



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **18TH DAY OF JUNE, 2003** AT 9:30 A.M.

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

Commissioner Leonard arrived at 9:33 a.m.  
Commissioner Saltzman arrived at 9:34 a.m.  
Commissioner Sten arrived at 9:35 a.m.

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

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

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>608</b>	Request of Annalisa Bandalera to address Council regarding Portland Peace Encampment (Communication)	<b>PLACED ON FILE</b>
<b>609</b>	Request of Todd Kurylowicz to address Council regarding Portland Peace Encampment (Communication)	<b>PLACED ON FILE</b>
<b>610</b>	Request of Keith Vann to address Council regarding public restroom situation within TriMet fareless square (Communication)	<b>PLACED ON FILE</b>
<b>611</b>	Request of Bret Dunbar to address Council regarding open source software (Communication)	<b>PLACED ON FILE</b>
<b>612</b>	Request of Carl J. Shoemaker to address Council regarding business taxes vs. payroll taxes (Communication)	<b>PLACED ON FILE</b>

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<b>TIME CERTAINS</b>		
<b>*613</b>	<b>TIME CERTAIN: 9:30 AM</b> – Authorize a labor agreement with AFSCME Council 75, Local 189-2 for terms and conditions of employment of certain represented employees in the Bureau of Emergency Communications (Ordinance introduced by Mayor Katz)  (Y-5)	<b>177586</b>
<b>*614</b>	<b>TIME CERTAIN: 10:00 AM</b> – Authorize an Intergovernmental Agreement with Multnomah County Animal Services to provide funds for enforcement of Leash and Scoop Laws in City Parks (Ordinance introduced by Commissioner Francesconi)  (Y-5)	<b>177587</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Vera Katz</b>		
<b>615</b>	Remove from the Portland Policy Documents Resolution No. 36065 which sets a maximum price cap for single family homes in 2002 for the single family distressed areas tax exemption program (Resolution)  (Y-5)	<b>36149</b>
<b>616</b>	Reappoint Phyllis Reynolds and Ed Washington to the Urban Forestry Commission for a term to expire December 31, 2006 (Report)  (Y-5)	<b>CONFIRMED</b>
<b>617</b>	Reappoint Godfrey Beckett to the Portland Cable Access Board of Directors for a term to expire November 30, 2004 (Report)  (Y-5)	<b>CONFIRMED</b>
<b>*618</b>	Apply for a U.S. Department of Justice, Office of Community Oriented Policing Services, Enhancement of Community Policing Initiative Grant to support the Tactical Operations Division (Ordinance)  (Y-5)	<b>177566</b>
<b>*619</b>	Authorize an Intergovernmental Agreement between the City of Milwaukie Oregon and the Police Bureau to provide access to the Portland Police Data System (Ordinance)  (Y-5)	<b>177567</b>
<b>*620</b>	Amend agreement with David M. Corey to extend time and provide for additional funds to conduct psychological evaluation of community police officer candidates (Ordinance; amend Contract No. 33835)  (Y-5)	<b>177568</b>

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<p><b>*621</b> Approve contract with David Evans and Associates, Inc. to assist River Renaissance to create and test a system to determine the monetary value of ecosystem services created or diminished by different watershed protection and restoration actions (Ordinance)</p> <p>(Y-5)</p>	<p align="center"><b>177569</b></p>
<p align="center"><b>Commissioner Jim Francesconi</b></p>	
<p><b>*622</b> Authorize Intergovernmental Agreement with the Tri-County Metropolitan Transportation District of Oregon for a City-owned fiber optic cable system within the North Interstate Light Rail Project conduit system (Ordinance)</p> <p>(Y-5)</p>	<p align="center"><b>177570</b></p>
<p><b>*623</b> Amend agreement with the Tri-County Metropolitan Transportation District of Oregon for design and construction management services for the North Interstate Light Rail project (Ordinance; amend Contract No. 51409)</p> <p>(Y-5)</p>	<p align="center"><b>177571</b></p>
<p><b>*624</b> Authorize Intergovernmental Agreement with Housing Authority of Portland for infrastructure plan review and development related services for the HOPE VI Redevelopment of Columbia Villa (Ordinance)</p> <p>(Y-5)</p>	<p align="center"><b>177572</b></p>
<p><b>*625</b> Amend agreement with Group AGB, LLC for project management services in connection with the HOPE VI Redevelopment of Columbia Villa (Ordinance; amend Contract No. 34409)</p> <p>(Y-5)</p>	<p align="center"><b>177573</b></p>
<p><b>*626</b> Authorize an Overpass Agreement with the Union Pacific Railroad Company for construction of the North Lombard Street Overpass (Ordinance)</p> <p>(Y-5)</p>	<p align="center"><b>177574</b></p>
<p><b>*627</b> Grant revocable permit to Championship Auto Racing Teams, Inc. to close NW Johnson Ave between 11th and 12th Streets on June 21, 2003 (Ordinance)</p> <p>(Y-5)</p>	<p align="center"><b>177575</b></p>
<p><b>*628</b> Grant revocable permit to Championship Auto Racing Teams, Inc. to close SW First Ave between Taylor and Yamhill Streets on June 20, 2003 (Ordinance)</p> <p>(Y-5)</p>	<p align="center"><b>177576</b></p>
<p><b>*629</b> Authorize payments to Portland Public Schools to support after school programs and reimburse for facilities use at schools for the period July 1, 2002 through June 30, 2003 (Ordinance)</p> <p>(Y-5)</p>	<p align="center"><b>177577</b></p>
<p><b>*630</b> Authorize an agreement with Portland School District to provide support for TLC-TnT summer camp program (Ordinance)</p> <p>(Y-5)</p>	<p align="center"><b>177578</b></p>

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<p><b>*631</b> Renew contract with Multnomah County to provide funds for Department of Community and Family Services Schools United Neighborhood initiative (Ordinance) (Y-5)</p>	<p><b>177579</b></p>
<p><b>*632</b> Amend Intergovernmental Agreement with Multnomah County Department of Human Services Area Agency on Aging for services to the elderly (Ordinance; amend Contract No. 32024) (Y-5)</p>	<p><b>177580</b></p>
<p><b>Commissioner Randy Leonard</b></p>	
<p><b>*633</b> Repeal Ordinance No. 177469 and grant a ten-year property tax exemption to Brewery Block Investors LLC for new multiple-unit housing on the full block bounded by NW 12th, 13th, Couch and Davis Streets (Ordinance; repeal Ordinance 177469) (Y-5)</p>	<p><b>177581</b></p>
<p><b>Commissioner Dan Saltzman</b></p>	
<p><b>*634</b> Amend contract with Will Hornyak to provide the River Heroes All-School Assembly Programs for Clean Rivers Education Program for FY 2003/04 (Ordinance; amend Contract No. 34494) (Y-5)</p>	<p><b>177582</b></p>
<p><b>Commissioner Erik Sten</b></p>	
<p><b>*635</b> Adopt and authorize the submission of the Consolidated Plan Action Plans 2003-2004 and application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant, HOME Investment Partnership, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS Programs (Ordinance) (Y-5)</p>	<p><b>177583</b></p>
<p><b>City Auditor Gary Blackmer</b></p>	
<p><b>*636</b> Cancel City liens that are being extinguished due to Multnomah County foreclosure transfer or otherwise deemed uncollectible (Ordinance) (Y-5)</p>	<p><b>177584</b></p>
<p><b>*637</b> Assess property for system development charge contracts and private plumbing loan contracts (Ordinance; Z0743, K0056, T0071, K0057, T0072, P0065) (Y-5)</p>	<p><b>177585</b></p>

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<b>REGULAR AGENDA</b>		
<b>638</b>	Adopt "City of Roses" as the City of Portland official nickname (Resolution introduced by Commissioners Francesconi, Leonard and Sten) (Y-5)	<b>36150</b>
<b>Mayor Vera Katz</b>		
<b>639</b>	Approve appointments to the Portland Utilities Review Board (Resolution) (Y-5)	<b>36151</b>
<b>*640</b>	Accept a \$54,500 grant from the Oregon Department of Transportation, Motor Carrier Safety Assistance Program for safety inspections (Ordinance) (Y-5)	<b>177588</b>
<b>*641</b>	Authorize contract with Innovative Care Management, Inc. to perform health care management services to the City self insured medical plans for the period December 1, 2002 through November 30, 2005 (Ordinance) (Y-5)	<b>177589</b>

At 12:00 p.m., Council recessed.

**JUNE 18, 2003**

RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **18TH DAY OF JUNE, 2003** AT 6:00 P.M.

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

Commissioner's Francesconi, Leonard and Saltzman arrived at 6:05 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.

[Continued on next page.]

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**642 TIME CERTAIN: 6:00 PM** – Amend Title 33, Planning and Zoning to update and improve City building and land use regulations and procedures that hinder desirable development (Ordinance introduced by Mayor Katz; amend Title 33)

**Motions were made to adopt the following:**

- **Size of trees**
- **Exclude eaves from the definition of building coverage**
- **Nonconforming situations**
- **For land divisions: Definition of site, lot dimension standards, density and dimensional requirements for nonconforming and conditional uses in “R” zones**
- **Property line adjustments, lot consolidations, and review thresholds for land divisions in multi-dwelling zones.**

Gaveled down by Mayor Katz after no objections.

**Motion to retain the ability to develop on 2500-square-foot lots of record in r-5 zones. I further move that the Council direct the Bureau of Planning in cooperation with the neighborhoods, the home builders and other affected parties develop a catalog of home designs that are allowed to be built on these lots. The catalog of designs should be completed no later than March 1, 2004 and require that the design standards identified by the Bureau of Planning be applied to all homes built on these lots until the design catalog is complete.** Any exception to these standards shall require design review: Moved by Commissioner Leonard and seconded by Commissioner Sten.

(Y-3; N-2, Francesconi and Katz)

**Motion to reconsider:** Moved by Commissioner Leonard and seconded by Commissioner Saltzman and gaveled down by Mayor Katz after no objections.

**Motion that Council direct the Bureau of Planning in cooperation with the neighborhoods, the home builders and affected parties to develop a catalog of home design standards that are allowed to be built on r-2.5 segregated lots. The catalog designs should be completed no later than March 1, 2004 and require the nine design standards identified by the Bureau of Planning be applied to all homes built on these lots until the design catalog is complete, exception to these standards shall require design review and come back with an emergency ordinance:** Moved by Commissioner Leonard and seconded by Commissioner Sten and gaveled down by Mayor Katz after no objections.

**Motion to retain the ability to develop on 2500-square-foot lots of record in r-5 zones, bring back language on June 25, 2003 with an emergency clause implementing it no later than July 15, 2003 and earlier if the Bureau of Planning chooses:** Moved by Commissioner Leonard and seconded by Commissioner Sten and gaveled down by Mayor Katz after no objections.

**Motion to retain the ability to develop on 2500-square-foot lots in r-5 zones:** Moved by Commissioner Leonard and seconded by Commissioner Sten.  
(Y-3; N-2, Francesconi, Katz)

**CONTINUED TO  
JULY 9, 2003  
AT 2:00 PM  
AS AMENDED**

**JUNE 18, 2003**

At 9:47 p.m., Council recessed.



**JUNE 19, 2003**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **19TH DAY OF JUNE, 2003** AT 2:30 P.M.

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

Commissioner Francesconi, Leonard and Sten arrived at 2:31 p.m., Commissioner  
Saltzman arrived at 2:36 p.m.

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

		<b>Disposition:</b>
<b>*643</b>	<b>TIME CERTAIN: 2:00 PM</b> – Create the Business License Surcharge Fund effective June 19, 2003 (Ordinance introduced by Mayor Katz)  (Y-4)	<b>177590</b>
<b>*644</b>	Create the Children's Investment Fund effective June 19, 2003 (Ordinance introduced by Mayor Katz)  (Y-4)	<b>177591</b>
<b>*645</b>	Adopt the FY 2002-03 Spring supplemental budget in the amount of \$422,734,433 and make budget adjustments in various funds (Ordinance introduced by Mayor Katz)  (Y-5)	<b>177592</b>
<b>646</b>	Public Hearing to discuss proposed uses of State Revenue Sharing (Hearing introduced by Mayor Katz)  <b>Motion to support changing the word "possible" to "proposed":</b> Gaveled down by Mayor Katz after hearing no objections.	<b>PLACED ON FILE AS AMENDED</b>
<b>647</b>	Certify that certain services are provided by the City of Portland for eligibility of State Shared Revenues (Resolution introduced by Mayor Katz)  (Y-5)	<b>36152</b>
<b>*648</b>	Elect to accept funds from the State of Oregon under the State Revenue Sharing Program for FY 2003-04 (Ordinance introduced by Mayor Katz)  (Y-5)	<b>177593</b>
<b>*649</b>	Close two funds and create one new fund in FY 2003-04 effective July 1, 2003 (Ordinance introduced by Mayor Katz)  (Y-5)	<b>177594</b>
<b>*650</b>	Levy taxes for the City of Portland for FY beginning July 1, 2003 and direct the Chief Administrative Officer to submit said tax levy and other certifications to the County Assessors of Multnomah, Clackamas, and Washington Counties (Ordinance introduced by Mayor Katz)  (Y-5)	<b>177595</b>

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<p><b>*651</b> Adopt the annual budget of the City of Portland and establish appropriations for the fiscal year beginning July 1, 2003 (Ordinance)</p> <p><b>Motion to adopt amendments to the budget notes, the substitution of exhibit 1 and 2 and one amendment to ensure that the technical changes to the Children's Investment Fund and Housing Investment Fund are included:</b> Gaveled down by Mayor Katz after hearing no objections.</p> <p>(Y-5)</p>	<p><b>177596</b> AS AMENDED</p>
<p><b>*652</b> <b>TIME CERTAIN: 2:45 PM</b> – Authorize application to the U.S. Department of Housing and Urban Development in partnership with the Housing Authority of Portland for loan guarantee assistance under Section 108 in the amount of \$11,456,766 for Columbia HOPE VI project (Ordinance introduced by Commissioner Sten)</p> <p><b>Motion to amend amount to \$11,457,000:</b> Gaveled down by Mayor Katz after hearing no objections.</p>	<p><b>177597</b> AS AMENDED</p>
<p><b>653</b> <b>TIME CERTAIN: 3:15 PM</b> – Amend the Northwest Plan District Parking Regulations (Ordinance introduced by Mayor Katz; Previous Agenda 505; amend Code Chapter 33.562)</p> <p><b>Motion for commercial parking structures for Elizabeth Street, Metropolitan Learning Center, Legacy Good Sam, Trader Joe's and Flanders Medical Building without Pizzacato and without Papa Haydn's:</b> Moved by Mayor Katz and there was no second. (Motion Fails)</p> <p><b>Motion Papa Haydn's, Elizabeth Street and everything else other than Pizzacato:</b> Moved by Mayor Katz and seconded by Commissioner Sten. (Y-2; N-3, Francesconi, Leonard and Saltzman – Motion Fails)</p> <p><b>Motion to accept all the sites including Papa Haydn's and Pizzacato as submitted:</b> Moved by Commissioner Leonard and seconded by Commissioner Francesconi. (Y-2; N-3, Saltzman, Sten and Katz – Motion Fails)</p> <p><b>Motion to accept all the sites but with the 25-foot height limit on Pizzacato:</b> Moved by Commissioner Saltzman and there was no second. (Motion Fails)</p> <p><b>Motion to reconsider accepting all the sites including Papa Hadyn's and Pizzacato as submitted:</b> Moved to reconsider by Commissioner Saltzman.</p> <p><b>Motion to accept all the sites as recommended by staff including the Papa Hadyn site and the Pizzacato site as submitted:</b> Moved by Commissioner Leonard and seconded by Commissioner Francesconi. (Y-3; N-2, Sten and Katz)</p>	<p>CONTINUED TO AUGUST 7, 2003 AT 3:30 PM TIME CERTAIN AS AMENDED</p>

At 6:09 p.m., Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland

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By Karla Moore-Love  
Clerk of the Council

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

**June 18, 2003**  
**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.

**June 18, 2003**            **9:30 AM**

**Item 608.**

**Annalisa Bandalera:** Good morning. My name is anna lisa bandalera, i'm from the Portland peace encampment and a student at Portland state university. I think this is the fourth time i've been here to talk about the Portland peace encampment. Our intent was that we could keep you in the loop of what's going on and hopefully arrange for some sort of dialogue. Hasn't happened. I feel like I could get up here and tell you a fairy tale and that would probably represent something more realistic to you than the Portland peace encampment. And what our mission is. Which we've addressed several times as, you know, human rights issues. One of the human rights issues we continue to address is title 14, and that, you know, we are out there as an event, but up until a week ago last wednesday, what we felt was an interesting use of tax dollars of having four police cars try and sweep us off the sidewalk, and i'm sure the taxpayers felt that was an interesting -- like when you have two members this morning, or when you don't show up for work, like you're donating your day's salaries to the city budget so we can start addressing some of the overall issues that are affecting Portland and the citizens of Portland. Because when we look at the state of the city address, what is the state of the city for everybody? There is an incident I had -- i'm out in the street a lot. I have a home. I choose to do this. I choose to be in solidarity with homeless people because I realize how close I am to being homeless. And I was coming out of a store where I had money to buy food, and a kid no more than 15 years of age asked me if I had money for some ramen and a quart of milk. Now -- and his comment was that nobody was giving any money up for his ramen and his quart of milk. This is a 15-year-old kid. I gave him money, because whatever, to me, you know. I don't have a lot of money. I'm a full-time student. And I generally just know that if you -- it's like we're giving apples here, you know? And I want more solutions than just giving apples. You go back to the old adage, give someone an apple they eat for a day, teach them how to grow an apple tree, they eat for life. But we put -- we don't even consider these as solutions, and we put laws into place to prohibit people from moving upward in our economic system, our economic system is structured at a 5% to 6% unemployment rate. Oregon is currently experiencing the highest unemployment rate in the nation, and I encourage you to use creative solutions as the situation is going to get worse, because we're going to come in here every week and talk to you.

**Katz:** Thank you. 609.

**Item 609.**

**Todd Kurylowicz:** Good morning.

**Katz:** Good morning.

**Todd Kurylowicz:** I'm todd kurylowicz, veteran u.s. Armed forces, honorable discharge, current member of the peace encampment across the street. Continually trying to create some dialogue with everybody over here, because it seems there tends to be conflict of what we're doing across the street. Last week the offensive littering ordinance was brought upon us, not enforced, the city attorney was out there, said they were going to arrest a handicap fellow for erecting a structure on a public of right of way for sitting in a chair. Participating in a 24-hour vigil for global justice and human rights. This is straight from the city attorney. As soon as I told the city attorney and police officers we were getting a video camera, the camera gets here and everybody leaves. As the other ordinances are being enforced over there are supposed to be being enforced, like the illegal camping

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ordinance, are you familiar with that one, title 14.050.020? Last time I went to court it was found unconstitutional. Cruel and unusual punishment for punishing someone because of their economic situation. I think that might be a reason that one hasn't been enforced across the street. Obstruction, nuisance, we're exempt from that because we're an event and it states in the enforcement guidelines. If you're part of a crowd participating in or observing an event you're exempt present the ordinance. You have this thing called the rose parade, I talked to you, erik, on the radio about it, I was just curious if anybody could explain that to me as to why, if you're waiting for the rose parade you can have all the amenities of camping, but if you're waiting for global justice and human rights in a 24-hour vigil, you're harassed by the police and having your property taken. Seeing as we're exempt because we're an event. Does anybody possibly -- can anybody comment on that, people that run the city, I think -- does anybody -- this is communications. This is a proper forum to address these things, because this is the city council, public is watching. Could anybody comment on that?

**Katz:** It's communications from you to us.

**Todd Kurylowicz:** Yeah. I'd like to talk both ways, because we've been trying to set up some dialogue for a while here. We've been across the street for three months. We just can't do it, so I figure i'll use the three minutes here to spur something up. You're the commander in chief of the police department, so -- just get some answers here -- nothing? Not at all. Ok. That about says it. Can't answer them. Thanks a lot.

**Katz:** 610.

**Item 610.**

**Keith Vann:** Hi, my name is keith, i'm a college graduate, a former computer professional with a limiting disability. I'm also a criminal in the city of Portland, yet i've neither robbed, raped, murdered, defrauded nor committed assault. I'm a criminal because I lack shelter and having no other option, I dare to sleep outside. I'm a criminal because I dare to sleep. I'm an unwitting victim of the -- as far back as the 1980's. The impetus was the homeless problem. In Portland passed laws to abate the infection. The title 14 laws allegedly made Portland more business friendly by making the homeless less visible. As Portland business alliance is top target, we're dispensed to back alleys where we don't tarnish downtown, we're sent to poor house kitchens. Yet isn't that how the city fathers chose to deal with their quote unquote negro problem? Maybe the so-called solutions kept the lid down for a while, but as long as a single person dared to assert his or her rights, the problem prevails. Perhaps publicly lynching us, it would demonstrate the city's disregard for us as human beings. Maybe then few of us -- reality barely meets a fraction of actual need. How politically incorrect would that be? Instead, proper procedure important Portland is having local police arouse us nightly from sound sleep with the looming threat of jail. Perhaps the slavery comparison is unfair, according to our local yellow journal, "the Oregonian," the homeless community spawns vicious gangs that impose brutal street justice. Unfortunately, such irresponsible reporting portrays the entire homeless population as low-life thugs. Why else would a local television station report on the murder of a downtown woman using dignity village as a backdrop? Would you impugn the entire northeast afro-american community with the same broad strokes if black youths had committed the same crime? Some of us have chemical dependency issues, a few may become violent, but how dare judge us all based on the actions of a few. How many of your elite citizens drink too much, beat their wives? The homeless are different, you cry. No, they're not. The key difference I see is your valued citizens have homes that conceal their transgressions while the homeless do not. You tell the -- they're welcome but warn them not to violate our laws. When their first night as -- you've proved yourself time and time again to be one tough son of a gun. If your true intent is to eradicate the homeless, be honest and say so. If you truly desire to leave a meaningful legacy for Portland, you leave the council in providing adequate emergency night

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shelter for everyone within the next six months, repeal the camping ordinance and order the police to stop harassing the citizens.

**Katz:** 611.

**Item 611.**

**Bret Dunbar:** Madam mayor, members of the council, my name is bret dunbar. I'm here today to present a proposal to the city to do a test migration to the open source platform. I used to be a former employee of the city of Portland, I chose that bureau to actually do the migration for. While working for the bureau of buildings I helped solve many of the i.t. Issues there and made many friends. I'm very well aware of the i.t.-related issues at the bureau as I still have many friends that are still there. I share their pain and frustration. When I left the bureau in 1995, it was directly related to a stifling amount of bureaucracy that prevented me from fixing the existing system. What I mean, even a five-minute fix could take six months to get through the users group even if you were lucky. I wanted to squash the bug. We called it the bug group. For example, my mother is a senior structural inspector at the city of Portland. She came to me and goes, why does it take 13 key strokes to print out an inspection request form? I go, I don't know. Why can't I hit the letter p? I had it done. I didn't go through the users group, half an hour later I get slammed on that because I didn't go through the proper process. I have no problem with process, as long as the process works, but when it doesn't, i've got an entire bureau coming to me to solve the problems and if it's not the process, they have to have it now because permit center, we've got people backing up, it's basically my responsibility to keep these people up regardless of process. Ok. Anyway, i'm happy to -- as far as the proposal, our corporation does not have the proposal completed due to the fact the bureau of buildings got the numbers to us late last night. We requested them the middle of last week. The only reason we got that was due to the help of commissioner leonard, thank you very much for your help on that. We appreciate your assistance. What I propose to do is move forward quickly and set up a meeting with matt lamb, your new i.t. Professional from seattle. If the council would be so kind to set up a meeting with matt lamb, we would be able to move quickly to get you accurate numbers on this proposal we want to give you. We want to be accurate with the numbers. Please remember this -- our corporation will not stop in its efforts to help the city in its efforts to save money. I personally worked for the city and I felt the pain, i'm not here to dwell on the past, but i'm here to fix the problems and move on. Thank you very much for your time.

**Katz:** Thank you. 612.

**Item 612.**

**Carl J. Shoemaker:** My name is carl shoemaker, I live in southeast Portland. I was up at the Multnomah county library reading a publication issued by the Oregon tax research group, o.t.r., this company claims to have been doing independent nonpartisan public policy research since 1935. Publishers of the taxation and spending economic journal your taxes. An issue brief of analysis and commentary march 2003. Title, school funding business tax reform plans advanced by daniel t. Gilroy. Some of the names of the companies in the boards of directors of o.t.r. Include boeing, tektronix, hewlett-packard, fred meyer incorporated, nike, quest, weyerhaeuser, Portland general electric. Among others. This publication is nonpartisan and independent is an o'reilly factor business report. It mentioned the community partnership agreement which involved the Portland development commission and local business represented by the Portland business alliance. Small local businesses like boeing, qwest, nike, p.g.e. Eventually mr. Gilroy concludes that, quote, o.t.r. suspects that only when the city and county eliminate business taxes all together perhaps as a result of a comprehensive statewide reform of Oregon's tax system will there be a chance to Multnomah county businesses will be completely satisfied. Other than being completely arrogant, I have no problem with this idea. I have no problem with local business pay no taxes as long as they no longer have any say whatsoever in how the city of Portland conducts its business. As long as they have no say in how homeless people are treated in the streets. As long as they have no right to

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complain about protestors blocking traffic. No matter how it affects their bottom line. As long as the people who actually are paying the taxes, the working people of the city of Portland, get 100% of the say in how the police act toward other citizens. Not tourists. If the working people of the city of Portland are paying the lion's share of the taxes, they deserve the lion's share in -- how things are done here. Businesses deserve it best 10%. Whether it's about police conduct, whether it's about bringing big league baseball to Portland, whether it's about the peace display across the street, business don't pay, it deserve no say. If business don't pay, it deserve no say. If business don't pay, it deserve no say. Thank you.

**Katz:** Thank you. Calendar? Anybody want to take items off the consent calendar? Anybody in the audience want to take an item off the consent calendar? If not, roll call on consent calendar.

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

**Katz:** Mayor votes aye. [gavel pounded] 613.

**Item 613.**

**Katz:** Let me turn it over to commissioner leonard for a few words before we get to david. Your day is coming --

**David Schaff:** It's come and gone.

**Leonard:** You sent an email friday, the subject was "i quit." [laughter] with a picture -- was that your brother?

**Schaff:** That was a very young me.

**Leonard:** Oh. I wonder if we could have karl simpson and a representative from afsome come at the same time. Mayor and members of the council, this is really the high point of my months here so far. It is the fruition of one of the efforts I made initiated when I first was given 9-11 by the mayor to truly develop a collaborative labor management process that included developing the budget we approved this year, and certainly included putting together the bargaining teams from both sides, both sides come up with a collective bargaining agreement that I believe represents the first collective bargaining agreement that has been negotiated prior to the expiration of an old one in the city. And it didn't happen by accident, it happened because of the folks -- everybody sitting right here in front of us. Actually thinking different, talking differently, and interacting differently at the table. I should have -- stacy should be up here too, stacy chamberlain needs to come up from my office, she salt on the bargaining team. Everybody bargaining session and met with both sides as opposed to when management would get up and sometimes have their caucuses as normal, when she would meet also with the labor side. The idea being trying to make sure we got to the interests of both sides and not position for position. And as a result, the labor and the management side I think -- again, my opinion, made some history for the city that i'm hoping represents some kind of an example that other bureaus that I have can follow, and other bureaus under other portfolios can look at and see this is not just a process by which we give too much authority to the front line workers, it's a smart management tool that you use to run an efficient and good workplace. So I greatly appreciate the efforts of both sides more than I can express, and because frankly, this is a reflection on me and my philosophy, and I got that throughout the whole process. And I feel very good about the outcome. So I will turn it over now to the four of you.

**Katz:** David, why don't you start.

**Schaff:** Ok. I really don't have a lot to say.

**Katz:** Identify yourself for the record.

**David Schaff, Labor Relations Manager, Bureau of Human Resources:** I am david schaff, the former labor relations manager.

**Katz:** You look very happy.

**Schaff:** I am, as soon as I get the tie off, i'll be happier.

**Leonard:** Your face still turns red.

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**Schaff:** I do. It's not much of a challenge anymore, is it? I'm just going to hit on a couple of the key points. We did agree to a wage and benefits package that is similar to those packages we've agreed to with our other employee groups. Our primary goal was to achieve that compensation package, and then to work with local 189 on some of what I would call the work life issues at the bureau. And we did a number of things that I think are going to be innovative, some that are experimental, some that may work, some that may not. The one that I want to highlight mostly is the short notice overtime, where we are going to be experimenting with providing pagers to employees who are willing and interested in taking short notice overtime. And the idea behind that is to reduce the amount of mandatory or what we call forced overtime in the bureau. It is experimental in nature, we'll see how it works, and hopefully it will result in the reduction of mandatory overtime. It's not going to reduce our overtime, but it will reduce the amount of mandatory overtime, and that's what is one of the stressors of the job, is being told you have to come in early tomorrow or you have to stay late today. We also --

**Katz:** Let me interrupt. David, if that doesn't work, do you have a -- is there a fallback position?

**Schaff:** The fallback will be mandatory overtime. And there are occasions we've been experimenting with, the short notice pager overtime for a couple months now, and there are occasions where nobody's interested, and we still do force. But we're hoping that the more and more we have it, the less forcing we'll do. We have a new field tactical dispatcher program, that's where we have 9-1-1 operators who go out into the field during a tactical operation with Gresham, or Troutdale S.W.A.T. And perhaps eventually the Portland Police Bureau. We've increased our sabbatical program. We have a unique program in the city of Portland where a full-time 9-1-1 operator can take what we call a sabbatical. They can work part-time for six months, and we've increased the number of sabbatical slots available based on staffing. So when staffing goes up, we have more capacity to have more sabbatical slots. If the staffing goes back down, we reduce the number of sabbatical slots. We've done the same thing with annual leave. We have our annual leave, it is now based on the number of certified 9-1-1 operators as it goes up, we have more vacation slots available. As it goes down, we have less vacation slots available. The whole intent and theme of bargaining was to improve work life as much as we could within the parameters that we had. So I think we're all very happy. We've taken some risks, and hopefully those risks will pay off.

**Katz:** Thank you. Carl?

**Carl Simpson, Director, Bureau of Emergency Communications:** We started this -- Carl Simpson, director of emergency communications. We started this process back in the fall with training, with the union stewards and the supervisors. We went to learn about one another in communication styles, we attended off-site training to learn about bargaining. We agreed together we would explore these options. I'm really proud of the work the labor management group is doing, the labor management committee is doing to resolve problems before they need to be written into the language. And we have a very highly functioning labor management committee that I'm very proud of. I'm very proud of my team, they stayed there, we just worked together, and it was great. David did an outstanding job. We're glad to have spent some time with him. It was just a win-win.

**Katz:** Ok.

**Stephanie Babb, Chapter Co-chair of AFSME 189:** Stephanie Babb, chapter co-chair of AFSME 189, also dispatcher at the O.A.C. We did -- first I want to thank Randy for including the union into the budget process, because that gave us before going into bargaining an insight of how the city actually is dealing with the monetary issues of bargaining. And so we knew going in we wanted to make this a contract to make Boec a better place to work. And I think we achieved that, and we ratified it with our employees overwhelmingly. We had only three people that voted no.

**\*\*\*\*\*:** Wow:



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**Stacy Chamberlain, Commissioner Leonard's Office:** Stacy chamberlain, commissioner leonard's office. I just think this is a really great opportunity that boec had, I just wanted to thank everyone who was at the bargaining table, because they worked really hard trying to get to a contract, to a tentative agreement and ratify that before the expiration.

**Katz:** Thank you. Thank you all. Anybody else want to testify on this? Anybody signed up? Does council have any questions?

**Francesconi:** Can you say a little more about how this contract makes it a better place to work for the employees?

**Babb:** One of the stresses for employees is, as david said, is five minutes before you go home being told, sorry, we have to order you, so everything changes in your life within five minutes. You're not staying, you're not going home in five minutes, you're going home in two hours and five minutes. The short notice pagers greatly reduces that. The more time off for -- during either sabbatical part-time, or for vacation time, all things to give dispatchers a chance to not have to work, but within parameters. I mean, everyone -- when you get calls constantly all day long, you need a break, and this gives dispatchers the chance to get some time off.

**Francesconi:** This clause about, we were trying to -- I think we had a clause in there that if you showed up for work, we had some kind of incentive, because of absenteeism. I take it that's been eliminated from this contract, and instead it's been replaced with more after cooperative attitude. Is that a fair statement?

**Babb:** Very fair statement.

**Francesconi:** Were the workers ok with eliminating that clause?

**Babb:** We had not anyone complain about that. Everyone understood it, and it was -- it was just accepted. No one complained about it at all.

**Francesconi:** Thanks.

**Katz:** Ok. Thank you. Everybody, we'll have roll call.

**Francesconi:** This is a terrific accomplishment by commissioner leonard, and by stacy and staff. So it really starts with leadership at the top. It helps us understand that we're kind of in this together, labor and management. To show how far we'd stooped, frankly, the fact that we were paying people to not -- to show up for work when they needed to show up anyway is just symptomatic that there was a problem that had to be addressed. And so by first getting involved in the budget process, which was talked about here, it helped set the framework as to what's doable, what's not doable, the effect on other city services, and it was a statement of trust, too. So that's the first thing you're to be commended for, commissioner leonard. And the second is some training that was talked about by the bureau directors, where you're doing training mutually to set the stage for this. But it also took a bureau manager willing to go along, it took labor management trusting on this, and it took the participation of the union and workers. So this is something that we need to watch and study and learn from, but more importantly, to replicate, so I notice that the new director of parks is here this morning, and she knows this is an issue in parks, it's an issue that brant and I have talked about. So you've helped set a standard, so i'd like to thank everybody as we realize we're in this together. Aye.

**Leonard:** I want to first recognize that stacy chamberlain had to walk a very fine line technically, she's obviously part of my team and on the management side, but also had to have the confidence of the labor folks bargaining for the dispatchers to the level that they would feel comfortable sharing with her frustrations and other issues throughout the bargaining. And stacy was really key to making this thing work and having the confidence of both side and going back and forth. So that was great. I also think that this is really -- restores -- I shouldn't -- restore is the wrong word. Makes public the faith i've always expressed about david schaff. When others have complained about david and his negotiating tactics --

\*\*\*\*\*: Who?

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**Leonard:** No names. Not me: I've known David in a number of capacities over the last 25 years. We've been adversaries, one side, me the other, been friends, he's brought his kids out to the fire station and we've done tours on the fire boat, and fire engine, and finally we've had this relationship, where I was commissioner and he worked the bureau of personnel. I've always been exceedingly impressed with David's professionalism, and I think it's -- I know it not lost on David that this is really a nice thing to capture for you as your last act in the city. So I congratulate you. Finally, I would just say that I really do think that when we get to the point where we don't just say we value employees, but we do things that actually value employees, actual things, that employees want us to succeed every bit as much as management does. And people behave I believe the way you treat them. If you treat them as partners, they behave that way. And I think this agreement reflects that. So again, thank you everybody for all your great work, and I'm pleased to vote aye.

**Saltzman:** Good job, Commissioner Leonard, and David, this is a nice thing as Commissioner Leonard said to go out on a high note like this, and good job to Carl Simpson and Local 189 and all of the Boec management and labor who've worked to put this agreement together, and Stacy too. Aye.

**Sten:** I'll just echo that. Wonderful work. Carl is a great manager to work with, and we have a team of employees, this is a very hard job and they work very hard under tough conditions. And to be that thoughtful and proactive in trying to improve it is a testament, because the job itself is very hard. And a motivated commissioner, and I would say very well staffed, otherwise it don't think he could have pulled it off, let me end by thanking Mr. Schaff for I think this is a great contract to finish on, and it's been great pleasure working with you. I know you're not going anywhere, but thank you for all your hard work and I look forward to seeing you. Aye.

**Katz:** I'm probably one of the few people that actually listened to the dispatchers on a regular basis, and I do know what kind of a difficult job, and I've said often that it's probably one of the most difficult jobs we have in the city. So not to allow you to have normal lives with a mandatory overtime is really an issue that Commissioner Leonard, you ought to be congratulated that you resolved. We ask our city employees to work hard, but we also want them to have full lives so that they can continue working hard. And solving that was a great coup. Stacy, congratulations to you, Carl, and members of the union, the bargaining team, and David, I'm going to miss you. I want to thank you for all of the years of service, David's within my bureau, and so I get an opportunity to tease him a little bit more than even Commissioner Leonard does. But Commissioner Leonard is right, this is a nice note to leave the city, and go ahead and find another place for you to do fine work.

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

**Katz:** Aye. [gavel pounded] all right. 614.

**Item 614.**

**Zari Santner, Director, Bureau of Parks and Recreation:** Good morning.

**Katz:** Before you start, Commissioner Francesconi wanted to say a few words.

**Francesconi:** No, that's all right. I'll be brief. Our first responsibility is to keep our parks for that matter our citizens safe. People -- all people should feel comfortable taking their young children to the playground, and frankly right now some of our parents do not feel comfortable doing that. Without enforcement, there are a few who fail to keep their dogs from harassing other people and animals. And fail to clean up after their pets. This is not about dog owners versus nondog owners, because most dog owners are responsible in Portland. But this is about all of us being good stewards of our public spaces, and we need some changes in order to reflect that. Zari?

**Santner:** Thank you, Commissioner Francesconi. Good morning, Mayor, members of the Council. We're here today to seek authorization to enter into an intergovernment agreement with Multnomah County to enforce existing scoop and leash laws in city parks. I will take about 10 minutes to make a presentation. I would like to just give you an explanation of what the situation is right now. What are the problems, what have we done in the past, and what we plan to do and how this action fits in

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the overall plan of actions that we have. With me today is mark warrenton, our security manager for parks, and scott montgomery, vice chair of the parks board, who will explain parks board's position on this issue. Also there will be followed by andy smith from Multnomah county, our partner, and bob sallinger, who was the member of the task force who commissioner Francesconi appointed in 1999, helping us develop criteria for off-leash sites, and recommendations on this issue, and then jeremy sarid, president of the mt. Tabor soccer team. What we would like to explain is that as commissioner Francesconi mentioned, our parks are for all citizens. And their families, and many citizens have dogs and they consider their dogs as members of their families, rightfully so. And our job, our mission is to make sure that our parks are taken care of, they provide recreational opportunities for all members of the families, as well as taking care of the natural beauty of our parks. In doing that, we want to make sure our parks are safe, clean, and welcoming to all of our citizens. The leash and scoop laws have been enforced very sporadically and infrequently. The problems are that the dog owners who unleash their dogs, they pose problems for many of our citizens who feel that -- who are threatened by dogs off leash, and they feel unwelcome in parks. Also, dogs off leash pose in some areas threat to our wildlife. And the uncollected dog waste is -- could become a potential health hazard. We have about 144,000 parks in Portland in comparison to --

**Francesconi:** Dogs.

**Santner:** I'm sorry, dogs in Portland. [laughter] I would like to have 144,000 parks in Portland:

**Francesconi:** A park for every dog in Portland: [laughter]

**Santner:** We have 144,000 dogs in Portland, and we have less than 100,000 children in Portland.

So you can see that the demographic is changing. And we need to accommodate that. And this situation is not just unique to Portland. We have these issues nationally. The issues of conflicts between dogs and other park users are prevalent throughout the country. This is christian science monitor explaining a problem in one of the cities, and i'm trying to figure out which one it is. Houston. Also, many of our parks departments have been trying to address this issue by creating dog off-leash areas. However, siting those areas are challenging. It's not an easy thing to do. And in those cities that have been successful in creating a lot of dog off-leash areas, particularly in seattle, which has 18 dog off-leash areas, there's still -- they still have problems with dogs that are let loose in the areas that are supposed to be on leash. What we want to explain to you is that we welcome dogs and their owners in our parks. Particularly when they respect the laws. And -- however, many of them are not aware of the impacts that their friends, their dogs could create in parks, particularly impact to children, to smaller dogs, and to our wildlife. Here are some examples.

Dogs love to dig, and by doing so, they create trip hazards, particularly when they do it in our soccer fields or next to our picnic areas. They damage our turf extensively, this is in laurelhurst park. Given our climate, you know, it rains a lot, and many of our parks, the soil conditions, you know, they're easily getting compacted, and when dog and their owners congregate in certain areas, we have turf problems. Dog urine, in this case in a soccer field, create trip hazards and dogs, once one dog does this, they mark their territory and more dogs go to the same place and expand this area of damage. And there are problems to other dogs as well as to younger children and elderly. Dog waste is a major -- could become a potential health hazard. Many of our dog owners are very, very responsible, they clean up after their dogs, but a lot of them do not. And they could -- the waste that remains in parks could become health hazard for children as well as for environment, for our water. Damage to habitat. This dog, this picture was taken of a dog in a creek. When dogs are in areas where we're trying to protect our wildlife and help our -- the fish population in our river and dogs become a problem. And finally, the damage that they cause are costly. As well as the fact that when we try to aesthetically really contribute to the beauty of the parks, then we have to create protection that the protection devices become unsightly. History of enforcement, the enforcement laws were created in 1960, and in 1978, the responsibility for enforcement of leash laws were

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transferred to Multnomah county, and in 19 -- since 1990, the continuous budget cuts, both in the city and the county, really reduced the enforcement of leash laws in our parks. And history of actions, as the enforcement in our parks got reduced, but the population of dogs in our city grew, and in 1995, the citizens demanded that we provide areas for dog off-leash, and we did create two pilot projects, one at mt. Tabor, and gabriel park, and the one in 1997, some of you may recall, there was an issue about proximity of that to the reservoir, and it had to be moved, and then in 1999 when this -- when the citizens for the mt. Tabor park master plan completed that master planning process, concluded that there should be no off-leash area at mt. Tabor, so that one was closed. However, we created three other areas in the city right now we have four off-leash areas. But also in 1999, when that one was closed, commissioner Francesconi formed a citizens task force to address this issue. And their charge was, first to determine whether dogs off leash are appropriate to be in parks. And second, was that if the answer was yes, under what conditions should they be allowed off leash in parks? They went through one whole year of the process with several public meetings, I think probably they had nine or 10 meetings of their own that were open to public. And they came up with the recommendation which has become the basis for the actions that we are taking. And their recommendation was first, the public needed to be educated about responsible dog ownership and how dogs -- they and dogs need to behave in parks and how they need to clean and take care of their dogs, and second but most importantly was enforcement to make sure that dogs, if they are not allowed off leash in a park in an area, that they follow that, and third, realizing that dogs need areas to run, socialize, that they -- options should be provided for dog owners. We agree -- we have agreed with that recommendation. We accepted that recommendation, and the first part is education. As part of this budget that we have set aside, we will engage into extensive public information to inform the public of the leash laws and scoop laws as well as engaging them in cleaning, creating parks clean and safe, and form partnerships so that everybody, including their dogs, could enjoy our parks. And we will do that by a variety of methods, signage in our parks, news media, you probably saw the article in the past -- both in "the Oregonian" and tribune, on websites, neighborhood meetings and so on. And on the enforcement, I wanted to ask mark to just explain a little bit some of the issues that we have, and how we're going to actually enhance the enforcement beyond just what the county will provide. Mark?

**Mark Warrington, Public Safety Manager, Portland Parks:** Good morning. I'm mark warrington, the public safety manager for Portland parks and recreation. I can say unequivocally that when laws and park rules are ignored, problems will follow. I get numerous calls of dog-related problems involving safety, health, property damage, and most of all, the widespread conflict or numerous conflicts between park users and uncontrolled dogs. And dog owners who don't pick up after their dogs. Sadly like the commissioner, I hear from folks that say they just can't -- they've stopped going to the park because they can't enjoy it due to dog problems. The citizens task force, consultant reports, experience of other cities around the country all are consistent in -- on one point, and that is, without a viable enforcement program, any other dogs and park programs are doomed to fail. It's an essential prerequisite to have that consistent enforcement scheme. Like any other park rule or laws, this enforcement effort is intended to help keep the parks clean, green, and safe, minimize conflicts, make sure that the park is accessible to everyone, everybody. The agreement with Multnomah county is a means to be more effective in educating the community, enforcing the rules so we, move ahead toward a good long-term solution to dogs in parks. Multnomah county animal services is a great partner, even with their severe budget constraints. They've worked with us very creatively so we can be flexible and responsive to the various needs in parks. This would mean more animal control officers during our busy summer period, you were in the -- in the winter they've -- we've worked ways to coordinate their efforts with Portland park rangers, and we're looking forward to a great partnership. As always, we will emphasize education and warnings to allow people to voluntarily comply with the rules, and issue citations when necessary. Focus will

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be on the areas that give us the most problems. That means playgrounds, when we have playgrounds near schools I get reports of the dogs terrorizing children at recess, children returning to class with dog feces on them. Sports fields, we regularly receive complaints from little league games or soccer games being interrupted by dogs, and again, the players, the little league kids will get -- on the way home will discover they've been soiled by the dog waste. Trails and pathways. It doesn't matter if it's a small park with some sort after pathway or deep in forest park, a lot of conflicts and complaints with uncontrolled dogs causing problems with other dog walkers, individuals without dogs, or cyclists. Gardens, whether it be our formal gardens, decorative gardens, or community gardens, the vegetable gardens, dogs can do a lot of damage, and we regularly get complaints and concerns from people that have had run-ins with dogs at the garden. Finally, the natural habitats. The sensitive areas where there may be a fish run, say in a creek, or we used to have a pheasant population on mt. Tabor park, and it's been gone, it's now been gone for a long time because the dogs disturb the nesting areas. So it does have a definite impact for our natural habitat. Implementing this program will help us solve the problem in part, and educate the community so folks can bring their dogs into parks. We want them in the parks to enjoy the parks, along with others. So the goal is to prevent user conflicts and keep the parks open for everyone.

**Katz:** Thank you, mark.

**Santner:** So this is the third leg of this, recommended by the committee, to create either off-leash areas or off-leash hours. Off-leash areas is easier said than done, as all of you know. There are very, very difficult -- they are very, very difficult to site. A lot of people would like to have them, but not in their neighborhood parks. They require capital investment and maintenance. And there are areas of city that are park deficient, and even if we seek land for park acquisition, many people would like to see parks for all people, not just for dogs. So that's -- it becomes a controversial issue in terms of siting those. However, we will -- we like to pursue that, and in light of that, about a year ago we asked seven neighborhood coalitions, and we gave them some money, to identify parks within their own neighborhoods that they would recommend for off-leash areas or off-leash hours. Out of seven, four agreed to take on that task, and after about a year, we have recommendations from two coalitions back, recommended off-leash parks and off-leash hours. The third is -- I understand next week I will get their recommendations, which is southeast area. And the fourth coalition, they decided to just ask each neighborhood to give their own recommendations, and the conclusion was from that neighborhood, which is central northeast, that their area is park deficient, they would like the city to purchase land specifically for a dog park. Some of the recommendations also included creating dog off-leash hours. What we will be doing is we will form an advisory committee to help us to use the recommendations of these coalitions, first to create off-leash hours, and then as funding becomes available to create additional off-leash -- dog off-leash areas in more areas of town. So why are we creating this enforcement now? Because that was the recommendation that came from the task force. To make people comfortable, that if dog off-leash areas and dog off-leash hours are created, that people will abide by the rules and will not have flair dogs off- -- their dogs off leash everywhere in parks. Enforcement, their recommendation was very important, along with education, and this is the first step towards really implementing the plan that the citizens help us to do. And we hope that once we get this going and forming the advisory committee, that by early fall, i'm hoping that by accept we will -- we can issue -- start having off-leash hours in selected parks, particularly those areas where we right now have a lot of problems. We want to make sure that our parks are welcoming to all people, and we seek your support in approving this agreement. And now I want to turn to scott montgomery.

**\*\*\*\*\*:** Well, after a presentation like that, what more is there to say?

**Katz:** Identify yourself for the record.

**Scott Montgomery, Vice Chair, Portland Parks Board:** Scott montgomery, 1531 southwest upper hall street in the city. I'm vice chair of the Portland parks board. And i'm delighted to be here

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in support of this funding issue. The board, as I think commissioner Francesconi indicated, there's a responsibility to assure access and safety for our parks. And the board takes that very seriously. There has been a continuing issue of dogs and dog off-leash areas as well that is -- has been around this city for some time, and has yet to be adequately addressed in our view. We're delighted parks has -- the bureau has stepped up and come up with I think a very positive beginning step. I hope it -- additional funding can be presented in the future to enable them to continue with the -- an expansion of the program. I think the idea of -- and I know the board supports the idea that -- of the need for education of the dog owners, as well as the need for enforcement. And I -- our initial step is very minimal, but hopefully word gets around and a substantial fine can have a great impact in helping to reduce the problems that we have. And we as a board really support the growth of off-leash areas. We've looked at some of them, some of the members of the board have, and recognized some of them work extremely well, and others not as well, but we're very hopeful about the future in those areas. I guess the primary issue is funding. And we need the money now, and we're going to need more in the future. And this is not a wonderful economy to be asking for money, we hope things will be changing, and we hope you'll be friendly toward us in the future when we come back. Thank you.

**Katz:** Thank you. We'll open it up now to public testimony. We have about 17 people signed up. Let me warn people, council has some questions, we'll start with three minutes, and then if the same testimony is repeated over and over again, we'll switch to two minutes. So for those of you that have signed up late, begin managing your testimony for two minutes.

**Santner:** Mayor, there were three others that we've asked to --

**Katz:** All right. We'll probably have to go to two minutes earlier than even I wanted to. All right. Questions?

**Sten:** I guess I'll preface this by saying I recognize how difficult an issue this is. I've spoken with lots of people on both sides. I guess having listened to your -- I didn't realize you were within a couple of months of coming up with some recommendations. I personally think that some off-leash hours is something we need to try, because I just -- just to be blunt, I don't think the education is going to be successful, because I think dog owners know it's against the rules to run their dogs off leash, but they don't have anywhere to run them off leash, so they do it anyway. I guess my question is, why wouldn't we get the whole stool together and put it up at once, rather than set up a conflict -- people are going to keep running their dogs, you're gag to educate them, they're not going to like it, then you're going to give them a fine. If we know we're going to give them a chance to have a place to act legally in a couple months, why not put the whole stool out there at once rather than a two-legged stool which is destined to fall?

**Santner:** That's a very good question, commissioner Sten. The answer is twofold. One is that we were waiting to see if part of the coalition study they would recommend off-leash hours for their parks. One of them have done that, and we can go ahead and do that. So -- and since -- in other areas we do not have a recommended off-leash area site. We'd like to work with a small group of advisory committee who have been involved with us on this issue for a long time from both dog owners side as well as the other side. To identify the site that's would make sense to have off-leash areas, particularly in the areas where the populations of dogs are greater. And second is, again, as I mentioned as part of my presentation, many skeptics, there are many skeptics about even off-leash hours. The issue of enforcement is very, very important. They want to know that we're serious about it, that there is a mechanism that we have that can show results. So we need about a month or so of letting people that we are going to become serious, letting them know about these laws, and as they become familiar with that, then we will hopefully within that period we will be able to identify the off-leash hours. That may not satisfy --

**Sten:** I just think truthfully you've got two sides that are entrenched. You've got a side that doesn't want dogs off leash period, and a side that is going to run their dogs off leash until they can find a

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spot that's suitable to do it, and if you say to the one side, you get enforcement, why on earth are they going to agree to -- usually if you need two sides to compromise you can't give one side -- Sue start here.

**Francesconi:** Let me try to answer it. We do need -- our parks need to be safe and maintained for everybody. To do that, the city needs to play a bigger role. The county needs to step up, and meet their responsibilities, but we also need the help of the public, especially the dog owners, to enforce this. Work with this on this and I will guarantee you that in september we will have off-leash hours in -- I will guarantee it -- in most of the parts of the city. I'm saying most as opposed to all parts of the city, because we're still working with the neighborhoods. But you have to work with us on this, and then we are going to have off-leash hours. But we first have to send a signal to the citizens, all the citizens, that we're going to follow the rules and keep our parks safe for everyone. And that's the first message. The second message is, we need the help of the public to do it, and then we will open up some off-leash hours in september.

**Katz:** Further questions?

**Saltzman:** I want to follow up on the same issue. I just feel that there's a receipt sense so-to-move on off-leash areas. I'm more interested in off-leash areas, rather than off-leash hours. I think we're setting up this false expectation with 1.6 f.t.e.'s, suddenly everybody's who's got a beef about a dog in a park is going to see an animal control officer on the scene, and that's not going to happen, and we know that. I want to ask you, zari, are you personally committed, personally supportive of off-leash hours and off-leash areas?

**\*\*\*\*\*:** I am, and -- but I need the tools, commissioner, to do it right. As was mentioned before, many cities have gone this route. We've learned a lot. We like to do it the way that hopefully we can be successful. And as scott mentioned, we need funds. In the past two years, we have included funds. Requested funding for as part of our c.i.p. For creating off-leash areas. And depending on parks --

**Saltzman:** We're setting up a penalty scheme of \$150 a violation. Should some of those funds be earmarked --

**\*\*\*\*\*:** Absolutely.

**Saltzman:** Will some of those funds --

**\*\*\*\*\*:** Our intention --

**Saltzman:** Will -- are we going to ear mark some of the penalties to acquisition and maintenance of off-leash areas?

**\*\*\*\*\*:** I'm not sure if we can. But that's something that --

**Saltzman:** Yes or no. Ok. Secondly, seattle has 18 off-leash areas?

**\*\*\*\*\*:** Yes.

**Saltzman:** We can talk about committees and processes until we're blue in the face, and in fact this process has been characterized by committees talking until we're blue in the face. It been going on since 1997. It ultimately is going to take a gut call from the parks director, from the city council, to make this happen. We can't make it happen unless you bring us forward the tough decisions to make, to make this happen, but they have to happen. You can't have 144,000 dogs in this city and think people aren't going to need and support off-leash hours and off-leash hours.

**\*\*\*\*\*:** Commissioner -- [applause]

**Katz:** Whoa:

**Saltzman:** When are you going to bring us the real options and decisions and get it out of the committee process? It's been in the committee process forever.

**\*\*\*\*\*:** I would be happy to do that if i'm directed to do it without citizen involvement in doing that. I'll be happy to make that decision myself. But --

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**Saltzman:** You've had citizen involvement, six, seven years of citizen involvement. At some point there has to be an end to the process and the decision has to percolate to the bureau and up here. If necessary.

**\*\*\*\*\*:** But what we expected from citizens we have not received.

**Saltzman:** I know.

**\*\*\*\*\*:** And it shows the complexity --

**Saltzman:** Sometimes citizen processes don't deliver what we need. That's why we're here.

**\*\*\*\*\*:** I'm glad you have brought this up. I'll be happy to do that, if you would like me to make selections in terms of dog off-leash areas, and dog off-leash hours, on my own, and come back to you within three weeks, I be happy to.

**Francesconi:** No, no, no.

**Saltzman:** Off-leash hours by september?

**\*\*\*\*\*:** September, right.

**Saltzman:** When is the off-leash areas? Give me a date.

**\*\*\*\*\*:** I could come back to you with recommendations where they could be located. However, we have the issue of funding.

**Saltzman:** How about locations and funding options, not simply, we don't have the funds?

**Francesconi:** I think the best point is to let's do the enforcement, let's do the education, let's listen to commissioner Saltzman and commissioner Sten, let's come back in september with some options. Those options, commissioner, will include discussion of water bureau property as well as other property besides parks. And let's bring those back in september.

**Saltzman:** So we'll have off-leash areas in september as well.

**Francesconi:** No, we're going to have a discussion with the council. We're going to bring it back.

**\*\*\*\*\*:** Recommendations.

**Saltzman:** Along with funding strategies.

**Katz:** And hours, I heard.

**Saltzman:** And hours.

**\*\*\*\*\*:** Hours, definitely, yes. And we'll come back with recommendations for off-leash areas, and how they could be funded.

**Katz:** Ok. We'll cycle back --

**Leonard:** Can you throw my two cents in, since we're doing this? I also have a bias. I am -- reacted favorably to what commissioner Saltzman said, but as not only a dog owner and a lifetime dog owner, but a large breed dog owner who has always lived in the city, I think I have a pretty good perspective on this issue. I believe that most dog owners are tremendously irresponsible in how they deal with their animals. And I think what's being left out of this discussion so far, and something I would frankly be favorably inclined to support would be a requirement that if you owned a dog and you lived in the city, part of the licensing requirement would be basic obedience training. Heel, sit, stay, come, no. I observe more dog owners with dogs who have dogs that have not been trained, who would -- who are very inclined to want to be trained, to please their owners. If owners would take the time to go to a petco or any one of the number of places available to give low-cost obedience training. You, get a book and do it, but I think that lack of obedience training does more to create -- for myself included, I go to powell butte park quite a bit. I was there sunday. And a person had a dog who lunged from a leash at another person, scared the dickens out of him. If you have a trained animal, they don't do that. You train them not to do that. So I think a lot of this, I will have to put this on the dog owners, a lot of the angst that commissioner Saltzman is identifying between these two groups I think could be dealt with in large part by well-trained animals. And I would be favorably inclined if we had a series of recommendations that included requiring basic obedience training.



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\*\*\*\*\*: Thank you. That's a good discussion, commissioner.

\*\*\*\*\*: Could I weigh in briefly? I am delighted at your questions, and your suggestions of what we do. The reason i'm delighted is because I have not seen support or haven't heard support previously at the level that I believe you're indicating. And I think it's fantastic. And I want to express my appreciation and the board's appreciation for that. It is difficult to accomplish anything if you take very small steps. If you're willing to take big steps, you can accomplish lots of things. So thank you.

**Katz:** I'll weigh in a little later on. Let's hear from the public. You have three more people, zari?

\*\*\*\*\*: Yes.

**Katz:** Ok.

\*\*\*\*\*: And they are andy smith, bob sallinger and jeremy sarid.

**Katz:** I'm going to limit your testimony to three minutes. Who wants to start?

\*\*\*\*\*: I'll begin. Andy smith with chair linn's office, also with me in case you have questions -- good morning. -- is mike oswald, our animal services director. He is the lynch pin in terms of enforcement, the mechanism for that. Just a few remarks this morning, and i'll be very quick. One, we are the -- in the enforcement business under the current scenario. You're discussing policy questions. We would like to be there to cooperate in any way that we can. Under the arrangement of the current terms of the i.g.a., the city is purchasing a certain 1.66 f.t.e. To do an enforcement piece. Whether that's enough or what you want to do, that's your question. We'd like to be there to support that if that's the decision you make. And we're ready to do it. For us, some key facts. 25% of dogs are licensed in the county. So there are -- licensing is in an issue in terms of outreach to owners, in terms of education, in terms of responsible ownership, reducing conflicts in dense city areas, for us the licensing component is -- we're trying to increase that number and we think this would help in terms of outreach in a concrete way to do that. It puts us in a situation we can death indicate some resource was that funding to access people and do the education and ultimately I think here from our perspective we see there is conflict, we'd like to see that resolved, and we think a key piece of that, if there are rules, we think if you don't think the rules are the way they should be, I think that is a policy issue. But we do believe if they're on the books we do feel that is our responsibility. So that's what we'd like to do, and this enables us to do that. I think that's the gist of my remarks. I know you have a lot of people to hear from. Mike is here if you have questions about some of the mechanisms. He is a great resource for you. Thank you.

\*\*\*\*\*: Good morning. I'm bob sallinger, i'm here to speak on behalf of the audubon society of Portland, but also as a dog owner, park user and member of the 1999 citizens task force that Portland parks put together to deal with this issue. We do strongly support the recommendation to provide funding for Multnomah county for enforcement, but we support that as part of a comprehensive approach. And that approach also needs to include education which has been minimal to date, and options which really don't exist in any kind of meaningful way. And i'll be honest with you, when we started that committee in 1999, there was a great deal of skepticism and cynicism in the community that the city would follow through. We had strong assurances the city would make a substantive response to the recommendations we put together. It's 2003, and that hasn't really happened to date, so I think that cynicism was well found and i'm glad to see we're finally moving forward on this. Dog does have a significant impact on our natural resources. There's no question about it. I work in a lot of -- we see about 3,000 to 4,000 animals a year and three to 4,000 animals a year are dog caught, and the majority come from our parks. We get red tails from mt. Tabor every year, we've already dealt with owls, we deal with beaver from kelly point park, it's not just the small mammals and birds, it's a variety of wildlife that's impacted. We get huge numbers of phone calls from people concerned about the wildlife because of dogs running free. Pheasants on mt. Tabor are another example. Many of our field trips witness dogs running through our natural areas, our -- running through oaks bottom chasing through wildlife. The

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impacts include orphaning of young, habitat destruction, human interference, people picking up healthy animals and bringing them to us because they think they're going to be caught by dogs. One of the things we dealt with already this year was exactly that case. It was on the ground learning to fly, and folks wouldn't leave it alone because they were insistent the dog was get them eventually, and that was probably true in that case. Finally, nesting and breeding suppression, which is hard to document, but when you have lots of dogs running through a natural area, you'll have nesting and breeding suppression as well. We currently have a worse case scenario. We have minimal education, almost no enforcement and very few alternatives. And my feeling is enforcement is really as commissioner Saltzman and commissioner Sten noted, it's one-third of the puzzle. And one-thirds isn't going to work. We need all three parts and we probably need them simultaneously. I'm a much stronger believer in education and alternatives. I think if people have places to go and understands why they have to go 32 there, they'll could that. This has been going on close to 10 years. I'll end by saying I hope when we do have the enforcement and we do have the off-leash parks, that the city will look closely at the specific recommendations of that 1999 citizens task force, because we gave very specific recommendations as who-to-how these should be sited, away from natural areas and that the enforcement will be targeted toward those areas so we can protect our wildlife.

\*\*\*\*\*: Jeremy, 603 southeast 69th. A neighbor of mt. Tabor park. I'm here today as president of mt. Tabor soccer club. We have about 700 kids playing soccer in the mt. Tabor area. I e-mailed our coaches, our 40 coaches, the night before last to ask about dog problems, and you can imagine what I got back. A few comments about loose dogs and dogs threatening players or distracting games or something, but by and large the weight of the evidence was all about dog waste on the fields. All the coaches carry plastic bags, go early to games, have their parents or themselves picking up before the games. I won't go through the graphic descriptions of 8-year-olds falling in piles of dog waste during games, but it's an ongoing problem. The one thing I could -- that i'd like to have someone think about, it seems apparent that the major problem with the waste are on our fields are adjacent to schools. A couple of the coaches suggested that that's probably because they're situated right in the middle of neighborhoods, right in the middle of residential blocks, and people are lazy or hurried or something and run their dogs on the school field, and let the dog do the business and then take the dog back. I know the city has some ongoing relationship with Portland public schools about maintenance, and I would certainly hope that any enforcement would include on these school fields, and actually focus on these school fields. Would it seem to me that would be an easy efficient place to enforce it and word would get around quickly. And that the limited enforcement you have might be really effective, and -- in that area. And unless you have questions, that's all I have to add.

**Katz:** Thank you. Thank you, gentlemen. All right. Let's open it up for public testimony. We'll start with three minutes, and we'll shift if we hear the same testimony, we'll shift it to two.

\*\*\*\*\*: Good morning, mayor Katz, commissioners. My name is Keith Daily. I live on northeast Davis in the neighborhood of mt. Tabor and Laurelhurst parks. Because I'm someone who's not comfortable with having large dogs who are unleashed around me, I no longer use those parks. I voted for the parks bill both times. I wanted it passed. I think it important for our parks to have the money they need in order to be well taken care of. Laurelhurst in fact is an historic park so I think it's especially important to provide the needed resources to ensure the beauty of that park is maintained for future generations. I am very disappointed to see the number of dogs running off leash in that park. They not only disturb planting beds, which is costing our city money to restore, but they get into the underbrush and are disturbing the natural habitat of the animals that are living there. In many of our national parks and forests, dogs are not even allowed anymore, which is unfortunate, because when I was a kid I loved taking my dog to the park, to camping and running on the trails with them. But dog does have an impact on the environment. A dog running loose will

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naturally want to investigate the planting beds, pee on the vegetation, run through the underbrush, and this all has an impact on the health of our parks. Laurelhurst is even noticed as a habitat for falcons and I can only imagine what impact a dog running off leash has on this bird's nesting grounds. If we continue to spend money to maintain and improve our parks, but do not protect them from the damage that is being caused by dogs running around without the control of their caretakers, we are throwing good money after bad, and I feel I would no longer be able to vote for future resources to be spent on our parks.

**Katz:** Thank you.

\*\*\*\*\*: My name is Harold, I live at 5353 Southeast 28th, and I've been a resident of Portland for three years. During the last two of which I've been a community gardener, so my expertise are coming 100% from the point of view as a person gardening in the community gardens, and dealing with dogs. And their owners. This is my 40th season gardening. I've gardened around the world. It's one of the reasons you move to dish moved to Portland, you have the most ambitious program. From all the gardens I've ever seen, it's unique in that not that it's being run by parks, but as a park. And you can just imagine if you took your personal home garden and said, from now on the neighborhood kids could use this as a recreation area, but just do the right thing. You eventually need rules. In a large sense, this is not about dogs whatsoever. I was interested to hear Commissioner Leonard's comments, when we sit around and look at particular problems we have with dogs, this is what it always comes back to -- the responsible dog owners are the first ones to ask us why are there irresponsible dog owners in the gardens? Unfortunately it seems to be there's a core element of society that for their own reasons, psychologically, cannot deal with the situation as a dog owner. There is one case where a garden manager had put up signs quoting the city regulations about the leash laws. When it was pointed out to one particular owner when she finally got the point, she bent down like you were talking to a small child and began to read the regulations to her dog. At that point she straightened up and smiled like she had done her job. Unfortunately I think this is a lot like the seat belt laws. There are people who can be reached through education, there's people who naturally do the right thing, and there's a certain number of persons that will not do anything different until you give them a ticket, until they know there's an officer standing there watching. On the other hand, it is about dogs. Because dogs are unique. As a gardener, the largest thing that's ever going to come through my garden. Dog urine is a unique chemical. Dogs have more stomach acid than other animals their same size. When they urinate, as has been pointed out, they mark their area, so certain areas become susceptible to dog your honor damage. I've known gardeners that have lost raspberries and they've spent three and four years trying to diagnosed problem, only to find out the neighborhood gardener right next to them, another gardener, was letting their dog off leash. And that comes back to another point. In the gardens in particular, we have a real wide range of perceptions about the world. We have complete novices, we have people like myself that have been there since they could walk, and everybody thinks it's obvious how you garden. And they think their dog is a part of that. When they come out and they're taking control of their lives, growing their own produce, understanding how the world is put together, it's hard to say, but you've got to leash your dog. So at the end of the day I would definitely be in support of more enforcement, more public presence, and just education that the gardens are parks.

**Katz:** Thank you.

\*\*\*\*\*: I live in the Buckman neighborhood. I jog in Laurelhurst park every day. Five days a week. For the past three years. I'm basically going to reiterate what other people have said about the impact of the dogs on the parks. I've seen dogs kill squirrels, three in this past spring alone. I myself have been nipped at, I've had my back jumped on, I've seen children jumped on, I've seen strollers jumped on, I've seen big dogs attack small dogs, big dogs attack other big dogs. I really think that enforcement is crucial right now, I think -- for me that's the most important tenet of what's been discussed today. I think enforcement in itself is going to be a form of education. Maybe the

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most effective. Word of mouth will get through. I think people know about the leash law in laurelhurst, but they come to the park and literally 90% of the dogs are off leashes. The center of the park has become this sort of free for all for dogs at this point. Where dog owners will let their dogs off the leash in this central area to run wild while they walk around the park, jog, go to other areas, and I suppose pick up their dog later, but it's become off limits for picnics, it's literally a minefield as these dogs aren't cleaned up after. This has been a problem for me the whole three years i've been running in the park. I found out i'll be having my first baby in december, and -- which prompted me to write to the parks department because I really feel like I would be afraid at this point to bring a child to laurelhurst park. And it's a beautiful park, I love it, and I think it's unfortunate. I think -- and it's not the dogs that -- the dogs aren't being bad, they're being dogs. There are things that trigger even the most well-trained dog, I believe, to chase or jump or attack, and it's really the responsibility of the dog owners, and I think enforcement is crucial.

**Katz:** Thank you.

\*\*\*\*\*: I live at 2430 northeast 9th avenue in Portland. Mayor Katz, city commissioners, it has been brought to our attention that as of july 1, 2003, Portland parks will again be patrolled by -- patrolled to control for off-leash dogs. I think is it a good idea to take a dog -- owners who let their dogs go after bird and wildlife in known sanctuaries like oaks bottom or people with dog who's are menacing or a danger to other dogs or people, yet keep in mind 60% of Portland's population own dogs. Most are friendly, socialized and in need for exercise on a daily basis. Previous illusions have included four off-leash parks. The problem with the designated dog parks is that there are too few of them and they're often too far away for people to reach in the morning rush to go to work. Fenced areas also are a problem as they're too small, turn into mud pits in the winter and cause erosion. Any person who owns a dog knows they need to run and play. Walking a dog on a leash often does not provide adequate exercise or opportunities for socialization. Dogs often become defensive and aggressive while on leashes, which can and often do lead to dog fights. So what is the solution? Designated off-leash hours. At each entrance to known quote unquote dog parks, signs can be posted letting people know what hours they can bring their dog for exercise and play. This will also alert people who don't own dogs, don't like dogs or are afraid of dogs which they can expect to encounter off-leash dogs at the park. Dog owners must agree that during soccer and baseball season they will keep their dogs away from playing areas, they must also keep their dogs away from children's playgrounds, as well as pick up after their dogs. There are no perfect solutions to the issue of leashing versus no leashing, yet I believe the suggestion about dog off-leash dog hours is as close to a win-win situation as you can get. Rather than spends money, thousands of dollars trying to control a situation that can't and won't go away, as they there are too many dogs, please give serious consideration to my suggestion. Thank you.

**Katz:** Thank you.

\*\*\*\*\*: My name is dina, I live at 52 northeast fremont street. I am very concerned about money being handed over to use commissioner Sten's analogy, a two-legged stool. Commissioner Francesconi, it seems like you're saying we should prove ourselves by obeying leash laws and see what happens in september. It seems with the four off-leash parks, especially considering that some of them are unusable or closed in the winter, that's an unmanageable number of dogs per foot. A lot of people have been saying dogs do need to socialize. I also did want to reinforce I feel it's not just a dog issue, it's a human issue. I think it's a valid recreational activity to go in a park with your dog. I know -- i'd seen vera Katz, you had said something about Portland prides itself about being -- I feel having off-leash areas where people can be responsible with their dogs, it speaks to both two and four-legged people. I am in support of off-leash hours or perhaps having your dog under voice control and poop bags. I moved here from brooklyn, and prospect park in brooklyn has off-leash hours. If you can do it in a park in a city like new york, it seems like it should be manageable here. I'm not sure what -- I was unclear about what's going to happen with the possibility for off-leash

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hours. I wasn't sure if you were saying off-leash hours were only going to be explored where coalitions had recommended that. I live in northeast Portland. We had been hearing these rumors put up signs, just to have a rumor rounds-up, and put them up a few days ago, and we got about 40 people showing up with just signs posted with three days' notice. I have letters here from six people who wanted to make their thoughts heard but couldn't attend this meeting. So there is huge concern. I have to say of those 40 people no one had previously heard about those coalitions. So I think there is a lot of support to work for a solution that would be helpful for everybody involved, and the current one does end seem to be that.

**Katz:** Thank you.

**Francesconi:** Let me just address this. We need off-leash hours in parks in all parts of the city. But we have to work through the process that's been established with the neighborhood associations first. Second, with 140,000 dogs, we don't have enough police officers to enforce this. So the idea if we were using police officers to do it, so the idea is we need to send some clear messages to the public, both with some fines and with some education, because what's important when you have off-leash hours, is that when the hours stop, there's some enforcement. So that's why these are related. So you heard me use the words "guarantee." all I need is to work with us on establishing this enforcement program.

\*\*\*\*\*: Definitely. I agree with that. But like you're saying, when those hours stop, do you need to have enforcement, but it's hard to start the enforcement without providing those hours first.

**Francesconi:** And you heard -- we're talking a close amount of time here. This is the strategy that I think we need to follow, and the council can agree or disagree.

\*\*\*\*\*: Ok.

**Katz:** Thank you.

\*\*\*\*\*: Michael kinney, I live in the grant park area.

\*\*\*\*\*: From what I've been reading in the paper, we have a city with no streets, only sidewalks. But people needing their cars to get to work, drive on the only suitable surface available. So the city solution is to ticket everyone who breaks the no-cars on the sidewalk law. Rather than first providing the streets so people can get to work. I just see the analogy that first we need to provide the off-leash availability, and then if people don't follow the rules, then look to enforcement. I absolutely grow with everyone that we need to enforce the scoop law, whether the dog is on leash or off leash, it doesn't matter. We need enforcement for aggressive dogs or dogs that are not under control. I couldn't agree more with everyone. Regarding outreach, the parks department contacted the neighborhood coalitions, and I -- in I believe october of 2001. How many of the coalitions responded? Even responded to it? I know, this is the only one I know for sure, the northeast neighborhood coalition did not respond. They effectively blew it off. They did not even notify anyone of the 14 neighborhood associations that make up coalition. So effectively those people have been disenfranchised from even participating in the process of choosing parks where dogs should be -- can be off leash. Ms. Santer mentioned dog concentration. Probably in a week ago no one knew where the dog concentration was until the Portland state university study, they got an advance copy, and now they know what that looks like. Up until then, nobody knew. So we've effectively got the off leash areas we have now are in low density areas for dogs. The sites were chosen without knowing where the dogs were. The heaviest concentration is mt. Tabor. So we're not providing areas, up to now we haven't provided areas where the dogs are. I have to say again, provide us the off-leash hours or areas first, and I would vote for hours, and then if people can't follow those rules, sure, then have enforcement for off-leash. Give us the area first so we're not law-breakers. And then deal with enforcement.

**Katz:** Thank you.

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

**Katz:** Go ahead, sir.

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\*\*\*\*\*: My name is scott, I live over in northeast off of failing street. I think this policy and program is not going to work. The education, great, the enforcement is just going to -- there's not enough people to actually enforce all this around the parks. It's not going to get the result that they are looking for. I think the biggest important, and also the promise, the sounds to me like there's options that will be given in september, not hours, guaranteed. And I think things need to be done now as opposed to putting these things off, I think the tougher decisions need to be made by the city council, and the board of the park and recreation for now. Something to happen immediately to just enforce this policy and not give the options of hours or off-leash areas is just not the solution. I think you need to provide something for both sides instead of penalizing one, and not giving the other.

**Katz:** Thank you.

\*\*\*\*\*: My name is mark, I live on northeast 12th and utilize irving park. I'm appalled that the first line is enforcement on almost all of the solutions that have been presented. That options is the third solution. It seems a very uncreative way of dealing with conflict, a very biased way of dealing with conflict. To enact and think that people are going to comply with options given later because they're hit with a stiff fine or a penalty now is naive. The options need to absolutely be instituted at the same time, off-leash hours, off-leash areas. People absolutely have to abide by certain rules, but when given no options in which to comply, they're not going to abide by them. And the amount of money that the city has to spend on this problem and the amount of man-hours that they're going to allocate to it is going to be totally ineffective. From what i've heard, the big problem here appears to be damage and appears to be the fecal matter that is left behind by all the dogs. I think you would be hard pressed to find a single dog owner who would oppose that that is irresponsible to not pick up your dog's waste. But to enact stiff fines for being an off-leash in a large park that you are doing your best to exercise, socialize, and utilize a park in your area because all the options that you've been given are either inadequate or closed during a good portion of the year, is irresponsible. And a more creative solution needs to be discussed. I don't think many dog owners would have a problem going to obedience training. I don't think many dog owners would have a problem demonstrating that and getting a license fee, and that fee can help offset some of the costs that may be incurred in the clean-up of parks that are utilized heavily by dogs. I for one as a dog owner would absolutely have no issue with having some sort of license fee that would be allocated specifically to the care of a park that is dedicated for off-leash hours. But I have a huge problem when I hear that they're going to enact \$150 fines and that there's no program in place to use any of those dollars to enhance the community's area to accommodate dog owners. And I have a hard time supporting any council in any future elections that sees fit to arbitrarily enact that.

**Katz:** Careful, careful, now.

**Francesconi:** It's his right. He has a right.

\*\*\*\*\*: Hi. My name is nancy, and I live in the mt. Tabor neighborhood. I'm on the board of the neighborhood, i'm a founding board member of the friends of mt. Tabor and of the foot patrol in the park. I was also on the master planning committee for mt. Tabor. I'm also on the southeast uplift committee to come up with a solution, i'm also trying to help see spot work with the city on this problem. All this means is I suit up and show up. I'm always citizen that has been watching and participating in the public process that have gone on around the issue of off-leash dogs for at least 10 years. I was in the park the day we learned jim Francesconi was going to close the off-leash area at mt. Tabor with no public comment or process. Just because the water bureau asked him to. That happened because the parks department promised to make some improvements around the reservoirs so that the possibility of a perception of a risk to the water supply would be done away with, which of course they didn't do. Since they've been -- then i've been working on the problem any way I can. I'm not against enforcement for violators of the law, i'm just of the opinion that it's one piece of the puzzle and not the first piece. I can guarantee you if animal controls comes to the

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parks and writes tickets before off-leash areas are established and the education has to happen has started, there will be peaceful civil disobedience. I'm also appalled at how this mayor and park commissioner have left this issue go on for so long. It's a long running joke no matter what other issue comes before you, none is as contentious as the dog issue. If any one of you runs as mayor, I promise the lack of leadership will be an issue. If you gave this money to help place off-leash areas, you could get at least three areas for the money, which would be a much better use and would continue the process. That the citizen and experts think would be the best. Now, this hearing testimony this morning I would like to comment, zari talked about the problem of dog waste. Well, dog waste happens whether they're on leash or off leash. There has been limited education so far. I was told just two weeks ago that the peasant population is not dead at mt. Tabor. The coalitions were asked in 2001 and started to meet in september of 2001 with the extremely limited funding and no thought of what would be done with our information. Yet another advisory committee, how many years is this going to go on? Another summit -- summer of conflict? Commissioners -- commissioner Sten spoke correctly when he asked about a three-legged stool and three-legged problem. I don't have a problem with enforcement, it's just not the first step. And i've heard many guarantees from commissioner Francesconi in the past, and I have a real problem with any promises he makes. Commissioner Saltzman was correct when he said we've had years of citizen involvement. Recommendation by september? Why not now? The idea from commissioner leonard about the obedience is absolutely right on. Somebody has to take the political punch for this. It should be commissioner Francesconi, since he has had control of the parks for the last six years. Also mayor Katz has passed the buck on this for years, so somebody, please take the lead. Thank you.

**Francesconi:** A comment, and then a question. First of all, the comment is, the mayor gets blamed for many things. This is not something she should be blamed with. You talk to me, but don't talk to the mayor. Second comment is, this public safety problem in our parks, i've lost patience with myself not responding, i've lost patience with the bureau not responding. My first direction with the new parks director was, I wanted to respond to this. Now my question to you is, one of the things we're waiting for on the off-leash areas and hours is inner southeast Portland.

\*\*\*\*\*: I am not --

**Francesconi:** Wait. Because we know that this isn't a part -- this is a part of town. So we asked the citizens in the coalitions to engage in this process because we're not -- we're trying as best we can to not force things down the throats of the neighborhoods. And one of the things we're -- we've been waiting patiently for is inner southeast and southeast Portland. When are we going to get some recommendations as to where your neighborhood is willing to accept either off-leash hours, or off-leash areas?

\*\*\*\*\*: When paul finishes writing it. Paul and mary -- they're speaking very soon now. We have gone to at least three neighborhoods to ask, they have said maybe if we're not the only one. I have gone to every park that parks put on the list that was possible. We have -- I have given an analysis of all that. I've done everything I can. I was not made committee chair --

**Francesconi:** Where are they going to recommend, do you know?

\*\*\*\*\*: At this point we're looking at creston park, at perry dell park, 92nd and taylor, and brentwood. They're not certain, but we're going through the process. You want process, we're going through all the process. We're trying to come to you with something that the neighborhoods have said, yes, it's possible they'll accept it as long as they're not the only one. There's also a couple of parks that are possible for off-leash hours.

**Francesconi:** Do you want parks or me to just pick a spot in southeast Portland before your report is issued?

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\*\*\*\*\*: No, I don't, but via problem with the fact the report has been this late, so that's my problem with my committee, and it's not your problem. But paul says it will come in next week. We've been waiting to meet with zari and whatnot.

**Katz:** Ok. Somebody else grab the mike.

\*\*\*\*\*: I'm karen, I i'm in the irving park area, and i'm a good taxpayer and I do believe the city does a lot of good. And I appreciate you being here to listen. I do believe safety is number 1. I'm a dog owner. I have a new puppy, and i've been so impressed with the people the irving park, how they've helped socialize my dog. I found out just through the process that when you do leash dogs many times they do become sort of violent and aggressive, and my little dog has become very gentle and i'm going to dog class training tomorrow. I really do like what you said, mr. Leonard, I do believe a responsible dog owner, all those things with waste, digging, all those things people should be fined if they're not doing it. The biggest issue I have, and I respectfully understand that you've -- you're losing patience with this process, but it's totally unacceptable to me to say we're going to take july and august, we're going to -- sends them a message. That's a little gestapo. That's a harsh, slap them on the hands, then give them an option what to do. We've got to be more creative. If people don't have their reports ready in one week, go out and designate a couple spots. Plan a review. This is not that challenging. Leadership is really, let's just get it started, set the laws in place. I feel that people should be fined, and I also feel that it's very important, dogs provide an incredible healthy environment to a community. It's not just a one-sided coin. There's many things we can do. I think we all know the answers. Let's just do the right thing in the process. And also one thing I want to say, I think it's real important too that we have many accessible places. Because some people are elderly, they can't get out and take their care across town to go to a dog park. Dogs are very healthy for many people for many reasons.

**Katz:** Thank you.

\*\*\*\*\*: I'm stephan, i'm from northeast Portland, 4003 northeast 13th. Dogs -- it's a community issue that we're dealing with here. Dogs aren't going to go away. They've been with us for 10,000 years. They just serve different purposes in our lives now. I think the policy as far as educating the public is basically comes down to your enforcement policy, and that's not education to me. So I think more emphasis should be put on the education process as a dog owner I recognize as well as commissioner leonard that many dog owners need some instruction as far as how to train their dogs properly. And this can lead to less problems in the park, but like this lady said, just having a dog on a leash isn't going to prevent a dog from soiling. It's not going to prevent a dog from urinating on a bush or something else. A lot of dog owners have dog leashes that stretch out, so if a dog tends to walk over 20 feet or 10 feet away and soil on a garden or something, it can happen instantly. So just having a dog on a leash isn't going to solve the problem. Just the same as 15thing somebody to -- fining someone \$150 isn't going to solve the problem. A lot of dog owners can't afford to pay the \$150, and those are the people that will potentially continue to disobey the law. An education process needs to be put in process, and I agree with another gentleman, I believe he sat in my seat just prior, that spoke in regards to having as far as when you license your dog, having some fee attributed to education dogs and dog owners. Because dogs will obey their pack leader as their owners are, if they're instructed properly. But a dog on a leash still will genetically, because of their disposition, will become aggressive towards other dogs because they're on a leash. So that all becomes part of the education process, as the owner. So I think just instituting a fine is trying to put a bandage on the situation. I think to funnel it all down, the problem into a fine, doesn't really solve the issue. This is a community issue, we need to educate the public, we need to educate people who aren't dog owners that, a, there's an off-leash area, these are the hours, and the dog owners as well. There's people playing on the soccer field. You don't take your dog there. And I agree with this lady here as far as, if there is preventive measures put forward as far as there being off-leash areas and someone is not obeying that, yes, you need to step in and say, a, this is a measure that needs to



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be taken, if that person doesn't do that, then a fine is appropriate. What that fine amount is I think can also be further discussed.

**Katz:** Thank you. I think we'll go -- it's after -- we have two more? All right.

**\*\*\*\*\*:** I'm going to go first. My daughter just wanted to be up close to me. We have all the answers. We've been working on this for a year.

**Katz:** Why don't you identify yourself then?

**\*\*\*\*\*:** I'm paul, i'm the cochair with mary chris mass of the southeast uplift off leash work group. And I have some remarks that i'll hand out here. I agree with -- those of you who are frustrated with process, process that doesn't deliver is no good. And that's what we've sort of had for 10 years. We've had lots of process that wasn't necessarily well designed and didn't get at the real issues. We finally, we've been begging for years for the park bureau to do a good solid analysis of what really is going on with this dog issue. What are the different needs, the limitation and opportunities, and it never happened. So finally with this r.f.p. We decided to do that process ourselves, and we've interviewed everybody, dog owners, we flocked the parks with all different park district managers, we've met with neighborhood coalition people, we've done process that was from the bottom up. Good, clear criteria of what it takes for these things to succeed, recognizing the negative impacts that may need to be mitigated, meeting with neighborhood chairs, neighborhood boards, holding community meetings to really hear from people, what are the strength and weaknesses of your park for making this work. So we are coming to you with three potential parks that we're still working on with the community to iron out. At least two parks that we think are going to go for off-leash hours, plus an approach for possibly selecting other parks for off-leash hours. We have a management plan for enforcement that we have in that handout. I agree, you shouldn't do enforcement without coming -- they should both come online at the same time, the alternatives and the enforcement. Together. You're not going to get the enforcement as some of you have said with 1.6 f.t.e. Animal control guys. It's never worked in the past, it's a help, it's part of a strategy. And what we've said is you need to look at the range of tools you've got to work with, and have them working together in a coordinated plan. We're delighted zari has come on, we're delighted darlene is with parks, we're looking forward to working with them, but they've got to work with the community. We didn't even know about this process was coming up and this hearing was coming up, and we've been working on this issue for the past year. We can work with you to solve this problem. And part of it is good process, looking at the right issues, we've heard everything that everyone has said on both sides, the dog off-leash users, the opponents, the neighbors, everybody who is upset, we've heard it all and we know the answers. We know how to solve this problem. And the key for you guys is to do it in partnership with us. We probably know more about this issue now than anybody else in the community, and we want to work with you and we can solve this. But you can't do sort of superficial things, you can't do just a blip of activity like here, a couple more animal control officers, that's not going to get you a change in behavior. We want to focus on outcomes. Real alternatives for off-leash people, real effective enforcement that starts to separate those uses in our parks because they don't mix. So we're here to work with you, and we have the answers.

**\*\*\*\*\*:** That's what paul says. My name is mary chris mass, I live in sellwood. We're a nonprofit off-leash advocacy group that's tried to work with parks to site off-leash areas. In general our efforts have been ignored or at best acknowledge and then ignored. And it isn't easy getting volunteers involved if they feel their efforts are for naught. I've read interesting quotes in our paper. The first was monday, in regard to strategies for attracting 20-something creative types to your city. Quote, they want a music scene, an art scene, they want to walk their dog in the dog park. I'm a 50-something creative type with the added advantage of being a homeowner, a taxpayer and voter and I want the exact same thing. The next quote was from sara bott. We suggest you turn the stool around so the third leg is in the front. This is the approach vancouver b.c. Used in developing their

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29 off-leash areas. A period of observation, then allowing off-leash areas in most parks, fencing problem areas and then start enforcing this. Gave citizens a sense of empowerment and community involvement instead of alienating them. It's hard for dog owners to believe park is responsible for -- when punishment is the first thing they think. Will enforcement include going after the nondog person who subjects me or my dog to physical or verbal assault, because both things have happened in Portland parks. The last quote was -- said there was no public input. Some of the public input i've sent to parks over the last two years, there's a great study from australia in parks and urban environments. This is the Portland state urban studies final project that was just finished I believe they're going to meet with zari this week and present to you. And it has a fabulous map of the concentration of dogs, and this is dogs within a quarter mile of parks and you'll see the concentration of dogs, the orange dots are dog owners and they're mostly in southeast Portland where there is no off-leash area. That's pretty much what I have to say. Dog owners use parks four times as much as any other user group and we found human companionship, business contacts and I found a good mortgage broker. [laughter]

**Katz:** Let me ask the two of you a question. Do you support the notion that all parks with the exception of some of the very sensitive parks, have certain hours available for dog owners to run their dogs, and i'm talking about very early in the morning, and later in the evening, so that there isn't conflict with people who want to used park.

\*\*\*\*\*: I -- charred jordan at one point said the hours in new york were 9:00 p.m. To 9:00 a.m., which are definite off traffic areas for most park. When we went to the west more land park master plan and they tried to give us an off-leash area there that was a mud bog, I said, you know, some parks are natural areas, some are urban parks with mostly sports fields. I don't want my dog in that park. I don't want my dog to be exposed like a high traffic area with a lot of softball games, but there's two other parks in my neighborhood that johnson creek and sellwood that do have big open areas that could be used.

**Katz:** My question was --

\*\*\*\*\*: I have an answer for that.

\*\*\*\*\*: What we did was we -- off-leash hours, you look at the problems of what kind of problems will come up. Like in laurelhurst, they've got a lot of problems, we walk the park with sky, the district manager, we talked about what are the use patterns in this park. We met with a neighborhood association, did all that stuff. For them, five to 8:00 in the morning works really well. There aren't a lot of other joggers and parents with kids and all that. It would -- at woodstock park we had a community meeting with them, we talked about what are the use patterns of your park. They've got a lot of conflicts. It looked like morning hours work for them, people clearly want afternoon hours too. The process that we're using is the way to get at it. You figure out what are the physical kind of limitations and use patterns in a park, you work with the community on it, and figure out some hours that are going to work and be sustained and not politically blow up on you -- blow up on you.

**Katz:** Let me see if I understand the recommendations you're looking at. That you identify off-leash hours in all parks, and then identify some parks that are basically open as off-leash parks.

\*\*\*\*\*: No. We're talking -- we found three potential sites that would work physically, they seem to work within the context of a park, and we're following up with the neighborhoods on that. So we would ideally have three areas that would be arranged geographically, and that would be complemented by off-leash hours. The biggest thing people said is we don't want to be the only one. We don't want concentrated use in our park.

**Katz:** Ok. Thank you. County and zari come on back up again. Mike?

**Saltzman:** I guess my question comes -- since we're doing this for our viewing audience, we should get this out in the open. The enforcement process. Tell us how you're going to deal with --

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what is the enforcement rationale? Are you going to be sort of one officer on the scene? And what are you going to do when nobody has i.d., because nobody will have i.d.? What --

\*\*\*\*\*: Before I ask mark to respond to that, I just want to clarify something. The laws are there. The fine, we're not creating a new law. The law is there. All we're asking is to give us the tool which is providing funding for the county to enforce the laws where we are having major conflicts, where public safety of our citizens are at risk. That's where we're asking. We completely agree with the testimony that you heard today, that we are not -- with this amount of enforcement we're not going to solve the problem. We completely agree. We are coming to summer. There will be conflicts, and we identified areas where the conflicts are great, and the public safety is at risk. So we want to make sure, in those areas, that's a liability for us for the city, those areas we're able to bring it under control. So it's not going to go everywhere.

**Saltzman:** My simple question is, when you get pulled over for moving violation, you're supposed to have a license so they know who you are. How do you do that when people don't have i.d.? How do you issue citations?

\*\*\*\*\*: I can speak to that.

**Francesconi:** Before you do, i'd like to hear the county, because the county -- how do you do that now? It's a good question.

\*\*\*\*\*: Good morning. Mike oswald, Multnomah county animal services. Good morning, mayor.

**Katz:** Good morning.

\*\*\*\*\*: Enforcement of animal control ordinances is a pretty basic business. It's primarily an education contact first. In fact it's -- as we're working with mark and the parks folks on developing the policy and strategy for how to deal with this, it's always education first. You go in & assuming people don't understand what the law is, and you explain it to them, and in this particular circumstance, we'll be able to direct pet owners to, if they're there are off-leash areas, where those areas are, if there's going to be off-leash hours, when those hours would be, and so that's initially the contact that we make. The other thing we would be doing with people, and we've done this in the past in pilot programs with Portland parks, is that our officers can actually hand out leashes to people who don't have a leash, we can also provide -- there's plastic bags you can provide to people to clean up after their pets, there's steps we would take initially with individuals. And I think the strategy of enforcement would come after initial contacts, after initial information, we'll be handing out brochures, giving them directions to locations where they can be off leash. After that, we're dealing with individuals that we've already talked to, and we would be then dealing with next steps, which there can be warnings, there can be notices of infraction that are issued, which goes to administrative hearing, and commissioner Saltzman, you're right, there's no magical way in which we're able to get good information from individuals. We often times are experience -- our experience has been in doing patrolling in parks which question do now on occasion, is that pet owners will either immediately leash their animals because they -- as you've heard from item, people know there's a leash law, so they'll immediately leash them, or they'll leave the park. And we have to develop some clear policies, and we need to do that with you to understand what is the level of enforcement that the city wants to see when we deal with violators. And so the initial understanding that i've got from working with the parks folks is that it's education first, we'll deal with serious situations when they occur, like we do now, if there's a dog bite or an attack situation, or something like that, we respond according to the level of public safety issue in the parks. But when it comes to enforcement, how strongly does the city want us to pursue people who are violating the ordinance and we've already talked to them a couple of times. And so those are the nuances we need to work with parks folks and get some clear understanding from you on how --

**Saltzman:** I don't want to belabor this, but that does raise the question for the city folks, are we talking about parks exclusions for people who are chronic failure to be educated?

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\*\*\*\*\*: Yes.

**Saltzman:** And who issues those, police?

\*\*\*\*\*: Park rangers, police can issue them, and as in effect contractors or since we're in agreement with the animal control officers, authorize them to offer park exclusions.

**Saltzman:** Ok. Thank you.

**Katz:** I just need to know, what -- how are you going to -- what are you going to do with the money from the fines, assuming you collect fines?

\*\*\*\*\*: Currently the fine that's are paid on any notice of infraction goes to the county general fund. Which helps support the animal control services being delivered. Which of course most of the services are provided for animal services in --

**Katz:** What do you anticipate as revenue for the year?

\*\*\*\*\*: I don't believe we've gotten that far to do any estimates of revenue.

**Katz:** Ok. Further questions? All right. This is an emergency ordinance, so I assume before we proceed with the vote that everybody's on board. Some less happy, some more happy.

\*\*\*\*\*: Hoe would like to add something.

\*\*\*\*\*: I would like to emphasize, the concern over a limb the resource, 1.66 f.t.e., we're going to focus on the priority areas where we have the serious problems, and the problems are current, the dog bites, attacks on other dogs, broken bones by park users that get -- have run-ins with dogs. The efficacy will come from working with park rangers, working with the community and all these different elements we've talked about this morning, but most of all to focus on the problem areas. We're not going to rush out and start writing tickets. We're going to at the cuss on where -- focus on where the problems are and work forward from there.

**Katz:** Ok. Roll call.

**Francesconi:** I'm going to support this. There's two general segments. It's good people are passionate about their parks and their dogs. This is what local government is about. Is good that we care about this. It's apathy we don't like. The second is, I actually like dogs. I have two dogs. A golden retriever and a beagle. The golden retriever is -- we're more fond of the golden retriever than the beagle. But more importantly than my like --

**Leonard:** That's not very nice:

**Francesconi:** Hi to insert that, especially me. Hi to insert that because what's more significant --

**Leonard:** I hope they're not watching.

**Francesconi:** I'm not done yet. What's more important than me liking dogs is the fact that my wife loves dogs. And she loves that golden retriever at least -- more consistently because I don't create the -- the golden retriever doesn't create the problems for her that perhaps I do. So -- but the issue here isn't whether we love dogs or don't love dogs and whether or not dogs are important. Because they are family members. And I do understands that. But we have a public safety problem in our parks. And some of our parks, there's some hot spots that are causing conflicts, and causing injuries, and causing some of our citizens, especially our kids, to not use those parks and our seniors. And it's just not right. And we can't wait any longer, folks. And that's why we've got to pass this now. Is this going to solve all the problems? No. But it is going to target some hot spots that some of which have been talked about, it is going to send a message to the citizens that we have some rules that we have to follow, and it's a way of saying to the voters who gave us a lot of money to maintain our parks that we're going to try to maintain our parks in some ways that don't cost as much money. By following the rules. Now, we also need more off-leash hours and more off-leash areas. And we are going to come back in september, we could have just picked the parks in southeast Portland, but we're waiting for the folks that say they have the answers to actually deliver some answers in southeast Portland, ask then we're going to come back in september whether the coalitions have come forth with them or not in some areas. But we need this enforcement piece to work, and ultimately we need the cooperation of our citizens. We need the cooperation of

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Multnomah county, and you need to get a little clearer on your enforcement policies, because the laws are there, and you're obligated to enforce them. The idea that you're looking for us, these are your laws, these are our laws, this is your responsibility. But having said all that, we're going -- we need the cooperation of our citizens, so we're going to move forward, yes, we should have been there sooner, but we're there now, this summer, and we're proceeding too this course all the way through, and we're coming back in september, including with some off-leash areas. Now, there's going to be -- we're going to show you what it's going to take to actually do those as well. So the last thing I want to thank, this is one of the two or three specific charges that -- requests I discussed with our new parks director, both before and after --

\*\*\*\*\*: I've gotten old, commissioner. [laughter]

**Francesconi:** Both before and after she was selected. And I appreciate the fact you moved on this so rapidly. You've only been in this position for several months. I would like to thank darlene carlson, evelyn and all the people, and mark, and all the people who have been struggling with this issue. We do have to talk with the county also about the fact that some of this money for fines is going into the county's general fund. We're very sympathetic to the county, which has been hit harder than the city, and is struggling to provide mental health care, social services, housing services, but when fines increase on this, we expect some of that money to be directed back into the system, and this is a conversation i'm having with the chair, and we're also going to report back to the city council on this issue in september at the same time. So I appreciate the whole council's discussion on this issue. And doing nothing is not an option here. Aye.

**Leonard:** I'm deeply concerned that commissioner Francesconi's wife shelly is more consistently fond of the golden retriever than him. I will suggest to her that she take him to obedience class. [laughter] that might improve your behaviors. Along those lines, I will repeat what I said earlier as a lifelong large breed dog owner, off-leash areas, dogs leashed in parks do not solve the problem for a lot of citizens. Bad behaving animals for me reflect directly on the owner. And when I heard some people say today dogs get frustrated and angry when they're on leashes, that tells me, these are owners that have not gone to obedience training. Dogs learn to control those -- those emotions, they learn to do the things their owner wants them to do -- them to do through proper training this. Is not just an issue of parks, this is an issue of dogs that are barking all night in neighborhoods. As we have increased density and more people and more dogs, people need to be more cognizant and responsible when they own dogs. And think about other people. And there are a number of people who own pets that don't think of the impact of their pets on other people. And I think that is missing in a large part of this discussion. And so i'm very much in favor of having people be held accountable for the things they're responsible for, and I think this ordinance does that, and I vote aye.

**Saltzman:** Just to give a slightly different perspective on this, the urgency for off-leash areas as well as off-leash hours is driven by demographics. We're an aging population. We know as much as i'd prefer maybe people would adopt children, people are much happier being a parent I can understand having a pet, it's a lot easier. But people are owning pets in record numbers. And as we become more isolated as a community, which happens as part of the aging process, it's just part of living in a big city, people don't know their neighbors, off-leash areas are as much an opportunity for pets to socialize as they are for people to socialize, and that's important too. Eradicating loneliness is an important social concern. So we need to move on this. I'm glad we're going to have options in september, both off-leash hours and areas, and financing options. And we need to basically -- if it's bogged down in committees, extract it out of there, bring it up here -- here, we'll make those decisions. And I have a hunch that's what we'll end up doing for southeast Portland and everywhere else come september. But we need to move on. It's incredible to me vancouver b.c. Can have 44 off-leash areas, seattle has 18. And we have three? If we want to pride ourselves as

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the world class city as we often look to those cities and compare ourselves, we're not doing very well here. This is an important step, enforcement, but the options need to be there too. Aye.

**Sten:** I know you have a plan and I know you've been working hard. This is a very tricky issue. I don't think this package is quite ready for a council vote. I think we should have all three legs of the stool. But I think if you keep it focused on the hot spots and those issues as you're going out, I think it has more after chance of a success, and I want to work with you to give you the tools, and it's clear from the park bureau's perspective you need to do this first. So I want to honor that even though I don't agree with it. I think the education piece is going to cause more frustration with folks than it is going to build community, and I think we need to realistically with however many it is, 145,000 dogs, the dogs have to have places to run off leash, and right now they really don't. I don't think it's an acceptable public policy to say that people should get in their car and drive their dog to the other side of town so they can exercise it. With parks everywhere. So I think we have to come up with some solution that uses all of the parks and then takes them off the list of just -- there's clearly some parks that don't make sense to run dogs in, and I think those shouldn't be. The other ones -- and I think it's going to take a council policy, and I think that's what some of us weren't saying, I think -- I don't think the two sides, and there may be more than two sides, will agree on a package that's adequate. So I think the dog owners are going to want more access than probably the ultimately they'll legally get, and the neighborhoods will be less likely to give enough that will actually solve the problem. I think we need to do something like, say, in every neighborhood park except for these following ones, you can run your dog off leash during the following hours. And there ought to be a big sign that says and those hours should be designed to avoid as many little kids as possible and the dog owners should accept that the priority for my point of view for parks after school is kids. And I would be very comfortable saying, you're not going to legally run your dog and you risk a fine if you do so in the park if you do it after school. When I illegally run my dog in the park I do it well before work at around 6:30 in the morning. All that's in the park at 6:30 in the morning are people who are illegally running their dogs, and a few people sleeping, and unfortunately in this economy, and a few people that jog through. I think the people who jog through if they knew there was going to be to dogs off leash at that time, could make adjustments. I think there needs to be thought about right after work, because that's a time when people run their dogs, it's also a high use time for kids. But I think that the council just has to say with 145,000 dogs, a policy that means you cannot run your dog without driving out of the city limits is just not going to -- is not reasonable. So I think we should get that on the record, which is why i'm being long winded, that this council is willing to do that. And I think although i'm interested in seeing off-leash areas, i'm not really that impressed with how the off-leash areas have worked to this date, and I don't believe we'll get enough of them that it will come anywhere near solving the problem. So i'm not against that, maybe having off-leash areas that have available during peak times right after work kind of time would be one solution to let the air out, but I think we ought to find hours that are low-use hours and say to the dog users, if you're going to run your dog in the park, I think it's really reasonable to say you ought to do it at a time when conflicts are minimal, and if you do that you don't have to worry about enforcement. And then I think we should enforce the rest of the time. Let's start down this path, but I wouldn't vote for this except for commissioner Francesconi, who's a man of his word with me that it's coming back in september. So I do expect to see it in september. Aye.

**Katz:** I knew this issue was coming before us. I would have done it differently, but zari, i'm going to give you all the support that you need on this. I'm sorry this is one of your first big issues dealing as a park director, but I respect you, and I honor your word, but I absolute agree with commissioner Sten on this one. Sten on this one. We have populations in the city that a, don't have cars and high density areas, we have elderly that have pets for companionship, commissioner Saltzman mentioned w very people that have pets for public safety, their feeling of safety. We have areas in the city with

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a very high concentration of people, and just to have three or four parks is not acceptable. As off-leash parks. I also think that you need to broaden the number of parks for your off hours. I had a golden retriever, and we went between 5:00 and 6:00 in the morning. I did break the law, I let her off the leash, but there was hardly anybody there. I don't have her now, so -- and in the evening, I walked her, because it was not the proper time to bring her to the park to run around with children. And later on in the evening, we went back and she would run around. So if you can put those kinds of parameters and allow people the use of the parks on very -- on key hours when they're not in conflict with the public or in conflict with the children, I would appreciate it. So -- and quite frankly, you look at the demographics, you see where the dogs are, you see where the people are, and you say, these are the parks that we're going to -- that we're going to open up. The second one I think that we ought to have poop stations at every park with plastic bags. Shhh. Plastic bags, so that people do forget sometimes. Well-meaning people forget to go out of the house with paper or a plastic bag, and we ought to provide that. There will be no excuse then once those stations are there. All right? I think i've said enough. I expect that you come back in september. I think you've heard the council loud and clear. And i'll vote aye. [gavel pounded] ok. Thank you, everybody. 638.

**Francesconi:** The timing was good. [laughter]

**Katz:** Do we have anybody -- I want to know if we have anybody who wants to testify on this.

**Leonard:** I'm going to have stacy chamberlain come forward.

**Katz:** Really?

**Leonard:** Just to give a little background. This is kind after fun one.

**Katz:** Stacy? Come on up. Make it short.

**Leonard:** Let me just say as soon as we get a little order, certainly I see renee mitchell sitting out here who is certainly one of my favorite columnists called me some time back and suggested that the city of roses ought to have as an official moniker the city of roses in its ordinances. Stacy did research and determined that in fact it was just nothing more than a nickname, not in the city code. So stacy, why don't you give a brief --

**\*\*\*\*\*:** Stacy chamberlain, commissioner leonard's office. Commissioner leonard brought this to my attention and I did some research on the very user friendly city web side, and found the city had never adopt the city of roses as its official nickname. It had referred to it in resolutions, but never officially enacted the name. So the this is the resolution that commissioner leonard has brought forward.

**Katz:** Thank you. Anybody want to testify on this? Roll call.

**Francesconi:** Aye. It's a good thing. Very good thing. You take visitors up to the rose garden, gosh, these people from italy, just watching the city, smelling these roses, the environment there, it should be the city of roses.

**Leonard:** Which was my feeling exactly.

**Francesconi:** Aye.

**Leonard:** Aye.

**Saltzman:** Whose portfolio -- aye. [laughter]

**Francesconi:** The rose festival portfolio.

**Sten:** Aye.

**Katz:** Aye. [gavel pounded] 639.

**Katz:** I'll be very quick. We adopted changes to the Portland utility review board, we shrunk it in side, we have nine individuals now who I have just appointed. I will read their names in a second. We waited to make sure that we had a full complement since it was a much smaller board. And we wanted to make sure we had somebody that -- two individuals, public interest groups. We have a neighborhood representative from the west side of town for the first time since the original board convened. We have two public interest slots, nicely balanced with a low-income user, and

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somebody concerned about environmental issues. And we have a large utility user, and we can now offer them a seat at the table as well. We -- I would just want to remind everybody that we made a commitment to the perb that our staff would be participating at those meetings, that the communications would be both -- go both ways. And i'm counting on each member of the council and the perb members to make those communications happen. I've not appointed a chair. I will do that after the first meeting. I also want to remind you that we will have a work session before the end of september to help perb lay out a work plan for the upcoming year, and if communications is going to be a critical issue, I think we need to meet with them on a regular basis as well. These are the appointees. Martin wilson, a management consultant from west Portland. Robin plants, he was a previous member, representing a neighborhood association of the central Portland. Paul rousey, previous perb member, an east Portland representative. She's interested in recycling education. Jay formica, previous perb member, a public interest representative. John tyler, public interest representative, representing environmental issues. Peter coswell, a previous perb member, does work in government relations, he's representing local businesses. Frederick sauer, a hotel manager representing large utility users. Scott fernandez, a previous perb member, a food broker and a seat at large, and lauren lutzenheiser, psu professor, another member at large. So that is your new perb board, and I hope your staff gets to meet with them in making sure that their work is successful to them and that they in fact continue to be helpful to us. Anybody want to testify? Roll call.

**Francesconi:** This is terrific. I guess I want to thank the mayor and your staff. Especially the mayor this. Is one of our most important citizen boards. So taking some time to get the right people and to refocus it is really important. Especially given the rising water and sewer rates. So this is a very important thing you've done here. Aye.

**Leonard:** Aye.

**Sten:** Thanks, mayor, and tommy brooks of our staff for putting together this new perb. Aye.

**Sten:** Aye.

**Katz:** Thank you, members of the council for helping tommy and tommy brooks, thank you for all your work. Aye. [gavel pounded] all right. 640.

**Katz:** Anybody want to testify? Roll call.

**Francesconi:** Aye.

**Leonard:** Aye.

**Saltzman:** Aye.

**Sten:** Aye.

**Katz:** Mayor votes aye. [gavel pounded] 641.

**Katz:** Anybody want to testify? Or council want to ask any questions? If not, roll call.

**Francesconi:** Just a comment. Betty, since you're here, i've been talked -- talking to some people statewide that are trying to work on reducing health care. And improving access to health care simultaneously. It's a county issue in that resolution a world. But where health care is so -- is going up so much, and it forces us to limit benefits, but also inhibits our ability, it cults into funding other programs because health care keeps rising, I think it's time for us to be more active statewide. And maybe we are and i'm unaware of it. Just the way we've been active on other issues. So if we've been active, just maybe you can let me know. If we haven't been active, if I could put you in touch with some folks that are trying to create more affordable health care, it's actually karla spence from seiu. So we can talk about that. Aye.

**Leonard:** Aye.

**Saltzman:** Do I get to access these consultants on the school health care benefits package? Great. I can use their expertise. Aye.

**Sten:** Aye.

**Katz:** Absolutely. You can access anybody that you think has that expertise, and educate not only yourself, but educate the committee as well. Thank you. Aye. [gavel pounded] all right,



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everybody. We don't have an afternoon session, but we have an evening session, so we'll adjourn until 6:00 tonight.

At 12:00 p.m., Council recessed.

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6:00 PM

**Katz:** Council will come to order. Please call the roll.

**Sten:** Here.

**Katz:** Present. [laughter]

**Katz:** We have a new policy. We start on time, and then we sit and wait until we have a quorum. [laughter]

**Katz:** Sometimes it works. Sometimes it doesn't.

**Katz:** Ok. Karla, why don't you read 642 please.

**Item 642.**

**Katz:** All right. Just want to let everybody know, we will not be voting on this as a package today. For many of you who don't usually come to hearings in city hall in the council chambers, we have a presentation, then we have public testimony, and then we go back and the council works any of the issues, and sometimes I deviate from that, but we will try to, we will try to get rid of all of the items where there really isn't much controversy and then hone in on the one, certainly two that I know of, there may be three. So.

**Cary Pinard, Bureau of Planning:** I am Cary Pinard, principal person with the bureau of planning. This is Ethan Seltzer, president of the planning commission, and Betsy Ames, the assistant director of the bureau of planning. We have asked Ethan to give introductory comments.

**Ethan Seltzer, President, Planning Commission:** Thanks, Carrie. I am the president of the city of Portland planning commission. Thank you for having us here tonight. I am here to introduce this with two comments about the work that the planning commission did on this package, as the mayor has noted, there are a couple of issues that are of extreme importance to this community and which we have heard quite a bit about. I want to hit key points of those quickly. The first is the lot validation of the lot segregation issue. We, by far and away received more testimony and information and more kind of involvement in this particular issue than any other element of policy package one. The planning commission unanimously agreed that what ought to happen here is that we ought to close the loophole that's in the code right now, which essentially allows an upzoning from -- from R-5 to R-25 without the process. This is not an affordable housing issue. We had testimony at our hearing that, in fact, many cases the housing that's built is more expensive and smaller than the housing that it is replacing. This is not about the urban growth boundary. This is taking place in R-5 zones where Metro and the city have both counted on the R-5 zoning for capacity within the urban growth boundary. This is not about, in any way, about diminishing or changing the capacity of the urban renewal boundary. This is consistent with the work that Metro has done to acknowledge that the city's plan and code are in compliance with the regional framework plan. Number three, this is not just a design issue. Let me say that, that we did address design. I will come back to that in a second, but primarily and fundamentally, this is a planning issue. This is about what is the appropriate zoning designation in these areas. We have a comprehensive plan adopted through a public process, which is determined that R-5 is the appropriate zoning classification in these areas, and we have had no public process to consider changing that from R-5 to R-25, and so we believe that, that at this point, the primary issue here is really a planning issue, and closing the loophole that's in the code that was created in 1991 when no one suspected that essentially houses in R-5 zones would be torn down and replaced with two smaller houses would be basically a market reality. That reality has come to pass. It's time to close this loophole. Now, as I mentioned before, we did address design because we are aware of the fact that there probably are 400 of these lots according to the testimony we received potentially in process in the city right

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now, meaning that it's highly likely that there will be a lot of building activity on these very small lots regardless of, of how the council deals with this issue. So, what we have tried to do is put together a package of, of basic design elements out of things which have already been adopted in the code in one place or another to essentially begin to address what our, what are likely to be a continuing flow of those things in the months ahead. But, I guess the issue I leave you with here in the, you know, where the planning commission came down on this, is that this is a planning issue, not a design issue. The planning issue is to the extent that they need to be addressed, to the extent that we ought to consider having more r-25 zoning for this kind of housing, has to take place through a different process. Second and briefly, is the lot coverage and eaves' issue. Because -- basically, what this, this does is it creates a process for easily implementing and enforcing lot coverage standards, which is not the case now. Furthermore, what this also does is by tying the lot coverage to lot size rather than zone, it eliminates some very bizarre inconsistencies right now where, for example, in an r-5 zone, if you have a 7,000 square foot house -- or 7,000 square foot lot, you can actually build a bigger house than if you have a 7,000 square foot lot in an r-7 zone. So, the work that we have done and what we have tried to do with this process is to really create something which is implementable and which will hopefully yield the kinds of houses and the kind of designs that are far more compatible with the Portland neighborhoods than what we have now. I leave you with those two issues. The very important issues that we spent a lot of time on, and we are delighted to be able to present this to you tonight.

**Katz:** Thank you. I have an e-mail here from, from Cary, the planning commission is recommending the city council consider adding an emergency clause for the lot segregation part of the policy package one.

**Seltzer:** Yeah. We discussed that, although we recognized that an emergency clause requires unanimous vote?

**Katz:** Right.

**Seltzer:** So, our concern is that, is that there is so much concern about this issue in neighborhoods today that, that if we don't, essentially, stand behind the comprehensive plan and the process used to publicly involve people in updating and changing the comprehensive plan, then, in essence, the net result will not just be development which doesn't fit with the plan, but it will be diminution of belief that the city is committed to the process it has used to this point.

**Katz:** Thank you. Let's have a staff report.

**Pinard:** Thanks, Ethan. First two sections of this slide, give an overview of the parts of the regulatory improvement work plan for this fiscal year. The bottom two sections provide a time line for policy package one. Here we are on June 18. We have left some question marks after that because we are not sure if you are going to want amendments, so we are not sure when we would come back for a final vote. This is another way to look at the different pieces of the regulatory improvement work plan. You have already taken on and dealt with the, the nonconforming thresholds issue, and then you had club maintenance 2003. Here we are at policy package 1, and as you can see there's quite a, a complex package of issues. And here's the list of the issues. In this powerpoint, the issues are presented in the same order as they are in the recommended draft that you have. Some of the more complex issues are explained over several slides. The first issue is size of trees. The planning commission is recommending that the minimum tree caliper for broadleaf trees be reduced from 3 inches to 2 inches and the minimum height for conifers be reduced from 6 feet to 5 feet. The planning commission based its recommendation on the availability, 3-inch trees are less available and on cost, they cost more. The planning commission believes that it's better to spend a landscaping budget on more 2 inch trees that can grow to 3 inches or larger on-site than to spend the budget paying the nursery to grow the trees from 2 to 3

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inches off-site. Currently, there's incentive for, for parking lots to plant tree varieties that are listed on the parking lot tree list. The planning commission recommends keeping the incentive by making corresponding reductions for the minimum tree size for trees on the list. The planning commission agreed that these size reduction issues were discreet changes that could be made as part of this package of other changes. However the commission strongly encourages the city to make the bureau of development services tree and landscaping standards' project a priority. The next issue is Betsy's.

**Katz:** You did, you did -- you also need to add that the bureau of development services become the project to consider the entire city's tree standards.

**Betsy Ames, Bureau of Planning:** Yes. The tree and landscaping --

**Katz:** Right, ok.

**Ames:** The next issue is the definition of building coverage. The planning commission recommends excluding eaves from the definition of building coverage. This change will make it easier to calculate building coverage since it's easier to measure the footprint than to measure the dripline from the eaves. It removes the disincentive to build eaves and better meets the purpose for regulating building coverage. Maximum building coverage and height regulations are designed to limit the overall bulk of structures. Eaves do not contribute to the bulk and can mitigate the appearance of the bulk. In this illustration we have three houses a, b, and c. Most people agree that b appears to be the largest or the bulkiest. Under our existing definition of building coverage - - oh, this is slower than our computer.

**Francesconi:** Are you trying to test us? This is good.

**Ames:** Well, there is supposed to be a circle, or a square around a and b. Under existing definition of the building coverage, which includes eaves, houses a and b have identical building coverage. B is measured by its footprint, a is measured by the, the blue and light gray line around the bottom there. Houses b and c have the same bulk, would be measured the same under the planning commission's recommendation. It's important to note that house b is allowed under existing code. This specific recommendation does not change the allowed fingerprint of b. It's been the experience of BDS staff that applicants will reduce the overhangs to meet building coverage requirements. BDS also grants the majority of adjustment requests that come in to go over building coverage for allowances for eaves since applicants can easily demonstrate they are meeting the purpose of the regulation. In addition, the planning commission recommends adding an illustration and definition of eave to the code to provide greater clarity. A separate but related issue is maximum building coverage. The planning commission recommends revising table 110-6, maximum building coverage allowed, to reduce the number of ranges in the table and simplify the calculations. This recommendation significantly simplifies and streamlines the table while retaining the policy decisions made during the land division code rewrite. Through the land division code rewrite, we revise how we calculate building coverage, moving from a zone basis into one based on lot size. Under the old system, a 7,000 square foot lot would have different building coverage based on which zone it was in. As you can see in the r-10 zone it would have less building coverage than in the r-7, and then in r-5, it would have significantly more. The table you are about to see reflects the decision to allow all 7,000 square foot lots the same maximum building coverage as the 7,000 square foot lot in the r-7 zone used to be allowed. The table at the top is the table that was adopted by council. As you can see, it includes seven different ranges of lot size and multiple calculations. And it also includes a glitch between 5,000 and 7,000 square feet, which would be corrected by replacing the 6.67% increase to 10%. The planning commission is recommending simplifying this complex chart by reducing the number of ranges and simplifying the calculations without significant changes to building coverage. Their recommendation is shown

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on the bottom. You might ask how we got to this complicated chart. Or table. This chart shows the allowed building coverage preland division. Each zone had their own percentage calculation for building coverage. When the council decided to go to a lot size-based system, you decided to keep the allowed building coverage for the average lot for each zone the same. So as in the earlier example, 7,000 square foot lot in r-7 was allowed 2450 square feet, so a 7,000 square foot lot in any zone was now allowed 2450 square feet of building coverage. Essentially, we connected the dots moving from, from 1250 square feet for a 2,500 square foot lot, what was allowed in the 2.5, to 2250 for a 5,000 square foot lot up to 2450, and then to 3,000 then to 5,000 and on up from there. The planning commission's recommendation simplifies this by reducing the number of ranges and in the process, providing more rational percentage increases. The original adoption of table 110-6 created issues raised shortly after the adoption. One of the concerns raised, which helped get this item on the top 10 list for regulatory improvement, was the significant change in how oversized lots were treated. A 7,000 square foot lot in the r-5 zone used to be allowed a lot more building coverage than a 7,000 square foot lot is allowed under the existing code. BDS heard from many people last summer about the impacts of the change, especially on oversized lots and neighborhoods like laurelhurst with all the old established homes. Smaller than typical lots, however, previously were allowed much less building coverage, which was part of the reason for changing how we base building coverage. By smoothing out the line, the planning commission recommendation does, does provide a slight increase for the r-7 -- or the 7,000 square foot lot, but not much between 5,000 and 10,000 and slightly less for those over 10,000 square feet. Here you can see a comparison of the existing code in the planning commission's recommendation over the full range of lot sizes. Here is the slight increase that we showed between 5,000 and 10,000 and here is the slight decrease between 10,000 and 40,000. The planning commission did not hear much testimony on this issue. One testifier, who we expect to hear from tonight, testified specifically about the reduction and allowed building coverage for lots over 10,000 square feet. He requested an amendment to increase the allowed building coverage for properties over 10,000 square feet in size to allow them to build a shop on his lot in the r-7 zone pointing out the greater building coverage allowance he would have had under the old code. Moving onto the next top 10 item. This next recommended amendment includes fairly straightforward code changes to make nonconforming situation reviews less difficult and costly for applicants. The planning commission recommends changing the existing criterion to demonstrate a net decrease in detrimental impacts to no-net increase in detrimental impacts. They also recommend reducing the review procedure for nonconforming situation reviews in the open space and residential zones to better reflect the less discretionary nature of these reviews. This will save applicants both time and money. And the city, as well. The next item is the elimination of the a overlay provision that allows attached residential infill in the vacant lots on the r-7, 10, and 20 zones. Last fall the regulatory improvement work plan identified the a overlay as one of the top 10 items for consideration. The a-overlay chapter includes many provisions. The planning commission is recommending a change to just this one as part of the policy package 1. Others will be considered as part of policy package two. This provision allows r-2.5 density on attached housing in vacant lots on r-5, 7, 10, and 20 zones with the application of design requirements where the a-overlay has been mapped. The planning commission recommends removing this provision for the r-7, r-10, and r-20 zones. On this map you can see where the a applies in the single dwelling zones. R-5, r-7, and r-10 and where this provision can be used. These were mapped with the a-overlay in the albina community plan, the outer southeast community plan, and sellwood neighborhood plan.

**Katz:** You keep the r-5 because?

**Ames:** I think we get to that --

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**Katz:** Ok. Retained an r-5 because additional density is proportionately less?

**Ames:** Yes.

**Katz:** Ok.

**Ames:** The planning commission is recommending removing the provisions in the green and purple areas, the r-7 and r-10 and retaining it in the red, the r-5 zone. This provision has not been frequently used. BDS staff could only recall two incidents. This slideshow shows one of those cases fought by the neighborhood association. You are likely to hear from people advocating to remove this provision all together from the code, eliminating it from the r-5 zone, as well. This is an example out in the lents neighborhood.

**Katz:** Is this the one that mr. Jordan --

**Ames:** Yes.

**Pinard:** Ok. Lot validation and segregation, it's a complicated issue. And the planning commission has asked that we give you as detailed a presentation as we gave to them. The recommended changes, minimize the lot sizes for single family residential zones consistent with the intended densities of the comprehensive plan. They simplify the regulations, they provide consistency in how the lots and sites are treated for both existing lots and those created through land divisions. They address density concerns related to lot segregations in existing r-5 neighborhoods and addresses the demolition phenomenon not anticipated in the 1991 code. This is Portland's comprehensive plan. This is the map of how we expect the city to develop. It's actually very similar to the existing zoning. We have the greatest concentration of commercial and residential densities in the central city. Our town centers and along main streets as we move away from these higher intensity centers and corridors, we transition to more moderate densities and transition again to our single family densities. Air pictures of the densities, our comprehensive plan envisions for the central city and regional center, which we have in gateway, where we have the highest level of public services. Here are examples of the types of mixed use development we would like to see combined with apartments and commercial development along main streets where there's excellent transportation options and a variety of goods and services in close proximity. As we transition to the single dwelling residential neighborhoods, we have zoned areas for moderate density attached housing. The text in this slide is from goal 10 of the comprehensive plan. It is intended for areas with complete public services and anticipates a maximum density of 17.4 units per acre. These pictures show our densest single family residential neighborhoods. The text is, again, taken from goal 10. Note, it is intended for areas with good public services and anticipates maximum densities of 8.7 units per acre. Our comprehensive plan provides neighborhood livability and predictability while providing a variety of residential options throughout the city. Decisions about where to place these designations and zones are made through legislative processes that involve, as you know, much discussion, public input and consideration of all the goals and policies of the comprehensive plan. Moving onto the numbers' consideration that ethan mentioned. In 1999, our compliance report required by metro showed that our comprehensive plan map had adequate capacity to meet the housing goals. We revisited the issue of density during the rewrite of the land division code. We calculated the capacity based on actual lots that were vacant or dividable excluding those with constraints. Our estimates showed that we had a single dwelling capacity of 41,000 units, including over 17,000 units in our -- in r-5. We did not use bonus provisions for calculations or assumed development on existing substandard lots. The previous slides provide the context for how the planning commission approached this item in policy package 1. The original issue raised by b.d.s. Was the valid lot standards in the r-20, r-10, and r-7 zones are larger than the regular minimum lot standards that we established in the land division code rewrite. Making some existing lots undevelopable even though they meet the

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minimum lot area standards for new lots. An additional concern was raised regarding the same code provisions but in reverse. Existing lots can be smaller than the minimum lot area required of new lots in the rf and r-5 and r-2.5 zones. In land division the average lot size still has to meet the base zone density standards so within a subdivision, if some of the lots are smaller, then others have to be larger to maintain the average density. Here's an example that was brought to our attention in the r-10 zone. This existing lot currently cannot be developed but a smaller lot could be created under a new land division code. Here's another example. This one is in an r-5 neighborhood, as you can see. All four illustrations are of the same site, showing you different versions. This slide shows the tax assessor's map for the area. The solid lines show lots under one ownership and tax account number. The dotted lines show the underlying historic platting and represent lots that can be reestablished and developed under the current code. That has already happened on the ones in red. This is the same block, as you can see, in 1996, the existing development reflected the r-5 zoning. By 1998, one of the houses had been removed and replaced by five houses on 25-by-100-foot lots. Here's the same 1998 view highlighting other property on the block. By 2002, a second home had been removed and three new houses at the r-2.5 density are being built. And here is the block face of that block starting with the five houses that were built in 1998 -- the houses --

**Katz:** Excuse me. Excuse me. Excuse me. We are not going to have conversations from the --  
**\*\*\*\*\*:** I apologize.

**Katz:** This is a very thoughtful process. You will have your opportunity to make a statement.  
**\*\*\*\*\*:** I apologize.

**Katz:** Fair enough. Moving on.

**Ames:** Start from the north, we are going south along the block. Here are two older houses that remain. Here are the three older houses under construction, and at the south end there are two vacant lots. The next slide shows the other side of that same block. Here's a map of the roseway neighborhood showing the zoning and the underlying platting. This is a more geographically specific example of the typical comprehensive plan map pattern and zoning that I mentioned earlier. As you can see the commercial zoning in red tones, centers along sandy with some multifamily, which is in blue. As you move away from sandy, you see the orange, the r 2.5 residential zoning, remainder of the neighborhood is r-5, which is in yellow, densest single family zone, and open space, which is green. The historic 25-by-100 foot platting is hard to see, and so it is within these black lines that do appear very slowly. This platting covers most of the roseway neighborhood. To my right on the easel is -- well, right below the easel, the map shows where this is where platting occurs throughout the city. As you can see, this platting pattern is primarily east of the river and in north Portland. There are a few areas in southwest Portland, although the large chunk in far southwest Portland is already exempt from these allowances. Below that is an enlarged map of the roseway neighborhood. We have other maps in the room that show other parts of the city with the 25-by-100 platting at the same scale. If people to want examine them. Here are some photos of the existing r-5 character in the roseway neighborhood. It was the roseway neighborhood that first brought this issue to the planning commission's attention in early february. Here are examples of narrow lot development that have gone up in the roseway area. Similar redevelopment is occurring in kenton, in 2002 this large vacant lot shown in the 1998 photo has been developed with five new narrow houses across the street. There are three new homes where the house had been in 1998. This slide shows photos of the, of the houses. We want to show you what still would be allowed under the planning commission's recommendation to apply a 3,000 square foot minimum in the r-5 zone. We will show you some graphic illustrations in a moment. Houses will still be allowed on lots smaller than 3,000 square feet if they have been segregated.

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This is the kind of grandfather clause. This, a is the same provision that betsy spoke of earlier. It allows attached housing at r-2.5 densities of design and other requirements are met, the planning commission is recommending that this provision be retained in r-5 areas that have been mapped with the a overlay through the legislative process. On corner lots, you can continue to develop with duplexes or attached housing. This provision will make more sense when you see the graphic illustrations that follow. For the illustrations we are taking real-life example where the house at the corner of endicott and hunt is replaced with five narrow houses. Here's an illustration of the site with the historic platting. Under the existing code, the house can be removed. The underlying lots can be reestablished. And five new houses can be built. Under the recommended code, a second lot can be established and a second house built. Or, under the recommended code, through a concurrent property-line adjustment and lot segregation, two new lots can be established and two new houses built. In addition because the existing house is on the corner, it can be converted to a duplex. It could be removed and replaced by a duplex or two attached houses, so that would be a total of four units on that site. Here's another possibility. The existing house could be removed and the lotlines reconfigured and three houses could be built. Our last example, we make use of the a-overlay provisions which apply to this property. Three lots can be reestablished in the vacant side yard. Three attached houses can be built. They would have to meet design requirements. Under the planning commission recommendation grandfathered 25-by-100-foot lots and those in the pipeline would still be buildable. The planning commission heard testimony that 400 or more lots may fall into this category. In addition to making our code compliant with the comprehensive plan by establishing a minimum lot size for the future, the planning commission recommends addressing nine design issues for grandfathered lots. They recommend a maximum height, main entrance provisions, garage door limitations and vehicle access coming from an ally, where possible. And they recommend not requiring parking and establishing limitations on exterior finish materials. Also requirements for trim and eaves and allowing attached housing. Here's an illustration of those requirements. Let's start with a height limit that's based on the width of the building, eaves are required, trim is required, there's limitations on the kind of siding that needs to be horizontal, the entrances have to be within 4 feet of grade, and finally, to deal with garages, if there is an ally you need to get access from an ally. You don't have to provide onstreet parking, or if you have a garage door from the front, it can be no wider than 8 feet. The planning commission recognized that these design standards will not solve all the design issues and are very interested in ideas such as planned books and upcoming infill design project. The nine standards, which were for the most part taking from previously adopted standards are meant to prevent the worst design elements and improve the appearance of the houses already in the pipeline. Here are two recent narrow lot houses that meet the design standards. Here are other examples that largely meet the design standards. To wrap up this recommendation replaces section 33.110.112 with the section called "where primary structures are allowed." it reorganizes and simplifies the section and provides for more consistency. It revises or establishes minimal lot sizes for existing lots. It makes minimum lot sizes consistent with the intended densities of the comprehensive plan. It provides a grandfather clause and it establishes design standards for the grandfathered lots. Here is a quick summary of the recommended lot size changes. The planning commission recommends reducing --

**Katz:** You don't need to read that.

**Pinard:** Ok. The blue is getting larger and the red is getting smaller. It is disappearing.

**Ames:** We are moving onto one of the top 10 items that was forwarded for consideration. It was a package of several issues related to the new land division code. We have already discussed the two most complex issues that were forwarded as part of this package. The building coverage table and



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the lot segregation and validation issue. This slide shows the remaining items in this package, which we will explain in the remainder of this presentation. The planning commission recommends revising the definition of site for land divisions. In the land division rewrite, we defined the site of a land division as the entire ownership so that the most logical lotting street and connectivity pattern could be established, and any constraints, such as environmental zones could be considered. It turns out that our goal is often circumvented because lots and common ownership can be easily split into separate ownerships. This is done by putting different lots into different family members' names or other similar actions. Because our approach is often ineffective and unenforceable, the planning commission is reluctantly recommending that the council amend the definition of site and allow the applicant to define it along any existing lot lines. Note that in some cases, this makes sense, such as in this example where there may be little benefit in including the lot south of the street -- there it is. This lot here as part of -- with part of the ownership that's across the street. On the north side of the street, however, is an example of why we wanted the entire ownership to be included so that development could be clustered from the environmental zone that's up here at the top. The planning commission recommendation for lot dimension standards addresses several top 10 issues as well as a related issue. They are recommending expanding the table, which regulates minimum lot dimensions for multidwelling structures to include standards for all residential structures and multidwelling zones. This adds standards for duplexes inadvertently left out during the land division code rewrite. It reduces the minimum lot depth for r-3, r-2, and r-1 zones to allow more flexibility and development. And it adds a front lotline requirements for attached housing and multidwelling zones and all development in the rx zone. This recommendation -- this last recommendation was to address implementation issues raised by b.d.s. The planning commission recommends changing the front lotline requirements in commercial zones to apply the same standard for all types of development rather than a different standard for housing versus commercial development. This next amendment addresses items that weren't clearly dealt with in the land division code rewrite, such as lot sizes and density requirements for nonconfirming and additional uses. The item clarifies the portion of the site with the conditional use, such as the church, is exempt from minimum density requirements and maximum lot area standards. The remaining portion must still meet the requirements as part of the land division. The next land division item is creating a new lot consolidation chapter in the zoning code. This would be a new process that allows a simple way to remove lot lines. In the discussion draft the bureau considered disallowing building overlot lines. After discussion the bureau chose not to pursue this as it was very proscriptive. I think some people thought that provision was still in the recommendation. There's only two more land division items and then we will be done. This one for property-line adjustments is another simplification, simple clarification. And this last one, the planning commission recommends changing the threshold for review level and multidwelling zones back to lots instead of dwelling units. In this example the existing multidwelling zone allowed for more than 11 dwelling units, and therefore, the simple land division to create two lots dividing the commercially zoned property here from the residentially zoned property had to go through a type 3 process. No new streets were created, no new density was created or development proposed.

**Pinard:** At this point I need to mention the record for this project is available in the room. In it is a lot of detailed information and examples that we can retrieve if asked. To wrap up the planning commission, we recommend you adopt the report, amend the zoning code, and consider adding an emergency clause to allow for, for earlier effective date for the lot segregation issue given the urgency of the issue for the community. Thank you for your attention and patience. Are there any questions?

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**Katz:** Ok. Now that our eyes are glazed over. Where is sam? I wanted him to come up briefly and say something but he went out. All right. We will interrupt and let's hold off questions. Let's have public testimony, then we will come back to each item and give the opportunity for the council to ask questions and, and get some additional issues discussed. Ok. Public testimony.

**Paul Reyes Molino:** Thank you. My name is paul reyes molino. I live in 4342 northeast 77th avenue in Portland. 97218. Several code amendments have been combined by city planning staff and the planning commission into a single package named "policy package 1." I am asking you support policy package 1 and specifically items under lot validation, lot segregations and lot consolidation. I served on the roseway neighborhood association's board of directors until last month. I also was appointed by commissioner dan Saltzman to serve on the air traffic issues' round table, very exciting group. I have resigned both positions last month. [laughter]

**Molino:** Not because of a loss of interest. Due to my work as a volunteered mediator for, for east metro mediation serving gresham, fairview and wood village.

**Katz:** That's a full-time job.

**Molino:** It is. Resolution northwest serves the greater Portland area. My connection to east county is through my employment as director of the microelectronics' training center at mt. Hood community college partnership with two east county manufacturing employers and the east county school districts through the strategic investment program. Workforce development and the training and placement of Oregonians in living wage jobs is my work, and with that comes the need for housing. I mentioned my community involvement because it has provided me with a larger provision about workforce development jobs, urban growth boundary issues, and infill issues. Not surprisingly, volunteering at east metro mediation has identified for me the need for alternative conflict resolution methods. Also consistency within city zoning and planning. With regard to city zoning and planning, you are all to be congratulated for the development of the comprehensive plan for the city of Portland. The comprehensive plan is progressive, fair, and forward thinking. Now allow me to draw a brief picture of the block on 77th avenue where I live. On my block, live at least one hispanic family, two african-american families, one asian family, and five families supported by seniors who live on fixed incomes. One italian, you will hear from very soon. Also on our block is a group home for developmentally disabled adults. We are diverse. Tearing down existing two and three-bedroom homes that represent affordable housing and the construction of 15-foot wide houses on 2,500 square foot lots inside an r-5 zoned neighborhood is a traumatic ordeal for our families. Most families living in the neighborhood are low --

**Katz:** Your time is up. Let me ask the council if they would like you to -- just quickly finish up. \*\*\*\*\*: Sure.

**Francesconi:** Emphasize the part about the italian, would you? [laughter]

**Molino:** You will hear from him. We support infill, and we support the urban growth boundary. How can we do this and not support the type of growth we have seen during the past year within the neighborhood? It's because we support the overall vision of the comprehensive plan. Our neighborhood even wrote and received a grant to write a vision plan, and we have a copy of that here today. We are very proud of that. We intentionally designed that plan so it fits with your comprehensive plan. Thank you.

**Katz:** Thank you for all your years of service. Go ahead.

**Joe Garofoli:** Hi, I am joe. I live at 4408 northeast 77th avenue in Portland, 97218. Well, vera, you mentioned earlier you didn't want to hear stuff people already said, so I am not sure what you heard, so if you --

**Katz:** Go ahead. You have three minutes.

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**Garofoli:** Here we go. My wife and I chose roseway for a lot of reasons. Very nice, well-kept, solid-built homes with lots of, of curb appeal for the homes. Many different styles of Portlands homes. There weren't very many that looked exactly the same. Some small, some large on your typical 50-by-100 lot but also more oversized lots than what our past neighborhoods have had. This gives the neighborhood a green openness, a look of balance and unity. What I call a good harmony, not much out of place. Definitely a vitalized neighborhood. Nine years later a major change is destroying my neighborhood. A home in the 4400 block of northeast 77th, a home I have been in, I visited the doctor and his wife who have lived there for over 50 years. This was a pristine home, a well-kept home. Something you would see in a sunset magazine. It recently sold, I believe, for about \$265,000. It was on, I believe, 125-foot lot by 100. The house was torn down in two days. It wasn't moved. It was not recycled. It was sent to the landfill, torn down, gone. I am outraged at this. This is appalling. This is the second home within eight blocks of mine that this happened to in the last three months. And there is probably more. I haven't seen. I am finding out that my r-5 neighborhood zone has changed. Now allowing for these skinny narrow two-story snout-nosed freak homes to be built on a 25-foot lot. They no more blend into the neighborhood --. [applause]

**Katz:** Sorry. We will stop the clock. We are going to let you continue. Just kind of the ground rules. I know this is an emotional issue for many of you, and I know that you have written to all of us and you testified at the planning commission, but we don't really -- we don't allow clapping and hollering and screaming from the balcony, but we do have an alternative. If you support what people like, wave, and then we will know

**Leonard:** Can I add one thing, mayor Katz? It's important to be respectful. What you refer to a freak home is a home some families are raising children in.

**Katz:** Go ahead.

**Garofoli:** So I feel that these -- they do not blend into the neighborhood, no more than a skunk would blend into, into a perfume factory. What they do is they tear down a house and put four of these in a row, they look like row houses or, or an apartment complex in my neighborhood. They are out of character for the neighborhood. They take away privacy. I can't believe its happening. You have allowed this to happen, and you have to stop it. You have created a monster that is eating up my neighborhood and spitting out these unacceptable homes. No design or style change on the narrow two-story homes are going to help them blend into my neighborhood. Get them out, put a moratorium on them and give me my r-5 neighborhood zone back. Thank you.

**Katz:** Thank you. This also lets you exercise, so it has a -- ok. Go ahead.

**Tracy Ballew:** Hi, there. I am tracy ballew. I am speaking to you tonight on my husband's birthday as a roseway board member, citizen, and homeowner. Live at 3216 northeast 73rd avenue, Portland, Oregon, 97213. I am formally asking for you to support the code revisions listed at lot minimums and validation and segregation and lot consolidation in policy package 1. My husband and I bought our home in 1995 because we like the look of a neighborhood that consists primarily of one home on a 5,000 square foot lot. Many of our neighbors own their homes for 10 to 30 years. This is a stable neighborhood, not a transitional or pass-through neighborhood. I believe that neighborhood stability is part of the intent of zoning codes regardless of the complexities and historic platting. The bureau planning website supports my belief stating, "use regulations are intended to create, maintain, and promote single-dwelling neighborhoods. Development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The regulations provide certainty to the property owners, developers, and neighbors. This is not the case in my neighborhood. A reasonable home buyer wouldn't dream the neighborhood could change so suddenly and drastically.

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Within the last couple of years, I am horrified to witness an acceleration of the demolition of viable larger homes throughout the neighborhood because of an early 20th century platting loophole. These larger homes are an important resource to large families, including immigrants from countries with a tradition of large and extended families. My own home includes the extended family tradition with a husband, wife, children, and my mother-in-law, sharing the same home. Please take into consideration that larger homes on established lots do not automatically mean less than the target density for the area. In our r-5 zones, we are projected to meet our comprehensive plan density goal. I repeat that, we are already projected to meet our comprehensive plan density goals. There is no need to force an r-2.5 density on us as the current code is doing. Without the benefit of a neighborhood impact study. Lastly, just in case some of you are attempted to vote to pass design standards in lieu of part 1 package, I beg of you, please don't. The best design standards in the world won't keep us from doubling our density and eliminating street parking. I can't emphasize enough the urgency I feel in wanting to halt this type of aggressive development. Developers are already applying for demolition permits before they take ownership of the properties. If you are unsure and feel the issue needs to be studied further, please pass part 1 package and take the time to debate what to do with the single odd-sized lot or empty lot within the neighborhood. Thank you.

**Katz:** Thank you.

**Elizabeth Skorohodov:** Good evening. My name is Elizabeth. I live at 4437 northeast 76th avenue. As vice chair of the Roseway Neighborhood Association and representing over the 2,500 households in Roseway, I would like to submit our testimony and strong support of revisions to the City of Portland code contained in Policy Package 1. The revisions we support are related to the development of, of infill housing and r-5 zones on lots with historic lots of record. Roseway is heavily and negatively impacted by development under the current code simply because much of the area was initially surveyed in the early 1,900s. Our strong support for the revised language is based on the following -- thanks to the financial support of the Meyer Memorial Trust, Roseway Neighborhood has developed a plan for itself, the Roseway Vision Plan. This was accomplished without public funds. Our plan was the result of an extensive professional planning study that includes significant public input. It defines how we want the neighborhood to change and suggests specific actions to achieve the goals. We are working to implement this plan. The vision plan finds plenty of places for more people in the neighborhood. These places for increased density are along commercial streets, on an appropriately scaled new and adaptively reused, mixed use developments and intermixed with existing businesses and structures. This vision is in better alignment with metros and the city's planning goals for density would improve the retail business climate on the streets is an efficient use of existing transportation infrastructure, more likely than development based on lots on the record on the current code to provide real affordable housing, and most importantly, is supported by the neighborhood. Whereas the development based on lots of record under the current code are not. We in Roseway do not believe that one must choose between regional sprawl and good design in the residential areas of the neighborhood. We in Roseway do not believe that one must choose between what is being called affordable housing and existing neighborhood character. We in Roseway do not believe that one must choose between increased density and good neighborhoods. We feel that the language proposed in Policy Package 1 will slow or stop bad housing development in r-5 zones but has resulted from the unintended consequences of a code loophole created in 1991. This type of development is in direct opposition to the vision the neighborhood has worked so hard to develop. Please give your fullest support to these changes. Thank you.

**Katz:** Thank you. Go ahead.

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**Chris Caruso:** My name is Chris. I live at 3255 Northeast 75th Avenue, Roseway neighborhood, Portland, 97213. I am the land use chair for the Roseway neighborhood. I am the person who has spent the last eight months uncovering the loophole in the zoning code that was apparently written in 1991. I have worked for a very long time, many hours, actually, getting us to this point. I would like to personally thank every one of you for giving us an opportunity to discuss this issue in this forum. It's critical that we really focus in on what's going on here. My husband and I bought our first home ever 20 months ago in Roseway because Roseway is platted -- or zoned as an R-5 neighborhood. I have lived in many urban areas, including Chicago, Cleveland, New York, Washington, D.C., San Jose, and now Portland. I have never lived anywhere where R-5 did not mean something close to 5,000 square feet per dwelling unit. As a licensed architect, I am very familiar with the codes and how they are supposed to work and what the proper hierarchy is. In the 20 months that we have owned our home in Roseway, 15 new 15-foot-wide homes have been built there, and I am sure there are many on the way. This included the filling of three previously emptied lots and the demolition of three existing homes. One of them we believe was in poor shape and was not salvageable. The other one is the 200 plus -- the 200,000 home which I myself have also seen, which was in immaculate condition. It, however, had the misfortune of sitting across five very attractive tracts of record. Roseway was originally platted in 1904 as 2,500 square foot lots. For some reason, when you purchased lots in Roseway and were going to build, you were required at that time to buy at least two lots. Nobody knows why. This was way before zoning codes were ever implemented. But that's why Roseway is in this position and why we have stepped to the head of the list in bringing this to your attention. We think that it is fundamental that the comprehensive plan be the overarching code that, that then drives the existence of the zoning planned map and the definitions of zones such as R-5. As Betsy already stated, it is 8.7 acres per unit. An acre is 4357 square feet. That turns into roughly 5,000 square feet per dwelling unit. I am asking you both as an individual resident of Roseway and as the Roseway land use chair to support lot validations and lot segregations and policy package one as it is written now and as it has been proposed to you by the planning commission. Thank you.

**Katz:** Thank you.

**Robert Rein:** My name is Robert Rein and I live at 3840 Northeast 66th Avenue, Portland, 97213. What I wish to talk about today are two things. One is the quality of the infill, houses built now and in the future, and the other is, is the support of policy package 1. We all know infill is part of the growing process of a city. The city of Portland was lotted for the comprehensive plan when it was conceived. The issue is that the codes do not support the plan. The plan states that it shall be supported by the codes. Why have a plan if you undermine it by allowing loopholes to circumvent the plan. Most of the infill being built is taking advantage of the loopholes. Because the loophole R-5 lots are split and treated as 2.5. As it stands the development of R-2.5 lots is not being utilized. This was not the intent of the comprehensive plan. Close the loophole and bring the code in compliance with the plan. This is not just a neighborhood problem, but pertains to the entire city of Portland. Support the policy package one. If you don't, then just drop the plan and allow builders to construct buildings as they please where they please and how they please. The second part I want to talk about, which is the quality of the homes built. I am not talking about design, I am talking about, about quality. The homes that are now being built are substandard to the existing houses. They are being built as cheaply as possible as the building code allows. The problem is the codes are bare minimums. The homes will not have the same staying power of the homes that are now in place. By building the homes as cheaply as possible, the builder is doing a disservice to the city and to the environment. While they meet the code minimums, they will use far more natural resources for heating and cooling. One example being a single layer of T-111 siding with no

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additional vapor barrier meets minimum code. The house is constructed now are using the minimum standards. Most major cities increased the codes so that their homes are safer and more energy efficient. The building codes need to be raised to effect the staying power of the city of Portland. The houses are built for the right now, not for future generations. Thank you for your time.

**Katz:** Thank you.

**Katz:** Somebody grab the mike.

**Elmer Moyer:** I am elmer moyer. I liver at 3632 northeast flanders. After july 5, I will live at 11525 northeast Multnomah. I'm moving from my final neighborhood, laurelhurst neighborhood with a tall vertical house because the doctors and my muscles don't let me handle stairs any more. I purchased the home out in the suburbs, one level ranch home, and I applied for, for a permit to build a small shop, a garden shed the lot is 11,308 feet. I had essentially a 3,000-foot house on it, including the garage. I wanted to build a shop so I could do my wood-working and stained glass work, and I was turned down, and this proposal, it would also be turned down under this proposal because anything after the first 5,000 square feet and the basic 2,500-foot house, you only can increase it -- the requirement in here is 15% of the available space. By restricting my 15%, I still can't build my shop. Why, why it is in the city's interest to, to take away my 85% of my land over and above the 5,000-foot area, I have no, no idea. I can certainly mow it and keep the weeds down and that sort of thing, but why I cannot use it as productive property, that's one of the reasons I bought it. If I had not, if I had realized the problem when I had a lot of that nature, I would have certainly not chosen Portland. I would be living in vancouver on july 5 where there's a better provisions for handling this kind of problem. I don't know why the, the chart goes 15% over and above the 5,000, then after 20,000, it goes to 7.5%. Why isn't that 25%? Why isn't it 2%? I have no idea nor is it in this proposal nor anyone I talked to been able to tell me why this goes on -- why it's reduced to that degree?

**Katz:** Thank you. Staff is keeping notes. Go ahead. Thank you.

**Mary Dorman:** Good evening. I am mary dorman. I reside at 6131 northeast alameda in Portland, 97213. I am the land use chair for the rose city park neighborhood association. I also am a land use planner, have a masters degree in urban planning and worked in the field for 23 years. Here this evening speaking on behalf of the board in support of policy package 1, particularly the validation lot segregation issue. I won't repeat the comments you heard that relate to the comprehensive plan issue, compatibility and the density. A few of the points I don't think you have already heard relate to the fact you have six single family zones and the r-5 and r-2.5 are the only zones that don't have a minimum lot size, a minimum lot width or depth so, we think that we need to be treated equitably with the other zones to have a minimum lot size. It allows flexibility still for range of housing types, accessory dwelling units are allowed, duplexes on corners, attached housing, new lot sizes, and existing lots as small as 3,000 square feet could be developed. I think that as much as anything, the issue of the lot width of the street is an important one. With the 2,500 square foot lots, they are typically 25 feet wide. The r-5 zone has 5 foot, 5-yard setbacks so you can only build a 15-foot-wide house. So the scale and the match of that is really difficult. So, the 36-foot lot width is a really important part of this. In our neighborhood, we have about 20 blocks that are with the plat pattern of 2,500 square foot lots. Most of them are developed with single family dwellings on two lots. We are vulnerable to this code loophole, and we support the planning commission and staff recommendation and urge you to adopt it.

**Katz:** She did it in less than two minutes.

**George Bruender:** Good. My name is george bruender. I live at 2414 northeast highland in the concordia neighborhood. I have lived there for 25 years and I wish to speak on the lot segregation

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issue. I would like to talk about zoning, but I would also like to talk about the design, not to confuse the issues, but to show that zoning does drive the design issue. Unintentional bad zoning dating way back to 1903 is the cause. While inappropriate housing in 2003, inappropriate housing design becomes the result. We would like to see the 2,500 square foot minimum for building detached residents and r-5 zoned lots located especially in the east side of Portland to be replaced by the 3,000 square foot minimum city-wide, thus eliminating the unfortunate practice of splitting lots in only some areas of the city. One of the goals of the, of the city comprehensive plan when it is describing zoning for residential neighborhoods says that, that its goal is maintaining and enforcing neighborhood plans that are consistent with the comprehensive plan that has been adopted by the city council. Well, in 1993, we developed the concordia neighborhood plan as part of the albina community plan. Both adopted by the council with the same weight as the rest of the city's comprehensive plan. The state's comprehensive first goal is active citizen participation in deciding what happens in our communities. That's what we have done with the concordia plan. Now we see it violated. Our neighborhood's historic character of 1 and 1.5-story bungalows has been interrupted by the 35 foot tall, narrow, garage-fronted 15-foot-wide unattached structures. The narrowness of the 25-foot-wide lots necessitates as the developers go up at the same time the loophole in the law that allows such homes means that the developer need not file any zoning exceptions, which means, in turn, we as citizens have no legal basis for land use appeals. I have included with my testimony and I faxed it to the board, 11 design guidelines from the concordia plan, which seem to be quite often violated with, with -- with impunity. Create usable front porches on the houses, not enough space. Use repeating vertical windows, no possibility on the first floor. Enhance the front yard, plant street trees, setbacks are often too short. The driveway takes up the space, once again, no room for that. Respect the elevation changes in the neighborhood. Not at 15 feet or more taller blocking the natural light on all of the neighbors nearby. We support the state comprehensive plan. Metro's urban renewal boundaries, the Portland comprehensive plan, the albina plan, and before the neighborhood is forever degraded, the concordia neighborhood plan. Thank you.

**Katz:** Somebody start. You get to start.

**\*\*\*\*\*:** Thank you. Could I submit some pictures?

**Katz:** Sure.

**Bonnie La Doe:** I am bonnie la doe, live at 4335 northeast 69th in Portland, 97218. I was born in Portland and have lived in the roseway neighborhood for a total of 47 years. I have owned my home on northeast 69th for 37 years. As you can imagine, I have seen many changes, both good and bad. I never thought that I would live to see the destruction of a quality home that was part of my block since 1950. When one lives on a block as long as I have it becomes a part of you. Although the ownership of the home changes, the character of these homes does not. Directly across the street from me was a lovely ranch home built in 1950 on 100-by-100-foot lot, and that's my picture 1-a there. A young couple had built their dream home then. The home was custom built with old oak hardwood floors, two fireplaces and a full basement. The couple lived in the home until their deaths in the 1990s. The second owners built a huge deck in the back with access to french doors from the living room. Unfortunately, these owners defaulted on the mortgage, leaving the door open to the developers. Imagine my horror when on january 28 of this year, I watched a crew demolish in four hours a home that had been part of my block for 53 years. Why was it in disrepair? No. It's showing the age a bit but still is solid. A similar home on the block has been lovingly restored and is beautiful, and I show a photo of that, too. I believe that the only motivation for demolishing this home was greed. In its place there are now 4, 15-foot-wide two-story houses with an asking price of about \$172,000 each, and that's my photo 1-b. The skinny

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houses do not fit in the neighborhood. By comparison, a home recently built on a vacant 50-by-100-foot lot blends in well with the surrounding homes around it. The destruction of old Portland homes is happening all over the east side of the city, at recently as may 2003, another home on northeast 76th was demolished to make way for five of the skinny houses, which is -- with just one house separating them from two other look-alikes built in the last year. Please let's not destroy our old neighborhoods. Demolishing these homes is a disgrace, and I feel it must be stopped now. Portland made enough mistakes in the 1950s when we destroyed the downtown buildings for parking lots. Please support the revision to the city of Portland code containing the policy package 1 and stop the negative impact that lot splitting is having on the neighborhoods. Thank you.

**Bill Skorohodov:** Good evening. My name is bill, and live on northeast 76th avenue in the roseway community. I am testifying tonight in support of policy package one, planning commissions recommended language regarding infill, residential, development on property with lots of record. I would like to speak tonight about the inappropriate densification of the neighborhoods. In 1999, I purchased a small single family home with my wife in a neighborhood that was still -- it was -- it still is considered affordable. There were two things my wife and I were looking for when we were purchasing the house. They had to be in an r-5 neighborhood and had to be in the neighborhood that, that still had the old Portland charm and a sense of community. There are many reasons my wife and I want to live in an r-5 neighborhood, one of them was knowing the neighborhood would only be allowed to have a certain amount of density. Thus, larger lots, fewer cars on the road and nice open community feeling. Here's an article, I think my wife handed it out to you, from the Sunday Oregonian regarding desirable, affordable homes from southwest Portland.

The homes talked about in the article are very much like the ones torn down in my neighborhood, which are represented on the second handout. This is what the neighborhood had to offer prior to the developers taking over. In the past year and a half, we will have seen our block increase the density by six single family homes or 30% due to a loophole in the zoning code that leaves r-5 neighborhood unprotected. The homes are not built on 50-by-100-foot lots but 25-by-100-foot lots making the lots technically r-2.5, not r-5 like the rest of us. Density is not something to be taken lightly. It does not only mean adding houses but adding cars and stresses upon public utilities and resources. The side streets in my neighborhood are not equipped with sidewalks and many are unpaved. Prior to the new houses going, in there were times when the garbage trucks could not get down the streets due to too many vehicles parked directly across from each other. If a garbage truck cannot get down the street, what happens when a fire truck needs to get through? These are safety issues. These are some of the reasons why certain areas of Portland are zoned r-2.5 and certain areas are r-5. I am expecting my first child in august, and my dream was to live in my house with my family for 20 years, and unfortunately, if I no longer have the security of the r-5 neighborhood that I purchased in, there is no reason for me to continue to live in Portland. When I purchased my house, I trusted and believed that what the city had told me about the zoning was accurate. I found out differently. The loophole is destroying the neighborhood I love as well as my trust in Portland. Please give the neighborhoods back the security that they were promised. Allow the density to happen where it is zoned appropriately, and continue to strive towards a comprehensive plan so revered throughout the country. Thank you for your time.

**Kerry Graves:** Good evening. My name is kerry graves. I live at 3108 northeast 70th avenue in Portland, 97213. Mayor Katz and commissioners, first, thank you for allowing us to come tonight and provide this testimony. I am here to request that you support the items under lot validations and segregations as written in policy package 1. These items are pertinent to the development of the infill houses and existing r-5 zones throughout the city of Portland. The proposed code languages will require the minimum 3,000 square foot lot sizes and a minimum width of 36 feet in



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the r-5 zones which is consistent with the existing lot minimums in new r-5 areas. In the roseway neighborhood where I have been a resident for the past six years and an association board member, we have seen a number of existing homes torn down to be replaced with the multiple skinny houses on the same lots. The sort of infill development is the result of the unintended loophole we have been talking about here. In a neighborhood that already meets metro's housing density goals, these newly proposed code amendments are vital to protecting roseway's future. Along with the roseway's historic homes, there exists a number of vacant, odd-sized or corner lots that are already open for infill development. I am personally supportive of efficient and responsible use of our existing residential area to maximize the impact of Portland's urban renewal boundary. What I oppose is the blatant destruction of existing sound, older homes to replace them with multiple, crowded, cookie-cutter homes on miniscule lots that do not retain the feel of the neighborhood's architecture merely to turn a profit for a developer. If the new homes reflected a historic appearance, if they were priced to meet the needs of families looking for a starter home, if they offered the homeowners for the family to remain there for many years and provided a yard for children to play, that would be ideal, but it is evident that creating this type of home is not the intent of the developers nor is the resulting structure a good match with the other homes on the streets. Instead, the current residents who chose to live in roseway for its historic atmosphere must contend with a higher than intended density on the streets with the increased traffic, noise, pinch on the parking space that accompanies the growth. This does not take into consideration the stresses placed on the local services, such as water, sewerlines, police and emergency responses, school capacities, and green space and park's use. Although we would like to believe that all new neighbors would be ideal citizens, it's foolish to assume that there would not be any increased tensions among neighbors when we build up the neighborhood so quickly and thoughtlessly. Roseway is not seeking special privileges. We simply believe the neighborhood should not be held to different standards than knows in other established neighborhoods. We are asking for the same lot requirements given to new r-5 zoned developments. This loophole is creating an r-2.5 zoned area without the public process required for an official zoning change. Please join me in supporting the changes in policy package one. Thank you.

**Lloyd Dixon:** I will try not to repeat too much of what has been said.

**Katz:** Identify yourself for the record.

**Dixon:** I am lloyd dixon, live at 4427 northeast 76th, Portland, Oregon, 97218. Testifying before you this evening to urge your support for policy package 1. Code revisions for lot validation and segregation. Proposed code language would, will require a minimum of 3,000 square foot lot sizes with minimum widths of 36 feet in r-5. I would like to, I would like for you to take my statement under consideration prior to deciding the fate of our neighborhoods. I would like to read the passage from the, the city of Portland bureau of planning website. I will just -- I will choose bits and pieces of this. Keep in mind these are not my words. These are taken from their website. Single dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. These zones implement the comprehensive plan policies and designations for single dwelling housing. Use regulations, the use regulations are intended to create, maintain, and promote single dwelling neighborhoods. They allow for some nonhousehold living uses but not to such an extent to sacrifice the overall image and character of the single dwelling neighborhood. In the interest of time, I will omit certain portions of the next section. The development standards preserve the character of the neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas. In addition, the regulations provide certainty to property owners, developers, and neighborhood -- neighbors about the limits of what is allowed. In

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my opinion, the city has not, to this point, upheld its end of the bargain. There has been no effort to preserve the character and image of our neighborhood. There has been no effort to provide certainty to us, the property owner, that the r-5 designation afforded the neighborhood by the comprehensive plan is meaningful. I beseech you to vote yes on the policy package 1, close the loophole that allows developers to come into the neighborhoods, raze existing structures and build a density up to five times greater than existing. Please do not allow developers to create a de facto r-2.5 in our r-5 neighborhood. Thank you very much.

**Katz:** Thank you.

**Hector Roche:** Good evening. I am hector. I live at 5314 northeast 35th place. 97211, the concordia neighborhood. Having grown up in the grandstands of Ebbets Field a life-long dodger -- I am sorry, that's, that's -- that's for another hearing. [laughter]

**Katz:** Why don't we start from the three minutes.

**Roche:** I am the past land use planning chair for the concordia neighborhood association. I am currently the vice chair of the board. I also provide facilitative support to the concordia neighborhood association newspaper, and I am also on the board of the northeast coalition of neighbors, although I am not here tonight representing that board's point of view. I am here to support the recommendations of the planning commission related to, to policy package 1, and also to, to honor the hard work of the advocates and activist who is have been working on this for many, many months right now. You have already heard from chris, who brought this to the attention, and actually alerted us at the concordia neighborhood, as well as the northeast coalition of neighbors about this issue that really does affect all of our neighborhoods in the city of Portland as a whole. As mr. Seltzer and others have said earlier, this is in part a design issue. It is an equity issue in terms of closing the loophole that, that disproportionately affects the, the neighborhoods on the east side of the river, but above and beyond all of that, it is a planning issue. At this point what it looks like in our neighborhood is that planning is basically a property which, which is susceptible to being segregated and split, being put up for sale, or for a developer approaching someone about, about putting their home up for sale, that home being purchased and then being demolished, and that lot being split for the housing of the, of the type you have already heard testimony about here tonight. As I said, there are many people who have been working on this for, for many, many months at this point already. When chris brought it to the attention of the neighborhood, we got together with representatives of other neighborhoods and met with one of commissioner leonard's policy advisors who we discussed this with and which some of the recommends you are hearing were discussed. He also graciously offered to take a tour of some of the housing that we were concerned about. We toured housing which was designed well. We designed housing that was not particularly designed well, and we toured areas where other development could take place that would work on the density issues that are impacted by the growth boundary, and which, I know, are of particular concern to commissioner leonard. What we are hoping is that the tour provided a visual picture of how planning can work in this city. Planning is really one of the hallmarks of the city and the hallmarks of the state of Oregon, what brought lots of us from other parts of the country to Oregon and to Portland. What was missing from the tour, however, in that existing new development, whether or not it was well designed, whether or not it fit into the character of the neighborhood, and I am almost done is the consistent, equitable, planning that again is the hallmark of the city. What the planning commission recommends does is to bring planning to bear on the sometimes, but not necessarily conflicting values of development, design, density, affordable housing, and maintaining the character and diversity of our existing communities. Thank you.

**Susan Van Bevers:** My name is susan van bevers. I live at 4405 northeast 70th, 97218 in the roseway neighborhood. I am requesting your support for the fairness and ethics in zoning in the

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roseway neighborhood through policy package number 1. Until recently, there was a well maintained large, elegant home behind me on, on 69th street, that's right behind my house on 70th street. Now there are four two-story, 15-foot-wide hastily thrown-up houses in a row. Fortunately only one of the four structures is a complete invasion of my privacy. I enjoyed this privacy for eight years since we bought our home there. The house I bought in good faith is, is another 1950s executive ranch with a seclude grandchild-safe backyard complete with a playground. It was in an r-5 zone, and from the zoning listed and well-kept homes in the neighborhood, I was confident that what I bought is what I was going to get. Now, this has changed, and the lot behind me is subdivided and there are four homes where one used to be, and no yard at all back there. And all this was done without me having a clue and no public input. I no longer have, have the home that I bought. My husband and I attended a neighborhood meeting recently, and we are upset to find that, that the tearing down of the beautiful home behind us was a mistake. A consequence of a poorly written submission by the planning bureau, accepted by the zoning commission and approved by the city council in 1991. The intention has been -- the intention of the zoning change was to make it possible for some homeowners to build on little odd strips of land on property that they already owned. It never intended for this quality of a home to be demolished and the lot slashed into four lots and four little houses in a row built there. Urban density, our area already meets density requirements. Affordability, these new structures are not anything under any plan. They are going to sell for whatever the market will bear. I am worried about services, such as streets, parking, sewer, and water when they are compromised for more homes than were anticipated are built in this area. Not to mention the quality of life and the eye appeal of an established neighborhood. I realize no laws have been broken, but what developers are doing and what I hear some members of the city council are supporting is certainly unfair and unethical. I remind council that ethics are important when intent has been misused, as it has been here. I only ask for fair and equal treatment in line with the new zoning requirements which define r-5 as a minimum 3,000 square foot lot not, not subject to being chopped up into r-2.5 lots. I think that roseway should be as important as any new developments in the city. The current zoning loophole is a mistake, but zoning passed it, city council approved it, and now I am stuck with it. But, my neighbors don't have to be. Please right a wrong and repeal this error through policy package number 1, and thank you, dan, for answering my e-mail.

**Katz:** Ok. Let me get a reality check. How many more people want to testify? Alright let's continue with 2 minutes now. If there is something that you feel that really needs to be said that hasn't been said we'll give you three.

**Katz:** Somebody grab the mic.

**Alexandra Schilf:** Hello, my name is Alexandra Schilf, I live at 4427 northeast 76th avenue in the roseway neighborhood. I'll be quick. I'm testifying before you this evening to urge your support for policy package one, code revisions for lot validation and lot segregation. My husband and I have been roseway residents for almost two years now. We moved to Portland, Oregon, from colorado, to get away from high home prices and rampant urban sprawl in the denver area. Portland seemed to offer the quality of life we've wanted -- beautiful surroundings, affordability, in a city with progressive urban growth plans. When we found our house in the roseway neighborhood, we knew right away this was the neighborhood we wanted to live in. Roseway is a wonderful older and affordable neighborhood where every house is unique. We love our 1940 house. Since we've moved to roseway within the past year, two skinny houses have been built on our block. These two skinny houses were built on a lot that had only one house. This lot now has the original house and two skinny houses that are built on 25 x 100-square-foot lots. Just a couple of months ago, the house across the street from us went up for sale. This house was on a terrific

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oversized lot. A developer bought the house. The house has recently been demolished and we found out that five skinny houses are going to be built directly across the street from us. We will have seven skinny houses on our block alone. These cookie-cutter skinny houses being built on 25 x 100-square-foot lots do not fit in with the character of historic roseway. We chose the neighborhood with the belief that the lots in our neighborhood would remain as they were, r-5 zoned. R2.5 development in a r-5 zoned neighborhood is irresponsible, unwarranted and unfair to the current homeowners. We as homeowners have previously had no fair warning of what we see as becoming a rampant problem in our neighborhood. Again, I just urge you to vote in favor of lot validation.

**Katz:** Thank you.

**Charles Slate:** Thank you. My name is Charles Slate. I live at 4325 northeast 69th Avenue. My wife and I purchased our home in December of 1998 based primarily on the quality of the neighborhood and its housing. Our house was built in 1924. As a resident of the Roseway neighborhood I would like to take this opportunity to voice for my support for bringing R5 zoning in compliance with the Comprehensive Plan so our neighborhoods will be treated the same as other R-5 zones as per City of Portland Code Policy Package 1. It is my understanding that our neighborhood has already met the proposed density requirements. If that is so I fail to understand why the type of construction that is taking place all around our neighborhood continues leaving design issues aside, my concern is with the density issues that arise from these types of developments. As the taxpayer, I'm concerned with such issues as on-street parking and safety. Putting four family-sized units at the location where there was previously one will obviously quadruple the number of vehicles on a street that is already crowded and at times very hazardous for the residents, their children and pets. In an area that I already feel is somewhat neglected in terms of service, i.e. east-west sidewalks, street cleaning, tree maintenance, curb repairs and traffic law enforcement it is very dismaying to see the quality of our lives being so drastically affected with no input from those of us who live there. During the course of construction we on 69<sup>th</sup> Avenue had to endure inconveniences and a work site left in an unsightly and hazardous condition.

This includes a morning when I had to stand in the predawn rain and direct traffic around a large deep hole left in the street when the contractor did a shoddy job backfilling the excavation and the fill washed out. The site has been left with construction trash hazardous to children who could and did easily access this unsecured site. Numerous complaints to the contractor were ignored and complaints to the city authorities were fruitless in solving these issues. I cannot help but feel these same issues would have been more aggressively addressed in a more affluent neighborhood. To use the argument the above mentioned construction is an effort to provide low-income housing, is in my opinion at best inaccurate, at worst a less than truthful statement. The housing is being offered at a market rate which can in no way be construed as low-income. Thank you for your time and consideration.

**Ralph Edwards:** My name is Ralph Edwards. I live on northeast 16th Avenue in Portland, retired engineer, kind of a small-scale land developer, I guess. I own a piece of property in the area between Portland and Lake Oswego. As you know, Portland has an annex to Dunthorpe, at least from a planning standpoint. We own a -- have a 6,000-sq-ft lot in an R-20 zone. One of the things that's built into this changes, which I'm favoring is a cleanup of the definition of a lot of record. This will allow us to develop or at least sell, let somebody else develop a lot that was actually created in 1950, approved three times by the county, and basically got caught up in the snafu of the transfer of responsibilities between Multnomah County and the city. One other thing I'd like to bring up, I'm a little worried about some of the micro-management I think that is demonstrated in some of the details of this proposal, specifically the thing about garage doors being limited to

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eight-foot. I think that will simply mean that garage doors will disappear and you'll end up with a lot of carports. I think that just needs more work. And i'd just like to bring that out. I think a demonstration of something that did get more work and is now much better is the business on eaves that was described by the people earlier. Another thing that works -- works well for me and some of the people that share my political philosophy is the whole thing about rain, you know. The basic restrictions says if the rain falls on your property you got to take care of it. Everybody understands that rule. I think we have to work on the garage doors some more, though.

**Katz:** Excuse me, what does your political philosophy have to do with this?

**Edwards:** I'm a libertarian, former state chair.

**Katz:** Oh, ok, thank you. Now I understand.

**Katz:** You're going to take three names off. I gave kelly 10 minutes, if that's all right with the group. All right. Since I never vote with him anyway, I figured this may be a way to give him 10 minutes.

\*\*\*\*\*: Good evening.

**Katz:** I didn't mean to embarrass you, kelly.

\*\*\*\*\*: Not at all.

**Katz:** Go ahead.

**Bob Ueland:** Good evening, council. Bob Ueland, representing hollywood neighborhood association and representing myself. And we're -- we strongly endorse the council adopting policy planning package number one. I don't think any council would have done this, embedded this type of situation into the code, and so what has been done, though, in the past years is to redesignate areas of the city, like hollywood, where we have a mixture of business and residential, some of our residential streets have been redesignated so that what used to be r-5 single family lots now could be multiple dwelling units, assuming they were torn down and re rebuilt. Is it happening fast? No, no. I can only think of two different locations where it's happened. But that's the market. It's market-driven. But all i'm saying is the code already contains provisions for densifying and for infill and increasing the ability of the city to handle more population. So I think to restore the integrity of the plan, I would hope the council would adopt policy package number one. Thank you.

**Katz:** Thank you.

\*\*\*\*\*: Good evening. I just want to first --

**Katz:** Identify yourself for the record.

**Nancy Marie Hendricks:** Sorry. My name is nancy marie hendricks, the concordia neighborhood association chair. I live at 3254 northeast emerson. I'm also on the board of northeast coalition of neighborhoods, although i'm not here representing that particular entity at this moment. I'm a resident of concordia and a business owner. I wanted to thank all of you for hearing our testimony this evening as it's become pretty lengthy. One of the things that hasn't been necessarily brought up currently is that concordia neighborhood association in particular has the concordia neighborhood has lost both of its schools. Middle school as well as its elementary school. They've both been closed down, meek elementary and whitaker. And with respect to the increased density that we are experiencing in concordia specifically does not support the comprehensive plan and the strategy in place to address stresses on those particular services in our neighborhood respectively. I'm testifying -- I said earlier i'm testifying both as a concordia resident and neighborhood association chair, and i'm hoping that you will also take into consideration policy package number one and support the planning commission's recommendation. Thank you.

**Katz:** Thank you.

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**Kelly Ross:** Good evening, madame mayor, commissioners, kelly ross representing the home builders association. I wanted to start off by complimenting you on your fast response to concerns that were raised last year in this regulatory reform package and all the work that sam did, and that we're very supportive of it. Do want to raise some concerns about the lot segregation issue and we had two challenges in preparing a presentation for you on those concerns. First, it's very hard to get someone who has a home of their own, one of the homes built on one of these lots, to come out to city council meeting and talk about their pride in their home and how much it meant to them to be able to finally afford a home. And it's very difficult to find people who haven't gotten their home yet and are looking to come in and testify. What we did was take cameras to them and interviewed some of these folks, and had them speak their feelings, and I appreciate you allowing me to present that video to you. And with that I submitted some written testimony with a little more detailed information like I said we've got three of our folks to withdraw from testimony that i'll give to the clerk, but I will just leave you with that video.

**Katz:** Thank you. [most of video audio unintelligible]

**Video:** The homes are constructed and guaranteed by the wellers. Construction on these homes generates many valuable jobs for Portland residents and helps stimulate our weak economy. Each home built gives \$13,000 to the city in fees and permits... It's the long-term goal of accommodating many new residents by maximizing the existing housing through use of lower-cost land that is part of the solution.

**Video:** To be able to get the price under, you know, \$200,000 i'm sure is because of the lots. They don't need a huge space. And when you're in here, especially when you go upstairs, this place is huge. It seemed very big.

**Video:** Change is never easy...

**Video:** There was a picture they'd taken of the four units. They took, you know -- duplicate the picture, and superimposed so it looked like a row of 30 homes all side by side. [audio unintelligible] [audio unintelligible] [audio unintelligible]

**Katz:** Ok, thank you. All right. Let's continue.

**Francesconi:** Mayor, just one procedural request. Given the kind of -- there hasn't quite been equal testimony, nor need there be on this issue. I'm not sure -- it would be good to hear from some of the builders. I'm not sure they should have to give up all three spots to be honest, so I guess it would be good to hear from a couple of the builders.

**Katz:** Let's continue with the testimony, ok?

**Bonnie McKnight:** Mayor Katz, members of the council, my name is bonnie mcknight. My address is 1617 northeast 140th street in the russell neighborhood. I'm co chair and land use chair of the russell neighborhood association, coordinator of the citywide land use group, east Portland neighborhood delegate to the 2003-04 regulatory reform advisory committee, a member of the impact assessment group, and was a member of the innovation partnership steering committee for regulatory reform. I've got an investment in regulatory reform. The package before you tonight is the first product of the regulatory reform effort. It reflects careful many hours of study, testimony, staff work and public process which culminated in careful consideration by the planning commission. Policy package one is important because it has tested a new way of doing things and i'm here tonight to ask you to confirm this new direction. During the past months of discussion, two primary themes have emerged from neighborhood people, business people, city bureau representatives, city council staff and neighborhood associations. Theme number one, the code is too complex, has too many special fixes for specific situations, and does not evaluate impacts well. Theme two, the code does not seem to have a method for balancing interest to achieve clear goals for the city. The lot segregation item in tonight's package illustrates both of these problems and

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finds an answer in which corrects them. Theme number one is answered tonight by saying the issue of lot segregation is one of recognizing the integrity of the r-5 zone. The item you have simply clarifies that there is a minimum lot requirement for all r-5 zones that the current title 33 language should have reflected that fact. Theme number two is answered by bringing the zoning designation and its overarching policy direction through the comprehensive plan back to the top of the decision-making process. The balancing of densities has taken place under that plan in a public process to provide adequate room for development while meeting regional goals. Current zoning reflects that balance. I urge you to adopt the lot segregation item as it stands. Narrow lot infill can and should be addressed during next year's infill design project where all of the ways of addressing narrow lot development can be discussed and balanced in a careful public process. Making another short-term fix for the problem will not support the regulatory reform vision you've already adopted. More importantly, it will undercut the promises of this council to uphold the integrity of the comprehensive plan and its implementing zoning throughout the city. I ask you to support the lot segregation item as forwarded from the planning commission.

**Katz:** Thank you, bonnie. And thank you, again, bonnie, for all the work you've put in.

**Mark Reynolds:** I'm mark reynolds. I'm 5019 southeast 47th. I'm a member of the woodstock neighborhood's land use committee. I guess the argument in favor of the lot segregation change has already been made pretty well, but I thought I should get up here and point out that it not just a problem in northeast. I think i'm the first person south of burnside to speak tonight. About a third of the woodstock neighborhood is plotted in 25-foot lots. We haven't seen the extensive demolition and replacement with five houses yet. More what we've been seeing is single houses going into the backyard of existing houses. And if anything that's more jarring visually to have a single tall house surrounded by ranch houses or bungalows. So just please do pass this. Also I would like to compliment the planning department. We actually raised this issue in the spring of 2001 and were told at that time that the code changes were likely to be made in two years, and it's exactly two years later and something is being done. So thank you.

**Katz:** You're welcome.

**Ed Swendson:** Hi. My name is ed swendson. I live in a row house on the corner of NE 35th place and prescott. I'm unprepared. I just found out about the testimony yesterday, so i'm just talking off the top of my head. But so I don't know anything about the impact on services and any of that. But I like -- i'm proud of the house that I live in. Partly because it's -- I think that the narrow lot is a conscientious use of space. It's a little over 1300 square feet. 3 bedrooms, 2 baths. Very livable. It's very different than the old charm of the old Portland neighborhoods, but any -- any home, any neighborhood anywhere, without pride of ownership and a little imagination, can go downhill. And there are very few neighborhoods, even streets for that matter, if you take a good hard look, that haven't seen some neglect, and that there are some houses that people don't like. For me i'm confident that over time, I know that my own house is going to be charming and I believe it will be a positive addition to the neighborhood, even though it's different, but it's going to take a little time. And the older neighborhoods have had many years to develop that charm. So i'm strongly in favor of the house. It's consistent with my personal values. I like that the fact that it doesn't use a lot of land for one thing.

**Katz:** Thank you.

**Katz:** Speak into the mic.

**Joe Steele:** I'm joe steele at 4002 northeast roselawn. I have to agree with most of the people here, that really don't like the infill that's happening in our neighborhoods. I grew up in the Portland area, and I don't like it either. I've been here for most of my life. I've been involved directly in making my income with real estate, transactions that involve land use plans, and what i've seen in

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the last 25 years is a demand by the people in Portland demanding urban growth boundary limitations that force -- force the density improvements of the whole area here, that is making this happen. Property values have -- have gone up on general housing about 2.5%, but land values have gone up six times just due to the fact that people are being smashed into smaller spaces. They keep talking about the loophole of being able to put homes on these lots that were planted in some cases much over 100 years ago. These properties have been able to have houses built on these lots for over 100 years. And because these people are not happy with the infill that's going on, they are partially part of by their support of land use laws that limit the growth of the area, it's made it to where they want to stop that from happening in their neighborhood, they want to take away a right that actually, with the lot of record, like I say for 100 years, in many cases these things have been buildable. Now because they don't like a small home next to them, they want to take away an owner's right to sell their property or build on it. So for that reason alone, is the only reason that I don't think the lot segregation plan that they have going here is really -- really good. It takes an ownership right away that is valuable.

**Katz:** Thank you.

**Don Olsson:** Hi. My name is don Olson. I live at 4002 northeast roselawn. I agree with joe steel and all he said. So I oppose the measure that's before you people and I am also in opposition of all the restrictions that were coming across in developing houses. I don't like the fact that we're being crunched in to small spaces either, but the laws are necessitating us to increase density in the city of Portland and to go the opposite direction now after all the planning that we've been through is contrary to your ultimate goal of enhancing density. And it is a matter of opinion on how these houses appear to other people. So it's subjective. We have a right to -- I mean, I like some of the looks of the properties out there. I do not like some of the looks of others, just like taking an old house and tearing it down because it's a junker. Well, I think it's better use of land to enhance the use of that density and, if you can put three houses in there, so be it, but you're improving it by getting rigged of a house that's dilapidated, maybe a drug house, and you're also, you know, increasing the tax structure, more income for the city of Portland. Thank you.

**Katz:** Thank you. Go ahead.

**Beverly:** My name is beverly. I live at 8608 northeast holiday. On the 17th of may -- i'm just going to tell you what happened. On the 17th of may I flew away to hawaii for a vacation. On the 24th of may I returned. My daughter picked me up at the airport about 1:00 in the afternoon. And we were in the car, coming from my home, and she says, "oh, mom, just wait till you get home." I said "what? Did my house burn down?" "no, no, just wait till you get home." well, I arrived home. I've lived at my home for 43 years. I arrived at my home, and between my house and the house down the street, there was nothing. There was nothing there. When I left my home, there was a two-story, full basement, not dilapidated, one of the most beautiful yards in the neighborhood at the time that was not kept up because the woman died, and anyhow now there's this big -- can you imagine the shock, when you're seeing a house, where you lived for 43 years, there's nothing there? Well, my neighbors came over right away when they saw me and explained, they're going to build four townhouses there. I said "oh." well, then other people informed me, they weren't really townhouses, they were called single houses. Well, this is all I have to say. Usually they come around with a petition or they ask you to sign, ask you to approve or disapprove. Nothing happened like that. Thank you for listening.

**Katz:** Thank you.

**Justin Wood:** My name is justin wood. I live at 1834 southwest 58th avenue. And i've worked for a home builder now for about the last 18 months. And prior to working for the home builder I didn't have a lot of involvement in what goes on with the city and seeing what was out there. But



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just since i've come on pretty much the -- all the testimony here has been today so far has been talking about houses that have been torn down that are nice, older houses, in existing neighborhoods, but i've seen first hand several times where we have torn down houses that had no windows, no doors, rat-infested on two lots where we would tear that older house down and put two nice houses in their place. And that, in the overhaul-- you can see in some of the pictures in the video, would add to the character of the neighborhood a lot more than some of the overgrown older houses that are in really bad shape. And while I realize in some cases, you know, the newer - - there are some older nice houses torn down, there are quite a few, you know, older -- older houses out there that aren't in great shape, that by putting these in we're adding to the regrowth and redevelopment of the neighborhoods. Thank you.

**Katz:** Thank you.

**John Fiocchi:** Hi. I'm john fiocchi of we-be construction incorporated. I've been involved with the woodstock neighborhood association, as has my wife for years. There's another view to what mark had earlier. It's not that cut and dry. Most of us realize that density is a real issue, but my business is mainly based and started as a remodeling business. Everything from the small stuff to the handicap ramps to the beautiful garthwick tour of homes. I love these older homes, but the ones i'm tearing down I wouldn't live in. I wouldn't put my family in. I disagree with this, and my feelings are that if it was a bad thing they wouldn't be selling so fast. When you can put somebody in 1483 square feet with some quality, with some nice touches, not the bare minimum, for around \$150,000, there is a value. People need homes. And they need to have pride in their homes. Instead they pay rent, and for what they pay in rent they could be buying one of these homes. If the bottom dwellers, and what I mean by that is the contractors are going to work to the bottom of the scale in building the cheapest they can, that's controlled by the city. As far as making them nicer, that's also controlled by the city, as far as appearances and landscaping. But it would be a travesty to take this out of there, because there's a lot of homes out there that do need to be taken down and redone. On the other hand of the coin, i've only heard testimony of two of three of these very nice homes. My understanding, when I got my last demo permits on residential there's a 35-day waiting period before a residential demo permit is given out there. The city does have some time to intercede on some of these, quote, unquote, beautiful homes. We don't throw away money in this business and we don't tear down great homes if they're all that great if we can't make a value out of it. Thank you.

**Harry Schumacker:** I'm harry schumacker, schumacker custom homes. First of all, I want to apologize to the mayor and commissioners.

**Katz:** Was that you?

**Schumacker:** That was me. Perhaps not the right way to do it but, I wanted to note in the planning presentation where they were when I made that comment. Where they were on 6600 block, southeast 89th. I built those five homes there. I went to the city, and the city told me back in 1994 and 1995 that I should be build five homes there, that they wanted infill and they wanted affordable homes. So I built those five homes there. The house that was there was a house that -- in fact, it was owner occupied, but when the people moved out we hauled away about 30 yards of garbage and debris from the house and from the garage. Neighborhoods commended us for demoing the house and building five new homes there. The other three houses they pointed out on 89th was a house that had a lot of abandoned cars on the property and perhaps we heard that there was other problems there, too, and that was torn down. Three other homes were built there. Not all the neighborhoods that you've heard here are -- you know, from roseway and concordia, there's also other neighborhoods in the city of Portland that are accepting these homes and welcoming these homes as affordable housing alternative. I build in the lents area and also erroll heights. One

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of my homes you saw in the film was a \$99,000 home that was a 75 x 100-foot lot. If this passes, I would only be able to build one house on that lot. I would have to tell the house probably for \$200,000 for the cost of that lot for 75 x 100. I wouldn't be able to sell that house for that price in that neighborhood, but I was able to build three single story, two-bedroom, one-bath homes, that we sold to three different individuals for \$99,000. And I think this program works in certain neighborhoods. Perhaps in the roseway and the concordia neighborhoods it perhaps hasn't worked, but I think there are areas of Portland where it is providing affordable housing. Thank you.

**Katz:** Thank you.

**Sten:** Did you say if this passed you could only build one house on that lot?

**Schumacker:** From what I understand.

**Sten:** Couldn't you build two if it's 3,000?

**Schumacker:** No. In r-5 zone you have to have I believe 9100 or 9500 square feet.

**Ames:** You would be able to do a property line adjustment -- two buildable lots.

**Schumacker:** All right, thank you.

**Katz:** The staff is taking notes and we'll come back. I heard some inaccuracy about demolition and waiting times, that there is isn't anything like that for residential.

**Schumacker:** Yes, there is.

**Katz:** All right. We'll come back.

**Jeff Fish:** My name is jeff fish, fish construction, 1854 southeast 58th, Portland. The paper items there are comparable homes for sale currently listed in north Portland. New homes for sale. There's about four or five pages of 25-foot-wide lot homes for sale. The highest one is about \$155,000. I believe the lowest one is at \$132,950. On the 50' wide homes for sale in north Portland, there's only a couple pages, and they start at \$164,900. I wanted to give you an example of a difference between a 25-foot and a 50-foot and what sales prices are out there. This is just north Portland. The photographs you have are about 175 photographs I took a week and a half ago, driving through north, northeast, southeast Portland. The majority of the homes are my competition. I'll be honest with you, I was kind of surprised at what a good job we're doing. And from the way the homes look and actually I feel like maybe my houses aren't as good as my competition's. But anyway, I wanted to talk more about some of the things that have been said tonight. First of all, this is about change. And i've testified, maybe not this -- to this council, but I know on planning commission, some years ago my neighbor wanted me to build a house in my neighborhood and I didn't want to do it because I didn't want to see my neighborhood change even though that's my livelihood. That's our mentality as a society and individuals. There's been a lot of misinformation tonight. There's been talk about building cheaply. Our building codes are the finest they've ever been. Our energy code is a model in the nation. There's been talk about coming off of alleys. A lot of the alleys in Portland are impassable. There was some testimony about pushing people out on to busy streets if we're going to have density. People want to live in a neighborhood, on a street. They don't necessarily want to live on something that's real busy. The biggest thing, though, is the loophole, quote, unquote, that was discussed. That wasn't a loophole. That was an item in the code book and been in the code book for a long time, same as everything else in the code book. The fact that we picked up and started using it in 1995 versus 1991 doesn't make something we throw away.

**Katz:** Thank you. Go ahead, sir.

**Neil Thogerson:** My name is neil thogerson. I'm an architect. And I live at 10953 southeast berkshire place. My comments are in favor of the current situation with lot segregation. The city of Portland is light-years ahead of most of the cities with its light rail and mass transit systems. And new planning for innovative housing needs. Lot segregation is our future to revitalize worn

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deteriorating neighborhoods into vibrant exciting places for new citizens wanting affordable single families new construction. The lots that were platted in the early 1900's were for flexibility and lot size. Our forefathers had a vision. R-5 was an overlay that was added later in the 1960's. When existing lots of record -- excuse me. When existing lots of record were allowed to be built on in the 1991 code, we were returning to the original intent of the -- of the plats from the early 1900's. They say they didn't anticipate building on these lots of record. I don't believe it would have passed if it had not allowed for building on existing lots of record. You cannot deny homeowners, landowners, to be able to build on an existing lot of record. And change the definition to be an existing tax lot which is multiple lots of record. The one example the planning group has showed where we tore down one house and put up five houses. That was a project I was involved in. The house that was torn down, neighbors complained of drug problems, neighbors' windows were shot out, and they had rat problems due to garbage buildup in the outbuildings and basement. We had very strong favorability from the neighbors due to getting rid of the problem in the neighborhood. I'm concerned about the options under the new rewrite of the lot validation and segregation as presented by the planning department. Such things as a triplex being allowed to be built on that site, being able to build houses without adequate parking and garages or parking spaces. I think this would be more upsetting to the existing single-family neighborhood occupants that were there than to have single-family residents.

**Katz:** Thank you.

**Fish:** Mayor, could I add on the photograph there, on the backside, it was hand-numbered number four, are mostly photographs out of the roseway neighborhood.

**Katz:** And the threes?

**Fish:** Those are just numbers for me. The four was out of roseway, most of them. And the five, there's some there that are across from glenwood park, which were the ones that the staff was showing that mr. Shoemaker built. They're in I believe number five.

**Katz:** Let's keep going.

**Katz:** Objection, sir, go ahead.

**John Westfall:** My name is john westfall. I live at 3533 northeast Multnomah. I've been an architect for 20 years. Apparently not all architects think alike, as well as all developers don't appear to think alike. I'm originally from phoenix. A perfect example of a developer-run city. A city which has lost almost all of its historic housing stock. I moved to Portland for the architecture, for the urban growth boundary, and a little more moisture. Portland has some wonderful examples of infill housing on the west side. I've just heard about the exemption mentioned earlier in the planning staff. I found that very interesting. But again, wonderful infill housing. Anyone -- anyone driving down one of the streets in rose -- in the rose city neighborhood where the infill projects occur should be able to see immediately how the character of these houses differ from the existing -- or from the previous architecture there. These homes do not fit in the neighborhoods. Existing homes are more square in plan and elevation. The garages are not under the houses, pushing the bounds of the house skyward, and the upper stories do not cantilever, extend past the floor below. I lived in downtown phoenix in a house built in 1896. I worked hard on our own infill housing for the neighborhood I was in. I was on seven different committees, one including the weed and seed program for the neighborhood. We got houses built on budget, with character, that fit the neighborhood. I strongly urge that the council accept the proposed closing of the loophole, but also go further and push the planning department even more so -- to develop strategies and standards to keep infill housing in character with the neighborhood.

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**Sten:** Can I ask you one question? A little bit more on your point of in character with the neighborhood. Is the lot size what matters to you? Because you said "we designed affordable housing to fit the neighborhood." basically now this debate is about lot size and height.

**Westfall:** Right.

**Sten:** Is that what you consider fitting the neighborhood?

**Westfall:** Yes. I think one of the elements here is the proportions of these infill houses. I think people have alluded to it, that that is visually the most disturbing part about the new homes that are going in is, again, the proportions. You have very narrow, high houses, versus the low character of existing homes. And they just don't fit together. Those homes that are narrow and such fit perhaps in a wonderful development, unto itself, but again you push them into a neighborhood that already has its own character and style, they look out of place. And that's I think the bulk of the problem.

**Katz:** Ed.

**\*\*\*\*\*:** Hello, mayor, council. Well, I didn't prepare anything today.

**Katz:** Identify yourself for the record.

**Edmund Jordan:** My name is ed jordan, I live at 3911 southeast 97th avenue, and i'm the former land use chair for the lents neighborhood association. No longer the land use chair. I have left that position because I have been very frustrated with what we've been dealing with over the last few years. Lents has been under seige. I've been down here, i've screamed about it. The policy package that we have I think is very good with respect to the lot segregation. I don't like seeing good, sound, existing housing being taken down in order to put in smaller stuff, especially when it's in conflict with the character. Our neighborhoods are paying a price here. It's conflict of character. It's integrity with compatibility. And I think that the issues that have been addressed here tonight have been addressed well by most of these people. I support their position. I urge you to support that position. The example used by city planning, on southeast 39th there, the only existing house left, terry montgomery who owns that house, she can't get nothing for her house with the type of housing built up against it. Nothing. That makes me very unhappy. Because here's a person who's had something taken away from her that she's really liked, her neighborhood. The a overlay, it's been advocated, let's not make it extinct for the r-5. Let me ask you what lents is overall. It's r-5. Two examples the city cites that most of you are very familiar with. I don't want to see an opportunity provided to see another example like it ever, or have a neighborhood like mine be put under the pressure and made to jump the hoops the way it has over the last six years to stop this thing. We're going to pay a price. The time is now to stop having neighborhoods pay this price. If this policy package is going to help, then by god let's see it done, but let's see that a-overlay applied to the 5.

**Katz:** Thank you, ed. I'll raise that issue later when we have a discussion.

**Amanda Fritz:** I'm amanda fritz on southeast vacuna street. I'm testifying only for myself. On the lot segregation issue, this is about zoning, about the comprehensive plan. It's not about infill, it's not about design. It's about upholding zoning as the u.s. Supreme court has upheld zoning. And it's about our state land use regulations, which require us to have a comprehensive plan. And which require our zoning code to implement the comprehensive plan. The comprehensive plan map says these areas are r-5. Therefore our zoning code is required to implement that. If you want to change that, then the honorable thing to do is to change the zone to r-2.5 and a planning process to do that. If you don't do that, it's not ok to just put the infill in at these kinds of densities. We already have the west portland park exemption on the west side. We went to luba in 1978 on this very issue. Peter Finly Frye was the landuse chair of west portland park. We went to luba with ruth spetter. They established that indeed you cannot put two 5,000-square-foot lots on a 10,000-foot lot 425 x 100 in an r-7 zone. That legal precedent is there and it's in the code. And I raised

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this issue in the land division code in 1995 and said, well, don't we need to put this in for the rest of the city, and was told, no, because they're already fully developed, so that's not necessary. It is now necessary, and I urge you to do that.

**Katz:** Before you -- I know you're going to get into your eaves. I know, just a minute.

**Sten:** Could we give the planning commissioner at least three minutes?

**Katz:** I'll give her a little time. Katherine, not now, because we want to finish the public testimony, but i've not heard this piece of it. You haven't either? Ok.

**Fritz:** Would you like more information? There was a west Portland park exemption. We have these 25-100 lots platted in 1889. They were a real estate scam. They were selling lots that couldn't be built. In 1978, when the west Portland park neighborhood was being formed, a developer wanted to put two homes on a 10,000-square-foot lot in an r-7 zone. And the neighborhood and the city went jointly to lura and said no, you can't do that, because the services don't support it. In this particular case it was the sewer that couldn't accommodate a whole bunch of r-5 development in this r-7 zone, but the same principle counts in the rest of the city, that if you want to develop at r-2.5, you need to look at transit, parks, sewer, sidewalks.

**Katz:** Was it the same issue, whether the zoning matched the comp plan?

**Fritz:** It was whether you can develop on substandard lots when the zoning says that it's a particular zone.

**Katz:** Ok.

**Fritz:** And now you can't develop on these 25 x 100 lots in west Portland park. It's not fair we have that on the west side and don't have it on the east side.

**Katz:** Ok. I'll give you a couple of minutes.

**Fritz:** I spent an hour on this, so please bear with me. You should have heard my teenagers. Ok. This is a house built with eaves on a 5,000-square-foot lot. I'm talking about houses on 5,000-square-foot lots and greater. The intent of the building regulations was that the house would be built with eaves. So you can have a 2,000-square-foot house on a 5,000-square-foot lot and you put the eaves and get to the maximum lot coverage. Some developers decided that wasn't enough. 2,000 sq ft on one level or 4,000 sq ft of living space on 2 levels was not enough. So they started building this kind of house with no eaves. And so now what the proposal says is instead of requiring this size house to go smaller, which was the intent of the code was, we're going to -- this house wasn't allowed before, but now we're going to allow this size house. So this is what we're allowed under the current code. This would be allowed under the new code. This is a problem for several reasons. First of all, allowing unlimited eaves except for the setback greatly reduces the open space left in the yard. It increases the built-up appearance of the neighborhood. Factually this house is bigger than this house. And it creates additional impervious surface. More important, an increase in floor area of 200 square foot on a single story or 400-square-foot on two levels significantly increases the size and cost of the house. Increases the size of the house by 10%. And at \$75 per square foot of new construction, it increases the cost by \$15,000. \$15,000. If it's just 200 square feet bigger. \$30,000 if it's one like this one with two stories. When we bought our first home in Portland in 1986, 1100-square-foot home, and it was priced -- the asking price was \$51,900. We cannot buy if it was a penny more than 51,000, and we were able to get for it \$5100. We couldn't have bought that home if it was a 1300-square-foot home. That's my point.

**Katz:** Thank you. All right, anybody else that signed up? Come on up. Because we still have a lot of conversation. And it is 8:31.

**Charlene Herron:** Good evening. My name is charlene herron. I live on northeast 77th. We've been told lately that you need to think outside the box. Well, i'm the resident behind two of these homes, and right now I am looking at boxes. 25-foot, 25-foot, and the house that they sold the lot

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from -- lots from is now a box, which has now put me in a box. I used to know my neighbors. The neighbors that I have now, if somebody's outside, everybody else goes inside, because you can hear everything that goes on. My dog barks. They tell it to shut up. I've lived in this house for 40 years. The people that sold the property were lied to. I'm sorry they're not here this evening, but he's had heart surgery. But I don't like living in this type of a neighborhood. I moved down four blocks on the same street when I graduated from high school because I loved the neighborhood. I have three generations of family here. Housing is so expensive now in Oregon, and Portland especially, that my sons can't buy homes. I'll probably will my house to them, pass it on, as was to me. I have a 75 x 100 foot lot. I bought it for \$18,500, 40 years ago. Now they tell me I can sell it for probably close to \$225,000 to \$275,000. I won't. I'll pass it on to a family member because they can't afford to buy anything in Portland any longer. Thank you.

**Katz:** Thank you. Ok, come on up, staff. Cary, betsy. Before we open it up, did you hear anything that was not accurate? Substantively not accurate.

**Pinard:** There was one testimony that I noted that indicated that the 25 x 100 foot lots have been buildable since they were created, a lot of them in the early 1900s, so for about 100 years, and that's inaccurate. There were minimum lot sizes in the r-5 zone from at least 1959 to 1991 when we reduced the minimum in r-5. I don't know what the rules were before 1959, but they haven't been buildable for 100 years. You were going to talk about the demolition delay?

**Ames:** There is a demolition delay that the city has for people coming in for a demolition to a house. However, if you are applying for a building permit at the same time that demolition delay period is waved and our understanding from staff in the development services center is that people come in for both building permits and the demolition permit at the same time. So I --

**Katz:** I stand corrected. Ok, let's -- why don't we go through each one of them and let the council ask questions. Then you can jump in after the council asks questions, and respond to some of the issues that you heard. So let's take -- let's take -- is everybody ok with the size of trees? Ok, so i'm going to do the same thing we did for the northwest district plan. I'm going to drop the gavel on the size of trees and assume that the council has adopted that particular provision. [gavel pounding] ok, the next one is the definition of building coverage. This is the eaves issue.

**Ames:** This is the eaves issue. The next issue is the maximum building coverage table, and you got testimony on both of these items.

**Katz:** Correct. Does council want to ask any question on both of those issues?

**Sten:** One question. I may not be able to ask this right, but amanda was talking about a specific size house, so that has to do with the specific size lot. That's where I got -- if you're doing a building coverage, is that on what size lot do you get to --

**Katz:** This is the gentleman that wanted to build his woodshed.

**Sten:** No, i'm talking about amanda's issue.

**Ames:** I think she's talking about a 5,000-square-foot lot.

**Sten:** It increases the house size you could build by --.

**Ames:** It doesn't increase the size of the house itself. The box she showed you can be built now, the larger box, it's just how far the eaves project from that box.

**Sten:** Right.

**Ames:** And people can now build to that larger size. They just will reduce the eaves or -- and actually where it's bumping up against it most is in the single-level homes that are trying to accomplish everything on one level. That's where it's running into building coverage issues the most at the development services center.

**Sten:** Ok.

**Katz:** Go ahead.

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**Pinard:** About the figure we showed you, houses a, b and c. B without eaves, you can build today. That's what betsy was saying.

**Sten:** Yeah.

**Katz:** Ok, let's --

**Saltzman:** The table, isn't that issue?

**Katz:** Right. The maximum building coverage.

**Ames:** The maximum building coverage table, I believe commissioner fritz -- or amanda fritz would like to see that reduced for lots over 5,000 square feet. You also heard system from mr. Moyer who would like to see an increase. At the planning commission he asked that the increase be 20% rather than 15% over 5,000 square feet.

**Katz:** And let me -- what is the gentleman, if he wanted to build, what would he be able to build on?

**Ames:** I believe, looking at his property, he would have around 229 more square feet that he could build on his lot with removing the eaves. He currently has very large eaves, so in changing the building coverage definition, he does get some additional space to build, but he would only be allowed 229. I believe his plans that he had drawn up would be for 360-square-foot shed on his property. And he has an oversize lot in the r-7 neighborhood. It's 11,000-some square feet, and under the old code he would have been allowed around 500 square feet more of building coverage than he is under this proposal, which does reduce his building coverage slightly.

**Katz:** Ok. Let me go back to the eaves. Is everybody comfortable with the planning commission's recommendation on the eaves question? All right. I assume -- can I get a nonverbal --

**Saltzman:** I'm ok.

**Sten:** Yes.

**Katz:** All right. I will assume that the planning commission's recommendation on the eaves stands and is adopted. [gavel pounding] now let's get to the issue of the --

**Ames:** The table?

**Katz:** The table. The table where our eyes glazed over.

**Ames:** And -- [laughter] as well they should. If you're inclined to either respond to amanda fritz's testimony to reduce the building coverage over 5,000 square feet or to mr. Moyer's testimony to increase it, we could come back with some options for you to consider at your next hearing. We would like to, instead of doing math on the fly here on the table, we'd like to --

**Katz:** Fair enough. I love it when the staff says "give us options, give us an opportunity to bring us options." what's the council feeling on that? Do you want to give them time and have them come back and see if they can provide options that still make sense that don't violate the policy that the planning commission was looking at, but do give options? Yes? No?

**Francesconi:** What was the vote on the planning commission?

**Katz:** Good question.

**Ames:** It was a -- there were several votes. And the final vote, I believe, was four people supporting the proposal, two voting against it, and one who abstained.

**Katz:** On which one?

**Ames:** On the building coverage table.

**Francesconi:** Yeah. I'm in favor of more options.

**Pinard:** Do you mean by options, do you want us to come back with a proposal that would reduce the allowed building coverage and a proposal that would increase it? Because you had testimony both ways.

**Francesconi:** I'm inclined to support the planning commission's recommendation. But if people, you want to come back, with some other options, we --

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**Pinard:** We have no desire to come back with another option, unless you give us direction you want us to work on it, in which case we'd be happy to work on it.

**Leonard:** I think we should just stick with the planning commission recommendations.

**Katz:** All right, stick with the planning commission recommendations. Nonconforming issue review.

**Ames:** I don't believe you heard any testimony on that.

**Katz:** Then we'll adopt it as amended. A-overlay. Talk to me about r-5. And what would be wrong with removing the a-overlay on r-5?

**Pinard:** By our calculations that we showed you, removing the a-overlay on r-5 would not take us out of compliance with our housing goals. So in that sense it would be ok to do that.

**Katz:** Right.

**Pinard:** The idea behind this particular provision in the a-overlay was to allow infill development at slightly higher densities without raising the base zoning for the whole neighborhood. So when doing the albina community plan and the outer southeast plan, and again it was used when we looked at sellwood, it was seen as a way to keep areas that had generally r-5 zoning, but with some infill vacant lots in them to let those vacant lots get a little bit higher density without saying we're going to rezone the whole thing r-2.5 or r-2. Even though those areas were looked at as r-2 being a possible zone because of closeness to transit and services. So it was kind of a compromise between not upzoning, but allowing a little bit higher density on vacant lots. Now it specifically had a no teardown provision in the fact that the lots had to have been vacant for five years. So the idea was, those lots have basically always been vacant. There would not be an economic incentive to tear down a house, leave the lot vacant for five years, just to be able to get a little higher density. So again, it was just an infill strategy.

**Leonard:** But you're recommend to go leave the a-overlay as is?

**Pinard:** The Planning commission is recommending leave it at r-5, remove it on r-7, r-10 and r-20.

**Leonard:** I'm reading this to say that that discussion is being recommended, unless i'm reading an earlier draft, dated june 4, be postponed until the policy package two discussion.

**Ames:** The a-overlay includes a number of other provisions, such as accessory dwelling unit provisions that are different than the citywide accessory dwelling unit provisions. It includes density bonuses for the r-1, r-2 and r-3 zones, and some provisions that allow duplexes and triplexes, and for policy package one we just took this one of I think five or six provisions forward for consideration. Those other five provisions will be considered as part of policy package two.

**Leonard:** So you're recommending the a-overlay stay r-5 but remove from r-7, 10 and 20?

**Ames:** We're actually recommending that the provision that grants the increased density for vacant lots that go through design review, that provision only be applied to r-5 rather than to r-5, r-10, r-7 and r-20.

**Leonard:** Isn't that what I said?

**Francesconi:** Yeah, I think it was.

**Ames:** Well, a-overlay will remain in those areas that have the r-7 and r-10 zoning with the a-overlay where it was mapped, because there's other provisions in the a, such as accessory dwelling unit that apply, so we wouldn't unmap it, although that's a possibility that could be looked at in policy package two.

**Leonard:** Mayor Katz, I do not recommend removing the provision that would -- that currently allows infill development on lots vacant for five years on r-7, 10 and 20.

**Katz:** You would not?

**Leonard:** Would not support that recommendation.



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**Katz:** You would not support the planning commission's recommendations?

**Leonard:** That's correct.

**Katz:** Ok. Let me see where the rest of the council is on this.

**Sten:** I hadn't, to be honest, really hadn't honed in on this one given a couple of the other ones. I tend to lean against it as well, but I probably need to do a little bit of homework, if there's a third vote, before I can be sure.

**Katz:** All right.

**Francesconi:** I'm leaning against it, too, but I don't know if I know what the problem is. This hasn't been laid out very well.

**Katz:** Ok. State the problem and i'm going to come -- i'm going to recommend that --

**Sten:** Shall we take another look at this one?

**Katz:** Yeah. That's what i'm going to recommend. I support the planning commission's recommendation. I want to go one step further. I hear people saying they're nervous about it or they'd like to think about it, so subsequently there's a consensus to take a look at it again. I'm going to ask the members of the city council to work with betsy and cary on this issue so that it's understood. I'll work on the r-5 as well. Is that a deal?

**Sten:** Sure.

**Katz:** Ok?

**Leonard:** Uh-huh.

**Pinard:** We'll get information on the information you'd like us to bring back.

**Katz:** Right. I think we're not all there. All right. So we'll come back with the a-overlay.

**Francesconi:** Is there a description of the -- i'm sorry -- a description of the problem on r-10, r-7, and r-20 that I missed?

**Leonard:** I don't know that it describes the problem, it just --

**Pinard:** Pretty simple way to think of it is that part of the provision allows you to go from whatever that density is, r-20, r-10, r-7, all the way up to r-2.5. So it's a bigger jump in infill density in the r-20 zone, a little bit of jump in r-10, in r-7. In r-5, it's less of a change to go from r-5 density to r-2.5. That's one of the reasons of saying we don't want that much change in the lower-density zones.

**Katz:** If you recall when we got into the southeast community plan, and even earlier, we were driven by numbers. We have met our goals, and when we talk about increasing the density, the notion is you increase it where you basically have new neighborhoods, like the pearl and the river district and you'll do it in the north macadam district, but you're not going to do it in the neighborhoods. Now that we've met that goal, and the result of some of these overlays, the neighborhoods have been asking that we reconsider the overlays, or at least this particular provision. That's the reason that it's in there. I think I characterized that accurately. Ok. Lot validation and lot segregation.

**Ames:** Would you like to move on to the land division items first to get through?

**Katz:** Ok. Let's leave that there. Let's move. Keep going, then. I'm moving with you.

**Ames:** The first item is the definition of sight for land divisions. I don't believe -- oh, you did hear testimony on that, in support of --

**Katz:** Yeah. Everybody all right on that?

**Ames:** Was that the one? There was one of the land division items that --

**Katz:** I don't think I heard negative testimony on that one. Everybody ok? All right, that issue has been adopted, or the recommendation has been adopted. [gavel pounding] keep going.

**Ames:** Lot dimension standards.

**Katz:** Anybody have problems with that? It's on page 33.

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**Ames:** It starts on page 54.

**Katz:** No. I'm on this one.

**Ames:** Oh.

**Katz:** Anybody have any problems with that one? If not, it's adopted. [gavel pounding] keep going.

**Ames:** Density and dimensional requirements for non-conforming and conditional uses in r zones. This is to clarify that churches and schools that have -- or other nonconforming uses in residential zones don't have to meet the density goals and the maximum lot size.

**Katz:** Anybody have any problems with that one? Then I assume it's adopted. [gavel pounding]

**Ames:** The next one's property line adjustments.

**Katz:** Property line adjustments? 33.667. Planning commission recommendations, adopted. [gavel pounding]

**Ames:** Lot consolidations.

**Katz:** Lot consolidations? Anybody have any problems? Planning commission recommendation adopted. [gavel pounding]

**Ames:** And lastly, the review thresholds for land divisions and multi-dwelling zones.

**Katz:** Anybody have problems with that recommendation? That recommendation adopted. [gavel pounding] ok, let's swing back. Let's have a discussion on -- on this one.

**Leonard:** Which one?

**Katz:** Yours.

**Leonard:** Thank you, mayor Katz.

**Katz:** We adopted everything else, other than the a-overlay, and this is the last issue.

**Leonard:** Thank you. I come to this issue from a unique perspective having been born and raised in Irvington. I bought my first house in Concordia. Went to Portland State, lived on the west side in I guess what you'd call low-income housing, student affordable housing, and now living in outer southeast. I've experienced long periods of time in every neighborhood in the city, and the arguments I heard here tonight are precisely the same kinds of arguments I've heard since first entering the legislature, representing east Portland, an concerns folks had, particularly east of 72nd with flag lot developments. I mean, arguments are remarkably the same, if not technically the same. And I found myself really, as a member of the legislature for a decade, in both the house and senate, digging in defending the concept, the theory, and the practice of the urban growth boundary. So I have to respectfully disagree with those that said tonight this is not about the urban growth boundary. It most certainly is. It's the other side of the coin to be sure. It's not the urban growth boundary, but what occurs when you have an urban growth boundary. These kinds of discussions are consistent, in my experience, with plan development in this state in general, but particularly in Portland. And I -- and I'm very sympathetic to them having grown up in the neighborhood I did. I chose that neighborhood, and every one of us here has had to run for election citywide. I'm the most recent one. When I was told what neighborhood do you start to knocking on doors, I said Irvington, that's where I grew up. I started on eighth and Siskiyou. You could see. Started going door-to-door, and the very first issue that I was hit with, and I was absolutely ignorant of was a term that I'd never heard before called gentrification. What are you going to do about gentrification? I had to ask at forums early in the campaign what does that mean? "well, Randy, that means people moving into this neighborhood, Irvington that you grew up in, that have displaced other people who could no longer afford to live here. What are you going to do about that?" I said that was a legitimate issue. I remember knocking on doors of houses that I remember the families that were working place people. In fact, my mom and dad couldn't afford to buy the house I grew up. It sold the summer before last for \$425,000—the same house I was born in 1952.

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Same roof when my parents sold the house in 1972 for \$425,000. My parents could not afford to buy that house. I said I don't know what i'm going to do about it, but I agree, it's a problem. I'm going to do something. This is an example of what happens when, I think, the market forces an attempt to address what I learned was gentrification. Try to develop some kind of affordable housing. That's not going to make people happy. As some of you know i've been to the neighborhood associations, i've been to concordia, been to others talking about this issue. And I feel very strongly that this is a discussion about, again, in disagreement with others that have testified, affordable housing. And people who have an opportunity to buy a house who otherwise can never buy in one of the great neighborhoods that exist in Portland. Without the urban growth boundary, we wouldn't have the density we do. I don't believe we'd have the services we do. I'm not sure we would have light rail. I'm not sure this city would have the kind of future it does compared to east coast cities like cincinnati and cleveland who have found themselves going to demise into a not adopting the same kinds of policies this state has. This discussion is directly related to that. Absolutely directly related to that. So i'm going to -- with obviously a lot of concern, with the issues raised by the neighbors, but very consistent with what mr.Roche said that was exactly right when we went out and discussed at length with them and toured some of the houses, and I wrote this down when he said it, that these houses in and of themselves being 25-foot-wide aren't the problem. He told me this at this time, but that they're a problem because of the lack of consistent and equitable planning. And the planning bureau I think has dropped the ball on this by not going into the neighborhoods, developing design standards, enforcing the design standards, saying, yes, you can build houses on those kinds of lots, but they have to reflect the character of the neighborhood. That has been a failure. A dismal failure. And I support from tomorrow on, if we reject this portion, that we're discussing here, and I want to pass out some pictures of an example of what i'm talking about, but I support is doing two things. First of all, in the short-term, adopting the bureau of planning's nine points for new design standards for the narrow houses to get us through a period until we can develop a brochure like this that will be available. And what we want to do is propose some kind of a design competition that involves the neighborhoods and architects and developers, so we develop a book of plans that reflect the character of the neighborhoods that these are being built in, that are -- that are unique to the neighborhoods they're being built in, so when they are built they are -- they are compatible with the neighborhoods. And they do meet both goals. One of fitting better with the neighborhoods, but two providing the affordable housing that families who otherwise could not afford a house could then afford to buy. And I -- at the appropriate time I have language i'd propose to do that.

**Katz:** Ok. Let me --

**Saltzman:** Are these pictures of 2500, r-2.5?

**Leonard:** I believe so. They compiled these for me.

**Katz:** I need to understand. I saw some of these, and I think they're in violation of our current design standards for single-family homes. Am I wrong? I'm not wrong or i'm wrong?

**Leonard:** Why don't you come up. Come on. Why don't you take one of these as well.

**Katz:** But that's not really the issue. That really wasn't the issue.

**Leonard:** No, no. These are not proposed by me to say these are the designs. It's to say there are other ways to build these kinds of houses that are very attractive. Mayor Katz, I think you're familiar with one in your neighborhood.

**Katz:** And we agree. I mean, that isn't the issue. I absolutely agree with you in terms of -- of doing an infill design, setting those standards, and we're going to be working on that with the planning bureau, but the, I think the issue really is -- and I need a legal. That's why I walked over to ask kathryn. I need a little bit more discussion on the issue of the comp plan versus the zoning,

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because I think that's the underlying issue here. And whether -- and what's the legal standing on that particular issue? The comp plan says r-5. The zoning is different.

**Kathryn Beaumont, Sr. Deputy City Attorney:** Under state law the city has the obligation to adopt -- adopt a comprehensive plan and to adopt zoning regulations to implement that comprehensive plan. The choice of housing improvement is up to the city council. The planning commission has, in making their recommendation, made the argument that. [audio unintelligible]

**Katz:** What's the legal standing on something like that when they're not in line? [audio unintelligible]

**Saltzman:** But the planning commission recommendation is also more dense than the comp plan. No?

**Katz:** No

[audio unintelligible]

**Katz:** Ok. What's the sense of the council on this issue?

**Sten:** I want to get some more sense from randy on what you're thinking about bringing back, because I think that's really material. From my point of view its material to how we look at this. I want to do something dangerous and think out loud a little bit. I mean, as I look at this, I don't think you can build a 2500-width lot in the r-5 zone, mayor. I think you can in places where lots of plated, a very small subset, you have a right that's there. I basically think that we had really, really good testimony tonight on both sides, but every time people sort of gave absolutes, this is or isn't that, I didn't buy it, because it's a funny situation. You can't except this those gray areas build these kind of lots, but everywhere else you can do it 50 feet wider. You can do a 3,000-square-foot lot. And so if the neighborhoods win, you'll get three of these types of houses or four where you now have five. That's what you're going to win with this. You're not going to win that the house doesn't get knocked down. You're going to win four. If you buy that this is about affordability, then they'll be slightly less affordable, but you'll have the same result that every other neighborhood has. So I think that design really is an issue for those of you who saying it's not about design. I think we do need to take a look at design standards in these issues, because I don't think four of those size homes is going to make you any happier than five. And I think that's what's going to happen. You won't be able to take a lot and put down two, if i'm understanding this right. You couldn't take a 50 x 100 and do two homes, but most of these ones are wider than 50 where they're putting in five or six. You couldn't put in five or six. So that's one. I'm not inherently offended by a 25-foot-wide lot. I think elliott is delightful that's plated that way. Some of the homes built there recently look terrific. I think it can work. I am very actually convinced that a lot of this design is not real compatible with roseway. It's really roseway who's in there and it really doesn't fit. I'm trying to figure out, is there some way to address this without getting crazy that gives some ability around -- around design standards, something else. I was also very struck, which is very interesting, that almost all of the homes that are listed for sale that jeff brought in are in north Portland and not a single person testified from north Portland against this. And so i'm cognizant of not wanting to -- if there's a lot of people in north Portland who are supporting and buying these homes, not necessarily want to throw out the baby with the bath water, because they're not working in roseway. And i'm not in anyway degrading the fact that they're not working. I'm not trying to say it's just roseway. As I said I was going to do something dangerous and talk out loud. I think there's a market for 25-foot lots. I do buy the gentleman who said it kind of fits his aesthetic that he likes to live on less land, but I don't think it's fair that if your neighborhood happens to have some plats you get that and the neighbor next door that doesn't have those plats does not. So I think we need a more comprehensive approach to this to try and get at some of these issues, because it's really haphazard why they're allowed in some places and not in other places. I don't have quite have a

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solution but I'm trying to work my brain around. Those the things I heard tonight. I think we're close to coming up with a choice that neither side's going to particularly get that much out of the outcome to be honest, because I think that -- you know, you can build on a 3,000-square-foot lot anywhere in an r-5 zone in the city, and this deals with 2500-square-foot lots. That's all we're talking about here as a policy change.

**Pinard:** Can we clarify that slightly? The way it's proposed those lots would have to be plated -- you go ahead.

**Sten:** You guys testified tonight that you could redo the lines.

**Ames:** If you had historic platting, you'd be able to move those lines. However, if you did not have that historic platting and able to go through a land division, your land division would have to average 5,000 square feet per new lot. So even though you could go down to 3,000 square feet for some, there would have to be some that were larger or attract as part of the land division to protect environmental zones, something like that.

**Sten:** I'm probably confusing it but, when the gentleman said he could only do one house under the old rules, you guys said he could do two, you wouldn't have an average--

**Ames:** You wouldn't have an average because you'd be using the underlying plat and moving that line so that you could create two.

**Sten:** Let's go back to roseway. In roseway, you could get four houses instead of five because you've got five underlying plats. I'm talking about the ones that were offending people where there were five homes built, you'd get four there.

**Ames:** You'd probably be able to get three. We could model the two lots together, the three, the four, the five, the six.

**Sten:** So under that scheme, would it still be these neighborhoods that would have the issue and not the other neighborhoods?

**Ames:** Yes.

**Sten:** So these neighborhoods would get the same development, but the lots would be 500 square feet bigger than they are now?

**Ames:** It would have to be 36 feet wide and at least 3,000 square feet.

**Katz:** It would be --

**Ames:** They probably would be slightly larger than 3,000.

**Sten:** Ok. And the exception would be west Portland park, where they have a provision that says in the r-5 it has to be 5,000. R-7 is 7,000. And r-10 is 10,000 square feet. That was based on that legal challenge.

**Sten:** Less than what i'm thinking, yeah.

**Pinard:** Probably be three lots instead of four. The example we gave where you got four was the house was on the corner, and you're allowed a duplex on the corner. That's how you can count to four.

**Katz:** Oh, that's with the duplex on the corner. Is that what you're saying?

**Pinard:** With a typical 100-foot deep, if you had five of the 25 by 100's, because of the 36-foot width, I think you could only get three unless you were on a corner.

**Ames:** Or in a-overlay where we have the provision for vacant lots.

**Leonard:** What I was thinking about in terms of addressing the issue of the design standards was having the bureau of planning, part of the motion i'd make, with the neighborhoods and the home builders and other affected parties develop a catalog of home designs, and that the designs would be completed by march 1, 2004. And i'd also like to have us discuss the process by which we could have a design competition or something that would allow for a very open process where we could get the best designs for this kind of manual, is what i'm thinking of. But in the interim, in the

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interim, that we would -- we would adopt the nine design standards identified by the bureau of planning to be built on all homes between now and when these other standardized plans would be adopted.

**Katz:** Let me just ask, because you're adding to our work program, and I need to understand what that means. We were going to be doing infill design work.

**Pinard:** Uh-huh.

**Katz:** And when was that going to start?

**Pinard:** It's going to start next fiscal year.

**Katz:** Ok. Well, july.

**Pinard:** In a few weeks, yes.

**Katz:** Within two weeks, ok. So i'd like -- regardless of what we do with this, I want to make sure that we're not in conflict. I don't think we are in what commissioner leonard is saying. I may disagree on how we get there, but I think we need to get the design issue. There's no question about it.

**Pinard:** The first issue we were going to do with infill design project was to scope the project. And that could -- focusing on the design catalog and the design --

**Katz:** We were talking --

**Pinard:** For these types of house could be part of the scope. The original scope was focusing more on multi-dwelling zones. And so I think some tradeoffs or some prioritization would have to happen, but that could be done, because we haven't finished the scope and nailed down the work program.

**Katz:** Not only that --

**Ames:** And commissioner leonard's suggestion is very much in keeping with the --

**Katz:** I agree. I just wanted to make sure. But if I recall correctly, when we were doing the design of snout houses, and changing and setting design standards, we were going to do a brochure for that one, too, to give builders information with regard to single-family, and we didn't get that done. So i'm not --

**Leonard:** I'm committed to it. I'm committed to it. We will have it.

**Katz:** All right. So we're not in conflict. And we'll get hopefully the single family, but I know the infill design was for multi-family, but we need do the single family as well, because some of these are very lovely, and quite frankly some of these others are probably in violation. That's not the point. The point is we ought to have some we give to the builders. How we get it done, i'd like an opportunity to talk to commissioner leonard, but the principle will hold.

**Saltzman:** What I need to know is, maybe it's a legal issue, you produce a manual, or you produce a catalog, can you compel people to choose from that catalog?

**Pinard:** We'd have to work out the specifics, but like design guidelines, or clear and objective standards, I think we could work out something. It may be very complicated. I think the staff, the planning commission, is very interested in going in that direction, because what we've found is when you try to write the design standards, kind of like the nine we're proposing as an interim measure, it's very hard to get at what you want without the code getting fatter and fatter with a ton of exceptions, but if you're this style of house it's ok to have skinnier trim. So going to a more picture, what's ok approach is something we've wanted to explore for a while now and are very interested in doing it. I think we'd want to do that with the -- sort of the questions of the impact analysis in mind, how to keep it simple, how to -- what are the costs of going to that kind of system for implementing it as well as for the development of the community.

**Saltzman:** I guess the basic legal question, a picture, a clear and objective standard? We need to get an answer to that, I guess.

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**Pinard:** That's the conundrum i'm interested in exploring. If you got it down to the inch, you could do that, but you want wiggle room in here because people aren't going to build the exactly housing. How you get here from there, we could work on it. Very interesting to work on.

**Leonard:** The concept i've been talking about and working with others in isn't to say they have to build those houses in that design book. It would be they -- if they chose to build one of those houses in that design book, they're preapproved, it's an expeditious way of getting a permit and getting to work, or they could submit a set of plans for design review as an alternative if they wanted. But if they chose one of the plans in the book, they would have the option of doing that and they were preapproved, all of the analysis had already been done, and they could grab them and run.

**Katz:** Ok. We're not going to --

**Ames:** There could be nonregulatory incentives to use them as well.

**Katz:** Susan?

**Susan Feldman, Bureau of Development Services:** I was just going to say what commissioner leonard said.

**Katz:** I think we're on the same track for the project, but that still, at least for me, doesn't answer the issue that was raised tonight, the comp plan versus the zoning. So let's stick to that. Where is everybody else? Do you need more time? Where are you on this?

**Leonard:** I'd personally like to move in the direction on talking about this evening, move ahead, and get this behind us.

**Katz:** Ok. We may then have to take a vote. What's the sense of the rest of the council?

**Saltzman:** Ready to move ahead.

**Katz:** Are you ready to move ahead?

**Sten:** Yeah. Can somebody reference to me where the interim design guidelines are you're talking about?

**Leonard:** They're in the report that we're voting on from the bureau of planning. They're contained within the recommendation --

**Pinard:** Standards.

**Leonard:** The standards.

**Katz:** And I think there was a -- there was a --

**Ames:** They're on page 45 of your report.

**Katz:** I think there's the emergency clause. Is that on the design standards themselves?

**Ames:** It would be on the entire section, since the design standards come with the rest of the --

**Saltzman:** So it's the 1.5 to height ratio, the no plywood sheath, press board, stuff like that?

**Ames:** Uh-huh. And you heard testimony on I believe three of the standards. One of them jeff fish commented that some alleys are blocked and you can't get access from those alleys, so that the required vehicle access from alleys was a problem, and I believe -- and bill talked to them -- the bureau of development services, if there is that kind of problem, it's one of the regulations in the community design standards, and if there isn't access from the alley, even if there is an alley, there's not access, it's not required to go through there. So I don't think that's an issue. Is that correct?

**Bill Cunningham, Bureau of Planning:** My understanding is you have to have the standards in place -- they have not been an issue thus far.

**Ames:** Ok. The second one you heard about was the garage door, someone suggesting that the 8-foot width was too restrictive, and then also a testimony about the no parking required allowance.

**Katz:** Let's get to the issue on the zoning.

**Sten:** I guess if you can -- I don't know if you can -- can you give me kind of a qualitative sense of how this height restriction compares to what's being built now? Under these design proposals, it

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can be 1 1/2 times the width of the structure, so they're generally 15 feet wide. That means they can be 22 --

**Pinard:** That's measured at the mid angle of the roof if it's a gabled roof. The top of the peak can be higher than 22. It's my understanding that most of the ones you've seen pictures of would meet the height limit. Talked to jeff fish. He said the ones he was building would be able to meet these height restrictions.

**Sten:** Most of the ones pictured or being built at this point?

**Pinard:** That's where I'm not the expert on all of them.

**Sten:** I'm buying --

**Feldman:** It allows a two-story house.

**Saltzman:** It doesn't allow a garage, and then two stories on top?

**Ames:** Correct.

**Sten:** And what were the homes in roseway that -- were those -- i'm trying to remember.

**Ames:** I believe in the power point presentation there were a couple that had a garage and two stories above. We also heard from jeff fish that because of the narrowness of the house and building up high because of the loads and stuff, it would be more expensive to build higher because you'd have to put more concrete in the foundation, so most of the time they wouldn't be trying to go up to the third story.

**Katz:** Let me ask a --

**Sten:** So you couldn't get above a two-story house basically, but it depends on how you do the roof is what you're saying.

**Ames:** Yeah. I believe some of the pictures on the mostly meet the design standards slide that we had. Some of those might have been a little bit higher than the 1.5 to 1.

**Katz:** Let me ask a very simple question. Some of those pictures we saw, would those be allowed to be built under the new -- under the design standards that we're just talking about?

**\*\*\*\*\*:** I don't have the pictures with me.

**Ames:** We don't have the same handout we gave you, so we don't know --

**Katz:** Ok.

**Saltzman:** Page 29? I mean, it says design standards would prevent. I mean, it shows three pictures of houses, so --

**Pinard:** Ok, i'm finding that one. Design standards would prevent that first picture in the upper left with two stories above the garage would be too tall by my calculation. The middle ones --

**Ames:** Don't have the main entrance within four feet of grade. And then the one on the lower right has the sheet press board siding that wouldn't be allowed.

**Pinard:** The one on the lower right probably meets that height limitation.

**Sten:** These are going in -- you know, if there is an issue around affordability and there's an issue around scale and design and -- then it makes sense, especially on a small lot, whether it's 2500 or 3,000, to not only have very good design, but to make it harder to build a big house, which is not going to be affordable and is almost by definition not going to fit in as well. I got handed lots of pictures, but the one-story homes from north Portland I think would be hard pressed to say wouldn't fit right into most of the neighborhoods, but when you put the 30-foot homes -- i'm trying to get a feel how does 22 stack up. If we're looking at putting in some interim design standards in place and if I buy, which I do, the issue that the neighbors need more than what we're getting on some of pieces, then being more redistrict on the interim design standards makes sense to me, because it says you've got to work something out in the long run. I'm not confident that we've got the interim design standards all that well.



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**Leonard:** My understanding was that these were in fact prescriptive to the point of addressing some of the most egregious examples.

**Sten:** That's what i'm trying to understand.

**Leonard:** As an interim measure to get us to the place where we can get this other, more comprehensive book of preapproved plans. Susan, I mean i've got most of that information from you. Do you want to talk about that anymore?

**Feldman:** No.

**Katz:** Would these -- would those design standards allow for the building of these homes?

**Feldman:** The garages would be narrower.

**Katz:** The garage?

**Feldman:** And we didn't run those through this test, because what we were trying to say, at least in the first part of that book, was there's some that seemed to look better than others. It was just sort of a survey.

**Katz:** I wanted to make sure if the council is going in that direction that they clearly understand that the design guidelines need to -- the bar needs to be raised so that the neighborhoods don't get some of these -- you know what I call them -- designs.

**\*\*\*\*\*:** Right.

**Leonard:** Isn't that what you were trying to accomplish with these nine design standards?

**Feldman:** Right. In addition, if they can't meet these prescriptive standards and want to design something taller or different, they would have to go through a process -- a design review process to modify these standards. And then the public would have input into that. So then it becomes a public input process.

**Cunningham:** I'm bill cunningham with bureau of planning staff. Just trying to address your issue of whether they would meet the proposed standards.

**Katz:** Right.

**Cunningham:** A lot of these -- well, perhaps one to look at it, because it's pretty typical of a lot of the development is on that handout, page nine, and the middle photograph, it's a --

**Katz:** Right.

**Cunningham:** -- pretty commonly-built design. And for the most part it would have to be modified to some extent to meet the standards. Typically they'll have lap siding and shingles on the front facade, but the side facade went up to 11, they couldn't do the t-11 and extend the eaves and have trim on the rest of the windows, but besides that that basic house would meet the standards.

**Katz:** With the garage in front?

**Cunningham:** Generally -- very commonly they're eight-foot-wide garage doors which would meet the standards.

**Katz:** Let me tell you where I am and I need to get a sense of where everybody else is. I will support the planning commission's recommendations. I do think there ought to be some compatibility between the comprehensive map and the zoning, though it's not exactly -- it is far better and closer than what we currently have. I am concerned about the design, because I agree with commissioner leonard. I have, you know that i've lectured all of you on this for years and years and years, on the -- on the necessity for the design. And we will be having an infill design project, and I hope that we'll have -- be able to work with commissioner leonard, b.d.s., and planning to make that a reality. I don't want to take that portion of the motion, if you're going to put a motion today, because i'd like to sit down with you and gil, and on that.

**Leonard:** Well, well --

**Katz:** Hold on, hold on, hold on.

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Ray: Ok.

**Katz:** I need to know where everybody else is. Is this something you want to deal with tonight?

**Leonard:** I'd like to.

**Francesconi:** I'm ok with it.

**Katz:** You're ok. You're ok with dealing with it? All right. You want to make a -- you want to make a motion?

**Leonard:** I'm going to make a motion. You tell me which part you'd like to talk about.

**Katz:** Ok.

**Leonard:** I'd like to move to retain the ability to develop on 2500-square-foot lots of record in r-5 zones. I further move that the Council direct the bureau of planning in cooperation with the neighborhoods, the home builders and other affected parties develop a catalog of home designs that are allowed to be built on these lots. The catalog of designs should be completed no later than march 1, 2004. I further move to require that the nine design standards identified by the bureau of planning be applied to all homes built on these lots until the design catalog is complete. Any exception to these standards shall require design review.

**Katz:** Ok.

**Ames:** Could I ask a clarification question?

**Katz:** Absolutely.

**Ames:** In your motion, are you suggesting removing the minimum from the r 5 and r-2.5 or suggesting an alternative minimum of 2500 square feet?

**Leonard:** You have to repeat that.

**Ames:** Your motion talked about allowing development on 2500-square-foot lots of record in the r-5 zone.

**Katz:** Right.

**Leonard:** I'm going to ask susan, susan, can you help me sort through this?

**Katz:** It's the existing -- it's what's currently allowed.

**Ames:** What's currently in the -- no minimum?

**Leonard:** That's my intent.

**Katz:** What his intent is currently allowed.

**Leonard:** Maintain the current, yeah.

**Katz:** Ok. I don't know if this is going to pass or not. You all think we talk about this among ourselves. I have no clue as to where we're going to end up on this, but I want to make sure is that timetable something that we can meet in planning and b.d.s.? I just want to make sure.

**Pinard:** We would have to change our work program that's been approved for next fiscal year and devote enough staff resources to get through planning commission so that we would have this effective by the date. It depends on the direction we get from you as to the work program.

**Leonard:** And i've discussed this with b.d.s., and we're committed to making this a top priority to get it done.

**Katz:** I know, but we have other regulatory reform issues that folks need to work on too. We've got the second package and other issues. Is there a second to the motion?

**Sten:** Second.

**Katz:** Ok. Discussion? Roll call?

**Francesconi:** This has been a good discussion. You know, actually my first home in Portland was in roseway. And then in 1978 I moved to alameda, and I purchased a home on a different income and salary that cost \$150,000 in alameda, which puts it in the 25-foot lot category now. I disagree with commissioner leonard about whether this is about the urban growth boundary, but I agree with commissioner leonard that it is about affordable housing. The reason I don't believe it's about the

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urban growth boundary is because we can meet our requirements without this motion or amendment. And he are committed to building more housing to curb sprawl. Rather than upzone neighborhoods we've chosen to try to focus density in town centers and regional centers and we've actually met our regional density goals. That's why this is really not about the urban growth boundary in my view. We've tried to give people choices as to about neighborhoods, but we have left out the critical element of price in some of this. And that's why I do believe it is about affordable housing. So from time to time we've tried to adjust our zoning code as a way of trying to fit more people in the city, and we make -- when we make those decisions, we try to make these decisions deliberately, and we try to involve the community. As I view this, this really is about the comprehensive plan, and it really is about zoning. And it really is about what kind of process you want to go through in order to change zoning. And this is not the appropriate process. I do believe that we need more smaller lots in our city. I really believe that. I also believe we need more of these types of homes with appropriate design standards that i'm sure we're going to get. In fact, I think we may have even tried to do this in southwest Portland through the southwest plan, and then we -- one version of it -- and then we backed off. Maybe it was the right thing to do, because we accomplished the densities that were required in southwest Portland. But now what I view is a loop hole. This is unfair to many parts in east Portland to do it this way. I really believe that. I believe that we need smaller lots. That means we have to have the courage to upzone and we have to look at the whole city and decide where we're going to do it and where we're going to create smaller lots so that my kids -- they're fighting over my house right now. And I don't believe we've adequately addressed the affordability issues. And I don't think -- and this product sells. So even if they are ugly by our standards people are buying them and they're raising their families. We have a whole lot of small builders here that depend upon this in order to build for their livelihoods. I do think we need smaller lots. But again, it's not fair to established neighborhoods in east Portland at a time we specifically rejected this in southwest. And I just don't think this is the appropriate way to do it. No.

**Leonard:** This kind of development occurs throughout the city. It isn't just in roseway. It happens in every neighborhood in the city. I've had discussions about this issue as I said for many years in east Portland. The important point I want to make in my vote is that the design standards that i'm proposing and have focused on are directly as a result of the discussions i've had with concordia and roseway. Those kinds of things that are incorporated here are -- would not have happened without the discussions i've been having with those neighborhoods since february. So I greatly appreciate your input and aye.

**Saltzman:** Well, I think that i'm going to support the motion. I think commissioner leonard has come up an approach that does speak to the need for affordable housing in the city, but done in a way that's least obtrusive to existing residential neighborhoods of 5,000 square feet primarily or more. I think the changes, change is always tough. I think these homes, there is a market for then. There's a price for them. And they are an efficient utilization of land. And we may meet our urban growth boundary targets today, but who knows what tomorrow's going to look like, so we got to keep pushing the envelope and do it in a way that makes sense both economic sense and aesthetic sense. I think commissioner leonard's come up with an approach that will strike that balance. Aye.

**Sten:** I've found this a very good discussion which is why it's a difficult topic and decision for me. I find good arguments on both sides of it. I do think it's in part about -- you know, there's this whole mantra going on, it's not about this, I think it's about that. I think it is partly about the urban growth boundary, but mostly about the market and changing demographics. What's happened is we have a super heated housing market in a large part because it's a desirable place to live, and that has

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super charged housing price. Not so much in my mind the lack of land, but that there's competition for the product, and so it's gone way up. We also have families that are very different. Close to half the people in this city -- or half the households are single people that live in a housing unit. We need to develop different kinds of housing units to meet the demographics. Very interesting to watch that video, and from the looks of it with the exception of the single mother, most of these folks were single family living in a single-family home. That's something this product makes possible. I'm very torn on some of the issues. You make a very good argument. And I -- where I probably disagree the most with the neighborhood isn't in what you're saying, in the argument that it really isn't about design. I think it is about design. I don't see anything inherently wrong with a 2500-square-foot lot. I think the issue is they don't fit in the way that you have a right to expect. So i'm very interested in the design standards that commissioner Leonard has proposed, and I think that's not a perfect approach but the one I support. Aye.

**Katz:** Well, the good news is the council's talking about design. That's the good news, because that wasn't the conversation when I raised it years and years ago. So i'm very happy about that. The bad news is I think you all missed, other than commissioner Francesconi, missed the point. The point is that you have a comp plan, and you've designed your city in a way that you have higher densities along main streets and along the main street edges. That's the way you design a city. And that if you want a higher density, you don't place it in areas away from the main streets and the main arterials. Those are neighborhoods that have -- on the comp plan that are r-5. That's the issue. You want higher density, there are places for higher density, and we've zoned them for higher density and we all participated in the zoning for higher density. So that's the point that I think has been missed. But i'm going to lose this issue right now. I want to make sure we get it, at least the best we possibly can, so i'm going to vote no, but I hope that I have an opportunity when we come back, I may want to check with Gil on the dates, because I do not want to -- I need to understand what our work plan looks like, and I don't want to disrupt it without understanding what possibly would have to be delayed. So this motion's going to pass, but i'm going to work with Gil and with Ray and make sure that we can meet those dates. If we can't, then i'm going to come back and ask the council to change the dates on that when we bring it back. So i'm voting no on this. The motion passes. And so where are we? We're coming back on the a-overlay. Cary stay with me.

**Pinard:** Yes.

**Katz:** We come back on the a-overlay, and we'll vote on the entire package, then, in third reading.

**Pinard:** And we will be contacting your offices to get input --

**Katz:** I need a date. All right, everybody's leaving. We need a date for coming back.

**Pinard:** My memory is we can't get here because of vacations next week, but didn't you tell me we could come back in two weeks?

**Ames:** I believe in two weeks, yes. We will need to work with the city attorney's office as well to revise the findings.

**Katz:** We're not even there yet.

**Ames:** Well, for -- for the third reading. So we'd want to work that in as well.

**Pinard:** We can come back on the 2 understand, in two weeks.

**Katz:** On the when?

**Ames:** July 2 understand.

**Katz:** I'm not going to be here.

**Pinard:** We need direction from you. We could do the 2nd, or Thursday the 3rd.

**Katz:** You can do it without me, that's all right. But commissioner Leonard can chair.

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**\*\*\*\*\*:** Ok.

**Leonard:** Don't we have a new council president then, July 1?

**Katz:** Well, you can either chair or give it to somebody else.

**Leonard:** Ok.

**Katz:** So we'll do it what date? Let's get the date first.

**Pinard:** We can come back on July 2nd, a Wednesday.

**Katz:** Ok.

**Pinard:** If you would like us to do that.

**Katz:** At 2:00?

**Moore-Love:** Yes, 2:00's available, Wednesday, July 2.

**Pinard:** For the a-overlay discussion.

**Katz:** There's the issue of the emergency clause.

**Sten:** I'd like to figure out if there's a way to separate the design standards from the other issues so that we can get a unanimous vote to put the design standards in effect immediately with an emergency clause and not force you two to vote for the one you don't want to. You see what I'm saying?

**Leonard:** Why don't we reconsider the vote?

**Katz:** You want to?

**Leonard:** I move to reconsider it.

**Katz:** Everybody understand what's happening here? [audio unintelligible]

**Leonard:** Can we separate it out into a separate ordinance?

**\*\*\*\*\*:** Yes.

**Leonard:** I'll so move.

**Francesconi:** You should become a city attorney, too. He was just advising the same thing.

**Leonard:** Move to reconsider and we'll vote to --

**Katz:** There's a motion to reconsider. There's a second to reconsider. Any objections to reconsidering the motion? No. [gavel pounding] ok. Now --

**Leonard:** I would move the design standards as -- I would move that the council direct the bureau of planning in cooperation with the neighborhoods, the home builders, and affected parties to develop a catalog of home design standards that are allowed to be built on r-2.5 segregated lots. The catalog designs should be completed no later than March 1, 2004. I further move to require the nine design standards identified by the bureau of planning be applied to all homes built on these lots until the design catalog is complete. Any exception to these standards shall require design review.

**Saltzman:** But you have to separate those out?

**Katz:** He did.

**Leonard:** I didn't move the first part.

**Katz:** He's going to move that in a minute.

**Sten:** Second.

**Katz:** That's a second and that will come back as an emergency ordinance. Any objections to that? Hearing none, so ordered. [gavel pounding]

**Leonard:** Mayor Katz, I move to retain the ability to develop on 2500-square-foot lots of record in r-5 zones.

**Pinard:** Can I ask a clarification question on the emergency ordinance provision?

**Katz:** Right.

**Pinard:** Since we have an agreement with Multnomah county that they will -- we will administer their regulations, but they'll adopt our same regulations, it's really difficult if we have something go

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into effect immediately rather than give a two-week period to have them be able to catch up. Something I'd like you to consider or for Katherine to tell us if there's a way we can do that.

**Jessica Richman, Bureau of Planning:** Clarify for Katherine, that we would like the emergency clause to say that rather than it going into effect immediately, it would go into effect 14 days after council's vote, and that would give Multnomah county time to adopt it.

**Leonard:** Is that the July 2 date?

**Richman:** July 2<sup>nd</sup> would be the date of the vote.

**Leonard:** No. That would be two weeks from today, wouldn't it?

**Saltzman:** Two weeks from today.

**Leonard:** Do we have to reconsider that vote again?

**Katz:** No. Let's skip it.

**Leonard:** I would just amend tight take effect July 2.

**Katz:** Just add give him two weeks before it goes into effect.

**Ames:** If we could come back next week on it, I think that would --

**Pinard:** That shaves a week.

**Ames:** -- that would provide additional --

**Pinard:** That keeps a two-week period for Multnomah county, but shaves off a week before they go into effect.

**Leonard:** The July 2 date is ok?

**Pinard:** No.

**Leonard:** Tell us what date you would like.

**Pinard:** 25th.

**Ames:** We come back on the 25th, adopt an emergency ordinance on the 25th for the lot segregation and design standards.

**Leonard:** Why don't we say it's effective June 25?

**Pinard:** Then it will be effective on the 9th, because we need two weeks --

**Leonard:** What date would you like it effective? Just tell me that.

**Ames:** We would have it effective July 9th.

**Leonard:** You want it effective July 9th?

**Ames:** And we could come back next week with revised findings for this specific section --

**Leonard:** Why don't I make the motion now for July 9th.

**Ames:** I want to check with the city attorney about whether we can adopt an ordinance today without revising the findings because we have to have the findings.

**Leonard:** How about if I make a motion that it be implemented no later than July 15th and earlier if the bureau of planning chooses.

**Ames:** Excellent.

**Sten:** How about if I second that motion?

**Saltzman:** Third it.

**Leonard:** Nothing's coming back. We're passing that motion that I made be effective no later than July 15th, earlier if the bureau of planning can make that happen.

**Katz:** Katherine?

**Ames:** If we bring that item back next and work with Multnomah county to get --

**Leonard:** My underlying thing is I don't want to bring it back. I want to do it tonight and have a date. I want to be flexible so it works.

**Ames:** That's where the city attorney --

**Beaumont:** We need to have an ordinance.

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**Katz:** We need to bring it back. We actually need to have an ordinance. We need to have an ordinance before us.

**Leonard:** Ok.

**Beaumont:** We can't adopt part of this package now.

**Leonard:** Yes, ok. So we need to bring back --

**Katz:** You need to bring back.

**Leonard:** Got you. Then the second motion, then, is to -- I move to retain the develop on 2500-square-foot lots --

**Katz:** I'm still on the first motion, is that you bring back language --

**Pinard:** Bring back language next week, the 25th of june, with an emergency clause that will declare that it goes into effect on july 9th, two weeks later.

**Katz:** Exactly. So we will have language that the council will adopt. All right. Katherine, that's clear? Any objections? Hearing none. [gavel pounding]

**Leonard:** Now I move to retain the ability to develop on 2500-square-foot lots in r-5 zones.

**Katz:** Roll call. Susan, are you looking at so puzzled?

**Feldman:** I thought that's what you already did.

**Katz:** Forget it.

**Leonard:** Rescinded it.

**Katz:** Roll call.

**Francesconi:** No. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Katz:** No. Motion passes. We separated the issue because we wanted to deal with the design issue separately from the lot issue. Ok? So next week we'll get an emergency ordinance to deal with the design. We are not finished with policy package number one because you're coming back on what day, june --

**Ames:** We'll try to come back --

**Katz:** You need to tell us right now when you're coming back.

**Ames:** Let's come back next week on the a-overlay.

**Katz:** Just a minute, just a minute, just a minute.

**Ames:** We're losing staff for summer vacations here.

**Katz:** Folks, what day are you ready to come back? On the a-overlay.

**Ames:** Let's come back on july 9 on the rest of the package.

**Katz:** July 9 on the rest of the package. All right. Meanwhile, you need to spend time with the council members to deal with the a-overlay, all right? July 9th and next week on the design ordinance. All right. Anything else? Clarification? If not, thank you very much. We stand adjourned. [gavel pounding]

At 9:47 p.m., Council recessed.

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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.

**JUNE 19, 2003      2:00 PM**

[ roll call ]

**Katz:** Karla, please read 643.

**Item 643.**

**Katz:** All right. Do you want to say anything?

**Mark Murray, Financial Planning:** No. We'll try and keep this short so we can catch you up on your schedule.

**Katz:** Thank you. Anybody want to testify on this item? If not, roll call.

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

**Katz:** Mayor votes aye. [gavel pounded] 644.

**Item 644.**

**Katz:** Anybody want to testify on this item? I just want to make sure if anybody's listening that what we're doing now is finalizing all the levies and our budget to close out this year and begin working -- and setting the stage for next year. Roll call.

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

**Katz:** Mayor votes aye. [gavel pounded] 645.

**Item 645.**

**Katz:** Ok. Go ahead.

**Mark Murry, Financial Planning:** We thought that one might be worth talking about.

**Katz:** Why don't you identify yourself and give us some -- a summary.

**Jordan Epstein, Financial Planning:** Jordan epstein, financial planning. There are 29 funds involved in this supplemental budget of over \$422 million. The largest increases occur in one group, almost \$293 million within the family of sewer system funds. The sewer construction fund is increasing 203 million, recognizing bond proceeds. Those are bonds being sold to finance major construction projects like combined sewer overflow. The sewer depth fund is increasing 41.6 million, they're taking advantage of lower interest rates, refunding bonds from 1993, the operating fund is increasing 45 million. They have additional rate revenue and they're receiving a transfer from the construction fund related on this year's costs and combined sewer overflow. And the rate stabilization fund is increasing \$3.1 million. They're adding some money, they're getting a transfer from the operating fund for bond coverage. Other significant funds, the transportation fund's increasing over 11 million. It's getting a transfer from the l.i.d. Construction fund, mostly for two projects, lower albina overcrossing project, and marine drive. The parks group of funds, the golf fund is increasing 2.1 million, using its line of credit to complete some projects at red tail golf course, heron lakes clubhouse, and others. The special finance and resource fund is increasing over 51 million. It's recognizing 30 million in bond proceeds for the river district, urban renewal area fund, and 19.6 million for schools. And that -- the latter -- the debt service on the latter will be paid from the recently approved business license surcharge. The l.i.d. Construction fund is increasing 36.4 million. It's recognizing line of credit proceeds and assessment collections. The children's investment fund is in here. It was just created five minutes ago, and it's going to have an appropriation of \$10,000 to pay for some costs being incurred in managing the -- that fund. And



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finally, there are 10 debt funds that are each recognizing additional urban renewal tax increment revenues. When we prepared the original budgets over a year and a half ago, we were conservative because the shilo inn case was still pending. We didn't know the result of that so we estimated low on tax increment revenues. Those revenues are now coming in higher, that's why these funds are in here.

**Katz:** Ok. Questions? Anybody want to testify? If not, roll call.

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

**Katz:** Mayor votes aye. [gavel pounded] 646. Go ahead. Why don't you read it and then i'll ask for an amendment on the word.

**Item 646.**

**Katz:** There's unanimous, support for changing the word from "possible" to "proposed." hearing no objections, so ordered. [gavel pounded] all right. This action on 646 is required under o.r.s. 221.770, requires municipalities to hold two separate hearings on state shared revenues. This is the second one, if you recall we had the first one, is to hear testimony on the proposed use of state shared revenues, assuming there are any left for us to share. Anybody want to testify? All right, why don't you -- so we close the hearing, and why don't you read 647.

**Item 647.**

**Katz:** All right. Our state shared revenues are used for public safety, so we hope that the state remembers that it also has a responsibility to share some of these revenues with local municipalities. Anybody want to testify on this? If not, roll call.

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

**Katz:** Mayor votes aye. [gavel pounded] 648.

**Item 648.**

**Katz:** Anybody want to testify on this? Roll call.

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

**Katz:** Mayor votes aye. [gavel pounded] 649.

**Item 649.**

**Katz:** Do you want to just share with the public what we're doing?

**Mark Murray, Financial Planning:** What we're doing here is some technical measures to clean up the finances of the city funds that are no longer in use, and/or funds that have been moved to different funds for better fiscal operations, so we're closing the parks bond construction fund, and capital improvement fund. We are officially opening and recognizing the parks local option levy fund in response to the vote by citizens in the fall to tax themselves for parks operations, and that is the only new one. That is a five-year operating levy at this time.

**Katz:** Ok. Anybody want to testify on this? Roll call.

**Francesconi:** I just wanted to thank the voters for giving us an opportunity to open this fund. We'll make an accounting with how the money is spent and we'll spend it wisely and efficiently. Aye.

**Moore:** He wanted to testify for the budget.

**Katz:** It's coming. You want to testify on our budget? It's coming.

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

**Katz:** Mayor votes aye. [gavel pounded] all right. 650.

**Item 650.**

**Mark Murray, Financial Planning:** This action establishes the permitted tax rate of 4.5770 per 1,000 of assessed value for general government. It also establishes the taxing rate of .4026 per 1,000 assessed value for the children's levy, and .3900 per 1,000 assessed value for parks, and an amount for bonded indebtedness as well, and as mentioned, directs us to process the paperwork

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with the respective county assessors. And it also -- on page 3 it details the amounts specified for each tax increment authority. And i'll go through those if you'd like.

**Katz:** Go ahead.

**Murray:** Estimated collections for the central east side for fiscal year 2003-2004, about \$4.7 million. For airport way, \$7.1 million. Downtown waterfront, \$14.97. South park blocks, \$7.3 million. Convention center, \$7.2 million. And then the newer plans, lents town center, \$4.3 million, river district, about \$9.1 million, north macadam district, \$1.4 million, north interstate district, \$3.1 million, and gateway regional center, \$1 million. That's a total for the urban renewal areas of about \$60.4 million.

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

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

**Katz:** Mayor votes aye. [gavel pounded] all right. 651.

**Item 651.**

**Katz:** Before we hear public testimony, there's a request for substitution of exhibit 1 and 2. You'll be getting that in a minute. I want to ask mark to share with you if there's anything in there -- how it differs from what we have in our packet.

**Mark Murray, Financial Planning:** I'll go over the highlights of the changes. Most were technical, but there are some changes, and i'll specifically call out the programmatic changes. The fire bureau apparatus replacement was moved from contingency over to their bureau. That was a technical one, if you recall discussions during budget development, we hadn't finalized who would actually control the funds. Regional arts and culture council has a technical correction of \$44,589, we cut them more than was anticipated. If you recall, everybody was cut 4% total. They actually ended up getting dinged twice. Office of management and finance, this is one of the programmatic changes that creates an account one position. Cancels an interagency with parks. I believe that has been discussed with council. And it also within o.m.f. Takes care of the changes in the interagency tide with the c.i.s. Upgrade. For bhcd there is a change, housing and community development, that's the administration of the lead program will shift to the water bureau. That's included in your sheets. The emergency communications has a small \$36,000 change to offset changes in interagency rates. The housing investment fund is a programmatic change, that increases the transfer from the housing investment fund to the children's investment fund to ensure that they have additional resources to cover higher projected expenses prior to the property taxes actually being realized. So that will be in essence a loan that will be paid back when the property taxes arrive.

**Katz:** That's how you solved that problem.

**Murray:** For the cash flow, that's correct.

**Katz:** I wanted to make sure it's paid back.

**Murray:** Yes. Planning and development also has a programmatic change, they adjusted their contingency by 1.1 million. That reflects the expansion of the permit program facilities and major project group program. New permit revenues will pay for the expansion costs. The sewer operating fund reduces their contingency by 9.1 million. And creates a beginning balance. That's all tied to -- as the sewer rate stabilization as well to the timing of the capper. The financial report for this year was very late in getting finalized, so once that was finalized, the bureaus were able to clean up ending balance, contingencies and beginning balance.

**Katz:** All right. I'm sorry. Are you finished, mark?

**Murray:** I believe that takes care of the bulk of it, correct. There were others tied to water bond construction and water fund to pay outstanding bonds, refinancing efforts.

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**Katz:** So now we have the budget, and then there are budget notes. I think you were all asked if you had any issues with them. We basically took out some that are the responsibility of the bureaus?

**Murray:** We haven't taken them out yet. I have two proposed changes that i've received from the commissioners, and then I need your feedback on whether the specific notes should be included in or out, and I have the proposed changes in front of me and I believe commissioner Saltzman has a copy.

**Katz:** Did you include -- let's take them in order. Ok. Why don't you go through them, because some of these are changes.

**Murray:** Actually it looks like I gave you my copy.

**Katz:** Yes, i've got the colored copy. Here.

**Murray:** The first one is in the area of parks and recreation and has to do with the off-leash areas. The proposed language is parks shall carry out a one-year pilot project to develop a more effective approach to dogs in parks. This will include signage, improved enforcement, and better coordinated responses to complaints and other inquiries. The program has one-time funding for fiscal year 2003-2004, and it will be evaluated during the next budget cycle for continued funding.

**Katz:** Ok. This is if I recall correctly, this is the one position that we funded with one-time money. All right. Anybody have any problems with keeping this note? Let's move on to the regional arts.

**Murray:** Regional arts. City council will convey the last of five \$200,000 payments to the Portland opera in the next fiscal year budget that does not require reductions in other city services funded through the general fund. Further, it is the intent of the city council to support an ongoing arts stabilization fund to be administered when fiscally feasible.

**Katz:** Everybody all right with this budget note? All right. Transportation and parking.

**Murray:** This deals with street lighting. The Portland office of transportation commits to fund \$1 million annually in other than general fund support for street lighting. Support for fiscal year 2003-2004 uses a one-time reallocation of contingency. In subsequent years, the office of transportation will specifically identify the source of the \$1 million during the budget development process.

**Katz:** And your recommendation?

**Murray:** My recommendation is I feel we can do this without a specific budget note, either through the direction from the commissioner and/or working with the director in charge.

**Katz:** Ok. How does the council feel about that? Hello?

**Saltzman:** I'm fine with the recommendation, unless there's somebody up here that feels --

**Katz:** Ok. Public safety?

**Murray:** The first deals with the fire and police disability and retirement. In conjunction with the bureaus of police and fire, will investigate implementation of the use of a limited duty position pilot project. The investigation will include a determination of whether a change to the city charter is necessary. This report shall be delivered by mid-december in time for discussion during the early phases of budget development.

**Katz:** Ok. We're going to keep this note. Keep going.

**Murray:** Police bureau. The police bureau will emphasize efforts to keep uniformed officers at full strength, regular reports shall be provided to the mayor and council.

**Katz:** Ok. You're recommending that again that this direction can be more effectively given and controlled at the commissioner bureau level. Any problems with this?

**Francesconi:** No.

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**Katz:** All right. Keep going.

**Murray:** Emergency communications, boec will fund development of a five-year strategic plan using existing bureau resources. The strategic plan will be presented to council by february 2004.

**Katz:** The same thing, this direction can be more effectively given in control of the commissioner bureau level. I want to make sure that when we do this, I wanted to flag the issues that came up during the budget deliberations, so that the entire council knows, but we didn't necessarily want to keep these in budget notes, but we will be drafting letters to the commissioner and to the bureau managers about this budget note. Or they won't appear in the budget.

**Leonard:** Actually I was going to ask that this stay as a budget note, because I think this is a very important piece of the rehabilitation of boec, and i'd like it to transcend any one particular commissioner.

**Katz:** Ok. That's fine.

**Murray:** It will be reported on at least twice during the fall bump and the winter bump.

**Leonard:** Thank you.

**Katz:** Community development.

**Murray:** Bureau development services will ensure adequate support for the citywide regulatory reform efforts through allocation of sufficient personnel and support funding. And if you recall during the budget development process, they did give indications that is true.

**Katz:** Ok.

**Leonard:** That's fine.

**Katz:** So we'll pull it out, but we'll notify the bureau and the commissioner in charge.

**\*\*\*\*\*:** Ok.

**Katz:** Office of neighborhood involvement.

**Murray:** This deals with graffiti abatement. O.n.i. Will continue to support the eradication of graffiti citywide through the graffiti coordinator position.

**Katz:** We'll pull that out as well and notify the bureau. Is that all right with the council? Ok.

**Murray:** Neighborhood inspections. Neighborhood inspections removed from development services to o.n.i. Effective july 1, 2004. O.n.i. Will monitor program performance, service impact and costs throughout the fiscal year. O.n.i. Will report to the mayor and council on this program during the budget development process for 2004-2005.

**Katz:** You feel comfortable --

**Leonard:** Absolutely.

**Murray:** I'll also note there will be even before budget development, the budget notes are reported on during the bump process, so you'll see a report in the fall and winter as well.

**Katz:** Ok. Legislative administration, city attorney.

**Murray:** The office of the city attorney will investigate the establishment of a special litigation unit. A report and recommendation will be delivered to council by mid-december, 2003 n. Time for early direction during the budget development process.

**Katz:** Ok. We're going to keep this note. General.

**Murray:** If general fund discretionary revenue is found above forecasted growth, first priority is to invest in capital, including pdot capital.

**Leonard:** We don't have a kicker?

**Francesconi:** That was humor, I think. That was salem humor.

**Leonard:** Sick salem humor.

**Katz:** Ok. Go ahead.

**Murray:** Commissioner Saltzman, do you want to bring this.

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**Katz:** Why don't you read it.

**Saltzman:** Why don't you read it and i'll explain it.

**Murray:** This has to do with financial services. The office of management and finance will hire a controller position by january 1, 2004, by the same date, management and finance will develop and bring to council new city code language that clearly establishes responsibility for accounting policy, practice, and financial reporting with the city's accounting manager, slash, controller.

**Katz:** Why don't you explain it.

**Saltzman:** This is a recommendation that was contained in the kpmg management letter. I think it's probably not a new recommendation. I think it's been something we've heard before. It was certainly news to me and the mayor when we met with the auditor to hear the briefings of the audit.

What we need, we need a controller in the city of Portland. We do not have that position now, and that controller needs to have authority to -- over the bureaus for accounting policies, practice, and financial reporting within the city's overall structure. And this is something that's a problem, it's been flagged by our auditors as a problem. I was quite chilled when the auditor said were we a public company, this would be likened to an enron or worldcom in terms of the situation we're in. So I think it's high time to move on this. We need to have centralized accounting policies a. Central point of responsibility for that, and a controller's position, and I think this sets us on a path to getting a controller soon to be followed by city code that will in fact give us the responsibility over centralized accounting policy and practices and financial reporting within the city.

**Katz:** Ok.

**Saltzman:** By january 1.

**Katz:** Is the time factor -- does that look good for you? Will we be able to deliver on that?

**Murray:** As far as I know. I wasn't able to get final agreement from ken, but did I have initial discussions with him.

**Katz:** Ok. I just wanted to make sure. We were going to do this anyway, but I just wanted to let the council know this is -- we were going to do it anyway, but this is at least -- locks it in, and that's fine with me. So we'll adopt the budget notes. I assume because everybody agreed, the budget notes have been adopted. The substitution of the -- let me get through that -- exhibits --

**Murray:** I have to request one amendment to ensure that the technical changes to the children's investment fund and the housing investment fund are included as well.

**Katz:** Ok. So if there's no objections, we will adopt all of these amendments to the budget, and then we'll -- is that fine? Fine. [gavel pounded] then we'll open it up to public testimony on the budget.

**Katz:** Go ahead.

**Richard Ellmyer:** Good afternoon, my name is richard ellmyer. I live in north Portland. The \$20 million conclusion to hap's columbia villa remodel project is scattered throughout the budget. To make sure when we discuss your vote during the next election cycle, we will all be able to agree on the numbers, i'm going to lay them out. \$6.4 million from the interstate light rail corridor urban renewal district. \$5.6 million from b.e.s. And the water bureau. \$5 million from community development block grants and \$3 million from excluded system development charges. That makes \$20. However, this does not cover the \$500,000 to \$1 million in interest over five years on the \$11.4 million section 108 loan. Nor does it include commissioner Saltzman's \$2 million commitment for hardware to convert the 30% excess methane at the columbia boulevard wastewater treatment plant into useful or electrical steam energy and send it across the street to columbia villa. Boundaries for urban renewal districts are typically and justifiably created in generalized shapes such as squares, rectangles or circles, reflecting the need to extend additional economic development opportunities to the area most affected by some new project. This mapping

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concept is easily understood and supported by the public. The boundaries for the interstate light rail corridor urban renewal district should have roughly corresponded to a corridor shape perhaps as much as a half mile on either side of the tracks. It turns out the boundaries for the light rail corridor urban renewal district were extended almost three miles west of the interstate avenue in a giant irregular balloon shape under pressure from hap with the understanding that the clearly jerry-mandered district would be used only for leverage to secure a grant from h.u.d. And not to access urban renewal district. Columbia villa has nothing to do with support for economic development along the interstate light rail corridor. A letter written by the north Portland business association identifying hap's breach of faith by asking for funds immediately after reluctant inclusion into the interstate corridor has been on the public record for two years. The Portland city council will permanently scar its reputation when -- with citizens in our city the moment a single dollar of interstate light rail corridor urban renewal district funds shows up in a hap bank account.

Electricity natural gas, water, and sewer bills are all based on the fee for service concept. Every ratepayer accepts the necessity to share in the cost of capital expenses required for systemwide integrity or upgrade. The \$5.6 million contribution from b.e.s. And the water bureau to the villa remodel is not a systemwide enhancement. It is in essence a hidden tax on ratepayers for the purpose of subsidizing a government project without telling the people who pay for it much less asking for their approval. It carries the same odor of deception as the wrongful use of interstate renewal dollars. Our trust in local government is not enhanced by these political machinations.

**Katz:** Thank you, richard. Anybody else want to testify on the budget? If not, roll call on 751 as amended.

**Moore:** 651.

**Katz:** I'm sorry, 651.

**Francesconi:** Just brief. Two of the budget notes, the comptroller idea that the mayor was pursuing, that's terrific. And a very good thing. I don't think you quite meant to compare us to worldcom and enron, we're a very well managed city. But this can help us even better. The other note I want to comment on is the inclusion of the -- what the council just approved on the general budget note regarding first priority being back to reinvesting in capital. The reason that's important, it's not only important as I view this from my narrow silo of transportation and trying to figure out how to pave our streets, but it's the bigger issue even be that -- than that, if you're in a tax increment district you get capital infrastructure dollars for your neighborhoods. If you're not in a tax increment district you don't. So this is a question of fairness for other neighborhoods. So we need to build up that capital account to allow for the infrastructure that other neighborhoods need. My final comment is mayor, thank you for all of your efforts in putting this together for the good of the city. Aye.

**Leonard:** Thank you. I think I will say something about the new columbia villa project and my vote. Early on when that was first brought to my awareness by richard, it was represented to me as a project that would cause a huge concentration of a certain income level in a particular portion of the city. And I oppose that. That concept. After taking office and doing what I said i'd do at the time, which was to talk to the other side and get a complete picture of what happened, in fact what I learned is that this is a project that's occurring in an area that i've spent some time in as a firefighter, a lot of time, inside the residents' homes, in a variety of emergency situations. That will transform it from what I consider some of the poorest housing in the city, to a mixed use area with a community that in fact I believe with the project as it has been explained to me, bring a much better quality of life. Not just to the families, but particularly for me the children that live there. And for that reason I think it meets the test of providing dignity to people that otherwise might not have it. On the overall budget, this was my first run-through on a budget at the city. It was quite a

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different process than what I had grown accustomed to in the legislature. And it was a great learning experience for me. I appreciated all the hard work everybody put in on the budget, but I have to say I was very impressed by the efforts of the mayor, and i'm just talking about the amount of time and effort she spent in bringing this thing together. So this was a -- an excellent learning process for the council's newest member, and I am pleased with the final outcome given the limitation of the resources, and i'm pleased to vote aye.

**Saltzman:** Thanks to the mayor and the staff of the office of management finance for all their hard work in giving usa balanced budget. Aye.

**Sten:** It's a tough year and a good budget. Aye.

**Katz:** Again, my thanks to the council members individually to the bureau managers and certainly to the staff that's sitting on the sidelines, always sitting on the sidelines, but always doing the hard work. Thank you for all of your work, all of the late nights, I truly appreciate it. I don't know where we go from here, if we have to come back and revisit the budget, but we'll do it collaboratively as we've done it every year. Aye. [gavel pounded] all right. Thank you, everybody. Are we ready now for the next year? All right. 2 -- let's have a hearing on 652.

**Item 652.**

**Katz:** Before I turn it over to commissioner Sten, if you recall, we thought this was going to be a 10-year project. It ended up to be shortened to half of that time. And I want to thank everybody for working hard to make sure that we have a financial plan to feel comfortable enough to make this happen.

**Sten:** I'll be relatively brief. It's a very exciting day for me to get this back to the council. We're actually in a sense we're kicking off the work. It's actually already undergoing, but in my mind it's a moment to say it's moving. Aside from the wonderful redevelopment we're talking about, the chance to build a mixed income community where one doesn't exist, we also and I think it couldn't come at a better time, we're talking about \$40 million in construction wages that will start flowing, and 1300 jobs. I think sometimes it loses in the translation the simple fact that this is a big economic development project as well, because it's a chance to put a lot of people who could use some work. It's exciting. Today we're authorizing -- it's a day to celebrate, but we're authorizing a section 108 loan which is a way that the city can borrow money from h.u.d. At a very advantageous rate of interest, and then pay it back over time. It's pretty straight forward, and -- by putting this in place, we believe we'll be able to bridge the gap between the ability to move fast right now, and i'm really -- it's a really good thing to me, both because it's going to get the construction going and it's going to minimize the amount of time things are torn up and the people are displaced. So I think overall -- and it should save money. So those are good results. We'll need this facility in place to get things done. Ultimately the 20 million -- we disagree on whether it's a good thing or not, but richard did an excellent job of outlining where the sources of money are. It's about \$5 million from the block grant, around 5 million from water and sewer funds, 6 to 7 million from p.d.c. And the rest from s.d.c.'s. Those are round numbers but I think you were good on those. I won't do it again. That's where the money is coming from. Some of that won't come in right away, so the 108 loan is a bridge to get this done. The other nice thing about this particular 108 facility if h.u.d. Approves it is the \$11 million is more than we need to borrow, but you actually don't have to take down the money. It's more like a line of credit than a fixed amount. So we'll have the ability to manage this a little bit and tuck wilson is frugal enough that he's assured me he won't borrow a nickel before he's actually going to spend it. So I think that's a good thing. Actually relocation has started and we expect full demolition by september, infrastructure is well underway. It's a pretty good deal. I want to thank mark and mike and howard from b -- bhcd. The team from the housing authority, and margaret from my office, you've worked collaboratively to

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put this thing together on a very short time line. Don't let me forget p.d.c. I should also mention that there's been a lot of good work with the citizens group to come up with the strategy that works well for the citizens advisory committee and to make sure -- I think when you look at an urban renewal district being drawn, and what happens when you do an urban renewal district, it increases property taxes, and the notion that it's a misuse of those property taxes to put it into the community that's that serves the poorest people in the urban renewal district, I couldn't disagree with more strongly. I think putting some money back into columbia villa as part of the overall process of investing in interstate is just the right thing to do, and how much to put in is something that had to really build community consensus around, because there are not unlimited dollars. This was an agreement reached with the citizens group thanks to leadership of walter and sheila, who may be here, may not. I want to thank them. And everybody john southgate, who has ably helped figure out how to get to this end. I think the board chair is here to -- to do one very important thing, which is sign the note. So wall street get paid back if things go wrong.

**Howard Shapiro, Board Chair, Housing Authority of Portland:** My name is howard shapiro. I am currently the board chair of the housing authority of Portland. I would have to say that in the years i've served with the housing authority, this is the high point in my tenure. It's certainly one of the most exciting and extraordinary projects that the city of Portland can expect to have from hap. Over a long period of hap's wonderful performance. There are a number of people and organizations to thank. Erik has already gone through the list. I need to put a line under that, the city of Portland, you folks, the Portland development commission, certainly the interstate corridor urban renewal advisory committee, and the north-northeast economic development alliance. Particularly two people that are sitting over my right shoulder in the back of the room, sheila holden and walter valenta, who have collaboratively helped us through a memorandum of understanding with the communicated that will ensure that we will do what we say we're going to do and deliver for the community what the community expects us to do. As i've told them and as I want to say to you, memorandums of understanding are words on paper. Intention is what's important here. And I commit myself as the board chair and the commissioners that serve with me to make good on every word that we say in this memorandum of understanding, and in our development of the new columbia. It's terribly important that you know that the board -- the housing authority has meticulously gone through every bit of this process, and ensured that the citizens of Portland are well served by what we're doing. The chair elect sitting behind me joins me in supporting the extraordinary work we're going to be doing out at columbia villa. Just one final word if you don't mind. Mayor Katz alluded to the people who sit on the back bench and do all the work. I would be remiss if I didn't say the extraordinary staff of the housing authority, people whose names you don't hear every day, people whose work you don't appreciate every day are which bring us to this moment. Hopefully to the moment when we cut the ribbon and make as you said commissioner leonard, a mixed use community reality out of an area of Portland that is in desperate need of bringing itself up to the rest of the stems of our community. I thank you for your cooperation, and your support. We serve you as your housing authority, but we are a sister organization in the intention and the energy that we bring going forward in doing all kinds of renewal. I'm especially interested although i'm going to digress for a moment, in the new development in the north macadam area, and our intent to play whatever role we can in bringing affordable housing to that community as well, and we're already in conversations with some of the folks there toward our kind of housing. With that i'd like to introduce mr. Rudmond.

**Steve Rudman:** Mayor, commissioners, i'll be very brief. I believe have you an information packet that we provided. I want to give you a quick status. This is a very ambitious undertaking. The largest public housing project in the state. Turning it into one of the largest housing and



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neighborhood redevelopment in the state history. The city's participation is an integral part. The loan that commissioner Sten spoke of will cement the city's \$20 million funding commitment for demolition and infrastructure development as part of an almost \$140 million package. In your package you have status report, some quick highlights. From the beginning we've been very focus order getting as much resident and community participation as possible. We have three to four community advisory commit meetings every month as a community development venture. Our relocation is well underway. As of yesterday 100 families have been relocated 280 families remain. Our commitment is still the same. Everybody will be relocated, everyone will have choices on where to move and everyone will have the opportunity to return. At this point about 70% of the residents still are indicating they wish to return. A couple other brief highlights. Our environmental review is well underway. We expect to this that approved in july many we're out for bid for demolition. We have high goals for economic participation. We're aggressively marketing, doing outreach and planning on utilizing a high percentage of disadvantaged minority women and emerging small businesses. Contractors and subcontractors, and indeed we have ambitious work force goals, including hiring 62 residents of columbia villa in our efforts. We plan an on-time construction for december 15, and we want to work with your offices to plan a time you can all be there when we do our groundbreaking. This -- the city as a whole has been very helpful with your leadership, bureaus, parks, b.e.s., water, the bureau of development, bhcd, pdc, almost the entire city family has been very helpful. The result is collectively we're going to be building a neighborhood that people will want to live in, and live next to for years to come. As you can see in the model, is over 88 acres, 850 new units, it will be a sustainable development with all new infrastructure that will be deeded over to the city, eight acres of parks and open space, and a range of community services, a possible Multnomah county library branch, a possible replacement Portland public school grade school, a possible boys and girls club, some small commercial services as well as work force and child care services. So bottom line, the city has been a tremendous partner in difficult times. We also want to thank the city staff that's worked with us. We really believe this is going to be a development that will serve the residents, the surrounding community and the city very well. Tuck wilson and mike andrews are here as well if you have any questions.

**Katz:** What year was columbia villa built?

**Rudman:** 1941-42.

**Katz:** Ok. Questions? Let's open it up to public testimony.

**Richard Ellmyer:** Behind me is a map of hap client distribution throughout its jurisdiction, which is Multnomah county. This map was created with the help of the Portland chapter of the naacp, the auburn lodge neighborhood association, metro's data research center and the community geography project at Portland state university. Next to it is hap's map of client distribution throughout its jurisdiction. Here is a table which lists the costs to how similar clients on hap-owned property in section 8 private property for all 117 neighborhoods in Multnomah county. Here is hap's table with similar information. If I tell you hap spends four times as much to house clients on their property as opposed to private section 8 housing, would you or could you challenge that? In times of budget shortfalls, in fact at any time, would you vote to fund a program that costs four times its alternative for the same results? When I say that your vote to hap funding will support hap's policy of maintaining portsmouth as the neighborhood with the highest number of tax supported low-income housing authority of Portland clients, not only within hap's jurisdiction, but also among all the neighborhoods in the state of Oregon, what evidence will you use to dispute that claim? The police bureau keeps crime statistics by neighborhood. The bureau of licensing keeps records of every business by neighborhood. O.n.i. Has software that can identify the neighborhood of any address

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in Portland. Unlike the water bureau software, these programs actually work. Any time hap wants to provide the public with neighborhood-related information, all it has to do is ask any of these bureaus for help. In all these other bureaus, they keep records by neighborhood and share them with us. Why doesn't hap divulge basic accounting information related to neighborhoods? It's certainly not a technological problem. It has to do with power and institutional arrogance. As long as hap conceals the whereabouts of their clients by neighborhood, there is little or no foundation with which to challenge hap's activities and policies. Blindly supporting social service institutions without demanding fiscal accountability can jeopardize those in need of help. In the late 1970's, I served on the board of a multimillion dollar community action agency, the Portland metropolitan steering committee. It had a so-called blue ribbon board. I was among the leadership that persuaded majority of the board to close the place down, because it was corrupt beyond repair. There was a great public fuss and most officials ran for cover. The director went to federal prison. Just because important and well-regarded institutions such as hap, the police department, and the catholic church are generally considered the good guys, does not mean that they are above making grievous errors which must be called to account.

**Katz:** Thank you.

**Moore:** That's all who signed up.

**Katz:** Richard, could you move your signs? Thanks. Anybody else want to testify? Mark, did I see your hand come up? Come on up.

**Murray:** Mark murray, city financial planning bureau. I would be remiss in my fiscal duties if I didn't reiterate a few points commissioner Sten said so we understand where we're at. There are still a few outstanding issues we have to work through with hap prior to accepting a loan. That includes the use of the s.d.c.'s for the repayment as mentioned by commissioner Sten, and also the - - any carrying costs tied up with the loan itself. Another thing we can look at is the use of other fees and charges that would normally accrue during the development process. But again, the bottom line is the city and its application commits the full faith and credit to the repayment of the bond. So there is some risk to the city longer term, short-term, we believe we're fine, but we are committed to working with hap to ensure that happens.

**Walter Valenta, Co-chair, Interstate Renewal Advisory Committee:** Walter valenta, 55 northeast bridgeton road. I guess I want to set a few things straight. I feel like what randy was saying, it's interesting being the chair of a new urban renewal district as we really grapple with what we agreed to do with the 30 million with the light rail, and as we start to make a little money, and now we start to see all these really needy things and valuable good things that all want to draw on this rising pool of money. And then how to actually keep the focus on doing light rail development around the light rail line, because there's lots of different reasons. And this hap project has changed. At least the leadership at the committee has changed with it, because it is a different world than when we first proposed this. Lots of things have happened in the last four years since this was, and even though hap did say some things in the early days about not coming to the tiff financing pile, we're beyond that, we moved on from that, lots of things have changed. So as the leadership, sheila and I were willing to kind of move the group through, changing our mind about this funding, and I think we came up with a pretty good way to be win-win to get new development in the city, along the corridor, and also help the city with the contributions to hap, which do support the district's goals and guidelines. So it would be nice to close this chapter so we don't have to revisit all the different things we did over the last four years that we've we now have a new deal. This is the new deal, the new columbia -- we're ready to acknowledge that, and be complete and I think this will all work. We're very happy, at least I am, i'll let sheila speak for herself on the compromises we've all reached to get to where we are now. Thank you.

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\*\*\*\*\*: Hello.

**Katz:** Get closer.

**Sheila Holden, Co-chair, Interstate Renewal Advisory Committee:** My name is sheila holden, I cochair the interstate corridor urban renewal advisory committee with walter. I chair the northeast economic development alliance. I agree with walter, we -- and a lot of what richard said was true. But our committee basically made a decision three or four years ago when we first began to include new columbia. We did have issue at that time with wanting -- the words that the committee used was "no sucking sounds" coming out of the area and demanding for funds for the new columbia. I think where we've come to now is that we have come to as a committee, the realization that homeownership 6 as we originally understood it to be is not the hope vi Portland. You look around the projects around the country, and they are not the mixed use mixed income projects that hap administration and management is planning for this site. We're not going to see the wholesale displacement that we had anticipated would be there. There will be a real effort made to ensure, and this is part of the m.o.u., and as howard said, it's always in the intent and the spirit as well as what's written, but it's always good to have it written down, and no matter who's in office or who's chairing, you can always go back and point to it if you need to. And so we do have that m.o.u. In place. We do have the commitment from hap to ensure that those folks who want to come back will be able to come back into the new project, and so we think that we have truly created a win-win. And when walter says that we've moved our committee along to come to this point, it's true. We really want to -- this is on the record -- recognize for -- in the fact that the committee has pretty much charged us with coming up with the best compromise, the best position for both the interstate community in general, and for the new columbia project. And we think we've done both groups a good service. Now i'd like to also say that it's always -- proof is in the -- the devil is in the details, and when I think of the details, I think of john southgate and the work that he's done, the work that tuck wilson has done, and the work that the rest of the hap staff and the city bean counters and the p.d.c. Bean counters have done to help make this project come together as creatively as it has. And howard and candace, we look forward to working with you over the next three years. There will be accountability, and if you read the m.o.u. As you probably have, you'll see that hap is really bellied up to the bar, if you will, because they are saying if it doesn't happen, we don't get the funds. And that's very unusual for a bureaucracy to say, I think. So we want to thank hap and p.d.c. And the city for helping to make this project happen.

**Katz:** Questions? Wait, let me just thank the two of you, and is it still a 52-member committee?

**Holden:** 55.

**Katz:** I didn't add three more, somebody must have come on. I want to thank both of you and the committee. I remember the conversation when we first started. You had a lot of wonderful visions, a lot of plans, a lot of commitment. Then you were told that light rail was on the first line item, and there might be something left for your vision. And then came this project. And you've held your commitment to the community, you've compromised, and this is a win-win for the community. There's no question about it. But I hope there isn't any more sucking sound. And I hope that the two of you can lead the community and your task force to meet some of the dreams that you had when we first discussed the urban renewal area.

**Holden:** And as we come forward again with some of those and we're looking for funding, we're looking for the same creativity hopefully. [laughter]

**Katz:** Thank you. Anybody else, karla?

**Moore:** That's all who had signed up.

**Katz:** Mark?

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**Murray:** We need one small amendment. It seems h.u.d. Wants even thousand dollars, so the loan amount if you would please amend that to read \$11,457,000.

**Sten:** We need to round up to the nearest thousand. We figured out we needed an exact amount, but they would prefer us to borrow an even amount.

**Katz:** Any objections to the amendment? So ordered. [gavel pounded] there's no further testimony? We'll take roll call.

**Francesconi:** Sheila, you did a terrific job of sum rising, and also thanking everybody. I guess the only person that was left -- i'm sure you left some people out, but one key person was commissioner Sten, so thank you for your leadership on this. Just briefly, actually it was howard that mentioned this. You said about north macadam, and then we were talking about this. So at a tough time in our city, and there's a lot of good things happening. And so our future may be in those two projects, some of the most important projects in our history, and certainly our future. So on the one hand we have an urban renewal district with really few people living in it, but it offers a lot of hope to our future economy, and kind of moving us into the future. But now -- so it's very critical to our 70. But it's fitting that simultaneously now we're talking about investing in a proud, strong neighborhood where there's been people that have lived for a whole long period of time, and we're talking about bringing more than 100 million dollars in federal resources into a neighborhood and an area of town that needs it and deserves it. I mean, this is -- the whole spirit behind urban renewal and purpose of it is to exactly what we're doing here. And it's being done. And this email that was just handed to us from a neighbor says, the neighbor of this project, portsmouth is a safe, diverse, and wonderful community. The new columbia project is a chance for us to bring even more life to the entire neighborhood. Make better use of the land by raising densities, and give more families the chance to live in a vibrant neighborhood. And that's what we're about. And that's what we're going to do. And it took teamwork and creativity, some federal resources, a small local match to help, it took terrific management. Steve redmond, I underappreciated you when you were here. I'm hearing all kind of things out there. As to how efficient and what a team you've assembled, and what a focus you've brought, and what hope you've brought to this project and to others in -- in your hiring of tuck wilson has really been good, because he's a tough task master and he can cut through the federal bureaucracy. And he's tough in dealing with us. So we're moving forward into the future and bringing all of our citizens with us at the same time. Aye.

**Leonard:** Those are very -- those words by commissioner Francesconi are very accurately describing how I have come to appreciate this project. And I probably spent more time learning about this particular project than my otherwise had have because of the controversy surrounding it. And i'm a person that believes strongly that housing obviously is important for adults to feel good about themselves, but more importantly, children that grow up I think in desperately poor neighborhoods have that affect their psyche for the remainder of their life. Columbia villa is a desperately poor, blighted area. This I think provides an opportunity for young people to feel good about where they live, feel good about where they go to school, feel good about their homes. And do it in a way that mixes income levels which I think as commissioner Sten alluded to earlier today, is one of the trademarks of Portland, different income people living in the same area. So as a result of all that, not only do I support the project, but I was drafted by tuck as a member of the steering committee, and I do mean drafted, and so i'm really pleased to not just vote for this, but help guide its creation. Aye.

**Saltzman:** I want to certainly thank everybody who's got us to this point. This really does represent a major new row development not only of housing, but of infrastructure in the city of Portland, and i'm really particularly pleased at the commitment to do the infrastructure and the housing in a most sustainable manner possible. It's often easy to talk about sustainability, it's much

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more tougher and much rarer when it actually gets followed through on. And so far anyway, at the outset, there's definitely the commitment to do it right, and that's great. And I think it's ironic that even -- I guess when you think of most public housing projects across the country and they certainly -- many of them are much worse than columbia villa, but the fact that it's even an issue about making sure the residents want to move back can move back, I think that's a testament to the quality of this redevelopment, and the quality of the housing authority of Portland, and the types of facilities that it runs. Most people in most parts of the country given a chance to get out of public housing will take it. The fact that people here really -- it is an issue that people need to have the right to come back is a testament to the hope and faith people have that this development will be right and will be a good place, but it will also be a mixed income place, and that's as commissioner leonard said, that's the way we need to do all developments in Portland now. Aye.

**Sten:** I think this could be seen as a very risky project. I think the way you've approached it, the housing authority with steve and the board with the able leadership of howard and candace, it really is not risky. It's going to be I think one of the showplaces of Portland in the years to come. I think really we've always tried to do things that benefit people at all income levels, but from my point of view will this will be one where you just can't deny it. It's a scale, it's bigger, it's more ambitious, and I think this will go down as one of the best things Portland's ever done. And I should say one of the best things that Portland has helped do, because the housing authority is the one that's going to do it. I don't think I did when I was trying to thank everyone, I briefly want to say thank you to the council members. You wouldn't have this kind of agreement particularly in this form of government as the mayor will point out, unless all five commissioners were making it very clear to their bureaus who wanted to do it anyway, that they needed to come together and find a way to make our commitment work, and in a time when we're a little short on dollars. Thanks to the council, and let the hammers fly. Aye.

**Katz:** This is a wonderful example of what we in the city do when an opportunity comes to us that we had not planned for. And it came to us unexpected, it came to the 55, used to be 52-member committee unexpected, it came to southgate from p.d.c. unexpected. And we questioned a lot of the issues, a lot of the issues richard questioned, or were questioned by this council. But when we looked at the whole project and we said, well, this either could be the worst gentrification example, or it could be the best example in the community on how to pull all the community together and provide a lot better living conditions for our low-income citizens. And with the possibility of school, and library, and other amenities, this, as commissioner Sten said, could be one of the real jewels in northeast Portland. So never say no to opportunities that come your way, be prudent, push the envelope, work with the community, and then vote aye. Aye. [gavel pounded] ok. Thank you.

**Saltzman:** I'll than right back

**Item 653**

**Katz:** All right, everybody. Let's start with 653. I want to warn everybody, we stayed until late last night, so the council was a little cranky. All right? We'll go ahead and proceed.

**Katz:** I think there are needs in the neighborhood that have not been met. I'm committed to trying to make peace within our neighborhood, and to have both sides walk away feeling a little bit better about each other, and you're not going to get everything you want on each side. So that you can in fact start working on your transit management plan, and begin truly planning for the future of the neighborhood. So that's sort of my preface to all of this. I'm not going to start until I have everybody here, so relax.

**Katz:** As I said to joe, if we can't get to agreement, then we may end up in my office. So that's where i'm at at this point. You're all dependent on each other. The neighborhood can't succeed

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without the businesses and the businesses can't succeed without the neighborhood. And you're all -

**Katz:** Who's handing this out, karla? I don't have any names.

**Moore:** [inaudible]

**Katz:** Karla, will you let them know we're ready to start?

**Katz:** All right. Karla, you did read the item? Ok. Joe, why don't you come on up. Joe is going to walk us through, he's got this sheet and then i'm -- i've asked him also to use this sheet so that this references the items. Correct?

**Joe Zehnder, Bureau of Planning:** And -- yes, correct. For the record, i'm joe with the bureau of planning. Mayor, if it suits the city council, i'd like to start with the testimony from nwda and nob hill. Nwda.

**Katz:** Right now, before you start?

**Zehnder:** Right.

**Katz:** Fair enough.

**Frank Dixon, President, Northwest District Association:** Good afternoon, mayor, commissioners. My name is frank dixon, I live on northwest johnson in Portland. I'm president of the northwest district association. First i'd like to thank the staff, rob burchfield and joe zehnder and the pdot and Portland bureau of planning staff for sick -- sticking with us during these intense conversations. Also want to thank the nobb hill business association for helping us keep the conversations civil and I think the challenge will be to keep it that way as we go through these last few decision-making points. As promised in may, the -- the nwda has taken a position, we met both monday and tuesday night in special session to go through the entirety of the plan as it was proposed, and come to some decisions. And chris smith of the transportation committee, i'll turn it over to him to go over the details. Thank you.

**Katz:** Thanks.

**Chris Smith, Northwest District Association:** Chris smith, northwest pettygrove street, chair of the nwda transportation committee. I'd like to echo frank's thanks to both the staff and to our negotiating partners at nobb hill. And without going through the story of the project, go through some of our recent process, you'll probably recall that this plan first emerged just before planning commission, and at that time we brought it to our constituency and I think it would be fair to say we didn't have a warm welcome, which is why we did not have a position at the hearing in may. We've been -- frank and I have been providing leadership to the board, the board's been providing leadership to the community, and we're making our way through this. It's still a tough row to hoe, and we're going to ask you to help us today with a couple very specific things. One is some recognition that particularly the map can be modified to make this work better for the neighborhood, and that a recognition that we need to have the funds for this project flow through a t.m.a. That's accountable to the community, and if we can get those two things today, we'll have an easier time continuing to advance this cause. So having said that, i'll go through the details of our position. I'll start with the issue that's famously known as the map in the cap that describes how much off-street parking there would be in this plan. As joe will go through, there are eight sites on the map where structured parking could be created. While none of these are entirely popular, there are three that have attracted the most concern. Those are the three immediately west of northwest 23rd, clustered right in a row. We're asking you today to remove two of those from the map. We'd like you to remove pizzicato and papa hayden on the basis they have the largest impact on their immediate residential neighbors. It would involve taking out a residential home, it has five affordable housing tenants in it right now and the concept of tearing down housing to build parking is really anathema to our neighborhood association. We would offer a replacement that you put

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another site back on the map, the plaid pantry site at northwest 23rd and glisan. And we would ask that staff working with the parties assemble a package of incentives that could be used to encourage that site to be redeveloped as parking. And while the nwda board has not formally adopted another site, we think there's also a possibility worth looking at, which is the surface parking lot at 23rd and flanders immediately across from kitchen kaboodle that's 25% larger in terms of footprint than the papa hayden's site, and perhaps with an exemption with requiring retail uses on the main street, having a design treatment instead, that's also potentially a viable site. So our first request to you is to remove those two sites with the possibility of some replacement. With regard to the cap aspect -

**Katz:** Let me just make clear. You're adding the plaid pantry site which I thought was a great site very early on, and then it fell off. And what was the other one?

**Smith:** Potentially -- the board has not officially taken this position, but I would suggest 23rd and flanders is a possibility for at least a two-story structure.

**Katz:** Ok. Go ahead.

**Smith:** With regard to the cap, the board has conditionally adopted a position that in conjunction with agreeing to the t.m.a. Structure, nwda would accept the 800-space cap that is in the plan. Those two trade-offs are in a memorandum of understanding that the staff has recommended that nwda has agreed to execute. Unfortunately nobb hill has not agreed to that, and therefore our support of the 800-cap is conditioned on ultimately that being executed. So pairing that with the t.m.a. Issue, we may yet have another position on the cap. We think a phase-in mechanism is important and we would propose two controls for phase-in of this. We would ask the cap initially start at 250 spaces and then an additional 75 spaces be invested annually until we hit whatever the upper limit of the cap is. The 450-space subcap for the conditional use site assist very important. That is basically a safeguard to make sure that the 800 spaces don't get consumed as 2400-space megastructures. The second phase-in mechanism we believe is important is a financial one, and that is the t.m.a. Would have a criteria, a funding criteria they would not dedicate subsidy from the on-site revenue, two additional structures after the initial set until the existing capacity had been absorbed. So basically we're not going to build structures, on a build it, they will come basis, we need to show the first capacity is used and build these in a gradual manner. That would not be a zoning criteria, but would be a financial criteria for the t.m.a. There are issues about possible adjustments to set-backs required to make those work. We understand those are issues that will need a process. We would suggest the right way to do that is to use the existing zoning adjustment process rather than building into the plan certain adjustments, because we want the neighbors next to those size to have their day in court and have the process to protect their interests as this is done. And then finally, staff has proposed an amendment on height limit that's would on a number of the sites limit the height to 25 feet, which appears to accommodate most of the proposed structures. Our position is a little stronger, we would like that 25-foot limit to be absolute on all of the permitted sites and on the trader joe's conditional use site, and then be potentially adjustable through a conditional use process that flanders medical and legacy sites. And then finally we have -- next let me move on to the shared parking components of the plan. Shared parking is something that all parties seem to agree is a good idea. It makes sense to use the existing surface parking resources efficiently as possible before we build new resources. There is an amendment about creating an initial authorization, the overall plan has the concept of making sure parking accountable through the -- accountable through the t.m.a. There's a desire to have some at the front end, and we understand that. We don't believe it should be a blanket zoning of some 1600 spaces, which is the amend's proposal, and we suggest instead the parties should work together to identify a set of sites that have the maximum benefits, the minimum impacts on the neighborhood, and

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bring that to council with the t.m.a. Start-up document and approve those at that time, rather than in the zoning code. There's also a technical issue, an amendment p-20 that we're posing because we don't understand what it does yet. We may be able to work through staff with that. Next I want to talk about the t.m.a. governance. This is perhaps the issue of most concern to nwda at this point. Our board has conditioned our endorsement of the entire plan on successful resolution of this issue, and this is the other issue in the m.o.u. Paired with the 800-space cap. We believe there are three very important concepts to make sure that the revenue that comes out of these pay stations is in fact used for the dual benefits to the community of livability and economic vitality. Those principles are that the two neighborhood institutions, nwda and nobb hill should have balanced representation on the t.m.a. That their role in the ongoing operations should be affirmed by letting those organizations appoint their representatives, by having an overall set of balanced representation, and by having mechanism that forces consensus so major decisions can't be made on 51% votes. We really want the community to come together around major decisions. Joe asked me to spend a few minutes talking about our specific proposal for that. It's actually outlined in the m.o.u. It's this table. The design we have proposed has four representatives from nwda and four from nobb hill. So those are in balance. Those make up eight members of a 13-member t.m.a. We have proposed a membership and alternate structure so we can allow a maximum number of voices to the table without having an organization that's so unwieldy that can't work. So in a number of situations we propose a split role between a member and an alternate, so for example among the nobb hill membership, we have restaurant representative and a theater representative. So in one term on the t.m.a. The restaurant would be the member, the theater would be the alternate, the next term it would be the opposite. We've paired that in other places as well. Beyond the eight members appointed by the two associations, we have five members appointed by the commissioner in charge. Those are balanced between economic vitality interests in the form of a large employer representative, a member alternate pairing between apartment management and professional office representation, two modal advocates, a pairing between a bicycle advocate and pedestrian advocate, and another between an accessibility advocate and a representative of household in the neighborhood that doesn't own a car. And then the 13th and final vote, the closest thing we could find to a swing vote was a representative from religious institutions and social service agencies in the neighborhood. We believe that structure coupled with an eight-vote super majority for major decisions provides enough different sets of membership that there will be a need and ability to form coalitions, at the same time that no single blocking dominate a decision either positively or negatively, and we feel this is a very good design. And as I said, this is one of the -- the neighborhood really needs to see that in fact the revenue stream won't be hijacked and a structure like this is accountable to community, will be the mechanism for spending the funds, and I hope you will endorse that today. Moving to the on-street plan, this is an area where nwda is still struggling. There's still a sense in the neighborhood that the combination of parking structures and pay stations is a bit too overwhelming. And that's been reflected by the board in a recommendation at this point that pay stations only be on the commercial streets, and that in order to protect the residential side streets from people fleeing the avenues looking for free parking, that we have a permit system on the side streets with a one-hour visitor limit. That frankly is a better position than where we started. We had a first vote where we said no pay stations anywhere, which would not provide the financial underpinning for the parking structures, and would probably sink the whole plan. This is an area we continue to work on. If you could help us on other issues, this is an area where continued leadership can help us get to a win-win in the end. We think it is important that pay stations be placed sensitively, and the extent that they are on residential streets we'd rather see them on corners than in front of people's homes. It's important that they be relatively tightly spaced



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and convenient on the commercial boulevards. We'd like a little more flexibility on side streets. We are concerned about the time limits. The plan originally developed after only one year of experience with p.g.e. Park suggests two hour, three hour and four-hour time zones with the option for visitors to plug the meters. We have found now in year three at pge park that folks have learned that the 3 hour zone is north of Hoyt and you can park there and go to the game and not have to worry. And for that reason we'd like to see three hours as the maximum time limit, with plugging for those folks who are truly staying in the neighborhood. We recognize that will be a burden on cinema 21 in some circumstances, and we would work to create some exemption mechanism for them that would support their business specifically. We think they're the only business that plugging doesn't work for and we'd work hard to accommodate them. Finally, there's the issue of employee parking permits. This is an area where the c.a.c. Was never able to reach resolution. You're probably familiar will are two miles in the city, employment areas like the central east side typically permits are allowed for 75% of full-time equivalents in more residential neighborhoods like goose hollow and corbett terwilliger lair hill, that number is 50%. We recognize we're a mixture, different businesses have different needs, and we would advocate for that 75% eligibility more similar to employment areas, but we'd ask there be a pricing tier introduced above the 50% level so business owners, when he fills out his order form for permits has to stop and think and has a signal that fewer permits are better for the neighborhood and more are worse, and that's reflected in pricing. We'd propose the first 50% be priced at the cost of service, which is \$32 currently, and in the 50 and 75% range, it be priced at two times the cost of service or \$64 right now. I'm happy to answer any questions about our position.

**Katz:** Questions of chris? Chris, let me ask a question. I think the plaid pantry site was taken off because there was no surety that the owner of the site was interested in any development.

**Smith:** Which is why we'd like to work to create incentives.

**Katz:** The incentives that you're talking about, would you be willing to use some of the resources from the meters to provide that your share, to provide that as part of the incentives?

**Smith:** C.a.c. Concept for the t.m.a. Was very much that there are a set of allowable uses for the fund and those do include providing subsidy for the parking structures. We didn't talk about incentives, but it flows from that concept. It's certainly ok to use on-street revenue to make parts of the off-street plan happen.

**Francesconi:** I have a general question. I have an impression. I don't hold you or frank or anybody responsible for it, because you've tried to show a lot of leadership. The whole idea was to try to get parties together that to reach an agreement. And I had the impression that we're moving there with some substantial hurdles left to overcome. I have the feeling that we haven't -- that one side, and it's easier to represent business groups from my perspective, because the interest may not be quite as diverse, and you may not have as many than on the residential side, but I have a feeling that maybe we kind of got -- we're about here with substantial hurdles left to overcome, the business group has stayed there, and now you've gone backwards. So the gap is even further apart than we were awhile ago.

**Smith:** I think the conceptual acceptance of the 800-space cap is tremendous movement forward. I think the withdrawal of support for pay stations in residential streets is a step backwards. I think that represents an understanding of what we have control over. I think we believe that we can only marginally effect the sites and quantity of parking structures and we're doing our best to do that today on the things that are important to us. I think we think our residential streets belong to us and pay stations shouldn't happen there without our consent. So we're sort of shaping our position around that. I don't think that precludes the room for movement, but I think we need to see some of

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the other elements of the plan come out and some very reasonable areas we've asked for, and when that happens it may be possible to get movement back in the other areas.

**Katz:** So review again, what are the areas that -- one or two critical areas that then could move everything else.

**Smith:** Two most important areas would be to recognize that some of these sites have much more impact than others. And to adjust those, and the two we're asking for are papa hayden's and pizzicato. The height limit is a strong sign, and the t.m.a. Membership and accountability of the community is an absolute bottom line issue for nwda.

**Katz:** Thank you. Nobb hill?

**Tim Ramis:** I am not here today as a legal advocate, but instead here as a business owner building owner in northwest, and member of nobb hill. With me today is richard singer of nobb hill business association. For the past almost three years we have been working with the staff and nwda's authorized representatives to solve one fundamental problem, which is how to address a parking crisis that is dividing our neighborhood, and to do so in a way that does not create large oversized monolithic parking structures. The solution that we came up with in those many months was first to abandon the idea of a large area wide flexible zoning district that allowed major structures, and which potentially involved many dozens of demolition permits. And then second, to locate the parking in small strategically located structures that were to be placed on surface lots that is locations where surface lots already exist, or are already zoned, second, to keep them small and subject to being tucked behind existing commercial structures, and then third, to put them through design review to make sure they were compatible in their designs. The other aspect of this plan was to scale back our request from 3000 1500 1200 type number of spaces to 500. But in scaling it back to 500 to be assured that those spaces were actually deliverable. Not simply legally theoretical possible through conditional use, but actually deliverable. You have before you from the planning commission the outline of that plan. What's needed from our perspective are a few amendments to make sure it's actually workable to make sure that it comes to fruition. It's our intention today to speak to that broad plan, along the dimensions of the broad policy questions that the staff posed in their memo of the 17th of this month, it is not our intention at this point to speak to the specific details of the amendments. We have those amendments here, we're happy to speak to them when you get to them if you do, happy to answer any questions about them, and would like the opportunity to do so. Also, we don't intend to speak today at this point to the t.m.a. Issues unless you have questions. There's a written summary of our position on that. We would be happy to answer any questions you may have. From our perspective for the program to work, there are basically five fundamental components that need to be in it. First, the recognition that is needed. Typically the argument over need has been wrapped in this question of whether or not there should be a phase in period. The premise of the phase in idea is that the need for these spaces has not yet been proven and therefore at some future date on a case by case basis you would prove need. In our view we agree with the data that's been presented by your staff in particular the memo from Rick Williams indicating that there is already a 95% utilization rate on existing parking in the area. That coupled with the fact there is a 3,000 space need and only a solution dealing with 500 spaces means we shouldn't be in the position of re-proving in each case the subject of need. That's already been done. Second point critical of the program, make sure the sites are practical and deliverable. In regulatory terms this means don't subject the sites to setbacks, heights, rather development regulations that force the site through a conditional use process or some other discretionary process because then our agreement to go back to 500 spaces simply doesn't work. A third point, prevent these sites from becoming outrageously expensive, and therefore, impossible. That means to be careful about loading on additional process, and it also leads to our request to include a provision

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that would allow the removal or relocation of two of the structures involved in one of the sites. Fourth, keep the focus on using the five allowable sites that are on the map now, rather than relying on the conditional use sites. That means don't divert the focus to sites that have been reviewed and rejected previously for good and practical reasons, including the domino site, which dick can speak to. Second, it means don't put your reliance heavily on the conditional use sites, and the fallacy of doing that, I think, is demonstrated in the staff report on page 6 where there is a chart describing what happens if you start deleting some of the five permitted sites. In at least one of the scenarios we delete some of the existing allowable sites, you end up relying, in order to make the 800-space goal, on 625 sites that are supposed to be provided from good sam, trader joe's, and another site. This, we think, is not a practical way to really make things happen. The good sam folks have told us that this, this site is, is their last remaining major piece, and that we ought not to be relying on it heavily to meet public needs. The trader joe's site is subject to a very long-term lease and not a practical place for us to rely on uses and, of course, both these sites would be saddled with the conditional use requirements. We also think relying on a site that's already zoned c.s., which is already inadequate to provide the parking, is not a solution, either, and that's, of course, the dominoes problem. Fifth and final point, we should make efficient use of existing surface lots, which now are made artificially unavailable by zoning restrictions. Residential users should be able to use those commercial lots, those commercially zoned lots at night, and correspondingly, employees ought to be able to use unused accessory parking to residential uses during the day. Also, there are a couple of places where, where despite the zoning, there is currently commercial use of the site, and those ought to be recognized and allowed, such as the m.l.c. Site, and those are the five things that we think are critical.

**Richard Singer:** Good afternoon. I am richard singer. My I address is 635 northwest 23rd avenue. I've been working on this problem in earnest for the benefit of the community. I'd like to mention again that this is just not businesses and visitors that want more parking, but in the davis-hibit survey commissioned by the city, 73% of northwest residents want offstreet parking. The problem has been how to provide the parking in a way that is sensitive to the character of the neighborhood. After over 10 years of working on the problem intensely, along with 2 dozen civic volunteers over the last three years, the planning bureau and pdot got involved and hit on a solution. Supplement the public parking available in the c.s. Zone with limited number of sites in the residential zone. Make sure that these sites are small in area and either already operate a surface parking as seven of the sites do or already have been approved for surface parking as in the papa hadyn site. Allow a small number of parking spaces on each site and allow relatively small amount of parking spaces cumulatively on the sites. By this approach, the large parking structures on the small infill sites cannot happen, and the mischaracterization of this only serves to inflame, not to inform the decisionmaking process. There is a price to be paid for this approach, and it's step. The small parking structures being permitted are inefficient and incredibly expensive to build. Simply, theoretically allowing parking does not solve the parking problem. The plan must facilitate the actual production of new parking spaces. So, to make the proposal workable, a bargain was struck in return for accepting the inefficiencies of small parking sites, the development standards for parking on the sites would be refined to make it practical to construct the parking. As proposed, the staff recommendation does not meet this threshold. For example providing a 10,000-foot site of which 20% is lost to setback requirements unless an adjustment is granted, isn't a solution. It's a recipe for ongoing tension in the neighborhood and ongoing appeal hearings in front of this council. In closing, this has been an incredibly thoughtful and inclusive process. Planning and pdot have shown that the 80 offstreet public parking spaces that currently exist in northwest are, by their estimate, 3,000 parking spaces less than what is needed. Only 500 net new spaces are

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being permitted. Just recently, p.d.c. Informed me that they are hoping to soon build a 490-space garage in the pearl district on northwest johnson between 9th and 10th. That's our entire -- those 500 spaces are our entire cap for the next 20 years. In one structure. No wonder we are seeing businesses moving to other areas, such as the pearl, where there are visitors that can have better access and businesses, therefore, have a better chance to succeed. Contrast that to what's being contemplated for northwest, which 500 spaces are being spread amongst eight sites. The viable site options have been carefully studied by planning and pdot. Proposed sites are the ones most compatible with the neighborhood, most helpful to the main streets and most likely to actually produce parking. So, we hope you will direct staff to return to council in the future with a final northwest parking plan that implements the offstreet parking proposal and with final proposed zoning code language that will allow the parking spaces to actually be constructed. Thank you.

**Katz:** Questions? Ok. Thank you.

**Katz:** Joe, come on up. Why don't you -- you want to start with this, and then you are going to go through all of this document?

**Zehnder:** Yes.

**Katz:** You can use this document or the one that -- the nwda --

**Zehnder:** Yeah, I haven't seen that one.

**Katz:** So we can use this.

**Zehnder:** What I prepared for you is an agenda with the decision points and I cross-reference it with the table, so some of the information we are referring to will be in here. I have been joined by rob burchfield from the Portland office of transportation. I just want to open our discussion of the nine questions that are on this discussion agenda by, once again, reminding the council that, that what we put together here is a strategy that's got five elements, onstreet parking management, a t.m.a., additional offstreet parking and structures, shared parking of existing lots, and design review to be able to craft a absolutely to move forward to parking in northwest. It's an integrated strategy where all those pieces need to be implemented at the same time. When we start pulling on any one of those, the whole thing can be unraveled, so what we framed for you today are nine essential sort of threshold questions that, that, with the city council guidance, we can attempt to, to resolve and have a sound solution, a strategy that we can bring back to you. Just starting from the top of the list.

**Katz:** Ok. Let me just -- i'd like the council to work through this with joe and look at the staff comments and then look at the comments by both the nob hill and nwda so that where there is a disagreement, council can ask joe and rob questions on those issues. Then I will try to get a sense, after we have public testimony as to where the council is at.

**Zehnder:** We will go through the whole thing --

**Katz:** I am not sure. How many people thought that they were going to testify on this? I didn't think so because we have gone through the issues. All right.

**Zehnder:** So with that we will start by going through this first issue, which is the question of the onstreet parking program, and I am going to turn it over to rob to lead that discussion. Actually, we are going to use part of the powerpoint for this.

**Rob Burchfield, Office of Transportation:** Ok. So the first question, as joe has framed it, is does the council support creating an onstreet program that uses both permits and meters as endorsed by the northwest parking c.a.c. And uses pay stations as we refer to them, smart meters on some residential streets to provide for part of the parking supply that needs to serve visitors in northwest. A little bit of background and discussion, the, the onstreet parking concept plan that was proposed by our northwest parking c.a.c. Recommends pricing onstreet parking using meters and permits. The c.a.c. Evolved this plan over a course of, of two years, and that included about,

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about 2 dozen meetings and several open house, so we, you know, we looked at the alternatives and in great detail, and we talked to a lot of affected stakeholders in this process. The plan, essentially, requires visitors to pay for parking throughout the neighborhood, i.e., visitors don't find free parking within the core of the neighborhood, and provides permits to residents, the guests of residents and employees to exempt them from the pay regulations, so it provides, you know, a direct benefit to residents in that manner and employees, as well. A key objective of the onstreet plan that we started out with, and this plan accomplishes is to discourage p.g.e. Park patrons and commuters from parking in the neighborhood as directed by city council. So, I want to remind council that that's an important part of what our objective and mission was in this process. Pricing onstreet parking provides a number of benefits. As Chris noted, revenue from onstreet parking can support the travel demand, activities and help mitigate the impacts of traffic on the neighborhood. Pay parking clearly encourages turnover and allows for better utilization of the existing onstreet parking supply. And finally, as it relates to the offstreet structures, a priced onstreet parking environment is typically a necessary prerequisite to create the market for priced offstreet parking. Some of the questions that have been raised in this discussion within the last couple weeks are -- relate to, to why are meters needed in residential streets, on the residential streets? The, the NWDA recommends that they be put in the S.C. Zoned areas. That comprises 15% of the area considered for regulation here. This area is simply not enough supply to provide the parking that's needed for visitors to the area. The constraint supply of parking overall dictates that, that the onstreet parking supply really has to serve multiple types of users, and that, you know, who is being served by that parking changes by time of day and day of week, so we see this continual flux of users using the same parking supply. So, some of the onstreet parking supply in the residentially zoned areas is needed to meet visitor demand during peak times. Why did the C.A.C. Choose smart meters as the mechanism, really to, regulate the parking supply. We believe that smart meters provide the best and most flexible mechanism to regulate parking in the neighborhood. They allow for, for the hours of operation and the, the time limits to be changed, and that's a critical part of -- of adapting and responding to the p.g.e. Park season. They also provide for the most effective means of enforcement. Deputies simply can verify receipts or permits. They don't have any timing for the duration of the stay of the vehicle. That makes the enforcement effort much more effective and easier to accomplish. And as proposed to you in the current ordinance, the specific details of the onstreet plan and creation after new metered district are to be developed with further public input for council adoption in the fall.

**Katz:** Spell that out a bit more.

**Burchfield:** Yes. Currently, in title 16 the creation of a metered district calls for some specific steps, including a public hearing with notice and then a report to council with notice, so those are the formal steps that would need to occur before we would come back to you with an ordinance that would create a new meter district.

**Katz:** So it would create a new meter district and would identify how many meters and where?

**Burchfield:** We could do all those specifics as a part of the outreach we would do to create that meter district and bring it back to you, and we would also have to write, essentially, new code regulations for this new type of system that would allow meters and permits to be used together.

**Katz:** And would that be an issue that would be addressed by the management plan?

**Burchfield:** What we are hopeful is that the T.M.A. Could be formed and help provide guidance to that process. How quickly we could form that T.M.A., I think, in part, depends upon the decisions we make here.

**Katz:** But it would come back to the council, in any case?

**Burchfield:** Yes.

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**Katz:** Did -- never mind -- well, let me ask this because we may be able to get through some of these issues if we can ask these questions. Your recommendation of meters within the residential districts or where they would be located would be part of what you would be coming back?

**Burchfield:** Yes.

**Zehnder:** Really what we are asking for today is just endorsement of this idea that there could be, be meters on residential streets as part of this package. We believe that that's necessary, a necessary part of the solution.

**Katz:** Ok.

**Burchfield:** Just for reference, when you look at item p-3 in that table, some of the, some of the text there relates to an earlier proposal that came from nwda, so some of it is -- doesn't really relate to the discussion that we are currently having. So, I don't want to confuse you with that. But, I would like to move onto the, the first part of the t.m.a. Discussion and talk about the concept of revenue-sharing.

**Zehnder:** So this would be question 2 on the agenda, if we are ready to move onto that one, and we are done with the powerpoint for a while if you want to turn the lights on.

**Katz:** Ok, so, joe, you have touched on this, and we are skipping around this --

**Zehnder:** Right. Question number two moving on, if we are moving onto the next issue is touched on in item p-1 of the table that we handed out. It's also probably the most relevant document is a one-page handout that you have -- titled "examples of transportation, projects, programs, and services." it's a projection of five year's worth of t.m.a. Revenues. Actually, if we can get copies. It's a projection of five years' worth of t.m.a. Revenues and potential projects.

**Katz:** I don't have one. I have everything but that.

**Zehnder:** Nicholas is going to bring some up, and then rob is going to lead us through this question.

**Katz:** All right.

**Burchfield:** Ok. The question, as joe's framed it, is does council support the concept of using all of the net meter revenues in the first five years of the program to support northwest district projects and services. I would also note that, that this revenue-sharing discussion is a part of the, of the m.o.u., as well, which has been referenced. Council -- there's an existing and council-adopted meter district policy that specifically addresses revenue-sharing for new districts. This policy was adopted before we created the lloyd district meter district, and the policy states, in part, that the majority of net revenues should go to supporting transportation and parking services and programs within the meter districts, so the operative word there is "majority." we believe that it is fair and reasonable given the unique nature --

**Katz:** That's 51-100?

**\*\*\*\*\*:** Yeah. [laughter]

**Katz:** Reasonable.

**Sten:** We interpret the majority of that. [laughter]

**Katz:** Go ahead.

**Burchfield:** We believe, and this is -- staff believes it is fair and reasonable given the nature of this plan for council to state their intent to commit all of the net meter revenue that will accrue over the first five years of operation of this program to services that serve the district. That handout you just got, I think it shows that our projection for net revenue over the first five years is, is approximately 3.8 million, and over 10 years wield project about \$10 million in revenue because we will have start-up costs that don't repeat and pay out the pay stations and begin to have better revenue projection as time goes on. The nwda and nob hill have both requested that, that we make a longer term commitment. We think it's appropriate given that we can identify projects now that

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are high priorities for the city and high priorities for the neighborhood that could easily consume five years' worth of funding, that that commitment is something we can make within this, this agreement, but we believe that, that a longer term agreement we have sufficient guidance from the existing meter district policy and should not make a longer term commitment.

**Katz:** Should not make a longer term agreement than five years?

**Burchfield:** Five years.

**Katz:** What are you doing at Lloyd Center right now?

**Burchfield:** In terms of, of right now, Lloyd district receives some funding for projects that come from meter revenue. I can't tell you exactly how much meter revenue is being allocated there, but that's a question I can come back to you with.

**Katz:** Are you skimming off the meter revenues for transportation? For pdot?

**Burchfield:** You know, I will confirm that and be able to respond to that.

**Katz:** Ok.

**Sten:** Is there a specific time period that the neighborhood and the business group have proposed? I can't remember.

**Burchfield:** That may be a question you want to direct to them, but I think that they have looked at, I think, an open time period in terms of the ongoing commitment.

**Sten:** Not six years?

**Burchfield:** No, I don't think so. [laughter]

**Smith:** 5 years is the amortization period.

**Sten:** It's the cheap time to give you the revenue is what you are saying? Got it.

**Zehnder:** Well, just on the revenue -- ok. If there are any other questions on two, we will move onto three.

**Katz:** Go ahead.

**Zehnder:** The third issue is a question of does the council support a t.m.a. Board structure as described in the draft m.o.u., and I will refer you to the document that the draft m.o.u. And also referred to if p-1 on the table, and the essential elements of that t.m.a. Board structure, and Chris described them in great detail, but the three essential elements is that there is a board structure that has a balance between the interest groups, that a portion of the membership is appointed by NWDA and a portion is appointed by the Nob Hill Business Association, so from the community's point of view, this is a direct empowerment to their participation in that board. They craft some voting rules on major issues, and what's proposed in the m.o.u. And bylaw provisions but on major issues there is a supermajority that forces a consensus. We haven't seen the, the letter that Nob Hill provided you, so I don't know if it's addressed directly in there, but in the conversations, in the negotiation issue raised by Nob Hill on this issue is that a structure like this with the appointed -- with members coming from the stakeholder groups overly politicizes the board and will create a board that's going to continue one of the reasons we are all here, which is that the two sides haven't been able to come to an agreement.

**Katz:** So where is the real difference between those two and noting how important this is to the neighborhood?

**Zehnder:** You know, I would defer to Nob Hill and NWDA to speak for themselves.

**Katz:** We will come back to that. The position that staff is taking is that looking at this board, sort of as a technical structure in terms of how the voting could work, neither side can veto the action of the other side that five of the members are appointed by the commissioner, the department of transportation that, that there's a built-in balance, like in terms of voting rules and structures, this board can work, so we believe that the concerns of the Nob Hill Business Association are answered

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by the structure of the board, and we would accept or recommend that, that the city council endorse that approach. Now, whether or not we --

**Katz:** So you would recommend that we endorse the approach that was outlined by the nwda?

**Zehnder:** Right. As, as described in the m.o.u. As you hear, the nwda --

**Saltzman:** Described in the m.o.u. is different than what the nwda has.

**Zehnder:** No, it should be the same.

**Saltzman:** The supermajority is part of that?

**Zehnder:** Yes.

**Saltzman:** Ok.

**Francesconi:** Does the t.m.a. Have regulatory authority?

**Zehnder:** The authorities of the t.m.a. Are to make recommendations to the commission of transportation on expenditure of parking funds. We are looking at the t.m.a. To develop and promote and sort of implement transportation, demand and transit-promotion programs like they do in the lloyd district, so it actually could be -- could take on a function and be staffed. We are looking at the t.m.a. To administer the shared parking program, which we will talk about later, but ultimately, those issues that the community is concerned about, about performance -- if shared parking creates a nuisance, if the t.m.a. Has to license those shared parking operations, the t.m.a. Is on the ground close to the issue and can enforce the nuisance violation, so we would look at them to do that. So they would have administrative functions and functions to develop transit and alternatives to parking and to fund parking structures, as well.

**Burchfield:** One other service that we may look to them to provide would be to administer many of the permit parking permit services where actually distributing permits within the neighborhood, sales, etc., which is a fairly big job.

**Katz:** Let me ask a very practical question of you, joe and rob. If we adopt the, the m.o.u., which if it's the same language that the northwest district association representatives identified, then I would expect the nwda then to be coming back with, with additional issues they may come to some agreement with, everybody around the table.

**Zehnder:** The nwda -- right now in terms of what's in the m.o.u., t.m.a. Is endorsed. Nob hill has an issue with it.

**Katz:** I know that. I am trying to bring people back together again, all right. This is a very important issue. Personally, I am not sure that, that the nob hill issue is that critical in terms of, of their criticism of that, to break this thing all open. If this is going to be a lynch-pin issue, we ought to agree with it and then move on and get to closure on some of the more critical issues.

**Zehnder:** Yes.

**Katz:** Would you -- would both of you agree?

**Zehnder:** We would. That's why we are making this recommendation. I have got to acknowledge that, that the, the board structure, we are judging it and we think it's a workable structure, we are judging in the context of the m.o.u. Include as commitment to support 800 spaces in the core area, so we think that that is a major -- a critical issue, as well.

**Francesconi:** I mean, first of all, I have never seen this until a minute ago, ok, and I wish that maybe we would have had this sooner. That's a preliminary comment. I have no interest in appointing all the members in this amendment that was given by the business association. That was one of the suggestions. I have absolutely no, no interest in doing that. That is for a lot of reasons, ok. The, the only -- this is the appropriate system if parties were actually working together. What my concern is, it may continue paralysis under the voting requirement, and I actually see this as a big deal, and it's very important, I mean, that's why they spend 90% of the peace conferences figuring out the shape of the table. You know, I want this to work. The



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question is, how do we make this thing work. It's going to be with representatives of the community sitting around the table not just people that I appoint -- that, I promise.

**Zehnder:** Commissioner, if we wanted to step back from the level of detail in this specific proposal, I think that the issues are balance and empowerment for a lack of a better term, which means from the ndwa's viewpoint that that he appoint some members.

**Francesconi:** Let me be clear -- the supermajority could cause paralysis, am I wrong or right about that?

**Zehnder:** It's an eight-vote majority on bylaws and changes of expenditures of funds, and that the eight-vote -- what it basically says is that the majority has to be constructed by either some nob hill representatives voting with nwda or some of the five -- all of the five votes -- some of the five votes that would be appointed by the commission of transportation voting with one or the other side. So, no, no -- there is a forced consensus among the sites. No one site can vote no and veto an action. It has -- it has to be a vote that doesn't -- a vote that doesn't get you eight votes has to be supported from someone by nwda going with nob hill or vice versa.

**Katz:** Chris, did you have something you needed to add to this?

**Smith:** You just would like to share a perspective. This is a great concern -- the supermajority, which is what you are hung up on is, a great concern in the neighborhood because, you know, we see houses and advisory committees work. You have neighbors and you have people there with an economic interest and folks with the economic interest setting the chairs more frequently and longer than neighbors do because they have different demands, and I will give you a perfect example from our own cac process. My friend, tim ramis who I disagree with on some things but respect, was an active member in the c.a.c., and he couldn't come to one of the meetings. He sent his secretary. If I can't come to a meeting, who do I send? There's -- if it's just 51%, there's a bias toward the folks who have a \$1 interest in being there as opposed to just volunteers. The supermajority is a protection against that, as well as a way to make the parties work together, to hammer things out. I know that we haven't closed the gap on this, but man, compared to where we are three years ago, I think that everybody in this process has done a heroic effort to close the gap.

**Francesconi:** But, there's other possibilities between a supermajority and 51%. I guess my request, mayor, is to begin the process of continuing cooperation by giving some time for the parties to get together on this and present it back to us. It's starting with the shape of the table.

**Katz:** I am --

**Smith:** We have worked this one to death. We need some --

**Katz:** Yeah. I think this one can -- I really do think that, that this one can be settled and everything else could come back to us with some agreement.

**Francesconi:** For the sake of continuing to get clarity, so chris, by, by -- are you saying that this proposal in this m.o.u. Is the bottom line on the structure of the table?

**Smith:** The fear of the neighborhood is we lose control of the revenue, at which point, you know, the major benefit that makes this whole thing worthwhile goes away, is no longer assured --

**Francesconi:** No, I understand the concern. If we don't -- if we don't get something that a -- affirms the three principles that joe talked about, details could be different but the three principles, which include a consensus forced mechanism, I think that they would have a hard time to participate in this process.

**Katz:** Ok. Thanks, chris. All right. You have seen the, the t.m.a. Amendments that nob hill proposed. I can't support -- tim, I am sorry but I can't support having one commissioner, whether it's --

**Francesconi:** I am not doing that.

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**Katz:** That's, that's, that's not going to happen.

**Ramis:** If I may speak to it.

**Katz:** And tim, let me give you some sound advice. This is the lynch-pin. Ok.

**Ramis:** The -- thank you very much. [laughter] I did want to clarify that I don't have a secretary. I have a legal assistant who -- [laughter] On this issue, we have seen movement on both sides, which I appreciate, and the document is closer than it has been previously. Particularly with the modifications, the supermajority and agreement with respect to the makeup of the body. It's my expectation that we will continue that process and continue to, to move closer, and I don't think that, that nob hill has ever taken the position that, that there is any one position that has to be with respect to this document. We have tended to view it as, as part of a global solution, and that's why I would favor continuing to discuss this issue. We have been meeting frequently, and I expect that we will continue to meet, and I would expect that we would get closer together on it. It is critical, though, I think, to get this right because there is regulatory authority vested in this body, and if it is not done right, there is things that won't work. For example this body is charged with making a land use decision, can has to do with which sites can be used for shared parking. That land use decision is going to be subject to the statutory rules for land use proceedings in the state. If it's not done carefully it will be an impossible process. So, it is a complicated one, and I think one that we ought to keep working on.

**Katz:** Thank you. Thank you. So staff recommends that, that we, we accept the m.o.u., the language in there.

**Zehnder:** We believe that that's a workable structure.

**Katz:** Let's keep going.

**Zehnder:** Question number four gets to does the council support offstreet parking on the eight residentially zoned sites in the core of the commercial areas on 21st and 23rd. For this one we will use the power point again. What I would -- in the proposal there are five sites that are being proposed as permitted uses. These are the type a and b sites, permitted uses for offstreet parking, a portion of which is in a residential area, and, and then three, three conditional use sites. Those are the yellow sites, which are permitted but only as a conditional use. As you have heard in the testimony, the, the issue really is on the three sites that are west of 23rd street, so what I would propose to do now is actually give you a wick overview of the sites and what the impacts would be so that you would have that context and in making judgments --

**Katz:** You will use the guidelines you identified on height?

**\*\*\*\*\*:** Right.

**Zehnder:** The other issue is in the first draft, in the, in the planning commission-approved version of the plan, a 45-foot maximum height, and we are proposing to lower that to 25 feet height for the portion of the site that's in residential zoning, and as I show you the examples, I can explain that more clearly. I will show you the three 23rd street properties. First is the papa hadyn site at 23rd and irving. The site is behind a commercial frontage on 23rd. It includes another one-story commercial structure, an office structure that's already scheduled for demolition and redevelopment as the surface parking lot, and then it includes a residential structure divided into five apartment unions. The next down the street in the lower part of the illustration, you begin the, the remaining of the street on that side of the street is a residential street.

**Katz:** Let me ask you -- go ahead. I will ask you a policy -- well, actually it's a value question. I will hold off. Keep going.

**Zehnder:** The proposal that's on the table for this site, the structure that's been under discussion, and I just want to say the reason you are looking at a map of the specific sites is that the only way that we could parce this issue was to talk about real places and impacts, and that's why I am

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showing you the proposals that in this case, the owner of the property has developed. The proposal here would be a 72-space parking structure. A parking structure with no uses on the ground floor. There is a two-story version that they have proposed that would be -- that would take it up to 108 spaces. One of the levels is below grade, which is what you see on the lower part of the cross-section, and then it's a spiral ramp, basically, a, a -- it's a ramp that goes up to a second level. The other thing to notice about this illustration is that since the parking is below grade and then ramps up, it's -- where it's adjacent to the residential property next door, it has a very low, relatively low profile. An 8-foot wall along that, along that property-line.

**Katz:** Is this considered the one-story or two-story?

**Zehnder:** This is the one-story version, and you can see that, that -- you can see in the dashed line the outline of the house that would be removed, so, so, and in effect, this structure is a lot smaller, a lot shorter than that one.

**Katz:** In your table you calculated this as a one-story or a two-story?

**Zehnder:** You know, in the scenario -- in one of the scenarios I gave it to you in the scenario --

**Katz:** I think you calculated it as a one -- a 75.

**Zehnder:** Right. I gave it to you both ways. The scenario three shows it as the two-story version which kicks it up to 110. In terms of elevation, the top illustration is the single-story version and the bottom is the two-story version. It steps down -- or it is able to step down as it moves toward the residential structure, and you can see, though, that to do -- to be a workable site, the, the property-line -- the structure, itself, has to be basically have a zero-foot setback from the residential property-line. That is to the west. On that property-line under the one-story structure is an 8-foot tall wall. If it goes up to the two-level version, that wall at the highest along the property-line could get up to, from 12 to 16.5 feet. There's a 4.5-foot parapet wall so it doesn't look into cars. They are screened by the wall. There is about a, a -- about a 3-foot separation between that wall and the residential structure. One issue about this setback question that I have to point out is that under the code now, one could have a solid screening fence on that property-line that would be eight-foot tall so the one-story version matches the, the setback requirements for just a fence. Take a, an estimate just to -- estimate what the visual impact would be. This shows a perspective view of the one-story version, so you can see that, that the effect on the residential property in terms of opening it up is significantly less, but undeniably a house is destroyed and parking is introduced into a residential area.

**Katz:** Let me ask, the house impacted -- that's, that's a rental or a homeownership?

**Zehnder:** I believe that it's, it's a multiunit house so I believe that it's a rental.

**Katz:** On both of them. I know that the one that, that would come down is a multi, multiuse?

**Zehnder:** I believe both of them.

**Katz:** Is the no-net loss housing policy apply here?

**Zehnder:** You know, you have got me stumped. I don't believe it does.

**Sten:** Unfortunately, that's just a zoning policy, so unless -- with the zone --

**Zehnder:** It's residential.

**\*\*\*\*\*:** Ok.

**Zehnder:** It's staying zoned residential so we are not changing the zoning, we are allowing commercial parking in a residential zone, so I would imagine it's not triggered. There is no change in zoning.

**Sten:** It's only a potential rule. It's not an actual housing -- I wish it was stronger.

**Zehnder:** Ok. Then the final thing I wanted to point out about papa haydn, tim and dick argued that development of these sites may require modifications of the setback or other dimensional requirements, and what nob hill has requested, we are going to discuss later, is that modifications,

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adjustments be granted now with the approved zoning for these properties rather than to make the development of the parking structure go through a modification process, and in this case, all of these sites you are looking at have to go through design review, so the modification could be the change in setback, could be granted as part of the design review, but in this case, the change would be from a five-foot required setback to a zero lotline -- a zero-foot setback on the rear yard, or the side yard, the side against the residential structure. Second site, elizabeth street, so we are moving south on 23rd street. Elizabeth street site is directly part -- part of it is across the street from papa haydn and wraps around the back of the commercial frontages to actually have an entrance on hoyt, as well. The part of the site also currently has a commercial structure on it. That's what the 1.5-story commercial building you are looking at on the upper slide is. The site wraps around behind the existing commercial structures, and you can see in -- some of those are residential but the structures along 23rd. It also runs next to, to residential structures to the west and to the east. There is two houses that are, that are just to the west of 23rd street at hoyt, and this l-shaped lot would, would cut into hoyt street between those houses and the other houses to the west.

**Katz:** Isn't there a wall on the west side?

**Zehnder:** There is a wall on the west side at the irving end. I believe the site slopes up. One of the things that is work with all the sites, and you will see it in the next slide, is that this site would be, would be entered at grade from hoyt and also entered at grade from irving, so they don't have ramps so you don't lose the space inside the ramp, so whatever space you create, you can devote to parking, which is one of the reasons that one can think of doing such small structures stuck in behind the buildings. So, that's what's illustrated here. You can see it come directly off hoyt to the upper deck and off irving to a lower deck. The -- it's approximately 65 spaces. It requires the demolition of the commercial buildings but the proposal that we are showing does not. It does not do demolition, residential structures, and there is a wall but because of the difference of the wall along the west edge is very short. This is a three-foot separation, almost -- it's de minimis in terms of, of a wall. And so once again we are showing you, you an illustration of what the view could be from, from hoyt in this case and where you enter offgrade, and this looks like a surface lot.

Just to go back, the two houses that nob hill has requested to relocate or demolish are these houses located behind 23rd street, so the idea would be that would make a much more efficient footprint. It would be the whole block behind there. Those are contributing structures on the historic district so we are not able to support the demolition. Finally, the adjustments that would be required for elizabeth street property is based on our reading of the code is none, so this one would not require adjustments to be adopted with the zoning. The last of the 23rd street sites is the, what we are calling the pizzacato site. Interesting story with this building is that it was designed to have parking on the second level, so this is a structure -- actually, if you look at that view down in the lower left-hand corner, you can see how it's a tall, attractive building that has this tall parapit wall. That's the kind of wall we talked about at papa haydn that would screen cars parked behind it. The site, itself is, at 23rd and glisan. It's got the same kind of design principle that we have seen in the other lots where one could enter the upper level deck directly from grade on hoyt street off of glisan and also that's lower level that you can enter from glisan and hoyt below that l shape. The fact that this is a bigger footprint is because the second floor, the upper level is built on top of the floors. And that's in the cross-section view.

**Katz:** This is the one -- first of all, west on that street, very lovely housing.

**Zehnder:** Yes.

**Katz:** This is the one, if I recall correctly, where the gentleman will a swimming pool?

**Zehnder:** You know, you are --

**Katz:** I am sorry, a lady? All right. Where's the wall separating the parking from the structure?

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**Zehnder:** Let me show you that. Here, these are residential properties along Hoyt. Actually, the zoning, the zoning here is the residentially zoned properties on this site are the ones on the west side of the site, so it's that part of the I. These are all single family houses, so this parking structure, this wall would be along the, the backyard line of those houses.

**Katz:** Higher than the fence?

**Zehnder:** It's higher than a fence. What we have estimated is looking at this cross-section, and this is the one that, that version. This is -- so it's one deck over a, an excavated loss that's underneath. At the highest point where it is behind those properties, that wall would be 20 feet tall, and then it would slope down as you head west.

**Katz:** And right next to, to her property, how much higher would it be against her fence?

**Zehnder:** Well, what I am saying is if you look at the bottom cross-section here, this is actually the view that would be seen from the back yards. This point here, right in the middle, if you can see the arrow in the middle of the site, that's where the wall that runs along the back yards is tallest, and at that point, it's 20 feet, and you can see that the site slopes up so that the wall actually slopes down, so as you get up into this end of the, of the site, the wall is increasingly getting shorter. Phil maybe you know how tall it is at the shortest point. It's like 8 feet there and once again, a fence in a rear yard in this district is allowed to be 8 foot tall, but at this point it's 20 feet tall, and it is a parking structure, so behind this parapet wall would be vehicles parked on the upper deck. What's proposed, part of the mitigation is the design is including the landscaping and planter boxes to try to screen this wall and make it more attractive, but still a 20-foot wall at the highest point. And so also the, the owner of the site has proposed a two-deck version of this, which would take it up to 115 spaces, but this would be, if the other one was 20 feet, this would be at least 30 feet tall, if not 30 to 35 feet tall in the rear yards. What is on the table for being approved -- currently the way the code is written is allowing it to be 160 spaces would allow the two-story version to be built. So, at this point, that's approximately 30 feet in this version, and once again, it slopes down as you go up the rear yards. Required adjustments, it would be a rear yard -- rear-end setbacks, which are 5 and 8 feet respectively, would have to be granted either through the adjustment process or, or with the zoning. We have additional slides of all the other sites, but those were, as you heard, the parties are virtually ready to stipulate on the other site so unless the city council wants to look at the rest of the sites we could stop this part of the discussion.

**Katz:** I thought that the Elizabeth site was a site that was ok for both parties.

**Zehnder:** Yes. The only two that, that, based on the testimony we have heard today is Papa Haydn and Pizzacato. Since we are looking at the slides, and then I can turn off the power point, if I can show you one more slide, which is the site that the NWDA has just asked us to consider at 23rd and Glisan. The Plaid Pantry site. We prepared a little Wick analysis on this. This is the site at 23rd and Glisan that has a Dominos pizza and a Plaid Pantry. It's a bit larger than the Papa Haydn site. It has greater depth, and it has the grade change as you go east on Glisan, you are going downhill. What that allows to happen here is, again, you could do one of those structures where you enter the lower level from Glisan and don't have ramps, so you gain some efficiency. You would need a curb cut off of, of Main -- off of 23rd street, so you would introduce a curb cut onto the, the main street, but you could have what would amount to a surface lot there, as well. We think we can get about 78 spaces and have some room for a little corner retail, so conceptually, this site could work for parking, but the big issue with this is that it is zoned C.S., so in terms of the zoning provisions, which would allow this, what I have shown you to be developed by right, no-zoning is required, so what we were looking for were, were sites that actually increased the range, the number of opportunities to create parking in northwest. This is why we were focusing on the ones that combine commercial and residential. With that, we can stop. The question that that discussion was

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to facilitate was, does the city council support offstreet parking in the core district on the eight sites or once again, should some sites come off or some be added.

**Katz:** Ok. Did you want to go through what, what you, you identified as different scenarios since we are still on this issue?

**Zehnder:** Sure.

**Katz:** That's your page 6.

**Zehnder:** And if we look -- I handed you out a one-page sort of, with a few more scenarios on it today, so if we could look at that table. It's just a variation, addition to what's on page 6, and what this does, mayor is, leads us into also question five, so we can knock off that next question, as well, which is what level of cap on the amount of offstreet parking does the city council support because all this works together. 800 spaces gross is what's on -- is what's in the ordinance now and nob hill correctly pointed out that that's only 500 spaces net. All those sites already have parking on them, so you are replacing some parking -- you are building parking on place where is there is already parking. This table, I believe, goes through to show that. As you see each of the scenarios on the net numbers is hovering around 500 spaces. What I have attempted to do here was to show you the impact of different scenarios where you start and pick and choose between the sites if some are unacceptable. Scenario one leaves everything in other than pizzacato, and, and the impact of all these scenarios, if I could point out, is that when we take it out of the permitted sites -- the permitted sites are permitted because they were the ones that we were most confident we actually, between the property owners' control of the site and the character and the fact that they were small could get built sooner than later, you push what's left of the 800 spaces into the conditional use sites, which are great sites for parking, but are bigger sites that don't necessarily -- aren't -- the owners of which are not necessarily proceeding with parking at this time. And as bigger sites, we are always assuming the way those will get developed is when the whole site is redeveloped for not just parking but parking and something else, so for instance, the trader joe's site, the scenario that what it would anticipate is the whole site is redeveloped as a commercial site, but in that redevelopment one adds parking that doesn't -- more than is required just to serve the new commercial that you are creating. As nob hill pointed out, there is a long-term lease to that retailer now for the site, so it's not in the immediate future that that could happen, but that development scenario is the character of all the conditional use sites. They are just not the, not the larger ones, but we would anticipate they would be part of the larger redevelopment so, the point of the scenarios is to show you what happens to, to the two different tiers of parking as you pick and choose between different combinations of the sites, scenario two is a site -- is -- was, was to illustrate the, the -- what some testifiers had asked for, which is one site on 23rd, so we chose elizabeth street in that scenario. There is uniform support from the metropolitan learning center, which we conservatively are estimating at 90 spaces, so we can get 155 spaces gross or just 72 new spaces. Out of that kind of scenario. And the scenario three shows doing papa haydn but two-level, I wanted to illustrate what the impact of that would be, so the tradeoff there is that, is that if it was just one site on 23rd and papa haydn, you net 114 spaces so it's one of the more significant increases in spaces that, that, that are, are in the scenarios. Down below you can see, in scenario five, the one with the one level pizzacato site. All of these, as I said, are assuming 800-space cap, and if there is support for the t.m.a. Structure, all the parties are, are agreed to that 800-space cap so unless city council has a strong feeling about manipulating the cap, that issue may be settled.

**Katz:** So let me ask the question, I know -- the metropolitan learning center is not really an issue, and that would help with the 21st avenue?

**Zehnder:** Correct. It's the same situation where, where off glisan and hoyt, it's two-stack decks and we think we can do it in a low impact state.

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**Katz:** You could get 110 at papa haydns, which could be a site developed immediately, yes or no?

**Zehnder:** Yes. It could be developed immediately. And that's the taller version of that site.

**Katz:** Ok. The issue there is the removal of a house, and I know how emotional an issue that is, and I hope that everybody can understand that, but it is a possibility -- as possibility if that's the only site that's selected.

**Zehnder:** It's a possibility, yes. It's not a contributing structure, and we have actually tried not to touch any of the contributing structures.

**Katz:** I am sorry?

**Zehnder:** In terms of the structure, the structure demolished there is, is not on the, on the part of the contributing structure to the alphabet historic district.

**Katz:** Ok. Any other questions?

**Zehnder:** The cap, we discussed that as well. We talked about it in item p-5 and going through the table, but if the t.m.a. Comes --

**Katz:** Let me ask again, your expectation is that we identify the 800, 500, which I think that everybody agrees to, your expectation is for us to identify the phase-in or the, the sites or --

**Zehnder:** The sites, if there are sites that, that, from the city council's opinion need to come off the map, then it could be one of the things that makes this not a viable proposal for the stakeholders, and then we would know that and we would be done. That's kind of the level of decision that we are trying to get to today. [laughter]

**Saltzman:** When are we going to make the decisions?

**Katz:** He's going through the whole thing. Then we come back

**Zehnder:** There are three more. The phased approach, actually four more. Phased approach, two proposals on the table. What staff proposed was not a phased approach, and here I am referring to p-6, and actually if you look at page 7 of the table, it describes the two options that we are asking you to consider in detail. One is that we use a conditional use process to, to judge each of the sites as the next one comes on to see if, if the it is working. If the last site that was constructed was not overly impactful and that the sites are being fully utilized, so that just is making a discretionary review be the trigger, and nob hill, as I expressed, is concerned about discretionary reviews being another opportunity for this to fall apart in the future. There is not enough surety from their point of view. The second proposal is really just, just a timed release of parking capacity, which is 75 space as year for the next seven years starting with 250 spaces permitted at the start and then increasing that 75 space as year, whether or not they are used until you get to 800 so, what it really amounts to is a timed release of the capacity, and what nwda has proposed is that would be, also, supplemented by a t.m.a. Policy that wouldn't fund anything until the others are built and utilized. That's not a bad use of the t.m.a. It gets it out of the regulatory system making those conditional use judgments. So, the staff is actually supportive of the second version of this phasing whereas just 75 spaces up to 800, if that satisfies the concerns that we are, that were behind why we wanted phasing in the first place. We believe it could.

**Saltzman:** 75?

**Zehnder:** It starts with 250. 75 a year up to 800. It's -- you are vesting, for lack of a better description, whether or not you use them, it increases, and after seven years, there is 800 spaces of capacity out there.

**Francesconi:** Is that 250? I assume it's the new spaces.

**Zehnder:** It's gross. All the numbers, the 800 cap is, is gross and the 250 is gross, so, but what that would mean, commissioner, is that you could build papa haydn and you could build m.l.c. In the first year, or any of the 23rd street ones.

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**Francesconi:** There is 500 new spaces. 800 total.

**Zehnder:** 800 total, yes.

**Francesconi:** So the 250 would be of the 500?

**Zehnder:** Of the 800.

**Francesconi:** I thought that we had the 300.

**Zehnder:** I am sorry to be confusing. When b.d.s. Regulates how much parking is built, they want to lack at what you are putting in place, no the do the math because they don't keep records of what's on there, so we always talk in terms of regulations, in terms of, the gross number, what actually at the end of the day is going to be built on the site, so it's all that.

**Katz:** Repeat the second phase? The second phasing would be, would be starting with 250 spaces of permitted parking, year one.

**Francesconi:** 250 would be new, new 250? Right?

**Zehnder:** Spaces that would be built under these provisions, so in other words, none of the spaces that exist on the ground today count against the cap. If you want to come in and build a parking structure, and you are going to build parking structures, say, for instance, on elizabeth street, and it's going to be 100 spaces, and there is 50 spaces there now, what counts against the 250 is 100 spaces. What's on the ground does not matter. The seven, if he can move on, shared parking. Shared backing is an idea that we want to just take, optimize the use of existing parking lots. If you are an institution or residence and you have extra parking and you want it to be available for businesses for employees or other residents or valet parking, you can do so. We want to legitimize that. The neighborhood is concerned that could cause a nuisance, and once we have a t.m.a., it is enforcing the, the -- some standards. In the interim, it's going to take us -- it could take us up to two years to get a t.m.a., once authorized and created and up and running, the nob hill requested that we have some shared parking day one. The proposal that staff put on the table was to say for a two-year period, a number of sites, all the, basically, it's all the sites that have parking that could possibly be interested, not that they are interested, but could have -- be interested in shared parking arrangement are allowed to do that for, for, within that two-year period. At the end of that period, the t.m.a., you have to have a license, once it exists, it kicks in. The staff's opinion was, it's two years. It's not like we are seeing all of these lots being utilized for shared parking. We understand that there's a risk that a nuisance could emerge, but we think that it's, it's a, a manageable risk, especially given the, the way that these have been utilized, did not put any conditions on that two years of approval. The nwda has asked us to consider the provisions. Either a smaller list of the sites comes back in october where, where we have put conditions on each site about, about how it could be used, actually having gone out and talked to property owners to see if they are real, so it's, it's scaling back the number of sites and putting conditions on each one.

**Katz:** What's the issue, the nwda raises on this?

**Zehnder:** The issues go to noise, like specially, like for instance, people who seem very concerned about valet parking and that, that the valet parkers will be rushing up and down the street and making noise, and the t.m.a., ultimately, could say if you are a nuisance, we will pull the license. We don't want to have to put b.d.s. In that business so we just said for two years we think that we, we --

**Katz:** And give the t.m.a. The ability to yank the license?

**Zehnder:** In two years, the t.m.a. Takes control and all the licenses have to be -- to go to the t.m.a.

**Katz:** Chris, is this a big one?

**Smith:** This is a significant issue for our membership. I think that the two-year horizon is a very long time. I have personally resigned my seat on the nwd board so I will pledge my energy to



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make the t.m.a. Happen sooner than two years. Not having the ability to pull a bad license for two years is a real issue. The fact that this would legalize 1,600 valet parking spaces is a big issue. We would like a much finer grain control mechanism. We think that the process we went through on the, on the structured site a good example of that process even though we haven't gotten a total agreement, we have get it on six of them. We look at them and understand the impacts and assess what they are and come to agreement on which ones have the best tradeoffs. We want to do that same process on a smaller scale for these parking lots. We can do that by october. We can have a significant number -- I am confident of that.

**Katz:** All right.

**Zehnder:** Question 8. It goes to the issue of granting modifications. I talked about it for the three elizabeth street sites. You all have one more handout that's labeled "design standard modifications for proposed sites." it's a one-pager, and basically, it just summarizes the modifications, not just for the elizabeth street sites but for all the sites that would be necessary or, or all the permitted sites that would be necessary for development. The issue in front of city council is, is if, if the sites are supported, we could go ahead and with the zoning, grant these modifications, provide the assurance that, that the modification process is not going to hold up development of any of those approved sites. This is something that, that in the time I have been here, I haven't been able to get a straight answer on in terms of can one get a modification. I am assured these are not big deals in terms of getting the motives through design review but nob hill is just concerned that if we are committed to the sites, they can be delivered so technically, if the city council supports it, we can, and when we approve specific sites to be included in the ordinance, also, we approve the modifications. The nwda would rather it be granted as part of the design review. Staff can go either way on this one.

**Katz:** It could go either way on that?

**Zehnder:** Yes.

**Katz:** Ok. I didn't ask you, when you finish, I am going to ask you the question on the sites because you didn't make any, any real recommendations. Continue.

**Zehnder:** Number nine is the 45 feet to 25-foot height limit reduction, and, and all of the sites that we showed you today, the papa hadyn site and the one-story pizzacato site can work under a 25-foot height reduction on the residential site, and the reason that we are requesting this amendment is, is to provide greater assurance to the residents that once again, everyone is imagining the worst scenario in all the cases and we are trying to manage that anxiety. I have to say that if we go with the two-level structure on pizzacato, we'll have to make an adjustment for that site because that is - - that will get above 25 feet. The nwda request about trader joe's in terms of not allowing it to go 45 feet, trader joes is a conditional use site only in our proposal, and we would like all of those to be eligible for 45 feet. As I explained earlier, we are looking at conditional use sites as potentially larger development sites that will be more than just parking. Those are the nine issues that, that if we can get city council feedback on, we can go away with the parties and either find out two things, whether there is no strategy that we can pull together, which is one of the pieces of guidance that we are asking -- the leadership we are asking from the city council, and also -- well, we would know if we don't have any place to go, we would come back with, with --

**Katz:** Joe, we are going to give you guidance in a few minutes. Wait a minute. This is the first proposal that you have led the planning bureau on, right? You know where both sides are on a lot of the issues, do you not?

**Zehnder:** Yes.

**Katz:** And you adjusted your -- I am not going -- I am not leading you, I am just trying to summarize this. You made some adjustments in your recommendations to accommodate some of the, some of the main issues that have been raised, correct?

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**Zehnder:** Yes.

**Katz:** And you feel good about those recommendations?

**Zehnder:** Yeah. We are supporting everything that we are recommending. If that's what you are asking. Are you asking me about the sites?

**Katz:** Well, no, and I think quite frankly, I think that you did good work on that. We will go over and get a sense from the council. I didn't hear your recommendations on the sites.

**Zehnder:** Yes. You know, it sort of, from having worked with it closely, the bureau, itself, has not taken sort of a policy decision on this as someone who has been working with the, the, the process very closely, and we will probably continue to be working with the process if we have one. The two sites -- there is, there is three sites on 23rd. I fully -- I think that I am -- I understand the argument that there is three sites in a row. There is too many. I think that objectively the impacts are manageable. The elizabeth street site has advantages. It's going to be the most screened of the sites. The pizzacato site is actually, actually has the advantage it was designed for this, but practically it will be one that we will have to wait a while to see develop because it is a fully occupied storefront and there is an economic cost of shutting that down to build parking, so I think that, that that could even be a longer range one. The one that is the most ready to go theoretically is papa haydn, and if part of the whole package is to get parking on the street soon so that we can also get the onstreet parking program on the street soon and get on with the t.m.a. And the other progressive elements of this papa haydn would be the one that could be delivered most quickly with t.m.a..

**Katz:** M.l.c. And flanders are on the list but for longer term?

**Zehnder:** Right.

**Saltzman:** I thought you said that m.l.c. Is quick.

**Zehnder:** Yes. But legacy, trader joe's and flanders are great sites, just longer term.

**Katz:** If the council agrees with you on elizabeth or, or papa haydn, especially that since, since there is a, a, a demolition of a home, what is the -- what does the community get in return for that?

**Zehnder:** The community gets in return the onstreet parking program, the most progressive interesting part of the whole proposal is, is the t.m.a., which I think is -- the piece of this that can take the city -- the community's agenda for being transit supportive and pedestrian friendly and to a whole new level, the -- and you know, the reason that we are at this logjam is that, is that the, the businesses feel that having a reduction of the john street parking for their visitors is a direct threat to their livelihood, and that's arguable, but with the scale of difference that rob was showing, there is -- they depend a lot on residential parking for their parking at those businesses. I think that it's a real issue. One of the things that the community gets, also, is that we move beyond this issue and get onto sort of the next generation of dealing with transit and traffic and parking in northwest. They are working on solutions.

**Katz:** Why don't we go through and let's take the easy ones first. Joe, you start us on the easy ones.

**Zehnder:** The -- gosh, what's the easy one here? I think we would start at the top in terms of the support for a, an onstreet program that includes a certain amount of residential blocks that we will have pay stations on them, and rob has talked, I think, sort of somewhat about what that might be. It's not all the streets.

**Katz:** I think that the answer is yes. I will look on both directions.

**Zehnder:** Two is the five-year worth of meter revenues, and the compelling part of this is rob's table shows that, that the half that is not so much neighborhood related or things that the city and perform do the would want to do anyway, so we believe in that.

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**Leonard:** Are there questions for this occurring in other areas? We talked about the lloyd district. We did not get a definitive answer about how those dollars are used.

**Burchfield:** I think that there is some other transportation staff here. I will look over my shoulder and see if I can get help to answer the question on the lloyd district t.m.a.

**Leonard:** And then the t.m.a. itself, there is a traffic management association at the lloyd district?

**Zehnder:** Yes. Actually --

**Leonard:** Is it comprised as this one is proposed?

**Zehnder:** It's different than this one in that that is a membership organization that's funded by the dues paid by the members.

**Cynthia Thompson, Office of Transportation:** I am cynthia thompson, and office of transportation, pdot. I am sorry, I didn't hear your question.

**Leonard:** I don't remember my question.

**Thompson:** Had to do with the projects.

**Leonard:** It was do we have the precedent for using the dollars generated by these meters exclusively within the dollars that they are generated.

**Thompson:** Yes, we do. Now, you had -- rob had answered earlier about the, whether they get -- the metered district policy says that we give a majority of the meter district revenue back to the district --

**Leonard:** My question was what do we have precedence to exclusively use all the dollars?

**Thompson:** The policy doesn't say that right now

**Leonard:** No, no. Listen to what I am asking -- I am asking anywhere in this city do we use exclusively all the dollars generated in parking meters for the area within which they are generated.

**Francesconi:** I think the answer is no. I am pretty sure that the answer is generally, some of it is used because it has to connect to a whole system.

**Leonard:** That's not what this calls for. This calls for, tell me if I have it wrong.

**Katz:** Five years

**Leonard:** But I am asking does that --

**Thompson:** Currently in lloyd, we actually weren't -- we were collecting enough revenue to cover the, the enforcement and all of the, of the costs that we have related to the district and all of the, of the -- all of the revenue above that did go back to lloyd district. So, I guess the answer is yes

**Leonard:** That's what happens, ok.

**Thompson:** It took me a minute

**Leonard:** So that I understand it, and these are just factual things I am trying to figure out if this is something new that we are doing or -- or doing something we have done in the past. The traffic, transportation management association of the lloyd district, it is different from this how?

**Katz:** A business association.

**Thompson:** In the structure and makeup of the committee?

**Leonard:** Yes, and how is votes and the authority.

**Thompson:** It's a nonprofit organization, and it's different in the structure in the sense of, of their -- the board is elected, you know, nominated -- they choose their own board. They have a director and they--

**Leonard:** Do they have the authority contemplated in this t.m.a.?

**Thompson:** No, no.

**Katz:** Chris.

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**Smith:** A couple of responses. This would be the first example of a t.m.a. Aimed at employment and residents. All are about employment, so this is a new thing. There is also, also an issue that the revenue is constraining the first five years, which is why for five years we are asking for all of it, after five years, there is more revenue and it's easier to share.

**Sten:** I guess that I am trying to get some, some movement on some of these things. I would like to put out the idea that's a little off the line on the table, which is that I would be willing to, and I don't have a proposal, but I would be willing to seriously consider dedicating all or a big chunk of the revenue for longer than five years as part of a package. I am not inclined to make that the first move. I kind of would like to get the sides together and make an inducement that, that, not a bribe that there is some money here, and I think that, you know, if two sides are going to go to war and we are going to fight over what are small issues, then we ought to control the money. If we can't work this out, the signal that I should send the people made up after committee of the two of you to get a majority doesn't make any sense with you

**Leonard:** Which is where I was going with my questions.

**Sten:** If I will have to argue these signals out for six more sessions, you are not sending a signal the t.m.a. Is going to be successful. If it's going to be successful, I think that the parking problems in northwest Portland are extraordinarily beyond anything in the lloyd district. I think that the impact on neighborhoods is way beyond what it's in the lloyd district because you don't have meters in the lloyd district so putting an unprecedented amount into the district in return for the problems, maybe a 10-year agreement or something would make a ton of sense, so I want to get that out there on the table and see if we could work towards something like that if the council has an interest.

**Leonard:** I agree with that exactly, and that's exactly what my thinking is. It feels like we are creating a monster and funding it. I am not having good reactions to some of what I am hearing.

**Katz:** I think that I think what was just proposed is, is that yes, this is a difficult issue. It's very different from lloyd center. That's the incentive to get the, the parties together is that there will be revenues for them to deal with a lot of the issues that currently there is no money to deal with in northwest Portland.

**Leonard:** I do have deep reservations about the supermajority.

**Katz:** Ok. We didn't -- we will, we will --

**Leonard:** We get into how this is constructed and built. I need to be -- I need to understand better why that makes sense.

**Katz:** All right. Let me just say that, that I can support that notion that the commissioner said. I want to wrap it around the other issues.

**Zehnder:** Should we move onto the board structure?

**Katz:** Yes.

**Zehnder:** And you have heard our pitch already on that, and I am no expert in how these boards are vote -- the voting principles could work but my evaluation of this one in looking at it and reasoning it through is even if the worst behavior of both parties this one could still work. The other thing that -- one of the reasons we stuck with the project is once there is a t.m.a. And once we are doing progressive, proactive solutions other than parking, a lot of the -- once you are spending money, the disposition is going to change. It's sort of a joint agenda rather than a fight.

**Katz:** No question. You put money on the table. Personalities change.

**Leonard:** Am I sitting here honestly after all these meetings having to make a decision on whether we need to have more parking in this neighborhood or not, and, and I mean, it feels like it gets -- like, like it gets to that level, and I can't believe that we are not closer between the sides on trying to resolve that, so I am having real angst getting myself to a place getting something that feels

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collaborative because later I sense it will be a decision we will have to make anyway so maybe we should just make it now.

**Zehnder:** That makes perfect sense. We are a bit -- this is not the typical array of issues that we would want to bring to the city council, but you are right, we are stuck here.

**Katz:** What's the council's sense on, on the t.m.a. Structure?

**Saltzman:** Fine the way it is.

**Katz:** The way the staff is recommending in the m.o.u.?

**Leonard:** Which is in the memorandum of agreement? Does that include the super majority?

**Zehnder:** If you look at item h on the third page, it's an eight-vote majority -- a 13-member vote. Eight of the 13 have to vote for expenditure recommendations, bylaw changes and shared parking permit licenses. Only the valet part of it.

**Francesconi:** Here's where I am at, and part of the reason I am saying this is because I am going to leave in half an hour no matter where we are because I have to be somewhere, but I think that we are going to be done in half an hour, but where I think that, that I am going to comment generally on the whole package, and then as we work through the details. I think that we should go with this t.m.a. Structure because I think that we have to get the parties to work together. I think that Chris has said that he needs this. I am apprehensive about it. I am willing to go with it, but here's the other side of the coin, folks. I want to know that we are going to build, be able to practically build all the parking to the 500, that's the tradeoff in my mind, and I want to know that the amendments that are going to come in are going to allow us to build because I believe that we do need that parking on those sites. That's the general principles as to how, how I am approaching this. I think that they need 3,000 parking lots as the -- according to the bureau parking spaces but that would kill the neighborhoods in terms of land use so the parties have had a compromise, and I think that we have to execute it, and, but, we have to set this up through the t.m.a. Structure because it will generate revenue that have that can help the neighborhood. That's the general principles of kind of where I am at on this.

**Katz:** Let me just ask, is there agreement on the t.m.a. As proposed by the m.o.u. Agreements?

**Leonard:** I agree with commissioner Francesconi. I mean, I think that it should be part of a package where everybody has agreed. I mean to the larger issue of needing more parking, and I guess that I am reluctant to go ahead and with a collaboration that, that at the get-go hasn't produced any collaborative results, and I am deeply concerned about that.

**Saltzman:** But the nwda is saying if you go with this t.m.a. Structure, they are signing off on 800 parking spaces so I think that that is the meeting of the minds

**Leonard:** And that's entirely possible. I have lost something here, and --

**Francesconi:** Here's what I think is going to happen.

**Saltzman:** That's the framework.

**Francesconi:** It's now in the council's lap. We can make some of the calls, and so the answer to the mayor's question is, I support this.

**Katz:** We may -- so, so we support the m.o.u. As you recommended, ok. There is support for an 800 and 500, 800 total and 500 cap. And support on both sides. There is qualifications, and we will maybe get into the details today or, or maybe not. Let's continue, continue going through the easier ones.

**Zehnder:** Does -- so the phased approach?

**Katz:** Phased approach.

**Leonard:** Again, I think -- I mean I plead guilty for possibly missing some of the nuances here today, but, I mean, in that area, I think that we need increased parking and we need it sooner rather than later. What does the phased approach mean?

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**Katz:** What was your recommendation on the second recommendation of phased approach.

**Zehnder:** The second recommendation is just sort of a simple, start with 250 spaces permitted and then --

**Leonard:** 250 gross or net?

**Zehnder:** Gross.

**Leonard:** But --

**Zehnder:** But what that does, commissioner, is it allows you to build two parking structures right off the bat, and basically, if you look at our table, each increment parking structure, if it's one of the little ones it could be 75 spaces or it's 150 spaces, so every year or two years you are building another parking structure.

**Leonard:** Why are we doing it in a phased fashion?

**Katz:** We don't know right now how much we need and whether they will be utilized. There are other factors for maybe the failure of the 23rd avenue other than the parking, so what you do is you give them the ability to do something immediately, which I think the businesses have an issue, and, and an issue that I think that we need to support. You don't want to build it all at once and then sit there, having that huge impact and not having those spaces utilized. As long as people know that in the end they will get what's needed, the phase approach seems --

**Saltzman:** I want to say something on that. I accept the premise that if we are going to do this, we should go the full distance, and while the phasing has intuitive appeal I think as tim said, a part of the question that we are asked to accept here today, is there a need for these 800 spaces. If the answer to that is yes, then we shouldn't be --

**Katz:** That isn't the answer by all of us right now. In terms of do we need all those spaces right now.

**Saltzman:** There is so much debate about existing parking lots and utilization, the examiner has an article about are the lots used. We have studies, are they being used. How much more utilization studies are going to go on and on and on if we adopt the phased approach? We are adopting a limited universe here of 500 new spaces. We should be able to say, take that bite of the apple and -- then we can look.

**Leonard:** My sense is to dovetail off commissioner Saltzman, is it will improve the neighborhoods' ability to have neighbors have parking in front of their own homes. Relieve the congestion from the streets. I mean, it just -- intuitively after sitting through the testimony, I just keep coming back to what, I mean, somebody said that, that lived in the neighborhood that, you know, that building more places for people to park away from the neighbor's houses is going to relieve the congestion in front of the houses. I actually think that this is a solution.

**Katz:** Tim, what do you want?

**Ramis:** Well, two comments. I'd like to make two comments given others have had the opportunity to do that.

**Katz:** I didn't say you couldn't.

**Ramis:** One is that, that once the need is established, it's far beyond the 500 we are asking for, it really is pointless to have a phase-in. It doesn't serve anyone's interest at all, and it's not supported logically. If there is a need for 500, there should be no need to prove later either a scaling in or that there is a need. It's already been established. It's far more than 500. So, we don't see the need for this phase-in. Number two if you adopt this approach, it's got to be very carefully constructed because at times, the way it's been written, it doesn't take into account the fact that there are 300 spaces there. We need to be very careful that we are talking only about net spaces because of this difficulty the staff has in processing looking at net spaces versus gross spaces, so the language has to be carefully done if you choose to do it, otherwise it's going to be a situation where we really

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don't have any capacity for the next three to four years because the, the capacity will be sucked up by existing spaces but has to be drafted carefully if you do it. We recommend against it.

**Katz:** Chris, come on up.

**Smith:** One thing I would say about the net versus gross issue is the 300 spaces replaced are not commercial parking spaces, they are largely accessory spaces, so it's really more than 500 because you are liberalizing the use of the other 300, and that's an important thing to factor in. Some other reasons for phasing beyond just the need issue, I will go back to Jacobs and the basic urban planning. Slow money does better things for neighborhoods than fast money. We suddenly move into quickly developing parking structures, I think that we get a worse result than if we do these intelligently over time. The other issue is we really want the t.m.a. To have a chance to kick in and get some of their transportation demand programs working, and if you suddenly add a bunch of new capacity to the parking supply, it's harder for the t.m.a. To do that job, so if you let them advance in parallel, you get a better result.

**Francesconi:** The problem, I think that this is an academic discussion because I don't think that they are going to get it built right away anyway. The market is going to phase it in, is what I think.

**Katz:** Ok. I think the council does not support the phased approach.

**Zehnder:** Thank you. We can talk about the, the sites, the specific sites.

**Katz:** Before we get to the sites, why don't we get through all the other issues that you have identified.

**Zehnder:** Shared parking. It's just the two-year interim shared parking program. Staff's proposal is just to, to, just to clarify that there was a quote of 1,600 spaces being authorized for shared parking. The map that we prepared, the upper map has all of the institutional or residential lots in the neighborhood that might be shared on it, and we are just trying to, rather than to, to just trying to be specific about the places for the two years, that would be allowed, and then after that, the map goes away, and it's strictly a licensing type arrangement. 800 of those spaces are, are good sam hospital, which already has a license waiver for 200 of those as shared parking. Another portion of those are Flanders Medical, which also has a license.

**Katz:** What's your recommendation on this?

**Zehnder:** Our recommendation is that the two-year is -- the way the staff has proposed it should be acceptable.

**Leonard:** I didn't catch the last part.

**Zehnder:** We are supporting the original proposal of two years and replacing that when the t.m.a. is created with the t.m.a. No extra provisions or conditions.

**Katz:** What's the council's --

**Sten, Francesconi:** Yes.

**Katz:** Ok.

**Zehnder:** Then we have -- there's design modifications being granted with the sites you approved today or, or rather the, whether or not those sites should have to go through the modification process we just grant those side yard and (?) yard setbacks with the sites that get approved.

**Saltzman:** I think we should grant they will with the sites approved.

**Katz:** What's the council's feeling?

**Saltzman:** We should grant them with the sites approved.

**Zehnder:** And then the, the 25-foot height limitation.

**Katz:** Keep the 25-foot height.

**Zehnder:** The remaining issue --

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**Francesconi:** Here's the issue on the 25. Again, my proposal was these two principles, that, that some people, contrary for what you said, joe, think that they need 35 feet as opposed to 25 feet. You said that they only needed 25. If you are practically right, which means that it can be built at 25, I am ok. I am ok with 25, if you are practically wrong that they need 35, then I am not ok. I want to be clear --

**Zehnder:** Yes.

**Burchfield:** The clarification there, commissioner Francesconi, I think, was that joe said that the pizzacato site, to go to two levels would be 35 feet. This does not accommodate the pizzacato site.

**Katz:** That was the only exception.

**Sten:** Can I hear from the nob hill on that issue because I am forgetting what their testimony was.

**Ramis:** We had advocated 35 feet, and the critical issue here is to make sure that the design parameters actually match the number of spaces that are listed in the a and b sites. If you list a site as 160 spaces. But, you don't give it the opportunity within the design parameters to actually get there, except through the conditional use.

**Sten:** I understand that but now we are into what's happened. We agreed to the design modifications, so you don't have to go through an adjustment process. Does that get you with 25 feet to the numbers that are there or not?

**Ramis:** We think that there may be sites that, that will need 35. That's why we said 35.

**Sten:** We need to know.

**Zehnder:** If I might suggest what we can do is if we set it at 25 and go back and have it confirmed, which of these sites might be 35, that could be a modification that we grant at this time, as well. That height is modifiable. We could --

**Katz:** You will come back with that?

**Ramis:** Right, we confirmed.

**Sten:** We have a number of spots for each site, am I right?

**Ramis:** We have a certain number of spaces for each site, and the envelope that's created by the height limit has to fit that number of spaces.

**Sten:** You could do some work.

**Ramis:** There has been conversation between the architect and the city staff. I have heard from the city, and I haven't heard it confirmed from our people.

**Katz:** I want to flag if we can do it in 25, remember, folks, this is a neighborhood.

**Francesconi:** That's how I started this. If it can be done.

**Katz:** This is not -- ok. Why don't you work through that. If one of those sites is selected, then, then we will come back and discuss the possibility of making that adjustment.

**Ramis:** If I could make one point regarding the shared use site, our approach had been that we ought to just allow the existing sites to be opened up so that the community could create their own solutions and not create a lot of bureaucracy involved in the regulatory process. As a compromise we certainly can accept the approach the staff is proposing here with one provision. That is that two of the sites, the m.l.c. Site and the elizabeth street site today function well as commercial parking sites. Those need to be recognized. We have suggested that in our amendments when we get to those. It is our understanding you will be coming to our amendments at some point to discuss them.

**Katz:** We are working through these issues right now.

**Zehnder:** We'll return with a package that is still the outstanding amendments that are on the table, and in addition to these nine questions. We will bring it back.



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**Katz:** All right.

**Zehnder:** The ones relevant with what the package will be, will be brought back. Thank you. The last question is the sites.

**Katz:** Which ones do you recommend? Is this something -- let me just say, let me just -- now that we have an agreement on the t.m.a. And some parameters that the council identified for this particular package, is the ability of the two sides to get together and make some of those decisions realistic?

**Zehnder:** We can ask the parties.

**Katz:** Chris, tim?

**Francesconi:** Not on this issue. Chris has told us that they can't agree on this issue.

**Smith:** I think I said we needed two things, the t.m.a., and thank you very much. We needed recognition that some of the sites have unacceptable impacts. [inaudible].

**Katz:** Ok. So in other words, the number you support, you have some difficulty with, with, with some of the sites. Pizzacato and, and papa haydn.

**Ramis:** Our concern is with the assurance that we will have 800 and then it becomes illusory because the sites we need to rely upon are taken off the table. So, to us it's absolutely critical that we keep the five a and b sites, they must be there and they must be at the numbers that have been proposed, otherwise we don't get to the 500. Also, it is critical to get that m.l.c. Surface lot and the elizabeth street surface lot resolved now. We rely on those. To take off the table the pizzacato site, in return for a site that's already zoned c.s., such as dominos, is a net loss, that is not a substitution to push us over to a site that's already zoned c.s. And which can only be developed inefficiently for parking. It's illusory.

**Smith:** The whole argument for going into residential zoning to do parking was that it was not possible in c.s., and what we think we have uncovered is it is possible in some of the c.s.'s, but not desired, and I will give the papa hadyn and 23rd and flander specifically. That's a 25% larger footprint than papa hayden's. What we wonder if we create parking at papa hayden's and a storefront springs up at 23rd and flander because there is a replacement for that parking supply, if you are going to ask us to take six structures in residential zoning shouldn't we make a good faith effort to get a couple into c.s. And isn't that fair?

**Katz:** I didn't call on you. One second. The principle ought to be you ought to be using existing lots to build structures where you can. That ought to be the principle. You have, you have parking lots, I mean, I can hear charlie Hales on this. You have parking lots and you need to convert those parking lots, really, first, and so that's one of the principles. Yes.

**Ramis:** We are in agreement on that point, and that's why we are proposing the, for example, the three lots on the north side of 23rd be located there because they are already surface parking lots. That was the criteria under which we chose them. On the c.s. lots, it's approved for a surface parking lot. We have never taken the position it is impossible to put additional structured parking on c.s. Lots. That's not been a premise. The premise has been that the c.s. Sites are inadequate to meet the need. They will simply meet the needs of the growth in the future.

**Katz:** Let's get a sense from the council.

**Leonard:** You know, charlie and I didn't always agree. This is another time. I think that after looking and listening to both sides at length that the interests of both sides are going to be met if we do allow the structures at the pizzacato and the, the papa hadyn site. The reason I think that is again, it relieves residential areas and it creates more convenient parking for the businesses, and I feel like this is one for both sides so I will support that.

**Katz:** Yes, sir. Who are you?

**Jeff Love:** [inaudible-- resident requesting to speak].

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**Leonard:** I understand that. I have listened, you and I have met and I have listened to both sides.

**Zehnder:** I believe we have heard that testimony at the last hearing, though, too, but not to cut it off.

**Katz:** What's the sense of the council? Do you want me to make some recommendations? Certainly the metropolitan learning center, the legacy—The real issue is between papa hayden's and pizzacato. As much as I would hate to rip an existing home down, I would lean toward papa hayden's and elizabeth street.

**Smith:** Taking pizzacato off?

**Katz:** Take it off. That's the one that sticks in your craw.

**Smith:** [inaudible].

**Katz:** It sticks in mine, too.

**Smith:** The house we have on gypsy is a vacant lot because of that issue.

**Katz:** My recommendation, if you want to know my recommendation it would be the plaid pantry site and elizabeth street, metropolitan learning center and everything else that's on the list. That would be my recommendation. If people could get together and agree on this with the community, that would make it a lot easier.

**Zehnder:** I don't think that we are going to get there, but --

**Ramis:** We are not in a position to remove pizzacato.

**Katz:** So when you say that, they are not in agreement and you say that you are not in agreement, what does that mean?

**Ramis:** We are in agreement with the original proposal that came forward.

**Katz:** No, just tell me what does that mean, does that mean you walk away from the table? If you don't get all the sites, you walk away from the table?

**Ramis:** We see the whole process as a global one.

**Katz:** Last the, that's the last issue that we have?

**Zehnder:** That's the last issue.

**Katz:** Where's the council on this? Do you want to give staff the ability to come back with a recommendation?

**Francesconi:** No. We need to make the decision.

**Katz:** You want to make the decision now?

**Francesconi:** Yep.

**Katz:** Ok. I am going to -- I am going to make a motion. I usually don't do it but this one is important. That it's, at least the first motion, elizabeth street and everything else.

**Leonard:** I don't understand what that means.

**Katz:** Talking about the sites. Elizabeth street, metropolitan learning center, restaurant row, legacy, sam, trader joe's, flanders professional without the pizzacato and without the papa hayden's. Do I hear a second? Ok. I will make another motion. Papa hayden's, elizabeth street, and everything else other than pizzacato.

**Sten:** I would second that and ask for some discussion before we call the roll.

**Katz:** Ok.

**Sten:** I am making this up, but I am going to do it anyway. I am trying to find something that both sides can live with, not that they can both like. The idea of making sure that, that the parking -- it's important to me that the parking garages get built, and I think that, that if there is not a phased approach so the owners have the ability to do it as, as they can on the marketplace because I think that sometimes you need to build fast if the financing is there because right now it may be hard in a bad market. I am ok with not phasing it, and I am ok with pushing a bit on the heights because if

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you are going to do it, you have to do it. Those are big gives for the neighborhood. I think that another big give would be to go for a 10-year deal on all of the revenues, so actually that puts a bunch of money on the table that's not there now. I think on the business side take the pizzacato off the table. Try and make a package you have predictability, you know you are going to build the deals and you have money if you work together but the business has to have something to get there, too, and the mayor's motion on pizzacato is a reasonable one. I am working on the fly and I want you to, to argue with it if you -- I am not trying to slam this down your throat but come up with something here.

**Ramis:** My view would be that if -- we prefer the pizzacato site as a b site, which means 160 spaces. If the council cannot see its way clear to allow that, then the suggestion, the alternative that I would suggest is to move pizzacato to a c site to a conditional use or put it in the background in return for allowing 160 spaces at papa hadyn. Make up the difference by switching the emphasis to papa hadyn so that it's something that is real. If you eliminate pizzacato, there has to be a way to make up for that.

**Katz:** I need to know.

**Ramis:** Whatever the height is requires to get 160 on the site.

**Katz:** I need to know what the impact of that is.

**Zehnder:** The two-story version, we believe, produces about 105, so it's going to be, and that takes you up to a 16-foot-high wall, 3 feet from that adjacent house so, so 160 on pizzacato, I don't really know how tall it would be, but it would be a dramatic sort of big spiral ramp.

**Katz:** Here's the issue on this. Here's the issue on this site. The people who own the house never expected a parking lot next door. That wasn't in the cards. It was another residence next door, fine. This is a big thing for the neighborhoods, so now you have a residence that bought the house, knowing full well there was going to be another house there and now probably is accepting a real, a real high, high parking area, so I am not sure that this is, this is acceptable. I would like some time for the staff to take a look at what is acceptable. Chris.

**Smith:** I am going to take the direction and bring it back to the neighborhood association. I know that removing a house will be a flash point for the people who want to oppose this plan and give them something to mobilize around and make it harder for us to provide leadership to get this thing across the finish line, that's a political reality. I think you know that.

**Katz:** So commissioner Sten I need you here. He's willing to take your motion or at least your proposal to the neighborhood association with everything else that the council decided, but he's not sure how that will be delivered.

**Francesconi:** I want to take it to pdot because we are now obligating five more years of pdot resources without asking them. Not even asking their opinion about it. At a time we can't pave the streets, so given the spirit this thing and how pdot has been a partner trying to make this happen I would like to at least get input from the bureau, as well.

**Sten:** I am not trying to take their money. I am trying to solve this.

**Katz:** I am not sure that I am going to vote -- I am not sure that we are going to vote -- Do people feel comfortable with that, let's take it back and see if they can work out the space and the height issue and come back.

**Saltzman:** One question on the pizzacato site, can you do a garage with 25-foot height limit or does that take it off all together?

**Zehnder:** You can do the one-story version but not the, the larger structure, that would be at least 30 feet is what we are estimating.

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**Saltzman:** If we kept pizzicato a 25-foot limit, and sort of in the spirit of what tim was suggesting, if you wanted to take whatever--You couldn't do a pizzacato and put it at papa hadyn, how many new spaces would that be?

**Francesconi:** Why don't we -- just a process. Rather than pursue this motion right now, but it's up to, to -- who made the motion. The mayor and commissioner Sten, take this back and if you can't come up with different alternatives, present it back to us, and we will vote on it.

**Sten:** Just a point of order. The mayor made a motion which I second to accept all the sites except pizzacato. That's all that's on the table. I asked for discussion. I am trying to come up with an idea for the two sides to think about and the council to think about. It's not a motion. I would be interested in transportation's response and somebody from transportation making a proposal to help this out. It's a transportation issue.

**Francesconi:** Except pdot, I don't want to speak for the bureau but pdot was of the position that the compromise had been worked out.

**Zehnder:** They are not accepting this proposal.

**Katz:** What is it you need?

**Katz:** We are in discussion right now. What did you want -- what information did you need?

**Saltzman:** I want to know how many spaces at a 25 foot height limit pizzacato would have to move to papa hayden's to keep the overall 500 new spaces.

**Zehnder:** I believe that our estimate on pizzacato is a two-story deck is 115 spaces and another floor, let me ask phil if he -- it would be possibly another 60 spaces.

**Saltzman:** 60 spaces that would be lost?

**Zehnder:** So it's 45 spaces difference between what the one-story version would yield and the two-story version.

**Ramis:** That's about the number of additional spaces you would get by adding one more deck at papa hadyn.

**Katz:** You two, go away. Both of you.

**Ramis:** One more deck beyond one.

**Katz:** Tim.

**Zehnder:** On papa hadyn we have seen two proposals. One below and one above, that's 72 spaces, and then you go up to 100 -- up to 105, if you go up one more level. We have never seen one bigger than that, and my guess is, is that it probably is going to be challenging to build and not something that you really want to do. The 105 version, two-story version has a 16-foot high wall on the property-line. That's the only, you know, metric that we have. The traffic will work. You saw what the frontage will look like. It's the impact on the adjacent property. Still that's more light in there than they have now because of the size of the house next door but the wall would be closer to them. Than the existing house is. The lower version, I think, is an acceptable impact on that house if I lived in the house, I would be upset if the larger version came in, but in an urban context it could still be acceptable

**Leonard:** I want to comment on the motion. As I said, I have spent a lot of time talking to both sides on this issue, and thinking about it and reading the information submitted looking at the plans, and it seems to me that the plans submitted with the pizzacato site and the plans submitted for the papa hadyn site are, as far as parking lots go, exceedingly tasteful, exceedingly reflective of the character of the neighborhood and balanced. And what I am uncomfortable doing is trying to do something here in order to appear to appease one side that actually ends up creating an imbalance on the neighborhood that is worse than if we accept a proposal as it has been submitted. I have grown to respect that dick is not going to do something in that neighborhood. I think just for commercial purposes, to make money, he's also going to try to do it in a way that is balanced

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and sensitive to the neighborhood or I wouldn't support it. So, I think that although I certainly understand the feelings of the mayor and some of the residents, I honestly think that, that when the projects are completed, that they will have a smaller impact on the livability of that area and a greater asset for the businesses than doing some other kind of plan.

**Katz:** We are going to take a vote but let me just say that, that I think probably the most important aspect for this neighborhood in terms of the retail is the mix of the retail. And we have lost the mix of the retail. I have said that to dick, and I am going to say it again. You are changing the mix of the retail, and that will kill 23rd, and I don't care how many parking spaces you put up there. You will, you will kill 23rd, and that's the last thing that I want because that's where I do my shopping. That's where I spend my money. It's on 23rd. It's getting harder and harder because of the mix of the retail. That's, I hope dick is listening on this. I have told him. I am very nervous about it. You can see all the empty shops on 23rd right now. That really is one of the big issues. That's why I am nervous until we stabilize the neighborhood again, that's why I am nervous by putting all that parking immediately -- that's a decision you made. But, then to, to advance even more, of all of those sites, makes me very nervous. There's a motion. All right.

**Leonard:** Can I --

**Saltzman:** Can I make a friendly motion alternative?

**Katz:** Go ahead.

**Saltzman:** It's your motion, I guess. Talk to get the wrong person. I guess that I am sort of at the point where I could go with pizzacato but with the 25-foot height limit. It would certainly reduce the number of spaces and I think it would keep it more, more, keeping with, with the existing houses on that block, and, and so I guess that, if that's considered a friendly amendment I would make that and I can support your motion.

**Katz:** I am not going to accept it. I may accept it later on but I won't accept it now. Roll call.

**Francesconi:** I am not willing to increase the papa hayden's without knowing what it's going to look like and impact. I am not willing to take out pizzacato until I know what the package is, and it was already compromised to begin with. The answer is no.

**Leonard:** No. **Saltzman:** No. **Sten:** Aye.

**Katz:** Aye. Motion fails.

**Leonard:** I'd move to accept all the sites including papa hayden's and pizzacato as submitted.

**Katz:** A second?

**Francesconi:** Second.

**Katz:** Roll call.

**Francesconi:** Aye **Leonard:** Aye. **Saltzman:** No. **Sten:** No.

**Katz:** No. [laughter]

**Saltzman:** I will move to accept all the sites but -- with the 25-foot height limit on pizzacato.

**Katz:** Is there a second? Motion fails. All right. We are in a spot now, and maybe it is a good spot. The folks know where we are. I think that both sides need to carefully listen that there isn't the support for all of the sites. There is a mix on the numbers for the sites you heard motions on.

**Saltzman:** I am prepared to support commission leonard's motion and given there wasn't a second for mine, so I think that there is a decision here.

**Katz:** Ok.

**Saltzman:** I would move reconsideration

**Leonard:** I will just make the same motion again. I move to accept all the sites including papa hadyn and pizzacato as submitted.

**Katz:** Wait a minute, you move to -- you were in -- you weren't -- he was on the prevailing side

**Leonard:** He's on the prevailing side so he does do that. Yeah. Ok.

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**Saltzman:** I move to reconsider it

**Leonard:** I am sorry. You are right.

**Saltzman:** I am moving to reconsider the motion.

**Katz:** Support for reconsideration of the motion?

**Leonard:** Yes.

**Francesconi:** Am I voting?

**Katz:** Reconsideration of the voting.

**Francesconi:** Yes, aye.

**Sten:** No.

**Katz:** Motion is reconsidered. I will take a motion.

**Leonard:** I would move to accept all the sites as recommended by staff, including the papa hadyn site and the pizzacato site as submitted.

**Katz:** Is there a second?

**Francesconi:** Second.

**Katz:** Roll call.

**Francesconi:** I will be brief and I may not repeat it later but you want to you understand my thinking. I am not asking the neighborhood to agree with it. We have to lance this boil and move on to other transportation issues in northwest Portland. I don't think we can expect the citizens and the businesses to agree on this, so we have to make what is a difficult decision. We have agreed to a t.m.a. Structure that could produce paralysis if we continued to not cooperate. My hope is that we are making a difficult decision here that will benefit the neighborhood in the sense that we need a viable business and we need a viable neighborhood. There are distressing signs from the testimony that northwest 23rd is fragile right now. I actually believe it. There was an article in the examiner taken to extremes, perhaps, but we have a part of our city that is very important to our residents, very important to our business community, and very important to our city. We invested \$8 million in public resources in the pearl in order to have parking to support the businesses. We have a parking study that says 3,000 parking spaces are needed to keep this place viable. 3,000 is far too much. 500 is a compromise. I think that we need to pursue it for the viability of that neighborhood, and when I say neighborhood, I mean the residents and the businesses. I believe you have good leaders in chris smith and frank dixon and some others. I believe that we have very good staff. I believe that we have some business folks that really care about it. We are going to make a difficult decision. Right or wrong, we are going to make a decision. We are going to try to move on. The success will be determined by the t.m.a. And all the money that's going to flow from these parking garages and the permitting in a transportation infrastructure that other neighborhoods would die for right now. I hope that we can work this out. I hope that it's the right decision. It's the best that I think that I can make as I sit here. Aye.

**Leonard:** I am hoping this t.m.a. Works as proposed. I am going to have faith in it. Chris and I have talked a lot over the past year, and I am going to have faith he will make this work. For that reason I will support that. Aye.

**Saltzman:** Well, this issue has been hotly debated for, for 10, probably closer to 20 years, between businesses and residents of northwest Portland. In that ensuing time this area has only continued to grow both in population and also in terms of its attractiveness as a retail location. I think that the sites have done very well. They have come as close together as they possibly can. The planning commission has taken that effort, put some polish on it and presented it to us, and we are at the point where it's time for us to really take what our, are issues that seem beyond reaching consensus amongst the main parties and we have to push this over the hill with what we think is the best decision for this time, and I feel that this, this proposal package that the staff has helped put

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together along with the planning commission represents the best we can do at this point and it's worth going forward. Aye.

**Sten:** I think the council stopped a step short of finishing the job. We have to make hard decisions and I made one last night that's been on my mind but I think that we have also have extraordinary responsibility to actually do things that they can't do at the lower levels, and I think we, we made a decision short of pushing the two sides to make some more ground that I think that we are close to getting, and we got frustrated and walked away from it. I am going to vote yes on this entire package when it comes back. I am very impressed with the work that the singer family and others have done to make this work as best as possible. I am not going to vote yes on this amendment because I am not happy with how we just made this decision when we were getting close. The other reason is I really didn't want -- I don't want to make a decision on, on absolute final number of sites and places in the sites without having made a decision on heights and the other things, which is what the council is doing, so no.

**Katz:** Let me remind the council and especially commissioner Francesconi. \$40 million was invested in a streetcar. Remember the conversations that we have had over the years on this council. If you are going to invest millions and millions and millions of dollars in an infrastructure such as a streetcar or light rail, the last thing you want to do is impact the neighborhood with huge amounts or numbers of parking spaces so I think that there's a balance that has to be made. I think that we just made this totally unworkable because it's coming back to us with amendments. There will be opportunities for both sides to testify and we will see where we are at that point. But, I think you just killed an opportunity to get the two sides together. No. Ok.

**Zehnder:** The returning date for bringing back the package is august 7th at 3:30.

**Katz:** No, I will not be here. On the 7th?

**Zehnder:** August.

**Katz:** August. At --

**Zehnder:** 3:30.

**Katz:** You will bring back language, a, you will come back with the height issues?

**Zehnder:** We will bring back all of the provisions to implement this direction we got tonight --

**Katz:** We didn't agree on the height issues yet.

**Zehnder:** We will bring back the height issue and the other relevant amendments that have been requested from nob hill and others.

**Katz:** We will have a public hearing on those if --

**Zehnder:** We have had a public hearing on those amendments.

**Katz:** Why are we bringing them back?

**Zehnder:** We haven't decided them.

**Katz:** Ok. Fine. We stand adjourned.

At 6:09 p.m., Council adjourned.