



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23RD DAY OF APRIL, 2003** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Leonard, Saltzman and Sten, 5.

Commissioner Leonard arrived at 9:34 a.m.
 Commissioner Francesconi left at 10:03 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Michael Frome, Sergeant at Arms.

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

COMMUNICATIONS	Disposition:
<p>352 Request of Mary Jane Hunt to address Council regarding Donate Life Month for organ and tissue donors (Communications)</p>	PLACED ON FILE
<p>353 Request of Thom Cheadle to address Council regarding Donate Life Month for organ and tissue donors (Communications)</p>	PLACED ON FILE
TIME CERTAIN	
<p>354 TIME CERTAIN: 9:30 AM – Accept Transitions to Housing Evaluation Report on cost effective strategy to end homelessness (Report introduced by Commissioner Sten)</p> <p>Motion to accept the report: Moved by Commissioner Sten and seconded by Commissioner Saltzman.</p> <p>(Y-4)</p>	ACCEPTED
CONSENT AGENDA – NO DISCUSSION	
<p>355 Accept bid of Natt McDougall Company for Washington Park Open Reservoirs 3 and 4 Improvements for \$3,741,000 (Purchasing Report - Bid No. 102064)</p> <p>(Y-5)</p>	ACCEPTED PREPARE CONTRACT

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Mayor Vera Katz		
*356	Authorize revenue bonds to finance various projects (Ordinance) (Y-5)	177406
*357	Authorize lines of credit and bonds for various projects (Ordinance) (Y-5)	177407
*358	Authorize Limited Tax Improvement Bonds, 2003 Series A for the cost of local improvements (Ordinance) (Y-5)	177408
*359	Extend agreement with Cable, Huston, Haagensen & Lloyd for outside legal services (Ordinance; amend Contract No. 33228) (Y-5)	177409
*360	Authorize an Intergovernmental Agreement with Multnomah County regarding the City Technical Assistance programs (Ordinance) (Y-5)	177410
Commissioner Jim Francesconi		
361	Set hearing date, 9:30 a.m., Wednesday May 14, 2003 to vacate a certain portion of N. Montana Avenue between N. Lombard and N. Buffalo Streets (Report; VAC-10009) (Y-5)	ACCEPTED
*362	Grant revocable permit to Oregon Brewing Company/Rogue Ales Public House to close NW Flanders between 13th and 14th Avenues on May 16 through May 18, 2003 (Ordinance) (Y-5)	177411
*363	Amend contract with Nike, Inc. and Portland Parks Foundation to renovate and resurface outdoor basketball courts (Ordinance; amend Contract No. 51961) (Y-5)	177412
*364	Contract with Fred Hutchinson Cancer Research Center to provide a fund-raising mountaineering class and climb to be conducted by Portland Parks & Recreation Outdoor Recreation program (Ordinance) (Y-5)	177413
Commissioner Randy Leonard		
*365	Adopt the State of Oregon, 2003 Edition of the One-and Two-Family Dwelling Specialty Code (Ordinance; amend Titles 24, 25, 26 and 27) (Y-5)	177414

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Commissioner Dan Saltzman	
366 Authorize Intergovernmental Agreement with Dunthorpe-Riverdale Service District to provide pretreatment services in the District for industrial users that drain to Portland (Ordinance)	PASSED TO SECOND READING APRIL 30, 2003 AT 9:30 AM
367 Authorize Intergovernmental Agreement with Multnomah County to provide pretreatment services in the former West Hills Service District for industrial users that drain to Portland (Ordinance)	PASSED TO SECOND READING APRIL 30, 2003 AT 9:30 AM
Commissioner Erik Sten	
*368 Agreement with Portland YouthBuilders, Inc. for \$642,840 for a comprehensive youth community service program and provide for payment (Ordinance) (Y-5)	177415
*369 Increase agreement with the Salvation Army by \$5,695 to provide additional Housing Investment Funds for emergency shelter for homeless men and women (Ordinance; amend Contract No. 34464) (Y-5)	177416
*370 Increase agreement with Decisions Decisions and the Austin Consulting Group by \$24,100 for the formulation of a strategic plan and modify scope of work (Ordinance; amend Contract No. 34629) (Y-5)	177417
*371 Apply for a grant of \$208,285 from U.S. Fire Administration/Federal Emergency Management Agency for Portland Fire and Rescue fire safety protection (Ordinance) (Y-5)	177418
*372 Accept donation of a boathouse from Multnomah County to Portland Fire & Rescue (Ordinance) (Y-5)	177419
*373 Amend Intergovernmental Agreement with Multnomah County to provide Healthcare Provider Cardiopulmonary Resuscitation training for Multnomah County Health Department Employees (Ordinance; amend Contract No. 51842) (Y-5)	177420
REGULAR AGENDA	

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Mayor Vera Katz		
374	Accept approvals and denials of the Limited Tax Abated Single Family New Construction, Rental Rehabilitation, and Owner-Occupied Rehabilitation Properties from January 1, 2002 to December 31, 2002 (Resolution) (Y-4)	36134
*375	Accept a \$42,500 grant from the U.S. Department of Justice, Executive Office of Weed & Seed Program for the Albina neighborhood (Ordinance) (Y-4)	177421
Commissioner Jim Francesconi		
376	Consider vacating a portion of NE Weidler Street west of NE 84th Avenue at the request of Portland Habilitation Center, Inc. (Hearing; Report; VAC-10003) Motion to accept the report and prepare an ordinance: Moved by Commissioner Sten and seconded by Commissioner Saltzman. (Y-4)	APPROVED; CITY ENGINEER PREPARE ORDINANCE
Commissioner Randy Leonard		
377	Clarify and improve readability without changing policy or intent of the original land use regulations and allow the Planning Director to make clear and objective corrections to maps (Second Reading Agenda 350; amend Titles 1 and 33) (Y-4)	177422 AS AMENDED
Commissioner Erik Sten		
378	Establish Wildfire Hazard Zones to regulate types of roofing materials (Ordinance; amend Title 24, add Code Chapter 24.51)	PASSED TO SECOND READING APRIL 30, 2003 AT 9:30 AM

At 10:31 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23RD DAY OF APRIL, 2003** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Leonard, Saltzman and Sten, 5.

Commissioner Saltzman arrived at 2:03 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

<p>379 TIME CERTAIN: 2:00 PM – Consider the proposal of Albina Fuel Company and the recommendation from the Hearings Officer for approval of a Comprehensive Plan Map Amendment and Zoning Map Amendment with Greenway Review and an Adjustment for properties located on the south side of NE Broadway between NE 32nd and 33rd Avenues (Hearing; LUR 00-00672 CP ZC)</p> <p>Tentatively approve the Hearing Officer’s findings with the 3 conditions in the report, add Design Review through a Type 3 procedure and maximum density the developer can build on this is the minimum allowed: Moved by Commissioner Francesconi and seconded by Commissioner Saltzman.</p> <p>(Y-5)</p>	<p>Disposition:</p> <p>TENTATIVELY APPROVE RECOMMENDATION OF THE HEARINGS OFFICER WITH CONDITIONS. PREPARE FINDINGS FOR MAY 7, 2003 AT 3:30 PM</p>
<p>*380 Amend the Comprehensive Plan Amendment from Industrial Sanctuary to Urban Commercial and Zone Change from IG1 General Industrial 1 to CS Storefront Commercial with a d Design Overlay Zone for lots abutting NE Broadway Street and approve a Comprehensive Plan Amendment from Industrial Sanctuary and General Commercial to Central Residential and Zone Change from IG1 General Industrial 1, IH Heavy Industrial and CG General Commercial to RX Central Residential with a d Design Overlay Zone for the remainder of the site, south of the lots fronting NE Broadway Street (Ordinance introduced by Commissioner Leonard; LUR 00-00672 CP ZC)</p>	<p>CONTINUED TO MAY 7, 2003 AT 2:00 PM</p>
<p>EXECUTIVE ORDER</p> <p>381 Temporarily reassign all City departments and bureaus to the commissioner of finance and administration (Ordinance)</p>	<p>177405</p>

At 4:12 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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Closed Caption Transcript of Portland City Council Meeting

This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

APRIL 23, 2003 9:30 AM

Katz: Council will come to order. Karla, please call the role. [gavel pounding]

Francesconi: Here. **Saltzman:** Here. **Sten:** Here.

Katz: Mayor is here. Before we start on our regular schedule, i'm very lucky, though I haven't had time to spend with these young men and women a lot, I will on friday, i'm very lucky that I have four students from centennial -- i'm not that lucky? -- four students from centennial, spending a week with me. I've asked one of them to select -- I mean, i've asked the group to select one person to explain what they're doing. Who wants to start?

*****: We're here --

*****: Identify yourself first.

Shawna Thomas: All right. I'm shawna thomas.

Rebecca Furese: And i'm name rebecca.

Cody Burkland: I'm cody.

*****: Don.

Thomas: We're juniors from centennial high school. We all chose to come here for a great experience. And we're doing a project, a day at the mayor's office, and want to find out more about your guy's busy schedules and see what you guys do on a regular basis. Obviously we're having a fun time keeping up, but it's a lot of hard work and a lot of fun. So we'll be wandering around taking pictures and things like that all week.

Katz: So I think you saw them taking pictures yesterday at a work session. Thank you very much. Have a great couple of days.

Thomas: Thank you.

Katz: All right. Communications. 352.

Item No. 352 and 353.

Katz: Come on up. Read the other item as well.

Mary Jane Hunt: Good morning, mayor Katz. Commissioners. I'm mary jane hunt, executive director of Oregon donor program. First of all, we're here today because it is donate life month during the month of april. We'd like to thank mayor Katz for signing the proclamation earlier this month to be part of this important issue. Oregon donor program is heightening its efforts to encourage people to talk about organ and tissue donation. Over 80,000 men, women and children in the united states waiting for life-saving organ transplants. 350 live here in Oregon, and there are thousands who are in need of skin, bone and other soft tissues. We're here this month to encourage people to think about organ and tissue donation, as it is often times life-saving, as well as life enhancing. We're here to encourage people to be reminded that a d on your driver's license or a signed donor card isn't necessarily enough. You need to tell your family, because that might not be with you at your time of death and family members are asked to be part of that decision. And they need to know what your wishes are. So we're encouraging you, if there's one thing for you to remember today, is to think about whether or not you have that d on your license, because right now we have 1.4 million Oregonians with a d on their license. We want to remind those individuals to

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tell their family. We're here today again to thank you and to encouraging you to check that license, to see if you're part of the 1.4, but also to be reminded to talk to your family. Thank you.

Katz: If you have this card on you, you're all right?

Hunt: That is your legal document of gift. However, family members are still asked to sign a consent form. They need to provide medical and social history. So it's important they know your wish.

Katz: Got you.

Hunt: Thank you.

Katz: Thank you.

Tom Cheadle: Good morning, mayor Katz, commissioners. My name is tom cheadle. I stand before you today, which in itself ace a miracle. 13 years ago I was diagnosed with end stage renal disease brought an end to my type a personality lifestyle. I could no longer play soccer or tennis and gave up my being a traveling salesman. One day I felt fine. The next day I was fighting for my life. That fight included losing the ability to walk, cut my own food or button a shirt, perform my job, and I was reduced to living in a wheelchair or in bed. When I was put on the transplant waiting list in 1991, there were about 29,000 people on it. Now today there are close to 85,000 people on it.

You can see that the curve is going way up. Back then I only had to wait a year and a half to get my kidney. Now my blood type waits three or four years. My miracle occurred after I missed two chances. The first because I had shingles, and the second because the pager didn't work thanks to a computer glitch at the beeper company. Pretty disappointing. I received the gift of life three days after christmas in 1992, so i'm 10 years out. I tell people i'm 10 years old, even though i'm 54. In those 10 years i've learned to walk again, gone back to work in a new profession at Portland state university, and have become an avid golfer. Having gone through this ordeal has changed my approach to my life. My wife and I sought a less stressful life and decided to move here from dallas, texas, to get out of the rat race and the heat. In order to give back, I've become a dedicated volunteer for the Oregon donor program, for which i'm chairman of the board this year. I also speak for the national kidney foundation and belong to my local lions club. The reason I do that is they call me I go to the airport and pick up a box that says human tissue and take eyeballs over to good sam hospital. Oregon donation works. Several hundred Oregonians are alive today because of successful organ and bone marrow transplants. In addition, a few thousand others' lives have been enhanced through the use of transplanted tissue. Corneas, skin, bone, ligaments, and heart valves. I'm able to be here this morning because of it. I ask you to consider becoming an organ donor and be sure to talk with your family about your decision. Thank you for your time this morning.

Katz: Thank you very much. Questions? All right, thank you. All right. Consent agenda items. Any items to be removed off the consent agenda? Anybody in the audience that wants to remove an item from the consent agenda? If not, roll call.

Francesconi: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. [gavel pounded] 354.

Item 354.

Sten: Thanks, mayor. I think tonya parker and heather lyons are going to come up. The council will recall probable with the exception of commissioner Leonard who wasn't here yet, that about two years ago we brought kind of an innovative and I thought a little bit risky project to the council. And what we were looking at is that although the -- I think this council has put more money into affordable housing of local dollars than anywhere in the country per capita, we still have a much greater need than we can even meet. Today that's much worse than it ever was in terms of our housing dollars just aren't there. We also think have really felt that over the years long term one of the key strategies is building enough affordable housing, but in the short term, even if you have money, that doesn't help folks on the streets today. The question was, how can we better work with

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the private market, get people into housing more quickly. What this transitions to housing was about, was trying to work very closely with the community groups, many of whom are here today, to identify those folks who are homeless out in the community, but really look like and we believe are going to be back on their feet in a relatively short amount of time. The question was, could we take a small amount of money, help them with down payments, rent assistance, those kind of issues, bridge them with into a housing unit, with the expectation that's a short-term amount of money and they'll get back on their feet. It was risky from my point of view. I think the council knows I don't mind a little bit of risk. When I come in saying it's risky, it's risky.

Katz: We know that.

Sten: I was nervous, could the city get into rent subsidies, knowing we can't sustain that. Clearly we didn't want to set expectations and we didn't want to get people into housing and have it not work. I'm proud of the work that's happened for the last two years and wanted to take a couple of minutes to share it with the council. We worked with cascade aids project, cascadia, central city concern, join, northwest pilot project, Portland impact, albina ministerial alliance, friendly house, neighborhood house, ywca and had great results with this program and for a small amount of money were able to bridge people. A lot of this was using lessons that join taught us. We actually decided to spend a little bit of the money and pay for a formal outside evaluation so we could take a look and see how things work. That's what we want to present today. H.u.d. was a very willing partner. Doug carlson is here from h.u.d. as well. I wanted to recognize him. Although they were not the agency doing the outreach, the housing center who's here, everybody who was part of this, used their ready to rent program. We've built all of the pieces out there and tried to find, can we get the groups in the front line working with the different populations in need, can we work with the housing center, with h.u.d., who ultimately helps us with money and those issues, and get a system that's a little bit better at getting people who are experiencing a short-term crisis, but should be back on their feet, pushed into housing faster. We're calling it a housing first model, kind of the idea being that we need shelters. We have people who work diligently and very, very hard to keep the shelters running, but for some people not getting to shelters, but straight into the housing is the housing first idea. I see this and part of the reason why I wanted to take a couple minutes this morning as a building block for a bigger revamp of our homeless, our homeless strategy. The mayor asked me to lead work to update that over the next year or so. We're going to do that. This is not the answer, but it's a building block. It's not saying, gosh, what we've been doing isn't the right approach. It's saying how do we get better leverage out of what we're doing and can you come up with new strategies to better leverage the housing that's out there. So tonya.

Tonya Parker, Director, Bureau of Housing and Community Development: Good morning. My name is tonya parker, the director of the city's housing and community development. We're here this morning to share with you the outstanding outcomes of a pilot project that I believe should become a permanent part of the city's arsenal in addressing the root causes of homelessness. As the city focuses on a managing for results approach, the benefits and investments garnered through the transition housing program shows that our community partners in hand with bhcd has done exactly that. Two years the transition to housing program set clear bench marks and goals, strategically allocated city resources and carefully monitored and evaluated them. What we have received from that are the solid results before you this morning. Transitions to housing provided short-term financial bridge across a spectrum of service providers. More than 770 people were served, including teen parents, seniors, those with no income, those who are mentally ill, and those who are h.i.v. positive. Most were seeking assistance because of a job loss. This was an effort that individuals, partners, tackled in various corners of the city with one positive collective result. People were moved into safe, clean stable housing. Our 13 agency partners were sent to respond quickly, have the capacity to respond quickly, and also believed in the importance of tracking and

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evaluating the results. Because of this, there were fewer families facing reoccurring homelessness, fewer people living in unsafe and uninhabitable conditions, and fewer people cycling in and out of jails and various social service systems. For us to save time and resources, so I want to thank time to thank all of our dedicated partners, especially heather lyons the city's homeless program manager bob Durston and marshall runkell and commissioner Sten's office as well. Also want to thank the council for again two years ago having the wisdom to invest in something that was more of a pilot effort. Again, I think it would be great to get additional flexible fund to go continue the program. The need is there, our community partners are willing, and it would be an investment worth countless dividends. Thank you.

Marilyn Miller, Executive Director, Portland Impact : I'm marilyn miller, executive director of Portland impact. It's kind of fun for me to be here. Last time I was here mayor clark was here and we were trying to convince him that families were being devastated by homelessness. Now i'm here to thank you for not only recognizing that families are part of homelessness but doing something about it. We had the honor of working with four partners, Albina ministerial alliance, friendly house, neighborhood house and the ywca. We've served and you've seen the report, 54 households, but let me tell you what's behind those households. Last night about 150 children were in a warm bed in their own home because of what you did, because of your investment. So I think it's important to remember that behind households with families are children, many of them under the age of 5. And they are safe, warm and in a home because of you. So thank you very, very much. We also focused on latino families and served about 63% of those families. It's a rapidly-growing population. And had great success with the latino community. The majority of our families came from the private housing market. And they returned to the private housing market. So indeed these were folks that I think you intended to target who needed some short-term assistance who with that assistance could get back on their feet. These funds were different and a key part of the puzzle. They're not the solution, but they certainly were a key part of the solution for some of our families, because first and foremost they were flexible. So we were able to take each individual family situation and distribute those funds in a way that met their situation and need. I think that's why we had such a good success rate. Additionally, the focus was on results, not effort. It's always important, and while effort's important, it doesn't equate to results. So we really looked at this pot of money and what it could do and what families could best succeed with it and made that match. And I think again that's why our results were so good. At the end of 12 months, which is really the key, sometimes it's not so challenging to have good results at the time someone exits, but the real true test is down the road. At 12 months, about 60% of our families were still in permanent housing. The basic standard across the country for success with homelessness families is 50%. So you can see that we did very well in terms of that. The other critical part of this -- and I want to acknowledge Multnomah county, because without the funds from Multnomah county to provide the support for the family support advocates who did the support and case management work, the money alone I think would not have resulted at least for families in the same result. So again, I think this is another effort that shows a good partnership between the public jurisdictions that really created some amazing results. I wanted to give an example of a couple of families so you can put faces to these. One of the families we served was from the ukraine. They were two adults and four little children. They were all living in a three-bedroom house in which there were six adults and eight children. I don't know, I still have young children, and I have two of them in a fairly good-size house and they drive me crazy. So you can imagine six adults and eight children. Again, like many of our families, they were having a hard time finding employment, where they could get part-time employment, low-wage employment, they couldn't find livable wage employment. We helped them for about eight months at the end of that both adults had found permanent housing. They were in private market rental housing and they had full-time jobs and were paying the rent totally on their

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own. This is all in a matter of a few months. Pretty amazing. Another latino family, a similar situation, and what's exciting about this is not only is that family now full-time employed, but they are visiting the housing center because their hope and dream is to own their own home in two to three years. So again, on behalf of homeless families and actually all the partners in this program, I hope you remember the faces behind those numbers, because you really impacted people. The other thing I wanted to say, a friend of mine susan ammons sent me a card once. And it had a statement that makes me think of eric particularly, but city council in general. And it says "for those who say it can't be done, get out of the way of those who are doing it." I encourage you to keep doing it, because you are making an impact on real people and real lives. Thank you.

Katz: Who's next?

*******:** I am.

Katz: Grab the mic.

Leore Barry, Cascade Aids Project: Ok president my name is leora barry with cascades aids project. What we found is that transit housing was more than just rent assistance, for people living with h.i.v. And aids, it is also essential health care. I'm going tell you first a story of one of the clients who participated in this program. He's a 56-year-old man, he was a truck driver, he was a veteran, and he was a long-term survivor of h.i.v. P.c.p., pneumonia, fatigue, and wasting had landed him in the hospital. His employer didn't provide disability insurance. And so here he was hospitalized, with no place to go and no way to pay his rent. This was may of 2002. So he was facing eviction and facing homelessness. Through the transit to housing program, we were able to provide services and financial help to help him with his specific issues and specific needs. We were able to immediately pay his back rent and we were able to start immediately paying a monthly rent subsidy for them. He completed the rent program through us and did monthly and home visits with our social workers to do goal planning and look at the future and what to plan for. He also became a c.a.p. volunteer. As a result of trans to housing he had stable housing, which meant he was able to continue access health care and start attending counseling. This was extremely essential for this particular individual. His health improved. And he returned to full-time work and he continued to stay employed throughout participation in the program. In december of 2002, he graduated from our program. This was a great success. He was healthy, he was housed, he was employed, he had a better income, but there's more to this story. In january of 2003, he was diagnosed with lung cancer. He worked awhile longer and he continued to keep trying. He stayed housed throughout. In march, he was hospitalized, but he stayed housed until he was hospitalized. Shortly thereafter he died. So this also represents the story of a person who was -- stayed housed at the end of life, which meant his quality of life, at his end of life was good. He was housed, he was better, he felt safe. It's a sad story, but also a really good story, because it's also a story of hope and success of a program and what it can do. The trans to housing model I felt was exceptional in five specific ways. The first thing was it was great data. I'll never gripe about doing the data, because it's what proves what works. I appreciated the data we got. It showed who was helped and what was the impact. The second thing that was important was it's a great housing first model. You can match it to a variety of agencies, to a variety of needs and serve a huge variety of people, people are who about to be homeless, people who have been homeless for a long time and match it with the appropriate social services. Third, it's flexible. And flexible as far as subsidies and services, fitting it to the individual needs of the person you're dealing with. Four, it's flexible. It melds into the existing programs, you're able to quickly get the services going and keep them going. Fifth, it's flexible. So you can tell the theme I have there. We were able to pay back rent, even mortgage payments. So it was a great model that doesn't -- isn't like any other we currently have. So this flexibility meant that for cap we were able to provide essential services and fit a very specific gap that we didn't have in our continuum of services. We were able to serve 41 households, 205% more than we expected to

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serve. We were able to serve singles and couples, clients that were living with caregivers and we served five families with children. For clients it meant they got services specific to what they needed, they got a choice of their housing and they were able to either avoid homelessness or get out of homelessness. For the community, it was effective and it was efficient. So I really want to thank the city for funding trans to housing. I know it was a big risk, but it was really worth it. I think that trans to housing is clearly an idea that worked.

Katz: Thank you.

*****: Thanks.

Lorrie Elliot, Cascadia Health Care: Lori Elliott. Cascadia health care. We partnered with department of community justice, targeting individuals who were mentally ill, addicted, and part of the corrections system. And all our clients are medium or high-level offenders, meaning they had a high risk to be back in the system, back in the jails and prisons. So pretty difficult population to house, first of all. And many of them came into -- into treatment homeless. And didn't have very much likelihood of leaving being housed, because due to criminal records and etc. Are very difficult to get into housing. Having the housing first money and being able to link it with the clinical services was very helpful in that they didn't need to stay in residential treatment as long. We could move them into housing sooner. And it also gave them a little bit more incentive to -- to have that transition of going from a criminal lifestyle into a healthy, productive lifestyle. And without the housing first, you know, housed 73 guys -- mostly guys -- and without them I doubt if we would have been able to find housing for most of them, meaning they would be back in the shelters, back on the street, probably back in the criminal justice system. So excellent, very helpful. And again, as everybody else has said, the flexibility was so unique and so great to be able to have flexibility according to the individual client. Some of the clients come in more mentally ill or more enmeshed in the criminal justice system, at different levels of needed care for their addictions. Being able to target what's the best housing for those clients and to be able to get them in there, help them get on to their social security, get employed, was just perfect. Haven't worked with a program as ideal as that. Thank you.

Katz: Thank you.

Parker: So now we want to give the floor over to Thomas Moore, who is an evaluator, and Heather, to talk more about the results of the study.

Katz: Thank you, Tonya.

Thomas Moore, Herbert & Louis, LLC: Good morning, Mayor Katz, Commissioners. My name is Thomas Moore. I'm with Herbert and Lewis, private evaluation company in Wilsonville, Oregon. I always enjoy the opportunity to come and to address and present an evaluation that we've done on a project that I can personally consider very, very successful. What I'm going to do is go over the information. Some of it has been addressed, so I'll go briefly over those overheads and talk a little bit about the findings and then Heather Lyons he is going to talk from the city's perspective on future steps. And I'll answer any questions you might have. And Heather's going to run the machine. The purpose, as has been addressed, is to provide a short-term financial bridge to individuals and their families to maintain them in a safe, permanent housing. Really what's that about, was not necessarily looking at folks that were homeless at the time, but were at risk of being homeless or living in unsafe conditions. And to gain the housing for the homeless folks. Eligibility was that the individuals, the heads of household and their families were either homeless or at immediate risk of being homeless, living in unsafe conditions or their gross family income was 20% or less than the area median income of the those incomes are on page four of the report if you're interested. What has already been addressed is the diversity of the partnering agencies. I was a little taken back when we took on the project, looking at how we're going to evaluate a project that was dealing with completely different client sets. Engine the major point of the feature of the project was that the

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flexibility and timeliness has already been stated. What we attempted to do was to develop a standardized evaluation protocol across all these agencies and then the agencies were doing the extensive fun. I'll mention the fun later, which was quite remarkable. You've all right seen a list of the partnering agencies. What we looked at was trying to really develop the common data set, and we met with all the partnering agencies. We met with the city to really try to put together a data set that wasn't going to be too arduous for the providers to collect data for. We were looking at collecting data at enrollment, six and 12-month follow-up, and also at the time of case closing. Because of the different providers and their different client mixes, normally what we see in an evaluation, is we track folks from the time they're discharged or the time of engagement with the project is completed, but some of the agencies are dealing with folks for a long period of time, like cascade aids project and other agencies are dealing with folks for a relatively short period of time, like southeast works. So what we based the follow-up on was time of enrollment. And the case closing then was based on the time that the client or the household finished their transition to housing funding expenditures. Most of those were still engaged in the case management of the clients. As previously mentioned, there were 771 enrollments. About 19% more than had been projected. It's rare that I've ever worked on a project in all my years of experience where we've been able to serve that many more clients than what the folks had projected. Usually projections are much higher than what happens in actuality. The mix of the caseload, about 72% were single heads of household, and about 28% were families. Again, I can't overstate the broad representation of age, gender, race, ethnicity, education, and reasons for enrollment. The flexibility of the project really touched a lot of people from a lot of different areas that required assistance. The living situation at the time of enrollment, 52% were either homeless, what we consider homeless, living in shelters, on the streets, in transitional housing or temporarily doubling up with friends and family. 34.5% were private market rental and a little over 13% were in public housing or institutions, like central city concern was talking about folks coming out of jails and treatments. 31% entered the project due to job loss. The remainder entered for a variety of reasons. There was a wide variety of reasons, and those are addressed in the report. The average income at enrollment was about \$330 per family household. And at the time of completion it had gone up considerably and statistically significantly to \$628 a month.

Francesconi: I'm sorry, unfortunately I have to leave. Can I ask one question?

T. Moore: Sure.

Francesconi: Why is that? Do you have any idea from your study about why that income went up so much during that time?

T. Moore: There were a variety of projects. So some of the folks, like from southeast works, it's a jobs-related project, folks coming in, risk of homelessness, were being stabilized in housing and getting jobs. The other thing that folks were also not getting all of their -- able to get their entitlements to get other rental assistance, stuff like that. So it was a combination of actually getting employment and actually getting the benefits of what they were entitled to be getting.

Francesconi: I'll watch the tape on this, but one of the questions, if you could address afterwards, you know, the effect of Multnomah county cuts, the effect of the cuts on the -- on the case management, if there is any, what effect that's going to have on this as we move forward.

*******:** Sure.

Francesconi: Thanks.

Katz: Let me follow up on that. You said it was a combination of southeast works and a combination of accessing benefits. Do you have a breakout of that? How much of it is because there were jobs at the other end of the line and how much was better case management?

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T. Moore: It's in the report. I don't have it on the top of my head. I can get that for you. We did collect that data. If it's not what you need, and I'll check with your office later, we'll extract from the database what --

Katz: Please do that. Keep going.

T. Moore: At six months, as I said 74% were living in permanent housing. And another 13% had prospects for permanent housing. At 12 months, that had dropped off a little bit, where 62% were living in permanent housing and another 9.3% had prospects for permanent housing. And what we'd asked the agencies to do was look at their caseload and make their best estimate of whether the -- their clients that they were dealing with looked like they were going to be able to move into permanent housing. 82.5% of the individuals successfully completed all the requirements for transition to housing project, and there's a -- that's further explained in the report. One of the remarkable things to me was that the average expenditure per case was only about \$1200. So sort of the bang for the buck for a large number of people was very efficient. The average length of enrollment was only 135 days. This is not a long-term project. We refer to it as a shallow rent assistance, which it was, and it held true to its design.

Heather Lyons, Homeless Program Manager, BHCD: Hi. I'm heather lyons. I want to talk about a few things we learned from this project. The data captured in this evaluation is really valuable and points to a lot of reasons behind homelessness and housing instability that we can look to. We learned that flexibility with accountability is key. Less program prescription at the front end with more of a focus on outcomes at the back end works. And the housing first model is something that is cost effective and it's something that works for multiple populations. So providing assistance with the housing and services at the onset or as a tool to prevent homelessness rather than exclusively moving people through a continuum of shelter, transitional housing and housing readiness services is much more cost effective. So one of the things we learned is, as tonya also mentioned, that this evaluation shows that rental assistance is not really a waste of resources, but another tool to increase housing that is affordable to people who are at the lowest end of the income scale. As we embark on this new planning effort, we recognize that transitions to housing is one tragedy that we can look to replicate. Just as a preview, some of the other tools that we're looking at are supportive housing, which is housing tied with ongoing services for people, and these are primarily -- this type of housing is primarily geared towards people who have multiple health and treatment needs and need those services to be able to maintain housing. The second one is homeless prevention through discharge planning, which essentially means that institutions like jails and hospitals who temporarily house homeless people, engage with housing and service providers to develop plans that prevent individuals from being discharged to the streets and emergency shelters. This also can apply to systems like foster care, when people are no longer eligible for support and often end up leaving that system without any kind of a housing plan. Another tool are programs like fresh start, fresh start brings homeless and service providers together with property managers to house individuals who have barriers such as criminal records and poor rental or credit history. Agencies agree to provide follow-up services and case management after housing placement and the landlord agrees to waive some of the more stringent tenant requirements. So embarking on this effort to do end homelessness, it will take unprecedented cooperation and collaboration among institutional, social service, health and housing systems. This isn't just about homeless providers, a homeless plan, it's more of a plan to end homeless. We've learned especially in the adult homeless system, we can't do it alone. We can look at our system over and over again, but unless we engage with our partners at Multnomah county and other service providers that provide the hum services and our permanent housing and affordable housing partners, we can't work to end people's homelessness. This will take a shift from housing readiness to housing first.

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And it will mean investment into programs that end homelessness without compromising the safety net.

Katz: Stop for a second. Go back to the second arrow. Shift from housing readiness to housing first. Be specific in terms of what it means in shifting some of our policies.

Lyons: The concept of housing first is that people don't necessarily need to go through a continuum of shelter and housing and programs in order to be ready for housing, but in fact if people are placed in housing immediately and then get follow-up services after that, they can be just as successful in obtaining and maintaining housing.

Katz: Are you saying -- this is also kind of a question for commissioner Sten -- are you rethinking the shelter issue if in fact this is a policy shift, that may make some sense? I know we can't eliminate --

Lyons: Right.

Katz: But what are you thinking about in light of this shift?

Lyons: I think that it would be -- the ideal would be to invest in housing first programs and see a reduction of use in shelters.

Katz: Right.

Lyons: And transitional housing and so on. But it is an idea that essentially that people don't have to earn housing, but in fact if they're placed in housing and provided that support, that they're very, very capable of maintaining it. It's not necessarily something for everyone, but it is something that as this model has shown to work for a variety of populations, so it's something we want to explore. If we can go with this model and be no more cost effective with it, then hopefully we can reduce the reliance people have on shelters and programs like that.

Sten: If you would look at the numbers today, you'd probably conclude we need more shelter pads, but this doesn't work if somebody doesn't have a way to pay the rent without this help six months down the road. For people that are disabled, going to be on a disability payment, things that aren't going to change, you can't leverage them into an apartment that isn't really affordable.

Katz: Not only do you need the social service network, which has been reduced dramatically, but there has to be a job at the other end.

Lyons: A job or some sort of income.

Katz: Or --

Lyons: On a fixed income, like elderly or disabled.

Katz: Government assistance?

Lyons: Yeah.

Katz: There's a difference between income and --

Lyons: Well, yeah.

Katz: So a job and assistance.

Lyons: Uh-huh.

Katz: Ok.

Lyons: Yeah. And in fact, you know, the supportive housing model that we talked about before is another tool which is essentially, again, permanent housing, but it's tied with ongoing services. And the services don't end. I mean, we just -- we recognize that some people will continue to need services to be able to maintain that housing.

Katz: Got you.

Lyons: This is just one piece of the overall strategy.

Katz: Ok.

Lyons: And then -- and also, very much related, we want to encourage investment into programs that end homelessness, but we don't want to compromise the safety net, because we recognize that homelessness is likely going to increase due to the cutbacks in human services that are occurring,

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and the safety net is very important. We don't want to take it away. But we think that we need to go back to it being just a safety net. And not another place for people to go and in fact some places in emergency shelters people are making it their home. So it needs to go back to the original idea of being solely a safety net, not being just a place where people end up. One of the things that's happened with the buildup of the home system, it's become a catchall for a lot of other mainstream service and housing systems and institutions like hospitals and so on that just say, "oh, you don't have a place to live, ok, great, you go to the homeless shelter." the homeless shelters are inundated with really a lot of work on the front end, don't need to end up there in the shelter, but instead they come there and get into the cycle of homelessness, so we want to try to work on that but leave the safety net in place. So if we can do that, one of the things -- some of the things that we think in ending homelessness plan will return is more cost effective and humane approaches to ending people's homelessness. And we also see that we can have maximized resources through coordination and reduce duplication and streamline mechanisms for deliver funding and services is key to this. We think that results and mutual accountability is important. Recognizing mutual interest and holding each other accountability makes effective use for public funding. We can this can be replicated in other areas, just as it's shown in the transitions to housing pilot project. So we look forward to coming back with more information about this plan. And we also hope to come back with news of additional resources, coming to Portland and Multnomah county to help further this effort.

Katz: Yeah. And I would like -- you don't need to come back, but let us know in terms of the jobs. Because we've got one-stops in both southeast, northeast, and downtown. And I want to know how much of that sustainable income was a result of those programs being able to find a plan.

T. Moore: I'll do that. It's more of a global picture, too, because some of the folks from different agencies were, you know, out temporarily for medical conditions, where transitions to housing was able to keep them in their housing they didn't become homeless, and they were able to go back to their jobs, like one 54-year-old woman who was a waitress. I'll extract that for you and try to get a good analysis.

Katz: All right. Questions? All right, anybody else that you have --

Katz: Your partners have abandoned you. It's called flexibility. [laughter]

*****: Speaking of flexibility, part of the flexibility --

Katz: Identify yourself.

Peg Malloy, Portland Housing Center: Peg malloy, Portland housing center, 33rd and northeast sandy. Part of the flexibility in this program is the different agencies have adapted the ready to rent program within it, which is -- i'm not sure about the housing readiness versus housing first. But it is a housing readiness program to prepare people for housing. It's taught by the various agencies. Within this whole program, as mentioned by some of the presenters, people had to go through the ready to rent program. What we've done is be able to provide a kind of curriculum that can adapt to any agency. It's from braille to -- into spanish. You won't find ready to rent mentioned in this report, except for a plug by one of the clients, which was nice that a client pointed out that that was part of her reason for success. And my reason for mentioning ready to rent is once again we're sort of at jeopardy in our funding for ready to rent, so asking for, as part of this whole continuum of housing and getting people into housing, that ready to rent be considered a thing that the city will again fund. Eric, thank you.

Katz: I think that was lobbying. That's fine, peg. Thanks. All right, anybody else?

Sten: It's budget time.

Katz: Yeah, I know. All right, i'll take a motion, then, to accept the report.

Sten: So moved.

Katz: Do I hear a second?

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Saltzman: Second.

Leonard: Aye.

Saltzman: This is a great groundbreaking innovation here. Getting people into housing and helping people in times of crisis. It sounds like it will become a part of the new strategy for homelessness that the mayor has tasked commissioner Sten with coming up with some recommendations on and once you come up with that strategy, we'll have to figure out how to fund it. I assure you, I know all of us up here are keenly aware of the problems of homelessness and want to do all we can to end it. Aye.

Sten: I want to thank Heather and Andy and Tonya, and the team at BHCD and the Housing Authority, all of the nonprofits out there, Peg at the Housing Center, and as I mentioned before H.U.D., I think this is a good building block. I think we've learned a lot. I think this can become something that becomes one of a few key strategies to I think modify what's a good system out there and get it to be even better. You know, at this moment in time trying to stretch the dollars further is never -- I mean, this was a good idea two years ago. It feels like an absolutely critical idea at this point, that if we weren't doing this two years ago, I don't know what we'd be doing right now. I feel very good bit. Thanks to everybody for pushing and getting this into place. Aye.

Katz: I'm very fortunate. I get to talk to Commissioner Sten before these bright ideas get into the budget, because it's part of the budget process, and I poke at him and he does take risks. And 99.9% of them work out. This is one that does. One of the reasons that I've asked him to take this project on because it's been over 10 years since we had the 10-point homeless plan, and as I said in my state of the city a lot of things have changed. Commissioner Sten and his staff and my staff and our offices worked through the Dignity Village issue and realized that there may have to be some changes in the continuum of housing. In addition to the fact that this -- this particular program may also need to take over some of the traditional housing programs that we've had. I don't know the answer. But my gut tells me that we probably need to think very fresh about what to do. And so this has been a worth -- very worthwhile project. Thank you, Commissioner Sten, for taking those risks. It's paid off. It's come from our housing investment fund, which is the appropriate place to try these projects. So I'm happy to vote aye. [gavel pounding] Let's get to the regular agenda. 374.

Item 374.

Katz: All right. Who's here to testify on it? Come on up.

Sarah Stephens, Portland Development Commission: Sarah Stephens, Portland Development Commission. Just wanted to bring your attention to this. This is something you saw last year, and much smaller this year. But it will be something most likely on consent in the future, but it will be a regular annual resolution to approve the single-family new construction limited tax abatements. There were a total of 384 applications that met the requirements. 379 of those are new construction. Four rehabilitation owner-occupied and one was a rental rehabilitation. There were two denials and both those denials appealed to city council and the Portland Development Commission denial was upheld at those appeals. The only thing that we'll see different in the future with the exhibit A, we do include the list of those applicants, will be that in the future due to our owner-occupied requirement, starting January 1, 2003, instead of a lot of the builders who were now applying, there will be the homeowners' names.

Katz: Ok. That's a good addition. All right, questions? Anybody want to come and testify? Roll call.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. [gavel pounding] 375.

Item 375.

Katz: Anybody want to testify on this? If not, roll call.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

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Katz: Mayor votes aye. [gavel pounding] 376.

Item 376.

Katz: Ok. Who wants to come and report? Is there any -- are there any remonstrances? No. Then I need a motion to accept the report and prepare an ordinance.

Sten: So moved.

Katz: Do I hear a second?

Saltzman: Second.

Katz: Roll call.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. [gavel pounding] 377.

Item 377.

Katz: Roll call.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. [gavel pounding] 378.

Item 378.

Sten: I want to bring up fire marshal, jim crawford, who's going to introduce this quickly. And answer questions pretty straightforward. It takes a long time to get regulations thought through, and it should in many cases. This is still a response to the bluff fire and trying to get our regulations right. Really this does two key things. It establishes the zones in which we'll have wildfire regulations and puts the very first regulation in place, which judging from the crowd is relatively uncontroversial, which is that you shouldn't use wood shake roofs. There's a lot of roofing materials other than wood available, and using wood shakes in a wildfire hazard zone we've determined is not the best practice and will not hurt anyone, because there's lots of other good decorative ways to do roofs. That's the first piece, but it's a building block -- it's the next set of regulations that we look at are much more tricky to figure out how to handle with endangered species and other things. I wanted to give that lead-in, but I had another purpose to call jim up here, though there may be no questions. I think everyone should be aware that we're in the very lousy position of losing our fire marshal to a really ok city, but nothing like Portland, vancouver, Washington. Jim's been our fire marshal -- been with the department since 1986, and has been invaluable in terms of the -- he was the leading driver and architect and implementer which is harder than being an architect in this case of the inspections program and has taken the lead on his own time with the toy and joy program, learning center, other things, as well as just being the key person we go to on so many of these issues. This is undoubtedly going to be jim's last appearance here today. So I wanted to have him come up and thank him and honor him and recognize that we're losing a really asset in fire marshal jim crawford.

Katz: What are you going to do in vancouver?

*******:** Going to be their fire marshal, mayor.

Katz: Oh, you are.

*******:** Yeah.

Katz: Go ahead, you want to talk about this.

Jim Crawford, Fire Marshall, City of Portland: Jim crawford, fire marshal for the city of Portland. Thank you, commissioner Sten. I really do appreciate that. I'm a better person. I mean that sincerely for having worked in Portland and having been exposed to the diverse culture that's here. It's a great city. I'll miss the city and its citizens. I'd like to think we've done our part and i've given the citizens their money's worth over a period of time. I'm pleased to say it's been a great experience here. I think you've pretty much covered it, commissioner Sten, with regard to the urban wildfire hazard zones. It's been a long time in coming, but we did extensive process with the community, the neighborhood associations, the realtors, the home builders, roofing contractors, and

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what not, which is why this is at least relatively at least not controversial at this point. I do want to establish kind of a checkmark on your radar map, though, for the next things coming along, because the two concrete things that you do get out of adopting this ordinance is establishing the zones themselves, so that it gives the city an area to focus on, as we're developing our mitigating efforts, and roofing requirements, commissioner, one small modification. Pressure treated -- fire-resisted treated wood shakes are allowed under this proposal, as they are in Oakland. But it doesn't allow untreated shakes. There are lots of low-cost alternatives for people to choose from. It allows us to educate them about good choices.

Sten: It's even more reasonable than I thought. I thought it was reasonable.

Crawford: Those are the two concrete things. The vegetation management piece is actually going to take much longer and for good reason. There are a number of legitimate -- i've called it competing interests. They're really all legitimate interests about people resolving a number of problems with vegetation, not the least of which is soil conservation, water quality and those kinds of things, which is why this has been an incredibly difficult process to get to this point. This is my opportunity to answer any questions, if you like, and to say publicly that i'd like to thank our staff and the bureau for the amount of work that's been involved in getting it here. Jim schwager, ted casinelli, dave flood, especially carol boucher, who put some of the pieces together, and then also to publicly thank b.d.s. and the work they've done, because this is actually an amendment to the building code in that regard. Mayor I've heard you say it before and I know you would be pleased, there's nothing even remotely like silo mentality involved in this project, b.d.s., and especially lori graham has been a pleasure to work with on the project. My pleasure to be here.

Katz: Thank you. Questions?

Saltzman: It's great work. It's two years since the bluff fire? I mean, I know this was a tremendous undertaking because of the various divergent interest on this issues, but it's very important work. I'm glad, a, we got the zones established, because that's the first point of departure from doing more. A roofing material, so somebody wants to use an untreated wood shake roof right now, and they basically go in to get a permit, and we won't issue them a permit? Is that how it works? Is that the basic enforcement mechanism? The enforcement mechanism is that the permit process -- we have to do a lot of public education work which we do from the fire bureau anyway. To tell people up front what their options are, and hopefully avoid those confrontations at the permit level.

Saltzman: I assume the roofing suppliers and all that would be aware of the regulations?

Crawford: Yes. All of the contractors will beware.

Saltzman: Secondly you gave a little preview of maybe future requirements we may have in these wildfire zones. One being around types of vegetation. What are some of the other -- I mean, just looking out, what would be some of the other areas that we might also be looking at down the road?

Crawford: Well, it's a combination of things, commissioner. Roofing construction is one. And in many cases people have heard, you know, clearing space around your home will prevent the fire from getting -- from the wildfire your home or vice versa, the fire from the home getting to the wildfire. That's really not practical in an urban environment like this, especially in Portland with all of the other environmental issues that surround that. So we really have to talk about vegetation management, things like limbing up, but maintaining water quality around streams, for example, and then replacing more fire-prone materials, removing nuisance plants with some of the native vegetation that tends to be more fire resistive. We've done a lot of work with b.e.s., parks, the forester, on developing a comprehensive list, but we have to figure out how to do that. Finally it's also going to take emergency response, because fire is one of those things that occurs -- doesn't occur as often as your day-to-day problems, like homelessness, for example, but when it does occur everybody wants to know what are you doing about that or what have you done about that? So in an

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urban city like Portland, you have to have an urban style fire department to be able to respond as they did in the bluff fire to control things. So it's a combination of roofing construction, vegetation management, emergency response, and then finally educating the community about what they can do voluntarily to remove wood and so forth away from their homes, some of the other things they can do voluntarily to help mitigate the damage once a wildfire does occur. I hope i'm answering your question.

Saltzman: Yeah. The other thing I wanted to establishment of these zones seems like they would affect homeowners insurance policies. Has that been the experience in oakland, places like that.

Crawford: It's not. Frankly, the reason that is true is homeowners insurance is more -- is predicated more on the crime rate than it is on the fire rate. So doing something about prevention doesn't often yield dollars unless you're doing something substantial by some insurance companies, like residential fire sprinklers and what not. More or less they're from their perspective giving away fire insurance and betting on the come, so to speak.

Katz: Further questions? Anybody want to testify? Then this item passes on --

Saltzman: I didn't realize this was going to second reading. I just wanted to get my two cents in. Mr. Crawford, I appreciate the work you've done for the city. As I told you in my previous message to you, i'll sleep better knowing vancouver's going to be a safer and better place with their new fire marshal on board soon. Thanks for all your service.

Katz: Ditto, thank you.

Leonard: I too want to -- I need to say Jim and I have worked together, known each other for 20 years or more. He actually came from clackamas in the merger in 1986. He's been with the fire service how many years?

Crawford: 28.

Leonard: 28 years. Much longer than just 1986. And in addition to jim and I being friends, and always we've been friends, we found ourself at the other side of the table when I was president of the firefighters association, and jim is a consummate professional. Never gets upset, unflappable. It was really a pleasure working with jim. I can't always say that about myself.

Katz: I was going to ask him how he viewed the view from his side of the table.

Leonard: I will volunteer that, that jim was -- is -- represents the best of the fire service. And vancouver's lucky to get him.

Katz: That's nice, randy. Jim, much luck to you, and thank you for all your years of service.

Crawford: Thank you.

Katz: Thank you. This item passes on to second. And we'll recess until 2:00. I think we're going to have a rather lengthy, but I may be wrong, but a rather lengthy hearing at 2:00. We stand recessed. [gavel pounding]

At 10:31 a.m., Council recessed.

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April 23, 2003 2:00 PM

Katz: Good afternoon, everybody. The council will come to order. Karla, please call the roll. [roll call]

Katz: Commissioner Saltzman -- commissioner Saltzman is here. Made it just in time. Thank you. All right. Let's read 379 and 380.

Item 379 and 380.

Katz: Ok. Thank you.

Kathryn Beaumont, City Attorney's Office: Good afternoon, mayor Katz, members of the council. I have a few announcements to make concerning the nature of the hearing, the order of item and some guidelines for presenting testimony. First, this is an evidentiary hearing. This means that anyone who wants to submit new evidence to the council may do so in support of your arguments. The evidence may be in any form, such as testimony, letters, petitions, slides, photographs, maps, or drawings. Any photographs, drawings, maps, or other items you show to the council during your testimony should be given to the council clerk at the end of your testimony to make sure it comes part of the record. Because this is a comprehensive plan amendment and the code requires the council to be the final decision-maker on comprehensive plan amendments, this is coming to you as a recommendation from the hearings officer to you, the council. The order of testimony will be as follows. We'll begin with a staff report by duncan brown at the bureau of development services for approximately 10 minutes. Following the staff report, the city council will hear from interested persons in the following order -- the applicant will go first and will have 10 minutes to present the applicant's case. Following the applicant, persons who support the application will go next. Each person will have three minutes to speak to the council. If there is a principal opponent, the principal opponent will have 15 minutes to address the city council and rebut the applicant's presentation. After the principal opponent, the council will hear from persons who oppose the appeal. If there is no principal opponent, the council will move directly from testimony in support of the application to testimony from individuals who support -- who oppose the application. After supporters of the application have concluded their testimony. Again, each person will have three minutes each. Finally, the applicant will have five minute to rebut the presentation of the opponents of the application. The council may then close the hearing and deliberate. If the council takes a tentative vote, the council will set a future date for the adoption of findings and a final vote on the application. If the council takes a final vote today, that will conclude the matter before the council. In terms of guidelines for testimony, these are guidelines -- these guidelines are established by the zoning code in state law and are as follows. Any testimony and evidence you present must be directed toward the applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code which you believe applies to the decision. Bureau of development services staff will identify the applicable approval criteria as part of their staff report to the council. Before the close of this hearing, any participant may ask for an opportunity to present additional evidence. If this kind of request is made, the council will either grant a continuance or hold the record open for at least seven days to provide an opportunity to submit additional evidence and will hold the record open for an additional seven days to provide an opportunity for parties to respond to that new evidence. Under state law after the record is closed to all parties, the applicant's entitled to ask for an additional seven days to submit final written arguments before the council makes its decision. If you fail to raise an issue supported by statements or evidence sufficient to give the council and parties an opportunity to respond to the issue, you'll be precluded from appealing to the land use board of appeals based on that issue. That concludes my opening statements.

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Katz: Let me ask the council members, are there any conflict of interests? Any ex parte contacts?

Francesconi: I've gotten a series of e-mails from people on this that I can put in the record if people want. That's it.

Katz: I think it's fair to say that everybody's received mail. But has there been any personal conversation on this issue? Ok. Anybody want to challenge us? All right. Then let's start with the applicant.

Beaumont: Staff report.

Duncan Brown, Bureau of Development Services: I will be brief. Duncan brown with the bureau of development services. We have before you a comprehensive plan amendment and zone change proposal from industrial sanctuary and general commercial to central commercial and urban commercial. The site is located geographically pretty much in the center of Portland in northeast Portland, just north of the banfield freeway at 33rd avenue. This is an aerial photo of the general location showing the site in the center of the screen. Two fairly major commercial centers, the lloyd district to the west, and hollywood district to the east.

Katz: Slow down a little bit. Ok, we're fine now.

Brown: It is the major arterials that would provide access to the site, northeast 33rd avenue and northeast broadway. Also directly to the south is the i-84 freeway and northeast sandy boulevard. Here's a little closer view of the area. Showing the site with the orange dotted line around it. You can see that it is abutting the hollywood fred meyer area. And then this is the site itself. Presently there is the albina fuel operations that is taking place on the vast majority of the site, and then two commercial developments in the northwest corner of the site, one automotive related use, and then a gas station that used to have a deli attached to it. The approval criteria of the comprehensive plan amendment -- for the comprehensive plan amendment include the approval criteria 33.810.050 comprehensive plan map amendments and the requirements of the metro functional plan. The comprehensive plan map amendments requirement says basically that on balance, the proposed designation equally or better meets the policies and objectives of the comprehensive plan in the existing designation, or designations. The requirements of metro functional plan, part of that was the identification of industrial sanctuary areas. Recently metro has modified their functional plan and actually excluded the site from the industrial sanctuary designation that metro has. Zoning map amendments --

Katz: Did they actually do that already?

Brown: Yes. I have an e-mail --

Katz: Ok. Because I know they were thinking about it. Ok. Go ahead.

Brown: The zoning map amendment criteria, 33.855.050 basically say that services, including street, sewer, water, must be available or able to be made available at the time of development. This proposal went before the hearings officer a couple of months ago. The major issue by far and away was traffic and transportation. There were other minor issues that were peripheral to this major issue, including general livability, compatibility, noise and pollution, suitability for housing, lack of need for commercial development, and unnecessary competition with existing commercial. And the ongoing need for industrial area. The hearings officer made a recommendation to approve the comprehensive plan amendment and zone change subject to three conditions. First, to construct mitigations as required by the city engineer to prohibit left-hand turns from northeast 32nd avenue to broadway, and we'll look at that in a minute, that particular intersection. To pave and construct related improvements to 32nd avenue, again, we'll look at that. And then prior to any building permit issued, submit a transportation demand management plan for review. This is a generalized zoning comprehensive plan map of the site and the area. As you can see, the pink and purple colors are commercial or employment designation. The gray is industrial, and the yellow and its supposed to be orange are multifamily and single-family residential areas. As you can see, the site is a

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remnant of what once was a thriving industrial area, including the heister lift truck operations, which are now the fred meyer facility. With the break-up of the industrial area and a number of other things over time, such as just the way industrial operations function and the lack of need for railroad access and that sort of thing, this has become more and more obsolete as an industrial area.

This is a closer look at the site. The opposed change to commercial storefront commercial along broadway for a depth of about 100 feet and the remainder of the site would be high density residential, rxd with a d. The applicant has volunteered to allow the application of a design overlay zone to the site. This would allow future review of the actual designs and comment or the ability to comment from the neighbors. As I had mentioned, transportation is the major issue. We have a representative from the office of the city engineer here to take a look. Excuse me, to answer your questions concerning any traffic impacts. There are a number of other places that are zoned central residential, or rx zoning throughout the city. We have one area in the hollywood district, one next to the lloyd center, and then several in inner northeast, and then the downtown area, primarily the pearl district and the near west side. This is a picture of the east portion of the site frontage along northeast broadway showing the albina fuel offices, fronting on broadway, and a parking area next door to it. Farther east you see what once might -- my recollection is correct, was a furniture factory, and is now gordon's fireplace shop. This is the central portion of the site along broadway, a gas station, and then farther to the west on the corner of 32nd and broadway is the muffler shop. This is the -- more toward the interior of the albina fuel site on 32nd and weidler looking into the site. And along 32nd avenue just south of weidler. One thing I would like to point out is that the site is bounded, if you look back at the zoning map, the site is bounded by general commercial zoning on the west side with the exception of one 50 by 100-foot lot which has a general commercial designation with multifamily industrial zoning. So the site is virtually surrounded by commercial designations or employment designation. This is the south side boundary adjacent to i-84, and the light rail, and the railroad that used to serve the site. And then there's about 100 feet of frontage along 33rd avenue just before you get to the viaduct and the entry to the i-84 freeway. And this is looking south down 33rd avenue at the intersection with broadway. And then looking north from the same point, up 33rd avenue. You can see there are two gas stations that form the gateway of grant park right now, and then a q.f.c. market just beyond that. This is looking down broadway, 33rd avenue. This picture was taken late afternoon, and as you can see, there is some traffic along here. The zoning along broadway is generally commercial zoning, general commercial or storefront commercial for the length of broadway. And looking farther west on broadway, the first set --

Katz: Are you ok with extending --

Brown: -- traffic lights to the right is 30th avenue and the entry to the fred meyer facility off to the left. Left turn from broadway into 30th avenue, and then the second set of traffic lights in the distance is 28th avenue. This is the 32nd avenue frontage of the site looking north toward broadway from far south end of the site. You can see that it's improved on the south end, but toward the north end it's merely a paved strip, barely paved. And this would be improved as a condition of approval of the comprehensive plan and zone amendment. There would be a traffic diverter also at the intersection of broadway up where you see the turquoise car, which would prevent people who are coming up 32nd avenue to broadway, would prevent them from turning left. It would force the left turning traffic, or the westbound traffic, to go to 32nd avenue and use the signal that now serves the fred meyer facility. However, you can -- all other turning movements here would be possible. You can turn left from broadway into the site, turn right out of 32nd avenue onto broadway. This is weidler street, which -- we're looking directly west from the site, from 32nd avenue down weidler street. On the left is the fred meyer development, and on the right are small lots, several of which are zoned commercial and the rest are -- the remainder, about 80%

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of them, are zoned multifamily residential, but have a comprehensive plan designation of general commercial. As a result, this street, this particular street is not viewed as a residential street, but rather a commercial local service street for commercial development. And this is the intersection of 30th and Broadway. It leads into the Fred Meyer facility, or in this case leads out of it. And as you can see, even the Albina Fuel folks use this in order to turn right onto Broadway to go east rather than using 32nd Avenue in its unimproved state. In conclusion, the sites basically are remnant of a once thriving industrial area along Sullivan's Gulch. Conversion of the adjacent land over time has isolated the site from other industrial areas, limiting expansion or industrial redevelopment opportunities. The proposal provides a real potential for a visual gateway and a point of identity for the area, both from the local streets and from the I-84 freeway. Increased traffic will result. Some, but not all, impacts can be mitigated through the street improvements. However, I would like to point out, and I think the transportation engineering staff will also point out that even though we will see some impacts, that the city standards for traffic on the arterials is still met, even with the proposal. So the recommendation of the hearings officer and of the staff also was approval of the comprehensive plan amendment and zone change.

Katz: Thank you. Duncan, remind us again what the major criteria is that it has to be? Equal or better.

Brown: Equal or better met --

Katz: Than the current zoning?

Brown: Yes.

Katz: Ok. Questions? All right. Let's start. The applicant? You have 10 minutes. Watch your time carefully. Since we have two lawyers here, a planner and a lawyer --

Steve Abel: That's -- the planner is the talker. My name is Steve Abel, I'm an attorney with Stoel Rives representing the applicant. With me is Neil Arnson the president of Albina Fuel, as well as Peter Fry, a land use planner working on this case. I'm going to turn this over to these two fellows and I'm going to trust that they'll leave me a little time to speak. If they don't, please give me a few minutes extra.

Katz: If we don't, we'll give you the three minutes we give every citizen.

Neil Arntson, President, Albina Fuel: My name is Neil Arntson. I'm the president of the Albina Fuel company. 737 Northwest Spring Avenue in Portland. Albina Fuel was established in 1903, and in 1911, moved on to its -- one of its locations, which is at the corner of 33rd and Northeast Broadway. The first superintendent of that then wood yard was a man by the name of Sofis Arntson, who happened to be my grandfather. The company and the family has been involved in that -- in the business and at that location since 1911, and obviously seen what a great deal of change would be an understatement, and for a number of years we've recognized the fact that our class A -- some of the trucks 75 feet long no longer are really welcome in the community, nor should they be. So we are a company that essentially have -- the nature of our business has changed so dramatically, that we're really no longer in the right position. Furthermore, we, in the sense of the community, Northeast Broadway has been redeveloped from Martin Luther King or from the Rose Garden, out to about 24th Street, and semi redeveloped from 24th to 28th. And we currently see our site as being an impediment to the restructuring of that retail street that would go into the Hollywood District, which you've already set up a plan for in your planning process as well as Sandy Boulevard. So we're clearly a company that's changed, and the neighborhood's changed, and we now feel it's our time to vacate the site.

Katz: Thank you.

Peter Fry: My name is Peter Fry, 2153 Southwest Main. Infill is difficult whether it's under the proposed zoning or the existing zoning. Neil came to me over three years ago to say, how can we move forward on this property? Obviously industry on this site does not make sense, given the

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tapestry of surrounding neighbors. This parcel was right between the fred meyer rezoning on the west, and the hollywood plan, which you adopted on the east. So this is just a little piece, it's kind of gotten lost and forgotten. We originally proposed e.x.d. on the site, because that would give us the maximum flexibility of redevelopment. We hired another traffic consultant, the one you'll hear from today, and they analyzed the traffic and they said it would work. One of the things we would need to do was to construct a suburban size intersection at 33rd and broadway. We own all the property on broadway on both sides of 33rd, so we had in our power the ability to put two center turn lanes in and make this huge, wide street. No one liked that. The neighborhood didn't like it, the city didn't like it and we didn't like it. So we worked with the city and the neighborhoods, we met with grant park and sullivan's gulch and started a conversation with them as to what should we do on this property. As a result of that conversation, we came up with the idea of doing the r.x.d. On the balance of the property and putting in a veneer of storefront commercial along broadway. And we also agreed to add the design overlay, which is normally not attached to this zone, to the property to make sure that the neighborhood would have an opportunity in the future to be able to participate in what actually went on the property. In my mind, this not only creates a required residential node in this place, and if you saw the map, it not only does it on broadway, it also helps span the freeway. We've met with laurelhurst neighborhood as well, and it connects and knits all the neighborhoods together in our mind. Plus we established 420 lineal feet on broadway as storefront commercial. So we are making a major statement here that things have got to change, that we have to move in a different direction. The site has excellent access, and i'm not saying there aren't problems. I've been working through them for 31/2 years. There's a lot of congestion, it's an urban area, and it's very tight. But if you if you step back, you're within five minutes of downtown, you're basically can get anywhere in the region within five or 10 or 15 minutes, within the portland area. It has great views over the freeway, and lastly, from our point of view, it truly knits these neighborhoods together that frankly have been somewhat fragmented in the past by some previous decisions. Thank you.

Katz: They left you 41/2 minutes.

Abel: They did. That's great. Steve abel, 900 southwest fifth avenue. Peter stole most of my thunder, frankly, about the project. Let me tell you just a few things. We would have chosen in this particular circumstance to have made a request for a zone change to some mixed use, if there was that kind of zone within the code. It's not there, so what we have to use is the existing tools within the zoning code's toolbox, which is the rx zone in conjunction with the cs zone on the frontage on broadway, along with a request for design review. So we've kind of taken the existing code and we've said, how do we best create a mixed use development? That's what we want to do in this particular urban area. Not create suburban development. Usually what you'd see in this circumstance is a request by probably a big box retailer for a comp plan amendment to get a c.g zone, or ex zone provide maximum flexibility and a series of approval obligations, or obligations of conditions of approval for transportation improvements. That's not what's going on here. There's not an effort to create a big box at this intersection and create a suburban intersection. That wasn't favored by the city staff, wasn't favored by the neighborhood, and frankly isn't favored by the long-term interest of Portland's business community embodied by mr. Arnston who's been in that location, and even though he will sell this site, feels he's the shepherd of the site as it moves into the future. We've asked for the cs zone. Rx, which is a little unusual, it requires minimum housing density, and as well as a design overlay. The city's hearings officer approved the request and duncan has told you about the three conditions of approval. Those conditions of approval are satisfactory with us. You're going to hear testimony today, and I just want to point out kind of the framework for some of that testimony. I think the testimony falls into two categories. The big category is transportation issues. There are kind of two subparts of that, maybe more, but one of the

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subparts of that is testimony with respect to the neighbors along weidler street. On this map that i've given you, the zoning code map, you'll see on the site with kind of a green overlay is the site, and weidler street runs east-west to the west side of the site. The properties that i've highlighted in yellow are some of the residents you may hear from, currently single family residents, but the comprehensive plan designation for those properties is general commercial. With a zoning right now of r-1, which is high density residential. But they can move to general commercial. The city's legislative decision has to go as essentially -- has essentially been to go to commercial in this location. We don't -- we're saying we don't want fully commercial, we want a mix of uses so we're asking for rx on this particular site. Some of the testimony you'll hear, it talks about protecting those commercially comp planned areas from residential use and the traffic created by residential use. But that's the issues related to weidler. There's a second issue that has whirled around that frankly we don't have, albina fuel doesn't have much to do with. There's been some discussion about some of the diverters that exist on streets north of broadway. All of our assumptions in doing our transportation work has to be -- has been to say that the barricades are in place. We assume they stay in place, and albina fuel's decision has nothing to do with those barricades. I hope you don't hear very much about those, because they're essentially irrelevant to the albina fuel request. Both our transportation engineer and the transportation engineer for the city have found that the system is adequate. The second set of issues you'll hear about are design-related issues. I know sullivan's gulch has a series of requested amendments. We think those are appropriately design issues, and that's why one of the suggestions that sullivan's gulch makes is to have design review held in a type 3 environment. We're happy with that. That's fine. We think that the magnitude of this particular development is important enough to have type 3 design review over all of it for all of its parts. So we would be satisfied with that. I think the f.a.r. Issues, I think on-site circulation issues, can be handled in that process. Just one or two more minutes, please.

Katz: No. I can't. Why don't you take one more minute.

Abel: I can do that. Our goal in this development has been to create a mixed use neighborhood. We have not attempt to create any sort of neighborhood that is suburban in nature. We don't want to see broad, double left-turn lanes, we don't want to see that kind of intersection. We want to see in this location urban development. Urban development in this location will bring modal splits down, or up, whichever way you look at it, will encourage folks to use pedestrian, bicycle conveyances, we'll have residents who will shop and live in the same vicinity, we think that's good. Our transportation work assumed a modal split was not aggressive at all. Many people will walk to their -- to retail outlets and walk to local businesses. We think the increased residential component is good nor the neighborhood as well, for obvious reasons. It's a good mix. We think this development, the kind of zone we're asking for, meets the city's goals. Meets the city's density goals and meets the redevelopment goals.

Katz: Thank you.

Abel: Thank you very much.

Katz: We'll give the opposition one extra minute, karla, so when we start the 15 we'll turn it into 16. All right. Let's --

Abel: I'd be happy to answer any questions.

Katz: Questions right now? If not, we'll do it later. All right. Let's take testimony in support of the applicant. Three minutes each.

Katz: Go ahead.

Terry Parker: Thank you my names Terry Parker I live at 1527 northeast 65th avenue in Portland, that's just due's of this site. I support making better use of the albina fuel property, but only if some conditions are met by the developer and the city. The first one is simple. Attempt to preserve and find a new use for the small brick historic substation structure at 32nd and weidler. The second

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condition is more complicated. Any development that will increase density will increase traffic and vehicles around the site. Even if the mayor moved in there would be a big black sedan chauffeuring her in and out. Pdot must have their thumb in the wrong place. Even without additional density, Broadway does not operate at an acceptable level of service as it exists today. Weekday and evening traffic wanting to turn left on northeast 33rd completely stalls in the left eastbound lane on Broadway backing up for several blocks. This self-inflicted congestion has been created by Pdot with neighborhood traffic calming modifications, especially the curb extensions on northeast 33rd Avenue where buses stop and block traffic. A condition of zone change must be to make Broadway flow better as a street. The city can no longer hide behind buzz statements such as street modernization transit oriented and pedestrian friendly while pursuing a silent agenda of reducing street capacity to create additional motor vehicle congestion, politically neglecting stakeholder motorists who pay the bills. To create a better traffic flow along Broadway the city must provide bus pull outs and bus zones that will require buses to pull out of travel lanes not blocking traffic when stopping for passengers. This would apply in both directions between 24th Avenue to the west and 37th Avenue to the east. Included in this condition would be a bus pull-out pocket within the final design on the north side of the Albina site that fronts Broadway. The results of not applying such a condition could be both lanes of traffic eastbound on Broadway completely blocked creating gridlock, especially if someone whose mobility is impaired is getting on or off the bus or loading a bicycle. Bus pull outs must also be required on 33rd north of Broadway. In addition, provisions must be made so Weidler is a street between 28th and 32nd Avenues is not used as a thoroughfare to access the Albina fuel site. One possibility would be to move the traffic signal located at 30th and Broadway to 32nd and Broadway. The one block stretch of 30th Avenue and Broadway could then be vacated and reclaimed for development. Moving the traffic signal would make the southeast corner a trailing portion of the intersection eastbound an ideal location for a bus zone pull out pocket serving both Albina and the Fred Meyer site with the relocated signal assisting buses reentering traffic. In closing, just increasing transit or promoting alternative modes will not resolve the congestion issue on Broadway. Transit and pedestrian options that block or interrupt other traffic flow will only make the congestion worse and have a negative impact on air quality and neighborhoods. Finally there must be no continuing transportation taxpayer funded subsidies given to this development there by increasing the cost of government and no development or property tax breaks that would reduce money for schools and other government services. Thank you.

David Brook, Chairman, Sullivan's Gulch Neighborhood Association: Thank you, my name is David Brook, the chairman of the Sullivan's Gulch Neighborhood Association. Mayor Katz and members of the council, the Sullivan's Gulch Neighborhood Association views the Albina fuel site as a major opportunity to achieve an exemplary urban mixed use project. It is in keeping with the vision that our neighborhood has for the east end of our neighborhood, which is this site, and the vision is described in our neighborhood action plan, which was adopted by city council in 1987, which says encourage the development east of northeast 28th, which is compatible with nearby residential areas and will not cause significant detriment to them. The neighborhood association has worked with the Albina fuel company team to develop a common vision for the future development on this site, and we have found the team to be very cooperative and responsive to our neighborhood concerns. However, we do not believe that the conditions recommended by the city staff report and hearings officer are specific enough to achieve the results that we all want to have for this site. And we recommend that council recommend -- require more specific conditions for approval, which we've listed. You should have in your packets a sheet with our Sullivan's Gulch blackberries on top of it which has these specifically listed out. The first set of conditions have to do with protecting the livability on Weidler Street, and this has specially to do with traffic on Weidler generated by the site. We're suggesting a 30% cap on additional traffic generated by the development. This would

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be monitored and if exceeded then come back to the neighborhood to talk about mitigation there. Secondly, a t.d.m. program for the development as recommended by the -- and then finally, we want there to be efforts to minimize spillover parking into the surrounding neighborhood there. These requirements we hope will sort of protect the northeast weidler role as a residential street. The next group has to do with density and height of the development in the future. With an f.a.r. Ratio of 3-1, and limiting height along the -- both Broadway and along 32nd so that the scale is more in keeping with the surrounding area. Finally, design review, we are requesting a type 3 procedure so that we have more opportunity to comment on that. We believe that these conditions are reasonable and that they really will not significantly -- well, they won't really hamper development of the site at all based on what we have been shown from the developer already.

Katz: Let me just ask the obvious questions. Are these items that you worked through with the developer during the period of time that you worked with him?

Brook: They're well aware of these. We have talked to them about them. They do support some of them, but not all of them.

Katz: Not all of them. So we'll hear from -- we'll ask them the same question. Thank you.

Francesconi: If I could follow up just a question. Did you talk about -- you've seen some things that we haven't seen, because the developer doesn't have to show us what they're actually building.

Brook: And we know that what we've seen isn't necessarily what's going to happen as well.

Francesconi: Did you talk about the number of units and how much they want to build, and did you talk about what kind of -- any conditions on the number of units when you were looking at the density question?

Brook: M-hmm. Let me introduce Lynn Coward, the land use chair for our neighborhood, who's been really working this issue.

Francesconi: Ok. I can hold up on the question.

Katz: Why don't you do your testimony, and then after you hear the buzz respond to commissioner Francesconi.

Lynne Coward: Actually, Lynn Coward, 1427 northeast 17th. I'm here just to answer questions.

Katz: Ok, go ahead and answer commissioner Francesconi's question.

Coward: There was a developer from Vancouver BC, and the proponents are going to have to give you more information, but I had an e-mail from one of them this week asking some questions. What we saw initially was I think 220 units. But then when we saw something later come in at 300, we saw a conceptual design that was presented to us about a year ago, and that's what I'm using as my figures. But we knew this was just conceptual and we knew that this zone change is not conditioned on any specific development. So we're trying to protect ourselves in this. In this process. Does that make sense?

Francesconi: Other than the question of the number of units, I'm very, very, very familiar with this intersection, because I go by it four or five times a week and I shop there, and I live there, nearby. Not too far off. So did you talk about any conditions in terms of 33rd or Weidler, Broadway, in terms of traffic, that would impact the traffic on those streets?

Coward: We were concerned about it going down Weidler, and that this prohibition against the left turn would automatically force the cars down Weidler to get to the street. The problem with this whole thing is we're looking at one site in isolation, and it's problematic. So we're going for a grant that goes beyond this to look at the area more broadly, but that is not going to affect the zone change today. We're just aware that there's so many different factors that impact here that have to come together, and under this process, it's difficult to make them. But we are aware of the traffic issues and we're concerned about it, particularly for northeast Weidler, because these two blocks get

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isolated in this context, the traffic will then, if they want to turn left on Broadway, will have to go down to 30th or 28th to get a light to get out.

Brook: The residents along Weidler have only recently, within the last year, received some mitigation from traffic generated by Fred Meyer, and now they're looking at something huge that is clearly going to generate traffic by their house.

Katz: Did you want to add anything? You still have a little bit of time.

Coward: I just want to compliment the staff and how they've worked on this, how they have been accessible to give information to us and answer our questions. And also I'd say the proponents.

Katz: Thank you.

Sy Kornbrodt: Sy Kornbrodt, 1510 Northeast 19th Avenue Unit Number 1, Portland, 97232. I'm also a board member of Sullivan's Gulch, and I'm not going to repeat what people have said. I do have some concerns. I basically agree that this should be approved. The general thing. I think that we have spent two years listening to discussions on this. At first we were very worried, but the latest -- the people that you heard have convinced me that they really mean well and that they want to do the right thing. I think we have to face the fact that, yes, it is not an ideal set-up, but something is going to go there eventually, and we have to look for the best thing that we can get in there at this time. And I was very impressed with their presentations. Having said that, we had the experience since I was on this board, that property just abutting on the south side of the Holladay Park Max station. Those people came to us and had these wonderful plans for mixed use. Then when they built it, there was no mixed use. It was only business. And we got burned on that. But the curse was upon them, because they've hardly rented any of those units. [laughter] but seriously, I really think that when you get down to the final approval, I would hope that you would place a covenant on this, running with the land. Because things happen where people back out, somebody else takes over, and we do not want a lot of wiggle room, or I don't want a lot of wiggle room for changes to be made. I think this is as good as we're going to get it in there, and, yes, there are some answers to the transportation. There is -- if you come at 28th and Holladay, if you turn east, that takes you under -- it takes you under the freeway to the storage places, and there's railroad tracks, but there are gates there, there are gates there now. Possibly when you look up at the end, that could be joined for another egress and access to that property that would take some of the traffic off the -- off Broadway and 32nd, 33rd.

Katz: Thank you. Duncan, you're keeping track of everything? My piece of paper isn't large enough. Ok. Go ahead. Thank you, sy.

Nancy Bruns-Hall: Nancy Bruns-Hall. I don't know what will eventually be built on the Albina Fuel site, but I do know whatever it -- whatever is built will have a tremendous impact on the residential homes along Weidler Street. The local service street of Weidler needs to be protected from traffic created by any development of the Albina site. A crucial part of protecting Weidler and providing for traffic generated by the Albina site is to install a signal at Northeast 32nd and Broadway. This site must have a dedicated entrance and exit that is signalized. To protect the livability of the residential neighbors of the site, the following measures should be part of approval conditions if a zone change is granted. 1. Install a signal at 32nd and Northeast Broadway. 2. Put a cap on additional traffic using Weidler. Limit the increase to 30% additional traffic above current traffic counts with a maximum of 700 cars per day. 3. If 700 car limit is exceeded, traffic mitigation would be required. One possible traffic mitigation is making Weidler between 30th and 32nd an exit-only street if that fails to reduce traffic, full closure of Weidler. If traffic becomes excessive on Weidler between 28th and 30th, which is currently an exit-only street, the street would be eligible to receive a full closure. All traffic mitigation costs would be paid by developer and must be implemented in the timely manner if the traffic cap is exceeded. 4. No truck traffic is to use Weidler. The homes are predominantly owner occupied and are an asset to the

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neighborhood and city. We have worked for years to improve our livability while coexisting next to large developments. If the albina site is redeveloped and weidler street doesn't receive traffic protection it will mean that our homes will be completely surrounded by busy streets. We need our street to be free of traffic. That street is the one in front of our houses. Our earnest desire is to simply have the ability to live in our homes in a measure of peace. The livability of the people on weidler should be protected as long as we wish to live in our homes. I beg you not to forget or overlook the needs of the people on weidler in your decision on this case. And thank you.

Rebecca Shoup: My name is rebecca shoup, I live at 2827 northeast weidler. Today i'm here to testify regarding the request for the albina fuel site zone comprehensive change. I live two blocks from the albina fuel company. I am in favor of the concept of mixed use development which the zone change might bring. However, as a long-time resident who has been dealing with livability issues of traffic noise, pollution, heat, and glare that fred meyer -- the fred meyer in 1987 zone change brought to a quiet residential neighborhood, I am very concerned what additional impacts this zone change might bring. The neighbors on northeast weidler are gravely concerned about the impact that additional traffic generated by this proposed development will bring to an area that already experiences excessive traffic at the intersection of northeast 33rd and Broadway and the surrounding streets of 30th, 32nd, and northeast weidler between 28th and 32nd. The choices for ingress and egress for the proposed site are very limited. Therefore, we request that traffic mitigation be offered to the surrounding residential neighborhood to be paid for by the developer. Perhaps the developers, city engineers, the sullivan's gulch neighborhood association and surrounding businesses could be creative and come up with ideas that will lessen the impact. Possible ideas to consider -- a left-hand turn from northeast 32nd onto Broadway be allowed to circumvent the cut-through traffic from the development onto northeast weidler. Devise a left-hand turn lane from northeast Broadway at 32nd into the site. Currently traffic already backs up on northeast Broadway at peak p.m. Travel times with cars backing up to 33rd and beyond. If the above options are not possible, allow a traffic light to be instead at northeast 32nd to allow for better traffic flow to and from the site. Allow for -- allow for a stop sign to be installed at northeast 30th and weidler from -- coming from Broadway, making this corner a four-way stop instead of a three-way stop. Off-set the main entrance to the site from northeast weidler to discourage use of weidler as an ingress and egress to the site. And finally, post no truck signs on northeast weidler between 28th and 32nd. In addition, we request that they place a requirement that the developer establish a t.d.m. Program that includes regular shuttles to the max and free bus program, that they provision for a bike or walking path along their section of the gulch that could lead to possible future path along the gulch, and that a pedestrian friendly walking plaza be developed at the west end of the site near northeast 32nd between fred meyer and the development. And finally, there is historic brick building that that be preserved, and a large ancient tree on northeast 32nd be saved and integrated into the design of the development. Thank you.

Katz: All right. Thank you.

Colin James: Colin James, 1634 northeast Halsey. I'd like to speak in support of the change. I think it's a great opportunity. Our neighborhood is in favor of high density, which is probably pretty rare. It's a great opportunity to have some mixed use housing, good housing pretty close to downtown area. It was a pretty painful process, but I think all of us came out a little bit better because of it. In working with the owners and Peter Fry, the planner, I think we have a better plan for that particular area. They really did it right and they didn't have to. They could have tried to put it through whatever they wanted. And they made a concerted effort to work with all of us, and it's been nice. But please keep the amendments. I think people along weidler don't really think of their street as a commercial street. Even though it could be thought of that way by various bureaus in the city. I just wanted to make sure with these amendments we think we can keep the livability --

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Katz: Excuse me, which amendments are you talking about?

James: The one for the neighborhood association.

Katz: The sullivan gulch amendments.

James: Yes. That's it. Thanks.

Katz: Why don't you grab the mike. You've got one right there.

Mary Lagow: My name is mary lagow, I live on weidler street at 3015 northeast weidler, and I have lived there for 23 years. So i'm here just to say that I have to say as living on that street, I feel threatened by the idea of a big development there, and I think that I have to agree with colin that we probably don't think of ourselves as a commercial neighborhood, we think of ourselves as a neighborhood of people living there and having gardens and families, and that's where we have our homes. So I would like to say that unless the traffic is allowed to make a left-hand turn on 32nd, there's no way that the cars will go anyplace but right down our street. And so i'd like to make an appeal, basically, that the condition of traffic mitigation that dozen force traffic on our street be taken into great consideration. Thank you.

Katz: Thanks. Anybody else in support of the application with conditions? Ok, come on up.

Everett Hall: Hello, everett hall, 2833 northeast weidler. I heard peter fry say that there was -- they really weren't in favor of expanding the intersection there. However, I think it would be the best alternative to expand that intersection. The reason why I say that is they are anticipating that expansion because he -- his testimony -- he also said that he -- that the property owner owned the property on both sides of the street. So really, their interest is to use their land to the highest and best use for them, and not generally speaking for the public. So this is why I am proposing that roadway itself be expanded between 32nd and 33rd and making an extra lane there. That would give a spot for the bus to stop, a spot for traffic that's turning to the right, that wants to get to 33rd, and so the other issue that I had was somebody had referred to our land as being a rezoned -- it should be rezoned to r-1. Well, they were saying that 15 years ago when fred meyer moved in. We've been there for over 15 years, and nobody's moved in there yet. The guy next to us has a naturopathic clinic, and he has a very low-key business, but other than that there's no businesses there. The -- my final issue would be -- and he mentioned something about a bicycle lane. Is the bicycle lane going to take away parking that's already on weidler street there? That was kind of one of my main concerns, because when lynn was giving her testimony, she said that there would be 220 to 3 hundred Units that would move in. Typically, landlords, when they sell the property, they also charge for the parking spaces on site. And the tenants in an effort to save money, will typically park their vehicles off site. In the neighborhood, they're already charging \$85 a month per parking space, and if you have two cars, that can add up. So you have a choice between cable tv, heat, and a lower great of meat or parking your car across the street. If only 10% of those people in the complexes, you've got 20 to 30 extra cars on the street, that's a real concern for us in the neighborhood. So any conditions that are established there should be that when they build their units, that they cannot charge for the parking, that two units come along with the -- with each unit that's sold there, so the people won't be tempted to park on the street. And that's about all I had for today.

Katz: Thank you.

Hall: Thank you.

Katz: All right. We'll talk opponents of the project.

Katz: Go ahead, somebody start.

Mark Stevenson: My name is mark stevenson, I live at 2524 northeast 28th avenue. North of roadway between knott and roadway. I'm on the list for opposing but I wanted to point out I really think maybe I would be better on the list for --

Katz: It's all right.

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Stevenson: I want to emphasize that a number of us that have gotten together to talk about this issue are not opposed to development at the site at all. In fact, we support residential construction there. I think our concern is centered primarily around the scale, and I think as has been pointed out, the impact that it's going to have on traffic. And for those of you that are familiar with 33rd and Broadway, I think someone else previously mentioned it seems like -- this development aside, 33rd and Broadway already is a problem that needs to be solved. I do have a question, really a couple more questions to ask, I'd like to pose, I understand Grant Park Neighborhood Association, which will speak in a moment, prepared a critique of a traffic study in connection with a traffic study that had been done in connection with a zone change request. I wanted to clarify, was there indeed a traffic study that was submitted in connection with the application for the zone change request? Not as it relates to the project itself, but to the zone change request. If there was, I understand that the written critique that was presented on behalf of the Grant Park Neighborhood Association was not really formerly taken into account, and our request would be there would be full consideration of that critique prior to any decision being made on the zone change request. I understand that density is an objective for the city of Portland, and would like to just understand what the current target ratios are for that neighborhood versus what they are currently, and what they would be pro forma with this new development. I guess the other thing I wanted to confirm, I think I heard earlier that -- after -- when it goes to approval of the project, that there will indeed be a chance for the public to review and comment on the specific project and any traffic concerns that are associated with that. I'm not sure what an R-3 review process is, but it sounds like that's what it is. That's what I wanted to comment on today. Thank you.

Katz: We don't have numerical targets anymore. Duncan, be prepared to respond to the questions so we can deal with them. All right. Go ahead.

Brian Stevenson: My name is Brian Stevenson, I live at 3123 Northeast Knott Street in Portland. I, like Mark, probably am on the wrong list for -- I do agree that a zone change to accommodate mixed use development makes sense. But I would like to ask that the council, before the council allows zoning for high density residential development, that they ensure that the traffic concerns are adequately addressed. It's my understanding that the accompanying traffic analysis that Mark referred to does not -- I'm sorry, the current traffic analysis that was submitted with the proposal does not address traffic to the north and to the east of the intersection at 33rd and Broadway. And if that is the case, I would respectfully request that the council defer voting on the proposal pending the closer examination of the impact on traffic in those areas. Again, I just want to reiterate that I am not opposed to sensible mixed use development of the site, but I'm a little concerned about the current proposal for the scale of the project.

Katz: Okay. Thank you.

David Austin: My name is David Austin. I live at 2109 NE 27th Avenue. I'm the president of Grant Park Neighborhood Association. Everybody is for the redevelopment of this site, but we're definitely concerned about the rezoning as it is right now because of our traffic concerns. Even the people who have been here in support, these gentlemen have said we're supportive of redevelopment but we feel like the traffic study is inadequate. That's our main point. 33rd and Broadway is the main -- one of the main entrances into our neighborhood. We support the redevelopment, we welcome thoughtful planning, and reasonable development, but we feel the proposal before you today dismisses reasonable traffic planning and adds a real burden to an already heavily congested area. The traffic study from our reading that made false assumptions in its analysis, it doesn't adequately address the issues of access to and from the site and it's not near comprehensive enough. We raise those concerns in a letter dated February 5 with this city and we share them with the hearings officer during oral testimony earlier in January, but we were not given sufficient answers. We were rather disappointed to see that the hearings officer's recommendation did not address our concerns, even

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though he did mention that bad traffic on broadway was one of the reasons why the current tenant is leaving. So traffic is definitely a major issue on broadway right there. Upon further inquiry on monday with elizabeth papadopoulos, she had not received a copy of our letter and a list of our concerns until april 17, that's last week. And she didn't have a response to those concerns on monday when I talked to her. In the view of our neighborhood, the city is dismissing some serious traffic issues that would result from the proposed rezoning and these are issues that really impact our neighborhood. Moreover, on monday, again, I met with peter frye, and he stated in our meeting that traffic studies by definition are inadequate. And I couldn't agree more. He recognizes the proposed addition of a possible 300 living units to this site, storefronts and maybe a ymca would impact the traffic in northeast 33rd and broadway, which currently has just a barely passing d rating, and the study shows that the intersection at 32nd and broadway currently has an f rating. And that's going to be the main entrance in and out of that site. So to paraphrase peter's thoughts from our meeting the congestion will eventually force the city's hand into a do or die situation. You're going to have to add more public transportation whether you're going to add a streetcar, a max stop, or more buses, or something. It's gonna have to change. And if that planning isn't currently in place, we think that's short sighted. Furthermore, because of the property east of 33rd on broadway is zoned e.x.e., there's a strong likelihood of further increased development that will add greater stress to the traffic on this street, making a bad situation worse. And however if the traffic study conducted for this rezoning request traffic east of 33rd on broadway wasn't even considered, and nor was it considered north of 33rd -- north of broadway on 33rd. So with these things in mind we would ask that the city not pass the rezoning request today, and instead insist on a more comprehensive traffic study.

Katz: Thank you.

Austin: Thank you.

Michael Kinney: Michael kinney. I just want to endorse what david austin just said, that as many other people have said, we're not necessarily opposed to the idea of the new development there. But we think the traffic study was woefully inadequate. And so I would just like to add my voice to ask you to defer voting until you do have an adequate traffic study that addresses broadway and addresses 33rd avenue as well, because 33rd is the primary north-south corridor, you have two entry points onto i-84, which is at 33rd and at 37th, and for eastbound i-84 traffic, the entry point is at 39th. In the morning, as soon as you have backup near lloyd center on i-84, then a lot of people start funneling off onto sandy and onto broadway in the morning. Broadway is a major access point to get onto the freeway. It's part of the reason why there is so much traffic on broadway. So again, I just ask for an adequate traffic study before you vote on this issue. Thank you.

Katz: Thank you.

Ralph Younger: Mayor, members of the Council my name is Ralph younger, my wife carolyn and I live at 2135 northeast 28th avenue, on the corner of u.s. Grant place and 28th. We've lived there for over 20 years. We were both involved pretty heavily in the fred meyer opposition back many years ago in the early 1980's, and traffic has been a consideration of ours, and is most everybody in our neighborhood is concerned with traffic, and its impact on livability. And livability is a primary issue to residential value and residential appeal. Those that have homes want traffic to be lowered, not increased. So we're concerned on the scale of this, I think you've heard it before, the requirement for a maximum density without a specific proposal of how many units and exactly what that proposal will generate in traffic and how that will impact intersections, and access to the freeway, getting on and off 33rd, getting on and off the freeway, getting on and off the banfield freeway and so on, are critical to how we live in our neighborhood. And we live there. And I hope to still continue to live there. 33rd right now at broadway backs up regularly up north on 33rd to get onto the banfield freeway, to come downtown Portland, it backs up past knott, it backs up the

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hill to fremont, many times it backs up to wilshire park. It is one in my opinion, 33rd and broadway is one of Portland's worst intersections for traffic. If that's not going to get better by this maximum density proposal. So I second the idea that it's way too early in the process to approve this type of development that is going -- that we all agree that mixed use is going to be better than what's there now. That's not the point. The point is, now is the time to approve zoning which makes -- and requires maximum density in an area where traffic is as bad as it already is. That's all I had to say.

Katz: Thank you.

Carolyn Younger: I really don't have anything to add to that, other than I do feel that the process involving the neighborhoods has been partially obfuscated by -- without having a lot of communication with the developer, the owner of the site. I know that they have worked with sullivan's gulch. We are a member of grant high school, grant park neighborhood. We've had minimal discussion or minimal knowledge or information regarding what they intend to put on the site. As my husband said, we were involved in the fred meyer development, and the neighborhoods were very directly involved with how that site was developed, and although there's certainly are losers to the development of that site as far as additional traffic, etc., the input from the neighborhood made what we consider a very difficult situation passable. I feel very strongly that this rather ironic, I remember -- we remember talking with the albina fuel company at the time of the fred meyer development and said, do you understand what you're giving away when you agree to this development? There's no place for the traffic to go. Fred meyer is taking all the traffic capacity for this industrial sanctuary. When you come -- when it comes time to develop, it will be gone. Apparently they did not -- they supported the development, which was certainly well within their rights, but it seems to me that the time has come to recognize that there is no additional capacity on our streets. We are a neighborhood built in the 1900's, and as such, we do not have the capacity that beaverton has. Fred meyer recognizes that in their traffic mitigations, and i'm afraid that the development of the albina site is going to have to be a lower density so it can go along with the same type of traffic mitigation to preserve the neighborhoods that we have. Thank you very much.

Katz: Thank you.

Francesconi: Are you arguing for nothing to happen on this site?

C. Younger: I would argue for nothing, but I know that's not -- I know -- there are people that say they would like a park. I know that's not going to happen. I understand some of the motivation behind this development. Land is very valuable in northeast Portland. I'm a real estate appraiser and I see that all the time. I was thinking as I was coming down here, northeast Portland is one of the neighborhoods that has most appreciated really --

Francesconi: What would you accept?

C. Younger: I would like to have a mixed use residential, lower density residential so we wouldn't have additional 300 --

Francesconi: How many units?

C. Younger: I'm sorry, i'm not a land use planner. I expect that to come from the city of Portland. That's who we pay.

Francesconi: Thank you.

R. Younger: Could I add one other point?

Katz: Quickly.

R. Younger: I think what we're saying is that a lower density needs to be analyzed by the traffic department to figure what would fit into those intersections. And what would make it tolerable.

Katz: We're going to be talking to our transportation people.

*******:** I don't have anything to add.

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Katz: Okay. Appreciate that, thank you. I think we've heard every argument here, we just need to start poking at it a little bit.

Katherine Bang: My name is katherine bang, I live at 1741 northeast 37th avenue. I'm the land use chair for the grant park neighborhood association.

Katz: The which park?

Bang: Grant park neighborhood association. Actually i'd like to just comment on carol's -- carolyn just recently, who last spoke, mentioned that we hadn't had as much participation in the process. And it was primarily a matter of timing of our newsletters going out, and when the notification came through. Notification for this hearings officer came at the end of december. We just put in our public -- just printed our newsletter, so by the time our newsletter went out the hearing had already occurred. And then similarly, same thing happened with this meeting now. We could not include notification of the city council meeting in our neighborhood newsletter. So --

Katz: We're going to have all of you on the web one of these days and you can communicate with each other.

Bang: Anyway, what i'd like to talk about is I wish the city council would look forward and not focus so much on the specific issue at hand, because I feel that there are some huge problems in this neighborhood, and every time you just look at the little piece, you don't see the whole picture. And we're not dealing with the problems in this area on a holistic approach. My two major comments would be the traffic analysis, and i'm the one who did the critique that everyone has been mentioning, and I have a copy here if you don't have it. I felt there were some major problems with the traffic study that it just, it made some assumptions I don't think are accurate, it didn't include some analysis such as the community use portion of the rx zoning that would have a significant impact on increased traffic, and I felt as though the data had been manipulated to get the result that they wanted. That was my feeling about it. So I had problems with that. The other issue i'd like to bring up is just that I feel that there are some important issues about the way this is designed that have to happen at this time. That really augment the urban nature of the zoning that you're proposing. Rx zoning is really high density urban zoning. And yet we're talking about a 5.2-acre site. And there's no talk about having any public right of way in this space, no streets being added in. And when you think about the fact that this site is right adjacent to fred meyer, certainly if we're thinking ahead in where we're going, fred meyer is going to be coming in in a few years and asking to rezone their property as well. That is -- to me, that is very likely. We're right on the max line. This is a huge site. And so if we don't start thinking about what we're going to do to reestablish streets in this neighborhood, it's -- the traffic is going to continue to get worse and worse. We have so many streets that are closed off and barricaded and no turns this way, and no turns that way, and it continues to increase the traffic density. So my request to you is to really look at where we want to go with an urban design, really focus on an urban design.

Katz: Thank you.

*******:** Could I add one thing?

Katz: Just one second. Thank you. Come on up. Do we have anybody else?

Moore: That was all that signed up.

Tim Volpert: My name is tim volpert. I live at 3214 NE Grant place. My wife joan is also on the grant park neighborhood association board, and just hurt her leg this afternoon and wasn't able to come today. I wanted to add, the last thing that ms. Bang mentioned was the reference to opening up streets and possibility of reestablishing streets. I think mr. Abel said at the beginning that's not part of this proposal. I just want to make it clear that if -- as I understand it the streets, 32nd, 30th, 31st were closed off to the north at the time of fred meyer as a mitigation. Basically saving our neighborhood. The dolph park neighborhood where we live. I don't want any suggestion being made that the grant park neighborhood association has ever endorsed opening up those streets. I

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don't think ms. Bang has said that, but she is the chair of the land use department of the neighborhood association. We have a real concern, if those streets, if there's ever discussion of those streets being opened as a part of any of this, there would be a very, very loud ruckus being made by the folks. That's all I have to add.

Katz: Thank you.

Moore: We have one more.

Francesconi: Could I see your critique?

*****: Oh, yes.

Katz: I don't think i've seen it.

*****: Do you want a copy right now?

Katz: Oh, austin. David austin's e-mail?

*****: Yes.

Kay Bridge: I'm kay bridge, I live at 3015 northeast weidler street. Unfortunately I hate to come to you as another griping weidler resident, but i've lived there for 23 years in a big old Portland house with good bones, and I love the house, I love the neighborhood. It's a little neighborhood. I'm sorry to say that we're somewhat overpowered by the fact that we don't have any power base. We're just a small neighborhood, two houses between 28th and 32nd are zoned commercial and they're both inhabited by single families. So we're not a commercial residence, and I don't know how that commercial really came on us. But it's a neighborhood that's been there for 100 years. Our house is 100 years old. And now we find out we're living, the house in front of us is a service street. I don't know how that happens, with a residential area that's 100 years old. But anyway, it happened, and people have told us about it. What really is alarming is the fact that albina fuel wants to build 400,000 square feet of developed -- space on a five-acre property. Fred meyer is 200,000 square feet of developed space on 17 1/2 acres. So what we're really looking at, I don't care what anybody says, is a wall of concrete. And a lake of concrete. Yet another one. So we're pretty well doomed to be living looking at concrete down the street and concrete across the street. We spent the last 10 or 12 years working with fred meyer over dirt and glare and fumes, and street people, and abandoned cars, and people living in campers, and stolen cars, and all kinds of problems, and finally we got some mitigation down the street on 28th. We're only four blocks long. But what the albina development means to us is that it's just a huge amount of traffic. A real infusion of a massive amount of traffic on a little street that's really essentially one-way, because the car parking on the south side of Broadway is no longer permitted, so those cars that used to park on Broadway now park on weidler. So a two-way street has become a one-way street. And we'll probably lose our parking and our parking strip, and we're just feeling pretty threatened. The other thing i'd like to say is that we really have felt that our neighborhood association has been unsupportive of us. They don't understand that we're threatened, that our livability is threatened, the comprehensive plan talks about livability over and over again, and the Sullivan Gulch action plan talks about livability. But when it comes to livability, we don't seem to -- we seem to be losing what we had. Thank you. Oh, i'd like to just say that one thing I hope that you can do is, if the development does have to go through, that somehow you can get a signal on 32nd so that cars don't have to go down weidler street. Thank you.

Katz: Thank you. Ok. Come on up. Rebuttal. Who wants to do it? You've got five minutes. You only have five minutes, so I see three of you.

Fry: Hopefully we won't all talk.

Katz: Go ahead.

Fry: Peter fry, I have Tom Lancaster here, who is our engineer, to answer questions. I quickly want to state, we in fact did two traffic studies, full blown, met city standards, so we have studied this thing extensively. We did review Mrs. Bang's letter that was submitted to the hearing officer point

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by point, and responded to it. I just want to point that out. The other thing I wanted to point out, our project was in the Hollywood start every single month. We had numerous meetings with the neighborhood, we've tried our best to involve people, and these traffic issues are just simply difficult. As ms. Coward pointed out, some of the solutions are really not in our ability to solve. And what we're trying to do is establish a land use pattern that will then enable the city to study it and figure out how best to serve that pattern. You heard that discussion with traffic light on 32nd. That would be very outstanding for us, but that might hurt other parts of the neighborhood in terms of the access north and south and east and west. So what we're hoping to do is establish a pattern and then we are going to work with the neighborhoods to study how to deal with it. Thank you.

Abel: Do you want to say a couple words about your transportation study?

Tom Lancaster, Principal, Lancaster Engineering: My name is tom lancaster, i'm the principal of lancaster engineering.

Katz: Use that one.

Lancaster: All right. My name is tom lancaster, i'm principal of lancaster engineering, my address is 800 northwest sixth avenue, suite 206, Portland, 97209. I did do the traffic engineering study for this project. I spent a lot of time and effort looking at the traffic issues. Traffic congestion particularly at 33rd and Broadway has been raised as an issue a number of times here. Is there congestion at the intersection? Yes, there is. Will this -- will development of this parcel add to the congestion? Yes, it will. But the key question is, will the level of congestion at this intersection exceed the city's standards? And the answer to that is no, it won't. As i'm sure you all know, the level of congestion at an intersection can be rated as a to f. A means no delay, no congestion, level service f means extreme congestion, traffic blocked up for blocks and blocks. The city standard is level of service d or better. My calculations show with development of this site, it will be leveled of service d. I've spent many hours out there at the intersection looking at the traffic, and my observations are consistent with the level service d at the intersection. The thing that's important to understand here is, level of service d is not congestion-free. Level service d includes a fairly significant amount of congestion. Level of service d means during the peak hours you often have to wait through more than one green light to get through the intersection. But that's the city standard. That would be possible to reduce the congestion to get a better level of service. It could be done. We own both the south -- the south side -- albina fuel has the south side of Broadway and the west side of 33rd. The street could be widened, we could add lanes and improve the level of service there. But most people don't want that. Most people don't want increased pedestrian crossing lanes, they don't want more lanes, they don't want this to look like a suburban intersection. And it shouldn't. This is a city street, these are city streets within the city, and you expect congestion in the inner city area. So just to sum it all up, yes, there is congestion. This will add some to the congestion but it does meet the city standard for level of service.

Katz: Thank you.

Abel: Let me pick up where tom left off. Our traffic work was based on the minimum residential density that's required in the rx zone. I think there's been at least one or more questions about would we go higher than that. If there were a condition of approval granted to this that said that our minimum required density would be our maximum as well, I think we could accept that, and that would put a cap on the amount of residential. But it is the city's minimum density that's required. The densities that are required on the site are coming from the city's policies themselves for density, not from our desire, if you will, they're coming from city's policies on density. So we would agree to meet that minimum residential, and not go above that minimum residential as a condition of approval. And then secondarily, I mentioned this in my opening, we would agree to a design review that is a type 3 design review. Many of the issues that have been set forth before you today I

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think could be covered in that design review process. So with that, i'll conclude and we would be happy to answer any questions.

Katz: Ok.

Francesconi: I think you answered one of my questions. I was going to ask what was your assumptions in the traffic study, because you could go above those. But I think with the condition that your attorney just was willing to put, that would make your study valid if your study was valid. See what I mean?

Lancaster: I believe that's right.

Fry: Point of clarification. We actually did go above the minimum density in our analysis. We went to 320 units. We have --

Katz: In all fairness, why don't you folks leave the table for now. Let's bring the staff up. And then we'll open it up for council, then to ask either side or both sides some questions. So, let's start with our transportation. Anybody have questions?

Saltzman: Sure.

Katz: Go ahead.

Saltzman: So this development at the minimum density will not take Broadway and 33rd intersection beyond level d according to the traffic study that was submitted, and we concur with that. Is that --

Elizabeth Papadopoulos, Portland Office of Transportation: Elizabeth Papadopoulos, office of transportation. Yes, we actually worked quite hard on this issue, because I was very skeptical about the outcome. And they had to put more effort into this question than i've typically made engineers spend looking at it. But I am very comfortable that the intersection would work at an acceptable level.

Saltzman: Was that made with certain assumptions about what happens with 32nd in terms of right turns, left turns and all that, or is it just made upon a minimum density type of analysis?

Papadopoulos: Well, for comp plan amendment and zone changes, where we don't have a specific development, we try to look at what's called reasonable worst case. And as you can imagine by that language it's a fairly open concept. We spent a fair amount of time trying to work with them what would be a reasonable worst case. Felt that what they came in was acceptable.

Saltzman: And somebody testified that 32nd and Broadway was a level f is that correct?

Papadopoulos: Yes. Some, some technical minutia here, but maybe significant. You are looking at two pieces. Your looking at the comp plan amendment and the zone change. For comp plan amendment, you are allowed to balance the various policies that you need to be looking at. For a zone change, you have to do approval criteria, and one of those approval criterion is adequacy of services. Because the city uses level of service d for -- excuse me, level of service e for unsignalized intersections, which is what 32nd is, we have to look at their project assuming that they can mitigate the impact of the intersection. Where you have an intersection that's already worse than a level service standard e for unsignalized, they have to mitigate their impacts. And in this case, the only problem at that intersection are folks who are trying to go north from the site or from 32nd and turn left onto Broadway, ok. If you think about arterial streets in general, that's almost always a problem during rush hour. It's hard to make a left turn across major traffic. All the other movements are fine. So, really what we are talking about is a piece that's already there that's a problem. We have an approval criterion that says that it's not ok to leave it as it is. It's not ok to add cars to it. We need to mitigate for that. Meanwhile, a block away at 30th, we have an intersection, signalized that was a result of the Fred Meyer project, has a significant amount of capacity, especially for left turns. Weidler provides the connection, and because we have that capacity and because Broadway is very constrained in and of itself, we want to minimize -- I take that back. Never mind that piece. Because Weidler is zoned in terms of the comprehensive plan for

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commercial, commercial uses, what we look at is that is a street that can reasonably -- should reasonably handle the traffic, which primarily will be residential, by the way, from the site carried over two blocks over to 30th where we have the capacity. We have to do that in order to meet the level of service criteria. One other thing, folks had talked about a signal --

Saltzman: Could you comment about the signal at 32nd and Broadway?

Papadopoulos: Yeah. The problem is on, on Broadway in the section where you have two-way traffic, if you put in too many signals on a two-way street, they start impacting each other, especially if you've got cueing, you've got people backing up waiting to get through the intersections. If you added a signal to Broadway, you would make Broadway, itself, significantly worse, so what we are dealing with is an operational issue where we want to -- we understand that Broadway is difficult. We understand that there is congestion. We don't want to add to that for a minor piece that we can fix by using an existing signal at an existing location.

Saltzman: Seems to me if you have a development of the scale that we are talking about, that you will also have problems with people making a left turn off of Broadway and onto 32nd.

Papadopoulos: I believe the applicant's study was showing that that's not a problem.

Saltzman: Intuitively I cannot buy that. From what I know of that area -- if you have people blocking a lane of traffic, of westbound traffic in order to make a left turn across Broadway at, at almost any time of day, but especially even rush hour, you will be wiping out a whole lane of westbound traffic on Broadway for people making left turns without a light.

Papadopoulos: What I would suggest is if you want to get to that detail to call the applicant up. But, remember that for an unsignalized intersection, the acceptable level of service is e, ok, which is, which is worse than, if you will, d, and generally what you will see is most of the traffic, which is the traffic on Broadway, moves fairly well. Those people trying to do those lesser moves will experience more delay than the folks making the major moves.

Saltzman: Ok. Just two more questions.

Papadopoulos: Sure.

Saltzman: There is a lot of talk about the design review being subject to the type three review, but I see the condition of approval is the transportation demand management plan is a type 1 review. Do we ever make those type 3 reviews?

Brown: No.

Saltzman: Because design review -- they have been wrong -- does design review get a lot of the traffic issues that we are talking about?

Brown: It can. Through the design review we can review the parking areas, the exits, and in that way determine what turning movements or what the likely path of people coming to or exiting the site may be. We would also look at access points to and from the site.

Saltzman: My last question, Mr. Parker suggested a room for a bus pull-out on the northern section of the property along northwest Broadway. Sounded to me like a pretty sensible idea.

Papadopoulos: Actually, generally speaking there is a lot of opposition, especially from Tri-Met and having pull-outs. When buses have to pull out, what they found is they have trouble getting back in, and what that does is it significantly affects their ability to provide consistent and timely service. So, you will see that in most places where we have had pull-outs in the city, over time they have been going away.

Saltzman: They have?

Papadopoulos: Yeah.

Saltzman: Ok. Thank you.

Katz: Further questions by council members or staff? Did you identify any other issue you want to flag to us that we heard?

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Brown: I just wanted to touch quickly upon sullivan's gulch comments and their suggestions. Many of them are design related suggestions, and I think they are good ideas, however, I think that the appropriate time for those to be addressed would be during the design review --

Katz: Why don't you run down what you think would then be addressed during the design review.

Francesconi: I was going to ask transportation to come in, so mayor I am wondering if you could go -- or do you want to just --

Katz: Let's hear from duncan and then we will hear from transportation. That's a good idea.

Brown: The setbacks would be two major items there on the second page there. And --

Francesconi: Wait. Let's start at the beginning. Let's start with a and work through them.

Brown: Ok.

Francesconi: I actually forgot to ask -- i'd like to see what the developer is willing to do on these, as well. Go ahead.

Brown: Ok. Do you want to take the first one?

Papadopoulos: Why don't you go through them and I will add my comments.

Brown: Under condition a, the first concerning the cap on additional traffic, that's pretty arbitrary. It's not supported by the traffic analysis that we have, and what it does is it places the whole burden of traffic impacts upon one property owner who may not be the major contributor to that traffic problem in the future. I think the third point there, I have the same comments for.

Papadopoulos: Go ahead and go through the whole list.

Brown: The second point requiring the establishment of a t.d.m. program that includes a shuttle to the max and free bus pass programs. I think that that's a good idea to consider those elements during the t.d.m. review, but the exact elements, I think, should be determined at the time of that review based on the specific uses that are being proposed at the site at that time, that it may, may not be -- that there may be more appropriate mitigation measures.

Saltzman: That happens at t.d.m. review, not design review?

Brown: Yes. Yes. Condition b, density and height, limiting the floor area ratio to 3-1. I think that limiting the maximum number of dwelling units achieves the same --

Katz: What's the minimum?

Brown: The minimum number dwelling?

Katz: Yes.

Brown: 320, roughly.

Katz: Ok.

Brown: It's 1 for 500 square feet of site area.

Katz: Ok.

Brown: And limiting the height along 32nd avenue frontage to 1 foot height for every foot of setback -- excuse me, for every foot of distance from the west edge of 32nd. That may run contrary to the standards, to our x standards, which require a maximum setback of 10 feet. Also, that's covered in design review. There may be some opportunities for, for -- or good reason to have less setback. Also, we are immediately across from a commercial, general commercial zone or general commercial comp plan designation. It doesn't have that requirement. And then under design review require the design review for a type three process, yes. We can agree to that. And that pedestrian and bicycle circulation be created to provide for specific connection points. I think that during design review, the, the connection points would be prioritized and taken into consideration during the design review. There may be an opportunity to, in fact, have that connectivity in more efficient manner, so I think that we need to look at the whole of the development.

Katz: Why don't you go through from your perspective.

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Papadopoulos: Sure. Condition a-1, 30% cap, as duncan was mentioning, it's really problematic to do a volume cap. We have growth on our system that's just per capita growth. We have more cars per household over time, and to take one site and place the cap so that that site is responsible for really, really, in our estimation, wouldn't be the appropriate fit. If you were going to choose a cap, I would suggest you do something more in line with what the developer was suggesting where they are looking at number of units. That's also a lot easier to measure. The t.d.m. program, we would be looking at that typically through a type 1 review. T.d.m.'s -- people often see transportation demand management as a, as a quick fix for traffic congestion. The truth is that we don't have enough history or consistency under our belts with particular sizes of types or developments to come up with particular outcomes, and in fact t.d.m.'s are very much about business plans for sites, so it's hard for us to get in and to say, you know, you shall provide a certain type of transportation demand management item. What we typically do is we say here's a typical list of concepts. You can look at any of these, which might include something like bus passes, or you can suggest some others. You need to commit to one or more as part of your t.d.m., so that's what we would typically be doing what we are looking at that.

Saltzman: Are those ever type 3 processes?

Papadopoulos: No, they are not. Usually they are coming in as part of something like a conditional use when they are separate, they are either -- I don't know if they have been type 2's in the past. Usually type 1, if you are going to be doing that. Ok. No concerns about condition b. Condition c, the design review, yes, some of these access issues will come up through that process. It's pretty routine to handle them there. We would look at connectivity. I did want to flag the gulch trail, which is not the point yet where we know exact location. We have got ownership issues with that, as you can imagine, the railroad is the linear corridor. It may not be that the trail should be on adjacent properties. We have got the storage site, for example, where the buildings are actually at the property-line. So, you know, we would look at it, but my suspicion is in this particular case we wouldn't be able to move forward with a specific trail piece.

Katz: Let me ask a question, in design review is it possible as they look at the design in the footprint, that they would recommend a lower number of units than the minimum under the code?

Brown: That would have to largely be a product of the applicants. They would have to ask for an adjustment to that, and base a design review on that adjustment, also. My recollection is that -- that we have not asked for a reduction below the minimum number as part of the design review.

Katz: Really? But you could get there if the design had to be changed dramatically?

Brown: It could, yeah.

Katz: Ok. It's not traditionally done that way.

Brown: Right.

Francesconi: Elizabeth, one follow-up question, and it's actually not a follow-up question, it's the same question that commissioner Saltzman already asked you, but i'd like you to elaborate a bit on it. It's the 33rd and Broadway question, which you were skeptical of, I think you said before the design, but then you spent extra time at this and you looked at it. You put them through extra hoop, and then you became convinced that it remains level d. Can you describe a little more exactly kind of what you did and what you observed and what the extra hoops are and why -- frankly, you know, from my own experience, I am a little skeptical myself.

Papadopoulos: When albina field first came in, they were looking for e.x. zoning, much more open ended. And I think they knew from day one that they were going to have problems, so they were talking to us about this intersection and looking at alternatives and trying to figure out what to do. Because they came in there, I was just assuming that the intersection was going to work, and in fact, I think they showed that under the original zoning proposal. When they came in with the second zoning proposal, I was sitting there thinking, it's not going to work. It didn't work before.

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It's not going to work under their new proposal. They, in fact, showed that it did, and I started saying, you know be I have got a lot of folks out there, including myself, who look at this intersection, who drive through this intersection, who are saying, this is not good. It can't be ok. Some of the things that we did that were in addition was we really focused on some of the assumptions that were made. We, we have a secondary type of study where we look at a corridor instead of just an intersection because you know one intersection can have an impact on another intersection. In fact, you see backup on 33rd southbound, that backup through the intersection is largely due to the freeway ramp, but if you are sitting at the intersection of 33rd and Broadway or if you are sitting way back up the street on 33rd, you will tend to think that that's happening because of 33rd and Broadway. So, we ask questions about doing this, this additional level of analysis and the applicant came back, the engineer came back and showed us how the two fit or didn't fit. We also spent time out in the field. I had gone out several times. I asked them to go out. We had a number of discussions about what we were seeing out in the field. So, just really sort of pushing them to the wall in terms of how they were looking at this and trying to make sure that we had tested it to the nth degree, and we did that. I was a skeptic but now I am ok with where they ended up.

Katz: Let me ask another question. There was a question with regard to the traffic study. Was that -- is that in the record?

Papadopoulos: Yes. The traffic study for the comp plan amendment and zone change is in the record.

Katz: I assume this is --

Papadopoulos: There was an initial, initial study and there were addendums.

Katz: And the analysis --

Papadopoulos: And the analysis -- this was an analysis that came in to the hearings officer after the hearing, but I think the record was still open, all right. And it seems like there may have been a mishap in the system. I did not receive a copy of this, but again, once the hearing was closed, the hearings officer wasn't asking me questions, so he was just considering this. So, I found out about this from Catherine Bang --

Katz: Did you review that in light of --

Papadopoulos: Yes, I reviewed it.

Katz: In he were terms of the concerns you had?

Papadopoulos: I don't see anything here that is compelling enough to say that the study was inappropriate or should be redone or reached the wrong conclusions.

Saltzman: A couple other questions -- what is the offstreet requirement for r.x.d. off street parking? Of that type of zoning?

Brown: Because we are within 500 feet of a busline runs at 15th minute headways at peak periods, there is none for any development within 500 feet, whether it's r.x. or i.g. or c.g.

Saltzman: So I don't know, that strikes me as, as again, something that doesn't make sense.

Brown: From a marketing standpoint, that's something different.

Saltzman: Do we have the ability to impose a condition to that effect?

Brown: We could but we would have to have a nexus showing that there is a need for that, that particular condition, and we could drop back to the required r.x. parking for other cases, but again, we would have to provide that link that there's, there's a need, absolute need for that.

Saltzman: I would hazard a guess if we looked at developments that fall within 500 feet of 15-minute headways of this far density, they probably all have some sort of offstreet parking, would be my guess. Is that a nexus?

Papadopoulos: I think the dilemma is that this is recently adopted policy on the city's part where the direction is that for these sorts of uses where we have got the transit service, we shouldn't be

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requiring it, so the dilemma for us is if you find a nexus there, would you not have to find a nexus with all the other sites, even though we just recently said, you know, we are not going to require the parking. We bet they will bring it in.

Saltzman: How recently did we do that? [laughter]

Papadopoulos: Recently.

Katz: Very recently?

Saltzman: Was I here? [laughter]

Katz: Yes. [laughter]

Saltzman: I guess it falls on me.

Katz: No, it's just -- we had a long discussion about this, and what -- yes, recently. [laughter]

Katz: Further questions of staff and then I think that somebody wanted to ask questions of -- let's finish with commissioner Saltzman.

Saltzman: There was mention about a tree and a historic building. What do we know about -- I mean, is this heritage type of tree?

Katz: I didn't hear a tree.

Saltzman: Somebody testified about preserving a tree on the corner of weidler, and then there was a historic brick building.

Brown: If you can hold on for a moment, I can quickly show you both.

Francesconi: I didn't hear about the parking, either, so. [laughter]

Katz: This is charlie's big thing about let the market decide. [laughter]

Katz: You were not here your are safe.

Brown: This is 32nd avenue looking up toward broadway, and you see underneath all the ivy, I believe, there is a large tree that's in the public right-of-way there. That's the large tree that was, that was referred to.

Papadopoulos: Since it's in the right-of-way, what we would do is we would work with the city forester, and assuming it's a healthy tree, we would work with him to design the, the improvements to minimize impacts to it. That could require additional right-of-way and hopefully the applicant would be willing to do that if need be to say work a sidewalk or something around it. But, typically we are interested in trying to save the bigger, larger, healthy trees where we can.

Katz: Talk about the brick building. Does it have any history?

Brown: Excuse me?

Katz: The brick building.

Brown: Ok. This is the picture before you now. Just on the -- let's see, southeast corner of 32nd and weidler, you can see that there is a small brick building. This was, this was, as near as I can tell, it was an electrical generating facility way back once upon a time. It is not on a historic register, and we don't have any information on the historical significance of it.

Katz: It's not on any list?

Brown: No. Excuse me, not in the historic inventory.

Katz: Inventory.

Brown: I am sorry.

Katz: Ok. All right. Commissioner Sten.

Sten: I think I am ok.

Katz: Anybody else have questions to the developer?

Francesconi: I do.

Katz: Ok. You --

Francesconi: I will let commissioner Saltzman --

Saltzman: Well, I will follow up on the tree discussion.

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Katz: All right. Why don't you sit back. Come on up. You don't want to cut down an old tree, do you? [laughter]

Abel: It's your tree.

Francesconi: It's our tree. [laughter]

Saltzman: You want to help us --

Katz: You don't want us to cut down our tree, do you?

Abel: Well, of course, we have the competing need for right-of-way against what exists right there now, and I think as a part of design review, certainly that's one of the existing conditions that needs to be recognized. And to the extent that we can work with that tree, we will. I haven't gone out there to check grades, but Mr. Arnson told me there is grade issues with respect to that tree as it falls off the right-of-way, so I don't know what the issue is there, but we will certainly be sensitive to it because it's an asset, but it happens to be in the right-of-way, so it's a balancing act -- your tree.

Francesconi: Oh, you are looking at me. Did you agree -- I don't remember -- the transportation demand management?

Abel: We did. That's one of the conditions of approval that arises out of the hearings officer decision, and we agreed to that.

Katz: So is the left turn, so everybody needs to remember that that's also a condition.

Francesconi: Then so the only question is the offstreet parking in terms of -- do you know, do you plan on, we can't require -- or maybe we can require it, but what's -- it would be pretty hard to rely on parking in the neighborhood, cutting across there. It doesn't make any sense.

Katz: If you were on the planning commission and you brought this policy to us, are you going to talk about it? [laughter]

Saltzman: I am going to blame it on him.

Abel: The reality of the parking is always driven by the economics. Certainly, the ability to get residential users, to get commercial users on the site will be driven by their ability to get parking. There's going to be a very natural tendency to move that parking up. The usual debate, of course, is restrict the parking, restrict the parking, we want less parking, we want to force people into other, you know, modes of transportation. That's one policy. It's embodied in the r.x. zone, and other parts of our code -- c.s., I think. But the natural reality on a site like this will be the economics will drive a level of parking, that it's not going to cause spillover. People will not buy, rent units, or rent commercial space in an environment where they don't have the parking. If there is spillover parking, I don't really understand the condition, itself, if it's spillover onto other prior to property, that private property owner has the ability to move the folks out. You know, and if it's spillover parking into areas that the city has allowed parking in the public right-of-way, the city controls that right-of-way and has the ability to put "no parking," signs if, that's the choice. But, any developer on the site will be motivated to -- I won't say maximize parking because I think that that would be offensive to some, but parking would be -- needs to be on the site to serve the uses on the site. That exists, as a matter of fact, just to make a side comment, just about every one of the residential developments and commercial developments, right on the light rail line, no parking is, is obligated in many of the locations, but there is enough parking so no one has to use light rail.

Leonard: I had a follow-up to your question.

Katz: Are you done? Ok. Randy, go ahead

Leonard: I did not hear you give the answer about the tree. I heard you say it was our tree, but you were asked would you be willing to seed some of that property for a public right-of-way so it could be developed around --

Abel: I think my answer to that, not knowing exactly how buildings would be configured on the site is that, is that in design review, that is certainly a consideration that we could be, could be made in order to allow for that kind of access. I can't sit here today and -- I don't think -- and give away

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that land, but I know that there would be a willingness to try to preserve that tree to the greatest extent possible. Whether that includes additional right-of-way -- I mean, dedication or not, I don't know, but I think that that's something that would certainly be a function of design review.

Katz: Do you have any schematics about what the plans are for this site? It is really very difficult. I really can sympathize with the residents. We have to do this, and you are not ready or don't know yet what the plans are, and it's very hard for us to make those kinds of connections, but that's the reality that we have to live with.

Abel: The schematics that have been on the site are rough, at best. There's -- it's, you know, we have got a situation here that's a bit different than the usual situation. I represent a property owner, a property owner that's not in the development business, a property owner that wants to find the right buyer for this, and that buyer will have his or her own level of needs and desires for the development, and then have to go through the design review process. So, any work that we have done so far has been schematic, at best, and I couldn't even describe it to you as anything that would be meaningful.

Katz: So it will come back to, you the design review, if it's a type three?

Abel: You will have to ask your staff to make sure it comes through, but my recollection of how the design review code works is a type three, it does come before you.

Katz: Correct.

Saltzman: Even if it's not appealed?

Abel: Yes, that's right.

Brown: With any luck, it won't come before you. [laughter] It's a required public hearing before the hearings officer, and then it would come before you on appeal.

Katz: Thank you.

Abel: It probably goes to the design commission first.

Katz: Goes to the design commission, right, and then if it's appealed it, comes to us. We haven't had many of those.

Saltzman: If anything happens to the tree, they need to appeal it to us?

Abel: That's right. That's a natural part of it.

Katz: Further questions? Thanks.

Abel: Thank you.

Katz: Ok. So, everybody is aware of the conditions because some of them aren't -- are incorporated in the requests of some of the citizens on the issue of traffic management on the issue of design review, on the issue of prohibiting the left turn.

Francesconi: I don't think design review -- that's not -- that's one we need to put on, I think. I think we need two additional conditions. It would be the design review through a type three procedure, and it would also be to limit the density by having the maximum density on the site as the city's minimum density. I think that those are two additional conditions that would have to be --

Katz: Let me make absolutely sure, duncan, was the design -- I thought I read that in the report. The type three design review.

Brown: Yes.

Katz: It's in --

Brown: The report mentioned that the design review -- or the design overlay was going to be placed on the site, but it didn't specify --

Katz: Then commissioner Francesconi is right, all right. So, it's the minimum density and with the design review type three.

Francesconi: Are you looking at me?

Katz: I am trying to --

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Francesconi: You know, listen, I don't -- I am going to agree --

Katz: I think it's a good idea.

Francesconi: I will make my statement and then I will not repeat it again when I make my motion.

So, see, we are -- it's hard for people to understand this, but we have actually -- there is a set of land use laws that we have to follow, and our own intuitions or instincts can't override what's in the record, and in this case, we have to see if the comprehensive plan amendments, are better served by this proposal if we meet the comprehensive plan better or not. Now, the only reason to deny it, in my opinion on this case, is the transportation elements, and it would be if that intersection, in my view, is an f instead of a d because then you could pick out one element and say look, the harm done, it doesn't meet the basic city services, and then the fact that this helps housing and helps jobs, it helps our urban livability goals that we are trying to accomplish. You could offset it by an intersection that goes from d to f. Here we have got -- I mean, the record -- and I don't expect the neighborhood to have to hire traffic engineers all the time, but we have got an engineering report that seems pretty solid that was double-checked by our bureau and so the only grounds, in my view to deny it, is really not there. So therefore, I am going to move to approve the hearings officer's findings to deny the appeal, to add -- make sure all three conditions in the report are there, but also to add to, which is that the design review be through a type three procedure and that the maximum densities that the developer, or whoever owns this property, that the maximum that they could build on this, no matter what the proposal is, is the minimum that we allow on the sign.

Katz: Let me just correct this. This is not an appeal. So, I just want to correct that. But, everything else you said is, is in the motion. Do I hear a second?

Saltzman: Second.

Katz: So this is a tentative decision?

Beaumont: Yes, I think we need to bring it back and modify the hearings officer's decision to add those two conditions.

Katz: I'm sorry --

Beaumont: We need to bring it back --

Katz: That's what I said. This is tentative, and we will bring it back and we will set a date before we adjourn. So, roll call

Leonard: I wonder if I could just -- this thing with the tree is just bugging me. [laughter]

Leonard: If you are satisfied with the answer I received when I asked the question about, about whether or not the applicant would be willing to seed some property for right-of-way, is that -- was the response I was given adequate?

Papadopoulos: Elizabeth Papadopoulos, you know, as I was alluding to when I was making my comments, we still have to see how healthy the tree s we will work with the forester. I am comfortable with what they are saying. This takes multiple people working together. Sometimes there clearly is a solution. Sometimes it's difficult to find a solution. So, I am comfortable that they are willing to work with us. We will try to save the healthy tree in the right-of-way.

Katz: Ok.

Francesconi: And our urban forester is tough, let me tell ya. [laughter]

Leonard: Ok.

Katz: Sometimes he's too tough. [laughter]

Katz: All right, roll call.

Moore: Roll call on the motion?

Katz: Yep.

Francesconi: Aye.

Katz: The tentative finding.

Leonard: Aye.

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Saltzman: Well, this is a tough issue because the transportation impacts, and I am still -- I am still not absolutely convinced that there shouldn't be a signal at the intersection of 32nd and Broadway or a limitation on the left-hand turns from Broadway onto 32nd, and, and maybe we will see some of the issues back again on the design review. And I do think that it with a good idea to limit the minimum density to be the maximum density because I think that if somebody said -- at some point Fred Meyer will come in and want to redevelop the property, too, and we need to be mindful of how this is going to stack up in the end and this is one small step towards that goal of making sure that we are looking at the bigger picture here, so I think overall this is -- and the zone change is clearly needed. This is no longer industrial land. Aye.

Sten: Well, I want to compliment the different neighborhood groups and the developer on a very good presentation. I was quiet because all the information I needed was presented by all the different sides, and it was very well done. Very high quality. By my reading of it, the test to change the zone change is whether the proposed new comprehensive plan better fits the goals of the comprehensive plan, and in this case, I think that there's just about unanimity that it is that this is a better site for housing in the industry, not complete unanimity, but I agree with that point of view, so I think that we should support changing it and putting housing in place. The next step is can the services be provided that would be necessary to get there, and I think that Grant made a good argument that they wanted to see more traffic studies. That's the only place I am in a little disagreement. I am convinced from the data that it can be developed at that level and the services can be there, but that through the design review and the traffic design, transportation design management, however the right word for T.D.M. is, is the real place that will be waged out to see if it can be done. I think Grant makes a solid argument that it's not proven completely yet in Sullivan's Gulch, that all the issues that need to be addressed are there, but I think that that's appropriately done at the next, at the next stage of this, and I think that they meet the test that it can be done, and I certainly believe that housing is a better use of this, as you look forward than industrial. So, I think you really all did a very good job of representing what needs to be represented, and I think that we have kind of narrowed the box to the point where there is still probably some pretty heated discussions -- well, friendly, hopefully, but decisions about how to make this work, but I think that it can work, and that's why I will vote aye.

Katz: Yeah. I think the commissioner is right. The next step is really the more inclusive one. We haven't talked about it, but if the applicant uses the two gentlemen, one to your right and one to your left, for the next step to work with the developer and then work with the community in terms of trying to solve some of these traffic issues, and I think that the main issues here are the traffic issues, that would be very helpful. That would set a comfort level for those in the community that have worked with you on the zone change and who, who are putting that faith and trust in your hands because they are going to live here for a long time, and the impact will be felt by the community. So, I hope Neil, and for those who you select to develop it, will continue to work with both the Sullivan Gulch and the Grant neighborhood to solve some of the problems like they worked together with the Fred Meyer. None of us were here for Fred Meyer. But, I think it does deserve that kind of attention. Aye. Thank you, everybody. And we will come back --

Leonard: We have another, 380?

Katz: Let me just -- let me just settle this. We have -- you are right. When are we coming back for this?

Baumont: We will need to continue both 379 and 380 for two weeks.

Katz: All right. 380. Roll call.

Moore: Do you want -- we need to move that with this one, also.

Katz: Yes.

Moore: We don't want to do a roll call on this, Kathryn?

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Beaumont: Both 379 and 380 should be carried forward because you can't vote on 380 --

Katz: Right, until we come back. Thanks. All right. We stand adjourned. Two weeks.

At 4:12 p.m., Council adjourned.