parking on a ground floor commercial space, and for cases triggering design review to provide an example of their cost analysis. We're showing one of these examples that is a common type of development in Portland commercial corridors. This is for a medium sized multifamily development with 64 units tuck under podium parking

and a retail shelf space of 2500ft². The table shows overall costs for developing a project of this size from land acquisitions to hard costs to various fees, in this case, a building of this size would cost a total of about \$20 million. Um, total, and 302 per unit. Um 302,000 per unit. Next, please. So for that prototype, um, the economist did a high level estimate to develop space within the project. A dedicated bike room or rooms for 96 spaces. That's assuming, um, the existing bike parking ratio of 1.5 space per unit was estimated to cost over \$50,000. For this, \$500,000 for this prototype, um, or \$8,000 per dwelling unit. A dedicated commercial space of 2500ft² on the ground floor would cost about. \$675,000 for that building, or around \$10,000 per dwelling unit. And finally, for design review, the focus was the potential of additional time to go through the review and soft costs for additional architectural plans. The estimated cost. For that process was about \$170,000 total, or \$2,600 per dwelling unit. While the focus here is on the cost to provide floor area dedicated to bike parking or commercial spaces, providing flexibility would allow the extra floor area to be used for additional dwelling units. Next, please and i'll pass it on to phil to describe the planning commission's proposal.

Speaker: Thank you, sandra and mayor. Uh, did you mute yourself? Okay. Sorry about that. Uh, mayor Wheeler and commissioners, uh, phil maimone with, uh, bureau of planning, sustainability. Uh, for the record, uh, so this slide shows the 15 issues that, uh, we focused on with this proposal. Uh, I do want to mention that senator mentioned a lot of these are temporary changes. And those that are temporary would have an automatic sunset clause of January first, 2029, at which point, uh, the suspensions or waivers would, would be, uh, rescinded. Uh most of these cases, uh, the, uh, the suspension would apply only when development is proposing residential uses. Uh, the ones that are in bold on this slide are the ones that we have heard more testimony on that, that we want to go into a little more

detail as we, uh, as we present through the proposal here, I do want to mention that the initial proposal had 16 issues, uh, under the central city focus. There was also a review of the bird safe glazing provisions. Uh, that was something that the planning commission did not move forward with the recommendation on. Uh, but I do want to show that, uh, these proposals kind of straddle the line between development standards and some of our process. Uh, uh, uh, processing of certain, uh, timelines and things like that. Next slide. So I want to start with the bicycle parking. I do want to mention that, uh, bicycle parking was the number one thing that was identified in the survey back in the results in March. Uh, and i, uh, the slide shows the different amendments we are proposing both to set a temporary amendments or temporary reductions, as well as a permanent clarification. Uh, first off, we are temporarily reducing the number of long tum bike parking, uh, ratio for residential uses from one and a half, uh, space per unit to one. If you're downtown or close in to downtown, and then from 1.1 to 0.7 if you're further out. Uh, we're also temporarily removing the requirement that larger bike rooms have a large bike spaces or cargo bike spaces set aside. And then lastly, we, uh, there are some provisions that apply when some of the bike parking is placed within the dwelling unit. We do allow up to 50% of our bike parking spaces to be in a dwelling unit, but they have some very prescriptive standards that apply. And we are proposing to permanently remove the standards that require that the bike parking be in an alcove in the unit and that it be close to the front door. Uh, this was found to provide, uh, some confusion and also create issues when permits were being reviewed. And uh, our hope on this is that, uh, the standards will free up some additional space, uh, in development to potentially put other units or, or other types of, uh, uh, features for the for the housing projects. Next slide. Uh, we're proposing several temporary changes to the ground floor. Uh uh, height and

ground floor active use standards. Uh, in our base zones, we actually do have a lot of standards that, uh, regulate how the ground floor is treated. But in many of our planning districts and overlay zones, we actually have a higher level of standards, uh, that the, uh, be report on this did show that the cost is mentioned can increase, uh, the overall cost of the project and often can gets passed on to, uh, cost by unit, uh, especially if that ground floor space remains vacant. Uh, what we are looking to do is, uh, provide three sets of temporary, uh, uh, suspension. Uh, the first one would be to remove any kind of special use limitations that require ground floor in certain areas to, uh, have certain commercial space or to not allow dwelling units on the ground floor. Uh, this would apply in the central city as well as in specific overlay zones and some plan districts. Uh we are also, uh, amending the requirement that the ground floor have a certain height, uh, within some of the plan districts, uh, outside of the central city in central city, we are keeping that requirement. And then third, we are, uh, reducing the additional ground floor window requirement that apply in some of the plan districts. So they would only be subject to those in the base commercial zones. Uh, we think that being more flexible on the placement of this ground floor units in the commercial space, uh, can also reduce the prevalence of vacant community, uh, commercial spaces and can allow, uh, for conversion of some of these spaces to residential units, especially downtown. Next slide. I did want to show, uh, because I think maybe some testimony about the design of the ground floor and how that works. Uh, did want to, uh, provide just some examples of different, uh, treatments that occur on the ground floor depending on, uh, what is proposed, uh, sometimes, uh, certain development may make their ground floor for residential units look very much similar to a commercial space, uh, with more glazing in other cases, they may treat it with a more of a residential treatment. Uh, what we're hoping with these

temporary provisions is that we allow for that kind of flexibility to happen without dictating a certain, uh, uh, ground floor style or height. Next slide. Uh, for design review. Uh, is sandra mentioned there are some increases potentially in the soft costs for doing architectural renders. Things for the review process. There's also can be a holding cost for holding on to property while you're going through the land use review process on that. Uh design review does get triggered for most projects in the central city. Uh, projects outside the central city can either go through design review or often will go through, uh, standards track where they apply additional development standards. Uh, the amendments that we are proposing or that the planning commission proposed have two temporary changes, uh, for projects that include housing that allows, uh, folks to go through a lower level design review. Uh, essentially, if a project normally would go through a type three design review that has a hearing, they would be allowed to go through a type two staff design review process. And similarly, if something normally went through a type two staff process, they could choose a type one x process, which removes the ability for a local appeal. Uh, the lowering level of that review could reduce some of the time and prep costs. Uh, required for a design hearing. Next slide. Uh, eco requirements flight, a new buildings, over 20,000ft² in the central city. Uh, and projects must go through an adjustment or modification in order to alter the requirement that is in the current code. Uh, the amendment that's proposed, uh, would allow solar panels to take the place of the eco roof without triggering that requirement for a modification or an adjustment. And the intent here is to increase the flexibility without triggering further review. Next slide. Uh, this slide uh, focuses on on another process element to our code. Uh this has to do with the neighborhood contact process. This is a process that occurs prior to anybody submitting a permit or a land use review. It's a notification and communication

process. And that occurs outside of the formal land use process. And it essentially requires the applicant to set up a posting and in many cases, set up a meeting with the neighbors. Uh at a public place, uh, and it is done before they file for a permit or for a land use review. Uh, the provision here that we're proposing includes some temporary suspensions as well as some permanent, uh, modifications to the overall process. Uh, the temporary change removed would remove the requirement that an applicant have to hold a meeting for larger projects with housing. Uh, it would just retain the posting that's shown there in the image. So. Right now there's two systems. The smaller project just has to do a posting on a larger project will often have to do a posting and hold a meeting before they can file for the permit or the land use review. More permanently. We currently have a third type of neighborhood contact, which applies specifically in areas that have a design overlay zone that have has a different threshold and a different set of meeting criteria. Uh, what this package is doing is proposing to consolidate that third option into the first two options, so that there isn't necessarily a difference between a proposal in the design overlay or outside a design overlay. They they would meet either the posting or the posting in the meeting. And since we're, uh, the meeting would potentially be suspended for the next five years, uh, this would really only play out, uh, once that, uh, meeting, uh, suspension was rescinded. Uh, once again, the intent in this case is to, you know, temporary remove some potential time constraints to getting permits in with the city. Uh, next slide. So those were sort of a highlight of some of the a few of the, the 15 items there that are in the package. Uh, I think there's maybe some testimony that's been received, uh, through the written mapap and also potentially there'll be some folks that testify here at the, uh, at the hearing. But I did want to mention that in addition to the code changes, there are two ordinance directives that are, uh, at the end of the ordinance that provides some additional flexibility,

specifically to projects that are already in the pipeline or under review. Uh, first off, uh, we are going to have a directive that would allow for, uh, projects that are already submitted for review. But uh, uh, haven't been completed yet to potentially take advantage of some of the, the, uh, code waivers that are being proposed. And these include the provision to require nonconforming upgrades. You would allow existing projects to reduce the bike parking per that, the suspension, uh, would allow a reduction in the loading spaces, which we didn't really talk about, but is a minor item. It would allow some allowances so that the ground floor use could be used for residential, and it would allow people to use the new process for central city master plans, uh, or the amendments to those, uh, in addition, uh, we have, uh, a expiration dates for existing land use reviews. We had an extension that was granted during the covid emergency. We, uh, that extension expired this past January. Uh, just a few days ago. And we have another directive that would allow existing land use appeals that would have expired to have until March 1st, 2025, to get their permits issued. Uh, we have heard from several, um, applicants and architects that they are waiting for financing, that they are getting close, but they are at risk of losing their land use approval. And so this would grant them some additional time. It provides opportunities so they don't have to reapply for the review and start the process all over again. Next slide. Uh we have a lot of folks that are here, uh, testify in person, but we've also received a considerable amount of testimony in our map app. Uh, when this was, uh, first set up, this slide, we had well over 100. Now, I believe we've passed the 200, uh, pieces of testimony that have been submitted since December 20th. I just wanted to highlight a few things, um, that are some of the themes, uh, probably the majority of the pieces of testimony are, are related to, uh, the eco roof suspension and bird safe glazing. Suspension, as I mentioned, and uh, earlier, the planning commission kind of changed some of

those. And their ultimate recommendation was to not put in a bird safe glazing suspension and to modify the eco roof so that, uh, the eco roof is only suspended if they're doing a solar array. So uh, there was a lot of testimony that's already come in supporting what, the planning commission. Uh, uh, landed on there. Uh, some of the other things that have come up, uh, there's some concern, of course, about, uh, reducing some of the requirements for the ground floor and how that impacts the interaction between the sidewalk level of buildings and, uh, the public realm. Uh there's some concerns over, uh, reducing the ability for neighborhoods to have an initial input into a project even before it's filed. Uh, there's been a little bit of concern about some of the bike parking changes, uh, and a desire to maybe have a more long term convert station about how bike parking is addressed. Uh, but but, uh, finally, there has been quite a few pieces of testimony that has a general support for these, uh, amendments, as they are recommended here by the planning commission and, uh, support to move forward on these, uh, sooner rather than later. Next slide. I think we said at the very beginning here that this is a package of amendments is one piece of a very large, holistic, citywide, uh, effort to, uh, increase opportunities for housing. Uh, this just kind of touches on a few of those. Um, I think, uh, what, uh, what we're showing here is both, uh, zoning code changes that are in the pipeline, as well as a lot of other things. We just heard from the housing bureau that they're they're, uh, revising some of their rules that apply to the inclusionary housing program. Uh, this shows, you know, the zoning code changes. We're in the middle of doing a regulatory improvement package. Uh, we have a land division, uh, code update that is moving forward. That would create a more streamlined way to divide land. Uh, last month, you heard about the housing needs analysis, which is going to lead to housing production strategy. And we anticipate that that will also have some code amendments and potentially some

map amendments to further encourage a variety of housing. Uh, the rest of these things are, uh, items that other bureaus and offices are working on. They can, uh, impact some of the financial incentives, uh, the fees that are applied to these projects as well as, uh, the permit improvement task force that's being done at bureau of development services. So there's a lot of things going on here. And I would say that this housing regulatory relief is not intended to be the final say on this, but it's just a piece of the puzzle. Uh, with that, I'm going to pass it on to sandra for the next slide.

Speaker: Great. Thank you phil. So to reiterate, um, the planning commission's recommendation is that the City Council adopt the recommended draft and amend, um, title 33, which is the planning and zoning title of city code to um, um, as shown in the recommended draft. But we wanted to share a few more slides about that. Um, because you received two minor memos containing potential amendments to the planning commission's recommendations. Um, i'll explain the amendments in these slides. But later, the commissioners will move and second them to get them on the table before testimony is taken on them. Next slide please. This first set of amendments is from commissioner Rubio, um, who provided um, three amendment requests to staff. And um, um, last week, um, the first amendment is to add some technical changes and clarifications to the inclusionary housing chapter in the zoning code to allow align with the housing bureau's work and revision to state code. The second amendment is a technical amendment that clarifies the ground floor window standards in the central city. The third amendment is an additional temporary option for design review of affordable housing projects. This would allow a project that is normally subject to a type three design review, with a hearing, um, to elect to go through either a type two or a type one x, both of which are staff reviews. It also eliminates the requirement that a

design advisory quest before the design commission is held. For those administrative reviews. Next slide, please. Um, the um these this slide shows that commissioner rene Gonzalez also provided staff with three amendment requests. Um, the um so we're calling these amendments number four, five and six. Number four is temporarily suspending the bird safe glazing requirements in the zoning code. Those glazing requirements apply along the willamette river and in the central city. Amendment number five is to revise the planning commission's recommendation on eco roofs in the central city to temporarily suspend the requirement. And amendment number six is to remove the 35 day advance notice requirement of neighborhood contact posting and communication. So everything else remains from the planning commission recommendation except the deadline of having to provide that notification. 35 days before, um, submitting permits or land use reviews to the city. Next, please. Um, we approached this project with the intent of taking a quick action. Our hope is that after hearing public testimony today, City Council will vote on the amendments. We would then return on January 24th with updated documents and then for passing the second reading and a final vote on January 31st. Um, with an effective date of March 1st of this year's this year, which is a 30 days, um, after the vote. This aligns with previous council direction to limit code changes to twice a year, which is March 1st and October 1st. Um next slide please. Which I believe is the end of our presentation. Thank you very much. Um, I before we pass it on to back to the mayor, I'd like to introduce planning commissioner chair mary o'mara, who will speak to the commission's recommendations and share some of the deliberations that took place there. Thank you. Thank you so much. Uh with the slideshow now. So. And sandra, good afternoon, mayor Wheeler.

Speaker: And commission. My name is mary o'mara, and I am pleased to serve as the chair of the city of Portland planning commission. I'm also very pleased to bring forward today our recommendation on behalf of the commission to adopt the housing regulatory relief package, which includes the three amendments that we've proposed and have been approved by the commission. So as has been presented, the intent of the housing regulatory relief project seeks to minimize barriers to housing production across all income levels and throughout the city of Portland. As the recently adopted housing needs analysis for the city of Portland documents, we need to produce just over 120,000 units of new housing in the city by 2045, with over half of those homes being affordable to household, earning 80% of area median income and below. Given the tremendous need for housing production in the city, the planning commission recognizes the importance of moving expeditiously with this package. But even with the accelerated process as a commission, we prioritized careful deliberation of the proposed code changes in the package, and we had the opportunity to review the hrr in various stages at four different commission meetings. One of these meetings was scheduled as an additional work session for the commission to discuss amendment options and impacts of these proposed proposed code changes. Important to our consideration of the package was the tremendous amount of public testimony we received, including 220 pieces of written testimony and over 30 people who showed up to testify in person at the planning commission hearing. The themes of the testimony we received carried forward into those represented in our proposed amendments, namely, how do we balance the needs of swift housing production with careful consideration of ecologic and community impacts that our code embodies in our deliberations? As a commission, we had counter proposals that resulted in split votes of 4 to 4 on the eco roof and bird safe glazing provision options, but we did

reach majority agreement in the amendments that we are proposing in the draft presented for your approval. Well, as another just quick summary of these amendments, what we are recommending is that we maintain the existing standards in the central city and river districts for bird safe glazing. We maintain the eco roof requirement in the central city unless solar panels are proposed for 50% or more of the roof area, and we require that developers post a site development notice with contact information and in advance of permit or land use review submission. I would like to thank the staff for their support and coordination and presentation of this important package to the planning commission and I'd also really like to acknowledge my fellow commissioners for their collaboration and respective areas of expertise that they brought forward into this process. We are hopeful that the modifications made to code through this package will help to accelerate much needed housing production across the city. We look forward to progress reports on the success of the project over the next five years. While it is implemented and in closing, thank you again for your consideration of approving the housing regulatory relief package with amendments as proposed by the planning commission.

Speaker: All right. Very good. And thank you, chair. Uh commissioner Rubio, does that complete the presentation on that?

Speaker: Does mayor.

Speaker: All right. Good. I want to thank you. And I want to thank city staff, and I want to thank the City Council. I know we all prioritize housing production here in the city of Portland. And this was a very, very thoughtful and very thorough presentation. And I want to appreciate you for that. Um, let's go through and do some process here, because there was a number of things that were added here. Uh including amendments and we'll get to the amendments that were highlighted

by staff. But before we do that, I want to ask my colleagues, do you have any questions at this time for staff or for chair o'mara before we move to the amendments? I'm not going to I'm going to have some questions about.

Speaker: That's a little bit hard to tease out. Some of the differences between, uh, tease out what's going on in all of these, um, uh, both proposals and amendments. That's um, so, for example, I think. And I don't I'm not quite sure where in this process we're going to be. We should deal with them, um, or at least I should see clarification.

Speaker: Could I suggest we not deal with the amendments yet? Let's let's get to the amendments in due course. Let's stick to the core recommendation. Do you do you have questions about the staff recommendation, which is in alignment with the planning commission? Do you do we have any specific questions related to the bass proposal at this point I think not. Okay. Commissioner Gonzalez, thank you.

Speaker: I just just there there are some procedural questions was raised about the November 14th planning commission work session on hrr and I'm just looking at my notes here. There's some open questions about whether the meeting votes there complied with applicable al commissions rules. And this is specifically to one amendment that we are proposing. I guess my question is just for the planning commission chair, have you run those questions down on the process, or has that been reviewed by a city attorney that we complied and specifically, I'm talking about the votes on eco roofs, which look like we're a very contested, uh, votes at the planning commission quite twice going for four. And then this amendment that came in, there's some questions about. So I just if you could maybe speak to the process there for.

Speaker: Sure. Thank you for that question, commissioner gonzales. Um, I that has not been brought to my attention that there are questions regarding the

procedural vote at that meeting. So I'm going to defer to patricia to diffenderfer, um, from dps to speak to that question.

Speaker: So just before was that a44 vote?

Speaker: Four four. And then another amendment came in. I just want to excuse me, need some water, clarify how that played out. Oh pardon.

Speaker: Um, mayor, commissioners. Good afternoon, patricia diefenderfer. For the record, chief planner, I just wanted to actually, uh, let the council know that this issue, we're aware of this issue, and we actually have the city attorney's available to provide some information about that procedural question.

Speaker: Okay. Thank you.

Speaker: Linly, is that you?

Speaker: Sure. Sorry. I'm trying to get oriented because I'm usually at home doing this. Um so the i, my recollection is that the allegation was that the planning commission did not follow robert's rules. Um, as council knows, robert's rules, the intent is to make sure that at your processing things in the most efficient manner possible. And so, for example, there are rules against remaking a motion multiple times because you don't want one person to be able to just the entire meeting, gum up the works and make a motion. But as council does from time to time, um, by consensus of the body there's a desire to hear a motion again, like, oh, we didn't quite understand it, we got more information, then let's do that by consensus of the body. Robert's rules allows you to continue on and take take an action, even if it might technically be, um, be inconsistent with one of the rules. You have the ability to overrule that by consensus. It's, um, it's our review, our review of the of the meeting is that that because. No one objected, no one on the body objected. And the body is the one who's supposed to be benefiting from robert's rules? Uh, it would be fine. It was fine. The way they proceeded, in any event, it really, you know,

overall it doesn't matter because even if there were a procedural error at the planning commission level, council has the opportunity to consider all all aspects. And so labor's rules say, for example, there's case law that says, um council considering the same thing. Basically um, there is no impact of any error. So we did not determine there was an error. But even if there were an error, council being the final decision maker can cure that error. Does that does that respond? Patricia is there anything that I've missed?

Speaker: You're muted sorry.

Speaker: Thank you linly that's um that's sufficiently addresses the issue. Thank you.

Speaker: And linly I had one follow up question on that. And just to be clear, I think the speculation is that that that final vote, which, you know, the this whole part that's before us, uh, the recommendation of staff failed to pass twice on for four votes came back a third time, uh, in pass. But the issue is whether someone who was, uh, who brought the motion for reconsideration was, yes, the first time. So therefore, we're not part of the prevailing vote. And I just want to be clear for my colleagues under our practice, that certainly is in my time on City Council, that is in consistent with our practice. Uh for someone who fails to, at least in my year, you know, I know and, commissioner, I don't mean to interrupt, but you are correct.

Speaker: But that is not just because robert's rule says it, but because your code actually provides that we and the charter provides how you handle a motion for reconsideration. In this case, you don't have bylaws that provide. It's really just robert's rules and therefore, because robert's rules allows for, um, not following the rules by consensus, it's different than if our council were to do that because you're correct. We the we need to follow the reconsideration rules because those are in our adopted code.

Speaker: Okay. And don't want to belabor the point, but the staff recommends motions as I understand it failed to pass twice at the planning commission and was on the third vote in the same meeting. Am I reading that correctly?

Speaker: I I'm going to defer to patricia, but in listening to it, I believe it was two times. I believe that there was a vote. Um and patricia, correct me if I'm wrong. It was, uh, one time and then they voted on another issue and then somebody brought it back up again.

Speaker: That that is correct. Uh, patricia, for the record, that is correct. It was it was two votes. They voted on something in between and then decided they collectively that they wanted to go back to the previous issue because they had additional discussion that they wanted to do, to have. And also, I think ultimately we um, it I think it's worth pointing out that ultimately, if you listen to the, um, the video of the of the meeting that it was very clear what their intention was, it was clear that they wanted to revisit the topic, and it was clear that they wanted to reconsider the previous motion that had failed. So, um, I hope that that's also helpful in describing what what occurred at the meeting.

Speaker: I it is and look, my questions aren't to imply that there's everyone wasn't operating in good faith. I think everybody was based on my read of it. It's a contentious issue, as we're going to see in the testimony. I guess I'm just putting it on the record for my colleagues that the way that vote had proceeded does not parallel the way that vote would proceed here, but I think linly has given a good explanation as to why that is. Um, and i'll leave it at that.

Speaker: Okay, good. And any general questions at this point before we get to amendments. All right. Thank you for that. So let's go through in the order in which, uh, we heard about them. First of all, commissioner Rubio, I want to confirm that you wish to propose three amendments as outlined by staff. So we'll go through

those. And I see a head nod. Yes so we'll go through those in order. Rubio one was the inclusionary housing updates and that was amendments aligned regulations with recent state law changes remove out of date language and change some regulations to align with title 30. Inclusionary housing processes. We'll call that Rubio one. Commissioner Rubio, uh, can you verbally move that, please? Just say I move Rubio one, I move Rubio one.

Speaker: Okay.

Speaker: And do we have a second?

Speaker: I'll second that.

Speaker: Commissioner Mapps second. So Rubio one is on the table. Rubio two, as I understand it, unless the commissioner corrects me, is the central city ground floor window is technical amendments to clarify application of the ground floor window requirements in the central city plan district commissioner Rubio, number one, did I get it right? Number two, anything you want to add? And number three, just go ahead and move it. If that's right, move Rubio two okay, good. And commissioner Mapps is seconding it. Uh, Rubio three design review procedure amendments to further reduce design review procedures temporarily for affordable housing projects. Anything else there, commissioner? No and so you move Rubio three and commissioner Mapps is seconding it. So those three are on the table. And with everybody's forbearance, will just keep those open until after public testimony. Is that okay? Commissioner Rubio? Very good. And then commissioner gonzales, I understand that you have two, uh, excuse me, three amendments. If I kept my notes in order here, I think I did. Uh, my understanding is gonzales one would be to. Do you have your hand up? Did you have a comment?

Speaker: Yeah. I think just to be clear, i. There was some potential discussion about keeping, uh, the ordinance open today, and not voting on the amendments.

Speaker: Um, and I just wanted to create space for that discussion. Uh, as I understand it, that would not delay any final vote on them. It would leave this open, uh, until January 17th and then still comply with the timeline outlined by staff with the accept findings on the 24th vote. And and, uh, adopt an ordinance with such amendments that would pass on January 31st. So I just wanted to be clear what with you, uh, mayor, what we need to keep at least my three, you know, amendments.

Speaker: So the sponsor has her hand up, so i'll. I'll let her handle it. She can probably do ten times better than I can. Commissioner Rubio, I'm just wanting to ask a question.

Speaker: Is there a purpose for this? For keeping the record open?

Speaker: Uh, yeah.

Speaker: Just to give adequate, uh, time to absorb what we anticipate is going to be substantial public commentary today on the amendments.

Speaker: Uh, it's my concern is just delaying the whole package. People have been waiting for this for a long time, so it would be my preference to continue. But i. I will defer to my colleagues.

Speaker: I don't think that delaying keeping the amendments open will, at least based on the summary I'm looking at, will in any way affect the timing of adoption of the ordinance.

Speaker: We're still talking a January 31st, uh uh, adoption of the overall ordinance as as amended. But may Keelan can clarify, but I just want to be be clear about what we're proposing here.

Speaker: Um, I would defer to legal counsel, uh, about the procedural aspect of passing this to second reading when it's scheduled for a time certain all ready? Um so that that in of itself shouldn't present an issue.

Speaker: Lauren, can you identify yourself for the record? Excuse me.

Speaker: Lauren King for the record, the city attorney's office. Um the fact that it's been scheduled as a time certain is not an issue. The question. Commissioner Gonzales, are you you're asking to continue it to keep the record open or to continue it and have a vote and close the record, because there the really what it comes down to is timing for staff to be able to prepare the revised package. The revised findings that reflect the amendments. So um, I am fine closing the record by the end of the day to day.

Speaker: We just wanted to keep the amendments, uh, open for, uh, you know, full deliberation and vote. I give my colleagues an opportunity to absorb what they're hearing today, and then and then come back next week. So

Speaker: So, um, and, you know, I believe that that's sufficient for us to have enough time if the record closes today or shortly after today. The council reconvenes on the 17th to vote on the proposed amendment. Bts can then return. Um on the 24th. I believe it was to do amended findings that reflect the proposed amendments. And then one more reading on the 31st, which would keep with the March 1st, uh, goal of implementation. So it is it is possible it will be tight for to turn around those findings. But it is it is possible and commissioner Rubio, please let me know.

Speaker: I had understood your staff was okay with that at least component of that. But there's been a lot of chat today. So I just wanted to make sure that was right. I um, I really haven't I just heard something briefly as people were coming in as we're in session right now.

Speaker: So I wouldn't say that I had a lot of time, but or no, fully. Um, but I want to I have more concern with staff and what this means for work and making sure that you have the runway. You need.

Speaker: Uh, why don't we hear from, uh, patricia? She's got her hand up, and I saw you. Commissioner Mapps. I'll come back to you if you're still interested. Patricia go ahead.

Speaker: Thank you so much, mayor Wheeler. Um, so I just wanted to procedurally and for timing for staff. Um, I think as long as the record is closed today and there are no additional amendments, the council does not have to vote on the amendments today. Can vote on the amendments next week, and then we can continue new with the process as outlined so that the final vote happens on January 31st, allowing us to ensure that this package can become effective by March 1st.

Speaker: So I think and I definitely I see sanders hand up, please, sandra, feel free to jump in and correct me if I said anything wrong, but I believe that that that could work. And feel free to jump in here. Thank you.

Speaker: I just have an additional addendum to that. As long as there's no additional amendments for next week, because then we'd have to reopen up the hearing. So you know, closing the record for the amendments that are being moved today.

Speaker: Okay. Good um, and sandra, did you have something else? No. Okay uh, commissioner Mapps, did you want to chime in?

Speaker: Um, so where we at? Are we voting on this or leaving it open? Did we reach a consensus through that exchange?

Speaker: I don't think we have. And frankly, we don't have all the amendments on the table yet, so I'm not clear on what the full scope of what we're discussing is yet. We have not yet asked commissioner gonzales to move or second his amendments. So right now there are only three amendments on the table. All they are all commissioner Rubio's amendments. Uh, but if I understood where we are correctly

and I realize this has been a very long day for all of us, so my brain may not be fully where I want it to be. Uh, I understand that staff and legal counsel are advising us that if we chose not to vote on amendments that were moved and seconded today day, for which we will take public testimony today, if we choose for any reason, not to vote on those amendments today, which would be our usual procedure, we can keep them open and continue those amendments to next week without any delay in the, the, uh, the schedule as uh as uh, uh, scoped out by staff. Did I get that right? First of all, I'm seeing some head nods. Yes. So good. All right.

Speaker: And I think I noticed that patricia had her hand up. Patricia, did you want to jump in here or you thinking better of it?

Speaker: Thank you so much, commissioner. Maps. And just. I think, mayor Wheeler, I think you got that right. I just wanted to clarify that there is a there's a we can separate the idea of, uh, keeping the record open versus voting on amendments today versus next week.

Speaker: So that's that's right. But my i'll just be clear if, if we're going to continue to do this and keep the amendment open, I absolutely i'll just speak for me, uh, as the presiding officer. Absolutely going to close the record, uh, either today or in a day or two. But we are not going to keep the record open through next week's hearing.

Speaker: Exactly. And that was going to be the other suggestion would be to if we were going to keep the record open, to just keep it open for a very short time.

Speaker: Yeah.

Speaker: And I can leave that up to you guys on staff to decide whether you want it closed at the end of this hearing, or whether you want to keep it open for another day or two days or whatever. I'm fine. I just don't want it to stay open through next.

The next hearing. That would be a mistake. Okay, so, uh, sounds like is everybody on the same page so far? I see I understand what we're doing.

Speaker: I just want to say I would prefer that we vote today, but I understand. And just this has been a lot of work and a lot of time a long time coming.

Speaker: But I don't why I'm happy to defer though.

Speaker: If, uh, the majority of council wants to go this direction.

Speaker: So, uh, my preference would be to vote today if you're, if you're taking a poll of the council right now, my preference is to keep moving forward and vote today. I'm obviously amenable to the majority of the council on this procedure, but, uh, i, I say let's keep it moving forward. I'll jump in here, um, with a contrary, uh, position.

Speaker: I'll be transparent with folks I didn't see the gonzales amendments until about two hours ago. Um, still haven't had a chance to read through all of them. Um, I have some technical questions that I'd like to get some clarity. Clarity on. And we got 50 people or so signed up for testimony today. I feel like this is just a lot to process, and I don't have very good information. So my preference, I'm fine with closing the record whenever we need to close the records, but, um, uh um, I think I'm going to need some time to process what's been put on the table. Um, before we cast a vote and certainly I want to hear public testimony all right, well, why don't we do this?

Speaker: We don't have to do anything right now. We don't have to commit to anything right now. Let's let's get through the session. Let's get to the end of it, and let's see where we all are. Okay um, because I hear what you're saying as well, commissioner. Uh, so, commissioner gonzales, you have three amendments. Your first one, as I understood it, would be to reinstate the staff's original proposal to

temporarily suspend bird safe glazing requirements in the river overlay zone.

Central city plan district. When a proposal includes a residential use, is that correct?

Speaker: That is correct.

Speaker: Anything else you want to say on it?

Speaker: Nope. I think I'd like to get going with testimony. Okay. Is there a second?

Speaker: I'll second.

Speaker: Commissioner Ryan seconds. Gonzalez two is replace the planning commission's recommendation with staff's original proposal to temporarily suspend the requirement in central city district plan. District when a proposal includes a residential use. Is that accurate?

Speaker: That is correct.

Speaker: Okay. And you're moving that I take it? Yes and do I have commissioner Ryan seconds and Gonzalez three when a proposal includes a residential use, temporarily suspend the 335 day deadline to post the neighborhood contact sign and send notification motion to. I'm going to reread that. I emphasize matters when a proposal includes a residential use. Temporarily suspend the 35 day deadline to post the neighborhood contact sign, sign and send notification to recognized organizations. Is that accurate? That's correct. And you're moving it.

Speaker: I so move okay.

Speaker: Is there a second?

Speaker: I'll second. Okay

Speaker: So we have as our Gonzalez one, two and three. Those are also on the table. All right. Now with that we get to the most important part of the day, which is public testimony. Any. Uh Keelan. How many people do we have signed up?

Speaker: Yeah, 51 people signed up.

Speaker: All right, 51 people. Two minutes each. And um, hopefully, colleagues, we can keep our quorum together so that we can complete this today. Uh, so why don't we just leave it to you, Keelan to manage the public testimony.

Speaker: Thank you. Mayor uh, first three testifiers are chris smith, robert sallinger, and walter weiler. Go ahead. Chris

Speaker: Thank you. Uh, mayor Wheeler, members of council, I would refer you to the written testimony from myself and katherine schultz. Uh, katherine was chair, and I was vice chair of the planning and sustainability commission in 2019 when we processed the first major update to Portland's bicycle parking code in 20 years. Um, we grappled with two issues in that it, uh, figuring out the right amount of bike parking to support our modal goals in the tsp and comp plan. Uh, and to have standards for bike parking that would produce effective and useful parking, because we had seen a lot of development with parking that really wasn't usable. Um, I have no issue with the, uh, the temporary rollback of the ratios to meet our current needs. Uh, I have concern about one of the standards the code in front of you permanently abolishes the end unit standard, the so-called alcove standard. Uh we appreciate that. That's not working, but something needs to replace that because otherwise we're reverting to a standard. We had prior to 2019 that simply wasn't working. We were getting, you know, bike hooks over sofas and beds were clearly not usable. Uh, so the ask is that you ask pbot and bts to charter and advisory committee to look at that issue, to look at other places in the standards where perhaps we can learn from what we done since 2019 and find other dimensional relief that could make bike rooms smaller, uh, and make development easier. Uh, but we do need to revisit that issue. And I would note that both, uh, Portland neighbors welcome and bike loud, uh, endorsed a follow up effort in their

testimony to the planning to the planning commission earlier in the process. Thank you very much. Staff.

Speaker: We have robert salinger.

Speaker: Good afternoon, mayor and members of the City Council. I'm testifying on behalf of willamette riverkeeper. Uh, we have significant concerns with this plan outlined in our written comments. But overall, we support the recommended draft submitted to you by the planning commission. We come to you today in strong opposition to the amendments submitted just yesterday afternoon by commissioner Gonzalez, which would suspend central city green roof mandate and bird face glazing mandates until 2029. We are deeply, deeply disappointed that a city commissioner is again bringing forward complex and controversial amendments at the absolute last minute, while the development community and their lobbyists have known about these amendments for days, the general public basically learned about them this morning. And if you are going to give yourself the privilege of extending a week to decide, we would urge that you give that same privilege to the public, which also just learned about these. Don't take a week for yourselves, but ask the public to turn on a dime as you're aware, the planning commission took a deep dive on both of these proposed suspensions and rejected both, recognizing that the cost to the environment far outweighed the nominal benefits that would accrue for housing. Both proposals are antithetical to the city's commitment to creating a green, sustainable and equitable climate resilient urban environment. It is critical that the city recognize that we have both a housing crisis and a climate crisis, and advance solutions for both, rather than pitting one against another. Both the green roof requirement and the bird safe building requirement were the result of years of community input and extensive public involvement. Both were nationally lauded at the time of their adoption, representing Portland's

commitment to an environmentally sustainable city. I'm not going to go into the benefits of both, but they're extensive because you're not giving us time to do that today. You're limiting us to two minutes, even though we're just learning about these amendments. Thanks for that. Sadly, this proposal recommends a growing trend of using the housing crisis as a pretext for rolling back our urban environmental protections. We've heard arguments like every little bit helps when it comes to addressing the housing crisis. This is simply an appalling argument. Addressing the housing crisis requires smart strategic initiatives, not performative gestures that harm our communities and erode confidence in government. We've also heard that these suspensions need to comply with the pressure from the governor. But the governor has recognized that you don't put the environment against housing and is committed to not affecting environmental regulations. And her housing legislation. I'll finish up in one minute. The city is trying to generate a building boom over the next several years, suspending these mandates now means that they will not be in place when the buildings go in. We fully recognize the human toll that affordable housing crisis is taking. However, the affordable housing crisis was not caused by environmental regulations and the cause of equity would not be advanced. By further degrading our urban landscape, we respectfully urge council to reject these ill conceived amendments and instead recognize we must simultaneously advance strategies to improve both affordability and the ecological health and resilience of our urban landscape. Please reject these amendments. Please do it today or if you're not going to give us the time to weigh in in a more meaningful way, to thank you. Bye

Speaker: Thank you. And could I just ask other folks, please try and stay within the two minute requirement? Thank you.

Speaker: Next up is walter weiler.

Speaker: Uh, good afternoon, commissioners. I'm walter weiler. I'm the board chair of the downtown neighborhood association, so-called, the dna, the dna, and urges the council to separate out proposed 13, which eliminates neighborhood association from having any input into important development projects in the city that we support efforts to increase affordable housing stock, but not at the expense of citizen input and important city decisions. We propose as an alternative, a six month process by which the neighborhood associations, the development community and the city can work towards streamlining the process, concerns, especially in type three review issues. Portland's vibrant tradition of citizen involvement must not be eliminated. The dna is concerned that the survey sent last year to over 3000 participants, did not include a single contact to the dna or to our coalition of nwa, preventing the participation of informed citizenry reduces citizen involvement and transparency in essential government processes. That's it. Thanks to you for your consideration. All the best.

Speaker: Next up we have doug burgess, followed by samuel rodriguez and preston coursed.

Speaker: Thank you. Uh, thank you, council and mr. Mayor for having us today. I'm doug burgess, senior director of development for greystar. My office is in the pearl and I live in northeast Portland. I'd like to thank the council for bringing this very important package forward. And all the hard work city staff did to make a very appropriate recommendation. I'd like to say first, this package is a temporary moratorium. Second, it's meant to be a regulatory relief package to address our housing emergency and shortage. It's not a policy package or a debate. There's plenty of time for further debate and we're not opposed to these, uh, these policies and principles. I want to stress today the importance of waiving the bird safe glass and eco roof requirements in this package. These items have significant cost and

impact our ability to finance our projects and have direct impact on renters. Bird glass is 97% more expensive than a typical vinyl window. That's double that would raise rent \$60 a month, or \$700 a year for a typical unit, which is basically someone's electric bill. Um, eco roofs also add significant cost on a recent example was \$1 million of hard costs for the eco roof and the associated roofing membrane upgrade. They also have maintenance and upkeep costs that that further burden projects. That same project is a northwest Portland and needs cost relief in order to meet our investors return requirements. In order to go vertical. It would, you know, directly benefit from this package that projects 381 units, 31 of which are at 60% ami and five of which are three bedroom housing, um family sized units that are much. So. Uh, thanks again to council and staff. I know you have a long day. Please consider commissioner Gonzalez as, uh, amendments. And I appreciate your time.

Speaker: Accept bid samuel rodriguez. Samuel. You're muted.

Speaker: There we go. Can you hear me now? Yes, yes. Sorry about that. I should know by now how to do this. Good morning or afternoon commissioners. My name is sam rodriguez. I'm a resident of Portland, a multifamily residential developer in the city with over 3000 units built in this for our community and also a design review commissioner. Today, I'm, um, I'm testifying just on behalf of myself, not the not the design review commission. As I have testified before, in other opportunities, we have to restore the compelling value proposition that the city of Portland used to offer its citizen as, uh, and under the current circumstances, the city needs a multi-pronged, multifaceted effort. And this is part of that. Uh, this, this these proposals will help and will obviously go a long way with other policies to, to, to, to provide, uh, for housing in, in our community. Um, I urge you to approve both, uh, commissioner Rubio's and commissioner Gonzalez as a, uh, amendments. Uh, the, uh, everything every little bit helps. And I also would like to, uh, propose to you that

you actually make these or as many of these ordinance retroactive. There's a there's thousands of permitted residential units, um, uh, right now that could start construction as soon as the, uh, this paralysis of the, uh, financial system for, for building, for real estate, um, uh, uh, loosens up. Um, so and any and everything that we can do to get those projects that are underway, the investments have been made the work has been done. It's just a matter of financing should be encouraged. By all means. Thank you. So that was preston horst there.

Speaker: Uh. Good evening, mayor and commissioners. Good to see you again. You're very lucky. You get to hear from me twice in one day. So I will just jump in. Uh, I mentioned earlier today that the majority of, uh, Portland's housing stock and production, um, the vast majority, roughly 90% of our city's, um, production of housing is built by the market rate builders, private builders, essentially. Um, and so overall, I think within the hba and again, I'm coming from the home building association of greater Portland. Uh, I want to just express our strong support for the overall package that's being presented today. Um, I want to thank commissioner Rubio and all the commission and offices, actually, and staff, for preparing such a thorough, um, reduction and revision of current policies at the city. Uh, I think for well, on the outset, I'd like to express our industry strong support for, um, commissioner Gonzalez's, um, uh, amendments, the first of which would, uh, keep to staff, uh, reduction or removal of the temporary waiver for the bird safe glazing requirements, as well as a five year temporary, uh, waiver for eco roofs. And then lastly, the removal of the required 35 day delay between, um, contact signage and when a builder is actually allowed to pull a permit. Um, and speaking broadly, the package overall, that's being presented today, uh, has a lot of different provisions in it and affects a lot of different policies that the cities have for quite a while. Um, and each one on their own, likely, I think, have pretty worthy

public policy goals. Um, and ends to them. But they were largely passed in a vacuum. Um, and they were largely passed at a time when interest rates were far, far lower than where they are today. So if I could, um, I think passing this, uh, this proposal, um, with a unanimous vote would be great and a great signal to the development community. Um, and we urge you to pass it, um, with, uh, and hopefully centering housing, affordable city. Uh, at the core of your decision making today. So thank you for your, um, consideration.

Speaker: Next up, we have dave peticolas, followed by dave ott and vincent greer.

Speaker: Good afternoon. My name is dave peticolas. I live in north Portland and I'm a member of Portland neighbors. Welcome I'm here to ask for your support for the regulatory relief project based proposal and your careful consideration of the proposed amendments. In light of all feedback, including community feedback. But overall, the bass proposal contains reforms that are reasonable and effective way to increase housing production at a time when increasing production should be one of our highest priorities. I think it's also probably safe to say that it's rare for a city to remove regulations, even temporarily. I would like to suggest that it shouldn't be, and I hope the city will expand, and efforts to identify and remove codes that no longer serve a useful purpose, and to simplify others as regulations accumulate over time, their complexity creates a barrier to not only housing production, but also things like new business formation and overall economic and civic dynamism. So please move housing regulatory relief forward and also encourage city staff to find more ways to simplify our regulatory code. Thank you, mayor and council councilors and have a great rest of your day service.

Speaker: Dave ott.

Speaker: Greetings, mayor and commissioners. My name is dave audy, Portland resident. I'm an owner and principal at holst architecture for um, and I have

designed, um, well over a thousand affordable homes, um, in the city of Portland. Um, and I'm very pro development and very. Yes, in my backyard. Um, I am testifying today, though, um, in support of the letter provided to you in written testimony from the design commission regarding active use. Um I'm not sure if I'm allowed to share a screen. Keelan is that okay? Okay

Speaker: That's okay.

Speaker: Okay. I just have one image I want to show you. And add, um, this is not a project that I designed, and apologies if the designer is on this call. Um, this is a project at grand and deacon. Um, this is a project that did not go through design review and did not have active use or ground floor window requirements. And you can see the ground floor units that are on deku right at the intersection of grand. This is what we're going to see. This is what we're going to see on burnside. We're going to see it on stark. We're going to see it on belmont. Hawthorne division mississippi 21st and 23rd avenue. So I just want you to see a physical representation of a very complex letter from the design commission. This is what they're worried about. This is what's going to happen. And there is no expiration date for this. So we will be with this along our major streets, our commercial streets for a very long time. So if you're going to approve this, just know what you're going to get. And I think it's going to be a shame because Portland has been known for its walkable streets. People travel the world to come see what we've done. Thank you.

Speaker: Next we have vincent greer. Uh, we'll move on to heather flynn. Shadow. Green go ahead. Heather thank you. All right.

Speaker: My name is heather flynn. Shadow I'm an urban planner and environmental designer. I've been, um, a consultant to cities for innovation over the last 25 years. And former government planner ii years ago, I wrote my thesis on how to overcome, um, barriers and pathways to getting more multifamily in urban

environments. And I want to just remind people that design is a critical piece of it. And we really support affordable housing density and infill. It's not the if, it's the how, and there's been a lot of divisive politics around this and a lot of, um, maybe lack of design literacy to understand. So I appreciate the imagery that Dave brought up because it needs to be a transparent and inclusive process to build that buy in and to create safe and healthy spaces for affordable housing residents. We are getting quantity and we are getting we are focused on expediency, but we're not necessarily focused on the good housing and what makes good housing. And that conversation is being kind of missing in this, in this dialog, that what is going to make good housing. And when talking to affordable housing practitioners, they're concerned that a lot of people in new housing are out on the street again in a year, because it's not actually well designed for the people who most need it. And so I really want to pay attention to that, that density can look a lot of different ways in the way we do it. But we are not giving an opportunity when we get rid of our design review requirements. This is a proposal in our neighborhood for a four acre site with 253 foot long, uh, building lengths with no articulation requirements. Because they don't, they're not within the normal street edge. And there's no design review. And the ad and people support the project, but they're most concerned about the design. And this is what it's supposed to be in this kind of zoning. But there are code issues and we don't really have a lot of inclusion neighborhoods were not involved in the process. So I'd like to say that I think this is very rushed, but there's a lot of really important things that we're undoing. And I'd like to encourage you to take a look at some of the other ways we might be additive and really positive in the way that could inspire people to build trust in local government. So you don't alienate density supporters who really do want a more affordable housing. But we'd like to see it in a different way. So I thank you for

putting your time and attention into this and good thinking that people are all bringing to the table. Thank you.

Speaker: Except we have Claude soccer, followed by Alyssa, Starry and Doug Klotz. Claude, you're muted. Uh, we can't hear you. No we still can't hear you. Claude, we're going to go on to Alyssa, but we'll come back to you. Go ahead Alyssa and Mayor and Commissioners, my name is Doctor Alyssa Starry, and I'm faculty at Portland State, and I'm representing my own opinion as a North Portland resident, as well as the green roof information.

Speaker: Think tank. Uh, the president of that organization has already submitted written testimony, but I'm just here to draw your attention to that. And then I'd also, um, like to make the following comments. I'm going to really urge you to reject Commissioner Gonzalez's last minute, uh, amendments that have been called a sneak attack on the environment. Um please adopt the planning commission recommended housing regulatory relief package that was given very serious consideration. And it does not suspend the eco roof or the bird safe requirements, because those requirements themselves were given a lot of serious consideration. And the reasons for those requirements are still around. You know, we still struggle with stormwater management. You saw during the last storm, you saw the big pipe fail and we had, um, raw sewage distributed directly to the Willamette. And we need to stop that from happening. Uh, the planning commission did their due diligence and advanced a regulatory relief package. Oh, I already said that. Sorry green roof mandates and bird safe building requirements are important. Environmental programs for the city. Both went through extended public processes when they were adopted. Um, our community is really tired of politicians who cater to developers and who try to use the housing crisis as a pretext to roll back environmental and housing regulations. Um, you've heard from other testimony in

this meeting and the earlier one today. There's a lot of different ways to address the housing crisis. We are not in denial that it is a serious concern, but we don't think this is the way to do it. Thank you.

Speaker: Board can we try again?

Speaker: No. I'm sorry, we can't. Do you want to try to call in on your phone? Uh, on the invitation that you received the zoom invitation, you can call the number. Uh, let's go on to doug flats, and then we'll circle back to clot.

Speaker: Thank you. I'm doug klotz. Uh, mayor Wheeler and commissioners, I support the recommended draft forwarded by the planning commission with their amendments. Um, i, uh, have been, uh, looking at the some of the proposals for our, uh, neighborhood contact. You know, I've been to two of those neighborhood contact meetings. Uh, one of them, there was one neighbor there, and myself. And next one I went to, there were just myself. So I'm wondering about the efficacy of some of those meetings. Um I support proposals number two and number six, which would remove the ground floor active use requirements in the overlay central city overlays and plan districts. Um, in the past, I've supported ground floor active use. I was quite active in that. Um, but now it seems I've seen that it is not wise to require it. Um, in this, uh, economic environment at the retail spaces sit empty. Um, and worse, the fear of an empty space leads builders to not build at all in locations where those are required. You could see on on hawthorne, on division or the development is in the areas outside the overlay and supposed to in it. Um, and the fear. Yeah. The fear of an empty space just leads the builders to not build it at all. Um, and I would quote, uh, eli spivak, who's one of the planning commissioners who said I'd rather see less people walking in and out of a building than no building there at all. And that's what we're getting at. I'm afraid a lot times is no building at all. Um, i, uh, support the reduction of the type three to type two.

Uh in, in, in, uh, design review. Um especially because in a type two, there's not the opportunity to appeal and appeals are often used by opponents of projects to delay projects to delay them to the point where they die. Um, and this we need to clean that up. Um, I support the removing the on street parking impacts, uh, from one of the criteria and, um, I support removing a facade articulation requirements. Thank you.

Speaker: Okay, let's see if we got connected. Lord, can you hear us.

Speaker: Um, see?

Speaker: And we can't hear you. If you can hear us. Go muted.

Speaker: Give it a second.

Speaker: Can you hear me now.

Speaker: Uh yes okay. Thank you.

Speaker: Your mayor and commissioners my name is Claude Soccer and I reside in southeast Portland in the Richmond neighborhood. Uh, the draft HRP that was developed without any input from the neighborhood associations. Basically reduces or waives elements of the planning and development process that are cited as problematic by developers with the potential, I believe, of a long term impact to our community. I believe the planning commission got it right by keeping the roof and brts safe. Laterals. The design commission also got it right by proposing an alternative to turning active ground floor use requirement to housing. But both commissions did not go far enough. Neighborhood notice and meeting requirements are often the first time that residents and businesses find out about activities that may negatively impact their livelihood. Their businesses, their community from design review requirements can push relatively minor changes in a design to effectively reduce or eliminate impacts. Absence of meaningful, meaningful engagement during design development that builds and strengthens

relationships with neighboring communities and neighborhood associations who help shape public opinion and policy could have an unintended consequence, as it has the potential to alienate the base of people who support affordable housing within the residential community. We need to be taking actions to make it easier to build affordable housing. Totally agree. But it should come from streamlining the process, not chipping away at requirements. Additionally, it can come at implementing creative solutions such as the pdx main street commentators. Heather french presented to you a bit ago. Lastly commissioner Rubio, city space says, and I'm going to quote herman Rubio knows the power of community. She has seen firsthand when community comes together and organizes, she knows that we can accomplish more together than any of us can alone. It's a very powerful statement that said, mr. Mayor and commissioners, please do not weaken the neighborhood meeting and notice requirement and associated community engagement. Thank you for listening.

Speaker: Next, we have andrew smith, brian mccarter and christy white.

Speaker: Uh, good afternoon, my name is, uh, can you see my screen? Yes. Great uh, my name is andrew smith, and I'm the chair of the Portland historic landmarks commission. I am speaking to you today on behalf of the entire commission in, uh, we acknowledge that the city needs to supercharge the production of housing. Therefore we support the hrr project. We also support housing density. The landmarks commission has a long track record of approving projects which increase density on historic property and within historic districts. Part of our work as a commission is to focus on the past and to learn lessons from it. This slide shows the broad pattern of development for the first 100 years of Portland. It's a highly activated streetscapes for the next 30 years, however, we built buildings that had the opposite effect. Many of these buildings have been with us for 50 plus

years, and they will be around for decades to come. Fortunately through a downtown plan, a well developed design guidelines and design review since the 80s, our city has become renowned for its thoughtfully designed public realm. Its is part of what makes Portland Portland and recognize that buildings built over the next five years will likely still exist in 50 to 60 years. The landmarks commission strongly favors changes which streamline the process of developing housing over those which impact the physical characteristics and the long terme flexibility of buildings on our commercial corridors. As a city. As a city focused on sustainability and resiliency, we must encourage architecture that can be adapted and reused rather than torn down and replaced. The height requirement of the ground floor active use standard ensures the long terme flexibility of larger projects. The landmarks commission therefore strongly protests allowing ground floors to be constructed at a lower floor to ceiling height that cannot ever accommodate uses other than residential. Thank you for considering this testimony as you make these important decisions about our city's future.

Speaker: Ryan mccarter.

Speaker: Okay, can I share my screen? Andrew, you could click out. There we go. Good afternoon. I'm brian mccarter, uh, chair of the Portland, uh, design commission. I am trying to get my. There we go. Uh, the seven of us on the design commission are, uh, design and development experts from various backgrounds. We are all pro growth, uh, but in our role in the permitting process, we're also pro good development and pro good housing for all income levels. And I want to say up front, um, I know this process has been difficult for the bureaus. We are partners with bds and baps in the permitting process. Guess you could say that we are the where the rubber meets the road in terms of code and design guidelines. We're the ones who implement that with real projects. We support the broad goals of the

housing regulatory relief program. However the six of us are proposing minor tweaks to the language just around ground floor building design, as it is currently written to avoid possible unintended consequences. So here's a couple little diagrams I found this on the web. Uh map map of center city on the left and a diagram of a typical one block development on the right. What you can see is there was a unfortunate 2018 code amendment that inadvertently prevented ground floor residential anywhere on a site facing one of our busy streets, which is the red street on the on the right. So zero residential square footage on the ground floor. This wasn't intended, but it's the way the city attorney requires us to implement it. Hrr um, completely eliminates that, allows ground floor to go anywhere on on a site, um, to increase housing production. What does plan commission wants to do is adopt about 75% of what has proposing. But to hang on to the requirements for nonresidential uses facing these busy commercial streets where it's not appropriate to have people's living rooms? Um, a recent project by millcreek, built before 2018. Great example of how the kind of projects we need to be building. I'll stop there. And my colleagues will explain further and further testimony. Thank you, mr. White.

Speaker: Good afternoon. Uh, thank you, first commissioner Rubio and council for taking strong leadership in prioritizing this housing production in legislation. Um, I am a local land use attorney who's been practicing here in the city for the past 30 years. And in Oregon, smart growth member I'm going to start with some quick data. 2 to 14. This represents the construction cost reductions that can result from the changes that you are considering today. 255. That's the increase in the gap between housing need and housing availability in Oregon. Over the last nine years, 20,000 units in each category of affordable and market rate housing. That's the amount of housing we need in the city of Portland to start building out of our crisis. 80% is the decrease in housing production we've seen in just the past five years. So

what do we do? Well, we have to eliminate housing regulations that exacerbate housing unaffordability and that takes me straight to bird glass. We need this five year temporary waiver of bird safe glazing requirements. As you've already heard, these kinds of windows are in 90, 7% more expensive than standard windows, which converts into higher rents. And I want to say there does not appear to be any substantial evidence in this legislative record that suggests that such a temporary suspension would have any significant impact on bird mortality. Conversely, there is ample evidence that lowering the cost of housing development will move people off the streets and lower human mortality. Therefore, although this has been positioned as a choice between people and birds, I don't buy it. It is not. There is only one building I know of that has implemented bird glass. So this five year waiver will not roll back any existing condition prevalent in the built environment. We are in a humanitarian crisis and I think we need to take bold measures. So we respectfully request that you add back the five year bird glass waiver. And in closing, I don't think it's fair to call it a sneak attack. Eco roof and bird glazing has been part of this legislative package for months, and the planning commission's recommendation is a recommended addition to council and the vote. As we know, it was close. So everyone needs to assume that the topic will still be discussed by those who don't share the opinion on bird safe glazing. Thank you.

Speaker: Except we have allison reynolds, isaac johnson and lauren jones.

Speaker: You. Good afternoon, council members. I'm allison reynolds, local land use attorney with stoel rives, and I also serve as the chair of the public affairs committee for naiop, which is the commercial real estate development association. Yea. Ryan. And I want to echo the other comments and thank the council and city staff for taking action on these issues. We urge you to support the recommended draft with all six of the proposed amendments, which we believe will make a

meaningful difference to increase housing production, specifically on the eco roof requirement. Since many projects utilize eco roofs to manage stormwater, even when these are not mandatory. So so suspending the strict 100% eco roof mandate, which is what commissioner Gonzalez's amendment will do, provides necessary flexibility for projects. But the city is robust. Stormwater regulations will still apply to those projects, and they will ensure that stormwater is adequately managed for these buildings. As you've heard from others, many projects already in the pipeline are having significant difficulty going from the entitlement stage to actual construction due to big swings in interest rates and costs that we've seen over the last few years. And so we really appreciate that the ordinance as staff noted in their presentation, recognized this and will apply many of these changes to projects that are already in the pipeline. So we are asking that if the council adopts commissioner Gonzalez amendments regarding bird safe glazing and eco roofs, to also list those as suspended things for the five year period, we ask that you also make these items, which have a significant cost impact as part of the list of the regulatory changes that apply to projects already in the pipeline. So what you would do is to add these items, I think, as number seven and eight to section d of the ordinance. Um, thank you for your time and your work on this.

Speaker: Next up we have isaac johnson.

Speaker: Thanks.

Speaker: Hello, I'm isaac johnson, I'm anita Portlander, and a managing principal at information architects, where we employ over 120 professionals out of our office.

Speaker: And over the last four years, we've witnessed a decline in market rate projects within Portland. The work we have is shifted to surrounding cities such as hillsboro, beaverton, Vancouver, Washington. It has been a death by a thousand cuts and regulatory costs and extended timelines, and the city of Portland make it

very difficult for our clients to attract the capital needed to build the country. Specifically I'd like to highlight the relief from the roof requirement that was proposed in the amendments. Alternative more cost effective options for retaining and filtering rainwater resist mandating eco roofs limits flexibility and raises costs not only for the roof, but for the structural frame to support the additional, which would simply require lowering the roofs in the central city. Prioritizes esthetics over functionality. In closing, I appreciate the council's focus on housing production and urge you to support the housing affordability and consider the amendments proposed by commissioner Gonzalez. Thank you.

Speaker: Lauren Jones. Good afternoon, Mayor and Commissioners.

Speaker: My name is Lauren Jones with Capstone Partners.

Speaker: Capstone is a local developer and owner of commercial real estate, including multifamily housing in the City of Portland and Region Council.

Speaker: Thank you for prioritizing housing production, the need for additional housing in Portland and Oregon is clear, and we must do everything we can to encourage production if we're going to meet our shared goals.

Speaker: I support the overall housing regulatory relief proposal and thank Commissioner Rubio and staff for the work to move this forward. I urge Council to support the amendments proposed by Commissioners Rubio and Gonzalez. Thank you.

Speaker: Mayor, I had a clarifying question to Council. Um yeah. I'm sorry for the interruption in flow, but I just wanted to put on the record because I may have to step out for about an hour here for a second. Um Linly. I just want to clarify our exchange. Is she on.

Speaker: Yep. Yeah, she's Linly Reese, City Attorney present.

Speaker: Okay.

Speaker: And it's been brought to our attention because of the nature of the eco roof and bird safe glazing. Um, because of the potential for retroactive application that those would have to be added to directive d of the ordinance.

Speaker: Correct. If uh, at this time, bird safe glazing and eco roof are not on the list of items that would be applied retroactively to the applications that have already been submitted, that's in directive d right now. It's listed items one through six. Um bird safe glazing, eco roof are not on that list. And so if there were a desire to have them on that list, which I assume would want to respond to, um, you would need to propose an amendment to the ordinance to do that. And, um, I would have further recommendations if that is council's chosen path.

Speaker: And that would be to the cover sheet. It wouldn't change any of the existing amendments. Is, is that a fair summary? It would be done as a separate amend that you would, uh, at least on the numbering system for planning and sustainability, you would make it item seven, amendment seven.

Speaker: Okay.

Speaker: Um, mayor, I uh, again, this is just a technical piece. I'd be happy I defer to you on whether we hear from staff on the impacts of it. And I do apologize for any delays that caused. I just wanted to, uh, given the way the cover sheet works for retroactive application. Um, I do think the amendment would be in order to or would be necessary, but, uh, deferring to linly and staff on that.

Speaker: So, uh, mayor, pardon my, my interruption. If this is council's desire, one of the things that is important is that, you know, council can respond to testimony. And obviously we've heard testimony, um, speak to this issue, but you want to make sure folks have an opportunity to respond. And so if this is council's desire, I would rather have you figure this out before we take the rest of testimony. And then my other recommendation would be that the record would be held open at

least till Friday to allow people to respond, because we've already taken testimony. So just throwing out.

Speaker: Yeah, let me let me chime in here because I've, I've had an hour to stew on this a little bit. Um while I am sympathetic to some of the ideas that are being put on the table, commissioner Gonzalez the hair on the back of my head is twitching furiously at the lack of public process. We you know, there was a lot of process. I understand, at the planning commission, there was a lot of testimony. Staff did participate in that testimony. There's been a variety of perspectives that were offered at that time. Um, the amendments that you've put forth while they parallel discussions that did take place at the planning commission, i'll just say for my, you know, for my perspective, I didn't get them until yesterday afternoon. And so my staff has been scrambling in addition to other things, were scrambling on in the course of our day to get me updated as quickly as possible. And um, I guess my question is a general one, which is do you? We had a presentation from staff. We have commissioner Rubio championing certain amendments here that were as I understood, her testimony, based on hard fought compromise. And my question is, do your amendments have to be, for lack of a better word? And I don't mean this in a negative, but pejoratively shoehorned into this process. Or is this something we could take a little more time, do a work session fully consider the implications of what you're proposing through your amendments, and potentially bring a package back at a later date. I'm just I'm increasingly concerned about a highly constrained timeline here. And here. We are at the last minute actually throwing technical amendments that which may or may not be technical amendments. I don't know, um, into the record. I bob salinger, said something I agree with is if we're going to do this and now that your amendments are on the table, I wasn't even sure whether they'd be seconded or not. But now that they're on the table, I agree with

him that the public should have a right to know that these are on the table, that they're under consideration by their City Council, and they should have an opportunity to weigh in. So, linly, I agree with you that if we're going to keep the record open, it should be, um, you know, at least until Friday or Monday or, you know, enough time to give people adequate opportunity to weigh in on this. I just don't want people to feel that that the City Council was fast and loose with regard to what is actually before the council mayor, I'm totally supportive.

Speaker: Uh, totally supportive of keeping the record open. Sufficient to give folks ample opportunity to chime in on these amendments. That's zero objection. Uh as to that, if that, uh, yeah. Zero concern there.

Speaker: I mean, I guess operate, you know, it's mostly to get staff the space they need to.

Speaker: Yeah.

Speaker: I mean, my preference would have been that, that we, we don't use a hair on fire approach to this. These are significant issues. And I sort of wish that this had been scoped out in a way that we could have done a work session. The council could have been thoroughly briefed on what these amendments are and how they would operate. Not all of this watched every moment of the planning commission, because frankly, we have other duties to do. Um, and so I really want to know what these are before I cast a vote on them. I think I know what they are, but I want to make sure I know what they are, and I want my staff to thoroughly we have the opportunity to evaluate them and make recommendations to me. And I just I'm sort of wondering why we are doing this right this second. Why not do a work session on it, bring it back to council, and we've all been thoroughly briefed. But that's my \$0.02. Uh, back to you, commissioner. And then commissioner Rubio.

Speaker: Oh, look, I my goal is certainly to create and in some ways what's happening today is you're rehashing some of the discussion that's been going on for weeks, if not months. Uh, the one thing I do want to be very clear about out on, uh, at least with respect to the eco roofs, the recommendations that originally came before us did not pass the commission, uh, was sufficient votes. They had to go back. And there's a little bit of debate in the record where they had to go back twice. Uh, or once in the same session. So um, but I am totally okay with keeping this conversation. The record open until Friday. Again, I would love to hear staff's input on that. Um, and to, uh, what is sufficient time to fully weigh these amendments? It's totally comfortable with that.

Speaker: Okay. Thanks uh, commissioner Rubio, then commissioner Mapps, um, I just want to say i, I fully appreciate, um, the spirit in which commissioner Gonzalez is wanting to, you know, bring forward to also further, you know, address the housing shortage and, um, regulatory reform.

Speaker: I have to say, though, I'm really, really deeply uncomfortable with introducing something mid testimony any I don't feel like I've ever been in a situation like that where before where we've already started testimony, we're well underway and people who have already testified, I don't even know about this. This other piece. I don't know procedurally what that means. Um, but it makes me uncomfortable procedurally. I just have to say that for public, uh, notification reasons, did I mayor, may I respond to that?

Speaker: Yeah.

Speaker: Of course.

Speaker: So as we understand it, the first of all, the section d is essentially a cover sheet. So it's to reflect what's adopted in to, to reflect what's done in the amendment. So it's not a new substantive issue. It's a it is a cover sheet kind of

point. But one of the challenges in how this all proceed is that the planning commission's record was actually closed, uh, with their, uh, their first hearing and the amendments came after that process. So when we're talking about the eco roof specifically, uh, what was originally proposed by commissioner Rubio was done through an amendment at the planning commission that it was that that kind of skipped some procedural steps that we would follow. Uh in, in these deliberations. So I fully respect, uh, commissioner Rubio's point. I just want to call out there were elements of the planning commission's process that we would not replicate, and all we are proposing in our amendments is to go back with at least one and two to earlier drafts of the staff's recommendations on these two points. Leave it that. Uh, commissioner for, uh, actually, let me get back to commissioner Gonzales.

Speaker: And Sandra had a comment.

Speaker: Yes. Thank you, Mayor Commissioner Gonzalez. I thought it might be helpful to explain why some of the 15 provisions that are giving temporary relief for future projects are going to be applied retroactively to projects in the pipeline. The ones that are listed in directive d, the cover letter is as you're describing it, are the ones that won't change what was approved through a design review. So eco roofs and bird safe glazing apply to in central city and big projects in central city. Go through design review. Some of the standards we're talking about today, like the ground floor active uses and the ground floor heights are integral to the conversation that the design commission, like commissioner McCarter, just spoke to, to the conversation that happened with those projects and in that public process for those projects, we, um, we lumped eco roofs and bird safe glazing into the category of things that were integral into the conversation, because we see, because they are, because that's part of what the standards are, and that's part of what an applicant and architect shows in the drawings. And part of the exhibits for

the design review. Um, the things that are listed in directive d that we think could happen retroactively, we aren't part of the approved plans for those projects, like the non-conforming upgrades and, um, the central city master plan and the bike parking room, for example. All um, we figured, yes, bike parking is looked at as part of the building permit, but the room is there, and if there is more bike racks or fewer bike racks, it's not part of the design review. So that's the reason why not all of the 15 standards are listed. But a subset of them. So it doesn't throw the applicant back into a design review application process and delay them. Uh I appreciate mayor may.

Speaker: I had one follow up question on that. I'm. Yeah. Go ahead, go ahead. I you know, I am I'm trying to process what miss wood described and I think there is a technical piece that we'd like to take back. I think before I leave, I'd still like to make a motion to address the cover sheet to reflect what we're doing in the amendments, but I just, uh, the question for miss wood. My understanding of the planning commission's process is they closed testimony and then amend it. Did amendments after the closure of public testimony, specifically with respect to eco roofs and birds? Uh plating. Is that correct. You're on mute, miss wood.

Speaker: Sorry. Typically, yes. What the planning commission does is we present our staff proposal. They hear public testimony, then they propose amendments to the public testimony, and they don't open up that for testimony again, like, because they're not a deciding body. They are recommending body to City Council. And so when that recommendation comes to City Council, all of the they are proposed is up for, um, public testimony like we're doing today.

Speaker: And I guess I would emphasize this to my colleague, this is why exactly the City Council is deliberating body on this. Um, what I'm proposing my three amendments is in response to amendments that were done by the planning

commission after they closed public testimony. Um, so I view our role here as important to reevaluate that. Uh, and again, those amendments were contentious. And at least one case, they didn't pass, um, first blush at the planning commission. So, um, I would just submit that this is exactly the our role as City Council to reevaluate that, uh, that process. Thanks.

Speaker: Okay. Uh, commissioner Mapps, um, I think your face says everything I'm thinking. Go ahead. Yeah.

Speaker: Uh. Um, I it looks like we're going to lose commissioner Gonzalez for a little bit, and I don't know where this is going to land. Uh, by the time we get through public testimony. But before we lose, uh. Uh commissioner Gonzalez. I just wanted to voice my the questions that i. One of the reasons why I don't want to vote on the amendments today is because I have some authentic questions. Um, one, and i'll just quickly tick, tick through them. Um, first, uh, let's just take the bird, uh, bird safe glazing thing. I'd like to hear from, uh, the technical people about how much this the bird safe glazing, uh, requirement costs, not just to the apartment, uh, or the individual apartment, but how much we expect it would cost, just kind of globally, for example, if we wanted to commissioner Mapps can I suggest the following?

Speaker: And I realize, commissioner Gonzalez, do you have to leave or is it something you might. I mean, we're here largely discussing your amendments. Is there any way you could stay?

Speaker: I can I am negotiating that as we speak. And so I'm trying to maybe it's maybe one of your staff members could stay.

Speaker: Um, colleagues, I'd like to respect the public on this. There's a lot of people lined up to testify. It's getting late. People got to get home, pick up the kids, get the groceries, and they signed up to testify. Can we do that? And then, for those

of us who are here at the end, we can do q&a and commissioner Gonzalez. If you're not able to be here to answer yourself, maybe staff or somebody else could answer on your behalf.

Speaker: Mayor, I think that's fine. I just before, um, i, I'm going to stay as long as I can. I'm going to come back as quickly as I can. Okay. Um, I just want to make sure that I am available to make whatever motion is necessary for the cover sheet. And so whether that's now or after I come back, I just as long as I get notice of the opportunity to address the cover sheet because the, the because it could still theoretically do it the next time we meet. But then you're going to open up all the same questions of whether they're sufficient, opportune to testify on it or not. So I guess this is as much a question you know, i'll leave that to linly.

Speaker: But linly, um, you know, I'm not going to take your role as a lawyer. Um, but if it is a technical amendment and it sounds like you are representing it as such, it would not require public testimony. Is that correct? Linly.

Speaker: There's a balance to be struck.

Speaker: When I was afraid you were going to say that, i.

Speaker: No, I'm sorry. Do I sound like a congressional testimony? Um I think okay. It's tough to do this on the fly. Yeah um, and in public. But my concern would be that, um, typically we allow we can argue that council has the ability to respond to the testimony they've heard and make amendments based on that testimony. So, you know, following all the testimony, we what's the point of taking testimony if you can't make changes? Right. That makes sense. Um I think that the nature of not the first three amendments that commissioner Gonzalez proposed, because I think there's been ample testimony on those. But the one he's raising right now about adding to the list of retro active applicability, my recommendation would be that you'd want to keep the record open, um, for, you know, a couple of days at least, to

allow testimony and that if council's inclined to do it, why not allow the people who are testifying today to go ahead and testify? But it's also okay to just wait and then leave the record open. I don't think there's a right or wrong answer there.

Speaker: Just commissioner Mapps um, just so we can eventually draw this meeting to a close.

Speaker: Uh, could could commissioner Gonzalez move whatever amendment additional amendment he wants to bring forward to the table? If someone wants to second it, it's fine. And then, uh, we could just leave the record on that thing open for a couple of days. Separate out the six amendments versus the one new amendment.

Speaker: Commissioner Mapps. I think that that does make sense. And I also would want to clarify that we're just leaving the written record open till the end of Friday to address that one amendment that people haven't had a chance to testify about. That's fine. Okay.

Speaker: Thanks for the clarification.

Speaker: Commissioner Rubio.

Speaker: I just want to make sure. Does this impact our timeline? Um uh, sandra and no, I think it'll be okay.

Speaker: Yeah. If we keep the just the written record open and the. Yeah we come back on the 17th. Can I clarify one thing, commissioner Rubio?

Speaker: Patricia diefenderfer, for the record, just also that as long as there are no other amendments introduced, that's my question.

Speaker: So if we leave the record open, then we also leave the possibility of more amendments being introduced during that time.

Speaker: Commissioner. Rubio, I mean, um, fortunately, there's always the possibility until council takes a final vote that somebody could make an

amendment. I think there would be an understanding on all of council that any amendments after today would delay the timeline.

Speaker: Well, I can speak on behalf of myself, mayor. I have zero appetite for further amendment and honestly. So i, uh, for whatever that's worth, I we had floated some other discussion points, but i, we would rather punt those to our next cut at this later in the year. Um, so I'm personally speaking, I have zero appetite for additional appetites coming out of additional amendments coming out of my office. Other than three, we've already proposed. And what I deem a technical, uh, piece to address those three commissioner Gonzalez do you want to just bring your technical amendment now?

Speaker: We can get back to testimony, if that's okay, with the mayor.

Speaker: I probably need help from linly to phrase it right. But I would I would love to linly do you want to take a few minutes chart it out, and then I think I'm ready.

Speaker: And then I look at sandra and patricia to correct anything I get wrong. Um, okay.

Speaker: And patricia, you had something to say. Go ahead and jump in. Pardon me, mayor Wheeler.

Speaker: Thank you. I actually want to go ahead and speak after linly provides her information.

Speaker: So my understanding, uh, from commissioner Gonzalez is that we he would be proposing to amend directive d of the ordinance to add number. 7dd7, which would include 33.47, 5.23, five point b and. 33.5, 10.22, three point b and add a new directive of d eight, which would be 33.5, 10.24, three point b, and what those are are the particular code sections. As you see in amendments four and five, those are the particular code sections related to bird safe glazing. Glazing d7 and eco roof d8. Sandra, is there anything that you would. Look

Speaker: Fills double checking your numbering here. Yes. You go ahead and go ahead and speak. Filmmaking. With uh, bureau planning, sustainability.

Speaker: I do want to, uh, reiterate that the numerical directives there under d one through six are done in code order, not in item order. So if we are amending additional code sections in 33, five, ten, we would insert those under item four. So the provisions about the eco roof and the bird safe glazing, which would be five, ten, two, 23 and 33 510 243 uh, both have uh be uh would go under item four four um and we would either renumber and put 33, four, 75 five or create that as a new number four and shift everything else down or we would put that at the end. But that's, that's how we initially frame these. They weren't necessarily in subject matter. They were done in code order.

Speaker: All right then I have a suggestion, I think I think what we would want to do is just identify those three code sections that I stated are added to directive d, and we would give us the ability to put them in the right numbering order. Um, and that would be reflected in the final package that would bring back to council for a vote on the 24th. That works for us.

Speaker: Commissioner Gonzalez it's your call.

Speaker: Is that well, I that sounds great to me. Linly I just want to be crystal clear. I think the two that we need to address retroactively are the eco roof and the, the, um, uh, and the bird glass, the, the third one of my amendments. I'm not sure actually needs the same treatment, so I so commissioner Gonzalez, the three that I've identified are only there's two sections that relate to bird safe glazing.

Speaker: Glazing in two different. I see what you're saying.

Speaker: Okay I follow okay I want to be crystal clear. So what you have proposed, I would so move. Uh uh, as described if absent wanting to hear from staff. If there's additional comments there.

Speaker: Patricia. Thank you.

Speaker: Else yes. Thank you so much. Mayor and commissioner Gonzalez. I think I would just want to reiterate that, um, what Sandra said previously, which is that that list of, um, provisions that were included as being ones that pipeline projects can take advantage of are those that wouldn't be affected by the design review process.

Speaker: I think these two items for projects to which they would apply, which are projects in central city that typically go through design review, those are typically, um, provisions that design review would ensure compliance with. So it's possible that though that change changes to those for pipeline projects would trigger those projects to have to go through design review again and that that's the that's the consideration. That's why we were very selective in our evaluation of which things could apply retroactively and which things couldn't. Sandra, I'm looking to you for a little bit of assistance here. I i, I just don't know, you know, if, if those are really feasible, then we could put them on the list. But in fact, it could be that they throw projects into a design review. Again. That's the concern.

Speaker: Uh, again, can I suggest something here that we're going really far afield here and, and, um, this was not part of the process that we'd originally scoped out. Could I ask and commissioner Gonzalez again, it's your call. You can propose this at any time you want in any form. You want. But could I suggest that maybe legal counsel and staff work behind the scenes on this for a bit? And then before we adjourn this evening, we come back, uh, and do this at the end, because we're sitting here wordsmithing with some several dozen people just sitting here wondering when we're going to hear from them.

Speaker: Mayor, I have no objection to staff and council think that that will provide a you know, it's decently likely that's going to result in a different outcome. Uh

Keelan. I just note we would put in an absence, uh, from 5 p.m. I'm not leaving. I will stay as long as sufficient, uh, for this to be resolved, but but, um, mayor, I have no objections to what you're proposing. I just wanted to be clear. If it's if it's going to help us, then fine. If it's not going to change anything materially, then I'd just as soon address this now. Well I just think staff needs some time to pull away and behind closed doors, draft this out, then bring it back to the council.

Speaker: And let's let's hear what they come up with as scintillating as this television is for everybody waiting to testify, but they'd like to get to dinner, too. So why don't we go back to public testimony? And could we have, uh, who on staff is going to work with linly to draft this?

Speaker: I think yes. Uh, sandra and myself will work with linly. Okay

Speaker: Keelan. How many more people do we have to testify?

Speaker: Um, we have about 30.

Speaker: Okay, so that is at least an hour from now. So if you could be ready by 6 p.m, maybe to come back and tell the council what you've concluded. Uh that would be great. And let's let's. So let's. Is everybody okay with that? I don't want to strongarm anybody here, but. Good. Okay, great. Uh, let's go back to public testimony, please.

Speaker: Next up, we have jake sly, cassidy, bolger, and mel george. Uh, well, good evening, everyone.

Speaker: And thank you for letting my face be up there while the sausage was being made in real time. Uh, my name is jake sly. I'm with construction, uh, local contracting firm that has built thousands of units, uh, both market rate and affordable housing here in Portland. And again, thank you very much for considering these temporary amendments that will help increase housing production and for recognizing that there are conflicting priorities that need to be

reconciled from the perspective of a local general contractor. What we're witnessing are the following issues related to regulatory, uh, barriers one. Additional construction costs related to these regulatory requirements have compounded difficulties in financing projects, which is making the delivery of delivery of housing more challenging. Not only do these well-intended regulations impact delivery of housing, but the reduction of projects in the pipeline puts at risk thousands of local construction jobs that employ a broad cross-section of both small and large businesses. Many of the businesses that are hired to build these buildings are often local, cobid firms that focus on and rely on housing construction to build their businesses and provide jobs for the community. Lastly, we saw what the last, uh, lull in housing construction during the great recession in a significant amount of craftspeople leaving the trades to find other sectors to work in this flight contributed to the depletion of skilled labor and ultimately to some of the increased concerns. Auction costs for housing. We need to make sure that all barriers to housing construction are removed and this amendment is a step in the right direction. Thank you very much.

Speaker: Cassidy bolger. Hello my name is cassidy bolger.

Speaker: I'm the director of development at killian pacific. We are a local company that owns, develops and manages real estate that aims to ignite a positive social impact on our community. I'm testifying today in support of the recommended draft of the housing relief package before you, as well as the amendments, as well as the more recent discussion of a new amendment to make sure that, uh, commissioner Gonzalez is, uh, amendments are account or are applied to pipeline projects. Um I sincerely appreciate the spirit of partnership with the private sector that the city has shown in assessing these changes as a representative of those whose job it is to produce housing. We really appreciate the opportunity to give our

input. But I would say that historically that is not, in my experience, been the case. And that's a welcome development. So thank you. Um, it's never easy to make decisions about priorities and there are always difficult trade offs. But as a community we need to recognize is that the big picture is we simply do not have enough housing and we don't have enough housing coming soon. Despite our extreme housing shortage, housing production is trending in the wrong direction and we've seen an 80% decrease, um, in units produced per year over the past five years. Um, at Killian Pacific, we currently have two apartment projects in our Portland pipeline. One is a 277 unit high rise in the central city that's under permit at BTR. And another is a 100 unit project that we are in early concept phase. We've been trying to get going for more than a year. Neither of these projects economics support capital investment today, and we do not have start dates to get for either one of them. We own the land we want to build, but we are simply unable to do so. So these temporary moratoriums will help us get these projects under construction sooner. As an example of cost, the bird glass for the 277 unit project is a \$400,000 number. That's added to the total hard cost of the project, and I'm not understanding. I urge you to support the amendments and the draft. Thank you.

Speaker: Mal George.

Speaker: Good evening, Mayor and Councilors. My name is Mel George and I'm a principal, real estate broker and Realtor member. I've been a resident of Portland for 25 years and live in North Portland. And today I'm here to testify in support of the HRA package, as well as the amendments to add back a five year temporary waiver of the bird safe glazing requirements and to add back the five year temporary waiver of eco roofs and that remove the 35 day delay between posting neighborhood contact signage and submitting a building permit. Um, or land use application we see on a daily basis just how significant our housing supply crisis is.

Housing. Is incredibly expensive in Portland, and it's only getting worse, especially since we've been underbuilding for so many years. While city data shows that we need an additional 20,000 affordable units over the next ten years, and about that same number of moderate income and market rate homes, our production is going in the wrong direction. As others have mentioned from 2017 to 2022, the number of new units built dropped by 80. Yet we understand that there are market driven forces contributing to these numbers. Yet the downward trend is not a coincidence. As a local realtor, I see investors and developers choose other markets frequently due to cost and regulations that prevent them from building enough housing units, both affordable and market rate. The air package is an important component of the city's overall approach to increasing housing production. In to address our supply and affordability crises. Thank you for your time and your hard work. We recognize that there are various complex issues contributing to our housing crisis, and we appreciate your consideration in supporting these critical changes that our city badly needs to address this urgent and growing problem.

Speaker: So we have leJune thorson, susan harris, and jonathan klein. Thank you.

Speaker: Commissioners. I'm leJune thorson, longtime downtown resident. My concern with the hra is that by eliminating restrain use, we may incentivize developers to favor profit over affordable housing. Building more expensive housing is generally more profitable, but doesn't automatically result in more affordable housing becoming available. There is no denying that profit margins must be attractive enough to compete for development money, but enacting too hastily we may create unintended consequences. We must continue to protect the environment and engage citizens, neighborhoods and the city's design commission in shaping the Portland of the future. The need for more housing in Portland is beyond dispute, and more affordable housing is a top line Portland imperative of,

um. The revival of Portland's downtown depends upon enabling downtown workers and their families to live near their jobs, and psu students to be able to live near the campus instead of having to commute. The proposed h.r. Hrp makes no claim that more affordable housing will result. The long list of specific changes simply assumed that building more housing will decrease housing costs. This widely held assumption, but not necessarily true. It is clear that developers will gain a simpler and faster opportunity without providing a way of measuring the results. It's accountability for the outcome of this experiment should be considered a basic requirement for removal of regulations that have been developed over time in the public interest. Buildings built under the hrp will be with us for not five years, but 100 years, data will provide the only measure of the effectiveness of this experiment in trickle down housing development. Eight members of the council will. Whatever you decide, please make sure that the results are measurable. You don't relinquish all the qualities that make Portland Portland. Thank you for listening.

Speaker: Susan harris.

Speaker: Hi, my name is susan harris. I live in north Portland and I work in downtown Portland. Um, I came here tonight, uh, so that I could, uh, reiterate my support and appreciation for the planning commission. Recommended housing regulatory relief package that was given serious consideration by the planning commission and retained a bird safe and eco roof policies.

Speaker: Uh, I would like to again ask you to support that, uh, package and reject any last minute amendments to suspend bird safe and eco roof policies, as we're currently experiencing climate crisis, biodiversity crisis in addition to housing crisis, we need solutions that can address all of those. Bird safe glazing standards are critical for reducing window collisions by birds. Birds, um, die every year, um, with,

uh, it's a billion bird deaths every year due to window collisions. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Eco roof requirements ensure that new development in the city. Central city incorporates important green infrastructure to treat storm water, create habitat in a highly developed portion of the city, and reduce the urban heat island effect. Please take action to ensure that our city can continue to be part of a healthy eco system. These decisions that you're making that may be stated as temporary at five years have long term impacts because these buildings will be around for 50 to 100 years. Please help us keep our role of leadership in taking care of our environment and serving as a leader in those best practices, as.

Speaker: Jonathan clay.

Speaker: Hello, mayor Wheeler and members of Portland City Council. My name is jonathan clay, representing multifamily northwest, Oregon's largest associate of housing providers, representing more than 275,000 rental homes across the state. The housing regulatory relief package being considered today by represents a significant step towards addressing the ongoing housing emergency in the city of Portland, where the majority of our members provide housing we wholeheartedly endorse these reforms, including that the flexibility of amendment from commissioner Rubio and gonzales, as we believe that total package will will play a crucial role facilitating much needed housing development, accessibility and affordability to all residents of our city. In conclusion, thank you to commissioner Rubio's leadership and Portland City Council for taking on this important matter. We believe that this package will make a meaningful difference in our collective effort to stabilize the housing market in Oregon, as we stand ready to work collaboratively to ensure its success. Thank you for your time and consideration this afternoon.

Speaker: Next up, we have gus bomb and some fiscal and damien tarlow. Thank you.

Speaker: My name is gus baum. I'm the director of development for security properties, a market rate multifamily housing developer, and I sit on the policy committee for Oregon smart growth. We are currently building 570 units of housing in Portland, with another 160 unit project in our pipeline. I strongly support the passage of hrr, along with the six, along with the six amendments currently proposed by council members Rubio and gonzales on our pipeline project. Uh, with 160 units just on inner northeast sandy, we're lie just four blocks outside of the geographic boundaries of the central city. So we are not required to put an eco roof on our project. However we do need to require we do need to meet the requirements of stormwater management, and we had the opportunity to evaluate how to comply with that using three different pathways. The first was to use an eco roof that would be equal in requirement to the ones that are involved in central city, uh, a standard detention system and a deep well detention system. The result was clear the eco roof option was two times the cost of either of the detention systems, with a premium of over \$250,000 to the project. Further the eco roof standard flies against the requirements for solar ready buildings, meaning if we install the eco roof under used in certain conditions as this would be beneath future solar panels for the project. Removing the requirement will allow for flexible city to work within the budgets to generate additional housing in the city. I fully support the air package and associated amendments so that we can make these project pencil and begin to build our way out of the housing crisis. I encourage you to pass the package and amendments before you today. Thank you.

Speaker: And some fiscal. Mayor Wheeler and commissioners, thank you.

Speaker: Uh, my name is anselm fusco. I'm the managing director for the Portland region with the holland partner group. Uh, we build market rate, multifamily, uh, buildings, uh, up and down the west. Coast, usually about 2 to 300 units in a building. Um, and, uh, I live in northeast Portland. We've built about 2000 units, uh, in the Portland market in the past decade. In central city and in the surrounding counties. And we currently have about 500 uh units under construction in beaverton and in hillsboro. Uh, so we understand the market and we know we know how how to build apartments. Uh, I'd like to ask you all to support, uh, the proposal today along with all of the proposed amendments. Um, however, it is that this gets accomplished procedurally. Um, specifically commissioner Gonzalez amendments. Uh, they're going to have a material impact on on the cost to build, as you've heard from a number of my colleagues and, uh, as, as another christine pointed out, uh, to our knowledge, or at least to my knowledge, there isn't any kind of specific, uh, quantified negative consequence. It's hard to think in general izations, when we're talking about whether or not we can actually make a given deal, uh, work and get a particular building built. Um, if you do approve the proposal with amendments, you'll basically do two things. You'll you'll help control costs and, uh, extend the development timelines, which are really two of the things that that keep projects from happening. And the other thing is you'll be able to signal to the larger other real estate community, particularly the investors that we heard about in the introduction. Um slides, uh, that Portland's leadership that you've prioritize housing production and that and that you're really working to remove impediments to it. Um, you know, we all spend a lot of time with institutional investors, uh, arguing about why investing in Portland is a good idea. Um, if you vote for the package and the amendments, you're going to help us make that argument, because it's going to show that you understand how complicated

the situation is. Um, and it's going to give you an opportunity to demonstrate leadership in, in helping to promote the construction of housing. Um, look, you've heard it today. This is a complicated, contentious thing. The way we actually have success and the way we actually build buildings is when we can find that common ground. Uh, find that overlap. So I'd like to thank you all for your work in doing that. And and again, to, to request that you, uh, that you support the proposal and all of the amendments. Thank you.

Speaker: Damien. Carlo. Gerald powell. Harold. You're muted. Gerald can you unmute? And we'll come back. Joe swank. Yes

Speaker: Are you going to share my screen real quick. Everybody see that. Good afternoon mayor and commissioners I'm joe swank. I sit on the design commission. I'm an architect, a developer and resident of the city for over 20 years. I want to reiterate what my fellow commissioner chair mccarter, has said in that we support the housing regulatory relief project as a commission. We're pro housing, but we're also pro good housing. The design commission submitted written testimony for this hearing focused on waivers of ground floor regulations. These aim to allow good housing on the ground level of buildings. These two maps, which were attached to the letter, show in gray. The increase of where ground floor residential would be allowed via these amendments for the entire city. Once buildings. Once buildings are built, they're part of our city for 100 years. As we agree that our current housing dilemma needs ground floor residential units. But we need to ensure that our town centers do not evolve into examples of poor and unsafe housing like this in perpetuity. Our. Outside of central city. The amendment proposes only to maintain the physical standards of ground floors to allow future flexibility and adaptability. And this is really how a city builds resiliency. Finally this is a recently approved project by the commission in lents town center, which is an example of good

residential ground floor units that do maintain those physical standards and provide opportunities for future flexibility. We thank you all at bts for your efforts on this package, and ask that you consider the minor amendments proposed in this letter from the commission. Thank you.

Speaker: Next up we have sandra robinson.

Speaker: Good evening.

Speaker: Uh, my name is sandra robinson, and I am an architect. And I'm a member of the Portland design commission. I'm just going to go into presentation mode. What you're seeing on the screen right here is part of the letter that was submitted to council, uh, before this, uh, before this hearing. And we just want to be really clear, just like joe said, just like brian said, we're absolutely in support of housing and doing anything we can get, uh, we can do to get more housing, but we want to provide a couple of recommend edits to the ground level regulations. They're minor and they're targeted, and they are going to allow an abundance of housing and retain flexibility. And like joe said, these buildings are going to be around for a long time. And having this flexibility and adaptability within those buildings means that the city will be more resilient in the face of change over the next 50 years, that these buildings will exist. Once they're built, they will stay there for decades. So so we do support most of what's in the hrr, but we'd like to share with you two changes and one is a change to the central city ground floor active use standards. We really want to strike the amendment that shows development that includes a residential use is exempt from this. And instead we would like to keep that clause that dwelling units are prohibited on the ground floor within 25ft of the street lot. Uh, because that is a good amendment to instead of having an outright prohibition of any ground floor residential. So it means that we'd be keeping residential living rooms off the primary traffic and transit streets where they're not

appropriate, because people's blinds are always closed. This revision actually shouldn't be temporary. We would support making it permanent right now because that is a good way to encourage development outside the central city. Are our, um. Our edits are just a little bit different. We don't want to entirely waive those physical standards, but we want the ground floor residential to still cloud, uh, facing 50 to 75% of the mapped street. So it's really just a small reduction in in I'm going to stop sharing here. It's a small reduction in what has already been proposed. So again those edits are very small. And they are in the letter that we provided. Thank you.

Speaker: Let's try gerald powell again gerald you're muted. Okay. We'll move on to doctor tony kelly.

Speaker: Good evening mayor and commissioners I'm doctor tony kelly president of the Portland metropolitan association of realtors. Today I stand before you to advocate for the housing regulatory relief project and the amendments put forward by commissioner rene Gonzalez.

Speaker: Firstly, I'd like to express our appreciation for the city of Portland's proactive approach in enhancing housing production. This is a critical step in tackling the housing affordability crisis and boosting our region's economic health. We are grateful to commissioner yea. Rubio, her staff and the Portland housing bureau in refining the inclusionary housing program, which highlights our shared commitment to this cause. We wholeheartedly support the housing regulatory relief package, the proposed temporary moratoriums on various regulations are essential. These include bike parking requirements, loading zone stipulations and restrictions on ground floor active use. By easing these regulations, we can significantly increase the feasibility of numerous housing projects across the city. A key aspect of our support hinges on the amendments proposed by commissioner Gonzalez. For instance, the byrd glacier requirement, as it currently stands, is a

substantial cost factor. Our analysis shows that complying with this requirement could increase the cost of standard windows by 97. Translating to an additional \$700 per year, and rent for a typical two bedroom unit. This is a significant financial burden for residents. Moreover, the proposed changes to the neighborhood contact requirement deserves your support. The amendment seeks to remove the 35 day waiting period between neighborhood contact signage and building application. This change is crucial for streamlining the development process and reducing unnecessary or unnecessary delays. While the planning commission's suggestion to maintain the sign requirement is understandable, remove the specific pre-application time frame is vital to avoiding escalating project costs in closing, these amendments are not just bureaucratic changes. They are essential for addressing our housing supply crisis and preventing these changes will bring us closer to resolving the housing challenges facing our city. We look forward to continued partnership and implementing these reforms, and exploring other avenues to enhancing housing availability. Thank you for your time and your consideration.

Speaker: All right, gerald, are you able to unmute?

Speaker: Yes, I finally did my apparently my telephone, uh uh, took command of my of my screen.

Speaker: Go ahead. You're you're ready to testify. All right. Thank you, mr. Mayor.

Speaker: Commissioners, my name is gerald powell. I'm a retired city planner. I co-chair the goose hollow planning committee, tinkering with title 33 to give some developers a chance of satisfaction at the expense of the well considered set of goals and policies of the comprehensive plan is not very effective. And in the long run, it's counterproductive of we're told that the changes required or requested here are, uh, temporary. Well, the standards may well be temporary, but the

buildings permitted by those temporary changes will be permanent by plan. King or bike parking, ground floor, ceiling height. Uh, facade articulation on those are building design features that, once built, can't be fixed. I'd suggest that the recommended abridgment of neighborhood contact requirements is likely to create more resistance to new development by leaving the neighborhoods out of the development process until they have to resort to their own own devices. Perhaps judicial review the staff's own recommended findings show that the proposal does not support the adopted comprehensive plan or the goals, and policies of the state of Oregon. Somehow they those laws lapses can be excused because of the housing crisis. Well that's not the way it works. There's no unbalance here. A code provision is either consistent with a comprehensive plan or it isn't the major suggested in this proposal will have little impact on the lack of housing production in. You have to think bigger. You have to address housing finance, building trades, labor shortages, costs of materials, perhaps offsite infrastructure costs, costs. Please send this ordinance back to the originating bureaus. I wish you well. Thank you.

Speaker: Next we have micah meskell, john isaacs and erica thompson, mayor, City Council.

Speaker: Uh, my name is michael maskell, and I'm representing Portland audubon and our 15,000 members in the Portland area.

Speaker: We strongly oppose commissioner Gonzalez proposed last minute amendments, number four and five of the housing regulatory relief package. We are unequivocally concerned about the affordable housing crisis in Portland and support the proposed draft forwarded by the planning commission, along with the smart measures that don't pit more housing and housing affordability versus the environment. Please see our submitted comments for several relevant case studies

that demonstrate how costs for bird safe glazing across many local examples was neither cost prohibitive or substantial. The cost pushback that we have heard this evening has been disingenuous and almost exclusively from high end developers of glassy towers or developer friendly interest groups, bird safe glass can be an up up cost, but it is only a fraction of the entire window unit cost and a smaller fraction of the overall project cost. And we have never seen bird safe implementation result in a doubling or or greater cost of the entire window, which has been represented to the today. But since most of those examples that have been raised today have been high end luxury development, maybe they have diamonds in them. I don't know, um, the bird safe glazing policy developed over a decade, landed on the 30% threshold very explicitly so it would not impact affordable housing projects and our outreach to affordable housing developers have borne out that it has had no impact on their projects to date. To respond specifically to christy white's assertion that waving the bird safe glazing standards for five years wouldn't have a demonstrated impact on bird mortality. In reality, it could be the opposite if the policy is waved. Every permitted, overly glossy luxury building that gets permitted with a will be a hazard for migratory and resident birds for their entire existence, which really points out the folly of a short tum sunset and her final point. The postures that this decision in front of you is to choose between birds and humans. I would propose it's birds versus additional profits for developers. Please vote yes on the original planning commission recommendation. Um and vote no on Gonzalez's amendments four and five. And please see our, um our submitted comments for several case studies that are relevant. Thank you.

Speaker: John isaacs.

Speaker: Mayor Wheeler and council, thank you for the opportunity to testify today.

Speaker: For the record, my name is John Isaacs, executive vice president of public affairs for the Portland Metro Chamber. I'm a resident of Southeast Portland, and I prefer he/him. I'm here to testify on behalf of Portland's employer, community and strong support of this ordinance. The Chamber's 2020 housing affordability report and numerous other studies have shown that Portland's extreme housing shortage is the root cause of our homelessness crisis, which continues to be far and away the top priority of Portland's residents. Adoption of this and the previous ordinance represent two of the most important actions taken by any council since the city declared a housing state of emergency in 2015. To address the development and employer community work, diligent for months in a transparent, multi-bureau multi-stakeholder process to develop the recommendations that staff carried to the planning commission. As part of this process, the council discussed in detail at a June 2023 work session how these numerous regulations have driven up the cost and time of building housing in our city, so, with all due respect, nothing proposed today is new or last minute in our view, the process foul was the last minute lobbying after the record was closed that split the planning commission and ultimately stripped three critical policy changes in a series of three votes from the final commission recommendations. So perhaps we've surfaced that there needs to be some cleaning up of the planning commission procedures in any case, we commend Commissioner Gonzalez and Rubio for proposing their amendments today. This council has been an historic council. You have shown time and again, often in the face of withering criticism, that you have had the political will to challenge Portland's long broken political culture and make the tough decisions that will actually solve our problems in the long run. This ordinance and the amendments are another example of how this council continues to rise to the moment, challenge and fix our mistakes from the past, no matter how well

intentioned. When considering these amendments, there's really only one question to consider is housing development truly our top priority in this case? What's more important mandates bird safe glass or eco roofs when there's when there are much less expensive ways to address the stated purpose of these requirements or housing our people, we strongly urge you to support the ordinances with all the ordinance, with all amendments. Thank you for your service and your ongoing leadership.

Speaker: Erica thompson.

Speaker: Good evening, mayor and commissioners. My name is erica thompson, and I'm a vice chair of the planning commission. But this evening I'm testifying as a citizen of Portland and as an architect. I'll start by saying that I very much support the intent of the air package and the need to reduce barriers to housing production. However, I do not support commissioner Gonzalez amendments to eliminate requirements for bird safe glazing and eco roofs. I'd like to remind you all of the 2021 heat dome that saw 116 degree temperatures in some areas of the city, and 124 degree temperatures in lents, a known heat island. As you may know, extreme heat and ensuing extreme heat deaths are becoming more common due to climate change. Green roofs mitigate urban heat island effects. Standard roofing, depending on the product, can contribute to heat island effects. Buildings last for 50 plus years. The products of your decision today will stick with the city for many decades. Please do not make a rash decision that will plague us down the road. Green roofs are not a major factor in housing production doing away with this requirement without, at the very least, implementing an alternative cool roof requirement is irresponsible on bird safe day, the city's requirements already provide a reasonable exception for housing projects. If developers wish to avoid triggering bird glazing, they can propose a facade within the window to wall ratio

limits, which will result in more affordable construction overall. As expansive fenestration is expensive, any improvements or modifications to the current bird glazing policy should be the result of consultation with both developers and bird experts. This policy should not be binned against the wishes of a vast majority of residents. On that point, the public has made clear their opinion on green roofs and bird glazing. Since Monday, hundreds have found time to submit testimony on a short timeline because this is such an important issue, please vote no on these amendments. Thank you.

Speaker: Next we have steph, ralph, wade, jones and mark dane.

Speaker: Uh, team, thank you very much. Good afternoon or evening. Mayor Wheeler and members of Portland City Council. Uh, for the record, my name is steph rouse. Over the past 20 years, I have been involved in many advisory committees and commissions. I have come by every one of my gray hairs. Honestly uh, I do serve on the Portland planning commission for disclosure, but I am here in a personal capacity. Um, thank you very much for your work and that of your staff and engaging on the housing regulatory relief package. I'm also appreciative of the Portlanders who, as of 1 p.m. Today, have submitted 428 pieces of testimony and surely counting, deftly counting 468. In my last count on this package throughout the map, and never let it be said that Portlanders succumbed to apathy. Uh, friends, I hold a concern about process, and I know that we've talked about it a lot today. And forgive me, there's in the background because I was not able to reschedule a meeting that I had today on such short notice, and that is my issue. Less than 24 hours before this afternoon's hearing, three last minute substantive amendments were filed. In my many years of policy engagement, I can remember one other time when a package went through this level of engagement. Only to have reversion amendments filed less than 24 hours in advance. Reasonable people can disagree

on the merits of the amendments, and given the breadth of testimony to date. And here, uh, among some really thoughtful people, I can say with confidence that many do. But I hope we can agree on this. 24 hours isn't enough time for many people to prepare to testify on a matter of importance to them that they have already weighed in on, uh, people with interpretation or other accommodation needs are expected to sign up five days in advance of a hearing. So last minute amendments disenfranchise a lot of Portlanders, um, and poor process, uh, tends to lead to poor policy. And I think we can do better. So please allow more advanced notice now and in the future to gather the wisdom of all Portlanders. Uh, because our city's challenges are going to take all of us to solve. Thank you so much.

Speaker: St. Johns.

Speaker: Okay.

Speaker: Go ahead. Wade. Okay

Speaker: Um. Excuse me. Um, on. Yes. I'm John's, uh, thank you for your service to our city. And thanks to all the citizens here with your very intelligent comments.

Speaker: Uh, I'm the chief operating officer at album manhattan. Uh, we're among the most active of multifamily developers in the Portland, and, uh, we're strongly supportive of hrr.

Speaker: Uh, especially related to the entitlement extensions that go into going from 3 to 5 years, we think is very, uh, impactful. Uh, we'd like to look at those amendments relating to bird safe glass, uh, and also eco roofs.

Speaker: We think those are very impactful, uh, not so much for profit, but for helping us get projects going in the first place. Uh, for our project, it could be \$1 million cost reduction, uh, to remove those, which would be very helpful to get more housing going.

Speaker: Uh, also lastly, uh, we work a lot with design commission. They're fantastic.

Speaker: They've written a letter here, which we, we read we strongly agree with, are related to the conversion of ground floor retail to residential.

Speaker: Um, not so much on major transit streets, but typically we, you know, that would be very, very helpful for us. We have projects that have been on the market for years trying to lease up and it had a hard time getting that done. So having the opportunity to change the residential would be very helpful. But we like the idea of the requirements staying at 12 foot height and 25 foot depth for flexibility in the future. For right now, maybe apartments, but in the future could also be very helpful to change the retail restaurants or whatever the market dictates. So uh, again, thanks everyone for your long time tonight and thanks for your service to our city.

Speaker: Mark dain. Commission is now.

Speaker: Good evening.

Speaker: My name is mark dain.

Speaker: I've been in the private sector since 1991.

Speaker: Here are the issues.

Speaker: Number one the planning code.

Speaker: This is mainly going towards commissioner Rubio.

Speaker: The code went from 65 pages.

Speaker: It is now 1840 pages.

Speaker: Unfortunately, when you ask the bureaucrats, a sober bureaucratic problem, they do it by adding more bureaucracy.

Speaker: Fundamentally, that needs to change number two, as an example, the floor area ratio required in our 2.5 or r5, when you have a lot conformation, restricts the lot size to eight.

Speaker: The house size to 800ft². If it has a house that single handedly has killed the entry level house market, the far, the 3.5 lot conformation r5 that could easily be fixed. Next item which ties into this code, which is to the seven year abatement. I'm sorry, mayor Wheeler, I'm a boring, boring you. Seven years?

Speaker: Not at all. I apologize. We've been in session for about nine hours. Sorry

Speaker: Can I reclaim my time?

Speaker: It means that after seven years, if the housing permits have not been issued the entire project gets killed. The seven year, the seven year development multi-phase development works. The code is good, but it misses the thing for the building permits. It kills the project. Lastly most importantly, the overlay is basically redlining. The city of Portland. And I mean that sincerely. What I mean is that you can build a 4000 square foot house off of burnside, but you can't build for a fourplex because you have a z overlay. And i'll tell you where the z overlays occur. The z overlays occur is where you have steep slopes here, not here where you have environmental overlays, which means here I'm sorry here, but not here. What that means is all middle housing and all low end rentals will occur here in outer southeast Portland where we have don't have that infrastructure support it. And high end wealthier neighborhoods covered with trees will not be doing any of the affordable rentals, any of the affordable duplexes you're losing 50% of the land that was decided to be approved in middle housing simply by putting the z overlay in. I've been trying to work with your office, commissioner Rubio. It's been tough, and rebecca has quit. So I've lost my advocate in the city. I would love to be able to

speak to your office at some time to go over these solutions. They're very easy, easy to solve, and it will definitely change the housing market. Thank you for your time.

Speaker: Great.

Speaker: Uh Keelan. Before we continue, uh, question for my colleagues, um, as mark, just correct pointed out, um, yeah, we've now been in session for the better part of nine hours with a break. Admittedly we have at least an hour left of testimony. I want to make sure that I'm fully tuned in, and i'll be honest with you, I need a break. We've been in session now for about four hours straight. Is there an appetite at some point here to take a break, or do you just want to power through it? It's i'll go with the majority. Keelan mayor.

Speaker: We have ten people left.

Speaker: Oh, I thought it was more than that. If that's all it is, let's keep going. Can we make it, folks? Can we do that? Okay, good. Let's go for it. Thank you.

Speaker: Okay, next up we have michael council michael here. Um, tim mccormick. Hi

Speaker: Hi. Yes hi. I'm tim mccormick of housing alternatives network and also a contributor, writer at sightline institute. Uh, thank you, mayor and commissioners, for your work on this and allowing me to speak. I'd like to start by asking rhetorically, who here today would say that the best, most impactful ideas for improving housing production and affordability in Portland have been effectively found, gathered and given our highest attention today. And if for some reason that didn't happen, how might we build a process designed to do that and or at least push in that direction? So in my earlier testimony, I introduced, uh, regarding the inclusionary housing program, such a policy tool that I and collaborators have been developing over the past year, which could logically be applied to also like regulatory relief and more broadly statewide housing planning, local housing

production strategies, etc. It's for an open platform. Call it open housing, Oregon that would seek to list current and all proposed housing projects and policies or reforms from anybody and try to efficiently, fairly analyze how they compare to in scoring against public goals, how much likely impact and at what cost. Now this came out of working closely on the state Oregon housing needs analysis program, uh, coming down from the legislature and asking officials, how is your office possibly going to come up with or assess the thousands of strategies, cities and city plans you're aiming to now guide from the top down? And I think of a saying that's popular in silicon valley, where I did a tour of duty. Joy's law says most of the smartest people and best ideas are not in the room we have. We have to be aware of what we're not seeing and how to find it. Another maxim there, it says if we'd asked the current stakeholders what they want, uh, this is attributed to henry ford, they'd have said faster horses. So imagine evolving to a situation where any plausible proposal is sought out and brought into a common field for fair, transparent and transparent comparison, as opposed to in the status quo. We generally have public airing just of what was worked out and prioritized in earlier backroom dealings. Thank you. By concealing.

Speaker: Can you hear me? Yes. Great good evening, mayor Wheeler.

Speaker: And commissioners.

Speaker: My name is john sieling.

Speaker: I am a residential realtor based in the john's landing neighborhood.

Speaker: The short story is.

Speaker: I'd like to encourage you to support and approve the housing regulatory relief package and amendments. Consider that many local land use and land building requirements support laudable goals such as climate resilience, renewable energy and transportation choices.

Speaker: Too often, however, these local requirements often intended to enhance overall livability of a community, are overly prescriptive and complicated to implement.

Speaker: Stack on top of each other, and have the unintended result of making it far more difficult to build places for people to live.

Speaker: In addition to approving housing regulatory relief package, let's avoid the perfect being the enemy of the good by adding back the five year temporary waiver of bird safe glazing requirements in the central city planning district and river overlays zone, adding back a five year temporary waiver of equal roof requirements in the central plant, central city plan district and finally removing the required 35 day delay between posting neighborhood contact signage and submitting a building permit or land use application. Going further, I encourage you. I encourage you to enable developers to use your regulatory reforms to activate higher density, smaller unit co-living and clustered dwelling communities to talk to companies in this business like ollie, star city, ex-social community, podshare all's well, united dwelling and uncontained 360 smaller units and denser configurations that are priced and managed to encourage diversity and social integration. Our return to a society that is healthier through proximity and interconnection, commissioners Rubio and gonzales and your respective staffs, thank you for crafting these reforms and amendments. We appreciate your hard work to the entire City Council. Please vote in support of the housing regulatory relief package. And when you're done with this, keep going. Thank you.

Speaker: David schöllhammer. I'm david schöllhammer.

Speaker: I chair the land use committee for the sellwood-moreland improvement league, better known as smile.

Speaker: We recognize that housing, especially affordable housing, has been underbuilt in Portland and support the city's goal to identify code revisions that encourage development without significant quality of life tradeoffs or unintended consequences. The proposed permanent elimination of neighborhood contact meetings for 10 to 25,000 square foot project, and the suspension of all meetings failed to achieve this goal. Neighbors would contact ranked only 16th of 25 items in the housing regulatory survey of developers at no cost analysis has been provided showing that neighborhood contact meetings are a significant development cost. Livability benefits such as improved materials, setbacks and landscaping, safer traffic flows, and setting up communication channels to mitigate construction impacts on resident house and shop owners have resulted from these meetings. Conversations with developers at these meetings reveal wasteful requirements in the zoning code, such as rv compatible 12 foot garage heights and doomed side street retail space. Thus, we support proposed technical improvements to ground floor height and active use instead of permanently eliminating neighborhood contact meetings for projects 10 to 25,000ft² permanently require simpler process two instead of process three, we oppose suspension of neighborhood contact meetings regarding your process. Council should not preclude additional amendments after public testimony to meet an arbitrary timeline. Otherwise, all this public testimony is irrelevant. And combined with the midnight amendments, looks autocratic in conclusion, while many of the proposed regulatory changes are temporary, the buildings they will allow are permanent changes to zoning code can be reversed. Poorly designed buildings and neighborhoods are irreversible. Thank you. If your stickler.

Speaker: All right.

Speaker: Uh, mr. Mayor, commissioners, thank you so much for your time today.

Speaker: My name is xavier de stickler, and I'm a student of architecture and urban planning at Portland state university, as well as the chair of the land use and transportation committee of the downtown neighborhood association.

Speaker: Today, I'm testifying on my own behalf, though my testimony is heavily informed by my experience in the neighborhood association process. As many others have said today, it is far too difficult, slow and expensive to develop new housing in our city. I passionately support this proposal that promises to achieve the streamlined development and permitting process we so desperately need. For example, it is clear that the well-intentioned residential bike parking code has ultimately missed the mark and made it impractical for architects to reasonably conform to it. However, there is a provision of this proposal that cannot be credibly promoted as one that would bring down costs and speed up time frames. That is, provision 13. The five year suspension, five year suspension of community engagement for residential development. I am aware that some neighborhood associations in the city often move to stifle community enthusiasm for new development. I know that some have a well-earned negative reputation. Additionally I'm sure you five commissioners know better than anyone on how tedious public engagement can be. At the same time, I have seen the positive power that neighborhood engagement and input can have on a proposal. I presided over a committee meetings in which architects walked away with new, improved designs because of ideas provided by community members, by neighbors. I have seen surrounding business owners and residents use. Our forum is a place to ask questions that the design commission didn't. I have seen my community navigate the difficult conversations that come with change and become more mature because of it. I can see no logical way in which eliminating speaking to us would make any cost difference for a developer. The land use and

transportation committee meets every two weeks. I respond to my emails daily presentation are rarely more than an hour. Architects and development teams rarely need to appear more than once. I fail to see how receiving a brief presentation and developing some feedback are what's keeping Portland in a housing crisis. In closing, let me be clear community members are getting an hour of an architect's time is not what is holding up development in the rose city. The same, however, cannot be said for the weeks and often months long delays at bts. We're not the issue here. Thank you very much.

Speaker: Daniel manning.

Speaker: Hi commissioners mayor, thanks for hanging in there.

Speaker: My name is dan manning. I'm a resident and business owner in the city of Portland, and I speak to the agenda item number 34, air dr. I've been a general contractor since 1922 and since 2005, I've while the city of Portland promoted its green roof initiative for them to address the city's stormwater management issues. We have installed over 300 green roofs in the city of Portland, 95% within the city borders. Most of these I've designed and built myself. They do not have to be expensive or complicated, and in many cases they represent the very best way to satisfy the city's stormwater management requirements. Currently, a green roof needs to cover 60% of the roof area to satisfy on on site stormwater requirements, and it can be the most cost effective way to do that. Equal roofs and solar panels can coexist. They do not need mutual, you know, individual sections on the roof. They complement one another. They act well all together. The proposed air p. Does not eliminate the requirement for on site stormwater facilities. And all such stormwater facilities have regulatory standards that they have to meet and are subject to, subject to review. Icarus might be the easiest type of facility to review development has many challenges. Is diminishing the value of our built

environment. Does not help us in the long run in the long run. Good thoughtful development does, especially for those living in crowded urban dwellings. I ask and support the council to approve the air package as proposed by planning commission staff, without amendments. Thank you for this opportunity. Have a good evening.

Speaker: All right. Thanks. That Eric Cole. Mayor Wheeler and commissioners, thank you for powering through tonight.

Speaker: I really appreciate it. My name is Eric Cole. I'm here on behalf of the Revitalized Portland Coalition. Uh, the voice of the commercial real estate industry in the region. I do work in downtown. Daly. Um, as you know, we're committed to the rebirth of downtown Portland through the implementation of policy such as this and support swift action to bring additional housing, particularly middle housing, online. Keelan. We support this regulatory reform package as meaningful reform, um, and not as any sort of pretense, but rather we see this as a good start. We're appreciative of Commissioner Rubio's good work to bring this forward. We very much appreciate your thoughtful stakeholder engaged process to develop this package and are also thankful to Commissioner Gonzalez for his engagement here as well. The shocks and stresses of the past few years have kept Portlanders and visitors out of downtown. We've had a dramatic reduction in foot traffic for a city that, as recently as 2019, was described as one of the best urban cores in North America. As you know, our office vacancy rate is still over 28, with total availability nearing 33. If we include underutilized space downtown, then we will be looking at a 4,040% vacancy rate for downtown office space in the coming years. Sadly, we need also look no further than the recently released Multnomah County Domicile Unknown Report for 2022. In which the medical examiner's office found that 350 people, 15 people sorry, died without a home of their own. This is not a

manufactured crisis devised by the development or the real estate community. We need swift and decisive action and increasing residential construction and rehab of existing under utilized buildings. Downtown should be priorities for all of us, even in the best of times. Developing new housing or rehabilitating existing spaces for residential purposes is not an easy process. It's the one hurdle that is in your power to control the hurdle that you can lower is what we're discussing today. You have an opportunity to boost our turnaround and to speed it up. And we encourage you to do so. Thank you for your service.

Speaker: Ben hanlin, mary coolidge. Hello uh, mayor and commissioners, my name is mary coolidge.

Speaker: I'm the bird safe campaign coordinator for Portland audubon. And I am here to convey our support for the air package forwarded by the planning commission and to urge you to reject the amendments proposed by commissioner Gonzalez. This council has received hundreds of letters of testimony opposing these amendments. Even with an unbelievably short 24 hours notice. Our bird populations have declined by 30% over the last 50 years, and window collisions are one of the primary hazards driving this decline, resulting in the death of up to a billion birds annually. Our birds are in trouble and bird safe standards are a proven method of reducing collision deaths. The bird safe glazing standard was developed over a decade of collaboration with subject matter experts, public outreach and stakeholder involvement. It applies only very narrowly to the glass buildings in the central city and south reach. This is a responsible code. Bird safe measures synergized with sustainable building strategies to provide multiple benefits, including occupant comfort, reduced utility bills, reduced urban heat island effect and other building performance goals. The 30% trigger was set to dovetail with affordable housing goals. Recent outreach to affordable housing representatives

confirmed that none of them have been impacted by this standard, and our list of case studies on bird safe glazing projects demonstrate an up cost of a fraction of 1% of total project cost. Uv glass on Oregon zoo's forest hall was 0.4% of total project cost. Fritted glass on the ohsu center for health and healing was 0.03% of total project cost, and new york city standard requires bird safe on every building citywide, up to 75ft, with no minimum glazing trigger. And it's not shutting down housing development in new york city. Bird safe glazing standards exist in many cities across the country, and are not an impediment to developing suspending our thoughtful standard will have consequences far beyond five years, including increasing bird mortality, increasing the urban heat island effect, increasing Portland's carbon footprint, damaging our ecosystem, and reducing our climate resilience. Thank you for your time tonight.

Speaker: Aaron brown, good evening, mayor Wheeler.

Speaker: Portland City Council, my name is aaron brown. I'm the board president of Portland.

Speaker: Neighbors welcome our all volunteer organization advocates for greater housing abundance and housing affordability as an urgent and necessary but by itself, insufficient solution to tackling the housing crisis that continues to harm our city and state.

Speaker: The key message I want to communicate on behalf of our grassroots organization is that we are really excited to see you vote on the passing the housing regulatory relief package. I want to congratulate commissioner Rubio, the planning commission, the bureau of planning and sustainability, and the City Council as a whole for taking prompt action to modify public policy to address the realities of higher interest rates and to ensure we are steadfast in our commitment to encouraging more housing production. I'd wax poetic about how abundance of

housing as a solution, but we're all tired in agreement. Build baby, build great. After reviewing the months of testimony, it's clear to me that stakeholders with technical expertise have grappled thoughtfully with the tradeoffs between housing affordability and numerous other laudable goals, including bike parking, stormwater runoff and preservation of wildlife habitat and vitality. I do not personally claim to be an expert on the policy specifics to create swift housing production for more neighbors, nor do I claim to be an expert on the ecosystem needs or migratory patterns of the swift neighbors who live in the trees. In my community, and the chat in the chimney of chapman elementary, having looked through the testimony submitted over the past couple of months, I was thrilled to see that the planning commission, an all volunteer committee with no conflicts of interest, who spends an absurd number of hours reviewing data and testimony and weighing our various civic goals in service to our community, proposed recommendations that fine tuned the intent of existing bills and legislation to best honor our commitment to prioritizing housing production. To be clear, Portland neighbors welcome takes no formal position on the amendment. We haven't had time to review it. And candidly, it sounds like many of you and your staff and anyone who hasn't financially or isn't likely to financially profit from the amendments, hasn't had time to review them either in a personal capacity. I don't know why we would entertain these last minute amendments that guts the thoughtful, data driven compromises that the planning commission crafted after months of deliberation, as neither an ecologist nor architect, nor economist, but merely someone that wants to see Portland build more housing and habitat for neighbors, people and birds alike. And as someone that believes that the best way to achieve these goals is to craft policy out in the open through transparent public processes, and not in a smoke filled backroom hidden from the public. I find it

impossible to believe that these last minute amendments gutting these environmental protections are an improvement to the consensus policy recommendations put forward by the planning commission. In my personal capacity, I encourage you to consider reaching the same conclusion. But with that said in conclusion, uh, questionable last minute amendments aside, today's the day to celebrate the city's commitment to building more housing, and I urge you to support the housing regulatory relief project. Thank you for your time.

Speaker: Elizabeth morris.

Speaker: Hello. My name is elizabeth morris. Thank you guys for seeing it through. I know I'm one of the last ones. I hope you can hear me out. I'm a roofing consultant based in the Portland metro area for more than 15 years in roofing, and I'm a little confused. Are the commissioners here to represent the residents or the developers? Maybe the problem with homelessness isn't icarus. I ask that you adopt the recommendations without any changes to the eco roofs or bird safe windows, which will have no material impact on housing. This was years in the making, full of comprehensive research and supported by the taxpayers and the residents who you are here to represent.

Speaker: This is their will. The eco roofs are extremely well supported by the citizens and citizens and residents who are all affected by air quality and the increasing costs of stormwater infrastructure.

Speaker: Speaking of eco roofs, do you realize we're only talking about buildings over net 20,000ft²? Only the highest impact buildings only in central city.

Speaker: And if there is an undue burden, the developers can get exemptions from the eco roofs, as we have already seen, eco roofs have nothing to do with the housing problems.

Speaker: There's no other technology that has the many powerful impacts that green roofs bring, not just to the environment, but to the tax burden and to the health of the residents in roofs. Reduced taxpayer costs of stormwater infrastructure by making developers of large buildings manage their own developments so stormwater on site, you're increasing the cost burden on the residents. The rest of the residents to pay for developer stormwater loopholes. Eco roofs drastically enhanced the output of solar panels, while providing insulation that reduces the building's energy use. To begin with, roofs are by far the hardest part of the city. More than parking lots and roads. Even cool roofs get over 120 degrees, so the panels don't work in hot environments, green roofs are drastically cooler than bare roofs. They cool the cities, they cool the panels, and the panels function drastically more efficiently. We have countless examples all over Portland and across north America and the world of rooftop vegetation, with solar panels that are vastly outperforming the electrical output of those on bare roofs. They reduce the cost of maintenance by extending the life of the membrane. They cleaned the air for all communities by pulling out tons of pollution from the air each year. All major cities all over north America and the rest of the planet use green roofs to resolve so many costs and environmental concerns. With one simple technology, what's wrong with Portland? Thank you.

Speaker: Kevin clark. Good afternoon, commissioners.

Speaker: I'm kevin clark, a resident of northeast Portland and a housing developer with wood partners here in Portland. I'm urging support for the regulatory relief package and the three amendments proffered by commissioner gonzales. These policies represent aspirational goals of the city, but their marginal benefits do not outweigh the costs they impose on housing. The suspension of bird safe glazing, eco roofs. And the 35 day notice requirement will contribute to lowering the cost

and timeline to produce the housing needed for the city. The idea that the suspension of eco roofs will degrade the environment through increased stormwater discharge is a red herring. New development will still be required to meet stormwater detention and discharge standards, which is not related to the eco roof requirement and can still install eco roofs if they find it to be the most economical way to manage their stormwater. Bird safe glazing represents a large barrier to investment in the central city and river district. By doubling the cost of glazing. The implementation of this requirement increased rents and lowers the number of housing units produced. Streamlining a multi year approval and permitting processes in which housing often dies on the vine. As economic conditions change and investment capital patience and taste is tested is the only way to increase housing production and fix our housing needs. I also want to address the idea that section d that these amendments should be added to section d by making these retroactive give housing housing developments that have already received this design review requirement can be can can can bypass the city standards during the building permit process, making these already partially approved process projects less viable. Thank you for your time.

Speaker: Mayor. That completes testimony.

Speaker: All right. Good work everybody. Thank you all for doing a really good job of staying on point and keeping on time. We got through quite a few people today. Um, so, uh, where I think we left this is staff was going to offer up an amendment to patricia to, to, uh, and sandra, uh, I assume you have that language crafted. Do you want to share that with us?

Speaker: Sorry, mayor Wheeler. Yes, sandra is going to go ahead and present that she's going to share screen as well. Thank you. Okay.

Speaker: Thank you. Appreciate it.

Speaker: Um, so this is what we crafted with with our council linly reese. Um, basically the motion would be to amend directive d of the ordinance as shown on the screen. Everything is the same except for a few underlying sections. So, so three sections of code to reflect commissioner Gonzalez's desire for eco roofs and basic glazing to be applied retroactively to projects in the pipeline.

Speaker: Okay. And does that square with you and your staff? Commissioner Gonzalez.

Speaker: Oh, I'm on mute. It does. I'm processing it as we talk. So maybe give me 15 seconds to read what I'm looking at here. But this looks right. That's fine.

Speaker: I'm sure commissioner Rubio, in the meanwhile, i'll call on you.

Speaker: Um, so my question is, if is it possible just to take the vote on the first, um, amendments one through six and then we'll know if procedurally, we need to move forward with, um, a potential fourth amendment if it's even needed after that.

Speaker: That's up to the will of the council.

Speaker: I would be inclined to wait. I mean, it may give your office my office, commissioner Rubio, some opportunity to fine and, you know, some further common ground on what we've got here. But I certainly defer to my colleagues. I just think there's a lot to absorb. It's a highly technical. And we've heard a lot of testimony that I'd love to give an opportunity for everybody to weigh and if I could jump in, um, I'm kind of in the, in the same, uh, place, you know, I literally received these amendments when we were in our morning session.

Speaker: Uh, we've had probably 30 people, 35 people testify this afternoon, even in the midst of this, we've had, um, staff coming in and out trying to, um, brief me on what's happening today. Um, and it's still hard for me to sort out. Um, I do really appreciate the innovation that commissioner Rubio and commissioner gonzales

have brought forth. Let me, uh, be transparent in terms of where I'm at on the amendments that are currently on the table. Uh Rubio's amendments, one through three, um, are fine. I'm going to vote in favor of this. I'll tell you. Coming in today, I was not expecting, uh, bird safe glazing. Uh um, amendment. Um, although it's an issue, I've been thinking an awful lot about about, um. And I'm feel compelled by what I've heard from both the environmental community and from the developer community. Uh one of the things, one of the reasons why I'd like to not vote on this today is I hope that there could be. I'd like some clarity as to whether or not there might be a way that we could create some incentives around bird safe glazing. Uh, right now we make this a requirement. I wonder if there's a way to, um, frankly, if bird safe glazing might be eligible for pcef funds or whatnot. Um, and I don't think that anyone knows the answer to that question today. Um, the other concern I have about eco roofs, i'll tell you, that's in my portfolio as your, um, as your advisor, environmental services guy. I'll tell you, coming in today, today's meeting, we looked at two scenarios. One is a status quo where you require people to build, uh, eco roofs. The other is the alternative, where you could do an eco roof, or you could do a solar panels. What I did not, uh, research today was the proposal to just get rid of the requirement to do eco roofs. I think before we vote on this, someone should ask one of our wastewater engineers what implications that has from our on our systems today. We've heard from developers to kind of talk about how how that rule would impact their buildings. But those buildings are integrated into a larger stormwater system that needs to be managed. And frankly, it's managed by a highly specialized, um, engineers. I don't think anyone who's on the call right now, um, can can give me the information I need to, to evaluate the question before us today. I also have some concerns about rolling back some of the public

engagement piece. Um, but i'll probably support commissioner Gonzalez on that. So that's where I'm at. I don't know where that leaves us as a whole.

Speaker: Well, the it's up to the prerogative of the commissioner if he wants to introduce an amendment for which is a technical amendment. That's up to him. Commissioner Rubio, this is really small, just responding to the pcef it probably wouldn't because it has to be directly tied to reduction of ghg.

Speaker: But we can look at it.

Speaker: I thank you for that initial thing. It would be great to, um, that, uh, unfortunate I it might be a space where I'd like to, uh, um, explore a little bit more. You know, earlier today, I had a conversation with commissioner gonzales about what he was trying to achieve here. And I think there is despite what we see in the on on the screen right now, a consensus I heard commissioner Gonzalez say earlier today, he supports these goals on the environmental side, but would rather move towards an incentive based, uh, um, system for moving for achieving these goals as opposed to mandates. That resonates with me too. If there's a way to move in that direction, I certainly want to at least do my due diligence. Um, with that, i'll lower my hand and let others speak.

Speaker: Commissioner Gonzalez I think commissioner Mapps is fairly summarized.

Speaker: My instincts here. These are all venerable goals. I'd like to find a way to incentivize it as opposed to mandate it. Um. And I'd really prefer before we impose new requirements that we that we fully evaluate if we can properly incentivize those investments a separate way. Um, I've had a chance to digest what staff has put together here. I would like to bring that amendment, um, if that's possible. If and when we can make that motion.

Speaker: Okay, so commissioner Gonzalez, I assume you are moving what we saw on the screen as your amendment, and we'll call that we'll call that Gonzalez for do you have a second? I'll second commissioner Ryan seconds. So procedurally, here's where I think we are. And I want to underscore, um, that it's up to the council. But my understanding is we are going to continue this hearing and Keelan it's my understanding we would be continuing this hearing to January 24th at 3 p.m. Is that accurate? Yeah i'll defer to, uh, sandra, I think there was some discussion about when this item would come back.

Speaker: Okay.

Speaker: And we also need to decide, uh, how long we're keeping the record open.

Speaker: Yeah. Um, so let's talk let's hear about those things. Maybe, um, maybe the best thing to do is. Well, okay, let me just do this. We did some thinking while you were listening to testimony. So the first thing we needed to do was dispense with directive d, and that was just moved and seconded. The next thing we need to do is close the oral testimony. Any today, then announce that the written testimony will close on Friday, January 12th at 5 p.m, then announce that council intends to vote on today's amendments on Wednesday, January 17th at 2 p.m, which Keelan has confirmed is available, and then continue to this agenda item to Wednesday January 17th at 2 p.m. Okay so, uh, then here's and colleagues can I just get a quick head nod?

Speaker: Does that square with your expectations? It looks like yes. So uh, the oral record then is now closed. The written record will remain open until, uh, Wednesday, January 12th.

Speaker: No. Friday

Speaker: Friday. Sorry, I can't read my own handwriting. It's terrible. Friday, January 12th, 5 p.m. 5 p.m. We will then vote on the amendments on Wednesday,

January 17th at 2 p.m. So we are continuing this until Wednesday, January 17th at 2 p.m. Linly. That's where with you legally?

Speaker: Yes.

Speaker: Okay. Anything else?

Speaker: And that's voting on all the amendments that were introduced today.

Okay

Speaker: Good. And I will just state for the record, uh, I will have lots of questions, as will my staff. We did not receive these amendments until yesterday afternoon. I think I understand that, but I want to dig a little deeper and make sure that I do. And their implications. I also suspect we will hear different perspectives through written testimony in the coming days as, uh, it seemed others were better prepared than I was for the amendments that came up today. So I want to hear different perspectives from the community, and I hope people will take advantage of that opportunity. Uh, commissioner Rubio, this is your item. I'll give you the last word. Thank you.

Speaker: Um, and thanks to all our presenters and all of those of you that took the time to be here to testify today, as well as those who submitted, written comments online. And thank you to all of those who were part of the conversations over the last year. As this proposal was developed, including everyone who submitted feedback to the survey last spring. Ing um, I know everyone has a lot going on, so when a permitting agency shares a link to a web survey, it's very tempting to ignore that email. Uh because, let's be honest, it's not always clear what government does with that kind of information. But this legislation is precisely what can happen when we talk to industry experts, bring on a consultant who can help us unpack the economics and lean on our staff expert and volunteers in the planning commission to help us balance some of these tricky policy issues. Um, and as I shared earlier,

this is a very meaningful step forward that shows Portland is serious about housing. Um, and as I said, and just as I said in response to, um, everyone else, um, and all, you know, all my colleagues as well, um, we will watch for the next state actions, too, and do our own analysis there, and then we can also figure out what the next steps, um, locally for us as a council will be. So thanks everyone.

Speaker: All right. Thank you. Then, Linly, we covered all our bases.

Speaker: Yes.

Speaker: Alright. Thank you, everybody for your patience. Great testimony, great staff work. We are adjourned.

Portland City Council Meeting Closed Caption File

January 11, 2024 – 2:00 p.m.

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Speaker: Thursday January 11th, 2024. Afternoon session of the Portland City Council. Keelan good afternoon. Please call the roll in.

Speaker: Yea. Rubio here. Ryan Gonzalez here.

Speaker: Epps here. Mueller here.

Speaker: And before we jump in, we'll hear from legal counsel on the rules of order and decorum.

Speaker: Good afternoon, mayor and commissioners. Welcome to the Portland City Council to testify before council in person or virtually, you must sign up in advance on the council agenda at [Portland gov slash council slash agenda](https://portland.gov/council/agenda) information on engaging with City Council can be found on the council clerk's web page. The presiding officer preserves order and decorum during City Council meetings. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated, a timer will indicate when your time is done. Disruptive conduct such as shouting, refusing to conclude your testimony when your time is up, or interrupting others testimony or council deliberations will not be allowed if you cause a disruption, a warning will be given. Further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally, counsel may take a short recess and reconvene your testimony today should address the matter being

considered when testifying one. State your name for the record. Your address is not necessary to disclose. If you're a lobbyist. If you're representing an organization, please identify it. Three for testifiers joining virtually, please unmute yourself. Once the council clerk calls your name. Thank you.

Speaker: All right. Thank you. Before we well, let's let's read the item first. Then we'll get to the details. Item 35, please. Keelan

Speaker: Consider appeal by the west Portland park neighborhood association against the hearings officers decision to approve with conditions a conditional use master plan and adjustment review for improvements to athletic facilities at jackson middle school. Lu 20 2-185273 kume's. Add

Speaker: All right and colleagues, this is a formal land use hearing. So there are certain procedures. Will follow. So before we get into this, uh, the city attorney will make some announcement s.

Speaker: Good afternoon. This is an on the record hearing. This means you must limit your testimony to material and issues in the record for an on the record hearing. We begin with a staff report by bureau of development services staff for approximately ten minutes. Following staff report. Council will hear from interested persons in the following order. Order. The appellant will go first and will have ten minutes to present their case following the appellant, persons who support the appellant will go next. Each person will have three minutes to speak to council. The applicant will then have 15 minutes to address City Council and rebut the appellant's presentation. After the applicant, uh, the council will hear from persons who support the applicant again, each person will have three minutes. Finally the appellant will have five minutes to rebut the presentation of the applicant council may then close the hearing. Deliberate and take a vote on the appeal. If the vote is a tentative vote, council will set a future date for the adoption of findings and a final

vote on the appeal. If council takes a final vote today, that will conclude the matter before council, I'd like to announce several guidelines for those who will be addressing council today. First, the evidentiary record is closed. This is an on the record hearing. The hearing is to decide only if the hearings officer made the correct decision based on the evidence presented to them. This means you must limit your remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence that was previously submitted to the hearings officer. You may not submit new evidence today that was not submitted to the hearings. Officer if your argument includes new evidence or issues, you may be interrupted and reminded that you must limit your testimony to the record. The council will not consider the new information and it will be rejected in the City Council's final decision. Two objections to new evidence. If you believe a person who addressed City Council today improperly presented new evidence or presented a legal argument that relies on evidence that is not in the record, you may object to that argument. Three objection to new issues. Finally, under state law, only issues that are raised before the hearings officer may be raised in this appeal to City Council. If you believe another person has raised issues today that were not raised before the hearings, officer, you may object to council's consideration of that issue. Fourth, the applicant must identify constitute challenges to conditions of approval. If the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow the council to respond, the applicant will be precluded from bringing an action in damages. For damages in circuit court. And finally, I will note, because we are in a hybrid hearing, that the representatives of the applicant and the appellant are participants on this zoom meeting and have the ability to raise procedural or other objections. Thank you, mayor. That concludes my remarks.

Speaker: All right. Thank you. A couple questions for the council. Do any members of the council wish to declare a conflict of interest? But if so, could you raise your hand, please? No member of the council has a conflict of interest to declare. Do any members of the council have ex parte contacts to declare or information gathered outside of this hearing that they need to disclose? No council members have ex parte contacts to declare. Have any council members made any visits to the site involved in this manner in this matter. I'm not seeing anybody raise their hand. Does anyone present in the council chambers or commissioner Ryan?

Speaker: Uh, well, yeah, I've been to the site many times. This is Jackson middle school. Was Jackson high school, so in my engagement with the schools as a school board member, I've been to that location many times.

Speaker: All right. Thank you. Uh, does anybody wish, uh, who's online or, uh, in the chambers? Does anybody present wish to ask any commissioner, uh, particular commissioner Ryan about his or her observations on the site? Visit. Keelan. Can you tell me if anybody raises their hand? Uh. No one has raised their hand very good. So we'll begin the hearing. Please remember that everybody testifying or presenting a legal argument must concur. Include their testimony within the allotted time. In addition, only evidence submitted to the hearing officer may be considered by counsel. Any new evidence offered should either be rejected or accepted. Subject to later rejection. If it's determined to be new evidence. All right. So first we'll hear the staff report and the city land use planner with bts is here to present, I believe. Welcome, Andrew.

Speaker: Thank you. Thank you. So I will share my screen. And Andy will give you ten minutes.

Speaker: Uh Keelan. Will keep a timer if you go over there. Uh, then we'll give the appellant additional time so that that they have, um, the same opportunity.

Speaker: Understood. Thank you. So I am, uh, Andy Garcia. I'm a planner with the Bureau of Development Services. I'm going to summarize the hearing officer's findings for the conditional use master plan and adjustment review. That's under appeal today. So the subject site is the Jackson Middle School campus in southwest Portland. And the review was primarily focused here on the western part of the site. This photo shows the northwest corner of the site at the intersection of Southwest 40th and Alfred streets. This is where phase one of the proposal would improve. The playing field that you see here. Phase one is to install synthetic turf on this main field here, which would be used for baseball, softball and soccer, and two youth soccer fields to the west of the main field would remain as grass. This new field lighting is proposed around the synthetic turf field. Existing spectator seating which you can see here, would remain, but no new spectator seating is proposed and phase one also includes a new six space parking lot and a single story building for storage and batting cages to the south of the field. Phase two of the proposal is in the southwest corner of the site, which is shown here. Phase two is to regrade this area with either natural turf or synthetic turf. The school district wanted to maintain that option for this second phase, and this field would be used for softball and soccer with no field lights or spectator seating are proposed for this area, and phase two also includes two new tennis courts to the north of the phase two field. The subject site is zoned OS or open space, which allows recreational fields for organized sports through conditional use review. The applicant requested a conditional use master plan, which is a type of conditional use review that allows the improvements to be phased in over a maximum ten year period. I want to note that on this zoning map, which was in effect when this application was submitted, the only environmental overlay zone area on the site is here at the very north end of the property, right about here, and no improvements or work is proposed in this

area. There is a new environmental overlay zone approximately in this area toward the center of the site. But this application is not subject to the new environmental overlay zone because the application was submitted before this went into effect. So this is not a natural area. This is where the existing tennis courts are. But this tennis court area is a depression in the ground that has been identified as a wetland. The school district has already submitted a site development permit application to the city to remove these two tennis courts and to place fill over this wetland that that permit is still under review at this time. Drainage requirements are a big part of that review and state approval is also required to fill a wetland. But like this, conditional use master plan application on that site development permit was submitted before the new environmental overlay zone took effect. Over this area. And since the site development permit doesn't require or trigger any land use review, it's proceeding on a separate path from this land use application. So I think it's important to point out that if this land use review is denied, the school district actually could still continue with the site development permit to place fill here if they chose to do that. These are the approval criteria for a conditional use master plan for criterion a, the hearings officer found the application contains all the components required. Criterion b requires compliance with the conditional use approval criteria, which I'll go over next. And for criterion c, the proposal complies with all applicable zoning regulation except for two adjustments, which the hearings officer approved, which I will go over in a moment. So there are four conditional use approval criteria that apply in the OS zone. Criterion a addresses the character factors listed here on this slide. The hearings officer found this criterion was met. The proposal expands opportunities for outdoor recreation, which is part of the purpose for the OS zone. The majority of the site area will remain as grassy areas and tree groves. Only seven trees would be removed for the project, but the project includes dozens of new

trees to be planted throughout the site. Criterion b is about the adequacy of public services to support the proposal, the Portland bureau of transportation, or pbot, the water bureau, the police and fire bureaus, and the bureau of environmental services, or bws all found public services to be adequate. So the hearings officer found this criterion was met. Criterion c is about livability impacts on the residential neighborhood, specifically in terms of the factors listed here on this slide, the hearings officer found there would be no significant adverse impacts related to any of these factors as the lights around the one lighted field would be turned off by 10 p.m. And there would be very little light spill on neighboring properties when those lights are in use. No public address system would be used and no additional spectator seating is proposed. Criterion d is about the proposals consistency with applicable policies of the southwest community plan. The hearings officer found the proposal was consistent with these policies. The proposal would expand recreation opportunities. Most of the site would remain open and many more trees would be planted than removed. Bees found the watershed would be adequately protected, and pbot found the transportation system was adequate for the proposal, and pbot also recommended a condition of approval, which the hearings officer adopted to require a public walkway connection through the site from southwest 40th to southwest 35th. The applicant also requested two adjustments to zoning code requirements for the project site, and the hearings officer approved both of those. The first adjustment is to modify the landscape buffering requirement on the south side of the existing driveway and parking lot, which is here on this aerial photo and shown here on this photograph, and on the north side of the existing driveway to the north of the school building, which is here on this aerial photo. And right here on this photograph, without this adjustment, the school district would need to plant formal rows of tall shrubs in these two locations

to meet the nonconforming upgrades requirement that construction of the sports fields would trigger for the existing development on the site. The hearings officer found that new shrubs were not necessary in these two locations to meet the purpose of the buffering requirement for vehicle areas. As the second adjustment is to the 50 foot structure height limit. This is to allow the new light poles around the field in the northwest corner of the site to be between 60 and 90ft tall. The hearings officer approved this because the additional height would allow the lights to be aimed more directly downward toward the field, which would minimize the light spill outside the field area. And because new and existing trees would soften views toward the new light poles from neighboring homes. So the hearings officers decision was to approve the conditional use master plan, and both of the adjustment requests, subject to 11 conditions of approval, which are summarized here on this slide. These conditions are intended to control and to mitigate some of the potential impacts of the project, and to require the school district to construct public improvements. In addition to the athletic facilities. So. A few things I'd like to respond to in relation to some of the objections that have been raised about the project. Uh, the hearings officer did find that the proposal was consistent with all aspects of the purpose statement of the os zone that finding was based partly on the fact that a majority of the site area would remain as undeveloped land with grass and trees, and that's not including any of the sports fields, even if those fields were grass. There was also a suggestion that the southwest community plan is not being correctly applied in this case, because the plan includes a policy calling for stormwater runoff volumes to be reduced. So the appellant suggests the application should be denied unless there's less runoff from the artificial turf than there is from the existing grass. Bts has not interpreted this to compare development proposals to greenfield conditions in that way. Certainly, stormwater

management is relevant, but we don't only allow development that has no greater runoff than an undeveloped area. Another way to look at this is to consider if this proposal was for a large school building. In this part of the site, instead of for sports fields, we would require stormwater management to be addressed for the new roof area, but we generally wouldn't require that building to have no greater runoff than a grassy field of the same size. In order to consider that building consistent with the southwest community plan. And there were a lot of comments about technical aspects of grading and stormwater management that some members of the public suggest. The hearing officer did not adequately consider. Uh, one thing that was stated is that a geotechnical report was not submitted. In fact, there was a geotechnical report submitted at the beginning of this process into the land use record. But I want to clarify, the hearings officer did not review and approve all of the technical detail that will ultimately apply. Apply only to construction projects. Um, the hearings officer approved a ten year land use plan that would allow the sports fields to be constructed in the locations the applicant proposed as part of the hearings. Officers decision relied on the fact that bees had evaluated the proposal and found that stormwater runoff can be managed in a way that will protect water quality in the watershed and that will not contribute to flooding. If this project is approved. Uh bees will also review detailed stormwater management plans for each building permit for the project. Uh, the bees reviewer for this application is attending the hearing today. In case there are any questions about the stormwater findings or stormwater recommendations. And finally, I just want to reiterate that this being an on the record hearing, the city attorneys and I will cooperate and try to flag any evidence for you. That's presented that should be discarded because it's new. Uh, thanks very much.

Speaker: All right. Thank you. Now, the appellant will have ten minutes to present. Welcome representatives of the west Portland park neighborhood association. And if you wouldn't mind, if you could just as you speak, if you could introduce yourselves, please. Thank you.

Speaker: Good afternoon. Council. My name is javier. Can you guys hear me? Okay. Yeah

Speaker: Loud and clear.

Speaker: Long time listener. First time caller. Uh good afternoon, council. My name is javier moncada, and I'm the president of the west Portland park neighborhood association. Thank you for considering our appeal. The west Portland park neighborhood association has a long history of community activism to protect watershed health. Our neighborhood sits at the divide of the fanno creek and tryon creek watersheds, with headwater creeks feeding streams flowing into the tualatin river to the west, into the willamette river to the east. Falling creek, which runs through and under the site, is one of those headwaters neighborhood association leaders were co-founders of the tryon creek watershed council in the 1990s, and we advocate successful for successfully for inclusion of the tryon creek linkages in the 1995 metro green spaces bond measure. For many years, parents, parent volunteers taught jackson middle school students how to measure water quality in falling creek. We are not new to the work to protect watershed health. Many of our members were, are and will be parents of students at the jackson middle school. We fully support the goal of improving the facilities at the school. The relevant approval criteria for in this application require that the renovations must not be at the expense of the watershed health or public access to the grounds. The key issue in this appeal proposes installs over seven acres of plastic artificial turf where current conditions are natural grass. We believe that this is inconsistent with

several approval criteria. The key issue in this appeal is the applicant's proposal. The evidence in the record of this application must demonstrate that all approval criteria are met. Each and every approval criteria must be met if even one is not met, and cannot be met by additional conditions of approval, the application must be denied. We believe that this application fails to meet the approval criteria in code section. 33.815.100 for use in the open space zone section d area plans, which states the proposal is consistent with any area plans adopted by the council as part of the comprehensive plan, such as neighborhood or community plans. The hearings officer determined that the southwest community plan policies and objectives are relevant. Approval criteria. We agree. The southwest community plan parks, recreation and open space policy objectives. Two requires preserve natural areas for wildlife habitat and habitat. Environmental and scenic views. While grass is not a native vegetation, it is a natural plant that provides wildlife, habitat and environmental values. Grass filters, stormwater removal, removing pollutants, and takes in surface water and releases it into release, uses it as natural vapors. Grass stays cool in the summer. Is habitat for invertebrate and insects and filters residue from dog waste left on the surface. Plastic surf plastic turf provides none of those benefits. It is extremely hot in the summer, which is a huge concern given both global warming and the lessening of temperatures as pollutants of concerns in the tryon creek watersheds. Fecal material draining through it will add to the e coli load, which is also listed in the tryon creek. My kids play soccer on this and they get burned when they play on on on astroturf, southwest community plan, watershed policy objective one a requires preventing any degradation. Desegregating of water quality, aquatic and streamlined plants and animal habitats and ecosystems. Channel stability and watershed health. Section one c requires reduced volume, velocity, pollutant load of stormwater runoff, entering streams, and one d

mandates improved dry seasonal stream flows, particularly in headwater areas. Compared with current conditions. The proposal, if approved, will not comply with these policies and objectives. The hearings officer claims on page six regarding pollution in the watershed. Some comments mentioned pollution in the tryon creek watershed, and speculates that the jackson middle school site is filtered site for these contaminants. The hearings officer finds no evidence in the record, which suggests that there is pollution in the larger watershed that is filtered on this site. This argument misses the point that there is currently no artificial turf on this site. The proposal, if approved, will introduce more than seven acres of plastic to this site. Documents in the record cite studies showing that artificial turf leaches microplastics. Into the total. Total suspended solids. The hearings officer asserts on page eight of this decision, quote, the selection of this turf product will be required to comply with an operational and water quality and quantity standards of the city of Portland, uh, which is from the stormwater manual. Stormwater management manual, unquote. The end and indeed, the applicant proposes that as a condition of approval after the neighborhood association and the tryon creek watershed council documented concerns about water quality, condition j requiring a stormwater management plan that complies with all the applicable water quality and water quantity requirements that include total, maximum, daily loads of the stormwater management manual. The problem with this condition is that it does not ensure for the policies of the southwest community plan. Uh are met. The stormwater management manual requires water quality treatment to remove only 70% of the total suspended solids, allowing 30% of the newly introduced microplastic leaching from the turf to flow into falling creek and will increase water pollution, not decrease, not decreasing it as required by the southwest community plan. Watershed policy and objectives. Southwest community plan. Watershed

policy objective for promote maintenance and restoration of the urban forest and use of native vegetation in headwater areas with the upland forest and along riparian and stream corridors. This is a particularly important given that this is falling creek, headwater area. The fact that the creek is buried in a pipe below the sports field is irrelevant. It's still a stream corridor and surface waters, both before and after the pipe. Bluegrass is not native vegetation, it is vegetation. Artificial turf is neither native or vegetation. It provides no environmental, no environmental benefit. Uh, the fact that this is part of falling creek headwaters is relevant to the stormwater management manner. Requirements. Standard. 1.3.4. Level one. Groundwater separation requirements, which requires new surface infiltration facilities. Are required to have a minimum separation distance of five feet between the bottom of the facility and the seasonal high groundwater level, unless otherwise approved by biz, the groundwater level is at the surface during the rainy season. The application often cites that the mud and poor drainage as a as a reason to switch to artificial turf. The stormwater draining from uphill areas to the west flows to falling creek, where it would be if it hasn't. If it wasn't in the pipe, the standards won't be met. The stormwater management manual refers to vegetated, stormwater treated facilities, yet none are proposed. The manual states in section. 1.3.2, facility selection, vegetation and infiltration. And I quote the city stormwater management approaches approach prioritizes vegetation and infiltration to meet stormwater requirements and to maximize environmental systems and urban design benefits. Designers must evaluate and use vegetation and infiltration facilities to use maximum um, extended practicality, vegetation and infiltration to provide numerous environmental benefits. Vegetation and infiltration facilities in the built environmental minimizes the environments to of development or natural resources, and the city's built storm systems. There are also more resilient than

other stormwater management methods, i.e. Example, structural detention facilities or manufactured treatments to changes in hydrology are anticipated due to climate change. Vegetation provides habitat for wildlife and scenic esthetics and health benefits for humans. Infiltration of stormwater provides hydraulic hydrological benefits. Uh better mimicking natural hydrological hydrological processes. Recharging groundwater, providing summer based flows and streams, and reducing downstream flooding. The combination of soils, plants and biological activity and vegetated facilities remove stormwater volumes through retention and evaporation. Evapo transpiration and filters, and that degrade pollutants, keeping them in the city system and the natural environment. End quote. The application has not demonstrated that the proposal can comply with the stormwater management plan. It fails to prove that such southwest community plan policies and objectives are, or can be met in the evidence in the record, the application must be denied. Thank you. Um, I'd like to keep the rest of my time to the move the rest of my time to the rebuttal. Uh, amanda fritz, vice president of west Portland park neighbor association. We'll be doing the rebuttal statement. Thank you.

Speaker: All right. Thank you. And by that, I assume you mean after the testimony. Is that correct? She'll be coming at the end. Yes, sir. Okay, good. Uh, so then now we'll hear testimony from supporters of the appellant. That means people who largely agree. With what javier just said. Keelan. How many testifiers in support of the appellant do we have signed up today?

Speaker: Uh, we have 22 signed up, 22 signed up.

Speaker: All right. And, uh, it is a requirement of this process that each person have three minutes to speak and no longer for. Uh, i'll go ahead and let you Keelan call on individuals three minutes each. And please just state your name for the record. You do not need to state your address.

Speaker: Thank you. Mayor. First up we have alexis barton.

Speaker: Hi there. Give me just a moment to get my screen set up, please. Thank you. Um, hello. Um, my. Name is alexis. I'm the coordinator for the nonprofit tryon creek watershed council. And as you've heard. Um, stormwater in this project is falling creek. So as you saw in this screenshot there of the zoning map falling creek flows above ground before or entering the pipe that runs under a cross campus. And downstream, it directly becomes tryon creek. So in watersheds, what happens upstream affects what happens downstream and downstream. Here is the creek with a really healthy coastal cutthroat trout population. And which we together meaning the city of Portland and partners such as nonprofits are together working to reopen access for endangered salmon into um this application has been able to proceed regardless of the current zones that span the site and demonstrate that what we all know that there is a wetland and a creek here. We know that this isn't enforceable here, but this overarching piece is worth saying because it underscores the necessity of your really examining critically if these specific environmental concerns are satisfied. We don't think that they are. You'll hear more from our board members and others with specificity. To this end, the southwest community plan, which is, um, valid and relevant to this project as approval criteria, it says to prevent. Net degradation of water quality, to minimize risk, to public safety, private property and public infrastructure, and to reduce runoff pollutant loads. What we're looking at is instead, the addition of seven acres of plastic, which will introduce a pollutant load and is paired with an insufficient stormwater filtration system. All of this is weighted on top of the conveyance pipe. The pipe that moves falling creek through the property and is known to be in disrepair. The stormwater systems engineers and company have shared concerns about the ineffective use of their cartridges that are planned in this project, and the pipe itself is just stated as

in a known state of disrepair, and it runs alongside the sewer pipe which would already be replaced if this project proceeds. So when we say that we only need to avoid net degradation for a system that's already degraded or functioning poorly, it's just going to perpetuate the existing inadequacies, right? This is why we feel that the hearings officer erred too heavily in, um, excuse me, erred in relying too heavily on the stormwater management manual. Um, when it doesn't meet the policies of the southwest community plan, which are required approval criteria. Um, the suggested conditional uses that you'll hear today are logical and imperative. When we know better, we do better. Um, we know we should do better. Per the zones and watershed science and the southwest community plan is what provides you with the authority to do better here. Thank you. Next up we have rebecca crosby.

Speaker: Good afternoon. Um, thanks for taking the time. Can you all hear me?

Speaker: Okay, great.

Speaker: Can you see me?

Speaker: No, you can't.

Speaker: Okay, I can see my camera's not coming on for some reason, but I'm just going to go ahead and, um. Um, I'm with the watershed council as well. My name is rebecca crosby. I've. Been a board member with the friends of tryon creek in the past, and I'm currently on the tryon creek watershed council. I've lived in this area for a long time, and so I have an appreciation for the importance of protecting our streams and tributaries that feed into tryon creek. I don't I know there's a lot of people that want to testify today. Um, I did want to talk about the, um, the pipe that moves falling creek under the jackson field and jackson middle school field. Because I think it's important that the average, uh, synthetic turf can have as much as 40,000 pounds of plastic carpet and 400,000 pounds of infill. And I have concerns that this weight that is going to be placed on top of an aging pipe would further

degrade the pipe. Um, that moves the water. Um a falling creek underneath Jackson middle school. Um and I also have concerns with Portland public school moving forward using old science when they're supposed to be. I feel like Portland public school should be using best scientific practices moving forward. They're an educational institution, and I think it's incumbent that we make choices that help support the environment. Um, it's important that we that the water doesn't get contaminated with microbial plastics. And this and I submitted testimony, um, to the hearings officer on this and, um, and I there's a lot of people talking about the that the need to use the fields for the athletics, but while in one season, maybe the fields are getting too wet. Um, in a different season, the fields are going to be too hot. And one way to cool fields down artificial turf when it gets so hot is with water. Um, and or providing shade, whereas natural grass turf, um, doesn't get too hot in the sun and doesn't really need to be watered in the summertime because it just will come back, uh, in the fall when the rains come. Thank you for your time.

Speaker: Thanks. Um, we have Betty McCardle.

Speaker: Good afternoon. My name is Betty McCardle. I have lived in this neighborhood for 43 years and own my own home. Pertinent to this testimony, I have more than 30 years of experience working on environmental issues. I fully support West Portland Park Neighborhood Association's appeal. The hearings officer erred when claiming the applicant demonstrated compliance with relevant approval criteria for the open space zone. He limited his focus to opportunities for outdoor recreation. The 33.100 .010 open space zone purpose statement lists seven purposes for the zone. The hearings officer ignored preserving scenic qualities, protecting sensitive or fragile environmental areas, enhancing and protecting the values and functions of trees, and preserving the capacity and water quality of the stormwater drainage system. The hearings officer describes phase

two as regrade adding two existing soccer fields in the southwest part of the site, with natural turf or synthetic turf to accommodate overlapping softball and soccer fields. The assertion that Portland school's proposed development is a field improvement and or replacement project is a misrepresentation of facts concerning the development as a whole. Exhibit a 18 and stormwater report. Exhibit a 21 show. Phase two asks to develop three new sports fields using synthetic turf. These fields do not currently exist and are therefore not improvements or enhancements. This. This application relies on separating the phase two ball fields and tennis courts from the associated site development permit. The hearings officer erred by not reviewing and comparing the comp site plan for phase two with the associated site development plans for the tennis courts. The applicant seeks to separate the two, but this is a site master plan. All proposed development should be included in your evaluation. We all want more sports fields for kids organized sports and an area for neighbors to go for a walk or enjoy a pickup game of softball. But this proposal is not the right way to do it. Thank you. And I reserve my additional time for the rebuttal. Next up, uh, lynn anderson.

Speaker: Hi, my name is lynn anderson and I've lived next door to jackson middle school for over 50 years.

Speaker: The hearings officer errors by conflating recreational fields for organized sports with open space, outdoor recreation, and not applying the full scope of open space, environmental protection. Referencing table 101, an open space primary uses 33, 100, 100 b2 designates recreational fields for organized sports as an accessory use for special with special limitations under 3003, 924, 60 parks and open areas and it must be consistent with 33,100 open space. Purpose and primary use. Desired and natural character and accessory use of 33, nine, ten. The

definitions is subordinate to the primary use of protecting sensitive or fragile environmental areas. Sports fields are secondary and non-essential when considered in the context of the open space. Purpose and primary use. Prioritizing the natural environment and ecological functioning of the ecosystem. The primary use of the open space zone specifies the intention is preserving and enhancing open and natural areas in relation to providing opportunities for outdoor recreation by protecting sensitive or fragile environmental areas and scenic qualities, and to preserve the capacity and water quality of the stormwater drainage system. Bts clearly establishes the significant functional value of falling creek, integral to the greater tryon creek watershed. In their pre-application response, noting, quote, falling creek, a headwater to tryon creek, is piped and runs south to north underneath the current fields, and it states the creek has highly significant resource value. The primary use, and the purpose of 33 110 open space criteria does not stipulate that protecting sensitive or fragile environmental areas is only applicable to environmental overlays. Rather, it broadly commands the protection of sensitive or fragile environmental areas. Bds pre-application responds existing exhibit 130 requires ps to address 33 815 conditional use review stipulate quote for approval criterion a character and impacts. Please refer to the purpose statement for the open space zone in 33 110. Note that protecting sensitive environmental areas is part of the purpose of the open space zone, so please explain how impacts to environmental resources will be minimized and or mitigated, even if resources are not protected by a city environmental overlay zone at the time of your application. An adequate response to this criterion should also explain how the proposal minimizes and retains an open, natural character for the site, and the application does not do that. Thank you. And any time I have left over would go to rebuttal.

Speaker: And Keelan can I just make a clarification here with folks? Um the don't don't necessarily rush through your testimony with the expectation that time goes to rebuttal. It doesn't doesn't work that way. You get up to three minutes and you can use the three minutes or not use the three minutes. But nobody else gets to use your three minutes. I just want to be really clear on that point.

Speaker: Next up we have madeline dingo.

Speaker: Um, hello? Can you hear me?

Speaker: Yeah, we hear you. You sound good. Okay, okay.

Speaker: Thank you. My name is madeline dingo, and I'm a longtime resident of west Portland park. Uh bts. And exhibit a five, which was from our, uh, from testimony in the, uh, session with the hearings officer required a geotechnical letter providing an assessment of fill placement, demonstrating the impact that fill surcharge loads would have on the existing bhs gravity sewer line that bisects the jackson site, as well as site grading plans and engineering calculations of cut and fill volumes. Bts also required a geotechnical report with recommendations for fill placement and compaction, retaining wall design and foundation and or excavation stability and shoring. This letter and report were not submitted into the record. Both bts and bess notifications and necessary requirements indicate the impact that development in both phases one and two will have on the open space, fragile and sensitive environmental area of the wetland and falling creek. As a headwater to the tryon creek watershed. Yet the evidence in the record does not include this information. Parks and open areas 33 920460 require requires quote focusing on natural areas. Large areas consisting mostly of vegetative landscaping or outdoor recreation. Community gardens or public squares. Close quote exhibit 133 referenced um in that earlier testimony with the hearings officer quotes the comprehensive plan in interpreting and applying language in context of land use

designation for open space is intended to promote entertaining and leisure within an unobstructed open space, promoting and sustaining ecological process is supporting life system and maintaining the balance of species and the ecosystem. Um. Close quote. The comprehensive plan is clear that leisure entertainment must also promote and sustain ecological processes, thus supporting life systems and maintaining the balance of species and ecosystem. The ecosystem. Um, it does not just say define these, um, define it as sports recreation in this application does not do that. Uh, thank you very much.

Speaker: Next up we have megan farrell. Hi

Speaker: My name is megan farrell. And I live in the west Portland park area near jackson middle school. Coinciding with exhibit 141, exhibit 142 entails team communications regarding tennis, court site development between bds site development engineer and bts planning development planning, which clearly identifies bts, did not conduct the proper site development review prior to approval. I'll refer to pertinent exhibit documents 136 through 146 and 154 through 158. Bds engineer quote. Any who knew. Surprise greet mckenzie has submitted an sd permit application for site grading on middle jackson middle school, southwest corner. It's for removal of a tennis court in the southwest corner of the campus grounds. However, they are showing cuts along the west property line slopes and filling to the east. According to their drawings, about 3700yd³ of new fill will be placed at it looks like fill will be placed over both the utility easement as well as the private storm sewer alignments. Don't we need the conditional land use review completed and approved before we start approving grading permits for the site, unquote. Be is planning quote. Oh, I'm not sure about the timing. I did talk with bts development who reviewed site development permit for the removal of the tennis courts, but he said there was no grading proposed for the southwest corner,

unquote. Bds engineer quote. Yeah there's a table on their drawing showing how much fill is to be placed. It's either 3700 or 4100yd³, and they're showing new contour lines over the alignment areas. It looks like cutting along the west property line slopes and filling within that low area east of the same property line, unquote. Biz planning, quote. Looks like james approved from bs with these notes. Grading show minimal increase. Approximately one foot in grade in area over existing bs sanitary main unquote bds engineer quote okay, sounds like bs doesn't care, but the site development and land use came in on the very same day. I'm guessing they are jumping the gun on the sd and hopefully they don't go from 1 to 2ft of fill to ten feet. Once they have their grading permit for minor filling in hand and smiley face emoji, eye winky face emoji emoji I probably still need to check with andrew galizia as they are also calling out 440yd³ of fill to be placed within in, quote, wetland areas. As I recall, filling within wetland areas requires a conditional land use review, unquote bs planning. Quote yeah, their entire goal in submitting this early was to get it in before the new environmental zone map protection code went to into effect on ten one 2022. Now they are vested in the previous code, which does not have environmental zone on it. The map correction put e zone over the wetlands. I talked to andrew galizia about it too, but not the planning and zoning reviewer for the site development permit unquote. Thank you.

Speaker: Next up we have nicole.

Speaker: Oh.

Speaker: Hi. My name is nicole al. I live in the west Portland park area near jackson middle school. Uh, this actually, what I'm going to read goes with what megan farrell just read exhibit. This is exhibit 141, which goes with exhibit 142. Uh, testimony. Exhibit 141 entails internal communication regarding associated tennis court site development between bts development review team and bts

development planning. The required site review is not conducted prior to bts approval. The following communications were received through public records. Request email subject jackson middle school tennis court demo September 28th, 2022. Review staff quote. Hi, I read your comments regarding the private storm sewer that crosses this lot and the potential for a wetland designation. I am not sure if I have reason to hold them up on this demo permit. It would make sense to me if there was development on this permit that would be impacting the drainage area, but I can't complete the argument for calling out a drainage reserve when the scope of work in this case will be restoring the site closer to a pre-developed condition. I reviewed the grading plan and section and they are doing two minor things one minimally increasing. The grade over bts sanitary main by approximately one foot. Not a typical concern for bhs maintenance engineering and two adding a catch basin in the area of demolished courts to drain the reseeded natural area to the existing private storm sewer. I am curious to see what is being discussed and make sure that we don't have a reason to cite this permit for more submittal requirements, let me know what you think. Unquote from planning staff. Quote. Hi there are a couple of layers to this situation in the zone. Correction map goes into effect on ten 122, which will put an environmental protection zone overlay on that wetland. If rps gets there sd permit in before ten one. They could potentially fill the wetland and apply later to remove the protection overlay. So I think that is why we are seeing this sd permit now, if the sd permit involves filling the wetland, then dsl should be involved, but that is up to the bts planner to recognize. Here is what I know about the storm pipe. We tried it not too long ago and found that it is in major disrepair. If I was rps, I would definitely want to check that there is no risk for sinkholes or anything before placing new fields over the top where kids are playing, and it seems like it would also be in their best interest to investigate this before

grading or operating any heavy machinery over the pipe. Because the pipe is not in good condition, it poses a risk. But I didn't get the feeling that rps fully grasps it's their responsibility. My notes were to emphasize the current state of the pipe and its potential, risk and hope they are taking that into account as they plan their project, unquote. Thank you. Next up we have Leah Peters, an.

Speaker: Hello. My name is Leah Peterson, and I grew up next to Jackson Middle School. The BS and BDS communication lines are of major concern regarding the conditional use master plan approval. Falling Creek is on EPA's impaired waters list and RPS Phase Two is dependent upon the tennis court site development permit to fill and grade the wetland and add drainage reserve. Exhibits in the record indicate that Phase Two will lead to the development of new sports fields that do not currently exist, as well as two new tennis courts. This is not restoring the site closer to a pre-developed condition, nor is it reseeded and increasing the grade by just one foot over the sanitary sewer. In fact, more fill is proposed. Exhibits 154 through 158 outline filling more than 1 to 2ft of the wetland area. The revised stormwater report exhibit A 21, outlines the development of the synthetic turf fields for Phase Two, adding an additional 3.5 acres of artificial surfaces that will drain into the stormwater after discharging microplastics into Falling Creek, RPS claims the tennis court site development will remove tennis courts and do associated grading and reseeded of slopes. In fact, the Phase Two proposal is to fill the wetland to build two new tennis courts and install three new synthetic turf sports fields, BS notes concern regarding the timing of the site development permit and this land use review, and for the proper review, not being completed before an approval. All BS and BDS issued critical submittal requirements on 10/22, requiring RPS to submit dewatering plans on site, contaminate reports, erosion, sediment pollution, pollutant control plans, and to clarify fill quantities. However, BS had already

approved the site development and rps never provided the required reports in exhibit a 12 holly consulting states if cut or fill slopes, greater than four feet in height are planned, pauli consulting should be contacted for additional geotechnical evaluation in cut and fill slopes should be planted with appropriate vegetation to provide protection against erosion. Rts phase two intends to construct artificial surfaces, placing tennis courts and three new synthetic turf sports fields, and cut and fill slopes. Not vegetation. Thank you.

Speaker: Next up we have theresa peterson.

Speaker: Hi, my name is theresa peterson. Home owner and falling creek goes along two sides of my property grading the slope topography in phase two and filling the wetland and drainage reserve will drain, radically alter the ecological functioning of the natural environment, producing significant detrimental environmental impacts that will also compromise eis and risk the collapse and failure of the falling creek stormwater pipe in impacting upstream and downstream neighborhood properties, as well as the falling creek headwaters contribution to the tryon creek watershed. The tennis court phase two development site will cause the significant detrimental impact due to the grading and destruction of the wetlands that serve a vital part in the watershed. Staff identified their concerns in their internal community relations that you heard, emphasizing the potential risk for sinkholes. The site development permit should have been required to be listed in the condition, use master plan. For polly consult, noted. Consulting indicates that based on information from mckenzie, ps, we estimate that grading for the site will be limited to cuts and fills of less than four feet. The existing culvert refers to falling creek should also be evaluated, and the evaluation should include videotaping the line for its full full length areas of damage or that are in poor condition should be repaired prior to further grading. Prior to further grading or placement of structural

fill. Based on this documentation and the evidence in the record, if the applicant is approved, there should be a condition of approval requiring a maximum of one foot of fill to be allowed over the sanitary and stormwater pipes and no more than four feet of fill on any area of the site. The hearing officer erred by not enforcing 33 to 62 100 c document in advance, which would have required a hired expert evaluation and expert opinion certified by a registered engineer here that the proposed activity can achieve the off site impact standards in question. Thank you.

Speaker: Next, we have Bill Dent. Bill, you're muted.

Speaker: Sorry about that. Can you hear me now?

Speaker: Yep. Hey, Bill, okay.

Speaker: Thank you. Mayor Wheeler and council members for taking the time to hear from us today. My name is Bill Dent. The application is missing. Key information condition use approval criteria 33 827 d components of a master plan stipulates the site plan must meet the application requirements in 33, seven, 36 dc and must include all improvements planned in conjunction with the proposed use part j. Other discretionary review stipulate when design review or other required reviews are also being requested. The master plan must specifically state which phases or proposals the reviews apply to. The plan must explain and provide enough detail on how the proposals comply with the approval criteria for the review. Application requirements. The applicant is responsible for the accuracy of all information submitted, a complete application for all land review, all land use reviews consists of all the materials listed, and the applicant is required to submit a written statement that includes the following items a complete list of all land use reviews requested, and a complete description of the proposal, including existing and proposed changes or uses to the site. A description of how all approval criteria for the land use reviews are met. Additional information needed to understand the

proposal or requested at the pre-application conference. The tennis court site development permit is pertinent to the phase two development and will significantly alter the entire ecological functioning of the wetland and drainage reserve. Not only does this place the falling creek stormwater pipe at risk for collapse and failure impacting upstream and downstream properties, but it will also devastate the sensitive falling creek ecosystem by conveying and discharging synthetic turf wastewater into the epa listed impaired headwater of tryon creek watershed. It should have been included in the conditional use master plan. Ps failed to submit a complete list of all land use reviews requested, omitting the tennis court site development permit, which phase two is dependent upon while adamantly denying its relevance during the conditional use master plan, hearing. When it was brought up, ps further ignored, providing full and accurate descriptions fail to substantially address all approval criteria for the land use and failed to submit required reports and data when notified and instructed to do so. So, pursuant to 33 seven 3650 application requirements ps conditional use master plan application should be considered incomplete and the land use review denied. Thank you for listening. Next up we have kathy petit.

Speaker: Hi, my name is kathy petit and this is my first time testifying anywhere except the previous hearing.

Speaker: Um, thank you for listening. Um, one of the hearing findings was in the decision letter was that the southwest Portland community plan applied to the rps conditional use master plan. Um, I note that in the rps presentation today, there's a slide that shows the south west Portland community plan. But one slide isn't what the intent was. According to the general rules for administration, enforcement of land use, um, the community plan should take precedence for and be accounted for early in the process of a plan like the jackson middle classes site. Um, this is per.

33.700 070e. Um, I'm an engineer here, not a lawyer. Um but my understanding means that the southwest community plan should be, um, paid attention to. And the context and the development of this open space should should take in account the community that's going to reside in the jackson site plan. And the land use decision then airs by adopting the bds. Report in its entire city and enables Portland public schools to avoid defining how phase two of will be consistent with the southwest community plan for open parks, recreation and open space, as well as watershed concerns and then further says that the property doesn't ring count as a significant wildlife habitat, environment or scenic site. Bts then finally claims that falling creek, a year round waterway, is a storm drain. This ignores the relationship of the jms site to tryon creek watershed and the impact of the proposed development on the downstream state park. Um bds identifies as falling creek as a highly sensitive, significant resource and value as a headwater to tryon creek, I raised kids in the Portland school districts. I know we need better schools playing fields. I would prefer them to be artificial or not be artificial, but rather be natural turf. It fits the direction our entire world is headed, and I would like ps proposal to respect our community efforts to protect our stream, to provide open access for all uses of the school property, and to enhance the overall natural habitat. I think appropriate compromise is in order and I would like the council to consider a middle ground. Thank you very much for your time. I appreciate this very much. Next. Up we have peter limbaugh.

Speaker: Hello, my name is peter limbaugh and I live adjacent to the jackson middle school concerning falling creek and taiwan creek water quality bts exhibits e one and g two inform the storm sewer contains the flow of falling creek running across the subject property. Bts has discovered significant structural issues with the storm pipe in very poor condition. Bhs recommends a robust analysis of the pipe

condition to identify how proposed grade and future development will impact the structural integrity of the pipe, and highly recommends rps consider potential risks associated with the pipe prior to construction to confirm that the pipe will continue to convey upstream flow. The evidence does not contain this analysis. Bds exhibit g two requires rps to address approval. Criterion 33.815.100. A use is in open space. This. Will require a discussion of environmental resources and water quality. Even though the project is vested against the new environmental zones. Map and further advising ps two quote. Discuss compliance with Oregon division of state lands requirements for wetlands. Considering phase two and the tennis courts site development. The application does not provide the wetland investigation or the uh or the of division of state lands determination, where where the division of state lands notify as required statute requires state lands to be notified within five days of submitting permit request eight regarding regarding stormwater design, exhibit e one alerts rps quote ds has concerns about the weight of rocks over the existing sanitary sewer main unquote neighbors ask what about the concerns of the weight of rock over the stormwater pipe? The evidence does not assess the impact of rock or fill on the stormwater pipe as outlined in exhibits two, 022, three five and 249. The national oceanic and atmospheric administration, along with a growing body of research couch, substantiate the long time harmful effects and toxicity of microplastic pollutants in soil, waterways, in the air. This research notes how microplastics act a lot like crumb rubber as they're made from the same crude oil and petroleum based byproducts, all of which are harmful pollutants to the environment when discharged into stormwater and waterways. For wildlife and aquatic organisms, as well as human exposure, filtering. Filtering, the micro toxic pollutants is nearly impossible. As well as posing problems for the effectiveness and effectiveness of stormwater designs becoming clogged by microparticles and

the accumulate bacteria transmitted into soil and water and onto aquatic organisms, which bioaccumulate compliance with the stormwater management manual will not ensure no increase in this pollutant. Thank you for your time.

Speaker: Next up we have Gary. Randy. Hello

Speaker: Can you hear me? By my name.

Speaker: Sound good?

Speaker: Yeah. Okay.

Speaker: Yeah. Uh I'm. My name is Gary. Randy longtime resident of West Portland Park. The application fails to comply with the required standards of 17.38 drainage and water quality, and 17.39 .040 prohibited discharges. Number four and ten, regarding heat and sediments. Developing eight acres of synthetic turf increases eight acres of artificial surfaces, introducing pollution to the watershed discharge, charging synthetic turf, wastewater, water laden with microplastics derived from crude oil and petroleum byproducts into falling creek can constitute discharging heat and sediment pollutants as. The adopted comprehensive plan calls out that urban heat island effect define and by a measurable increase in ambient urban air temperatures resulting primarily from the replacement of vegetation and other heat absorbing infrastructure, which result in significant temperature differences. Evidence in the record documents the heat impacts of artificial turf. Furthermore, the southwest community plans watershed mandates are, to quote, prevent any net degradation of water quality. And aquatic and streamside plant and animal habitats, and eco systems. Channel stability or watershed health to minimize risk to public safety. Private property, and public infrastructure, and to reduce the volume velocity and pollute load of stormwater runoff entering systems, unquote. Southwest community plans. Core values are to quote, to maintain water quality and quantity, aquatic and streamside plant and animal habitats, and ecosystems,

soil stream and slope stability, and scenic educational and recreational values of southwest Portland's natural areas and streams. End quote. The application fails to demonstrate compliance with the comprehensive plan and southwest community plan. Watershed policies. Thank you for my for my time. That's it.

Speaker: All right. Uh, next up, we have rochelle steinberg . Not seeing. Oh, wait, there we go.

Speaker: Unmute. Sorry let me let's try that again. My name is rochelle steinberg and I am a homeowner adjacent to jackson middle school. The evidence does not contain the required water quality and hydrology calculations for phase two. In the revised stormwater report also omitted accurate cut and fill calculations and quantities concerning both sanitary sewer and falling creek stormwater pipes without water quality reports. How can the wastewater design demonstrate pre and post pollutant reduction to meet criteria for tmdl in wastewater runoff into falling creek without a water quality report, what is the stream quality without phase two? Hydrology reports? How can the volume of control flow control be determined? Phase two topography and wetland and drainage reserve are completely different from phase one and cannot rely on phase one calculations. Discrepancies between cut and fill quantities in different submittals could result in structural damage of the stormwater pipe, conveying falling creek under the site. These issues could produce significant adverse impacts, exacerbating and increasing current flooding of adjacent property is the hazardous impact of synthetic turf. Microplastics on the watershed, as well as the poor condition of the falling creek stormwater pipe and its capacity to sustain surcharge loads of phase two construction without collapse are safety issues. The proposal will cause increase risk for flooding to upstream and or downstream adjacent property, as well as devastating disturbance to the earth and sloped topography, raising

concerns about site stability. The hearings officer erred by permitting rps to ignore the full scope of 33 815 100 c2 to stipulate that proposals will not have significant adverse impacts on the livability of nearby residential zoned lands due to safety issues, as well as failing to submit the required signed statement from an engineer. So certifying that all offsite impact standards in 33 to 62 100 can be met. Thank you. Next. Up we have andrew.

Speaker: Hebra. Hi. My name is cevre andrew and I am a longtime neighbor to jms site does not meet the required burden of proof to demonstrate they have met all the applicable criteria. Code requires addressing issues that will impose significant impacts on the surrounding area and environment. And I please ask council to review the video exhibit introduced into the record for an accurate view of the site character of phase two and the wetland topography. To really appreciate the fragile and sensitive environment that is here. That bts photos actually distort and fail to show evidence introduced into the record demonstrates the overlay. Alarming discrepancies within Portland public schools conditional land use application and their tennis court site development plans to develop the wetland and drainage reserve, both phase one and phase two, with the associated tennis court site development, clearly posed significant impacts to falling creek. Adjacent properties and tryon creek watershed. The hearings officer has erred allowing rps to narrowly focus only on open space outdoor recreation for a small group of youth to who play sports at the expense of others and the natural environment. Rps exhibit 18 claims, quote, the facilities at the jackson school site serve as predominantly local population of students and families, and the proposal will allow improvements to enhance its ability to serve the primary group of users, unquote. This is a misrepresentation of primary users regarding desired character and primary purpose of open space. To access the jms natural area for outdoor recreation

applies a very narrow perspective of who characterizes the primary group of users as adjacent homeowners and fellow west park neighbors are a diverse community of predominantly retired seniors and a prominent hockey community that frequent the jms site daily to walk and enjoy the natural environment who are in the proximity of safety and off site impacts as well. The hearings officer errs by not applying comprehensive plan three g and three four to enhance habitat, preserve natural resources and ecosystem and direct built environs to provide safe, healthful and attractive environment for people of all ages and abilities. A plan goal five dictates um state planning. Goal five dictates local governments will protect natural resources and open space resources for present and future generations. Goal eight defines open space recreation as protected natural environment land retained in a substantially natural condition. Neighbor ours that we gather today to speak to criteria to defend our open space as if our lives depend on it. Because our lives depend on it. Please deny rps land use development rps does not even meet the city's climate change endeavors. I thank you for your time and your consideration.

Speaker: Next up we have sharon keith.

Speaker: My name is sharon keith.

Speaker: This testimony is in my capacity as a tryon creek watershed council board member, not as a city of Portland employee. This application must be denied for not meeting the approval criteria of southwest community plan. Watershed policy objective one c reduce the volume, velocity and pollutant load of stormwater runoff entering streams. The proposed filtration system does not remove per and polyfluoroalkyl substances. Pfas is known as forever chemicals found in artificial turf that have been linked to environmental health issues. The manufacturer advises that the solution is to remove these products from the consumer supply chain and ensure that they never make their way to the aquatic environment to

begin with. The current poor condition of the Jackson middle school athletic fields is due to lack of maintenance. The same disregard for maintenance of a filtration system is a reasonable expectation. The manufacturer admits the dismal track record with maintenance of their filtration systems is a problem, and that the vast majority of their installed stormwater filtration systems are in various states of neglect and in need of maintenance. When they're not properly maintained, runoff that is intended to be treated is bypassed downstream. Direct into receiving waters. In October 2023, Portland City Council approved an ordinance to authorize application to the National Oceanic and Atmospheric Administration for a \$20 million grant as a partner in a \$50 million project intended to bring salmon into the watershed, where a high quality spawning and rearing habitat exists. This follows the city's \$8.8 million investment to eliminate a fish passage barrier under Southwest Boones Ferry Road. This proposal would diminish the current high quality salmon habitat, and is contrary to those investments. The hearing officer failed to consider the Southwest Community Plan Watershed Policy Objective One C the inability of the proposed filtration system to filter known PFAS pollution associated with artificial turf, and lack of a plan to maintain the filtration system to ensure it filters anything. Thank you.

Speaker: Next up we have Marianne Fitzgerald.

Speaker: Thank you. Good afternoon. Uh, my name is Marianne Fitzgerald. And I'm the president of Crestwood Neighborhood Association, which is within the Jackson middle school attendance area. Our neighborhood children use the Jackson middle school facilities. We strongly support the West Portland Park Neighborhood Association's appeal and urge you to grant the appeal and overturn the hearing officer's approval of the conditional use master plan for the following reasons. You've already heard a lot of testimony about the many negative impacts

associated with the use of synthetic turf on athletic fields, and how the Portland public schools proposal fails to meet the approval criteria in code and code, and we strongly agree. Falling creek is a tributary near the headwaters of fanno creek of tryon creek and tryon creek's watershed. Health today is considered low. The proposal will not improve water quality and is very likely to make it worse. Uh, there's a few other issues that haven't been raised yet that we addressed in our written testimony previously. Um, including, uh, parking and access to the fields and bathrooms. Um, the hearings officer decided that a parking lot five blocks away, um, you know, the fields are near southwest 40th and the, um, the parking lots near southwest 35th is okay for little kids, grandmas and families to get from the parking lot to the athletic fields. Um, pbot a condition of approval requires a walkway, but that should be modified so that it includes bicycle facility or a multi-use path and bike parking near the athletic fields to better improve access. Um, rather than requiring people to drive a car and park on the street like they do today. Um, we also note that the proposal, um, includes a sewer pipe, but no proposal for bathrooms. We don't want these little kids peeing in the fields. We want them to have a Portland loo or some other facility on site that will support the expanded use of these fields. And we want you to take a closer look at how the city of Portland can better support recreation facilities, open space, and environmental protection through the land use process. These are not mutually exclusive. Portland public schools should use this opportunity to teach our children how we can better protect the environment, the climate and natural resources as part of new development in Portland. We urge you to grant the appeal and overturn the hearings. Officer approval of the conditional use plan. This is not about whether we need fields. This is about whether the plan supports the health of our children and the environment. And you, the members of the Portland City Council, must do your

part to protect the planet while supporting new development in the future. Thank you.

Speaker: Next up we have amanda fritz.

Speaker: Uh, good afternoon council, I'm amanda fritz, testifying for myself. I support improving sports facilities at the school. The approval criteria require that the renovation must not be at the expense of watershed health. Safety or public access to the grounds. The application fails to meet the southwest community plan. Watershed policies. Tryon creek is a listed watershed with federally mandated protections.

Speaker: Mr. Fritz, could I could I get you to stop for one moment? Linly go ahead.

Speaker: And I apologize. Former commissioner fritz. But what I had heard that you were going to be identified as the person providing rebuttal as as the appellant. And I wanted to make sure because ms. Um you can't be in both roles as an appellant and as a supporter of the appellant because that would require us to provide additional time to the applicant. So I wanted to make sure before you before you gave this testimony that you were not planning to give the rebuttal presentation. I apologize, I didn't know that, um, I am planning to do the rebuttal.

Speaker: And so i'll combine my testimony with the neighborhood association. Sorry about that.

Speaker: Okay. Thank you. Linly. Thank you commissioner. Appreciate it. And so we'll hear from you in a few minutes. Thank you.

Speaker: Next up we have terry rigsby.

Speaker: Hey, uh, good afternoon. My name is terry rigsby, and I am a parent of Portland public school. Parent, um, jackson middle school is our neighborhood middle school, and my son is an athlete. So, um, I am in favor of, um, making improvements to our sports facilities here in west Portland. Um, however, I am, I

work with the east african immigrant and refugee community here in west Portland park. And um, I would like to speak about the heat island effects and, um, what I consider to be a lack of equity in decision making here for this plan. Uh, the Jackson middle school property is within the west Portland town center, um, plan, which was adopted by you, uh, City Council last year. In 2023. And that plan centers the voices of communities most affected by the combined impacts of environmental inequities, climate change, and systemic racism. And I believe that the current plan does not apply an equity lens when considering the environmental and climate change impacts, and actually makes these impacts worse by removing pervious grass and replacing that with acres of, um, plastic. Um, and the addition of this artificial turf, uh, will create new heat islands in an area where, um, city of Portland itself has identified this area as um, where residents have a um, shorter life expectancy than other parts of Portland due to the, um, effects of poor air quality. Me um, from its proximity to I-5 and the Barber Boulevard corridor. So um, adding, uh, several acres of plastics that are going to be off gassing is really just making it worse for some of our most vulnerable communities. Um, and artificial turf fields, um, will not only make the air quality worse, but will make it hotter, will be creating new heat islands, uh, which is something that we all know we are trying to avoid in the city of Portland. And with record heat, um, in summers in the past, um, you know, adding this much turf could, um, result in temperatures of, like, 95 to 140 degrees as, um, above artificial turf fields. And, um, that's just something that is unacceptable. Um, so, uh, I believe that this is not a zero sum decision. You know, we can and have, um, we can and we should have sports facilities that do not cause harmful human and environmental impacts. Um, we don't want to create new heat islands. We don't want to create more inequity and inequitable health outcomes for our underserved and underrepresented communities. And we don't want to harm

the watershed and the ecosystems that are here in west Portland. So what we do want are healthy spaces for our children to recreate, and we absolutely can achieve that through a better plan. And something that is in concert with the city's, um, urban sustainability goals. So thank you.

Speaker: And see, Bowman.

Speaker: Hi. My name is Quincy Bowman, and I'm a member of the Tryon Creek Watershed Council. And I've lived in this area of southwest Portland for the last four years. Um, Falling Creek is a headwater. Tributaries to healthy steelhead and salmon habitats and populations. The sewer pipe and the stormwater pipe that conveys Falling Creek run parallel to one another across the project site. If the project is approved, the sewer pipe would be corrected so the following point could be put as two birds with one stone, while excavation well well. Excavation yea. Ryan.

Apologies is occurring public. Uh, Portland Public Schools should address the pipe conveying Falling Creek as well. The project would add untold amounts of weight and cubic feet of rock on top of a pipe that's fractured throughout with heavy, layered and rigid artificial turf installed. The likelihood of any future corrective action to the pipe would be diminished substantially, if not entirely eliminated. In short, this would be the only option to fix the pipe conveying Falling Creek. If this project is approved, multiple BS statements state that the pipe overall is in bad shape. I quote, "uh, please note this pipe is in very poor condition." End quote from BS exhibit e1 and e2 and another quote from BS through condition investigations BS has discovered significant structural issues with the storm pipe. Um and quote exhibit g2 um. According to the application, applicant's own consultant, uh, Polly Consulting. They quote, "areas of damage or that are in poor condition should be repaired prior to further grading or placement of structural fill and quote." And that's from exhibit a 12. Thus per the applicant's own consultant and BS

information, the entirety of the pipe needs to be repaired. A potential method to improve degraded pipes called slip lining, would improve the structural integrity of the pipe, but reduce its capacity to convey falling creek flows running counter to the southwest. Community plans. Watershed objective one d. In conclusion, the absence of addressing these improvements to the pipe conveying falling creek is counter to the southwest. Community plans. Watershed policy to reduce pollutants and protect the integrity of the surrounding watershed. Wildlife populations. If the project is approved, the conditional use of the full replacement of the falling creek pipe is essential. That said, the appeal should be accepted. Thank you.

Speaker: Next up, we have eric parker.

Speaker: Good afternoon.

Speaker: My name is eric taxer. Um with o'brien creek watershed council. I have 30 years of environmental engineering experience doing, um, environmental enforcement regulatory work, specifically related to stormwater runoff and clean water act compliance.

Speaker: I want to talk about the integrity of the pipe conveying falling creek in the context of the impervious surfaces where formerly rain in Portland would fall on trees and absorb into soils. Now, more rainwater falls on impervious surfaces like roofs, roads and parking lots, and becomes stormwater runoff flowing through infrastructure and into the creeks. Due to more impervious surfaces. It's characteristic for urban streams to be flashy during storms, meaning a larger volume of stormwater flows carrying more pollutants into infrastructure than creeks more quickly. As compared to an undisturbed watershed. The pipe that was long ago installed to convey falling creek across a former dairy farm is inherently likely to be insufficient to convey today's water flow. Neighbors testimony in the record attest to the long standing flooding issues up and downstream of the

campus. When we say we only need to avoid net degradation for a system that's already degraded or functioning poorly perpetuates existing inadequacies. As the hearings officer erred in relying too heavily on the stormwater management manual when it doesn't meet the policy of the southwest community plan, with which are required approval criteria, especially with respect to water quality and habitat concerns, not just flow issues. As noted in the staff presentation this afternoon, the issues regarding the pipe conveying falling creek will only worsen over time if it is left untouched, and its known state of disrepair, then the habitat characteristics listed in the southwest community plan watershed policy objective one are jeopardized, and the project will not meet the policy. Attempting to fix the pipe through slip lining would decrease the total capacity of the pipe. To convey water. Due to the loss of its internal diameter. This thumb over the hose pipe effect would increase the velocity, exacerbate already documented downstream erosion concerns. The project would not meet the community plan. Watershed policy objective one. This project would likely affect the already failing pipe and lead to adverse watershed impacts, and the policy has not met the only acceptable conditional regarding the pipe conveying falling creek would be to replace it entirely with respect to comments that have already been submitted in support of the project. Um I'd like to note that the testimony actually references approval criteria or the valid established need for improvements to the athletic fields is not reason enough to bypass necessary environmental protections, especially in this era of climate change. We don't think these parents are bad actors. We think they've been presented with information that's compelling in support of the project, but probably not comprehensive with respect to environmental impacts. Thank you. Mayor that concludes.

Speaker: All right. Very good. Uh, and just to let everybody know when we are done hearing the next group of public testifiers on behalf of the applicant, uh, legal counsel is diligently jotting down what is new evidence. And so we'll we'll be hearing from legal counsel. At the end of that. Uh, so thank you, everybody who just testified. We appreciate your thoughtful testimony. Any now, the applicant has 15 minutes to present under the rules. Welcome to representatives of the Portland public school district.

Speaker: Thank you. Mayor Wheeler and the rest of the City Council.

Speaker: I'm going to let, uh, the powerpoint load. So joe mckenzie is going to share screen and load up the powerpoint, and then we'll begin.

Speaker: Thanks.

Speaker: Hey, christy, could you identify yourself for the record? We all know who you are, but, uh, thank you for the record. Thanks. Sure sure.

Speaker: And thanks, susanna. This is christy white. I'm a land use attorney with radler, white parks and alexander representing Portland public schools. With me is heidi bertman from ps, who will offer some context for this proposal. And then I will respond to the claims on appeal. So. We'll advance slide and hand it to you. Heidi.

Speaker: Thanks so much christy is everybody is my audio okay. The thumbs up. Thank you so much. My name is heidi bertman. I am the senior program manager for planning for Portland public schools pbs. Thanks. City Council and mayor Wheeler for your time and attention to this important matter. And we thank staff for your detailed and thorough presentation. Quick note, um, attendance at 2 p.m. On a school day schedule can be challenging, but please be assured that there is wide support in the pbs community for this plan. The pbs vision states. Quote high quality, free public education has historically been the foundation of this nation's political, social, and economic dynamism and it will continue to be in the future. The

intent. End quote. Excuse me, the intent of our planning standards is to provide equitable distribution of facility programming in support of the pbs graduate portrait for all students in the district. The background of this project is found in our planning standards. The jackson fields and improvements are identified in the long. Range facilities plan, which was accepted. By the pbs board of education in December of 2021. That was an update to the previous plan, which was issued in 2012. In the long range facility plan or rfp, all programs support and capacity needs, including fields, were studied in the context of projected enrollment through 2036. The rfp was developed through a robust engagement process, which included students and affinity groups in close coordination with district teachers. The final recommendations in the rfp were developed in collaboration, with those representatives, district academic program leaders, and the critical race theory or crit coalition through an intensive series of written surveys, interviews and group dialog sessions, the rfp is one of two primary facility planning documents at rps. The other is the rps education specifications or ed spec. This is the planning guide for educational facilities approved by the board of education. It provides guidance on the standard facilities needed for programs at each school. The high school ed spec identifies program support requirements. For a comprehensive high school, including the number and types of sports fields, the administration of high school fields assumes that they will support high school pe and athletics, as well as youth athletic programs. The middle school ed spec identifies field space for each middle school to support pe and youth athletic programs. The combined field count, based on the ed spec requirements for the two ps west side high schools, lincoln and ida b wells, is short. A total of one field per sport for soccer, baseball and softball, as well as two tennis courts. Since high schools are assumed to provide essential field program support, this deficit impacts a broad cross section of our. Community with

increased travel distances, time and costs to access facilities outside the pbs system, taking into account both middle and high schools. The current and future needs for student athletics, scheduling exceeds pbs capacity across the district. To address this, the rfp identified three sites for athletic field improvements to relieve the challenges jackson, whitaker, and marshall of the three sites, jackson middle school was identified as the first site for improvements as it has organized fields and would not require replanning. The remaining two sites will be planned for improvements in the near future in coordination with other pbs programs. Support needs. Thanks back to you, christy.

Speaker: Thank you. Um, if we can advance the slide, I'd start with an orientation of the site. So this is a 35 acre site of the 35 acres is a maximum of seven acres will be resurfaced with turf fields. That means that 80% of the site will not have a turf component. Therefore, city staff and the hearings officers findings that most of the site will remain as is are completely accurate. As you can see from this slide, the turf fields will be surrounded by grass and the entire infield of the track will remain grass. Second, under the current zoning, this site could be developed with 50% building coverage. This plan calls for a maximum building coverage of only 11.4, which minimizes impervious surface and stormwater runoff and enhances recreation opportunities in the area of a city that you've now heard is running a significant deficit in these kinds of fields. Next slide, please. The appellant's claims focus on environmental resources and the stormwater management plan. Taking the environmental zoning first. This slide shows the applicable environmental zoning on the site under pcc. 33 700 080a this is the only environmental zoning that applies to this proposal. And as you can see, there is a small area of ec zoning in the northern border of the site outlined in blue. This entire area will be untouched and undisturbed. There is no environmental zoning over any area of the underground

pipe carrying falling creek. Next slide. There are two approval criteria related to the appellant's claims. The first is pcc 33 815 100 b three, which states quote public services for water supply, police and fire protection are capable of serving the proposed use and proposed sanitary waste disposal and stormwater disposal are acceptable to bs, bs regulates stormwater through the stormwater management manual or swim, and the source control manual. Exhibit h 240 at pages 11 to 12 describe the purpose of the swim. The purpose of the swim is to respond to several regulatory mandates, including the clean water act, the safe drinking water act, and d q requirements by quote, providing stormwater management principles and techniques that help mimic the natural hydrology cycle and improve water quality. Specifically, the purpose of the swim requirements on a project basis is to, quote, provide both watershed resources and infrastructure investments as each project subject to the swim meets the requirements of this manual, it will contribute to achieving these important citywide goals. End quote. So do we meet the requirements of the manual and therefore contribute to responsible stormwater management in the watershed? The answer is yes. We submitted a stormwater management report and despite claims to the contrary, also a geotechnical report, the city reviewed the report under the above criteria and found that our proposed discharge to the storm sewer will meet the swim requirements through a variety of means, including underdrains and rock storage conveyed to a flow control manual manhole followed by water quality cartridge filters with flow through planters sized to meet swim requirements. Importantly here. Table 1-4 of the swim also contains specific requirements for the tryon creek watershed, and we are required by the swim and our conditions of approval to also meet those tryon creek specific tmdl. As you've heard from appellant testimony, a tmdl is a calculation of the maximum amount of a pollutant that a water body can accept and still meet the water quality

standards for public health and healthy ecosystems. A full description of the system can be referenced in our October 27th final legal argument to the hearings officer, but with this analysis and the stormwater port and the geotechnical report, the city easily found under three, three, 815 100 b three that the stormwater system is capable of serving the use and is acceptable to be under the adopted swim. There is no stormwater evaluation of this specific proposal. In the record that refers roots or undermines this conclusion. None at all. Next slide please. Second, as addressed by the hearings officer, there are several policies of the southwest community plan that encourage the development of more recreational opportunities and responsible stormwater management. The approval criteria requires that the application is, quote, consistent with these policies. In previous land use cases, council has interpreted consistent with to mean in harmony with and does not contradict the purpose of. There are many policies, but two are most relevant. As you've heard to the appellants claims, and these are the watershed policy and the parks, rec and open space policy. The parks policy calls for creating new parks and open spaces to meet current and future needs, and to enhance existing opportunities to serve current and future residents. There's really no contest here that these fields are badly needed to serve both current and future need, and that the turf fields will extend play time deeper into the season and for more hours of the day. The project, therefore, is in harmony with and doesn't contradict the parks policy. The watershed policies call for, quote, managing stormwater on a watershed basis to prevent, as you've heard, net degradation of water quality, watershed health, minimize risk to public safety, reduce stormwater runoff, and improve dry season flows. These are the same purposes of the stormwater management manual. Recall that the purpose of the swim is to quote, protect watershed resources and, quote, mimic the natural hydrologic cycle, end quote. Improve water

quality and the swim amongst other things. Also has specific regulations for the tryon creek watershed, and these purposes are accomplished by project compliance with the swim requirements. Specific now and to get into the details, this proposal will restrict the post-development peak runoff rates to their pre-development rates for half of the two year storm, plus the five, ten and 25 year storm. The rock underneath the turf will operate as flow control storage. The control man hole will be installed to further manage flow control, perforated pipe will be installed at the bottom of the storage trench, so it will completely drain a filter vault with filter cartridges will also be utilized to protect water quality, reaching 90% for total suspended solids as required by the swim, and the proposal must comply with the html requirements specific to tryon creek watershed. With these measures, we are certainly in harmony with and don't contradict the purpose of the watershed policies of the southwest community plan and as for trees on this slide, this hasn't been mentioned too much, but we are planting 163 trees, which will add over two acres of new tree canopy. This tree canopy will create more shade, habitat and filtration on the site. Also contributing positively to the stormwater management and the environmental benefits of the proposal. I want to wrap up this section on the next slide with a reminder that we have several conditions of approval related to stormwater management on the next slide, including proof of swim compliance with each project proposal, including tmdls for the tryon creek watershed and a prohibition on the use of crumb rubber on these fees. Next slide please. The remainder of these slides were not were, uh, not raised specifically as appeal issues, but I just wanted to share them with you because the site has been carefully planned. There is a next slide, please. A trail that will be extended through the site and contrary to the testimony open to the public, it will not be gated or fenced. If fencing is used here, it will be internal to the site and not

along the perimeter. I'm going to skip over field lighting which is slides nine, ten and 11 because we clearly meet all of the standards for field lighting and it hasn't been argued here as an appeal issue and pbot concurrence that we certainly have an ample parking supply that will handle all demand. And there was a conversation about how far this parking supply was from the fields. It is on site and is connected directly to the fields through that trail. I want to quickly re rebut a few matters. There is great concern about the condition of the creek conveyance pipe. We actually offered a condition of approval in our October 20th, uh, memoranda, um, to the hearings officer, and are willing to add that condition here. And that condition said that the applicant is required to evaluate the condition of the creek conveyance pipe that runs across the subject property to support the proposed development, including an evaluation of the field substrate and the impact of those substrate on the structural integrity of the pipe prior to issuance of the first permit for conditional use master plan, the applicant must obtain bts approval for any necessary work on the pipe. As a result of the proposed development, I mentioned that here again because it was rejected early on because this is a private pipe, we're quite willing to propose that condition of approval and assure everybody that that pipe will be fully evaluated in the future. Action I also want to mention here that there will be portable potties added to the site for people who have to use the restroom. Obviously for safety reasons. Um, the public can't be allowed to, um, come into the school building and in off hours or even during hours without maintenance. So we have the portable, um, potties in that regard. Um, lastly, there has been some testimony about adding conditions of approval, no additional conditions of approval aside from the one I just mentioned are required because they're not mandated by any of the applicable approval standards and don't achieve any more than we are already achieving by compliance with the swim and

the source control manual. They also impose unnecessary costs on the applicant, who cannot bear those costs. In this proposal. Um one additional issue that I think is important here, and that is that this is a conditional use master plan. So at this stage of this proceeding, we have to demonstrate with a stormwater report that we are capable of serving our stormwater as each field comes in for review, it will then be reviewed against the stormwater management manual. That's in effect at that time. And again have to prove compliance with the swim, which is the city's most rigorous standard for stormwater management in the city of Portland. Thank you.

Speaker: Well, that, uh, that may be the best time presentation in a long time, christy. So thank you for that. All right. So, um, next we will hear testimony from supporters of the applicant. So those are people who generally agree with what you just heard, presented. Keelan how many testifiers do we have in support of the applicant signed up?

Speaker: You have five people signed up.

Speaker: All right. Very good. And again, three minutes each please state your name for the record.

Speaker: First up we have michael nolan.

Speaker: Uh greetings everybody. And thank you for having me. Uh, my name is mike nolan, and I serve as the athletic director here at ida b wells high school. I've been a member of this community for the past 23 years, serving as a teacher, coach, and now athletic director. We had two children, graduated from ib. We now have a freshman all three were and are student athletes and spent many a day at jackson middle school running around the campus. The investment of this project is vital to our community. It will provide opportunity cities that are not accessible with the current conditions of the site. For example, our jv, frosh and baseball programs traditionally use the site and field for practice and games. They don't get access

because it's not playable until late April or early may. That puts stress on other facilities and puts our program at a competitive disadvantage. We have spent countless hours and dollars to improve the site, but to no avail. This is also an investment for future generations. It has been proven that athletics is a vehicle for greater attendance, better grades, and enhances student athletes overall school experience. This project will go a long way supporting that vision. It is vital to provide safe and equitable access for our kids and student athletes. We have limited resources in our community as is, and we lost the use of alpenrose, which puts further strain on already outdated and unimproved assets we have in our community. And for the past three years, we hosted all of lincoln's outdoor sports as they went through their rebuild. When ibew goes through our rebuild, it will be vital to have this project approved for our high school programing without it, we will have nowhere to go to provide safe and equitable spaces for our outdoor programing. Finally with respect to the argument regarding off gassing heat and microplastics, it is heard. But the technology has changed immensely and evolved over time that so many of these issues have been resolved and I would stress to invite the group to analyze the material used at the lincoln site for further reference use. I cannot stress the importance of this project. It is absolutely vital to the health and well-being of so many current students, student athletes, and future student athletes for our school and community. Thank you very much. Next up we have edward, kunal.

Speaker: Thank you. Um, thank you very much.

Speaker: Um, I yeah, I'm a lifelong, uh, southwest Portland resident. I went to jackson middle school back in the early 80s. I have had two children go through it, and I've spent a lot, a lot of hours there as a parent volunteer, uh, youth athletic coach, and a leader of non sports youth activities. Um you know, during the appeal

process. Yes, I respect that. You know, people have their concerns and I respect those people. But I heard children mentioned very little. You know, they didn't come up in the conversation. So let's let's what are we weighing the, the there's going to be some negative effects of any plan that we put into action. I like this plan. It's a good plan. So but what are we weighing it against? It's critical. It's critical for our children's emotions physical and psychological health that they have placed these these places are disappearing. They're becoming more expensive and more rare in southwest Portland. If we want to talk about how it's going to affect, you know, families that don't have a lot of money, it's going to affect them way more because those families don't have \$4,000 to go to wilsonville and join a. In a national soccer travel team, or practice in an indoor private indoor facility. It's, you know, the family, but they can hopefully play, you know, softball, baseball, football, soccer, whatever at their public school, if there's field space and if the field space can be utilized more often. And I mean, again, I don't mean to criticize anybody, but I wish we cared about our kids in this city as much as we cared about the salamanders living at the tennis court, the tennis courts are only a marshland or whatever it is, because of the dire neglect that took place. It should be a tennis court. It should be a place where kids are playing tennis. And I don't understand what the alternative is. Do we just never improve anything? Because never improve anything because we might inconvenience, you know, the salamanders at the tennis court. So just to clear the whole thing, a swamp and tell all the kids to go home and that's it, and then watch the school building fall on itself and, you know, what do we do then? I don't know, but, uh, please deny this appeal. Our students for whom this school is supposed to serve, it's their primary purpose of the school. And the grounds is to serve the kids. And they need it desperately. And they can't be here at the meeting to advocate for themselves. And, uh, I don't know, astroturf

burns. My kids played since second grade. They played on every field at stevenson, jackson and the turf field at wells football. They didn't get burned, but they had a lot of fun. So I don't know what to tell you. They got exercise. Uh, you know, they made friends. They build confidence, and, uh, you know, they did twist their ankles when we're at jackson and there's gopher holes everywhere. I mean, it's not the end of the world, but it's an embarrassment. The fields are embarrassment. They need to be improved and they need to be added to. It's ridiculous that that we wouldn't add any baseball fields. Our population hasn't shrunk. You know, we need they need better facilities and thank you. Uh jeremy shetler.

Speaker: Hey, dan weber. Good afternoon.

Speaker: Thank you for the opportunity to speak briefly in support of the approved turf plan at jackson. My name is dan webert. I'm a board member for wells youth baseball. I also, uh, coach a group of 11 year old baseball players who've been using jackson for three years now, including the young man sitting next to me here getting his civics lesson. Um, wells youth baseball serves our communities. Uh, spring and fall baseball players. This year, we expect to have have approximately 109 to 14 year old players enrolled in our spring program, and something approaching that number. Uh, in our fall program, jackson middle school is our only facility. As with other local sports in southwest Portland, field scarcity and issues affecting, uh, field playability have had a huge impact on the opportunities for our children relative to our neighbors in the suburbs. The southern field at jackson is the only dedicated field that we have in our community, large enough for seventh and eighth grade players. Uh, this year we will have up to four teams sharing that field for games and practices that may mean just one field practice per week. Uh, for each of those teams where typically 2 or 3, uh, field practices per week would be more typical, then northern field at, uh, what that we

refer to as Jackson Two is the only dedicated field we have available to us at an intermediate distance, uh, for our fifth and sixth graders. And we'll have up to five teams, uh, sharing that field, uh, in some capacity. Uh, these two grass, uh, baseball fields sit at the bottom of a poorly draining bowl. Uh, the existing decades old, uh, drainage infrastructure is failing. Uh, irrigation is also a major issue in the dry months. Uh, when it's wet, uh, typically, we, uh, at the beginning of our season, uh, the field is essentially a swamp. Uh, and by that, I mean mud up to my shins, my boots getting stuck in the muck. We have grass, sometimes even cattails. Uh, that gets up to our knees. Uh, that can't be cut because the fields are typically too wet, uh, and too muddy. Uh, the fields typically aren't ready to play or practice until after the start of our season. Uh, in years past, we've we've had to wait to schedule home games. Uh, until the fields dry out. I've personally had to beg for field time from, uh, from neighboring programs. Uh, just to be able to get my boys on the field on time. Uh, the swampy conditions, uh, leads to holes and deep ruts, uh, from walking, playing. And, of course, the grass cutting. Uh, this creates a safety issue when the fields do dry out. Uh, so there's basically a Goldilocks period of approximately 6 to 8 weeks during which the field is both playable. Uh, and the grass is green and soft. Uh, the approved turf plan will add more usable all weather space for our, our, uh, child athletes and, uh, add much needed, uh, facilities. Thank you.

Speaker: Except we have Peyton Chapman.

Speaker: Don't feel like I'm here by myself anymore. Um, good afternoon. My name is Peyton Chapman. I'm the principal of Lincoln High School, and I really appreciate the person who wanted to send her children. I think that's the most important part of this conversation. And our city currently has a dearth of fields and courts and places for safe and supervised play. There's an increase in youth mental health concerns. It used to be that 10% of high school students would develop

some kind of mental health concern, and that's up to about 35% across our country now, uh, developing health issues. The obesity rate is up. And as is the access to drugs and alcohol all there has never been a more important time for safe and supervised play of young people. We're at a crisis. Our city is losing families to the suburbs where communities are more family friendly or seem to be that way, and they advocate for more youth and family oriented facilities such as tigar-tualatin parks and rec. We have to be that kind of a city when we lose families, we lose our city's vibrancy and our multi-generational support. We see that with declined enrollment, two private schools have fields the suburbs, mountain side and beaverton has added fields. We have to have fields if we want to keep our public schools alive and our cities are filled with children in terms of environmental issues, some were mentioned people are forced to drive added distances many times a day to suburban fields, adding to climate warming. I saw commissioner Gonzalez smile when he saw the young man who was in the background for the civics lesson children make us smile. We want to have children in our city for the adults to the new fields we have one at lincoln high school. We're so grateful to voters and taxpayers we see children on and on weekends and during the day is made of wood pellets instead of the older recycled rubber grind, and actually keeps the field cool in the summertime. Instead of heating to those old high temperatures that were discussed, we are. Ps is modeling better science for our youth and our students are talking about it. Those wooden pellets instead of the old grind in terms of equity, the current lack of facilities and fields forces youth to miss scarce instructional time in school without enough turf fields, the rain causes rescheduling and ps and parks and rec. They don't have enough fields to limit games to after school times. Students at westside schools are forced to miss half days just to compete in regular season games, and students we host to come from schools

such as roosevelt or mcdaniel or jefferson, are forced to miss entire school days of instructional time just to play enough regular school day to qualify for regional and state playoffs. We're lucky in Oregon to have so many wild spaces from tryon creek to forest park and waterfront hiking trails, and not to mention the gorge and sauvie island and the beaches. Our children need safe spaces for physical play in our city and for healthy competition and family neighborhoods. They will learn to love the outdoors by being safe in the outdoors. Doing what they love. They love soccer and football and ultimate frisbee and baseball and softball and lacrosse. And who doesn't love watching a summer game of little league? We must prioritize our children and the joy that they deserve and all of us receive when we watch them play in our city. Thank you.

Speaker: Mayor, that completes testimony.

Speaker: All right. Great. And thank you, peyton, for, uh, for, uh, being there in person. I hope you were able to find a seat. Okay. I know sometimes it's very competitive. Uh, so thank you. All of you, for your testimony. Um legal counsel, did you want to go through at this point, the new evidence, or should we wait till after? Commissioner fritz gives her, uh, rebuttal? What's what is your preference?

Speaker: My preference is to wait until after rebuttal.

Speaker: I'd prefer that myself.

Speaker: Great. So now the appellant will be provided five minutes to give their rebuttal. Uh, welcome again to the representative of the west Portland park neighborhood association. And I think commissioner fritz, you are in that slot today. Thank you.

Speaker: Mayor, I'm just plain old amanda fritz today.

Speaker: All right.

Speaker: Very good.

Speaker: It's good. We just.

Speaker: For the record, we do not believe there's anything new that's been introduced. There's a great volume of evidence in the record. We support, uh, removing sports facilities at the school. And I'm speaking as the vice president of the west Portland park neighborhood association on the approval criteria, require that the renovations must not be at the expense of watershed health, site safety or public access to the grounds. The applicant fails to meet the southwest community plan watershed policies. Crane tryon creek is a listed watershed with federally mandated protections. The proposed pl will increase the temperature and pollutant load of stormwater runoff due to more than seven acres of plastic carpet absorbing heat and shedding microplastics. There is currently no artificial turf on the site. If the natural grass is filtering runoff and no artificial turf is installed, there will be no microplastic pollution leaving the site. Documents in the record um cite studies shown that artificial turf leaches micro plastics and microplastics are included in measurements of total suspended solids. Proposed condition d.o.j. Requires the for a future determination of compliance with the stormwater manual management manual. The problem with this condition is that it does not ensure the policies of the southwest community plan are met. The stormwater management plan requires water quality treatment to remove only 70% of total suspended solid algae, adding 30% of the newly introduced microplastics leaching from the turf to fall into to flow into falling creek will increase water pollution, not decrease it as required by the southwest community plan. Watershed policies. Miss white now claims that the stormwater management manual requires 90% of total solids solid removal, which is not my reading of the document, but even so, 90% is not 100. The hearings officer notes that artificial turf is used on many playing fields, including those owned by Portland parks and recreation. The difference here is that in this

location is a this location is a headwaters site, and that a headwaters stream corridor in a listed watershed flows before, under and under and after the site. Tryon creek is a fish bearing stream and being small, it is particularly sensitive to adverse impacts even moderate increases in temperature, bacterial and microplastic pollution will be detrimental. What works at dunaway park, close to the mighty willamette, would be devastating for tryon creek if my kids were still playing on these fields, I'd want to know that the new construction is safe. Bhs notes that there is a risk for sinkholes if the stormwater pipe conveying falling creek is crushed by rock and fill. I'd like to know that the geo technical experts have approved around 4000yd³ of fill and the retaining walls necessary to hold it. This information is missing the application states. The existing grass playing fields are about 500,000ft², and. That 3045 980ft² would be switched to artificial turf if the application is approved, and three 300,000 is more than half the current grassed area, bts claims. We appealed based on the new environmental zone not applicable to this case. The appeal does not assert that the environmental zone rules apply. It references southwest community plan and open space purpose statements, broadly protecting fragile and sensitive areas, not environmental zones. Regardless, regardless of your. The application states that plans to fence the entire area. Pbs now says it doesn't plan to fence the entire area, but that's not what the application says. A condition of approval is needed to limit fencing. Regardless of your decision. Today we ask that commissioner Rubio and commissioner Ryan request and the council approve funding for a code update project to revise the conditional use master plan standards and approval criteria for. It's appalling. It's appalling that with all the impacts of global warming and its effects on the natural and built environment, it's becoming increasingly apparent. The condition use master plan process does not include direct consideration of climate or environmental impacts

of proposals on large campus sites. We further ask commissioner Mapps to direct and update the stormwater management manual to add maximum because the southwest community plan applies, and because the tryon creek watershed has protected. Since, we have been able to show why the application must be denied other areas of city without such community plans would not be so fortunate.

Finally, we commend both planner andrew glazier and the council clerk and her staff for their exemplar professionalism in assisting us with technical difficulties.

When I say that, I mean my technical difficulties.

Speaker: I'm very good at. And uh, thank you again. Once again, perfect timing and colleagues. So that, uh, completes the public participation portion on this, uh, of this on the record hearing all open the floor for council discussion. But before that, I've been pinged by linly to make a couple of comments. Uh on behalf of our legal team. Linly. Go ahead.

Speaker: Yes. As we've, as I've said, way too many times in this hearing, it is an on the record hearing. And so staff and I have been working through the hearing to try to identify in oral testimony any specific facts or specific new evidence that we've heard that we believe may be new evidence. And I'm going to identify that for the council. Um, and I would ask that council move and second, to reject any evidence. And i'll give you some language for that. But let me go through the, the six particular items I've identified at this point. Um in the presentation. From appellant supporters, there was oral testimony regarding communications with a manufacturer, ira and staff did not find that information previously in the record. And recognizing as uh, commissioner fritz uh identified it is a large record. So we're we're doing what we can on the fly. Item two. Um, one testifier mentions specific city investments and dollar amounts for salmon habitat. Uh, to staff's awareness. That was not previously in the record. Um, if and again when I'm done with these, if

the appellant or the applicant say staff attorney you're wrong. Please, please let us know. Third, um, in the Portland public schools introductory statement about Portland public schools planning. And there was information in there that we believe was not previously in the record. There was information from one testifier about ida b wells being under construction, and it creating need. That fact was, uh, not previously in the record. Fifth. Um one testifier identified specific numbers of fields that are needed for certain age groups. Uh, it's our understanding that was not previously in the record. And finally, there were some mental health statistics that were cited that we do not believe were previously in the record. And I realize this is really granular, but it's our job to identify that for you. Um, I'd ask the applicant and appellant if they have any, any thing if they disagree with our characterization of the new evidence.

Speaker: Uh, could you just clarify which, um, consulting that you believe is not in the record?

Speaker: Um, I don't i, I actually both staff and I did not, were not able to catch catch notes on who that was. There was a, um, some communication with the manufacturer, I believe, of, um, I am not sure, commissioner. So if we need to clarify that in the, in the findings. So we'll, we'll have time before we draft the findings to go back and confirm. And so we'll clarify that in the findings. That's a good question. Thank you. Um, okay. If there are no other comments I would ask council to make a motion. And second, and I agree, you can either do it by consensus or vote that to the extent there are new facts or other new evidence in the oral statements today, or submitted written testimony, the council intends to reject and will not consider that evidence as part of their final decision, and that will be reflected in the findings.

Speaker: So moved commissioner Mapps moves and can I get a second, please?

Speaker: Uh, commissioner Ryan seconds any further discussion on this item? Call the role yea. Rubio. I man.

Speaker: I want to thank everybody for being here. Today was very educational and I am, uh, sad and I vote yea. Gonzalez, i. Apps I healer.

Speaker: All right. Motion carries. So now we're at the public or the deliberation part of the hearing council. All um or questions that you may have commissioner Mapps.

Speaker: Uh, yeah. I uh, I'd like to talk to, uh, city staff, um, and in particular, um, I'm hoping that we can pull up the slide show that I think we began the day on, um, and maybe it's on the second or third slide.

Speaker: Um, there is a list of criteria that I think council is supposed to consider as we, we, um, make these decisions today. Okay is that.

Speaker: Uh, this one.

Speaker: Yeah. Yes. So just so I'm clear, um, today, I think I've heard a lot about the pros and cons of this particular project. However, it's also my understanding that council's job today is not necessarily to design the, um, the optimal, uh, um, way to go about improving these fields rather, they're, um, we're basing looking at a set of, of, uh, process questions is that correct? In other words, specific what questions is council supposed to rule on today? I think, uh, council's decision would be based on the approval criteria on this slide.

Speaker: Great. On this slide and the public services livability impacts and southwest community plan.

Speaker: All right. Thank you. Can you can we rotate back to the first one? Uh, just real quickly, I just like to take certainly i'll start at the very beginning.

Speaker: So make sure I'm not missing anything. You wanted to see. Um, so site photographs is. So this these are the criteria for the master plan, right? These

criteria for the master plan refer were in criterion b to the conditional use criteria, which are these four. Okay character and impacts. Public services. Livability and southwest community plan.

Speaker: Uh, thank you very much. I just wanted to take a second look at those. Uh, um, before we got into our conversations today. Uh, thank you very much. Certainly. Uh I had a couple of questions, and i'll just go through them.

Speaker: First of all, there was much, much discussion. And again, this is for city staff. There was a lot of discussion about stormwater management. And one component that that, uh, christie white mentioned. And was that there was no evidence in the record that that stormwater management conditions were not met. And I assume that is the position of city staff as well as that. Correct

Speaker: But I think that that's correct. I'm not aware of any specific evidence that talked about the stormwater plan as not meeting technical requirements. I think there's a lot of evidence, there's a lot of discussion about information that folks thought was missing or inadequate. But I'd like to, if you don't mind, I'd see if ella, ruth and bts has anything she'd like to add to that. She was most involved in reviewing the stormwater aspect of this, and she's here today. If that was okay to ask her if she has any comments as well.

Speaker: Yeah. Um. Hi everyone. This is ella. Ruth. I was the, um, bws planner for the conditional use review and um, I guess I could provide a little bit of, um, detail on this. Um, the first round of, um, submittals was a stormwater report that, um, I did not recommend approval on because there was I needed additional information to make sure that the stormwater management manual requirements had been met. Um, so they came back with a second iteration, um, which they they did show that all of the water quality and flow control requirements of the stormwater management manual were, were met. Um there was. Oh, sorry.

Speaker: Go ahead. No, go ahead.

Speaker: There you continue. Sorry.

Speaker: Um, I think some of the testimony implied that, um, that that there was not enough, uh, vegetated facilities, for example, or or that the type of facility, um, relative to the groundwater did not meet these requirements. Um but I can go into detail on how how, uh, how they do meet these requirements if folks are.

Speaker: No, just, just I really wanted the top line, you know, do they from your perspective, active as a representative of the city's, you know, uh, infrastructure? Do you see that they did meet those criteria? Meet the criteria? They did. Yes. Okay and, uh, what I heard in testimony and anybody can correct me if I'm wrong. I did hear concerns about. And I think kristy was the one who also mentioned this in, uh, her presentation. But I know several people, uh, on behalf of the appellant, testified concerns about the condition of the pipe. And, kristy, maybe this is a question for you. Um, I heard you say you would be willing to accept an additional condition to quote, evaluate, unquote, the condition of the pipe. Uh, so I guess my question is, if you evaluate the pipe and it turns out that it is not inadequate condition to do what it needs to do, what are you proposing would happen?

Speaker: Thank you for the question. Um, again, we submitted the exact language of this on October 20th, 2023. In our second rattle record submittal and what that condition says is that we have to evaluate it, and that prior to the issuance of the first permit. So for the first field, we have to obtain bts approval for any necessary work on the pipe. As a result of the proposed development.

Speaker: Okay, so that and that's helpful.

Speaker: Thank you. That answers my question. And this may may seem like a small question in the scheme of things, but, uh, I've learned over seven years here that port-a-potties are very important to our community, uh, either pro or con. And

I heard somebody say, and I honestly can't remember if it was you, christy, or somebody else said that there would be adequate facilities for the increased number of people who would be there. Uh, but I have a question about who who is responsible. For that? Is it rps who will own and maintain on those facilities, or whose job is that going to be? I just want to know in advance. Yeah.

Speaker: Let me. Okay I'm not on mute. Um, heidi bergman is on from rps, and so I hate to talk about rps managed port-a-potties without her. Um, but so she can step in on the management part. But I know rps will be providing them based on the expected demand on the site and provide those exterior to the building. Heidi, if you're on, you might be able to talk about how those are managed and really I'm interested in who's responsible, who just is at a high level.

Speaker: Uh, rps uh, Portland interscholastic league manages, generally speaking, the use of the athletic fields for that programing. And we do this on a lot of our other fields. They will schedule, including the regular maintenance schedule, uh, for potties for to be adjacent to our fields. And so they're monitored, scheduled, and the contract is arranged through pills work. Okay

Speaker: And is and legal counsel will jump in if this is not an appropriate question because it may not have anything to do with the approval role. Um, but I assume you will work with the neighborhood on the location of said port-a-potties for certain. Okay, good, because I can just tell you, we as a city place, porta potties and it's very, very important to neighborhoods that they have a say in where they go. So um, I just want to make that clear. Good. And um. The livability portion of this. And then I'm going to turn this over to my colleagues. You know, there are a lot of criteria around livability, and i'll just pick on one just because I'm interested in it. And that is noise. How does one meet the livability requirement around noise. Are

there specific measurable requirements or is that more of a subjective requirement?

Speaker: Is that a question for the applicant or I don't know who it's a question for, to be honest.

Speaker: But uh, some nobody who's an expert who is, uh, on the applicant side of the equation.

Speaker: Okay, I think I can answer that. I'm not sure I'm a noise expert, but i, I'm very sure I'm an expert in how this has been applied in previous field cases. And the, um, if it's amplified noise, it has to meet the city's noise standards. Okay. If it's non amplified noise, there's timing that we comply with in terms of when of when the fields are locked down and people are removed from the fields and there's no amplified noise on these fields.

Speaker: Okay. So so, uh, as, as long as that then is enforced, the time restriction that would comply with the livability requirement of the conditions, is that correct?

Speaker: At least that's correct. Portion okay. That's helpful to me. Good. I'll turn this over to commissioner Mapps. Uh

Speaker: Thank you. I'll be quick so we can get to commissioner gonzales. Um during testimony, we heard a lot of concern about the, um, condition of the pipe that conveys the creek underneath the field. And I was really glad to hear, I think, christy say that the school district was, um, willing to at least investigate the condition of that pipe. Uh, and maybe this is a question for, um, the city's lawyers. I think we might have linly, uh, up today. Is that already written into the agreement in terms of investigating the condition of the pipe?

Speaker: No, it's not my understanding. It is not currently a condition of approval. The hearings officer did not apply it. Um, the applicant is offering that, um, as an additional condition.

Speaker: So I don't know what counsel would if counsel wished to impose that condition.

Speaker: You would need to, you know, in your in your tentative voting, if you were up to uphold the hearings officer decision, you'd uphold it with additional conditions. Uh um, thank you very much.

Speaker: Um, colleagues, I it seemed like, uh, um, formally investigating the condition of the pipe, uh, seems like a shared concern and a win win. Um, I hope that, uh, I hope that happens, um, which maybe has some implications for, uh, how we vote today. Uh, and with that, I will lower my hand and hand the floor over.

Speaker: The. Yeah

Speaker: Go ahead.

Speaker: Commissioner Gonzalez had a threshold question actually, on the pipe.

Speaker: So the pipe, uh, can we show the image where the pipe is located and I think there was one in the applicant's testimony that shows the location of the pipe. Um I think this is in staff's zoning map.

Speaker: Generally, I didn't have an image in mine that showed the location of the pipe.

Speaker: So what?

Speaker: The map shows point a to point b, really? You see where the creek, um, hits the northern boundary of the property and then you see where it outputs on the southern boundary of the property. And it basically bisects that. The campus and that area under underground and got it.

Speaker: And so the image I'm thinking of that I thought was in the applicant's, uh, materials, there's a, there's a demonstration in the very north part of the image that's in green. What were you showing us there then? I just want to make sure I was following.

Speaker: Okay. That's the area of, um, in environmental zoning on the property that was highlighted in blue.

Speaker: Got it, got it.

Speaker: Um, what would the what do you have any idea what the building off? Commissioner Mapps inquiry. The cost and the timing would be involved in inspecting the pipe. But what what is have you scoped that at all? And that may be new evidence that we need to be clear about. I just want to understand the impact of that. Um, on on the school district.

Speaker: Thank you for the question. I think it would be new evidence for me to introduce that. So I want to respect the record process. And but I will say that because because these fields aren't really designed. In other words, we haven't picked the materials field or the substrate. Those will all have a different weight implications. So it once the most cost efficient thing to do is wait to see what that final design is and what the substrate material is, so that we can determine weight so that we can determine what kind of investigation needs to occur.

Speaker: Okay. Got it. Got it. And then, um, I'm looking at the terms of the initial appeal and there, um, there seems to be some factual disagreement on how fencing is going to work here. What is, I guess, can we get clarification on what is the expectation there? Because when we're talking about open spaces and school property, it has some interesting implications. But I just what is what is the current plan. And i'll just read you specifically the hearings officers decision approves fencing the entire site, which will further detract from the purpose of the open space zone. And I just wanted to be clear on what the what the decision was. This is much for city staff is the applicant. But on that on that point. Well, and that might be, you know, this conditional use master plan is an iterative process.

Speaker: And so it can change over time. What what is being proposed? I think it's fair to say that the initial documentation may have shown fencing around the entire site, but that's not the current proposal. Um, fencing also is just a matter of right on the base zone standards. So you can just do that. You don't need a conditional use master plan to do it, but our current proposal is to not perimeter fence the site and to not gate or block the public trail that bifurcates the site where fencing would be used is to control, um by ball spill from the athletic facilities. That would be interior perimeter fencing of certain facilities. And then, of course, if the school, um, whatever happens and the school has a need for safety reasons to do more fencing, they would, of course, seek a permit if they needed to from the city for that fencing. Got it, got it.

Speaker: Um, I think I am good for now. Thank you.

Speaker: All right.

Speaker: Very good. Commissioner uh, anybody else? Good? Just a reminder. Uh, now that, uh, council is concluded its discussion, I'm going to ask for a motion to dispose of the appeal. And there's a couple of choices here just to remind everybody, the council can either move to tentatively deny the appeal, uphold the decision of the hearings officer and ask the applicant and or staff to return with revised findings, or the council can move to tentatively grant the appeal, overturn the decision of the hearings officer and ask staff to return with revised findings. And at this point, I would ask if anybody would like to make a motion on. I would like to make a motion. I would move then that, uh, and again, this is a tentative vote. I would move to tentatively deny the appeal, uphold the decision of the hearings officer, and ask the applicant and or staff to return with revised findings. Uh, but I would also be interested in adding the additional condition that christie had suggested. If there is an interest on the part of the council, because I think it as

commissioner Mapps said, sounds like a win win to me. If we're going to, uh, renovate the, uh, top strata of the field, this is our best and most cost effective and sensible opportunity to look at the stormwater drainage under the field commissioner maps. Uh I support that.

Speaker: I support that, uh, I don't know if that's a if that is your motion and the lawyers think it's okay. I'll second that.

Speaker: Well, I always turn to linly on things like this. Is that sufficient? Linly as a motion, or do I need a specific amendment related to the added condition? No it I think it's clear that you're it's contains a denial of the appeal.

Speaker: Uphold the hearings. Officer and ask asking the applicant both to add the condition that she read into the record. And that was proposed on October 20th, 2023. And to ask the applicant to prepare, revise findings and work with staff to bring those back. All right.

Speaker: Very good. And commissioner, maps, is that can I take that as a second to my motion?

Speaker: Yeah, you sure can. Uh, can I ask a clarifying question, though? Is this should we consider this a preliminary vote or. Yes, yes.

Speaker: This is.

Speaker: Yeah. Under under our land use, uh, policy. This is actually a tentative vote. And we'll come back on a time certain to take the final vote. We'll talk about that in a minute. Okay.

Speaker: Uh, that works for me.

Speaker: Okay. So at this point, I would just ask council, is there any further discussion on the motion? Uh, commissioner Gonzalez?

Speaker: Yeah, I just want to be crystal clear that I understand the, the timing and cost impacts on the applicant for that additional condition. I think we partially got

the answer, but I just, uh, i, I certainly appreciate the spirit of this, but if we're really not going to go know the impact on the pipe until we're bringing back individual fields, I'm the one part of logic that I'm not entirely following is why would we insist on this now? Or would we make it as a condition as each field comes back? That was the, um, uh, that I'm just trying to clarify what's the right timing for inspecting the pipe, uh, for this assessment. Am I allowed to respond to that?

Speaker: Yeah. Christy, you probably know as much as anybody on this.

Speaker: Um, well, the condition in itself imposes the timing, which is prior to our first conditional use. Master plan improvement.

Speaker: So we would be designing, um, we would.

Speaker: It's self imposed. We'd be designing the project. And through that design, normal due diligence would have us looking at this pipe. So it's going to come at a time when we have a project. At and where I'm going to my colleagues is i, um, I appreciate the spirit of doing this diligence.

Speaker: Uh, I also, given the long timeline for developing these types of fields, don't want to disrupt the flow and the and the overall timing of the project. Um, so that's I'm just trying to thread that needle. How do we assure that this diligence is being done but not not unnecessarily delay the project?

Speaker: Yeah, very much appreciate that. And the sensible of that in imposing a condition of approval and the way we drafted this um, met our, our concerns and considerations about the timing of when these costs would be imposed on the, on the school district mayor, does that align from your vantage point with the condition that you were considering in your motion?

Speaker: Yeah, I think, uh, that the, uh, the applicant is offered what I think is a very wise, uh, amendment and, and frankly, I appreciate it. Uh, they're acknowledging that if we're going to go through the renovation, let's make sure the

substructure is sufficient. Uh, everybody hates it when the city repave the street and then tears it up. Three months later because the pipe underneath it needs to be replaced. Uh, this is an analogous situation. It's been offered by the applicant, presumably as christy. Just said, with the assumption that this does not significantly or maybe even in any way disrupt their schedule. So I certainly, uh, accept the offer they put on the table. That's how I view it.

Speaker: And I guess my only question was to linly is, from your vantage point, is there any ambiguity on this? I just don't want to get some weird gotcha later on that we're, um, so if it's crystal clear to you that we're the condition is the one that the applicant proposed, and, um, just wanted asking a confirmation of ambiguity there.

Speaker: Yeah, I think, um, I would actually ask andrew galizia to weigh in since he's. I have not seen the condition before. So I want to make sure it's clear to the staff what it is and that it is implementable. Yeah I think I remember this is wording of this condition being offered at and, uh, it's, it's clear I think, uh, something that maybe, maybe losses.

Speaker: There's two pipes, there's, uh, sanitary sewer main under the site, and then there's the pipe that carries conveys the stream. There's already a condition of approval that the applicant inspect the sanitary sewer pipe. And this would be a line aligned with that. So I think it would be clear. Okay.

Speaker: I'm good.

Speaker: Good. Uh commissioner Mapps. You had your hand up, but I see you took it down. Anything else on this? I think my, um, issue you got addressed in that exchange.

Speaker: Okay, good.

Speaker: Uh, then with that Keelan, please call the roll on the tentative decision meal.

Speaker: I too, am inclined to deny this appeal and, um, support the direction. So I am, and I ran.

Speaker: Yes, I am, and i, as well. I really appreciate the conversation about the pipe. That was the one note I had down. Thank you, mayor, for handling that. So well. And also the spirit of cooperation with you, commissioner Mapps, I really appreciate the testimony from both sides today. I don't think anyone was anti children and families. I think everyone wants more sport and recreation, but we also want to make sure these pipes, um, for our precious waterways, tryon and fanno creek are taken care of. Well, seems like we got to a sensible place. And I really appreciated the testimony, especially about children and families and the need for more play spaces and sport activity. I hear it every day from friends who complain about our conditions when it comes to our sports fields, compared to our surrounding suburbs. So I told myself anytime I could be a voice. For this reason, I would advocate for it and I'm delighted to get to do that for the good people in southwest Portland. Um I vote yea Gonzalez let them build, let them play.

Speaker: I vote I apps.

Speaker: Uh, I want to thank everyone who testified today. Um, and, uh, I think this was a good exchange. I agree with I believe, commissioner Ryan, um, and that I see us consensus that people want to both protect our environment and support our children. And, um, I think the, uh, motion on the table today moves us in that direction, which is why I vote. I miller, I vote I the motion to deny the appeal passes five zero.

Speaker: The appeal is tentatively denied. Uh, so now to the council clerk and city attorney. Do we have a date and time certain for this matter, to return to the City Council for a final vote and adoption of the findings?

Speaker: Um, Keelan.

Speaker: Typically, we ask for about three weeks before I do that, though we do have 120 day, uh, expiration on January 22nd. So before we talk about a date that might extend to beyond that, I want to confirm with the applicant that they would agree to extend the clock and then we'll have them sign it. An extension with us.

Yes

Speaker: We will agree to extend the clock to get these findings drafted. And also to the applicant.

Speaker: Um, does that timeline work for you where we would be, um, completing we would need to file the findings, um, by either the, probably the 29th or 30th of January.

Speaker: Yes.

Speaker: Okay. So Keelan do we have something on the 31st or if not, then on the first?

Speaker: On the 31st, we could do ten, ten.

Speaker: But let's take that, please.

Speaker: All right. Very good. Uh. Thank you. Then this item is continued. To January 31st at 10:10 a.m. Time certain and linly that complete everything we need to do on this hearing today.

Speaker: It does.

Speaker: All right. Very good. Thank you to everybody testified. Thank you to staff. Thank you to everybody else. We are adjourned.

Speaker: Thank you